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A lot of the action this coming week, the eighth of this nine-week session, depends on whether the budget-conference committees will actually convene. (Conference is the process by which House and Senate conferees discuss and negotiate their differences.)

Conference members were named last Friday (see the list of education conferees) and negotiations were set to begin on Saturday, but ten minutes prior to their start that morning lawmakers abruptly cancelled all conference meetings until further notice.

This cancellation has fueled rumors about the close of the 2010 session not just when but how it might end. Since the House and Senate are about \$1 billion apart in their budgets and passing a balanced budget is constitutionally required each year there is the real possibility that lawmakers will not be able to complete their work by the last scheduled day of this session, which is next Friday.

The Senate has been anticipating the arrival of federal Medicaid dollars, and outlined in their spending plan how this \$880 million supplement would be allocated. The House, however, didn't include this amount in theirs. Now there's the possibility that Washington may not provide these dollars after all, which would mean substantial cuts to FSU's 2010-2011 budget, as indicated by the House's spending plan.

All substantive committees have ceased meeting in the House, and the Senate will be done by tomorrow. Any bills left in committee after tomorrow will most likely be dead for this session.

The Senate Ethics and Elections Committee will meet tomorrow to confirm newly appointed university Board of Trustees members. These trustees will then be confirmed by the full Senate later this week or early next. Florida State University BOT members up for confirmation include Trustees Haggard, Hillis, Rolando and Sembler.

The House BOG settlement legislation (HB 7327) passed the Education Policy Council Committee last Friday, and is almost identical to its Senate companion. Other bills still moving through the process are summarized in the Spotlight on Bills section of this newsletter.

Both the House and the Senate will be in full session most of this week debating Medicaid reform, the expansion of gaming in Florida, and several unresolved energy issues. You can keep up with these and budget-conference issues on the Florida Channel (local cable channel 4) or online at www.wfsu.org.

As always, please feel free to contact me with any questions or concerns about the legislative process at **(850) 644-4453** or kdaly@fsu.edu.

Kathleen

P.S. Notice came out this morning that Budget conference could begin as early as this afternoon. I will update you mid-week on any progress made on the budget.

Budget Conferees

With just two weeks left to the regular Legislative Session, the House and Senate appointed Budget conferees and held their first meetings on Saturday. Below is a list of the education conferees:

Senate Conferees

At Large:

JD Alexander, Chair
Mike Haridopolos, Vice Chair
Thad Altman
Mike Bennett
Charlie Justice
Jeremy Ring
Rhonda Storms

Higher Education

Evelyn Lynn, Chair
Lee Constantine
Dan Gelber
John Thrasher (FSU Alum)

Education PreK-12

Stephern Wise, Chair
Larcenia Bullard
Nancy Detert
Rudy Garcia
Garrett Richter
Gary Siplin

House Conferees

David Rivera, Chairman
Bill Galvano
Joe Gibbons
Adam Hasner (FSU Alum)
Carlos Lopez-Cantera
Ron Reagan
Franklin Sands
Geraldine Thompson (FSU Alum)
Will Weatherford (FSU Friend)

Bill Proctor, Chair (FSU Alum)
Ronald Brise
Rachael Burgin
Mia Jones
Seth McKeel
Marlene O'Toole
Betty Reed

Anitere Flores, Chair
Dwight Bullard
Gwen Clarke-Reed
Marti Coley (FSU Alum)
Erik Fresen (FSU Alum)
John Legg
Kelli Stargel



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Spotlight on Bills

SB 2042, College and Career Transition Assistance by Senator Stephen Wise (R – Jacksonville), establishes the College and Career Transition Assistance Act, a school-to-work program to ensure a skilled workforce in order for Florida to be competitive in a changing economy. The purpose of the program is to facilitate transition from school to work and to provide additional funding to achieve this goal. The goals of the program are to increase each student's understanding of postsecondary educational opportunities and career and work readiness, to increase individual and corporate support and involvement, and to promote employment opportunities for Florida's students. The program may be operated in any school district, Department of Juvenile Justice facility, or charter school, provided that such sites are demographically balanced and include urban and rural schools. Selection of sites must reflect schools in all geographic areas of the state. The bill also requires that student participation be based on a student's classification as an at-risk student. As the term "at-risk" is undefined, the Department of Education would need to define the term in rule. The bill reported favorably out of the Governmental Oversight and Accountability Committee last week. The House companion, **HB 1041 by Representative Janet Adkins (R – Fernandina Beach)** has been referred to the PreK-12 Policy Committee, PreK-12 Appropriations Committee and the Education Policy Council.

SB 1148, Postsecondary Student Fees by Senator Nan Rich (D – Sunrise), clarifies the time limitations on postsecondary fee exemptions for eligible students who were in the custody of the department. Students eligible for fee exemptions, but only for a period of four years after the date of graduation from high school include:

- A student who was in the custody of a relative under the Relative Caregiver Program at the time he or she reached 18 years of age; and
- A student who was adopted from the department after May 5, 1997.

The bill is now in the Higher Education Appropriations Committee. The House companion, **HB 1363 by Representative Rich Glorioso (R – Plant City)** is waiting to be heard by the full House.

SB 2102, Postsecondary Education Fee Waivers by Senator Stephen Wise (R – Jacksonville), authorizes a state university or community college to waive tuition and fees for postsecondary courses provided to public school, full-time classroom teachers in kindergarten through grade 12 instruction. This bill authorizes classroom teachers to take up to 6 credit hours of State Board of Education-approved

courses at state universities or community colleges, provided that academic requirements are met. The bill is scheduled to be heard in the Higher Education Appropriations Committee today. The House companion, **HB 723 by Representative Maria Sachs (D – Delray Beach)** was heard in the Education Policy Council last week.

SB 2398, Resident Status for Tuition Purposes by Senator Carey Baker (R – Eustis), provides that students who pay more than 50 percent of the cost of attendance or meet the criteria for independent status under federal guidelines would no longer be considered dependents, and therefore, cannot claim resident status through a parent's or adult relative's qualifying residency.

The following provisions, however, would expand eligibility for in-state tuition status:

- The definition of parent would broaden to include a stepparent, thereby providing new resident status to a dependent student who can establish residency through a stepparent who is not a legal guardian;
- The five-year requirement for living with an adult relative would be reduced to four years;
- The threshold level of employment is reduced from full-time to part-time, and includes any number of hours worked;
- Regarding reclassification from nonresident to resident status for dependents, part-time temporary employment of any duration would now qualify for proof of employment, and time enrolled at a postsecondary institution while residing in a purchased home would count towards the 12 month residency requirement; and
- U.S. citizens or eligible aliens would qualify if they attended an in-state public high school for the two years just before graduation, have enrolled at a postsecondary institution within 12 months of graduation, and have produced a high school transcript before initial enrollment.

This bill clarifies that students with resident for tuition purposes status who transfer to another institution could maintain that status, if it is recently received (within 12 months), without having to reestablish eligibility. The bill was temporarily postponed in the Higher Education committee last week. The House companion, **HB 1243 by Representative John Tobia (R – Melbourne)** is waiting to be heard by the full House.

HB 1287, Public K-12 Education by Representative Tom Grady (R – Naples, FSU Alum), requires each school district to allocate 100 percent of the Florida Education Finance Program funds received for International Baccalaureate (IB), Advanced International Certificate of Education (AICE), and Advance Placement (AP) Program instruction to the program or school that generates the funds. The funds allocated for these programs must be expended solely for the payment of allowable costs associated with annual school fees, examination fees, and salaries and benefits for school-based coordinators; supplemental books, instructional supplies, instructional equipment, or instructional materials for courses; programs or activities that identify prospective students or prepare prospective students to enroll in courses; and training or professional development for teachers. The bill amends the method by which bonuses for teachers of IB, AICE, and AP Programs are calculated and increases from \$2,000 to \$5,000 the cap on bonuses per teacher for teachers in "D" and "F" schools. The Committee Substitute for Committee Substitute for House Bill 1287 creates the "High-Performing Teacher Bonuses Act" and requires the Florida Partnership for Minority and Underrepresented Student Achievement, in conjunction with DOE, to post an annual report on DOE's website on or before January 15. The bill reported favorably out of the PreK-12 Appropriations Committee last week. The identical bill in the Senate, **SB 1970 by Senator Nancy Detert (R – Venice)** reported favorably out of the PreK-12 Education Committee.

SB 1096, Middle School Civic Education Assessment by Senator Nancy Detert (R – Venice), creates the Justice Sandra Day O'Connor Civics Education Act and requires:

- Next Generation Sunshine State Standards (NGSSS) for language arts to emphasize civics education concepts;
- Language arts instructional materials to include civics-related content at all grade levels;
- Student completion of a one semester civics education course in the middle grades;
- Administration of an end-of-course assessment to measure student knowledge of the civics course content and passage of the assessment to earn credit; and
- Inclusion of student achievement data from the end-of-course assessment for purposes of calculating middle school grades.

The bill was substituted for the House companion, **HB 105 by Representative Charles McBurney (R – Jacksonville)** which is awaiting final passage.

UPDATE ON BILLS

HB 7237, Postsecondary Education, by Representative Will Weatherford (R – Wesley Chapel), implements the provisions of the governance agreement by amending statutes relating to the operation of the State University System as follows:

- Creates the Higher Education Coordinating Council to act as an advisory board to the Legislature, the State Board of Education and the BOG.
- Eliminates the requirement of legislative approval for certain programs that lead to licensure and repeals the specific statutory authority for certain programs.
- Repeals s. 1001.74, F.S., relating to the powers and duties of the university boards of trustees in recognition of the BOG's exclusive authority to delegate power and duties to the university boards of trustees.
- Acknowledges the BOG is responsible for the personnel programs for university employees, requires the BOG to confirm the presidential selection by a university board of trustees, and states the Department of Management Services will continue to control the state group insurance and retirement plans.
- Exempts state universities from certain requirements regarding communications and data processing.
- Allows a university to participate in the SUNCOM Network at the university's discretion.
- Acknowledges the BOG's authority to adopt regulations when acting pursuant to its constitutional duties and responsibilities.
- Requires the BOG to comply with the Administrative Procedure Act when acting pursuant to statutory authority, unless specifically authorized or required to adopt regulations.
- Authorizes the Department of State to remove certain rules from the Florida Administrative Code.
- Authorizes the BOG to approve: certain flexible tuition policies; requests to establish a fee not specifically authorized in law; and requests to increase certain existing fees.
- Requires the BOG to consider certain factors when reviewing fee proposals and flexible tuition policies.

The bill passed out of the House Education Policy Council next week and is waiting to be heard by the full House. The Senate companion, **SB 1786 Senator Steve Oelrich (R – Gainesville, FSU Alum)** is scheduled to be heard by the Policy and Steering Committee on Ways and Means tomorrow.

SB 2006, Admissions Tax/Educational Events by Senator Evelyn Lynn (R – Ormond Beach), creates an exemption from the admissions tax to an educational event sponsored by a public college, public university, or community college when:

- Held in a museum, planetarium, observatory, or large format or high-definition cinema owned by the sponsor;
- 100 percent of the risk of success or failure of the event lies with the sponsor;
- The sponsor owns 100 percent of the funds at risk for the event; and
- The event does not exclusively use student or faculty talent.

The bill reported favorably out of the Community Affairs committee last week. The House companion, **HB 905 by Representative Charles Chestnut (D – Gainesville)**, has been referred to the Finance & Tax Council and the Full Appropriations Council on Education & Economic Development.

SB 1070, Tax on Admissions by Senator Thad Altman (R – Melbourne), revives and amends an exemption to the admissions taxes for events sponsored by a governmental entity, sports authority, or sports commission under certain conditions. This exemption expired on July 1, 2009. The bill would reenact this exemption permanently. In order to qualify for the exemption:

- The event must be held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publically owned recreational facility;
- All of the risk of success or failure must lie with the sponsor; and
- All the funds at risk for the event belong to the sponsor.

The bill reported favorably out of the Community Affairs committee last week. The House companion, **HB 579 by Representative Doug Holder (R – Sarasota)** is now in the Economic Development & Community Affairs Policy Council,

SB 1340, Public Performing Arts Centers by Senator Jeremy Ring (D – Margate), was amended last week to define "publicly owned performing arts center" as a facility consisting of at least 200 seats, owned and operated by a county or municipality, which is used and occupied to promote development of any or all of the performing, visual or fine arts or any or all matters relating thereto, and to encourage and cultivate public and professional knowledge and appreciation of the arts. The amendment makes the donor's name, address, and telephone number confidential and exempt from s. 119.07(1), F.S., and s. 24(a), art. I, State Constitution, if the donor desires to remain anonymous. The amendment provides a statement that this exemption is a public necessity:

- to encourage private investment;
- to promote the giving of gifts; and
- to promote the raising of private funds for the acquisition, renovation, rehabilitation, and operation of publicly owned performing arts centers.

The bill reported favorably by Governmental Oversight and Accountability and is now in the Rules Committee. The House companion, **HB 1313 by Representative Perry Thurston (D – Ft. Lauderdale)** has been referred to the Governmental Affairs Policy Committee, the Policy Council, and the Economic Development and Community Affairs Policy Council.

SB 612, Special Risk Class/DROP by Senator Carey Baker (R – Eustis), provides that Special Risk Class members that are employed as law enforcement officers, correctional officers, or community-based correctional probation officers who have a rank or equivalent rank of captain or below at the beginning of participation in Florida Retirement System Deferred Retirement Option Program (DROP), may participate in DROP for an additional 36 months beyond the 60-month period. Members that choose to participate in DROP for the additional 36 months, at the conclusion of DROP participation, may not be employed, reemployed, or retained in a contractual capacity by the same employer from which they retired or terminated DROP participation, except for retention by the employer as a part-time or auxiliary officer if the retiree is serving on a voluntary basis and receives no more than \$1 per calendar year for services rendered directly for the employer. The bill is scheduled to be heard by the Governmental Oversight and Accountability Committee. The House companion, **HB 249 by Representative William Snyder (R – Stuart)** is now in the Governmental Affairs Policy Committee. A Senate companion.

SB 514, Sales Tax Exemption/Clothing/School Supplies by Senator Mike Fasano (R – New Port Richey), provide that no sales and use tax will be collected on sales of clothing, wallets, or certain bags having a selling price of \$100 or less during the 10 day period beginning on the second Friday after the first Tuesday in August. The bill also provides that no sales and use tax shall be collected on sales of school supplies having a selling price of \$10 per item or less during that same period of time. The bill is now in the Policy & Steering Committee on Ways and Means. The House companion, **HB 483 by Representative David Rivera (R – Miami)** is in Senate Messages.

SESSION SCHEDULE

SENATE SESSION

Wednesday, April 21
10:00 a.m. to 12:00 noon
1:30 p.m. to 4:30 p.m.

Thursday, April 22
10:00 a.m. to 12:00 noon
1:30 p.m. to 4:30 p.m.

Friday, April 23
9:30 a.m. to completion

HOUSE SESSION

Monday, April 19
12:30 p.m. to 5:00 p.m.

**Tuesday, April 20 through
Friday, April 23**
9:30 a.m. to 5:00 p.m.