

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 759 Florida College System Boards of Trustees

SPONSOR(S): Education Committee; Higher Education and Workforce Subcommittee; Hutson

TIED BILLS: **IDEN./SIM. BILLS:** SB 446

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Workforce Subcommittee	10 Y, 0 N	Banner	Sherry
2) Education Committee	17 Y, 0 N, As CS	Banner	Mizereck

SUMMARY ANALYSIS

A rule of the State Board of Education regulates the composition of the boards of trustees of all Florida College System institutions. However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College. The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

The bill repeals the rulemaking authority of the State Board of Education regarding the composition of Florida College System institution boards of trustees. The bill also requires board member terms to be staggered.

The fiscal impact of this bill is insignificant.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida College System (FCS) was established in order to maximize open access for students, respond to community needs for postsecondary academic education and career education, and provide associate and baccalaureate degrees that best meet the state's employment needs.¹ The FCS is comprised of 28 institutions, each with specific service areas within the state.²

Each FCS institution is governed by a local board of trustees.³ These boards are charged with ensuring that the college is an integral part of the community by balancing and integrating the wide variety of interests and needs into policies that benefit the common good and future of the region the institution serves.⁴

Current law requires that the FCS institution boards be comprised of five members when an institution's district is confined to one school district, seven members when there is one district and the board of trustees elects to have additional members, and not more than nine when the district contains two or more school districts. The State Board of Education (SBE) is also authorized to adopt rules related to the membership of the board of trustees. Trustees are appointed by the Governor and confirmed by the Senate.⁵

The State Board of Education (SBE) has adopted a rule regulating the composition of the boards of trustees of FCS institutions.⁶ For those FCS institutions that serve more than one county, the rule provides requirements for board composition as follows:

- Two (2) county district boards shall be composed of five (5) trustees from the county of location and four (4) from the cooperating county. However, if the county of location has more than five (5) times the population of the cooperating county as determined by the U.S. Census, there shall be three (3) trustees from the cooperating county.
- Three (3) and four (4) county district boards shall be composed of three (3) trustees from the county of location and two (2) from each cooperating county.
- Five (5) county district boards shall be composed of three (3) trustees from the county of location, two (2) from each of the two (2) more populous cooperating counties, and one (1) from each of the two (2) less populous cooperating counties.
- Six (6) county district boards shall be composed of three (3) trustees from the county of location, two (2) from the most populous cooperating county, and one (1) from each of the remaining counties.

However, the rule specifically dictates the composition of the boards at South Florida Community College, Gulf Coast Community College, and Edison Community College.

The rule also prescribes the process the Governor must follow to stagger the length of terms for board members.

¹ Section 1001.60(1), F.S.

² Section 1000.21(3), F.S.

³ Section 1001.60(3), F.S.

⁴ Association of Florida Colleges, *Florida College System Trustee Manual*, (Sept. 2013), available at http://myafchome.org/assests/Publications/Trustees/2k12_trustee_manual.pdf.

⁵ Section 1001.61, F.S.

⁶ Rule 6A-4.024, F.A.C. This rule was last updated in July 2004, therefore it does not reflect the most current Florida College System institution names.

Effect of Proposed Changes

This bill repeals the rulemaking authority of the SBE. This enables each board of trustees to determine the composition of its board based upon the counties it serves. The bill also requires the staggering of the terms of board members.

The bill takes effect upon becoming law.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.61, F.S. to repeal the rulemaking authority of the State Board of Education and require staggering of terms of board members.

Section 2. Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

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:

Not applicable.

2. Other:

None

B. RULE-MAKING AUTHORITY:

This bill repeals rulemaking authority of the State Board of Education regarding Florida College System institution boards of trustees.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 18, 2015, the Higher Education and Workforce Subcommittee reported the proposed committee substitute for HB 759 favorably as a committee substitute. The proposed committee substitute repeals the rulemaking authority of the State Board of Education regarding the composition of Florida College System institution boards of trustees. The bill also requires board member terms to be staggered.

On April 1, 2015, the Education Committee adopted one amendment and reported CS/HB 759 favorably as a committee substitute. The amendment changed the effective date from July 1, 2015 to upon becoming law.

This analysis is drafted to the committee substitute as passed by the Education Committee.