Update from Frank T. Brogan, Chancellor
April 1, 2010

Last week, the Board of Governors signed a governance agreement with the Florida Legislature and the Governor that helps to clarify roles and responsibilities relative to the oversight of the State University System of Florida. We are now working with legislative staff to modify statutes to bring the law into alignment with the letter and spirit of the new agreement.

These statutory modifications are focused on eliminating confusion that may exist regarding those areas of governance that fall under the Legislature’s domain and those areas of governance that are the responsibility of the Board of Governors.

Working collaboratively with the universities, the Board already has adopted a regulatory framework that addresses the areas of governance under its domain. As such, repealing or modifying redundant statutes will help reduce confusion. For example, the Board delegated broad authority to the Boards of Trustees at its initial meeting in 2003 and subsequently adopted a regulation to codify that delegation of authority. Consequently, there is no need to have a statute that is less comprehensive than the regulation and in some instances, is more restrictive. Likewise, we already have a Board regulation that details the process for program approval, so any statutes related to that topic need to be amended to reflect the Board’s authority in that area. These are just two examples, yet they illustrate the importance of this effort relative to providing more clarity.

To be specific, the statutory modifications will:

1. Establish a Higher Education Coordinating Council that will serve in an advisory capacity, thus creating a forum for high level planning among the public and private education delivery systems of Florida.

2. Amend 1001.705 to reflect the Board’s constitutional authority to delegate duties to the university Boards of Trustees.

3. Repeal 1001.74 since the powers and duties of the Board of Trustees have already been defined by existing Board of Governors regulation.
4. Amend sections in chapter 282, Information Technology, to specifically exempt the state universities from the definition of “agency” for the purposes of that chapter and remove the references to the state universities from any section therein.

5. Substantially amend 1009.24 to allow for the Board of Governors to approve flexible tuition policies as may be requested by a university (block tuition strategies, etc.), to allow for the Board of Governors to approve a university’s request to increase the legislatively-established cap on an existing fee; to allow for the Board of Governors to approve a university’s request to establish a new fee (“new” in that the fee doesn’t exist as of July 1, 2010 in 1009.24 or otherwise authorized by the Legislature); and to give the Board of Governors the authority to, upon a university’s request, waive for one year the 5% annual increase limitation on the aggregate sum of the activity and services, health and athletic fees, which would allow for special projects and initiatives supported by the students on your campuses.

6. Amend 1001.706 and over 30 additional sections of current law to clarify that the Board of Governors and the universities may adopt regulations pursuant to existing Board of Governors’ regulation development procedures rather than adopting rules pursuant to chapter 120.

7. Amend 1004.03 to reflect the Board’s constitutional responsibility to establish criteria for the approval of new programs and to repeal the statutory language requiring legislative approval of any degree programs leading to state licensure.

As mentioned, the statutory rewrite effort is being undertaken in order to reduce the level of uncertainty that exists relative to State University System governance. There can be no doubt that a higher level of clarity with regard to these matters will lead to better coordination and a more effective university system.

It is my intention to regularly communicate with you and the other members of the State University System as we work through this process toward an outcome that promises to better enable our system to address the needs of our state, nation and the world. Likewise, we are all very encouraged by the positive tone of discourse that has developed with the Legislature throughout this process and are committed to ensure that it continues.

If you have any questions or comments regarding this effort, please feel free to contact our General Counsel, Vikki Shirley, at 850-245-0430 or via e-mail at vikki.shirley@flbog.edu. Your role in all of this is vital, and I greatly appreciate the time and energy you have committed to elevating our universities to new heights.