

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.)

Prepared By: Education Committee

BILL: CS/SB 1186

SPONSOR: Education Committee and Senator Atwater

SUBJECT: State University Building and Facility Designations

DATE: April 19, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Woodruff	O'Farrell	ED	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute would allow a state university building or facility to be named for a living person without the university having to seek the approval of the Legislature. A local university board of trustees must adopt policies for the naming of such buildings or facilities before initiating such an action. The Board of Governors must adopt a uniform set of policies to be used by each university board of trustees in naming a building or facility for any living person. The Legislature may continue to name university buildings or facilities.

This Committee Substitute substantially amends the following sections of the Florida Statutes: 267.062 and 1013.79.

II. Present Situation:

Section 267.062, F.S., requires approval in law before naming a state building, road, bridge, park, recreational complex, or other similar facility for any living person. Pursuant to this requirement, if a university wishes to name a building or facility after a living person, the designation must be approved by the Legislature. The Legislature addresses the naming of buildings or facilities for living persons through designation or "naming" bills.

Section 1013.79, F.S., relates to the University Facility Enhancement Challenge Grant Program. Current law allows a facility constructed pursuant to the challenge grant program to be named in honor of a donor at the option of the university and the State Board of Education. However, a facility may not be named for a living person without prior approval by the Legislature.

III. Effect of Proposed Changes:

The Committee Substitute would allow a state university building or facility to be named for a living person without the university having to seek the approval of the Legislature. A local university board of trustees would adopt policies for the naming of such buildings or facilities and evaluate a decision on the naming of such a facility against the adopted policies. The Committee Substitute requires the Board of Governors to adopt a uniform set of policies to be used by each university board of trustees in naming a building or facility for any living person. The Legislature may name a university building or facility for any living person and a university board of trustees may not supersede that naming.

The Committee Substitute removes a requirement that the State Board of Education be a party to the decision to name a university building or facility for a living person.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Board of Governors; Art. IX, Section 7 of the State Constitution

Article IX, Section 7 of the State Constitution provides that the Board of Governors shall operate, regulate, control, and be fully responsible for the management of the whole university system. The courts have not interpreted this provision with respect to the extent of the powers and duties of the Board of Governors. A lawsuit was filed on December 21, 2004, against the Board of Governors and the State Board of Education seeking a declaratory action, among other things, regarding the Board of Governor's powers and duties with respect to the state university system. The results of this lawsuit may have an impact on the constitutionality of the Committee Substitute.

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.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
