

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Governmental Oversight and Accountability Committee

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BILL: SB 234

INTRODUCER: Senator Gaetz

SUBJECT: State University Presidents

DATE: March 6, 2009

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	<b>Favorable</b>
2.	McKay	Wilson	GO	<b>Favorable</b>
3.			HI	
4.			WPSC	
5.				
6.				

**I. Summary:**

This bill authorizes the state university boards of trustees to appoint, terminate, and establish the terms and conditions of employment of their respective university presidents. Currently, that authority is statutorily vested in the Board of Governors, which has delegated the authority to the university boards of trustees.

This bill substantially amends sections 1001.706 and 1001.74 of the Florida Statutes.

**II. Present Situation:**

The Board of Governors, or the board’s designee, is responsible for establishing the personnel system for all employees of a state university, including the president.<sup>1</sup> To the extent delegated by the Board of Governors, each university board of trustees must establish the personnel program for all employees of the university, including the president.<sup>2</sup>

University boards of trustees were created by the 2001 Legislature<sup>3</sup> and were given the authority to appoint a presidential search committee and to select a candidate to refer to the chancellor for ratification by the Florida Boards of Education. The 2002 Legislature rewrote the Florida Education Code, codifying the role of the State Board of Education as, “The chief implementing and coordinating body of public education in Florida.”<sup>4</sup> The role of the state board was to

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<sup>1</sup> s. 1001.706(5)(a), F.S.

<sup>2</sup> s. 1001.74(5)(a), F.S.

<sup>3</sup> ch. 2001-170, L.O.F.

<sup>4</sup> s. 20, ch. 2002-387, L.O.F.

prescribe minimum standards for state university personnel<sup>5</sup> and to ratify presidential candidates selected by university boards of trustees.<sup>6</sup> With the passage of a constitutional amendment in 2002, the Board of Governors and the university boards of trustees were established in the State Constitution.<sup>7</sup> On January 7, 2003, the Board of Governors enacted a resolution delegating authority to the university boards of trustees to select presidential candidates; however, the Board of Governors retained the authority to ratify the selection of the university presidents. Additionally, the Board of Governors delegated to the university boards of trustees the authority to set the terms and conditions of the employment of university presidents and other university personnel. The Board of Governors is in the process of revising the powers and duties of the university boards of trustees, which would include the selection and ratification process for university presidents.<sup>8</sup>

### III. Effect of Proposed Changes:

This bill authorizes the state university boards of trustees to appoint, terminate, and establish the terms and conditions of employment of university presidents. The bill would eliminate the Board of Governors' role in the selection and appointment of university presidents.

### 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:

The Board of Governors has challenged the Legislature's authority over the state university system.<sup>9</sup> The case is currently in litigation.

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<sup>5</sup> s. 1001.02(9)(a), F.S. (2002)

<sup>6</sup> s. 1001.74(21), F.S. (2002)

<sup>7</sup> Article IX, section 7 of the State Constitution.

<sup>8</sup> As of March 5, 2009, the proposed regulation is available at

[http://www.flbog.org/documents\\_regulations/proposed/2009\\_01\\_30\\_Regulation\\_1\\_001\\_Notice.pdf](http://www.flbog.org/documents_regulations/proposed/2009_01_30_Regulation_1_001_Notice.pdf)

<sup>9</sup> *Bob Graham et al v. Ken Pruitt, President of the Florida Senate and Marco Rubio, Speaker of the Florida House of Representatives*, Case No. 2007-CA-1818.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.