



LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

Volume Seventeen / Number Four • March 28, 2011

State lawmakers started drawing up plans last week on how to offset the state's \$3.75 billion budget shortfall. And the proposals they came up with look grim for higher education.

The House's \$66.5 billion budget plan slashes college financial aid dollars, wipes out funding for biomedical research, and eliminates more than 5,000 state jobs. The House would also rely on savings achieved by forcing state workers, K-12 teachers and other public-sector employees to contribute three percent of their salaries toward the cost of their pensions.

Meanwhile, the Senate's budget plan, which is scheduled to be released today, is expected to include the maximum tuition increase of 15 percent in order to counteract some of the cuts state universities would otherwise realize (see related story).

This past week, Gov. Rick Scott, acting on his first piece of legislation since being elected, signed into law the contentious K-12 teacher-evaluation bill. It is touted to be a more moderate version of last year's **Senate Bill 6**, which was vetoed by Governor Crist.

Among the differences: This year's edition will allow teachers to remain under the existing system until retirement, provided they don't change districts. Otherwise, the new system, which offers renewable annual contracts only to those deemed "effective" or "highly effective" by a combination of their students' standardized test scores and other evaluation methods, takes effect. This new system will also apply to all teachers hired in Florida after July 1.

Also last week, the House passed a bill that would prevent unions from collecting dues through payroll deduction from members who are government workers. The bill passed along party lines and is now on its way to the Senate (see Spotlight on Bills).

The Florida House also amended its version of the pension reform bill last week and an outline of the differences between it, the Senate's version and existing law is included in this newsletter.

Changes to state employee benefits are scheduled to be released this week by both chambers and each version will become components of the budget process. The House and Senate Appropriations Committees plan to pass their respective budget bills and move them to the floor by week's end.

You can watch the budget proceedings and all of the legislative action live on the Florida Channel, local cable channel 4, or online at www.wfsu.org. As always, please feel free to contact me with questions or concerns about legislation moving through the process. I can be reached at (850) 644-4453 or kdaly@fsu.edu.

Kathleen

Budget Update:

The Board of Governor's has provided the following table showing the comparison between the BOG's request and the Senate and House bills. We have highlighted in yellow issues of particular interest.

State University System of Florida | 2011-2012 Budget Recommendations | Executive Summary, March 24, 2011

	SUS Request	Senate Higher Ed. Approp. (3/24/11)	House Higher Ed. Approp. Rec. (3/23/11)
2010-2011 Initial Budget	\$3,611,356,522	\$3,611,356,522	\$3,611,356,522
Technical Adjustments (health and life insurance)	\$11,876,909	\$11,876,909	\$11,876,909
2010-2011 Revised Budget	\$3,623,233,431	\$3,623,233,431	\$3,623,233,431
2011-2012 Start-up Budget			
2010-11 Non-recurring Appropriation	(\$186,274,448)	(\$186,274,448)	(\$186,274,448)
2010-11 Annualization of Health and Life Insurance	\$6,096,786	\$6,096,786	\$6,096,786
2010-11 PO&M - Phased-In Facilities	\$3,694,563	\$3,694,563	\$3,694,563
2010-11 Annualization of Fees	\$13,898,968	\$13,898,968	\$13,898,968
2011-2012 Beginning Base Budget	\$3,460,649,300	\$3,460,649,300	\$3,460,649,300
2011-2012 Budget Issues:			
Change-in-Mix and Technical Adjustments Tuition Authority	(\$19,078,841)	(\$19,078,841)	(\$19,078,841)
Budget Realignment to Actual FTE (Tuition Authority)	\$63,188,725	\$63,188,725	\$63,188,725
PO&M – Base Adjustment for Existing Facilities	\$7,584,229		
PO&M – New Facilities	\$19,969,479	\$19,969,479	
New Florida Initiative	\$150,000,000		
Restore Non-Recurring – Directed STEM Incentive		\$142,865,812	
Base Operating GR Funds (Replace 2010-11 non-recurring funds)	\$14,220,697		\$33,526,911
Florida Institute of Oceanography	\$7,221,250		
Enrollment Growth – Tuition Budget Authority	\$21,404,673		
FIU/UCF Medical Student Phase-in (Tuition Authority)	\$3,580,000	\$4,643,070	\$4,643,070
USF Pharmacy Student Phase-in (Tuition Authority)		\$739,176	\$739,176
Major Gift Matching Program	\$193,883,803		
Moffitt Cancer Center	\$1,200,000		
Human & Machine Cognition	\$1,497,047		
Align Appropriations with Revenue Estimates		(\$103,550,646)	(\$180,408,515)
Restore Non-Recurring IHMC/UCF Partnership		\$90,000	
Restore Fully Non-Recurring IFAS/HSC/Med. Schools		\$20,658,535	
Tnsfr. Financial Aid to FSAG		(\$16,800,890)	
FRS Adjustment		(\$58,116,000)	(\$44,000,000)
Deduct Agency Data Center Services Funding			(\$7,490,512)
NWRDC – Agency Data Center Services Funding			\$7,490,512
NWRDC – Consolidate Services in Primary Data Centers			\$2,323,749
FAU Medical Student Phase-in (Tuition Authority)		\$3,526,000	\$3,526,000
University Employee Remuneration Cap (\$200,000 salary cap)			(\$1,544,377)
FCLA/CCLA Consolidation Reduction			(\$1,632,519)
Academic & Administrative Support Infrastructure – NCF			\$500,000
Arthropod Research Laboratory – FAMU			\$500,000
5% UG Base Tuition/Increase to Graduate Tuition (Tuition Auth.)			\$64,454,823
10% UG Tuition Differential (Tuition Authority)			\$46,957,456
15% UG Tuition Differential (Tuition Authority)		\$81,034,908	
8% Graduate/Profess./Out-of-State Tuition Inc. (Tuition Auth.)		\$44,627,240	
Florida Prepaid Base Tuition Exemption Reduction (Tuition Auth.)			(\$4,423,469)
Sub-total	\$464,671,062	\$183,796,568	(\$30,727,811)
Total 2011-2012 Budget (including State Funds and Tuition	\$3,925,320,362	\$3,644,445,868	\$3,429,921,489
% Increase over 2010-2011 Revised Budget (Line 3)	8.3%	0.6%	-5.3%
<i>% Change of General Revenue, Lottery, Stimulus (excluding Tuition Authority)</i>	<i>9.4%</i>	<i>-7.4%</i>	<i>-15.8%</i>
<i>% Change of General Revenue, Lottery (excluding Tuition Authority & Stimulus)</i>	<i>16.8%</i>	<i>-1.1%</i>	<i>-10.1%</i>
<i>2010-2011 Beginning Base Budget – General Revenue and Lottery State Support</i>	<i>\$2,143,057,958</i>	<i>\$2,143,057,958</i>	<i>\$2,143,057,958</i>
<i>Increase/Decrease in State Support</i>	<i>\$395,576,505</i>	<i>\$5,116,290</i>	<i>(\$190,734,751)</i>
<i>Total 2011-12 State Support</i>	<i>\$2,538,634,463</i>	<i>\$2,148,174,248</i>	<i>\$1,952,323,207</i>
<i>2012-2011 Beginning Student Tuition Budget Authority</i>	<i>\$1,317,591,342</i>	<i>\$1,317,591,342</i>	<i>\$1,317,591,342</i>
<i>Increase/Decrease in Student Tuition Budget Authority</i>	<i>\$69,094,557</i>	<i>\$178,680,278</i>	<i>\$160,006,940</i>
<i>Total 2011-12 Student Tuition Budget Authority</i>	<i>\$1,386,685,899</i>	<i>\$1,496,271,620</i>	<i>\$1,477,598,282</i>
<i>Total Support Generated</i>	<i>\$3,925,320,362</i>	<i>\$3,644,445,868</i>	<i>\$3,429,921,489</i>

FSU PECO

Utilities/Infrastructure/Capital Renew/Roofs (pce)
Applied Sciences Building (ce)

BOG Request

\$2,867,786
\$6,000,000

Senate

not yet addressed

House

\$2,408,666

Other Issues:

FSU Diagnostic Learning Resource Center \$438,138 – GA
\$ 25,458 – NR
(Align Appropriations with Revenue Estimates)
(\$ 90,441)

FSU Autism Program \$830,019 – GA
\$ 48,229 – NR
(Align Appropriations with Revenue Estimates)
(\$171,333)

Public Broadcasting

Year Round Coverage – Florida Channel \$1,148,851 - GA
Public Radio & TV Stations \$5,669,390 - GA
Year Round Coverage – Florida Channel \$226,597 - NR
Public Radio & TV Stations \$1,118,222 – NR
(Align Appropriations with Revenue Estimates) FL Channel
(\$ 186,037)
(Align Appropriations with Revenue Estimates) TV & Radio
(\$ 918,062)

Higher Education Appropriations Conforming Bills

Following are highlights of the Senate and House Conforming bills:

SENATE	HOUSE
PECO Bonds – the Department of Revenue shall provide to the SBOE, the Division of Bond Finance, and the Office of Economic and Demographic Research the amount of any refunds requested pursuant to the settlement reached in the AT&T Mobility Wireless Data Services Sales Litigation.	Not Addressed
Prohibits the BOG from establishing or maintaining a foundation, DSO, or any similar entity. Any funds currently held by the board in a foundation shall be returned to the donor.	Not Addressed
Florida Distance Learning Consortium -- to implement a streamlined, online registration process for undergraduate transient students who are currently enrolled and pursuing a degree at a public postsecondary educational institution.	Same
Provides that the University of Florida may plan and implement a student enrollment pilot program for the spring and summer terms for the purpose of aligning on-campus student enrollment and the availability of instructional facilities. Students in this pilot program are not eligible for on-campus enrollment during the fall term.	Not Addressed
Authorizes each university to establish a transient student fee not to exceed \$5 per distance learning course for processing the transient student admissions application.	Same
Differential Tuition – provides that if the entire tuition and fee costs of students who have applied for and received Pell Grant funds have been met and the university has excess funding remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the excess portion in the same manner as required for the other 70 percent of the tuition differential revenues.	<p>If the entire tuition and fee costs of all students who exhibit financial need have been met and the university has excess funds remaining from the 30 percent of the revenues from the tuition differential required to be used to assist students who exhibit financial need, the university may expend the unneeded portion of the 30 percent in the same manner as required for the other 70 percent of tuition differential.</p> <p>To offset funding reductions, state university BOTs may use up to 15 percent of the total funds generated from the fee collections authorized for general education services in undergraduate degree programs for the 2011-2012 fiscal year. Fee revenues pledged by a state university BOT as a dedicated source for the repayment of debt, including lease-purchase agreements, may not be used for other purposes.</p>

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SENATE	HOUSE
Creates the STEM Scholarship Program for students who are enrolled in an eligible major in programs of study in the fields of physical science, life science, computer science, technology, engineering or mathematics. The purpose of the STEM Scholarship is to help eligible junior and senior undergraduate students who demonstrate need to meet the cost of their postsecondary education.	Not Addressed
Revises the excess hour surcharge from 50 percent to 100 percent of tuition for each credit hour in excess of 120 percent of the number of credit hours required to complete their baccalaureate degree.	Revises the excess hour surcharge from 50 percent to 100 percent of tuition for each credit hour in excess of 115 percent of the number of credit hours required to complete their baccalaureate degree.
Effective July 1, 2011, state matching funds for the University Major Gifts Program and the University Facility Enhancement Challenge Grant Program are temporarily suspended for donations received for this program after June 30, 2011. Existing eligible donations remain eligible for future matching funds.	Not Addressed
Not Addressed	Bright Futures Scholarship Program -- revises the thresholds for Bright Futures scholarship awards and requires that: to be eligible for an award, a student must annually submit the Free Application for Federal Student Aid. Beginning in the 2011-2012 school year, acceleration credits earned by a student prior to entering a postsecondary education program shall be included in the maximum number of credit hours for which a student may earn an award, except for purposes of eligibility for the maximum graduate credits allowable.
Not Addressed	Remuneration – for the 2011-2012 fiscal year, a state university president may not receive more than \$200,000 in remuneration from public funds. A state university administrative employee may not receive more than \$200,000 in remuneration annually from appropriated state funds. Does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds to a state university administrative employee in excess of the limit. This section does not apply to university medical school faculty or staff.
Not Addressed	Concurrency -- Section 1013.63 Florida Statutes, is repealed.

PENSION REFORM UPDATE

Issue	Current Law	SB 1130	House Bill 1405
Defined Contribution Plan	FRS Investment Plan is a defined contribution plan, in which employer contributions are the same as employer contribution to FRS defined benefit plan. No employee contribution required.	Enrollment in the defined contribution plan is compulsory for eligible employees in the Elected Officers' Class, Senior Management Service Class, or in a position for which the starting salary is greater than \$75,000 who are employed on or after July 1, 2011, except those who are eligible to and elect to enroll in one of the three optional retirement programs.	Florida Retirement System Investment Plan Employee contributions required
Defined Benefit Plan	FRS Pension Plan is a defined benefit plan, in which the employee is promised a benefit at retirement if he/she has met the 6-year vesting requirement and has reached age 62, or completed 30 years of service. The amount of the pension benefit is determined by a formula (multiplier), based on earnings, length of service, and membership class, and is adjusted by a 3% cost-of-living each July. The retirement benefit is pre-funded by employer-paid contributions	Florida Retirement System Pension Plan - enrollment available for employees earning less than \$75,000 - Employee contributions required	Florida Retirement System Pension Plan - Employee contributions required

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Issue	Current Law	SB 1130	House Bill 1405														
Employer Contributions	Employer pays 100% of FRS contribution to fund both the FRS Investment Plan and the FRS Pension Plan.	<p>Effective July 1, 2011, each employer shall contribute on behalf of each program member an amount equal to the difference between 10.43% of the employee's gross monthly compensation and the employee's required contribution based on the employee's gross monthly compensation.</p> <p>Members of the Senior Management Service class who are participating in the Senior Management Service Class optional annuity program will begin paying contributions July 1, 2011. The member's employer will pay the difference between 12.49 percent of the member's gross monthly compensation and the amount of the member's contribution.</p> <p>Effective July 1, 2011, members of the State University System Optional Retirement Program will begin paying contributions. The member's employer will pay the difference between 10.43% of the member's gross monthly compensation and the amount of the member's contribution.</p>	<p>Required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System for both retirement plans are as follows:</p> <p><u>Membership Class</u> <u>% of Gross Compensation</u></p> <table border="0"> <tr> <td>Regular Class</td> <td>6.16%</td> </tr> <tr> <td>Special Risk Class</td> <td>16.95%</td> </tr> <tr> <td>Special Risk Administrative & Support Class</td> <td>7.23%</td> </tr> <tr> <td>Elected Officers' Class</td> <td>10.76%</td> </tr> <tr> <td>Elected Officers-Judges</td> <td>15.19%</td> </tr> <tr> <td>Senior Management Class</td> <td>8.14%</td> </tr> <tr> <td>DROP</td> <td>3.50%</td> </tr> </table>	Regular Class	6.16%	Special Risk Class	16.95%	Special Risk Administrative & Support Class	7.23%	Elected Officers' Class	10.76%	Elected Officers-Judges	15.19%	Senior Management Class	8.14%	DROP	3.50%
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Employee Contributions	ZERO -- Employer pays 100% of FRS contribution to fund both the FRS Investment Plan and the FRS Pension Plan.	<p>Each active employee of the FRS, the Senior Management Service Optional Annuity Plan, the State University System Optional Retirement Plan and the Community College Optional Retirement Plan will contribute a percentage of his/her gross salary on a pretax basis.</p> <p>Employee Contributions – maximum limits Notwithstanding any other provision of law, the amount of employee retirement contributions for any member of the Regular Class or Special Risk Class may not exceed 2% of such member's annual state compensation and the amount of employee retirement contributions for any member of the Senior Management Service Class or Elected Officers Class may not exceed 4% of such member's annual state compensation.</p> <p>Employee Contribution – actuarial funding of plan Employee retirement contributions are not required if the Florida Retirement System reaches or exceeds 100% of actuarial funding. However, employee contributions shall be set for an entire fiscal year for each membership class and subclass of the FRS for both the pension and investment plans.</p> <p>Employee Contributions – FY 2011-12 Effective July 1, 2011, required employee retirement contribution rates for all members for fiscal year 2011-2012 shall be 0% for gross compensation up to and including \$40,000, plus no more than 2% for gross compensation in excess of \$40,000 and up to and including \$75,000, plus no more than 4% for gross compensation that is greater than \$75,000.</p>	<p>Beginning 7/1/11, the employer shall deduct the contribution from the employee's monthly salary, and the contribution shall be submitted to the Division of Retirement. The employee shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the plan. Such contributions are mandatory and each employee shall be considered to consent to payroll deductions.</p> <p>Required employee retirement contribution rates for each membership class:</p> <p><u>% of Gross Compensation</u></p> <table border="0"> <tr> <td>Regular Class</td> <td>3%</td> </tr> <tr> <td>Special Risk Class</td> <td>3%</td> </tr> <tr> <td>Special Risk Administrative & Support Class</td> <td>3%</td> </tr> <tr> <td>Elected Officers' Class</td> <td>3%</td> </tr> <tr> <td>Senior Management Class</td> <td>3%</td> </tr> <tr> <td>DROP</td> <td>0%</td> </tr> </table>	Regular Class	3%	Special Risk Class	3%	Special Risk Administrative & Support Class	3%	Elected Officers' Class	3%	Senior Management Class	3%	DROP	0%		
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DROP	0%																
TOTAL CONTRIBUTION	Determined annually by the FL Legislature		Effective 7/1/11 allocations from the Florida Retirement System Contributions Clearing Trust Fund to investment plan member accounts, which includes employee contributions as required in s. 121.71(3), shall be 11.25% of gross compensation for a member in the Special Risk Class and 9% of gross compensation for members in all other classes.														
Cost of Living Adjustment	3% COLA (cost of living adjustment) each year	No change to current law	No change to current law														
Accrual Value	1.6% Regular Class; 2% SMS; 3% Elected Officers' Class; 3.3% Judges	No change to current law	No change to current law														

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Issue	Current Law	SB 1130	House Bill 1405
DROP	<p>-Allows FRS employees to retire without terminating employment for up to 5 years (8 years for teachers under certain circumstances).</p> <p>-Retirement benefits continue to accumulate and earn interest compounded monthly at an effective annual rate of 6.5%.</p> <p>-Eligible to participate in DROP when you are vested (6 years of service) and have either reached age 62 or completed 30 years of service (regardless of age).</p>	No change to current law	Effective 7/1/11, DROP is closed to new participants. Only members whose DROP effective date is prior to 7/1/11 may participate in DROP.
Retiree Health Insurance Subsidy	No change to current law.	No change to current law	No change to current law
Retirement Age/Years of Service	Age 62, 30 years of service	No change to current law	<p>Increases the retirement age and years of service for members of the FRS who are initially enrolled on or after July 1, 2011:</p> <p>Special Risk Class & Special Administrative Risk Class: increases the age from 55 to 60; increases years of service from 25 to 30 years of creditable service.</p> <p>All other classes: increases the age from 62 to 65; increases years of service from 30 to 33 years of creditable service.</p> <p>A member only needs to obtain one of the requirements, either the retirement age or the years of creditable service. These provisions do not apply to members who enrolled in the FRS prior to July 1, 2011.</p>
Average Final Compensation	Average of highest 5 years	Amends the definition of "average final compensation" for purposes of the FRS defined benefit program to exclude accumulated annual leave payments and overtime payments paid from a salary fund in excess of 300 hours, for service earned on or after July 1, 2011. Service earned before that date will be subject to the current definitions.	
Vesting	6 years	Effective July 1, 2011, an 8-year vesting requirement shall be implemented for the Florida Retirement System's pension plan and investment plan.	No change to current law - 6 year vesting
Additional Benefit		Additional death benefit for members of the defined contribution plan who are killed in the line of duty; the surviving spouse of a participant killed in the line of duty may receive a monthly pension equal to one-half of the monthly salary being received by the participant at the time of death for the rest of the surviving spouse's lifetime. If the surviving spouse of a participant killed in the line of duty dies, the monthly payments that would have been payable to the surviving spouse had such surviving spouse lived shall be paid for the use and benefit of such participant's children under 18 years of age and unmarried until the 18th birthday of the participant's youngest child. If a participant killed in the line of duty leaves no surviving spouse but is survived by children under 18 years of age, the benefits provided shall be paid for the use and benefit of the participant's child or children under 18 years of age and unmarried until the 18th birthday of the participant's youngest child.	

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Issue	Current Law	SB 1130	House Bill 1405
No emergency / hardship benefits payable before retirement		Benefits are not payable under the investment plan before termination of employment for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or for any other reason.	Under the investment plan, Senior Management Service Optional Annuity Program, State University System Optional Retirement Program, or State Community College System Optional Retirement Program, the bill prohibits the payment of benefits before termination of employment in certain instances. Benefits may not be payable for employee hardships, unforeseeable emergencies, loans, medical expenses, educational expenses, purchase of a principal residence, payments necessary to prevent eviction or foreclosure on an employee's principal residence, or any other reason prior to termination from all employment relationships with participating employers.
Re-employment		A member who terminates covered employment in the FRS and takes a distribution of any contributions from his or her investment plan account is considered a retiree. Upon reemployment in a regularly established position with a covered employer, the retiree returns as a new hire and, if applicable, may participate in the FRS.	
State University Health Insurance	1001.706(6)(b): Unless specifically authorized by law, neither the Board of Governors nor a state university may offer group insurance programs for employees as a substitute for or as an alternative to the health insurance programs offered pursuant to chapter 110.	Each state university may develop and implement cost-effective strategies to deliver health care benefits to its employees, including faculty and staff. Each university may develop health benefit programs, including, but not limited to, group or self-insurance plans, as well as the necessary administrative services required to implement and administer such programs if the annual costs in the year of the implementation do not exceed current state expenditures.	
Last Action		Now in Senate Budget Committee	Now in House Appropriations Committee

FSU Day

at the **Capitol**

APRIL 12, 2011



Spotlight on Bills

Update on Bills

SB 952 Uniform Prudent Management of Institutional Funds Act, by Senator Garrett Richter (R - Naples),

creates the Uniform Prudent Management of Institutional Funds Act, the bill was amended last week in the Commerce and Tourism Committee to adopt the 2006 Uniform Prudent Management of Institutional Funds Act (act), and repeal the current Uniform Management of Institutional Funds Act contained in s. 1010.10, F.S., for educational endowments. The new act applies to all charitable endowment funds with the exception to funds administered by the State Board of Administration. Charitable purpose is defined under the new act as "the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community." Similar to current law regarding educational endowments, the primary benefit of this act is to allow charitable institutions holding endowment funds the flexibility to make distributions from the endowment fund when the fund has fallen below the original amount placed into it, so long as the fund is prudently managed and the appropriation is not explicitly prohibited. The Uniform Prudent Management of Institutional Funds Act (UPMIFA) has been adopted in 47 states. A similar bill in the House, **HB 599, by Representative Kathleen Passidomo (R - Naples)** is scheduled to be heard in the Civil Justice Subcommittee tomorrow.

SB 830, Labor and Employment, by Senator John Thrasher (R - Jacksonville, FSU Alum),

was amended last week to clarify that a labor organization may not use dues, uniform assessments, fines, penalties, or special assessments paid by an employee to make contributions or expenditures, as defined in s. 106.011, without the express written authorization of the employee, and that the written authorization must be executed by the employee separately for each fiscal year of the labor organization and shall be accompanied with a detailed account, provided by the

labor organization, of all contributions and expenditures made by the labor organization in the preceding 24 months. The bill is now in the Budget Committee. The House companion, **HB 1021 by Representative Chris Dorworth (R - Heathrow),** passed the full House on Friday and is on its way to the Senate.

SB 386, Procurement by Senator Ellyn Bogdanoff (R - Ft. Lauderdale), modifies the existing in-state vendor preference for public printing contracts to include counties, municipalities, school districts, and other political subdivisions as entities that may grant a preference. The bill specifies that the printing preference is equal to the preference established by the state of the lowest bidder, or 5 percent when the lowest bidder's state has no in-state preference. In Ch. 287, F.S., procurements, the preference for in-state vendors is 5 percent, when the lowest bidder's state has no in-state preference. The bill was amended last week in the Governmental Oversight and Accountability Committee to remove references to how the preferences would apply to PRIDE, and clarifies how the preference will apply in printing contracts. A similar bill in the Senate, **SB 1258 by Senator Thad Altman (R - Melbourne)** has been referred to the Commerce and Tourism, Community Affairs, Governmental Oversight and Accountability, and Budget committees.

SB 478, Property Taxation by Senator John Thrasher (R - Jacksonville, FSU Alum),

revises, updates and consolidates provisions of chapter 197 of the Florida Statutes relating to tax collections, sales and liens. The bill amends the statute of limitations relating to proceedings involving tax lien certificates or tax deeds to the period of intervening bankruptcy. The bill amends requirements for tax deed applications and the purchase of tax certificates to provide definitions and include interest, fees, and costs in the face value of the certificate. The bill provides for electronic notice, programs, sales, and fees. The bill also authorizes tax collectors to issue certificates of correction to the tax rolls for uncollectable personal property accounts. The bill consoli-

dates provisions relating to the payment of deferred taxes. The bill was amended last week to include 10 amendments adopted by the Subcommittee. The amendments:

- clarified that the provision that rolls the statute of limitation for proceedings involving processes pursuant to ch. 197 also tolls the statute for tax certificate purposes;
- cured a current statutory conflict by clarifying that the time to protest the denial of a deferral application begins after the mailing of the notice, not the receipt of the notice;
- clarified that the changes relating to payment of deferral tax certificates require the payments be in full-year increments;
- clarified that when a tax collector contracts with third-party vendors for services, the tax collector is exercising his or her contractual power;
- relating to additional tax notices sent after taxes become delinquent, removes the statement that the second notice will be sent by postal mail, conforming this provision to similar provisions throughout the bill;
- retained unintentionally stricken language regarding a tax collector continuing efforts to collect uncollected taxes;
- included s. 197.374, in order to amend a statutory reference;
- removed a suggested statutory change to the time frame in which a tax collector must automatically issue a refund of a tax overpayment; and
- makes corrections to typographical errors.

The bill passed out of the Senate last week. A similar bill in the House, **HB 355, by Representative Marlene O'Toole (R - The Villages)** is now in Community & Military Affairs Subcommittee.

Spotlight on Bills

SB 100, Autism, by Senator Jeremy Ring (D – Margate), requires a licensed physician, other than one providing emergency services and care, to screen a minor for autism spectrum disorder (ASD) when the parent or legal guardian believes the minor exhibits symptoms of ASD and notifies the physician. Based on a determination by the physician of medical necessity or lack thereof, the physician must refer the minor for additional ASD screening or inform the parent or legal guardian of other available ASD screening options. Additionally, the bill requires health insurers and health maintenance organizations (HMOs) to provide coverage for direct patient access to an appropriate specialist for screening for or evaluation or diagnosis of ASD. The bill mandates that health insurance policies and HMO contracts provide coverage for a minimum of three visits per policy year for that purpose. The bill reported favorably in the Health Regulation Committee and is scheduled for hearing in the Banking and Insurance Committee tomorrow. The identical bill in the House, **HB 1431 by Representative Bill Hager (R – Boca Raton)** is in the Health & Human Services Quality Subcommittee.

SB 1118, Nursing Services by Senator Ellyn Bogdanoff (R – Ft. Lauderdale), requires each hospital to establish a nurse staffing collaborative council that is responsible for developing and overseeing an annual staffing plan for each patient care unit and nursing shift. The bill provides factors to be considered in the development of the plan and for the semiannual review of the staffing plan by the council. The staffing plan is to be reviewed annually with nursing personnel in each patient care unit and must be shared with the community upon request. The bill was temporarily postponed in the Health Regulation Committee last week. A similar bill in the House, **HB 919 by Representative Eddy Gonzalez (R – Hialeah Gardens)** is now in the Health & Human Services Quality Subcommittee.

SB 1546, Charter Schools by Senator John Thrasher (R – Jacksonville, FSU Alum), expands authority for state universities and state colleges to approve charter schools. University- and community college-approved charter schools, other than lab schools, would enter into charter contracts with the local school district. This bill also increases grade levels available to community colleges to develop charter schools with school districts, from secondary schools, to kindergarten through grade 12 programs. The bill also establishes the designation of “high performing charter

schools” provides qualifications and outlines benefits. It creates high performing charter school systems and provides greater flexibility for charter schools-in-the-workplace. The bill removes the requirement of a charter school to provide transportation for its students. Additionally, this bill establishes the College Preparatory Boarding Academy Pilot Program to serve at-risk students. The bill was temporarily postponed in the Education Pre K – 12 Committee last week, but it has been rescheduled for hearing on Wednesday. There is no House companion at this time.

HB 4177, Postsecondary Education by Representative Larry Metz (R – Eustis, FSU Alum), repeals a statutory exemption to the Board of Governors of the State University System regulation which requires all students entering a state university with fewer than 60 semester hours of credit to earn at least nine semester hours during one or more summer terms. Florida law provides an exemption from the summer term enrollment requirement for students who have earned nine or more credits through articulated acceleration mechanisms. Articulated acceleration mechanisms include dual enrollment, early admission, advanced placement, College Level Examination Program, International Baccalaureate, or Advanced International Certificate of Education. Repeal of this exemption, will allow a state university to require all students to attend at least one summer term. This change will provide state universities with more flexibility regarding course scheduling and utilization of facilities and faculty. Increasing summer term enrollment may shorten the time it takes for students to complete their degrees, which will create more openings for prospective students. The bill reported favorably out of the K-20 Innovation Subcommittee last week and will be heard in the Higher Education Appropriations Committee today. A Senate companion, **SB 632 by Senator Steve Oelrich (R – Gainesville, FSU Alum)** reported favorably out of the Higher Education Committee last week and will next go to the Budget Committee.

HB 45, Firearms, by Representative Matt Gaetz (R – Shalimar, FSU Alum), removes the statutory language that authorizes counties to adopt an ordinance requiring a waiting period of up to three working days between the purchase and delivery of a handgun. The bill replaces this provision with language prohibiting specified local governmental entities from regulating or attempting to regulate firearms or ammunition in any manner and provides exceptions to this prohibition. The bill also sets forth various penalties for violat-

ing s. 790.33, F.S., including provisions that:

- Make it a 3rd degree felony for any person or entity to knowingly and willfully violate s. 790.33, F.S.;
- Specify that a governmental entity in whose service or employ a provision of the statute is violated may be assessed a fine of no more than \$5 million if the court determines that the violation was willful and that any person at the governmental entity with oversight of the person knew or in the exercise of ordinary care should have known the act was a violation;
- Specify that a knowing and willful violation of the statute by a person acting in an official capacity is cause for immediate termination of employment; and
- Authorize a person or organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or enforced in violation of the statute to file suit for declarative and injunctive relief and for all actual and consequential damages attributable to the violation.

The bill reported favorably in the Community and Military Affairs Subcommittee last week is now in the Judiciary Committee. The Senate companion, **SB 402 by Senator Joe Negron (R – Palm City)** reported favorably out of the Community Affairs Committee and is now in the Judiciary Committee.

SB 1414, Health Insurance by Senator Stephen Wise (R – Jacksonville), prohibits any individual, group, or out-of-state group health insurance policy or health maintenance contract purchased with state or federal funds through an exchange from providing coverage for an abortion unless the pregnancy is the result of an act of rape or incest or a physician certifies in writing that an abortion is necessary to save the life of the mother. The bill would not prohibit the purchase of separate coverage for an abortion if that separate coverage is not purchased with any state or federal funds. The bill defines “state” to mean the state of Florida or any political subdivision of the state.

The bill reported favorably out of the Banking and Insurance Committee last week and is now in the Budget Committee. A comparable bill in the House, **HB 97 by Representative Matt Gaetz (R – Shalimar, FSU Alum)** is now in the Insurance and Banking Subcommittee.

SB 228, Code of Student Conduct by Senator Gary Siplin (D – Orlando), requires district school boards to include a student dress policy in student conduct codes. It also requires language to be included in the policy which prohibits students from wearing clothing to school during the regular school day that indecently or in a vulgar manner exposes underwear or body parts or that is disruptive to an orderly learning environment. Schools will then be required to monitor this component of the policy and impose sanctions for students who violate the policy. The extent of involvement required by the school is contingent on how many times a student has committed an offense as follows:

- For first offenders, the school is required to give the student a verbal warning, and the principal must call the student's parent or guardian;
- For second offenders, the student is ineligible to participate in extracurricular activities for up to 5 days, and the principal must meet with the parent or guardian;
- For third or subsequent offenders, the extracurricular activity exclusion is extended to up to 30 days; the school must place the student in in-school suspension for up to 3 days; and the principal must both call and send written notice to a parent or guardian.

The bill passed the Senate last week. A similar bill in the House, **HB 61 by Representative Hazelle Rogers (D – Lauderhill)** is scheduled for hearing in the PreK – 12 Appropriations Subcommittee tomorrow.

HB 331, Fire-safety Inspections, By Representative Mike Weinstein (R – Orange Park, FSU Alum), clarifies the role of the State Fire Marshal in fire-safety inspections of Florida's educational facilities, and streamlines the inspection and enforcement practices at the state and local levels. Specifically, the bill:

- Coordinates laws governing the State Fire Marshal with educational law governing fire-safety inspections on educational property;
- Abolishes the classification of the special state fire-safety inspector, leaves intact the classification of fire-safety inspector, and provides for a contingent grandfathering of existing special state fire-safety inspectors;
- Requires uniform fire-safety standards and an alternate system to be governed by fire-safety inspectors certified by the State Fire Marshal;
- Reduces the number of mandatory

annual inspections at educational facilities from two to one, and provides for the inspection report to be distributed at the local level only;

- Clarifies the fire-safety inspection process for charter schools and for public postsecondary institutions;
- Requires all public education boards to use only certified fire-safety inspectors and other inspectors who have been certified by the State Fire Marshal in monitoring compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities; and
- Requires a public education board to submit for approval the site plan for new construction to the local entity providing fire-protection services to the facility, and outlines the compliance process.

The bill reported favorably by the Government Operations Subcommittee and is now scheduled for hearing in the K-20 Competitiveness Subcommittee tomorrow. The identical bill in the Senate, **SB 534 by Senator Stephen Wise (R – Jacksonville)** is now in the Community Affairs Committee.

HB 5005, Deregulation of Professions and Occupations by Representative Esteban Bovo (R – Hialeah), repeals the regulations of multiple professions, businesses and occupations including:

- Athlete Agents -- The bill repeals all regulations and licensure requirements related to athlete agents.
- Interior Designers – Current law prohibits unlicensed designers from performing interior design services, unless they met the grandfathering provision that was included to allow designers who had qualified to use the title "registered interior designer

SESSION SCHEDULE

SENATE SESSION

Tuesday, March 29
10:00 a.m. to 12:00 noon

Wednesday, March 30
10:30 a.m. to 12:30 p.m.

HOUSE SESSION

Tuesday, March 29
3:15 p.m. to 6:00 p.m.

Thursday, March 31
3:00 p.m. to 6:00 p.m.

to be licensed upon taking a board-approved examination, including the NCIDQ. Sections 14 through 31 of the bill repeal all licensure and regulatory requirements for interior designers.

The bill reported favorably in the Economic Affairs Committee and is now in the Appropriations Committee. A comparable bill in the Senate, **SB 1824 by Senator Alan Hays (R – Umatilla)** is scheduled to be heard in the Regulated Industries Committee tomorrow.



THE FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

Kathleen M. Daly, *Assistant Vice President*

Toni Moore, *Program Coordinator*

Chris Adcock, *Office Administrator*

850.644.4453 www.govrel.fsu.edu