

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2070

SPONSOR: Senator Sullivan

SUBJECT: Student Government

DATE: February 20, 2002 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	O'Farrell	ED	Favorable
2.			GO	
3.				
4.				
5.				
6.				

## I. Summary:

This bill clarifies that the student member on each university board of trustees will be the student body president of the main campus. It also codifies into statute a student government at each state university with the following provisions:

- Permits students to remove an elected student government officer from office through a referendum.
- Specifies the grounds for removal.
- Directs student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.

This bill amends the following sections of the Florida Statutes: 229.003, 229.008, 240.236, and 240.557.

It repeals the following section of the Florida Statutes: 240.136.

The bill takes effect July 1, 2002.

## II. Present Situation:

### Student Member on University Boards of Trustees

Current law requires a student body president to serve on each university board of trustees. If branch campuses have separate student body presidents, it is not clear which one must serve.

### **Student Government**

According to a Florida House of Representatives interim review, each of the 10 state universities has a student government with varying positions but the same basic structure. Each is composed of three governmental branches with both elected and appointed positions:

- The executive branch has 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 the cabinet members, may veto or sign acts adopted by the senate with certain limitations, may remove from office any presidential appointee, and may call for a referendum with 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 assists and advises the president.
- The legislative branch is elected and is usually called the senate. The legislative members elect the leaders (usually called the president and speaker), and the legislative leaders appoint the committee chairs. The legislature is usually responsible for taking final action on the proposed budget for the activity fee, 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 is usually a supreme court with jurisdiction over the constitutionality of actions by student governing groups, organizations, and their representatives. The court decides cases of alleged violations of student body governing documents. Most of the student governments have a judiciary with a chief justice, several associate judges, and a clerk of the court.

### **Suspension and Removal of Student Government Officers**

Section 240.136, F.S., directs the student government at each state university and community college to establish a process to suspend and remove a student government officer if the officer 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 to remove an elected officer. Most of the state university student government associations have established procedures to recall and remove elected officers.

## **III. Effect of Proposed Changes:**

The Legislation under consideration clarifies that the student representative on a university board of trustees is the president of the **main** campus.

The bill also creates a statute that codifies the current practice of how student governments are established. The effect will be to ensure present student governments of their existence and potential longevity.

It provides a removal process for student government officers, which is similar to s. 240.136, F.S. A majority of students voting in a referendum may remove an elected student government officer, and the student government will develop the procedure for students to petition for a referendum. The petition for removal must state the grounds, which are specifically limited to malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. Most of the student governments have already established these

procedures, so implementing these requirements should not produce administrative burdens for most of the student governments.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.