



Volume **19** | Number **9** | **March 12, 2012**

**A**nyone who has been involved in the legislative process for some length of time justifiably assumed that this year's session – since it included the decadal redrawing of congressional and legislative districts, as well as a projected revenue deficit – would be chaotic and extremely contentious. Those predictions proved to be accurate, especially as the 2012 legislative session sputtered to a close at the stroke of midnight last Friday, March 9, after passage of a \$70 billion budget for the coming fiscal year.

Primarily because of persistent revenue shortfalls, the crafting and passage of a state budget has been disputatious the last few years. That was again the case this session, although revenue-allocation concerns seemed to be keenly focused on higher education this year, particularly in the Senate.

For a majority of the session, the higher-ed portion of the budget was fixated on a push by Senate budget committee chairman J.D. Alexander (R-Lakeland) to reduce SUS allocations overall but still create a twelfth state university. As it happened, that new university, Florida Polytechnic, was established in Lakeland while the budgets of the existing state institutions were reduced by a total of \$300 million. (Please see the related story about FSU's portion of this budget cut.)

The legislature also passed, last week, the State University of Academic and Research Excellence and National Preeminence Act, and sent that bill on to the governor for his signature. This legislation establishes a collaborative partnership between the state Board of Governors and legislature to elevate the academic and research distinction and national stature of Florida's highest-performing research universities. Institutions that meet the accountability benchmarks set forth in the bill – which currently include FSU and UF – would be granted greater tuition flexibility. (Please see the Spotlight on Bills section for more information on this legislation.)

In spite of the regular session's close, state lawmakers will return to the capitol on Wednesday to revisit some of the original boundaries they drew for state Senate districts. On Friday, the Florida Supreme Court ruled that the original set of Senate maps was unconstitutional and sent them back to the legislature for further work. This special redistricting session is expected to conclude on March 19.

Once the governor has weighed in on bills of interest to the SUS, as well as the state budget, a follow-up Legisletter will be distributed. In the meantime, please don't hesitate to contact me if you have questions about any of the actions taken during the 2012 legislative session. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

## **SESSION SCHEDULE**

**THE HOUSE AND SENATE SESSION WILL CONVENE IN SPECIAL SESSION ON REDISTRICTING ON WEDNESDAY, MARCH 14 AT 1:00 P.M.**



**THE FLORIDA STATE UNIVERSITY**  
GOVERNMENTAL RELATIONS

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**BUDGET UPDATE** The legislature passed a \$70 billion budget plan as the clock ticked down to midnight on Friday, March 9. University funding was at the center of the budget negotiations this year. Senate budget chair, J.D. Alexander (R. Lakeland) juxtaposed a \$300 million non-recurring cut to the university budgets while pushing to create a twelfth state university. In the end, both issues prevailed.

The budget challenge was how to distribute the \$300 million cut to the eleven state institutions. In the past, cuts were based on the size of the university budget and student enrollment. But

this year, the legislative leaders decided to largely base the cut on the amount of fund reserves each university carried forward. This decision ultimately punished those institutions that planned for tough budget years, and rewarded those who were not nearly as frugal. Florida State University had the largest carry-forward balance and thereby lost \$66 million (an 8.1% deduct), to be covered by the fund balance. One bright spot in the budget is that the Legislature did agree to a \$3.3 million recurring appropriation for the Mag Lab. Below is a summary of budget items pertaining to Florida State University:

<b>2012-2013 QUICK BUDGET REFERENCE GUIDE SB 5001</b>		
<b>PAGE</b>	<b>DESCRIPTION</b>	<b>LINE ITEM</b>
	<b><u>OPERATING BUDGET</u></b>	
<b>37</b>	General Revenue . . . . . \$156,883,468	<b>129</b>
<b>4</b>	Lottery . . . . . \$ 26,415,961	<b>11</b>
<b>37</b>	Student and Other Fees . . . . . \$214,937,655	<b>129</b>
<b>38</b>	Student Financial Assistance . . . . . \$1,467,667 (GR – includes \$3.3 million recurring for the National High Field Magnet Laboratory)	<b>136</b>
	<b><u>COLLEGE OF MEDICINE</u></b>	
<b>38</b>	General Revenue . . . . . \$32,572,857	<b>133</b>
<b>5</b>	Lottery . . . . . \$605,115	<b>15</b>
<b>38</b>	Student and Other Fees . . . . . \$11,572,716	<b>133</b>
<b>2</b>	Bright Futures + proviso. . . . . \$329,408,935	<b>3</b>
<b>6</b>	FCO – Maintenance, Repair, Renovation & Remodeling, SUS . . . . . \$7,000,000	<b>16</b>
	<b><u>LOTTERY CAPITAL OUTLAY – FSU</u></b>	
<b>8</b>	Earth Ocean Atmospheric Sciences Building . . . . . \$3,850,000	<b>17A</b>
	<b><u>FLORIDA DIAGNOSTIC AND LEARNING RESOURCE CTR.</u></b>	
<b>24</b>	General Revenue . . . . . \$396,525	<b>88</b>
	<b><u>AUTISM – FSU COLLEGE OF MEDICINE</u></b>	
<b>24</b>	General Revenue . . . . . \$770,762	<b>91</b>
	<b><u>PUBIC BROADCASTING</u></b>	
<b>27</b>	Statewide Gov. & Cultural Affairs Programming . . . . . \$497,522	<b>103</b>
	Florida Channel Closed Captioning - GR . . . . . \$340,862	
	Florida Channel Year Round Coverage - GR . . . . . \$1,806,676	
	FSU – Public Television . . . . . \$307,447	
<b>103</b>	<b>Proviso</b> FAMU/UF/FSU/FAU collaboration to provide: (1) training opportunities for students from diverse backgrounds to pursue advanced degrees in the state's existing medical, dental, pharmacy, nursing and other health related programs. . . . \$1,600,000	<b>570</b>
<b>306</b>	Florida Catastrophic Storm Risk Management Center . . . . . \$350,000	<b>2488A</b>

311	<b>Proviso</b> May be utilized to promote and enhance collaborative research among State Universities. The Florida Public Hurricane Loss Model located at Florida International University may consult with the private sector and the Florida Catastrophic Storm Risk Management Center. . . . . \$588,639	
385	<b>Proviso</b> Funds are provided in each agency's budget to continue paying the state share of the current State Life Insurance Program.	<b>Section 8</b>
386	<b>Proviso</b> State Health Insurance Plans and Benefits <b>A.</b> Premiums paid by Employees for the coverage period July 1, 2012, through June 30, 2013 the employee's share of the health insurance premiums for the standard plans shall continue at \$50 per month for individual coverage and \$180 per month for family coverage. <b>B.</b> For the coverage period July 1, 2012 through June 30, 2013, the employee's share of the health insurance premium for the high deductible health plans shall continue at \$15 per month for individual coverage and \$64.30 per month for family coverage. <b>C.</b> For the coverage period July 1, 2012 through June 30, 2013, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall continue to be \$8.34 per month for individual coverage and \$30 per month for family coverage. This subparagraph applies to those employees filling positions with "agency pay all" benefits. <b>D.</b> For the coverage period July 1, 2012 through June 30, 2013, the employee's share of the health insurance premium for the standard plans and the high deductible health plans shall be \$15 per month for each employee participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, either as a "spouse" or "dependent spouse."	<b>Section 8</b>
386	<b>STATE EMPLOYEES' PRESCRIPTION DRUG PROGRAM</b> <b>2.</b> For the coverage period July 1, 2012 through June 30, 2013, co-payments for the State Group Health Insurance Standard Plan shall be as follows: <b>A.</b> \$7 co-payment for generic drugs with card; <b>B.</b> \$30 for preferred brand name drug with card; <b>C.</b> \$50 nonpreferred brand name drug with card; <b>D.</b> \$14 for generic mail order drug; <b>E.</b> \$60 for preferred brand name mail order drug; <b>F.</b> \$100 for nonpreferred brand name mail order drug. <b>6.</b> The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order by participants of the Preferred Provider Organization option only. Effective July 1, 2012, those drugs on the maintenance list may be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order, unless the Department of Management Services develops a program per House Bill 5003 to allow retail pharmacies to provide 90 day prescriptions for such drugs.	<b>Section 8</b>
388	<b>Proviso</b> Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.	<b>Section 8</b>
390	The following fixed capital outlay projects may be constructed, acquired and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.  NHMFL Storage Building FSU Lake Bradford Waste Management & Recycling Center FSU Talla-Com Building FSU Gunter Building FSU 3000 Commonwealth FSU Donald L. Tucker Civic Center	<b>Section 9</b>
390	The following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation. FSU Earth Ocean and Atmospheric Sciences Building (EOAS) FSU Athletic Facility	<b>Section 9</b>

# SPOTLIGHT ON **BILLS**

**HB 7129, State Universities of Academic and Research Excellence and National Preeminence, by Representative Bill Proctor (R – St. Augustine, FSU Alum),** establishes the State Universities of Academic and Research Excellence and National Preeminence Act (Act). The Act is a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research excellence and national preeminence of the highest performing state research universities in Florida. A state research university that substantially meets 11 of the 14 academic and research excellence standards (of which only UF and FSU currently meet) established in the bill may:

- Establish student tuition and fees at differentiated and market rates; and
- Require incoming first-time-in-college students to take 9-12 credit hours of coursework specifically determined by the university at the university.

A qualified Prepaid Program beneficiary is exempt from the payment of any increase in tuition and fees if an advance payment contract for such qualified beneficiary predates the first year an SUS institution receives tuition and fee authority; and if the advance payment contract for such qualified beneficiary remains in effect. A qualified Prepaid Program beneficiary who enters into an advance payment contract in the first year an SUS institution receives tuition and fee authority, or in the years thereafter, must pay the difference between the highest rate of tuition and fees covered by the advance payment contract and the tuition and fees assessed by the SUS institution of national preeminence that such qualified beneficiary attends.

The authority to establish student tuition

and fees at differentiated and market rates is contingent upon the BOG verifying that the SUS institution substantially meets at least 11 of the following 14 academic and research excellence standards: An average weighted grade point average of 3.8 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshman, as reported annually.

- A top 50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 6-year graduation rate of 70 percent or higher for full-time first-time-in-college students, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported annually by The Center for Measuring University Performance for the Top American Research Universities (TARU).
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the TARU.
- Total annual research expenditures in diversified nonmedical sciences of \$100 million or more, as reported annually by the National Science Foundation (NSF).
- A top 100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents

awarded by the United States Patent and Trademark Office for the most recent 3-year period.

- Two hundred fifty or more doctoral degrees awarded annually, as reported by TARU.
- Two hundred or more post-doctoral appointed annually, as reported by TARU.
- A national ranking in quality higher than predicted based available financial resources rankings, as reported annually by U.S. News and World Report.
- An endowment of \$400 million or more, as reported annually by the TARU
- Annual giving of \$50 million or more, as reported annually by the TARU.

Additionally, a state research university that substantially meets the requirements of the bill must submit a tuition and fee rate proposal annually by May 31 detailing the requested budget authority in the Education and General Student and Other Fees Trust Fund needed to implement the new tuition structure to the BOG with the university work plans.

Finally, a state research university that substantially meets the requirements of the bill must maintain fees used to pledge or secure debt at an appropriate fee level to meet all debt service obligations of that university.

The bill is effective upon becoming law.

**HB 7135, Postsecondary Education by Representative Bill Proctor (R – St. Augustine, FSU Alum),** amends provisions of law relating to the State University System (SUS), the Florida College System (FCS), general education requirements, and various other provisions.

The bill requires that the strategic plan adopted by the Board of Governors (BOG)

address, not only goals and objectives for the SUS and each constituent university, but also each university's contribution to overall system goals and objectives. The strategic plan must also include performance metrics and standards common to all institutions and standards and metrics unique to each institution, depending on the institutional mission. The BOG may consider waiving its regulations to reduce barriers and support attainment of goals identified in institutional plans as necessary for advancing system and unique institutional priorities.

The bill establishes a formula for performance funding whereby state universities can compete for additional funding to support engineering and technology programs that have high employment outcomes.

The bill directs the State Board of Education (SBE) to clarify the mission statements of each FCS institution and its role within the system as a whole. More specifically, the bill requires the SBE to identify the role of each institution in baccalaureate degree production and establish criteria for service delivery areas of FCS institutions authorized to grant baccalaureate degrees. The SBE must identify performance metrics for the FCS and develop a plan that specifies goals and objectives for each FCS institution.

The bill requires the SBE, in consultation with the BOG and the Department of Economic Opportunity (DEO) to adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM). The bill requires a FCS institution notice of intent to propose a baccalaureate degree program, to include independently-determined workforce demand and unmet need data. In addition, the bill repeals the unused provision allowing FCS institutions to bypass SBE approval for additional baccalaureate degrees and requires each FCS institution offering baccalaureate degree programs to annually report its status using specific performance and compliance indicators.

The bill revises provisions related to general education beginning with students initially entering a FCS institution in 2014-15, by reducing the requirement from 36 semester credit hours to 30 semester credit hours for an associate or baccalau-

reate degree. The chairs of the SBE and the BOG are required to jointly convene faculty committees to identify statewide general education core course options. General education core course options must consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The bill also requires that associate in arts degree students demonstrate competency in a foreign language pursuant to s. 1007.262, F.S.

Beginning December 31, 2013, the bill requires the DEO to annually prepare an economic security report of employment and earning outcomes for degrees or certificates earned at a public postsecondary educational institution.

The bill requires all private postsecondary institutions that receive state funds to submit student-level data to appropriate state level entities.

The bill is effective upon becoming law.

### **HB 5201—Higher Education Funding, by Representative Denise Grimsley (R – Sebring),**

provides higher education funding issues to conform to the 2012-2013 General Appropriations Act. Specifically, the bill:

- Requires UBOTs to Conduct a Public Audit Overview During a Board Meeting if the Audit Contains Significant Findings. Requires the Auditor General to notify the Joint Legislative Auditing Committee of any audit review which indicates that a state university has failed to take corrective action in response to a recommendation which was included in the two preceding audit reports. The committee may take appropriate action as required including further written documentation from the governing body, committee appearance and testimony, and financial penalties
- Requires coalitions to maximize purchasing power for higher education institutions
- Authorizes BOG to transfer unused tuition appropriations from the Education/ General Student and Other Fees Trust Fund between institutions.
- Requires all transfers between major institutions and their special units to

be reviewed for approval by the Board of Governors if the amount exceeds \$1 million. If approved, the Legislative Budget Commission must review.

- Caps salaries for college and university presidents and administrative employees at \$200,000 (excluding medical school faculty & staff) for FY 2012-13
- Revise the severance package language for College and University Presidents to conform to s. 215.425, F.S. (prohibits paying severance pay from state dollars).
- Creates the Florida Virtual Campus and incorporates distance learning, FACTS.org, and the Florida Center and the Community College Center for Library Automation. The bill also creates an Adult Completion Pilot Program within the Virtual Campus.
- Clarifies that students enrolled in the Spring/Summer UF pilot program are authorized to receive a Bright Futures Scholarship award for only 2 semesters each year
- Shortens the length of time from 3 years to 2 years that a student is eligible to accept the initial Bright Futures Scholarship after high school graduation
- Revises eligibility requirements for students to receive a Bright Futures Scholarship award renewal
- Provides that Bright Futures Gold Seal must be used for specific career-focused educational programs
- Provides for an excess hour surcharge over 110% for students enrolling for the first time in 2012-2013, instead of 115% (Surcharge=100% of the PCH tuition rate)
- Authorizes UF to exceed the 5% bonding limitation on the A&S fee to fund the renovation and expansion of the student union
- Requires the Florida Fund for Minority Teachers, Inc. to use collections agency to collect repayments of defaulted scholarships, and to report the annual balance of assets and cash reserves. Clarifies language relating to state matching funds, requiring a dollar-for-dollar state match to private contributions and requires expenditure of appropriated funds to be matched dollar-for-dollar from private sources.
- Revises matching requirements for the Jose Marti and Mary McLeod Bethune Scholarship



- Provides \$16.9 million to support the newly established Virtual Campus, of these funds \$5 million is provided for student access and degree completion pilots

Effective July 1, 2012

**HB 5007 – State Employees by Representative Denise Grimsley (R – Sebring),**

provides for the resolution of collective bargaining issues at impasse between the State of Florida and the certified bargaining units for state employees. Bargaining units include: Teamsters Local 2011, Police Benevolent Association, Fire Services Association, AFCME, Federation of Physicians and Dentist, and the Department of Lottery. Effective July 1, 2012.

**HB 5009, Health Insurance Benefits for State Employees, by Representative Denise Grimsley (R – Sebring),**

provides that in lieu of participation in the state group insurance programs the University of Florida Board of Trustees may provide, or arrange for the provision of, health and other self-insurance or insurance programs, including the necessary administrative support services required to implement and administer such programs, for its employees, including all of its employees who retire on or after implementation of such programs, and may require actuarially determined employee premium payments.

Additionally, the bill provides that the Department of Management Services may implement a 90-day supply limit program for certain maintenance drugs as determined by the department at retail pharmacies participating in the prescription drug program if the department determines it to be in the best financial interest of the state.

Effective July 1, 2012

**Senate Bill 5011 – Relating to State Information Technology, by Representative Denise Grimsley (R – Sebring),**

creates the Agency for State Technology (AST) and abolishes Agency for Enterprise Information Technology, and transfers its records, property, funds, trust funds, administrative authority and rules, pending issues, and, existing contracts to AST. The bill nullifies specified rules relating to en-

terprise e-mail service and revises provisions for consolidation of agency computing facilities into the primary data centers system. Additionally, the bill revises provisions relating to state data center system and provides duties of AST. Finally, the bill revises the duties of state agencies. Effective July 1, 2012

**HB 5203 – Workers Compensation, by Representative Denise Grimsley (R – Sebring),**

repeals section 1010.87, Florida Statutes, removing the Department of Education's administrative responsibilities toward Workers Compensation and placing those duties within the Department of Financial Services. Effective July 1, 2012

**HB 5509 – State Data Center System, by Representative Ed Hooper (R - Clearwater),**

consolidates all agency data centers and computing facilities in a primary data center. The bill requires that computing resources be concentrated in quality facilities that provide proper security, infrastructure, and staff resources to ensure that the state's data is maintained reliably and sagely, and is recoverable in the event of a disaster. The bill designates Northwest Regional Data Center at FSU as a primary data center that will have the following facilities consolidate with:

- The Department of Education's Knott Data Center
- The Department of Education's Division of Vocational Rehabilitation
- The Department of Education's Division of Blind Services
- The FCAT Explorer
- FACTS.org
- The Department of Revenue's Carlton building and Imaging Center locations

The bill is effective July 1, 2012.

**HB 5101 – Pre-kindergarten – 12 Education Funding by Representative Marti Coley (R – Marianna, FSU Alum),**

is the budget conforming bill for Pre-K – 12. The bill:

- Removes public radio stations from the public broadcast program system
- Revises the severance package language for school district employees

- Requires the establishment of School District Consortium to maximize purchasing power for goods and services
- Requires the implementation of an evidence-based pre- and post-assessment for all Voluntary Prekindergarten Education Programs that has been approved by the DOE

- Provides funding formula for students enrolled in juvenile justice education programs

- Requires that a school district that has one or more of the 100 lowest-performing elementary schools based on the state reading assessment shall provide one additional hour of instruction, beyond the normal school day, for each day of the entire school year, for intensive reading instruction for students in these schools.

- Establishes the K-12 Public School Facility Funding Task Force to examine all relevant factors and make recommendations to the Legislature for more equitable facility funding for schools and charter schools.

The bill is effective July 1, 2012

**HB 5005 – Retirement, by Representative Denise Grimsley (R – Sebring),**

revises the employer contributions for members of the State University System Option Retirement Program, and the State Retirement System. The bill reduces the employer contribution rate by 2.28%. Effective July 1, 2012.

**CS SB 198 – State University System Optional Retirement Program, by Senator John Thrasher (R – Jacksonville, FSU Alum),**

increases the number of companies that the Department of Management Services (DMS) is authorized to contract with for provision of State University System optional retirement plans (SUSORP) from five to six companies. The bill also provides that if an additional company is to be added by competitive procurement, that the contract with the new provider be effective from July 1, 2012 until December 14, 2014, and that all SUSORP providers to be designated after January 1, 2015, must participate together in a competitive procurement. Effective upon becoming law.

## **SB 922 – Current and Former Military Personnel, by Senator Mike Bennett (R – Bradenton),**

contains numerous provisions relating to support of military installations, military personnel and veterans. The bill addresses military support as follows:

**Encroachment:** The bill clarifies provisions relating to military installation commanders' advisory comments on land use changes. In addition, the bill requires advisory comments be supported by appropriate data and analyses that are to be provided with the comments.

**Property Tax Exemption for Deployed Service members:** The bill makes changes to the designated operations for which deployed service members may qualify for an ad valorem tax exemption. It also provides an exception to the March 1 application deadline in s. 196.173(5), F.S., for 2012 only.

**Florida Veterans' Hall of Fame Council:** The bill creates the Florida Veterans' Hall of Fame Council to serve as an advisory body tasked with accepting nominations of persons to be considered for induction into the Hall of Fame.

**Grants for Military Base Retention:** The bill streamlines the grant programs and revises legislative intent for the programs to include the Legislature's interest in supporting and sustaining military installations throughout the state.

**T. Patt Maney Veterans' Treatment Intervention Act:** The bill authorizes the chief judge of each judicial circuit to establish a Military Veterans and Service members Court Program (Program) for veterans and service members who are convicted of a criminal offense and who suffer from a mental illness, traumatic brain injury (TBI), or substance abuse disorder as a result of their military service. Under the Program, a judge may sentence such veterans and service members in accordance with ch. 921, F.S., and through services tailored to the individual needs of the participant. The bill includes requirements for entry into the Program. The bill also authorizes a court to impose a condition of supervision requiring probationers or community controlles whose crime was committed on or after July 1, 2012, and who is a service member or veteran,

who suffers from a military service-related mental illness, TBI, or substance abuse disorder, to participate in a treatment program capable of treating the offender. The bill requires preference for certain treatment programs. Finally, the bill adds both felony and misdemeanor pre-trial intervention programs as eligible treatment programs for veterans and service members.

**Postsecondary Education Course Registration for Veterans:** The bill requires institutions within the Florida College System and the State University System that offer priority course registration for a segment of the student population (or upon the implementation of such a policy), to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also encourages independent postsecondary educational institutions to offer similar priority course registration. The bill provides that the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred would also be granted priority course registration, and that qualified GI Bill users will be eligible for priority registration until the expiration of the GI Bill educational benefits.

Effective July 1, 2012

**HB 7079 – State Retirement, by Representative Jimmy Patronis (R – Panama City, FSU Alum),** clarifies the definitions of terms "normal retirement date" and "vesting". The bill authorizes distributions to certain members who are terminated from employment for 1 calendar month if the member has reached the normal retirement date. The bill provides rulemaking authority to the Department of Management Services and college boards of trustees. Additionally, the bill clarifies provisions related to the prohibition of hardship loans or payments and clarifies that a retiree who is reemployed in regularly established position, after certain date, may not be enrolled as renewed member. The bill makes conforming changes to DROP regarding the deferral age. The bill also provides that the term "benefit" for purposes of the SUSORP means a distribution taken by the member, or surviving beneficiary, funded in part or in whole by employer and employee contributions. A rollover distribution to another qualified plan qualifies

as a distribution. The bill specifies that the definition of the term "eligible employee" does not include certain members reemployed in regularly established position and clarifies when benefits may be paid out. Effective July 1, 2012.

**SB 1994 – Postsecondary Education by Senator Don Gaetz (R - Destin),** creates the Florida Polytechnic University as a new 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. Effective upon becoming law.

**HB 931 – Board of Governors/ Student Member of Board of Governors by Representative Matt Gaetz (R – Shalimar, FSU Alum),** proposes to amend Section 7(d), Article IX of the Florida Constitution as follows:

- The specific reference to "the president of the Florida student association, or the equivalent," as the student member of the BOG is removed;
- The number of members appointed by the Governor is increased from 14 to 15;
- One of the 15 members appointed by the Governor must be a state university student body president selected from a pool of applicants.

The state university student body president will serve a one-year term and is not subject to confirmation by the Florida Senate. A state university student body president is ineligible for appointment if the student body president appointed to the BOG in the previous year was from the same university. The initiative will be placed on the ballot to be decided by the voters.

**HB 347 -- College Credit for Military Training and Education Courses, by Representative Gayle Harrell (R – Port St. Lucie),** requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.

The bill requires that the regulations and rules include procedures for credential evaluation and the award of academic college credit, including but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit. Effective July 1, 2012

**HB 1205, Drug-free Workplace by Representative Jimmie Smith (R – Lecanto),** expands the authorization of state agencies to drug test employees to allow for random drug testing of all employees at specified intervals. It limits the number of employees tested to no more than 10 percent of each agency's workforce every three months.

The bill also revises requirements for the discipline, treatment, and continued employment of a state employee who receives a positive drug test result. In part, such revisions include authorization for a state agency to terminate the employment of any employee who receives a first-time positive drug test result.

The bill provides for the blanket drug testing of all state agency job applicants, regardless of the duties of the position. The bill provides that any drug test conducted under the Drug-Free Workplace Act must be paid for by each agency's appropriation.

In addition, the bill revises the categories of public job applicants that may be drug tested. It also expands the categories of employers that may qualify for certain insurance discounts due to maintenance of a drug-free workplace program. Effective July 1, 2012

**CS/CS/CS/HB 1355 – Protection of Vulnerable Persons by Representative Chris Dorworth (R – Heathrow),** requires any person to report known or reasonably suspected physical or emotional abuse of a child by any adult person. The bill also requires any person to report known or reasonably suspected sexual abuse of a child by any person. Any report of child abuse, abandonment, or neglect by a person other than a child's caregiver, as defined in statute, must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families (department), and forwarded to the appropriate sheriff's office.

The bill requires the department to enable the hotline to accept reports of known or suspected child abuse, abandonment, or neglect through web-based chat. Also, the department is directed to conduct a study on the feasibility of adding text and short message service formats as means for the hotline to accept and process reports of abuse. The department must also update the web-based reporting form for the hotline to receive appropriate information and allow the department to assess need and the appropriate response to the need. The bill requires the department to partner with community-based organizations and public service campaigns to promote public awareness of the hotline. The bill appropriates 47 full-time equivalent staff and \$2.44 million from the General Revenue Fund to the department to handle additional workload for the hotline.

The bill imposes a \$1,000,000 fine on public and private colleges, universities and schools whose personnel or law enforcement agencies fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school and specifies who shall assess the fine against the institution.

The bill requires the department to develop and implement a program to assist parents and custodians of children who call the hotline to seek assistance unrelated to a report of abuse or a crime

involving a child. The bill establishes requirements for the program and specifies the services to be offered by the program.

The bill expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates \$1.5 million from the General Revenue Fund for that purpose.

The bill increases criminal penalties by reclassifying certain violations involving sexual conduct with minors.

The bill is effective October 1, 2012.

**HB 7127 -- School Improvement and Education Accountability, by Representative Erik Fresen (R – Miami, FSU Alum),** eliminates existing criteria for identifying public schools for intervention and classification of schools into six categories, five of which require intervention. Instead, the Florida Department of Education (FDOE) must identify public schools for interventions based upon a school earning a grade of "D" or "F." The most intense strategies must be provided to schools earning recurring letter grades of "D" or "F." Traditional public schools that earn a grade of "F" or three consecutive "D's" must implement school turnaround options. Charter schools that earn a grade of "D" or "F" must implement a school improvement plan. Those that earn recurring grades of "D" or that fluctuate between "D" and "F" over a period of years must implement corrective actions. A charter school's sponsor must terminate a charter school that earns two consecutive grades of "F," with certain exceptions. The bill provides eligibility for Opportunity Scholarships to students attending schools earning a grade of "F" or three consecutive "D's."

The bill also increases the percentage of a high school's grade that may be based upon the statewide assessment components. The calculation of school district grades is revised to capture students who transfer among district schools and students attending ungraded schools. Middle school students enrolled in courses that require passage of a statewide, standardized end-of-course (EOC) assessment will no longer be required to take the corresponding grade level FCAT. Effective July 1, 2012