

**STATE UNIVERSITY SYSTEM OF FLORIDA**  
**BOARD OF GOVERNORS**  
**Budget and Finance Committee**  
June 12, 2019

**SUBJECT:** Board of Governors Regulation 9.006 Remuneration of University Presidents and Administrative Employees

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**PROPOSED COMMITTEE ACTION**

Discussion

**AUTHORITY FOR BOARD OF GOVERNORS ACTION**

Article IX, Section 7, Florida Constitution; Board of Governors Regulation Development Procedure

**BACKGROUND INFORMATION**

In March 2016, the Board adopted this regulation to define administrative and faculty positions after several universities received audit findings on their definition of administrators and faculty. The Board, using its constitutional authority, developed this regulation to clarify these types of employees.

In November 2016, the Auditor General released its operational audit with a finding of “Notwithstanding BOG regulations, and BOG constitutional authority to establish such regulations, the BOG may not promulgate rules that are contradictory to statutory provisions enacted by the Legislature.”

Board management’s response to the finding states:

The Constitution provides the regulatory authority to the Board to implement system-wide policies that affect the universities, including university personnel. The authority over the personnel programs is recognized in law in section 1001.705(2), Florida Statutes, and in the Governance Agreement between the Board of Governors, the Legislature, and the Executive Office of the Governor. Consequently, the Board of Governors has the authority to promulgate a regulation that affects university personnel. Notably, the reference to “university teaching faculty” in section 1012.976, Florida Statutes, is not defined.

Board management did agree to work on aligning the regulation with Florida Statutes.

During the 2018 session, there was language in House Bill 909 that authorized the Board to define faculty and administrative personnel. That bill did not pass. During the 2019 session, similar language was in House Bill 839, but that bill did not pass.

The State Auditor is currently performing an operational audit and will check the status of previous audit findings. Direction is needed from the Committee on whether the regulation should be modified or stay the same.

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**Supporting Documentation Included:** 1. 2016 Operational Audit  
2. Regulation 9.006

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