



Volume **23** | Number **5** | **February 8, 2016**

Last week, the fourth in the nine-week session, was an exceptionally busy week at the capitol. Both the House and Senate Appropriations Committees approved their budget proposals and implementing bills. For the State University System, the House approved a \$4.73 billion spending plan, which includes \$100 million in new performance funds, \$20 million for preeminence split evenly between FSU and UF, and \$10 million for a new “emerging preeminent universities” program.

The Senate plan totals \$4.68 billion, which includes \$75 million in new performance funding for the SUS, and \$15 million in new funding for Preeminent and Emerging Preeminent Universities. The respective implementing bills traveling with the appropriations bills contain several differences between the two chambers. Please see the related story for a side-by-side of those differences.

The House spent two long nights last week arguing over controversial gun legislation, which did pass the full chamber on the second night of debate. But Senate President Andy Gardiner (R-Orlando) signaled that it would probably be difficult for the gun bills to pass out of the Senate this year. Please see the Spotlight on Bills section of this newsletter for a rundown of higher education legislation still moving through the committee process.

On Tuesday, the capitol was awash in garnet and gold as hundreds of capitol visitors, legislators and staffers enjoyed the sights and sounds of FSU Day at the Capitol. Please see the story and photos for an overview of our day at the capitol this year.

This week marks the halfway point of the 2016 Legislative Session. The budget and implementing bills will be debated, amended and passed by the full House and Senate, and will be positioned by the end of the week for the negotiating phase of the budgeting process known as “conference.”

You are welcome to watch legislative activities live on the Florida Channel, local cable channel 4. As always, please contact me for copies of bills and their analysis or with any questions you may have about legislation moving through the process. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

Comparison of House and Senate Implementing Bills

The Implementing Bills contain provisions necessary to effect the general appropriations bill and is effective for one fiscal year only.

Issue	SB 2502 – Senate Implementing Bill	HB 5003 – House Implementing Bill
Fixed Capital Outlay	Authorizes state universities to expend excess reserves for fixed capital outlay projects approved by the BOG that are primarily for academic instructional space or for critical deferred maintenance needs in this area.	Not in House bill
Educator Liability Program	Requires DOE to administer an educator liability insurance program, which provides a minimum of \$2 million in liability coverage for all full-time public school instructional personnel.	Not in House Bill
Performance funding	Revises metrics to include wage thresholds that reflect the added value of a baccalaureate degree Clarifies that a state university that fails to meet the minimum state investment eligibility threshold is ineligible for a share of the state's investment. A university that fails to meet the BOG minimum institutional investment eligibility shall have the institutional investment withheld by the BOG	Revises metrics to include wage thresholds that reflect the added value of a baccalaureate degree Requires the BOG to withhold disbursement of the institutional investment for a university that fails to meet the minimum eligibility until the BOG determines the university is making progress ...
Preeminence	Broadens the US News rankings and the TARU ranking metrics SAT changes	Deletes preeminent state research enhancement initiative Broadens the US News rankings and the TARU ranking metrics Requires the BOG to develop and implementation plan for including a metric that addresses the full-time employment rate of 90 percent of graduates for each state university's top two, six-digit Classification of Instructional Program baccalaureate degrees Provides tuition flexibility SAT changes
Emerging Preeminent	Creates the "Emerging Preeminent" program including a 5-year benchmark plan	Creates the "Emerging Preeminent" program including a 5-year benchmark plan
Distance Learning Fee	Not in Senate Bill	Caps the distance learning course fee at \$15.00 per credit hour

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Implementing Bills Comparison, *continued*

Best & Bright Program	Not in Senate Bill	Creates the Best and Brightest Teacher program
Financial Aid	Not in Senate Bill	Revises the Florida Student Access Grant program and the First Generation Matching Grant program
New Debt	In order to implement the issuance of new debt authorized in the 2016 -2017 GAA ...the Legislature determines that the authorization and issuance of debt for the 2016-17 fiscal year should be implemented and is in the best interest of the state.	Not in House Bill



Seminole Spirit Fills the Capitol

The Florida capitol rocked garnet and gold last Tuesday during FSU Day at the Capitol. Thank you to everyone who took time out of their busy schedules to share the accomplishments of their departments and programs with the legislative community, and to the volunteers who helped make this special day possible.

Special thanks also go out to Tom Block, our emcee for the noontime activities in the capitol courtyard, who introduced the FSU alumni currently serving in the legislature. The Seminole Sound spirit band, FSU cheerleaders and performers from the Flying High Circus were there to entertain the crowd, and Coach Jimbo Fisher, along with student-

athletes Dalvin Cook and Demarcus Walker, also took part in the lunchtime program.

The festivities began the night before on the 22nd floor of the Capitol with a “Seminole Evening,” a reception hosted by the FSU Student Government Association. State lawmakers, legislative staff, alumni and supporters gathered with students and other members of the campus community to meet and talk while the sun set over FSU’s campus in the distance.

These special events would not have been possible, of course, without the support of our generous sponsors:

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Seminole Spirit, *continued*



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SPOTLIGHT ON **BILLS**

SB 1230 – State University Fee Waivers by Senator Maria Sachs (D – Delray Beach), requires state universities to waive any or all application fees and tuition and related fees for a graduate student who has at least a 0.25 full-time equivalent appointment as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate. Additionally, the university is to fund this waiver

from annual funds provided in the General Appropriations Act for the general operations of universities. The bill is on today's Higher Education Subcommittee agenda. A similar bill in the House, **HB 1311 by Representative Michelle Rehwinkel Vasilinda (D – Tallahassee)** passed the Higher Education and Workforce Subcommittee last week and is now waiting to be heard in the Education Appropriations Subcommittee.

CS/CS/HB 7021 – Reading Instruction by Representative Janet Adkins (R – Fernandina Beach), revises provisions relating to the Just Read, Florida! Office, school improvement plans & early warning systems programs. Specifically the bill:

- Eliminates duplicative instructional materials requirements for the Department of Education and the Just Read, Florida! Office.

- Requires the Office of Early Learning to provide guidelines for determining whether a prekindergarten student has a deficiency in emerging literacy skills and examples of appropriate instructional strategies and supports to help early learning providers remediate identified deficiencies.
- Provides a monthly, rather than biweekly, progress-reporting requirement for students with a substantial reading deficiency.
- Provides that the terms “dyslexia” and “dyscalculia” have the same meaning as used in the Diagnostic and Statistical Manual of Mental Disorders for purposes of the parent handbook.
- Requires that retained 3rd grade students, including students participating in a school district’s summer reading camp, be provided a highly effective teacher with a reading endorsement or reading certification beginning July 1, 2019.
- Clarifies that each district school superintendent must certify his or her district uses instructional materials that incorporate reading instruction and intervention strategies identified by the Just Read, Florida! Office beginning with the next instructional materials adoption cycle (starting with the 2020-2021 school year). The amendment allows districts to avoid the additional purchase of materials during the current adoption cycle.
- Aligns teacher training, certification, and endorsement requirements under the bill with the beginning of the 2019-2020 school year.
- Requires reading endorsement competences to be aligned with the instructional and intervention strategies identified by the Just Read, Florida! Office.
- Clarifies that school districts must provide teachers access to training to help them earn a reading endorsement or renew their certification in accordance with the bill.

The bill passed its final committee of

reference and is waiting to be heard by the full House. A similar bill in the Senate, **SB 1068 by Senator John Legg (R – Lutz)** is scheduled for a hearing tomorrow in the Appropriations Subcommittee on Education.

HB 1147 – Educational Instruction by Representative Chris Latvala (R – Clearwater), requires each school district develop or adopt a curriculum for a K-12 character-development program and submit it to the DOE for approval. The curriculum must stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation.

In addition to current instructional requirements, the bill further requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;
- Managing stress and expectations; and
- Developing skills that enable students to become more resilient and self-motivated.

The bill reported favorably by the K-12 Subcommittee and is scheduled to be heard in the Education Appropriations Subcommittee tomorrow. A similar bill in the Senate, SB 1462 by **Senator Jack Latvala (R – Clearwater)**, passed the Education Pre-K-12 Subcommittee last week and is awaiting a hearing in the Education Appropriations Committee.

SB 7012 -- Death Benefits under the Florida Retirement System by Senator Jeremy Ring (D

– Margate), makes two changes to the Florida Retirement System (FRS). First, the bill increases the monthly survivor benefits available to the spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty from 50 percent of the member’s monthly salary at the time of death to 100 percent of the member’s monthly salary at the time of death.

Second, the bill permits the surviving spouse or children of an investment plan member in the Special Risk Class when killed in the line of duty to opt into the FRS investment plan survivor benefits program in lieu of receiving normal retirement benefits under the FRS investment plan. By participating in the survivor benefits program, the surviving spouse and children are eligible to receive annuitized benefits much like the survivor benefits (described above) afforded to Special Risk Class members of the FRS pension plan.

The new survivor benefits established by this bill are available to members in the Special Risk Class killed in the line of duty on or after July 1, 2013.

The bill passed the Appropriations Committee last week and is scheduled for a hearing by the full Senate this week. A similar bill in the House, **HB 917 by Representative Rene Plasencia (R – Orlando)**, is waiting to be heard in the Governmental Operations Subcommittee, its first committee of reference.

CS/SB 1076 – Education by Senator John Legg (R – Lutz), expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Prohibits district school boards from limiting the number of public school students who may enroll

in the collegiate high school program; and

- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

The bill reported favorably last week in the Education Pre-K-12 Subcommittee. There is no House companion at this time.

CS/SB 1678 – High School Graduation Requirements by Senator Maria Sachs (R – Delray Beach), allows a high school student participating in a registered apprenticeship with a certified trade association to use credits earned upon completion of the apprenticeship to satisfy the high school graduation credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

The bill reported favorably in the Pre-K-12 Subcommittee last week. There is no House companion at this time.

HB 593 – Government Accountability by Representative Larry Metz (R – Groveland, FSU Alum), makes changes to several statutes that ensure government accountability of state and local governments. In part, the bill:

- Authorizes the Governor or Commissioner of Education to notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements;
- Applies the conflicting contractual relationship ban to contracts held by a business entity in which a public officer or public employee

holds a controlling interest or that he or she manages;

- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls;
- Revises criminal provisions relating to bribery, misuse of public office, unlawful compensation or reward for official behavior, official misconduct, and bid tampering to replace the "corrupt intent" mens rea requirement with a "knowingly and intentionally" mens rea requirement and to expand the applicability of these offenses to officers and employees of a public entity created or authorized by law;
- Subjects public contractors to the criminal offenses of official misconduct and bid tampering;
- Allows public servants and public contractors prosecuted for a criminal offense to recover attorney fees;
- Revises financial disclosure requirements for elected municipal officers who receive compensation;
- Adds school districts to the list of governmental entities who may withhold salary-related payments for failure to timely file disclosure of financial interests;
- Requires a unit of government to investigate and take action to recover prohibited compensation and exempts from the prohibition specified bonuses and severance pay;
- Requires completion of an annual financial audit of the Florida Virtual School;
- Requires a district school board, Florida College System board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; and

- Prohibits a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard.

The bill reported favorably in the Government Operations Subcommittee. A comparable bill in the Senate, **SB 686 by Senator Don Gaetz (R – Destin)** is on the Governmental Oversight and Accountability Subcommittee agenda tomorrow.

CS/HB 669 – School Choice by Representative Chris Sprowls (R – Clearwater), enhances K-20 fiscal transparency and revises provisions relating to public and private educational choice options by:

- Specifying that career and professional education (CAPE) digital tools, CAPE industry certifications, and collegiate high school programs are considered public educational choice options and the Florida Personal Learning Scholarship Account Program is a private educational choice option.
- Requiring that parents be provided information about the average amount expended per student in their child's school.
- Authorizing district school board auditors to perform additional audits and reviews as directed by the school board.
- Requiring each district school board to allow parents to seek enrollment in, and transport his or her child to, any public school that has not reached capacity in the district.
- Requiring district school boards to establish a transfer process by which a parent may request that his or her child be transferred to another teacher.
- Providing that, beginning in the 2017-2018 school year, a parent may seek enrollment in, and transport his or her child to, any public school that has not reached

capacity in the State.

- Requiring the Department of Education (DOE) to contract with the Center for Applied Economic Analysis at Florida Polytechnic University to determine the portability of the local portion of the Florida Education Finance Program (FEFP) funds when students are able to apply and enroll in any public school in the state.
- Revising the Credit Acceleration Program (CAP) to allow students to earn high school credit in a course by passing an end-of-course assessment or an Advanced Placement (AP) Examination.

The bill reported favorably in the Education Appropriations Subcommittee last week and is scheduled for a hearing on the Education Committee agenda tomorrow. A comparable bill in the Senate, **SB 886 by Senator Lizbeth Benacquisto (R – Ft. Myers)** is waiting to be heard in the Appropriations Committee.

HB 7099 – Taxation by Representative Matt Gaetz (R – Shalimar, FSU Alum), provides for a wide range of tax reductions and modifications designed to directly impact both households and businesses, and to improve tax administration.

The bill permanently reduces the state sales tax rate on rental of commercial real estate (business rent tax) from 6% to 5%, beginning January 1, 2017, with an additional one-percentage point reduction (to 4%) in calendar year 2018 only. The bill includes new, extended or expanded sales tax exemptions for: machinery and equipment for certain manufacturing, agricultural postharvest activities, and metals recycling; **sales at school book fairs for one year; sales of college textbooks and instructional materials for one year;** building materials, pest control, and rental of tangible personal

property used in new construction in rural areas of opportunity; certain equipment, electricity and building materials used by certain new or expanding Florida datacenters; sales of food and drink by military veterans service organizations to their members, and certain resales of admissions for three years. The bill also clarifies requirements for the current exemption on sales of aircraft that will be registered in a foreign jurisdiction. The bill includes the following sales tax holidays: **a ten-day “back-to-school” holiday for clothing, footwear, school supplies, and computers; a one-day “technology” holiday on sales of computers and related accessories;** a one-day “small business” holiday, for sales by certain small businesses; and a one day “hunting and fishing” holiday for certain hunting firearms, ammunition, camping tents, and fishing supplies.

For property taxes, the bill: clarifies that for a limited period, economic development tax exemptions can be granted in areas which were designated enterprise zones as of December 30, 2015; expands the homestead exemption available for the surviving spouses of totally and permanently disabled veterans; creates a property tax discount on certain property used for affordable housing; and allows a midyear transfer of the disabled veteran homestead exemption.

For corporate income tax, the bill: temporarily increases total tax credits available for voluntary brownfields clean-up, research and development tax credits, and renewable energy technology and production tax credits. The bill adopts the Internal Revenue Code as in effect on January 1, 2016, but decouples from certain federal bonus depreciation provisions and changes certain filing dates to conform with the federal filing date changes.

Further changes in the bill include: equalization of the tax rates on apple

and pear cider; changes to allowable and required uses of tourist development taxes; elimination of a current exemption from and a reduction of the aviation fuel tax rate; clarification of administration of the tax on other tobacco products; clarification of documentary stamp tax treatment of certain housing authority notes; requiring at least 5% of community redevelopment agency revenues be spent on youth centers in certain circumstances; and replacement of the current tax calculation on liquor and tobacco sold on cruise ships with a simpler, revenue neutral calculation.

The total of -\$991.7 million in tax reductions proposed by the bill is the sum of the recurring impacts. The bill also includes nonrecurring General Revenue appropriations of \$762,154.

The bill is scheduled for a hearing by the full House this week. There is no Senate companion at this time.

PCB GOAS 16-01 – Session Date for 2018 by Representative Jeanette Nunez (R – Miami), moves

the starting date for the 2018 Legislative Session from early March to January 9, 2018. The regular 60-day session typically lasts from early March to early May, except in redistricting years. The state Constitution fixes the start of session to the first Tuesday after the first Monday in March in odd-numbered years, but no dates are specified for even-numbered years. Two years ago, when lawmakers agreed to advance the start of the 2016 session to January, supporters of the change said, in part, that it would allow lawmakers to be home with their families for such things as spring break. This year’s session started Jan. 12 and is scheduled to end March 11. The proposed legislation will be discussed in the Governmental Operations Appropriations Subcommittee later today. There is no Senate companion at this time.

UPDATE ON BILLS

CS/HB 1127 Resale of Tickets by Representative Jared Moskowitz (D – Coral Springs) was amended last week to remove the limitation that only season and subscription tickets may not be restricted from resale by an operator, and provided that an operator of a place of entertainment or the operator's agent may not restrict, by any means, the resale or transfer of any ticket. The bill reported favorably in the Business and Professions Subcommittee. A similar bill in the Senate, **SB 1344 by Senator Chris Smith (D – Ft. Lauderdale, FSU Alum)** is on the Commerce and Tourism Subcommittee agenda today.

CS/CS/SB 468 – Computer Coding Instruction by Senator Jeremy Ring (D – Margate), was amended last week to:

- Specify that the requirements of the bill are not effective until the 2018-2019 school year;
- Require each student and his or her parent to sign an acknowledgment that computer coding may not meet out-of-state college and university foreign language requirements; and

- Requires the Commissioner of Education to create the specified computer coding courses.

The bill passed out of committee and is waiting to be heard by the full Senate. The House companion, **CS/HB 887 by Representative Janet Adkins (R – Fernandina Beach)**, is on the Education Appropriations Subcommittee agenda for tomorrow.

SB 824 – Dual Enrollment Program by Senator Kelli Stargel (R – Lakeland), modifies public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for public postsecondary institutions. Specifically, the bill:

- Establishes August 1 as the annual deadline by which the dual enrollment articulation agreements with home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to the Department of Education.
- Clarifies that the provision of instructional materials and transportation for home education program students and private schools must be addressed in the articulation

agreement with the partnering postsecondary institution.

- Establishes provisions that must be included in the articulation agreements with private schools.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.
- Specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for dual enrollment courses taken by private school students, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill reported favorably in the Education Pre-K-12 Subcommittee last week and is waiting to be heard in the Subcommittee on Education. The House companion, **HB 835 by Representative Eric Eisnagle (R – Orlando)** was amended in the Education Committee last week to require that each public postsecondary institution develop a comprehensive dual enrollment articulation agreement for home education students and the postsecondary institution. The bill is waiting to be heard by the full House.

SESSION SCHEDULE

SENATE SESSION

WEDNESDAY, **FEBRUARY 10**, 1:00 p.m.
to 6:00 p.m.

THURSDAY, **FEBRUARY 11**, 1:00 p.m.
to 6:00 p.m.

HOUSE SESSION

WEDNESDAY, **FEBRUARY 10**, 1:00 p.m.
until completion

THURSDAY, **FEBRUARY 11**, 9:00 a.m.
to 3:00 p.m.



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