

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.)

BILL: CS/SB 2172

SPONSOR: Appropriations Subcommittee on Education and Senator Sullivan

SUBJECT: State Universities

DATE: April 23, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>McKee</u>	<u>Hickam</u>	<u>AED</u>	<u>Favorable/CS</u>
3.	_____	_____	<u>AP</u>	<u>Withdrawn: Fav/CS</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The Committee Substitute for Senate Bill 2172 requires each state university and community college to have a student government with the following provisions:

- o Students may remove an elected student government officer from office through a referendum.
- o The grounds for removal are specified.
- o Student governments are directed to develop procedures relating to the suspension and removal of an officer convicted of a felony.

The bill also requires a fee committee to recommend any modification of local fees,¹ rather than just the increase of a local fee.

The effective date of the bill is July 1, 2001.

This bill amends sections 240.235, 240.295, 240.531, 447.203, and 447.301; it creates sections 240.236 and 240.336; and it repeals s. 240.136, of the Florida Statutes.

II. Present Situation:

Local Fees

According to s. 240.235, F.S., each university president must establish the following fees for students at the main campus and may establish them for students at a branch campus or center: an activity and service fee, a health fee, and an athletic fee. A committee is established for each type of fee and must recommend any increase in these fees. At least half of each fee committee is composed of students appointed by the student body president. The university president appoints

¹The term "local fees" includes the activity and service fee, the health fee, and the athletic fee.

the rest of the members. The university president and the student body president appoint the chairpersons, who vote only in case of a tie. The committees' recommendations take effect only if the university president consults with the student body president, and the Board of Regents approves.

Student Government

According to a Florida House of Representatives interim review, each of the 10 state universities has a student government with varying positions but the same basic structure. Each is composed of three governmental branches with both elected and appointed positions:

- The executive branch has 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 the cabinet members, may veto or sign acts adopted by the senate with certain limitations, may remove from office any presidential appointee, and may call for a referendum with 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 assists and advises the president.
- The legislative branch is elected and is usually called the senate. The legislative members elect the leaders (usually called the president and speaker), and the legislative leaders appoint the committee chairs. The legislature is usually responsible for taking final action on the proposed budget for the activity fee, 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 is usually a supreme court with jurisdiction over the constitutionality of actions by student governing groups, organizations, and their representatives. The court decides cases of alleged violations of student body governing documents. Most of the student governments have a judiciary with a chief justice, several associate judges, and a clerk of the court.

Suspension and Removal of Student Government Officers

Section 240.136, F.S., directs the student government at each state university and community college to establish a process to suspend and remove a student government officer if the officer 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 to remove an elected officer. Most of the state university and community college student government associations have established procedures to recall and remove elected officers.

III. Effect of Proposed Changes:

The legislation under consideration creates two new statutes that codify the current practice of how student governments are established at state universities and community colleges.² The effect will be to ensure present student governments of their existence and potential longevity.

The newly created statutes provide a removal process for student government officers; the process is similar to s. 240.136, F.S. A majority of students voting in a referendum may remove an elected student government officer, and the student government will develop the procedure

² Section 240.236, F.S., for universities; and s. 240.336, F.S., for community colleges.

for students to petition for a referendum. The petition for removal must state the grounds, which are specifically limited to malfeasance, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or conviction of a felony. Most of the student governments have already established these procedures; so implementing these requirements should not produce administrative burdens for most of the student governments.

In addition, the Committee Substitute requires the fee committee to recommend any modifications to a local fee, not just increases.³ Under the bill, fee committees will be able to consider recommendations to decrease fees.

The bill also changes the requirement that the chairperson of a fee committee “shall” vote only in case of a tie, by changing “shall” to “may.” The chairperson will not be forced to break a tie, but will have that option.

The bill also makes several technical corrections:⁴

- It corrects cross-references in several statutes to reflect that each university and community college has a student government, rather than a student government association.
- It uses current bill drafting convention to refer to rulemaking: the board will “adopt” rather than “promulgate” rules.

Finally, the bill repeals s. 231.136, F.S., the provisions of which are in section 2 of the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

³ Section 240.235, F.S.

⁴ The technical amendments are to sections 240.235, 240.295, 240.382, 240.531, and 447.301, F.S.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

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