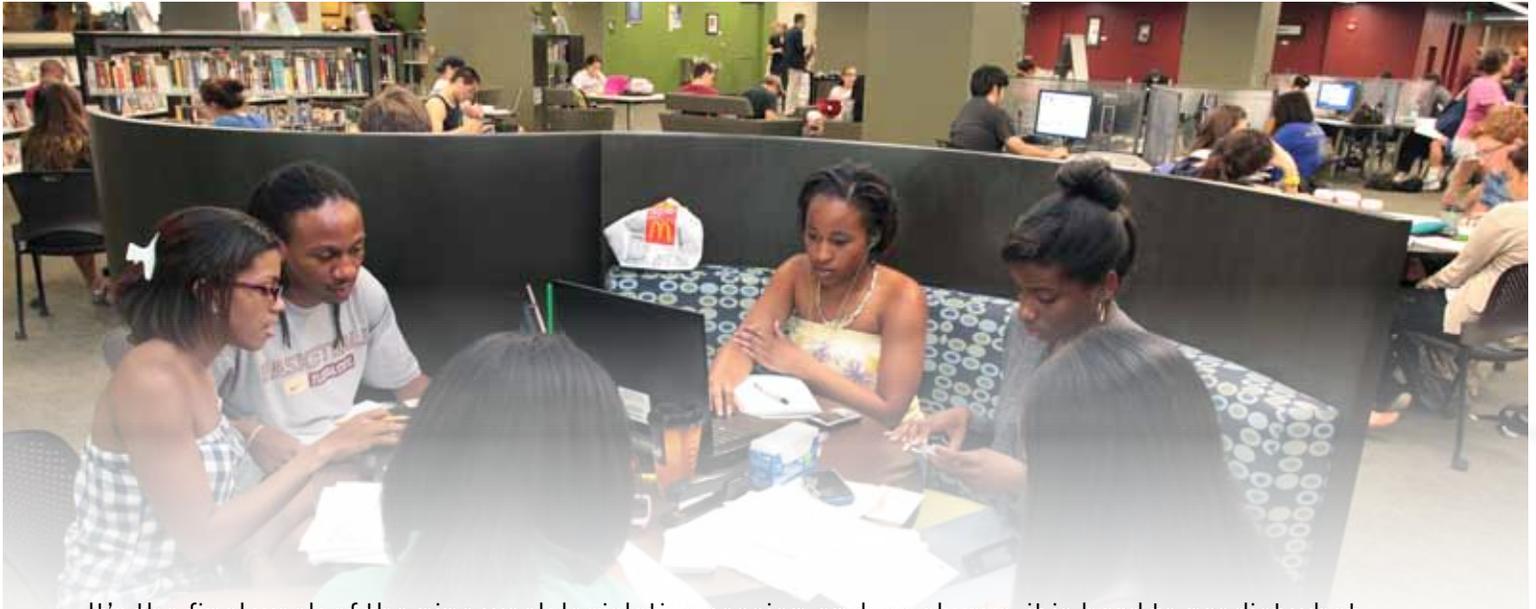


LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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It's the final week of the nine week legislative session and, as always, it is hard to predict what might happen.

Conferees met all weekend to negotiate the budget, which is still not completely wrapped at the time of this writing. **(See complete list of conferees.)** But if the Legislature is going to finish by Friday (the scheduled end of the 60-day session), the final agreed-on budget must be on lawmakers' desks by tonight, to start the mandatory 72-hour waiting or "cooling-off" period before a vote can take place. Legislative leaders continue to say they think they will finish on time.

There are many issues still pending, including proviso and PECO, which is the campus building fund. State employee health benefits will not change this year, but there is a provision that will study the issue.

We will send a complete summary of the legislative actions taken this week when the dust settles next week.

You can catch all of the action during these concluding days live on the Florida Channel, local cable channel 4, or online at www.wfsu.org, which streams proceedings throughout each day.

As always, please feel free to contact me if you have questions or need additional information about bills, their analyses, or issues pertaining to the budget. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

Retirement

Late Friday night, the conference committee appointed to resolve state employee retirement issues agreed to the following changes in the FRS system:

Employee Contributions – Effective July 1, 2011, the bill requires a 3% employee contribution for all FRS members, including those in the ORP. DROP participants are not required to pay employee contributions. The Defined Benefit plan will, however, remain open.

Deferred Retirement Option Program (DROP): Maintains DROP – however, members entering DROP on or after July 1, 2011, will earn interest at a reduced accrual rate of 1.3%. Currently, DROP accrues at 6.5 percent.

Compensation and Average Final Compensation – For members initially enrolled on or after July 1, 2011, “average final compensation” means the average of the 8 highest fiscal years for creditable service prior to retirement, termination or death. Currently, the average final compensation is calculated on the highest 5 years.

Normal Retirement Date – Increases the normal retirement date for all members initially enrolled on or after July 1, 2011:

- For Special Risk Class: Increases the age from 55 to **60 years** of age; and increases the years of creditable service from **25 to 30**.
- For all other classes: Increases the age from 62 to **65 years** of age; and increases the years of service from **30 to 33 years**.

Pension Plan Vesting – For members initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100% of employer contributions upon completion of 8 years of creditable years of service, up from the current 6 years.

Cost of Living Adjustments – Suspends the COLA from July 1, 2011 until June 30, 2016. The 3% cost of living adjustment will be reinstated on July 1, 2016.

In addition, annual and sick leave will still be calculated in the retirement payment.

Budget Conference

The Senate President and Speaker of the House announced the conferees who will work out the final details of budget issues that are yet to be resolved. Conference meetings started last Wednesday with final unresolved issues being bumped to the conference chairs on Friday.

Budget Conference - At Large

Senate Members: J.D. Alexander (Chair); Joe Negron (Vice-Chair); Don Gaetz, Andy Gardiner, Nan Rich, Gary Siplin, John Thrasher (FSU Alum)

House Members: Denise Grimsley (Chair); Gary Aubuchon, Charles Chestnut, Dorothy Hukill, Paige Kreegel, John Legg, Carlos Lopez-Cantera, Seth McKeel, Bill Proctor (FSU Alum), Darryl Rouson, Franklin Sands, Ron Saunders, Rob Schenck, William Snyder, Will Weatherford

Assigned Bills: HB 5011, SBs 1292, 1314, 1738, 2000, 2002, 2094, 2096, 2098, 2104, 2106, 2110

Budget Conference - Higher Education Appropriations/Higher Education Appropriations

Senate Members: Evelyn Lynn (Chair); Thad Altman, Oscar Braynon (FSU Alum), Steve Oelrich (FSU Alum), Gary Siplin

House Members: Marlene O'Toole (Chair); Larry Ahern, Jason Brodeur, Clay Ford, Eddy Gonzalez, Mia Jones, Betty Reed, Carlos Trujillo (FSU Alum), Alan Williams

Assigned Bills: SB 2150

Budget Conference - FRS/Retirement

Senate Members: Jeremy Ring or Lizbeth Benacquisto (Lead)

House Members: Ritch Workman (Lead)

Assigned Bills: SB 2100

Budget Conference - State Employee Group Health Insurance

Senate Members: Joe Negron (Lead)

House Members: Rob Schenck (Lead)

SESSION SCHEDULE

SENATE SESSION

Monday, May 2

9:00 a.m. to 12:00 noon and 1:50 p.m. to 5:50 p.m.

Tuesday, May 3

10:00 a.m. to 12:00 noon and 1:50 p.m. to 6:00 p.m.

HOUSE SESSION

Monday, May 2

11:00 a.m. to completion

Tuesday, May 3 – Thursday, May 5

9:50 a.m. to completion

Friday, May 6

9:00 a.m. to Sine Die

Spotlight on Bills

CS CS CS HB 599, Uniform Prudent Management of Institutional Funds Act by Representative Kathleen Passidomo (R – Naples), was amended last week to:

- change the short title from the Uniform Prudent Management of Institutional Funds Act to the Florida Uniform Prudent Management of Institutional Funds Act.
- clarify the definition of an “institution”.
- provide flexibility regarding diversification.
- reorder provisions related to release or modification of restrictions on management, investment or purpose.
- provide for reversion of real property back to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit entity holding a deed subject to a reverter clause violates deed restrictions.

The bill was passed by the House and is waiting to be heard by the Senate. The Senate companion, **CS CS SB 952 by Senator Garrett Richter (R – Naples)**, has been placed on the calendar to be heard by the full Senate.

HB 331, Firesafety by Representative Mike Weinstein (R – Orange Park, FSU Alum),

clarifies the role of the State Fire Marshal in firesafety inspections of Florida’s educational facilities and streamlines the inspection and enforcement practices at the state and local levels. Specifically, the bill:

- Aligns laws governing the State Fire Marshal with educational laws governing firesafety inspections on educational property;
- Abolishes the classification of the special state firesafety inspector, leaves intact the classification of firesafety inspector, and provides for a contingent grandfathering of existing special state firesafety inspectors;
- Requires uniform firesafety standards and an alternate system to be governed

by firesafety 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 firesafety inspection process for charter schools and for public colleges;
- Requires all public education boards to use only certified firesafety 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 passed the full House last week and is waiting to be heard in the Senate. The Senate companion, **SB 534 by Senator Stephen Wise (R – Jacksonville)**, is waiting to be heard by the full Senate.

CS CS HB 1255, Education Accountability by Representative Janet Adkins (R – Fernandina Beach), amends various provisions of the law related to public school

accountability.

- Amends the good cause exemption for voluntary prekindergarten program providers.
- Requires school districts to provide access to virtual education during and after school, rather than one or the other.
- Authorizes the Commissioner of Education to require districts to participate in the administration of international assessments and provides the commissioner limited flexibility to extend the schedule for reporting student results on statewide assessments.
- Eliminates the 3-week end-of-course (EOC) assessment window and authorizes the commissioner to establish an assessment schedule for EOC assessments.
- Eliminates the requirement that certain students take the Algebra I EOC assessment.
- Establishes an exemption from the intensive reading course requirement for certain students.
- Amends the formula for calculating school grades to include EOC assessments taken by middle school students and middle school student attainment of industry certification.
- Amends how school grades are determined for purposes of differentiated accountability and eligibility for the



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Opportunity Scholarship Program.

- Establishes a waiver from the results of EOC assessments for certain students with disabilities and allows a principal to waive the civics EOC assessment for a transfer student who already took civics.
- Authorizes districts to provide digital curriculum for students in grades 6 through 12.
- Requires a district's strategic plan to include plans to implement a middle school career and professional academy.
- Requires industry certification, when available, for certain career and technical education teachers and authorizes districts to establish alternative qualifications for these teachers.
- Requires an assistive technology assessment to be completed within 60 school days of an individual education plan team's recommendation.
- Eliminates the requirement that the commissioner review the budgets for districts and Florida College System institutions, eliminates the requirement that the Department of Education approve budgets for school boards and establishes budget transparency by requiring districts to post certain budget information on their websites and encourages them to provide additional information on their websites.
- Establishes a gift ban for school board members and their relatives.
- Establishes when a student has returned to public school for purposes of determining the end of the McKay Scholarship.
- Includes services provided by a certified Listening and Spoken Language specialist to the special education services that may be provided to a child with disabilities.
- Requires high schools to evaluate the college readiness of all students receiving certain scores on standardized assessments and provide appropriate postsecondary preparatory courses.
- Requires the Department of Education to review and revise the matrix of services for exceptional students and implement any changes by the 2012-13 school year.

The bill is waiting its final hearing by the full House. A similar bill in the Senate, **CS CS**

SB 1696 by Senator Stephen Wise (R – Jacksonville), is waiting to be heard by the full Senate.

HB 7151E, Postsecondary Education by Representative Kelly Stargel (R – Lakeland), requires the Higher Education Coordinating Council (HECC) to make detailed recommendations to the Governor, the President of the Senate, the Speaker of the House, the Board of Governors, and the State Board of Education relating to:

- The primary core mission of public and nonpublic postsecondary education institutions;
- Performance outputs and outcomes designed to meet annual and long-term state goals;
- Florida's articulation policies and practices;
- A plan to align school district and Florida College System (FCS) workforce development education programs and improve the consistency of workforce education data collection and reporting; and
- Baccalaureate degree authorization and production.

The bill was amended last week to repeal the University Concurrency Trust Fund and to **allow universities to retain lost or abandoned bicycles for university transit-oriented initiatives**. The bill passed the House last week and is waiting to be heard by the Senate. Comparable bills in the Senate include: **SB 632 by Senator Steve Oelrich (R – Gainesville, FSU Alum)**, and **SB 1732 by Senator Evelyn Lynn (R – Ormond Beach)**, both of which are scheduled to be heard by the full Senate tomorrow.

SB 1192, Public Records/Regional Autism Centers by Senator Nan Rich (D – Sunrise), was amended to:

- Remove the public-records exemption provided for in the bill for records relating to teachers or other professionals who receive services of a regional autism center or participate in the center's activities.
- Authorize release of confidential and exempt records to the State Board of Education or the Board of Governors, without requiring personal identifying

information to be abstracted.

- Authorize information contained in the confidential and exempt records to be released to a person engaged in bona fide research if the researcher signs a confidentiality agreement with the center, agrees to maintain confidentiality, and destroys any confidential information after the conclusion of the research.
- Make personal identifying information of a financial donor or prospective financial donor to the regional autism center confidential and exempt.
- Provide a public necessity statement for the public-records exemption for the personal identifying information of a financial donor.

The bill passed the Senate then laid it on the table and took up **HB 579 by Representative Marti Coley (R – Marianna, FSU Alum)**. The bill passed, then passed the Senate and is on its way to the Governor.