

**2004 Legislative Bill Analysis**

**Bill Title:** An Act Conforming Florida K-20 Education Code to Authority Conferred by Section 7, Article IX of the Florida Constitution

**Primary Sponsor(s):**

**Committee Sponsor(s):**

**Companion Bill Number:**

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**SUMMARY ANALYSIS**

This bill would update the School Code to reflect passage of Article IX, Section 7, of the Florida Constitution establishing the Board of Governors. While preserving a seamless K-20 approach, this bill clarifies that authority over the state university system lies with the Board of Governors, not the State Board of Education. This bill avoids any fiscal impact because it does not expand existing K-20 statutes, policies or programs. Additionally, this bill does not alter the powers and duties of university boards of trustees as reflected under current law.

This bill amends the following sections of the Florida Statutes: amends ss. 286.001, 320.08058, 1000.01, 1000.03, 1000.05, 1001.02, 1001.03, 1001.28, 1001.64, 1001.72, 1001.73, 1001.74, 1001.75, 1002.22, 1002.32, 1002.35, 1004.03, 1004.22, 1004.24, 1004.28, 1004.29, 1004.33, 1004.34, 1004.35, 1004.36, 1004.39, 1004.40, 1004.43, 1004.435, 1004.445, 1004.47, 1004.54, 1004.58, 1004.78, 1006.53, 1006.60, 1006.61, 1006.62, 1006.65, 1006.71, 1007.01, 1007.23, 1007.24, 1007.25, 1007.261, 1007.264, 1007.265, 1007.27, 1007.28, 1007.31, 1008.29, 1008.30, 1008.31, 1008.32, 1008.38, 1008.46, 1008.51, 1009.01, 1009.21, 1009.24, 1009.26, 1009.27, 1009.285, 1009.29, 1009.971, 1010.01, 1010.02, 1010.04, 1010.07, 1010.09, 1010.30, 1010.60, 1010.61, 1010.611, 1010.612, 1010.613, 1010.614, 1010.615, 1010.616, 1010.617, 1010.619, 1011.01, 1011.011, 1011.40, 1011.48, 1011.90, 1011.91, 1011.94, 1012.80, 1012.92, 1012.93, 1012.94, 1012.95, 1013.01, 1013.02, 1013.12, 1013.25, 1013.30, 1013.31, 1013.46, 1013.47, 1013.63, 1013.64, 1013.65, 1013.74, 1013.79.

This bill creates the following section of the Florida Statutes: 1001.701 and 1001.702.

**I. Substantive Analysis:**

**A. DOES THE BILL:**

Reduce government?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input checked="" type="checkbox"/>
Lower taxes?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input checked="" type="checkbox"/>
Expand individual freedom?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input checked="" type="checkbox"/>
Increase personal responsibility?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input checked="" type="checkbox"/>
Empower families?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	n/a <input checked="" type="checkbox"/>

B. EFFECT OF PROPOSED CHANGES:

**Current Situation**

In November 2002, Florida voters approved changes in the State Constitution to mandate a new university governance system led by an appointed Board of Governors. The amended section reads as follows:

- (a) **PURPOSES.** In order to achieve excellence through teaching students, advancing research and providing public service for the benefit of Florida's citizens, their communities and economies, the people hereby establish a system of governance for the state university system of Florida.
- (b) **STATE UNIVERSITY SYSTEM.** There shall be a single state university system comprised of all public universities. A board of trustees shall administer each public university and a board of governors shall govern the state university system.
- (c) **LOCAL BOARDS OF TRUSTEES.** Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purposes of the state university system. The board of governors shall establish the powers and duties of the boards of trustees. Each board of trustees shall consist of six citizen members appointed by the governor and five citizen members appointed by the board of governors. The appointed members shall be confirmed by the senate and serve staggered terms of five years as provided by law. The chair of the faculty senate, or the equivalent, and the president of the student body of the university shall also be members.
- (d) **STATEWIDE BOARD OF GOVERNORS.** The board of governors shall be a body corporate consisting of seventeen members. The board shall operate, regulate, control, and be fully responsible for the management of the whole university system. These responsibilities shall include, but not be limited to, defining the distinctive mission of each constituent university and its articulation with free public schools and community colleges, ensuring the well-planned coordination and operation of the system, and avoiding wasteful duplication of facilities or programs. The board's management shall be subject to the powers of the legislature to appropriate for the expenditure of funds, and the board shall account for such expenditures as provided by law. The governor shall appoint to the board fourteen citizens dedicated to the purposes of the state university system. The appointed members shall be confirmed by the senate and serve staggered terms of seven years as provided by law. The commissioner of education, the chair of the advisory council of faculty senates, or the equivalent, and the president of the Florida student association, or the equivalent, shall also be members of the board.

Current provisions in the School Code provide that the State Board of Education oversees the state university system.

**Effect of Proposed Changes**

This bill will enhance student achievement by improving oversight of the state university system while maintaining a seamless K-20 approach. The effect of this bill is to update the School Code to reflect passage of Article IX, Section 7, of the Florida Constitution establishing the Board of Governors. The bill clarifies the powers and duties of the Board of Governors and replaces references to the State Board of Education with the Board of Governors when oversight of the state university system is involved. This bill is necessary for the School Code to reflect the impact of Article IX, Section 7, of the Florida Constitution on the statutory roles of the State Board of Education and the Board of Governors.

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

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

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENT:**

1. Revenues:

None

2. Expenditure Impact:

None

**C. FISCAL IMPACT ON PRIVATE SECTOR:**

1. Revenues:

None

2. Expenditure Impact:

None

**D. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Revenues:

None

1. Expenditure Impact:

None

**E. FISCAL COMMENTS:**

This bill avoids any fiscal impact because it does not expand any existing K-20 statutes, policies or programs.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

This bill is necessary to clarify the impact of Article IX, Section 7, of the Florida Constitution on the statutory roles of the State Board of Education and the Board of Governors.

**B. RULE-MAKING AUTHORITY:**

**C. DRAFTING ISSUES OR OTHER COMMENTS:**