

Committee Substitute for  
Committee Substitute for House Bill No. 1567

An act relating to rulemaking authority for the State University System (RAB); amending s. 240.209, F.S.; authorizing the Board of Regents to adopt certain systemwide rules; authorizing the Board of Regents to implement a differential out-of-state tuition fee for certain universities; amending s. 240.227, F.S.; authorizing each university president to adopt rules implementing provisions of law governing the operation and administration of the university; providing for specific areas in which such authority is to be exercised; amending s. 240.229, F.S., relating to patents, copyrights, and trademarks; authorizing each university to adopt rules, as necessary, to carry out the powers and duties enumerated in this section; amending s. 240.233, F.S.; authorizing each university to adopt rules governing the admission of students; revising requirements for minimum standards for undergraduate admission relating to foreign language; allowing students to use up to two credits in art, music, drama, speech, debate, humanities, or military science courses to count towards the admission requirements; requiring submission of a test score; amending s. 240.241, F.S., relating to divisions of sponsored research at state universities; authorizing each university president to adopt rules to implement this section; amending s. 240.261, F.S.; authorizing universities to adopt rules pertaining to codes of conduct, and penalties for violating such codes, for students and university employees; providing for rules and penalties relating to student academic honesty; amending s. 240.291, F.S., relating to delinquent accounts; providing for each university to adopt rules to implement this section; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 240.209, Florida Statutes, is amended to read:

240.209 Board of Regents; powers and duties.—

(1) The Board of Regents is authorized to adopt ~~primarily responsible for adopting~~ systemwide rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it; to plan ~~planning~~ for the future needs of the State University System; to plan ~~planning~~ the programmatic, financial, and physical development of the system; to review ~~reviewing~~ and evaluate ~~evaluating~~ the instructional, research, and service programs at the universities; to coordinate ~~coordinating~~ program development among the universities; and to monitor ~~monitoring~~ the fiscal performance of the universities.

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure who shall perform such duties as are assigned to him or her by the board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also provide for the compensation and

other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing all employees of the board who shall serve under his or her direction and control. The Chancellor must be qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor up to the point of transmitting a list of nominees to the Board of Regents shall be confidential and exempt from the provisions of ss. 119.07(1) and 286.011.

(3) The board shall:

(a) Develop a plan for the future expansion of the State University System and recommend the establishment of new universities consistent with the criteria adopted by the State Board of Education pursuant to s. 229.053. The plan must include a procedure for the periodic assessment of the need for a new state university and specific standards for the minimum acreage, building space, staffing, and programmatic mix of state universities.

(b) Appoint or remove the president of each university in accordance with procedures and rules adopted by the Board of Regents. The board may appoint a search committee to assist in evaluating presidential candidates. Each appointment of a university president shall be conducted in accordance with the provisions of ss. 119.07 and 286.011. The board shall determine the compensation and other conditions of employment for each president.

(c) Approve new degree programs for all state universities. In so doing, the board shall be mindful of the differentiated missions of the several universities. New colleges, schools, or functional equivalents of any program leading to a degree which is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

(d) Prepare the legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 235.41. The board shall provide to the individual universities fiscal policy guidelines, formats, and instructions for the development of individual university budget requests.

(e) Establish student fees.

1. By no later than December 1 of each year, the board shall raise the systemwide standard for resident undergraduate matriculation and financial aid fees for the subsequent fall term, up to but no more than 25 percent of the prior year's cost of undergraduate programs. In implementing this paragraph, fees charged for graduate, medical, veterinary, and dental programs may be increased by the Board of Regents in the same percentage as the increase in fees for resident undergraduates. However, in the absence of legislative action to the contrary in an appropriations act, the board may not approve annual fee increases for resident students in excess of 10 percent. The sum of nonresident student matriculation and tuition fees must be sufficient to defray the full cost of undergraduate education. Graduate,

medical, veterinary, and dental fees charged to nonresidents may be increased by the board in the same percentage as the increase in fees for nonresident undergraduates. However, in implementing this policy and in the absence of legislative action to the contrary in an appropriations act, annual fee increases for nonresident students may not exceed 25 percent. In the absence of legislative action to the contrary in the General Appropriations Act, the fees shall go into effect for the following fall term.

2. When the appropriations act requires a new fee schedule, the board shall establish a systemwide standard fee schedule required to produce the total fee revenue established in the appropriations act based on the product of the assigned enrollment and the fee schedule. The board may approve the expenditure of any fee revenues resulting from the product of the fee schedule adopted pursuant to this section and the assigned enrollment.

3. Upon provision of authority in a General Appropriations Act to spend revenue raised pursuant to this section, the board shall approve a university request to implement a matriculation and out-of-state tuition fee schedule which is calculated to generate revenue which varies no more than 10 percent from the standard fee revenues authorized through an appropriations act. In implementing an alternative fee schedule, the increase in cost to a student taking 15 hours in one term shall be limited to 5 percent. Matriculation and out-of-state tuition fee revenues generated as a result of this provision are to be expended for implementing a plan for achieving accountability goals adopted pursuant to s. 240.214 and for implementing a Board of Regents-approved plan to contain student costs by reducing the time necessary for graduation without reducing the quality of instruction. The plans shall be recommended by a universitywide committee, at least one-half of whom are students appointed by the student body president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie.

4. The board may implement individual university plans for a differential out-of-state tuition fee for universities that have a service area that borders another state.

5.4. The board is authorized to collect for financial aid purposes an amount not to exceed 5 percent of the student tuition and matriculation fee per credit hour. The revenues from fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. The board shall specify specific limits on the percent of the fees collected in a fiscal year which may be carried forward unexpended to the following fiscal year. A minimum of 50 percent of funds from the student financial aid fee shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that was used at the time of his or her original award.

6.5. The board may recommend to the Legislature an appropriate systemwide standard matriculation and tuition fee schedule.

7.6. The Education and General Student and Other Fees Trust Fund is hereby created, to be administered by the Department of Education. Funds

shall be credited to the trust fund from student fee collections and other miscellaneous fees and receipts. The purpose of the trust fund is to support the instruction and research missions of the State University System. Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

8. The board is further authorized to establish the following fees:

a. A nonrefundable application fee in an amount not to exceed \$30.

b. An admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed \$200.

c. An orientation fee in an amount not to exceed \$35.

d. A fee for security, access, or identification cards. The annual fee for such a card may not exceed \$10 per card. The maximum amount charged for a replacement card may not exceed \$15.

e. Registration fees for audit and zero-hours registration; a service charge, which may not exceed \$15, for the payment of tuition in installments; and a late-registration fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to initiate registration during the regular registration period.

f. A late-payment fee in an amount not less than \$50 nor more than \$100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

g. A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under s. 240.235(1).

h. Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

i. Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

j. A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

k. A service charge on university loans in lieu of interest and administrative handling charges.

l. A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

m. Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

n. Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

o. Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

p. A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

q. Traffic and parking fines, charges for parking decals, and transportation access fees.

r. An Educational Research Center for Child Development fee for child care and services offered by the center.

s. Fees for transcripts and diploma replacement, not to exceed \$10 per item.

(f) Establish and maintain systemwide personnel programs for all State University System employees, including a systemwide personnel classification and pay plan, notwithstanding provisions of law that grant authority to the Department of Management Services over such programs for state employees. The board shall consult with the legislative appropriations committees regarding any major policy changes related to classification and pay which are in conflict with those policies in effect for career service employees with similar job classifications and responsibilities. The board may adopt rules relating to the appointment, employment, and removal of personnel which delegate ~~delegating~~ its authority to the Chancellor or the universities. The board shall submit, in a manner prescribed by law, any reports concerning State University System personnel programs as shall be required of the Department of Management Services for other state employees. The Department of Management Services shall retain authority over State University System employees for programs established in ss. 110.116, 110.123, 110.1232, 110.1234, 110.1235, and 110.1238 and in chapters 121, 122, and 238. The board shall adopt ~~only those rules necessary~~ to provide for a coordinated, efficient systemwide program and shall delegate to the universities ~~all authority necessary for implementing implementation~~ of the program consistent with these coordinating rules so adopted and applicable collective bargaining agreements. Notwithstanding the provisions of s. 216.181(7), the salary rate controls for positions in budgets under the Board of Regents shall separately delineate the general faculty and all other categories.

(g) Develop a plan, to be mutually agreed upon by applicable bargaining units, for the transfer of employees from career service status provisions of chapter 110. Subject to the approval of the President of the Senate and the Speaker of the House of Representatives, the plan shall become effective July 1, 1986.

(h) Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as \$2.44 per credit hour per semester. The building fee is established as \$2.32 per credit hour per semester.

(i) Terminate programs at the state universities pursuant to findings of reviews and evaluations of instructional, research, and service programs at the universities.

(j) After consultation with the university presidents, adopt a systemwide strategic plan which specifies goals and objectives for the State University System. In developing this plan, the board shall consider the role of individual public and independent institutions within the state. The plan shall provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan shall clarify mission statements and identify degree programs to be offered at each university in accordance with the objectives provided herein. The systemwide strategic plan shall be for a period of 5 years with modification of the program lists after 2 years. Development of each 5-year plan shall be coordinated with and initiated subsequent to completion of the master plan specified in s. 240.147. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan.

(k) Seek the cooperation and advice of the officers and trustees of both public and private institutions of higher education in the state in performing its duties and making its plans, studies, and recommendations.

(l) Coordinate and provide for educational television in the State University System.

(m) Establish and maintain an effective information system which will provide composite data about the university system and assure that special analyses and studies of the universities are conducted, as necessary, for provision of accurate and cost-effective information about the universities and about the system as a whole.

(n) Seek the cooperation and advice of superintendents and board members of local school districts in the state in performing its duties and making its plans, studies, and recommendations. The systemwide and university strategic plans shall specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state.

(o) Submit to the State Board of Education, for approval, all new campuses and instructional centers approved by the board.

(p) ~~Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to Administer a program for the maintenance and construction of facilities in the State University System and to secure, or otherwise provide as a self-insurer pursuant to s. 440.38(6), workers' compensation coverage for contractors and subcontractors, or each of them, employed by or on behalf of the Board of Regents when~~

performing work on or adjacent to property owned or used by the Board of Regents or the State University System.

(q) ~~Adopt rules to~~ Ensure compliance with the provisions of s. 287.09451 ~~s. 287.0945~~, for all State University System procurement, and additionally, ss. 255.101 and 255.102, for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451 ~~s. 287.0945(7)(a)~~.

(r) ~~Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it, including, but not limited to, procedures to~~ Administer an acquisition program for the purchase or lease of real and personal property and contractual services pursuant to s. 240.205(6).

(s) Monitor the extent of limited access programs within the state universities and report to the State Board of Education and the Legislature admissions and enrollment data for limited access programs. Such report shall be submitted by December 1, 1991, and annually thereafter, and shall assist in determining the potential need for academic program contracts with independent institutions pursuant to s. 229.053. The report shall include, for each limited access program within each institution, the following categories, by race and gender:

1. The number of applicants.
2. The number of applicants granted admission.
3. The number of applicants who are granted admission and enroll.
4. The number of applicants denied admission.
5. The number of applicants neither granted admission nor denied admission.

Each category shall be reported for each term. Each category shall be reported by type of student, including the following subcategories: native student, community college associate in arts degree transfer student, and other student. Each category and subcategory shall further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.

(t) Require ~~Adopt rules providing that~~ each state university to shall advise students who meet the minimum requirements for admission to the upper division of a state university, but are denied admission to limited access programs, of the availability of similar programs at other State University System institutions and the admissions requirements of such programs.

(u) Allow the waiver of any or all application, course registration, and related fees for persons who supervise student interns for institutions in the State University System.

(v) Manage systemwide enrollment.

(w) Establish policies relating to credit and non-credit education offerings by universities in the State University System.

(x) Establish and regulate faculty practice plans for the academic health science centers.

(4) Any powers not specifically delegated to the universities by this act shall be retained by the Board of Regents unless further delegated by action of the board.

(5) The Board of Regents is responsible for:

(a) Maintaining access to state universities by qualified students regardless of financial need.

(b) Coordinating with the Postsecondary Education Planning Commission the programs, including doctoral programs, to be reviewed every 5 years or whenever the board determines that the effectiveness or efficiency of a program is jeopardized. The board shall define the indicators of quality and the criteria for program review for every program. Such indicators shall include need, student demand, and resources available to support continuation. The results of the program reviews shall be tied to the university budget requests.

(c) Coordinating the roles of the universities in order to best meet state needs and reflect cost-effective use of state resources.

(d) Advising the Legislature concerning opportunities for bonding university revenues, including certificate of participation bonds.

(e) Reviewing and approving or disapproving baccalaureate degree programs that exceed 120 semester hours, after consideration of accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons of similar programs offered by independent institutions. A two-thirds affirmative vote of the members of the Board of Regents must approve a request. By December 31 of each year, the Board of Regents must report to the Legislature any degrees in the State University System which require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the Board of Regents must determine whether the programs still require more than the standard length of 120 hours.

(f) Reviewing and approving or disapproving degree programs identified by the Articulation Coordinating Committee as unique pursuant to s. 229.551(1)(f)5. The Board of Regents shall ensure that university students are aware of unique program prerequisites.

(g) Ensuring that at least half of the required coursework for any baccalaureate degree in the system is offered at the lower-division level, except in program areas approved by the Board of Regents pursuant to paragraph (e).

(h) Recommending to the Legislature a plan for the implementation of an increased matriculation charge for students taking coursework in excess of degree requirements.

(i) Recommending to the Legislature a plan for the implementation of block tuition programs and other incentives to encourage students to graduate in 4 years.

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

(7) The Board of Regents is authorized to permit full-time State University System employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(8) Notwithstanding the provisions of s. 283.33, books published by the State University System press shall not be subject to the bid requirements provided in s. 287.017.

(9) Notwithstanding the provisions of s. 253.025, the Board of Regents may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of a university in the State University System.

(a) The board may secure appraisals and surveys. The board shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by the

board shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(10) No school, college, or center at a state university shall be named for a living person unless approved by the Board of Regents.

(11) The board is authorized to adopt rules, as necessary, to administer this section.

Section 2. Section 240.227, Florida Statutes, is amended to read:

240.227 University presidents; powers and duties.—The president is the chief administrative officer of the university and is responsible for the operation and administration of the university. Each university president shall:

(1) Have the authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with the mission of the university and statewide rules and policies and shall assist in the development of the university in a manner which will complement the missions and activities of the other universities for the overall purpose of achieving the highest quality of education for the citizens of the state.

(2) Prepare a budget request to be transmitted to the Board of Regents. Such request shall be prepared in accordance with the fiscal policy guidelines, formats, and instructions prescribed by the Board of Regents.

(3) Develop an operating budget.

(4) Conduct biennially a space utilization study to support the university budget request for capital outlay.

(5) Appoint university personnel and provide for the compensation and other conditions of employment such as recruitment, non-reappointment, benefits and hours of work, evaluation, recognition, inventions and works, learning opportunities, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment, consistent with applicable law, collective bargaining agreements, and the Board of Regents rules ~~rule for university personnel who are exempt from chapter 110.~~

(6) Certify annually to the Board of Regents the actual classroom contact hours conducted by each faculty member.

(7) Maintain all data and information pertaining to the operation of the university.

(8) Govern admissions, subject to rules of the Board of Regents and as provided in s. 240.233.

(9) Develop a program of continuing education and establish, pursuant to rules and guidelines adopted by the Board of Regents, fees for continuing education activities within the university service area when there is a demonstrated and justified need. The university is authorized to cooperate with any public utility, any other governmental entity or private individual, or any type of profit or nonprofit legal entity in connection with the establishment and operation of such a continuing education program, including the acceptance of money and other things of value.

(10) Provide and coordinate credit and noncredit extension courses in all fields which the university considers necessary to improve and maintain the educational standards of the university service area.

(11) Establish and maintain ~~Make rules necessary for the establishment and maintenance of~~ a personnel exchange program, by which persons employed within the university as instructional and research faculty and comparable administrative and professional staff may be exchanged with persons employed in like capacities by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry. The salary and benefits of State University System and state personnel participating in the exchange program shall be continued during the period of time they participate in the exchange program, and such personnel shall be deemed to have no break in creditable or continuous state service or employment during the period of time in which they participate in the exchange program. The salary and benefits of persons participating in the personnel exchange program who are employed by institutions of higher learning which are not under the jurisdiction of the university, by units of government either within or without this state, or by private industry shall be paid by the originating employers of those participants. The duties and responsibilities of a person participating in the exchange program shall be the same as those of the person he or she replaces.

(12) Approve and execute contracts for the acquisition of commodities, goods, equipment, services, leases of real and personal property, and construction to be rendered to or by the university, provided such contracts are made pursuant to rules of the Board of Regents, are for the implementation of approved programs of the university, and do not require expenditures in excess of \$1 million. The acquisition may be made by installment or lease-purchase contract. Such contracts may provide for the payment of interest on the unpaid portion of the purchase price. Notwithstanding any other provisions of this subsection, university presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment for projects with building programs and construction budgets approved by the Board of Regents. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed \$1 million or the fee for study activity does not exceed \$100,000.

(13) Use, maintain, protect, and control university-owned or university-controlled buildings and grounds, property and equipment, name, and

trademarks and other proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on commercial activity and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, animals, and sound. The authority vested in the university president under this subsection includes the authority to prioritize the use of university space, property, equipment, and resources and the authority to impose charges for the use of those items. Furthermore, each university president has ~~Manage the property and financial resources of the university, including, but not limited to, having the authority to adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the Board of Regents. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.~~

(14) Establish the internal academic calendar of the university within general guidelines of the Board of Regents.

(15) Administer the university's program of intercollegiate athletics.

(16) Recommend to the Board of Regents the establishment and termination of degree programs within the approved role and scope of the university.

(17) Award degrees.

(18) Supervise all construction contracts.

~~(19) Administer personnel programs established by the Board of Regents and any applicable collective bargaining agreements under the supervision of the Board of Regents.~~

(19)(20) Recommend to the Board of Regents any fees applicable to the university and not otherwise prescribed by law.

(20)(21) Organize the university to efficiently and effectively achieve the goals of the university; however, any reorganization which increases the number of administrators or their level of compensation shall be reviewed and approved by the Board of Regents.

(21)(22) Review periodically the operations of the university in order to determine whether the rules and policies of the Board of Regents and the universities are being followed and to determine how effectively and efficiently the university is being administered.

(22)(23) Otherwise provide for the effective operation of the university in the achievement of the goals established for it in the strategic plan adopted by the Board of Regents.

~~(23)(24) Adopt rules and~~ Enter into agreements for student exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not

in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program shall be paid to the state university during the period of time he or she is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution which is not in the State University System and who is participating in an exchange program shall be paid to the nonstate institution in which he or she is enrolled.

(24) Approve the internal procedures of student government and provide purchasing, contracting, and budgetary-review processes.

(25) Provide for the use and protection of data and technology, including information systems, communication systems, computer hardware and software, and networks.

(26) Ensure compliance with federal laws, regulations, and other requirements that are applicable to the university.

(27) Each university president is authorized to adopt rules to implement the provisions of this section.

Section 3. Subsection (6) of section 240.229, Florida Statutes, is amended to read:

240.229 Universities; powers; patents, copyrights, and trademarks.—Any other law to the contrary notwithstanding, each university is authorized, in its own name, to:

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university, including adopting rules, as necessary, in order to administer this section. Any proceeds therefrom shall be deposited and expended in accordance with s. 240.241. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 4. Section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university is authorized to adopt rules governing the admission of students ~~shall govern admissions of students,~~ subject to this section and rules of the Board of Regents.

(1) Minimum academic standards for undergraduate admission to a university must include the requirements that:

(a) Each student have received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in s. 240.116(2) and (3).

(b) Each student have successfully completed a college-preparatory curriculum of nineteen credits, as defined in rules of the Board of Regents, including at least earned two credits of sequential foreign language at the

secondary level or the equivalent of such instruction at the postsecondary level. A student whose native language is not English is exempt from this admissions requirement, provided that the student demonstrates proficiency in the native language. If a standardized test is not available in the student's native language for the demonstration of proficiency, the university may provide an alternative method of assessment. The State Board of Education shall adopt rules for the articulation of foreign language competency and equivalency between secondary and postsecondary institutions. A student who received an associate in arts degree prior to September 1, 1989, or who enrolled in a program of studies leading to an associate degree from a Florida community college prior to August 1, 1989, and maintains continuous enrollment shall be exempt from this admissions requirement.

(c) Each student have submitted a test score from the Scholastic Assessment Test of the College Entrance Examination Board or the American College Testing Program.

(2) The minimum admission standards adopted by the Board of Regents or a state university must permit a student to earn at least four of the nineteen credits constituting the college-preparatory curriculum required for admission as electives in any one of the following manners:

(a) Successful completion of any course identified in the Department of Education course code directory as level two or higher in one or more of the following subject areas: English, mathematics, natural science, social science, and foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b);  
or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

3. Any additional courses determined to be equivalent by the Articulation Coordinating Committee.

(3)(2) The Board of Regents shall adopt rules which provide for a limited number of students to be admitted to the State University System, notwithstanding the admission requirements of paragraph (1)(b) relating to credits in foreign language, if there is evidence that the applicant is expected to do successful academic work at the admitting university. The number of applicants admitted under this subsection may not exceed 5 percent of the total

number of freshmen who entered the State University System the prior year. Any lower-division student admitted without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts admission to the upper division of a state university. Any associate in arts degree graduate from a public community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university. Students shall be exempt from the provisions of this subsection if they can demonstrate proficiency in American sign language equivalent to that of students who have completed two credits of such instruction in high school.

~~(4)~~~~(3)~~(a) Nonresident students may be admitted to the university upon such terms as the university may establish. However, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.

(b) Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

~~(5)~~~~(4)~~ Consideration shall be given to the past actions of any person applying for admission as a student to any state university, either as a new applicant, an applicant for continuation of studies, or a transfer student, when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

~~(6)~~~~(5)~~ In any application for admission by a student as a citizen of the state, the applicant, if 18 years of age, or, if a minor, his or her parents or guardian shall make and file with such application a written statement under oath that such applicant is a citizen and resident of the state and entitled, as such, to admission upon the terms and conditions prescribed for citizens and residents of the state.

~~(7)~~~~(6)~~ Rules of the State Board of Education shall require the use of scores on tests of college-level communication and computation skills provided in s. 229.551 as a condition for admission of students to upper-division instructional programs from community colleges, including those who have been awarded associate in arts degrees. Use of such test scores as an admission requirement shall extend equally and uniformly to students enrolled in lower divisions in the State University System and to transfer students from other colleges and universities. The tests shall be required for community college students seeking associate in arts degrees and students seeking admission to upper-division instructional programs in the State University System. The use of test scores prior to August 1, 1984, shall be limited to student counseling and curriculum improvement.

(8)(7) For the purposes of this section, American sign language constitutes a foreign language. Florida high schools may offer American sign language as a for-credit elective or as a substitute for any already authorized foreign language requirement.

(9)(8) A Florida resident who is denied admission as an undergraduate to a state university for failure to meet the high school grade point average requirement may appeal the decision to the university and request a recalculation of the grade point average including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. The university shall provide the student with a description of the appeals process at the same time as notification of the admissions decision. The university shall recalculate the student's grade point average using the additional courses and advise the student of any changes in the student's admission status. For purposes of this section, fine arts courses include courses in music, drama, painting, sculpture, speech, debate, or a course in any art form that requires manual dexterity. Advanced level fine arts courses include fine arts courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.

Section 5. Subsection (17) is added to section 240.241, Florida Statutes, to read:

240.241 Divisions of sponsored research at state universities.—

(17) Each university president is authorized to adopt rules, as necessary, to administer this section.

Section 6. Section 240.261, Florida Statutes, is amended to read:

240.261 Codes of conduct; disciplinary measures; rulemaking authority rules.—

(1) Each university may adopt, by rule, codes of conduct and a uniform code of appropriate penalties for violations of rules by students and employees, to be administered by the president of each university. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; fines; the withholding of diplomas or transcripts pending compliance with rules; completion of any student judicial process or sanction, or payment of fines; restrictions on the use of or removal from university facilities; community service; educational requirements; and the imposition of probation, suspension, or dismissal, or expulsion.

(2) Each university may adopt, by rule, a code of conduct and appropriate penalties for violations of rules by student organizations, to be administered by the university. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; suspension, cancellation, or revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, university facilities.

(3) Sanctions authorized by university codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the university,

including rules adopted under this section, rules of the Board of Regents, county and municipal ordinances, and the laws of this state, the United States, or any other state.

(4) Each university may establish and adopt, by rule, codes of appropriate penalties for violations of rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion. In addition to any other penalties that may be imposed, an individual may be denied admission or further registration, and the university may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the university.

(5)(2) The university shall adopt rules for the lawful discipline of any student, faculty member, or member of the administrative staff who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 7. Subsection (4) is added to section 240.291, Florida Statutes, to read:

240.291 Delinquent accounts.—

(4) Each university is authorized to adopt rules, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other university resources and services.

Section 8. This act shall take effect July 1, 2000.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.