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MINUTES  
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SEPTEMBER 15, 2005

The Chair, Carolyn K. Roberts, convened the meeting of the Board of Governors in the Cape Florida Room, Student Union, University of Central Florida, Orlando, Florida, at 2:20 p.m., September 15, 2005, with the following members present: John Dasburg, Vice Chair; René Albors; Dr. Akshay Desai; Ann Duncan; Dr. Stanley Marshall; Bill McCollum; Sheila McDevitt; Ava Parker; Dr. Martha Peláez; Peter Rummell; Chris Schoonover; John Temple; and Commissioner John Winn.

1. Call to Order and Chair's Report

Mrs. Roberts thanked President Hitt and his staff for their warm hospitality. She said the reception and dinner the previous evening had been lovely. She said it was always a treat to visit Orlando and to see how much the community had embraced this university.

She said that before making her customary remarks to the Board, she wanted to express publicly her thanks and appreciation to Dr. Debra Austin for her leadership and service as the Board's first Chancellor. She served during a period of great change for this Board; she served with dignity and grace during a period while this Board evolved in its role and in its responsibilities. She said that Dr. Austin had become a good friend during these last two years and that she was confident she would be an excellent Provost at Florida A & M University. Board members applauded Dr. Austin's outstanding service as Chancellor.

Mrs. Roberts reported that she had been in Tallahassee the day after Labor Day and had met with staff to discuss continuing the Board's work while the Board conducted its search for a new Chancellor. She said all were eager to find a new Chancellor.

She said there had been many news reports about enrollment this fall, and the apparent declines in the number of African-American students enrolling in the universities. She reported that she had asked staff to review the minority enrollment figures for the Board's review and discussion at the November Board meeting. She asked the Presidents to report to the Board at that meeting on their activities to improve access, retention and graduation rates. She thanked President Machen for his announcement of the establishment of Florida Opportunities Scholarships and the commitment of \$1 million to attract students who did not apply to college because of the financial burden of attending college.

President Machen said it was particularly important to target students who would be the first in their families to become college students. He said in its recruitment activities, UF had discovered a significant cohort of students who could attend college who were not attending because of the financial burden of college. He said these students came from families who were uncomfortable borrowing money. He said these were students with demonstrated financial need, who were accepted, but did not enroll at UF because of financial need. He said these were the students UF wanted to attract.

Mrs. Roberts said that this was the beginning of Hispanic Awareness Month. She said she was particularly pleased that Hispanic students were enrolling in Florida's universities in unprecedented numbers. In 2004, Hispanic enrollment had grown by 7.5 percent. In 1998, there were 30,792 Hispanic students in the System; today, there were more than 45,000, a 47 percent increase.

She said the sights of the devastation brought by Hurricane Katrina were truly heart-breaking. She said the Board of Governors and the state universities had reached out to help students who were attending schools in the area shut down by the storm. The Board and universities established a cooperative effort with the Department of Education to help students at all levels re-locate to Florida schools and universities. A special toll-free hotline (1-877-FLCARE1 or 1-877-352-2731) was created to respond to questions from displaced students and their parents. In addition, she noted that a professor at Florida Gulf Coast University, Dr. Terry Wimberley, who is also a Presbyterian minister, has volunteered to act as a liaison between the universities and the Peace River Presbytery to provide financial assistance to any hurricane evacuee students in need. She said she had learned of Dr. Wimberley's activities, but was confident there were countless other individuals throughout the University System who were also volunteering their time and efforts.

Mrs. Roberts reported that the Higher Education Access Task Force had met the previous day to continue its discussions. The Task Force was exploring various options in providing students access to the baccalaureate degree. She said these were big and complex issues.

She said she had distributed a revised Board committee list. She asked Board members to advise the Corporate Secretary if they were interested in different committee assignments. She said the next meeting of the Board would be on November 17, 2005, at the University of North Florida.

2. Recognition: Dr. Debra Austin

Mrs. Roberts invited Dr. Austin to join her at the podium, where she read her the following Resolution, signed by all the members of the Board.

**WHEREAS**, Debra Austin has provided dedicated service to the Board of Governors as its inaugural Chancellor, from May 2003 to September 2005; and

**WHEREAS**, Dr. Austin led this Board through its earliest meetings as it began to forge its role as a constitutional board responsible for higher education, moving within the K-20 concept, and yet independently dedicated to the needs of the State University System; and

**WHEREAS**, under her quiet leadership, Dr. Austin was the right person at the right time, paving the way for the successful migration of the staff to one fully responsive to the needs and demands of the members of the Board of Governors; and

**WHEREAS**, during her tenure, the Board adopted its first Strategic Plan “centered around clearly articulated goals, to fulfill its constitutional responsibilities and ensure that Florida’s universities form a coordinated system;” and

**WHEREAS**, to all her activities as Chancellor, Dr. Austin has brought her dedication and commitment to excellence and quality in public higher education; now therefore

**BE IT RESOLVED** that the members of the Florida Board of Governors, meeting in Orlando on the campus of the University of Central Florida on this fifteenth day of September, 2005, do hereby commend Debra Austin for her contributions to the State University System, and wish her great success in her new role as Provost and Vice President at Florida A & M University; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be included in the Minutes of the meeting, and the resolution be presented to Dr. Austin as a token of the Board’s appreciation and thanks.

Dr. Austin thanked Mrs. Roberts and all the Board members for this resolution. She said the success she had experienced as Chancellor was because of this Board, its Chair and all the members. She said they were all dedicated to the improvement of the State University System and its 11 institutions. She also thanked the Presidents and all the university vice presidents for their assistance and for their support. She also acknowledged and thanked the university lobbyists who worked diligently for this Board and for the System. Finally, she thanked the members of the Board staff who were dedicated and hard-working professionals, for whom no task was too much.

3. Approval of Minutes of Meeting held July 21, 2005

Mr. Dasburg moved that the Board approve the Minutes of the Meeting held July 21, 2005, as written. Mr. Temple seconded the motion, and members of the Board concurred.

4. Commissioner’s Report

Commissioner Winn expressed his pride in all Floridians, especially Florida educators, for their assistance in the recovery efforts from the four hurricanes that struck Florida in 2004. He said he was just as proud of the assistance provided to the

victims of Hurricane Katrina. He said he had learned last year that it was so important for students that their education continue with as little interruption as possible. He said the Department was working with the Office of Student Financial Assistance to be sure that deadlines would not interfere with the process of Florida residents obtaining financial aid to attend school.

Commissioner Winn explained his four-point plan to prepare students better for success in the workplace. He said point one was to prepare high school students by integrating academic rigor with real world career relevance. He explained that high schools in Florida on average were double the size of other high schools in the country. By creating "career academies" inside these large high schools, there was an opportunity for less anonymity. Point two was to prepare students by ensuring that career education programs met industry standards and workforce demands. Point three was to prepare students by enhancing advising and planning tools that would help them continue their education and climb a progressive career ladder. Point four was to prepare students by strengthening Florida's public and private investments that build capacity and modernize the image of career education. He said he had assigned staff to work on these initiatives.

Commissioner Winn distributed information on the schools which had received funding for SUCCEED Florida Teacher Certification grants to increase the capacity of teacher preparation and certification programs. He said that six SUS institutions had successfully competed for Educator Preparation Institutes. All of these programs were opportunities for public and private postsecondary institutions to meet Florida workforce needs.

He reported that the State Board of Education the following week would review the Community College Strategic Plan, as well as the K-20 Fixed Capital Outlay budget requests. He thanked this Board for its leadership in assisting students displaced by Hurricane Katrina.

5. Status Report: Chancellor Search Committee

Mr. Rummell, Chair, Chancellor Search Committee, reported that conducting a search "in the sunshine" was far more difficult than searches conducted in the private sector. He said the Search Committee had agreed on a job description and on the advertisement for the position; the position had been advertised broadly. The Committee had also discussed a process by which it would evaluate candidates. The Committee had met regularly since early September. It had met the previous day and been advised that there were eight applicants for the job; two additional candidates had now entered the search. He said Committee members were doing initial evaluations of these candidates. He advised the Board that the Committee would keep working until it found the best person for the job, and would continue to keep the Board informed. Mrs. Roberts thanked Mr. Rummell for the excellent job he was doing with the search.

6. Update: Legal Issues

Mr. Woodring, General Counsel, DOE, said that as a part of hurricane preparedness, the Governor issues an Emergency Executive Order to assure the state's readiness. After the storm has passed, with the assessment of damage, there is a request by the Chief Emergency Officer, Mr. Craig Fugate, to waive statutory provisions that stand in the way of recovery, such as residency and immunization requirements for students. The Governor is authorized to issue these waivers, as needed.

Mr. Woodring reported on the status of the lawsuit filed by Floridians for Constitutional Integrity, Inc. He reported that he had appeared in the case to argue a Motion to Dismiss. Judge Ferris had ordered the parties to enter mediation to resolve the dispute. He said the plaintiffs in the case seemed to misunderstand how the Boards worked, that the State Board of Education was responsible for voluntary prekindergarten through the community colleges, and the Board of Governors had responsibility for the universities. He said there were areas of overlap, such as articulation between the community colleges and the universities, but these did not constitute conflicts. He noted that there were significant issues, such as responsibility for tuition and fees, but these plaintiffs did not have standing to mediate tuition and fees.

He also reviewed the complaint brought by AFSCME before the Florida Public Employees Relations Commission. He said that AFSCME believed that passage of HB 1001 gave it the opportunity to argue that the Board of Governors was now the employer for purposes of collective bargaining. PERC has now issued a Show Cause Order. He said he did not want to discuss litigation strategy in an open meeting, but would answer questions privately from Board members.

Mrs. Roberts inquired whether mediation was non-binding. Mr. Woodring concurred that it was non-binding, but that mediation might help clarify the issues in the case.

7. Consideration: Amendments, 2006-2007 SUS Legislative Budget Request

A. Requests to Redirect Funds: FSU, FAU

Ms. McDevitt said that following Board approval of the 2006-2007 Legislative Budget Request on July 21, 2005, several universities had requested that the Board consider certain issues that were not their top priority and redirect those funds to higher priority issues. She said that Ms. Moll, Chair, Finance Committee, had agreed to consider these requests and to make recommendations to the Board for its consideration. She said that FSU and FAU had submitted requests for the redirection of funds.

Ms. McDevitt moved that the Board redirect 2006-2007 Legislative Budget Request funds previously approved for FSU and FAU to higher priorities, as requested by these universities. For FSU, \$3.3 million would be redirected from the "Center for Advanced Power Systems" to "High Quality Academic Faculty Recruitment to Reach Goal of being Invited to

become AAU Member Institution.” For FAU, \$1.5 million would be redirected from “Targeted Financial Aid to Move Students from Part-Time to Full-Time Status” to “Graduate Student Stipend and Waiver Enhancements.” Mr. McCollum seconded the motion, and members of the Board concurred.

B. Requests for Funds to Cover Damage from Hurricanes Dennis and Katrina

Dr. McKee said she had distributed information on the estimated costs for hurricane damage and costs that would not be covered by FEMA or by insurance. She said it appeared that the universities had suffered approximately \$1.2 million in uncovered costs.

Mr. Dasburg moved that the Board amend its 2006-2007 SUS Legislative Budget Request to add a request of \$1.2 million for uncovered hurricane damage, as presented. Ms. McDevitt seconded the motion, and members of the Board concurred.

8. Consideration: 2006-2007 SUS Fixed Capital Outlay Legislative Budget Request

Ms. Parker said the Facilities Committee had met and had thoroughly reviewed all the parts of the 2006-2007 State University System Fixed Capital Outlay Legislative Budget Request. She moved that the Board approve the 2006-2007 State University System Fixed Capital Outlay Budget Request, as proposed and amended, and authorize the Chancellor, State University System of Florida, to make technical changes, as necessary. She added that all other revisions to the FCO Budget Request were to be approved by the Board of Governors. Mr. Albors seconded the motion, and members of the Board concurred.

9. Consideration: Approval for Programs to Exceed 120 Credit Hours

A. Engineering Programs, FGCU

Mr. Dasburg moved that the Board approve the request from Florida Gulf Coast University that its newly implemented engineering baccalaureate programs exceed 120 semester credit hours in length, as presented. Dr. Peláez seconded the motion, and members of the Board concurred.

B. Bachelor of Landscape Architecture, FIU

Mr. Temple moved that the Board approve the request from Florida International University that its newly implemented Bachelor of Landscape Architecture, CIP 04.0601, exceed 120 semester credit hours in length, as presented. Dr. Peláez seconded the motion, and members of the Board concurred.

C. Engineering Programs, UWF

Mr. Dasburg moved that the Board approve the request from the University of West Florida that its baccalaureate engineering programs exceed 120 semester credit hours in length, as presented. Dr. Peláez seconded the motion, and members of the Board concurred.

10. Consideration: 2005-2006 through 2012-2013 University Enrollment Plans

Dr. McKee explained that proviso language in the General Appropriations Act required the Chancellor to submit institutional enrollment plans to the Board for its review. She said that at the November Board meeting, the Board would have information about degree projections through 2012-2013, at which time there would be an opportunity for further analysis of the enrollment and enrollment projections. Commissioner Winn said he was concerned that the planned enrollment growth had no relationship to the Board's Strategic Plan.

Ms. Duncan inquired about medical school enrollment. She said it appeared that USF had not been funded for 35 enrolled medical students. She suggested that the Board should recommend funding for those students. President Genshaft said there were 35 medical students in 2005-2006, the current academic year, for whom USF lacked funding, approximately \$1.4 million. Ms. Duncan inquired whether this was the appropriate time to correct that underfunding. Dr. McKee said that it could be corrected today or after the Governor made his 2006-2007 budget recommendations, with a recommendation to fund the over-enrollment. President Genshaft said she was worried about the funding for students in the current year. She said that USF had affirmatively responded to the Board's stated need for additional medical students in the current year.

Dr. McKee said the enrollment plan looks at the enrollment for the entire SUS. For individual universities, the enrollment plan shows the planned enrollment out to 2012-2013, and the funded enrollment in the current year, 2005-2006. She said the numbers showed that USF had over-enrolled, over the funded enrollment, in the current year. The spreadsheet showed that USF had planned for 458 FTEs in the medical school for 2005-2006, and were funded for 422 FTEs. She said the overenrollment at the medical schools had not been funded; the Board should look at medical school enrollment statewide.

Mr. Dasburg said he did not object to funding the enrollment, because the state had already invested in the facilities infrastructure for the existing medical schools. He said he objected to looking at this enrollment in the context of the proposals from UCF and FIU for new medical schools. He said these issues should be separate.

Mr. McCollum clarified that the issue was over 35 medical students currently enrolled at USF who were not funded. Mrs. Roberts said the budget could be corrected

in the budget request going forward. She said in earlier action, the Board had amended the Legislative Budget Request, as requested by FSU and FAU.

Ms. Duncan moved that the Board amend its Legislative Budget Request to fund the 36 unfunded medical students currently enrolled. Dr. Desai seconded the motion.

Mr. Temple said the Board had asked the universities what it would cost if they expanded the current medical schools. He said he did not believe the Board had formally acted on these presentations. Dr. McKee explained that there was over-enrollment going back at least to 2003-2004.

The motion was approved unanimously.

Mrs. Roberts said it was important for the Board to understand the start-up of new programs and how they are funded. President Genshaft said USF was looking at growing enrollment in its medical school from 2003 through 2007. She said the University needed to plan for this growth and needed assurance that if the medical school increased its enrollment, the Board would fund that enrollment growth.

Dr. Desai said that the universities had been asked to respond to the needs expressed by the Board. It was important that the universities achieve these objectives in a cost-effective manner.

11. Discussion: Board of Governors Legislative Issues, 2006 Legislative Session

Mr. Rick Maxey said that the Provosts, Administrative Vice Presidents, university lobbyists, Board staff and others, had met on August 23, 2005, to discuss and to identify legislative issues for the 2006 Legislative Session. He reviewed several of the proposed legislative issues. Mr. Maxey said that tuition and fee flexibility at all levels of students, except for resident undergraduates, was authorized in proviso in the current Appropriations Act. This tuition flexibility should be in statute, giving tuition and fee authority for all levels of students, except resident undergraduates, to the Board of Governors with further delegation of those responsibilities to the University Boards of Trustees.

President Machen said the Presidents wanted three things relating to tuition and fees. They sought tuition authority delegated to the Board of Governors; a portion of the additional revenue set aside for need-based financial aid; and national tuition benchmarks. He said UF had offered some national benchmarks the previous year that had not worked for some of the universities. He said it had been clear last Session that legislators did not trust the universities; he said he hoped they would trust this Board.

Mr. Maxey explained the issue relating to Direct Support Organizations and exemptions from the Sunshine Law. He said this proposal was a result of a recent opinion from the Attorney General finding that a community college direct support organization was subject to Chapter 286, F.S., the "Sunshine Law." The language creating community college DSOs is almost identical to the statutory language for the university DSOs. He said the DSOs deal with information they seek to keep

confidential, such as donor information, land transactions or pending business deals. He said the universities sought limited exemptions to Chapter 286, F.S., for portions of the DSO meetings where these confidential issues are discussed, noting that the Legislature had exempted certain other meetings from the Sunshine Law.

He said staff was also proposing numerous statutory provisions to conform current law to the provisions of HB 1001, the legislation prescribing the responsibilities of the Board of Governors and those of the Legislature. He said these were technical changes, not policy changes. He explained the issue dealing with the Independent Colleges and Universities of Florida. The current statutes had been interpreted to require the Division of Colleges and Universities to assume responsibility for certain administrative duties related to these institutions; these duties should be reassigned, as these institutions were not under the purview of the Board of Governors. Mrs. Roberts said this required a short discussion with the Commissioner.

Ms. Parker inquired about the staff doing the work for ICUF. Dr. LeMon responded the question was whether the Board's staff should be performing these duties for institutions not within the purview of this Board. He said it was important to maintain a good relationship with ICUF, but that there was a great deal of paperwork to comply with the statutory record-keeping requirements.

Mr. Maxey explained the rationale for a technology fee. He said the Board's Legislative Budget Request included \$5.9 million to support technology issues. He noted that this was a short-term solution to address numerous technology needs; a fee would provide steady funding to address continuing technology needs. He said the community colleges had statutory authority for a technology fee. Mr. Schoonover said the Florida Student Association had discussed the technology fee, and the students had disagreed over the need for such a fee. He suggested that the Board authorize the fee for implementation by the University Boards. If the fee were approved locally, students at each campus would have the opportunity to voice their opposition.

Mr. Maxey said the universities also sought statutory language to classify graduate assistants with an appointment of 0.25 or greater as Florida residents for tuition purposes. He said the universities competed nationally for outstanding graduate students and were hampered in these efforts by high out-of-state tuition. He said in 2004-2005, 13,000 graduate assistants were enrolled at the universities, 6,000 were out-of-state students. He commented that legislative staff disagreed with Board staff on the issue of lost revenue. He noted that they had not considered how these graduate assistants contributed to Florida as employees of the State. Ms. McDevitt said it was important to show the impact of not being able to offer this attractive tuition benefit, and to show the loss to the State in not attracting appropriate graduate students to Florida. President Machen said the Board needed to be well-prepared on this issue.

Mrs. Roberts thanked Mr. Maxey for this report. She said the Board would continue these discussions at the November Board meeting.

12. Consent Agenda Items

- A. Resolution Requesting the Division of Bond Finance of the State Board of Administration to Issue Revenue Bonds on Behalf of the State University System of Florida to Refinance All or a Portion of Certain Revenue Bonds of the State University System

Mr. Dasburg moved that the Board adopt a resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to issue revenue bonds on behalf of the State University System of Florida, in an amount not exceeding \$30 million for the purpose of refinancing all or a portion of the outstanding State of Florida, Board of Regents, University System Improvement Revenue Bonds, Series 1997, as presented. Mr. Temple seconded the motion, and members of the Board concurred.

- B. Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of the University of Florida to Refinance All or a Portion of Certain Outstanding Housing Revenue Bonds, UF

Mr. Dasburg moved that the Board adopt a resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to issue revenue bonds on behalf of the University of Florida, in an amount not exceeding \$45 million for the purpose of refinancing all or a portion of the outstanding State of Florida, Board of Regents, University of Florida Housing Revenue Bonds, Series 1993 and Series 2000, as presented. Mr. Temple seconded the motion, and members of the Board concurred.

- C. Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of the University of Central Florida to Refinance All or a Portion of Certain Outstanding Housing Revenue Bonds, UCF

Dr. Marshall moved that the Board adopt a resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to issue revenue bonds on behalf of the University of Central Florida, in an amount not exceeding \$50 million for the purpose of refinancing all or a portion of the outstanding State of Florida, Board of Regents, University of Central Florida Housing Revenue Bonds, Series 1996 and Series 1999, as presented. Ms. Parker seconded the motion, and members of the Board concurred.

- D. Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the University of West Florida Board of Trustees and Escambia County

Ms. Duncan moved that the Board approve the allocation and authorize the State Board of Education to release funds in the amount of \$3,442,081 to Escambia County, Florida, as agreed in the Campus Development Agreement between the University of West Florida Board of Trustees and Escambia County, as presented. She noted that the parties had signed the Campus Development Agreement consistent with this action. Dr. Peláez seconded the motion, and members of the Board concurred.

- E. Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the Florida State University Board of Trustees and the City of Tallahassee

Dr. Marshall moved that the Board approve the allocation and authorize the State Board of Education to release funds in the amount of \$3,190,463 to the City of Tallahassee, Florida, as agreed in the Campus Development Agreement between the Florida State University Board of Trustees and the City of Tallahassee, as presented. He noted that the parties had signed the Campus Development Agreement consistent with this action. Ms. Duncan seconded the motion, and members of the Board concurred.

- F. Authorize Release of Funds from the University Concurrency Trust Fund in accordance with the Campus Development Agreement between the University of South Florida Board of Trustees on behalf of the University of South Florida Sarasota/Manatee and Manatee County

Ms. Duncan moved that the Board approve the allocation and authorize the State Board of Education to release funds in the amount of \$683,591 to the Manatee County Board of County Commissioners as agreed in the Campus Development Agreement between the University of South Florida Board of Trustees on behalf of the University of South Florida Sarasota/Manatee and Manatee County, as presented. She noted that the parties had signed the Campus Development Agreement consistent with this action. Ms. Parker seconded the motion, and members of the Board concurred.

- G. Approval of the State University System 2005-2006 Operating Budget

Mr. Dasburg moved that the Board approve the 2005-2006 State University System Operating Budget, as presented. Mr. Temple seconded the motion, and members of the Board concurred.

13. Status Reports, Board Committees

A. Performance and Accountability

Mr. Rummell said the discussions of accountability were moving from academic issues, such as graduation rates, to operational and financial accountability. He said the staff had been asked to gather information from the universities so the Committee could begin to establish benchmarks and best practices. He reported on his meeting with university administrators to begin these discussions, which had been a good start.

B. Strategic Planning/Educational Policy

Mr. Dasburg reported that the Strategic Planning/Educational Policy Committee had discussed supply and demand for Computer Science, Information Technology, Electronic Media, and Simulation programs. He said President Hitt had made an excellent presentation. The Committee had also had an extensive discussion on supply and demand for education programs. He said the Committee had heard about significant shortages of teachers. He said universities played a fractional role in this issue, but were an important part in addressing the solution. He said the Committee was interested in the actions taken by the universities to address this state need, and had heard, at length, how the College of Education at UCF was addressing the demand for teachers.

14. Adjournment

Having no further business, the Chair adjourned the regular meeting of the Florida Board of Governors at 3:50 p.m., September 15, 2005.

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Carolyn K. Roberts,  
Chair

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Mary-Anne Bestebreurtje,  
Corporate Secretary