

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

BILL: SPB 7042

INTRODUCER: For consideration by the Governmental Oversight and Accountability Committee

SUBJECT: State University Facility Designations

DATE: January 17, 2020 **REVISED:** _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>McVaney</u>	<u>McVaney</u>	_____	Pre-meeting

I. Summary:

SPB 7042 establishes a process for naming and renaming state university facilities. Specifically, the bill:

- Requires the Board of Governors (BOG) to adopt regulations to specify authority, procedures, and elements related to the naming or renaming of any state university facilities.
- Requires the BOG regulations to specify the respective responsibilities of the BOG and state university boards of trustees and presidents, and procedural requirements regarding transparency, public engagement, nongift-related and gift-related considerations, approval, and other transparency and accountability requirements deemed appropriate by the BOG.
- Repeals Florida law that designated the building housing the FSU College of Law as the B.K. Roberts Hall.
- Provides legislative intent regarding the naming of the FSU College of Law facility.

The bill has no impact on state revenues or expenditures.

The bill takes effect upon becoming a law, except that the statutory changes take effect July 1, 2020.

II. Present Situation:

State Constitution relating to State University System

The State Constitution establishes the system of governance of the state university system of Florida with the board of governors governing the overall system and a board of trustees administering each state university.¹ The State Constitution grants the BOG the authority to operate, regulate, control, and be fully responsible for the management of the whole university system.² The BOG’s management is “subject to the powers of the legislature to appropriate for

¹ FLA. CONST. art. IX, s. 7(b).

² FLA. CONST. art. IX, s. 7(d).

the expenditure of funds.”³ The BOG is empowered to establish the powers and duties of the boards of trustees.⁴

Select Statutory Provisions relating to the State University System

In implementing the State Constitution regarding the state university system, the Legislature enacted Part IV of chapter 1001, F.S., to delineate responsibilities between the BOG and the Legislature. Pertinent to this legislation, the responsibilities of the legislature include:

- “(a) Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require;
- (e) Establishing policies relating to expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature. . . . This includes, but is not limited to, policies relating to: . . . maintenance and construction of facilities; property; . . .”

Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature (after that date) was vested in the Board of Trustees of the Internal Improvement Trust Fund.⁵

Section 1001.706(7)(b), F.S., directs the BOG to develop guidelines for university boards of trustees relating to the use, maintenance, protection, and control of university-owned and university-controlled buildings and groups, property and equipment, name, trademarks and other proprietary marks, and the financial and other resources of the university.

The BOG has adopted Regulation 9.005 (Naming of Buildings and Facilities) to delegate and specify the authority, procedures, and elements related to the naming of any building, road, bridge, park, recreational complex, other similar facility or educational site of a state university for individuals or groups who have made significant contributions to the university or the state.⁶ As a part of this regulation, the BOG assert, based on its constitutional authority, that the naming of university facility “is the prerogative and privilege of the State University System of Florida and is vested in the Board of Governors.”⁷

Naming of state buildings and other facilities

As a general rule, a state building, road, bridge, park, recreational complex, or other similar facility may not be named for a living person unless the legislature specifically does it in law.⁸ An exception to this general rule is authorized if the board of trustees of a state university names a facility of a state university in accordance with the regulations adopted by the BOG of the State University System.⁹

³ *Id.*

⁴ FLA. CONST. art. IX, s. 7(c).

⁵ Section 1001.706(7)(a), F.S.

⁶ The BOG regulation definition does not include statues or monuments.

⁷ BOG Regulation 9.005 “Naming of Buildings and Facilities.”

⁸ Section 267.062(1), F.S.

⁹ Section 267.062(3), F.S.

Section 1013.79, F.S., establishes the University Facility Enhancement Challenge Grant Program. This program is intended to assist university in funding the costs of new facilities. A facility constructed through this program may be named in honor of a donor at the option of the university and the BOG. However, no facility may be named after a living person without prior approval by the legislature.¹⁰

B.K. Roberts Hall and actions by the Florida State University

In 1973, the Legislature enacted ch. 73-370, Laws of Florida, to name the building “housing the Florida State University College of Law” as “Roberts Hall.”

In 2017-2018, Florida State University President John Thrasher followed state law and BOG regulation in exploring potential actions and recommendations¹¹ related to Francis Eppes Hall, Francis Eppes Statue, and the B.K. Roberts College of Law. As a result, President Thrasher created the “President’s Advisory Panel on University Namings and Recognitions” to examine and make recommendations on university policies concerning campus names and markers, including statues and other recognitions. In addition, the panel:

- Researched issues, met and engaged with university constituencies, and determined criteria for appropriate naming policies.
- Made recommendations related to Francis Eppes Hall and Francis Eppes Statue which were implementable at the institutional level by the university president and the university board of trustees.

In conjunction, the panel recommended a name change to the B.K. Roberts College of Law. However, because the facility was named by legislation¹² in 1973 the panel was limited in its ability to implement recommendations beyond seeking legislative action.

III. Effect of Proposed Changes:

Section 1 amends s. 1001.706, F.S., to direct the BOG of the State University System to adopt regulations governing the naming and renaming of facilities used by a university or situated on property owned by the State of Florida or purchased by funds appropriated by the legislature. This regulations must apply to the initial naming of such facility or the renaming of, or removal of a name from, a facility previously designated by the legislature. These regulations must set forth the responsibilities of the BOG, the university boards of trustees, and the university presidents. This section takes effect July 1, 2020.

Section 2 amends s. 1013.79, F.S., to delete the prohibition that a facility constructed pursuant to the University Facilities Enhancement Challenge Grant Program cannot be named for a living person except by an act of the legislature. This section takes effect July 1, 2020.

¹⁰ Section 1013.79(11), F.S.

¹¹ Florida State University, *President Advisory Panel on University Naming and Recognitions* (2018) available at <https://president.fsu.edu/wp-content/uploads/2018/07/Panel-Report-July-2018.pdf> (last visited on January 15, 2020).

¹² Ch. 73-370, L.O.F.

Section 3 repeals chapter 73-370, Laws of Florida, which named the building housing the FSU College of Law as B.K. Roberts Hall.

Section 4 provides legislative intent regarding the ultimate disposition of the original naming designation of the building housing the FSU College of Law.

Section 5 amends s. 267.062, F.S., to conform to the authority granted to the Board of Governors in section 1 of this bill to establish regulations governing the naming of university facilities.

Section 6 provides that, except as otherwise provided, this bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 267.062, 1001.706, 1013.79 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.