

Rule 6E-3.002 is hereby repealed.

6E-3.002 Administration of the Board.

(1) The board shall maintain its office of record in the corporate limits of Tallahassee, Leon County, Florida.

(2) The board has designated its executive director as its agency clerk. The current mailing address of the board's office is: State Board of Independent Colleges and Universities, Department of Education, Tallahassee, Florida 32399. The office is located in 201 Collins Building, 107 West Gaines Street, in Tallahassee. Office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. The office is closed on official state holidays. The telephone number of the office is (850)488-8695.

(3) The provisions for appointment of board members, the composition of the board, terms of office, and reimbursement are stated in Section 246.031, Florida Statutes.

(4) The powers and duties of the board are stated in Section 246.041, Florida Statutes.

(5) The officers of the board shall be the chairperson, the vice chairperson, and the executive director. The chairperson and vice chairperson shall be elected by the board members to terms of one (1) year. Election of officers shall be held annually at the last board meeting prior to the last day of June, and officers shall assume office on the first day of July each year. The chairperson and vice chairperson shall serve no more than three (3) consecutive terms as such officers. In the event of a vacancy, an election may be held at the next regular or special board meeting, and the officer elected shall assume office immediately to serve the unexpired term. The chairperson or vice chairperson may be removed at any time by the affirmative vote of six (6) or more members of the board.

(a) The chairperson shall be selected from among the board members representing other than publicly-supported institutions. The chairperson shall appoint the members of, and shall serve as an ex officio member of, all committees of the board; shall execute all contracts on authority of and in the name of the board; shall transmit the annual report of the board to the Governor; shall preside over board meetings and hearings conducted by the board; and shall affix his or her signature to all licenses, certificates, and final orders issued by the board. The chairperson shall also recommend the appointment of the executive director and other employees of the board.

(b) The vice chairperson shall be selected from among all members of the board, and shall perform the duties of the chairperson with full authority during the absence or disability of the chairperson.

(c) In the absence of both the chairperson and vice chairperson, the third member of the executive committee shall preside at meetings.

(d) The executive director, who is the chief administrative officer of the board, shall serve on appointment by and at the pleasure of the board upon recommendation by the chairperson. During the absence or disability of the executive director, the chairperson may designate a member of the board's staff to function as the executive director in an acting capacity. The executive director shall also be the secretary of the board and shall be responsible for all of the administrative operations of the board. The executive director shall make recommendations to the chairperson regarding the employment of all staff employees, and may make recommendations to the board regarding any of the board's activities.

(6) Committees of the board.

(a) The executive committee shall consist, ex officio, of the chairperson and vice chairperson, and a member of the board appointed by the chairperson. The executive committee shall have the full authority of the board to act during the interim between board meetings, except in matters of licensure. The board may delegate specific duties to the executive committee, consistent with the provisions of Chapter 28-1, F.A.C. In cases of such delegation, the board shall review at its next meeting any action taken during the interim by the executive committee, and either ratify or reverse the action of the executive committee. Minutes of executive committee meetings shall be presented to the board at its next meeting.

(b) The board may create such standing and special committees as it deems necessary for the discharge of its responsibilities. The chairperson shall appoint the members of such committees for terms not to extend beyond the following June 30.

(c) If the board, in regular or special session, authorizes a committee to act on a matter referred to it, the chairperson of the committee shall report to the board in writing the action taken; otherwise, the committee action

shall be reported as a recommendation for consideration and action by the board at a regular or special meeting.

(7) The board shall hold regular meetings not less than four times in every fiscal year, and all meetings shall be open to the public. Persons interested in attending meetings or in providing information to the board for any meeting should consult the board's office staff or the Florida Administrative Weekly for specific meeting dates, times, and places.

(a) Special meetings may be called by the chairperson, in which case the notice of the meeting shall be distributed in writing to the board members at least fifteen (15) days in advance of the special meeting. Public notice of special meetings shall be published in the Florida Administrative Weekly. The business transacted at any special meeting shall be confined to such matters as have been specified in the notice of the meeting, except that if at least six (6) members are present, any internal administrative business not concerning licensure, rulemaking, or policymaking may be placed on the agenda by a unanimous vote of the members present. In this case, a majority vote of the members present is required to dispose of the business.

(b) Emergency meetings may be called by the chairperson if a situation under the board's purview represents an immediate danger to the public health, safety, or welfare. Such meetings and any decisions made as a result of them shall be conducted in compliance with Chapter 120, Florida Statutes.

(c) All meetings of the board, whether regular, special, committee, or emergency meetings, are open to the public. Notice of regular and special meetings will be published in the Florida Administrative Weekly.

(8) Quorum and voting.

(a) Five (5) members of the board in actual attendance shall constitute a quorum for the transaction of business at all meetings of the full board, except as specified in paragraph 6E-3.002(7)(a), F.A.C.

(b) Action regarding election of board officers, and determination of regulatory policy, including adoption and amendment of rules, shall be transacted on the affirmative vote of five (5) or more members of the board.

(9) Agenda.

(a) The executive director shall prepare the agenda for all meetings of the board.

(b) A copy of the agenda shall accompany the notice of meeting to all members of the board, and to others as requested. The agenda shall be ready for distribution at least seven (7) days prior to each meeting, and may be obtained through the board's office in Tallahassee.

(c) The regular order of business at meetings of the board shall include such items as the following, but not necessarily in this order:

1. Call to order.
2. Roll call.
3. Introduction of guests.
4. Consideration of minutes of previous meetings.
5. Appeals and hearings.
6. Reports of committees.
7. Reports and recommendations of staff regarding colleges and agents.
8. Special reports.
9. Other business.

(d) Matters on the agenda may be taken up out of stated order for good cause stated in the record, with the approval of the chairperson or presiding officer.

(10) Adoption and amendment of rules.

(a) New rules, or amendments to existing rules, may be suggested by members of the board or the board's staff; other interested persons may petition to initiate rule-making proceedings under Chapter 120, Florida Statutes, and Chapter 28-3, F.A.C. Proposed additions or changes to the rules shall be referred to the Rules Committee of the board, who shall consider the proposals and make recommendations to the board.

(b) The board shall consider the recommendations of the Rules Committee, in advertised public meeting, and shall afford the opportunity for any interested person to be heard in regard to proposed amendments or additions to the rules. Board adoption of such amendments or additions to the rules shall be by affirmative vote of five (5) members of the board.

(c) Upon adoption by the board of amendments or additions to the rules, such changes will be forwarded to the State Board of Education for approval or disapproval within sixty (60) days, pursuant to Section 246.071, Florida Statutes. Public hearings shall be provided during the process as specified by law.

(11) Records held in the board office are open for public inspection as specified in Chapter 119, Florida Statutes. The place of inspection is the board office, at the address given in subsection 6E-3.002(2), F.A.C. Appointments may be made during the office hours specified in that section. Departmental policy authorizes charges to be made for the cost of photocopying materials.

(12) Roberts Rules of Order shall be followed in the conduct of all meetings of the board.

Specific Authority 120.53(1)(a), 246.041(1)(d), (e), 246.051(1), 246.071 FS. Law Implemented 20.05(1)(b), 120.53(1)(b), 246.031, 246.041(1)(d), (n), 246.051 FS. History—New 10-13-83, Formerly 6E-3.02, Amended 11-27-88, 10-19-93.