



Volume **20** | Number **8** | **April 22, 2013**

House and Senate conferees met this weekend to hash out the differences between their respective \$74 billion spending plans. As of last night, progress had apparently been made on appropriations pertaining to higher education and other issues, but certain high-profile ones, such as state-employee pay raises and changes to Medicaid reimbursements, have kept a consensus budget from being finalized. Negotiations will continue today and throughout the week.

State legislators have, however, settled on \$15 million in recurring “preeminence” funding for Florida State University, as well as restoration of the \$65 million cut our university took during the 2012 session (which was the biggest chunk of the \$300 million taken last year from the SUS).

As reported last week, the legislature passed the substantive bill pertaining to university preeminence and sent it to the governor, who had until today to act on that legislation. Governor Scott decided to support this bill and, in fact, signed the preeminence legislation into law this morning, with President Barron in attendance. Accordingly, Florida State University is now designated as a preeminent research institution in the State of Florida.

The budgetary allocation aligned with this preeminence designation will further Florida State’s goal of achieving, within five years, national “Top 25” status among public universities. For more information, please see the [news release](#) concerning this exciting and groundbreaking development.

As for further legislation related to higher ed funding, a 4% across-the-board tuition hike was still being considered by conferees yesterday evening. Additional information on SUS funding and where it currently stands is provided in the related story.

Other relevant legislation that continues to move through the session includes Senate Bill 1720, which would reverse the general-education provisions from the current 30 hours back to 36 hours. SB 1720 also repeals the FAFSA requirement for Bright Futures, and repeals the Leadership Board for Applied Research and Public Service, which is housed at Florida State. For information on other bills of interest, please see the Spotlight on Bills section of this newsletter.

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

Kathleen

Conference Decisions: FSU Alumni who are working on the final conference decisions are Senator Bill Montford, Senator Chris Smith, Senator John Thrasher, Representative Erik Fresen, Representative Marti Coley, and Representative Dana Young.

Budget Update

House and Senate conferees met throughout the weekend starting the tedious process of compromising a final spending plan. Progress was made, but many issues remain outstanding. The conference process will continue this week, but

must be completed by next Monday.

The following issues were settled over the weekend:

- Preeminent State Research Universities, Florida State University – \$15,000,000 recurring.
- FSU Autism Center, Communication Navigator – \$1 million.
- Public Broadcasting, Workload, Public Radio Stations – \$3,430,156
- FSU Veteran's Center – \$500,000

- FSU College of Medicine at Immokalee, Obesity Prevention Program – \$300,000
- Pepper Center – Restoration of \$500,000 cut

Other issues still unsettled include the state employee pay raises, OPS health care coverage, fixed capitol outlay and maintenance, and a 4% across the board tuition increase. A final listing of all budget issues will be reported in next week's Legisletter.

SPOTLIGHT ON **BILLS**

CS/CS/CS/SB 52 -- Use of Wireless Communications Devices While Driving by Senator Nancy Detert (R – Venice), creates the "Florida Ban on Texting While Driving Law," modeled after a sample law developed by the United States Department of Transportation (USDOT) and a cross-section of safety and industry organizations. The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill

also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation that is punishable by a \$60 fine plus court costs.

In addition to the fines, a violation of the unlawful use of a cellphone which results in a crash will result in 6 points added to the offender's driver license record and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in 2 points added to the offender's driver license re-

cord in addition to the points for the moving violation.

The bill passed out of the Senate last week and is in messages to the House. A similar bill in the House, **HB 13 by Representative Doug Holder (R – Sarasota)** is waiting to be heard by the full House.

UPDATE ON BILLS

HB 7149 – Education Capital Outlay by Representative Seth McKeel (R – Lakeland), makes various changes related to the manner and requirements of state universities regarding fixed capital outlay. The bill eliminates the requirement that universities enter into campus development agreements with local government host communities. The campus master plan would be required to identify the level-of-service standard established by the local

government and the entity that would provide the service to the campus.

The bill increases the cap for university capital improvement fees from a maximum of 10% of tuition to 20% of tuition and tuition differential; and it increases the cap on the incremental increase per year from \$2 to \$3 per credit hour.

The bill makes the following changes to Section 1010.62, F.S., relating to revenue bonds and debt:

- Specifically allows public private partnership agreements as a type of university debt.
- Expands the sources of revenues that can be used to secure debt to include technology fees and sales and services of education departments.
- It amends the calculation of the technology fee to include tuition differential.
- Increases the amount of athletic fees that may be used to pay and secure revenue bonds.
- Eliminates the “functional relationship test” to allow auxiliary enterprises revenues (i.e. housing and parking) and revenues from royalties and licensing to be used to secure debt for academic, education and research facilities that are part of a multi-use project.
- Allows academic or educational facilities that are part of a multi-purpose capital outlay project to be bonded without legislative approval of the specific project.

The bill increases from \$1 million to \$2 million the maximum amount universities may spend for building replacement or renovation projects.

The bill passed out of the House last week. The Senate is considering a version of the House bill at this time.

CS/CS/HB 359 – Public Meetings by Representative Cary Pigman (R – Sebring), creates a public meetings exemption for any

portion of a meeting of the board of directors of the DSO or of a committee of the DSO in which the board or committee discusses the identity of a donor or prospective donor, proposal seeking research funding from the DSO, or a plan or program for either initiating or supporting research. The bill is on the agenda to be heard by the full House tomorrow. A comparable bill in the Senate, **CS/CS/SB 1276 by Senator Bill Montford (D – Tallahassee, FSU Alum)** is now in the Ethics and Elections Committee.

CS/CS/HB 637 – Public Records and Public Meetings/ Postsecondary Education Executive Search by Representative John Tobia (R – Melbourne Beach), creates an exemption from public record and public meeting requirements for information associated with the applicant recruitment process, in addition to discussions associated with the applicant search. Specifically, the bill provides that any personal identifying information of an applicant for president, provost, or dean of any state university or Florida State College (FSC) institution is confidential and exempt from public record requirements. It also creates a public meeting exemption for any meeting held for the purpose of identifying or vetting applicants for president, provost, or dean of any state university or FCS institution.

The bill provides instances when the public meeting exemption does not apply. In addition, it provides that the names of any applicants who comprise a final group of applicants must be released by the state university or FCS institution no later than 21 days before the date of the meeting at which final action or vote is to be taken on the employment of the applicants. All documents containing personal identifying information of any applicants who comprise a final group of applicants become subject to public record requirements at the time the applicants' names are released. The bill is waiting to be heard by the full House.

There is no Senate companion.

PCS/CS/SB 1664 -- Education Instructional Personnel and School Administrators by Senator John Legg (R – Lutz), revises the requirements for state approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program.

Specifically, the bill makes the following changes:

State-Approved Educator Preparation Program

- Provides a new framework for the approval of teacher preparation programs that is based on performance outcome metrics and holds all preparation programs accountable.
- Maintains three distinct program types that offer high quality options for those who enter the teaching profession.
- Streamlines the core curriculum so that it is more focused and relevant and allows for deeper preparation in standards-based instruction.
- Requires candidates to demonstrate that they have a positive impact on student learning growth in field experiences before completing a program.
- Professional Certification
- Requires the State Board of Education to adopt rules to allow an individual to be eligible for a temporary certificate if he or she passes the Florida Educational Leadership Examination, holds a bachelor's degree or higher degree, and provides evidence of successful management or leadership experience.
- Allows the State Board of Education to adopt rules to provide for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an official ACE transcript.

- Florida Teachers Lead Program
- Changes the name of the program to the Florida Teachers Classroom Supply Assistance Program.
- Requires that local contributions be added to the funds allocated by the state when calculating each teacher's proportionate share.
- Professional Development System
- The bill allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school. CS by Committee on Education on

The bill was amended last week to:

- Allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school.
- For the Florida Teachers Classroom Supply Assistance Program:
 - Restores current law regarding the means by which a district disburses funds to a classroom teacher for classroom materials and supplies.
 - Encourages the DOE and school boards to enter into public private partnerships to increase the amount of funds available to classroom teachers.
 - Requires that, if a debit card is used, an identifier of the program must appear on the front of the card.

The bill reported favorably in the Appropriations Committee last week and is on the agenda to be heard in the full Senate on Thursday. A comparable bill in the House, **CS/CS/HB 863 by Representative Ross Spano (R – Riverview, FSU Alum)** is waiting to be heard by the full House.

CS/CS/HB 7027 -- Education Accountability by Representative Kathleen Pasidomo (R – Naples), increases

school accountability by:

- Defining a co-located school as one that: has its own Master School Identification (MSID) number; provides the education for each of its enrolled students; and operates at the same facility as another school with its own MSID number and providing education for its enrolled students.
- Clarifying that if one school operating in a facility of co-located schools does not receive a school grade or school improvement rating, the student performance data of all schools will be aggregated and assigned to all schools at the facility.
- Requiring that all traditional schools that meet or exceed the minimum sample size of 10 shall receive a school grade.
- Requiring the DOE to include re-takes when calculating the school improvement rating and to issue a school improvement rating when the school tests over 80% of its students, rather than 90%.
- Designating Exceptional Student Education Centers as alternative schools for accountability purposes.
- Requiring the DOE to define, in rule, ESE Center Schools that provide instruction in accordance with requirements in s. 1003.57(1)(d), F.S.
- Clarifying that achievement scores and learning gains of students attending ESE Centers will not be included in the students' home school, if the student had not been enrolled in or attended a public school in the district within the last three years, other than the ESE Center School.
- Clarifying that achievement scores and learning gains for hospital- or homebound students will only be assigned to their home school if the student was enrolled in the home school during the October and February FTE counts.
- Specifies duties of the Articulation Coordinating Committee (ACC),

the Higher Education Coordinating Council (HECC), public and private postsecondary institutions, and the Commissioner of Education, in an effort to streamline the data reporting process and data accessibility.

- Providing districts with flexibility by removing the requirement that 15% of their Title I funds be spent strictly on supplemental education services and enabling them to choose and implement the most effective interventions, strategies and supports to close student achievement gaps and improve overall school performance in Title I schools.

The bill was amended to:

- Require districts to allocate an amount equal to 15% of Title I Part A to fund school and district level interventions designed to improve student performance and close achievement gaps in Title I schools.
- Provide that interventions may include, but are not limited to, tutoring by private providers.
- Require districts to submit a plan for use of the 15% allocation as part of its Title I Application.
- Require districts to submit additional information for plans that include tutoring by private providers.
- Require DOE to review submitted plans for approval, conditional approval, or denial.
- Require DOE to analyze the results of each district-level improvement plan to identify the interventions, support and strategies that reduced student achievement gaps and increased school level performance, and disseminate the results to all districts.
- Require DOE to adopt rules to implement the provisions of this program.

The bill is waiting to be heard by the full House. The comparable bill in the Senate, **SB 878 by Senator Bill Galvano (R – Bradenton)** has had a conference committee appointed to

work out the difference between the House and Senate.

SB 1150 – State Contracting by Senator Lizbeth Benacquisto (R – Ft. Myers), revises provisions relating to state agency contracting, and creates new duties for the Chief Financial Officer (CFO) in the state agency contracting process. The bill:

- Requires that specified accountability provisions be included in grant agreements;
- Requires certified grant managers on grant agreements valued over \$35,000;
- Permits the CFO to audit grant agreements before execution, and requires the CFO audit of grant agreements after execution;
- Permits the CFO to audit certain agency contracts before execution, and requires a CFO audit of certain agency contracts after execution;
- Requires that every contract of more than \$35,000 must have a certified contract manager; and

- Specifies the types of information that agencies must make available on the contract tracking system.

The bill specifies that agreements funded with federal or state assistance must include:

- A provision specifying the financial consequences that apply if the recipient or sub-recipient fails to perform the minimum level of service required by the agreement. The provision can be excluded from the agreement only if financial consequences are prohibited by the federal agency awarding the grant. Funds refunded to a state agency from a recipient or sub-recipient for failure to perform as required under the agreement may be expended only in direct support of the program from which the agreement originated.
- A provision specifying that a recipient or sub-recipient of federal or state financial assistance may expend funds only for allowable costs resulting from obligations incurred during the specified agreement period.

- A provision specifying that any balance of unobligated funds that have been advanced or paid must be refunded to the state agency.
- A provision specifying that any funds paid in excess of the amount to which the recipient or sub-recipient is entitled under the terms and conditions of the agreement must be refunded to the state agency.
- Any additional information required pursuant to the Florida Single Audit Act.

The bill was amended last week to remove provisions in the bill that gave the CFO “approval” authority before execution of contracts, and shortened the time the CFO has to report contract deficiencies back to the agency from 21 days to 10 business days. The amendment also specifies that the CFO will provide information about the contract deficiencies to the agency, which is responsible for addressing the deficiencies.

The bill reported favorably by the Appropriations Committee last week and will now go to the floor for hearing by the full Senate on Wednesday.

SESSION SCHEDULE

SENATE SESSION: WEDNESDAY, APRIL 24, 9:00 a.m. to 6:00 p.m.

THURSDAY, APRIL 25, 9:00 a.m. to 6:00 p.m. | FRIDAY, APRIL 26, 9:00 a.m. to 6:00 p.m.

HOUSE SESSION: TUESDAY, APRIL 23, 10:30 a.m. to 5:30 p.m.

WEDNESDAY, APRIL 24, 10:30 a.m. to 5:30 p.m.. | THURSDAY, APRIL 25, 10:30 a.m. to 5:30 p.m.

FRIDAY, APRIL 26, 10:30 a.m. to 5:30 p.m.



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