

Board of Governors

Development of 2004 Legislative Issues

January 22, 2004

Issue: “Glitches”

Issue Summary: Items included in the Implementing Bill need to be codified in statute. Statutory inconsistencies related to university program reviews need to be corrected.

Background: The State University President’s Association (SUPA), at the December 3, 2003 BOG meeting, indicated that as the state universities moved from state agency status to “public corporations of the state,” some laws needed to be amended to ensure continued authorization to participate in certain programs in compliance with law. These authorizations are in the FY 2003-04 Implementing Bill, and will expire at the end of the fiscal year.

- Direct Deposit - Amendments were made to s. 17.076, F.S. in order to maintain the confidentiality of the direct deposit information and to preserve state resources from being expended to obtain direct deposit authorizations from each current state university employee.
- Deferred Compensation - Because s. 1001.72, F.S., redefines a state university as a public corporation of the state, s. 112.215 was amended to specifically include “state university employees” to ensure their continued participation in the state deferred compensation program.
- Consolidated Financing of Deferred Payment Purchases - Prior to January 7, 2003, a state university qualified for consolidated financing of deferred payment purchases for certain equipment as a state agency. Because of the transition of universities from state agency status to that of “public corporations,” the statute was amended to authorize the state universities to participate in this program, if they chose to do so.
- Self-insurance for Workers Compensation - an amendment to include a state university within the list of authorized self-insurers for workers’ compensation coverage was required to continue current authorization.
- Uniform Management of Institutional Funds Act (UMIFA) - The act provides greater certainty in the administration of permanent endowment funds.

This act was previously contained in Florida law and inadvertently repealed in the School Code Rewrite legislation (Chapter 2002-387, Laws of Florida), thereby authorizing institutions to spend beyond the value of the original gift, but also exposing the institutions to the uncertainty of what laws apply to the management of endowment funds.

An updated version of the act, revised by representatives of the university foundations, was included in the 2003-04 Implementing Bill creating new section 1010.10, FS. During the 2003-04 year, the Uniform Act has been further updated, and certain minor amendments are now proffered to conform Florida law to the Uniform Act.

In addition to the glitches mentioned by SUPA, a statutory inconsistency relating to academic program review cycles needs to be corrected. Sections 1001.02 and 1001.03, F.S., both provide for the cyclic review of academic programs in the university system for purposes of documenting how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews are intended to inform strategic planning, program development, and budgeting decisions at the institutional level.

The two statutes are inconsistent: one stipulates a five-year cycle and the other a seven-year cycle. Statutes need to reflect a seven-year cycle. Further, the coordination of these reviews needs to be stipulated as a Florida Board of Governor's responsibility rather than a State Board of Education's.

Staff Recommendation: Codify the above university issues that are currently in the Implementing Bill. Clarify the program review cycle and the related responsibility of the Board of Governors.