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Distance Learning and Student Fees Proposals

The House Committee on Higher Education discussed a proposed committee bill last week that would establish the Florida Distance Learning Consortium. The Consortium will be comprised of 9 members appointed by the governor. Four members will be from the state university system, four from the community college system and one private citizen having experience in distance learning education.

The bill requires the Consortium to develop, operate and promote the "Florida Higher Education Distance Learning Catalog" to help increase student access to distance learning courses and degree programs. The catalog will be established as an interactive, web-based single point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions.

Additionally, the bill mandates a state university to assess a student who enrolls in a course listed in the catalog a per credit hour distance learning course fee that does not exceed 10 percent of tuition and the out-of-state fee the student is assessed to enroll in the course.

The proposal is in draft form at this time, and has not yet been voted on by the committee. A similar draft has been proposed by the Senate Higher Education Appropriations Committee.

In addition to distance learning, legislators also worked on a student fees proposal last week. The proposed draft language revises provisions relating to the determination of a student's residency status for tuition purposes and ties the statutorily-required minimum 12-month residency period to a student's initial enrollment in a Florida postsecondary institution. The proposal also aligns statutory provisions relating to technology fees for community colleges and state universities. Technology fee revenue must be used to enhance instructional resources for students and faculty. The technology fee will not be covered by Bright Futures.

Further, the proposal removes the 10 percent cap on annual adjustment to tuition for professional programs at state universities except for students who are currently enrolled in such programs and maintain continuous enrollment. The draft language requires that a minimum of 95%

of the financial aid fee revenues from resident undergraduates at state universities be used to provide need-based aid for such students (up from 71 percent) and that a minimum of 75% of any remaining funds from the financial aid fee be used for need-based aid.

There is nothing ordinary about this year's legislative session. As an example, at this one-month point in the session, legislators will finally begin crafting the budget for the next fiscal year, which begins on July 1. It makes sense that they would hold off until now - even though next year's budget is the only legislation they are constitutionally required to pass - since the fiscal picture is so bleak. Still, beginning this process during week four of the nine-week session is unprecedented.

Last week, both the House and Senate Higher Education Committees rolled out a proposal that would change the way community colleges and state universities distribute and charge for distance education (DE). Despite the fact that DE in our state appears to be humming along, legislators felt it necessary to "review" and possibly "tweak" this system (see related story). Other proposals being watched carefully include a bill that would raise the percentage of financial aid distributions from 71 to 92 percent and one that would allow for differential tuition at UCF and FIU (see Spotlight on Bills).

U.S. Senator Mel Martinez (R. - FSU Alum) is scheduled to give a federal update to the state House and Senate on Wednesday. Afterwards, he will address students from the FSU College of Law in the law school rotunda. His remarks are open to the public.

As always, please feel free to contact me if you have questions about issues that concern you. I can be reached at (850) 644-4453 or kdaly@fsu.edu.

Kathleen

SESSION SCHEDULE	
SENATE SESSION	HOUSE SESSION
Wednesday, March 26 9:00 a.m. to 12:00 noon	Wednesday, March 26 1:15 p.m. to 5:15 p.m.
Thursday, March 27 9:50 a.m. to 12:00 noon	Thursday, March 27 1:00 p.m. to 5:00 p.m.

Spotlight on Bills

SB 2654 – Autism Spectrum Disorder by Senator Steven Geller, (D – Hallendale Beach, FSU Alum), requires large group health insurance plans to provide coverage for diagnostic screening, intervention and treatment of autism spectrum disorder in children. Health insurance plans cannot deny, refuse to issue or reissue coverage, terminate, or restrict coverage because the individual is diagnosed with autism spectrum disorder. To be eligible for benefits and coverage, an individual must be diagnosed with an autism spectrum disorder at 8 years old or younger. Benefits and coverage must be provided to eligible persons that are under 18 years old or who are in high school. Coverage cannot be subject to dollar limits, deductibles, or coinsurance provisions that are less favorable than those applied to covered physical illnesses under the health plan. However, coverage for behavioral therapy is subject to a maximum benefit of \$36,000 per year. Beginning January 1, 2010, the \$36,000 maximum benefit is to be adjusted annually on that date to reflect annual changes in the medical component of the Consumer Price Index. All coverage for autism spectrum disorders may be subject to other general exclusions and limitations of the insurer's policy or plan. Additionally, the bill was amended to relocate the Center for Autism Related Disorders at the FSU Department of Communication to the FSU College of Medicine. The bill passed out of the Banking and Insurance Committee last week and will next go to the Health Policy Council. The companion bill in the House, **HB 1291, by Representative Ari Porth (D – Coral Springs),** passed out of the Health Innovation Committee last week. The House bill contains a provision requiring public institutions of higher education to incorporate into educator certificate course curricula recommendations of the

Commissioner of Education relating to autism awareness and teaching students who have autism spectrum disorder. The bill requires the Commissioner to develop recommendations for instruction and course curricula relating to autism spectrum disorder and requires the Commissioner to submit such recommendations to the State Board of Education and Board of Governors.

CS/CS/SB 1712 – Ethics in Education Act by Senator Lisa Carlton (R – Osprey), establishes a list of crimes or delinquent acts that would serve as an absolute bar against any individual, if convicted, from obtaining or retaining a teaching certificate or employment involving direct contact with students, and requires each school district to adopt a list of employment disqualifications to include at minimum, those at the state level. The bill requires school to adopt stringent and effective policies for screening potential employees and terminating existing employees for misconduct. Additionally, the bill requires that any public officer or employee convicted of certain sex offenses involving minors would forfeit their right to any state retirement benefits. The bill passed out of all committees of reference last week. There is no House companion at this time.

SB 1130 – Firearms in vehicles by Senator Durell Peadar (R – Crestview), codifies the right of persons to possess firearms in or on their vehicles while parked on the property of businesses, employers, and other public or private entities. The bill relieves entities of certain duties that would then apparently limit civil liability so long as the entity complies with the statute. It appears as though the provisions of the bill do not apply to school property, however clarification may be necessary to ensure that universities are

exempt. The bill passed out of the Criminal Justice Committee last week. A similar bill in the House, **HB 503, by Representative Greg Evers (R – Milton),** passed out of the Environment & Natural Resources Council last week.

SB 1716 – Higher Education by Senator Steve Oelrich (R – Gainesville, FSU Alum), creates the Florida College System comprised of two-year and four-year public postsecondary educational institutions that grant academic degrees at the undergraduate level. The bill establishes a system of governance for the Florida college system and re-designates the names of certain community colleges as colleges and creates the Florida College System Task Force for the purpose of developing recommendations for the migration of community colleges to baccalaureate-degree-granting colleges. The bill creates the State College Pilot Project and designates certain institutions to participate in the project and provides duties and reporting requirements for the institutions. Additionally, the bill provides that an institution within the Florida college system may not offer graduate degree programs. The bill passed out of the Higher Education Committee last week. There is not an exact House companion at this time, however a similar proposal is included in the joint resolution that would redefine the Board of Governors and reinstate an elected Commissioner of Education. That proposal, if passed by the Legislature, must receive the approval of the voters in November.

SB 320 – University Fees/ Undergraduate Tuition differential by Senator Lee Constantine (R – Altamonte Springs), revises the eligibility criteria for state universities authorized by the Board of Governors to establish a uniform maximum undergraduate tuition differential, which does not exceed 30

percent of tuition, to require only that the institution have research expenditures from externally awarded contracts and grants of at least \$100 million per year. Accordingly, these universities would no longer have to meet the 2005 Carnegie Classifications as a research university with very high research activity to qualify for the tuition differential. Under the new eligibility criterion, the University of Central Florida and Florida International University likely would be eligible for the tuition differential, thus making five of the 11 state universities eligible for the tuition differential. (Florida State University received permission to assess a differential from the Legislature during the 2007 Legislative Session.) The bill was passed in the Higher Education Committee last week. The identical bill in the House, **HB 745, by Representative Steve Precourt (R – Winter Garden)**, has been referred to the Schools and Learning and Policy and Budget councils.

SB 1428 – Retirement Program/Community Colleges/Universities by Senator Mike Fasano (R – New Port Richey), permits former participants in the Community College Optional Retirement Program and the State University Optional Retirement Program to transfer their membership to the Florida Retirement System during an election period commencing January 1 and ending December 31, 2009. The participant is responsible for the transfer of credit from the optional program, inclusive of any credits received under former membership in the FRS, and must replenish with personal funds any amount necessary to satisfy the actuarially determined amount. Amounts in excess of the required sums accrue to the participant. The bill passed out of the Governmental Operations Committee last week. The identical bill in the House, **HB 551, by Representative Bill Heller (D – St. Petersburg)**, has been referred to the Policy and Budget Council and the Committee on State Affairs.

HB 1281 – Medical Faculty Certificate by Representative Eduardo Gonzales

(R – Hialeah Gardens), adds Florida International University and the University of Central Florida to the current list of five Florida medical teaching institutions where a physician who is not currently licensed in Florida may be authorized to practice medicine in conjunction with a full time faculty appointment. The bill was passed by the Committee on Health Quality last week. The identical bill in the Senate, **SB 2366, by Senator Alex Diaz de la Portilla (R – Miami)**, has been referred to the Health Regulation and Higher Education committees.

HB 925 – Florida’s K-20 Education Performance Accountability System by Representative Charles McBurney (R – Jacksonville), requires that the K-20 education performance accountability system [must] comply with the requirements of the ‘No Child Left Behind Act of 2001,’ and the ‘Individuals with Disabilities Education Act.’ The bill was passed by the Education K-12 Committee and is now in the Schools and Learning Council. A similar bill in the Senate, **SB 2396, by Senator Stephen Wise (R – Jacksonville)**, has been referred to the Education Pre-K – 12 and Education Pre-K - 12 Appropriations committees.

HB 603 – Textbook Affordability by Representative Anitere Flores (R – Miami), prohibits employees of a community college or state university from receiving anything of value in exchange for requiring a student to purchase a specific textbook for coursework and instruction. The bill does provide exceptions that permit an employee to receive: sample copies, instructor copies, and instructional materials; royalties for books that include the instructor’s own work; honoraria; compensation for reviewing and preparing supporting material; and, training in the use of course materials. This bill requires community colleges and state universities to post on their websites the books that will be required for each course, including the International Standard Book Number (ISBN) and other relevant information for identifying the book, at least 30 days

before the first day of class. The State Board of Education and Board of Governors are required to create policies, procedures, and guidelines for textbook notification for classes added after the notification deadline. The bill reported favorably out of the Schools and Learning Council last week. The identical bill in the Senate, **SB 2350, by Senator Jeff Atwater (R – North Palm Beach)**, has been referred to the Higher Education and Higher Education Appropriations committees

HB 1331 – Art in State Buildings by Representative Rich Glorioso (R – Plant City), repeals Florida statutes 255.043, F.S. which requires that 0.5 percent of the total appropriation for the construction of a state building, not to exceed \$100,000, must be used for the acquisition of works of art produced by, but not limited to, Florida artists or craftspersons. Additionally, the statute directs that the works of art acquired are to be displayed in public areas in the interior or on the grounds or the exterior of the building and not in private offices or areas with limited public access. The bill reported favorably out of the Audit and Performance Committee. The identical bill in the Senate, **SB 1516, by Senator Rhonda Storms (R – Brandon)**, has been referred to the Governmental Operations and General Government Appropriations committees.



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