The 2008 Florida Statutes

Title XLVIII
K-20 EDUCATION CODE

Chapter 1001
K-20 GOVERNANCE

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1001.74 Powers and duties of university boards of trustees.--

(1) GENERAL PROVISIONS.--

(a) Pursuant to s. 7(c), Art. IX of the State Constitution and except as otherwise provided by law, the Board of Governors shall establish the powers and duties of the university boards of trustees.

(b) To the extent delegated by the Board of Governors pursuant to s. 1001.706, the boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law and guidelines of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(c) Each board of trustees is vested with the authority to govern its university as necessary to provide proper governance and improvement of the university in accordance with law and with guidelines of the Board of Governors.

(d) Each board of trustees shall perform all duties assigned by law or by the Board of Governors.

(e) Each board of trustees shall adopt rules pursuant to chapter 120 when acting pursuant to statutory authority derived from the Legislature. Each board of trustees may adopt rules pursuant to chapter 120 when exercising the powers, duties, and authority granted by s. 7, Art. IX of the State Constitution.

(2) POWERS AND DUTIES RELATING TO ORGANIZATION AND OPERATION OF STATE UNIVERSITIES.--

(a) Each board of trustees constitutes the contracting agent of the university. Each university shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts for planning, construction, and equipment. For the purpose of a university's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $1 million or the fee for study activity does not exceed $100,000. Contracts executed pursuant to this paragraph are subject to the requirements of s. 1010.62.

(b) Each board of trustees shall submit to the Board of Governors, for approval, all new campuses and instructional centers.
(c) Each board of trustees has responsibility for requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the Board of Governors. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the Board of Governors.

(d) Each board of trustees has responsibility for ensuring that students have access to general education courses as provided in the statewide articulation agreement, pursuant to s. 1007.23.

(e) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(f) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include reasonable fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(g) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1004.22 and guidelines of the Board of Governors to serve the function of administration and promotion of the programs of research.

(h) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(i) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall develop guidelines and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(j) Each board of trustees shall govern traffic on its campus pursuant to s. 1006.66.

(k) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers pursuant to guidelines of the Board of Governors.

(l) Each board of trustees may certify direct-support organizations and university health services support organizations to use university property and services in accordance with guidelines of the Board of Governors.

(m) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.

(3) POWERS AND DUTIES RELATING TO FINANCE.--
To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall account for expenditures of all state, local, federal, and other funds. Such accounting systems shall have appropriate audit and internal controls in place that will enable the university to satisfactorily and timely perform all accounting and reporting functions required by state and federal law and rules.

Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the Board of Governors for approval in accordance with guidelines established by the Board of Governors.

To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish tuition and fees pursuant to ss. 1009.24 and 1009.26.

To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees is authorized to secure comprehensive general liability insurance pursuant to s. 1004.24.

Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.

Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

POWERS AND DUTIES RELATING TO ACCOUNTABILITY.--

Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the university for recommendation to and approval by the Board of Governors.

Each board of trustees shall develop an accountability plan pursuant to guidelines established by the Board of Governors.

Each board of trustees shall maintain an effective information system to provide accurate, timely, and cost-effective information about the university pursuant to guidelines of the Board of Governors.

POWERS AND DUTIES RELATING TO PERSONNEL.--

To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall establish the personnel program for all employees of the university, including the president.

The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, 110.1238, and 110.161 and in chapters 121, 122, and 238. Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110.

Except as otherwise provided by law, university employees are public employees for purposes of
chapter 112 and the payment for travel and per diem shall not exceed the level specified in s. 112.061.

(6) POWERS AND DUTIES RELATING TO PROPERTY.--

(a) Each board of trustees shall have the authority to acquire real and personal property and contract for its sale and disposal and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction in accordance with law and guidelines of the Board of Governors. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein. Any acquisition pursuant to this paragraph is subject to the provisions of s. 1010.62.

(b) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university pursuant to guidelines of the Board of Governors. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

(c) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(d) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(e) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.

(f) Notwithstanding the provisions of s. 253.025 but subject to the provisions of s. 1010.62, each board of trustees may, to the extent delegated by the Board of Governors pursuant to s. 1001.706 and with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.
1. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

2. To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

3. This paragraph is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(g) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(h) To the extent delegated by the Board of Governors pursuant to s. 1001.706, each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(i) Notwithstanding the provisions of s. 216.351 and to the extent delegated by the Board of Governors pursuant to s. 1001.706, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. With authorization from the Board of Governors, a board of trustees may charge fees for parking at such rented or leased parking facilities.

(j) Each board of trustees shall adjust property records and dispose of state-owned tangible property in the university's custody in accordance with procedures established by the board of trustees in accordance with the provisions of chapter 273. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(7) COMPLIANCE WITH LAWS, RULES, REGULATIONS, AND REQUIREMENTS.--Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.
(8) OTHER POWERS AND DUTIES.--A board of trustees shall perform such other duties as are provided by law or at the direction of the Board of Governors.

(9) DELEGATION OF POWERS AND DUTIES.--If the Board of Governors has the power to, and does, delegate a power or duty to a university board of trustees as the designee, the rulemaking authority of the Board of Governors for that power or duty is included in the delegation.