



Volume **20** | Number **2** | **March 11, 2013**

**W**ith the crack of the gavel last Tuesday, House and Senate leaders initiated the first day of the 2013 Legislative Session. Among the priorities outlined were higher ethical standards for elected officials, fixing problems with the elections process, changes to the Florida Retirement System, and potential pay raises for state employees.

By early Tuesday afternoon, the state Senate unanimously voted for ethics legislation that includes provisions to slow the transition by former elected officials to the lobbying industry. Later that afternoon, the House voted 118-1 in favor of a bill that addresses some of the voting issues that caused controversy during the 2012 elections.

On Friday, a bill closing the Florida Retirement System defined-benefit option for state employees hired during the next fiscal year and beyond passed the House Appropriations Committee on a partisan vote.

This week, a number of bills impacting the State University System will receive committee hearings. Among them is Senate Bill (SB) 1720 by Sen. Bill Galvano (R-Bradenton) and its companion in the House, HB 7057, by Rep. Jeanette Nunez, (R-Miami), which designate the state's top research universities as preeminent. Both will now be heard in their respective education committees (see related story). Also up for consideration this week are bills regarding a four-year freeze on tuition for in-coming freshmen, public-meeting designations for direct support organizations, and higher teacher-education requirements (see Spotlight on Bills).

Senate budget allocations – the amounts earmarked for each section of that chamber's proposed budget – are likely to be finalized by its budget writers by the end of this week. Budget Chair Joe Negron (R-Stuart) is conferring with other Senate leaders on the dollar amounts each budget subcommittees will have to work with. With these figures, the subcommittees will begin, probably next week, crafting the details for their parts of the Senate spending plan.

House leaders, meanwhile, haven't yet announced when their budget allocations will be released. Last Friday afternoon, though, Speaker Will Weatherford (R-Wesley Chapel) announced that the state House intends to fully restore last year's \$300 million cut to Florida's public universities. For Florida State that would amount to a \$65 million restoration to its base budget. The Senate has not commented on how they intend to handle this cut restoration but President Don Gaetz indicated a preference toward state employee pay raises should revenue estimates allow.

As always, please feel free to contact me if you have questions or would like copies of bills and their analysis. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**. Should you wish to contact your legislators on an issue, please consider doing so through the Advocate for Florida State website – **advocateforfloridastate.fsu.edu**.

*Kathleen*

## **SESSION SCHEDULE**

**SENATE SESSION TUESDAY, MARCH 12, 10:00 a.m. to 12:00 noon.**

**HOUSE SESSION TUESDAY, MARCH 12, 3:30 p.m. until completion, and**

**WEDNESDAY, MARCH 13, 4:30 p.m. until completion.**

# University Preeminence Bills Filed

During last year's legislative session, a bill was passed that would have designated Florida universities that met a set of established metrics as "preeminent." However, Governor Scott vetoed that bill, citing the potential for tuition increases at the qualifying institutions, Florida and Florida State. The governor instead established a Blue Ribbon Task Force to study the issue and, after careful deliberation, this ad-hoc committee endorsed the concept of preeminence.

For the 2013 Legislative Session, the House and the Senate once again filed bills that would establish preeminent research universities in Florida. In this year's version, metrics similar to those in last year's bill are included, but potential tuition increases are not.

These bills, SB 1720 and HB 7057, grant the state Board of Governors the authority to designate an institution with preeminent status provided it meets the following standards for academic and research excellence:

- A top-50 ranking on at least two well

known and highly regarded national rankings of public universities.

- An average weighted GPA of 4.0 or higher and an average SAT score of 1800 or higher for incoming freshmen.
- A freshmen retention rate of 90 percent or higher for full-time, first-time-in-college (FTIC) students.
- A six-year graduation rate of 70% or higher for full-time FTIC students.
- Six or more faculty members who are members of national academies.
- Total annual research expenditures, including federal research allocations, of \$200 million or more.
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more.
- A top-100 national ranking for research expenditures in five or more science, technology, engineering or mathematics fields.
- One hundred or more patents

awarded by the United States Patent and Trademark Office during the most recent 3-year period.

- Four hundred or more doctoral degrees awarded annually.
- Two hundred or more post-doctoral appointees annually.
- An endowment of \$500 million or more.

Public universities must meet 11 of these 12 benchmarks to obtain preeminent status, and the Board of Governors would be the verifying entity.

Furthermore, the bills stipulates that the state university achieving the highest level of standards must also establish a fully online unit, subject to funding. And the institution that attains the second highest level must recruit faculty who are members of national academies, expedite provisions of a master's degree in "cloud virtualization," and institute an entrepreneurs-in-residence program on its campus, subject to funding.

## SPOTLIGHT ON **BILLS**

**CS SB 904 -- Education by Senator Jeff Brandes (R – St. Petersburg)**, creates the Florida Accredited Courses and Tests (FACTs) Initiative to expand student choice regarding courses and corresponding assessments which a student may take to satisfy various secondary and postsecondary edu-

cation requirements. Under the initiative, Florida-accredited courses may be created or provided by any individual, institution, entity, or organization. However, the assessments associated with the Florida-accredited courses must be developed by regionally accredited public institutions. The Florida-accredited courses

and corresponding assessments must be approved by:

- The Commissioner of Education for application in K-12 public schools and the Florida College System institutions in accordance with the rules of the State Board of Education.

- The Chancellor of the State University System for application in state universities in accordance with the rules of the Board of Governors.

Approved Florida-accredited courses and corresponding assessments must be annually published in conjunction with the courses listed in the Statewide Course Numbering System and the Course Code Directory by the Articulation Coordinating Committee.

A Florida-accredited course or a corresponding assessment which is published in the Statewide Course Numbering System and the Course Code Directory may be applied as one whole unit course or as two or more discrete subunits which when combined are equivalent to the whole unit.

The bill authorizes school districts, Florida College System institutions, and state universities to execute contracts with qualified contractors for administering and proctoring the assessments associated with either the Florida-accredited courses or for the existing statewide, standardized assessments, as approved by the Florida Department of Education pursuant to State Board of Education rules. Additionally, the Florida Department of Education is authorized to execute contracts with qualified contractors on behalf of the state, a school district, a Florida College System institution, or a state university for administering and proctoring the assessments. The bill was amended in the Education Committee last week. A similar bill, **HB 843, Education by Representative Matt Gaetz (R – Shalimar, FSU Alum)** is in the Choice and Innovation Subcommittee.

**HB 863 -- Teacher Preparation and Accountability by Representative Ross Spano (R – Riverview, FSU Alum)**, revises provisions relating to state-approved teacher preparation programs and, revises the standards and criteria for initial and continued program approval. Additionally, the bill authorizes a private provider to create an educator preparation institute; provides criteria for initial & continued approval of institute's competency-based certification program; provides components for school district competency-based professional development certification program. The bill is in the Higher

Education and Workforce Subcommittee. The Senate companion, **SB 1664 by Senator John Legg (R – Lutz)** has been referred to the Education, Appropriations Subcommittee on Education, Appropriations Committee.

**HB 7051 -- Resident Status for Tuition Purposes by Representative Jeannette Nunez (R – Miami)**, provides that a United States citizen who is a dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. It amends the definitions of "dependent child" and "parent" regarding establishing residency for tuition purposes.

The bill also allows, under certain circumstances, dependent students to utilize an additional pathway to establish residency for tuition purposes by submitting evidence of their own residency in Florida. Further, institutions would not be required to reevaluate the classification status of a student classified as a resident for tuition purposes so long as there is no inconsistent information suggesting an erroneous classification and there is no break in the student's enrollment of 12 months or longer. The bill provides that a student who resides in Florida may be classified as a resident for tuition purposes if he or she marries a person who qualifies as a resident for tuition purposes. It also allows a student who has been classified as a nonresident to reclassify as a resident upon subsequently marrying a person who already qualifies as a resident for tuition purposes.

For a dependent child living with an adult relative who is a Florida resident and who is not the child's parent, the bill reduces from five years to three years the amount of time the child must live with the relative in order to use the relative's documentation to establish residency for tuition purposes. The bill classifies as residents for tuition purposes individuals who receive certain tuition waivers and exemptions under Florida law and veterans of the U.S. Armed Forces, including reserve components, who physically reside in Florida while enrolled in a Florida institution of higher learning.

The bill clarifies that the Board of Governors must adopt regulations, instead of

rules, to implement the section. The bill was filed last week and has not yet been assigned. A similar bill in the Senate, **SB 180 by Senator Anitere Flores (R – Miami)** has been referred to the Education, Judiciary, Appropriations Subcommittee on Education, and Appropriations committees.

**CS SB 1076 -- Career and Professional Education Act (CAPE) by Senator John Legg (R – Lutz)**, revises educational programs and targets funding to increase the likelihood that educational programs in Florida's public schools, colleges, and universities will better prepare students for their future work. The bill fosters students' development of technology skills in prekindergarten through grade 12 and increases opportunities for students to earn industry certifications in high school and college. The bill targets university performance funding to three areas: computer and information technology; high-demand programs as identified by the Board of Governors (BOG) using a gap analysis; and cloud virtualization and related large data management. The bill requires:

- The State Board of Education to designate multiple pathways for demonstrating the skills required for high school graduation including earning industry certifications for high school credit;
- Adult education students to complete a planning exercise called Action Steps to Career Readiness;
- Financial literacy to be included in high school graduation requirements as part of required credit in economics and requires an emphasis on entrepreneurship in the career education and planning course in middle school;
- Development of a Postsecondary Industry Certification Funding List for industry certifications that may be funded for school district workforce programs, Florida College System institutions, and state universities;
- Development of a Florida Cyber Security Recognition and a Florida Digital Arts Recognition for elementary school students with bonus funding for schools where students earn the recognitions;
- Development of a Florida Digital Tools Certificate for middle school students with bonus funding for schools where

students earn the certificate.

Additionally, the bill requires the Board of Governors (BOG) to add to its Strategic Plan criteria for designating bachelor's and master's degree programs at specified state universities as high-demand programs of emphasis, based on performance measures (50% on performance measures and outcomes determined by the BOG, and 50% on job placement of graduates and a gap analysis of the job market and demands as determined by the BOG).

The bill extends State University System performance funding to new academic areas. The four universities that received performance funding for computer and information technology degree programs will receive the same amounts for 2013-2014. New degree areas for performance funding during the next two fiscal years will be in the areas the BOG identifies in its gap analysis of the job market and in cloud virtualization and related large data management.

Finally, the bill creates a new "Talent Retention Program", lead by the State University system (SUS) Chancellor in cooperation with the Commissioner of Education, to encourage middle and high school students who indicate an interest in or aptitude for physics or mathematics to continue their postsecondary education at a state university with excellent departments in selected fields.

The bill reported favorably in the Education Committee last week and is scheduled to be heard in the Appropriations Subcommittee on Education tomorrow. The House companion, **HB 7057 by Representative Jeanette Nunez (R – Miami)** was filed last week.

### **SB 7026 -- Florida Transparency Act by Senator Jeremy Ring**

**(D – Maragate)**, revises the Florida Transparency Act by:

- Requiring the creation of a single website through which all other websites required by the act may be accessed.
- Creating style and formatting requirements for all websites required by the act.
- Requiring the creation of a website relating to state employee and officer data.
- Requiring the creation of a website relating to state fiscal planning data.
- Adding search criteria and informational requirements to and amending suggested Joint Legislative Auditing Committee recommendations for the existing state budget website.
- Requiring creation of a website for the state contract management system, creating provisions governing the posting of required documents to the website, and changing the entities subject to the posting requirements from "governmental entities" to "state agencies." The bill also:
- Provides an appropriation to the Department of Financial Services for implementation of the state contract system.
- Creates a task force to develop and recommend a design for consolidating state transparency websites into one website.

The bill was filed last week. There is no House companion at this time.

**SB 50 – Public Meetings by Senator Joe Negron (R – Palm City)**, requires that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or local government. Such opportunity does not have to occur at the same meeting at which the board or commission takes official action if certain requirements are met. The bill excludes specified meetings and acts from the "right to speak" requirement.

The bill specifies that the section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. It authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the section upon the filing of an application for such injunction by any citizen of Florida. If an action is filed against a board or commission to enforce the provisions of the section and the court determines that the board or commission violated the section, the bill requires the court to assess reasonable attorney fees against the appropriate state agency or local government board or commission. However, the bill also authorizes the court to assess reasonable attorney fees against the individual filing the action if the court finds that the action was filed in bad faith or was frivolous. The bill excludes specified public officers from its attorney fee provisions. A court is required by the bill to assess reasonable attorney fees if a board or commission appeals a court order finding that such board or commission violated the section and the order is affirmed.

The bill provides that any action taken by a board or commission that is found to be in violation of the section is not void as a result of such violation.

The bill is scheduled to be heard by the full Senate tomorrow. A similar bill in the House, **HB 23 by Representative Ray Rodrigues (R – Ft. Myers)**, reported favorably in the Governmental Operations Subcommittee last week.



**FLORIDA STATE UNIVERSITY**  
GOVERNMENTAL RELATIONS

**850.644.4453 govrel.fsu.edu**

**Kathleen M. Daly,**  
Assistant Vice President

**Toni Moore,**  
Program Coordinator

**Chris Adcock,**  
Office Administrator