

**FLORIDA BOARD OF GOVERNORS
NOTICE OF PROPOSED AMENDED REGULATION**

DATE: September 20, 2023

REGULATION NUMBER AND TITLE: 9.015 University Bonus Plans

SUMMARY:

Senate Bill 7026, signed by the Governor on May 17, 2023, amends section 1012.978, Florida Statutes, which governs bonuses awarded by universities. The changes now require the universities to notify the Board on an annual basis of any bonuses provided to university employees. The amendments to this regulation ensure consistency in the implementation of this section of statute.

FULL TEXT OF THE REGULATION IS INCLUDED WITH THIS NOTICE.

AUTHORITY TO PROPOSE REGULATION(S): Section 7(d), Art. IX, Fla. Const.; BOG Regulation Development Procedure dated March 23, 2006.

THE BOARD OF GOVERNORS' OFFICIAL INITIATING THE PROPOSED REGULATION: Tim Jones, Senior Vice Chancellor

COMMENTS REGARDING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation on which you are commenting:

General Counsel, Board of Governors, State University System, 325 W. Gaines St., Suite 1614, Tallahassee, Florida 32399, (850) 245-0466 (phone), (850) 245-9685 (fax), or generalcounsel@flbog.edu.

9.015 University Bonus Plans

(1) Pursuant to section 1012.978, Florida Statutes, each board of trustees may establish and implement one or more plans that authorize the award of bonuses based on employee work performance or for purposes of recruitment and retention.

- (a) Each university plan must set forth the categories of employees who are eligible to receive bonuses and the evaluation criteria by which bonuses may be awarded. Evaluation criteria for plans based on employee work performance may include, but are not limited to, documented work performance involving increased duties/responsibilities, successful completion of a special project, attainment of established goals, superior performance, or specific achievements or assignments of significance. For plans developed for recruitment, evaluation criteria may include, but are not limited to, candidates with desirable specialized skills and exceptional experience, or where market conditions or departmental structure merit such a recruitment award. For plans developed for purposes of addressing retention, evaluation criteria may include, but are not limited to, circumstances to address verified offers of competing employment, to address market conditions which are significantly higher than the current salary, to ameliorate salary compression or inversion, or to acknowledge successful completion of career development, training, or certification programs that are in the best interests of the university or support the mission of the university.
- (b) Each university may authorize the inclusion of provisions that award bonuses in collective-bargaining agreements that are duly ratified by the board of trustees. Any bonus provisions in such agreements must be based upon standards appropriate to institutions of higher education or relevant industry standards.

(2) Any university bonus plan that is consistent with the provisions set forth herein may be implemented upon approval by the university board of trustees. ~~Any plan approved by a university board of trustees that deviates from this authority shall not be implemented until submitted to and approved by the Board of Governors.~~ This regulation applies to bonus plans created under section 1012.978, Florida Statutes.

(3) Comprehensive incentive-based compensation programs implemented for services related to the delivery of clinical care through a university Faculty Practice Plan approved by the Board of Governors and operating in accordance with Regulation 9.017 or another health-care related program are authorized upon approval by the university board of trustees.

(4) Each year, on a schedule established by the university board of trustees, the President shall submit a report to the board of trustees. The report shall contain the following: a description of the bonus plan, the President's certification that any bonuses paid during the reporting period complied with the criteria in the university's bonus plan and were paid from funds contained within the university's budget as approved by the board of trustees; and the total amount paid during the reporting period for performance, recruitment and retention bonuses. This report shall then be annually provided to the Board of Governors.

Authority: Section 7(c), Art. IX, Fla. Const.; section 1012.978, Fla. Stat.; History: New 11-04-2021;
Amended x-xx-xx