



The Governor's Veto

The 1999 legislative session wound down in late April, as the budget was wrapping up, and our state legislators were feeling particularly pleased with what they had accomplished. And for good reason. Within the week before *sine die*, they passed: a record \$48 billion state budget; a billion dollars in tax exemptions to their constituents; a tough crime bill; a precedent-setting education reform bill; an innovative school-readiness bill; and all while addressing many other pressing issues. And when the hanky dropped signaling the end of the 60-day session, Republicans Speaker John Thrasher, President Toni Jennings, and Governor Jeb Bush locked arms and smiled.

Last week, a month after the session's end, Governor Bush released his veto list. The smiles started to fade when it was learned he had removed over \$300 million from the budget. The State University System and Florida State University did not escape the Governor's veto pen (see **related story**).

The SUS won and lost some substantive legislation as well. The State University System bill, **Senate Bill 1924**, did pass in the last hours on the last day of the session. The SUS building "naming" bill, however, did not (see **Spotlight on Bills**).

With the Governor's vetoes bringing this past session to a close, we now turn our attention to next year's budget and legislative agenda. The interim committee meetings for the 2000 session will bring legislators to Tallahassee already in September.

This final 1999 *Legisletter* tries to summarize the relevant legislation that passed, and provide updates on bills of interest that did not. If you are looking for information on a bill that does not appear in this newsletter, please feel free to contact me at **644-4453**, or by e-mail, **kdaly@govrel.fsu.edu**. Thank you.

Last week, Governor Jeb Bush erased \$313 million from the \$48 billion state budget, which was considered a record sweep of line-item vetoes.

The SUS and **Florida State University** did not escape the veto pen. The Governor vetoed the 5-percent across the board tuition increase, denying the system of approximately \$17 million in anticipated revenue. The move stunned the Chancellor and the SUS primarily because the revenue funded a portion of the Chancellor's \$68 million enhancement pot. **FSU** receives 15 percent of the enhancement fund. The Governor's action still allows each university president, with student input, to raise tuition up to 5 percent.

The Governor vetoed the following **Florida State University** items:

- \$10 million for the Developmental Research School
- \$5.3 million for deferred maintenance of our science buildings
- \$300,000 (recurring) for a Chronic Disease Prevention program
- \$150,000 for a National Police Corps program
- \$100,000 for a Juvenile Justice Role Model Development program

The Governor cited the lack of scrutiny by the Board of Regents as the reason for the above vetoes.

Legislative *Miami Herald* Rankings

The Miami Herald's annual ranking of state legislators was released recently. I have identified the ranking of our local delegation and our legislative alumni for your information.

- The Herald relies on a panel of experienced legislative observers to independently rank lawmakers. The criteria utilized for ranking were:
- Effectiveness at passing legislation beneficial to the entire state, not just a particular interest group.
- Consistency of supporting legislation beneficial to the entire state.
- Effectiveness at influencing colleagues on behalf of legislation beneficial to the entire state, particularly through debates.
- Effectiveness at serving his or her district.

Senate President Toni Jennings of Orlando was ranked the most effective Senate member, and House Speaker John Thrasher of Orange Park (FSU Alumni) was named the most effective State Representative.

The following list shows how our local delegation and FSU alumni ranked.

SENATE

FOUR STARS

John McKay, R-Bradenton
Jim Horne, R-Orange Park

THREE STARS

WD Childers, R-Pensacola

TWO STARS

Jim King, R-Jacksonville

ONE STAR

Steve Geller, D-Hallandale
John Grant, R-Tampa
Richard Mitchell, D-Jasper
Pat Thomas, D-Quincy

HOUSE

FOUR STARS

John Thrasher, R-Orange Park
Alex Villalobos, R-Miami
Greg Gay, R-Cape Coral
Beryl Roberts, D-Miami

THREE STARS

Cynthia Chestnut, D-Gainesville
Everett Kelley, R-Tavares
Al Lawson, D-Tallahassee
Sharon Merchant, R-Palm Beach Gardens
Marjoire Turnbull, D-Tallahassee

TWO STARS

Allan Bense, R-Lynn Haven
Janegale Boyd, D-Monticello
Chris Hart, R-Tampa
Chris Smith, D-Fort Lauderdale

ONE STAR

Bev Kilmer, R-Quincy
Ken Sorensen, R-Key Largo
Leslie Waters, R-Seminole



Spotlight on Bills

Retirement Issues

Many individual retirement bills were filed early in the session, but by the end, only a few actually were passed. Issues such as “high five”, OPS buy back, 3 yr AFC and 25/50 (retire at age 50 with 25 years in the system) died in various committees but are likely to resurface next year. Optional pension plan choices, including graded vesting and defined contribution plans, will be studied by staff who have been charged with reporting their findings prior to the 2000 legislative session. The following bills regarding retirement have been ordered enrolled and are awaiting the Governor’s signature:

HB 1883 – State Administered Retirement Systems

This bill provides technical and clarifying changes to retirement laws in ch. 121, F.S. affecting state and local government employers. It creates a legislatively based retirement benefit assumption review process through which future impact assessments of benefit changes to the multi-employer Florida Retirement System (FRS) may be made. The most significant feature of the bill is the implementation of the findings of the 1998 actuarial review of the FRS. That review indicated that the FRS has achieved a full funding status for the first time in its nearly thirty year history. With the FRS pensions liability paid off, the bill now lowers the public employer paid payroll contribution rates across all membership classes by nearly \$1.1 billion. This change permits each public employer member to decide how to recognize these recurring workforce savings.

The bill also enrolls local government emergency medical technicians/paramedics in the special risk class of the FRS. This class provides for normal retirement at the completion of 25, rather than 30 years of service or upon the attainment of age 55 rather than age 62. State law enforcement officers are extended the same presumption of in-line-of-duty disability afforded firefighters on the contraction of heart disease, tuberculosis, and hypertension. Lastly, a bicameral working group of legislative committees will examine option pension plan choices, including defined contribution plans, and will report its findings prior to the next regular session of the Legislature.

CS/HB 1013 – FRS Preservation of Benefit Plan

The bill creates an excess benefit plan referred to as the “Florida Retirement System Preservation of Benefit Plan.” Currently, member benefits are limited by sections in statute that prohibit a member’s initial retirement benefit from exceeding 100 percent of his or her average final compensation. This plan allows the Division of Retirement to pay any future retirement benefits that exceed Federal limits through a second qualified benefit plan pursuant to s. 415.(m), Internal Revenue Code.



Spotlight on Bills

Summary of Bills of Interest

CS/HB 1 - State Agency Strategic Plans

Under current law, each state agency must submit a copy of their annual performance report to the Office of Program Policy Analysis and Government Accountability (OPPAGA). This annual report will now be evaluated against the performance measures approved by the Legislature and established either in the General Appropriations Act (GAA) or implementing legislation for the GAA for the previous fiscal year. A one-page summary must also be included of all moneys that were expended or encumbered or for which the agency was responsible during the previous fiscal year and an estimate of such moneys projected for the current fiscal year. The Legislature will reduce the allocation of each state agency that fails to submit the required reports by at least 10% of the total of its current allocation in the GAA for the ensuing fiscal year.

The Executive Office of the Governor and the legislative appropriations committees will jointly develop instructions for agencies in submitting the assessment of performance measures and the unit-cost information required in the agency annual report. The Governor's office may provide interim instructions for the fiscal year 1999-2000 which will allow for a phased-in implementation of unit-cost reporting by agencies. Full implementation of unit-cost reporting will be effective with the submission of the September 1, 2000, agency performance report.

HB 9 – School Districts/Patriotic Programs

Public school districts will provide curriculum that encourages patriotism. Specifically, it allows boards to require that students say the pledge of allegiance and stand at the playing of the national anthem.

CS/CS/HB 19 - Skateboarding/Inline Skating [Chapter 99-133]

A new section of law is created, s. 316.0085, Florida Statutes, the purpose of which is to encourage those who own governmental property or those who lease property to make land available to the public for skateboarding, inline skating, and freestyle bicycling. Immunity is granted for all governmental entities and public employees regarding these activities; such immunity is not extended to independent concessionaires, non-governmental entities, or government contractors. Those who participate in skateboarding, inline skating, and freestyle bicycle riding, those who assist the participants, or spectators who voluntarily place themselves in the area of risk are prevented from filing suit.

The bill creates three exceptions to sovereign immunity:

- if a governmental entity fails to warn of dangerous conditions of which the participants have no notice;
- if the governmental entity commits gross negligence; and
- if the governmental entity fails to obtain written consent by the parents of a child under the age of 17 allowing the child to participate in skateboarding, inline skating, and freestyle bicycle riding activities.

The fact that a governmental entity carries insurance covering skateboarding, inline skating, or freestyle bicycle riding incidents does not constitute a waiver of immunity.

CS/CS/SB 80 - Information Technology Resources/Commerce Protection Act

The Commerce Protection Act establishes the liability of businesses and governmental agencies for damages that result from the Year 2000 (Y2K) computer problem. A governmental agency whose information technology products are not Y2K compliant may be liable for direct economic damages only within the existing statutory limitations of the waiver of sovereign immunity.



Spotlight on Bills

CS/CS/SB 80 (cont.)

Class action lawsuits regarding the Y2K compliance of governmental agencies are prohibited. The bill also establishes a limitation date of March 1, 2002, for the inauguration of actions under this bill, as well as incentives for the use of alternative dispute resolution procedures for Y2K claims. Section 282.4045, Florida Statutes, is repealed, which states that the State of Florida, its agencies, and any unit of local government shall be immune from damages consistent with s. 768.28, F. S. (waiver of sovereign immunity in tort actions). This includes any public or private university school of medicine that is part of a public or private university supported by state funds, and that has an affiliation with a local government or state entity under which the medical school's computer systems, or diagnostic or therapeutic equipment dependent upon date logic, are used to provide clinical patient care services to the public. The Governor signed the bill into law last week.

CS/HB 107 - Administrative Procedure Act

This bill amends the Administrative Procedure Act and affects all state agencies, including the State University System. The definition of an agency is clarified, and the bill provides that an agency may only implement or interpret the specific powers and duties found in an enabling statute. The statutory language granting rulemaking authority shall be construed to extend no further than implementing or interpreting the same. Agencies are prohibited from adopting a rule only because it is within the prescribed class of powers and duties. By October 1, 1999, each agency will be required to provide the Administrative Procedures Committee a listing of each rule adopted before the effective date of CS/HB 107 (the bill takes effect upon becoming a law) which exceeds the rulemaking authority permitted by the bill. The Legislature shall consider at the 2000 regular session whether specific legislation authorizing the identified rules, or portions thereof, should be enacted. By January 1, 2001, each agency will be required to initiate proceedings to repeal each rule identified as exceeding rulemaking authority. Specifies that an agency may not adopt retroactive rules including those intended to clarify existing law, unless that power is expressly authorized by statute. In rule challenge proceedings, CS/HB 107 clarifies that the petitioner has the burden of going forward and the agency then has the burden to prove by a preponderance of the evidence that the proposed rule is not an invalid exercise of delegated legislative authority.

SB 140 – Relating to Florida Residents Tax Relief Act [Chapter 99-229]

SB 172 - Taxation

These bills were included in the first part of the Governor's \$1 billion tax relief package. The package includes reductions in the rate of intangible property taxes, a reduction in property taxes, a reduction in surcharges on beer, wine and liquor sold on premises, provides a period of tax-free shopping, and increases benefits for the unemployed.

CS/CS/SB 150 - State Financial Matters [Chapter 99-155]

- All new recipients of state retirement benefits will be paid by direct deposit as of July 1, 2000. Retirees may file for hardship exemption from this provision.
- Establishes the time limit to file any action to recover compensation including, but not limited to, salaries, wages, overtime pay, fringe benefits, or damages or penalties related to compensation as two years from the date of the alleged error in payment of the compensation.
- Each state agency and the judicial branch must record the receipt and disbursement of funds from federal sources in a form and format prescribed by the Comptroller. The bill also outlines in great detail the conditions under which access to federal funds by the administering agencies or the judicial branch will be authorized by the Comptroller. The Comptroller may withhold any funds payable to a component unit that does not comply with certain specific conditions as spelled out in new language contained in the bill. Funds will be released once the required data is supplied.
- Changes the definition of the word "property" as used in s. 273.02, Florida Statutes, to equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is \$1,000 or more. The previous definition was set at \$500. The definition value of hardback-covered bound books has been raised from \$100 to \$250.



Spotlight on Bills

CS/CS/SB 366 - Florida Partnership for School Readiness

This bill creates the Florida Partnership for School Readiness, which is assigned to the Executive Office of the Governor. The partnership will be responsible for adopting and coordinating programmatic, administrative, and fiscal policies and standards for all school readiness programs.

The bill has two implications for State University System institutions. First, the Postsecondary Education Planning Commission (PEPC) and the Education Standards Commission (ESC) are charged with the duty of assessing the expertise of public and private Florida postsecondary institutions' infant and toddler developmental research; the related curriculum of training, career, and academic programs; and the status of articulation among those programs. Based on their findings, PEPC and the ESC are to provide recommendations to the Governor and the Legislature for postsecondary program improvements to enhance school readiness initiatives. No guidelines are given for the assessment of these areas, and no due date is given for the final report.

Second, the Commissioner of Education, the Florida Partnership for School Readiness, PEPC, and the ESC are also directed to conduct a statewide assessment to determine the extent and nature of instruction for those who currently work in the child care field or early childhood education, as well as an assessment of the market demand for those employed in these fields at various levels. Based on the findings the Articulation Coordinating Committee is to establish an articulated career path for the school readiness-related professions, which is to lead from entry-level employment to a baccalaureate degree. A provision in the bill directs the Inter-University Consortium on Child and Family Studies, located on the FSU campus, to design and develop the concept for a child care and development center, which may be used as a model for demonstrating best practices in children's readiness for school.

CS/HB 681 - Construction Liens and Bonds

This bill makes several changes to the Construction Lien Law, the purpose of which is to provide a special legal remedy to persons who supply labor, services, or materials during the construction of a home or building in the event they are not paid, as well as to provide procedures for property owners to avoid double payment for such labor, services, or materials. The bill makes many changes to the lien law, including:

- specifying that time periods for serving a Notice of Nonpayment, for bringing an action against a contractor or surety, or for recording a claim of lien are not determined by issuance of a Certificate of Occupancy or Certificate of Substantial Completion;
- clarifying that a Notice to Owner must contain certain information but is not required to adhere to a particular statutory form;
- specifying certain information that is required in a Notice of Commencement and requiring building officials to verify that the information is consistent with the building permit application;
- creating an exemption from Notice of Commencement requirements for direct contracts of less than \$5,000 for repair or replacement of an existing heating or air conditioning unit;
- providing that procedures for service of a Notice to Owner also apply to service of Preliminary Notices on bonded projects;
- clarifying that the failure to respond under oath deprives the lienor of his or her lien; and clarifying that any provision in a contract for improvement of real property is void if it requires legal action to be brought outside the state, and additionally provides that any legal action arising out of the contract shall be brought in the county where the defendant resides, where the action accrued, or where the property is located.



Spotlight on Bills

HB 699 - Athletic Trainers

The “Council of Athletic Training” is now changed to the “Board of Athletic Training”, housed within the Department of Health. The Council of Athletic Training and the terms of all its members will be terminated as of October 1, 1999. The Governor is now given the authority to appoint the members of the Board (who will be confirmed by the Senate), and former members of the Council of Athletic Training are not precluded from consideration for appointment. Board membership is increased from seven to nine members, five of which must be licensed athletic trainers. The bill also transfers several of the powers and duties presently performed by the Department of Health to the Board of Athletic Training, including examinations and continuing education, rulemaking, licensure fee, and disciplinary authority.

CS/SB/714 – World War II Veterans Memorial [Chapter 99-160]

The bill creates a Florida World War II Veterans Memorial Act for the purpose of providing for the construction of a memorial to those Florida Residents who served in World War II. The \$200,000 appropriation traveling with the bill was vetoed by Governor Bush.

CS/HB 751 - Educational Accountability

The bill commonly referred to as the Governor’s “A+ Plan” has several implications for teacher preparation and certification:

- Adds language requiring that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics” and the ability to use “technology to enhance student learning”. This language exists in several sections of the bill, including the requirements in law regarding temporary certification and professional certificates which now state that those who apply for such certifications on or after July 1, 2000, demonstrate these minimum competencies. This may be demonstrated by passing scores on another state’s general knowledge exam or a valid teaching certificate from another state that requires mastery of general knowledge.
- Those who hold a valid professional teaching certificate may now add an area of certification without completing the associated course requirements if a passing score is achieved on an examination of competence in the subject area to be added. Evidence must also be provided of a minimum of 2 years of satisfactory performance evaluations that take into consideration the performance of the students that have been taught.
- Individuals who have specific subject area expertise, but who have not completed a standard teacher preparation program, may now participate in a state-approved alternative certification program for the professional certificate. This program must provide for the demonstration of competencies in lieu of completion of college credit course hours in the areas of assessment, communication, critical thinking, human development and learning, classroom management, planning, technology, diversity, teacher responsibility, code of ethics, and continuous professional improvement. The State Board of Education will consult with the State Board of Independent Colleges and Universities, the State Board of Nonpublic Career Education, the Board of Regents, and the State Board of Community Colleges before adopting any changes to training requirements relating to entry into the profession. The consultation must allow the educational board to provide advice regarding the prospective impact of the proposed changes on the length of time necessary to complete the training process and the fiscal impact. The educational board will be consulted only when proposed changes affect an institution falling under its jurisdiction.
- Minimum competencies for professional certification now include the comprehension of and ability to work with algebra; the ability to recognize signs of student difficulty with reading and the ability to apply appropriate measures to improve the student’s performance; the ability to work with students involved in drug or alcohol abuse and to seek assistance for them; the ability to integrate appropriate technology in managing, evaluating, and improving instruction; knowledge and understanding of the Sunshine State Standards; the ability to recognize the early signs of truancy and identify interventions to avoid or resolve this behavior; the skills to manage student behavior both in and out of the classroom, including techniques to prevent and effectively respond to incidents of disruptive or violent behavior; the ability to develop and administer classroom assessment instruments designed to measure student learning gains; and the ability to maintain a positive collaborative relationship with students’ families to increase student achievement.



Spotlight on Bills

CS/HB 751 (cont.)

- Students enrolled in state-approved teacher preparation programs and assigned to the clinical field experience will be given the same protection in law as that given to certified teachers, except for collective bargaining.
- The Commissioner of Education is to appoint a Teacher Preparation Program Committee in order to establish core curricula in each state-approved teacher preparation program. The committee will include presidents of public and private colleges and universities, deans of colleges of education, presidents of community colleges, district school superintendents, and high-performing teachers. Curricula will be focused on the knowledge, skills, and abilities considered essential to instruction in the Sunshine State Standards, with an emphasis on reading at all grade levels. The committee will report its recommendations to the State Board of Education by January 1, 2000, and at that time may be dissolved. The State Board is directed to adopt rules that establish uniform core curricula for each state-approved teacher preparation program and will use this report in the development of those rules.
- As of the 2000-2001 academic year, those students wishing to enter a state-approved teacher preparation program must pass the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education. Students admitted under a waiver will receive assistance to demonstrate competencies to successfully meet requirements for certification.
- Beginning July 1, 2000, continued approval of teacher preparation programs is contingent upon compliance with student admissions requirements as now established.

HB 765 - Site Determined Baccalaureate Degrees

This bill creates the site-determined baccalaureate degree access program and authorizes categorical funding for the program. Funds may not be used to support the construction, renovation, or remodeling of facilities. The program is designed to increase access to baccalaureate degree opportunities by providing for upper level instruction at community college campuses. This program is voluntary and does not preclude other mutually agreed upon arrangements between community colleges and four-year postsecondary institutions related to the delivery of baccalaureate degree programs at community college sites. Independent, regionally accredited four-year institutions that participate in this program must be chartered in Florida and have the primary campus located in Florida. Governor Bush vetoed the \$2 million incentive allocation traveling with the bill that would have allowed community colleges, in cooperation with 4-year institutions, to offer baccalaureate degrees on their campuses.

HB 867 - Local Contracts/Public Construction [Chapter 99-181]

The threshold amount required for competitive awards of local bids and contracts for public electrical work is lowered. The bill also provides that certain qualified contractors or vendors shall have standing to challenge the propriety of a local government's action under certain circumstances. The award of reasonable attorney's fees under certain circumstances is also granted.

CS/HB 1013 – FRS Preservation of Benefit Plan

The bill creates an excess benefit plan referred to as the "Florida Retirement System Preservation of Benefit Plan." Currently, member benefits are limited by sections in statute that prohibit a member's initial retirement benefit from exceeding 100 percent of his or her average final compensation. This plan allows the Division of Retirement to pay any future retirement benefits that exceed Federal limits through a second qualified benefit plan pursuant to s. 415.(m), Internal Revenue Code.

SB 1288 - Community College Distance Learning

A technology fee is created for the community colleges, the amount of which is not to exceed \$1.80 per credit hour for Florida residents and \$5.40 per credit hour for nonresident college-credit and college prep students. The bill also authorizes the Community College Distance Learning Consortium, through the State Board of

Community Colleges, to patent, license, sell, and collect revenues from the sale of distance learning products. The Consortium is also given authority to work with a Florida not-for-profit corporation, incorporated under chapter 617 and approved by the Department of State, for the accounting of these funds.



Spotlight on Bills

CS/HB 1467 - Regulation of Health Care Practitioners

This bill was of interest to FSU and its CARD Center because of its provision regarding clinical trials for the use of Secretin in treating autism. While this bill died in Messages on the last day of the session, a similar bill, **HB 2125**, passed both chambers and has been enrolled. **HB 2125** provides for the Division of Children's Medical Services to "contract with a nonprofit provider affiliated with a teaching hospital to conduct clinical trials, approved by a federally-sanctioned institutional review board within the teaching hospital, on the use of the drug Secretin to treat autism."

CS/SB 1502 - Admissions Tax/Renting, Leasing, Letting

Section 212.031, Florida Statutes, exempts certain activities related to renting or leasing real property from taxation. CS/SB 1502 provides for additional exemptions related to persons providing concessionaire services in spaces leased, rented or licensed by the universities from certain taxes (e.g. concessionaire services at football stadiums).

CS/SB 1664 - Training School Consolidation [Chapter no. 99-227]

Two pilot training centers are established to provide criminal justice training in Leon and St. Johns Counties, specifically at The Pat Thomas Center at Tallahassee Community College and The Criminal Justice Academy at St. Johns River Community College. Criminal justice training programs in the pilot counties will transfer to the community colleges effective July 1, 1999. Certification of the program by the Criminal Justice Standards and Training Commission will also be transferred to the respective community college, which must continue to meet the requirements of the commission. Each of the pilot training centers will develop an articulation agreement with the State University System to facilitate the transfer of graduates of a community college training program to the upper division of a state university with a corresponding program.

CS/HB 1707 - Department of Management Services

- As a precondition to an employee's training request, an agency may require an agreement that requires the employee to reimburse the agency when the cost exceeds \$1,000 if the employee voluntarily terminates employment or is discharged for cause within a specified period of time, not exceeding four years after the training. This does not apply to training that the agency requires the employee to attend. An agency may agree to pay the outstanding balance due and owing on behalf of a state employee in connection with that employee's recruitment and hiring.
- For the purposes of s. 216.011, operating capital outlay is now defined as equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is \$1,000 or more; previous value was set at \$500. The value of hardback-covered bound books circulated to students or the general public is now set at \$250; previous value was set at \$100. A similar change was made in s. 273.02, regarding the record and inventory of certain property.
- The Department of Management Services is to develop a uniform performance appraisal system for employees and positions in the Selected Exempt Service covered by a collective bargaining agreement. Each of the employing agencies is to develop a performance appraisal system for all other employees and positions in the Selected Exempt System.
- The agency head may now have a designee authorize payment of travel expenses in certain instances.
- All moneys received from the disposition of state-owned tangible personal property or from any agreement entered into under chapter 273, Florida Statutes, must now be retained by the custodian and may be disbursed for the purchase of exchange and surplus property and for all necessary operating expenditures, and are appropriated for these purposes. The custodian is to maintain records of the accounts into which the money is deposited.
- The Department of Management Services is authorized to negotiate on behalf of the state for air services to and from Tallahassee and other municipalities outside the state.



Spotlight on Bills

SB 1794 - Postsecondary Remediation/College Prep [Chapter 99-150]

A student is now allowed to enroll in the same college-preparatory or undergraduate college-credit class twice before having to pay 100% of the full cost of instruction. Exceptions may be granted only once for students who withdraw or fail a class due to extenuating circumstances. Approval for these exceptions must be made according to policy established by the Board of Regents or the board of trustees of the community colleges. Each state university or community college now also has the authority to review and reduce fees paid by students due to continued enrollment in a college-credit class on an individual basis dependent on the student's financial hardship, in keeping with definitions and fee levels established by the State Board of Community Colleges and the Board of Regents.

HB 1883 – State Administered Retirement Systems

This bill provides technical and clarifying changes to retirement laws in ch. 121, F.S. affecting state and local government employers. It creates a legislatively based retirement benefit assumption review process through which future impact assessments of benefit changes to the multi-employer Florida Retirement System (FRS) may be made. The most significant feature of the bill is the implementation of the findings of the 1998 actuarial review of the FRS. That review indicated that the FRS has achieved a full funding status for the first time in its nearly thirty year history. With the FRS pensions liability paid off, the bill now lowers the public employer paid payroll contribution rates across all membership classes by nearly \$1.1 billion. This change permits each public employer member to decide how to recognize these recurring workforce savings.

The bill also enrolls local government emergency medical technicians/paramedics in the special risk class of the FRS. This class provides for normal retirement at the completion of 25, rather than 30 years of service or upon the attainment of age 55 rather than age 62. State law enforcement officers are extended the same presumption of in-line-of-duty disability afforded firefighters on the contraction of heart disease, tuberculosis, and hypertension. Lastly, a bicameral working group of legislative committees will examine option pension plan choices, including defined contribution plans, and will report its findings prior to the next regular session of the Legislature.

HB 1885 - The Lawton Chiles Endowment Fund [Chapter 99-167]

For FY 1999-2000, \$1.1 billion is appropriated to the Lawton Chiles Endowment fund. Funds from the endowment will not be available for appropriation to any state agency until July 1, 2000. Beginning July 1, 2000, the maximum annual amount of endowment funds that may be appropriated is a level of spending representing earnings at a rate of 3 percent. The Florida Biomedical Research Program, supported by funds appropriated annually by the Legislature from the Lawton Chiles Endowment and administered by the Department of Health, is created to support research related to cancer, cardiovascular disease, stroke & pulmonary disease. Funds will be awarded competitively to Florida universities and research institutes by the Secretary of the Department of Health in the form of grants and fellowships. A nine-member Biomedical Research Advisory Council, including one member from a Florida research university and appointed by the Governor, is created to advise the Secretary on the allocation of research grants and fellowships.

CS/CS/SB 1924 - State University System

Provides that:

- the eligibility for participation in the SUS Optional Retirement Program is expanded to all positions classified as Administrative and Professional.
- the effective date for postsecondary education fee exemptions for certain adopted children is retroactive to May 5, 1997. Previously, the effective date was December 31, 1997.
- up to 25 percent of the balance in the State University System Concurrency Trust Fund for that particular year may be used to defray the costs incurred in updating campus master plans, if those plans are updated pursuant to s. 240.155 and done no more frequently than once every five years.
- no school, college, or center at a state university shall be named for a living person unless approved by the BOR.



Spotlight on Bills

CS/CS/SB 1924 (cont.)

- students enrolled in the Programs in Medical Sciences will be considered graduate students for the purpose of enrollment and student fees.
- the thresholds applicable to state universities for “continuing contracts” under the “Consultants’ Competitive Negotiation Act” be raised from \$500,000 to \$1 million for construction and from \$25,000 to \$100,000 for study activities.
- if a Florida resident is denied admission as an undergraduate to a SUS institution, that student can appeal and request a recalculation of the GPA including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. Advanced level fine arts courses include those identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.
- the Chancellor of the SUS, the Executive Director of the Division of Community Colleges, the Executive Director of the Independent Colleges and Universities of Florida, and the Executive Director of the Florida Association of Postsecondary Schools and Colleges, or their respective designees, shall now be members of the Florida Council of Student Financial Aid Advisors.
- the reporting requirements for universities receiving funding from the Brain and Spinal Cord Injury Rehabilitation Trust Fund are modified.
- the requirement that engineering faculty must be registered engineers is eliminated.
- terms of the members of the Board of Regents are restored to 6 years.
- \$200,000 is appropriated from the General Revenue Fund to the University of Miami, School of Medicine, Office of Minority Affairs, for the fiscal year 1999-2000.
- Florida State University and the Florida Department of Environmental Protection will conduct a study of the feasibility of creating the Florida Geoscience Center in Tallahassee. A report will be forwarded to the Speaker of the House, the President of the Senate, and the Governor by January 15, 2000.

HB 1951 - Unemployment Compensation [Chapter 99-131]

The weekly maximum unemployment benefits are increased by 5 percent to \$288 for the first eight weeks of unemployment. At the end of eight weeks, the benefit reverts to \$275. This increase may have a fiscal impact on universities depending on claims experience.

SB 1984 - Florida Prepaid College Savings Program [Chapter 99-220]

The Florida Prepaid College Savings Program is established and will be administered by the Florida Prepaid College Board. The establishment of this program authorizes tax deductible investments to pay for the cost of higher education for a designated beneficiary. This program is also designed to meet federal requirements as established in the Internal Revenue Code by Congress in 1996.

The College Savings Program differs from the currently existing Prepaid Program in several ways:

- The College Savings Program includes no guarantees to cover increases in fees if the funds in the Program are not sufficient; the state guarantees to pay such increases for participants in the Prepaid Program.
- The Prepaid Program requires that beneficiaries must be less than 21 years old, have not completed 11th grade prior to the purchase of a contract, and be a Florida resident for at least 12 months. The College Savings Programs stipulates no such requirements.



Spotlight on Bills

SB 1984 (cont.)

- Funds in the College Savings Program may be used for graduate studies, while Prepaid College Program funds may only be used for undergraduate degrees.
- College Savings Program beneficiaries may attend any institution, while those in the Prepaid College Program must attend a state postsecondary education institution, with limited exceptions.

The balance of a terminated account in the College Savings Program is declared unclaimed and abandoned property, as clarified in ch. 717, Florida Statutes. Terminated accounts in the Prepaid Program revert to the Florida Prepaid College Board.

CS/SB 2280 - Department of Management Services Reorganization

Substantive changes include the transfer of functions of the Division of State Group Insurance and the Division of Retirement to the Department of Management Services. These divisions are no longer separate budget entities and are now subject to the control and supervision of DMS. The Director of the Division of State Group Insurance is still appointed by the Governor; however, the language regarding necessary professional qualifications relating to insurance and health care have been removed. The bill also contains language stating that state employees may not use a voice mail system as a method of screening calls and must provide callers with a “nonelectronic attendant option”.

CS/CS/SB 2228 - End-of-Life Care

Subsection (3) of Section 1 of CS/CS/SB 2228 authorizes but does not require the Chancellor to convene a working group composed of one representative from each of the Boards of Medicine, Osteopathic Medicine, Nursing, Pharmacy, Nursing Home Administrators, and Social Work, and the chairs of the four medical schools’ curriculum committees, to review available curricula for end-of-life care and make recommendations through the respective boards for content and materials to be incorporated into the basic curriculum of each medical school, school of social work, and allied health discipline.

CS/CS/SB 2426 - Legislative Oversight of Governmental Programs

This bill continues to refine duties formerly managed by the Joint Legislative Management Committee (JLMC). The JLMC was abolished by the Legislature in 1998 and its duties assigned to other entities. The governance structure of JLMC was replaced by the Office of Legislative Services, which directly reports to the President of the Senate and the Speaker of the House. Several portions of the bill are relevant to the Board of Regents and the State University System:

- The operational audit requirement for state agencies has been changed from annual to biennial; however, the Auditor General maintains the authority to audit any agency whenever he/she deems it necessary or appropriate.
- The Joint Legislative Auditing Committee has been provided the authority to request that state agencies withhold funds payable to counties who have failed to pay their share of costs for audits conducted by the Auditor General.
- Based on the recommendation of the Director of the Office of Program Policy Analysis and Governmental Accountability (OPPAGA), the President of the Senate and the Speaker of the House may choose to waive a follow-up report from the Auditor General or OPPAGA to the Joint Legislative Auditing Committee and to the appropriate legislative standing committees.
- The Director of OPPAGA may, with the permission of the President and the Speaker, amend OPPAGA’s work schedule to concentrate on agency programs that are considered to have high oversight priority.



Spotlight on Bills

CS/CS/SB 2426 (cont.)

- The President and the Speaker are authorized to jointly amend the schedule of program evaluation and justification reviews existing on July 1, 1999.

The Commission on Human Relations is now authorized to receive complaints and coordinate all activities as required by the Whistle-blower's Act. This function was formerly housed within the Office of the Public Counsel.

CS/SB 2540 - Commercial Space Industry

Several space-related programs are created and funded by this bill, and some connections are made between these programs and the State University System. The Commission on the Future of Aeronautics and Space in Florida is created to assess the present climate of the aeronautics and space industries in Florida; part of the Commission's charge is to determine whether Florida's secondary and postsecondary schools are producing a highly qualified workforce in sufficient numbers to meet the needs of the aviation and aerospace industries.

The Spaceport Management Council is created within the Spaceport Florida Authority to provide coordination and proposals for projects and activities to increase the operations and competence of Florida's space launch facilities. This Council is also directed to develop and expand space-related education and research programs in the state, including recommendations to be given to the State University System, the Division of Community Colleges, and the Department of Education.

Finally, CS/SB 2540 has language which creates the Florida Space Research Institute, which is to operate as a public/private partnership under the direction of a board made up of representatives from the Spaceport Florida Authority, Enterprise Florida, the Florida Aviation and Aerospace Alliance, and four additional members selected by the board. The Board is to invite the participation of public and private universities including, but not limited to, the University of Central Florida, the University of Florida, the University of South Florida, Florida State University, the Florida Institute of Technology, and the University of Miami. A lead university will be selected to serve as the coordinator of research and as the administrative entity of the institute.

Bills Of Interest That Failed

Of interest in the list below are **HB 191**, **HB 1735** and **SB 2244**, Naming of State Buildings, which would have prohibited naming state buildings for any elected public official currently in office, or living persons. Also on the fail list are several bills regarding retirement:

HB 61 would have allowed FRS employers of SMSC members to discontinue payment of unfunded actuarial liability contributions and would have lifted limitations on the amount and type of retirement benefits that can be provided to SMSC employees.

SB 1460 and **HB 1641** would have revised the definition of “average final compensation”; upgraded service credit for special risk members; revised criteria and eligibility under the Deferred Retirement Option Program for certain members.

BILL

TITLE

HB 61	Florida Retirement System
HB 189	FAMU College of Law
HB 191	Naming of State Buildings
SB 352	State Employment
CS/SB 356	FRS/Optional Retirement Program
HB 375	Tax/Skyboxes and other box seats
HB 407	Board of Regents Terms
HB 483	University System/Professorships
HB 547	FRS/Vested after 5 years
HB 667	Postsecondary Remediation/Adult Education
CS/HB 713	Training School Consolidation
SB 800	State Group Insurance Program
HB 873	Institutes of Excellence in Infant & Toddler Dev.
HB 895	OPS Health Insurance
HB 901	Teachers/ Speech Language Impairment
SB 1050	OPS State Employee Benefits Plan
HB 1065	Florida Prepaid College Program
SB 1222	FRS/Average Final Compensation
SB 1380	Bright Futures
SB 1418	Postsecondary Student Fees
HB 1467	Regulation of Health Care Practitioners
SB 1460	Florida Retirement System
HB 1495	Institute on Urban Policy & Commerce
HB 1531	Public Records/College Savings Program
HB 1537	Postsecondary Education Fees Terminology
HB 1641	Florida Retirement System
SB 1704	The Professional Teaching Fellowship Act
SB 1726	Nonclinical Social Work Study Comm.
HB 1735	Building Designations/State Univ.
HB 1793	School Districts/Patriotic Programs
HB 1821	Collegiate Athletics
HB 1915	Florida Education Fund
SB 1922	University System/Professorships
HB 1931	Bright Futures
HB 1933	State University System
HB 1981	University Student Governments
SB 1988	Collegiate Athletics
SB 2086	Postsecondary Education Fees
SB 2244	Building Designations/State Univ.

—Thanks—Again!—

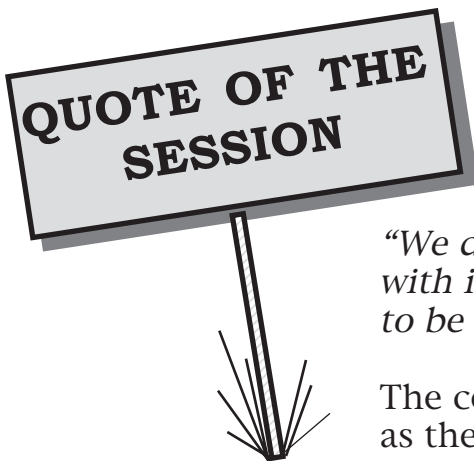
The Office of Governmental Relations thanks all of the Legislative Liaisons for their hard work and patience during the 1999 Legislative Session.

Division Representatives

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Ralph Alvarez, Budget & Analysis
Glenn Thomas, Developmental Research School
Robley Light, Institute on Aging
Buddy Renfroe, Finance and Administration
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Freddie Groomes, Human Resources
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Robert Werner, Laboratory animal Resources
Larry Reese, Controller
Marilyn Young, College of Communication



"We dealt with many issues we have not been able to deal with in many years. I think the people of Florida are going to be very, very happy with the results that they see."

The comments of Senator Ron Silver, D-North Miami Beach, as the Senate put final touches on the \$48 billion budget.
Tallahassee Democrat

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