

Funding for FSU Chiropractic School Faces Uphill Battle

Michael Devitt

Former Florida State Senate President Jim King and former House Speaker Johnnie Byrd are under increasing fire for pushing through the state legislature a bill that, among other things, guarantees millions of dollars in funding for a chiropractic school on the campus of Florida State University (FSU) - a program both the university and the agency that oversees the state's university system insist they never requested.

At issue is whether the legislature overstepped its constitutional bounds with the passage of Senate Bill 2002, the first bill sent to Gov. Jeb Bush for his approval in the 2004 legislative session. Sponsored by Sen. Dureel Peadar, SB 2002 allocates \$9 million for the formation of a school of chiropractic at Florida State, Sen. King's alma mater. The bill also calls for the creation of an Alzheimer's center (named after Byrd's father) at the University of South Florida and a biomedical research center (named after King's parents) at the Department of Elder Affairs, with funding coming from taxes on the sales of alcoholic beverages.

SB 2002 passed the Florida House and Senate by a combined vote of 151-1, and was signed into law by Gov. Bush on March 11, 2004. Unbeknownst to many legislators at the time, however, language contained in the bill stipulated that the projects would receive more than \$30 million in combined funding per year, permanently, and that the funding would go directly to each institution, without being subject to legislative review.

Among those caught off-guard was incoming Senate President Tom Lee (R-Brandon). In November 2004, he told the *St. Petersburg Times* that he was unaware of how the money was to be appropriated until he met with Gov. Bush. "Even the governor couldn't explain it," Lee said, noting that Gov. Bush needed to call in an aide to describe the bill in further detail. He also said that Bush, King and Byrd reached an agreement to have SB 2002 signed into law at the beginning of the 2004 legislative session - a session that Bush has described numerous times as "dysfunctional."

Gov. Bush has also weighed in on the bill itself. When asked about it in November 2004, he told reporters that it "should be undone" when the legislature reconvenes in the spring. Pressed further, he responded, "It's an issue where the Legislature did something that was inappropriate in my opinion, and we'll ask them to undo it."

Sen. King has said he has no objection to future appropriations for the chiropractic program being subjected to annual review. The bill, he explained, was designed merely to ensure that other lawmakers took his desire to create a chiropractic school seriously.

A Question of Authority?

The bill also appears to have subverted the authority of the Board of Governors, the state agency responsible for overseeing Florida's 11 state universities. As a result, the board has begun taking actions to ensure that it, not the legislature, will determine whether the chiropractic program will be approved.

The board was created in 2002 via an amendment to the state constitution. Language in the amendment gives the board the power to "operate, regulate, control, and be fully responsible for the management of the whole university system." The amendment also stipulates that the legislature's role is to "appropriate for the expenditure of funds" required to run the university system.

According to E.T. York, a former university system chancellor, the legislature "doesn't have authority to approve programs for the university system. That authority is in the hands of the Board of Governors. So the Board of Governors are absolutely right in their action in demanding that any proposal for a chiropractic program at FSU has to come through them and be approved by them before it can become activated."

York also believes that SB 2002 was passed without being thoroughly reviewed by all members of the legislature, and that some lawmakers may have voted for the bill under duress from Sen. King. "I asked one senator ... why he voted for this," York told the *FSView & Florida Flambeau*, an independent student newspaper that covers Florida State University. "And he says, 'We had no alternative. This was a priority of the president of the Senate, and if we hope to get any cooperation from the leadership in the Senate, we had to go along with what they wanted.'"

In October 2004, the board of governors requested that FSU officials present plans to the board for approval before proceeding further. Later that month, after university officials met to determine what needed to be done to get the chiropractic program approved, FSU President T.K. Wetherell wrote a letter to Sens. King and Byrd, asking them to clarify the intent of their original legislation. As we go to press, neither King nor Byrd has responded to that letter.

On Nov. 18, 2004, the board of governors reversed an earlier decision and voted unanimously to require FSU to submit its plans to the board for approval before it can proceed with the chiropractic school. "It's not an assertion of power, it's what the constitution says," said board member Miguel DeGrandy, a former state legislator.

A day later, Sen. King predicted that the legislature and the board could face "a very difficult time" working with each other, especially if the board tries to block the creation of the chiropractic school. This was not the first time the senator had made a veiled threat regarding the future of the board of governors. On Nov. 10, he told the *St. Petersburg Times* that lawmakers had approved legislation calling for the creation of a chiropractic school at FSU long before the board was created, and expressed concern that the board would insist on being allowed to approve the school.

"I think that would be a dangerous way to start out," said Sen. King. "I think the Legislature is primed to work with the Board of Governors, but we are working on the basis that we had a chiropractic college approved beforehand. They should remember the Legislature has to fund the Board of Governors."

Although the legislature appears more than willing to address SB 2002's funding issues when it reconvenes in the spring, the decision of who is in charge of the university system - the legislature or the board of governors, - may ultimately be up to the courts to decide. In November, York told

reporters that he plans to file a lawsuit on behalf of Floridians for Constitutional Integrity, a citizens group, to clarify and protect the authority of the board of governors. Exactly who will be named in the suit remains to be seen. "The lawyers will define that," said York. "But it will be a suit to challenge the actions that have been taken to approve programs by somebody other than the Board of Governors."

Still Proceeding as Planned

Despite the escalating controversy surrounding SB 2002, FSU is moving forward with development of the chiropractic school. Alan Adams, FSU's faculty administrator for chiropractic initiative, doesn't anticipate the school holding its first series of classes in chiropractic until 2007 at the earliest, and that about 40 students would enroll in the first program. "We'll probably start out small and then increase our enrollment," Adams said.

FSU plans on delivering a presentation on the progress of the chiropractic program to the board of governors at its next meeting in January 2005.

Resources

1. Florida legislature approves funding for chiropractic college at FSU. *Dynamic Chiropractic*, April 8, 2004: www.chiroweb.com/archives/22/08/06.html.
2. Gov. Bush signs SB 2002 into law. *Dynamic Chiropractic*, April 22, 2004: www.chiroweb.com/archives/22/09/06.html.
3. Rodriguez E. FSU, Board of Governors feud over chiropractic school. FSUnews.com, Nov. 22, 2004.
4. Morgan L. Law guarantees money for King, Byrd projects. *St. Petersburg Times*, Nov. 9, 2004.
5. Monumental egos. *St. Petersburg Times* editorial, Nov. 11, 2004.
6. Matus R. Board joins FSU chiropractic fight. The state's Board of Governors asserts its authority, saying plans for a chiropractic school need board approval. *St. Petersburg Times*, Nov. 19, 2004.
7. Fineout G. Turf battle shaping up for control of tuition rates. Florida's Board of Governors, created by a constitutional amendment two years ago, has asserted that it - not the legislature - decides tuition at public universities. *The Miami Herald*, Nov. 19, 2004.
8. Morgan L. Bush wants funding law repealed. Senate President Jim King and House Speaker Johnnie Byrd managed to get permanent funding for their pet projects. *St. Petersburg Times*, Nov. 10, 2004.
9. Yeager M. FSU control over planned chiropractic school gets tense. *The Tallahassee Democrat*, Nov. 19, 2004.
10. Bush wants to repeal funding law for legislative pet projects. Associated Press, Nov. 10, 2004.

Michael Devitt, senior associate editor

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