

STORAGE NAME: h1511a.cu.doc
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**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COLLEGES AND UNIVERSITIES
ANALYSIS**

BILL #: HB 1511
RELATING TO: Capital Improvement Fees and University Student Governments
SPONSOR(S): Representative(s) Waters
TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) COLLEGES AND UNIVERSITIES YEAS 11 NAYS 0
 - (2) EDUCATION APPROPRIATIONS
 - (3) COUNCIL FOR LIFELONG LEARNING
 - (4)
 - (5)
-

I. SUMMARY:

This bill increases the Capital Improvement Trust Fund fee from \$2.44 per credit hour per semester to \$2.94 per credit hour per semester; and increases the building fee from \$2.32 per credit hour per semester to \$2.82 per credit hour per semester.

This bill provides that the "modification" rather than the "increase" of a local university activity and service, health, or athletic fee must be recommended by a fee committee.

This bill provides for the establishment of a student government at each state university, permits students to remove an elected student government officer from office through a referendum, specifies the grounds for removal of a student government officer by petition, and directs student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.

This bill provides for the establishment of a university wide committee to recommend which projects should be funded from Capital Improvement Trust Fund fees or building fees. The university president must approve any recommendation by the committee, after consultation with the student body president, before it is submitted to the Board of Regents.

This bill no longer "authorizes and directs the Board of Regents to promulgate rules" for the establishment, operation, and supervision of educational research centers for child development. Instead, the Board of Regents must "adopt rules" governing the establishment, operation, and supervision of educational research centers for child development.

Finally, this bill repeals a statute section relating to the suspension and removal from office of elected student government officials.

This increase in Capital Improvement fees is anticipated to generate \$5.3 million per annum and support a bond issue totaling about \$47.7 million.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | 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. PRESENT SITUATION:

Please see SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

Please see SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

SECTION 1: Amends s. 240.209, F.S.; increases the Capital Improvement Trust Fund and building fees.

PRESENT SITUATION-

Section 240.209(3)(g), F.S., sets the Capital Improvement Trust Fund fee at \$2.44 per credit hour per semester and the building fee at \$2.32 per credit hour per semester. Collectively, these fees are referred to as Capital Improvement Fees.

EFFECT OF PROPOSED CHANGES-

This section of the bill increases the Capital Improvement Trust Fund fee to \$2.94 per credit hour per semester and the building fee to \$2.82 per credit hour per semester. This increase was recommended by the November 3, 2000 report of the Capital Improvement Fee Task Force appointed by then-Chancellor Adam Herbert. These fees have not been increased since 1988 when each fee was increased by \$.50 per credit hour per semester.

SECTION 2: Amends s. 240.235, F.S.; modifies provisions related to the establishment of activity and service, health, and athletic fees.

PRESENT SITUATION-

Section 240.235, F.S., authorizes each university president to establish an activity and service fee, a health fee, and an athletic fee for students enrolled in classes on the main campus of the university. The university president may establish these fees for students enrolled in classes on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by the activity and service fee committee, an increase in the health fee by the health fee committee, and an increase in the athletic fee by the athletic fee committee.

The student body president appoints at least half of each fee committee. The university president appoints the remainder of each fee committee. The university president and the student body

president are responsible for appointing a chairperson to each committee. The chairperson of the committee votes only in the case of a tie. A fee committee's recommendation takes effect only upon approval by the university president after consultation with the student body president. The recommendations are subject to final approval by the Board of Regents.

EFFECT OF PROPOSED CHANGES-

This bill provides that each university may establish separate activity and service, health and athletic fees. Any modification, that is either an increase or decrease, of the activity and service fee, the health fee, and the athletic fee must be recommended by the respective fee committee. The bill also provides that the chairperson of a fee committee may vote in a committee meeting only in the instance of a tie.

SECTION 3: Creates s. 240.236, F.S., to provide for a student government at each state university, permit students to remove an elected student government officer from office through a referendum, specify the grounds for removal of a student government officer by petition, and direct the student government to develop procedures relating to the suspension and removal of an officer convicted of a felony.

PRESENT SITUATION-

According to a Florida House of Representatives interim review of student governments, an established student government exists at each of the 10 state universities. At each university, the student government is composed of the executive branch, the legislative branch, and the judicial branch. Within each branch, there are elected and appointed positions. Although the basic structure is the same at all of the universities, the number and type of positions vary among the universities.

The executive branch of a student government usually consists of 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 all cabinet members, possesses the power to veto or sign acts adopted by the senate with certain limitations, possesses the authority to remove from office any officer he or she appointed, and is authorized to call for a referendum subject to 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 is responsible for assisting and advising the president.

The legislative branch of a student government is a body composed of an elected group of officials, usually referred to as the senate. Leaders of the legislative body, such as the president or speaker, are elected by the legislative members. Other leadership positions, such as committee chairs, are appointed by the elected legislative leaders. The legislature is usually responsible for taking final action on the proposed Activity Fee Budget, 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 of a student government usually consists of a supreme court. The judicial branch possesses jurisdiction over matters involving the constitutionality of actions by student governing groups, organizations, and their representatives. The judicial branch also possesses jurisdiction over violations of student body governing documents. Most of the student governments have a judiciary that is composed of a chief justice, several associate judges, and a clerk of the court.

Section 240.136, F.S., directs each state university and community college student government to establish a process in order to suspend and remove a student government officer from office, who 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 recommending the removal of an elected officer from office. Students participating in the referendum must obtain a majority of votes in order to remove an elected officer from office. The Florida Student Association drafted model language delineating the procedures for recall and removal of elected officers from office. According to the interim review, most of the state university student government associations have procedures relating to the recall and removal of elected officers from office.

EFFECT OF PROPOSED CHANGES-

Section three provides for the establishment of a student government at each state university. Each student government must be composed of at least an elected student body president and an elected student legislative body. This requirement does not produce an administrative burden to existing state university student governments because each student government is currently composed of at least an elected student body president and an elected student legislative body. The bill also permits each student government to adopt internal procedures governing the operation and administration of the student government; the election, appointment, removal and discipline of officers of the student government; and the execution of all other duties as prescribed to the student government by law. Since a student government already exists at each state university, it can be assumed that internal procedures governing each student government already exist.

This section of the bill provides a removal process for student government officers that replaces the process codified in s. 240.136, F.S. The bill stipulates that an elected student government officer may be removed from office through the majority vote of students participating in a referendum. Each student government is directed to develop internal procedures designed for students to petition for a referendum in order to remove an elected officer from office. The grounds for removal of an elected officer from office are specifically limited to malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. In addition, each student government is directed to develop procedures providing for the suspension and removal from office of an elected officer convicted of a felony. In response to section 240.136, Florida Statutes, the student governments currently in existence have established procedures relating to the removal, suspension, and recall of elected officers. Therefore, implementing these requirements should not produce administrative burdens for most of the student governments.

This section provides that each student government is part of the university at which it is established and that the internal procedures adopted by the student government are subject to the final approval of the university president.

SECTION 4: Amends s. 240.295(3), F.S.; modifies provisions relating to the authorization of fixed capital outlay projects.

PRESENT SITUATION-

Section 240.295, F.S., authorizes fixed capital outlay projects for the State University System. These projects may include the construction of new buildings or the remodeling of existing buildings not funded from state monies; the replacement of buildings destroyed by fire or other calamities; the construction of new facilities or the remodeling of existing facilities intended to meet the needs of research; the construction of projects financed through bonds or other forms of indebtedness pursuant to the State Bond Act; and the construction of facilities or the remodeling of existing facilities intended to meet the needs of a university, as long as the amount of funds required does not exceed \$500,000.

Section 240.295, F.S., also provides that a fixed capital outlay project proposed by a state university which is to be funded from Capital Improvement Trust Fund fees or building fees can not be submitted to the Board of Regents for approval without prior consultation with the university's student government.

Rule 6C-14.0025, Florida Administrative Code, provides that a fixed capital outlay project proposed by a state university which is to be funded from Capital Improvement Trust Fund fees or building fees must be approved by the university president after consultation with the university's student government. The term "consultation" is defined as an ongoing dialogue with the student body president prior to developing the university proposal. The rule further provides that an attachment containing any objections and alternatives, and stating that both the university president and the student government have reviewed the project must be included in the proposal.

EFFECT OF PROPOSED CHANGES-

This section requires that any projects funded from Capital Improvement Trust Fund fees or building fees must be recommended by a university wide committee, at least one-half of the membership of which are students appointed by the student body president. The remainder of the committee is appointed by the university president. The chairperson of this committee is appointed jointly by the student body president and the university president and may vote only in the case of a tie. The recommendations of the committee shall be submitted to the Board of Regents for approval by the university president, after consultation with the student body president.

SECTION 5: Amends s. 240.531, F.S., to conform to other sections of the bill and clarify the rulemaking authority of the Board of Regents relating to the establishment, operation, and supervision of educational research centers for child development.

PRESENT SITUATION-

Section 240.531(4), F.S., authorizes and directs the Board of Regents to promulgate rules for the establishment, operation, and supervision of educational research centers for child development.

EFFECT OF PROPOSED CHANGES-

The Board of Regents is no longer authorized and directed to promulgate rules for the establishment, operation, and supervision of educational research centers for child development. Instead, the Board of Regents must adopt rules governing the establishment, operation, and supervision of educational research centers for child development.

SECTION 6: Repeals s. 240.136, F.S., relating to the suspension and removal from office of elected student government officials.

PRESENT SITUATION-

Section 240.136, F.S., directs each state university and community college student government to establish a process in order to suspend and remove from office a student government officer who 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 recommending the removal of an elected officer from office. Students participating in the referendum must obtain a majority of votes in order to remove an elected officer from office.

EFFECT OF PROPOSED CHANGES-

Provisions contained in s. 240.136, F.S., relating to the suspension and removal of elected state university and community college student government officers from office are repealed. Provisions addressing the suspension and removal of elected state university officers from office are included in section 3 of the bill. There are no provisions in the bill that address the suspension and removal of elected community college officers from office.

SECTION 7: Establishes an effective date of July 1, 2001.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

This bill increases the Capital Improvement Fees by \$1.00 per credit hour per semester. The increase in these fees was estimated by the Capital Improvement Fee Task Force to generate approximately \$5.3 million per annum and support a bond issue totaling about \$47.7 million. Such an increase would allow the Board of Regents (or the new State Board of Education) to address the current backlog of student related facilities requests.

To the extent that student fees at state universities are increased, additional funding may be required to support Bright Futures awards for award recipients attending these institutions.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

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

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill permits each student government to adopt internal procedures governing the operation and administration of the student government; the election, appointment, removal and discipline of officers of the student government; and the execution of all other duties as prescribed to the student government by law.

The bill directs each student government to develop a procedure for students to petition for a referendum to remove an elected student government officer from office.

The bill directs each student government to develop procedures relating to the suspension and removal of an elected student government officer convicted of a felony.

The bill no longer authorizes and directs the Board of Regents to promulgate rules for the establishment, operation, and supervision of educational research centers for child development. Instead, the Board of Regents must adopt rules governing the establishment, operation, and supervision of educational research centers for child development.

The bill repeals s. 240.136, F.S., which directs each state university and community college student government to establish a process relating to the removal of an officer from office who is convicted of a violation of criminal law or is found civilly liable for an act of moral turpitude.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COLLEGES AND UNIVERSITIES:

Prepared by:

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