

By Senator Holzendorf

2-1367-99

1                                   A bill to be entitled  
2           An act relating to university student  
3           governments; amending s. 97.021, F.S.;  
4           redefining the term "qualifying educational  
5           institution"; amending s. 120.81, F.S.;  
6           providing for the Florida Student Association,  
7           Inc., rather than the Council of Student Body  
8           Presidents, to establish certain rules and  
9           guidelines for judicial proceedings involving  
10          students in the State University System;  
11          providing that rules adopted by the student  
12          government at a state university are not rules  
13          under ch. 120, F.S.; amending s. 240.235, F.S.;  
14          replacing the term "student government  
15          association" with the term "student  
16          government"; creating s. 240.236, F.S.;  
17          creating a student government at each state  
18          university; providing for the composition of  
19          student governments and for their election;  
20          providing guidelines for creating student  
21          governments at branch campuses; providing for  
22          student governments to adopt rules governing  
23          the operation and administration of the student  
24          government, the allocation and expenditure of  
25          student activity and service fees, and the  
26          election, appointment, and discipline of  
27          officers of the student government; providing a  
28          procedure for students to petition to hold a  
29          referendum recommending the removal of a  
30          student government officer; providing that the  
31          university may not take certain actions with

1           respect to student government except as  
2           provided in s. 240.261, F.S.; amending s.  
3           240.295, F.S.; conforming terminology; amending  
4           s. 240.533, F.S.; revising membership of the  
5           Council on Equity in Athletics; amending s.  
6           447.203, F.S.; redefining the term "student  
7           representative"; conforming terminology;  
8           amending s. 447.301, F.S.; providing for a  
9           student representative who may be present at  
10          certain employee bargaining sessions to be  
11          appointed by the Florida Student Association,  
12          Inc., rather than selected by the council of  
13          student body presidents; repealing s. 240.136,  
14          F.S., relating to the suspension and removal  
15          from office of elected student government  
16          officials; providing an effective date.

17

18 Be It Enacted by the Legislature of the State of Florida:

19

20           Section 1. Subsection (24) of section 97.021, Florida  
21 Statutes, 1998 Supplement, is amended to read:

22           97.021 Definitions.--For the purposes of this code,  
23 except where the context clearly indicates otherwise, the  
24 term:

25           (24) "Qualifying educational institution" means any  
26 public or private educational institution receiving state  
27 financial assistance which has, as its primary mission, the  
28 provision of education or training to students who are at  
29 least 18 years of age, if the ~~provided such~~ institution has  
30 more than 200 students enrolled in classes with the  
31 institution and if ~~provided that~~ the recognized student

1 government or student government association ~~organization~~ has  
2 requested this designation in writing and has filed the  
3 request with the office of the supervisor of elections in the  
4 county in which the institution is located.

5 Section 2. Paragraph (f) of subsection (1) of section  
6 120.81, Florida Statutes, is amended, and paragraph (k) is  
7 added to that subsection, to read:

8 120.81 Exceptions and special requirements; general  
9 areas.--

10 (1) EDUCATIONAL UNITS.--

11 (f) Sections 120.569 and 120.57 do not apply to any  
12 proceeding in which the substantial interests of a student are  
13 determined by the State University System or a community  
14 college district. The Board of Regents shall establish a  
15 committee, at least half of whom shall be appointed by the  
16 Florida Student Association, Inc. ~~Council of Student Body~~  
17 ~~Presidents~~, which shall establish rules and guidelines  
18 ensuring fairness and due process in judicial proceedings  
19 involving students in the State University System.

20 (k) Rules adopted by the student government at a state  
21 university under s. 240.236 are not rules as defined in this  
22 chapter.

23 Section 3. Subsection (1) of section 240.235, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25 240.235 Fees.--

26 (1) Each university may ~~is authorized to~~ establish  
27 separate activity and service, health, and athletic fees.  
28 When duly established, these ~~the~~ fees shall be collected as  
29 component parts of the registration and tuition fees and shall  
30 be retained by the university and paid into the separate  
31 activity and service, health, and athletic funds.

1           (a)1. Each university president shall establish a  
2 student activity and service fee on the main campus of the  
3 university. The university president may also establish a  
4 student activity and service fee on any branch campus or  
5 center. Any subsequent increase in the activity and service  
6 fee must be recommended by an activity and service fee  
7 committee, at least one-half of whom are students appointed by  
8 the student body president. The remainder of the committee  
9 shall be appointed by the university president. A  
10 chairperson, appointed jointly by the university president and  
11 the student body president, may ~~shall~~ vote only in the case of  
12 a tie. The recommendations of the committee shall take effect  
13 only after approval by the university president, after  
14 consultation with the student body president, with final  
15 approval by the Board of Regents. An increase in the activity  
16 and service fee may occur only once each fiscal year and must  
17 be implemented beginning with the fall term. The Board of  
18 Regents is responsible for promulgating the rules and  
19 timetables necessary to implement this fee.

20           2. The student activity and service fees shall be  
21 expended for lawful purposes to benefit the student body in  
22 general. These purposes ~~This shall~~ include, but are ~~shall~~ not  
23 ~~be~~ limited to, student publications and grants to duly  
24 recognized student organizations, the membership of which is  
25 open to all students at the university without regard to race,  
26 sex, or religion. The fund may not benefit activities for  
27 which an admission fee is charged to students, except for  
28 student-government-sponsored  
29 ~~student-government-association-sponsored~~ concerts. The  
30 allocation and expenditure of the fund shall be determined by  
31 the student government ~~association~~ of the university, except

1 that the president of the university may veto any line item or  
2 portion thereof within the budget when submitted by the  
3 student government ~~association~~ legislative body. The  
4 university president shall have 15 school days from the date  
5 of presentation of the budget to act on the allocation and  
6 expenditure recommendations, which shall be deemed approved if  
7 no action is taken within the 15 school days. If any line item  
8 or portion thereof within the budget is vetoed, the student  
9 government ~~association~~ legislative body shall within 15 school  
10 days make new budget recommendations for expenditure of the  
11 vetoed portion of the fund. If the university president  
12 vetoes any line item or portion thereof within the new budget  
13 revisions, the university president may reallocate by line  
14 item that vetoed portion to bond obligations guaranteed by  
15 activity and service fees. Unexpended funds and undisbursed  
16 funds remaining at the end of a fiscal year shall be carried  
17 over and remain in the student activity and service fund and  
18 be available for allocation and expenditure during the next  
19 fiscal year.

20 (b) Each university president shall establish a  
21 student health fee on the main campus of the university. The  
22 university president may also establish a student health fee  
23 on any branch campus or center. Any subsequent increase in the  
24 health fee must be recommended by a health committee, at least  
25 one-half of whom are students appointed by the student body  
26 president. The remainder of the committee shall be appointed  
27 by the university president. A chairperson, appointed jointly  
28 by the university president and the student body president,  
29 may ~~shall~~ vote only in the case of a tie. The recommendations  
30 of the committee shall take effect only after approval by the  
31 university president, after consultation with the student body

1 president, with final approval by the Board of Regents. An  
2 increase in the health fee may occur only once each fiscal  
3 year and must be implemented beginning with the fall term. The  
4 Board of Regents is responsible for promulgating the rules and  
5 timetables necessary to implement this fee.

6 (c) Each university president shall establish a  
7 separate athletic fee on the main campus of the university.  
8 The university president may also establish a separate  
9 athletic fee on any branch campus or center. The initial  
10 aggregate athletic fee at each university shall be equal to,  
11 but may be no greater than, the 1982-1983 per-credit-hour  
12 activity and service fee contributed to intercollegiate  
13 athletics, including women's athletics, as provided by s.  
14 240.533. Concurrently with the establishment of the athletic  
15 fee, the activity and service fee shall experience a one-time  
16 reduction equal to the initial aggregate athletic fee. Any  
17 subsequent increase in the athletic fee must be recommended by  
18 an athletic fee committee, at least one-half of whom are  
19 students appointed by the student body president. The  
20 remainder of the committee shall be appointed by the  
21 university president. A chairperson, appointed jointly by the  
22 university president and the student body president, may ~~shall~~  
23 vote only in the case of a tie. The recommendations of the  
24 committee shall take effect only after approval by the  
25 university president, after consultation with the student body  
26 president, with final approval by the Board of Regents. An  
27 increase in the athletic fee may occur only once each fiscal  
28 year and must be implemented beginning with the fall term. The  
29 Board of Regents is responsible for promulgating the rules and  
30 timetables necessary to implement this fee.

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1           Section 4. Section 240.236, Florida Statutes, is  
2 created to read:

3           240.236 University student governments.--

4           (1) There is created at each state university a  
5 student government that shall be organized and maintained by  
6 students as the official representative of the student body.  
7 Each student government shall be composed of at least a  
8 student body president and a student legislative body, both to  
9 be elected by the student body. Interim vacancies may be  
10 filled in a manner other than election as prescribed by the  
11 student government. The university president may establish a  
12 separate student government at a branch campus or center when  
13 the annual total full-time-equivalent student enrollment at  
14 the branch campus or center exceeds 1,200 if a majority of the  
15 students at the branch campus or center sign a written  
16 petition requesting that a student government be formed. Each  
17 student government may adopt rules governing:

18           (a) The operation and administration of the student  
19 government.

20           (b) The allocation and expenditure of student activity  
21 and service fees under s. 240.235, including, but not limited  
22 to, rules governing the payment of honoraria to campus  
23 speakers offering controversial points of view.

24           (c) The election, appointment, and discipline of  
25 officers of the student government. These rules must include a  
26 process for the removal of an elected officer who is convicted  
27 of a crime or found civilly liable for an act of moral  
28 turpitude, after all available rights of judicial appeal have  
29 been exercised or waived or have expired. This process must  
30 include a procedure for the immediate suspension of the  
31 officer following the conviction or civil finding and during

1 any appeal and must provide for a temporary successor to the  
2 office pending completion of any appeal. The process must also  
3 include a procedure by which students may petition for a  
4 referendum recommending to the student government the removal  
5 of an officer. The referendum must be held no more than 60  
6 days after the petition is filed. A recommendation to remove  
7 the officer must be made by majority vote of the students  
8 participating in the referendum.

9 (2) The university may not disband or replace a  
10 student government, nor suspend, remove, or otherwise  
11 discipline an officer of the student government, except in  
12 accordance with s. 240.261.

13 Section 5. Subsection (3) of section 240.295, Florida  
14 Statutes, is amended to read:

15 240.295 State University System; authorization for  
16 fixed capital outlay projects.--

17 (3) Other than those projects currently authorized, a  
18 ~~no~~ project proposed by a university which is to be funded from  
19 Capital Improvement Trust Fund fees or building fees may not  
20 ~~shall~~ be submitted to the Board of Regents for approval  
21 without prior consultation with the student government  
22 association of that university. The Board of Regents shall  
23 adopt promulgate rules that ~~which~~ are consistent with this  
24 requirement.

25 Section 6. Subsections (1), (2), and (4) of section  
26 240.531, Florida Statutes, are amended to read:

27 240.531 Establishment of educational research centers  
28 for child development.--

29 (1) Upon approval of the university president, the  
30 student government ~~association~~ of any university within the  
31 State University System may establish an educational research



1 center for child development in accordance with the provisions  
2 of this section. Each such center shall be a child day care  
3 center established to provide care for the children of  
4 students, both graduate and undergraduate, faculty, and other  
5 staff and employees of the university and to provide an  
6 opportunity for interested schools or departments of the  
7 university to conduct educational research programs and  
8 establish internship programs within such centers. Whenever  
9 possible, such center shall be located on the campus of the  
10 university. There shall be a director of each center,  
11 selected by the board of directors of the center.

12 (2) There shall be a board of directors for each  
13 educational research center for child development, consisting  
14 of the president of the university or his or her designee, the  
15 student body ~~government~~ president or his or her designee, the  
16 chair of each department participating in the center or his or  
17 her designee, and one parent for each 50 children enrolled in  
18 the center, elected by the parents of children enrolled in the  
19 center. The director of the center shall be an ex officio,  
20 nonvoting member of the board. The board shall establish  
21 local policies and perform local oversight and operational  
22 guidance for the center.

23 (4) The Board of Regents shall adopt ~~is authorized and~~  
24 ~~directed to promulgate~~ rules governing ~~for~~ the establishment,  
25 operation, and supervision of educational research centers for  
26 child development. These ~~Such~~ rules must ~~shall~~ include, but  
27 need not be limited to: a defined method of establishment of  
28 and participation in the operation of centers by the  
29 appropriate student governments ~~government associations~~;  
30 guidelines for the establishment of an intern program in each  
31 center; and guidelines for the receipt and monitoring of funds

1 from grants and other sources of funds consistent with  
2 existing laws.

3 Section 7. Paragraph (a) of subsection (2) of section  
4 240.533, Florida Statutes, is amended to read:

5 240.533 Gender equity in intercollegiate athletics.--

6 (2) COUNCIL.--

7 (a) There is created within the Board of Regents the  
8 Council on Equity in Athletics. The council shall meet at  
9 least once, but not more than four times, annually. The  
10 council is ~~shall be~~ composed of:

11 1. The Chancellor of the State University System or a  
12 designee, who shall serve as chair of the council.

13 2. The Commissioner of Education or a designee.

14 3. A student appointed by the Florida Student  
15 ~~Association, Inc. The President of the State Council of~~  
16 ~~Student Body Presidents or a designee.~~

17 4. The Equal Employment Opportunity officer for the  
18 Department of Education or a designee.

19 5. The director of the Office of Equal Opportunity  
20 Programs for the Board of Regents.

21 6. One member from each institution within the State  
22 University System, at least five of whom must ~~shall~~ be women.

23 Except for the Chancellor or his or her designee, the  
24 Commissioner of Education or designee, the Equal Employment  
25 Opportunity officer for the Department of Education, and the  
26 Director of the Board of Regents Office of Equal Opportunity  
27 Programs, and except for the student appointed by the Florida  
28 ~~Student Association, Inc. President of the State Council of~~  
29 ~~Student Body Presidents, or a designee~~, who shall be appointed  
30 to a term of 1 year, the terms of council members appointed to  
31 fill vacancies that ~~which~~ occur after August 1, 1991, shall be

1 as follows: three members shall be appointed for 2-year  
2 terms; three members shall be appointed for 3-year terms; and  
3 three members shall be appointed for 4-year terms. Upon  
4 expiration of these members' terms of office, terms of office  
5 shall be for 4 years. Institutional members must ~~shall~~ be  
6 nominated by the university presidents and selected by the  
7 Chancellor of the State University System. ~~If in the event of~~  
8 a vacancy occurs before the ~~prior to~~ expiration of a member's  
9 term, the ~~such~~ vacancy must ~~shall~~ be filled by the Chancellor  
10 of the State University System.

11 Section 8. Subsection (18) of section 447.203, Florida  
12 Statutes, is amended to read:

13 447.203 Definitions.--As used in this part:

14 (18) "Student representative" means the representative  
15 appointed ~~selected~~ by each community college student  
16 government association and the Florida Student Association,  
17 Inc. ~~council of student body presidents.~~ Each representative  
18 may be present at all negotiating sessions which take place  
19 between the appropriate public employer and an exclusive  
20 bargaining agent. The ~~Said~~ representative must ~~shall~~ be  
21 enrolled as a student with at least 8 credit hours in the  
22 respective community college or in the State University System  
23 during his or her term as student representative.

24 Section 9. Subsection (5) of section 447.301, Florida  
25 Statutes, is amended to read:

26 447.301 Public employees' rights; organization and  
27 representation.--

28 (5) In negotiations over the terms and conditions of  
29 service and other matters affecting the working environment of  
30 employees, or the learning environment of students, in  
31 institutions of higher education, one student representative

1 appointed ~~selected~~ by the Florida Student Association, Inc.,  
2 ~~council of student body presidents~~ may, at his or her  
3 discretion, be present at all negotiating sessions which take  
4 place between the Board of Regents and the bargaining agent  
5 for an employee bargaining unit. In the case of community  
6 colleges, the student government association of each college  
7 shall establish procedures for the appointment ~~selection~~ of,  
8 and shall appoint ~~select~~, a student representative to be  
9 present, at his or her discretion, at negotiations between the  
10 bargaining agent of the employees and the board of trustees.  
11 Each student representative shall have access to all written  
12 draft agreements and all other written documents pertaining to  
13 negotiations exchanged by the appropriate public employer and  
14 the bargaining agent, including a copy of any prepared written  
15 transcripts of any negotiating session. Each student  
16 representative has ~~shall have~~ the right at reasonable times  
17 during the negotiating session to comment to the parties and  
18 to the public upon the impact of proposed agreements on the  
19 educational environment of students. Each student  
20 representative has ~~shall have~~ the right to be accompanied by  
21 alternates or aides, not to exceed a combined total of two in  
22 number. Each student representative is ~~shall be~~ obligated to  
23 participate in good faith during all negotiations and is ~~shall~~  
24 ~~be~~ subject to the rules and regulations of the Public  
25 Employees Relations Commission. The student representatives  
26 ~~shall~~ have neither voting nor veto power in any negotiation,  
27 action, or agreement. The state or any branch, agency,  
28 division, agent, or institution of the state may ~~shall~~ not  
29 expend any moneys from any source for the payment of  
30 reimbursement for travel expenses or per diem to aides,  
31 alternates, or student representatives participating in,

1 observing, or contributing to any negotiating sessions between  
2 the bargaining parties; however, this limitation does not  
3 apply to the use of student activity and service fees for the  
4 reimbursement of travel expenses and per diem to the  
5 university student representative, aides, or alternates  
6 participating in the aforementioned negotiations between the  
7 Board of Regents and the bargaining agent for an employee  
8 bargaining unit.

9           Section 10. Section 240.136, Florida Statutes, as  
10 created by section 55 of chapter 98-421, Laws of Florida, is  
11 repealed.

12           Section 11. This act shall take effect July 1, 1999.

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15           SENATE SUMMARY

16           Revises provisions relating to university student  
17 governments, including provisions relating to the  
18 suspension and removal of student government members and  
19 provisions relating to the expenditure of student fees.  
20 (See bill for details.)

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