

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Judiciary Committee

BILL: CS/SJR 1508

INTRODUCER: Judiciary Committee and Senators Montford and Ring

SUBJECT: Board of Governors/Student Body President

DATE: February 22, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	deMarsh-Mathues	HE	Favorable
2.	Irwin	Cibula	JU	Fav/CS
3.			EE	
4.			RC	
5.				
6.				

I. Summary:

The Senate Joint Resolution proposes an amendment to article IX, section 7 of the State Constitution to remove the Florida Student Association (FSA) as the organization responsible for electing the student member of the Board of Governors (BOG) of the State University System (SUS) and to require that the BOG organize a council of state university student body presidents for the purpose of electing one of the state university student body presidents to the BOG.

This joint resolution proposes an amendment to Article IX, section 7, State Constitution.

II. Present Situation:

The State Constitution establishes the Board of Governors (BOG) as a 17-member body corporate to manage the state university system.¹ The Governor must appoint 14 citizen members who are confirmed by the Florida Senate and serve staggered terms of 7 years.² In addition, the Commissioner of Education, the chair of the advisory council of faculty senates, and the president of the Florida Student Association (FSA) serve as *ex officio* members.^{3,4}

¹ FLA. CONST. art. IX, s. 7(d).

² *Id.*

³ *Id.*

⁴ *Ex officio* means “[b]y virtue or because of an office.” BLACK’S LAW DICTIONARY (9th ed. 2009).

According to the BOG, elections for the student government president at each state university are held during each spring semester.^{5, 6} Student government presidents serve a 1-year term.⁷ The FSA consists of student government presidents of state universities and whose membership in this organization is voluntary.⁸ In 2010, the student government president of the Florida State University withdrew from membership in the FSA.⁹ The other ten university student bodies are represented currently through their respective student government presidents.¹⁰

Although the FSA is not directly affiliated with the [BOG], the President of the FSA is a member of the [BOG] and advises the [BOG] on all system-wide student issues that come before the [BOG]. Additionally, the FSA membership works closely with the Chancellor on issues of importance to the students of the State University System (SUS).¹¹

III. Effect of Proposed Changes:

The Senate Joint Resolution proposes an amendment to article IX, section 7 of the State Constitution to remove the Florida Student Association (FSA) as the organization responsible for electing the student member of the Board of Governors (BOG) of the State University System (SUS). In place of the FSA, the joint resolution requires that the BOG organize a council of state university student body presidents for the purpose of electing one of the state university student body presidents to the BOG.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁵ “Each student government shall be organized and maintained by students and shall be composed of at least a student body president, a student legislature, and a student judiciary. The student body president and the student legislative body shall be elected by the student body. . . .” Section 1004.26(2), F.S.

⁶ Board of Governors, *2012 Legislative Bill Analysis SJR 1508* (February 6, 2012) (on file with the Senate Committee on Judiciary).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

D. Other Constitutional Issues:

An amendment to the State Constitution may be proposed by the Legislature by a joint resolution agreed to by three-fifths of the membership of each house.¹² A proposed amendment placed on the ballot must be approved by at least 60 percent of the electors voting on the measure in order to become an amendment to the constitution.¹³

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Board of Governors (BOG), the joint resolution will not create a fiscal impact to the State University System (SUS).

Each proposed constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week, preceding the general election.¹⁴ Costs for advertising vary depending upon the length of the amendment. The Department of State estimates an average cost of \$106.14 per word for advertising an amendment.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on February 20, 2012:

The Committee Substitute (CS) deletes a provision authorizing the Governor to appoint an additional member to the Board of Governors (BOG), who must be a state university

¹² FLA. CONST. art. XI, s. 1.

¹³ FLA. CONST. art. XI, s. 5(e).

¹⁴ FLA. CONST. art. XI, s. 5(d).

¹⁵ E-mail from Pierce W. Schuessler, Legislative Affairs Director, Florida Department of State, to Dustin Irwin, Intern, Senate Committee on Judiciary (February 16, 2012) (on file with the Senate Committee on Judiciary).

student body president. Alternatively, the CS authorizes the BOG to create a council consisting of state university student body presidents, the chair of which becomes an *ex officio* member of the BOG.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
