

By the Committee on Appropriations and Senators Sullivan, Crist, Miller, Dyer, Wasserman Schultz and Klein

309-1926-01

1                                   A bill to be entitled  
 2           An act relating to state universities; amending  
 3           s. 240.235, F.S.; requiring the approval of  
 4           certain student fee modifications, rather than  
 5           just increases, by certain committees;  
 6           conforming provisions; creating s. 240.236,  
 7           F.S.; providing for the establishment of  
 8           student governments at each state university  
 9           with the authority to establish certain  
 10          procedures and to provide for the election or  
 11          removal of student government officers;  
 12          providing powers and duties; providing for  
 13          suspension or removal from office under certain  
 14          circumstances; amending s. 240.295, F.S.;  
 15          conforming provisions; creating s. 240.336,  
 16          F.S.; providing for student governments at  
 17          community colleges; amending ss. 240.382,  
 18          240.531, 447.203, 447.301, F.S.; conforming  
 19          provisions; repealing s. 240.136, F.S.,  
 20          relating to the removal and suspension of  
 21          student government officers; providing an  
 22          effective date.

23  
 24 Be It Enacted by the Legislature of the State of Florida:  
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26           Section 1. Subsection (1) of section 240.235, Florida  
 27 Statutes, is amended to read:

28           240.235 Fees.--

29           (1) Each university may ~~is authorized to~~ establish  
 30 separate activity and service, health, and athletic fees.  
 31 When duly established, these ~~the~~ fees shall be collected as

1 component parts of the registration and tuition fees and shall  
2 be retained by the university and paid into the separate  
3 activity and service, health, and athletic funds.

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

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

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

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

1 the student body president, may ~~shall~~ vote only in the case of  
2 a tie. The recommendations of the committee shall take effect  
3 only after approval by the university president, after  
4 consultation with the student body president, with final  
5 approval by the Board of Regents. An increase in the health  
6 fee may occur only once each fiscal year and must be  
7 implemented beginning with the fall term. The Board of Regents  
8 is responsible for promulgating the rules and timetables  
9 necessary to implement this fee.

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

1 year and must be implemented beginning with the fall term. The  
2 Board of Regents is responsible for promulgating the rules and  
3 timetables necessary to implement this fee.

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

6 240.236 University student governments.--

7 (1) There is created within each state university a  
8 student government that shall be organized and maintained by  
9 students as the official representatives of the student body.  
10 Each student government shall be composed of at least a  
11 student body president and a student legislative body. Interim  
12 vacancies may be filled in a manner other than election as  
13 prescribed by the student government. Each student government  
14 may adopt internal procedures governing:

15 (a) The operation and administration of the student  
16 government.

17 (b) The election, appointment, removal, and discipline  
18 of officers of the student government.

19 (c) The execution of all other duties as prescribed to  
20 the student government by law.

21 (2) Any elected officer of the student government of a  
22 state university may be removed from office by the majority  
23 vote of students participating in a referendum held pursuant  
24 to the provisions of this section. The student government  
25 shall develop a procedure by which students may petition for a  
26 referendum to remove from office an elected officer of the  
27 student government. The grounds for removal of a student  
28 government officer by petition must be expressly contained in  
29 the petition and are limited to the following: malfeasance,  
30 misfeasance, neglect of duty, incompetence, permanent  
31 inability to perform official duties, or conviction of a

1 felony. The referendum must be held no more than 60 days after  
2 the filing of the petition.

3 (3) The student government shall develop procedures  
4 providing for the suspension and removal of an elected student  
5 government officer following the conviction of that officer of  
6 a felony.

7 (4) Each student government is a part of the  
8 university at which it is established. The internal procedures  
9 adopted by the student government under this section are  
10 subject to final approval by the university president.

11 Section 3. Subsection (3) of section 240.295, Florida  
12 Statutes, is amended to read:

13 240.295 State University System; authorization for  
14 fixed capital outlay projects.--

15 (3) Other than those projects currently authorized, no  
16 project proposed by a university which is to be funded from  
17 Capital Improvement Trust Fund fees or building fees shall be  
18 submitted to the Board of Regents for approval without prior  
19 consultation with the student government ~~association~~ of that  
20 university. The Board of Regents shall adopt ~~promulgate~~ rules  
21 that ~~which~~ are consistent with this requirement.

22 Section 4. Section 240.336, Florida Statutes, is  
23 created to read:

24 240.336 Community college student governments.--

25 (1) There is created within each community college a  
26 student government that shall be organized and maintained by  
27 students as the official representatives of the student body.  
28 Each student government shall be composed of at least a  
29 student body president and a student legislative body. Interim  
30 vacancies may be filled in a manner other than election as  
31

1 prescribed by the student government. Each student government  
2 may adopt internal procedures governing:

3 (a) The operation and administration of the student  
4 government.

5 (b) The election, appointment, removal, and discipline  
6 of officers of the student government.

7 (c) The execution of all other duties as prescribed to  
8 the student government by law.

9 (2) Any elected officer of the student government of a  
10 community college may be removed from office by the majority  
11 vote of students participating in a referendum held pursuant  
12 to the provisions of this section. The student government  
13 shall develop a procedure by which students may petition for a  
14 referendum to remove from office an elected officer of the  
15 student government. The grounds for removal of a student  
16 government officer by petition must be expressly contained in  
17 the petition and are limited to the following: malfeasance,  
18 misfeasance, neglect of duty, incompetence, permanent  
19 inability to perform official duties, or conviction of a  
20 felony. The referendum must be held no more than 60 days after  
21 the filing of the petition.

22 (3) The student government shall develop procedures  
23 providing for the suspension and removal of an elected student  
24 government officer following the conviction of that officer of  
25 a felony.

26 (4) Each student government is a part of the community  
27 college at which it is established. The internal procedures  
28 adopted by the student government under this section are  
29 subject to final approval by the community college president.

30 Section 5. Subsection (2) of section 240.382, Florida  
31 Statutes, is amended to read:

1           240.382 Establishment of child development training  
2 centers at community colleges.--

3           (2) In consultation with the student government  
4 ~~association~~ or a recognized student group representing the  
5 student body, the district board of trustees of any community  
6 college may establish a child development training center in  
7 accordance with this section. Each child development training  
8 center shall be a child care center established to provide  
9 child care during the day and at variable hours, including  
10 evenings and weekends, for the children of students. Emphasis  
11 should be placed on serving students who demonstrate financial  
12 need as defined by the district board of trustees. At least 50  
13 percent of the child care slots must be made available to  
14 students, and financially needy students, as defined by the  
15 district board of trustees, shall receive child care slots  
16 first. The center may serve the children of staff, employees,  
17 and faculty; however, a designated number of child care slots  
18 shall not be allocated for employees. Whenever possible, the  
19 center shall be located on the campus of the community  
20 college. However, the board may elect to provide child care  
21 services for students through alternative mechanisms, which  
22 may include contracting with private providers.

23           Section 6. Subsections (1), (2), and (4) of section  
24 240.531, Florida Statutes, are amended to read:

25           240.531 Establishment of educational research centers  
26 for child development.--

27           (1) Upon approval of the university president, the  
28 student government ~~association~~ of any university within the  
29 State University System may establish an educational research  
30 center for child development in accordance with the provisions  
31 of this section. Each such center shall be a child day care



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

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

21 (4) The Board of Regents shall adopt ~~is authorized and~~  
22 ~~directed to promulgate~~ rules for the establishment, operation,  
23 and supervision of educational research centers for child  
24 development. These ~~Such~~ rules shall include, but are ~~need~~ not  
25 ~~be~~ limited to, + a defined method of establishment of and  
26 participation in the operation of centers by the appropriate  
27 student governments, ~~government associations,~~ guidelines for  
28 the establishment of an intern program in each center, + and  
29 guidelines for the receipt and monitoring of funds from grants  
30 and other sources of funds consistent with existing laws.

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1           Section 7. Subsection (18) of section 447.203, Florida  
2 Statutes, is amended to read:

3           447.203 Definitions.--As used in this part:

4           (18) "Student representative" means the representative  
5 selected by each community college student government  
6 ~~association~~ and the council of student body presidents. Each  
7 representative may be present at all negotiating sessions  
8 which take place between the appropriate public employer and  
9 an exclusive bargaining agent. The ~~Said~~ representative shall  
10 be enrolled as a student with at least 8 credit hours in the  
11 respective community college or in the State University System  
12 during his or her term as student representative.

13           Section 8. Subsection (5) of section 447.301, Florida  
14 Statutes, is amended to read:

15           447.301 Public employees' rights; organization and  
16 representation.--

17           (5) In negotiations over the terms and conditions of  
18 service and other matters affecting the working environment of  
19 employees, or the learning environment of students, in  
20 institutions of higher education, one student representative  
21 selected by the council of student body presidents may, at his  
22 or her discretion, be present at all negotiating sessions  
23 which take place between the Board of Regents and the  
24 bargaining agent for an employee bargaining unit. In the case  
25 of community colleges, the student government ~~association~~ of  
26 each college shall establish procedures for the selection of,  
27 and shall select, a student representative to be present, at  
28 his or her discretion, at negotiations between the bargaining  
29 agent of the employees and the board of trustees. Each  
30 student representative shall have access to all written draft  
31 agreements and all other written documents pertaining to

1 negotiations exchanged by the appropriate public employer and  
2 the bargaining agent, including a copy of any prepared written  
3 transcripts of any negotiating session. Each student  
4 representative shall have the right at reasonable times during  
5 the negotiating session to comment to the parties and to the  
6 public upon the impact of proposed agreements on the  
7 educational environment of students. Each student  
8 representative shall have the right to be accompanied by  
9 alternates or aides, not to exceed a combined total of two in  
10 number. Each student representative shall be obligated to  
11 participate in good faith during all negotiations and shall be  
12 subject to the rules and regulations of the Public Employees  
13 Relations Commission. The student representatives shall have  
14 neither voting nor veto power in any negotiation, action, or  
15 agreement. The state or any branch, agency, division, agent,  
16 or institution of the state shall not expend any moneys from  
17 any source for the payment of reimbursement for travel  
18 expenses or per diem to aides, alternates, or student  
19 representatives participating in, observing, or contributing  
20 to any negotiating sessions between the bargaining parties;  
21 however, this limitation does not apply to the use of student  
22 activity fees for the reimbursement of travel expenses and per  
23 diem to the university student representative, aides, or  
24 alternates participating in the aforementioned negotiations  
25 between the Board of Regents and the bargaining agent for an  
26 employee bargaining unit.

27 Section 9. Section 240.136, Florida Statutes, is  
28 repealed.

29 Section 10. This act shall take effect July 1, 2001.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
SB 2172

1. Removes the increase in the Capital Improvement Trust Fund fee and the building fee.
2. Codifies the current practice of how student governments are established at community colleges.
3. Removes from SB 2172 the requirement that any projects funded from the Capital Improvement Trust Fund fees or building fees must be recommended by a university-wide committee.