REGULATION OF PROFESSIONS AND VOCATIONS

FLORIDA BASIC SCIENCE BOARD OF EXAMINERS—
AUTHORIZED USE OF FUNDS—ESTABLISHMENT
OF STUDENT LOAN FUND—CH. 456, §456.17, F. S.

To: Harry G. Smith, Budget Director, Tallahassee

QUESTION:

Can the state board of examiners in the basic sciences legally establish scholarships or a student loan fund for use of students in the college of medicine at the university of Florida and at the university of Miami?

STATEMENT OF FACTS:

It appears in a letter dated Aug. 29, 1957, from M. W. Emmel, secretary of the board of examiners in the basic sciences, that the board desires the budget commission's approval to use $7,000 of its reserve funds to establish a basic science student loan fund in the sum of $3,500 each to the college of medicine at the university of Florida and the university of Miami. The fund would be administered by each college and awarded to junior or senior students on the basis of academic record and financial need. The loans would bear no interest until graduation, then at the rate of 5% until the loan was paid.

I do not find any statute in the Florida basic science law, being Ch. 456, F. S., or otherwise that authorizes the board of basic science examiners to use its funds in the aforementioned manner.

Section 456.17, F. S., relating to the board provides as follows:

All fees collected shall be accounted for by the secretary and shall be deposited in the state treasury to the credit of the state agencies fund. Members of the board shall receive ten dollars per day, or any part of a day, while attending official board meetings, not to exceed twelve meetings per year, and shall receive per diem and mileage as provided in §112.061, from place of their residence to place of meeting and return, together with the expenses of the secretary in maintaining the records and other necessary clerical and office expenses shall be approved by the board. All bills and expenses shall be audited and paid by the state comptroller upon requisition of the secretary of the board approved by the chairman of the board. Sufficient funds for the administration of the provisions of this chapter shall be included in the biennial appropriations act.

In view of the foregoing statute which designates the disposition of fees and funds appropriated to the board of examiners in the basic sciences, I do not believe it is authorized to use any part of said funds to set up the proposed student loan fund. It is well established that licensing and regulatory boards, such as the said board, have only such authority as is delegated to them by law. It, therefore, appears that it is necessary for the legislature to authorize the board to spend its funds awarding scholarships or in a student loan fund program.