

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for CS/HB 999 Postsecondary Educational Institutions

SPONSOR(S): Education & Employment Committee

TIED BILLS: None. **IDEN./SIM. BILLS:** CS/CS/SB 266

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education & Employment Committee		Wolff	Hassell

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, state 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 a directive to each university to examine its programs for any curriculum that violates the Florida Educational Equity Act (FEEA) or is based on divisive concepts.

The bill bolsters the authority of university presidents to select and hire the provost, the deans, and all full-time faculty for the university. The president may only delegate this authority to specified university personnel. Additionally, the university board of trustees must have procedures to review the university president's selection and reappointment of his or her executive management team.

To ensure that faculty, staff, and students at Florida's public postsecondary educational institutions are hired or admitted based on merit rather than ideological perspective, the bill prohibits the use of statements, pledges, or oaths, except those to uphold state or federal law or constitutions, in the institution's admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation processes.

The bill clarifies that public postsecondary institution are not required to change accrediting agencies or associations more than once and provides additional protections for postsecondary education institutions from retaliatory and adverse actions by accrediting agencies and associations.

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, the Hamilton Center for Classical and Civic Education at the University of Florida, and establishes the Institute for Risk Management & Insurance Education at the University of Central Florida. The bill prohibits general education core courses that distort significant historical events, teach identity politics or violate the FEEA, or are based on divisive concepts 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 STEM-related research expenditures, including federal expenditures, of \$50 million or more. 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 and requiring the BOG to identify two teacher preparation programs for inclusion in the waiver.

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.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcs0999.EEC

DATE: 4/17/2023

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 Apr. 15, 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-in-initiatives-dei-women-careers-work-leadership-stereotypes-michele-frank/> (last visited Apr. 15, 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_vuFx97zjTIscoGI08/view.

⁹ *Id.*

Florida A&M University ¹⁰	\$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 ¹¹	\$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.¹² 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.¹³ 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.¹⁴

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.”¹⁵ 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.”¹⁶

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.”¹⁷ 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

¹⁰ Florida A&M University submitted updated DEI expenditure data to the Legislature reflecting \$2,307,088.41 in expenditures, a more than \$2 million reduction from the institution’s original submission. Florida A&M University, *Higher Education Program and Activity Survey*, on file with the Education & Employment Committee.

¹¹ 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.

¹² Florida Board of Governors, *Combined SUS DEI Response*, available at https://drive.google.com/file/d/1vQbcRDZmWzewqD_vuFx97zjTIscoG1O8/view.

¹³ *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.*

¹⁴ *Id.* at 16.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 11.

¹⁷ *Id.* at 18.

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.¹⁸

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, 2023.¹⁹ 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.²⁰ Specifically, by February 1, 2023, the presidents of FCS institutions agreed to evaluate and eliminate all anti-discrimination instruction, training, and policies.²¹

Florida Educational Equity Act

The Florida Educational Equity Act²² (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.²³ 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.²⁴ 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.²⁵ Further, the FEEA expressly requires that any discrimination motivated by anti-Semitic²⁶ intent be treated in an identical manner to discrimination motivated by race.²⁷

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 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.

¹⁸ *Id.*

¹⁹ 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 Apr. 15, 2023).

²⁰ *Id.*

²¹ *Id.*

²² Section 1000.05(1), F.S.

²³ Section 1000.05(2)(a), F.S.

²⁴ *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.

²⁵ 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.

²⁶ 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.

²⁷ Section 1000.05(7), F.S.

- 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.
- 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.²⁸

The FEEA is implemented by the Board of Governors through regulations²⁹ and rules adopted by the State Board of Education (SBE).³⁰ Additionally, the Office of Equal Educational Opportunity, within the Department of Education (DOE), serves implementation functions including, but not limited to, the following:³¹

- 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.³²

Effect of Proposed Changes

The bill requires the Board of Governors (BOG), in its periodic review of the alignment of institutional missions, to provide a directive to universities to examine their programs for any curriculum that violates the FEEA or that is based on theories that systemic racism, sexism, oppression, or privilege are inherent in the institutions of the United States and were created to maintain social, political, or economic inequities.

The bill prohibits the expenditure of state or 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; or
- advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by SBE rule and BOG regulation, as applicable.

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. Similarly, the bill provides an

²⁸ Section 1000.05(4), F.S.

²⁹ Florida Board of Governors, Regulation 2.003.

³⁰ Chapter 6A-19, F.A.C.

³¹ Section 1000.05(6), F.S.

³² Section 1000.05(8), F.S.

exemption for the use of institution facilities by student-led organizations, provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each Florida College System institution or state university, as applicable. As such, student organizations such as minority student unions, LGBTQ student organizations, and student-led religious organizations are not impacted by the bill. The written policies referenced in the bill govern the distribution of student fees to organizations and generally require compliance with university student codes of conduct, student body constitutions, anti-discrimination, anti-hazing, and anti-sexual violence provisions that apply equally to all student-led organizations.³³

Additionally, the prohibition does not extend to programs required for compliance with state or federal laws or regulations, for securing or retaining research contracts, grants, and cooperative agreements, or access programs for 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 requires the SBE and the BOG to adopt rules and regulations, respectively, to implement this prohibition.

The bill amends an 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.’”³⁴ Further, the Supreme Court has stated, “by and large, public education in our Nation is committed to the control of state and local authorities.”³⁵ 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.’”³⁶

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.³⁷

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.³⁸ 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.³⁹

³³ See e.g. Florida State University Board of Trustees, *Regulation FSU-3.035*, at 116, available at <https://regulations.fsu.edu/sites/g/files/upcbnu486/files/regulations/adopted/FSU-Chapter-3.pdf> (referencing Florida State University, *Constitution of the Student Body*, available at https://sga.fsu.edu/PDF/CONSTITUTION_OF_THE_STUDENT_BODY.pdf).

³⁴ *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)).

³⁵ *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968).

³⁶ *Widmar*, 454 U.S. at 278 (quoting *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring in result))

³⁷ Section 1007.25(3), F.S.

³⁸ Section 1007.25(8), F.S.

³⁹ Section 1007.25(9), F.S.

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.⁴⁰ All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.⁴¹ 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.⁴²

Effect of Proposed Changes

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, 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 4 years thereafter, for the removal, alignment, realignment, or addition of general education core courses that meet statutory requirements.

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 courses that have been approved by the ACC 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, unless a course is exempted from this requirement by the BOG or the SBE, as applicable;
- 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 requires that general education core courses must be based on the fundamental truth that all persons are equal before the law and have inalienable rights and prohibits any general education core course that distorts significant historical events, violates the FEEA, or is based on theories that systemic racism, sexism, oppression, or privilege are inherent in the institutions of the United States and were created to maintain social, political, or economic inequities. The required SBE rules and BOG regulations will provide guidance and certainty to FCS institutions and universities related to prohibited instruction allowing for consistency throughout Florida's postsecondary education system.

The bill establishes the following standards for general education core courses:

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

⁴⁰ Section 1007.25(3), F.S.

⁴¹ *Id.*

⁴² Florida Board of Governors, General Education Core Course Options, Regulation 8.005(1) and Rule 6A-14.0303(5), F.A.C.

- 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. Additionally, the bill prohibits a public postsecondary educational institution from requiring a student to complete an additional course to meet a subject area distribution requirement that was completed by the student with a course that has since been removed as a general education core course.

The bill requires public postsecondary education institutions to annually review, at a public meeting, the general education core course offered at the institution. 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.

Failure to comply with any of the provisions of new section of law governing general education course principles, standards, and content precludes an institution from receiving performance-based funding.

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.⁴³

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.⁴⁴

⁴³ Section 445.004(4)(h)1., F.S.

⁴⁴ Section 445.004(4)(h)4., F.S.

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.⁴⁵ The Credentials Review Committee shall establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.⁴⁶

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.⁴⁷

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.⁴⁸

Effect of Proposed Changes

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

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.⁴⁹ Additionally, the BOG must confirm the presidential selection and reappointment of a president by a University Board of Trustees (UBOT).⁵⁰

The BOG has adopted regulations establishing the powers and duties of SUS institution UBOTs.⁵¹ Included in this regulation are the following requirements for each institution's personnel systems:⁵²

- 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

⁴⁵ Section 445.004(4)(h)5., F.S.

⁴⁶ Section 445.004(4)(h)6., F.S.

⁴⁷ Section 445.004(4)(h)7., F.S.

⁴⁸ Section 445.004(4)(h)2., F.S.

⁴⁹ Section 1001.706(6)(a), F.S.

⁵⁰ *Id.*

⁵¹ Board of Governors, Regulation 1.001 University Board of Trustees Powers and Duties.

⁵² Board of Governors, Regulation 1.001(5) University Board of Trustees Powers and Duties.

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.⁵³
- 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.⁵⁴

Prior to August 2008, the Florida Board of Governors had a regulation covering faculty tenure and permanent status.⁵⁵ 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.⁵⁶ 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.⁵⁷ 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.⁵⁸ In 2008, the regulation was repealed.⁵⁹

To coincide with the repeal of the BOG's tenure regulation, the BOG adopted a regulation tasking each UBOT with establishing the personnel system for all state university employees, including the president and faculty.⁶⁰ 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.⁶¹

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.⁶²

⁵³ Board of Governors, Regulation 1.002 Presidential Search and Selection.

⁵⁴ Art. IX, s. 7(d), Fla. Const.

⁵⁵ See Board of Governors, Regulation 5.940 Tenure and Permanent Status, repealed August 7, 2008.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ 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.

⁶¹ *Id.*

⁶² Section 1001.706(6)(b), F.S.

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.⁶³

Effect of Proposed Changes

The bill provides that each state university president has the responsibility for hiring the provost, deans, and all full-time faculty at the institution. The president may only delegate this authority to the university's executive management team within the president's office. Neither the president nor his or her delegate are bound by the recommendations of faculty or other individuals. The president is encouraged to engage in faculty recruiting and required to report to the UBOT, twice annually, on employment practices of the university.

The bill prohibits a state university from requiring any statement, pledge, or oath other than to uphold general and federal law, the United States Constitution, and the State Constitution as a part of any admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process.

The bill prohibits the appeal of any personnel action or decision regarding faculty, including evaluations, promotions, tenure, discipline or termination, beyond the university president or his or her designee. Any such action must be finalized in writing and shall not be subject to arbitration. The filing of a grievance does not toll the action or decision of the university.

The bill requires the UBOT to have procedures for the review of the university president's selection and reappointment of his or her executive management team and the terms of their contracts and salaries, prior to such contracts and salaries becoming effective.

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 personnel earning more than \$200,000, regardless of the source of funding. The results may be presented in a summary or written format.

The bill requires that the BOG adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 year. The statute currently authorizes but does not require such a regulation. The required components of the post-tenure review regulation are unchanged.

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.⁶⁴ 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."⁶⁵ A state research university that meets at least 6 of the 12 standards may be designated as an "emerging preeminent state research university."⁶⁶The 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;

⁶³ Florida Board of Governors, *Proposed Regulations*, <https://www.flbog.edu/regulations/proposed-regulations/> (last visited Apr. 15, 2023).

⁶⁴ Section 1001.7065(1), F.S.

⁶⁵ Section 1001.7065(3)(a), F.S.

⁶⁶ Section 1001.7065(3)(b), F.S.

postdoctoral appointees annually; and institutional endowment.⁶⁷ Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.⁶⁸ The BOG is required to annually report on each standard in the BOG Accountability Plan.⁶⁹

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 system (SUS).⁷⁰ 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 STEM-related research expenditures, including federal research expenditures, of \$50 million or more.

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."⁷¹ A priority of the system is to prepare students to become civically engaged and knowledgeable adults who positively contribute to their communities.⁷²

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

⁶⁷ 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.

⁶⁸ 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.

⁶⁹ Section 1001.7065(2), F.S.

⁷⁰ Section 1001.7065(7), F.S.

⁷¹ Section 1000.03(4), F.S.

⁷² Section 1000.03(5)(c), F.S.

sensitivities; scientific, professional, and technological expertise; and a sense of purpose.”⁷³ “Inherent in this broad mission are methods of instruction, research, extended training, and public service designed to educate people and improve the human condition.”⁷⁴

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.”⁷⁵

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 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.⁷⁶ 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.⁷⁷

The Adam Smith⁷⁸ 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.⁷⁹

⁷³ Section 1004.01(2), F.S.

⁷⁴ *Id.*

⁷⁵ 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.

⁷⁶ Section 1004.6499, F.S.

⁷⁷ Section 1004.6499(2)(a)-(j), F.S.

⁷⁸ 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 Apr. 15, 2023).

⁷⁹ Section 1004.64991(2), F.S.

In 2022, the Legislature authorized the University of Florida to create the Hamilton Center for Classical and Civic Education. The purpose of the center is to support teaching and research concerning the ideas, traditions, and texts that form the foundations of Western and American civilization. The goals of the center are to:

- Educate university students in core texts and great debates of Western civilization and the Great Books.
- Educate university students in the principles, ideals, and institutions of the American political order.
- Educate university students in the foundations of responsible leadership and informed citizenship.
- Provide programming and training related to civic education and the values of open inquiry and civil discourse to support the K-20 system.
- Coordinate with the Florida Institute of Politics and the Adam Smith Center for the Study of Economic Freedom and assist in the curation and implementation of Portraits in Patriotism curriculum.

Effect of Proposed Changes

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.
- 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;
- 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.

The bill requires the University of Florida to begin transitioning the Hamilton Center for Classical and Civic Education (Center) to a permanent college within the university. The university must provide

annual reports, beginning January 1, 2024, to the Governor, the President of the Senate, and the Speaker of the House on the status of this transition. The bill amends the goals of the center by adding the requirements that the Center is responsible for developing curriculum and courses to satisfy the new requirement for the competency in civil discourse as well as developing educational programming and a plan for implementation to ensure all students at the university are competent in civil discourse.

In support of the Center, the president of the university must:

- Annually update the UBOT on the Center's progress towards developing educational programming to ensure that all students at the university are competent in civil discourse, including a timeline and the supports necessary for the university to achieve this goal.
- Guide the university's leadership and the Center to ensure that the Center, once it has transitioned to being a permanent college, is able to enroll students, hire faculty, ensure a pathway to tenure for faculty, develop curriculum, develop courses, establish certificate and degree programs, establish majors and minors, and fulfill other actions approved by the president.

The bill clarifies that funds appropriated for the Center may not be used for any other purpose.

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.⁸⁰ A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.⁸¹

The resident undergraduate tuition rate for the SUS is currently set in statute at \$105.07 per credit hour.⁸² The average tuition and fees per credit hour are \$199.72.⁸³

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.⁸⁴ 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:⁸⁵

- 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.⁸⁶

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.⁸⁷ 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.

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.⁸⁸ The BOG retained the original eight STEM PSEs and adopted Accounting and Finance as the two critical workforce gap analysis category PSEs.⁸⁹

Effect of Proposed Changes

⁸⁰ Section 1009.01 (1), F.S.

⁸¹ Section 1009.21(1)(g), F.S.

⁸² Section 1009.24(4)(a), F.S.

⁸³ 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.

⁸⁴ Section 1009.26(18)(a), F.S.

⁸⁵ *Id.*

⁸⁶ 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).

⁸⁷ Section 1009.26(b), F.S.

⁸⁸ Section 1009.47(18)(a)3., F.S.

⁸⁹ 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>.

The bill protects students from losing the waiver based on a change to an approved program. The bill amends the requirements for designation such that a program must only be offered by a majority of state universities at the time the BOG approves the list of programs. 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.

The bill requires the BOG to identify two teacher preparation programs for inclusion in the BOGO waiver, beginning in the 2023-2024 academic year.

Accreditation

Present Situation

Background

In order for students to receive federal student aid from the U.S. Department of Education (USDOE) for postsecondary study, the institution must be accredited by a nationally recognized accrediting agency, be authorized by the State in which the institution is located, and receive approval from the USDOE through a program participation agreement.⁹⁰

Federal law requires an accrediting agency to establish standards for the accreditation process, which must be sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education provided by the institution it accredits.⁹¹ While an agency may establish additional accreditation standards it deems appropriate,⁹² the agency must establish standards for the following:⁹³

- Student success, in relation to the institution's mission, including as applicable, course completion, passage of state licensing examinations, and job placement rates.
- Curriculum.
- Faculty.
- Facilities, equipment, and supplies.
- Fiscal and administrative capacity as appropriate to the specified scale of operations.
- Student support services.
- Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.
- Measures of program length and the objectives of the degrees or credentials offered.
- Record of student complaints received by, or available, to the agency.
- Record of compliance with the institution's responsibilities under title IV of the Higher Education Act of 1965, as amended, based on the most recent loan default data, the results of financial or compliance audits, program reviews, and any other information provided by the U.S. Department of Education.

For the purposes of determining institution eligibility for Federal Financial Aid programs, the accrediting agency must also establish the following procedures which are required of an institution it accredits:⁹⁴

- Notification to the agency if it plans to establish a branch campus and to submit a business plan for the branch campus.
- Required site visits for a new branch campus or a change of ownership or control.
- Submission of a teach-out-plan to the agency for approval in certain circumstances.

⁹⁰ U.S. Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/acc/cred/accreditation.html> (last visited Apr. 15, 2023).

⁹¹ 34 C.F.R. s. 602.16.

⁹² 34 C.F.R. s. 602.16(f)-(g).

⁹³ 34 C.F.R. s. 602.16(1)(i)-(x).

⁹⁴ 34 C.F.R. s. 602.24.; See also Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 13, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

- Confirmation that the institution has transfer of credit policies which are publicly disclosed and include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution.
- Publicly disclose when an institution is considered for accreditation or renewal of accreditation.

To gain or renew accreditation, an institution must be evaluated through a set of procedures established by an accrediting agency.⁹⁵ Many of the procedures are guided by federal requirements.

The process typically begins with an institutional self-study, to examine whether the institution meets the basic standards of the accrediting agency.⁹⁶ The self-study includes reports which show how the institution meets the agency's standards. The next phase of the process involves a peer review and site visit at the institution.⁹⁷ The peer review includes a review of the self-study and an on-site visit to determine whether the standards of the agency are being met, in addition to discussions with faculty, students, staff and administrators regarding issues or questions that may have arisen during the self-study.⁹⁸

Following the visit, the peer review team submits a report to the accrediting agency with recommendations. The decision-making body of an accrediting agency issues a decision on whether to award or deny accreditation or preaccreditation⁹⁹ to a new institution; renew or terminate accreditation for an existing institution; or take an intermediate action, such as probationary status.¹⁰⁰ An accrediting agency must provide an institution with the ability to appeal an agency action prior to it becoming final.¹⁰¹

A renewal of accreditation must take place at regularly established intervals set by the accrediting agency.¹⁰² Accrediting agencies also monitor institutions between full accreditation reviews and may require annual reporting, interim reviews, or reviews of any substantive changes.¹⁰³

Council of Regional Accrediting Commissions (C-RAC)

The Council of Regional Accrediting Commissions (C-RAC) represents the seven organizations responsible for the accreditation¹⁰⁴ of approximately 3,000 of the nation's colleges and universities:

- Accrediting Commission for Community and Junior Colleges.
- Higher Learning Commission.
- Middle States Commission on Higher Education.
- New England Commission of Higher Education.
- Northwest Commission on Colleges and Universities.
- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).

⁹⁵ Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 4, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

⁹⁶ Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 5, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

⁹⁷ *Id.* A peer review is comprised of an outside team of primarily higher education faculty and administrators, but also practitioners in specific fields and member of the public.

⁹⁸ *Id.*

⁹⁹ 34 C.F.R. s. 600.2. defines "preaccreditation" as the status of accreditation and public recognition that a nationally recognized accrediting agency grants to an institution or program for a limited period of time that signifies the agency has determined that the institution or program is progressing toward full accreditation and is likely to attain full accreditation before the expiration of that limited period of time.

¹⁰⁰ *Id.* at 5-6

¹⁰¹ 34 C.F.R. s. 602.25.

¹⁰² 34 C.F.R. s. 602.19(a).

¹⁰³ 34 C.F.R. s. 602.22. A substantive change could include an institution's change of control, addition of new educational programs that are a significant departure from existing offers, or a new location or branch campus.

¹⁰⁴ Defined as "a process of external review used by the higher education community to assure quality and spur ongoing improvement." Council of Regional Accrediting Commissions, *Accreditation 101*, <https://www.c-rac.org/accreditation-101> (last visited Apr. 15, 2023).

- Western Association of Schools and Colleges (WASC) Senior College and University Commission.¹⁰⁵

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the body for the accreditation of degree-granting higher education institutions in the Southern states.¹⁰⁶ It serves as the common denominator of shared values and practices primarily among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and certain other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees.¹⁰⁷

Florida's state colleges and state universities, as well as some non-public postsecondary education institutions are accredited by SACSCOC.

Revised Federal Regulations for Accreditation Outside Traditional Region

In 2020, the U.S. Department of Education revised federal regulations to remove geographical boundaries on institutions seeking accreditation.¹⁰⁸

According to its summary published in the Federal Register, the U.S. Department of Education summarized the revisions, in part, to "revise the requirements for accrediting agencies in their oversight of member institutions and programs to be less prescriptive and provide greater autonomy and flexibility to facilitate agility and responsiveness and promote innovation."¹⁰⁹

SACSCOC accepts applications for membership from domestic institutions in the other 39 states as well as international institutions of higher education around the world.¹¹⁰

Other regional accreditors accepting applications from schools outside of their historical territory include Middle States, WASC Senior College and University Commission, Northwest Commission on Colleges and Universities, and The Higher Learning Commission.

Required Changes in Accreditors

In 2022, the Legislature required the BOG, for state universities, and the SBE, for FCS institutions, to identify and make a determination of the accrediting agencies or associations that are best suited to, respectively, serve as an accreditor for state universities and FCS institutions.¹¹¹ The SBE approved the Higher Learning Commission, Middle States Commission on Higher Education, and Northwest Commission on Colleges and Universities as suitable accreditors for FCS institutions.¹¹² The BOG approved the three accreditors identified by the SBE as well as the New England Commission of Higher Education and the Western Association of Schools and Colleges: Senior College and University Commission.¹¹³ The BOG regulation on accreditation requires that state universities maintain institutional accreditation by a USDOE recognized accreditor and requires discipline-specific accreditation for all academic programs in which graduation from an accredited program is a prerequisite to achieving licensure or certification for professional practice.¹¹⁴

¹⁰⁵ Council of Regional Accrediting Commissions, Who We Are, <https://www.c-rac.org/copy-of-about-us> (last visited Apr. 15, 2023).

¹⁰⁶ See The Southern Association of Colleges and Schools Commission on Colleges website at <https://sacscoc.org/about-sacscoc/>. (last visited Apr. 15, 2023).

¹⁰⁷ *Id.*

¹⁰⁸ See 84 Federal Register 58917-58918 (amending 34 C.F.R. §§ 602.3, 602.11).

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Section 1008.47, F.S.

¹¹² Florida Department of Education, *Accrediting Agencies Approved for Florida College System Institutions*, at 8, available at <https://www.fldoe.org/core/fileparse.php/20129/urlt/8-2.pdf>.

¹¹³ Florida Board of Governors, *Accreditation*, at 2, available at https://www.flbog.edu/wp-content/uploads/2022/08/Full_Board_02a_Accreditation_Report_082322_CE.pdf.

¹¹⁴ Florida Board of Governors Regulation 3.006(2)-(3).

A state university or FCS institution is prohibited from being accredited by the same accrediting agency or association for consecutive accreditation cycles. In the year following reaffirmation or fifth-year review by their accrediting agencies or associations, each state university or FCS institution must seek and obtain accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date. The institution must provide quarterly reports of its progress to the BOG or SBE, as applicable. This requirement is not applicable to those professional, graduate, departmental, or certificate programs at state universities or FCS institutions that have specific accreditation requirements or best practices, including, but not limited to, law, pharmacy, engineering, or other similarly situated education programs.

If each regional accreditor on the BOG or SBE approved list, as applicable, has refused to grant candidacy status to an institution, the institution must seek and obtain accreditation from another U.S. DOE-recognized accreditor. If such institution has not received candidacy status before its next reaffirmation or fifth-year review date, it may remain with its current accreditor.

A postsecondary education institution may bring a cause of action against an accrediting agency or association if it has been negatively impacted by retaliatory action taken against it by an accrediting agency or association. For purposes of this cause of action, the term 'postsecondary education institution' includes state colleges, state universities, and nonpublic postsecondary institutions that receive state funds. If the postsecondary institution prevails, it may recover liquidated damages up to the amount of federal financial aid received by the postsecondary education institution, court costs, and reasonable attorney fees.

The requirements related to changes in accreditors expire December 31, 2032.

Effect of Proposed Changes

The bill clarifies that a postsecondary education institution is not required to change its accrediting agency or association more than one time under the provisions adopted in 2022.

The bill prohibits an accrediting agency or association from incentivizing or coercing any public postsecondary institution to violate state law. Application of any such standard or requirement by an accrediting agency or association is deemed a violation of the law and sufficient to trigger the cause of action provided for postsecondary education institutions against accrediting agencies and associations. The bill provides an exception when state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement at issue.

The bill amends the cause of action provision such that the authorized liquidated damages are for the amount of federal financial aid received by the prevailing postsecondary education institution, court costs, and reasonable attorney fees. Additionally, the bill expands the authorization for the cause of action from simply retaliatory action by an accrediting agency or association to retaliatory or adverse actions.

B. SECTION DIRECTORY:

Section 1: Amends s. 1001.706, F.S.; revising the duties of the Board of Governors relating to the mission of each state university; revising requirements for the Board of Governors' strategic plan relating to the goals and objectives of the State University System; requiring the Board of Governors to annually require each state university to include certain information in its economic security report; requiring, rather than authorizing, a Board of Governors regulation to include a post-tenure review of state university faculty on a specified basis.

Section 2: Amends s. 1001.7065, F.S.; requiring the Board of Governors Accountability Plan to annually report certain research expenditures of a specified amount; revising the number of standards an institution must meet to receive a specified designation.

- Section 3:** Creates s. 1001.741, F.S.; providing that each state university president is responsible for hiring the provost, the deans, and full-time faculty; proving that the president has a duty to assess the performance of the provost and deans; authorizing the president to delegate hiring authority to specified individuals and entities; prohibiting a university from using specified methods in its admissions or personnel processes; providing that certain actions regarding personnel may not be appealed beyond the university president; requiring each state university board of trustees to have review procedures for the president's selection and reappointment of certain faculty; requiring each state university president to annually present specified performance evaluations and salaries to the board of trustees.
- Section 4:** Amends 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.
- 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 that the institute be located in a specified county; providing the purpose and goals of the institute.
- Section 6:** Amends s. 1004.6496, F.S.; requiring the University of Florida to transition the Hamilton Center for Classical and Civic Education to a college within the university; revising the goals of the center; requiring specified action by the university president; restricting the use of appropriated funds; conforming a provision to changes made by the act.
- Section 7:** Amends s. 1004.6499, F.S.; renaming the Florida Institute of Politics at the Florida State University as the Florida Institute for Governance and Civics; providing the goals of the institute.
- Section 8:** Amends s. 1004.64991, F.S.; authorizing the Adam Smith Center for the Study of Economic Freedom to perform certain tasks in order to carry out its established purpose.
- Section 9:** Amends s. 1007.25, F.S.; revising how general education core courses are established; requiring the State Board of Education and the Board of Governors to consider approval of certain courses; requiring faculty committees to review and submit recommendations to the Articulation Coordinating Committee and the commissioner relating to certain courses by a specified date and periodically thereafter; prohibiting general education core courses from teaching certain topics or presenting information in specified ways; providing requirements for general education core courses; requiring specified educational institutions to offer certain courses; prohibiting public postsecondary educational institutions from requiring students to take certain additional general education core courses.
- 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. 1008.47, F.S.; providing that a postsecondary education institution need not change accrediting agencies or associations more than once; prohibiting certain acts by accrediting agencies or associations; revising authorized damages to be awarded to a prevailing postsecondary education institution.
- Section 12:** Amends s. 1009.26, F.S.; requiring the Board of Governors to identify state-approved teacher preparation programs eligible for a tuition waiver; providing that certain postsecondary fee waivers continue until specified criteria are met.

Section 13: 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.¹¹⁵ 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 years¹¹⁶, the change in metrics could have a potential, indeterminate fiscal impact.

¹¹⁵ 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.

¹¹⁶ S. 1001.7065(5)(c), F.S.
STORAGE NAME: pcs0999.EEC
DATE: 4/17/2023

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.¹¹⁷

¹¹⁷ Florida A&M University submitted updated DEI expenditure data to the Legislature reflecting \$2,307,088.41 in expenditures, a more than \$2 million reduction from the institution's original submission. Florida A&M University, *Higher Education Program and Activity Survey*, on file with the Education & Employment Committee.

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.

The BOG estimates the fiscal impact to provide a Program of Strategic Emphasis waiver for all university teacher preparation programs is approximately \$3.1 million for the fall semester.¹¹⁸ The bill specifies the BOG will identify two state-approved teacher preparation programs for which to provide a waiver. The fiscal impact is indeterminate until the BOG makes their program selections.

III. COMMENTS

¹¹⁸ Florida Board of Governors, *PSE Waiver – Education Cost Estimates 10-5-22*, on file with the Education & Employment Committee.

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. 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.