

FLORIDA BOARD OF GOVERNORS

February 26, 2004

SUBJECT: Statutory Revision Legislation

PROPOSED BOARD ACTION

Consider and take action on the proposed statutory revision legislation.

AUTHORITY FOR BOARD OF GOVERNORS ACTION

Article IX, Section 7, Florida Constitution.

BACKGROUND INFORMATION

Over the past few weeks the Chancellor's Office, the General Counsel's Office, the Articulation Office, and Governor's staff have been developing the attached proposed revisions to the School Code of the Florida Statutes. The revisions are intended to identify the roles, duties, and responsibilities of the Board of Governors as conferred by the state constitution (Article IX, Section 7) that are already articulated in statute but usually with reference to the State Board of Education.

No policy issues are addressed in this draft. It is intended to be a "glitch" bill without substantive changes to policy and procedures that are already in statute except to incorporate the appropriate role of the Board of Governors.

Four principles were used by staff in reviewing the School Code:

- 1) Maintain a seamless K-20 approach to education;
- 2) Clarify that the authority over the state university system lies with the Board of Governors, not the State Board of Education;
- 3) Maintain the powers and duties of university boards of trustees as reflected under current law; and
- 4) Avoid any fiscal impact by not amending any existing processes, policies or programs.

When it was clear that the statute involved oversight of the state university system the “State Board of Education” was replaced with the “Board of Governors”.

When it appeared to be appropriate for coordination between the two boards, “the Board of Governors” was added so that the State Board and the Board of Governors would coordinate activities. An example of this is student articulation between community colleges and state universities.

The bonding issue was researched with the Division of Bond Finance and reflects their professional advice in this complex financial area.

The statutory revisions relative to a budget submission reflect that the Board of Governors would continue to submit their approved legislative budget request through the State Board of Education to the Governor’s Office as was done for the 2004-2005 budget.

This draft was provided to Representative Meador and Senator Constantine on Monday, February 16, as soon as it was completed by general counsel’s staff and discussed with Chair Carolyn Roberts, Chair Phil Handy, and Commissioner Horne. This date was necessary in order to meet the legislative timelines for bill filing. Representative Meador and Senator Constantine have agreed to sponsor the legislation. They are aware that the Board of Governors is scheduled to consider this proposed legislation by conference call on February 26.

Additionally, the universities were provided this draft proposal on Monday, February 16 and asked to provide any comments to the Chancellor by the end of the day Friday, February 20 so their comments could be compiled and presented on the Board of Governor’s conference call.

Supporting Documentation Included: Draft statutory revisions to School Code and bill analysis draft created by K-20 General Counsel’s Office.

Facilitators/Presenters: Chancellor Austin