

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: SB 2172

SPONSOR: Senator Sullivan

SUBJECT: State Universities

DATE: April 4, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	O'Farrell	ED	Favorable
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

For students at state universities, SB 2172 increases the Capital Improvement Fees by \$1.00 per credit hour per semester, by raising the trust fund fee and the building fee by fifty cents each.

In addition, the bill:

- Codifies into statute 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.
 - Directs student governments to develop procedures relating to the suspension and removal of an officer convicted of a felony.
- Requires a fee committee to recommend any modification of local fees¹, rather than just the increase of a local fee.
- Replaces a requirement that the university president must consult with student government before initiating a building project to be funded from the Capital Improvement Fees. Instead, a committee whose membership is at least 50 percent students must recommend the project before the university president may initiate it.
- Repeals a statute relating to the suspension and removal from office of elected student government officials. The relevant provisions of that section are included in the bill.

This bill amends ss. 240.209, 240.235, 240.236, 240.295, and 240.531 of the Florida Statutes. It repeals s. 240.136, F.S

II. Present Situation:

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

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 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 student government associations have established procedures to recall and remove elected officers.

Fixed Capital Outlay Projects

If a university building project is to be funded from Capital Improvement Trust Fund fees or building fees, the president must consult with the student government before requesting approval from the Board of Regents.

Section 240.295, F.S., authorizes the following fixed capital outlay projects for the State University System:

- Constructing or remodeling buildings not funded by the state.
- Replacing buildings destroyed by fire or other calamities.
- Constructing or remodeling facilities to meet research needs.
- Construction projects financed through bonds or other forms of indebtedness pursuant to the State Bond Act.
- Any construction or remodeling project that does not exceed \$500,000.

III. Effect of Proposed Changes:

Section 1.

The legislation under consideration raises the following fees for students at state universities:

	From:	To:
Capital Improvement TF Fee	\$2.44 per semester credit hour	\$2.94 per semester credit hour
Building Fee	\$2.32 per semester credit hour	\$2.82 per semester credit hour

Section 2.

Requires the fee committee to recommend any modifications to a local fee, not just increases. Under the bill, fee committees will be able to consider recommendations to decrease fees.

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.

Section 3.

Creates a statute that codifies the current practice of how student governments are established. The effect will be to ensure present student governments of their existence and potential longevity.

Provides a removal process for student government officers, which 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 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.

Section 4

Requires a university wide committee to recommend any projects funded from the Capital Improvement Trust Fund fees or building fees. At least half of the members of the committee will be students appointed by the student body president, the rest will be appointed by the university president, and both presidents will jointly appoint the chairperson. The chairperson may vote only to break a tie.

This procedure replaces a more general directive that the university president must “consult” with students before initiating the project.

Section 5

Technical. Simplifies terminology about Board of Regents rules and student governments.

Section 6

Repeals s. 231.136, F.S., the provisions of which are in section 3 of the bill.

Section 7

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

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:

University student fees will increase by \$1.00 per credit hour per semester.

C. Government Sector Impact:

The Capital Improvement Fee Task Force estimates that the increase in fees will generate about \$5.3 million every year and will support a bond issue of about \$47.7 million. This increase is enough to address the current backlog of facilities requests related to students.

The increase in fees will also increase the cost to the state of Bright Futures scholarships, which pay either 75 percent or 100 percent of student fees. Most university students in the first 2 years of college have Bright Futures scholarships.

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.
