1. Call to Order and Welcome  
   Dr. T.K. Wetherell, President

2. Introduction of Trustees  
   Trustees

3. Election of Officers (Action Item)  
   Dr. T.K. Wetherell, President

4. Operating Procedures (Action Item)  
   Dr. Lawrence G. Abele, Provost

5. Chair's Remarks  
   Chair

6. Delegation of Authority (Action Item)  
   Dr. T.K. Wetherell, President

7. Ethics Policy (Action Item)  
   Mr. Richard McFarlain, General Counsel

8. Direct-Support Organization Policy (Action Item)  
   Mr. John Carnaghi, Senior Vice President for Finance and Administration

9. Governor's Recommendations, FY 2003-04 (Information Item)  
   Dr. Lawrence G. Abele, Provost

10. Legislative Priorities (Action Item)  
    Dr. T.K. Wetherell, President

11. University Accreditation (Information Item)  
    Dr. Dianne Harrison, Associate Vice President for Academic Affairs and Dean of Graduate Studies

12. President Emeritus Status (Action Item)  
    Dr. Valliere Richard Auzenne

13. President's Remarks and Future Meeting Schedule (Action Item)  
    Dr. T.K. Wetherell, President

14. New Business

15. Closing Remarks
BOARD OF TRUSTEES
January 24, 2003

SUBJECT:   Election of Officers

PROPOSED BOARD ACTION

Nominate and elect a chair and vice chair.

BACKGROUND INFORMATION

State law provides that each university board of trustees selects its chair and vice chair from the appointed members at its first regular meeting after July 1 (s. 1001.71, Florida Statutes). The chair serves for 2 years and may be reselected for one additional consecutive term.

The duties of the chair, as specified in law, include presiding at all meetings of the board, calling special meetings of the board, attesting to the actions of the board, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal.

The duty of the vice chair is to act as chair during the absence or disability of the chair.

Supporting Documentation Included:
Other Support Documents Available:

Contact:   President T.K. Wetherell   Phone: 644-0803
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Operating Procedures

PROPOSED BOARD ACTION

Consider and adopt operating procedures.

BACKGROUND INFORMATION

The FSU Board of Trustees will need to adopt permanent procedural guidelines that address the organization of the Board, conduct of business, committees, meetings, and rules of procedure.

Supporting Documentation Included: Draft Operating Procedures
Other Support Documents Available:

Contact: Provost Lawrence G. Abele
Phone: 644-1765
The Florida State University
Board of Trustees
Operating Procedures

Adopted October 29, 2001

Introduction

The laws of the State of Florida establish The Florida State University Board of Trustees (hereinafter Board).

Article I – Membership

Section 101 – Governing Law

The membership of the Board shall be determined in accordance with State of Florida law.

Section 102 – Board Officers and Executive Officer/Corporate Secretary

(a) The Board shall have a Chair and a Vice Chair. The Board will elect a Chair and a Vice Chair every two years at the first regular meeting held in January or September, or at such other time as deemed necessary by a majority vote of the Board to fill a vacancy.

(b) The Chair of the Board shall preside at meetings of the Board, call special and emergency meetings, sign and execute all documents and instruments on behalf of the Board, and perform such other duties as may be required by law or directed by the Board. The Chair may delegate the authority to sign and execute documents and instruments on behalf of the Board to the Corporate Secretary.

(c) The Vice Chair of the Board shall have the powers and perform such duties as may be delegated to that individual by the Board and in the event of the death, absence or inability of the Chair to act, perform such duties and exercise the powers of the chair.

(d) The University President is the Executive Officer and Corporate Secretary of the Board, and shall be responsible for keeping the minutes of all regular meetings of the Board. The Secretary shall attest to the signature of other officers of the Board when required or necessary and shall affix the seal of the Board when necessary. The Secretary shall perform the duties customarily performed by the secretary to a public body corporate as well as such other duties as may be prescribed by the Board. As Executive Officer, the University President shall serve as the principal liaison and official contact between the Board and the faculty, staff and students of the university. The President shall exercise such powers as are appropriate to that position in promoting, supporting and protecting
the interests of the University and in managing and directing its affairs. The President shall be responsible for all management functions of the University consistent with the policies established by the Board and shall exercise such other powers, duties and responsibilities as are delegated or assigned by the Board and Florida statutes.

**Article II -- Meetings**

**Section 201 -- Scheduling of Meetings**

(a) There shall be an organizational meeting of the Board upon its initial appointment by the Governor and every two (2) years thereafter for the election of the Chair, Vice Chair, and such other additional officers as the Board may decide are necessary and appropriate. If the organizational meeting of the Board is not held as stated above, the election of officers may be held at any meeting called pursuant to these internal practices and procedures. Normally, to be eligible for election as Chair or Vice Chair, a member of the Board shall have at least two years remaining on his or her term of appointment, provided that this requirement may be waived by a majority vote of the Board.

(b) Meetings of the Board shall be held as needed.

(c) Special and emergency meetings of the Board shall be held when directed by the Chair or any seven (7) members of the Board.

(d) Meetings of the Board may be held for the purpose of acting on emergency matters affecting the university or public health, safety, or welfare. Notice of the time, date, place and purpose of an emergency meeting will be published in the Tallahassee Democrat newspaper, or other major newspaper of general circulation in the area where the meeting will take place, or on The Florida State University website. The media may also be notified through a press release issued by the Media Relations Office, The Florida State University. Following an emergency meeting, the Board shall publish in the Tallahassee Democrat newspaper reasonable notice of the time, date, and place of the meeting, a statement setting forth the reasons for an emergency meeting, and a statement setting forth the action taken at the meeting.

(e) Meetings of the Board may be held at The Florida State University or other locations as deemed necessary and appropriate by the Board.

(f) Meetings may be conducted through conference call or teleconference.

**Section 202 -- Notice of Meeting**

(a) Reasonable notice of all meetings shall be made in accordance with Chapter 286 and 120 Florida Statutes by publication in the Tallahassee Democrat
newspaper, or such other major publication of general circulation in the area where the meeting will be held, or Notice may also be published on The Florida State University website page.

(b) Such notice shall state the date, time and place of the meeting, a brief description of the purpose and the address where interested persons can write to obtain a copy of the agenda.

Section 203 -- Agendas

(a) The University President shall be responsible for setting the agenda for meetings of the Board in consultation with the Chair.

(b) At least seven (7) days prior to each regular meeting of the Board of Trustees, a copy of the agenda, including (insofar as is practicable) copies of all reports and other written materials to be presented to the meeting, shall be sent to each member of the Board by the Secretary. Supplemental material should be sent to members not later than three (3) days prior to the meeting.

(c) The Secretary or designee shall prepare the agenda for meetings of the Board.

(d) The agenda shall list the items in the order they are to be considered. Items may be considered out of their stated order at the discretion of the Chair.

(e) The agenda shall consist of the following, as appropriate:

1. Call to Order and Roll Call
2. Review and Approval of Previous Meeting Minutes
3. Chairperson's Remarks
4. Standing Committee Reports
5. President's Remarks, Reports, Action Items and Information Items
6. New Business
7. Executive Session
8. Public Comments
9. Adjournment

(e) The following form should be utilized in preparing the agendas of the Board meetings:

THE FLORIDA STATE UNIVERSITY

BOARD OF TRUSTEES

Time, Date & Place of Meeting

THIS MEETING IS OPEN TO THE PUBLIC
1. Call to Order and Roll Call

2. Review and Approval of Previous Meeting Minutes

3. Chair’s Remarks

4. Committee Reports

5. President
   a. Remarks
   b. Reports
   c. Consent Items
   d. Action Items
   e. Information Items

6. New Business

7. Executive Session

8. Public Comments

9. Adjournment

Article III – Conduct of Business

Section 301 – Call to Order and Roll Call

At the hour appointed for the meeting, the Chair shall call the Board to order and the Chair or the Secretary shall call the roll.

Section 302 – Quorum

A quorum of the Board shall consist of a majority of the members of the Board. No action shall be taken by the Board without the affirmative vote of at least seven (7) members.

Section 303 – Presiding Officer

The Chair shall preside over all regular and special meetings of the Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the
Chair and the Vice Chair, the Secretary shall determine whether a quorum is present and, in that event, shall call for the election of a temporary presiding officer, who shall be elected by and from the membership of the Board upon a majority vote. Upon arrival of the Chair or Vice Chair, the temporary Chair shall relinquish the chair after concluding the business then before the Board.

Section 304 -- Member Voting

(a) All members of the Board shall vote on all matters coming before the Board for consideration in accordance with s. 286.012, Florida Statutes. No member may vote by proxy. Each member having the right and entitled to vote at a meeting of the Board shall be entitled, at each meeting and upon each proposal presented at such meeting, to one vote.

(b) A member is authorized, but not required, to abstain from voting because of a conflict of interest under Chapter 112, Part III, Florida Statutes. See Article VI. Should a member elect to abstain, the member may be counted for purposes of computing a quorum for a vote on that question.

Section 305 – Procedures

(a) The business of the Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

(b) The vote upon any resolution, motion or other matter may be by voice vote, but the Chair or any Board member may require a roll call vote.

Section 306 -- Minutes

(a) The Secretary shall ensure minutes are kept of all regular meetings of the Board of Trustees; shall file and preserve all minutes, rules, orders, papers, and documents pertaining to the business and proceedings of the Board; shall be custodian of all records of the Board; and, when required, shall attest the execution of all legal documents and instruments of The Florida State University.

(b) The Secretary shall develop minutes of the meeting to be sent to the members of the Board with the next meeting agenda.

(c) Records of the meetings of the Board, including any tape recording or video recording, are subject to Chapter 119, Florida Statutes.

Section 3078 – Communications

All communications from the Board or any of its committees addressed to any employee or student of the University shall be transmitted through the President.
This section does not preclude individual members of the Board from contacting any member of the university community.

Section 3080 – Applicability of Robert’s Rules of Order

Robert’s Rules of Order Newly Revised (10th Edition) shall be used to conduct meetings of the Board, except where these internal operating procedures specifically provide otherwise.

Article IV – Powers and Duties

Section 401 - General Powers and Duties

(a) The Board is vested with the authority to govern and set policy for The Florida State University as necessary to provide proper governance and improvement of the University in accordance with law and rules of the Florida Board of Governors Florida Board of Education.

(b) The Board may adopt rules and policies consistent with the University’s mission, with law, and with rule of the Florida Board of Governors Florida Board of Education.

Section 402 - Other Powers and Duties

The Board shall have such other powers and duties, not inconsistent with applicable provisions of State law, as presently or as shall be defined and delegated by the Florida Board of Governors Florida Board of Education.

Section 403 – Duties of the President

(a) The President is responsible for the operation and administration of the University.

(b) The President shall exercise powers and assume responsibilities in accordance with State law.

Article V – Committees

Section 501 – Committees

(a) The Chair of the Board shall have the power to establish committees and appoint members, subject to the approval of the Board. Standing committees are charged specifically with the immediate care and supervision of the subject matters assigned to them.
(b) Ex Officio Members: The Chair of the Board of Trustees, or in the Chair’s absence the Vice Chair of the Board, shall be ex officio members of all standing committees and subcommittees.

Section 502 – Notice and Records

The Secretary of the Board shall notice meetings of standing, special, and ad hoc Committees in the same manner as for meetings of the Board of Trustees. The Secretary shall not maintain minutes of these meetings, but will ensure that the meeting is audiotaped and kept publicly available.

Article VI – Conflict of Interest

Section 601-- Disclosure of Potential Conflict of Interest by Members of the Board of Trustees:

Members of the Board shall disclose and resolve potential conflicts of interest and ethical concerns in accordance with Chapter 112, Part III, Florida Statutes.

Article VII – Adoption, Amendment and Rescission of Internal Operating Practices and Procedures

Following initial adoption, the Internal Operating Procedures may be amended or rescinded at any regular meeting of the Board by a two-thirds vote of the total voting membership of the Board, provided that written notice containing the wording of each procedure to be adopted, amended, or rescinded shall have been presented at the preceding regular meeting of the Board.
ITEM: 6

BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Delegation of Authority

PROPOSED BOARD ACTION

Consider and approve the delegation of authority

BACKGROUND INFORMATION

Under the school code rewrite, certain powers and duties have been granted to the university boards of trustees and the university president. The Board may want to delegate the operation and administration of the university to the president and recommend that the president periodically review and evaluate existing procedures and practices and make suggestions for revisions.

Supporting Documentation Included: Draft Policy
Other Support Documents Available:

Contact: President T.K. Wetherell Phone: 644-0803
I. Purposes

Florida State University’s Board of Trustees delegates the operation and administration of the University, in all its features and aspects, to the President of the Florida State University. This policy establishes the conditions of the delegation.

II. Policy

A. The Role of the University President – Board Expectations and Delegation

The University President shall be the executor of all decisions made by the Board of Trustees concerning the operations of the University. The Board endorses under this policy the existing procedures and practices of the University relevant to their powers and duties under s. 1001.74, Florida Statutes. The President will have powers and duties consistent with the on-going implementation of the existing procedures and practices of the University. The University President will assist the Board of Trustees in the timely review of existing procedures and practices and will support the Board in development of policy. The University President will be responsible for recommendation and preparation of the rules and guidelines necessary to implement Board policy.

B. The University President is responsible for the operation and administration of the university in accordance with s. 1001.75 Florida Statutes, the rules of the Florida State Board of Education, the Florida Board of Governors, and the policies of the Board of Trustees.

C. The University President shall consult regularly with the Chair of the Board and make regular reports to the Board concerning ongoing activities, operation and continuous improvement of the university. The President shall make provision for periodic review and critical evaluation of existing procedures and practices in consultation with the Chair of the Board of Trustees. The President shall support
periodic review and critical evaluation of existing procedures and practices in
consultation with the Chair of the Board of Trustees. The President shall support
the activities of committees established by the Board and provide recommendations
as appropriate.

D. The University President may delegate appropriate administrative
responsibility to University officials consistent with the effective day-to-day
operations and administration of the University.

III. Implementation

The President will plan, organize, direct, oversee and report on the operation and
administration of the university.

IV. Prior Delegations

Prior delegations by the The Florida State University Board of Trustees and the
President of Florida State University on January 6, 2003, are hereby ratified and
shall remain in effect until specifically revoked by either the Board of Trustees, the
President or by operation of law.
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Ethics Policy

PROPOSED BOARD ACTION
Discuss and act, as appropriate.

BACKGROUND INFORMATION
The Board of Trustees is governed by the requirements of the Florida Code of Ethics in Sections 112.311-112.326, Florida Statutes. The proposed ethics policy requires the Board of Trustees to use proper channels when dealing with conflicts of interest, use of official authority, hiring of employees, in handling grievances/complaints of students, staff, faculty or citizens, and handling special interest groups. The proposed policy defines conflict of interest, and requires potential conflicts of interest or uncertainty regarding a conflict to be brought to the immediate attention of the Chair of the Board of Trustees.

Supporting Documentation Included: Draft Ethics Policy; Memorandum from Richard McFarlain regarding Ethics Reporting Requirements dated January 14, 2003; Memorandum from Richard McFarlain regarding the Sunshine Law dated July 25, 2002

Other Support Documents Available:

Contact: Richard McFarlain Phone: 644-3300
ETHICS POLICY FOR THE
FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES

Preamble

The Florida State University Board of Trustees is the governing board for The Florida State University; as such it is obligated to serve the public trust. As a member of the Board, each Trustee agrees to keep the welfare of the University at all times paramount, putting aside any and all personal, parochial, and business conflicts of interests thereby assuring that a Trustee’s independence of judgment is not compromised, that the public’s and the University’s confidence and respect in the integrity of the Board are preserved, and that The Florida State University’s public mission is protected and well served.

Trustees shall be governed by the requirements of the Florida Code of Ethics in Sections 112.311-112.326, Florida Statutes. Particular adherence is required to the requirements in Section 112.313, Florida Statutes, as it relates to: solicitation or acceptance of gifts; doing business with one’s agency; unauthorized compensation; salary and expense; misuse of public position; conflicting employment or contractual relationship; and disclosure or use of certain information. It is the purpose of this policy to supplement and implement these statutory requirements. Hence, if there is a conflict between any provision of this policy and the Code, the Code shall control.

Ethics Policy

Conflicting Interest

Trustees shall use proper channels when dealing with conflicts of interest, use of official authority, hiring of employees, in handling grievances/complaints of students, staff, faculty or citizens, and handling special interest groups. The Board of Trustees has the legal authority to give direction to only one employee – the President of The Florida State University. Unless specifically referred by the President, Trustees should not intervene in relations with other administrators, faculty, staff or students. Complaints made to any Trustee should be referred directly to the President.

A Trustee has a conflict of interest whenever the Trustee, a Trustee’s family member or a business associated with a Trustee or a Trustee’s family member has an existing or potential financial/personal interest in a matter pending before the Board of Trustees or the University. Any potential conflicts of interest or uncertainty regarding a conflict shall be brought to the immediate attention of the Chairman of the Board of Trustees.

(1) Family Member includes: spouse, parents, siblings, aunts/uncles, children, domestic partner, and any person residing in a Trustee’s household.
(2) Business Associated with a Trustee means an organization, corporation, partnership, joint venture, proprietorship or other entity or associate(s) with respect to which either the Trustee or a member of the Trustee’s family:

(a) Receives compensation or has any contractual right to future income (excluding compensation from the University), or any governmental source, investment or savings income, retirement or insurance benefits, rents or alimony, or non-financial consideration and benefits;

(b) Serves as an officer, director, partner, or employee; or

(c) Holds a foreseeable financial interest, which may result from a Trustee’s official authority as a member of the Board of Trustees.

Other Issues

(1) A Trustee shall not use the authority, title, influence, or prestige of his or her position to solicit business for others or otherwise obtain a private financial, social, or political benefit, which in any manner would be inconsistent with the interest and mission of the University, nor shall a Trustee disclose confidential information gained by reason of the Trustee’s position for personal gain, benefit or to secure special privileges or exemption for him or herself or others.

(2) Except for the hiring of the President, no Trustee shall attempt to influence the hiring decision of other University employees.

(3) Complaints and issues received directly from students, staff, faculty, or citizens should be referred directly to the President.

(4) A Trustee’s first and foremost obligation when confronted with issues supported by special groups (including but not limited to unions, economic groups, geographical areas, racial groups and political parties) is to represent and act only in the best interests of the University.
MEMORANDUM

DATE: January 14, 2003

TO: Members of the University Board of Trustees

FROM: Richard C. McFarlain

RE: Your Code of Ethics Reporting Requirements

This memo updates one of October 10, 2001 sent to the previous Board.

Congratulations on your appointment as a trustee of The Florida State University Board of Trustees. With this appointment, you have a fiduciary relationship to the University. You are subject to the Code of Ethics for public officers and employees contained in F.S. 112.311-112.326. The responsibility for complying with the Code of Ethics is yours as an individual. The purpose of this memorandum is to help you through the maze.

Financial Interest Disclosure Requirements.

F.S. 112.3145(2)(b) requires that you file a Statement of Financial Interest (CE Form 1) with the Commission on Ethics within 30 days of your appointment. The form, though not burdensome, comes with instructions. Further pursuant to the statute, you must file CE Form 1 annually with the Commission on Ethics no later than July 1 of each year. Your first annual statement will be due July 1, 2003.

This same form should be filed as a final statement of financial interest within 60 days when you leave your position. The exception to this is if you take another public position requiring disclosure under the statute or S.8, Article II, Florida State Constitution, or if you are otherwise required to file full and public disclosure.

Gifts and Honoraria.

The Code of Ethics prohibits the receipt of some gifts and honoraria and requires reporting others. The Code prohibits Trustees, their spouses, and their
minor children from soliciting or accepting anything of value when they know or should know that it is given to influence their official action. F.S. 112.313(4). In addition, the law focuses on gifts from a certain group of donors that consists of political committees, lobbyists (that is, persons who are paid to influence the governmental decision-making of a Trustee or other officer or employee of the University), the principals and employers of a lobbyist, and the partners and firms of a lobbyist. A Trustee cannot solicit a gift of any value from someone in this group. Nor can a Trustee accept a gift worth more than $100 from someone in this group (if the gift is worth between $25 and $100, a donor in this group must report it).

Gifts valued at over $100 from other donors, unless they are a relative or close personal friend, must be reported by the Trustee in one of two ways. F.S. 112.3148(6) and (8). If such a gift comes from the University or one of its direct support organizations (e.g., Seminole Boosters), it should be reported on CE Form 10. This form should be filed annually with the CE Form 1, not later than July 1 of each year. Other gifts worth over $100 should be reported quarterly on CE Form 9, Quarterly Gift Disclosure. This is filed with the Commission on Ethics on or before the last day of the calendar quarter following the quarter when the gift was received. Since reporting is required only when a gift over $100 is received, the way around it is: Do not take it.

Trustees are prohibited by statute from soliciting an honorarium when the subject of the speech or writing relates to the member's public office or duties. F.S. 112.3149. They also are prohibited from accepting an honorarium from anyone in the group of prohibited gift donors (political committees, lobbyists, etc.). However, Trustees may accept from a prohibited gift donor the payment of expenses related to an honorarium event, but must report this the following year on CE Form 10. Otherwise, Trustees may accept an honorarium event without reporting it, unless the honorarium exceeds the income threshold for reporting on CE Form 1.

Conflicts of Interest

Trustees cannot have or hold any employment or contractual relationship with any business entity or agency that is doing business with the Board of Trustees or the University. Nor may a Trustee have any employment or contractual relationship that will create frequently recurring conflict between their private interests and the performance of their public duties, or that would impede the full and faithful discharge of their public duties. F.S. 112.313(7)(a). This statute also prohibits a Trustee from acting in their official capacity to either directly or indirectly purchase, rent, or lease any realty, goods or services for the Board or the University from any business entity which the Trustee or their spouse or child is an officer, partner, director or proprietor or in which the Trustee or their spouse or child has a material interest. Nor may a Trustee, acting in a
private capacity, rent, lease or sell any realty, good or services to the Board or the University. F.S. 112.313(3).

There are exemptions from this provided in 112.313(12). A Trustee would not be in violation if the business or contract is awarded under a system of sealed, competitive bidding to the lowest or best bidder and the Trustee or the spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder and has not used or attempted to use influence to persuade the Board or the University or any personnel thereof to enter into such contract other than by submission of the bid and prior to or at the time of the submission of the bid, has filed a statement with the Department of State disclosing the interest and the nature of the intended business. (CE Form 3A). A Trustee would not be in violation of the statute if the total amount involved does not exceed $500 per calendar year.

Voting Conflicts.

Trustees are not prohibited by the Code of Ethics from voting in an official capacity on any matter. However, a Trustee must disclose the nature of their interest in a matter if it would result in special gain or loss to the Trustee, to any principal or employer who retains the Trustee, to a relative, or to a business associate (partner). F.S. 112.3143. If a Trustee intends to make any attempt to influence the decision prior to the meeting at which the vote will be taken, they must first complete and file CE Form 8A with the Secretary, have copies of the form provided to other Trustees, and then have the form be read publicly at the next meeting after the form is filed. If the Trustee makes no attempt to influence the decision except by discussion or vote at the meeting, they must disclose orally the nature of their conflict in the measure before participating, and must complete and file CE Form 8A with the Secretary within 15 days after the vote. The Form will be incorporated into the minutes of the meeting, and will be provided to other members of the Board and be read publicly at the next regular meeting.

Enclosed with this memo is a memo on the "sunshine" law which you may find useful.

All of us here will try to help you with any questions. You will also find the staff of the Florida Commission on Ethics very helpful if you prefer to go directly to them.

RCM:lw

cc:  T. K. Wetherell, President
     Dayton M. (Mike) Cramer, Deputy General Counsel
     Ruth Storm-Feiock
MEMORANDUM

DATE:       July 25, 2002
TO:         Members of the University Board of Trustees
FROM:       Richard C. McFarlain, General Counsel
SUBJECT: The Sunshine Law

I write this to you at the request of the Chair by way of the President. The purpose is to ensure that members of the Board of Trustees are aware of the far reaches of Florida’s Public Meetings and Records law. Complying with this law takes constant care. Section 286.011, F.S. is the co-called “Sunshine Law.” It requires the decision-making process of state government to be made in public for the benefit of the public. As members of the FSU Board of Trustees, you are covered by this law. It applies to any gathering of two or more members of the Board who meet to discuss any matter which will foreseeably come before the Board for action. The three basic requirements of compliance are:

(1) Meetings of the Board of Trustees and members must be open to the public.

(2) Reasonable notice of such meetings must be given.
(3) Minutes of the meeting must be taken and promptly recorded and open to the public.

The law also applies to committees of the Board of Trustees and advisory committees appointed by the Board even though the advisory committees' recommendations are subject to review because “[n]o official act which is in and of itself decision-making can be remote from the decision-making process, regardless of how many decision-making steps go into the ultimate decision.” (Wood v. Marston, 442 So.2d 934). A limited exception to this is for committees established for fact-finding only. This means strictly gathering information and reporting the information. When the fact-finding committee can or does make recommendations, it is covered by the Sunshine Law.

Staff

Meetings of the Board of Trustees staff are not ordinarily subject to the Sunshine Law unless the staff has been delegated decision-making functions outside normal activity, or are acting as liaisons between Board members, or are acting in place of the members at the members' direction. Further, when a staff member is appointed to a committee which is delegated authority to make recommendations to the Board, the staff member loses the identity as staff while working on the committee and is covered by the Sunshine Law. It is the act performed which is dispositive.
Board Members

There is no requirement that a quorum be present for the law to apply. It applies to any gathering, whether formal or casual, of two or more members of the Board to discuss some matter on which foreseeable action will be taken by the Board.

"Every thought, as well as every affirmative act, of a public official as it relates to and is within the scope of his official duties, is a matter of public concern; and it is the entire decision-making process that the legislature intended to affect by the enactment of the statute before us." Times v. Williams, 222 So.2d 470.

Written Correspondence

The use of a writing by one Board member to inform others of a subject which will be discussed at a public meeting is not a violation if there is no interaction related to the writing among the Board members. Such communication, which includes email, however, is a public record and should be maintained. (AGO 89-23 and AGO 01-20). If the report is circulated among Board members for their comments, it is subject to the Public Records Act.
Telephone

Law applies where two or more members of the Board discuss some matter which foreseeably will come before the Board for action. The use of the telephone does not remove it.

Use of Liaisons between Board Members

The law applies to meetings between a Board member and another not a member of the Board when that person is used as a liaison to other Board members. In particular, when such meetings are held in rapid-fire succession, they amount to a de facto meeting. This does not mean that individual Board members are prohibited from meeting privately with staff for informational purposes. Staff should not call each member of the Board separately and ask them to state their position on a matter which will foreseeably be presented before the entire Board in open session. An exception made by the courts is the decision to file an appeal by counsel to a Board after discussions between that counsel and individual members of the Board, if Board approval for the appeal is not required. In Florida Parole and Probation Commission v. Thomas, 364 So.2d 480, the Court concluded that all decisions taken by legal counsel to a public board need not be made or approved by the Board; thus, the decision to appeal made by legal counsel after private discussions with the individual members did not violate s.286.011, F.S. (In my view it may be legal but it would be a bad policy.)
Confidentiality regarding Litigation

In order for the Board to legally meet with counsel in private to discuss litigation, the following is required:

(a) The Board must be a party to an active lawsuit.

(b) Counsel shall advise the Board at a public meeting that he desires advice concerning the litigation.

(c) The Board must give reasonable public notice of the time and date of the attorney-client closed session and the names of people who will be attending it. It shall commence at an open meeting, at which time the Chair shall announce the beginning and estimated length of the session and the names of the persons attending. When the session is over, the Chair shall re-open the meeting and announce the termination of the session.

(d) The subject matter of the meeting shall be confined to 1) settlement negotiations or 2) strategy sessions related to litigation expenses.

(e) The entire session shall be recorded by a certified court reporter. The reporter shall record the time of commencement and termination of the session, all discussions and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter’s notes shall be fully transcribed and filed with the Board’s secretary within a reasonable time after the meeting.
(f) The transcript will be part of the public record upon conclusion of the litigation.

The "Government-in-the-Sunshine Manual" opines that if counsel does not advise the entity that he desires advice regarding litigation, the Board would not be precluded from providing such advice to counsel, but must do so at a public meeting. (I am not kidding.) In these closed sessions, only those people listed in the statutory exemption, i.e. the Board, counsel, the chief administrative officer, and the court reporter, are authorized to attend a closed session. Other staff are not to be present. Attendance of special counsel is also authorized. No final decisions on litigation can be legally voted on during these private sessions. The decision to settle a case for a certain amount of money under certain conditions is a decision which must be voted upon in a public meeting. "The settlement of the case is exactly the type of final decision contemplated by the drafters of section 286.011(8) which must be voted upon in the Sunshine." Zorc v. City of Vero Beach, 722 So.2d 891. See also Breckner v. City of Dania Beach, 2220 W.L. 1430374.

Please note that the Board, in order to have such a session, must have "pending litigation." The exemption "does not apply when no lawsuit has been filed, even though the parties involved believe litigation is inevitable." (AGO 98-21).
Exemption-Risk Management

Section 768.28(15)(c) F.S. says that proceedings relating solely to the evaluation of claims or offers of compromise filed with a risk management program of the state are exempt. The minutes are also exempt until the termination of the litigation.

Personnel Matters

Personnel matters discussed before the Board are not exempt.

Evaluations

When the Board is assessing the performance of the President or others, it should conduct the review and appraisal process in proceedings open to the public as prescribed by the Sunshine Law.

Social Events

Trustees are not prohibited from meeting together socially, provided that issues which could foreseeably come before their Board are not discussed.

(AGO 92-79).
Abstention from Voting

The Sunshine Law says: “No member...who is present at any meeting...at which an official decision, ruling or other official act is to be taken or adopted may abstain from voting...a vote shall be recorded or counted for each member present except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under s. 112.311, s. 112.313 or s. 112.3143, F.S.” (Code of Ethics for Public Officers and Employees)

The Unpleasant Part

Violations of the Sunshine Law carry criminal penalties. Any Board member who knowingly violates the law is guilty of a misdemeanor of the second degree. If convicted of this, the person may be sentenced to a term of imprisonment not to exceed sixty days and/or fined up to $500. Further, the Governor may suspend the offender. If convicted, the person may be removed by the Governor. The statute also imposes non-criminal penalties for an infraction up to a fine not exceeding $500. Even if the conduct takes place outside the state, it is still a second degree misdemeanor. Charges would be filed in Tallahassee.

Notice

Section 120.525 F.S. requires the Board of Trustees to give seven days notice of meetings and make an agenda available in this seven-day period before and during the meeting. The agenda may only be changed for “good
cause" by "the person designated to preside." Notice must either be in the
"Florida Administrative Weekly" or, alternatively, in the newspaper along with
other postings which may include the internet. Whatever is used must give
notice in a time and manner that will enable the media and general public to
attend the meeting.

Conclusion

The Sunshine Law is at one and the same time simple and convoluted. If
you have questions, let me have them. The best advice I can give you is, when
in doubt, don't. Remember, two or more members meeting to discuss any
matter which will foreseeably come before the Board for action. That is the
trigger. A defense of "I was just talking to myself and she was in the area" will
not do. And, yes, I know that no corporation could stay in business like this. But
here, you are not in business, you are part of government.

RCM:lw
Encl.: F.S. 286.011

cc: Sandy D'Alemberte
    Larry Abele
    Ray Bye
    John Carnaghi
    Winston Scott
    Beverly Spencer
    Bob Bradley
    Ruth Feiock
    All lawyers, General Counsel's Office
286.011 Public meetings and records; public inspection; criminal and civil penalties.—

(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

(2) The minutes of a meeting of any such board or commission of any such state agency or authority shall be promptly recorded, and such records shall be open to public inspection. The circuit courts of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state.

(3)(a) Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by fine not exceeding $500.

(b) Any person who is a member of a board or commission of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(c) Conduct which occurs outside the state which would constitute a knowing violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Whenever an action has been filed against any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision to enforce the provisions of this section or to invalidate the actions of any such board, commission, agency, or authority, which action was taken in violation of this section, and the court determines that the defendant or defendants to such action acted in violation of this section, the court shall assess a reasonable attorney’s fee against such agency, and may assess a reasonable attorney’s fee against the individual filing such an action if the court finds it was filed in bad faith or was frivolous. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against an individual member or members of the board or commission. However, this subsection shall not apply to a state attorney or his or her duty authorized assistants or any officer charged with enforcing the provisions of this section.

(5) Whenever any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision appeals any court order which has found said board, commission, agency, or authority to have violated this section, and such order is affirmed, the court shall assess a reasonable attorney’s fee for the appeal against such board, commission, agency, or authority. Any fees so assessed may be assessed against the individual member or members of such board or commission; provided, that in any case where the board or commission seeks the advice of its attorney and such advice is followed, no such fees shall be assessed against an individual member or members of the board or commission.

(6) All persons subject to subsection (1) are prohibited from holding meetings at any facility or location which discriminates on the basis of sex, age, race, creed, color, origin, or economic status or which operates in such a manner as to unreasonably restrict public access to such a facility.

(7) Whenever any member of any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision is charged with a violation of this section and is subsequently acquitted, the board or commission is authorized to reimburse said member for any portion of his or her reasonable attorney’s fees.

History.—s. 1, ch. 67-356; s. 139, ch. 71-126; s. 1, ch. 73-245; s. 6, ch. 83-355; s. 33, ch. 91-224; s. 1, ch. 93-232; s. 210, ch. 95-148; s. 1, ch. 96-323.

286.0111 Legislative review of certain exemptions from requirements for public meetings.
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Draft FSU Rule 6C2-2.025, F.A.C., University Direct Support Organizations

PROPOSED BOARD ACTION

Motion that the FSU BOT approve Rule 6C2-2.025, University Direct Support Organizations

BACKGROUND INFORMATION

Rule 6C-9.011, F.A.C., formerly of the Board of Regents (later a rule of the Florida Board of Education and readopted by the Board of Governors on January 7, 2003) provides basic requirements for a University DSO such as budget review, auditing requirements and procedures for decertification of the DSO. Section 1004.28, Florida Statutes, however, requires each Board of Trustees to have a rule governing University DSOs.

Supporting Documentation Included: Draft of Rule 6C2-2.025
Contact: John Carnaghi, Sr. Vice President, Finance and Administration
Phone: 850-644-4444
6C2-2025 Direct Support Organizations

(1) The President of the University may recommend to the Board of Trustees that an organization meeting the requirements of Section 1004.28(1)(a), F.S., be designated a Florida State University Direct Support Organization (“DSO”). Upon approval by the Board of Trustees, a DSO shall be considered to be certified and authorized to use the property, facilities and personal services of the University.

(2) In order to be considered for certification as a DSO, an organization must fulfill the requirements of Section 1004.28(1)(a), F.S., and must have Articles of Incorporation and Bylaws that together:

(a) Provide that any person employed by the organization shall not be considered to be an employee of the Florida State University Board of Trustees by virtue of employment by the DSO.

(b) Provide that the chief executive officer or director of the DSO shall be selected and appointed by the governing board of the DSO, with prior approval of the President of the University, and that the chief executive officer or director shall report to the President or a designee reporting directly to the President.

(c) Provide that any amendments to the Articles of Incorporation or Bylaws be submitted by the President of the University to the Board of Trustees for approval prior to becoming effective.

(d) Provide that the President of the University shall have the following powers and duties:

1. Monitor and control the use of University resources by the organization.
2. Control the use of the University name by the DSO.

3. Monitor compliance of the organization with federal and state laws.

4. Recommend to the governing board of the board of trustees an annual budget.

5. Review and approve quarterly expenditure plans.

6. Approve contributions of funds or supplements to support intercollegiate athletics.

(c) Provide that the organization shall provide equal employment opportunities to all persons regardless of race, color, religion, gender, age or national origin.

(f) Prohibit the giving, directly or indirectly, of any gift to a political committee or committee of continuous existence as defined in Section 106.011, F.S., for any purpose other than those certified by a majority roll call vote of the organization’s governing board at a regularly scheduled meeting as being directly related to the educational mission of the University.

(3) The President of the University or a designee shall serve on the governing body and executive committee of each DSO.

(4) Each DSO shall submit an annual budget, which has been approved by its governing board and recommended by the President of the University to the Board of Trustees for review. Such proposed budget shall be submitted no later than sixty (60) days after the last day of the fiscal year to which the proposed budget pertains. Each proposed budget shall include therein:

1. Expenditures for the construction of physical facilities, and

2. salary supplements, compensation and benefits provided to the President, University faculty, and staff, and to DSO employees to be paid with assets of the DSO, which shall be specifically identified.
(5) Each DSO shall prepare and submit to the President no later than the first day of each quarter of the organization’s fiscal year a quarterly expenditure plan that separately delineates planned actions which would cause a commitment of University resources or which represent a significant commitment of the resources of the DSO, including:

1. Major fund raising events and campaigns and their purpose.

2. Compensation and benefits to University employees and employees of the organization.

3. Capital projects, including land acquisition, construction, renovation or repair.

4. Other major commitments of the resources of the organization.

(6) Each DSO shall cause a financial audit of its accounts and records to be conducted by an independent certified public accountant after the close of each fiscal year. The audit report shall be submitted by the President of the University to the Board of Trustees no later than the end of the fourth month following the close of the organization’s fiscal year.

1. Audits shall be conducted pursuant to Section 1004.28(5), F.S. and in accordance with rules adopted by the Auditor General pursuant to Section 11.45(8), F.S. and Florida State University rules.

2. The President of the University shall submit the annual audit report to the Auditor General and to the State Board of Education no later than nine (9) months after the close of the organization’s fiscal year.

(7) The President of the University may recommend to the Board of Trustees that an organization be decertified as a DSO if the President determines that the organization is no
longer serving the best interest of the University. The recommendation for decertification shall include a plan for disposition of the organization’s assets and liabilities.

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Specific Authority 1001.74(4), 1004.28(2) FS.
Law Implemented 1001.74(37), 1004.28 FS.
History--New
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Governor’s Recommendations, FY 2003-04

PROPOSED BOARD ACTION

For information only.

BACKGROUND INFORMATION

Provost Abele will provide a summary of the Governor’s Budget Recommendations for FY 2003-04 and the potential impact on the university.

Supporting Documentation Included:
Other Support Documents Available:

Contact: Provost Lawrence G. Abele
Phone: 644-1765
ITEM: 10

BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Legislative Priorities

PROPOSED BOARD ACTION

Consider and adopt legislative priorities for the 2003 Legislative Session.

BACKGROUND INFORMATION

The Legislative Session begins on March 4, 2003, and ends on May 2, 2003. President Wetherell will discuss the upcoming legislative session and the substantive and fiscal needs of the university.

Supporting Documentation Included: Draft Legislative Priorities
Other Support Documents Available: Legislative Budget Request, FY 2003-04 (Operating and Fixed Capital Outlay), as adopted by the FSU Board of Trustees in July 2002

Contact: President T.K. Wetherell Phone: 644-0803
SYSTEM ISSUES

General Revenue

Base funding is essential to run the day-to-day operations of the university. Serving students is our top priority. In order to maintain a delivery system of the highest possible quality, consistent with the mission statement found in Section 1004.01, F.S., to protect instructional services to students and to provide manageable class sizes, it is of great importance to fund the university base budget with continuing general revenue dollars. By doing so, academic program quality will be preserved, student to faculty ratio and class sizes will be maintained. Since 2000-01, the FSU enrollment plan has increased by 10.3% while the General Revenue allocations were decreased by 6%.

Additionally, it is critical that the universities are provided adequate funding for anticipated financial accounting and personnel systems.

Enrollment Growth

The state universities continue to grow in size according to a plan designed to ensure their reputation for and history of excellence. Requests for additional FTE are necessary to accommodate growth and to respond to educational access (Enrollment Growth Funding) needs in Florida. FSU has been funded for 24,771 FTE, however, the current projected enrollment is 25,211 FTE, leaving 439 FTE unfunded. It is critically important that the funding for this new growth be equal to the systemwide average cost per FTE at each level. Last year’s level per FTE was lower than the previous four years. While the universities have capacity for growth and the ability to help the State address access needs – we do not want to jeopardize quality in the delivery of educational services because of a significantly reduced funding level. Since students only pay less than 25% of the cost of instruction, reduced state funding per student has critical implications.

Major Gifts Program

The State of Florida is nationally known for its successful matching gifts program that encourages individuals and corporations to make private gifts for the purpose of enhancing our state universities. The presidents, trustees and foundation board members of all 11 public institutions support this important incentive program, recognizing that changes in the funding levels may be required to ensure the program’s longevity through the realities of state budget cycles. In this regard, they strongly endorse a plan to secure a $150 million 20-year bond issue, which will be used to match the current backlog of over $100 million in received and unmatched gifts to the universities, and $25 million in unmatched gifts for the 28 community colleges. This proposal would require carrying costs of approximately $8 million annually to be appropriated from the Educational Enhancement Trust Fund.
Tuition & Fee Flexibility

Currently, the state universities set tuition in accordance with authority granted by the Legislature in the General Appropriations Act, and all authorized fees are specified and capped in Florida Statutes. The Legislature’s ability or willingness to allow increases in tuition and fees is tempered by the resulting impact on programs such as Bright Futures, Florida College Prepaid and need-based financial aid. However, with decreasing state support and increasing demands for quality services and programs, tuition/fee and financial aid policies must be reformed to grant more flexible authority for universities to set tuition and fee levels on their campuses.

FLORIDA STATE UNIVERSITY ISSUES

College of Medicine

The College of Medicine at Florida State University was created by the Florida Legislature for the purpose of training primary care physicians devoted to the needs of rural, underserved minority and elder populations. Funds are requested for staff and support costs for the fourth year of the phase-in of the medical school. The next phase requires funding for the Tallahassee main campus, along with the first three community campuses along with initial funds for the development of a fourth campus. The requested appropriation of $4,858,821 funds faculty, staff and support costs for the main campus and the community campuses. The request also includes student fees trust fund authority for 40 FTE, projected enrollment for fall 2003 is 50 FTE.

PECO

Priority projects from the FSU Five Year Capital Improvement Plan

<table>
<thead>
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<th>Project</th>
<th>Cost</th>
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<tbody>
<tr>
<td>Utilities/Infrastructure/Capital Renewal</td>
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<tr>
<td>Building Envelope Improvements</td>
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<tr>
<td>Science Building Support System Improvements</td>
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<td>Psychology Center</td>
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<td>Marine Science Research and Training Center</td>
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<td>Life Sciences Teach &amp; Research Center</td>
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Challenge Grant Projects

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<th>Project</th>
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</thead>
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<tr>
<td>Concert Hall – Challenge Grant (State Share)</td>
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<tr>
<td>Business Buildings, Remodeling &amp; Expansion (State Share)</td>
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<tr>
<td>FSU Child Development Center (State Share)</td>
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<tr>
<td>College of Law Remodel &amp; Expansion (State Share)</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Chemistry Building (State Share)</td>
<td>$5,000,000</td>
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<tr>
<td>Challenger Learning Center (State Share)</td>
<td>$150,000</td>
</tr>
</tbody>
</table>
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: University Accreditation

PROPOSED BOARD ACTION

For information. Dr. Dianne Harrison, Associate Vice President for Academic Affairs and Dean of Graduate Studies, will provide an update on the status of the SACS accreditation process.

BACKGROUND INFORMATION

The Southern Association of Colleges and Schools (SACS) has scheduled Florida State University for review for reaffirmation of accreditation during 2002-2004. Two major reports will be prepared for the university self-study: a Compliance Certification document and a Quality Enhancement Plan document. Planning for the review process has begun by the FSU SACS Task Team chaired by Dianne Harrison, Associate Vice President for Academic Affairs and Dean of Graduate Studies.

Supporting Documentation Included:
Other Support Documents Available:

Contact: Dianne Harrison  Phone: 644-1103
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: President Emeritus Status

PROPOSED BOARD ACTION

Consider and grant President Emeritus Status to former President D’Alemberte

BACKGROUND INFORMATION

President Emeritus is an honorary title that may be conferred upon former university presidents upon resignation from the position in recognition of distinguished service to the University. Nominations for emeritus status are made by the faculty, reviewed by the Faculty Senate and Dean of the Faculties, and approved by the Florida State University Board of Trustees. The granting of President Emeritus status is an honorary designation that entails no assigned duties, responsibilities, office space or use of clerical staff. Individuals granted President Emeritus status shall have their names listed in the university catalog and personnel directory, be given an identification card which indicates the individual’s status as “President Emeritus,” receive appropriate University mailings, and be entitled to attend all appropriate faculty, social, athletic and honorary functions.

Supporting Documentation Included:
Other Support Documents Available:

Contact: Dean Steve Edwards Phone: 644-6876
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: President’s Remarks and Future Meeting Dates

PROPOSED BOARD ACTION

Approve future meeting dates

BACKGROUND INFORMATION

Proposed meeting dates are the following:

Friday, May 30, 2003
Friday, September 19, 2003
Friday, November 21, 2003
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Approve Policy Delegating Authority for Construction Change Orders

PROPOSED BOARD ACTION

Motion that the FSU BOT approve the following policy:

In accordance with Section 1013.48, Florida Statutes, the FSU Board of Trustees delegates to the President of the University, or his designee, the authority to execute any and all construction change orders in the name of the Board. Copies of such documents will be maintained in University files and reported to the Board of Trustees only upon request.

BACKGROUND INFORMATION

Section 1013.48, Florida Statutes, authorizes the Board of Trustees to authorize by written policy, the authority to approve construction change orders to the President or other designated individual for preestablished amounts.

Supporting Documentation Included: Section 1013.48 Florida Statutes
Contact: John Carnaghi, Sr. Vice President, Finance and Administration
Phone: 850-644-4444
BOARD OF TRUSTEES
January 24, 2003

SUBJECT: Approve Policy on Reporting Construction Costs, Purchase Orders, and Service Contracts to Board of Trustees

PROPOSED BOARD ACTION

Motion that the FSU BOT approve the following policy:

In accordance with Florida Board of Governors Resolution dated January 7, 2003, authorizing the FSU BOT to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction, and its adoption of Section 1001.75(5) Florida Statutes, authorizing the President of the University, or his designee, to approve, execute, and administer contracts for and on behalf the Board of Trustees, the President or his designee will report annually on construction costs that exceed $1 million and purchase orders and service contracts that exceed $1 million or five (5) years in duration.

BACKGROUND INFORMATION

The Florida Board of Governors Resolution dated January 7, 2003, provides that “[t]he boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university’s mission, the implementation and maintenance of high quality education programs within law and rules of the Board of Governors, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.” Also, the Resolution requires “the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.” Adoption of the above reporting policy helps ensure that the FSU BOT receives the information its needs to fulfill its responsibilities in the contracting area.

Supporting Documentation Included: None
Contact: John Carnaghi, Sr. Vice President, Finance and Administration
Phone: 850-644-4444
POLICY STATEMENT
FLORIDA STATE UNIVERSITY PARTICIPANTS
 IN DEFERRED RETIREMENT OPTION PROGRAM

In response to the announced July 1, 1998 effective date of the Florida Retirement System (FRS) Deferred Retirement Option Program (DROP), a number of Florida State University (FSU) employees declared eligibility under a Grandfather clause and elected to participate in DROP, subject to the maximum length of participation allowed (60 months). Since that initial election, all vested Florida Retirement System members have had the opportunity to join the DROP program within 12 months of first reaching normal retirement age or date, subject to the 60 month limit which begins with that date of eligibility.

DROP participants are required to sign a form declaring a DROP beginning date and a termination and resignation date. From the beginning date, their FRS retirement benefit is placed in the DROP, earning interest, and they may simultaneously continue to work for the same employer, FSU, during the 60 month limitation. Employment past the limitation period must be initiated by the employer and subjects the participant to forfeiture of the DROP account and retirement benefit. In addition, the employer is responsible for any underpayment of retirement contributions required to reinstate the participant in the FRS.

Currently, 140 FSU employees are subject to termination under DROP between now and June 30, 2003. An additional 303 employees have elected participation in the program with termination dates ranging from July 1, 2003 to December 31, 2007. Since implementation, 131 FSU employees have already terminated under DROP.

The impact of the loss of staff due to DROP participation can be greatly reduced if the questions and decision making responsibilities concerning staff replacement, restructure of units and reassignment of responsibilities are centralized. Accordingly, I will ask each Vice President to review the positions in DROP and submit a plan of action by position to cover these responsibilities. Furthermore, I am requesting that each Vice President submit justification and documentation of the need to fill positions vacated by staff retiring/terminating under the DROP program. This documentation should also include their intent to promote internally, recruit outside the University or to distribute the responsibilities to existing staff.

With the loss of immense experience, come opportunities. We will explore:

1. Possibility and consequences of eliminating or merging of duties/responsibilities; or
2. Promoting internal candidates to higher level positions; or
3. Bringing outside talent to FSU to fill these vacancies.
THE FIFTY FIFTH STUDENT SENATE

Resolution 12

Sponsored by: Senators Levine and Ulvert

WHEREAS: The 152nd anniversary of the Florida State University will be observed on January 24, 2003, the 152nd year after the university’s establishment by the Legislature in 1851 as the Seminary West of the Suwannee River, and

WHEREAS: The Tallahassee campus of Florida State University is the oldest continuous site of higher education in Florida and holds the state’s first chapter of Phi Beta Kappa, and

WHEREAS: The solid foundation for this “Research 1” university was laid through the university’s role as the state’s first liberal arts college, which grew into the Florida State College for Women, the nation’s second largest state college for women recognized by the Association of American Universities in 1924, and

WHEREAS: Today the university’s mission emphasizes teaching, research, and public service, with 17 independent colleges and schools, the newest being the College of Medicine with course work beginning in the late 1800’s, and

WHEREAS: With graduate and undergraduate degrees offered in more than 570 fields, many of which are nationally-recognized programs, Florida State University’s comprehensive offerings prepare students for graduate school, professional degree programs, and successful careers, and

WHEREAS: Florida State University continues to be a source of pride for the students, faculty, alumni, friends, and administration, as well as for all citizens of the State of Florida, and

WHEREAS: With its strong history as a liberal arts college, commitment to undergraduate education, and extensive and distinguished research in facilities such as the National High Magnetic Field Laboratory, Florida State University is truly on the cutting edge of higher education, and

WHEREAS: In recognition if Florida State University’s 152 years of achievement and looking ahead to its promising future, it is fitting and appropriate that the 55th Student Senate of the
Florida State University Student Government Association declares January 24, 2003 as FSU Heritage Day amongst the student body of the Florida State University, therefore

BE IT RESOLVED BY THE FIFTY FIFTH STUDENT SENATE THAT:

We hereby designate January 24, 2003 as FSU Heritage Day amongst the Student Body of the Florida State University in recognition of Florida State University’s 152nd year as an outstanding institution of higher education and asks all students to join in recognizing, through celebration and appreciation the accomplishments of the Florida State University.

OFFICIALS:  

[Signature]
Student Senate Program Assistant

[Signature]
Student Senate President

PASSED: 22nd of January, 2003