

FLORIDA BOARD OF GOVERNORS

March 23, 2006

SUBJECT: Regulation Development Procedure for the Board of Governors

PROPOSED BOARD ACTION

Consider adoption of a Regulation Development Procedure for the Board of Governors.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Constitution of the State of Florida

BACKGROUND INFORMATION

In June 2004, the First District Court of Appeal recognized that the provisions of Chapter 120, Fla. Stat., the Administrative Procedure Act, do not apply to the Board of Governors or university boards of trustees. *NAACP, Inc. v. Fla. Bd. of Regents*, 876 So.2d 636 (Fla. 1st DCA 2004).

On July 21, 2005, the Board of Governors adopted a Regulation Development Procedure for use by university boards of trustees. In order to ensure adequate due process is afforded to persons substantially affected by policies of the Board of Governors that have systemwide applicability, the Board will consider a regulation development procedure to be used by the Board of Governors in adopting such policies.

Supporting Documentation Included: Florida Board of Governors Regulation
Development Procedure

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