

**HOUSE OF REPRESENTATIVES  
FINAL BILL ANALYSIS**

<b>BILL #:</b>	CS/HJR 931(CS/SJR 1508)	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Education Committee; Gaetz and others (Judiciary; Montford and others)	114 Y's	0 N's
<b>COMPANION BILLS:</b>	CS/SJR 1508	<b>GOVERNOR'S ACTION:</b>	N/A

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**SUMMARY ANALYSIS**

CS/HJR 931 passed the House on March 5, 2012, and subsequently passed the Senate on March 8, 2012.

As established in Article IX of the Florida Constitution, state-level government of the State University System (SUS) is provided by the Board of Governors (BOG) and Legislature. The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the Florida Student Association (FSA) president, and 14 members appointed by the Governor. Members appointed by the Governor must be confirmed by the Florida Senate.

The Resolution proposes an amendment to Article IX, Section 7 of the State Constitution to remove the president of the FSA as a student member of the BOG of the SUS and replace the member with the chair of the council of student body presidents. The resolution also requires the BOG to organize the council of student body presidents that consists of all the student body presidents of the SUS.

If approved by 60 percent of the voters in the 2012 general election, the resolution will take effect on January 8, 2013.

# I. SUBSTANTIVE INFORMATION

## A. EFFECT OF CHANGES:

### Present Situation

#### The Board of Governors of the State University System

As set forth in the Florida Constitution, state-level governance of the SUS is provided by the BOG and Legislature.<sup>1</sup> The BOG's responsibilities include, but are not limited to, defining the distinctive mission of each SUS institution and its articulation with public schools and Florida College System institutions, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs.<sup>2</sup> Among other things, the BOG is responsible for:

- Accounting for the expenditure of state funds;
- Submitting a legislative budget request for each SUS institution;
- Adopting strategic plans;
- Approving, reviewing, and terminating degree programs;
- Governing admissions to SUS institutions; and
- Complying with and enforcing all applicable local, state, and federal laws.<sup>3</sup>

The BOG's oversight of the SUS is subject to the Legislature's power to appropriate funds and establish tuition, fees, and financial aid policies, as well as the Legislature's responsibility to provide for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.<sup>4</sup>

The BOG may establish policies through rulemaking or the adoption of regulations. When acting pursuant to statutory authority derived from the Legislature, the BOG must adopt rules under the Administrative Procedure Act,<sup>5</sup> unless expressly authorized by law to adopt regulations. The BOG may also adopt regulations when implementing its constitutional duties and responsibilities.<sup>6</sup>

The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates, the FSA president, and 14 members appointed by the Governor. Members appointed by the Governor serve staggered seven-year terms and must be confirmed by the Florida Senate.<sup>7</sup>

FSA is comprised of the student body presidents of Florida Agricultural and Mechanical University, Florida Atlantic University, Florida Gulf Coast University, Florida International University, New College of Florida, University of Central Florida, University of Florida, University of North Florida, University of South Florida, and University of West Florida. Florida State University is not represented by FSA.<sup>8</sup> Participating institutions pay membership dues, which are based upon Fall semester student enrollment for the previous year.<sup>9</sup>

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<sup>1</sup> Section 7(d), Art. IX of the State Constitution; s. 1001.705(2), F.S.

<sup>2</sup> Section 7(d), Art. IX of the State Constitution; ss. 1001.705(3) and 1001.706, F.S.

<sup>3</sup> Section 1001.705(2), F.S.

<sup>4</sup> Sections 1(a) and 7(d), Art. IX of the State Constitution; s. 1001.705(3), F.S.

<sup>5</sup> Chapter 120, F.S.

<sup>6</sup> Section 1001.706(2), F.S. If the BOG adopts regulations, it must comply with its regulation development procedure, rather than Administrative Procedure Act rulemaking requirements. *Id.*

<sup>7</sup> Section 7(d), Art. IX of the State Constitution; s. 1001.70(1), F.S.

<sup>8</sup> Florida Student Association, <http://myfsa.org/> (last visited Jan. 10, 2012).

<sup>9</sup> Florida Student Association, *Constitution and Bylaws of the Florida Student Association*, at 2 (Jan. 10, 2012), available at [http://myfsa.org/includes/files/FSA\\_Bylaws\\_January\\_1\\_2011.pdf](http://myfsa.org/includes/files/FSA_Bylaws_January_1_2011.pdf).

## **Effect of Proposed Changes**

The House Joint Resolution proposes an amendment to Article IX, Section 7 of the State Constitution to remove the president of the FSA as a student member of the BOG of the SUS and replace the member with the chair of the council of student body presidents. The resolution also requires the BOG to organize the council of student body presidents that consists of all the student body presidents of the SUS. The council of student body presidents will include all state university student body presidents, regardless of whether their university pays membership dues to the FSA.

If approved by 60 percent of the voters in the 2012 general election, the resolution will take effect on January 8, 2013.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The Florida Constitution requires the proposed amendment to be published, once in the tenth week and once in the sixth week immediately preceding the week of the election, in one newspaper of general circulation in each county where a newspaper is published.<sup>10</sup> The Department of State executes this requirement and has projected a non-recurring fiscal impact of \$65,382.24 for the publication.<sup>11</sup>

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

None.

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<sup>10</sup> Section 5(d), Art. XI of the State Constitution.

<sup>11</sup> Department of State Analysis, *Bill Analysis for HJR 931* (Dec. 16, 2011).