

STORAGE NAME: h1883s1z.cu
DATE: May 10, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COLLEGES & UNIVERSITIES
FINAL ANALYSIS**

BILL #: CS/HB 1883

RELATING TO: University Student Judicial Proceedings

SPONSOR(S): Committee on Colleges & Universities, Representative Willie Logan and others

TIED BILL(S): None

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

- (1) COLLEGES & UNIVERSITIES YEAS 7 NAYS 0
 - (2) GOVERNMENTAL RULES & REGULATIONS YEAS 8 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
-

I. SUMMARY:

Current law directs the Board of Regents to establish a committee in order to adopt rules and guidelines ensuring fairness and due process to state university students in judicial proceedings. At least half of this committee must be appointed by the Council of Student Body Presidents. The committee is known as the Student Due Process Rule Review Committee (committee) and it held its first meeting on March 30, 2000.

This bill directs the Florida Student Association, rather than the Council of Student Body Presidents, to appoint at least one-half of the members that comprise the standing committee responsible for reviewing the rules and guidelines that provide fairness and due process to state university students in judicial proceedings. The committee is required to submit recommendations to the Board of Regents regarding rules and guidelines that provide fairness and due process to state university students in judicial proceedings. The bill also directs the Board of Regents to adopt rules that reflect the committee's recommendations. The committee must review the adopted rules at least once every four years and recommend any necessary revisions.

This bill does not appear to have a fiscal impact on state or local governments, and is to take effect on September 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

Less Government

The bill directs the Board of Regents to adopt rules that reflect the Student Due Process Rule Review Committee's recommendations

B. PRESENT SITUATION:

Subsection 120.81(1)(g), Florida Statutes, directs the Board of Regents to establish a committee in order to adopt rules and guidelines that ensure fairness and due process to state university students in judicial proceedings. At least half of this committee must be appointed by the Council of Student Body Presidents. The committee is known as the Student Due Process Rule Review Committee and it held its first meeting on March 30, 2000.

Student leaders have voiced several concerns relating to the due process that students are provided when having to appear before a state university disciplinary hearing. Some of the complaints include: university hearing officers and boards are inadequately trained to fairly and effectively conduct student disciplinary hearings while protecting the rights of a student charged with an offense; students are prohibited from being represented by counsel in disciplinary hearings; university officials possess broad discretion when assigning a penalty for a specific offense; universities provide students with insufficient time to adequately prepare a defense before a disciplinary hearing is conducted; and graduate and professional students are not afforded the same level of due process protections that are afforded to undergraduate students.

C. EFFECT OF PROPOSED CHANGES:

This bill directs the Florida Student Association, rather than the Council of Student Body Presidents, to appoint at least one-half of the members that comprise the standing committee known as the Student Due Process Rule Review Committee. The committee is required to submit recommendations to the Board of Regents regarding rules and guidelines that provide fairness and due process to state university students in judicial proceedings. The bill also directs the Board of Regents to adopt rules that reflect the committee's recommendations. The committee must review the adopted rules at least once every four years and recommend any necessary revisions.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Amends subsection 120.81(1)(g), F.S., in order to (1) direct the Florida Student Association, rather than the Council of Student Body Presidents, to appoint at least one-half of the members that comprise the standing committee responsible for submitting recommendations to the Board of Regents relating to the provision of fairness and due process to state university students in judicial proceedings; (2) require the committee to submit recommendations to the Board of Regents regarding rules and guidelines that provide fairness and due process to state university students in judicial proceedings; (3) direct the Board of Regents to adopt rules that are based on the committee's recommendations; and (4) direct the committee to review the adopted rules at least once every four years and recommend any necessary revisions.

SECTION 2: Establishes an effective date of September 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

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 or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

This bill directs the Board of Regents to adopt rules that are based on recommendations provided by the standing committee responsible for reviewing the provision of fairness and due process to state university students in judicial proceedings.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 3, 2000, the Committee on Colleges & Universities adopted a strike-everything amendment without objection. The provisions of CS/HB 1883 direct the Florida Student Association, rather than the Council of Student Body Presidents, to appoint at least one-half of the members that comprise the standing committee known as the Student Due Process Rule Review Committee; require the committee to submit recommendations to the Board of Regents regarding rules and guidelines that provide fairness and due process to state university students in judicial proceedings; direct the Board of Regents to adopt rules that reflect the committee's recommendations; and direct the committee to review the adopted rules at least once every four years and recommend any necessary revisions.

In contrast, the provisions of HB 1883 direct each state university to adopt uniform disciplinary rules that are applicable to students and student organizations; direct a state university that charges a student or student organization with an offense to conduct a disciplinary hearing; direct each state university to adopt rules that create a student judicial system that includes hearing boards that are composed entirely of students; direct the Board of Regents to adopt rules that provide system-wide model disciplinary rules, penalty guidelines, and procedure rules for state universities conducting disciplinary hearings; and repeal two sections of statute relating to the discipline of state university and community college students and the penalties imposed against students or employees participating in disruptive activities at state higher learning institutions.

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VII. SIGNATURES:

COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Daniel Furman

Betty H. Tilton, Ph.D.

AS REVISED BY THE COMMITTEE ON GOVERNMENTAL RULES & REGULATIONS:

Prepared by:

Staff Director:

Shari Z. Whittier

David M. Greenbaum

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Daniel Furman

Betty H. Tilton, Ph.D.