

**STORAGE NAME:** h1511s1.llc.doc  
**DATE:** April 24, 2001

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE  
COUNCIL FOR LIFELONG LEARNING  
ANALYSIS**

**BILL #:** CS/HB 1511  
**RELATING TO:** University and Community College Student Governments  
**SPONSOR(S):** Council for Lifelong Learning, Representative(s) Waters and Others  
**TIED BILL(S):** None

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

- (1) COLLEGES AND UNIVERSITIES YEAS 11 NAYS 0
  - (2) EDUCATION APPROPRIATIONS YEAS 14 NAYS 0
  - (3) COUNCIL FOR LIFELONG LEARNING YEAS 14 NAYS 0
  - (4)
  - (5)
- 

I. SUMMARY:

The Council Substitute 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.

The Council Substitute eliminates s. 240.136, F.S., which provides for the removal from office of elected student government officials at community colleges and state universities. The bill establishes s. 240.236, F.S. and s. 240.336, F.S., which require the establishment of a student government at each state university and community college, respectively, and 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.

The Council Substitute conforms language and makes technical corrections to provisions contained in ss. 240.295, 240.382, 240.531, 447.203 and 447.301, F.S.

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:

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 s. 240.235, F.S.; modifies provisions related to the establishment of activity and service, health, and athletic fees.

**PRESENT SITUATION-**

Section 240.235, F.S., 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, any increase in the health fee must be recommended by the health fee committee, and an increase in the athletic fee must be recommended 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-**

This bill provides that each university may establish separate activity and service, health and athletic fees. 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 s. 240.236, F.S., to require 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.

Section 240.136, F.S., 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. 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, removal 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 already 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 university student government officers that replaces the process codified in s. 240.136, F.S for university and community college student government officers. The bill stipulates that an elected student government officer may be removed from office through the majority vote of students participating in a referendum. Each university 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, or conviction of a felony. In addition, each university 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.

This section provides that each student government is part of the university at which it is established and that the internal procedures adopted by the student government are subject to the final approval of the university president.

**SECTION 3:** Amends s. 240.295(3), F.S., by conforming language to that contained in the new s. 240.236, F.S.

**SECTION 4:** Creates s. 240.336, F.S., to require a student government at each community college, 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-**

It is unclear whether a student government exists at each of the 28 community colleges. At those community colleges that have a student government, it is unclear whether it is composed of just a council or whether it includes an executive branch, a legislative branch, and a judicial branch. It is likely that the number and type of positions composing a student government, if any, vary among the community colleges.

Section 240.136, F.S., directs each state university and community college student government, if one exists, 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. It is unknown whether the community colleges that have student government associations have procedures relating to the recall and removal of elected officers from office.

#### **EFFECT OF PROPOSED CHANGES-**

Section four provides for the establishment of a student government at each community college. Each student government must be composed of at least an elected student body president and an elected student legislative body. This requirement may produce an administrative burden to community colleges that do not currently have student governments or have student governments that do not consist 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, removal and discipline of officers of the student government; and the execution of all other duties as prescribed to the student government by law.

This section of the bill provides a removal process for community college student government officers that replaces the process codified in s. 240.136, F.S for university and community college student government officers. The bill stipulates that an elected student government officer may be removed from office through the majority vote of students participating in a referendum. Each community college 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, or conviction of a felony. In addition, each community college 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.

This section provides that each student government is part of the community college at which it is established and that the internal procedures adopted by the student government are subject to the final approval of the community college president.

**SECTION 5:** Amends s. 240.382(2), F.S., by conforming language to that contained in the new s. 240.336, F.S.

**SECTION 6:** Amends s. 240.531, F.S., 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-**

Section 240.531(4), F.S., 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 section makes technical, wording changes related to rule-making by the Board of Regents for educational research centers for child development.

**SECTION 7:** Amends s. 447.203(18), F.S., by conforming language to that contained in the new s. 240.336, F.S.

**SECTION 8:** Amends s. 447.301(5), F.S., by conforming language to that contained in the new s. 240.336, F.S.

**SECTION 9:** Repeals s. 240.136, F.S., relating to the suspension and removal from office of elected student government officials at state universities and community colleges.

**PRESENT SITUATION-**

Section 240.136, F.S., 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 s. 240.136, F.S., 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 3 of the bill. There are no provisions in the bill that address the suspension and removal of elected community college officers from office.

**SECTION 10:** Establishes an effective date of July 1, 2001.

II. 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:

See FISCAL COMMENTS.

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:

Under the Council Substitute, all universities and community colleges will be required to establish a student government. There may be certain, indeterminate, and recurring administrative costs to community colleges that do not currently have student governments or have student governments that do not consist of at least an elected student body president and an elected student legislative body. This would most likely require these community colleges to either raise student activity fees or re-direct portions of current fees to cover these costs.

III. 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.

IV. 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, removal 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 repeals s. 240.136, F.S., which directs each state university and community college student government to establish a process relating to the removal of an officer from office that is convicted of a violation of criminal law or is found civilly liable for an act of moral turpitude.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

***The Committee on Education Appropriations amended the bill to:***

1. Remove the increases in the Capital Improvement Trust Fund and Building fees,
2. Remove the provision that a committee, at least one-half of whom are appointed by the student body president, must approve buildings constructed from student fees, and
3. Create a new section related to student government at community colleges that is identical to the section on university student government that is created by the original bill. This new section establishes student government and provides procedures for removal from office that replace existing provisions that are deleted by the bill.

The Council for Lifelong Learning made the bill, as amended by the Committee on Education Appropriations, in to a Council Substitute.

VI. SIGNATURES:

COMMITTEE ON COLLEGES AND UNIVERSITIES:

Prepared by:

David R. Westcott

Staff Director:

Betty Tilton

AS REVISED BY THE COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Robert Cox

Staff Director:

John Newman

AS FURTHER REVISED BY THE COUNCIL FOR LIFELONG LEARNING:

Prepared by:

David R. Westcott

Staff Director:

Patricia W. Levesque