3.2.5 The governing board has a policy whereby members can be dismissed only for appropriate reasons and by a fair process. (Board dismissal)

Non-Compliance

The Compliance Certification Report states that the College has “a policy whereby members can be dismissed only for appropriate reasons and by a fair process.” The policies referenced in the Compliance Report did not clearly state a dismissal process or the means for removal. The narrative did reference Florida Statutes whereby the trustees are considered state officers and may be suspended for a variety of reasons ranging from malfeasance and neglect of duty to commission of a felony. In addition, Florida Statutes specify that the chairman of the Board of Trustees is responsible for notifying the Governor, in writing, if any member of the Board fails to attend three consecutive board meetings during any fiscal year, as such may be grounds for removal.

The Compliance Certification Report did not contain examples of implementation of dismissal stated nor was there a statement that there had been no dismissals in the past.

Response:

Broward College’s Board of Trustees: Appointment, Term of Office Organization policy addresses the appointment of Board members (1). Removal of Board members is addressed in Florida State Statute. Pursuant to Florida Statute (2), the governor of the State of Florida appoints members to the District Board of Trustees; these appointments are confirmed by the Florida Senate during regular session. According to this statute, it is the duty of the Board chairperson to notify the governor whenever a Board member fails to attend three consecutive regular board meetings in any one fiscal year.

Dismissal of trustees is governed by the Constitution of the State of Florida (Florida Constitution, Article IV, Section 7(a)(b) (3), which provides for removal from office by the governor or the Florida Senate. The governor may suspend a state officer for a variety of reasons, such as malfeasance, neglect of duty, or permanent inability to perform official duties. The Florida Senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official. For such purpose, the Senate may be convened in special session by its president or by a majority of its membership.

The level of action needed, by the governor or Senate, ensures that Board members will not be removed without appropriate reason or without fair review/processes. Fairness is ensured when the process is at such a high level and in a state where all background information must be public.

Florida Statute provides for lifting of suspensions if a public official/board member were removed due to a matter where the official was acquitted or found not guilty (4).

There have been no dismissals of board members by the governor of the state since the last reaffirmation of accreditation.
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<td>3.2.5-1 BOT Appointment Term of Office Organization 6Hx2-1.05</td>
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<td>2. Florida State Statute 1001.61, Florida College System Boards of Trustees: Membership</td>
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APPOINTMENT
Trustees shall be appointed by the Governor, and confirmed by the Senate in regular session. Members of the Board of Trustees shall receive no salary but may receive reimbursement for official travel and other expenses as provided by Section 112.061, Florida Statutes. In the case of a vacancy, due to illness, resignation or any other reason, the Governor shall appoint a successor for the remainder of the term.

TERM
Trustees shall be appointed for terms of four (4) years and may be reappointed. Terms shall expire on May 31 of the year of expiration, or as soon thereafter as the successors shall be qualified to serve. Residential address shall determine a trustee’s county of origin.

ORGANIZATION
At its first regular meeting after July 1 of each year, the Board shall organize by electing a chair and a vice chair. The chair’s duties are to (1) preside at all meetings of the Board, (2) call special Board meetings, (3) attest to actions of the Board, and (4) notify the Governor, in writing, whenever a Board member fails to attend three consecutive regular Board meetings in any one fiscal year, since such absences may be grounds for removal. The vice chair’s duty is to act as chair during the absence or disability of the elected chair.

The Board may, at its own option, elect a co-chair to serve during the year. Use of a co-chair might be preferred by the Board when two Board members who have not served as chair are in the final year of their appointments. If co-chair(s) are elected, the Board must clarify during which part of the year each co-chair will preside.

Within fourteen days after the annual organizational meeting of the Board of Trustees, the President shall file with the State Board of Education, a copy of the organizational proceedings identifying the chair and the vice chair and the schedule of regular meetings of the year. Should the office of the chair become vacant, the Board shall elect a chair at its first meeting after the vacancy occurs, and the President shall notify the State Board of Education.

PRESIDENT
The College President is the chief executive officer and corporate secretary of the Board and shall be responsible to the Board for setting the agenda for meetings in consultation with the chair. The President also serves as the chief administrative officer of the College, and all the components of the institution and all aspects of its operation are responsible to the Board through the President.

History: Revised on January 17, 1978; revised on September 21, 1982; revised on October 15, 1985; revised on March 19, 1991; revised and re-titled on April 16, 1997; revised June 6, 2008; revised June 2011; revised August 14, 2012.
1001.61 Florida College System institution boards of trustees; membership.—

1. Florida College System institution boards of trustees shall be comprised of five members when a Florida College System institution district is confined to one school board district; seven members when a Florida College System institution district is confined to one school board district and the board of trustees so elects; and not more than nine members when the district contains two or more school board districts, as provided by rules of the State Board of Education. However, Florida State College at Jacksonville shall have an odd number of trustees.

2. Trustees shall be appointed by the Governor and confirmed by the Senate in regular session.

3. Members of the board of trustees shall receive no compensation but may receive reimbursement for expenses as provided in s. 112.061.

4. At its first regular meeting after July 1 of each year, each Florida College System institution board of trustees shall organize by electing a chair, whose duty as such is to preside at all meetings of the board, to call special meetings thereof, and to attest to actions of the board, and a vice chair, whose duty as such is to act as chair during the absence or disability of the elected chair. It is the further duty of the chair of each board of trustees to notify the Governor, in writing, whenever a board member fails to attend three consecutive regular board meetings in any one fiscal year, which absences may be grounds for removal.

5. A Florida College System institution president shall serve as the executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for setting the agenda for meetings of the board of trustees in consultation with the chair. The president also serves as the chief administrative officer of the Florida College System institution, and all the components of the institution and all aspects of its operation are responsible to the board of trustees through the president.

History.—s. 77, ch. 2002-387; s. 10, ch. 2009-228; s. 18, ch. 2011-5.
The Florida Senate

Constitution

CONSTITUTION
OF THE
STATE OF FLORIDA
AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

The Constitution of the State of Florida as revised in 1968 consisted of certain revised articles as proposed by three joint resolutions which were adopted during the special session of June 24-July 3, 1968, and ratified by the electorate on November 5, 1968, together with one article carried forward from the Constitution of 1885, as amended. The articles proposed in House Joint Resolution 1-2X constituted the entire revised constitution with the exception of Articles V, VI, and VIII. Senate Joint Resolution 4-2X proposed Article VI, relating to suffrage and elections. Senate Joint Resolution 5-2X proposed a new Article VIII, relating to local government. Article V, relating to the judiciary, was carried forward from the Constitution of 1885, as amended.

Sections composing the 1968 revision have no history notes. Subsequent changes are indicated by notes appended to the affected sections. The indexes appearing at the beginning of each article, notes appearing at the end of various sections, and section and subsection headings are added editorially and are not to be considered as part of the constitution.

PREAMBLE

We, the people of the State of Florida, being grateful to Almighty God for our constitutional liberty, in order to secure its benefits, perfect our government, insure domestic tranquility, maintain public order, and guarantee equal civil and political rights to all, do ordain and establish this constitution.

ARTICLE I
DECLARATION OF RIGHTS

SECTION 1. Political power.
SECTION 2. Basic rights.
SECTION 5. Right to assemble.
SECTION 6. Right to work.
SECTION 7. Military power.
The governor as chair, the chief financial officer, and the attorney general shall constitute the state board of administration, which shall succeed to all the power, control, and authority of the state board of administration established pursuant to Article IX, Section 16 of the Constitution of 1885, and which shall continue as a body at least for the life of Article XII, Section 9(c).

The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the trustees of the internal improvement trust fund and the land acquisition trust fund as provided by law.

The governor as chair, the chief financial officer, the attorney general, and the commissioner of agriculture shall constitute the agency head of the Department of Law Enforcement.


SECTION 5. Election of governor, lieutenant governor and cabinet members; qualifications; terms.—

(a) At a state-wide general election in each calendar year the number of which is even but not a multiple of four, the electors shall choose a governor and a lieutenant governor and members of the cabinet each for a term of four years beginning on the first Tuesday after the first Monday in January of the succeeding year. In primary elections, candidates for the office of governor may choose to run without a lieutenant governor candidate. In the general election, all candidates for the offices of governor and lieutenant governor shall form joint candidacies in a manner prescribed by law so that each voter shall cast a single vote for a candidate for governor and a candidate for lieutenant governor running together.

(b) When elected, the governor, lieutenant governor and each cabinet member must be an elector not less than thirty years of age who has resided in the state for the preceding seven years. The attorney general must have been a member of the bar of Florida for the preceding five years. No person who has, or but for resignation would have, served as governor or acting governor for more than six years in two consecutive terms shall be elected governor for the succeeding term.

History.—Am. proposed by Constitution Revision Commission, Revision No. 11, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 6. Executive departments.—All functions of the executive branch of state government shall be allotted among not more than twenty-five departments, exclusive of those specifically provided for or authorized in this constitution. The administration of each department, unless otherwise provided in this constitution, shall be placed by law under the direct supervision of the governor, the lieutenant governor, the governor and cabinet, a cabinet member, or an officer or board appointed by and serving at the pleasure of the governor, except:

(a) When provided by law, confirmation by the senate or the approval of three members of the cabinet shall be required for appointment to or removal from any designated statutory office.

(b) Boards authorized to grant and revoke licenses to engage in regulated occupations shall be assigned to appropriate departments and their members appointed for fixed terms, subject to removal only for cause.

SECTION 7. Suspensions; filling office during suspensions.—

(a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.
(b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.

(c) By order of the governor any elected municipal officer indicted for crime may be suspended from office until acquitted and the office filled by appointment for the period of suspension, not to extend beyond the term, unless these powers are vested elsewhere by law or the municipal charter.

History.—Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 8. Clemency.—

(a) Except in cases of treason and in cases where impeachment results in conviction, the governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding sixty days and, with the approval of two members of the cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.

(b) In cases of treason the governor may grant reprieves until adjournment of the regular session of the legislature convening next after the conviction, at which session the legislature may grant a pardon or further reprieve; otherwise the sentence shall be executed.

(c) There may be created by law a parole and probation commission with power to supervise persons on probation and to grant paroles or conditional releases to persons under sentences for crime. The qualifications, method of selection and terms, not to exceed six years, of members of the commission shall be prescribed by law.

History.—Am. proposed by Constitution Revision Commission, Revision No. 8, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

SECTION 9. Fish and wildlife conservation commission.—There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the commission shall be prescribed by general law. The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions. The legislature may enact laws in aid of the commission, not inconsistent with this section, except that there shall be no special law or general law of local application pertaining to hunting or fishing. The commission's exercise of executive powers in the area of planning, budgeting, personnel management, and purchasing shall be as provided by law. Revenue derived from license fees for the taking of wild animal life and fresh water aquatic life shall be appropriated to the commission by the legislature for the purposes of management, protection, and conservation of wild animal life and fresh water aquatic life. Revenue derived from license fees relating to marine life shall be appropriated by the legislature for the purposes of management, protection, and conservation of marine life as provided by law. The commission shall not be a unit of any other state agency and shall have its own staff, which includes management, research, and enforcement. Unless provided by general law, the commission shall have no authority to regulate matters relating to air and water pollution.


SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition circulated pursuant to Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the
The 2012 Florida Statutes

Title X
PUBLIC OFFICERS, EMPLOYEES, AND RECORDS

Chapter 112
PUBLIC OFFICERS AND EMPLOYEES:
GENERAL PROVISIONS

112.52 Removal of a public official when a method is not otherwise provided.—
(1) When a method for removal from office is not otherwise provided by the State Constitution or by law, the Governor may by executive order suspend from office an elected or appointed public official, by whatever title known, who is indicted or informed against for commission of any felony, or for any misdemeanor arising directly out of his or her official conduct or duties, and may fill the office by appointment for the period of suspension, not to extend beyond the term.

(2) During the period of the suspension, the public official shall not perform any official act, duty, or function or receive any pay, allowance, emolument, or privilege of office.

(3) If convicted, the public official may be removed from office by executive order of the Governor. For the purpose of this section, any person who pleads guilty or nolo contendere or who is found guilty shall be deemed to have been convicted, notwithstanding the suspension of sentence or the withholding of adjudication.

(4) If the public official is acquitted or found not guilty, or the charges are otherwise dismissed, the Governor shall by executive order revoke the suspension; and the public official shall be entitled to full back pay and such other emoluments or allowances to which he or she would have been entitled had he or she not been suspended.

History.—s. 1, ch. 80-333; s. 720, ch. 95-147.