

REGULATORY ENVIRONMENT

Higher education in Florida is highly regulated involving many distinct layers of various types and levels of oversight. The following provides a high-level overview of Florida's regulatory environment for higher education. It only includes state-level entities and requirements.

Florida Constitution: This is the highest level of state-level law and can only be amended by at least a sixty-percent vote of voters in an election.

Governor: As the chief executive of the State of Florida, the governor presides over Cabinet meetings but has no specific authority over Cabinet members who are elected directly by the people, not appointed (unlike the federal system).

Florida Cabinet: The Florida Cabinet consists of the Attorney General (the state's highest-ranking law enforcement officer), the Chief Financial Officer, and the Commissioner of Agriculture and Consumer Services. Among other responsibilities, the Cabinet votes on whether to authorize the issuance of bonds by public universities and the Board of Governors to fund construction of facilities related to their missions.

Legislature – Florida's legislature is a bicameral body comprising two separate but equal chambers. It has one mandatory responsibility that it must complete during its annual 60-day legislative session and that is to pass a balanced budget. Occasionally the Legislature must extend sessions or hold special sessions to forge agreement between the House and Senate on the budget. The Constitution requires that the legislative session begin on the Tuesday after the first Monday in March during odd-numbered years; it commences on the Tuesday after the first Monday in January in even-numbered years (effective 2018). The Legislature considers between 2,000 and 3,000 bills each session and typically passes about one-tenth of those bills.

Florida House of Representatives – There are 120 representatives in Florida. It is often referred to as the "lower chamber."

Florida Senate – The "upper chamber" as they it is sometimes called has the responsibility of confirming all appointed state officials. The confirmation process generally goes very smoothly but occasionally some confirmations are contested or fail.

Auditor General – The Auditor General conducts financial and operational audits of all state agencies, public colleges, and public universities. Although the Auditor General has no authority to *compel* an organization to take any action, the results of her or his audits often lead to changes in law or further investigation by various agencies.

Division of Bond Finance – This office oversees the state's debt portfolio and provides input whenever any public university is seeking to have bonds issued on its behalf, normally to fund construction of university facilities.

Florida Statutes – Second to the state's constitution in authority, the Florida Statutes are the codified form of the bills that are passed by the Legislature and signed by the Governor (or the veto is overridden.). Bills are assigned numbers based on their house of origin, then are assigned a law number when they become laws upon passage. These laws are then codified into a compendium by subject that we call the "Florida Statutes."

Florida Administrative Code (FAC) – Rules are created by agencies, when authorized by the Legislature, to implement statutes. In recognition of the independence of the state university system under our constitution, the Legislature authorized for the Board of Governors and the universities to promulgate regulations, rather than rules. Universities are required to promulgate *rules*, rather than *regulations*, when implementing requirements stemming from the *Legislature's* (rather than the Board of Governors') constitutional authority. Rules have the force of law but are subordinate to statutes.

Board of Governors (BOG) Regulations – Rather than rules housed in the FAC, such as those for legislatively created agencies, the Board of Governors creates regulations that govern the state university system. Regulations have the force of law but are subordinate to statutes.

Board of Governors Guidelines – Unlike regulations, guidelines are not binding; however, there is a general expectation that public universities will adhere to them. Sometimes the BOG will upgrade a guideline to a regulation if it believes that there is too much deviation from the guidelines.

Board of Trustees (BOT) Policies – Policies passed by the Board of Trustees that govern the board's actions; they are binding on the trustees.

Board of Trustees Resolutions – Resolutions are used to declare the BOT's intent on an issue, but do not bind the BOT itself. For example, a resolution is used to enumerate the powers and duties of the president.

Board of Trustees Bylaws – BOT bylaws are binding on the BOT and guide its administrative functions. The BOT cannot create BOT policies in contravention of the bylaws, but the BOT is empowered to revise the bylaws as needed.

University Regulations – University regulations are issued to govern the university and those interacting with it. Because they have the force of law, a regulation is required to be used to bind those outside the university community (e.g. visitors, vendors); they are generally used to conform to BOG requirements.

University Policies – University policies provide greater detail for implementation of university regulations. They generally provide greater flexibility but are only binding on the university and do not otherwise have the force of law.

University Procedures – University procedures provide the process to be followed when implementing certain regulations or policies.