

Supreme Court of Florida

TUESDAY, MARCH 5, 2002

CASE NO.: SC02-449

ADVISORY OPINION TO THE ATTORNEY GENERAL
RE: LOCAL TRUSTEES AND STATEWIDE GOVERNING BOARD TO
MANAGE FLORIDA'S UNIVERSITY SYSTEM

INTERLOCUTORY ORDER

Robert A. Butterworth, pursuant to the provisions of Article IV, section 10, Florida Constitution, and section 16.061, Florida Statutes, has requested this Court's opinion as to whether the text of the proposed amendment seeking to amend the Florida Constitution by adding section 7 to Article IX to establish local trustees and a statewide governing board to manage Florida's university system, complies with Article XI, section 3, Florida Constitution, and whether the proposed ballot title and summary comply with section 101.161, Florida Statutes. The petition provides:

State University System.--

(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.

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(c) Local Boards of Trustees. Each local constituent university shall be administered by a board of trustees consisting of thirteen members dedicated to the purpose 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.

The ballot title and summary for the proposed amendment is "Local Trustees and Statewide Governing Board to Manage Florida's University System." The summary for the proposed amendment states:

A local board of trustees shall administer each state university. Each board shall have thirteen members dedicated to excellence in teaching, research, and service to community. A statewide governing board of seventeen members shall be responsible for the coordinated and accountable operation of the whole university system. Wasteful duplication of facilities or programs is to be avoided. Provides procedures for selection and confirmation of board members, including one student and one faculty representative per board.

Section 16.061, Florida Statutes, requires the Attorney General, within 30 days after receipt of the proposed amendment or revision to the State Constitution by initiative petition, to petition this Honorable Court for an advisory opinion regarding compliance of the text of the proposed amendment with Article XI, section 3, Florida Constitution, and compliance of the proposed ballot title and summary with section 101.161, Florida Statutes.

The full text of the Attorney General's letter is attached hereto as an exhibit and made a part thereof.

IT IS, THEREFORE, the order of the Court that interested parties shall file their briefs on or before March 20, 2002, and serve a copy thereof on the Attorney

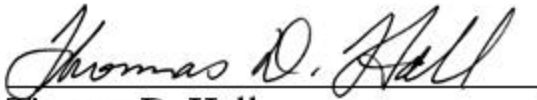
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General. Answer briefs shall be filed on or before April 4, 2002. Please file an original and seven copies of all briefs. In addition to paper briefs, per this Court's Administrative Order In Re: Mandatory Submission of Briefs on Computer Diskette dated February 5, 1999, counsel are directed to include a copy of all briefs on a DOS formatted 3-1/2 inch diskette in Word Perfect 5.1 (or higher) format. **PLEASE LABEL ENVELOPE TO AVOID ERASURE.** Briefs submitted on diskette will be placed on the Court's Internet site (<http://www.firn.edu/supct/>). Oral argument is scheduled for 9:00 a.m., THURSDAY, MAY 9, 2002. A maximum of twenty (20) minutes to the side is allowed for the argument. All parties who have filed a brief and have asked to be heard may, in the Court's discretion, be permitted to participate in oral argument.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



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Served:

HON. JEB BUSH, GOVERNOR
HON. KATHERINE HARRIS
HON. JOHN MCKAY
HON. ROBERT A. BUTTERWORTH
HON. TOM FEENEY
MR. ROBIN GIBSON