

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 1808

SPONSOR: Senator Sullivan

SUBJECT: Student Governments/State Universities

DATE: March 23, 2000

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>O'Farrell</u>	<u>ED</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

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 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.

The bill provides that the "modification" rather than the "increase" of a local fee (activity and service, health, and athletic) must be recommended by a fee committee. It defines the term "consultation" as it relates to the role of a student body president in the modification of these fees, and as it relates to the authorization of proposed fixed capital outlay projects. With respect to both of these issues, the term is defined as an ongoing and documented dialogue between the student body president and university officials.

The bill simplifies terminology relating to rules required of the Board of Regents.

Finally, the bill repeals a section in statute relating to the suspension and removal from office of elected student government officials. The relevant provisions of that section are included in another.

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

II. Present Situation:

Local Fees

Section 240.235, F.S., directs 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. An increase in the activity and service fee must be recommended by the activity and service fee committee, while an increase in the health fee and the athletic fee must be recommended by the health fee committee and the athletic fee committee respectively. At least half of each fee committee is composed of students who are appointed by the student body president. The composition of the remainder of each committee must be appointed by the university president. 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. The committees' recommendations take effect only after approval by the university president, once he or she consults with the student body president. The recommendations are subject to final approval by the Board of Regents.

Student Government

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 of the three branches, 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 greatly from university to university.

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. This body is 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 that involve 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.

Suspension and Removal of Student Government Officers

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 which establishes procedures for the recall and removal of elected officers from office. According to the aforementioned interim review, most of the state university student government associations possess established procedures relating to the recall and removal of elected officers from office.

Fixed Capital Outlay Projects

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.

According to rule 6C-14.0025, Florida Administrative Code, 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.

III. Effect of Proposed Changes:

Local Fees

For the purposes of section 240.235, F.S., the bill defines the term "consultation" as an ongoing and documented dialogue with the student body president following any recommendation by a fee committee and prior to the approval of any proposal modifying any fee. The availability of a documented dialogue between university presidents and their respective student body presidents regarding proposed modifications to the local fees increases public awareness regarding students' position on the modification of these fees.

Each proposal modifying the activity and service fee, the health fee, and the athletic fee must contain an attachment containing the names and affiliation of all members of the fee committees. A student government's objections and alternatives to a modification in these fees must also be attached to the proposal modifying the fees. Finally, the proposal modifying any fees must contain a statement indicating that the university president and the student government reviewed

the proposal. These requirements provide students and student governments with greater involvement in the process modifying fees.

The bill provides that any modifications to the activity and service fee, the health fee, and the athletic fee must be recommended by the respective fee committee. Fee committees would now be able to consider recommendations to decrease fees. Presently, only increases in fees must be recommended by the fee committees.

The bill provides that the chairperson of a fee committee may vote in a committee meeting only in the instance of a tie. It appears that the chairperson can only vote in the instance of a tie, but he or she has the option of voting. Presently, the chairperson must vote only in the instance of a tie. It does not appear that he or she has the option of voting.

Student Government

Section 2 of the bill creates a statute to require 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, 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 currently exists at each state university, it can be assumed that internal procedures governing each student government already exist. Codifying into statute the establishment of a student government at each state university would ensure present student governments of their existence and potential longevity.

Suspension and Removal from Office

Section 2 of the bill also provides a removal process for student government officers that replaces the process in section 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. Students participating in the referendum require a majority of votes in order to remove the elected officer from office. 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, and 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, F.S., most of 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.

Finally, this section of the bill provides that university presidents possess ultimate approval authority for internal procedures adopted by their respective student governments. In essence, a

university president may overturn the procedures and policies adopted by his or her respective student government.

Section 5 of the bill repeals provisions contained in section 240.136, F.S., relating to the suspension and removal of elected state university and community college student government officers from office. Provisions addressing the suspension and removal of elected state university officers from office are included in section 2 of the bill. There are no provisions in the bill that address the suspension and removal of elected community college officers from office.

Fixed Capital Outlay Projects

For the purposes of subsection 240.295(3), F.S., the bill defines the term “consultation” as an ongoing and documented dialogue with the student body president regarding each proposed project. The consultation between the student body president and the university must commence prior to the university developing its proposal. Each fixed capital outlay project proposed by a university which requires approval from the Board of Regents and funding from Capital Improvement Trust Fund fees and building fees must contain an attachment containing a student government’s objections and alternatives to each project. Finally, the proposal must contain a statement indicating that the university president and the student government reviewed each proposed project.

Technical Changes

The bill makes several technical changes to reflect current bill drafting convention. The term “authorized and directed to promulgate rules and regulations” is replaced with “required to adopt rules.”

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.

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.
