

LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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For the first time in five years, the collegial hanky-dropping ceremony that indicates the official end to the 60-day session took place before midnight of the last day. This ritual, by which both chambers' leaders simultaneously drop a handkerchief to symbolize the end of the annual session, closed a mild and generally rancor-free assembly of state lawmakers.

Eighteen days later, the Governor received the \$65 billion state budget, and two days after that issued \$180 million in vetoes and signed the budget bill into law. Although the Governor's vetoes were somewhat modest this year, Florida State University did not escape his rejection pen as he nixed a \$2.25 million building meant for the Panama City campus. Despite that loss, this year's budget allocations were, on the whole, respectable for FSU, as well as the rest of the State University System (**see related budget story**).

Several substantive bills pertaining to the SUS passed this session, including a bill that delineates the powers and duties of the Legislature and of the Board of Governors. **House Bill 1001, by Representative Dudley Goodlette (R. Naples)**, which will affect university governance, is awaiting the Governor's signature. Additional bills of interest can be found in the **Spotlight on Bills** section of this newsletter, including those that passed and failed.

Although the ink isn't even dry yet on this past session, preparations are already underway for 2006. We are in the process of organizing our priorities, as state lawmakers will be back in Tallahassee for interim committee meetings in early September.

This newsletter will resume next February unless a special session is called before next year's regular session. If you have questions about a particular issue, or piece of legislation not found in this final edition of the *Legisletter*, please feel free to contact me at (850) 644-4453, or via e-mail at kdaly@govrel.fsu.edu.

Kathleen

Budget Overview

The Governor received the Budget on Tuesday, May 24, issued his vetoes and signed the bill into law on Thursday, May 26.

FSU received a 5.65% increase over 2004-05 recurring funding.

FSU PECO:

Utilities/Infrastructure/Capital
Renewal/Roofs (P, C, E)..... \$6,100,000

Life Sciences Teaching &
Research Center (C) \$14,200,000

Building Envelope Improvements—
Phase II (C) \$2,350,000

Panama City Campus Academic
Building (C, E) \$17,750,000

PCC Administrative Services Center
(C, E)..... \$ 2,525,000 **VETOED**

Enrollment Growth: The State University System received \$43.8 million for 7316 FTE. FSU's share is \$8,203,766 for 809 FTE.

FSU Medical School: \$3.4 million for a total budget of \$30,915,640 for 260 FTE.

Tuition: 5% increase for instate-undergraduate tuition and flexibility for all other levels, to be set by the University Boards of Trustees.

Major Gifts: \$44.7 million in General Revenue and \$6.5 million in lottery was provided for the SUS Challenge Grant matching gift program, for a total of \$51 million. FSU received \$2,496,102. Additionally, there is \$14,150,000 for Courtelis Facilities matching gifts, FSU received \$385,000.

Educational Enhancements: FSU received \$6.5 million in non-recurring funds.

Salaries: All state university employees will receive a 3.6% increase effective August 1, 2005. No funds were provided for salary increases for university developmental research school personnel.

Board of Governors: Received funding for 62 new positions to the Division of Colleges and Universities, transferred from the Department of Education.

The 2006 Legislative Session will begin
March 7, 2006.

Spotlight on Bills

SUMMARY OF 2005 SESSION

Important Bills that Passed:

HB 517, University Campus Planning by Representative Dean Cannon (R–Winter Park), gives plan oversight to the Board of Governors and removes oversight from the State Board of Education. The bill requires an informal information session as well as the two public hearings and sets time parameters for the public hearings. UBOT's must submit any petitions to DOAH for resolution. The BOG must create a uniform set of rules governing university master plans and receive written verification that the rules meet minimum statutory requirements. Additionally, the bill authorizes an engineering school at Florida Gulf Coast University. **Effective July 1, 2005.**

HB 841, State Lottery/Public Education by Representative Frank Attkisson (R–Kissimmee), requires that eighty percent of all unclaimed prize money be deposited in the Educational Enhancement Trust Fund. Subject to appropriations provided in the General Appropriations Act, these funds may be used to match private contributions received under the postsecondary matching grant programs. Signed by the Governor on May 26, 2005. **Effective July 1, 2005.**

HB 1001, University Governance by Representative Dudley Goodlette (R–Naples), defines the powers and duties of the Legislature, including the setting of tuition and fees, and the powers and duties of the Board of Governors, including the monitoring of facilities, programs and strategic planning at the universities. It also prohibits registered lobbyists from sitting on University Boards of Trustees and on the Board of Governors. Additionally, the bill protects the exemptions currently held by the universities

from state agency status. **Effective upon becoming law.**

SB 2236, Excess Hours by Senator Lee Constantine (R–Altamonte Springs), allows university Boards of Trustees to set tuition and fees for graduate, professional, and non-resident students within guidelines. The tuition and fees are not subject to the 40% cap and 20% of the amount raised by tuition increases must be used for need based financial aid. Students must pay a surcharge on hours taken in excess of 120% of the hours needed for the degree. The surcharge is 75% of the cost of in-state tuition. Provides exemptions for certain courses. Requires that each institution notify students of the law upon initial enrollment and when they attain the needed hours for the degree. Applies to freshmen entering in Fall 2005. **Effective July 1, 2005.**

SB 2264, Resident Status for Tuition Purposes by Senator Jeff Atwater (R–North Palm Beach), requires that students or parent(s) of dependent students maintain legal residence in Florida for at least 12 consecutive months prior to initial enrollment to qualify for in-state tuition. Each higher education institution must determine residency. Non-residents may be reclassified as residents after they or their parent(s) if dependent, present documentation of permanent, full time employment and domicile in Florida for 12 consecutive months while not enrolled full time. Allows university Boards of Trustees to set tuition and fees for graduate, professional, and non-resident students within guidelines. The tuition and fees are not subject to the 40% cap and 20% of the amount raised by tuition increases must be used for need based financial aid. **Effective July 1, 2005.**

SB 2600, General Appropriations Act (GAA) for Fiscal Year 2005-2006—see Quick Budget Guide.

Other bills that passed:

HB 101, Books/Clothing/School Supplies/Tax by Representative Ray Sansom (R–Ft. Walton Beach, FSU Alumnus), specifies period during which sale of books, clothing, & school supplies are exempt from tax on sales, use, & other transactions; provides definitions; provides exceptions; authorizes DOR to adopt rules. **Effective July 1, 2005.**

HB 193, Chad Meredith Act–Hazing by Representative Adam Hasner (R–Delray Beach, FSU Alumnus), specifies conduct that constitutes hazing at high schools with grades 9–12 and at postsecondary education institutions. The definition includes acts that are physically, mentally, psychologically or socially abusive. Makes intentional or reckless hazing acts a third degree felony if they result in serious bodily injury or the death of another person. **Effective July 1, 2005.**

SB 388, Education Funding by Senator J.D. Alexander (R–Lake Wales), amends provisions re school capital outlay surtax to provide that required freeze on certain taxes does not apply to taxes authorized in General Appropriations Act; authorizes certain specified counties or school districts to operate early learning coalitions, notwithstanding other provisions of law; repeals provisions re performance-based funding & BEST Florida Teaching salary career ladder program; Additionally, the bill authorizes developmental research schools and the Florida School for the Deaf and the Blind to enter into agreements to form a regional consortium service

organization; revises the amount of the award of an incentive grant to a regional consortium service organization; authorizing funds to be deposited in the Trust Fund for University Major Gifts; authorizing the appropriation of funds to be transferred to the Alec P. Courtelis Capital Facilities Matching Trust Fund, etc. Signed by the Governor on May 26, 2005. **Effective July 1, 2005.**

SB 410, Nursing by Senator Burt Saunders (R-Naples), eliminates the requirement that department issue wall certificates; provides for retired-status license; requires Board of Nursing to adopt rules specifying scope of practice & level of supervision required for certified nursing assistants; requires biennial renewal of certification as nursing assistant; reduces number of required hours of in-service training for certified nursing assistants, etc. **Effective July 1, 2005.**

SB 424, Employee Benefits by Senator Lisa Carlton (R-Sarasota), provides for resolution of certain collective bargaining issues at impasse between State of Florida & respective employee unit; requires DMS to establish certain insurance plans within state group insurance program; requires that certain high deductible plans include health savings account; authorizes department to establish health savings accounts for full-time & part-time state employees, etc. **Effective upon becoming law.**

SB 442, Building Safety by Senator Mike Bennett (R-Bradenton), requires that specified percentage of funds appropriated under Hurricane Loss Mitigation Program be used for education concerning Fla. Building Code & for operation of disaster contractors network and provides that Insurance Regulation Office make recommendations to insurance industry based on report re Hurricane Loss Mitigation Program by DCA, etc. **Signed by the Governor on May 24, 2005 and becomes effective July 1, 2005.**

HB 579, Accelerated High School Graduation by Representative Bill Proctor (R-St. Augustine, FSU Alumnus), adds the International General Certificate of Secondary Education (pre-AICE) and the Advanced International Certificate of Education (AICE) to the list of general programs, rigorous academic programs, and accelerated programs, in secondary schools. Expands programs that help qualify students for Florida Academic Awards. **Effective July 1, 2005.**

SB 822, State Group Insurance Program by Senator Victor Crist (R-Tampa), revises terms "state group insurance program" & "surviving spouse" & defines term "TRICARE supplemental insurance plan"; includes TRICARE supplemental insurance plan within state group insurance program; requires DMS to purchase health care for employees under such plan; authorizes surviving spouse to elect to continue coverage under TRICARE supplemental insurance plan, etc. **Effective upon becoming law.**

HB 885, Regional Autism Centers by Representative Susan Goldstein (R-Sunrise), creates a seventh center at Florida Atlantic University. Requires the board of each center to raise funds equivalent to 2% of the funds allocated each year. Prohibits direct medical or pharmaceutical intervention after July 1, 2008. **Effective upon becoming law.**

HB 1377, Ethics/Public Officer and Employees by Representative Tim Ryan (D-Dania Beach), prohibits state or political subdivision employees from participating in political campaigns during on-duty hours or certain other hours; revises post-employment restrictions to apply to other-personal-services temporary employees and requires gift disclosure forms of individuals who left office or employment during calendar year to be filed by date certain. Allows Select Exempt employees, transferred from Career Service under Service First, to lobby their former

agency immediately upon termination, instead of having to wait 2 years. However, no former employee may immediately lobby on a matter in which the employee participated while employed by a government agency. Changes the method for disclosing assets and liabilities. Requires disclosure of gifts by those leaving employment by July 1. Allows the Attorney General to file suit to recoup agency costs for collecting penalties. Allows unemployed state employees to work for the private entity who assumes the employees' former duties. Specifies that lobbyists may appeal fines resulting from untimely filings of expense reports. **Effective October 1, 2005.**

SB 1446, Public Employee Optional Retirement by Senator Nancy Argenziano (R-Crystal River), clarifies that State Administration Board may require that member of FRS provide evidence of termination; provides that member of Public Employee Optional Retirement Program may not return to employment with an employer under FRS until after being terminated for 3 calendar months; changes requirements of DMS's designation of fifth company to provide services under state university optional retirement program, etc. **Effective July 1, 2005.**

SB 1494, Information Technology Management by Senator Nancy Argenziano (R-Crystal River), provides each agency use information technology investment management process to support investment decisions; establishes Technology Program in DMS; creates Fla. Technology Council; limits actions by said council which affect cabinet officer; authorizes dept. to provide SUNCOM services to hospitals or other facilities licensed under specified provision; provides for development of State-wide Information Technology strategic Plan, etc. **Effective July 1, 2005.**

HB 1715, Domestic Security by Representative Sandra Adams (R-Oviedo), requires that the initial assessment of each building, facil-

ity, or structure owned or leased by a state university must be submitted to the Chief of Domestic Security before occupation or substantial modification. Additionally, the bill no longer requires report to Governor and Legislature, and it requires implementation of suggestions after consultation with state agencies, state universities, and community colleges. Changes the agencies who may serve on the regional task forces. Creates the Domestic Security Oversight Council to coordinate domestic security activity. **Effective upon becoming law.**

HB 1907, FRS/Payroll Contribution Rates by Representative Joe Negron (R–Stuart), revises payroll contribution rates for membership classes of Fla. Retirement System for state fiscal years effective July 1, 2005, & July 1, 2006. **Signed by the Governor on May 26, 2006 and becomes effect on July 1, 2005. Chapter 2005-93**

SB 2268, Athletic Trainers by Senator Mike Fasano (R–New Port Richey), requires that athletic trainers complete an approved athletic trainers curriculum and be licensed. Additionally, the bill allows athletic training students to act under the direct supervision of a licensed athletic trainer. **Vetoed by the Governor on May 26, 2005.**

HB 6001, Sales Tax/Hurricane Preparedness by Representative Ron Greenstein (D–Coconut Creek), provides exemption from sales & use tax for sales of certain tangible personal property for certain period for certain purposes; authorizes DOR to adopt certain rules. APPROPRIATION: \$421,400. **Effective upon becoming law.**

Bills That Failed:

University Naming Bills: HB 37 by Representative Charlie Justice (D–St. Petersburg), HB 219 by Representative Lorraine Ausley

(D–Tallahassee), SB 2398 by Senator Jim Sebesta (R–St. Petersburg) and, SB 1968 and SB 90 by Senator Al Lawson (D–Tallahassee), These bills named facilities on university campuses.

HB 21, State Financial Assistance to Certain Foreign Students by Representative Dick Kravitz (R–Orange Park) and SB 866 by Senator by Senator Mike Haridopolis (R–Melbourne), prohibited a state university or community college from providing any student holding and F-1 or M-1 visa with financial assistance from state funds appropriated directly or indirectly to the institution or tuition or fee revenues generated by Florida Residents.

HB 67 Major Gifts by Representative Carl Domino (R–Palm Beach Gardens, FSU Alumnus) and SB 528 by Senator by Senator Jim King (R–Jacksonville, FSU Alumnus), revised the Trust Fund for University Major Gifts and authorized the BOG Foundation, Inc. to provide matching grants. The bills also deleted provisions that authorized encumbrances and required donation to support priorities established by the university boards of trustees and revised the manner in which donation must be matched. Additional the bills revised provision relating to donations that may be used to designate an Eminent Scholar Endowed Chair. It reduced matching percentages and clarified the BOG Foundation's role.

HB 131, Centers of Excellence by Representative David Meador (R–Lake Mary) and SB 1444 by Senator Ron Klein (D–Delray Beach), provided purposes and objectives of centers of excellence and created the Emerging Technology Commission in the Executive Office of The Governor. Additionally, the bill provided duties of the Florida Research Consortium, Inc., regarding reviewing and reporting and required the commission to adopt criteria for evaluating proposals for establishing/expanding centers of excellence.

HB 167, Community College Baccalaureate Programs by Representative Stan Mayfield (R–Vero Beach) and SB 2254 by Senator Jim King (R–Jacksonville, FSU Alumnus), provided that community colleges that grant baccalaureate degrees remain under authority of State Board of Education regarding specified responsibilities and provided guidelines & restrictions for setting tuition & out-of-state fees for upper-division courses. Authorized each community college board of trustees to establish transportation user fee and limited such fee to cost of service provided.

HB 221, Employee Allowances by Representative Lorraine Ausley (D–Tallahassee) and SB 778 by Senator Al Lawson (D–Tallahassee, FSU Alumnus), allowed certain state employees access to open magnetic resonance imaging services under certain conditions and established per diem, subsistence, & mileage rates for travel expenses of public employees; conforms provisions & deletes obsolete provisions; provides for future adjustments of such rates.

HB 237, Florida Prepaid College Program by Representative Ken Gottlieb (D–Miramar) and SB 1162 by Senator Jeff Atwater (R–North Palm Beach), revised provision to provide that a qualified beneficiary within 18 years of enrollment in an eligible postsecondary institution shall be eligible for benefits for which her or she has contracted.

HB 393 University Building Designations by Representative Aaron Bean (R–Fernandina Beach) and SB 1186 by Senator Jeff Atwater (R–North Palm Beach), authorized university boards of trustees to name campus buildings and facilities after living persons.

HB 437, University Growth Funding by Representative Frank Attkisson (R–Kissimmee) and SB 1260 by Senator Stephen Wise (R–Jacksonville), established SUCCEED FL to address nursing shortage and

provided \$5 million in the SUS budget (Line Item 9A) and \$7 million in the community college budget (Line Item 7B) to address nursing shortage. Distribution would be competitive (public & private) under a process set up by DOE and SBE. Budget Proviso: contained in the appropriations bill gave the Education Commissioner was given authority to request a budget amendment to realign the funds, including \$11 million for secondary and postsecondary career education programs.

HB 837, Student and Faculty Academic Freedom by Representative Dennis Baxley (R-Ocala, FSU Alumnus) and SB 2126 by Senator Stephen Wise (R-Jacksonville), provided a postsecondary student and faculty bill of rights and specified student, faculty and instructor rights. The bill required the dissemination of copies of the act to state universities and community colleges.

HB 901, Health Education Center Network by Representative Baxter Troutman (R-Winter Haven) and SB 702 by Senator Durell Peadar (R-Crestview), revised provisions regarding the operation of the network and required the Department of Health, in cooperation with state medical schools, to maintain and evaluate the network. The bill provided for increased training and educational opportunities in medically underserved areas and provided that the network not discriminate among enrollees. Additionally, the bill provided that the Rural Health Office be responsible for state coordination of federal rural hospital and rural health care grant programs, etc.

HB 943, Student Financial Assistance by Representative Pat Patterson (R-DeLand) and SB 1256 by Senator Stephen Wise (R-Jacksonville), created the Florida Independent Collegiate Assistance Grant Program. The bill provided for program administration, authorized tuition assistance grants to certain postsecondary education students enrolling

in undergraduate degree programs for specified occupations.

HB 1101 Nursing Licensure Compact by Representative Anitere Flores (R-Miami) and SB 2210 by Senator Burt Saunders (R-Naples), incorporated the Nurse Licensure Compact into the Nurse Practice Act and provides for implementation of the compact. The bill required the Board of Nursing to adopt rules to conform with the compact.

HB 1325 Governmental Authority/Communication by Representative Frank Attkisson (R-Kissimmee) and SB 2072 by Senator Lee Constantine (R-Altamonte Springs) created Governmental Authority Provision for Communication Services Act and authorized governmental authorities to provide communication services in certain circumstances, etc. The bill would have had an adverse affect on the universities Lambda Rail project.

HB 1533, Sure Futures Postgraduate Program by Representative Kevin Ambler (R-Tampa and SB 2606 by Senator Victor Crist (R-Tampa), created a program to match private sector business that need employees who have advanced degrees with students who are seeking advanced degrees and employment. The bill provided criteria for student and corporate partner participation in the program and provided that corporate partners donate funds for scholarships and receive tax credits for amounts donated.

HB 1585, Nursing by Representative Yolly Roberson (D-North Miami) and SB 1116 by Burt Saunders (R-Naples), defined the terms "clinical nurse specialist practice" and "clinical nurse specialist" and provided requirements for certification as said specialist. Additionally, the bill required advanced registered nurse practitioners to register with the Board of Nursing to prescribe medicinal drugs, including controlled substances.

HB 1803, FSU Chiropractic School Funding by Representative Fred Brummer (R-Apopka) and SB 378 by Senator Jim King (R-Jacksonville, FSU Alumnus), eliminates provisions requiring an annual distribution of \$9 million to Florida State University for a chiropractic School. Also deletes the authority for FSU to use the funds for any purpose.

HB 1853, Nurses/Increasing production in Florida by Representative David Mealor (R-Lake Mary) and SB 1060 by Senator Mike Fasano (R-New Port Richey), required the Board of Nursing to evaluate its rules for clinical instruction and to provide assistance to programs attempting to increase their capacity. The bills directed the Florida Center for Nursing to develop and implement an information system to assess the workforce needs of the nursing profession in Florida and established the SUCCEED Florida-Crucial Professionals Nursing Education Grant Program to award grants to approved nursing programs who submit proposals to produce more nurses to enter the workforce in Florida, etc.

SB 2090, Joint Resolution School Classroom Size/Teachers' Pay by Senator Evelyn Lynn (R-Ormond Beach) and HB 1843 by Representative John Stargel (R Lake Land, FSU Alumnus), constitutional amendment to amend maximum class sizes in public school classrooms, to move up implementation date, to require that public school teachers receive minimum salary of \$35,000, & to require that minimum salaries be higher than national average beginning salary for public school teachers. Amends s. 1, Art. IX.

SB 2480, Education by Senator Evelyn Lynn (R-Ormond Beach) and HB 6007 by Representative Frank Attkisson (R-Kissimmee), required State Board of Education to periodically review Sunshine State Standards; creates Just Read, Florida! Office within DOE and prescribed obligations of DOE for education schol-

arship programs, required school districts to adopt certain reading policies in high schools, established general requirements for promotion from middle school, and required use of certain funds for class size reduction, etc.

HB 6005, Postsecondary Issues by the Education Council (no Senate companion), combined several bills. It revised provisions and provided responsibilities relating to career edu-

cation, nursing education programs, postsecondary enrollment baccalaureate degree programs at community colleges, secondary and postsecondary academic and career education advising, workforce education programs offered by school districts, career and professional academies, excess hours, postsecondary tuition and fees, postsecondary grant and loan programs and postsecondary advance payment contracts.

THANKS AGAIN!

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