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With his veto pen, Governor Charlie Crist on Friday struck \$371 million from the \$70 billion state spending plan approved last month by the legislature. Florida State University was largely untouched, with the exception of the loss of \$950,000 for our Catastrophic Storm Risk Management Center.

Governor Crist's relationship with the Republican-led Legislature has grown quite contentious since he left the party last month and speculation raged that he might veto the entire budget, forcing lawmakers to start over. While he didn't do that, he did undo the legislature's \$160 million sweep of the state Transportation Trust Fund, which was slated for K-12 education.

In his veto message Crist said, "We should not have to choose between jobs for Floridians or funding for our children's future." Florida House leaders said they would consider challenging the legality of the governor parsing the language that tied the trust-fund sweep to the education budget.

The governor also vetoed proviso that would ban the use of state money for embryonic stem cell research, and a provision that would have decreased the accrual rate for DROP from 6.5% to 3% **(see related stories for details)**.

Along with signing the budget, which covers all state spending from July of this year until June 2011, Governor Crist also signed into law the higher education conforming bill. House Bill 5201 gradually increases qualifying standards for the Bright Futures Scholarship program, gives universities fee-raising flexibility, and requires each university to work on reducing its campus-wide energy consumption by 10 percent. **(See the Spotlight on Bills section for information on other signed and vetoed legislation)**.

A special session on banning oil drilling off the Florida coast is currently on hold, but Governor Crist has not abandoned that possibility altogether. Look for a supplemental edition of the *Legisletter* if and when a special session is called.

Kathleen

2010-11 General Appropriations Act

In the waning hours of the 2010 Legislative Session, the Legislature passed the state spending plan for the next fiscal year. Below is a breakdown of FSU's portion of the 2010-11 state budget:

Operating Budget

General Revenue	\$ 237,101,568
Lottery	\$ 31,179,405
Federal Stimulus (Education)	\$ 20,268,504
Student and Other Fees	\$ 169,838,329
Student Financial Assistance	\$ 3,453,334

College of Medicine

General Revenue	\$ 35,503,439
Lottery	\$ 605,115
Federal Stimulus	\$ 2,858,522
Student and Other Fees	\$ 10,207,063

Bright Futures + proviso \$ 338,367,564

FCO – Maintenance, Repair, Renovation
And Remodeling – SUS \$ 49,341,654

PECO – FSU

Utility/Infrastructure/Capital Renewal/Roofs	\$ 5,550,848
College of Law Remodeling & Expansion	\$ 12,900,000
Applied Sciences Building	\$ 11,000,000
FAMU/FSU College of Engineering III- Joint Use	\$ 4,199,136

Florida Diagnostic and Learning Resource Ctr.
General Revenue \$ 438,138
Federal Stimulus \$ 25,458

Autism – FSU College of Medicine
General Revenue \$ 830,019
Federal Stimulus \$ 48,229

Pubic Broadcasting
Statewide Gov. & Cultural Affairs
Programming \$ 437,429
Federal Stimulus \$ 86,278
Florida Channel Closed Captioning - GR \$ 299,691
Federal Stimulus \$ 59,111
Florida Channel Year Round Coverage – GR \$ 1,148,851
Federal Stimulus \$ 226,597
FSU – Public Television \$ 363,200
FSU – Public Radio \$ 72,907

Proviso ...shall not be used to support human embryonic stem cell research. This provision shall not apply if the cell or cells in question originated from a source other than a human embryo.

VETOED

Proviso...shall not be used to implement, organize, direct, coordinate, or administer, or to support the implementation, organization, direction, coordination, or administration of, activities related to or involving travel to any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

Florida Catastrophic Storm Risk
Management Center \$ 700,000
Grant and Aids – Debt Service Payment (Civic Ctr)\$ 4,500,000

VETOED

Proviso ...funds are provided in each agency's budget to pay the full premium for each employee for a \$25,000 life insurance policy...

State Health Insurance Plans and Benefits – Proviso

Beginning January 1, 2011, for Plan Year 2011 the following benefits provided under the State Group Health Insurance Program will be modified to include:

- a. For the standard HMO plans:
 - i. The co-payment for an urgent care physician visit shall increase from \$15 to \$25 per visit;
 - ii. The copayment for an emergency room visit shall increase from \$50 to \$100 per visit
 - iii. The co-payment for a primary care physician visit shall increase from \$15 to \$20 per visit;
 - iv. The co-payment for a specialist physician visit shall increase from \$25 to \$40 per visit;
- b. For the standard PPO plan:
 - i. The co-payment for an urgent care physician visit shall increase from \$15 to \$25 per visit;
 - ii. The copayment fo an emergency room visit shall increase from \$50 to \$100 per visit
 - iii. Mammograms shall be deemed preventative benefits.

State Health Insurance Plans and Benefits – Proviso

Premiums Paid by Employees

1. a. For the coverage period July 1, 2010, through June 30, 2011, the employee's share of the health insurance premiums for the standard plans shall continue at \$50 per month for individual coverage and \$180 per month for family coverage.
 - ii. Effective July 1, 2010, for the coverage period beginning August 1, 2010, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall be \$8.34 per month for individual coverage and \$30 per month for family coverage. This subparagraph applies to those employees filling positions with "agency pay all" benefits.
 - iii. Effective July 1, 2010, for the coverage period beginning August 1, 2010, the employee's share of the health insurance premium for the standard plans and the high deductible health plans shall be \$15 per month for each employee participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, either as a "spouse" or "dependent spouse".
2. For the period July 1, 2010, through December 31, 2010, co-payments for the State Group Health Insurance Standard Plan shall be as follows:
 - a. \$10 co-payment for generic drugs with card;
 - b. \$25 for preferred brand name drug with card;
 - c. \$40 non-preferred brand name drug with card;
 - d. \$20 for generic mail order drug;
 - e. \$50 for preferred brand name mail order drug;
 - f. \$80 for non-preferred brand name mail order drug;
 3. For the period January 1, 2011, through June 30, 2011, co-payments for the State Group Health Insurance Standard Plan shall be as follows:
 - a. \$7 co-payment for generic drugs with card;
 - b. \$30 for preferred brand name drug with card;
 - c. \$50 non-preferred brand name drug with card;
 - d. \$14 for generic mail order drug;
 - e. \$60 for preferred brand name mail order drug;
 - f. \$100 for non-preferred brand name mail order drug;

Proviso ...the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operations:

Minor Projects for FSU Facilities
Commonwealth 2 Building
Bloxham Annex Complex
Firestone Buildings
Warren Building
Winchester Building
Research Facility No. 4 Utility Building
Applied Sciences Building
Free Electron Laser Laboratory

The unexpended balance or \$2,000,000, whichever is less, from the funds provided in Specific Appropriation 17 of chapter 2009-81, Laws of Florida, for the Florida State University for Academic Support Building shall revert immediately and is appropriated to the Florida State University for Utilities/ Infrastructure/ Capital Renewal/ Roofs.

The unexpended balance or \$2,000,000, whichever is less, from the funds provided in Specific Appropriation 17 of chapter 2009-81, Laws of Florida, for the Florida State University for Dittmer Building Remodeling shall revert immediately and is appropriated to the Florida State University for the Applied Sciences Building (P,C).

The unexpended balance or \$1,100,000, whichever is less, from the funds provided in Specific Appropriation 15A of chapter 2008-152, Laws of Florida, for the Florida State University Student Success Building shall revert immediately and is appropriated to the Florida State University as follows: \$300,000 for Campus Recreation Equipment and up to \$800,000 for Oglesby Union Facility Improvements.

The sum of \$250,000 from the Insurance Regulatory Trust Fund in the Department of Financial Services collected pursuant to section 164 of chapter 2004-390, Laws of Florida, is hereby appropriated and transferred to the Florida Catastrophic Storm Risk Management Center at Florida State University for the analysis originally provided in the chapter law

VETOED

Spotlight on Bills

Bills of Interest that Passed the Legislature

HB7237, Postsecondary Education by Representative Will Weatherford (R – Wesley Chapel), implements the provisions of the governance agreement by amending statutes relating to the operation of the State University System as follows:

- Creates the Higher Education Coordinating Council to act as an advisory board to the Legislature, the State Board of Education and the BOG.
- Eliminates the requirement of legislative approval for certain programs that lead to licensure and repeals the specific statutory authority for certain programs.
- Repeals s. 1001.74, F.S., relating to the powers and duties of the university boards of trustees in recognition of the BOG's exclusive authority to delegate power and duties to the university boards of trustees.
- Acknowledges the BOG is responsible for the personnel programs for university employees, requires the BOG to confirm the presidential selection by a university board of trustees, and states the Department of Management Services will continue to control the state group insurance and retirement plans.
- Exempts state universities from certain requirements regarding communications and data processing.
- Allows a university to participate in the SUNCOM Network at the university's discretion.
- Acknowledges the BOG's authority to adopt regulations when acting pursuant to its constitutional duties and responsibilities.
- Requires the BOG to comply with the Administrative Procedure Act when acting pursuant to statutory authority, unless specifically authorized or required to adopt regulations.
- Authorizes the Department of State to remove certain rules from the

Florida Administrative Code.

- Authorizes the BOG to approve: certain flexible tuition policies; requests to establish a fee not specifically authorized in law; and requests to increase certain existing fees.
- Requires the BOG to consider certain factors when reviewing fee proposals and flexible tuition policies.

Effective July 1, 2010, Chapter Law 2010-78

HB 5003, Implementing the 2010-2011 General Appropriations Act by Representative David Rivera (R – Miami), provides the statutory authority necessary to implement and execute the General Appropriations Act (GAA) for Fiscal Year 2010-2011. The statutory changes are effective for only one year and either expire on July 1, 2011 or revert to the language as it existed before the changes made by the bill. **Effective July 1, 2010 The bill was approved by the Governor on May 28.**

HB 5201, Postsecondary Education Funding by Representative Bill Proctor (R – St. Augustine, FSU Alum), amends statutory provisions necessary to conform the statutes to appropriations made in the General Appropriations Act for the 2010-2011 fiscal year.

The Conference Committee Amendment for HB 5201, 1st Eng., relating to Postsecondary Education Funding, provides for the following:

- Modifies Bright Futures by:
 - Increasing test score eligibility requirements;
 - allowing the restoration of a Bright Futures scholarship for first year students;
 - reducing the number of credits covered by Bright Futures from 110% of program requirements to 100%;
 - reducing the time to utilize the award to 5 years from 7 years;
 - encouraging use of acceleration credit, by allowing students who graduate in less than 4 years to utilize up to 15 hours of any remaining award towards 1 semester of graduate study; and

◦ authorizing flat award amounts to be established in the General Appropriation Act.

- Requires state residency confirmation for Workforce Education Programs.
- Encourages the adoption of open access textbooks.
- Provides a process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students in Florida.
- Encourages continued implementation of online registration for online learning.
- Appropriates \$25 million for the Bright Futures program contingent upon the receipt of Federal Medical Assistance Percentage (FMAP) funds.
- Modifies university fee limits by:
 - authorizing all universities to increase the sum of the activity and service, health, and athletic fees up to 15% or the amount to reach the 2009-10 statewide average for the total these fees, whichever is greater; and
 - authorizing the sum of these fees to increase each year by 5% or the same percentage increase in tuition authorized by the legislature, whichever is greater.
- Requires the study of a possible merger of public school workforce into community or state colleges by the Office of Program Policy Analysis and Governmental Accounting (OPPAGA).
- Removes specific appropriation provisions for funding baccalaureate degrees at Florida colleges; and establishes that upper-division and lower-division enrollment estimating and expenditure reporting shall be done separately.
- Requires full fee support for Continuing Workforce Education (CWE).
- Authorizes state universities to utilize funds from the 30% tuition differential set-aside for need-based financial aid for students utilizing a prepaid postsecondary tuition scholarship.

- Clarifies statutory provisions relating to the Children and Spouses of Deceased or Disabled Veterans (CSDDV) Program on the use of funds, the award amounts, and the definition of eligible educational institutions.
- Clarifies statutory provisions relating to the Jose Marti and Mary McLeod Bethune scholarship programs to remove obsolete language requiring the deposit of appropriated funds into a trust fund.
- Establishes a reversion schedule for any unencumbered and/or undisbursed funds that were transferred from the Department of Financial Services Workers' Compensation Administration Trust Fund.
- Allows a client in the Injured Workers Program to attend a non-public program if recommended by a vocational evaluator and no public college program is available.
- Prohibits a college in the Florida College System from using its resources, including staff, faculty, land, and facilities to support the establishment of a new independent nonpublic educational institution.
- Permits the Historically Black Colleges and Universities Library Improvement funds to be used to purchase electronic as well as print media.
- Establishes October 15 as the transmittal date for the list of eligible projects for the Florida college and state university challenge grant programs.
- Encourages each Florida college and state university to reduce its campus-wide energy consumption by 10 percent and requires a report by January 1, 2011.
- Limits community college president salaries to \$225,000 from appropriated state funds.
- Requires the operating agreement entered into with the University of Miami Medical School and the local teaching hospital be transmitted annually to the Department of Education.
- Requires an OPPAGA review of postsecondary educational opportunities for individuals with developmental disabilities.
- Authorizes the Doctor of Pharmacy degree at the University of South Florida (USF) and physically locates

the program at the new campus of the USF Polytechnic.

- Authorizes reciprocity of student residency classification from one public institution to another public institution.

Effective July 1, 2010, Approved by the Governor May 28

HB 5101, Prekindergarten through Grade 12 Education Funding by Representative Anitere Flores (R – Miami), amends statutory provisions necessary to conform the statutes to appropriations made in the General Appropriations Act for the 2010-2011 fiscal year.

The bill amends statutes relating to:

- Restrictions on the levy of discretionary sales surtaxes;
- Transfer of funds from a school district's operating funds to a fixed capital outlay category for class size;
- Minimum funding requirements per school district for the Regional Consortium Service Organizations;
- Reductions of administrative services fees that school districts charge charter schools;
- Documentation deadlines for private schools participating in the McKay scholarship program;
- School district virtual instruction program student eligibility;
- Class size reduction implementation requirements;
- School district reporting requirements to separately identify expenditures for gifted students;
- Requirements for instructional materials to be adopted and delivered in an electronic format;
- Authorizations for use of instructional materials funding to be used for the purchase of hardware;
- Access requirements for state-funded electronic library resources provided at colleges and universities;
- Bonus funding for student performance for certain courses and diplomas;
- The percent of taxable value for school purposes used in the calculations for Required Local Effort revenue as well as the calculations for funding for the Developmental research (laboratory) schools and the Florida Virtual School;
- Authorizations for flexibility in the use of FEFP categorical allocations;
- Determination of the sparsity supplement within the FEFP;
- Determination of the total allocation

of state FEFP funds to each school district;

- Distribution of the transportation allocation according to the prior year's average per student cost for transporting disabled students;
- Clarification of the limitations for school districts to levy additional discretionary millage;
- Authorization for an off-site instructor in a traditional classroom;
- Waiver of penalties for school district audit citations.

The bill provides school districts additional fiscal flexibility by giving priority to funding for the core mission of teaching and learning and less emphasis on funding noncore functions. In addition, the bill makes a series of adjustments and reductions to special allocations in the Florida Education Finance Program (FEFP) funding formula to maximize funding in the base allocation for all districts. The bill also provides fiscal efficiencies and limits unnecessary spending. **Effective July 1, 2010, Approved by the Governor on May 28.**

HB 5607, Retirement by Representative Alan Hays (R - Umatilla) requires that an actuarial study of the Florida Retirement System (FRS) be provided by the administrator of the system (the Department of Management Services) and for the results to be reported to the Legislature by December 31 of each year. Thereafter, the Legislature establishes uniform contribution rates in law during the next legislative session. Participating employers in the Florida Retirement System must make monthly contributions to fund the FRS based upon those rates. The bill reduced the interest rate paid on DROP accounts from 6% to 3.5%. The bill establishes the required employer payroll contribution rates for each membership class and subclass of the defined benefit plan and the optional retirement plans within the FRS for the fiscal years beginning July 1, 2010 and July 1, 2011. **The bill was VETOED by the Governor on May 28.**

SJR 2, Class-size Requirements for Public Schools by Senator Don Gaetz (R – Destin), proposes amending Section 1, Article IX of the State Constitution to revise the maximum class size requirements. Beginning with the 2010-2011 school year, maximum class size would be the school level average number of students who can be assigned to each teacher in the following grade categories:

- 18 students in prekindergarten through grade 3;
- 22 students in grades 4 through 8; and
- 25 students in grades 9 through 12.

Also, the joint resolution requires the maximum number of students who may be assigned to a teacher (while not exceeding the school level average) be as follows:

- 21 students in prekindergarten through grade 3;
- 27 students in grades 4 through 8; and
- 30 students in grades 9 through 12.

The joint resolution also:

- Retains the application of the class size amendment to core-curricula classes;
- Repeals the requirement for a reduction of an average of two students in each classroom per year; and
- Provides that the constitutional class size requirements do not apply to virtual classes.

The joint resolution has been filed with the Secretary of State to be placed on the November ballot.

CS CS SB 4, High School Graduation Requirements by Senator Nancy Detert (R – Venice), is a high school graduation initiative that:

- Increases the high school graduation requirements, beginning with students entering grade 9 in the following years, to include:
 - o Geometry for the 2010-2011 school year;
 - o Biology I for the 2011-2012 school year;
 - o Algebra II for the 2012-2013 school year;
 - o Chemistry or physics for the 2013-2014 school year; and
 - o An additional equally rigorous science course for the 2013-2014 school year.
- Requires student passage of statewide, standardized end-of-course (EOC) assessments in the following courses for students entering grade 9 in specified school years:
 - o Algebra I, 2011-2012;
 - o Biology I and geometry, 2012-2013; and
 - o Algebra II and chemistry or physics, 2014-2015.
- Requires student passage of district, standardized EOC assessments for other courses, when they are developed;
- Provides for the discontinuation of the Florida Comprehensive Assessment Test (FCAT) for mathematics (Grades 9 and 10) and science (Grade 11), as EOC

assessments are implemented;

- Allows students to earn course credit without sitting for the course if the student passes an EOC assessment;
- Requires a student entering grade 9 in the 2013-2014 school year to take a virtual education course; and
- Requires high schools to offer certain acceleration courses in which a student can earn college credit.

Effective July 1, 2010, Chapter Law 2010-22

CS HB 33, Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age by Representative Scott Randolph (D – Orlando)

provides a second degree misdemeanor penalty for a person who sells, gives, serves, or permits to be served alcoholic beverages to a person under 21 years of age or permits a person under 21 years of age to consume such beverages on the premises of an alcoholic beverage licensee. The bill creates a complete defense for any person who violates s. 562.11(1)(a), F.S., if:

- The buyer or recipient of the alcoholic beverage falsely evidenced that he or she was 21 years of age or older,
- The appearance of the buyer or recipient was such that an ordinarily prudent person would believe him or her to be 21 years of age or older, and
- The person carefully checked the buyer or recipient's identification card, acted in good faith and relied upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

Effective July 1, 2010, Chapter Law 2010-47

CS CS HB 37, Health Care Services by Representative Scott Plakon (R – Longwood)

proposes the creation of the Health Care Freedom Constitutional Amendment in Section 28 of Article I of the Florida Constitution. Specifically the constitutional amendment:

- prohibits persons and employers from compelled participation in a health care system;
- allows direct payment of health care services and prohibits penalizing persons, employers and health care providers from utilizing a direct payment system;
- allows the purchase or sale of health insurance in the private market, subject to certain conditions;
- does not affect any general law passed by a 2/3 vote of the membership of each house of the Legislature, passed after the effective date of the

Amendment, provided that such law states with specificity the public necessity justifying such exception; and

- exempts laws enacted prior to March 1, 2010, from requirements of the amendment.

The joint resolution has been filed with the Secretary of State to be placed on the November ballot, if adopted by the voters at the 2010 General Election, the resolution would take effect January 4, 2011.

CS HB 105, Civics Education by Representative Charles McBurney (R – Jacksonville), creates the "Justice Sandra Day O'Connor Civics Education Act" and adds the following requirements for civics education:

- For all grade levels beginning with the 2011-2012 school year, the CS requires the reading portion of the language arts curriculum within the Sunshine State Standards to include civics education content.
- For students entering grade 6 beginning with the 2012-2013 school year, the CS requires the successful completion of a one-semester civics education course in order to be promoted from a school composed of grades 6, 7, and 8. The one-semester civics education course is to be designated as one of the three middle school social studies courses currently required for promotion.

The middle school civics education course must address the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States.

Effective July 1, 2010, Chapter Law 2010-48

CS HB 341, H. Lee Moffitt Cancer Center and Research Institute by Representative Marti Coley (R – Marianna, FSU Alum), amends laws regarding the Moffitt Cancer Center to:

- Recognize that the Moffitt Cancer Center is a statewide resource for basic and clinical research and multidisciplinary approaches to patient care.
- Provide that the Moffitt Cancer Center and any approved not-for-profit subsidiary of the Center are corporations primarily acting as instrumentalities of the state for

purposes of sovereign immunity.

- Require that the agreement between the Board of Governors and the not-for-profit corporation provide for the utilization of lands, facilities and personnel by the not-for-profit corporation and its subsidiaries for mutually approved teaching and research programs conducted by state universities, not just USE.
- Revise provisions relating to the control and sharing of technical and professional income from practice activities.
- Allow state university faculty to hold concurrent appointments at the Moffitt Cancer Center.

Effective July 1, 2010, Chapter Law 2010-85

CS SB 464, Military Affairs/Leave of Absence by Senator Mike Fasano (R – New Port Richey), increases the amount of time granted annually to members of the Reserves and National Guard for leaves of absence as a matter of legal right from 17 days annually to 240 hours annually. The bill authorizes the Adjutant General of the Florida National Guard to appoint a federally recognized officer to a second position of Assistant Adjutant General Army. Such appointment is subject to confirmation by the Senate. The appointee must have served in the Florida Army Guard for the preceding five years and have attained the rank of colonel or higher at the time of appointment. **Effective of July 1, 2010, Chapter Law 2010-79**

CS HB 483, Tax on Sales, Use, and Other Transactions by Representative David Rivera (R – Miami), establishes a three day sales tax holiday occurring on August 13-15, 2010. During the sales tax holiday, books, clothing, footwear, wallets, and bags that cost \$50 or less, and school supplies that cost \$10 or less, are exempt from the state sales tax and county discretionary sales surtaxes (commonly called “local option sales taxes”). The bill specifies that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. The bill provides a \$250,304 nonrecurring appropriation to the Department of Revenue for administration of the sales tax holiday. The Revenue Estimating Conference estimates that in FY 2010-2011 this bill will have a negative impact on state General Revenue of \$21.3 million, a negative insignificant impact on state trust fund revenue, and a negative impact on local government revenue of \$4.8 million. **Effective upon becoming law. Chapter Law 2010-93**

CS CS CS CS HB 663, Building Safety by Representative Gary Aubuchon (R – Cape Coral), revises various laws regarding building safety, including:

- Circumstances that constitute abandonment of homestead property.
- As to elevator safety, requirements for retrofitting and regional emergency elevator access.
- Home inspector and mold assessor licensure and regulation requirements. The bill also delays implementation of licensure requirements and provides that licensed home inspectors who complete mitigation training may sign uniform mitigation verification inspection forms.
- Regarding the Florida Building Code, provisions related to manufactured buildings, nonbinding code interpretations, code amendments, alternative plans review and inspection process, exemptions from the code, requirements for carbon monoxide alarms, pool pump motors, air conditioner installation, roof-mounted equipment and windstorm mitigation.
- Relating to Fire Prevention and Safety, provisions relating to expedited declaratory statements; nonbinding interpretations of the Florida Fire Prevention Code; continuing education reciprocity; certification requirements for fire protection service contractors, fire equipment dealers and certain firefighters; continuing education licensure requirements; and public fire hydrants.
- As to condominiums, common element inspection requirements.
- The calculation, collection and distribution of surcharges applied to certain building permits.

Effective July 1, 2010, except where provided otherwise. Governor must act by June 1, 2010.

CS CS HB 723, Postsecondary Fees by Representative Maria Sachs (D – Delray Beach), authorizes a state university or community college to waive tuition and fees for full-time public school classroom teachers for six credit hours per term in undergraduate courses, as space is available. These fee waivers are only available for courses approved by the Department of Education and must relate to special education, mathematics, or science. Additionally, a public school teacher must meet any academic requirements established by the state university or community college and

cannot use the fee waiver for courses scheduled during the school day. The bill limits the liability of state universities for actions or decisions made by its student government, by allowing a cause of action against a state university only when the action or decision by the student government is made final by the university and is a violation of state or federal law. Additionally, the bill allows institutions eligible for the William L. Boyd, IV, Florida Resident Access Grant to charge a convenience fee for the use of a credit card to pay tuition, fees, and other student account charges.

Effective July 1, 2010. Governor must act by June 5, 2010

SB 1136, Firesafety Inspections by Senator Victor Crist (R – Tampa), provides that public fire hydrants owned by a governmental entity shall be inspected following standards adopted by the State Fire Marshal or equivalent standards such as those contained in the latest edition of the American Water Works Association manual. Additionally, this bill provides that county, municipal, and special district utilities may designate employees to perform fire hydrant inspections regardless of whether those employees are certified by the State Fire Marshal. Although a certification is no longer required, the county, municipal and special district utilities are responsible for ensuring that the designated employees are qualified to perform fire hydrant inspections. **Effective upon becoming law. Governor must act by June 1, 2010**

CS HB 1193, Retirement by Representative Scott Plakon (R – Longwood), changes the nature of disability benefits under the Florida Retirement System. It names the act the “Adam Pierce Act” and provides a statement of important state interest. The bill allows a member of the Special Risk Class employed in a law enforcement, firefighting, or criminal detention position, who suffers a disability in line of duty, to maintain his or her status in the Special Risk Class provided the disability is a qualifying injury that prevents the member from being able to perform the duties of his or her former Special Risk Class position. However, the employee must be employed by the same employer. The bill defines “qualifying injury” to mean an injury sustained in the line of duty, as certified by the Special Risk Class member’s employing agency, which does not result in total and permanent disability. An injury is not a qualifying injury unless it is an injury to the member’s body resulting in the physical loss, or loss of use, of at least two of the following: right arm, left arm, right leg, or left leg. An injured Special Risk Class member who continues participation in the class after

suffering a qualified injury loses Special Risk Class membership when the member stops working for the same employer, etc. **Effective upon becoming law. Governor must act by June 1, 2010.**

CS CS HB 1307, State Financial Matters by Representative Robert Scheck (R – Springhill), includes changes to the FRS Investment Plan that codify practices and policies being used in administration of the plan since its inception. In addition:

- Makes changes to the investment authorizations for the FRS Pension Plan by increasing the permitted holdings for foreign equity from 25 percent to 35 percent of the total fund;
- Permits proceeds of bonds issued on behalf of the Florida Hurricane Catastrophe Fund (CAT Fund) to be invested without limitation in certain federal tax-exempt obligations;
- Permits the SBA executive director to extend an expiration of moratoriums on contributions and withdrawals to the Local Government Investment Pool in cases where an emergency meeting of the Trustees of the SBA cannot be convened within the current 48 hour moratorium window;
- Reduces the employer contribution rate to fund the administration of the FRS Investment Plan from .05 to .03 percent on July 1, 2010, then up to .04 percent July 1, 2014;
- Provides additional time for FRS employers to pay invoices for member losses;
- Authorizes the SBA to secure trademarks, copyrights, and patents on behalf of the FRS or any other fund under its jurisdiction.

Finally, the bill addresses governance changes to the SBA. It requires the Board to produce annual financial statements as reported by an independent audit firm, requires minimum qualifications for the executive director, increases the number of members on the Investment Advisory Council from six to nine, and provides for transparency and accountability of the Board through implementing policies, guidelines and procedures. The bill also extends sovereign immunity to members of the IAC when they are carrying out the provisions of Chapter 215, F.S.

The reduction in the employer contribution rate will generate an overall cost savings to FRS employers of approximately \$6.4 million dollars. Any potential revenue associated with the SBA being provided the ability to secure

trademarks, copyrights, and patents on behalf of the FRS is indeterminate. **Effective July 1, 2010. Governor must act by June 1, 2010.**

CS CS HB 1337, Nursing by Representative Denise Grimsley (R – Sebring), authorizes disclosure of certain confidential information required of nursing license applicants to certain persons and provides and revises definitions. The bill revises requirements for graduation from certain nursing education programs for nursing license applicants seeking to take licensing examination; revises restrictions on nursing graduates who may use certain titles and abbreviations, etc. **Effective July 1, 2010. Chapter Law 2010-37**

CS HB 1363, Postsecondary Student Fees by Representative Rich Glorioso (R – Plant City), addresses conflicting interpretations of current statute by clarifying time limitations for public postsecondary fee exemptions available to specified students who are or have been in the custody of the Department of Children and Family Services (DCFS). Specifically, the bill provides that the following students are eligible for postsecondary fee exemptions until the students reach 28 years of age: (a) a student who is or was, at the time he or she reached 18 years of age, in the custody of the DCFS; (b) a student who was placed in a guardianship by the court after spending specified time in DCFS custody; (c) a student who is or was, at the time he or she reached 18 years of age, in the custody of a relative under the Relative Caregiver Program; and (d) a student who was adopted from the DCFS after May 5, 1997. **Effective July 1, 2010. Chapter Law 2010-68**

CS HB 1505, John M. McKay Scholarships for Students with Disabilities Program by Representative Anitere Flores (R – Miami), changes student eligibility requirements for the McKay Scholarship Program. Specifically, a student is eligible for the program if the student was enrolled and reported by a school district for funding during *any* previous October and February FEFPP surveys during the same school year in kindergarten through grade 12 or was enrolled and reported by the Florida School for the Deaf and the Blind during the preceding October and February student membership surveys in grades kindergarten through grade 12.

The bill also opens eligibility to kindergarten students who would not previously have met the prior year attendance requirement. The bill requires a child with a developmental delay who has received early intervention services under the Voluntary Prekindergarten Education Program to be reevaluated before entering kindergarten. An Individual Education Plan

must be developed if he or she is eligible for the Exceptional Student Education Program. The bill provides an exception to the requirement that a McKay Scholarship recipient have regular and direct contact with his or her private school teachers at the school's physical location by authorizing the use of an alternative site for instruction and services if the student's parent provides a notarized statement from the licensed physician or psychologist treating the student's disability. The statement must certify that the student's welfare or the welfare of other students in the classroom will be jeopardized if the student is required to regularly attend class at the physical location of the school, etc. **Effective July 1, 2010. Governor must act by June 5, 2010.**

CS CS SB 1516, State-owned Lands by Senator Carey Baker (R – Eustis), provides for the following.

- Authorizes the Department of Environmental Protection (DEP) to create and maintain a comprehensive state-owned real property database that includes an accurate inventory of all real property leased, owned, rented, and otherwise occupied or managed by the state, the judicial branch, and water management districts.
- Requires an inventory of state-owned facilities and directs all state agencies to report certain data annually to the Department of Management Services (DMS).
- By September 30 of each year, the Department of Revenue (DOR) is directed to electronically furnish to the Board of Trustees of the Internal Improvement Trust Fund (BOT) the approved preliminary tax roll data for public lands for use in compiling inventory data.
- Provides for the implementation of the comprehensive state-owned real property system. Directs the DEP to submit an updated feasibility study for the Lands Inventory Tracking System, to include in its scope the comprehensive state-owned system, by November 1, 2010.
- Requires the DEP to implement a project governance structure with an executive steering committee comprised of the secretary of the DEP, the executive directors of DMS, DOR, and the Agency for Enterprise Information, the state Chief Financial Officer, and property appraiser representatives.
- Directs the executive steering

committee to complete a business process analysis and documentation of both the detailed system requirements and the overall system architecture. The business process analysis is due by February 1, 2011, to the Governor and the Legislature.

- By October 1 of each year, the amendment directs the DEP to submit a report that lists state-owned real property recommended for disposition to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Prior to disposition, a state-owned building or parcel of land shall first be offered for lease to state agencies, state universities, and community colleges.
- Directs the BOT to transfer the lease interests relating to G. Pierce Wood Hospital to the University of South Florida Polytechnic and requires the university to honor all current leases and subleases.
- Provides an appropriation of \$320,000 to the DEP for the comprehensive state-owned real property system.

Effective upon becoming law. VETOED by the Governor on May 28.

HB 1581, Florida Atlantic University by Representative Adam Hasner (R – Delray Beach, FSU Alum), authorizes a doctor of medicine degree program (M.D. program) at Florida Atlantic University (FAU), subject to the approval of the Board of Governors. The fiscal impact of the bill is insignificant as FAU will commit to operate the program with no additional state general revenue appropriations. **Effective July 1, 2010, Chapter Law 2010-88**

CS SB 1736, Unemployment Compensation by Senator Rudy Garcia (R – Hialeah), makes several changes to laws related to unemployment compensation. The bill provides for an extension of the temporary state extended benefits program, effective February 27, 2010, through April 5, 2010. The extension will cover up to 5 additional weeks of temporary state extended benefits for claimants. The temporary state extended benefits for former private sector employees are 100 percent federally funded (approximately \$30 million). About 42,000 Floridians will be eligible to receive additional weeks through this extension. Extended benefits for former state and local government employees do not qualify for federal funding and must be paid by the governmental entity. The cost is estimated to total \$849,000; approximately

\$249,000 from state funds and \$600,000 from local government funds. The bill amends the Unemployment Compensation (UC) law to require that registration with the workforce information system (Employ Florida Marketplace) be incorporated into the process for filing a claim. Also, claimants will report to their local one-stop center. The purpose is to better link claimants with the state's job bank system and available job opportunities. This bill requires employers to timely respond to a notice of claim on a nonmonetary determination within 20 days. Failure to do so will result in those benefits charged to the employer's account. Such efforts will reduce overpayments to unemployed individuals, and in turn, this will reduce the burden of socialized costs on all employers' UC tax rates. The bill changes the trust fund balance date for trigger calculation from June 30 to September 30, which is closer to the beginning of the year to which the tax calculation applies. Finally, this bill includes several statutory changes to reduce the socialized costs to all Florida employers, improve tax administration by increasing efficiency and reducing related costs, and improve enforcement of tax laws.

Effective upon becoming law except as otherwise provided. Chapter Law 2010-90

CS SB 1752, Economic Development by Senator Don Gaetz (R – Destin), amends several Florida business tax exemptions and tax credits, the Qualified Target Industry incentive program, and other economic development-related statutes in an effort to create jobs in Florida. It creates:

- tax credits for employers who hire jobless Floridians;
- a matching grant program for new research and development companies to draw down federal funds that assist in commercializing their discoveries; and
- opportunities to reduce regulatory impediments on businesses seeking permits or extensions of development orders.
- revisions to s. 288.1251, F.S., to clean up/update powers, duties, and responsibilities of OFE and the film commissioner. It also amends s. 288.1258, F.S., to modify an OFE report related to film-related SUT exemptions. Changes are made to s. 288.1253, F.S., to update provisions related to travel expenditures by OFE employees, to bring them in line with similar provisions for other state employees.
- makes changes to the Florida film incentive program, to replace the

current cash refund incentive with a CIT and SUT credit program. Substantively very similar to stand-alone bill CS/SB 1430. The major change is in the amount of the tax credits:

- FY 10-11: \$53.5 million;
 - FY 11-12: \$74.5 million; and
 - FYs 12-13, 13-14, and 14-15: \$38 million.
- creates s. 288.9552, F.S., the Florida Research Commercialization Matching Grant Program. Under this program, state grants would be available for Phase I and Phase II grants. The amendment also gives the Institute for the Commercialization of Public Research specific responsibility for the Florida Commercialization Matching Grant Program.

Overall, this legislation is estimated to reduce revenues deposited into the General Revenue Fund by \$46.0 million in FY 2010-11; \$72.9 million in FY 2011-12, and \$38.2 million in FY 2012-13. For revenues deposited into state trust funds, including those revenues shared with local governments, this legislation is estimated to reduce revenues by \$0.2 million in FY 2010-11; to increase revenues by \$0.7 million in FY 2011-12; and to reduce revenues by \$0.7 million in FY 2012-13. For revenues imposed by local governments, the legislation is estimated to reduce revenues by \$0.5 million in FY 2010-11, \$0.2 million in FY 2011-12, and 0.8 million in FY 2012-13. **Effective July 1, 2010. Approved by the Governor on May 28.**

CS CS SB 2014, Early Learning by Senator Stephen Wise (R – Jacksonville), amends Florida's school readiness provisions by:

- Clarifying the role of the Agency for Workforce Innovation (AWI) and its responsibilities to implement a comprehensive system of support services;
- Requiring early learning coalitions to implement direct enhancement services and ensure access to services in all of Florida's 67 counties;
- Granting AWI greater rulemaking authority for the administration of the school readiness program in certain areas, including standards, outcome measures, and system support services;
- Altering eligibility requirements for the school readiness programs;
- Consolidating provisions that are in disparate sections of the statutes;
- Deleting obsolete references to programs that no longer exist and agencies that no longer direct aspects

of school readiness programs; and

- Repealing statutes that administer programs no longer in existence.

The bill also amends the Gold Seal Quality Care Program for child care facilities to specify the process by which the Department of Children and Family Services (DCF or department) is to develop the standards.

Effective May 31, 2010 except as otherwise provided. Governor must act by June 5, 2010

CS SB 2126, Florida Tax Credit Scholarship Program, by Senator Joe Negron (R – Palm City) and provide a credit against corporate income and insurance premium taxes to taxpayers who make eligible contributions to nonprofit scholarship funding organizations (SFOs). SFOs award scholarships to students from families that meet specified income limitations for students to attend private school or pay for transportation to public schools located outside the students' districts of residents. The bills change the current \$118 million fiscal year cap on tax credits under the FTC program to a calendar year cap of \$118 million for 2009. In 2010 and thereafter the cap will increase by 25%, etc. **Effective July 1, 2010, except as otherwise provided. Chapter Law 2010-24**

CS HB 7033, Unemployment Compensation by Representative Dave Murzin (R – Pensacola), amends portions of the unemployment compensation (UC) statutes and suspends for a period of time changes made in the 2009 Legislative session to the calculation of an employer's unemployment compensation tax. The bill makes the following changes:

- Reduces the taxable wage base from \$8,500 to \$7,000 for two years. In 2012, the wage base returns to \$8,500, and then sunsets back to \$7,000 in 2015 unless there are outstanding loan balances owed to the federal government.
- Suspends the positive adjustment

tax rate factor for the next two years. Regardless of the balance in the Unemployment Compensation Trust Fund, no associated rate increase will be triggered since the positive adjustment factor will not be applied. The adjustment factor is effective again beginning January 1, 2012, with a three year recoupment period and then returns to a four year recoupment period under current law provisions, January 1, 2015.

- Allows employers to make their 2010 and 2011 UC tax payments in quarterly installments without interest or penalties as long as the employer makes the quarterly filing and payment according to the new schedule.
- Provides for payment of interest on federal advances through an employer assessment.

The bill also provides for an extension of the "State Extended Benefits" (EB) program, effective January 2, 2010 through February 27, 2010, which is 100 percent federally funded under recent changes made by Congress specifically for this EB extension. EB will cover up to 8 additional weeks for claimants. Approximately 15,000 Floridians would be eligible to receive additional weeks through EB. The total cost to state and local governments to implement EB is approximately \$612,633.

The legislation provides short term relief to businesses by reducing the UC tax in 2010 and 2011 below current law requirements. Tax payments to the Unemployment Compensation Trust Fund will be reduced by an estimated \$942 million in FY 09/10 and \$934 million in FY 10/11. However, this will result in greater borrowing from the federal government to pay benefits, and more interest due to the federal government on that borrowing than under current law. **Effective upon becoming law, retroactive to June 29, 2009. Chapter Law 2010-1**

HB 7069, Background Screening by Representative William Snyder (R – Stuart), substantially rewrites requirements and procedures for background screening of the persons and businesses that deal primarily with vulnerable populations. Key changes made by the bill:

- Require that no person required to be screened may begin work until the screening has been completed.
- Increase all Level 1 screening to Level 2 screening.
- Require all fingerprints to be submitted electronically by July 1, 2012.
- Require certain personnel that are not presently being screened to begin Level 2 screening.
- Add additional serious crimes to the list of disqualifying offenses.
- Authorize agencies to request the retention of fingerprints by the Florida Department of Law Enforcement.
- Provide that an exemption for a disqualifying felony may not be granted until at least three years after the completion of all sentencing sanctions for that felony.
- Require that all exemptions from disqualification be granted only by the agency head.

The new screening requirements will be prospective. Existing persons working with vulnerable populations are not required to be rescreened until such time they are otherwise required to be rescreened by existing law. **Effective July 1, 2010. Approved by the Governor May 26.**



THE FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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