



# BOARD *of* GOVERNORS

## State University System of Florida

### Regulation 9.006 Remuneration of University Presidents and Administrative Employees

June 12, 2019  
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## Section 7, Article IX of the State Constitution

(d) STATEWIDE BOARD OF GOVERNORS. The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.



## Section 1001.705(k) Florida Statute

- (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the State Constitution, the Board of Governors of the State University System has the duty to operate, regulate, control, and be fully responsible for the management of the whole publicly funded State University System and the board, or the board’s designee, has responsibility for:
- (a) Defining the distinctive mission of each constituent university.
  - (b) Defining the articulation of each constituent university in conjunction with the Legislature’s authority over the public schools and Florida College System institutions.
  - (c) Ensuring the well-planned coordination and operation of the State University System.
  - (d) Avoiding wasteful duplication of facilities or programs within the State University System.
  - (e) Accounting for expenditure of funds appropriated by the Legislature for the State University System as provided by law.
  - (f) Submitting a budget request for legislative appropriations for the institutions under the supervision of the board as provided by law.
  - (g) Adopting strategic plans for the State University System and each constituent university.
  - (h) Approving, reviewing, and terminating degree programs of the State University System.
  - (i) Governing admissions to the state universities.
  - (j) Serving as the public employer to all public employees of state universities for collective bargaining purposes.
  - (k) Establishing a personnel system for all state university employees; however, the Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, 110.1238, and 110.161, and in chapters 121, 122, and 238.**



## Governance Agreement

Governance Agreement signed March 24, 2010 by the Governor, Legislative Leadership, Board of Governors Leadership and the Chancellor.

Section 3 of the agreement reaffirms the exclusive authority of the Board of Governors for the personnel programs of the state universities and its right to delegate such authority to the university boards of trustees.



## Section 1012.976(2-3) Florida Statute

Remuneration of state university administrative employees;

(2) **LIMITATION ON COMPENSATION.**—Notwithstanding any other law, resolution, or rule to the contrary, a state university administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Only compensation, as such term is defined in s. 121.021(22), provided to a state university administrative employee may be used in calculating benefits under chapter 121.

(3) **EXCEPTIONS.**—This section does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a state university administrative employee in excess of the limit in subsection (2). If a party is unable or unwilling to fulfill an obligation to provide cash or cash-equivalent compensation to a state university administrative employee as permitted under this subsection, appropriated state funds may not be used to fulfill such obligation. **This section does not apply to university teaching faculty or medical school faculty or staff.**



## Board Regulation 9.006(2)(d)

### Remuneration of University Presidents and Administrative Employees

(d) University teaching faculty or medical school faculty or staff are excluded from the \$200,000 limit. University teaching faculty is defined as an employee that provides direct instructional services to students or provides direct or indirect support in the instruction of students by establishing curriculum and other requirements involved in teaching students. Instructional services would also include classroom activities, research laboratories, co-curricular activities or service activities in which students participate. These employees may be on a tenured/tenured-track line or under contract by the university in a faculty or other academic personnel or personnel support position. This would include a university's provosts, deans, professors, lecturers, librarians, distinguished professors, eminent scholars, curators, scholars, scientists, engineers and clinicians.



## State Auditor Finding – November 2016

### Remuneration of Presidents and Administrative Employees Finding:

State law<sup>8</sup> specifically states that the requirements for limiting remunerations for university presidents and administrative employees is not subject to any other rule to the contrary, and clearly contemplates that the limitation would not apply to teaching faculty but would otherwise apply to employees other than medical school staff. Because university teaching faculty, as defined by BOG regulations, includes those who provide indirect support in the instruction of students by establishing curriculum and other requirements involved in teaching students, the regulations may undercut the dichotomy between administrators and teaching faculty contemplated by State law and allow universities to use public funds to pay annual remunerations in excess of \$200,000, contrary to State law.



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