

LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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Last week marked the halfway point of the 2007 Legislative Session. Although the Senate took the week off to observe the Passover and Easter holidays, the House met for a day and a half on Wednesday and Thursday, passed dozens of bills out of different committees and then went home for an extended weekend. One major bill the House Schools and Learning Council committee took up and passed last week was the University Governance proposal. It passed with no amendments and very little discussion (**see related article**).

Legislative members returned today, rejuvenated and ready to get back at it. Both the full House and the Senate will hear their versions of the budget on the floor later this week and send those budgets to conference by Friday. (Conference is the process by which a select group of House and Senate members meet to hammer out differences between their respective budgets.)

A large number of issues will be decided during these last weeks of the 2007 Session. You can watch all the action live on The Florida Channel, local cable channel 4. And, as always, please feel free to contact me if you need copies of a bill and its analysis, or have questions, comments or concerns. I can be reached at **(850) 644-4453** or **kdaly@mailers.fsu.edu**.

Kathleen

SESSION SCHEDULE

SENATE SESSION

Wednesday, April 11
11:00 a.m. to completion

Thursday, April 12
9:00 a.m. to 2:00 p.m.

Friday, April 13
1:00 p.m. to 3:00 p.m.

HOUSE SESSION

Tuesday, April 10
1:00 p.m. to 4:00 p.m.

Wednesday, April 11
10:50 a.m. to 6:00 p.m.

Thursday, April 12
10:50 a.m. to 5:00 p.m.

Spotlight on Bills

HB 215— Sales Tax/School Supplies & Clothing by Representative Marti Coley, (R – Marianna, FSU Alum), specifies a certain period during which the sale of books, clothing, and school supplies are exempt from tax on sales, use, and other transactions. The bill includes an appropriation of \$206,000. The revised revenue estimates forecast that the sales tax holiday would reduce state revenue sources by \$39.8 million and reduce local revenue sources by \$8.9 million. The bill passed out of the Schools and Learning Council last week and is awaiting hearing by the full House. A similar bill in the Senate, **SB 254 by Senator Stephen Wise (R – Jacksonville)** is waiting to be heard in the Finance and Tax Committee.

PCB SL 07-05 Post Secondary Education Enhancements by the Schools and Learning Council, requires the Office of Program Policy analysis and Government Accountability (OPPAGA) to conduct a study of the higher education enrollment forecasting models currently used in the state and requires the Department of Education to conduct a comprehensive review of the courses listed in the Statewide course Numbering System (SCNS). Additionally, the bill requires each nonpublic postsecondary institution to identify in all catalogs the specific courses included in the SCNS offered at their particular institution. The bill further provides that the beneficiary of a Prepaid College Plan who has graduated from college and not used all of his or her contract benefits receive a refund for the remaining credits or use the credits toward undergraduate, graduate or professional hours. The bill specifies that community colleges may propose to deliver baccalaureate degree programs in teaching and nursing, and to deliver Bachelor of Applied Science workforce-related degrees in high need/high demand majors. The bill was amended and passed out of the Schools and Learning Council last week.

Bill Update

CS HB 287— First Generation Matching Grant Program by Representative Anitere Flores (R – Miami), the bill was amended to clarify provisions relating to the eligibility for the receipt of the grant; restores the current match provisions; changes the date for reallocating unmatched funds from December 1 to August 1 beginning in 2008-09. The bill allows for ICUF institutions to participate in the program with a separate allocation. The bill passed out of the Schools and Learning Council last week and is awaiting hearing by the full House.

PCB SLC 07-16, Higher Education Governance by the Schools and Learning Council. The proposed bill defines the roles of the Board of Governors, Boards of Trustees and the State Board of Education in relationship to the State University System. The bill passed out of the Schools and Learning Council without amendments last week and will next be heard by the full House.

HB 289— Textbook Affordability by Representative Anitere Flores (R – Miami), prohibits certain actions of community college or state university employees relating to student purchases of required textbooks and requires student notification of assigned textbooks. The bill requires adoption of specified policies and practices to minimize the cost of textbooks and requires study and report by OPPAGA. The bill passed out of the Policy and Budget Council on Thursday.

University Governance

Following is a summary of issues contained in the 250 page 2007 governance proposal. (Highlighted and italicized issues were included in the bill at the request of the Chancellor's office)

Topic	Section	Comment
BOG powers & duties	20.155(1)	States that the BOG is established by the State Constitution under s. 7, Article IX
BOG powers & duties	20.155(4)(a)	States that "The Board of Governors shall operate, regulate, control, and be responsible for the management of the whole State University System in accordance with s. 7, Art. IX of the State Constitution and law."
BOG powers & duties	20.155(4)(b)	Refers to BOG Constitutional power
BOG powers & duties	1000.03(c)	Recognizes that the BOG can adopt regulations
BOG powers & duties	1001.70(3)	Recognizes BOG Constitutional power
BOG powers & duties	1001.70(1)	Current law recognizing Constitutional nature of the Board of Governors
BOG powers & duties	1001.705	Current law acknowledges the BOG's Constitutional powers and duties.
BOG powers & duties	1001.706(1)(b)	Recognizes that the Board of Governors is not required to adopt rules under chapter 120 when exercising its Constitutional authority. Requires rules when acting on legislative grant of authority
BOG powers & duties	1001.74(1)(a)	Acknowledges that BOG sets powers & duties of BOTs. States that Legislature delegates some of its authority directly to BOTs
BOG powers & duties	1001.74(1)(b)	Refers to BOG delegation authority pursuant to a new s. 1001.706.
BOG powers & duties	1001.706(2)(b)	BOG develops guidelines on sponsored research
BOG powers & duties	1001.706(2)(c)	BOG develops guidelines on certification of DSOs & university health services support organizations
BOG powers & duties	1001.706(2)(d)	BOG develops guidelines for supervising faculty practice plans
BOG powers & duties	1001.706(2)(e)	BOG develops guidelines to ensure access to general education courses
BOG powers & duties	1001.706(2)(f)	BOG approves degree programs requiring more than 120 hours
BOG powers & duties	1001.706(3)(b)	BOG prepares operating and FCO LBRs
BOG powers & duties	1001.706(4)(a)	BOG develop strategic plan
BOG powers & duties	1001.706(4)(b)	BOG develop accountability plan
BOG powers & duties	1001.706(4)(c)	BOG maintains effective information system
BOG powers & duties	1001.706(4)(d)	BOG inspector general must investigate substantiated allegations of waste, fraud, or financial mismanagement
BOG powers & duties	1001.706(6)(a)	BOG develops guidelines for BOT acquisition of real property
BOG powers & duties	1001.706(6)(b)	BOG develops guidelines for BOT use, maintenance, control of university owned or controlled resources
BOG powers & duties	1001.706(6)(c)	BOG or designee shall administer program for maintenance and construction of facilities
BOG powers & duties	1001.706(7)	BOG responsible for compliance with laws
BOG powers & duties	1001.706(8)	BOG shall implement a plan for working with SBE, CIE, BOT, representatives of private colleges & universities
BOG powers & duties	1001.706(9)	BOG prohibited from assessing a fee on state universities unless specifically authorized by law
BOG powers & duties	1002..35(2)(a)	Requires SBE to work in conjunction with BOG regarding New World School of the Arts
BOG powers & duties	1004.03	Changes requirement to establish criteria for approval of new programs at state universities from SBE to BOG
BOG powers & duties	1004.03(1)(d)	New programs approved according to conformance with BOG strategic plan instead of SBE master plan
BOG powers & duties	1004.07(4)	Policies of BOTs established according to guidelines of BOG and rules of state. Acknowledges separate authority of BOG
BOG powers & duties	1008.29(8)(b)	Allows BOG to establish fees for administration of CLAST at times other than regularly scheduled and set conditions to be admitted to special administrations
BOG or designee powers & duties	1001.706(1)(a)	BOG or designee: make cost effective policy decisions
BOG or designee powers & duties	1001.706(2)(g)	BOG or designee: adopt anti-hazing policy
BOG or designee powers & duties	1001.706(2)(h)	BOG or designee: may, but not required to, establish uniform code of conduct
BOG or designee powers & duties	1001.706(2)(a)	BOG or designee develops guidelines on data and technology
BOG or designee powers & duties	1001.706(3)(a)	BOG or designee must account for expenditure of all funds
BOG or designee powers & duties	1001.706(3)(c)	BOG or designee establish tuition and fees
BOG or designee powers & duties	1001.706(5)(a)	BOG or designee shall establish personnel program for all personnel including the president
BOG or designee powers & duties	1001.706(6)(d)	BOG or designee shall ensure compliance with procurement laws

Topic	Section	Comment
BOG or designee powers & duties	1001.706(6)(e)	BOG or designee may sell, convey, transfer, etc, real property
BOG or designee powers & duties	1001.706(6)(e)1	BOG or designee may secure appraisals and surveys
BOG or designee powers & duties	1001.706(6)(e)2	BOG or designee may negotiate and enter into an option contract
BOG or designee powers & duties	1001.706(6)(f)	BOG or designee shall prepare and adopt campus master plan
BOG or designee powers & duties	1001.706(6)(g)	BOG or designee shall prepare, adopt, and execute campus development agreement
BOG or designee powers & duties	1001.706(6)(h)	BOG or designee may authorize the rent or lease of parking facilities
<i>BOG Budget</i>	<i>1001.01(2)(e)</i>	<i>State Board of Education cannot make changes to the BOG budget</i>
<i>Articulation</i>	<i>1007.01(2)</i>	<i>Requires SBE & BOG to jointly develop guidelines</i>
<i>Articulation</i>	<i>1007.25(1)</i>	<i>Requires SBE & BOG to jointly develop guidelines</i>
<i>Admission for disabled persons</i>	<i>1007.264</i>	<i>Requires SBE to consult with BOG</i>
<i>Support & graduation of disabled persons</i>	<i>1007.265</i>	<i>Requires SBE & BOG to cooperate</i>
<i>Placement tests</i>	<i>1008.50</i>	<i>Requires SBE & BOG to jointly develop and implement placement tests</i>
<i>SUS Facilities</i>	<i>1015.05(10)(a)</i>	<i>Chancellor validates surveys for universities</i>
<i>SUS Facilities</i>	<i>1015.51(1)(a)</i>	<i>University surveys submitted to Chancellor</i>
<i>SUS Facilities</i>	<i>1015.51(1)(b)2</i>	<i>Chancellor provides survey data for universities</i>
<i>SUS Facilities</i>	<i>1015.51(1)(b)4</i>	<i>Chancellor validates surveys for universities</i>
<i>SUS Facilities</i>	<i>1015.51(1)(b)5</i>	<i>Chancellor approves deviations from space needs standards for universities</i>
<i>SUS Facilities</i>	<i>1015.51(1)c</i>	<i>Chancellor reviews and validates university surveys</i>
<i>SUS Facilities</i>	<i>1015.60(2)</i>	<i>Trustees submit capital outlay budget request to Chancellor</i>
<i>SUS Facilities</i>	<i>1015.60(2)</i>	<i>BOG approves university capital outlay budget requests</i>
<i>SUS Facilities</i>	<i>1015.64(4)(a)</i>	<i>Recognizes the BOG as the submitter for the university 5-year priority list</i>
<i>BOT powers & duties</i>	<i>1001.74(1)(c)</i>	<i>BOT authority within guidelines of the BOG and in accordance with law</i>
<i>BOT powers & duties</i>	<i>1001.74(2)(d)</i>	<i>Delete BOT responsibility for ensuring general education access. Remains responsibility of BOG</i>
<i>BOT powers & duties as delegated by BOG</i>	<i>1001.74(2)(c)</i>	<i>BOT authority to require more than 120 hours for baccalaureate program requires delegation by the BOG</i>

Topic	Section	Comment
<i>BOT powers & duties as delegated by BOG</i>	<i>1001.74(2)(g)</i>	<i>BOT authority to create divisions of sponsored research requires delegation by BOG</i>
<i>BOT powers & duties as delegated by BOG</i>	<i>1001.74(5)(a)</i>	<i>BOT authority to account for expenditures requires delegation by BOG</i>
<i>BOT powers & duties as delegated by BOG</i>	<i>1001.74(5)(c)</i>	<i>BOT authority to establish tuition and fees requires delegation by BOG</i>
BOT powers & duties as delegated by BOG	1001.74(3)(d)	BOT authority to secure comprehensive general liability insurance requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(5)(a)	BOT authority to establish personnel program for all employees, including the president, requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(c)	BOT authority to administer a program for maintenance and construction of facilities requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(d)	BOT authority to ensure compliance to certain purchasing provisions requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(f)1	BOT authority to secure appraisals requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(f)2	BOT authority to negotiate and enter into option contract requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(g)	BOT authority to prepare and adopt campus master plan requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(h)	BOT authority to prepare, adopt, and execute a campus development agreement requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(i)	BOT authority to rent or lease parking facilities requires delegation by BOG
BOT powers & duties as delegated by BOG	1001.74(6)(f)	BOT authority to sell, convey, transfer, etc., and related improvements require delegation by BOG
BOT powers & duties as established by Legislature	1001.74(2)(a)	BOT is contracting agent of the university
BOT powers & duties as established by Legislature	1001.74(2)(b)	BOT must obtain BOG approval for all new campuses and instructional centers
BOT powers & duties as established by Legislature	1001.74(2)(h)	BOT may produce work products that are subject to trademark, copyright, or patent statutes

Topic	Section	Comment
BOT powers & duties as established by Legislature	1001.74(2)(j)	BOT may govern traffic on its campus
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(2)(k)	BOT responsible for supervising faculty practice plans according to guidelines of BOG
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(2)(l)	BOT certifies DSOs & university health services support organizations to use university property according to guidelines of BOG
BOT powers & duties as established by Legislature	1001.74(2)(m)	BOT may establish educational research centers for child development. Under s. 1011.48 SBE responsible for establishment, operation, and supervision of centers
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(3)(b)	BOT must submit operational LBR & FCO budget request to BOG for approval according to guidelines of BOG
BOT powers & duties as established by Legislature	1001.74(3)(e)	BOT authorized to pay costs of civil actions against officers, employees, or agents of the board
BOT powers & duties as established by Legislature	1001.74(3)(f)	BOT may enter into agreements for and accept credit cards
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(4)(a)	BOT to develop strategic plan for recommendation to and approval by BOG
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(4)(b)	BOT shall develop accountability plan according to guidelines of BOG
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(4)(c)	BOT shall maintain effective information system according to guidelines of BOG
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(6)(a)	BOT authorized to acquire real property, etc. according to law and guidelines of BOG
BOT powers & duties as established by Legislature and/or according to guidelines of BOG	1001.74(6)(b)	BOT responsible for university owned or controlled facilities, equipment, trademarks, financial and other resources of the university according to guidelines of BOG
BOT powers & duties as established by Legislature	1001.74(6)(e)	BOT may exercise right of eminent domain.
BOT powers & duties as established by Legislature	1001.74(6)(j)	BOT authorized to dispose of state-owned tangible property

Topic	Section	Comment
BOT powers & duties as established by Legislature	1001.74(7)	BOT must comply with laws, rules, regulations, and requirements
BOT powers & duties as established by Legislature	1001.74(8)	BOT must perform other duties as provided by law or at direction of BOG. Recognizes separate authority of BOG
Regulations	1004.435(5)(c)	BOG may adopt rules for cancer control and research but not required to do so
Regulations	1011.48(4)	May adopt rules for establishing, operating education research centers for child development but not required to do so
Rules	1000.05	Discrimination against students & employees in K20
Rules	1004.07	Student withdrawal from courses due to military service
Rules	1004.28	DSO use of property (current language)
Rules	1004.29(3)	University health services support organizations use of property
Rules	1006.65(2)	Safety issues in courses offered by public postsecondary education institutions
Rules	1007.264(3)	Requires BOG to adopt rule regarding admission of impaired and learning disabled to state universities. Where legislature intends the BOG to adopt rules it so explicitly
Rules	1007.265(3)	Requires BOG to adopt rule regarding graduation, study program admission, upper division entry of impaired and learning disabled. Where legislature intends the BOG to adopt rules it states so explicitly
Rules	1009.21(11)	Determination of student status for tuition purposes
Rules	1009.24(10)(a)	A&S fee implementation
Rules	1009.24(11)	Health fee implementation
Rules	1010.01(1)(b)	Uniform records & accounts
Rules	1010.04(1)(b)	Purchasing & leasing
Rules	1010.04(4)(b)	Purchasing. Alternative procedures for bidding when competitive bidding/purchasing process is impractical
Rules	1010.09(2)	Organization of DSOs
Rules	1011.40(3)	Governing university expenditures (current language)
Rules	1013.12(5)(b)	Fire safety inspections
Rules	1013.74(3)	Authorization for FCO projects

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