

Postsecondary Education & Workforce Subcommittee

March 13, 2023
3:00 PM
Morris Hall (17 HOB)

Meeting Packet

Paul Renner
Speaker

Lauren Melo
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Postsecondary Education & Workforce Subcommittee

Start Date and Time: Monday, March 13, 2023 03:00 pm

End Date and Time: Monday, March 13, 2023 06:00 pm

Location: Morris Hall (17 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 515 Office of Inspector General of the Board of Governors of the State University System by Silvers
HB 845 Collegiate Purple Star Campuses by Dunkley, Hunschofsky
HB 1247 William L. Boyd, IV, Effective Access to Student Education Grants by Temple

Consideration of the following proposed committee substitute(s):

PCS for HB 999 -- Public Postsecondary Educational Institutions

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 03/09/2023 4:22PM by Haney.Kendall

HB 515

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 515 Office of Inspector General of the Board of Governors of the State University System
SPONSOR(S): Silvers
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Dixon	Kiner
2) Constitutional Rights, Rule of Law & Government Operations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The Board of Governors (BOG) is responsible for operating, regulating, controlling, and being fully responsible for the management of the State University System. Pursuant to Florida's Constitution, the BOG's management is subject to the powers of the Legislature to appropriate for the expenditure of funds. Like other state agencies, the BOG has an Office of Inspector General charged with promoting accountability, financial integrity and efficiency as required by law. The BOG IG is also charged with detecting fraud and abuse within state universities.

While the Governor's Chief Inspector General may exercise subpoena power on behalf of state agencies under the Governor's control, the BOG Inspector General does not have the authority to exercise subpoena power on behalf of a state university. In 2019, the Florida House of Representatives conducted an investigation into the unauthorized use of appropriated funds for fixed capital outlay projects at the University of Central Florida. Among the investigatory findings was the BOG's Office of Inspector General lacks resources to exercise the robust investigative role intended by the inspector general statutes and that such resources are essential to holding universities accountable to the BOG. To address the finding, the investigatory report recommended the BOG Inspector General investigate significant complaints or reports of possible waste, fraud and mismanagement and submit investigative findings to the Board of Governors, the Speaker of the House and Senate President. The investigatory report further recommended, if requested by the BOG, consideration be given to authorize the BOG Inspector General to exercise subpoena power on behalf of a state university.

The bill authorizes the BOG Inspector General, or designee, to issue and serve subpoenas duces tecum on behalf of the BOG or a state university to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.

In the event of noncompliance with a subpoena issued, the bill authorizes the BOG Inspector General to petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

The bill also provides for the BOG Inspector General to require or allow a person to file a statement, in writing, under oath, as to all the facts and circumstances concerning the matter that is to be audited, examined, or investigated.

The bill does not appear to have a fiscal impact on state government.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Governor's Chief Inspector General

The Office of Chief Inspector General (CIG) is responsible for promoting accountability, integrity, and efficiency in agencies under the Governor's jurisdiction.[1] The CIG monitors the activities of the agency inspectors general under the Governor's jurisdiction and is required, among other things, to do the following:

- Initiate, supervise, and coordinate investigations and carry out other activities designed to deter, detect, prevent, and eradicate fraud, waste, abuse, mismanagement, and misconduct in government;
- Investigate, upon receipt of a complaint or for cause, any administrative action of any agency, the administration of which is under the direct supervision of the Governor;
- Examine the records and reports of any agency the administration of which is under the direct supervision of the Governor;
- Coordinate complaint-handling activities with agencies;
- Coordinate the activities of the Whistle-blower's Act and maintain the whistle-blower's hotline to receive complaints and information concerning the possible violation of law or administrative rules, mismanagement, fraud, waste, abuse of authority, malfeasance, or a substantial or specific danger to the health, welfare, or safety of the public;
- Report expeditiously to and cooperate fully with the Department of Law Enforcement, the Department of Legal Affairs, and other law enforcement agencies when there are recognizable grounds to believe that there has been a violation of criminal law or that a civil action should be initiated;
- Act as liaison and monitor the activities of the inspectors general in the agencies under the Governor's jurisdiction; and
- Conduct special investigations and management reviews at the request of the Governor.[2]

In exercising the authority of the office, the Governor's Chief Inspector General, may, among other things, issue and serve subpoenas and subpoenas duces tecum, for agencies under the jurisdiction of the Governor, to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.[3]

Agency Inspectors General

An Office of Inspector General (OIG) is established in each state agency[4] to provide a central point for the coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government.[5] Each agency OIG is, among other things, responsible for the following:

- Supervising and coordinating audits, investigations, and management reviews relating to the programs and operations of the agency;

[1] S. 14.32(1), F.S.
[2] S. 14.32(2), F.S.
[3] S. 14.32(5)(b), F.S.
[4] S. 20.055(1)(d), F.S. defines the term "state agency" as each department created pursuant to ch. 20, F.S., and the Executive Office of the Governor, the Department of Military Affairs, the Fish and Wildlife Conservation Commission, the Office of Insurance Regulation of the Financial Services Commission, the Office of Financial Regulation of the Financial Services Commission, the Public Service Commission, the Board of Governors of the State University System, the Florida Housing Finance Corporation, the Florida Gaming Control Commission, and the state courts system.
[5] S. 20.055(2), F.S.

- Conducting, supervising, or coordinating other activities carried out or financed by the agency for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations;
- Keeping the agency head,[6] or the CIG for agencies under the jurisdiction of the Governor, informed concerning fraud, abuses, and deficiencies relating to programs and operations administered or financed by the agency; recommending corrective action concerning fraud, abuses, and deficiencies; and reporting on the progress made in implementing corrective action;
- Ensuring effective coordination and cooperation between the Auditor General, federal auditors, and other governmental bodies to avoid duplication; and
- Ensuring that an appropriate balance is maintained between audit, investigative, and other accountability activities.

With respect to investigations, each OIG must initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.[7] For these purposes, each inspector general must do the following:

- Receive complaints and coordinate all activities of the agency as required by the Whistle-blower's Act;
- Receive and consider the complaints that do not meet the criteria for an investigation under the Whistle-blower's Act and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the inspector general deems appropriate;
- Report expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, when the inspector general has reasonable grounds to believe there has been a violation of criminal law;
- Conduct investigations and other inquiries free of actual or perceived impairment to the independence of the inspector general or the inspector general's office, including freedom from any interference with investigations and timely access to records and other sources of information;
- Submit to entities contracting with the state or an individual substantially affected the findings of investigations involving such entities or individual, who must be advised that they may submit a written response to the findings, and whose written response, if any, must be included in the final report along with the inspector general's rebuttal, if any; and
- Submit timely final reports on investigations to the agency head, except for whistle-blower's investigations, which must be conducted and reported pursuant to the Florida Whistle-blower's Act.[8]

Board of Governors Inspector General

The Board of Governors (BOG) is responsible for operating, regulating, controlling, and being fully responsible for the management of the State University System. Pursuant to Florida's Constitution, the BOG's management is subject to the powers of the Legislature to appropriate for the expenditure of funds. Like other state agencies, the BOG has an Office of Inspector General charged with promoting accountability, financial integrity and efficiency as required by law. The BOG IG is also charged with detecting fraud and abuse within state universities.

If the BOG determines that the board of trustees of a state university is unwilling or unable to address substantiated allegations of waste, fraud, or financial mismanagement within a state university, the

[6] S. 20.055(1)(a), F.S., defines the term "agency head" as the Governor, a Cabinet officer, a secretary as defined in s. 20.03(5), F.S., or an executive director as defined in s. 20.03(6), F.S., the chair of the Public Service Commission, the Director of the Office of Insurance Regulation of the Financial Services Commission, the Director of the Office of Financial Regulation of the Financial Services Commission, the board of directors of the Florida Housing Finance Corporation, the chair of the Florida Gaming Control Commission, and the Chief Justice of the State Supreme Court.
[7] S. 20.055(7), F.S.
[8] *Id*.

BOG Inspector General must conduct, coordinate, or an request investigation into the substantiated allegations.[9]

The BOG Inspector General, when performing its duties, must have access to all information and personnel necessary to perform its duties and will have all of its current powers, duties and responsibilities as authorized in s. 20.055, F.S.[10]

In 2019, the Florida House of Representatives conducted an investigation into the unauthorized use of appropriated funds for fixed capital outlay projects at the University of Central Florida. Among the investigatory findings was the BOG's Office of Inspector General lacks resources to exercise the robust investigative role intended by the inspector general statutes and that such resources are essential to holding universities accountable to the BOG. To address the finding, the investigatory report recommended the BOG Inspector General investigate significant complaints or reports of possible waste, fraud and mismanagement and submit investigative findings to the Board of Governors, the Speaker of the House and Senate President. The investigatory report further recommended, if requested by the BOG, consideration be given to authorize the BOG Inspector General to exercise subpoena power on behalf of a state university.

Effect of Proposed Changes

The bill authorizes the BOG Inspector General, or designee, to issue and serve subpoenas duces tecum on behalf of the BOG or a state university to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.

In the event of noncompliance with a subpoena issued, the bill authorizes the BOG Inspector General to petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

The bill also provides for the BOG Inspector General to require or allow a person to file a statement, in writing, under oath, as to all the facts and circumstances concerning the matter that is to be audited, examined, or investigated.

B. SECTION DIRECTORY:

Section 1: Amends s. 20.155, F.S.; authorizing the Office of Inspector General to issue and serve subpoenas duces tecum for specified purposes and require or allow certain persons to file specified statements; authorizing the office to petition certain courts for specified purposes.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

[9] S. 20.155(5), F.S.
[10] *Id.*

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact on state or local government.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

If the intent of the bill is to mirror s. 14.32(5)(b), F.S., which authorizes the Governor's Chief Inspector General to exercise subpoena power on behalf of a state agency under the Governor's control, the sponsor may wish to amend the bill to authorize the BOG Inspector General to issue 'subpoenas' in addition to 'subpoenas duces tecum.'

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

A bill to be entitled

An act relating to the Office of Inspector General of the Board of Governors of the State University System; amending s. 20.155, F.S.; authorizing the Office of Inspector General to issue and serve subpoenas duces tecum for specified purposes and require or allow certain persons to file specified statements; authorizing the office to petition certain courts for specified purposes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) of section 20.155, Florida Statutes, is amended to read:

20.155 Board of Governors of the State University System.—

(5)(a) OFFICE OF INSPECTOR GENERAL.—An Office of Inspector General shall be organized using existing resources and funds to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities. If the Board of Governors determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office shall conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste, fraud, or financial mismanagement

CODING: Words stricken are deletions; words underlined are additions.

within a state university. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

(b)1. In exercising authority under this subsection, the Office of Inspector General or his or her designee may:

a. Issue and serve subpoenas duces tecum for the Board of Governors or the state universities in the State University System to compel the attendance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.

b. Require or allow a person to file a statement in writing, under oath or otherwise, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

2. In the event of noncompliance with a subpoena issued under this paragraph, the Inspector General may petition the circuit court of the county in which the person subpoenaed resides or has his or her principal place of business for an order requiring the subpoenaed person to appear and testify and to produce documents, reports, answers, records, accounts, or other data as specified in the subpoena.

Section 2. This act shall take effect July 1, 2023.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Silvers offered the following:

Amendment (with title amendment)

Remove lines 16-42 and insert:

(5) OFFICE OF INSPECTOR GENERAL.—An Office of Inspector General shall be organized using existing resources and funds to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities.

(a) If the Board of Governors determines that a state university board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office must ~~shall~~ conduct, coordinate, or request investigations into substantiated allegations made by any person relating to waste,

fraud, or financial mismanagement within a state university. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

(b) In exercising its authority under this section, the office may do any of the following:

1. Issue and serve subpoenas and subpoenas duces tecum, for the Board of Governors or universities under the jurisdiction of the State University System, to compel the appearance of witnesses and the production of documents, reports, answers, records, accounts, and other data in any medium.

2. Require or authorize a person to file a written statement, under oath if required, as to all the facts and circumstances concerning the matter to be audited, examined, or investigated.

(c) In the event of noncompliance with a subpoena issued under paragraph (b), the office may petition the

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T I T L E A M E N D M E N T

Remove lines 4-9 and insert:

amending s. 20.155, F.S.; granting the Office of the Inspector General of the Board of Governors additional

authority to take certain actions in carrying out its duties; providing an effective date.

HB 845

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 845 Collegiate Purple Star Campuses
SPONSOR(S): Dunkley and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 732

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		McDaniel	Kiner
2) Local Administration, Federal Affairs & Special Districts Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

Students from military families face academic and mental health challenges as they transition to new schools as a result of a parent's change in duty station. In 2021, the Florida Legislature established the Purple Star School of Distinction Program to recognize K-12 schools that support the unique needs of military families, assist military-connected students in navigating critical challenges, and provide resources for military-connected students. In 2022, the Florida Department of Education recognized 122 inaugural Purple Star Schools of Distinction.

The bill establishes the Collegiate Purple Star Campuses Program, modeled after the K-12 Purple Star School of Distinction Program. This program will identify participating Florida College System (FCS), state university system (SUS) institutions, or career centers that support military-connected collegiate students.

At a minimum, the program must require a participating FCS, SUS, or career center to: designate a staff member as a military liaison; maintain a web page on the FCS or SUS website which includes resources for military students and their families; maintain a student-led transition program that assists military students in transitioning to the FCS or SUS system; offer professional development training opportunities for staff members on issues relating to military students; and provide priority course registration for military students.

The State Board of Education (SBE) and Board of Governors (BOG) may establish additional criteria to identify FCS, SUS, and career centers that demonstrate a commitment to or provide critical transition supports for military-connected families.

The bill requires the SBE to adopt rules, and the BOG to adopt regulations, to implement the program.

The bill has no fiscal impact to the state. *See* Fiscal Comments.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Military Personnel and Families

There are over 3.5 million United States military personnel located worldwide.[1] A total of 1.3 million active duty[2] service members are assigned throughout all 50 states and the District of Columbia. More than half of the military members stationed stateside reside in California, Virginia, Texas, North Carolina, Georgia, and Florida.[3]

A total of 1,162,591 select reserve component members[4] are assigned throughout the 50 states and the District of Columbia. More than one-half of the reserve members are located in six states: California, Virginia, Texas, North Carolina, Georgia, and Florida.[5] Florida is home to 20 military installations and employs 860,221 military personnel.[6]

Approximately 38 percent of all active duty service members nationwide have children.[7] Of the 136,600 Active Duty children over 14 years of age, 72.5 percent are between 15 and 18 years, and 27.5 percent are between 19 and 22 years.[8]

Interstate Compact on Educational Opportunity for Military Children

Florida joined the Interstate Compact on Educational Opportunity for Military Children (Interstate Compact) in 2008.[9] Currently, all 50 states are members of the Interstate Compact.[10] The purpose of the Interstate Compact is to remove barriers to educational success imposed on students from military families due to frequent moves and deployment of their parents.[11] To accomplish this purpose, current law provides for:

- Prioritizing students from military families in the controlled open enrollment process;[12]
- Providing an exception to restrictions on participation in extracurricular activities for students from military families;[13]
- Establishing memoranda of understanding between school districts and military installations;[14]

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[1] Department of Defense, *2022 Demographics, Profile of the Military Community* (2022), at *iii*, *available at* https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf.
[2] 10 U.S.C. s. 101. The term "active duty" means full time duty in the active military service and includes full-time training, annual training duty, and attendance. *Id*.
[3] Department of Defense, *2022 Demographics, Profile of the Military Community* (2022), at *iv*, *available at* https://download.militaryonesource.mil/12038/MOS/Reports/2021-demographics-report.pdf.
[4] The reserve components of the armed forces include the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and the Coast Guard Reserve. 10 U.S.C., § 10101.
[5] Department of Defense, *2022 Demographics, Profile of the Military Community* (2022), at 35, *available at* https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf
[6] Enterprise Florida, *Florida's Military Profile* (2022), at 1, *available at* https://www.enterpriseflorida.com/wp-content/uploads/Floridas-Military-Installations-Map.pdf.
[7] Department of Defense, *2022 Demographics, Profile of the Military Community* (2022), at *v*, *available at* https://download.militaryonesource.mil/12038/MOS/Reports/2019-demographics-report.pdf.
[8] *Id* at 146.
[9] Ch. 2008-225, Laws of Fla.
[10] Military Interstate Children's Compact Commission, *Interactive Map,* https://mic3.net/interactive-map/ (last visited Mar. 6, 2023).
[11] Military Interstate Children's Compact Commission, *Background*, https://mic3.net/background/ (last visited Mar. 6, 2023).
[12] Section 1002.31, F.S.
[13] Section 1006.15(3)(h) and (9)(b), F.S.
[14] Section 1003.05(2), F.S.

- Providing for students from military families who are otherwise eligible for special academic programs at any school in the district school to receive first preference for admission;[15] and
- Pending a transfer to a military installation within the school district, considering students from military families as residents of that county for purposes of enrollment.[16]

Other Educational Benefits

In addition to benefits from the Interstate Compact, Florida also provides other educational benefits to military families, including:

- In-state tuition rates and fee waivers.
- Priority course registration for veterans receiving GI Bill benefits.
- Required college credit for military training and education courses.
- Course withdrawal due to military service, without penalty.
- National Guard Educational Dollars for Duty Program.
- Military Interstate Children's Compact Commission.
- Accepting military permanent change of station orders that relocate a military family to any military installation within the state as proof of Florida residency.
- Accepting exit or end-of-course exams required for graduation from a sending state.
- Providing preferential treatment to dependent children of active duty military personnel who moved as a result of military orders in a school's controlled open enrollment process.[17]

Purple Star Campus Program

In 2021, the Florida Legislature established the Florida Purple Star Campus Program.[18] The purpose of the Purple Star School of Distinction is to recognize K-12 schools that support the unique needs of military families, help military-connected students navigate critical challenges, and provide resources for military-connected students when transitioning to a new school environment.[19] Under the program, schools will be recognized as Purple Star Campuses if they meet the following requirements:[20]

- designate a staff member as a military liaison;
- maintain a webpage on the school's website which includes resources for military students and families;
- maintain a student-led transition program to assist military students in transitioning into the school;
- offer professional development training opportunities for staff members on issues relating to military students; and
- reserve at least five percent of open enrollment seats for military-connected students.

In addition, each school must complete at least three of the following activities to support military families:[21]

- The school hosts at least one of the following annual military recognition events: Month of the Military Child, Month of the Military Family, Purple-Up! For Military Kids!, Veteran's Day, Memorial Day.
- The district school board where the school is located, or governing board in the case of a charter or private school, issues a resolution publicizing support for military students and families.

[15] Section 1003.05(3), F.S. For the purposes of this section, special academic programs include magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate Educations, and International Baccalaureate.
[16] Section 1003.05(4), F.S.
[17] Enterprise Florida, *Advantage Florida Military Benefits Guide (*2022-23), *available at* https://www.enterpriseflorida.com/wp-content/uploads/Advantage-Florida-Military-Benefits-Guide.pdf.
[18] The Florida Department of Education, *Purple Star School of Distinction Designation*, https://www.fldoe.org/schools/family-community/activities-programs/parental-involvement/purple-star.stml (last visited Mar. 6, 2023).
[19] *Id*.
[20] Section 1005.051(2)(a)1.-5., F.S.
[21] Rule 6A-1.0999(3)(f)1.-6., F.A.C.

- The school partners with one or more military school liaison officer(s) to provide opportunities for active-duty parents to volunteer at the school.
- The school maintains a public display recognizing service members, veterans, or military students and families.
- The school participants in a service project that connects the school with the military community, such as adopt-a-school, sending letters or care packages to deployed troops, or Yellow Ribbon events.
- The school offers the Junior Reserve Officers' Training Corps program.

In 2022, the Florida Department of Education recognized 122 inaugural Purple Star Schools of Distinction.[22]

Collegiate Purple Star Designation

In 2017, Ohio's PreK-12 school system led the nation by creating the "Purple Star" designation for schools that support military families, and in 2022, Ohio was the first state to expand the program to support military families at the college level by establishing the "Collegiate Purple Star" designation.[23]

The Ohio program includes in its student population service members, veterans, their spouses, and dependents.[24]

Criteria for being chosen as a Purple Star college or university include:[25]
- having a dedicated military or veteran point of contact or office on campus;
- establishing priority registration for veterans and servicemembers;
- surveying student veterans and servicemembers, along with spouses and dependents, about needs and challenges; and
- allowing for the establishment of student-led groups and organizations for veterans and servicemembers.

Effect of Proposed Changes

The bill creates the Collegiate Purple Star Campus Program to support military-connected collegiate students. The term "military student" is defined as a student enrolled in a Florida College System (FCS) institution, state university system (SUS), or career center who is a dependent of a current or former member of the United States military serving on active duty in the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of government; or the Florida National Guard.

The bill requires the State Board of Education (SBE) to adopt rules, and the Board of Governors (BOG) to adopt regulations, to implement the program.

At a minimum, the program requires a participating FCS, SUS, or career center to: designate a staff member as a military liaison; maintain a web page on the FCS or SUS website which includes resources for military students and their families; maintain a student-led transition program that assists military students in transitioning to the FCS or SUS system; offer professional development training opportunities for staff members on issues relating to military students; and provide priority course registration for military students.

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[22] The Florida Department of Education, Purple Star School of Distinction Designation, https://www.fldoe.org/schools/family-community/activities-programs/parental-involvement/purple-star.stml (last visited Mar. 6, 2023).
[23] Ohio Department of Higher Education, *ODHE Unveils New Collegiate Purple Star Designation*, https://highered.ohio.gov/about/news-events/all-news/odhe-unveils-new-collegiate-purple-star-designation (last visited February 23, 2023).
[24] Ohio Department of Higher Education, *Directive 2022-004, RE: Proposal to Designate Aspiring Military Friendly Institutions as a "Collegiate Purple Star" Institution in Ohio* (Mar. 23, 2022), *available at* https://highered.ohio.gov/static/files/Directive_2022-004_PurpleStar.pdf, at 2.
[25] *Id.*

The SBE and BOG may establish additional criteria to identify FCS, SUS, and career centers that demonstrate a commitment to or provide critical transition supports for military-connected families.

B. SECTION DIRECTORY:

Section 1. Creating s. 1004.071, F.S., defining the term “military student”; requiring the State Board of Education to adopt rules and the Board of Governors to adopt regulations to establish the Collegiate Purple Star Campuses program; specifying program criteria for participating Florida College System institutions, state universities, and career centers.

Section 2. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill has no fiscal impact to the state. Any expenses incurred by program-participating institutions can be absorbed within their existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education to adopt rules to implement the Collegiate Purple Star Campuses Program. The bill requires the Board of Governors to adopt regulations to implement the program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to Collegiate Purple Star Campuses; creating s. 1004.071, F.S.; defining the term "military student"; requiring the State Board of Education to adopt rules and the Board of Governors to adopt regulations to establish the Collegiate Purple Star Campuses program; specifying program criteria for participating Florida College System institutions, state universities, and career centers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1004.071, Florida Statutes, is created to read:

1004.071 Collegiate Purple Star Campuses.—

(1) As used in this section, the term "military student" means a student who is:

(a) Enrolled in a Florida College System institution, state university, or career center.

(b) A dependent of a current member of the United States military serving on active duty in, or a dependent of a former member of, the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of the United States military; or the Florida National Guard.

CODING: Words stricken are deletions; words underlined are additions.

(2)(a) The State Board of Education shall adopt rules, and the Board of Governors shall adopt regulations, to establish the Collegiate Purple Star Campuses program. At a minimum, the program must require a participating Florida College System institution, state university, or career center to:

1. Designate a staff member as a military liaison.

2. Maintain a web page on the Florida College System institution or state university's website which includes resources for military students and their families.

3. Maintain a student-led transition program that assists military students in transitioning to the Florida College System institution or state university.

4. Offer professional development training opportunities for staff members on issues relating to military students.

5. Provide priority course registration for military students.

(b) The State Board of Education and the Board of Governors may establish additional criteria to identify Florida College System institutions and career centers, or state universities, respectively, that demonstrate a commitment to or provide critical transition supports for military-connected families, such as hosting an annual military recognition event, partnering with a school liaison officer from a military installation, supporting projects that connect the Florida College System institution, state university, or career center

with the military community, and providing outreach for military parents and their children.

Section 2. This act shall take effect July 1, 2023.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Dunkley offered the following:

Amendment

Remove lines 21-37 and insert:

(b) An active duty member or veteran of the Army, Navy, Air Force, Space Force, Marine Corps, or Coast Guard; a reserve component of any branch of the United States military; or the Florida National Guard; and his or her spouse and dependents.

(2)(a) The State Board of Education shall adopt rules, and the Board of Governors shall adopt regulations, to establish the Collegiate Purple Star Campuses program. At a minimum, the program must require a participating Florida College System institution, state university, or career center to:

1. Designate a staff member as a military liaison.

2. Maintain a web page on the institution's website which includes resources for military students and their families.

3. Maintain a student-led transition program that assists military students in transitioning to the institution.

HB 1247

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1247 William L. Boyd, IV, Effective Access to Student Education Grants
SPONSOR(S): Temple
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Postsecondary Education & Workforce Subcommittee		Kiner	Kiner
2) Higher Education Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

The Effective Access to Student Education Grant Program (EASE) is a tuition assistance program serving Florida resident, full-time, undergraduate students at eligible, independent nonprofit colleges or universities. Currently, 34 institutions participate in the EASE program.

In Fiscal Year 2022-2023, the Legislature appropriated $75.4 million to provide 37,705 qualified students with an average award amount of $2,000.

To promote transparency and informed consumer choice, current law requires all institutions receiving EASE funding for their students to annually report to the Department of Education (DOE) institutional performance against the following five statutory metrics: access rate; affordability rate; graduation rate; retention rate; and postgraduate employment or continuing education rate. These metrics measure institutions by the percentage of Pell-eligible students they serve; the net cost per year after accounting for federal, state, and institutional aid; the percentage of students that graduate in six years; the percentage of students that return for a second year after their first; and the percentage of students that obtain employment or continue their education after graduation. Each eligible institution must also post its performance on the metrics prominently on its website.

To incentivize institutions to improve outcomes for grant recipient students, the bill proposes to tie institutional eligibility for participation in the EASE program to performance against the metrics. Under the bill, an institution must meet or exceed the minimum benchmark on any three out of the five metrics to be eligible for its students to receive funding. The base per student award amount will be determined by the General Appropriations Act. Students attending an eligible institution may be eligible to receive an additional, plus-up award of $500 if, and only if, their institution meets or exceeds the bill's workforce graduation rate, which measures degree production in an in-demand field.

To enable the Legislature to incorporate a metric related to graduate employment in field of study, the bill revises the institutional and DOE reporting requirements to require collection of data on the percentage of grant recipient graduates who obtain employment in their field of study within 120 days after graduation. This data will likely be collected through a survey instrument.

The bill clarifies transparency requirements and adds a disclosure requirement. Each institution must provide each resident student with data on its performance on the metrics, the net cost to complete the student's degree, and expected earnings 1, 5, and 10 years after graduation based on the chosen major. The institution's president or chief administrative officer must certify the institution is in compliance with the reporting, disclosure, and transparency requirements in order for the institution to be eligible for EASE funds.

The fiscal impact is indeterminate. *See* Fiscal Comments.

The bill is effective July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Effective Access to Student Education (EASE) Tuition Assistance Program

Present Situation

The Effective Access to Student Education Grant Program (EASE) is a tuition assistance program administered by the Department of Education (DOE)[1] with the following parameters:

- Student eligibility requirements:[2]
  - Must be enrolled as a full-time undergraduate student at an eligible college or university in a program of study leading to a baccalaureate degree.
  - Must not be enrolled in a program of study leading to a degree in theology or divinity.
  - Must be making satisfactory academic progress as defined by the State Board of Education.
  - Must not have completed more than 110 percent of the degree program enrolled in.
- Institutional eligibility requirements:[3]
  - Must be an independent nonprofit college or university.
  - Must be located in and chartered by the state of Florida.
  - Must be accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.
  - Must grant baccalaureate degrees.
  - Must not be a state university or Florida College System institution; and
  - Must have a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious group.

Funding for EASE is appropriated in the General Appropriations Act (GAA).[4] Award amounts may be prorated based on the number of students eligible to receive the award. As specified in the Fiscal Year (FY) 2022-2023 GAA, the Legislature appropriated funds to support 37,705 qualified Florida residents with an award of $2,000,[5] at 34 EASE-eligible institutions. The total appropriation for FY 2022-23 was $75.4 million.

All institutions that receive EASE funding are required to submit an annual accountability report to the DOE with the most recently available information on Florida resident students and include, at a minimum, the following performance metrics, by institution:[6]

- Access rate based upon percentage of Pell-eligible students;
- Affordability rate based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees;
- Graduation rate;
- Retention rate; and
- Postgraduate employment or continuing education rate.

DOE must recommend minimum performance standards that EASE institutions must meet to remain eligible to receive grant funds.[7] By October 1 of each year, DOE must submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor's Office of Policy and Budget on the performance of eligible institutions and the institutions that have not met the minimum performance standards recommended by the department.[8]

[1] S. 1009.89(2), F.S.
[2] S. 1009.89(4), F.S.
[3] S. 1009.89(3), F.S.
[4] S. 1009.89(5), F.S.
[5] *See* Specific Appropriation 58, ch. 2022-156, L.O.F.
[6] S. 1009.89(5)(c), F.S.
[7] *Id*.
[8] S. 1009.89(5)(d), F.S.

During the October 2022 reporting period, the DOE recommended the following performance standards:

Year	Fiscal Year	Percentage Change	Access Rate	Affordability Rate	Graduation Rate	Retention Rate	Postgraduate Employment/ Continuing Education Rate
5	2026-27	100%	53%	$6,343	53%	68%	49%
4	2025-26	80%	42%	$7,612	42%	54%	39%
3	2024-25	60%	32%	$8,880	32%	41%	29%
2	2023-24	40%	21%	$10,149	21%	27%	20%
1	2022-23	20%	11%	$11,417	11%	14%	10%

Also by October 1 each year, each institution that is eligible for an EASE Grant must prominently post on its website its performance on the metrics, as reported to DOE.[9]

Effect of Proposed Changes

To incentivize institutions to improve outcomes for grant recipient students, the bill proposes to tie institutional eligibility for participation in the EASE program to performance against the metrics. Under the bill, an institution must meet or exceed the minimum benchmark on any three out of the five metrics to be eligible for its students to receive funding. To accomplish this, the bill establishes a tiered structure for award amounts. If an institution meets no more than 2 out of 5 benchmarks, they will be placed in Tier 3; if an institution meets or exceeds at least 3 out of 5 benchmarks, they will be placed in Tier 2; if an institution meets the requirements of a Tier 2 institution and also meets or exceeds a workforce graduation rate of 56 percent, it will be placed in Tier 1.

The award amount for Tier 2 will be as specified in the GAA. The award amount for Tier 1 will be $500 higher than the Tier 2 award. The award amount for Tier 3 will be $0.

For fiscal year 2023-2024, the benchmarks and minimum standards for each benchmark are as follows[10]:

Metric	Benchmark (2023-24)
Access Rate	32%
Affordability Rate	$7,263
Graduation Rate	45%
Retention Rate	65%
Postgraduate Employment/Continuing Ed Rate	64%

To ensure continuous improvement of the state's independent colleges and universities, the bill requires the DOE continue to recommend minimum benchmarks that increase annually and strategies for improvement.
To enable the Legislature to incorporate a metric related to graduate employment in field of study, the bill revises the institutional and Department of Education reporting requirements to require collection of data on the percentage of grant recipient graduates who obtain employment in their field of study within 120 days after graduation. This data will likely be collected through a survey instrument.

The bill replaces the requirement institutions post their performance prominently on their websites with a disclosure requirement. Each institution must provide each resident student with data on its

[9] S. 1009.89(5)(c), F.S.
[10] *EASE Accountability Report 2022*, accessible here: https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3192&Session=2023&DocumentType=Meeting+Packets&FileName=hea+1-25-23.pdf. *See* presentation pages 10-14 (PDF pages 13-16).

performance on the metrics, the net cost to complete the student's degree, and expected earning 1, 5, and 10 years after graduation based on the chosen major. The institution's president or chief administrative officer must certify the institution is in compliance with the reporting, disclosure, and transparency requirements in order for the institution to be eligible for EASE funds.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.89, F.S.; revising legislative findings; providing that tuition assistance through the program shall be based on specified performance metrics and tiers; revising eligibility criteria for institutions and persons to participate in the program; revising the requirements for a specified report institutions must annually submit; removing a requirement that such report be posted on certain websites; providing for annual minimum performance benchmarks and standards; providing requirements for such benchmarks and standards; requiring the legislature to annually adopt benchmarks and standards for specified purposes and evaluate institutions based on such benchmarks for tier placement; providing funding requirements for such institutions based on such tiers.

Section 2. Provides an effective date of July 1, 2023.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The fiscal impact is indeterminate. The creation of a tiered award amount structure for the EASE program will have varying impacts on institutions and students based upon institutional relative performance.

Totals	Institutions
Tier 1 – Tier 2 + $500	15
Tier 2 – As specified in GAA	12
Tier 3 - $0	7

The bill specifies the award amount for Tier 2 will be as specified in the GAA. The fiscal impact may be determined after publication of the FY 2023-2024 GAA.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to the William L. Boyd, IV, Effective Access to Student Education grants; amending s. 1009.89, F.S.; revising legislative findings; providing that tuition assistance through the program shall be based on specified performance metrics and tiers; revising eligibility criteria for institutions and persons to participate in the program; revising the requirements for a specified report institutions must annually submit; removing a requirement that such report be posted on certain websites; providing for annual minimum performance benchmarks and standards; providing requirements for such benchmarks and standards; requiring the legislature to annually adopt benchmarks and standards for specified purposes and evaluate institutions based on such benchmarks for tier placement; providing funding requirements for such institutions based on such tiers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1009.89, Florida Statutes, is amended to read:

1009.89 The William L. Boyd, IV, Effective Access to

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

Student Education grants.—

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of high-performing independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the William L. Boyd, IV, Effective Access to Student Education Grant Program is not related to a student's financial need or other criteria upon which financial aid programs are based, but is instead based on specified performance metrics for each eligible institution, it is the intent of the Legislature that the William L. Boyd, IV, Effective Access to Student Education Grant Program not be considered a financial aid program but rather a tuition assistance program for its citizens. Such tuition assistance shall be tiered based on each eligible institution's performance metrics.

(2) The William L. Boyd, IV, Effective Access to Student Education Grant Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

(3) An institution is eligible to participate in the

~~department shall issue through the program a~~ William L. Boyd, IV, Effective Access to Student Education grant program if the institution is ~~to any full-time degree-seeking undergraduate student registered at~~ an independent nonprofit college or university ~~which is~~ located in and chartered by the state; ~~which~~ is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; ~~which~~ grants baccalaureate degrees; ~~which~~ is not a state university or Florida College System institution; is in compliance with the reporting, disclosure, and transparency requirements of this section and other general law; and ~~which~~ has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect.

(4) A person is eligible to receive such William L. Boyd, IV, Effective Access to Student Education grant if:

(a) He or she meets the general requirements, including residency, for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

(b)1. He or she is enrolled as a full-time undergraduate student at an eligible college or university that is ranked Tier 1 or Tier 2 under paragraph (6)(a) in a program of study leading to a baccalaureate degree.

2. He or she is not enrolled in a program of study leading

to a degree in theology or divinity.

3. He or she is making satisfactory academic progress as defined by the State Board of Education.

4. He or she has not completed more than 110 percent of the degree program in which he or she is enrolled.

(5)(a) Funding for the William L. Boyd, IV, Effective Access to Student Education Grant Program for eligible institutions shall be as provided in the General Appropriations Act. The William L. Boyd, IV, Effective Access to Student Education grant may be paid on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. A student is not eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).

(b) If the combined amount of the William L. Boyd, IV, Effective Access to Student Education grant issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the William L. Boyd, IV, Effective Access to Student Education grant issued pursuant to

this act by an amount equal to such excess.

(c) By September 1 of each year, institutions ~~receiving funding as provided in the General Appropriations Act~~ must submit an Effective Access to Student Education Grant Program Accountability Report to the Department of Education, in a format prescribed by the department. The institution's president or chief administrative officer shall certify in the report, that the institution is in compliance with the reporting, disclosure, and transparency requirements of this section and other general law and that the institution has provided each resident student with data on its performance on the metrics listed in this paragraph, the student's net cost to complete his or her degree, and, for students that have declared a major, the declared major's expected earnings outcomes 1, 5, and 10 years after graduation. The report must also use the most recently available information on Florida resident students and include, at a minimum, the following performance metrics, by institution:

1. Access rate based upon percentage of Pell Grant-eligible students.

2. Affordability rate based upon average student loan debt; federal, state, and institutional financial assistance; and average tuition and fees.

3. Graduation rate.

4. Retention rate.

5. Postgraduate employment or continuing education rate.

6. Workforce graduation rate based upon the percentage of grant recipient graduates in high-demand programs that are included on the United States Department of Labor or Labor Market Estimating Conference lists for statewide or regional demand as a percentage of total grant recipient graduates.

7. Workforce employment rate based on the percentage of grant recipient graduates who obtain employment in their field of study within 120 days after graduation as a percentage of total graduates employed within 120 days after graduation.

~~The department shall recommend minimum performance standards that institutions must meet to remain eligible to receive grants pursuant to this section. Each eligible institution shall post prominently on its website, by October 1 of each year, its performance on these metrics, as reported to the department.~~

(d) By October 1 of each year, the department shall submit a report to the chair of the House Appropriations Committee, the chair of the Senate Appropriations Committee, and the Governor's Office of Policy and Budget on the performance of each eligible institution. The report must also recommend annual minimum performance benchmarks for the performance metrics in paragraph (c) and strategies to ensure continuous improvement of eligible institutions and the program. The minimum performance benchmarks included in the report must increase annually.

(e) For fiscal year 2023-2024, the benchmarks and minimum

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

standards for each benchmark are as follows:

1. An access rate of 32 percent.

2. An affordability rate of $7,263.

3. A graduation rate of 45 percent.

4. A retention rate of 65 percent.

5. A postgraduate employment or continuing education rate of 64 percent.

(f) Beginning with the 2024-2025 General Appropriations Act and thereafter, the Legislature must also consider each institution's workforce employment rate when determining institutional eligibility ~~institutions and the institutions that have not met the minimum performance standards recommended by the department~~.

(6)(a) Each year, the Legislature shall adopt benchmarks and minimum standards specified in the General Appropriations Act and shall evaluate each institution's performance based on such benchmarks and place each institution in one of three tiers for the purpose of determining award amounts. The tiers are established as follows:

1. Tier 1: an institution that meets the requirements of a Tier 2 institution and also meets or exceeds a workforce graduation rate of 56 percent.

2. Tier 2: an institution that meets or exceeds at least 3 out of 5 benchmarks.

3. Tier 3: an institution that meets no more than 2 out of

5 benchmarks.

(b) The per student award amounts for each tier shall be as follows:

1. Tier 1: $500 more than the Tier 2 per student award amount.

2. Tier 2: As specified in the General Appropriations Act.

3. Tier 3: $0.

(7) ~~(6)~~ If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

(8) ~~(7)~~ The State Board of Education shall adopt rules to implement this section.

Section 2. This act shall take effect July 1, 2023.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__	(Y/N)
ADOPTED AS AMENDED	__	(Y/N)
ADOPTED W/O OBJECTION	__	(Y/N)
FAILED TO ADOPT	__	(Y/N)
WITHDRAWN	__	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Temple offered the following:

Amendment (with title amendment)

Remove lines 138-140 and insert:

~~pursuant to this section.~~ Each ~~eligible~~ institution shall post prominently on its website, by October 1 of each year, its performance on these metrics, as reported to the department.

T I T L E A M E N D M E N T

Remove lines 10-11 and insert:

must annually submit; providing for

PCS for HB 999

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 999 Public Postsecondary Educational Institutions
SPONSOR(S): Postsecondary Education & Workforce Subcommittee
TIED BILLS: None. **IDEN./SIM. BILLS:** SB 266

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Postsecondary Education & Workforce Subcommittee		Wolff	Kiner

SUMMARY ANALYSIS

Building on the work the Legislature has undertaken over the past few years, the bill continues efforts to make Florida's colleges and universities among the best in the nation, ensuring that Florida's institutions are focused on providing a world class education to their students. The bill prohibits a state college, state university, or one of their direct-support organizations, from expending state or federal funds on Diversity, Equity, and Inclusion (DEI) programs or activities unless required for compliance with federal law or regulations or in support of specified access programs. Additionally, the bill updates the responsibilities of the Board of Governors (BOG) relating to the alignment of state university missions, including, providing direction to universities on the removal of majors and minors based on or using instruction from Critical Theory, or any derivative subject that engenders beliefs in divisive concepts.

The bill bolsters the authority of University Boards of Trustees (UBOT) by permitting the review of a faculty member's tenure status upon the request of the UBOT chair, but within parameters specified by BOG regulation. Consistent with its constitutional responsibilities, the bill requires each UBOT to:

- select and hire faculty for the university;
- approve the university president's selections for his or her executive management team; and
- prohibit solicitation of pledges or commitments to viewpoints related to DEI, CRT, or any political identity or ideology, as part any hiring, promotion, admission, disciplinary, promotion, or evaluation process. This prohibition does not include pledges to uphold general and federal law, including the U.S. or state constitution.

The bill prohibits general education core courses that distort significant historical events or that use instruction from Critical Theory and establishes new standards and adoption procedures for these courses.

The bill supports continued investment in Florida's workforce by adding an additional standard for the Preeminent State Research University Program related to annual research expenditures of $50 million or more in STEM-related expenditures, funded from business and non-profit partners.

The bill re-aligns the missions of the Florida Institute of Politics at Florida State University, the Adam Smith Center for the Study of Economic Freedom at Florida International University, and establishes the Institute for Risk Management & Insurance Education at the University of Central Florida.

The bill revises provisions related to the Buy One, Get One Free Tuition & Fee Waiver to protect students from losing the waiver based on a change to an approved program.

The bill has an indeterminate fiscal impact. *See* fiscal comments.

The effective date of the bill is July 1, 2023, except for Section 11, relating to the Buy One, Get One Free Tuition & Fee Waiver, which is effective upon the act becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Diversity, Equity, and Inclusion

Present Situation

Background

Diversity, Equity, and Inclusion (DEI) initiatives are intended to provide equal access as well as a more welcoming and inclusive environment for underrepresented minorities within the institution.[1] The impetus behind DEI initiatives is the belief that having a more diverse representation coupled with creating space where everyone feels a sense of belonging and can bring their authentic selves to work/learn/earn, is better for the business.[2]

However, research indicates that DEI initiatives may have negative impacts that directly undermine the reported goals of the programs.[3] The presence of DEI initiatives can lead to lower evaluations and perceptions of members of the organization based on the implication that individuals are not present due to merit but simply to satisfy the DEI initiative's goals.[4] This impact is not only external, the individuals themselves can be led to underestimate their own competence and ability due to the presence of a DEI initiative.[5] The mere presence of a DEI initiative within an organization can undermine the very purpose the DEI initiative allegedly serves.

DEI in Florida Public Postsecondary Educational Institutions

In an effort to document operational costs of state institutions, the Governor's Office of Policy and Budget (OPB) requested, on December 28, 2022, that each state college and state university provide comprehensive data on all staff, programs, and campus activities related to DEI and Critical Race Theory.[6] As part of this request, each institution was required to detail the following administrative expenses associated with each program or activity:[7] brief description of the program or activity; positions, including full and partial full-time equivalent (FTE); total funding expended to support the initiative; and, of the total funding expended to support the initiative, the state-funded portion.

Data responsive to the OPB's request provided an accounting of expenditures utilized for DEI for 12 universities in Florida.[8] A summation of expenditures is below.[9]

University	Total DEI Funding	Total State Funding	Percentage of State Funding	Total FTE
University of Florida	$5,333,914	$3,381,330	63%	43.278
Florida State University	$2,454,591	$2,248,382	92%	74

[1] *See* Florida International University, *Diversity Equity and Inclusion Institutional Goals*, https://dei.fiu.edu/our-foundations/institutional-goals/index.html (last visited Mar. 1, 2023)
[2] *Id.*
[3] Fortune, Michelle Frank, *The problem with diversity and inclusion initiatives*, May 18, 2022, https://fortune.com/2022/05/18/problem-diversity-inclusion-initiatives-dei-women-careers-work-leadership-stereotypes-michele-frank/ (last visited Mar. 1, 2023)
[4] *Id.*
[5] *Id.*
[6] Executive Office of the Governor, Memorandum # 23-021, *Higher Education Program and Activity Survey*, December 28, 2022.
[7] *Id.*
[8] Florida Board of Governors, *Combined SUS DEI Response*, *available at* https://drive.google.com/file/d/1vQbcRDZmWzewqD_vuFx97zjTIscoG1O8/view.
[9] *Id.*

Florida A&M University	$4,436,667	$4,163,497	94%	31.53
University of South Florida	$8,663,476	$2,539,260	29%	31.87
Florida Atlantic University[10]	$904,026	$642,776	71%	8.427
University of West Florida	$909,704	$806,398	89%	11.4054
University of Central Florida	$4,473,498	$2,294,311	51%	25.80
Florida International University	$3,126,827	$2,256,732	72%	21.1686
University of North Florida	$3,518,349	$1,788,856	51%	25
Florida Golf Coast University	$382,022	$317,662	83%	4.617
Florida Polytechnic University	$8,363	$8,363	100%	.11
New College of Florida	$290,449	$288,335	99%	2.05
Total	$34,501,886	$20,735,902	60%	279.256

The data reported to the Legislature reflected expenditures on DEI positions, programs, and courses.[11] The University of Florida reported expending $1,085,485, including $784,531 of state funds, for 4 FTE positions: Chief Diversity Officer and Senior Advisor to the President; Assistant Director for Diversity Analytics; a project manager, and an executive assistant.[12] The University of South Florida houses a similar office, the Diversity and Inclusion Office, with an allocated 8 FTE and total funding of $1,156,158, of which, $1,134,466 is state-funded.[13]

Florida State University (FSU) embeds DEI and CRT within several courses. One course offered to satisfy the General Education requirement in Social Science is titled Social (In)Equalities: Social Construction of Difference and Inequalities. The course is described as "exploring the structures and institutions of social inequality along the intersectional axes of class, race, and gender/sexuality by focusing on how these categories are socially constructed, maintained, and experienced."[14] A course titled Philosophy of Race, Class, and Gender is described as "a study of selected contemporary philosophical, literary, and journalistic discussions of questions regarding race, class, and gender with a particular emphasis of these discussions in the United States."[15]

In another example, Florida Atlantic University (FAU) explores DEI and CRT within several offered courses. A course titled Racism and Anti-Racism is described as "exploring the concepts of race, racism, and anti-racism from a variety of disciplines and perspectives."[16] Another course, titled Gender and Climate Change, is described as "exploring how gender inequality across the globe is related to environmental damage and climate change and examines feminist, indigenous, and LGBTQ climate justice movements alongside the gendered implications of global policy and practices related to the environment." This course is offered as one of FAU's General Education courses.[17]

[10] FAU indicated on the data file that .5 FTE positions were eliminated in Fall 2022. The total DEI funded for this unit was $141,161.47, through state funding.
[11] Florida Board of Governors, *Combined SUS DEI Response*, *available at* https://drive.google.com/file/d/1vQbcRDZmWzewqD_vuFx97zjTIscoG1O8/view.
[12] *Id.* at 1. The positions are "to develop inclusive excellence strategy for the university and coordinates inclusive excellence initiatives across the colleges and business units." *Id.*
[13] *Id.* at 16.
[14] *Id.* at 9.
[15] *Id.* at 11.
[16] *Id.* at 18.
[17] *Id.*

The Florida House of Representatives submitted a follow-up request on January 12, 2023, extending the scope of the OPB's inquiry to include questions about the use of political considerations in curriculum development, faculty hiring and promotion, and other inappropriate activities.

The presidents of the Florida College System (FCS) issued a statement on DEI and Critical Race Theory on January 18, 2023.[18] The statement affirmed that the FCS presidents, through the FCS Council of Presidents, will ensure that no initiatives, instruction, or activities promote any ideology that suppresses intellectual and academic freedom, freedom of expression, viewpoint diversity, or the pursuit of truth in teaching and learning.[19] Specifically, by February 1, 2023, the presidents of FCS institutions agreed to evaluate and eliminate all anti-discrimination instruction, training, and policies.[20]

Florida Educational Equity Act

The Florida Educational Equity Act[21] ("FEEA") requires equal access to, and prohibits discrimination against, any student or employee of the state's K-20 public education system on the basis of race, color, national origin, sex, disability, religion, or marital status.[22] No individual may, on such bases, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.[23] Additionally, the prohibition on discrimination extends to participation in any interscholastic, intercollegiate, club, or intermural athletics offered by a public K-20 educational institution, and no K-20 education institution may provide athletics separately on such basis, except as provided by law.[24] Further, the FEEA expressly requires that any discrimination motivated by anti-Semitic[25] intent be treated in an identical manner to discrimination motivated by race.[26]

The FEEA provides that to subject any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts constitutes discrimination on the basis of race, color, national origin, or sex:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.

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[18] Florida Department of Education, *FLORIDA COLLEGE SYSTEM PRESIDENTS REJECT 'WOKE' DIVERSITY, EQUITY AND INCLUSION (DEI), CRITICAL RACE THEORY IDEOLOGIES AND EMBRACE ACADEMIC FREEDOM*, January 18, 2023, https://www.fldoe.org/newsroom/latest-news/florida-college-system-presidents-reject-woke-diversity-equity-and-inclusion-dei-critical-race-theory-ideologies-and-embrace-academic-freedom-.stml (last visited Mar. 1, 2023).

[19] *Id.*

[20] *Id.*

[21] Section 1000.05(1), F.S.

[22] Section 1000.05(2)(a), F.S.

[23] *Id.* Students may be separated for permissible single gender programs, for portions of a class that deals with human reproduction, or during participation in bodily contact sports. S. 1000.05(2)(d), F.S. All K-20 public education classes and guidance services must be made available to students without regard to any of the bases described above. S. 1000.05(2)(c) and (e), F.S.

[24] Section 1000.05(3)(a), F.S. Public K-20 educational institutions are authorized to maintain separate teams for members of each gender or based on ability in certain circumstances. S. 1000.05(3)(b)-(c), F.S. It is the responsibility of the Board of Governors and the Commissioner of Education to determine whether equal athletic opportunities are provided for both genders at state universities and in school districts and Florida College Systems, respectively. S. 1000.05(3)(d), F.S.

[25] For purposes of this section, the term "anti-Semitism" includes a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities. S. 1005.05(7), F.S. The FEEA also lists examples of anti-Semitism. S. 1000.05(7)(a)-(b), F.S.

[26] Section 1000.05(7), F.S.

- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.
- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.[27]

The FEEA is implemented by the Board of Governors through regulations[28] and rules adopted by the State Board of Education ("SBE").[29] Additionally, the Office of Equal Educational Opportunity, within the Department of Education ("DOE"), serves implementation functions including, but not limited to, the following:[30]

- Requiring all district school boards and Florida College System ("FCS") institution boards of trustees to develop and submit plans for the implementation of the FEEA to the DOE.
- Requiring all district school boards and Florida College System institution boards of trustees to submit data and information necessary to determine compliance with the FEEA.
- Developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools and Florida College System institutions comply with Title IX of the Education Amendments of 1972 and the FEEA.
- Reporting to the Commissioner of Education ("Commissioner") any district school board or FCS institution board of trustees found to be out of compliance with the FEEA or the rules implementing the FEEA.

The FEEA provides a cause of action for anyone aggrieved by a violation of the FEEA. Such an individual is authorized to seek equitable relief and, should he or she prevail, he or she may be awarded reasonable attorney fees and court costs.[31]

Effect of Proposed Changes

The bill requires the BOG, in its periodic review of the alignment of institutional missions, to direct universities to remove any specified majors or minors that are based on or otherwise use pedagogical methodology associated with Critical Theory, including, but not limited to, Critical Race Theory, Critical Race Studies, Critical Ethnic Studies, Radical Feminist Theory, Radical Gender Theory, Queer Theory, Critical Social Justice, or Intersectionality, as defined in Board of Governors regulation, or that includes curriculum that violates the FEEA.

The bill prohibits the expenditure of state and federal funds by any FCS institution, state university, or their DSOs to promote, support or maintain any programs or campus activities that violate the FEEA, advocate for diversity, equity, and inclusion; promote or engage in political or social activism; or include or espouse, as government speech or expressive activity of the FCS institution, state university, or DSO speaking or acting on the FCS institution's or state university's behalf, any preferential treatment or special benefits to individuals on the basis of race, color, national origin, sex, disability, or religion. The bill provides an exemption from this prohibition for the use of student fees by student-led organizations provided the public funds are allocated to student-led organizations pursuant to written policies or regulations of each FCS institution or state university. Additionally, the prohibition does not extend to programs required for compliance with federal laws or regulations, or access programs for

[27] Section 1000.05(4), F.S.
[28] Florida Board of Governors, Regulation 2.003.
[29] Chapter 6A-19, F.A.C.
[30] Section 1000.05(6), F.S.
[31] Section 1000.05(8), F.S.

military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students, students from low-income families, or students with unique abilities. The bill authorizes the SBE and the BOG to adopt rules and regulations, respectively, to implement this prohibition.

The bill amends existing prohibition on expenditure for membership in, or the purchase of goods or services from, any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.

Postsecondary General Education Core Courses

Present Situation

State Level Requirements for Public Educational Institution Curriculum

"The Supreme Court has long recognized that '[a] university's mission is education,' and it 'has never denied a university's authority to impose reasonable regulations compatible with that mission upon the use of its campus and facilities.'"[32] Further, the Supreme Court has stated, "by and large, public education in our Nation is committed to the control of state and local authorities."[33] To that end, universities may generally make content-based decisions "as to how best to allocate scarce resources or 'to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study.'"[34]

General Education Core Courses

General education courses are an integral component of an undergraduate degree program and the component of a degree program where students encounter the basic content and methodology of the principal areas of knowledge: communication, mathematic, social sciences, humanities, and natural sciences.[35]

An associate in arts degree at a FCS or SUS institution must consist of no more than 60 semester hours of college credit and include 36 semester hours of general education course work.[36] For a baccalaureate degree, it must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.[37]

Since academic year 2015-2016, students entering a FCS or SUS institution are required to complete at least one identified core course in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.[38] All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.[39] After completing the general education core course requirement, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.[40]

Effect of Proposed Changes

[32] *Pernell v. Florida Board of Governors, et. al.*, No. 4:22-cv-00324-MW-MAF (N.D. Fla. Nov. 17, 2022) (order granting in part and denying in part preliminary injunction) (quoting *Widmar v. Vincent*, 454 U.S. 263, 267 n.5 (1981)).
[33] *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).
[34] *Widmar*, 454 U.S. at 278 (quoting *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring in result))
[35] Section 1007.25(3), F.S.
[36] Section 1007.25(8), F.S.
[37] Section 1007.25(9), F.S.
[38] Section 1007.25(3), F.S.
[39] *Id.*
[40] Florida Board of Governors, General Education Core Course Options, Regulation 8.005(1) and Rule 6A-14.0303(5), F.A.C.

As general education core courses provide the basis on which all students at Florida's public postsecondary educational institutions begin their education, the bill provides legislative findings that these courses provide rigorous general education courses that study and articulate the values and knowledge necessary to preserve the constitutional republic and the economic ingenuity of its citizens through proven, historically accurate, and high-quality coursework. The bill's legislative findings further provide that courses with a curriculum based on unproven, disproven, theoretical, speculative, or exploratory content are best suited to fulfill elective or specific program prerequisite credit requirements, rather than general education credit requirements.

The bill updates the requirements for the faculty committee responsible for reviewing general education core courses and making recommendations to the Articulation Coordinating Committee for approval by the Commissioner of Education and the Chancellor of the State University System of courses for inclusion in the statewide course numbering system. The bill requires that the faculty committee review courses and make recommendations to the Articulation Coordinating Committee, the Commissioner of Education, and the Chancellor of the State University System, by July 1, 2024 and by July 1 every 3 years thereafter, for the removal, alignment, realignment, or addition of general education core courses that meet statutory requirements. The bill removes the limitation of five general education core courses per subject area.

The bill requires that the Articulation Coordinating Committee, by December 1, 2024, and by December 1 annually thereafter, submit to the SBE and the BOG the general education core courses that have been approved to be used by public postsecondary educational institutions. General education courses must meet the following criteria:

- Must be in the general education core subject areas and meet the statutory course standards;
- Must be offered by at least half of all public postsecondary educational institutions per system;
- Must be identified as lower level in the Statewide Course Numbering System; and
- Must, whenever applicable, and as defined by regulations or rules of the Board of Governors or State Board of Education, provide instruction on the historical background and philosophical foundation of Western civilization and this nation's founding documents, including the Declaration of Independence, the United States Constitution, the Bill of Rights and subsequent amendments thereto, and the Federalist Papers.

The bill prohibits any general education core course that distorts significant historical events or that use instruction from Critical Theory, including but not limited to Critical Race Theory, Critical Race Studies, Critical Ethnic Studies, Radical Feminist Theory, Radical Gender Theory, Queer Theory, Critical Social Justice, or Intersectionality. General education core courses must also meet the following standards:

- Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.
- Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music and philosophy, and must include selections from the Western Canon.
- Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior as well as social, political and economic issues, including past and present.
- Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use of the scientific method to explain natural experiences and phenomena.
- Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

The bill requires that all public postsecondary educational institutions offer at least one general education core course in each identified subject area and accept credits earned in approved general education core courses upon transfer, regardless of whether the identical course is offered at the institution.

The bill requires public postsecondary education institutions to annually review, at a public meeting, the general education core course offered at the institution. Failure to comply with this requirement would

preclude the institution from receipt of performance-based funding. To ensure consistency in reporting and assist with compliance review, institutions must report courses meeting the institutional general education subject requirements to the DOE by the statewide course number.

Postsecondary Workforce Alignment

Present Situation

Credentials Review Committee

Appointed by CareerSource Florida, the Credentials Review Committee (committee) identifies non-degree credentials and degree credentials of value for approval and inclusion on a Master Credentials List. Credentials must include registered apprenticeship programs, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees.[41]

The committee is responsible for establishing a definition for credentials of value for Florida and creating a framework of quality. The framework must align with federally funded workforce accountability requirements and undergo biennial review. As required by law, the minimum criteria to determine value for non-degree credentials include:

- Evidence the credential meets labor market demand as identified by the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee.
- Evidence the competencies mastered upon completion of the credential are aligned with labor market demand.
- Evidence of employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages.[42]

The Credentials Review Committee must establish the criteria to determine value for degree programs. Such criteria must be used by the BOG to designate programs of strategic emphasis and to guide the development of program standards and benchmarks for career education programs.[43] The Credentials Review Committee shall establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.[44]

The committee must establish a process for the following:

- prioritizing non-degree credentials and degree programs based on critical statewide or regional shortages;
- at a minimum, quarterly review and approval of credential applications which must be used to develop the Master Credentials List;
- annual review of the Master Credentials List;
- phasing out credentials on the Master Credentials List that no longer meet the framework of quality;
- designating performance funding eligibility for credentials earned by postsecondary students, based upon the highest available certification; and
- linking Classifications of Instructional Programs (CIP) to Standard Occupational Classifications (SOC) for all new credentials of value identified on the Master Credentials List.[45]

[41] Section 445.004(4)(h)1., F.S.
[42] Section 445.004(4)(h)4., F.S.
[43] Section 445.004(4)(h)5., F.S.
[44] Section 445.004(4)(h)6., F.S.
[45] Section 445.004(4)(h)7., F.S.

All information pertaining to the committee, the process for the approval of credentials of value, and the Master Credentials List must be made publicly available and easily accessible on all relevant state agency websites.[46]

Effect of Proposed Changes

The bill requires that the BOG address institutional alignment of programs to support Florida's existing and emerging workforce needs. Additionally, the BOG strategic plan must include criteria for non-degree credentials.

The bill clarifies that the BOG must annually require state universities to provide each enrolled student, before registration, electronic access to the economic security report of employment and earning outcomes prepared by the Department of Economic Opportunity.

State University Personnel

Present Situation

Background

Under current law, the BOG is generally responsible for establishing the personnel program for all employees of a state university.[47] Additionally, the BOG must confirm the presidential selection and reappointment of a president by a UBOT.[48]

The BOG has adopted regulations establishing the powers and duties of SUS institution UBOTs.[49] Included in this regulation are the following requirements for each institution's personnel systems:[50]

- Each board of trustees shall provide for the establishment of the personnel program for all the employees of the university, including the president, which may include but is not limited to: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure, and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment.
- Each board of trustees shall act as the sole public employer with regard to all public employees of its university for the purposes of collective bargaining, and shall serve as the legislative body for the resolution of impasses with regard to collective bargaining matters.
- Each board of trustees shall select its university president subject to confirmation of the candidate by the Board of Governors and in accordance with the requirements of the BOG.[51]
- Each board of trustees shall develop guidelines for the annual evaluation of the president.
- Each board of trustees shall conduct an annual evaluation of the president.

Tenure at Florida's Universities

As provided in s. 7(d), Art. IX of the State Constitution, the Board of Governors (BOG) is charged with operating, regulating, controlling, and being fully responsible for the management of the State University System. However, the State Constitution explicitly provides the BOG's management is subject to the powers of the Legislature to appropriate for the expenditure of funds.[52]

[46] Section 445.004(4)(h)2., F.S.
[47] Section 1001.706(6)(a), F.S.
[48] *Id.*
[49] Board of Governors, Regulation 1.001 University Board of Trustees Powers and Duties.
[50] Board of Governors, Regulation 1.001(5) University Board of Trustees Powers and Duties.
[51] Board of Governors, Regulation 1.002 Presidential Search and Selection.
[52] Art. IX, s. 7(d), Fla. Const.

Prior to August 2008, the Florida Board of Governors had a regulation covering faculty tenure and permanent status.[53] The regulation required tenure criteria to address the areas of teaching, research and other scholarly activities, and service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status.[54] The regulation further required the criteria to take into account the mission and needs of the institution, place appropriate emphasis on teaching and teaching related scholarship, and ensure teaching performance be prominently considered in the award of tenure.[55] Pursuant to the regulation, the decision to recommend an employee for tenure was required to be made no later than the sixth year of continuous full-time service or equivalent part-time service in a tenure earning position.[56] In 2008, the regulation was repealed.[57]

To coincide with the repeal of the BOG's tenure regulation, the BOG adopted a regulation tasking each university board of trustees (UBOT) with establishing the personnel system for all state university employees, including the president and faculty.[58] This responsibility includes, among other things, tenure, permanent status, compensation, recruitment and selection, standards for performance and conduct, evaluation, promotion, nonreappointment, disciplinary actions, and separation and termination from employment.[59]

In 2022, the Legislature authorized the BOG to adopt a regulation that requires each tenured state university faculty member to undergo a comprehensive post-tenure review. Any regulation adopted by the BOG pursuant to this authority must address:

- Accomplishments and productivity;
- Assigned duties in research, teaching, and service;
- Performance metrics, evaluations, and ratings; and
- Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.[60]

The BOG is currently in the process of adopting a regulation governing post-tenure review. The public comment period for the proposed regulation is closed the proposed regulation is awaiting final approval by the BOG.[61]

Effect of Proposed Changes

Consistent with the constitutional authority for oversight of SUS institutions, the bill clarifies that each UBOT is responsible for hiring faculty. The role of the president of the university is to provide recommendations to the UBOT. Neither the president nor the UBOT are bound by the recommendations or opinions of faculty or other groups. The UBOT is authorized to delegate hiring authority to the president of the university however the president may not delegate such authority outside of his or her executive management team within the president's office.

The bill prohibits an institution from soliciting pledges, except pledges to uphold general or federal law or the constitutions of the United States and Florida, or statements or commitments for or against certain viewpoints about diversity, equity, and inclusion, Critical Race Theory rhetoric, or political identity or ideology, as part of any hiring, promotion, disciplinary, or evaluation process, including as part of applications for employment, promotion and tenure applications, conditions of employment, job qualifications, job descriptions, or performance evaluations, or as part of any admissions or student

[53] *See* Board of Governors, Regulation 5.940 Tenure and Permanent Status, repealed August 7, 2008.
[54] *Id.*
[55] *Id.*
[56] *Id.*
[57] *Id.*
[58] Florida Board of Governors, Regulations 1.001 University Board of Trustees Powers and Duties, (5)(a), *available at* https://www.flbog.edu/wp-content/uploads/1_001-PowersandDuties.pdf and Section 1001.706(6), F.S.
[59] *Id.*
[60] Section 1001.706(6)(b), F.S.
[61] Florida Board of Governors, *Proposed Regulations*, https://www.flbog.edu/regulations/proposed-regulations/ (last visited Mar. 1, 2023).

disciplinary process, including as part of any admissions applications or orientations. This prohibition applies to all students and employees at the university, including the president of the university.

The bill requires that the BOG's post-tenure review regulation must set forth the factors that constitute 'cause' for purposes of tenure review. These factors must include, at a minimum, poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, violation of applicable law or rule, conduct unbecoming a public employee, misconduct, drug abuse, or conviction of any crime. The bill authorizes each institution to initiate a post-tenure review of a faculty member at any time for cause. Subject to the requirements of the BOG's post-tenure review regulation and upon the request of the chair, the bill authorizes the UBOT to bring up for review a faculty member's tenure status.

The bill requires the UBOT to approve the university president's appointment of his or her executive management team, including the provost, and the terms of their contracts. The bill requires that contracts for executive management team personnel other than the president, including but not limited to, provosts, explicitly provide that the duties of the individual are limited to administrative oversight and operational supervision of curricular, instructional and research affairs, as applicable to the position.

The bill requires that each university president present, annually, to his or her respective UBOT the results of performance evaluations and associated salaries of all evaluated academic and administrative personal earning more than $100,000, regardless of the source of funding. The results may be presented in a summary or written format.

Preeminent State Research Universities Program

Present Situation

The Preeminent State Research Universities Program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.[62] A state university that meets at least 11 of the 12 academic and research excellence standards specified in law may be designated a "preeminent state research university."[63] A state research university that meets at least 6 of the 12 standards may be designated as an "emerging preeminent state research university."[64]The academic and research excellence standards include: incoming freshman academic characteristics (average weighted GPA and average ACT or SAT score); institutional ranking nationally; freshman retention rate; four-year graduation rate; national academy membership of institution faculty; research expenditures in excess of $200 million; research expenditures in diversified nonmedical sciences in excess of $150 million; research expenditure national ranking; patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.[65] Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.[66] The BOG is required to annually report on each standard in the BOG Accountability Plan.[67]

In addition to preeminent and emerging preeminent state research universities, the BOG is required to identify standards and measures to identify State Universities of Distinction across the state university

[62] Section 1001.7065(1), F.S.
[63] Section 1001.7065(3)(a), F.S.
[64] Section 1001.7065(3)(b), F.S.
[65] Section 1001.7065(2), F.S. The research expenditures standards are comprised of two measures, one for total annual research expenditures, including federal research expenditures, of $200 million or more as reported by the National Science Foundation (NSF), and the other for total annual research expenditures in diversified nonmedical sciences of $150 million or more, based on data reported annually by the NSF.
[66] Florida Board of Governors, State University System of Florida, *System Accountability Plan 2022*, at 11, *available at* https://www.flbog.edu/wp-content/uploads/2022/10/2022_SYSTEM_Accountability_Plan_Final.pdf. The University of South Florida Tampa Campus met the preeminent state research university designation.
[67] Section 1001.7065(2), F.S.

system (SUS).[68] The BOG must establish standards and measures for State Universities of Distinction which help identify universities that:

- focus on a core competency unique to the SUS and also achieve excellence at the national or state level;
- meet state workforce needs; and
- foster an innovation economy that focuses on areas such as health care, security, transportation, and science, technology, engineering, and mathematics (STEM), including supply chain management.

By January 1, each year, the BOG may annually submit to the Legislature for funding programs from institutions that are identified as State Universities of Distinction but have not achieved a preeminent designation.

The Legislature has not funded the Preeminent State Research Universities Program since FY 2018-2019.

Effect of Proposed Changes

The bill adds an additional standard to the Preeminent State Research Universities Program academic and research excellence standards related to total annual research expenditures of $50 million or more in STEM-related expenditures, funded from business and non-profit partners.

The bill updates the thresholds for receiving the designation of a preeminent or emerging preeminent state research university to require satisfaction of 12 of 13 and 7 of 13 standards, respectively, prior to designation.

Civic Literacy

Present Situation

The mission of Florida's K-20 education system is to "allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through rigorous and relevant learning opportunities."[69] A priority of the system is to prepare students to become civically engaged and knowledgeable adults who positively contribute to their communities.[70]

At the postsecondary level, the mission of Florida's education system is to "develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses, and to develop in students heightened intellectual, cultural, and humane sensitivities; scientific, professional, and technological expertise; and a sense of purpose."[71] "Inherent in this broad mission are methods of instruction, research, extended training, and public service designed to educate people and improve the human condition."[72]

For Florida's public universities, the Board of Governors's (BOG) approved mission for the university system as it advances toward 2025 states "the mission of the State University System of Florida is to provide undergraduate, graduate and professional education, research, and public service of the highest quality through a coordinated system of institutions of higher learning, each with its own mission and collectively dedicated to serving the needs of a diverse state and global society."[73]

To advance the mission of Florida's public education system, in 2020, the Legislature created the Florida Institute of Politics within the College of Social Sciences and Public Policy at Florida State

[68] Section 1001.7065(7), F.S.
[69] Section 1000.03(4), F.S.
[70] Section 1000.03(5)(c), F.S.
[71] Section 1004.01(2), F.S.
[72] *Id.*
[73] Florida Board of Governors, *2025 System Strategic Plan* (Amended Oct. 2019), at 8, *available at* https://www.flbog.edu/wp-content/uploads/2025_System_Strategic_Plan_2019.pdf.

University (FSU) and The Adam Smith Center for the Study of Economic Freedom at Florida International University (FIU).

The purpose of the Florida Institute of Politics at FSU is to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.[74] The following are goals of the institute:

- Motivate students to become aware of the significance of government and civic engagement at all levels and politics in general.
- Provide students with an opportunity to be politically active and civically engaged.
- Nurture a greater awareness of and passion for public service and politics.
- Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.
- Become a national and state resource on polling information and survey methodology.
- Provide fellowships and internship opportunities to students in government, nonprofit organizations, and community organizations.
- Provide training for newly elected state and local public officials.
- Organize and sponsor conferences, symposia, and workshops throughout Florida to educate and inform citizens, elected officials, and policymakers regarding effective policymaking techniques and processes.
- Create and promote research and awareness of politics, citizen involvement, and public service.
- Collaborate with related policy institutes and research activities at Florida State University and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.[75]

The Adam Smith[76] Center for the Study of Economic Freedom at FIU was created with the following goals:

- Study the effect of government and free-market economies on individual freedom and human prosperity.
- Conduct and promote research on the effect of political and economic systems on human prosperity.
- Plan and host research workshops and conferences to allow students, scholars, and guests to exchange in civil discussion of democracy and capitalism.
- Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.[77]

Effect of Proposed Changes

The bill expands the mission of the SUS constituent institutions to include curriculum that promotes citizenship in a constitutional republic. The BOG must include performance metrics and common standards for all institutions related to such curriculum in its strategic plan.

With the purpose of further bolstering civic literacy education in Florida's K-12 and postsecondary education systems the bill renames the 'Florida Institute of Politics' the 'Florida Institute for Governance and Civics' and amends the goals of the institute. The new Florida Institute for Governance and Civics must pursue the following goals:

- Provide students with access to an interdisciplinary hub that will develop academically rigorous scholarship and coursework on the origins of the American system of government, its foundational documents, its subsequent political traditions and evolutions, and its impact on comparative political systems.

[74] Section 1004.6499, F.S.
[75] Section 1004.6499(2)(a)-(j), F.S.
[76] Adam Smith was a Scottish philosopher and economist, best known as the author of An Inquiry into the Nature and Causes of the Wealth of Nations (1776). The Library of Economics and Liberty, *Adam Smith 1723-1790*, https://www.econlib.org/library/Enc/bios/Smith.html (last visited Mar. 1, 2023).
[77] Section 1004.64991(2), F.S.

- Encourage civic literacy in the state through the development of educational tools and resources for K-12 and postsecondary students that foster an understanding of how individual rights, constitutionalism, separation of powers, and federalism function within the American system of government.
- Model civic discourse that recognizes the importance of viewpoint diversity, intellectual rigor, and an evidence-based approach to history.
- Plan and host forums to allow students and guests to hear from exceptional individuals who have excelled in government, industry, or civic engagement to highlight the possibilities created by individual achievement, philanthropic ideals, and entrepreneurial vision.
- Become a national and state resource on polling instruments and other assessments to measure civic literacy and make recommendations for improving civic education.
- Provide fellowships and internship opportunities to students in government.
- Create through scholarship, original research, publications, symposia, testimonials, and other means a body of resources that can be accessed by students, scholars, and government officials to understand the innovations in public policy in the state over a rolling 30-year time period.

In order to better support the Adam Smith Center for the Study of Economic Freedom in achieving the goals set forth in statute, the bill authorizes the center to:

- Hire necessary faculty and staff;
- Enroll students;
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs;
- Award degrees;
- Hold events, including fundraisers;
- Fulfill other actions approved by the president of the university; and
- Generate resources based on student credit hour enrollment in the same manner as any other college within the university.

Institute for Risk Management & Insurance Education

Present Situation

Risk management and insurance is a major industry in Florida with a concentration in Volusia County. Like many others, the insurance industry is being revolutionized by integration of technology, predictive analytics, and data science, and becoming more complex given its exposure to transformative trends in the economy and the environment.

In Florida, the insurance industry is facing a capacity crisis given the state's population growth, attractiveness to business relocation, and multifaceted economic development. As risk valuations and comprehensive insurance solutions become more complex, the industry's workforce must be well versed in transformative technological, economic, and environmental trends, and develop a holistic set of skills in sales, service, negotiations, finance, economics, data analytics, and systems-level problem solving.

Effect of Proposed Changes

To lead the way in addressing the evolving needs of the risk management and insurance industries, the bill creates the Institute for Risk Management & Insurance Education within the College of Business at the University of Central Florida. The bill requires that institute be located in Volusia County to best serve the partner industries, which are concentrated in that area. The purpose of the institute is to respond to the ever-evolving insurance and risk management industry and present and emerging needs of the state of Florida and its residents. The bill establishes following goals of the institute:

- Pursue technological innovations that advance risk valuation models and operational efficiencies in the insurance industry.

- Drive the development of workforce competencies in data analytics, system-level thinking, technology integration, entrepreneurship, and actuarial science.
- Leverage the University of Central Florida's world class assets in data science, artificial intelligence, computer science, engineering, finance, economics, and sales.
- Take advantage of the University of Central Florida's robust portfolio of academic program offerings and draw on faculty and industry experts in diverse fields, including actuarial science, computer science, economics, engineering, environmental science, finance, forensics, law, management, marketing, and psychology.
- Develop and offer risk management and insurance education, including education that recognizes risks in areas such as the environment, pandemic disease, and digital security.
- Offer programs, workshops, case studies, and applied research studies that integrate technology and artificial intelligence with soft skills while preparing students and professionals for the technology-enabled insurance industry of the future.

Buy One, Get One Free Tuition & Fee Waiver

Present Situation

Tuition and Out-of-State Fees

Under Florida law, "tuition" is defined as the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.[78] A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate.[79]

The resident undergraduate tuition rate for the SUS is currently set in statute at $105.07 per credit hour.[80] The average tuition and fees per credit hour are $199.72.[81]

Buy One, Get One Free Tuition & Fee Waiver

Beginning in 2021, the SUS institutions must provide "buy one, get one free" or BOGO tuition and fee waivers on upper-level courses in one of eight science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the BOG.[82] Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:[83]

- Be an resident for tuition purposes;
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of eight STEM PSE.

On June 22, 2021, the BOG adopted eight STEM PSE: Civil Engineering, Computer and Information Science, Computer Engineering, Electrical and Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.[84]

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.[85] This means that for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

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[78] Section 1009.01 (1), F.S.
[79] Section 1009.21(1)(g), F.S.
[80] Section1009.24(4)(a), F.S.
[81] *See* State University System of Florida, *Tuition and Required Fees, 2022-23*, *available at* https://www.flbog.edu/wp-content/uploads/2023/01/2022-2023-SUS-Tuition-and-Fees-Report_updated-with-footnote.pdf.
[82] Section 1009.26(18)(a), F.S.
[83] *Id*.
[84] State University System, Strategic Planning Committee Meeting Agenda for June 22, 2021, https://www.flbog.edu/session/strategic-planning-committee-klwekqle/ Strategic Planning Committee - State University System of Florida (flbog.edu).
[85] Section 1009.26(b), F.S.

In 2022, the Legislature increased the number of waiver-eligible PSE from eight to 10. Beginning in the 2022-2023 academic year, students will be eligible to receive the tuition and fee waiver in two additional PSE, specifically in the critical workforce gap analysis category, as adopted by the BOG.[86] The BOG retained the original eight STEM PSEs and adopted Accounting and Finance as the two critical workforce gap analysis category PSEs.[87]

Effect of Proposed Changes

The bill protects students from losing the waiver based on a change to an approved program. The bill authorizes a student to continue receiving the waiver until they graduate, exceed the number of allowable credits, or exit the program, regardless of whether the program is removed from the approved list subsequent to the student's enrollment.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.706, F.S.; requiring the Board of Governors to periodically review specified information relating to state universities and provide certain direction to such universities; revising the contents of the Board of Governor's strategic plan; authorizing state universities to initiate post-tenure reviews at any time for cause.

Section 2: Amends s. 1001.7065, F.S.; revising the academic and research excellence standards for preeminent state research universities.

Section 3: Creates s. 1001.725, F.S.; providing requirements for hiring state university faculty; authorizing state university boards of trustees to review the tenure status of faculty members; requiring such boards to confirm the selection and reappointment of specified personnel; providing requirements for certain employment contracts and responsibilities; requiring state university presidents to annually present specified information to such boards.

Section 4: Amends s. 1004.06, F.S.; providing that certain entities may not expend funds for certain purposes relating to activities that violate a specified law; providing exceptions.

Section 5: Creates s. 1004.3841, F.S., creating the Institute for Risk Management and Insurance Education within the College of Business at the University of Central Florida; requiring the institute to be located in a specified county; providing goals of the institute

Section 6: Amends s. 1004.6496, F.S.; conforming a provision to changes made by the act.

Section 7: Amends s. 1004.6499, F.S.; renaming the "Florida Institute of Politics" as the "Florida Institute for Governance and Civics"; revising the goals of the institute.

Section 8: Amends s. 1004.64991, F.S.; authorizing the Adam Smith Center for the Study of Economic Freedom within Florida International University to take specified actions.

Section 9: Amends s. 1007.25, F.S.; revising the duties and responsibilities of specified faculty committees relating to general education core courses; deleting a provision authorizing certain course maximums to be exceeded; revising requirements for general education core courses; requiring public postsecondary educational institutions to offer and accept certain credits for certain general education core courses.

[86] Section 1009.47(18)(a)3., F.S.

[87] Florida Board of Governors, *Programs of Strategic Emphasis Waiver Implementation & Guidance Document for State University System Institutions*, *available at* https://www.flbog.edu/wp-content/uploads/2023/03/PSE-Waiver-Guidance-March-2023-technical-update.pdf.

Section 10: Creates s. 1007.55, F.S.; providing legislative findings; requiring the Articulation Coordinating Committee to submit certain courses to the State Board of Education and the Board of Governors; providing requirements for general education courses; providing requirements for public postsecondary educational institutions and their presidents and boards of trustees relating to general education courses.

Section 11: Amends s. 1009.26, F.S.; providing that certain postsecondary fee waivers continue until specified criteria are met.

Section 12: Provides effective dates.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   See Fiscal Comments, *infra*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

By requiring credits earned from approved general education courses be accepted by all public postsecondary educational institutions, regardless of whether it is offered by the institution, students will likely be able to transfer more credits and avoid retaking unnecessary credit hours, thus saving time and money.

For students granted a waiver for courses in a Program of Strategic Emphasis, ensuring the student continues receiving the waiver even if the program is removed from the list of eligible programs will have an indeterminate, positive fiscal impact to the student.

D. FISCAL COMMENTS:

The bill adds an additional metric for preeminent state research universities, this has no immediate fiscal impact. The Legislature most recently provided funding for preeminence in Fiscal Year 2018-2019 (see chart below). Currently each preeminent institution (UF, FSU, USF) meets all 12 existing metrics.[88] Adding an additional metric and requiring they meet 12 of 13 has no fiscal impact. However, if a future Legislature provides a funding increase beyond the amounts funded in previous fiscal years[89], the change in metrics could have a potential, indeterminate fiscal impact.

[88] 2022 Accountability Plan State University System of Florida Summary, page 11 https://www.flbog.edu/wp-content/uploads/2022/10/2022_SYSTEM_Accountability_Plan_Final.pdf
[89] S. 1001.7065(5)(c), F.S.

State University System Preeminence Funding History				
Fiscal Year	UF	FSU	USF	**Total**
2013-14	$15,000,000	$15,000,000	$ -	**$ 30,000,000**
2014-15	$ 5,000,000	$ 5,000,000	$ -	**$ 10,000,000**
2015-16	$ 1,550,000	$ 1,550,000	$ -	**$ 3,100,000**
2016-17	$13,450,000	$13,450,000	$ -	**$ 26,900,000**
2017-18	$17,300,000	$17,300,000	$ -	**$ 34,600,000**
2018-19	$ 6,153,846	$ 6,153,846	$6,153,846	**$ 18,461,538**
2019-20	$ -	$ -	$ -	**$ -**
2020-21	$ -	$ -	$ -	**$ -**
2021-22	$ -	$ -	$ -	**$ -**
2022-23	$ -	$ -	$ -	**$ -**
	$58,453,846	$58,453,846	$6,153,846	**$ 123,061,538**

The fiscal impact of prohibiting expenditures that espouse diversity, equity, and inclusion or Critical Race Theory rhetoric will result in significant cost savings to the universities and the state. On December 28, 2022, the Governor's Office of Policy and Budget requested information relating to such programs and activities (see chart below), however this request also included expenditures allowable under the bill. For example, the bill provides an exception for expenditures relating to military veterans, Pell Grant recipients, students with unique abilities, and others. The expenditure information reported from the universities totaled $34.5 million, of which $20.7 million is reported to be from state funds. The total cost savings of the bill is indeterminate, but significant.

State University System Reported DEI Expenditures		
	Total	State Funded
UF	$5,333,914	$3,381,330
FSU	$2,454,591	$2,248,382
FAMU	$4,436,667	$4,163,497
USF	$8,663,476	$2,539,260
FAU	$904,026	$642,776
UWF	$909,704	$806,398
UCF	$4,473,498	$2,294,311
FIU	$3,126,827	$2,256,732
UNF	$3,518,349	$1,788,856
FGCU	$382,022	$317,662
NCF	$290,449	$288,335
FPU	$8,363	$8,363
	$34,501,886	**$20,735,902**

The bill establishes the Institute for Risk Management and Insurance Education within the College of Business at the University of Central Florida. The bill specifies the university is to leverage existing assets, take advantage of its robust portfolio of academic program offerings, and draw on its faculty and industry experts. The fiscal impact is indeterminate and may be absorbed within existing resources. However, any additional funding would be as provided in the General Appropriations Act.

During the 2020 regular session, the Legislature created the FSU Institute of Politics and provided a $1 million recurring investment. In Fiscal Year 2022-23, the Legislature provided an additional $5 million in recurring funding for a total of $6 million. The updated goals of the Institute provided in the bill have an indeterminate fiscal impact and can be absorbed within existing resources.

Also during the 2020 regular session, the Legislature created the Adam Smith Center for the Study of Economic Freedom at FIU and a provided $1 million recurring investment. The bill specifies the Center is authorized to generate resources based on student credit hour enrollment. The authorized activities of the Center provided in the bill have an indeterminate fiscal impact and can be absorbed within existing resources. However, any additional funding would be as provided in the General Appropriations Act.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill grants rulemaking and regulatory authority to the State Board of Education and the BOG, respectively, related to the prohibition on DEI expenditures and defining areas of study associated with Critical Theory. Additionally, existing rules and regulations related to general education core courses will need to be updated to conform with changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to postsecondary educational institutions; amending s. 1001.706, F.S.; revising legislative intent; requiring the Board of Governors to periodically review specified information relating to state universities and provide certain direction to such universities; revising the contents of the Board of Governor's strategic plan; post-tenure reviews at any time for cause; revising an authorization for the Board of Governors to adopt specified regulations; amending s. 1001.7065, F.S.; revising the academic and research excellence standards for preeminent state research universities; creating s. 1001.725, F.S.; providing requirements for hiring state university faculty; providing requirements for the employment, promotion, and evaluation processes for certain state university employees; authorizing state university boards of trustees to review the tenure status of faculty members; requiring such boards to confirm the selection and reappointment of specified personnel; providing requirements for certain employment contracts and responsibilities; requiring state university presidents to annually present specified information to such boards; amending s. 1004.06, F.S.; prohibiting certain entities from expending specified

funds for certain purposes; providing exceptions; authorizing the State Board of Education and the Board of Governors to adopt certain rules and regulations, respectively; creating s. 1004.3841, F.S.; creating the Institute for Risk Management and Insurance Education within the College of Business at the University of Central Florida; requiring the institute to be located in a specified county; providing goals of the institute; amending s. 1004.6496, F.S.; conforming a provision to changes made by the act; amending s. 1004.6499, F.S.; renaming the "Florida Institute of Politics" as the "Florida Institute for Governance and Civics"; revising the goals of the institute; amending s. 1004.64991, F.S.; authorizing the Adam Smith Center for the Study of Economic Freedom within Florida International University to take specified actions; amending s. 1007.25, F.S.; revising the duties and responsibilities of specified faculty committees relating to general education core courses; deleting a provision authorizing certain course maximums to be exceeded; revising requirements for general education core courses; providing definitions; requiring public postsecondary educational institutions to offer and accept certain credits for certain general education core courses;

creating s. 1007.55, F.S.; providing legislative findings; requiring the Articulation Coordinating Committee to submit certain courses to the State Board of Education and the Board of Governors; providing requirements for general education courses; providing requirements for public postsecondary educational institutions and their presidents and boards of trustees relating to general education courses; amending s. 1009.26, F.S.; providing that certain postsecondary fee waivers continue until specified criteria are met; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) through (d) of subsection (5) and paragraph (b) of subsection (6) of section 1001.706, Florida Statutes, are amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(a) The Legislature intends that the Board of Governors shall align the missions of each constituent university with the academic success of its students; curriculum that promotes citizenship in a constitutional republic; the state's existing and emerging workforce needs; the national reputation of its faculty and its academic and research programs; the quantity of

externally generated research, patents, and licenses; and the strategic and accountability plans required in paragraphs (b) and (c). The board shall periodically review the mission of each constituent university and provide updates or revisions to such mission, as appropriate; upon completion of such review, examine existing academic programs at each constituent university for alignment with the university's mission; and provide direction to each constituent university to remove from its programs any major or minor that is based on or otherwise utilizes pedagogical methodology associated with Critical Theory, including, but not limited to, Critical Race Theory, Critical Race Studies, Critical Ethnic Studies, Radical Feminist Theory, Radical Gender Theory, Queer Theory, Critical Social Justice, or Intersectionality, as defined in Board of Governors regulation, or any major or minor that includes a curriculum that promotes the concepts listed in s. 1000.05(4)(a). The mission alignment and strategic plan shall consider peer institutions at the constituent universities. The mission alignment and strategic plan shall acknowledge that universities that have a national and international impact have the greatest capacity to promote the state's economic development through: new discoveries, patents, licenses, and technologies that generate state businesses of global importance; research achievements through external grants and contracts that are comparable to nationally recognized and ranked universities; the creation of a resource

rich academic environment that attracts high-technology business and venture capital to the state; and this generation's finest minds focusing on solving the state's economic, social, environmental, and legal problems in the areas of life sciences, water, sustainability, energy, and health care. A nationally recognized and ranked university that has a global perspective and impact shall be afforded the opportunity to enable and protect the university's competitiveness on the global stage in fair competition with other institutions of other states in the highest Carnegie Classification.

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, curriculum that promotes citizenship in a constitutional republic, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total

annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Florida Talent Development Council under s. 1004.015 and the Articulation Coordinating Committee under s. 1007.01.

3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. The programs of emphasis list adopted by the Board of Governors before July 1, 2021, shall be used for the 2021-2022 academic year. Beginning in the 2022-2023 academic year, the Board of Governors shall adopt the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee under s. 445.004 for designating high-demand programs of emphasis. The Board of Governors must review designated programs of emphasis, at a minimum, every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the Credentials Review Committee.

5. Include criteria for nondegree credentials.

(c) The Board of Governors shall develop an accountability

plan for the State University System and each constituent university. The accountability plan must address institutional and system achievement of goals and objectives specified in the strategic plan adopted pursuant to paragraph (b) and must be submitted as part of its legislative budget request. Each university shall submit, as a component of the university's annual accountability plan:~~,~~

1. Information on the effectiveness of its plan for improving 4-year graduation rates. ~~and~~

2. Information on the level of financial assistance provided to students pursuant to paragraph (h).

(d) ~~Beginning in the 2014-2015 academic year and annually thereafter,~~ The Board of Governors shall annually require a state university before ~~prior to~~ registration to provide each enrolled student electronic access to the economic security report of employment and earning outcomes prepared by the Department of Economic Opportunity pursuant to s. 445.07. In addition, the Board of Governors shall require a state university to provide each student electronic access to the following information each year before ~~prior to~~ registration using the data described in s. 1008.39:

1. The top 25 percent of degrees reported by the university in terms of highest full-time job placement and highest average annualized earnings in the year after earning the degree.

2. The bottom 10 percent of degrees reported by the university in terms of lowest full-time job placement and lowest average annualized earnings in the year after earning the degree.

(6) POWERS AND DUTIES RELATING TO PERSONNEL.—

(b) The Board of Governors may adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years and a post-tenure review at any time for cause. The board may include other considerations in the regulation, but the regulation must address all of the following:

1. Accomplishments and productivity.~~;~~

2. Assigned duties in research, teaching, and service.;

3. Performance metrics, evaluations, and ratings.~~; and~~

4. Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.

5. Conditions that constitute cause for a post-tenure review under this paragraph, including, but not limited to, poor performance, negligence, inefficiency or inability to perform assigned duties, insubordination, violation of any applicable law or rule, conduct unbecoming a public employee, misconduct, drug abuse, or conviction of any crime.

Section 2. Subsection (3) of section 1001.7065, Florida Statutes, is amended, and paragraph (m) is added to subsection (2) of that section, to read:

1001.7065 Preeminent state research universities program.—

(2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The following academic and research excellence standards are established for the preeminent state research universities program and shall be reported annually in the Board of Governors Accountability Plan:

(m) Total annual research expenditures of $50 million or more in STEM-related expenditures, funded from business and non-profit partners.

(3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

(a) The Board of Governors shall designate each state university that annually meets at least 12 ~~11~~ of the 13 ~~12~~ academic and research excellence standards identified in subsection (2) as a "preeminent state research university."

(b) The Board of Governors shall designate each state university that annually meets at least 7 ~~6~~ of the 13 ~~12~~ academic and research excellence standards identified in subsection (2) as an "emerging preeminent state research university."

Section 3. Section 1001.725, Florida Statutes, is created to read:

1001.725 State university boards of trustees; personnel.—

(1) Each state university board of trustees is responsible for hiring full-time faculty for the university. The president of the university may provide hiring recommendations to the

board. The president and the board are not required to consider recommendations or opinions of faculty of the university or other individuals or groups.

(a) The board of trustees may delegate its hiring authority to the president; however, the president may not delegate such hiring authority to anyone outside of the executive management team of the president's office.

(b) A state university may not solicit pledges, except pledges to uphold general and federal law, the United States Constitution, and the State Constitution, or statements or commitments for or against certain viewpoints about diversity, equity, and inclusion, Critical Race Theory rhetoric, or political identity or ideology, as part of any hiring, promotion, disciplinary, or evaluation process, including as part of applications for employment, promotion and tenure applications, conditions of employment, job qualifications, job descriptions, or performance evaluations, or as part of any admissions or student disciplinary process, including as part of any admissions applications or orientations. This paragraph applies to all students and employees at the university, including the president of the university.

(2) Each state university board of trustees may, at the request of its chair, review any faculty member's tenure status based on the considerations adopted in Board of Governors regulation pursuant to s. 1001.706(6)(b).

(3) Each state university board of trustees must confirm the president's selection and reappointment of each member of the university's executive management team, and his or her respective contract and annual salary, before such contracts and salaries become effective, in accordance with the personnel program established by the Board of Governors. Contracts and responsibilities of the president and executive management team members, including, but not limited to, the provost, must explicitly delineate that the responsibilities of such positions, other than the president, are limited to administrative oversight and operational supervision of curricular, instructional, and research affairs, as applicable to the position.

(4) Each state university president shall annually present to the state university board of trustees for review the results of performance evaluations and associated annual salaries for all evaluated academic and administrative personnel earning an annual salary of $100,000 or more, regardless of the funding source for such salaries. The results may be presented in a summary or written format.

Section 4. Section 1004.06, Florida Statutes, is amended to read:

1004.06 Prohibited expenditures.—

(1) A ~~No~~ Florida College System institution, state university, Florida College System institution direct-support

organization, or state university direct-support organization may not ~~shall~~ expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, color, national origin, sex, disability ~~gender~~, or religion.

(2) A Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that:

(a) Promote the concepts listed in s. 1000.05(4)(a);

(b) Advocate for diversity, equity, and inclusion;

(c) Promote or engage in political or social activism; or

(d) Include or espouse, as government speech or expressive activity of the Florida College System institution or state university or its direct-support organization speaking or acting on the Florida College System institution's or state university's behalf, preferential treatment or special benefits to individuals on the basis of race, color, national origin, sex, disability, or religion.

Student fees to support student-led organizations are permitted notwithstanding any speech or expressive activity by such organizations that would otherwise violate this subsection, provided that the public funds must be allocated to student-led

organizations pursuant to written policies or regulations of each Florida College System institution or state university, as applicable.

(3) Programs or campus activities required for compliance with federal laws or regulations, or access programs for military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the Florida College System, students from low-income families, or students with unique abilities, are not prohibited by this section.

(4) The State Board of Education and the Board of Governors may adopt rules and regulations, respectively, to implement this section.

Section 5. Section 1004.3841, Florida Statutes, is created to read:

1004.3841 The Institute for Risk Management and Insurance Education.—The Institute for Risk Management and Insurance Education is established within the College of Business at the University of Central Florida. Since insurance and risk management is a major industry in the state, with a concentration of such industry in Volusia County, the institute shall be located in Volusia County. Like many other industries in the state, the insurance and risk management industry is being revolutionized by, among other things, the integration of technology, predictive analytics, and data science, and is

becoming more complex given its exposure to transformative trends in the economy and environment. The purpose of the institute is to respond to the ever-evolving insurance and risk management industry and the present and emerging needs of the state and its residents. The goals of the institute are to:

(1) Pursue technological innovations that advance risk valuation models and operational efficiencies in the insurance industry.

(2) Drive the development of workforce competencies in data analytics, system-level thinking, technology integration, entrepreneurship, and actuarial science.

(3) Leverage the University of Central Florida's world class assets in data science, artificial intelligence, computer science, engineering, finance, economics, and sales.

(4) Take advantage of the University of Central Florida's robust portfolio of academic program offerings and draw on faculty and industry experts in diverse fields, including actuarial science, computer science, economics, engineering, environmental science, finance, forensics, law, management, marketing, and psychology.

(5) Develop and offer risk management and insurance education, including education that recognizes risks in areas such as the environment, pandemic disease, and digital security.

(6) Offer programs, workshops, case studies, and applied research studies that integrate technology and artificial

intelligence with soft skills while preparing students and professionals for the technology-enabled insurance industry of the future.

Section 6. Paragraph (e) of subsection (2) of section 1004.6496, Florida Statutes, is amended to read:

1004.6496 Hamilton Center for Classical and Civic Education.—

(2) The goals of the center are to:

(e) Coordinate with the Florida Institute for Governance and Civics ~~of Politics~~ created pursuant to s. 1004.6499 and the Adam Smith Center for the Study of Economic Freedom created pursuant to s. 1004.64991 and assist in the curation and implementation of Portraits in Patriotism created pursuant to s. 1003.44.

Section 7. Section 1004.6499, Florida Statutes, is amended to read:

1004.6499 Florida Institute for Governance and Civics ~~of Politics~~.—

(1) The Florida Institute for Governance and Civics ~~of Politics~~ is established at the Florida State University ~~within the College of Social Sciences and Public Policy~~. ~~The purpose of the institute is to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.~~

(2) The goals of the institute are to:

(a) Provide students with access to an interdisciplinary hub that will develop academically rigorous scholarship and coursework on the origins of the American system of government, its foundational documents, its subsequent political traditions and evolutions, and its impact on comparative political systems ~~Motivate students throughout the Florida State University to become aware of the significance of government and civic engagement at all levels and politics in general~~.

(b) Encourage civic literacy in the state through the development of educational tools and resources for K-12 and postsecondary students that foster an understanding of how individual rights, constitutionalism, separation of powers, and federalism function within the American system of government ~~Provide students with an opportunity to be politically active and civically engaged~~.

(c) Model civic discourse that recognizes the importance of viewpoint diversity, intellectual rigor, and an evidence-based approach to history ~~Nurture a greater awareness of and passion for public service and politics~~.

(d) Plan and host forums to allow students and guests to hear from exceptional individuals who have excelled in government, industry, or civic engagement to highlight the possibilities created by individual achievement, philanthropic ideals, and entrepreneurial vision ~~and interact with experts from government, politics, policy, and journalism on a frequent~~

~~basis~~.

(e) Become a national and state resource on polling instruments and other assessments to measure civic literacy and make recommendations for improving civic education ~~information and survey methodology~~.

(f) Provide fellowships and internship opportunities to students in government~~, nonprofit organizations, and community organizations~~.

(g) Create through scholarship, original research, publications, symposia, testimonials, and other means a body of resources that can be accessed by students, scholars, and government officials to understand the innovations in public policy in the state over a rolling 30-year time period ~~Provide training sessions for newly elected state and local public officials~~.

~~(h) Organize and sponsor conferences, symposia, and workshops throughout this state to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.~~

~~(i) Create and promote research and awareness regarding politics, citizen involvement, and public service.~~

~~(j) Collaborate with related policy institutes and research activities at the Florida State University and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.~~

Section 8. Subsection (3) is added to section 1004.64991, Florida Statutes, to read:

1004.64991 The Adam Smith Center for the Study of Economic Freedom.—

(3) In order to carry out the goals outlined in subsection (2), the center is authorized to:

(a) Hire the necessary faculty and staff.

(b) Enroll students.

(c) Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs.

(d) Award degrees.

(e) Hold events, including fundraisers.

(f) Fulfill other actions approved by the president of the university.

(g) Generate resources based on student credit hour enrollment in the same manner as a college within the university.

Section 9. Subsection (3) of section 1007.25, Florida Statutes, is amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(3) The chair of the State Board of Education and the chair of the Board of Governors, or their designees, shall jointly appoint faculty committees to review and recommend to the Articulation Coordinating Committee for approval by the

Commissioner of Education and the Chancellor of the State University System ~~identify~~ statewide general education core course options for inclusion in the statewide course numbering system established in s. 1007.24. Faculty committees shall, by July 1, 2024, and by July 1 every 3 years thereafter, review and submit recommendations to the Articulation Coordinating Committee, the commissioner, and the Chancellor of the State University System for the removal, alignment, realignment, or addition of general education core courses that satisfy the requirements of this subsection.

(a) General education core course options shall consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The core courses may be revised~~, or the five-course maximum within each subject area may be exceeded,~~ if approved by the State Board of Education and the Board of Governors, as recommended by the subject area faculty committee and approved by the Articulation Coordinating Committee as necessary for a subject area.

(b) Each general education core course ~~option~~ must contain high-level academic and critical thinking skills and common competencies that students must demonstrate to successfully complete the course.

(c) General education core courses may not distort significant historical events with misleading or incorrect

presentations of fact and must not include curriculum that is based on or otherwise utilizes pedagogical methodology associated with Critical Theory, including, but not limited to, Critical Race Theory, Critical Race Studies, Critical Ethnic Studies, Radical Feminist Theory, Radical Gender Theory, Queer Theory, Critical Social Justice, or Intersectionality, as defined in rules and regulations of the State Board of Education and the Board of Governors, respectively.

(d) General education core courses must meet all of the following standards:

1. Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.

2. Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western Canon.

3. Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and social, political, and economic issues, including issues from the past and present.

4. Natural science courses must afford students the ability to critically examine and evaluate the principles of the

scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.

5. Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

(e) Beginning with students initially entering a Florida College System institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. Beginning in the 2022-2023 academic year and thereafter, students entering a technical degree education program as defined in s. 1004.02(13) must complete at least one identified core course in each subject area as part of the general education course requirements before a degree is awarded.

(f) All public postsecondary educational institutions shall offer at least one general education core course in each of the identified subject areas and accept ~~these~~ courses as meeting general education core course requirements upon the transfer of credit for such course regardless of whether the receiving institution offers the identical general education core course. The remaining general education course requirements shall be identified by each institution as approved in accordance with s. 1007.55 and listed in the ~~and reported to the department by their~~ statewide course numbering system ~~number~~.

(g) The general education core course options shall be adopted in rule by the State Board of Education and in regulation by the Board of Governors.

Section 10. Section 1007.55, Florida Statutes, is created to read:

1007.55 General education course principles, standards, and content.—

(1) The Legislature finds it necessary that every undergraduate student of a public postsecondary educational institution in the state graduates as an informed citizen through participation in rigorous general education courses that study and articulate the values and knowledge necessary to preserve the constitutional republic and the economic ingenuity of its citizens through proven, historically accurate, and high-quality coursework. Courses with a curriculum based on unproven, disproven, speculative, or exploratory content are best suited to fulfill elective or specific program prerequisite credit requirements, rather than general education credit requirements.

(2) In performing its duties under ss. 1007.24 and 1007.25, by December 1, 2024, and each December 1 thereafter, the Articulation Coordinating Committee shall submit to the State of Board of Education and the Board of Governors courses that have been approved to be used by public postsecondary educational institutions as meeting general education requirements.

(3) General education courses must meet all of the following:

(a) Be in the general education core subject areas and meet the course standards as provided in s. 1007.25.

(b) Be offered by at least half of all public postsecondary educational institutions per system.

(c) Be identified as lower level in the statewide course numbering system.

(d) Whenever applicable, as defined by regulations or rules of the Board of Governors or the State Board of Education, respectively, provide instruction on the historical background and philosophical foundation of Western civilization and this nation's founding documents, including the Declaration of Independence, the United States Constitution, the Bill of Rights and subsequent amendments thereto, and the Federalist Papers.

(4) If a course is approved as a general education course, that course must be accepted as a general education course in the same subject area by all public postsecondary educational institutions regardless of whether it is offered by the institution.

(5) Each public postsecondary educational institution's board of trustees and president are responsible for annually reviewing and approving, at a public meeting, general education course requirements, as authorized and approved in accordance with s. 1007.24, s. 1007.25, and this section, at their

institution. A public postsecondary educational institution that fails to comply with the requirements of this section may not be eligible to receive performance-based funding.

(6) Each public postsecondary educational institution must report courses meeting general education requirements to the department by their statewide course number.

Section 11. Effective upon this act becoming a law, paragraph (b) of subsection (18) of section 1009.26, Florida Statutes, is amended to read:

1009.26 Fee waivers.—

(18)

(b) A waiver granted under this subsection is applicable only for upper-level courses and up to 110 percent of the number of required credit hours of the baccalaureate degree program for which the student is enrolled. A student granted a waiver under this subsection shall continue receiving the waiver until the student graduates, exceeds the number of allowable credit hours, or withdraws from an eligible program, regardless of whether the program is removed from the approved list of eligible programs subsequent to the student's enrollment.

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2023.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Postsecondary Education & Workforce Subcommittee

Representative Nixon offered the following:

Amendment (with title amendment)

Remove line 303 and insert:

applicable. Such written policies and regulations may not limit the use of student fees or campus room reservations of any student-led organization, including, but not limited to, the Alpha Phi Alpha Fraternity, Inc., Alpha Kappa Alpha Sorority, Inc., Kappa Alpha Psi Fraternity, Inc., Omega Psi Phi Fraternity, Inc., Delta Sigma Theta Sorority, Inc., Phi Beta Sigma Fraternity, Inc., Zeta Phi Beta Sorority, Inc., Sigma Gamma Rho Sorority, Inc., or Iota Phi Theta Fraternity, Inc., or any multicultural student organization or minority-based student union.

T I T L E A M E N D M E N T

Between lines 26 and 27, insert:

providing requirements for such exceptions;