

By Representatives Logan, Chestnut, Cosgrove and  
Betancourt

1                                   A bill to be entitled  
2           An act relating to university student  
3           discipline; amending s. 240.261, F.S., relating  
4           to disciplinary rules for university students  
5           and employees; deleting provisions related to  
6           students; creating s. 240.2612, F.S.; requiring  
7           each university to adopt uniform disciplinary  
8           rules governing the conduct of students and  
9           student organizations; providing penalty  
10          guidelines; creating s. 240.2614, F.S.;  
11          providing requirements for disciplinary  
12          hearings; requiring the adoption of rules to  
13          provide uniform complaint and hearing  
14          procedures; creating s. 240.2616, F.S.;  
15          requiring each university to adopt rules to  
16          establish and organize hearing boards composed  
17          entirely of students which shall conduct and  
18          adjudge disciplinary hearings; creating s.  
19          240.2618, F.S.; establishing requirements for  
20          recommended orders and final orders of  
21          university hearing boards; providing an appeals  
22          process; providing for judicial review;  
23          creating s. 240.2622, F.S.; requiring the Board  
24          of Regents to adopt systemwide model  
25          disciplinary rules, penalty guidelines, and  
26          rules of procedure for disciplinary hearings;  
27          requiring each university to adopt the model  
28          rules; creating s. 240.2624, F.S.; requiring  
29          each university to adopt rules to provide for  
30          the registration of student organizations;  
31          amending s. 240.319, F.S.; revising provisions

1 relating to rules of community college district  
2 boards of trustees, to conform; repealing s.  
3 240.132, F.S., relating to penalties for  
4 participation by students or employees in  
5 disruptive activities at state institutions of  
6 higher learning; repealing s. 240.133, F.S.,  
7 relating to expulsion and discipline of  
8 students of the State University System and  
9 community colleges; providing an effective  
10 date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Section 240.261, Florida Statutes, is  
15 amended to read:

16 240.261 Disciplinary rules; employees.--

17 (1) Each university may adopt, by rule, a uniform code  
18 of appropriate penalties for violations of rules by ~~students~~  
19 ~~and~~ employees, to be administered by the president of each  
20 university. These ~~Such~~ penalties, unless otherwise provided by  
21 law, may include fines, ~~the withholding of diplomas or~~  
22 ~~transcripts pending compliance with rules or payment of fines,~~  
23 and the imposition of probation, suspension, or dismissal.

24 (2) The university shall adopt rules for the lawful  
25 discipline of any ~~student~~, faculty member, or member of the  
26 administrative staff who intentionally acts to impair,  
27 interfere with, or obstruct the orderly conduct, processes,  
28 and functions of a state university. These ~~Said~~ rules may  
29 apply to acts conducted on or off campus when relevant to such  
30 orderly conduct, processes, and functions.

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1           Section 2. Section 240.2612, Florida Statutes, is  
2 created to read:

3           240.2612 Disciplinary rules; students and student  
4 organizations.--

5           (1) Each university shall adopt uniform disciplinary  
6 rules pursuant to ss. 120.54 and 120.536(1), applicable to all  
7 students and student organizations, which shall provide  
8 standards of conduct, specific offenses of misconduct, and  
9 appropriate penalties for each offense committed in violation  
10 of the disciplinary rules. These offenses may apply only to  
11 acts or omissions conducted in violation of rules adopted by  
12 the university implementing provisions of law; rules adopted  
13 by the Board of Regents implementing provisions of law; county  
14 and municipal ordinances; and the laws of this state, the  
15 United States, or any other state.

16           (2) For each offense committed by a student, the  
17 disciplinary rules shall include penalty guidelines applicable  
18 to the offense. These penalty guidelines must specify a  
19 meaningful range of designated penalties based on the severity  
20 and repetition of specific offenses to distinguish minor  
21 violations from those that endanger the health, safety, or  
22 welfare of the students, faculty, or administrative staff of  
23 the university; to provide reasonable and meaningful notice to  
24 students of the penalties that may be imposed for proscribed  
25 conduct; and to ensure that these penalties are consistently  
26 applied by the university. When imposing a penalty, each  
27 university hearing officer or hearing board must follow the  
28 penalty guidelines adopted by the university. The penalty  
29 guidelines must classify each offense as a minor offense, a  
30 moderate offense, or a serious offense. When specifying the  
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1 range of designated penalties for each specific offense, the  
2 penalty guidelines must also comply with the following:

3 (a) A minor offense shall be punished by issuing a  
4 verbal or written reprimand, imposing probation, or imposing a  
5 combination of these penalties.

6 (b) A moderate offense shall be punished by issuing a  
7 verbal or written reprimand, imposing probation or suspension,  
8 or imposing a combination of these penalties.

9 (c) A serious offense shall be punished by issuing a  
10 verbal or written reprimand, imposing probation, suspension,  
11 dismissal, or expulsion, or imposing a combination of these  
12 penalties.

13 (3) In addition to the penalties authorized by this  
14 section, the disciplinary rules may prescribe penalties  
15 affecting the academic standing of a student for offenses  
16 involving academic dishonesty, including, but not limited to,  
17 cheating and plagiarism. These penalties may include, but are  
18 not limited to, reduction of an assigned grade, assignment of  
19 a failing grade, or loss of academic credit.

20 (4) Except as otherwise provided by law, the  
21 disciplinary rules may not specify an omission by a student to  
22 prevent another person from committing an offense as an  
23 offense.

24 (5) Each offense committed by a student organization  
25 shall be punished by issuing a verbal or written reprimand;  
26 placing the registration of the student organization on  
27 probation; suspending, canceling, or revoking the registration  
28 of the student organization; refusing to register the student  
29 organization pursuant to s. 240.2624; or imposing a  
30 combination of these penalties.

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1       (6) Except as otherwise provided by law, the  
2 disciplinary rules may apply only to acts conducted on campus  
3 and acts that are both associated with the student's conduct  
4 as a student and connected to the university or to a student  
5 organization. The disciplinary rules may also apply to acts  
6 conducted off campus if these acts endanger the health,  
7 safety, or welfare of the students, faculty, or administrative  
8 staff of the university.

9       (7) The disciplinary rules may allow the university to  
10 withhold diplomas or transcripts pending compliance with the  
11 rules.

12       Section 3. Section 240.2614, Florida Statutes, is  
13 created to read:

14       240.2614 Disciplinary hearings.--

15       (1) After a university charges a student or a student  
16 organization with an offense, the university shall conduct a  
17 disciplinary hearing, after reasonable notice to the student  
18 or to the student organization of at least 7 days, to make a  
19 factual determination of whether the student or the student  
20 organization is guilty or not guilty of having committed the  
21 offense and, if the student or the student organization is  
22 found guilty, to impose an appropriate penalty. The notice  
23 must include:

24       (a) A statement of the time, place, and nature of the  
25 disciplinary hearing.

26       (b) A list of each offense with which the student or  
27 the student organization is charged. In the case of a student,  
28 each offense must be accompanied by a notation stating whether  
29 the offense is punishable under s. 240.2612(2) as a minor  
30 offense, a moderate offense, or a serious offense.

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1       (c) A copy of the complaint or other document that  
2 resulted in the student or the student organization being  
3 charged with each offense.

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5 The university must conduct the disciplinary hearing no more  
6 than 30 days after the student or the student organization is  
7 charged, unless the student or the student organization  
8 agrees, in writing, to a continuance or unless good cause is  
9 shown.

10       (2) Each university shall adopt rules pursuant to ss.  
11 120.54 and 120.536(1) which shall provide uniform procedures  
12 for filing complaints and conducting disciplinary hearings  
13 which must be consistently administered for both undergraduate  
14 and graduate students. Each disciplinary hearing must be  
15 conducted and adjudged by a hearing board composed entirely of  
16 students established pursuant to s. 240.2616, unless the  
17 student or the student organization chooses under subsection  
18 (5) to appear before a hearing officer who is not a student; a  
19 hearing board composed of both students and nonstudents; or a  
20 hearing board, the membership of which does not include  
21 students.

22       (3) Each student and each student organization charged  
23 with an offense must have the opportunity to respond to the  
24 charge, to present evidence and argument on all issues under  
25 consideration, to conduct cross-examination when testimony is  
26 taken or documents are made a part of the record, to be  
27 provided with a list of each witness whose testimony will be  
28 taken and a copy of each document that will be made part of  
29 the record at least 72 hours before the disciplinary hearing  
30 is conducted, to submit rebuttal evidence, and to be  
31 represented by counsel or a nonattorney representative at the

1 student's or the student organization's own expense. This  
2 section does not require the university to provide any person  
3 or any student organization with legal representation.

4 (4) No student may be compelled to give  
5 self-incriminating testimony, nor may either a student or a  
6 student organization be twice put in jeopardy for the same  
7 offense. If an offense committed in violation of the  
8 disciplinary rules is a criminal offense, the university is  
9 not required to postpone the disciplinary hearing pending the  
10 disposition of a criminal proceeding, and a penalty imposed  
11 under ss. 240.2612-240.262 is in addition to any penalty  
12 imposed for the criminal offense.

13 (5) To expedite the disciplinary hearing, or to allow  
14 the student or the student organization to admit guilt and  
15 receive an appropriate penalty without an evidentiary hearing,  
16 each student or student organization may:

17 (a) Waive in writing the 7-day notice requirement  
18 provided in subsection (1).

19 (b) Waive in writing the right provided in subsection  
20 (2) to appear before a hearing board composed entirely of  
21 students established pursuant to s. 240.2616 and choose to  
22 appear before a hearing officer who is not a student; a  
23 hearing board composed of both students and nonstudents; or a  
24 hearing board, the membership of which does not include  
25 students.

26 (c) Waive in writing any of the procedural rights  
27 provided in subsection (3).

28  
29 A student or student organization may not exercise a waiver  
30 until 24 hours after the university has explained the effect  
31 of the waiver and has provided the student or the student

1 organization with a copy of the explanation in writing. The  
2 university may reduce the penalty and, in the case of a  
3 student, the range of designated penalties specified in the  
4 penalty guidelines adopted pursuant to s. 240.2612(2), if the  
5 student or the student organization admits guilt or exercises  
6 a waiver to expedite the disciplinary hearing.

7 (6) Each university and its hearing officers and  
8 hearing boards may swear witnesses and take witness testimony  
9 under oath; may compel the attendance of any student or any  
10 student organization charged with an offense; and must issue  
11 subpoenas to its students, faculty, administrative staff, or  
12 other employees upon the request of the student or the student  
13 organization or upon its own motion.

14 (7) Each university shall accurately and completely  
15 preserve the record of each disciplinary hearing and, upon  
16 request, must provide a copy of the record to the student at  
17 his or her own expense or, in the case of a student  
18 organization, to the organization at its own expense or to any  
19 officer, director, or member thereof, at his or her own  
20 expense.

21 (8) In each disciplinary hearing, each student or  
22 student organization is presumed innocent of the offense with  
23 which the student or the student organization is charged. The  
24 university has the burden to prove that the student or the  
25 student organization committed an offense in violation of the  
26 disciplinary rules by evidence that is clear and convincing.

27 (9) In each disciplinary hearing, evidence that is  
28 irrelevant, immaterial, or unduly repetitious shall be  
29 excluded, but all other evidence of a type commonly relied  
30 upon by reasonably prudent persons in the conduct of their  
31 affairs is admissible, whether or not this evidence would be



1 admissible in a civil or criminal proceeding. Documentary  
2 evidence may be received in the form of a copy or excerpt.  
3 Upon request, the student or the student organization charged  
4 with an offense and the university must have the opportunity  
5 to compare the copy with the original, if available. The  
6 testimony of each student charged with an offense and each  
7 witness shall be taken under oath. Hearsay evidence may be  
8 used for the purpose of supplementing or explaining other  
9 evidence but is not sufficient in itself to support a finding  
10 of fact unless it would be admissible over objection in a  
11 civil or criminal proceeding.

12 (10)(a) If the university has reasonable cause to  
13 believe that a student presents an immediate danger to the  
14 health, safety, or welfare of the students, faculty, or  
15 administrative staff of the university, the university may  
16 temporarily suspend the student pending the disposition of a  
17 disciplinary hearing conducted under this section or a  
18 criminal proceeding, as applicable, if at least one of the  
19 following applies:

20 1. The university has determined, rendered in a  
21 written order, that probable cause exists to charge the  
22 student with a serious offense punishable under s.  
23 240.2612(2)(c).

24 2. The student is charged by indictment or information  
25 with a felony, regardless of whether the offense was committed  
26 on campus or off campus.

27 (b) If a student is suspended under this subsection  
28 and is subsequently found not guilty of the offense or the  
29 charge is dismissed, the university must immediately readmit  
30 the student to the university with a complete refund of all  
31 matriculation, tuition, and other fees paid for the affected

1 terms, quarters, semesters, or other similar periods for which  
2 the student was enrolled, and must remove any record of the  
3 suspension or of the affected courses from the transcripts or  
4 other permanent records and reports of the student.

5 Section 4. Section 240.2616, Florida Statutes, is  
6 created to read:

7 240.2616 Student judicial system.--

8 (1) Each university shall adopt rules pursuant to ss.  
9 120.54 and 120.536(1) which shall create a student judicial  
10 system. Under these rules, each university shall establish and  
11 organize hearing boards composed entirely of students which  
12 shall conduct and adjudge disciplinary hearings under ss.  
13 240.2612-240.262.

14 (2) The membership of each hearing board established  
15 at a university that operates a law school must include at  
16 least one student enrolled in the law school, if the law  
17 school is located within 10 miles of the campus, center, or  
18 site at which the hearing board is established.

19 Section 5. Section 240.2618, Florida Statutes, is  
20 created to read:

21 240.2618 Recommended orders; appeals; final orders;  
22 judicial review.--

23 (1) No more than 30 days after each disciplinary  
24 hearing, the university hearing officer or hearing board must  
25 issue a recommended order. A student or a student organization  
26 may appeal a recommended order to the university president or  
27 his or her designee. The university may not require a student  
28 or a student organization to indicate the intention to appeal  
29 a recommended order within 7 days after the university has  
30 provided the student or the student organization with a copy  
31 of the recommended order.

1       (2) The recommended order is subject to approval by  
2 the university president or his or her designee, but the  
3 university president or his or her designee may not increase  
4 the penalty imposed by the hearing officer or hearing board.  
5 If a rehearing is conducted upon appeal of a recommended  
6 order, the hearing officer or hearing board in the subsequent  
7 hearing may not impose a penalty greater than the penalty that  
8 was imposed at the original hearing. After the recommended  
9 order is approved, the university must issue a final order  
10 that shall be final agency action.

11       (3) Each recommended order and final order must be in  
12 writing and include findings of fact and conclusions of law  
13 separately stated. Each finding of fact must be accompanied by  
14 a concise and explicit statement of the underlying facts of  
15 record that support the finding.

16       (4) Any adversely affected student or, in the case of  
17 a student organization, any adversely affected student  
18 organization, or any officer, director, or member thereof, has  
19 standing to seek judicial review of any final order under s.  
20 120.68.

21       Section 6. Section 240.2622, Florida Statutes, is  
22 created to read:

23       240.2622 Model rules.--Before July 1, 2001, the Board  
24 of Regents shall adopt rules pursuant to ss. 120.54 and  
25 120.536(1) which shall provide systemwide model disciplinary  
26 rules, penalty guidelines, and rules of procedure for  
27 universities for conducting disciplinary hearings. These  
28 systemwide model rules and guidelines must be developed in  
29 cooperation with the committee created by s. 120.81(1)(g),  
30 which must submit a recommendation to the board suggesting  
31 systemwide model rules and guidelines before February 1, 2001.

1 Before September 1, 2001, each university shall adopt the  
2 systemwide model rules and guidelines adopted by the Board of  
3 Regents as rules of the university pursuant to ss. 120.54 and  
4 120.536(1), in lieu of the rules adopted to implement ss.  
5 240.2612-240.262, except that each university may adopt  
6 substantially similar rules and guidelines with modifications.  
7 The proposed modifications to the systemwide model rules and  
8 guidelines must be approved by the Board of Regents before  
9 implementation and must be accompanied by specific findings  
10 demonstrating that the proposed modifications are necessary to  
11 accommodate circumstances unique to the university.

12 Section 7. Section 240.2624, Florida Statutes, is  
13 created to read:

14 240.2624 Student organizations; registration.--Each  
15 university shall adopt rules pursuant to ss. 120.54 and  
16 120.536(1) which shall require the registration of each  
17 student organization annually with the university on forms  
18 provided by the university which shall include at least the  
19 name, purpose, and bylaws of the organization and the full  
20 names, mailing addresses, telephone numbers, and social  
21 security numbers of the officers and directors of the  
22 organization. A student organization may not operate under the  
23 sanction of the university unless it is registered with the  
24 university. The university shall issue a certificate or letter  
25 to each student organization registered under this section as  
26 proof of registration. The university may not charge a fee or  
27 service charge for registration of a student organization.

28 Section 8. Paragraph (h) of subsection (4) of section  
29 240.319, Florida Statutes, is amended to read:

30 240.319 Community college district boards of trustees;  
31 duties and powers.--

1           (4) Such rules, procedures, and policies for the  
2 boards of trustees include, but are not limited to, the  
3 following:  
4           (h) Each board of trustees may adopt rules pursuant to  
5 ss. 120.54 and 120.536(1) to provide,~~by rule,~~ a uniform code  
6 of appropriate penalties for violations ~~of its rules~~ by  
7 students and employees of rules adopted by the board of  
8 trustees implementing provisions of law; county and municipal  
9 ordinances; and the laws of this state, the United States, or  
10 any other state. ~~These~~ ~~Such~~ penalties, unless otherwise  
11 provided by law, may include fines, the withholding of  
12 diplomas or transcripts pending compliance with rules or  
13 payment of fines, and the imposition of probation, suspension,  
14 ~~or~~ dismissal, or expulsion.  
15           Section 9. Sections 240.132 and 240.133, Florida  
16 Statutes, are repealed.  
17           Section 10. This act shall take effect September 1,  
18 2000.  
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HOUSE SUMMARY

Requires each university to adopt uniform disciplinary rules governing the conduct of students and student organizations. Provides penalty guidelines for disciplinary rules. Requires the adoption of rules to provide uniform complaint and hearing procedures. Requires each university to establish and organize hearing boards composed entirely of students which shall conduct and adjudge disciplinary hearings. Establishes requirements for recommended orders and final orders of university hearing boards. Provides an appeals process and provides for judicial review. Requires the Board of Regents to adopt systemwide model disciplinary rules, penalty guidelines, and rules of procedure for disciplinary hearings. Requires each university to adopt the model rules. Requires each university to adopt rules to provide for the registration of student organizations. Repeals provisions relating to penalties for student or employee participation in disruptive activities at institutions of higher learning and relating to the expulsion and discipline of students of the State University System and community colleges.