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After two weeks of lengthy negotiations on the state budget, House and Senate leaders announced a deal following a late-night meeting on Monday. With final votes on the nearly \$80 billion state spending plan for FY 2016-2017 scheduled for Friday, the 2016 Legislative Session appears to be set to end on time this year.

Legislators agreed to provide an additional \$13.345 million in recurring funds for our University Preeminence program, which was FSU's number one priority going into the session. Plus, the Earth, Ocean and Atmospheric Science (EOAS) Building received an additional \$12 million toward its construction. A rundown of budget outcomes for Florida State is included in this newsletter.

As this year's session winds down, the number of bills relevant to state universities also continues to decrease. Access and affordability legislation, as well as performance and accountability proposals, remain on the House and Senate calendars for hearings by their full chambers. Please see the **Spotlight on Bills** section of this newsletter for more information.

Please feel free to contact me if you have questions about budget items, proviso language or issues outlined in the implementing bill. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

Implementing Bill – HB 5003

The Implementing Bill contains provisions necessary to effect the general appropriations bill and is effective for one fiscal year only. Following are some of the issues contained in this year's bill:

Emerging Preeminence -- Amends s. 1001.7065, F.S. relating to the Preeminent State Research Universities Program to require the Board of Governors to designate each state university that meets at least six of the 12 academic and research excellence standards identified in law as an "emerging preeminent state research university." Also modifies the academic and research excellence standards of the preeminent state research universities program and establishes funding parameters for universities designated as "preeminent" or "emerging preeminent."

Preeminent State Research University Special Course Requirement Authority in s. 1001.7065 (7) is reduced to 6 credits, from the current 9-12 credit authorization.

State University System Performance Based Incentive

– Requires the BOG to establish minimum performance funding eligibility thresholds for both the state's investment and the institutional investment. Additionally, the bill:

1. A state university that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state's investment in performance funding.
2. Clarifies that an institution that fails to meet the BOG's threshold for the institutional investment shall have its entire institutional investment withheld (previous practice was to withhold a portion of the institutional investment).

Postsecondary Distance Learning Fees -- Clarifies that the average distance learning course fee assessed by a state university may not exceed \$30 per credit hour.

Teacher Liability Insurance -- Amends s. 1012.75(3) to create the Florida educators professional liability insurance.

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Implementing Bill – HB 5003, *continued*

ance program which protects public school educators and administrators from liability for monetary damages and the cost of defense of their actions. Requires DOE to notify all instructional personnel by August 1 of pending procurement for liability insurance and by September 1 for the actual coverage provided.

Also amends s. 1012.39, F.S. to require district school board to notify a student performing clinical field experience of the availability of educator liability insurance under s. 1012.75. Prohibits a postsecondary educational institution or district school board from requiring a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience.

Budget Update

The budget conference process wrapped up Monday night with final offers made by the House and Senate Appropriations Chairs. There is a 72 hour waiting period before the General Appropriations Act (GAA) can be voted on. Final passage will be sometime Friday afternoon/evening. Once the GAA is presented to the Governor, he has 15 days to issue vetoes.

Preliminary Breakdown (*Final provided after budget has passed*)

Issue	Amount
General Revenue	\$237,453,654
Includes:	
Additional Preeminence	\$13,345,000 R
College of Law – Scholarships	\$1,000,000 R
FSU High-Risk Delinquent & Dependent Youth Educational Research Project	\$1,569,000 R
FSU – Innovation & Engineering Pipeline Project-Facility Renovations	\$2,000,000 NR
Institute for Charter School Innovation	(\$250,000)
Student and Other Fees	\$238,310,768
Lottery	\$42,414,121
Need-based Financial Aid	\$1,467,667
FSU/UCF/FIU University Security Management Technology -- \$900,000 --- FSU portion	\$300,000 NR
College of Medicine -- GR	\$35,379,583
Includes:	
FSU College of Medicine – Mental Health Early Screening	\$1,000,000 R
Student and other fees	\$13,019,086
College of Medicine Lottery	\$605,115
FSU College of Medicine – Immokalee	\$450,000
FAMU/FSU College of Engineering	\$13,241,710
PECO	
Earth Ocean Atmospheric Sciences Building	\$12,000,000

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Budget Update, *continued*

Black Student Union Renovation	\$1,500,000
Florida Diagnostic & Learning Resources Center (FDLRC)	\$450,000
Communication Autism Navigator	\$1,353,292
Autism Program (CARD)	\$1,171,922

Public Broadcasting

FL Channel – closed captioning	\$390,862
FL Channel – Satellite Transponder	\$800,000
FL Channel – Cultural Affairs	\$497,522
FL Channel – Year Round Coverage	\$2,562,588
Public Radio Stations	\$1,300,000
Public Television Stations	\$3,996,811
Panama City- Underwater Crime Scene (JAWS)	\$1,000,000 NR

System Issues

SUS Performance Based Incentives + Proviso	\$500,000,000
SUS Maintenance Repair & Renovation	\$61,804,669
University Lab Schools -- PECO	\$5,293,588
Honorably Discharged Graduate Assistance Program	\$1,000,000

PROVISO:

Performance Incentives proviso language:

From the funds in Specific Appropriation 142, \$500,000,000 is provided for State University System Performance Based Incentives. The funds available for allocation to the universities based on the performance funding model shall consist of the state's investment of \$225,000,000 in performance funding, plus an institutional investment of \$275,000,000 consisting of funds to be redistributed from the base funding of the State University System. The Board of Governors shall allocate all appropriated funds for state University System Performance Based Incentives based on the requirements in HB 5003, or similar legislation.

Proviso -- ...the following facilities may be constructed or acquired from non-appropriated sources...

FSU – JMS Building (Building # 2021) – will be donated to FSU, will house entrepreneurial and innovation center, 20,000 sq. ft.

Proviso -- ...following fixed capital outlay projects may be constructed, acquired, and financed by a university or

university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.

Florida State University - Hotel Convention Center

Northwood Centre – No funds are appropriated in Specific Appropriations 1 – 161 for the payment of rent, lease or possession of space for offices or any other purpose or use at Northwood Centre, 140 North Monroe Street, Tallahassee, Florida, pursuant to State of Florida Lease Nos. 720:0139, 480:04570, 480:0644 or 480:M139 or Florida State University Lease No 2011:101, or any other lease, by the Department of Education or any state university, notwithstanding any lease or contract to the contrary. The Department of Education and all state universities are prohibited from expending any specific appropriation from the General Revenue Fund, any trust fund or from any other source for the rent, lease or possession of any space for offices or other purpose or use at Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida, pursuant to State of Florida Lease Nos. 720:0139, 480:04570, 480:0644 or 480:M139 or Florida State University Lease No 2011:101, or any other lease.

SPOTLIGHT ON **BILLS**

CS/SB 886 – Parent and Student Rights by Senator Lizbeth Benacquisto (R – Ft. Myers), expands notification requirements and educational choice options available for parents to make informed decisions about the placement of their children in an educational setting. Specifically the bill:

- Expands parent notification requirements to include school district reporting average of estimated funding expenditures on a per student basis.
- Authorizes parent ability to choose to enroll his or her child in any public school in the state which has not reached capacity. The bill further specifies the components of the school district educational facilities plan which the district school board must consider in determining capacity.
- Authorizes a parent to request a transfer of his or her child to a different classroom teacher.

The bill reported favorably by the Appropriations Committee and is waiting to be heard by the full Senate. A comparable bill in the House, **CS/CS/HB 7029 by Representative Bob Cortes (R – Maitland)** was temporarily passed by the Senate yesterday, please see the update on 7029 below.

UPDATE ON BILLS

CS/CS/SB 7029 – Education by Representative Bob Cortes (R – Maitland), was amended on

Friday to bring in most of the language from SB 524. SUS issues not included in 7029 (that are in SB 524):

- Carry-forward balances
- Emerging preeminence
- Preeminent university changes (SAT scores, rankings, membership directory, doctoral degree)
- Special course requirement authority changes

A new SUS issue included in the bill is:

- Requires all eligible state universities to become college sponsors of the National Merit Scholarship Program.

The bill was temporarily passed by the Senate yesterday.

CS/CS/SB 524 – Education by Senator Don Gaetz (R – Destin), is the comprehensive higher education bill that modifies public postsecondary education performance funding and educator liability insurance program, etc. The bill is waiting on the calendar in the Senate with numerous amendments. The House companion, **HB 7043 by Representative Erik Fresen (R – Miami, FSU Alum)** is also waiting to be heard in the Senate today with numerous amendments.

CS/CS 1290 – State Lands by Senator Wilton Simpson (R – New Port Richey), changes the process by which we acquire land from the State, including language to

remove the universities' first right of refusal for the lease or purchase of state owned property. The bill is waiting to be heard by the full Senate. The House Companion, **CS/CS/HB 1075 by Representative Matt Caldwell (R – Lehigh Acres)** passed out of the House and has been referred to multiple committees in the Senate.

CS/HB 1187 by Representative James Grant (R – Tampa) was amended, **keeping the registration of athlete agents in current law** and passed out of the House. The Senate companion, **CS/CS/SB 1050 by Senator Jeff Brandes (R – St. Petersburg)** is on the Calendar to be heard today in Senate.

CS/SB 984 – Education Access and Affordability by Senator John Legg (R – Lutz), modifies requirements related to higher education textbooks and instructional materials affordability and promotes public awareness on higher education costs. The bill is waiting on the calendar to be heard in the Senate. The House companion, **CS/HB 7019 by Representative Elizabeth Porter (R – Lake City, FSU Alum)** passed out of the House and has been referred to several committees in the Senate.

HB 7089 – State Group Insurance Program by Representative Jason Brodeur (R – Sanford), adds new products and services to the program by giving DMS broad authority to contract for

a wide variety of additional products and services. Employees will be able to purchase new products as optional benefits. DMS is directed to contract with at least one entity that provides comprehensive pricing and inclusive services for surgery and other types of medical procedures. The contract requires cost savings to the program, which will be shared by the state and the enrollee. The bill passed out of the House yesterday and has been referred to several committees in the Senate. The Senate companion, **SB 1434 by Senator Jeff Brandes (R – St. Petersburg)** has been referred to Governmental Oversight and Accountability, the Appropriations Subcommittee on General Government, and the Appropriations Committee.

Bills that Passed

HB 1219 – Veterans’ Employment by Representative Jake Raburn (R – Valrico), revises the section of Florida law governing veterans’ preference in appointment and retention. Specifically, the bill:

- Requires each state agency, and allows each political subdivision of the state, to develop and implement a written veterans’ recruitment plan;
- Requires each veterans’ recruitment plan to establish and meet annual goals for ensuring the full use of veterans in the agency’s or subdivision’s workforce;
- Requires the Department of Management Services (DMS) to collect statistical data for each state agency on the number of persons who claim veterans’ preference, the number of persons who were hired through veterans’ preference, and the number of persons who were hired as a result of the veterans’ recruitment plan; and
- Requires DMS to annually update the statistical data on its website and include the statistics in its annual workforce report.

The bill requires each veterans’ recruitment plan to apply to the same veterans and veterans’ family members that are included in the Florida law governing veterans’ preference in appointment and retention. Effective October 1, 2016

HB 719 – Education Personnel by Representative Ross Spano (R – Riverview, FSU Alum), revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.
- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel. The bill also prohibits post-secondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insur-

ance as a condition of participation.

With respect to teacher recruitment, the bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge. The bill also deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements. The bill promotes effective school leadership by providing standards for approval of school leader preparation programs. Effective July 1, 2016

SB 7030 -- Competitive Solicitation or Negotiation Strategies by Senator Jeremy Ring (D – Margate), removes the scheduled repeal date of October 2, 2016, in both the public records exemption law and the public meetings exemption law. The bill permits the public records and public meetings exemptions relating to agency competitive solicitations to continue as they currently exist. Effective October 1, 2016

CS/SB 350 – Online Procurement by Senator Bill Montford (D – Tallahassee, FSU Alum), authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool. Effective July 1, 2016

HB 273 – Public Records by Representative Halsey Beshears (R – Monticello, FSU Alum), requires a public agency contract for services with a contractor to include a statement in large, boldface font in-

forming the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the records custodian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the public agency within a reasonable time may be subject to certain penalties.

Additionally, The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least 8 business days before the plaintiff files the civil action. The bill specifies that a contractor who complies with the public record costs of enforcement. Effective upon becoming law.

SB 672 – Educational Options by Senator Don Gaetz (R – Des- tin), establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and the statewide coordination of information about programs for students with disabilities. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student if it implements a policy that:

- Prohibits certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.

The bill amends a number of provisions of the Florida Personal Learning Scholarship Account (PLSA) program. The provisions increase student access, tighten accountability, and streamline administration. Additionally, the bill amends

provisions for the Florida Tax Credit (FTC) scholarship program. Effective July 1, 2016.

CS/SB 793 – Bright Futures Scholarship Program by Representative Marlene O'Toole (R – The Villages), creates the Florida Gold Seal CAPE Scholars award as an alternative to the current Florida Gold Seal Vocational Scholars award. A student may qualify for the Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship program and earns a minimum of five postsecondary credits through CAPE industry certifications which articulate for college credit. The new scholarship allows for additional credit hours upon completion of a technical degree in certain instances.

The bill modifies the initial eligibility period for the Florida Bright Futures Scholarship Program for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months. Eligible students can defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation. The organization sponsoring the full-time religious or service obligation must be a federal government service organization or satisfy the Internal Revenue Code's requirements for nonprofit status.

The bill modifies student community service work requirements for the Florida Bright Futures Scholarship Program awards, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), Florida Gold Seal Vocational Scholars (FGS-VS) awards, and adding the requirement for the newly created Florida Gold Seal CAPE Scholars award. The bill modifies the requirements by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving remuneration or academic credit for such work;
- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship, employment with a nonprofit community service organization, or activity on behalf of a candidate for public office; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged.

The bill eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the higher test score requirement for home education students whose parents cannot document a college-preparatory curriculum. Specifically, the bill provides that test score require-

ments are the same for students enrolled in home education programs as they are for all other high school students qualifying for the FMS award. Effective upon becoming law.

HB 799 – Out-of-State Fee Waivers for Active Duty Military by Representative Bryan Avila (R – Hialeah), creates an out-of-state fee waiver for an active duty member of the United States Armed Forces residing or stationed outside of the state at the time of enrollment at a state university, Florida College System institution, career center, or charter technical career center. Effective July 1, 2016

CS/CS/CS/HB 1125 – Eligibility for Employment as Child Care Personnel by Representative Charles McBurney (R – Jacksonville), makes the new federal Child Care and Development Block Grant (CCDBG) background screening requirements apply to all child care personnel regardless of whether their employer child care provider receives federal CCDBG funding. The bill prohibits DCF from granting exemptions for employment as child care personnel to persons who have been:

- Registered as a sex offender as described in 42 U.S.C. s. 9858f(c) (1)(C) and are subject to the registration requirements under the Adam Walsh Child Protection and Safety Act; or
- Arrested for and are awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for certain state felonies and misdemeanors enumerated in the bill that are aligned with the crimes listed in the federal requirements.

Individuals who currently have exemptions allowing employment are now prohibited from such employment, and must be rescreened by August 1, 2016. Effective July 1, 2016

HB 93 – Law Enforcement Officer Body Cameras by Representative Shevrin Jones (D – West Park), requires law enforcement agencies that permit law enforcement officers to wear body cameras to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. Effective upon becoming law.



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