



# LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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Although the annual 60-day assembly of the Florida Legislature for 2011 officially opens tomorrow, discussions pertaining to the budget for the upcoming fiscal year have been underway since January. Consequently, major bills are already scheduled to be heard on the Senate floor this week. What that means is that the pace of this year's session is already breakneck, even though the formal opening hasn't taken place yet!

In any case, state lawmakers must reconcile a budget that lacks the stimulus dollars the federal government provided for the past two years. At the same time they are faced with a potential \$4.6 billion shortfall in revenue. Despite that our elected representatives have no revenue-enhancement measures under consideration. On the contrary, the Senate is poised to vote this week on a possible constitutional mandate that would cap future revenue-collection amounts to defined levels.

As for substantive legislation, House and Senate committees will be holding hearings this week on bills pertaining to state-employee pension reform (**see related story**).

Other issues set for hearings this week include Senate bill (SB) 736, which would overhaul the pay structure for Florida's K-12 teachers (ending their tenure and phasing in short-term contracts whereby their evaluations would be based in part on student performance). Additionally, a proposed constitutional amendment will be heard in the Senate tomorrow that would exempt Florida residents from carrying healthcare insurance, a measure that would put the state at odds with recently enacted federal healthcare legislation (**see Spotlight on Bills**).

Tomorrow afternoon at 5:30 the Legislature will gather for Governor Rick Scott's first State of the State address, which can be viewed on both The Florida Channel (local cable channel 4) and online at WFSU.org.

This legislative update will be distributed each Monday during the nine-week session, but please feel free to contact me in the meantime if you have issues of concern or interest. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

*Kathleen*

## Florida State University 2011 Legislative Priorities

- Maintain quality despite budget cuts. The challenge is to fund Higher Education in the face of State budget deficits so that low cost does not compromise hard-earned quality.
- Critical need for resources. FSU's core budget is down 25% since 2007-08. The impact of that is a:

20% decrease in technical staff

12% decrease in clerical staff

Suspended 37 programs/majors

125 fewer faculty for the same number of students

Decreased ability to secure grants & foster innovation.

- Support for the University's PECO list. (Public Education Capitol Outlay), which is the fund that is used to build facilities.
- Support for funding of the Major Gifts Matching Grant Program, which enables the university foundations to receive state matching funds for private, endowed contributions to the university. The program was last funded in 2007-08 creating a \$200 million backlog for the university system.

### FSU College of Medicine Legislative Priorities

- Maintain College of Medicine funding. Funds are necessary to support the mission of producing primary care physicians through the medical school's unique model that uses regional campuses.
- Support FSU College of Medicine Area Health Education Center (AHEC) funding. The AHEC develops a health care workforce to provide clinical services for patients in rural and underserved areas.
- Support Continuation of the Supplemental Faculty Physician Payment Mechanism in Medicaid Reform—The FSU College of Medicine benefits from the supplemental faculty physician payment for services provided by faculty physicians.



THE FLORIDA STATE UNIVERSITY  
GOVERNMENTAL RELATIONS

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# FSU Day at the Capitol

FSU Day at the Capitol has become a popular tradition during the session and a wonderful opportunity to bring Florida State University to our friends in the Legislature. With this event, we emphasize the University's long and proud heritage and bring attention to the extraordinary accomplishments of students and faculty. This year, **FSU Day at the Capitol is scheduled for Tuesday, April 12, 2011.** Additionally, we are expanding the festivities this year with a kick-off reception the evening of April 11th on the 22nd floor of the capitol.

Please join us for a day filled with informative displays in the plaza level, second and third floor rotundas from 10:00 a.m. to 2:00 p.m., as well as appearances by FSU celebrities, performances by the Pep Band, cheerleaders and the Flying High Circus during the lunch hour in the courtyard beginning at 11:30 a.m. Refreshments will be available for all to enjoy. Please contact Toni Moore at 644-3847 if your department has not yet signed up for a display.

Mark your calendars now! We look forward to seeing you in your Garnet and Gold on **April 12.**

## SESSION SCHEDULE

### SENATE SESSION

**Tuesday, March 8, 2011**

*10:00 a.m. to 12:00 noon  
5:00 p.m. to 5:50 p.m.*

**Wednesday, March 9, 2011**

*9:00 a.m. to 12:00 noon*

**Thursday, March 10, 2011**

*9:00 a.m. to 12:00 noon*

### HOUSE SESSION

**Tuesday, March 8, 2011**

*10:50 a.m. to 12:00 noon*

**Wednesday, March 9, 2011**

*10:45 a.m. to 12:15 p.m.*

**Thursday, March 10, 2011**

*1:00 p.m. to 2:50 p.m.*

### JOINT SESSION

**Tuesday, March 8, 2011**

*5:50 p.m.*

## PENSION REFORM

Pension reform for state employees is a main topic of discussion for this year's Legislative Session. Governor Scott's proposed budget recommendations call for changes to the Florida Retirement System, making the system a contributory savings. The Governor's plan would require employees to contribute 5% toward their pension.

The Legislature has proposed several bills that address changes to the retirement system.

### **SB 1130, by Senator Jeremy Ring (D - Margate) will:**

Close the defined benefit plan to members enrolled on or after July 1, 2011 and require members enrolling on or after that date to enter the defined contribution plan.

- Change vesting for members enrolled in the defined contribution plan on or after July 1, 2011. Vesting will occur in graded increments over a five-year period.
- Change the FRS from a noncontributory system to a contributory system and requires each active member of the FRS to contribute a percentage of gross salary to fund retirement benefits, effective July 1, 2011. (percentage amount will be determined in the appropriations process.)
- Amend the definitions of "compensation" and "average final compensation" to exclude overtime and accumulated annual leave for all members, effective July 1, 2011.
- Create an additional death benefit for members of the defined contribution plan who are killed in the line of duty.

### **The bill also will:**

- Establish the required employer payroll contribution rates for each membership class and subclass of the FRS retirement plan for the fiscal year beginning July 1, 2011.
- Require each active member of the Senior Management Service Optional Annuity Program, the State University System Optional Retirement Program, and the Community College Optional Retirement Program to contribute the same percentage of gross salary to fund retirement benefits as those contributed by FRS employees, effective July 1, 2011.
- Create conforming and implementing provisions related to the substantive changes.

The bill was work-shopped in the Governmental Oversight and Accountability Committee in February and will be amended in Committee this week. A similar House Bill will be released next week.

**SB 1160 by Senator Jeremy Ring** and its identical companion, **HB 825 by Representative Ritch Workman (R - Melbourne)**, provide that a retiree of a state-administered retirement system who retires on or after a certain date may not be reemployed by an employer that participates in a state-administered retirement system and receive both a salary for employment and retirement benefits.

Another proposal, **HB 303 by Representative Fred Costello (R - Deland)** eliminated the Deferred Retirement Option Program (DROP) effective June 30, 2011. This would have included employees who are currently in DROP. Additionally, the bill raised the minimum retirement age to 55 and reduced the rate of retirement credit to 1.6 or less. **This bill was withdrawn prior to introduction and is no longer under consideration for the 2011 Legislative Session.**

# Spotlight on Bills

**SB 234, Firearms by Senator Greg Evers (R – Crestview)**, amends the concealed weapons license law to provide that a person who is in compliance with the concealed carry license requirements and limitations may carry such weapon openly in addition to carrying it in a concealed manner. It also revises the definitions of places where a person may lawfully carry a weapon by deleting the prohibition against carrying a weapon on the property of colleges, universities, career centers and certain elementary and secondary schools. The bill provides that a person who is licensed to carry a weapon or firearm shall not be prohibited from carrying it in or storing it in a vehicle for lawful purposes. The bill was temporarily postponed in the Criminal Justice Committee in February. A similar bill in the House, **HB 517 by Representative Chris Dorworth (R – Heathrow)**, has been referred to the Criminal Justice Subcommittee.

**SB 736, Education Personnel by Senator Stephen Wise (R – Jacksonville)**, creates the "Student Success Act." The bill is a comprehensive education personnel initiative that provides for a reform of the evaluations of instructional personnel and school administrators; compensation; and employment practices. The bill provides for the following:

#### **Performance Evaluations for Instructional Personnel and School Administrators**

- Requires the Commissioner of Education to establish a learning growth model for school district use for the Florida Comprehensive Assessment Test (FCAT) and other statewide assessments to measure the effectiveness of instructional personnel and school administrators based on what a student learns;
- Provides that 50 percent of an evaluation is based on student performance over a 3-year period, with the remainder of the evaluation based on instructional practice or leadership, as applicable;

#### **Compensation for Performance**

- Requires school districts to establish a new performance salary schedule by July 1, 2014, that provides annual salary increases based upon the performance evaluation;
- Allows current teachers and school administrators to remain on the current salary schedule with an option to move to the new performance salary schedule;
- Beginning with instructional personnel hired on or after July 1, 2011, prohibits a district school board

from using advanced degrees to set the salary schedule unless the advanced degree is held in the individual's area of certification;

- Provides for earning additional salary supplements for differentiated pay based on assignment to a high priority location, certification and teaching in critical teacher shortage areas, or assignment of additional academic responsibilities;

#### **Employment**

- Eliminates professional service contracts for instructional personnel newly-hired, beginning July 1, 2011;
- Revises the criteria for renewal of contracts by tying renewal to the performance evaluation; and
- Clarifies that just cause under a professional service contract includes unsatisfactory performance on the individual's evaluation.

The bill is scheduled to be heard by the full Senate on Wednesday. A similar bill in the House, **HB 7019 by Representative Erik Fresen (R – Miami, FSU Alum)** has been referred to the Education Committee.

**SB 2, Health Care by Senator Mike Haridopolos (R – Melbourne)** is a joint resolution proposing the creation of Section 28 of Article I of the State Constitution, to preserve the freedom of Florida residents to provide for their own health care by:

- Ensuring that any person, employer, or health care provider is not compelled to participate in any health care system;
- Authorizing a person or employer to pay directly, without using a third party such as an insurer or employer, for health care services without incurring penalties or fines; and
- Authorizing a health care provider to accept direct payment for health care services without incurring penalties or fines.

The joint resolution also does not allow a law or rule to prohibit the purchase or sale of health insurance in private health care systems and specifies certain aspects of health care that are not affected by this constitutional amendment. In addition, the joint resolution also defines terms that are used within the proposed constitutional amendment. The joint resolution includes the statement that is to be placed on the ballot at the next general election or at an earlier special election. The bill is scheduled to be heard by the full Senate tomorrow. The identical bill in the House, **HB 1 by Representative Scott Plakon (R – Longwood)** is now in the Health &

Human Services Quality Subcommittee.

#### **HB 1021, Labor and Employment, by Representative Chris Dorworth (R – Heathrow)**

prohibits a state agency from deducting from an employee's wages, dues, uniform assessments, fines, penalties, or special assessments of employee organization or contributions made for purposes of political activity. The bill prohibits a county, municipality, or other local governmental entity from deducting from employee wages dues, uniform assessments, fines, penalties, or special assessments of employee organization or contributions made for purposes of political activity. Additionally, the bill requires that labor organization refund any dues, uniform assessments, fines, penalties, or special assessments paid by employee which were used for political contributions or expenditures unless employee has provided prior authorization and requires that labor organization provide notice of such contributions & expenditures, etc. The identical bill in the Senate, **SB 830 by Senator John Thrasher (R – Jacksonville, FSU Alum)** is scheduled to be heard today in the Community Affairs committee.

#### **HB 1025, Labor and Employment by Representative Chris Dorworth (R – Heathrow)**

provides that employees who are members of a labor organization may decertify the labor organization or its certified bargaining agent certified by the Public Employees Relations Commission as representing the employees in a bargaining unit, at any time. Additionally, the bill requires a labor organization to annually provide to its members a written notice explaining the rights of a member under state and federal law to decertify, collectively with other members, the labor organization. There is no Senate companion at this time.

**HB 355, Property Taxation, by Representative Marlene O'Toole (R – The Villages)**, revises, updates the Taxpayer Bill of Rights and consolidates provisions of law relating to tax collections, sales, and liens. The bill revises provisions relating to applications for tax deeds and authorizes tax collector to charge fee to cover costs for electronic tax deed programs or services, etc. The bill is in the Finance and Tax Committee. A Senate companion, **SB 382 by Senator Ellyn Setnor Bogdanoff (R – Ft. Lauderdale)** is in the Budget Committee.