



What is the State University System?

The State University System (SUS) provides students with undergraduate and graduate level instruction leading to baccalaureate, masters, doctoral, and professional degrees. SUS institutions also conduct research and engage in public service.¹ The SUS is comprised of the following 11 institutions:

- ❖ Florida Agricultural and Mechanical University
- ❖ Florida Atlantic University
- ❖ Florida Gulf Coast University
- ❖ Florida International University
- ❖ Florida State University
- ❖ New College of Florida
- ❖ University of Central Florida
- ❖ University of Florida
- ❖ University of North Florida
- ❖ University of South Florida
- ❖ University of West Florida²

As set forth in the Florida Constitution, state-level governance of the SUS is provided by the Board of Governors (BOG) and Legislature.³ The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates (or the equivalent), the Florida Student Association president, and 14 members appointed by the Governor. Governor appointees must be confirmed by the Florida Senate.⁴

Each institution in the SUS is governed locally by a board of trustees⁵ comprised of 13 members – the chair of the faculty senate, the president of the student body, six members appointed by the Governor, and five members appointed by the BOG. Governor and BOG appointees must be confirmed by the Florida Senate.⁶ Local boards must govern their institutions in accordance with BOG rules and regulations.⁷ Among other things, each local board is responsible for strategic planning and adopting policies regarding admissions, educational programming, administration, personnel, contracts, grants, and facilities.⁸

As of October 2010, 312,216 students were enrolled at SUS institutions statewide. During the 2009-10 academic year, SUS institutions awarded a total of 73,579 degrees, including 53,392

¹ Section 7, Art. IX of the State Constitution; Part IV, ch. 1001; part II, ch. 1004, F.S.

² Section 1000.21(6), F.S.

³ Section (7)(d), Art. IX of the State Constitution; s. 1001.701(2) and (3), F.S.

⁴ *Id.*

⁵ Section (7)(c), Art. IX of the State Constitution; s. 1001.71(1), F.S.

⁶ Section 1001.71(1), F.S.

⁷ Section (7)(c), Art. IX of the State Constitution; see Florida Board of Governors Regulation 1.001 (Sept. 16, 2010).

⁸ Florida Board of Governors Regulation 1.001(3)-(7) (Sept. 16, 2010).

baccalaureate degrees, 15,956 masters degrees, 2,175 doctoral degrees, and 2,056 professional degrees.⁹

What are the general admission requirements for first-time-in-college students?

Beginning with the 2011 summer term,¹⁰ a student, in order to be admitted to a SUS institution as a first-time-in-college freshman,¹¹ must have:

- ❖ Completed 18 credits in specified college preparatory secondary courses.¹²
- ❖ Received a standard high school diploma or its equivalent.¹³
- ❖ Submitted his or her scores on the SAT or ACT.
- ❖ Achieved at least a 3.0 high school grade point average (GPA) or a 2.5 to 2.99 high school GPA and certain minimum scores¹⁴ on the SAT or ACT.¹⁵

These are the minimum admission requirements as specified by BOG regulation. Individual SUS institutions may establish more stringent admission requirements, as well as exceptions to these requirements based on specified factors indicating that the applicant can be reasonably expected to perform satisfactory academic work at the institution.¹⁶

First-time-in-college students may also be admitted through the Talented 20 Program, which guarantees admission to a SUS institution within space and fiscal limitations to a high school

⁹ State University System of Florida, Board of Governors, *2010 Quick Facts*, <http://www.flbog.org/resources/quickfacts> (last visited Dec. 22, 2010).

¹⁰ Admission requirements for applicants prior to 2011 summer term are specified in Florida Board of Governors Regulation 6.002(2)(a) (Jan. 28, 2010).

¹¹ A “first-time-in-college freshman” means a student who has earned a standard high school diploma from a Florida public or regionally accredited high school or its equivalent and who has fewer than 12 semester hours of transferable college credit since receiving the diploma or its equivalent. Florida Board of Governors Regulation 6.002(1)(a) (Jan. 28, 2010).

¹² Students entering high school on or after July 1, 2007, must have completed: four credits in English/Language Arts of which three credits must have included substantial writing requirements; four credits in Mathematics at or above the Algebra I level; three credits in Natural Science of which two credits must have included substantial laboratory requirements; three credits in Social Science; two credits in the same Foreign Language or in American Sign Language, except as otherwise specified; and two credits in certain Department of Education-identified Level II courses of which one credit may be in grade nine or higher ROTC/Military Training. Florida Board of Governors Regulation 6.002(1)(h) and (2)(a)3. (Jan. 28, 2010).

¹³ Students who have completed a home education program pursuant to s. 1002.41, F.S., are considered to have satisfied this requirement. Florida Board of Governors Regulation 6.002(1)(d) (Jan. 28, 2010). Under certain circumstances, home education students may be required to achieve specified SAT or ACT scores for admission. Florida Board of Governors Regulation 6.002(2)(a)4. (Jan. 28, 2010).

¹⁴ The specified minimum scores on the SAT are a 460 in Reading, 460 in Mathematics, and 440 in Writing and on the ACT are a 19 in Reading, 19 in Mathematics, and 18 in English/Writing. Florida Board of Governors Regulation 6.002(1)(e) and (2)(a)2. (Jan. 28, 2010).

¹⁵ *Id.*; see also FACTS.org, *State University Admissions Requirements*, http://facts23.facts.org/florida/facts/Home_Page/High_School_Students/High_School_101/State_University_Adm_ission_Requirements/!ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Sz8DA093C38_M19_AwNLC6B8JE55d39TPLrDnY30wOH2AVXgAI4GUHmYCRYBLoZAE9w9vAy8nQ09jc3Q5LHYj1feQN_Plz83Vb8gN8lg01PXEQBMnZOR/ (last visited Dec. 22, 2010).

¹⁶ Florida Board of Governors Regulation 6.002(1) (Jan. 28, 2010).

graduate who completed the specified 18 college preparatory secondary credits and ranks in the top 20 percent of a Florida public high school graduating class. Admission to the graduate's preferred SUS institution, however, is not guaranteed.¹⁷

What is the 2+2 Admission Program?

Under Florida's "2 + 2" Admission Program, students who earn an AA degree from a Florida College System (FCS) institution must be granted admission to the upper-division of a SUS or FCS institution to complete a baccalaureate degree program, except for teacher certification programs, limited access programs, and programs that require an audition for admission. While an AA graduate may choose to enroll in either the SUS or FCS, admission to the graduate's preferred institution is not guaranteed.¹⁸

What are the Board of Governor's governance responsibilities?

The BOG is the constitutionally created body required to operate, regulate, control, and be fully responsible for the management of the whole university system.¹⁹ The BOG's responsibilities include, but are not limited to, defining the distinctive mission of each SUS institution and its articulation with public schools and FCS institutions, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs.²⁰ Among other things, the BOG is responsible for:

- ❖ Defining the articulation of each SUS institution in conjunction with the Legislature's authority over public schools and the FCS.
- ❖ Accounting for the expenditure of state funds.
- ❖ Submitting a legislative budget request for each SUS institution.
- ❖ Adopting strategic plans.
- ❖ Approving, reviewing, and terminating degree programs.
- ❖ Governing admissions to SUS institutions.
- ❖ Establishing a personnel system for SUS institutions and serving as the public employer for all SUS institution employees for collective bargaining purposes.
- ❖ Complying with and enforcing all applicable local, state, and federal laws.²¹

The BOG's oversight of the SUS is subject to the Legislature's power to appropriate funds, as well as the Legislature's responsibility to provide for the establishment, maintenance, and

¹⁷ Florida Board of Governors Regulation 6.002(2)(c) (Jan. 28, 2010).

¹⁸ Section 1007.23(1)(b) and (2), F.S.; rule 6A-10.024, F.A.C.; Board of Governors Regulation 6.004(3)(b) (Jan. 28, 2010); Florida Department of Education, *Statewide Articulation Manual*, at 14 (March 2010), available at <http://www.fldoe.org/articulation/pdf/statewide-postsecondary-articulation-manual.pdf>.

¹⁹ Section (7)(d), Art. IX of the State Constitution.

²⁰ Section (7)(d), Art. IX of the State Constitution; ss. 1001.705 and 1001.706, F.S.

²¹ Section 1001.705(3), F.S.

operation of institutions of higher learning and other public education programs that the needs of the people may require.^{22, 23}

What are the Legislature's governance responsibilities?

The Legislature is responsible for:

- ❖ Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.
- ❖ Appropriating state funds for the SUS through the General Appropriations Act.
- ❖ Establishing tuition and fees.
- ❖ Establishing policies relating to merit- and need-based student financial aid.
- ❖ Establishing policies relating to the expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature, including but not limited to, policies relating to: budgeting; deposit of funds; investments; accounting; purchasing, procurement, and contracting; insurance; audits; maintenance and construction of facilities; property; bond financing; leasing; and information reporting.
- ❖ Maintaining the actuarial and fiscal soundness of centrally administered state systems by requiring SUS institutions to participate in programs such as the Florida Retirement System, state group health insurance programs, and the state casualty insurance program.
- ❖ Establishing and regulating the use of state powers and protections, including, but not limited to, eminent domain, certified law enforcement, and sovereign immunity.
- ❖ Establishing policies relating to the health, safety, and welfare of students, employees, and the public while present on SUS campuses.²⁴

When must the Board of Governors adopt rules?

When acting pursuant to statutory authority derived from the Legislature, the BOG must adopt rules under the Administrative Procedure Act (APA),²⁵ unless expressly authorized by law to adopt regulations. The BOG may also adopt regulations when implementing its constitutional duties and responsibilities. If the BOG adopts regulations, it must comply with its regulation development procedure, but does not have to satisfy APA rulemaking requirements.²⁶

²² Sections 1(a) and 7(d), Art. IX of the State Constitution; ss. 1001.705 and 1001.706, F.S.

²³ In 2007, a group of citizens filed a lawsuit against the Legislature, which sought to clarify the scope of the BOG's constitutional authority and identify the entity that has the authority to set SUS tuition and fees. Subsequently, this lawsuit was joined by the BOG. On March 24, 2010, leadership for the BOG and Legislature entered an agreement which established a governance framework for the collaborative exercise of their joint constitutional authority for the SUS. As a result of the agreement, the BOG dismissed its claims in the lawsuit with prejudice and legislative leadership committed to filing legislation to implement the governance framework. These efforts resulted in the passage of House Bill 7237 during the 2010 Regular Session. See ch. 2010-78, L.O.F.; staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 7237* (2010). On December 30, 2010, the Second Judicial Circuit for Leon County entered summary judgment in favor of the Legislature in the 2007 lawsuit, holding, among other things, that the Legislature's power to appropriate SUS funding includes the authority to establish tuition and fee levels. *Graham, et al. v. Atwater and Cretul*, Final Summary Declaratory Judgment, Case No. 2007-CA-1818 (2nd Cir. Ct. Dec. 30, 2010).

²⁴ Section 1001.705(3), F.S.

²⁵ Chapter 120, F.S.

²⁶ Section 1001.706(2), F.S.

The BOG's regulation development procedure must provide for notice to the public of the proposed adoption, amendment, or repeal of a regulation; an opportunity for public comment; a process for challenging a statement of general applicability that has not been properly adopted; a process for a substantially affected person to challenge an unlawful regulation; and a process for adopting and challenging emergency regulations. The regulation development procedure must be prominently published on the websites of the BOG and each SUS institution.²⁷

In the event the BOG delegates a power or duty to a board of trustees for a SUS institution, the institution must adopt rules or regulations in the same manner required for the BOG.²⁸ Regulations proposed and adopted by each SUS institution may be found on the institution's website.²⁹

How is the SUS funded?

The BOG and SUS receive funding from the Legislature, student tuition and other fees, private sources, and federal programs. In FY 2010-11, the Legislature appropriated \$3,773,654,827 for the BOG and SUS.³⁰

Board of Governors. For FY 2010-11, the Legislature appropriated \$6,209,199 for BOG staff and administration. Funding is derived from numerous sources including the General Revenue Fund and trust funds.³¹

State University System. For FY 2010-11, the Legislature appropriated \$3,378,685,435 for the 11 SUS institutions and their employees.³² In addition, SUS institutions receive funding from the assessment of tuition and fees.³³ Undergraduate tuition is established by the Legislature, while the board of trustees for each SUS institution has been statutorily authorized to establish the out-of-state fee for nonresident students and tuition for graduate and professional students.³⁴ Other fees assessed by SUS institutions include: an activity and service fee, a health fee, an athletic fee, a Capital Improvement Trust Fund fee, a building fee, a student financial aid fee, a technology fee, a tuition differential fee, and a distance learning course fee.³⁵

For the 2010-11 academic year, the amount for undergraduate tuition is set at \$95.67 per credit hour.³⁶ The amounts assessed by each SUS institution for out-of-state fees and graduate and professional program tuition, as well as other fees may be obtained from the BOG's website.³⁷

²⁷ Section 1001.706(2)(c), F.S.; see State University System of Florida, Board of Governors, *Regulations Development Procedure*, (March 23, 2006), available at <http://www.flbog.org/about/regulations/.../RegulationDevelopmentProcedure.pdf>.

²⁸ Section 1001.706(2)(b), F.S.

²⁹ See, e.g., University of Florida, *Regulations*, <http://regulations.ufl.edu/> (last visited January 7, 2011).

³⁰ Specific Appropriations 17, 20, 131-143, and 144-149, s. 2, ch. 2010-152, L.O.F.

³¹ Specific Appropriations 144-149, s. 2, ch. 2010-152, L.O.F.

³² Specific Appropriations 131-143, s. 2, ch. 2010-152, L.O.F.

³³ See Postsecondary Tuition & Fee Policy – State University System Fact Sheet.

³⁴ Section 1009.24(4), F.S.

³⁵ Section 1009.24(4), (7), (8)-(13), and (15)-(17), F.S.; Florida Board of Governors Regulations 7.001(6) and (14) (Nov. 4, 2010) and 7.003(4), (5), (16), (17), and (23) (Nov. 4, 2010).

³⁶ Specific Appropriation 132, s. 2, ch. 2010-152, L.O.F.

Capital Outlay. For FY 2010-11, the Legislature appropriated \$388,760,193 for fixed capital outlay for the SUS. Funding is derived from numerous sources including the General Revenue Fund and trust funds.³⁸

Where may I obtain additional information?

Florida Board of Governors

State University System of Florida

(850) 245-0466

<http://www.flbog.org>

Florida House of Representatives

Education Committee

(850) 488-7451

<http://www.myfloridahouse.gov>

³⁷ State University System of Florida, Board of Governors, *2010-2011 Tuition and Fees*, <http://www.flbog.edu/about/budget/current.php> (last visited Nov. 12, 2010).

³⁸ Specific Appropriations 17 and 20, s. 2, ch. 2010-152, L.O.F.

