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Chaotic, dysfunctional and meltdown were some of the adjectives used to describe the end of the regular (or maybe irregular?) 2015 Legislative Session. As widely reported, the House of Representatives abruptly adjourned three days prior to the scheduled conclusion amid a bitter impasse with the Senate regarding budget and healthcare issues. Consequently, state lawmakers will have to return to the capitol, most likely in June, for a special session to negotiate and pass the constitutionally required budget for the coming fiscal year.

A Florida Supreme Court majority ruled last Friday that the decision by House leaders to end their legislative session more than three days early violated the state constitution. However, the justices said, it was too late to order legislators back to Tallahassee to conclude the regular session.

In spite of last week's drama, the House and Senate were able to agree on and pass 231 bills from among the 1,755 that were filed this year. That bill-passage total, however, was the lowest in 15 years, perhaps to be expected during this rather atypical session.

Most of the legislation tracked by state universities died with the session's abrupt end, including a college-affordability bill, legislation that would have created a charter-school institute at FSU, and the guns on campus bill. A few minor bills did manage to make their way to the governor, though, and a rundown of those is outlined in the **Spotlight on Bills** section of this newsletter.

As of this writing, a date certain for the special session has not yet been set, nor has an agenda for deliberations been identified. When the two chambers do start talking again and begin to fashion a budget plan, this newsletter will resume with updates.

In the meantime, please do not hesitate to contact me with questions about bills and budget items of interest. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

SPOTLIGHT ON **BILLS**

BILLS PASSED DURING THE REGULAR SESSION

CS/CS/HB 41 – Hazardous Walking Conditions by Representative Larry Metz (R – Eustis, FSU Alum), relates to identifying, inspecting, and correcting hazardous walking conditions on roads students walk along or cross in order to walk to school. The current statute applies to elementary school students through grade 6 living within a 2-mile radius of a school. Currently, the law states the intent is for the condition to be corrected within a reasonable time, but does not require entities with jurisdiction over a road with an identified hazardous walking condition to correct the condition. *Effective July 1, 2015.*

HB 225 All-American Flag Act by Representative Bob Cortes (R – Maitland), requires all United States and state flags purchased by the state, a county, or a municipality for public use, after January 1, 2016, to be made in the United States entirely from domestically grown, produced, and manufactured materials. *Effective July 1, 2015.*

CS/CS/CS/SB 248 – Public Records/Body Camera Recording Made by a Law Enforcement Officer by Senator Chris Smith (D - Ft. Lauderdale, FSU Alum), makes a body camera recording, or a portion thereof, confidential and exempt from public disclosure if the recording is taken:

- Within the interior of a private residence;

- Within the interior of a facility that offers health care, mental health care, or social services;
- At the scene of a medical emergency involving a death or involving an injury that requires transport to a medical facility; or
- In a place that a reasonable person would expect to be private.

Effective July 1, 2015.

CS/SB 426 Department of Education and Board of Governors of the State University System by Senator Don Gaetz (R – Destin), terminates five obsolete trust funds within the Department of Education or Board of Governors of the State University System: the Building Fee Trust Fund, the Replacement Trust Fund, the University Concurrency Trust Fund, the Law Enforcement Trust Fund, and the Uniform Payroll Trust Fund. The bill also clarifies the administration of the Capital Improvement Fee Trust Fund by statutorily placing it under the Board of Governors, where it currently resides in practice, and directs state universities to deposit proceeds accrued pursuant to the provisions of the Florida Contraband Forfeiture Act into the appropriate local account. *Chapter Law 2015-7, Effective July 1, 2015.*

HB 435 – Administrative Procedures by Representative Janet Adkins (R – Fernandina Beach), bill amends provisions of

the Administrative Procedures Act (APA) to enhance the opportunities for substantially affected parties to challenge rules. Specifically, the bill makes the following changes to the APA, including, but not limited to:

- Revising rulemaking procedures based on petitions to initiate rulemaking alleging an unadopted rule;
- Expanding the listing of information that must be published on the Florida Administrative Register to include rules filed for adoption in the previous seven days and a listing of all rules filed for adoption but awaiting legislative ratification;
- Revising the pleading requirements and burden of going forward with evidence in challenges to proposed and unadopted rules;
- Extending the time to appeal certain final orders when notice to the party was delayed; and
- Requiring agencies to identify and certify all of the rules the violation of which would be a minor violation.

Effective July 1, 2015.

SB 553 – Public Libraries by Representative Keith Perry (R – Gainesville), revises the powers and duties of the Department of State's Division of Library and Information Services (Division) and

removes outdated and burdensome practices required for the submission and collection of documents. The bill establishes the State Publications Program requiring each state official, department, court, or agency to designate a state publications liaison; and defines the terms “depository library” and “state publication.”

The bill also restructures the composition of the State Library Council and specifies that the Council’s purpose is to assist the Division with planning, policy, and priorities related to the development of statewide information services. The Division is directed to coordinate with the Department of Education’s Division of Blind Services to provide services to the blind and physically handicapped persons. **Effective July 1, 2015.**

CS/SB 642 – Individuals with Disabilities by Senator Lizbeth Benacquisto (R – Ft. Myers), creates the Florida Achieving a Better Life Experience (ABLE) program, which would assist individuals with disabilities in saving money without losing their eligibility for state and federal benefits, and thereby providing a pathway for economic independence and a better quality of life. ABLE accounts resemble in some respects the federal 529-college savings plan that are tax-advantaged savings accounts. The federal ABLE Act of 2014 (“ABLE Act”) authorizes states to establish ABLE programs as an agency or instrumentality of the state or contract with other states to administer such accounts if certain conditions are met.

The bill directs the Florida Prepaid College Board (Prepaid Board) to create Florida ABLE, Inc., as a direct support organization that must be organized as a not-for-profit corporation. The board of directors of Florida ABLE, Inc., must include the Chair of the Prepaid Board, one member appointed by the Prepaid

Board (who may be a member of the Prepaid Board) and one member appointed by the Governor, both of whom have experience in accounting, risk management, or investment management, one appointee of the President of the Florida Senate, and one appointee of the Speaker of the Florida House of Representatives. The legislative appointees would include one advocate for individuals with disabilities and one advocate for individuals with developmental disabilities. The bill provides that the Florida ABLE, Inc., would operate under a contract with the Prepaid Board. Florida ABLE, Inc., is required to implement the Florida ABLE Program on or before July 1, 2016. **Effective upon becoming law.**

CS/CS/SB 646 – Public Records/ Florida ABLE, Inc. by Senator Lizbeth Benacquisto (R – Ft. Myers), creates a public records exemption for specified personal financial and health information of a consumer relating to an ABLE account or a participation agreement or any information that would identify a consumer held by the Florida Prepaid College Board, Florida ABLE Inc., Florida ABLE program, or an agent or service provider of these entities. The bill defines a consumer as a party to a participation agreement, which would be under the Florida ABLE Program. The bill is effective on the same date that SB 642 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

SB 694 – Florida State Employees’ Charitable Campaign by Senator Jeremy Ring (D – Margate), allows state officers and employees to donate to the Florida State Employees’ Charitable Campaign (FSECC) at agency fundraising events without designating specific organizations to receive the funds. The bill provides

that the FSECC’s fiscal agent must distribute these “undesigned” funds to participating charitable organizations in direct proportion to the percentage of designated funds or pledges received by the organization.

The bill removes additional eligibility requirements for independent unaffiliated agencies, international service agencies, and national agencies wanting to participate in the FSECC. In addition, the bill removes the statutory requirement to establish a local steering committee in each fiscal agent area. **Effective July 1, 2015.**

SB 984 – Exemption from Lobbying Requirements by Senator Oscar Braynon (D – Miami Gardens, FSU Alum), clarifies that the use of a public facility or public property provided from a governmental entity to a legislator for a public purpose is not an expenditure for purposes of the “legislative expenditure ban” in s. 11.045, F.S., regardless of whether the governmental entity is a principal. Unlike the current Rules of the Florida Senate and the Administrative Policy Manual of the Florida House of Representatives, this statutory exception does not include any requirement for approval by the presiding officers prior to the expenditure being made between the governmental entity and the legislator. **Effective July 1, 2015.**

HB 7035 – Presidential Preference Primary by Representative Ritch Workman (R – Melbourne), revises the date of the presidential primary, requiring that the primary be held on the third Tuesday in March in each presidential election year. **Chapter 2015-5, Effective March 19, 2015.**

HB 7069 – Education Accountability by Representative Marlene

O'Toole (R – The Villages), revises education accountability measures to coincide with the Governor's "Let's Keep Florida Learning" plan. Specifically the bill:

- Allows districts to set a school start date as early as August 10 each year.
- Eliminates unnecessary and duplicative state and district assessments by repealing the statewide, standardized 11th grade ELA assessment and repealing the required administration of the PERT to high school students.
- Prohibits administration of final exams in addition to statewide, standardized EOC assessments.
- Provides flexibility to districts to monitor the reading proficiency of K-3 students and address the needs of students who struggle in reading and math.
- Streamlines provisions relating to 4th grade promotion and district K-12 comprehensive reading plans.
- Reduces classroom disruption by allowing district employees such as teacher assistants to administer state assessments.
- Enhances transparency and assessment literacy by requiring the development and use of a

uniform assessment calendar, specifying required elements for the calendar, and requiring timely reporting of district assessment and progress monitoring results to teachers and parents.

- Grants districts greater flexibility in measuring student performance in grades and subjects not associated with the state assessment program.
- Grants districts greater flexibility in evaluating teacher performance by reducing the student performance and instructional practice evaluation components to one third each and streamlining evaluation system monitoring provisions.
- Requires the state board to publish a comparison of district and state evaluation results.

Chapter Law 2015-6, Effective April 14, 2015.

SB 7028 – Educational Opportunities for Veterans by Senator Thad Altman (R – Cape Canaveral), amends the Congressman C.W. "Bill" Young Veteran Tuition Waiver Program to allow additional persons to be eligible for the out-of-state tuition fee waiver currently afforded to honorably discharged veterans residing in Florida and enrolled in a state university, Florida College System

institution, career center operated by a school district, or charter technical career center. The bill requires a state university, Florida College System institution, career center operated by a school district, or charter technical career center to waive out-of-state fees for any person who is receiving educational assistance through the U.S. Department of Veterans Affairs and who physically resides in Florida while enrolled in the institution. This addition allows individuals, such as a spouse or child of a veteran or service-member using GI Bill benefits, to qualify for in-state tuition rates. **Effective upon becoming law.**



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