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Last week, Governor Scott took final action on what the legislature passed this year, thereby closing the book on the 2016 session. Thankfully, Florida State University was spared the governor's veto pen for the first time in years.

Among major legislation the governor signed into law was a wide-ranging education bill that passed on the last day of the session and touches every level of public education in Florida.

HB 7029 came in at 160 pages and includes numerous statutory changes for state universities. In addition, the bill broadens some of the pre-eminence metrics, and establishes "emerging preeminent" universities, along with funding criteria for these institutions.

This legislation also codifies the Board of Governors' performance-funding measures. The bill becomes effective July 1.

Please see the **Spotlight on Bills** section of this newsletter for information on other legislation pertaining to state universities that was either signed into law or vetoed.

Please feel free to contact me with questions about legislation or budget items. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

Thank You

The Office of Governmental Relations would like to express its gratitude for the support received from the Legislative Liaison Committee members. These important members of our team contributed much hard work and patience during the 2016 Legislative Session.

Anne Blankenship – Academic Affairs

Paul Harlacher – Academic Affairs

Kyle Clark – Finance and Administration

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John Fogarty – College of Medicine

Laura Brock – College of Medicine

Judith Durdle – College of Nursing

Stacy Chambers – Florida High

John Hughes – Florida Center for Reading Research

SPOTLIGHT ON **BILLS**

BILLS THAT PASSED

CS/CS/HB 7029 – Education Choice by Representative Bob Cortes (R – Maitland)

became an overarching comprehensive education bill. The bill was heavily amended in the last days of session and includes parts of several bills that we were tracking throughout the legislative session including, SB 524, SB 962, SB 470, HB 669, SB 1060, 1136, SB 1166, HB 1359, HB 1403, HB 31, HB 907, HB 693, HB 7021, HB 7043, HB 7039, HB 873, HB 119, HB1003. Provisions in the bill include:

Requires each state university board of trustees to select its chair and vice chair from the appointed members, with specified term limits, and publish notification requirements regarding attendance and meeting materials.

- **SUS Performance Funding. Extends the State University System (SUS) performance-based incentive funding program to award SUS institutions for attainment of metrics adopted by the Board of Governors (BOG). Revises metrics to include wage thresholds that reflect the added value of a baccalaureate degree.**
- **SUS Preeminence. Modifies standards that apply to Pre-eminent State Research Universities to include adjustment to the SAT score scale; expanding listing of rankings publications; and, expand-**

ing listing of faculty ranking publications.

- **Creates standards and benefits for “Emerging Preeminent State Research Universities.”**
- **Renames the “Florida National Merit Scholar Incentive Program” to the “Benacquisto Scholarship Program”, and requires all eligible state universities (and encourages all eligible Florida public or independent postsecondary educational institutions) to become college sponsors of the National Merit Scholarship Program.**
- **Preeminent State Research University Special Course Requirement Authority in s. 1001.7065 (7) is reduced to 6 credits, from the current 9-12 credit authorization.**
- **District School Boards.** Permits the proration of dues paid to membership associations, authorizes school board members to visit schools in their districts, and allows returning retirees to be rehired in the same manner as new teachers are employed.
- **Parent Information and Options.** Enables a parent to request a different classroom teacher for his or her child, clarifies student notification requirements pertaining to the pledge of allegiance, and defers calculation of VPK readiness rates for an additional year pending additional data.
- **Open Enrollment.** Enables stu-

dents, beginning in the 2017-2018 school year, to attend any public school in the state, including charter schools, subject to maximum class size requirements, capacity and other specified provisions.

- **Charter Schools.** Expands options pertaining to charter school accountability and flexibility.
 - **Accountability:** Requires specific information in the application process; requires monthly financial statements upon execution of the charter contract; prohibits charter schools from basing admission or dismissal on a student's academic performance; creates requirements when a charter school voluntarily closes; automatically terminates double-F charter schools; requires annually a specified number of charter school meetings to be held in the school district where the charter school is located; provides that a charter school must be located in Florida to be eligible to receive PECO; and revises reading requirements to shift to evidence-based reading and provide parents with information concerning reading deficiencies.
 - **Flexibility:** Authorizes charter schools to seek an injunction to enforce existing requirements for local governments to treat charter schools equitably as compared to public schools; authorizes charter school governing board members to attend meetings via

communications media technology; revises first quarter funding methods for charter schools, with specified payment times and amounts; prohibits districts from delaying the issuance of funds, including local funds; clarifies that an existing charter school that is seeking to become a virtual charter school must amend its application or submit a new application; and expands charter school in a municipality enrollment preferences.

- **Choice Options.** Expands options pertaining to the credit acceleration program (CAP), provides options to meet online graduation requirements, and updates terminologies to reflect the current ACT test, ACT Aspire, which has replaced the Preliminary ACT (PLAN) test.
- **Extracurricular Activities.** Provides district school boards with responsibility to determine (in student code of conduct) student eligibility requirements and subsequent disciplinary actions through suspension and expulsion policies, enables students to be immediately eligible to try out for athletic activities under certain conditions, specifies restrictions for same sport participation in a subsequent school, allows private schools to join the Florida High School Athletic Association (FHSAA) by sport (and public schools to do same per FHSAA approval), specifies 3 tiers of increased penalties for recruiting violations, specifies remaining duties of the FHSAA, and revises the FHSAA's burden of proof from "clear and convincing" to a "preponderance of the evidence" (not applicable to student eligibility).
- **School Funding.** Revises minimum term school funding provisions to prorate FTE for schools that provide less than 900 hours of instruction (e.g., public schools,

double-session schools, experimental calendar schools, and emergency conditions), authorizes recalculation of the ESE guaranteed amount for school districts, provides funds to school districts for federally connected students, authorizes performance funding for certain CAPE industry certifications, increases teacher bonuses for CAPE industry certifications, and requires a school district to add 4 special consideration points to the calculation of a matrix of services for a student who is deaf and enrolled in an auditory-oral education program.

- **Educator Professional Preparation and Development.** Authorizes charter schools to offer education competency and professional preparation for instructional personnel.
- **Postsecondary Education.** Creates, re-enacts and amends various education and funding and scholarship programs.
 - **Distinguished FCS Program.** Creates program as a collaborative partnership between the State Board of Education (SBE) and the Legislature to recognize the excellence of Florida's highest-performing Florida College System (FCS) institutions. Establishes 7 excellence standards; requires the SBE to designate each FCS institution that meets 5 of 7 standards as a distinguished college; and permits funding as provided in the General Appropriations Act.
 - **College Performance Funding.** Re-enacts performance-based incentive funding program to award FCS institutions for attaining metrics adopted by the SBE. Beginning in 2017-2018, the ability of an institution to submit an improvement plan to the SBE.
- **Codifies the Adults with Disabili-**

ties Workforce Education Program.

- **Charter Schools Capital Outlay.** Retains the Senate's position deleting priority preferences and clarifying financial stability requirements for charter school capital outlay. However, removes the Senate's provisions that prohibited personal enrichment and established a weighted funding model for state charter school capital outlay funds; and changed from 3 to 2 years the length of time a charter school must be in operation to be eligible for capital outlay funding.
- **Controlled Open Enrollment.** Revises home education program and Florida Virtual School student options so the student may participate in an extracurricular activity at the public school the student would be assigned, or could choose to attend, pursuant to controlled open enrollment. Makes optional, instead of mandatory, charter school enrollment preferences as part of controlled open enrollment.
- **Special Facilities.** Requires EDR to conduct the study of cost per student station amounts using the most recent information on construction costs.
- **Pledge of Allegiance.** Clarifies existing law to provide that students must show full respect for the flag by standing at attention and removing headdress, except for religious purposes; however, upon a parent's request a student may be excused from standing and saying the pledge of allegiance.
- **Requires high-performing charter schools to continually meet the same requirements for initial eligibility and annual continuing eligibility.**
- **Expands public school reading requirements relating to interventions and instructional supports for students in kindergarten through grade 3 who are identified**

as having a substantial reading deficiency, as well as, teacher certification and training requirements relating to specialized reading competencies.

- Creates the Seal of Biliteracy Program to recognize high school graduates who attain a high level of competency in foreign languages.

Effective July 1, 2016, Chapter 2016-237

CS/HB/7019 – Postsecondary Access and Affordability by Representative Elizabeth Porter (R – Lake City, FSU Alum), promotes college affordability by:

- Requiring public postsecondary institutions to publicly notice any proposal to increase tuition or fees at least 28 days prior to consideration by the board of trustees.
- Requiring the SBE and the BOG to annually identify strategies and initiatives to promote college affordability (including the impact of tuition and fees, financial aid policies, and textbook costs) and submit an annual report to the Governor, Senate President, and Speaker of the House of Representatives.
- Enhancing the current textbook affordability law to include “instructional materials” and to provide students with sufficient time and information to seek out the lowest available prices by:
 - Authorizing state university and Florida College System institution boards of trustees to adopt policies that allow innovative pricing techniques and payment options for digital textbooks and instructional materials. The bill requires an opt-in provision for students and stipulates that policies may only be adopted if there is documented evidence of cost savings;
 - Requiring public postsecond-

ary institution to post in the course registration system and on its website at least 45 days before the first day of class for each term a hyperlink to lists of required and recommended textbooks and instructional materials for at least 95 percent of all courses and course sections;

- Establishing deadlines for instructors or departments to notify the bookstore of required and recommended textbooks and instructional materials;
- Requiring public postsecondary institutions to conduct cost benefit analyses and report annually to chancellors on implementation of textbook affordability policies;

Deletes the Board of Trustees authority to establish tuition for graduate and professional programs and out-of-state fees for all programs and reverts to Board of Governors.

Effective July 1, 2016, Chapter 2016-236

HB 5003 – Implementing by Representative Richard Corcoran (R – Lutz), contains provisions necessary to effect the general appropriations bill and is effective for one fiscal year only. Following are some of the issues contained in this year’s bill:

Emerging Preeminence -- Amends s. 1001.7065, F.S. relating to the Pre-eminent State Research Universities Program to require the Board of Governors to designate each state university that meets at least six of the 12 academic and research excellence standards identified in law as an “emerging preeminent state research university.” Also modifies the academic and research excellence standards of the preeminent state research universities program and establishes funding parameters for

universities designated as “preeminent” or “emerging preeminent.” **This language also passed in HB 7029, permanent law. This language also passed in HB 7029, permanent law.**

Preeminent State Research University Special Course Requirement Authority in s. 1001.7065 (7) is reduced to 6 credits, from the current 9-12 credit authorization. **This language also passed in HB 7029, permanent law.**

State University System Performance Based Incentive – Requires the BOG to establish minimum performance funding eligibility thresholds for both the state’s investment and the institutional investment. Additionally, the bill:

1. A state university that meets the minimum institutional investment eligibility threshold, but fails to meet the minimum state investment eligibility threshold, shall have its institutional investment restored but is ineligible for a share of the state’s investment in performance funding.

2. Clarifies that an institution that fails to meet the BOG’s threshold for the institutional investment shall have its entire institutional investment withheld (previous practice was to withhold a portion of the institutional investment).

This language also passed in HB 7029, permanent law.

Postsecondary Distance Learning Fees – Clarifies that the **average** distance learning course fee assessed by a state university may not exceed \$30 per credit hour.

Teacher Liability Insurance – Amends s. 1012.75(3) to create the Florida educators professional liability insurance program which protects public school educators and administrators from liability for monetary damages and the cost of defense of their actions. Requires DOE to notify all instructional personnel by August

1 of pending procurement for liability insurance and by September 1 for the actual coverage provided. Also amends s. 1012.39, F.S. to require district school boards to notify a student performing clinical field experience of the availability of educator liability insurance under s. 1012.75. Prohibits a postsecondary educational institution or district school board from requiring a student enrolled in a state-approved teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience. **This language also passed in HB 719 and has been signed into law by the Governor.**

Financial Aid

Requires postsecondary institutions to conduct an assessment of all financial resources available to each student, including:

- Pell grants and other federal aid
- State grants and Scholarships, including merit awards
- Institutional awards for merit or need
- Private awards for merit or need
- Any other grant or scholarship available to the student.

Accountability Report

Requires that by March 15 of each year, the Board of Governor submit an annual accountability report. This language expires effective July 1, 2017 and the accountability report due date will revert to December 31 of each year.

Effective July 1, 2016, Chapter 2016-62

HB 7099 – Taxation by Representative Matt Gaetz (R – Shalimar, FSU Alum), promotes \$129.1 million in tax payer savings combined with a proposal to hold down local property taxes that would otherwise go into the state's school-

funding formula for a \$400 million in tax breaks. The issue involves part of the formula known as "required local effort."

The bill also revises how taxes are calculated on alcohol and tobacco sales for cruise ships within Florida waters, on pear cider, and on an excise tax on aviation fuel, which is a discount for most carriers.

The bill also exempts sales taxes on food and drinks sold by veterans' organizations and phases out -- over three years -- a sales tax on asphalt used for government projects.

Additionally, the bill provides a sales tax holiday on clothing and school supplies from August 5, 2016 – August 7, 2016. **Effective July 1, 2016, Chapter 2016-220**

CS/CS/HB 1075 – State Lands by Representative Matt Caldwell (R – Lehigh Acres), consolidates the acquisition and surplus procedures for non-conservation lands and for conservation lands. Additionally, the bill clarifies that before a property is offered for sale or lease to a local or federal unit of government or a private party, it will be first offered to state agencies, **state universities and Florida College System (FCS) institutions, with priority given to state universities and FCS institutions. Universities have 60 days to submit a plan for review and approval. Effective July 1, 2016, Chapter 2016-223**

HB 799 – Out-of-State Fee Waivers for Active Duty Military by Representative Bryan Avila (R – Hialeah), creates an out-of-state fee waiver for an active duty member of the United States Armed Forces residing or stationed outside of the state at the time of enrollment at a state university, Florida College System institution, career center, or charter technical career center. **Effective July 1, 2016, Chapter 2016-136**

HB 1219 – Veterans' Employment by Representative Jake Raburn (R – Valrico), revises the section of Florida law governing veterans' preference in appointment and retention. Specifically, the bill:

- Requires each state agency, and allows each political subdivision of the state, to develop and implement a written veterans' recruitment plan;
- Requires each veterans' recruitment plan to establish and meet annual goals for ensuring the full use of veterans in the agency's or subdivision's workforce;
- Requires the Department of Management Services (DMS) to collect statistical data for each state agency on the number of persons who claim veterans' preference, the number of persons who were hired through veterans' preference, and the number of persons who were hired as a result of the veterans' recruitment plan; and
- Requires DMS to annually update the statistical data on its website and include the statistics in its annual workforce report.

The bill requires each veteran's recruitment plan to apply to the same veterans and veterans' family members that are included in the Florida law governing veterans' preference in appointment and retention. **Effective October 1, 2016, Chapter 2016-102**

HB 1157 – Postsecondary Education for Veterans by Representative Jake Raburn (R – Valrico), expands Florida law to allow eligible members of the United States Armed Forces and honorably discharged veterans to earn college credit at public postsecondary institutions for college-level training and education acquired in the military.

The bill requires the Department of Education to include the Excelsior College subject examination, De-

fense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.

Additionally, the bill modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration. The bill expands the tuition waiver to include any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.

The bill also requires the Department of Education to include successful completion of a United State Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) to the documentation an individual may provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements. **Effective July 1, 2016, Chapter 2016-142**

HB 719 – Education Personnel by Representative Ross Spano (R – Riverview, FSU Alum), revises several provisions related to education personnel. With respect to educator discipline, the bill:

- Revises the membership of the Education Practices Commission to include membership opportunities for school administrators employed by virtual schools; former charter school governing board members; and former district school superintendents, assistant superintendents, or deputy superintendents.
- Requires all commission members to be Florida residents and authorizes the appointment of emeritus members.

- Authorizes the Commissioner of Education to issue a letter of guidance to a certified educator upon finding that probable cause to prosecute a complaint does not exist.
- Authorizes the Department of Children and Families to disclose child abandonment, abuse, or neglect records to Department of Education (DOE) employees who investigate or prosecute misconduct by certified educators.

In addition, the bill eliminates the July 1, 2016, expiration date for the educator liability insurance program, which provides liability coverage for all full-time public school instructional personnel. The bill also prohibits postsecondary educational institutions and school districts from requiring a student participating in a clinical field experience to purchase liability insurance as a condition of participation.

With respect to teacher recruitment, the bill authorizes, rather than requires, DOE to sponsor a centrally located job fair to help match educators with teaching opportunities in the state. The bill requires DOE to coordinate a best practice community to help school districts recruit and perform other human resources functions with up-to-date knowledge. The bill also deletes obsolete State Board of Education rulemaking authority regarding certain teacher assignment requirements. The bill promotes effective school leadership by providing standards for approval of school leader preparation programs.

Effective July 1, 2016, Chapter 2016-58

HB 189 – Teacher Certification by Representative Manny Diaz, Jr. (R – Hialeah Gardens), provides that an expert in the field who meets general educator certification requirements and holds a temporary certificate may immediately begin teaching in a classroom as the teacher of record. However, temporary

certificates expire after three years and are nonrenewable. While serving as a classroom teacher, temporary certificate holders may pursue a professional educator certificate, which lasts for five years and is renewable, by completing at least 15 hours of additional coursework and participating in on-the-job training. This requirement applies even if the teacher has proven to be highly effective.

Temporary certificate holders with a master's degree or higher in STEM fields (science, technology, engineering, and mathematics), even if rated highly effective, must still complete at least 15 hours of additional coursework within three years to earn a professional certificate.

To make a professional certificate more attainable for individuals with expertise in STEM fields, the bill allows an individual to earn a professional certificate for grades 6 through 12 in a STEM subject without having to complete additional coursework if the individual:

- Meets the general certification requirements;
- Holds a master's or higher degree in the area of science, technology, engineering, or mathematics;
- Passes the subject area examination for the correlating certificate;
- Passes the professional education competency examination required by state board rule;
- Teaches a high school course in the subject of the advanced degree; and
- Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

Effective July 1, 2016, Chapter 2016-117

HB 1061 – Nurse Licensure Compact by Representative Cary Pigman (R – Sebring),

authorizes Florida to enter into the revised The Nurse Licensure Compact (NLC or compact). The NLC is a multi-state agreement that establishes a mutual recognition system for the licensure of registered nurses and licensed practical or vocational nurses. In 2015, the National Council of State Boards of Nursing adopted revised model legislation for the NLC and required any state entering the NLC to adopt the revised model legislation.

Under the NLC, a nurse who is issued a multistate license from a state that is a party to the compact is permitted to practice in any other state that is also a party to the compact. However, the nurse must comply with the practice laws of the state in which he or she is practicing or where the patient is located. A party state may continue to issue a single-state license, authorizing practice only in that state.

Pursuant to the bill, a nurse who applies for or renews a multistate license in Florida must meet the minimum requirements of the NLC and any other requirements set by the Florida Board of Nursing (board) within the Department of Health (DOH). The NLC does not change the current licensure requirements under ch. 464, F.S., the Nurse Practice Act.

Under the NLC, a state may take adverse action against the multistate licensure privilege of any nurse practicing in that state. The home state has the exclusive authority to take adverse action against the home state license, including revocation and suspension. The NLC requires all states to report to a coordinated licensure information system (CLIS), all adverse actions taken against a nurse's license or multistate licensure practice privilege, any current significant investigative information, and denials of applications. All party states may access the CLIS to see licensure and disciplinary information

for all nurses licensed in the party states. A state may designate the information it contributes to the CLIS as confidential, prohibiting disclosure to nonparty states.

The NLC establishes the Interstate Commission of Nurse Licensure Compact Administrators (commission) to oversee the operation of the NLC. Each party state's compact administrator (the head of the state's licensing board or designee) must participate as a member of the commission. The NLC grants the commission authority to promulgate uniform rules to, among other things, facilitate and coordinate the implementation and administration of the NLC. The commission may also take any necessary action to secure the compliance of a party state that fails to meet the obligations of the NLC, including termination of membership after exhausting all means of securing compliance.

The NLC provides for the qualified immunity, defense, and indemnification of the administrators, officers, executive director, representatives, and employees of the commission in civil actions that arise under certain circumstances. The NLC does not abrogate or waive the sovereign immunity of its party states.

The bill also requires the DOH to conspicuously designate each nurse license as a multistate license or a single-state license. The bill requires the Florida Center for Nursing to analyze the impact of the state's participation in the NLC and authorizes the center to request certain information held by the board to determine such impact.

Effective December 31, 2018, or upon enactment of the Nurse Licensure Compact into law by 26 states, whichever occurs first. Chapter 2016-139

HB 423 -- Drug Prescription by Advanced Registered Nurse Practitioners & Physician As-

sistants by Representative Cary Pigman (R – Sebring), authorizes advanced registered nurse practitioners (ARNP) to prescribe, dispense, order, and administer controlled substances, but only to the extent authorized under a supervising physician's protocol. The bill also authorizes physicians assistants (PA) to prescribe controlled substances that are not listed on the formulary established by the Council on Physician Assistants, under current supervisory standards. The bill subjects ARNPs and PAs to administrative disciplinary actions, such as fines or license suspensions, for violating standards of practice in law relating to prescribing and dispensing controlled substances. The bill adds specific prohibited acts related to the prescribing of controlled substances, which constitute grounds for denial of license or disciplinary action, into the Nurse Practice Act.

The bill requires ARNPs and PAs who prescribe controlled substances for the treatment of chronic nonmalignant pain to meet certain registration and prescribing requirements, but prevents ARNPs and PAs from prescribing controlled substances in registered pain management clinics.

The bill adds ARNPs and PAs into the definition of "practitioner" in the Florida Comprehensive Drug Abuse Prevention and Control Act (Act) requiring compliance with the prescribing and dispensing requirements and limitations under the Act. **Effective July 1, 2016, Chapter 2016-224**

CS/HB 229 Bullying and Harassment Policies in Schools by Representative Joe Geller (D – Dania Beach, FSU Alum), revises current law by requiring each district school board to review its anti-bullying and harassment policy every three years. The policy review must involve students, parents, teachers, administrators and other community stakeholders. Each district school

board must also authorize a list of prevention programs that provide instruction to community stakeholders on how to identify and respond to bullying or harassment. The bill also clarifies that there must be a procedure for receiving reports of alleged acts of bullying and harassment.

The bill makes each school principal responsible for implementing the district school board's bullying and harassment policy, prevention programs, and reporting procedures. **Effective July 1, 2016, Chapter 2016-119**

SB 7030 -- Competitive Solicitation or Negotiation Strategies by Senator Jeremy Ring (D – Margate), removes the scheduled repeal date of October 2, 2016, in both the public records exemption law and the public meetings exemption law. The bill permits the public records and public meetings exemptions relating to agency competitive solicitations to continue as they currently exist. **Effective October 1, 2016, Chapter 2016-49**

CS/SB 350 – Online Procurement by Senator Bill Montford (D – Tallahassee, FSU Alum), authorizes district school boards, Florida College System institution boards of trustees and university boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool. **Effective July 1, 2016, Chapter 2016-31**

HB 273 – Public Records by Representative Halsey Beshears (R – Monticello, FSU Alum), requires a public agency contract for services with a contractor to include a statement in large, boldface font informing the contractor of the contact information of the public agency's custodian of public records (records custodian) and instructing the contractor to contact the records cus-

todian concerning any questions the contractor may have regarding the contractor's duties to provide public records relating to the contract.

The bill repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.

The bill requires a request for public records relating to a contract for services to be made directly to the contracting public agency. If the public agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the public agency within a reasonable time may be subject to certain penalties.

Additionally, The bill provides that if a civil action is filed to compel production of public records, the court must assess and award against the contractor the reasonable costs of enforcement, including attorney fees, if the court determines that a contractor unlawfully refused to comply with the public records request within a reasonable time, and the plaintiff provided written notice of the public records request to the public agency and the contractor. The notice must be sent at least 8 business days before the plaintiff files the civil action. The bill specifies that a contractor who complies with the public record cost of enforcement. **Effective upon becoming law, Chapter 2016-20**

SB 672 – Educational Options by Senator Don Gaetz (R – Destin), establishes mechanisms for the approval of unique postsecondary education programs tailored to the

needs of students with intellectual disabilities and the statewide coordination of information about programs for students with disabilities. Specifically, the bill includes two key components:

- A process through which postsecondary institutions in Florida can voluntarily seek approval to offer a Florida Postsecondary Comprehensive Transition Program (FPCTP) for students with intellectual disabilities; and
- A Florida Center for Students with Unique Abilities (statewide coordinating center) for statewide coordination of information regarding programs and services for students with disabilities and their parents.

The bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student if it implements a policy that:

- Prohibits certain types or styles of clothing, while requiring solid-colored clothing and fabrics and short- or long-sleeved shirts with collars; and
- Allows reasonable accommodations based on a student's religion, disability, or medical condition.

The bill amends a number of provisions of the Florida Personal Learning Scholarship Account (PLSA) program. The provisions increase student access, tighten accountability, and streamline administration. Additionally, the bill amends provisions for the Florida Tax Credit (FTC) scholarship program. **Effective July 1, 2016, Chapter 2016-2**

SB 7076 – Legislature by Senator Garrett Richter (R – Naples), requires the Legislature to

convene in Regular Session on January 9, 2018. **Effective upon becoming law. Chapter 2016-218**

CS/SB 793 – Bright Futures Scholarship Program by Representative Marlene O'Toole (R – The Villages), creates the Florida Gold Seal CAPE Scholars award as an alternative to the current Florida Gold Seal Vocational Scholars award. A student may qualify for the Florida Gold Seal CAPE Scholars award if he or she meets the general eligibility requirements for the Florida Bright Futures Scholarship program and earns a minimum of five postsecondary credits through CAPE industry certifications which articulate for college credit. The new scholarship allows for additional credit hours upon completion of a technical degree in certain instances.

The bill modifies the initial eligibility period for the Florida Bright Futures Scholarship Program for students who are unable to accept an award due to full-time religious or service obligations lasting at least 18 months. Eligible students can defer the 2-year initial award period and the 5-year renewal period until the student completes the religious or service obligation. The organization sponsoring the full-time religious or service obligation must be a federal government service organization or satisfy the Internal Revenue Code's requirements for nonprofit status.

The bill modifies student community service work requirements for the Florida Bright Futures Scholarship Program awards, including Florida Academic Scholars (FAS), Florida Medallion Scholars (FMS), Florida Gold Seal Vocational Scholars (FGS-VS) awards, and adding the requirement for the newly created Florida Gold Seal CAPE Scholars award. The bill modifies the requirements by:

- Clarifying that community service work must be volunteer work and prohibits any student from receiving

remuneration or academic credit for such work;

- Expanding volunteer service work areas to include a civic issue or a professional area of interest;
- Providing that volunteer work may include, but not be limited to, a business or government internship, employment with a nonprofit community service organization, or activity on behalf of a candidate for public office; and
- Establishing accountability requirements for student volunteer work that includes documentation in writing by the student, the student's parent, and a representative of the organization for which the student worked.

The number of community service hours required for each Bright Futures award remains unchanged.

The bill eliminates references to outdated eligibility requirements for the FAS and FMS awards, and removes the higher test score requirement for home education students whose parents cannot document a college-preparatory curriculum. Specifically, the bill provides that test score requirements are the same for students enrolled in home education programs as they are for all other high school students qualifying for the FMS award. **Effective upon becoming law. Chapter 2016-91**

CS/HB 1147 Educational Instruction by Representative Chris Latvala (R – Clearwater), requires character-development programs in high schools to include instruction on:

- Developing leadership skills, interpersonal skills, organization skills, and research skills;
- Creating a resume;
- Developing and practicing the skills necessary for employment interviews;

- Managing stress and expectations
- Developing skills that enable students to become more resilient and self-motivated.

School districts currently provide a variety of character-development programs for K-12 students. The specified requirements for high school students are not expected to have any fiscal impact on school districts. **Effective July 1, 2016, Chapter 2016-141**

CS/CS/CS/HB 1125 – Eligibility for Employment as Child Care Personnel by Representative Charles McBurney (R – Jacksonville), makes the new federal Child Care and Development Block Grant (CCDBG) background screening requirements apply to all child care personnel regardless of whether their employer child care provider receives federal CCDBG funding. The bill prohibits DCF from granting exemptions for employment as child care personnel to persons who have been:

- Registered as a sex offender as described in 42 U.S.C. s. 9858f(c) (1)(C) and are subject to the registration requirements under the Adam Walsh Child Protection and Safety Act; or
- Arrested for and are awaiting final disposition of, found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have been adjudicated delinquent and the record has not been sealed or expunged for certain state felonies and misdemeanors enumerated in the bill that are aligned with the crimes listed in the federal requirements.

Individuals who currently have exemptions allowing employment are now prohibited from such employment, and must be rescreened by August 1, 2016. **Effective July 1, 2016, Chapter 2016-98**

HB 93 – Law Enforcement Officer Body Cameras by Representative Shevrin Jones (D – West Park), requires law enforcement agencies that permit law enforcement officers to wear body cameras to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. **Effective upon becoming law. Chapter 2016-76**

CS/SB 624 -- Public Records/State Agency Information Technology Security Programs by Senator Alan Hays (R – Umatilla), provides a public records exemption for information relating to information technology (IT) security incidents or breaches. Such information will be confidential and exempt if the information could facilitate unauthorized access, modification, disclosure or destruction of data, information or IT resources.

The bill also provides that portions of risk assessments, external audits, evaluations or other reports of a state agency's IT security program are confidential and exempt from public disclosure. The portions of such documents will be confidential and exempt if the information they contain would facilitate unauthorized modification, disclosure or destruction of data, information, or IT resources. **Effective upon becoming law. Chapter 2016-114**

CS/CS/SB 752 -- Public Records/Office of Inspector General Identifying and Location Information by Senator Joe Abruzzo (D – Wellington), exempts from public inspection and disclosure certain personal identifying information of a current or former employee of an agency's office of inspector general or internal audit department. The exemption applies to those employees who perform certain auditing and investigative duties. The exemption also covers an agency

employee's spouse and children. **Effective upon becoming law. Chapter 2016-164**

SB 7012-- Death Benefits under the Florida Retirement System by Senator Jeremy Ring (D – Margate), primarily makes two changes to the Florida Retirement System (FRS). First, the bill increases the monthly survivor benefits available to the spouses and children of FRS pension plan members in the Special Risk Class when killed in the line of duty from 50 percent of the member's monthly salary at the time of death to 100 percent of the member's monthly salary at the time of death. These new benefits are funded through additional employer-paid contributions relating to the FRS pension plan.

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

The new survivor benefits established by this bill are available to members in the Special Risk Class killed in the line of duty on or after July 1, 2013. **Effective July 1, 2016, Chapter 2016-213**

CS/CS/HB 249 – Culinary Education Programs by Representative Jared Moskowitz (D – Coral Springs), amends the definition of "public food service es-

tablishment" to include a culinary education program that offers, prepares, serves, or sells food to the general public, making it subject to the regulation and oversight of the Division of Hotels and Restaurants. Under current law, a culinary education program is subject to the food safety and sanitation regulations of the Department of Health and will remain subject to its regulation, regardless of whether the culinary education program offers food for public consumption.

The bill defines a culinary education program as one that educates enrolled students in the culinary arts, including preparation, cooking, and presentation of food, or provides education and experience in culinary arts-related businesses. A culinary education program must be inspected by a state agency for compliance with sanitation standards and must be provided by a:

- State university;
- Florida College System institution;
- Career center as defined in s. 1001.44, F.S.;
- Charter technical career center as defined in s. 1002.34, F.S.;
- Nonprofit independent college or university that is located and chartered in this state, meets certain accreditation requirements, and is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program; or
- Nonpublic postsecondary educational institution licensed

The bill authorizes the Division of Hotels and Restaurants to issue a special license to a culinary education program licensed as a public food service establishment for the sale and service of alcoholic beverages on the licensed premises of the culinary education program. For a licensed culinary education program that also provides catering services, the special license will allow it to sell or serve alcoholic beverages on the premises

of events for which it provides prepared food, without meeting the requirement of deriving the majority of its gross receipts from the sale of food and nonalcoholic beverages.

The bill explicitly provides that the special license does not authorize the culinary education program to conduct any activities that would violate Florida's Beverage Law, including certain age restrictions, or local law. A culinary education program with a special license may not sell alcoholic beverages by the package for off-premise consumption. The bill authorizes the DBPR to promulgate rules to administer the bill's provisions. **Effective July 1, 2016, Chapter 2016-120**

CS/CS/HB 1365 – Competency-Based Education Pilot Program by Representative Ray Rodrigues (R – Fort Myers), creates the Competency-Based Education Pilot Program within the Department of Education to provide an educational environment that allows students to progress based upon the mastery of concepts and skills. The bill authorizes the Commissioner of Education to waive State Board of Education rules relating to pupil progression and the awarding of credit. Applications to participate are limited to the P.K. Yonge Developmental Research School and the Lake, Palm Beach, and Pinellas County school districts. **Effective July 1, 2016, Chapter 2016- 149**

CS/SB 124 – Public Private Partnership by Senator Greg Evers (R – Pensacola), implements many of the recommendations of the statutorily created Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to create a uniform process for public entities to engage in public-private partnerships (P3s). The bill clarifies that the P3 process must be construed as cumulative and supple-

mental, or alternative, to any other authority or power vested in the governing body of a county, municipality, special district, or municipal hospital or health care system.

The bill revises the list of entities authorized to conduct P3s to include special districts and school districts (rather than school boards).

The bill provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement time-frames if approved by majority vote of the entity's governing body.

The bill requires that an unsolicited proposal be submitted concurrently with an initial application fee established by the responsible public entity. The bill authorizes a responsible public entity to request additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal. It also requires the responsible public entity to return the initial application fee if the responsible public entity does not review the unsolicited proposal.

The bill provides that if an unsolicited proposal involves architecture, engineering, or landscape engineering, the professional hired to evaluate or create the design criteria packaged must be retained until the entire project is completed.

The bill authorizes the Department of Management Services to accept and maintain copies of comprehensive agreements received from responsible public entities. **Effective July 1, 2016, Chapter 2016-153**

CS/SB 126 – Public Records and Public Meetings/Public-private Partnerships by Senator Greg Evers (R – Pensacola), creates an exemption from public record and public meeting requirements for unsolicited proposals for public-private partnership (P3) projects for public facilities and infrastructure. **Effective July 1, 2016, Chapter 2016-154**

BILLS THAT FAILED

SB 68 -- Licenses to Carry Concealed Weapons or Firearms by Senator Greg Evers (R – Pensacola and HB 4001 by Representative Greg Steube (R – Sarasota) deleted the prohibition of concealed carry licensees from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility. The bills died in committee.

HB 887 – Computer Coding Instruction by Representative Janet Adkins (R – Fernandina Beach) and SB 468 by Senator Jeremy Ring (D – Margate), required high school to provide opportunities for students to take computer coding courses in lieu of foreign language courses. Additionally, the required Florida College System institutions and state universities to recognize the computer coding course credits as foreign language credits. The bills died in committee.

SB 204 – Music Therapists by Senator Jeff Clemens (D – Lake Worth) and HB 571 by Representative Daphne Campbell (D – Miami Shores), established requirements for registration as a music therapist and prohibited the practice of music therapy unless the therapist is registered. The bills died in committee.

HB 7089 – State Group Insurance Program by Representative Jason Brodeur (R – Sanford) and SB 1413 by Senator Jeff Brandes (R – St. Petersburg), added new products and services to the program by giving DMS broad authority to contract for a wide variety of additional products and services. Employees would have been able to purchase new products

as optional benefits. The bill died in Senate Messages.

HB 4005 -- Public Records and Public Meetings/University Direct-Support Organizations by Representative Michelle Rehwinkel Vasilinda (D – Tallahassee), deleted provisions that protect the identity of a donor to a university direct-support organization and deleted the public records exemption for university direct-support organizations, and deleted the public meetings exemption for certain meetings of university direct-support organizations.

SB 1230 – State University Fee Waivers by Senator Maria Sachs (D – Delray Beach) and HB 1311 by Representative Michelle Rehwinkel Vasilinda (D – Tallahassee), required each state university to waive any or all application fees and tuition and related fees for certain graduate students (e.g., graduate assistants and associates), and specified that such waivers must be funded from annual funds provided in the General Appropriations Act for the general operations of the university. The bills died in committee.

HB 1239 – State Employee Salaries by Representative Alan

Williams (D – Tallahassee), HB 213 by Representative Michelle Rehwinkel Vasilinda (D – Tallahassee) and SB 478 by Senator Arthenia Joyner (D – Tampa), authorized competitive pay increases for each eligible state employee, effective July 1, 2016, based on their base rate of pay as of June 30, 2016. The bills died in committee.

SB 6 – State Minimum Wage by Senator Dwight Bullard (D – Cutler Bay), HB 109 by Representative Victor Torres (D – Orlando), increased the state minimum wage and prohibited an employer from paying an employee at a rate less than the state minimum wage. Additionally the bills removed the limitation restricting application of the state minimum wage only to individuals entitled to receive the federal minimum wage. The bills died in committee.

SB 216 -- Tuition and Fee Exemptions by Senator Nancy Detert (R – Venice), exempted certain students who were adopted from the Department of Children and Families or who are or were in the custody of the department from paying tuition and fees to workforce education programs, Florida College System institutions, and state universities. The bill died in committee.

HB 243 -- Prohibited Displays of Confederate Flag or Emblem by Senator Darryl Rouson (D – St. Petersburg) and SB 154 by Senator Geraldine Thompson (D – Orlando, FSU Alum), Prohibited display of flags & emblems associated with Confederate States of America on any publicly owned or leased property. The bills died in committee.

SB 684 -- Choice in Sports by Senator Don Gaetz (R – Destin) and HB 31 by Representative Ross Spano (R – Riverview, FSU Alum), revised public school choice options available to students to include CAPE digital tools, CAPE industry certifications, and collegiate high school programs. The bills required each district school board and charter school governing board to authorize a parent to have his or her child participate in controlled open enrollment and required the Florida High School Athletic Association to allow a private school to maintain full membership in the association or to join by sport. The bills died on the calendar.



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