



Volume **19** | Number **8** | February 27, 2012

Last week, potentially historic bills that would dramatically change higher education in Florida moved one step closer to passage in both the House and Senate when HB 7129 and SB 1752 passed their respective education committees. This legislation would elevate Florida State University and the University of Florida to topnotch status as research institutions, and both bills will be heard again this week, the eighth of the nine-week regular session. For more about this landmark legislation, please see the related story.

On Thursday, the Senate passed, on a 33-6 vote, their \$71 billion spending plan for the coming fiscal year, thereby setting up – if the legislature intends to adjourn as scheduled on March 9 – a ten-day window for negotiations with the House on a final budget. While the conferees for these budget negotiations have not yet been announced, House Speaker Dean Cannon (R-Winter Park) still hopes that process can begin sometime this week.

House and Senate higher-education budgets are currently miles apart, and so are some of the policy changes traveling with these budgets. The House plan would reduce allocations to the State University System by about \$250 million, resulting in a roughly \$19 million recurring cut to FSU's base. The Senate, meanwhile, proposed a \$400 million elimination of non-recurring dollars, and expects FSU to cover its \$55 million shortfall with carry-forward funds.

Even as the Senate voted to cut funding for the state's eleven universities, they nonetheless approved SB 1994, which would create a twelfth SUS institution, Florida Polytechnic. In support of this proposal, approximately \$29 million in general revenue was allocated to this Lakeland-based institution (see Spotlight on Bills).

Legislation that would have lowered the retirement age for state employees in special-risk categories (law enforcement, firefighting, etc.) to 55 years of age, increased the pension-vesting period for state employees from eight years to 11, and changed the default from the Florida Retirement System to a 401(k)-style defined-contribution plan was defeated in both House and Senate committees last week, which means the legislation is dead for this session.

Also this week, Circuit Court Judge Jackie Fulford may issue her ruling in a suit that challenged the legislature's changes to the pension plan last year. In a class-action filing on behalf of all impacted state employees, the Florida Education Association argued that the legislation requiring 3 percent of employees' pay be directed to their pension violates contractual and collective-bargaining rights. A ruling favorable to the FEA's position may have implications on the coming year's budget.

Throughout the session, legislative activity can be followed live on The Florida Channel, local cable channel 4. As always, should you have questions or require copies of bills and their analysis, please contact me at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

State Universities of Excellence

HB 7129 by Representative Bill Proctor (R. St. Augustine, FSU Alum) and SB 1752 by Senator Steve Oelrich (R. Gainesville, FSU Alum) filed The State Universities of Academic and Research Excellence and National Preeminence Act last week. These are historic bills that will allow our state's top public research universities to produce greater academic and research results and compete both nationally and globally on a level playing field with the country's elite universities. Both bills establish in law, high academic and research excellence standards that are currently met by the University of Florida and Florida State University. By providing increased academic and funding flexibility, the proposals will free these universities to move up the ladder of national acclaim and attain preeminence. Key Points of HB 7129 and SB 1752:

- Aligns standards of Florida's top performing public research universities to the performance expectations of nationally recognized research universities, as cited in nearly two-dozen national and state sources.
- Rewards the academic and research excellence of the state's highest performing public research universities by providing academic and funding flexibility, which will help them to further compete nationally and globally.
- Incentivizes enhanced academic programs for STEM, critical thinking, and liberal arts instruction, as emphasized by the Council of 100.
- Establishes a clear plan for achieving academic and research greatness in Florida's top public research universities,

thereby lifting the State University System (SUS) as a whole.

- Creates a clear path for strong, thriving, nationally recognized state universities that will be economic engines for Florida and will attract federal and private funding, and internationally recognized faculty, students, and talent to drive innovation and productivity.
- Creates accountability for funding decisions, and demands an ongoing spirit of cooperation between the Board of Governors and the Legislature to achieve the goals of the Act.
- Empowers the Board of Governors to meet its constitutional mission and accomplish the statewide objective of having nationally renowned universities.

SPOTLIGHT ON **BILLS**

SB 416 -- Use of Wireless Communications Devices While Driving by Senator Nancy Dertert (R – Venice), is the "Florida Ban on Texting While Driving Law", modeled after a sample law promulgated by the United States Department of Transportation (USDOT). The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a 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, and radio broadcasts. The bill also makes an exception for interpersonal commu-

nications that can be conducted without the need to manually type messages. 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 which vary by county. A second violation committed within 5 years of the first is a moving violation punishable by a \$60 fine plus court costs. In addition to these penalties, any violation of the ban, which results in a crash will result in 6 points added to the offender's driver's license record and any violation of the ban committed in conjunction with any moving violation for which points are assessed, when committed within a school safety zone, will result an assessment of 2 points. The bill is waiting to be heard by the full Senate. A comparable bill in the House, **HB 39 by Representative John Patrick Julien**

(D – North Miami Beach) is now in the Transportation & Highway Safety Subcommittee.

SB 998 – Concealed Weapons or Firearms by Senator Joe Negron (R – Palm City), amends the concealed weapons license law to allow Florida resident military service members and honorably discharged veterans who are under the age of 21, and are otherwise qualified, to be issued a concealed weapons license. The bill also allows non-resident military service members and honorably discharged veterans under the age of 21, who hold a concealed weapons license from another state which honors Florida's concealed weapons license, to exercise the same concealed weapons license rights available to Florida resident concealed weapons licensees. The bill

is waiting to be heard by the full Senate. A similar bill, HB 463 by Representative Seth McKeel (R – Lakeland) passed out of the House last week.

UPDATE ON BILLS

SB 106 –Postsecondary Student Fees by Senator Gary Sipolin (D – Orlando), provides that beginning with the 2012 fall term, a student, other than a nonimmigrant alien, qualifies for in-state tuition rates at a state university or Florida College System institution if the student:

- Attended high school in Florida for 3 or more years;
- Graduated from a Florida high school or attained high school equivalency;
- Registered as an entering student or is currently enrolled at a state university or Florida College System institution;
- In the case of a student without lawful immigration status, files an affidavit stating that the student has filed an application to legalize his or her immigration status or will do so as soon as he or she is eligible.

The bill also directs the Board of Governors of the State University System to adopt regulations and the State Board of Education to adopt rules to administer the nonresident tuition exemption.

The bill was reported unfavorably by the Judiciary Committee last week and laid on the table. A similar bill in the House, **HB 81 by Representative Dwight Bullard (D – Cutler Bay)** is now in the K-20 Innovation Committee.

SB 1994 – Postsecondary Education by Senator Don Gaetz (R – Destin), creates the Florida Polytechnic University as the twelfth university in the State University System (SUS) and codifies the steps established by the Board of Governors (BOG) as requirements the university must meet as a new SUS institution. The bill requires that students currently enrolled at the University of South Florida (USF) Polytechnic must be allowed to complete their degrees at USF. The bill requires real and personal property, licenses and associated revenues, and funds of USF Polytechnic to

be transferred to the Florida Polytechnic University. All programs, offices, functions and faculty and staff positions of USF Polytechnic will be transferred to USF. The Florida Industrial and Phosphate Research Institute, which is currently at USF Polytechnic is established within the Florida Polytechnic University, and the USF Doctor of Pharmacy program, which was designated to be housed at USF Polytechnic, will remain at USF. As space becomes available at the Florida Polytechnic University's new campus, space at the Lakeland joint-use facility must be transferred to Polk State College. The University of Florida is authorized to advise the board of trustees and president of the Florida Polytechnic University in accreditation and administrative matters. The bill passed by the Senate last week. The House companion, PCB EDC 12-02 passed out of the House Education Committee last week.

SB 982 -- Tax on Sales, Use and Other Transactions, by Senator Ellyn Bogdanoff (R – Ft. Lauderdale), authorizes a 3-day sales tax holiday for specific clothing, footwear, and bags that cost \$75 or less, and school supplies that cost \$15 or less. The bill specifies that the exemption does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. The sales tax holiday is a one-time holiday, and is scheduled from August 3, 2012 through August 5, 2012. The bill reported favorably by the Budget Subcommittee on Finance and Tax last week. A similar bill **HB 737 by Representative Elizabeth Porter (R – Lake City, FSU Alum)** was amended in the Senate last week and is now waiting to be heard again in the House.

SB 1992 – Postsecondary Education by Senator Don Gaetz (R – Destin), conforms applicable statutes to the appropriations provided in the Senate proposed budget that makes appropriations for higher education for the 2012-2013 fiscal year. The bill:

- Authorizes oversight responsibility for Division of Colleges related to Florida College System Institutions that have significant potential management or academic issues.

- Revises the severance package language for colleges and universities to conform to s. 215.512, F.S.
- Requires coalitions to maximize purchasing power for institutions of higher education.
- Authorizes the Board of Governors to approve transfer of unused budget authority within the E/G Student and Other Fees Trust Fund.
- Establishes the Florida Degree Consortium by merging the Distance Learning Consortium, FACTS.org, and Degree Completion Pilot Program.
- Establishes a Degree Completion Pilot Program in the Florida Degree Consortium to facilitate online degrees for adults with prior college or university credit.
- Establishes the Florida Library Resource Center for institutions of higher education
- Requires an excess hour surcharge over 110 percent for students enrolling for the first time in 2012-2013, instead of over 115 percent.
- Removes exemption from State Board of Education approval for baccalaureate degree programs to be offered by a Florida College System Institution.
- Clarifies that only 2 semesters of Bright Futures Scholarship funding is provided for students participating in the Spring/Summer Cohort Pilot.
- Allows students up to 2 years after high school graduation to accept a Bright Futures scholarship award, instead of 3 years.
- Clarifies that the Free Application for Federal Student Aid is submitted annually and provides for an alternative form for students who do not choose to submit a FAFSA.
- Authorizes an additional supplement for upper-division courses in the fields of science, technology, engineering, and mathematics for Bright Futures Scholarships subject to funding in the General Appropriations Act.
- Limits Gold Seal Scholarships to job-related career programs.
- Requires the Florida Fund for Minority Teachers, Inc. to use a contingency

collections agency to collect repayments of defaulted scholarships. The fund is also required to report annually its balance of assets and cash reserves.

- Requires the Auditor General to notify the Joint Legislative Auditing Committee of any audit review, which indicates that a state university or state college has failed to take corrective action.
- Authorizes the University of Florida to exceed the 5% bonding limitation on the Activities and Service (A&S) fee to fund the renovation and expansion of the student union.

The bill was heard by the full Senate last week, was laid on the table and substituted for **HB 5201 by Representative Marlene O'Toole (R – The Villages)** which was passed by the Senate and returned to the House.

PCBEDC12-03—Postsecondary Education by Representative

Bill Proctor (R – St. Augustine, FSU Alum), requires the State Board of Education (SBOE) to develop, in conjunction with the Board of Governors, a coordinated 5-year plan for postsecondary enrollment, identifying enrollment and graduation expectations by baccalaureate degree program. The bill also requires the SBOE to adopt a definition of STEM and STEM-related programs, in consultation with the Board of Governors and Department of Economic Opportunity, and to adopt a unified state plan to improve K-20 education and prepare students for high-skill, high-wage, and high-demand employment in STEM and STEM-related fields. The unified plan must advise school districts, Florida College System Institutions, and state universities to inform, advise, and recruit students into STEM and STEM-related programs and employment opportunities. Additionally, the bill requires the Board of Governors to develop a strategic plan specifying goals and ob-

jectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must include performance metrics and standards common for all institutions and metrics and standards unique to individual institutional core missions, including but not limited to, student admission requirements, graduation, retention, employment, continuing education, licensure passage, excess hours, student loan burden and default rates, faculty awards, state and federal research funding, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements, etc. The bill is scheduled for a hearing in the House Education Committee today. There is no Senate companion at this time.

SESSION SCHEDULE

SENATE SESSION

MONDAY, FEBRUARY 27, 9:00 a.m. TO 10:30 a.m.
TUESDAY, FEBRUARY 28, 9:00 a.m. TO 10:30 a.m.
WEDNESDAY, FEBRUARY 29 – FRIDAY, MARCH 2,
10:00 a.m. to 12:00 noon & 1:30 p.m. to 5:30 p.m.

HOUSE SESSION

MONDAY, FEBRUARY 27, 10:00 a.m. to 11:00 p.m.
TUESDAY, FEBRUARY 28 – FRIDAY, MARCH 2, 10:00 a.m. until completion



THE 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