

STORAGE NAME: h1981a.grr

DATE: April 8, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL RULES AND REGULATIONS
ANALYSIS**

BILL #: HB 1981 (PCB CU 99-08)

RELATING TO: University Student Governments and State Universities

SPONSOR(S): Committee on Colleges & Universities; Representative Betancourt and others

COMPANION BILL(S): SB 2262 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES & UNIVERSITIES YEAS 6 NAYS 0
 - (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 5 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

The bill codifies into statute the establishment of a student government system at each state university. In addition, HB 1981 provides the following:

- ❖ Authorizes student governments to adopt internal governing procedures.
- ❖ Permits students to remove an elected student government officer from office through a referendum.
- ❖ Specifies the grounds for removal of a student government officer by petition.
- ❖ Identifies specific grounds for removal of a student government officer by petition.
- ❖ Directs student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.
- ❖ Specifies the authority of the university president over the operation and administration of the university, including student government, and emphasizes the university president's final approval authority for internal procedures adopted relating to student government issues.

The bill provides that a "modification" rather than an "increase" of a local fee (activity and service, health, and athletic) be recommended by a fee committee. The bill also defines the term "consultation" as it relates to the role of a student body president in the modification of these fees and the authorization of proposed fixed capital outlay projects. The term "consultation" is defined as an ongoing and documented dialogue between the student body president and university officials.

Finally, the bill repeals s. 240.136, F.S., relating to the suspension and removal from office of elected student government officials.

This bill does not have a fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 240.235, Florida Statutes, directs each university president to establish an activity and service fee, health fee, and athletic fee for students enrolled in classes on the main campus of the university. The university president may establish these fees for students enrolled in classes on any branch campus or center. Increases in fees are recommended by a fee committee. Fee committee members are appointed by the student body president and the university president. The committees' recommendations take effect after approval by the university president, once he or she consults with the student body president. The recommendations are subject to final approval by the Board of Regents.

An established student government exists at each of the 10 state universities. Each student government is comprised of an executive branch, a legislative branch and a judicial branch. The executive branch of a student government usually consists of an elected student body president and vice president, a cabinet, and several appointed administrative officers. The legislative branch of a student government is a body composed of an elected group of officials. This body is usually referred to as the senate. The judicial branch of a student government usually consists of a supreme court.

Section 240.136, Florida Statutes, directs each state university and community college student government to establish a process in order to suspend and remove a student government officer from office, who is convicted of a violation of criminal law or found civilly liable for an act of moral turpitude. This process must include a procedure for students to petition for a referendum recommending the removal of an elected officer from office. Students participating in the referendum must obtain a majority of votes in order to remove an elected officer from office.

Section 240.295, Florida Statutes, authorizes fixed capital outlay projects for the State University System. These projects may include the construction of new buildings or the remodeling of existing buildings not funded from state monies; the replacement of buildings destroyed by fire or other calamities; the construction of new facilities or the remodeling of existing facilities intended to meet the needs of research; the construction of projects financed through bonds or other forms of indebtedness pursuant to the State Bond Act; and the construction of facilities or the remodeling of existing facilities intended to meet the needs of a university, as long as the amount of funds required does not exceed \$500,000.

Section 240.295, Florida Statutes, also provides that a fixed capital outlay project proposed by a state university and funded by Capital Improvement Trust Fund fees or building fees can not be submitted to the Board of Regents for approval without prior consultation with the university's student government.

According to chapter 6C-14.0025, Florida Administrative Code, a fixed capital outlay project proposed by a state university and funded by Capital Improvement Trust Fund fees or building fees must be approved by the university president after consultation with the university's student government. The term "consultation" is defined as an ongoing dialogue with the student body president prior to developing the university proposal. The rule further provides that an attachment containing any objections and alternatives be reviewed by the university president and the student government and be included in the proposal.

Section 240.531, Florida Statutes, authorizes and directs the Board of Regents to promulgate rules for the establishment, operation, and supervision of educational research centers for child development.

Section 240.136, Florida Statutes, directs each state university and community college student government to establish a process in order to suspend and remove a student government officer from office who is convicted of a violation of criminal law or found civilly liable for an act of moral turpitude. This process must include a procedure for students to petition for a referendum recommending the removal of an elected officer from office. Students participating in the referendum must obtain a majority of votes in order to remove an elected officer.

B. EFFECT OF PROPOSED CHANGES:

HB 1981 provides the following changes:

- ❖ Provides language defining the term “consultation” as an ongoing and documented dialogue with the student body president following any recommendation by a fee committee and prior to the approval of any proposal for modification of any fee. Requires the availability of a documented dialogue between university presidents and their respective student body presidents regarding proposed modifications to the local fees.
- ❖ Each proposal *modifying* the activity and service fee, health fee, and/or athletic fee must contain an attachment listing the names and affiliations of all members of the fee committees. A student government’s objections and alternatives to a modification in these fees must also be attached to the proposal modifying the fees. Finally, the proposal modifying any fees must contain a statement indicating that the university president and the student government reviewed the proposal.
- ❖ Removes language relating to increases in fees and inserts language relating to modification of fees. The bill provides that any *modifications* to the activity and service fee, health fee, and athletic fee must be recommended by the respective fee committee. Fee committees may consider recommendations to decrease fees. Presently, only increases in fees must be recommended by the fee committees.
- ❖ The bill provides that the chairperson of a fee committee may choose to vote in a committee meeting only in the instance of a tie. Current language requires the chairperson to vote in the event of the tie. The proposed change is permissive.
- ❖ Creates s. 240.236.
 - (1) This section codifies into statute the establishment of a student government at each state university. Each student government must be composed of at least an elected student body president and an elected student legislative body. The bill also permits each student government to adopt internal procedures governing the operation and administration of the student government; the election, appointment, and discipline of officers of the student government; and the execution of all other duties as prescribed to the student government by law. Codifying into statute the establishment of a student government at each state university ensures present student governments of their existence and potential longevity.
 - (2) This section of the bill stipulates that an elected student government officer may be removed from office through the majority vote of students participating in a referendum. Students participating in the referendum require a majority of votes in order to remove the elected officer from office. Each student government is directed to develop internal procedures designed for students to petition for a referendum in order to remove an elected officer from office. The grounds for removal of an elected officer from office are specifically limited to malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, and conviction of a felony.
 - (3) Each student government is directed to develop procedures providing for the suspension and removal from office of an elected officer convicted of a felony.
 - (4) Provides that university presidents are responsible for the administration of student governments and possess ultimate approval authority for internal procedures adopted by their respective student governments.
- ❖ Amends s. 240.295(3), F.S. Provides for the definition of “consultation.” This bill codifies into statute the definition of the term “consultation” as it currently appears in rule and increases the awareness of the position of student governments regarding the construction and renovation of proposed fixed capital outlay projects.
- ❖ The Board of Regents is no longer authorized and directed to promulgate rules for the establishment, operation, and supervision of educational research centers for child development. Instead, the Board of Regents must adopt rules governing the establishment, operation, and supervision of educational research centers for child development.

- ❖ Repeals s. 240.136, F.S., relating to the suspension and removal of elected state university and community college student government officers from office. Provisions addressing the suspension and removal of elected state university officers from office are contained in section 2 of the bill. However, provisions addressing the suspension and removal of elected community college officers from office are deleted and not included in HB 1981.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

- (1) any authority to make rules or adjudicate disputes?

The bill contains existing language authorizing the Board of Regents to promulgate rules and timetables to implement the activity and service fees, health fees, and athletic fees. The Board of Regents is also authorized to promulgate rules to implement s. 240.295(3), F.S., which requires consultation between the student body president and the Board of Regents for projects proposed by the university and funded by the Capital Improvement Trust Fund or building fees. Finally, the Board of Regents is authorized to adopt rules governing the establishment, operation, and supervision of educational research centers for child development.

The bill repeals section 240.136, Florida Statutes, which directs each state university and community college student government to establish a process relating to the removal of an officer from office who is convicted of a violation of criminal law or is found civilly liable for an act or moral turpitude. Provisions addressing the suspension and removal of elected state university officers from office are contained in section 2 of the bill. However, provisions addressing the suspension and removal of elected community college officers from office are deleted and not included in HB 1981.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A.

- (2) what is the cost of such responsibility at the new level/agency?

N/A.

- (3) how is the new agency accountable to the people governed?

N/A.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?
No.
- b. Does the bill require or authorize an increase in any fees?
No.
- c. Does the bill reduce total taxes, both rates and revenues?
No.
- d. Does the bill reduce total fees, both rates and revenues?
No.
- e. Does the bill authorize any fee or tax increase by any local government?
No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?
No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Yes. Students have the option of removing an elected student government officer from office through a majority vote in a referendum.
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This bill does not purport to provide services to families or children.
 - (1) Who evaluates the family's needs?
N/A.
 - (2) Who makes the decisions?
N/A.

(3) Are private alternatives permitted?

N/A.

(4) Are families required to participate in a program?

N/A.

(5) Are families penalized for not participating in a program?

N/A.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A.

(2) service providers?

N/A.

(3) government employees/agencies?

N/A.

D. STATUTE(S) AFFECTED:

Amends sections 240.235, 240.295, and 240.531, Florida Statutes. Creates section 240.236, Florida Statutes. Repeals section 240.136, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Amends section 240.235, Florida Statutes, in order to define the term "consultation" and modify provisions related to the establishment of activity and service fees, health fees, and athletic fees.

SECTION 2: Creates section 240.236, Florida Statutes, in order to codify the establishment of a student government at each state university, permit students to remove an elected student government officer from office through a referendum, specify the grounds for removal of a student government officer by petition, and direct student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.

SECTION 3: Amends subsection 240.295(3), Florida Statutes, in order to define the term "consultation" and modify provisions related to the authorization of fixed capital outlay projects.

SECTION 4: Amends section 240.531, Florida Statutes, in order to provide technical modifications that conform to other sections of the bill and clarify the rulemaking authority of the Board of Regents relating to the establishment, operation, and supervision of educational research centers for child development.

SECTION 5: Repeals section 240.136, Florida Statutes, relating to the suspension and removal from office of elected student government officials.

SECTION 6: Establishes an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

This bill does not appear to have a fiscal impact on state or local governments.

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IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 8, 1999, the Committee on Governmental Rules and Regulations adopted one technical amendment to HB 1981.

Amendment 1. This amendment conforms the grant of rulemaking authority to current standards identified in chapter 120, F.S. The amendment streamlines verbiage without compromising the department's rulemaking authority.

VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Daniel Furman

Staff Director:

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES AND REGULATIONS:

Prepared by:

Veronica P. Alvarez

Staff Director:

David M. Greenbaum