

STORAGE NAME: h0643z.cu
DATE: May 10, 2000

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

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

BILL #: HB 643

RELATING TO: University Student Governments and State Universities

SPONSOR(S): Representative Robert Casey

TIED BILL(S): None

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

- (1) COLLEGES & UNIVERSITIES YEAS 6 NAYS 0
 - (2) GOVERNMENTAL RULES AND REGULATIONS YEAS 7 NAYS 0
-

I. SUMMARY:

This bill provides for the establishment of a student government at each state university, 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, and directs student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.

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

This bill no longer "authorizes and directs the Board of Regents 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.

Finally, this bill repeals a statute section relating to the suspension and removal from office of elected student government officials.

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

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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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"/> |

B. PRESENT SITUATION:

Please see SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

Please see SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Amends Fla. Stat. s. 240.235; defines "consultation;" modifies provisions related to the establishment of activity and service, health, and athletic fees.

PRESENT SITUATION-

Fla. Stat. s. 240.235 authorizes each university president to establish an activity and service fee, a health fee, and an 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. Any subsequent increase in the activity and service fee must be recommended by the activity and service fee committee, an increase in the health fee by the health fee committee, and an increase in the athletic fee by the athletic fee committee.

The student body president appoints at least half of each fee committee. The university president appoints the remainder of each fee committee. The university president and the student body president are responsible for appointing a chairperson to each committee. The chairperson of the committee votes only in the case of a tie. A fee committee's recommendation takes effect only upon approval by the university president after consultation with the student body president. The recommendations are subject to final approval by the Board of Regents.

EFFECT OF PROPOSED CHANGES-

For the purposes of Fla. Stat. s. 240.235 defines "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 modifying any fee. The availability of a documented dialogue between the university president and the student body president regarding proposed modification to the local fees may increase public awareness of the students' position on the proposed fee modification.

Each proposal modifying the activity and service fee, the health fee, and the athletic fee must contain an attachment containing the names and affiliation of all members of the fee committees. A student government's objections and alternatives to a modification of the fee must also be attached to the proposal modifying the fee. Finally, the proposal modifying the fee must contain a statement indicating that the university president and the student government reviewed the proposal. These requirements provide students and student governments with greater involvement in the process modifying fees.

This bill provides that any modification, that is either an increase or decrease, of the activity and service fee, the health fee, and the athletic fee must be recommended by the respective fee committee. The bill also provides that the chairperson of a fee committee may vote in a committee meeting only in the instance of a tie.

SECTION 2: Creates Fla. Stat. s. 240.236 to provide for 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 the student government to develop procedures relating to the suspension and removal of an officer convicted of a felony.

PRESENT SITUATION-

According to a Florida House of Representatives interim review of student governments, an established student government exists at each of the 10 state universities. At each university, the student government is composed of the executive branch, the legislative branch, and the judicial branch. Within each branch, there are elected and appointed positions. Although the basic structure is the same at all of the universities, the number and type of positions vary among the universities.

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 president administers and enforces all laws of the student body, appoints all cabinet members, possesses the power to veto or sign acts adopted by the senate with certain limitations, possesses the authority to remove from office any officer he or she appointed, and is authorized to call for a referendum subject to senate concurrence. The vice president assumes the duties of the president upon request or in his or her absence, and coordinates the efforts of the cabinet. The cabinet is responsible for assisting and advising the president.

The legislative branch of a student government is a body composed of an elected group of officials, usually referred to as the senate. Leaders of the legislative body, such as the president or speaker, are elected by the legislative members. Other leadership positions, such as committee chairs, are appointed by the elected legislative leaders. The legislature is usually responsible for taking final action on the proposed Activity Fee Budget, proposing constitutional amendments, confirming appointments of the student body president, establishing meeting times and rules of procedure, and presenting the student body president with bills passed by the senate.

The judicial branch of a student government usually consists of a supreme court. The judicial branch possesses jurisdiction over matters involving the constitutionality of actions by student governing groups, organizations, and their representatives. The judicial branch also possesses jurisdiction over violations of student body governing documents. Most of the student governments have a judiciary that is composed of a chief justice, several associate judges, and a clerk of the court.

Fla. Stat. s. 240.136 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. The Florida Student Association drafted model language delineating the procedures for recall and removal of elected officers from office. According to the interim review, most of the state university student government associations have procedures relating to the recall and removal of elected officers from office.

EFFECT OF PROPOSED CHANGES-

Section two provides for 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. This requirement does not produce an administrative burden to existing state university student governments because each student government is currently 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. Since a student government currently exists at each state university, it can be assumed that internal procedures governing each student government already exist.

This section of the bill provides a removal process for student government officers that replaces the process codified in Fla. Stat. s. 240.136. 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. In addition, each student government is directed to develop procedures providing for the suspension and removal from office of an elected officer convicted of a felony. In response to section 240.136, Florida Statutes, the student governments currently in existence have established procedures relating to the removal, suspension, and recall of elected officers. Therefore, implementing these requirements should not produce administrative burdens for most of the student governments.

Finally, this section provides that the internal procedures adopted by the student government are subject to the final approval of the university president.

SECTION 3: Amends Fla. Stat. s. 240.295(3); defines "consultation;" modifies provisions relating to the authorization of fixed capital outlay projects.

PRESENT SITUATION-

Fla. Stat. s. 240.295 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

STORAGE NAME: h0643z.cu

DATE: May 10, 2000

PAGE 5

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.

Fla. Stat. s. 240.295 also provides that a fixed capital outlay project proposed by a state university which is to be funded from 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.

Rule 6C-14.0025, Florida Administrative Code, provides that a fixed capital outlay project proposed by a state university which is to be funded from 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, and stating that both the university president and the student government have reviewed the project must be included in the proposal.

EFFECT OF PROPOSED CHANGES-

For the purposes of Fla. Stat. s. 240.295(3), the bill defines the term "consultation" as an ongoing and documented dialogue with the student body president regarding each proposed project. The consultation between the student body president and the university must commence prior to the university developing its proposal. Each fixed capital outlay project proposed by a university which requires approval from the Board of Regents and funding from Capital Improvement Trust Fund fees and building fees must contain an attachment containing a student government's objections and alternatives to each project. Finally, the proposal must contain a statement indicating that the university president and the student government reviewed each proposed project.

This bill incorporates the definition of "consultation" as it currently appears in the aforementioned rule and increases the awareness of the position of student governments regarding the construction and renovation of proposed fixed capital outlay projects.

SECTION 4: Amends Fla. Stat. s. 240.531 to 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.

PRESENT SITUATION-

Fla. Stat. s. 240.531(4) authorizes and directs the Board of Regents to promulgate rules for the establishment, operation, and supervision of educational research centers for child development.

EFFECT OF PROPOSED CHANGES-

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.

SECTION 5: Repeals Fla. Stat. s. 240.136, relating to the suspension and removal from office of elected student government officials.

PRESENT SITUATION-

Fla. Stat. s. 240.136 directs each state university and community college student government to establish a process in order to suspend and remove from office a student government officer

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.

EFFECT OF PROPOSED CHANGES-

Provisions contained in Fla. Stat. s. 240.136 relating to the suspension and removal of elected state university and community college student government officers from office are repealed. Provisions addressing the suspension and removal of elected state university officers from office are included in section 2 of the bill. There are no provisions in the bill that address the suspension and removal of elected community college officers from office.

SECTION 6: Establishes an effective date of July 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:

This bill does not appear to have a fiscal impact.

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

STORAGE NAME: h0643z.cu

DATE: May 10, 2000

PAGE 7

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:

The bill 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.

The bill directs each student government to develop a procedure for students to petition for a referendum to remove an elected student government officer from office.

The bill directs each student government to develop procedures relating to the suspension and removal of an elected student government officer convicted of a felony.

The bill no longer authorizes and directs the Board of Regents 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.

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 of moral turpitude.

C. OTHER COMMENTS:

None.

STORAGE NAME: h0643z.cu

DATE: May 10, 2000

PAGE 8

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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 AND REGULATIONS:

Prepared by:

Staff Director:

David M. Greenbaum

David M. Greenbaum

FINAL ANALYSIS PREPARED BY THE COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

Daniel Furman

Betty H. Tilton, Ph.D.