

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 319 Governance of State Universities
SPONSOR(S): Mealor
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Higher Education (Sub)	6 Y, 0 N	Britton	Bohannon
2) Education K-20		Tilton	Bohannon
3) Education Apps. (Sub)			
4) Appropriations			
5)			

SUMMARY ANALYSIS

In the 2002 General Election, Floridians amended the State Constitution to require a single state university system comprised of all public universities, with a board of trustees administering each university and a board of governors governing the state university system.

HB 319 amends the Florida Statutes to reflect the adoption of this constitutional amendment by establishing the Board of Governors as a body corporate comprised of: 14 members appointed by the Governor and subject to confirmation by the Senate; the Commissioner of Education; the chair of the Advisory Council of Faculty Senates or the equivalent; and the president of the Florida Student Association or the equivalent. The appointed members serve staggered seven year terms.

HB 319 also revises statutory provisions relating to university boards of trustees. Each university will be administered by a university board of trustees comprised of 13 members, 6 of whom are appointed by the Governor and 5 of whom are appointed by the Board of Governors. These 11 members are subject to confirmation by the Senate. The chair of the faculty senate or the equivalent, and the president of the student body of the university serve as the final 2 members of the board. The appointed members serve staggered 5 year terms.

The fiscal impact of this bill is indeterminate.

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STORAGE NAME: h0319b.edk.doc
DATE: April 3, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

Prior to January 7, 2003, each state university was governed by a 13 member board of trustees. Each member was appointed by the Governor and subject to confirmation by the Senate. Each board of trustees was vested, by law, with the authority to govern and set policy for its university as necessary to provide proper governance and improvement of the university in accordance with law and rules of the Florida Board of Education.

In the 2002 General Election, Floridians amended the State Constitution to require a single state university system comprised of all public universities, with a board of trustees administering each university and a board of governors governing the state university system. The amendment took effect January 7, 2003.

HB 319 amends the Florida Statutes to reflect the adoption of this constitutional amendment by establishing the Board of Governors as a body corporate comprised of: 14 members appointed by the Governor and subject to confirmation by the Senate; the Commissioner of Education; the chair of the Advisory Council of Faculty Senates or the equivalent; and the president of the Florida Student Association or the equivalent. The appointed members serve staggered seven year terms.

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C. SECTION DIRECTORY:

Section 1: Creates s. 1001.70, F.S., establishing the 17 member Board of Governors as a body corporate.

Section 2: Amends s. 1001.71, F.S., revising composition and terms of university boards of trustees.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact of this bill is indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

2. Other:

This bill does not appear to have any constitutional issues.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

An analysis prepared by the Department of Education (DOE) suggests the phrase "beginning July 1, 2003" in sections 1 and 2 of the bill is inaccurate, in that the staggering of terms would only occur on July 1, 2003.

In addition, DOE reports that the provision in section 2, requiring that the chair and vice chair be selected at the first regular meeting after July 1 conflicts with the resolution by the Board of Governors stating that such selection should occur at the first regular meeting.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES