



Volume **23** | Number **4** | February 1, 2016

House and Senate leaders unveiled their respective budget proposals on Friday and currently stand almost \$1 billion apart. The House plan totals just under \$80 billion for the fiscal year that begins July 1, while the Senate is a little less than \$81 billion. Each chamber's budget, however, is larger than the one proposed by Gov. Scott, which totaled \$79.3 billion.

The House budget addresses our top priorities of \$10 million more in preeminence dollars and an additional \$100 million in SUS performance funding. The Senate's initial offering for each of these initiatives is slightly less.

This coming week, Florida lawmakers will review these and other budget differences. The House and Senate Appropriations Committees will amend and then pass their respective budget proposals later this week, setting the stage for negotiations on a final spending plan later in the session.

Meanwhile, a House panel will take up a bill aimed at fixing Florida's death-penalty laws, after the U.S. Supreme Court ruled that the state's sentencing system is unconstitutional.

The House will conduct a floor session Tuesday afternoon to consider two high-profile gun bills. One of them, **HB 163**, by Rep. Matt Gaetz (R-Fort Walton Beach, FSU alum) would allow individuals who hold concealed-weapon permits to openly carry their firearms. The other, **HB 4001**, by Rep. Greg Steube (R-Sarasota) and Rep. Michelle Rehwinkel-Vasilinda, (D-Tallahassee) would allow individuals who hold concealed-weapon permits to carry their firearms onto college and university campuses.

Additionally, the Senate Governmental Oversight and Accountability Committee will today consider **SB 47** by Sen. Arthenia Joyner (D-Tampa and Senate Minority Leader), which seeks a 3 percent pay raise for state employees. Please see the **Spotlight on Bills** section of this newsletter for additional information on relevant bills moving through the legislative process.

Also taking place this week is **FSU Day at the Capitol** tomorrow, along with the popular Seminole Evening tonight on the 22nd floor of the Capitol. Details on both events are included in this newsletter. Please join us if you can and be sure to wear your Garnet and Gold!

The activities of Florida's legislature can be followed live on the Florida Channel, local cable channel 4. As always, please feel free to contact me with questions, or for copies of bills and the analysis. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

Budget Comparison

House and Senate Committees released their budgets last week, setting up the annual debate over each chamber's spending priorities. The House recommends a budget of \$79.9 billion for FY 2016-2017, and the Senate recommends \$80.9 billion. Each will amend and pass their respective spending plans on Wednesday during meetings of the full Appropriations Committees.

Below is a side-by-side comparison of the House and Senate budget proposals for FSU projects:

Budget Item (Entity)	House Proposal	Senate Proposal
General Revenue	\$236,380,607	\$238,431,519
Student and other fees	\$238,310,768	\$238,310,768
Lottery	\$ 42,638,240	\$ 41,188,087
Preeminent Universities	\$6,900,000 – restoration of non-recurring	\$48,000,000 recurring base
Preeminent & Emerging Preeminent	\$ 20,000,000	\$ 15,000,000
Emerging Preeminent	\$ 10,000,000	
Performance funds (SUS)	\$500,000,000	\$475,000,000
College of Medicine		
General Revenue	\$ 34,379,583	\$ 34,379,583
Student & Other Fees	\$ 13,019,086	\$ 13,019,086
Lottery	\$ 605,115	\$ 605,115
FAMU/FSU College of Engineering	\$ 13,451,572	\$ 13,241,710
SUS Capitol Improvement Fee Projects	\$ 35,000,000	\$ 35,000,000
SUS Maintenance, Repair, Renovation	\$ 36,155,369	\$ 61,804,669
SUS PECO	\$ 81,791,122	\$ 73,166,168
Honorably Discharged Graduate Assist.	\$ 1,000,000	\$ 1,000,000
FL Diagnostic & Learning Resource Ctr	\$ 450,000	\$ 450,000
FSU Autism Ctr	\$ 1,224,008	\$ 1,171,922
Communication/Autism Navigator	\$ 1,353,292	\$ 1,353,292
FSU Innovation & Engineering Pipeline	\$ 2,000,000	\$2,000,000
Public Broadcasting		
FL Channel – closed captioning	\$ 390,862	\$ 390,862
FL Channel – Satellite Transponder	\$ 800,000	\$ 800,000
FL Channel – Cultural Affairs	\$ 497,522	\$ 497,522
FL Channel – Year Round Coverage	\$ 2,562,588	\$ 2,562,588
Public Radio Stations	\$ 1,300,000	\$ 1,300,000
Public Television Stations	\$ 3,996,811	\$ 3,996,811
College of Medicine Immokalee	\$ 450,000	\$ 450,000
Panama City- Underwater Crime (JAWS)		\$ 1,000,000

Continued on next page

Budget Comparison, *continued*

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 mecha-

nisms include any form of approved debt or bonds authorized by the Board of Governors.

Florida State University - Hotel Convention Center

Both the House and the Senate recommend continuing health insurance benefits at the current contribution rates.

Both the House and the Senate recommend pay increases for select positions only.

Tomorrow is FSU Day at the Capitol

Our big day is almost here! After months of planning, **FSU Day at the Capitol** for 2016 takes place tomorrow and promises to be another great event. As in the past, FSU Day emphasizes the university's proud heritage and spotlights the extraordinary accomplishments of our students and faculty.

Please join us from **10:00 am to 2:00 pm** for informative displays on the plaza level and second and third floor rotundas. During the lunch hour, appearances by FSU celebrities and members of the Seminole legislative caucus, and performances by the pep band, cheerleaders and Flying High Circus will begin at **11:30** in the capitol courtyard, with refreshments available for all to enjoy.

In addition, our sixth annual "Seminole Evening" reception will be held **tonight from 5:30 to 7:30** on the 22nd floor of the capitol. Come by for this meet-and-greet with our legislators and the Governor.

We look forward to seeing you this evening and tomorrow in your Garnet and Gold!

SPOTLIGHT ON **BILLS**

CS/HB 1157 – Postsecondary Education for Veterans by Representative Jake Raburn (R – Valrico), allows eligible members of the United States Armed Forces to earn college credit at public postsecondary institutions for college-level training and education acquired in the military.

The bill expands this benefit to include honorably discharged veterans.

The bill requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Lan-

guage Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

The bill authorizes a tuition and fee waiver for any eligible recipient of a Purple Heart, or superior combat decoration, who physically resides in Florida while enrolled in a public postsecondary institution or was a

Florida resident at the time he or she was awarded the decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

The bill reported favorably by the Higher Education and Workforce Subcommittee last week and is on the House Education Appropriations Subcommittee agenda tomorrow. The identical bill in the Senate, **SB 1638 by Senator Tom Lee (R – Brandon)** reported favorable by the Higher Education Subcommittee last week.

HB 429 – Military and Veterans Affairs by Representative Greg Steube (R – Sarasota), addresses outreach to veterans regarding benefits available as a result of military service, overseas absentee voting for military personnel, and support for student veterans at state colleges and universities.

Specifically the bill:

- Requires the application form for an original, renewal, or replacement driver license or identification card to include a voluntary check-off to allow a veteran to request written or electronic information on federal, state, and local benefits and services.
- Creates the Military and Overseas Voting Assistance Task Force within the Department of State to study issues involving the development and implementation of an online voting system that allows absent uniformed services

voters who are overseas to electronically submit voted ballots.

- Provides legislative intent regarding academic credit for military training and coursework and collaboration between the State Board of Education and the Board of Governors on student veteran issues.

The bill passed the Military and Veterans Affairs Committee last week and is awaiting a hearing in the Appropriations Committee. A similar bill in the Senate, **SB 184 by Senator Aaron Bean (R – Jacksonville)** passed the Senate last week.

HB 799 -- Out-of-State Fee Waivers for Active Duty Service Members 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.

The bill requires the Board of Governors or State Board of Education to report the number and value of all fee waivers granted and authorizes the Board of Governors and State Board of Education to adopt regulations and rules to administer this fee waiver.

The bill reported favorably last week by the Higher Education and Workforce Subcommittee and is now on the Education Appropriations Subcommittee agenda tomorrow. The identical bill in the Senate, **SB 944 by Senator Garrett Richter (R – Naples)** has been referred to the Higher Education Subcommittee, the Appropriations Subcommittee on Education and the Appropriations Committee and is awaiting its first hearing.

CS/HB 229 Bullying and Harassment Policies in Schools by Representative Joe Geller (D – Dania Beach, FSU Alum), revises the Jeffrey Johnston Stand Up for All Students Act, by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. Additionally, the bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures.

The bill is waiting to be heard by the full House. A similar bill in the Senate, **SB 268 by Senator Jeremy Ring (D – Margate)** has been referred to the Education Pre-K – 12 Subcommittee, Appropriations Subcommittee on Education and, the Fiscal Policy Committee.

CS/HB 95 – Public Private Partnerships by Representative Greg Steube (R – Sarasota), revises the laws that govern the procurement process for Public Private Partnerships (P3's) for public purpose projects. The bill was amended last week removing all references to universities, deferring to the Board of Governors recently developed regulation.

The bill reported favorably in the Appropriations Committee last week. A similar bill in the Senate, **SB 124 by Senator Greg Evers (R – Pensacola)**

is on the Government Oversight and Accountability Committee agenda for a hearing today.

SB 1326 – Retirement by Senator Darren Soto (D – Kissimmee), amends s. 121.101, F.S. to reinstate the cost of living adjustment (COLA) and set the level of the annual COLA for all FRS pension plan retirees and annuitants beginning July 1, 2016. The annual cost of living adjustment will be the greater of 3% or the percentage change in the Consumer Price Index for the Elderly as determined by the Bureau of Labor Statistics within the federal Department of Labor each year.

The system-wide “cost of the benefit” enhancements provided in this bill are roughly \$1.1 billion annually. State agencies, universities and colleges, school districts, counties and various other local governments participating in the Florida Retirement System will bear the cost.

The bill was scheduled to be heard in the Governmental Oversight and Accountability Committee last week but was not considered. The identical bill in the House, **HB 1011 by Representative Irv Slosberg (D – Delray Beach)** is waiting to be heard in the Governmental Operations Subcommittee.

CS HB 1003 -- Employment After Retirement of School District Personnel by Representative Jennifer Sullivan (R – Eustis), clarifies that current law allows Florida Retirement Service (FRS) members to interrupt retirement and be reemployed as instructional personnel in any public school. In 2011, the Legislature amended requirements related to instructional personnel performance evaluations and compensation and prohibited

the award of professional service contracts after July 1, 2011.

The bill further clarifies that retirees may be reemployed only on a probationary or annual contractual basis consistent with the requirements of the FRS and the Student Success Act.

The bill reported favorably by the K-12 Subcommittee last week. A similar bill in the Senate, **SB 1356 by Senator Jeff Brandes (R – St. Petersburg)**, reported favorably in the Governmental Oversight and Accountability Committee last week and is waiting to be heard in the Appropriations Subcommittee on Education.

HB 1127 – Resale of Tickets by Representative Jared Moskowitz (D- Coral Springs), defines a “ticket” as “a license issued by the operator of a place of entertainment for admission to that place of entertainment at the date and time specified on the ticket, subject to the terms and conditions specified by the operator.”

The bill prohibits an operator of a place of entertainment or the operator’s agent from placing restrictions on the resale of a subscription or season ticket. An operator or the operator’s agent cannot restrict the reselling of a ticket as a condition to purchase the ticket, as a condition to retain remaining subscription or season tickets, or as a condition to retain the right to purchase future subscription or season ticket packages.

The bill prohibits denying access to a ticketed event based on the fact that the ticket was resold.

The bill prohibits an operator or an operator’s agent from selling or conveying tickets to any secondary ticket reseller owned or controlled by the operator or the operator’s agent.

The bill prohibits the use of paperless ticketing systems for subscription or season tickets unless either the paperless ticket may be transferred without fee or restriction or the customer is given the option to receive the ticket in a transferable form at the time of purchase. Operators may not increase the price of a ticket, or impose a service charge, based on the form or transferability of the ticket.

These restrictions are not intended to prevent an operator from ejecting or denying access to a person based on conduct, behavior, for the safety of patrons, or to address fraud or misconduct, and the bill provides that an operator may still place restrictions on the resale of tickets that are offered as part of a targeted promotion to specific individuals or groups.

The bill was temporarily postponed in the Business and Professions Subcommittee last week but has been placed back on the agenda to be heard tomorrow. The identical bill in the Senate, **SB 1344 by Senator Chris Smith (D – Ft. Lauderdale, FSU Alum)** has been referred to the Commerce and Tourism Subcommittee, the Appropriations Subcommittee on Transportation, Tourism, and Economic Development, and the Fiscal Policy Committee and is awaiting its first hearing.

HB 833 – Public School Recess by Representative Rene Plasencia (R – Orlando), requires each district school board to provide 100 minutes of supervised, safe, and unstructured free-play recess each week for students in kindergarten through grade 5 and for students in grade 6 who are enrolled in a school that contains one or more elementary grades. The recess must be provided for at least 20 consecutive minutes each day and may not be withheld for academic or punitive

reasons. The bill reported favorably by the K-12 Subcommittee and is now in the Education Appropriations Subcommittee. The identical bill in the Senate, SB 1002 by **Senator Alan Hays (R – Umatilla)** has been referred to the Education Pre-K – 12 Subcommittee, Appropriations Subcommittee on Education, and the Appropriations Committee.

CS/SB 1360 – Student Assessments by Senator Don Gaetz (R – Destin), establishes performance-based alternative means for students to demonstrate subject area and grade level competency and college and career readiness. However, the bill maintains the statewide, standardized assessments as the default common battery of assessments for all students attending public schools, and provides parents the option to select, for their child, statewide, standardized assessments in lieu of the specified rigorous alternative assessments.

Specifically, the bill:

- Establishes a process for a district school board to choose to voluntarily implement districtwide, ACT Aspire for grades 3 through 8; ACT Aspire and ACT for high school; PSAT or NMSQT, and SAT for high school; or a combination of options, as specified.
- Identifies several rigorous alternative assessments and industry certifications as options for students to meet high school subject area, course, credit, and assessment requirements.
- Creates a process for establishing proxy values for linking student performance on rigorous alternative assessments to assess teachers, schools, and school districts.
- Removes the annual cap on teacher bonuses for the teachers providing AP, IB, AICE, or industry certification instruction, which

results in their students earning college credit or attaining industry certifications.

- Provides an exemption for the performance of students with excessive absences from counting against a classroom teacher's performance evaluation.

The bill passed the Education K-12 Subcommittee last week. There is no House companion bill at this time.

CS/HB 707 – Fantasy Contest by Representative Matt Gaetz (R – Ft. Walton Beach, FSU Alum), creates s. 501.935, F.S., to regulate fantasy contests. The bill provides requirements for fantasy contest operators and outlines civil penalties for violations of the provisions, which may be recovered through civil action brought by the Department of Agriculture and Consumer Services (DACS).

The bill defines "fantasy contest" as a fantasy or simulated game or contest where the contest participant manages and owns a fantasy or simulation sports team made up of human athletes or players that are members of an amateur or professional sports organization and that meets the following conditions:

- The membership of the fantasy or simulation sports team may not be based on the current membership of an actual team.
- The value of all prizes and awards must be established and made known in advance of the contest.
- Winning outcomes must reflect the relative knowledge and skill of the players and are determined by accumulated statistical results of the performance of human athletes.
- Winning outcomes must not be based on the score, point spread, or any performance of a sports team or solely on a single per-

formance of an individual human athlete in a single sporting event.

The bill defines the term "fantasy contest operator" to mean a person or entity that offers fantasy contests for a cash prize to 750 or more members of the general public per year. A fantasy contest operator must register with the department to offer fantasy contests in the state and pay an initial registration fee of \$500,000 and an annual renewal fee of \$100,000. The bill requires procedures for fantasy contest operators related to age verification, restrictions on who can participate in contests, a prohibition against the sharing of confidential information, and employee training for responsible play.

The bill passed the Finance and Tax Committee last week. A similar bill in the Senate, **CS/SB 832 by Senator Joe Negron (R – Palm City)**, reported favorably by the Regulated Industries Committee.

Update on Bills

CS/HB 7043 – Preeminent and Emerging Preeminent Universities by Representative Erik Fressen (R-Miami, FSU Alum), was amended last week to:

- Include the concept of the "Governors Challenge" to the state universities, and wage thresholds for university graduates as additions to the BOG metrics.
- Prohibit the ability for a university board of trustees to raise graduate and professional tuition, deferring that responsibility instead to the Board of Governors.
- Authorize the BOG or Governor to remove a BOT member from the university board for missing three consecutive meetings.

- Authorize the BOG to implement a regulation ensuring each university board of trustees keep and, within 2 weeks after a board meeting, post prominently on the university's website detailed meeting minutes for all meetings, including the vote history and attendance of each trustee.
- Allow a university, meeting the minimum institutional investment eligibility threshold for the BOG metrics 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.

The bill passed favorably out of the Education Appropriations Committee last week. Several Senate Bills moving through the process contain provisions of HB 7043.

CS/HB 7019 – Postsecondary Access and Affordability by Representative Elizabeth Porter (R – Lake City, FSU Alum), was amended last week to:

- Authorize a Florida College System institution and state university board of trustees to adopt policies that allow for the use of innovative pricing techniques and payment options for digital textbooks and instructional materials.
- Remove the ability for a university board of trustees to raise graduate and professional tuition, deferring to the Board of Governors.

The Senate companion, **CS/SB 984 by Senator John Legg (R – Lutz)** was amended by the Appropriation Subcommittee on Education last

week and is waiting to be heard in the Appropriations Committee. The amended bill:

- Changed the deadline within which the institutions must post required and recommended textbooks and instructional materials information to at least 45 days before the first day of class for each term.
- Changed the percentage of courses for which such information must be posted from to 95 percent of the courses and course sections offered in the upcoming term.
- Modified the textbook and instructional materials policies to require the State Board of Education (SBE) and the Board of Governors (BOG) to establish deadlines within which instructors or departments must notify the respective college or university bookstore about the required and recommended textbooks and instructional materials.
- Modified the textbook and instructional materials reporting requirements.
- Established requirements for the boards of trustees to examine the cost of textbooks and instructional materials for all general education course offerings to identify cost variance among different sections of the same course, and specified July 1, 2018 deadline for repeal of such provisions.
- Deleted the provision requiring certain institutions to submit quarterly reports.
- Eliminated the BOG's ability to delegate authority to the university boards of trustees regarding establishing tuition for graduate and professional programs and out-of-state fees for all programs.
- Specified that the BOG and the SBE include in their strategies to

promote college affordability, the impact of federal, state, and institutional financial aid on the actual cost of attendance for students.

CS/SB 432 – Teacher Certification by Senator Travis Hutson (R – Palm Coast), was amended to create an expedited pathway for an individual holding a Florida temporary educator certificate to earn a Florida professional educator certificate for grades 6-12.

Specifically, the bill requires the applicant to:

- Meet all general certification requirements, with the exception of certain professional preparation coursework requirements;
- Hold a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Teach a high school course in the subject of the advanced degree;
- Be rated as highly effective as determined by the teacher's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced International Certificate of Education, or International Baccalaureate examination; and
- Achieve a passing score on the Florida professional competency examination required by the state board rules.

The bill passed out of the Education Pre-K-12 Subcommittee and is now in the Appropriations Subcommittee on Education. The identical bill in the House, **HB 189 by Representative Manny Diaz (R – Hialeah)** is waiting to be heard by the full House.

SB 478 – State Employee Salaries by Senator Arthenia Joyner (D – Tampa) authorizes, effective July 1, 2016, a three percent increase

on each state employee's base rate of pay as of June 30, 2016.

To be eligible for the pay increase, the "state employee" must:

- Hold a salaried position and work at least 30 hours per week; or
- Be paid from regular salary appropriations for 8 months' employment.

State officers, including the Governor and Cabinet, judges, and various other positions whose annual salaries are fixed by law, are not eligible for the pay increase. Employees paid from the other-personal-services appropriations category (typically re-

ferred to as OPS employees) are not eligible for the pay increase.

The bill directs the Legislature to appropriate funds necessary to implement the pay increase. The bill was scheduled to be heard in the Governmental Oversight and Accountability Committee last week but was not considered. However the bill is on the committee agenda for today. A similar bill in the House, **HB 1239 by Representative Alan Williams (D – Tallahassee)** is waiting to be heard in the Governmental Operations Subcommittee.

CS/HB 719 – Education Personnel by Representative Ross

Spano (R – Riverview, FSU Alum), was amended reported the bill favorably by the Education Appropriations Subcommittee. The amendments

- Provide the Department of Education access to information reported to the Central Abuse Hotline when investigating allegations against certified educators.
- Eliminate obsolete State Board of Education rulemaking authority related to teacher assignment.
- Provide \$2 million in liability coverage to each full-time instructor.

SESSION SCHEDULE

SENATE SESSION

TUESDAY, **FEBRUARY 2**, 10:00 a.m.
to 11:00 a.m.

11:00 a.m. to 12:00 noon Reunion Session

HOUSE SESSION

TUESDAY, **FEBRUARY 2**, 9:15 a.m.
to 10:00 a.m.

4:00 p.m. until completion

WEDNESDAY, **FEBRUARY 3**, 3:30 p.m.
until completion



FLORIDA STATE UNIVERSITY
GOVERNMENTAL RELATIONS

850.644.4453 govrel.fsu.edu

Kathleen M. Daly,
Assistant Vice President

Toni Moore,
Program Coordinator

Chris Adcock,
Office Administrator