

LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

Volume Thirteen / Number Eight • April 23, 2007

The budget is the only bill the Legislature is constitutionally required to pass, and “conference” is the process by which members of the House and Senate meet to hammer out the differences in their respective budgets. The head of each chamber names these budget conferees (**see the Budget Conferees list**) and meetings of this committee were held throughout this past weekend. Because they haven’t yet resolved their differences, however, their negotiations on the state’s \$71 billion spending plan will extend into this week.

Of primary concern for Florida State University is an **\$11.7 million** appropriation for the *Pathways of Excellence* initiative, which the House initially included in their budget but the Senate did not. Other funding issues of interest for FSU include enrollment growth, challenge grants, PECO allocations and employee pay raises. Legislators must finalize the budget by the end of this week if they hope to finish the session by the scheduled May 4 end date.

As for the committees that deal with substantive legislation, those in the House have concluded their work, while the ones in the Senate will wrap up tomorrow. The Senate’s Higher Education Committee has an hour-long discussion about campus safety scheduled for tomorrow — FSU Police Chief David Perry and Vice President John Carnaghi will testify on behalf of FSU’s efforts — while the University Governance bill will be heard Tuesday on the House floor. Please see the **Spotlight on Bills** section for updates on other substantive bills.

This week and next, the last two of the session, certainly promise to be hectic, and you can catch all the action live on The Florida Channel, local cable channel 4. As always, please feel free to contact me with any questions, comments or concerns you may have. I can be reached at **(850) 644-4453** or **kdaly@mailers.fsu.edu**.

Kathleen

BUDGET CONFERENCE — At Large

SENATE MEMBERS

LISA CARLTON (*Chair*) (R – Oprey)
JIM KING (*Member at large*)
(R – Jacksonville, FSU Alum)
DANIEL WEBSTER
(*Member at large*) (R – Orlando)

HOUSE MEMBERS:

RAY SANSOM (*Vice Chair*)
(R – Fort Walton, FSU Alum)
DENNIS BAXLEY (R – Ocala,
FSU Alum)
ELLYN BOGDANOFF
(R – Ft. Lauderdale)
MARTY BOWEN
(R – Winter Haven)
DAN GELBER (D – Miami)
ADAM HASNER (R – Delary
Beach, FSU Alum)
DAVID RIVERA (R – Miami)
RON SAUNDERS
(D – Tavernier)
JACK SEILER
(D – Pompano Beach)

BUDGET CONFERENCE — Higher Education / Schools & Learning

SENATE MEMBERS

EVELYN LYNN (*Chair*)
(R – Ormond Beach)
CHARLIE JUSTICE
(D – St. Petersburg)
JIM KING
(R – Jacksonville, FSU Alum)
STEVE OELRICH
(R – Gainesville, FSU Alum)
JEREMY RING (D – Margate)

HOUSE MEMBERS:

JOE PICKENS (*Vice Chair*)
(R – Palatka)
TREY TRAVIESA
(R – Tampa, FSU Alum)
THAD ALTMAN
(R – Melbourne)
MARTI COLEY
(R – Marianna, FSU Alum)
ANITERE FLORES (R – Miami)
JOHN LEGG (R – Port Richey)
SETH MCKEEL (R – Lakeland)
DAVID MEALOR (R – Lake Mary)
BILL PROCTOR

SESSION SCHEDULE

SENATE SESSION

Wednesday, April 25,
- Friday, April 27
10:00 a.m. until
completion

HOUSE SESSION

Tuesday, April 24,
9:00 a.m. - 5:50 p.m.
Wednesday, April 25,
11:00 a.m. to 5:50 p.m.
Thursday, April 26
8:00 a.m. to 6:00 p.m.
Friday, April 27, 2006
8:00 a.m. to 6:00 p.m.

(R – St. Augustine, FSU Alum)
DAVID SIMMONS
(R – Altamonte Springs)
DOROTHY BENDROSS-
MINDINGALL (D – Miami)
BILL HELLER
(D – St. Petersburg)
MARTIN KIAR (D – Parkland)
JANET LONG (D – Clearwater)
CURTIS RICHARDSON
(D – Tallahassee, FSU Alum)
SHELLEY VANA (D – West Palm
Beach)
JAMES WALDMAN (D – Coconut
Creek)

Spotlight on Bills

SB 2512— English for Speakers of Other Languages by Senator Stephen Wise (R – Jacksonville), establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements: Primary teacher of English/ language arts must have 300 in-service hours or the equivalent; Teacher of core subjects of reading, intensive reading, mathematics, science, social studies, or computer literacy must have 60 in-service hours or the equivalent; Teacher of non-core subjects must have 18 in-service hours or the equivalent and, School administrator or guidance counselor, 60 in-service hours or the equivalent. The bill was heard in the Education Pre – 12 Committee on Thursday. The House companion, **HB 1219 by Representative Jennifer Carroll (R – Jacksonville)** is now in the Policy and Budget Council.

SB 2136— Green Schools Pilot Project/ Education by Senator Lee Constantine (R – Altamonte Springs), establishes the Green Schools Pilot Project for three selected school districts to build at least one school to comply with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) silver-level or higher building certification standards, or the Green Globes two-globe rating or better building certification standards. The bill includes an appropriation of \$3.5 million. The Bill passed the Environmental Preservation and Conservation Committee last week. The House companion, **HB 1257 by Representative Curtis Richardson (D – Tallahassee, FSU Alum)** is on the House calendar awaiting a hearing.

CS/HB 7155—Education by Representative Joe Pickens (R – Palatka), makes substantial changes to education law governing Educator Professional Development, Teacher Preparation Programs, Teacher Certification Requirements, and Education Personnel. The bill requires the designation of lead teachers in reading, mathematics, social studies, and science and appointments master trainers to train lead teachers; Requires that the first priority for mentoring services provided by National Board for Professional Teaching Standards (NBPTS) certified teachers be given to beginning teachers, teachers in need of improvement, and teacher education students; Requires each school district to provide a written statement to teachers regarding educator liability insurance coverage; Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct two studies: 1) a comparison of the effectiveness of

Florida teacher preparation programs and 2) an analysis of school district teacher retention rates; Requires institutions that offer state-approved teacher preparation programs to provide the option of a program comprised of three years of coursework and a one-year paid teaching internship; Allows district school superintendents to directly dismiss specified administrative personnel; Requires state-approved teacher preparation programs to incorporate instruction regarding identification and placement of gifted students; Requires the Department of Education (DOE) to establish an electronic reporting system for use by approved teacher preparation programs to meet reporting requirements for continued program approval. The bill is on final reading in the House. A similar bill in the Senate, **SB 1238 by Senator Don Gaetz (R – Niceville)** will be heard in the Education Pre-K – 12 Committee this week.

SB 998 — Cable TV/Video Service Franchises by Senator Michael Bennett (R – Bradenton) establishes the authority to issue statewide cable and video franchises within the Department of State and designates the department as the state franchise authority. The bill removes local government authority to negotiate cable service franchises. Generally, the bill: Establishes application procedures for a state-issued certificate of franchise authority (certificate); Requires certificate holders to update information every five years. Provides for application and processing fees, most of which are to be transferred to the Department of Agriculture and Consumer Services (DACs); Preempts local franchise agreements with respect to build-out and customer service standards a; Provides an exception for local franchise agreements with build-out provisions in certain circumstances; Retains public, educational, and governmental (PEG) channels that are activated as of July 1, 2007; Provides criteria for certain local governments to activate PEG channels after July 1, 2007. Provides for PEG and I-Net support contributions for PEG channels activated after July 1, 2007; and, Preserves existing local franchise agreements. The bill will be heard tomorrow in the General Government Appropriations Committee. The House companion, **CSCSHB 529 by Representative Trey Treviesa (R – Tampa, FSU Alum)** is in Senate Messages.

UPDATE ON BILLS

HB 491—Tuition Waivers by Representative Michael Scionti (D – Tampa, FSU Alum), requires state universities and community colleges to waive 50 percent of the in-state tuition rate for a person who:

a wartime veteran as defined in s. 1.01(14), Florida Statutes (F.S.); Received an honorable discharge; Is enrolled as a full-time, part-time, or summer-school student in any vocational or career course or undergraduate course that terminates in a degree or certificate; Is a resident of Florida at the time he or she applies for the waiver and was a Florida resident for one year prior to such application; and, submits to the state university and community college appropriate documentation. The bill sets the waiver to cover 110 percent of the number of required credit hours of the degree or certificate program in which the student is enrolled. Because the bill does not provide a funding source, this initiative could result in a loss of revenue to community colleges and state universities of up to **\$12 million**. The bill passed the House on Thursday. The identical bill in the Senate, **SB 2006 by Senator Victor Crist (R – Tampa)** is in the Higher Education Appropriations Committee.

SB 750— Biomedical Research by Senator Steven Geller, D – Hallandale, FSU Alum), creates the Florida Better Quality of Life and Biomedical Research Act. The bill funds embryonic, amniotic, and adult stem cell research by using \$20 million from recurring funds in the General Revenue fund deposited into the Biomedical Research Trust Fund annually, for 10 consecutive years. The bill was amended to remove the prohibition against human reproductive cloning as well as the penalties for violating the prohibition. The bill passed the Commerce Committee and is now in the Criminal Justice Committee. The House companion, **HB 1065 by Representative Anitere Flores (R – Miami)** is on the House calendar awaiting a



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hearing.

CS/HB 287— First Generation Matching Grant by Representative Anitere Flores (R - Miami), was amended to designate current statutory provisions relating to the First Generation Matching Grant program as applicable to state universities. The bill retains the current one-to-one match provision; require that grants provided for summer term enrollment must be used at the institution providing the grant and provides a definition of "summer-term enrollment"; conform the duties and reporting requirements of participating institutions with those of other state administered financial aid programs, and; creates the First Generation Matching Grant Program for community colleges and the First Generation Matching Grant Program for private nonprofit colleges or universities eligible to participate in FRAG. Both programs are modeled after the First Generation Matching Grant Program for state universities. The bill is waiting to be heard by the full House. The First Generation Matching Grant Program is funded in the General Appropriations Act, Fiscal Year 2007-2008, at \$7.5 million for state universities, \$1.0 million for independent colleges and universities and \$6.0 million for community colleges. A similar bill in the Senate, **SB 848, Senator Al Lawson (D - Tallahassee, FSU Alum)** passed the Higher Education Committee last week.

SB 850— University Student Fees/ Technology Fee by Senator Al Lawson (D - Tallahassee, FSU Alum), gives discretionary authority to each university board of trustees to establish a fee for technology that directly benefits students. The technology fee is capped at \$10 per credit hour for the first year and at eight percent for each subsequent year, unless specifically authorized in law or in the General Appropriations Act (GAA). The bill provides a process for setting the fee. University students participate in the decision making process. The board of trustees has final approval of the amount of the fee and the permitted expenditures generated by the fee. The bill also provides that unexpended funds may be carried forward and used for technology expenditures in the following fiscal year. The fee is specifically exempted from the Bright Futures Scholarship Program. The bill passed the Higher Education Committee last week. There is not a House companion bill at this time.

SB 2492—Textbook Affordability by Senator Mike Haridopolis (R - Melbourne), provides a sales tax exemption for textbooks purchased by postsecondary degree-seeking students for their courses. The exemption only applies to textbooks required or recommended for a course at an eligible institution of higher education, defined as: A state university or public community college; A baccalaureate-degree granting independent nonprofit college or university located in and chartered as a domestic corporation in-state,

and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or, An independent postsecondary educational institution in the state that is licensed by the Commission for Independent Education and is authorized to grant degrees. The bill passed the Higher Education Committee last week. The House companion, **HB 215 by Representative Marti Coley (R - Marianna, FSU Alum)** is on the House Calendar awaiting a hearing.

CS/SB 2102— Sales Tax/Postsecondary Bookstore by Senator Don Gaetz (R - Niceville), provides a sales tax exemption for payments to a postsecondary educational institution by a bookstore operator on real property owned or leased by the institution. The term "bookstore operations" is defined to include the sale, distribution, and provision of textbooks, merchandise, and services that are traditionally offered in higher education bookstores, for students, faculty and staff. This bill takes effect upon becoming a law, and operates retroactively to amounts paid on or after January 1, 2006. The bill is on the agenda for tomorrow's General Government Appropriations Committee. A similar bill in the House, **HB 721 by Representative Bill Proctor (R - St. Augustine, FSU Alum)** is on the House Calendar, awaiting a hearing.

SB 2416— Sure Ventures Commercialization, Inc. by Senator Jeremy Ring (D - Margate), creates an exemption from public-records requirements for proprietary confidential business information relating to state university research projects which is held by the Florida Technology, Research, and Scholarship Board. This exemption includes information relating to the methods of manufacture or production, potential trade secrets, patentable material, actual trade secrets, or proprietary information received, generated, ascertained, or discovered by or through the state universities' research projects submitted for funding under the State University Research Commercialization Assistance Grant Program. The bill also exempts information that would identify investors or potential investors, and information that is confidential under another state or nation's laws. The bill passed the Governmental Operations committee last week.

CS/HB 7147, Postsecondary Education Enhancements by Representative Joe Pickens (R - Palatka), was amended to remove the provision that permits a student who is a qualified beneficiary of a Prepaid College Plan who has graduated from college but has not used all of his or her contract benefits, would be allowed to use the remaining credits toward undergraduate, graduate, or professional hours. Additionally, the bill was amended to permit community colleges to deliver baccalaureate degree programs in the areas of math and science for the purpose of preparing graduates to enter a teaching position. The bill is set to pass the House this week. A similar bill

in the Senate, **SB 1570 by Senator Evelyn Lynn, may pass the Senate this week.**

CS/HB7149— University Governance by Representative Joe Pickens (R - Palatka), reenacts laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the changes to the State Constitution. The bill delineates constitutional responsibilities of the Board of Governors and Legislature relating to state universities. The bill was amended to transfer the inspector general function for the state universities from the Department of Education to the Board of Governors. Specific Appropriation 167 in the House proposed budget provides **\$112,235** for the Board of Governors to hire an Inspector General. The bill was substituted for **SB 1270 by Senator Steve Oelrich (R - Gainesville, FSU Alum)** and placed on the House Calendar.

CS/SB 42— State Retirement Programs by Senator Al Lawson (D - Tallahassee, FSU Alum), expands membership in optional retirement programs to certain public education employees. Specifically, the bill qualifies the following employees as eligible for these alternative programs: Public community college or community college-sponsored charter technical career center renewed members in the Regular Class of the Florida Retirement System (FRS); and, State University System renewed members of the FRS. A one-time opportunity is provided to allow a State University System Optional Retirement Program participant a transfer from that program to the FRS or the Public Employee Optional Retirement Program. The bill has been placed on the Senate Calendar. The identical bill in the House, **HB 685 by Representative David Simmons (R - Altamonte Springs)** has been placed on the House Calendar.

CS/SB 1190— Education Articulation by Senator Evelyn Lynn (R - Ormond Beach), declares the Legislature's intent that articulation policies and budget actions must be implemented consistently in the practices of postsecondary institutions and the Department of Education and expressed in the collaborative policy efforts of the State Board of Education and the Board of Governors of the State University System. The bill requires the Commissioner of Education, in consultation with the Chancellor of the State University System, to establish an Articulation Coordinating Committee, which shall report to the commissioner. The committee must be a pre-K-20 advisory group that consists of members representing all sectors of the education system from pre-kindergarten through the university level, and at least one member representing students. The bill establishes duties of the committee. The bill has been placed on the Senate Calendar. There is no House companion bill at this time.