



Volume **20** | Number **11** | July 12, 2013

The 2013 legislative session concluded on May 3 with the passage of a \$74.1 billion state budget, along with 286 bills, which were then sent to the governor for his response.

On May 20, the governor vetoed \$368 million from the budget before signing it into law, which took effect on July 1. These vetoes included a 3% tuition increase for state universities and \$5 million for critical maintenance at FSU. For more information, please see the Quick Budget Guide section of this newsletter.

All but 11 of the 286 bills passed by the legislature became law, either with or without the governor's signature. One bill the governor did sign was of particular interest to Florida State University: Senate Bill 1076, the Preeminent State Research Universities Program, which establishes 12 academic and research standards of excellence and provides public universities that meet 11 of these benchmarks (only FSU and UF currently do so) with \$15 million in recurring funding for five years. For an overview of the preeminence legislation and the "Top 25" initiative President Barron put forward in support of it, please visit advocateforfloridastate.fsu.edu

The Spotlight on Bills section of this newsletter provides a complete list of legislation of interest that passed during the session, including each bill's chapter-law number and effective date, as well as those bills that did not pass.

Planning and interim committee meetings for the 2014 Session will begin in September. We will begin tracking bills of interest at that time. As always, please feel free to contact me if you have questions about bills that passed or failed, any new filed legislation or any budget-related matters. 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 2013 Legislative Session.

- Anne Blankenship, Academic Affairs
- Ralph Alvarez, Budget and Analysis
- Michael Lake, Budget and Analysis
- Gary Tyson, Faculty Senate
- Terry Fulcher, Finance & Administration
- Greg Boebinger, Mag Lab
- Beth Hodges, Office of Research
- Mary Coburn, Student Affairs
- Eric Weldy, Student Affairs
- Liz Maryanski, University Relations
- Mike Cramer, University Attorney
- Vicki Dobiyski, Student Government
- Harrison DuBosar, Student Government
- Sara Shaw, Athletics
- Dennis Bailey, Facilities
- Dan Dayhoff, Facilities
- Darryl Marshall, Financial Aid
- Renisha Gibbs, Human Resources
- Joyce Ingram, Human Resources
- Robert Henley, Labor Relations
- Marcie Doolittle, Purchasing
- Paul Trombley, Laboratory Animal Research
- Bob Pekurny, College of Communication
- Marcy Driscoll, College of Education
- John Fogarty, College of Medicine
- Laura Brock, College of Medicine
- Diane Speake, College of Nursing
- Lynn Wicker, Florida High

2013-2014 QUICK BUDGET REFERENCE GUIDE SB 1500

PAGE	DESCRIPTION	LINE ITEM
	<u>OPERATING BUDGET</u>	
42	General Revenue \$251,794,510	142
4	Lottery \$31,803,754	12
43	Student and Other Fees \$223,017,225	142
45	Student Financial Assistance \$1,467,667	151
	(GR – includes \$5,000,000 Cloud/virtualization VETOED, \$15,000,000 - R Preeminent University, \$2,500,000 -NR Center for Reading Research VETOED, \$98,000 - NR housing Boys & Girls State, \$5,000,000 - NR Civic Center, \$400,000 - NR HERI, \$500,000 – R Veteran’s Center) Tuition Increase 3% VETOED	
	<u>COLLEGE OF MEDICINE</u>	
45	General Revenue \$33,464,831	147
5	Lottery \$605,115	16
45	Student and Other Fees \$11,572,716	147
2	Bright Futures + Proviso \$309,413,826	4
6	SUS Capital Improvement Fee Projects \$70,000,000	17
6	FCO – Maintenance, Repair, Renovation and Remodeling – SUS \$44,436,897 FSU \$6,745,520	18
7 & 87	FSU Lab School ... FEFP Sparsity \$914,795	3 & 20
7	Lab School – PECO. \$2,715,022 Proviso ... shall be distributed among the lab schools based upon full-time equivalent student membership.	
	<u>PECO</u>	
7	FSU – Critical Maintenance VETOED. \$5,000,000	20
	<u>FLORIDA DIAGNOSTIC AND LEARNING RESOURCE CENTER</u>	
25	General Revenue \$396,525	95
	<u>AUTISM – FSU COLLEGE OF MEDICINE</u>	
25	General Revenue \$1,056,231	100
29	Technology Transformation Grant – FSU Leon \$70,920	102
30	Communication/Autism Navigator – FSU \$1,000,000	104

PAGE	DESCRIPTION	LINE ITEM
32	<p style="text-align: center;"><u>PUBIC BROADCASTING</u></p> Statewide Gov. & Cultural Affairs Programming \$497,522 Florida Channel Closed Captioning - GR \$340,862 Florida Channel Year Round Coverage – GR + Proviso \$2,072,554 FSU – Public Television \$307,447 FSU – Public Radio Stations + Proviso \$100,000 FSU – Satellite Transponder \$800,000	114
93	FSU – College of Medicine – Immokalee \$300,000	465
94	FSU – College of Medicine – Residency 13 slots at \$200,000 each. \$2,600,000 VETOED	466A
207	Proviso ...research into the prevention of mosquito-borne illnesses ... research may be conducted by a public university \$500,000	1411
266	Strengthening Domestic Security – FSU Mass Gathering \$115,324	1949A
267	Proviso ... \$13,700,000 from the General Revenue Fund and \$10,500,000 in trust funds are placed in reserve. Funds may be released contingent upon Legislative Budget Commission approval of a budget amendment submitted pursuant to section 216.177, Florida Statutes, indicating the amount of additional funds needed to provide premium payments for Other Personal Services (OPS) employees enrolled in the State Employee Group Insurance Plan based upon the outcome of open enrollment.	1950A
312	Florida Catastrophic Storm Risk Management Center \$750,000	2410A
317	Proviso ... may be utilized to promote and enhance collaborative research among State Universities. The Florida Public Hurricane Loss Model located at Florida International University may consult with the private sector and the Florida Catastrophic Storm Risk Management Center \$588,639	2454
317	<p style="text-align: center;"><u>ENHANCEMENTS TO PUBLIC HURRICANE LOSS MODEL</u></p> Proviso ... FIU shall update the Florida Public Hurricane Loss Model in Coordination with the Office of Insurance Regulation; the Division of Emergency Management; the Florida Catastrophic Storm Risk Management Center, The Center for Ocean-Atmospheric Prediction Studies, and the Meteorology Department at FSU. \$1,543,300	2454A
386	<p style="text-align: center;"><u>PROVISO ... EMPLOYEE COMPENSATION</u></p> 1. For employees with a base rate of pay of \$40,000 or less on September 30, 2013, an annual increase of \$1,400. 2. For employees with a base rate of pay greater than \$40,000 on September 30, 2013, an annual increase of \$1,000; provided however, in no instance shall an employee's base rate of pay be increased to an annual amount less than \$41,400. ...increase for part-time employees, the full-time equivalent value of the base rate of pay on September 30, 2013, shall be used; but the amount of the annual increase for a part-time employee shall be proportional to the full-time equivalency of the employee's position.	Section 8
388	Effective July 1, 2013, from funds in Specific Appropriation 1950A: A. Each law enforcement employee with less than 5 years of state service as a law enforcement employee shall receive a special pay adjustment of 3.0 percent on each employee's June 30, 2013 base rate of pay B. Each law enforcement employee with 5 or more years of state service as a law enforcement employee shall receive a special pay adjustment of 5.0 percent on each employee's June 30, 2013, base rate of pay. ... \$600 bonus effective June 2014, based on performance to be awarded to no more than 35% of the total number of positions.	

PAGE	DESCRIPTION	LINE ITEM
<p>388</p> <p>389</p>	<p align="center"><u>PROVISO STATE HEALTH INSURANCE PLANS AND BENEFITS</u></p> <p>State Paid Premiums</p> <p>... For coverage period beginning July 1, 2013 through March 31, 2014, the state share shall continue at the current rate....</p> <p>For the coverage period beginning April 1, 2014, that state share of the State Group Health Insurance Program premiums ... shall increase, effective March 1, 2014 from \$537.74 to \$591.52 per month for individual coverage and from \$1,149.14 to \$1,264.06 for family coverage</p> <p>Premiums paid by Employees</p> <p>A. For the coverage period July 1, 2013, through June 30, 2014 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.</p> <p>B. For the coverage period July 1, 2013 through June 30, 2014, the employee's share of the health insurance premium for the high deductible health plans shall continue at \$15 per month for individual coverage and \$64.30 per month for family coverage.</p> <p>C. For the coverage period July 1, 2013 through June 30, 2014, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall continue to 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.</p> <p>D. For the coverage period of July 1, 2013 through June 30, 2014, the employee's share of the health insurance premiums for the standard plans and the high deductible plans shall continue at \$15 per month for each employee participating in the Spouse Program</p>	<p align="center">Section 8</p>
<p>388</p>	<p>Proviso ... Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.</p>	<p align="center">Section 8</p>
<p>394</p>	<p>Proviso ... facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds to operate.</p> <p>9. Florida State University - Minor Projects for FSU Facilities – Minor E & G projects totaling less than 30,000 gsf, under \$5 million in total costs.</p> <p>10. Florida State University - Thagard Building - The Center for Academic Retention and Excellence will be relocated to the Thagard building, which previously housed non-E&G clinic space.</p> <p>11. Florida State University - Rodrick Shaw Building - Formerly the Telecommunications Office, this function has been moved off-campus. The existing space is being turned over for academic support purposes, and the entire facility will now consist of E & G eligible space.</p> <p>12. Florida State University - CAPS Dielectrics Lab - Construction of a lab to study dielectric properties.</p> <p>13. Florida State University - CAPS Medium Voltage Lab - Construction of a lab to study medium voltage components for electrical power.</p>	<p align="center">Section 11</p>

Note: Page numbers are in correlation with the printed page numbers, there may be some variation from the online page numbers.

The budget may be found at **flsenate.gov**.

SPOTLIGHT ON **BILLS**

BILLS THAT PASSED

SB 1076 – K-20 Education by Senator John Legg (R – Lutz),

revises educational programs and creates certain funding incentives to increase the likelihood that educational programs in Florida's public schools, colleges, and universities will better prepare students for future occupations and careers. The bill fosters students' development of technology skills in prekindergarten through grade 12 and increases opportunities for students to earn industry certifications in high school and college. The bill designates three areas for university performance funding: computer and information technology; high-demand programs as identified by the Board of Governors (BOG) using a gap analysis; and cloud virtualization and related large data management.

The bill enhances the delivery of postsecondary education in Florida by providing students better access to degree programs and by establishing standards for university research preeminence.

The enhancements for delivery of postsecondary education include:

- Establishing the academic and research excellence standards for the Preeminent State Research Universities Program;
 - Requiring the state university that attains the highest level of excellence on the preeminence standards to create an institute for on-line learning; and
 - Establishing the Degree Completion Pilot Program as a permanent degree completion program called Complete Florida Degree Program.
- Requires the strategic plan of the Board of Governors to include criteria for designating high-demand degree programs of emphasis;
- Creates the preeminent state research universities program;
 - Establishes a collaborative partnership between the Board of Governors and the Legislature to elevate the academic and research preeminence of the highest-performing state research universities;
 - Establishes academic and research excellence standards for a university to be designated a Preeminent state research university;
 - Provides for a preeminent state research university to establish an institute for online learning;
 - Directs the Board of Governors to convene an advisory board and provides duties and responsibilities of the advisory board, the university, and the Board of Governors to provide high-quality, fully online baccalaureate degree programs, including establishment of a tuition structure for the institute;
- Provides for the award of funding to preeminent state research universities based upon performance;
 - Authorizes a preeminent state research university to establish special course requirements;
 - Provides for preeminent state research university flexibility, and;
 - Encourages the Board of Governors to promote additional programs of excellence.
 - Provides for fee waivers for certain baccalaureate degree programs;
 - Deletes an eligibility requirement for a Florida Bright Futures Scholarship Program award;
 - Revises the formula upon which performance funding for state universities is based and awarded.

Effective July, 1, 2013, Approved by the Governor, CH 2013-27

HB 1285 – Tallahassee-Leon County Civic Center Authority by Representative Alan Williams (D – Tallahassee),

repeals the special act that provides the charter for the Tallahassee-Leon County Civic Center Authority, and abolishes the independent special district. The bill also designates the Tallahassee-Leon County Civic Center at Florida State University (FSU) as the "Donald L. Tucker Civic Cen-

ter,” and directs FSU to erect suitable markers reflecting the name of the civic center.

Additionally, the bill directs the Division of Alcoholic Beverages and Tobacco of the Florida Department of Business and Professional Regulation to issue a special license or special licenses to qualified applicants consisting of FSU or its designee for use within the 20-acre civic center complex. Any such license may only permit the sale of alcoholic beverages for on-premises consumption, or off-premises consumption for events sponsored through the civic center. Finally, the bill transfers all Authority assets and liabilities to FSU. Effective upon becoming law. **CH 2013-265**

SB 1720, Education, by Senator Bill Galvano (R – Bradenton), is a budget conforming bill that provides for the following:

- Requires a Florida College System institution to implement a developmental education plan no later than Fall 2014 and to make annual accountability reports on developmental education beginning in 2015; specifies which students are not required to be tested or to enroll in developmental education and requires colleges to provide students with developmental education options including in-course tutoring. Allows students to elect to take developmental education testing and instruction.
- Reinstates the general education credit hour requirement to 36 semester hours from the proposed 30 hours and extends implementation of the revised core course requirements for one year, from 2014-15 to 2015-16.
- Creates a new Office of K-20 Articulation in the Department of Education to support the work of the Higher Education Coordinating Council and revises membership and duties of the council.
- Transfers oversight of the Moffitt

Cancer Center and Research Institute’s lease from the Board of Governors to the University of South Florida.

- Gives the Board of Governors stronger oversight authority over state universities in regard to laws, rules, and regulations.
- Specifies minimum sample size and minimum percentage of students tested in order for schools to receive a school grade or school improvement rating, and defines “colocated schools” for purposes of school accountability.
- Requires specified content to be included on student report cards that are distributed to parents of students enrolled in alternative schools.
- Directs the Department of Education to develop criteria for issuing and revoking master school identification (MSID) numbers.
- Repeals the FAFSA requirement for Bright Futures Scholarships and for FRAG and ABLE tuition assistance grants.
- For education accountability purposes, establishes dates by which licensed private postsecondary institutions must report data to the Commission for Independent Education and nonprofit independent colleges and universities must report data to the Department of Education.
- Provides rule making authority regarding penalties for not reporting child abuse at postsecondary institutions.
- Increases the cap on the number of fee exemptions a Florida College System institution may grant.
- Authorizes a Florida College System institution to establish a differential out-of-state fee for non-resident distance learners.

Effective July 1, 2013, except as otherwise provided. CH 2013-051

SB 1514 – Education Funding by Senator Joe Negron (R – Palm City), is a budget conforming bill that provides for the following:

Authorizes school districts and virtual charter schools to provide virtual courses for a student in the summer for course completion when the student does not complete the virtual course by the end of the regular school year.

- Authorizes school districts and virtual charter schools to provide virtual courses for a student in the summer for credit recovery when a student has unsuccessfully completed a traditional or virtual education course during the regular school year and must re-take the course in order to be eligible to graduate with the student’s class.
- Limits credits earned through the Florida Virtual School (FLVS) to 1.0 full-time equivalent (FTE).
- Requires FLVS trustees to provide information for activities within the state, outside the state, and for Florida Virtual School Global.
- Allows full-time and part-time school district virtual instruction programs.
- Removes limitations to students taking virtual courses in another school district.
- Limits school districts from requiring a student to take a course outside the school day that is in addition to the student’s courses for a given term or on school grounds.
- Requires the maximum value for funding a student shall be as calculated by the Department of Education (DOE).
- Requires that if the sum of courses taken by a student is greater than

1.0, the membership value shall be equally distributed to all entities providing instruction so that the student's total FTE is equal to 1.0.

- Requires school districts and the FLVS to use a common student identifier to ensure that funding and FTE can be accurately distributed to all providers of student instruction and authorizes the State Board of Education to adopt rules for this provision.
- Provides that courses delivered by the Florida Virtual School on a public school campus shall be reported only by the school district in which the student is enrolled.
- Clarifies the role and responsibility of the Florida Virtual Campus to provide online academic support services, resources, and access to distance learning courses offered by the state's public postsecondary education institutions.
- Clarifies student eligibility and funding from non-education sources for the College Preparatory Boarding Academy Pilot Program authorized in s. 1002.3305, F.S.
- Makes a technical adjustment to the reporting sequence of FTE for students enrolled in career education in grades 9-12 for accuracy and funding.
- From the funds for Supplemental Academic Instruction (SAI) and Reading allocations, extends the requirement of providing an additional hour of intensive reading instruction daily for students enrolled in the 100 lowest performing elementary schools for a third year, 2014-2015.
- Approves the 2012-2013 Class Size alternate calculation required by s. 1003.03(4), F.S., in lieu of approval by the Legislative Budget Commission.
- Require public schools to pay tuition costs from district Florida

Education Finance Program (FEFP) appropriations to compensate colleges and universities for dually enrolled FTE.

- Repeals the state satellite network and transfers duties and responsibilities of the satellite transponder from the DOE to WFSU.
- Requires the department to publish by October 1, 2013 minimum and recommended technology requirements necessary for students to access electronic and digital instructional materials.
- Terminates the Sophomore Level Test Trust Fund relating to the College-Level Academic Skills Test.
- Renames Knott Data Center Working Capital Trust Fund to Education Working Capital Trust Fund and restates/revises the purpose.
- Continues the \$200,000 cap on state funds that may be expended for the remuneration of college and university presidents and administrative employees.
- Revises the name of Brevard Community College to Eastern Florida State College.
- Authorizes universities to enter into local development agreements with affected local governments for the purpose of negotiating mitigation of the impact of a university construction project on the local government.
- Authorizes a university board of trustees to expend reserve funds or carry forward balances from previous years' operational and programmatic appropriations for deferred maintenance needs at the Donald L. Tucker Civic Center for 2013-2014 and 2014-2015.
- Notwithstanding the school district allocations for Technology Transformation Grants for Rural School Districts provided in Spe-

cific Appropriation 102A in Senate Bill 1500, the allocations shall be recalculated by the Commissioner of Education based on each eligible entity's proportionate share of unweighted FTE by July 15, 2013.

- Notwithstanding the proviso following Specific Appropriation 87 in Senate Bill 1500 concerning the teacher salary increase to provide flexibility for the distribution date.
- Changes the date for the Tuition Differential Report required in s. 1009.24(16)(e), F.S., from January 1 to February 1.

Effective July 1, 2013, except as otherwise provided. CH 2013-045

SB 1802 -- State Employee Health Insurance by Senator Jeremy Ring (D – Margate), is a budget conforming bill that:

- Provides and revises definitions needed for the state employee group health insurance program to comply with the requirements for large employers under the Patient Protection and Affordable Care Act.
- Permits Other-Personal-Services (OPS) employees who are expected to work an average of at least 30 or more hours per week or who have worked an average of at least 30 or more hours per week to be eligible to participate in the state employee group health insurance program beginning January 1, 2014; requires agency employers of Other-Personal-Services (OPS) employees to provide specified information to the Department of Management Services; revises the amount of the required employer contribution for part-time employees participating in the state group insurance program; provides for the amount of the state contribution to health savings accounts for the 2013-2014 fiscal year; and provides that the state's contribution

for health savings accounts may be set annually in the General Appropriations Act beginning in the 2014-2015 fiscal year.

- Authorizes the Department of Management Services to adopt emergency rules to modify the eligibility of persons paid with Other-Personal-Services funds to comply with federal the Patient Protection and Affordable Care Act to mitigate the state's exposure to potential liability under the penalty provisions of that law. The emergency rules must expire by June 30, 2014.

Effective July 1, 2013, except as otherwise provided. CH 2013-052

HB 5401, Transparency in State Contracting by Representative Clay Ingram (R – Pensacola, FSU Alum), is a budget confirming bill that provides for the following:

- Requires the creation of a single website through which all other websites required by the act may be accessed.
- Creates style and formatting requirements for all websites required by the Transparency Florida Act.
- Requires the creation of a website relating to state employee and officer data.
- Requires the creation of a website relating to state fiscal planning data.
- Adds search criteria and informational requirements to the existing state budget website.
- Expands the posting requirements for the state contract tracking system to include contracts and certain procurement documents of all executive and judicial branch entities.
- Provides exemptions from posting of contract and procurement documents in certain instances.

- Creates a task force to develop and recommend a design for consolidating state transparency websites into one website.

- Allows the Chief Financial Officer to adopt rules.

Effective July 1, 2013. CH 2013-054

HB 1309 – Government Accountability by Representative Ben Albritton (R – Bartow), requires public agency contracts for services performed on behalf of the agency to contain contract provisions clarifying the public record responsibilities of the contractor. If a contractor does not comply with a public records request, the public agency must enforce the contract provisions in accordance with the contract.

The bill creates additional requirements for grant agreements and requires the Chief Financial Officer (CFO) to perform audits of executed grant agreements. It also requires agencies to designate a grant manager and provides training requirements for those managers.

- The bill revises several provisions governing state agency procurement and contracting, including, but not limited to:
 - Removing the requirement that the Department of Management Services (DMS) establish and maintain a vendor list;
 - Permitting DMS to lead, rather than solely enter into, joint agreements with governmental entities;
 - Requiring an invitation to bid be awarded to the vendor with the lowest responsive bid;
 - Revising the training requirements for contract managers, including providing that both DMS and the CFO are jointly responsible for contract management training;

- Requiring the agency head to sign, rather than certify under oath, a written statement of emergency; and

- Requiring the CFO to audit executed contract documents and contract manager records.

Effective July 1, 2013, CH 2013-154

SB 1810, Florida Retirement System by Senator Jeremy Ring (D – Margate), is a budget conforming bill that:

- Increases the employer contribution for the Retiree Health Insurance Subsidy (HIS) from 1.11 percent to 1.20 percent of employee gross compensation.
- Adjusts the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System (FRS), based on the 2012 Actuarial Valuation.
- Provides legislative findings that a proper and legitimate state purpose is served public retirement systems, including health insurance subsidies, are administered and funded in a reasonable manner.

Effective July 1, 2013, CH 2013-053

SB 406 – Economic Development by Senator Andy Gardiner (R – Orlando), revises and creates various statutory provisions relating to economic development. Of particular interest, the bill provides a sales tax holiday beginning at 12:01 a.m. on August 2, 2013 through 11:59 p.m. on August 4, 2013 on the sale of: clothing, wallets, handbags, backpacks, fanny packs, having a sales price of \$75 or less footwear, excluding skis, swim fins, roller blades and skates school supplies having a sales price of \$15 or less per item, including pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal

pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators. Personal computers and related accessories having a sales price of \$750 or less, purchased for non-commercial home or personal use.

**Effective upon becoming law.
CH 2013-42**

SB 1594 -- Guaranteed Energy, Water, and Wastewater Performance Savings Contracting Act by Senator Rob Bradley (R – St. Petersburg), adds a county school district, or an institution of higher education, including all state universities, colleges, and technical colleges to the list of governmental entities authorized to enter into guaranteed energy, water, and wastewater performance savings contracts. The bill revises the definition of the term “energy, water, and wastewater efficiency and conservation measure” to expressly include not only an addition to existing facilities or infrastructure but also a building retrofit or renovation. It also authorizes inclusion of a variety of new savings measures in a contract.

Finally, the bill requires that the Office of the Chief Financial Officer complete its review and approval of a performance savings contract, a contract or lease for third party financing, or any combination of such contracts within 10 business days after receiving the proposed contract or lease. To make this review more efficient, the bill requires that a proposed contract or lease with a state agency must include an investment-grade audit, certified by the Department of Management Services, which states the cost savings are appropriate and sufficient for the term of the contract.

Effective July 1, 2013, CH 2013-135

HB 7003 – Educational Oppor-

tunity for Military Children, by Representative Ronald Renuart (R – Ponte Vedra Beach), reauthorizes the Interstate Compact on Educational Opportunity for Military Children. The purpose of the compact is to enable member states to uniformly address educational transition issues faced by military families. The compact governs member states in several areas, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 43 states and the District of Columbia are members of the compact.

The compact establishes an Interstate Commission on Educational Opportunity for Military Children (Commission) to provide national-level oversight of the compact. The Commission is comprised of one voting representative, or Compact Commissioner, from each member state. Among other things, the Commission may adopt and enforce compact rules which govern member states in the areas addressed by the compact. The compact rules supersede conflicting member state laws to the extent necessary to accomplish the purposes of the compact. Since enactment in 2008, Florida’s compact legislation has included a repeal provision which requires automatic repeal of the compact after a period of time, unless reauthorized by the Legislature. Because membership in the compact entails an agreement to be bound by rules promulgated by a non-legislative entity, i.e., the Commission, the repeal provision allows the Legislature to periodically review the compact rules and determine whether it agrees with any new rules or rule amendments adopted during the period. The Legislature last reauthorized the compact in 2010, and provided for repeal of the compact in three years, which is May 11, 2013.

Effective April 10, 2013, CH 2013-20

SB 1664 -- Education Instructional Personnel and School Administrators by Senator John Legg (R – Lutz), revises the requirements for state approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program. The bill was amended again last week to:

- Provide that all individuals and instructors in postsecondary teacher preparation programs who instruct, or supervise pre-service field experience courses or internships have at least one of the following:
- Specialized training in clinical supervision;
- At least 3 years of successful, relevant prekindergarten through grade 12 teaching, student services, or school administration experience; and,
- An annual demonstration of experience in a relevant prekindergarten through grade school setting as defined by State Board of Education rule.
- Revise the criteria for evaluating classroom teachers, other instructional personnel, and school administrators for purposes of the performance pay schedule in current law.
- Require a school district to approve and publish testing administration schedules for district-mandated assessments on its website.
- Make a conforming change for the provisions in the bill for the Teachers Lead Program.

Effective July 1, 2013, CH 2013-185

CS/SB 1096 – Repeal of Education Provisions, by Senator Bill Montford (D – Tallahassee, FSU Alum), is a combined effort by the Governor, Legislature, district

school superintendents, and other education stakeholders to reduce regulation of public educational institutions. The bill repeals:

- Inactive or underutilized programs, including the Alternative Credit for High School Courses Pilot Project, the High School to Business Career Enhancement Program, Incentives for Urban or Socially and Economically Disadvantaged Area Internships, Centers of Technology Innovation, Dropout Reentry and Mentor Project, Sunshine Workforce Solutions Grants, Florida Minority Medical Education Program, Transition to Teaching Program, School Infrastructure Thrift (SIT) Program, A Business-Community (ABC) School Program, and Effort Index Grants.

- Provisions that are unnecessary or duplicate other law, including State Board of Education review of school district compliance with the Family and School Partnership for Student Achievement Act, certain requirements regarding school-to-work transition and postsecondary and workforce readiness, school district reporting of suspensions and expulsions, provisions requiring alignment of public high school athletic programs with those offered by public postsecondary institutions, certain public postsecondary institution safety policies, and authority for the Commissioner of Education to grant exceptions to recommendations in educational plant surveys.

- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, the Department of Education parent-response center, Florida School for the Deaf and the Blind authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation requirements for students

who entered 9th grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.

- Burdensome, incorrect, or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

Effective April 29, 2013, except as otherwise expressly provided in the bill. Approved by the Governor, CH 2013-35

HB 7029 – Digital Learning by Representative Manny Diaz (R - Hialeah), increases access to digital and blended learning options by:

- Requiring the Department of Education to develop an online catalog of available digital learning courses

- Create the Florida Virtual School Global

- Create the Florida Approved Courses and Test (FACT) Initiative to;

- Expand student choices in selecting high-quality online courses, including, but not limited to, massive open online courses (MOOC) and instruction

- Specify that MOOCs may be authorized in Algebra I, biology, geometry, and civics

- Specify provider requirements

- Be approved by DOE

- Nonsectarian regarding courses, enrollment policies, employment practices and operations

- Complies with antidiscrimination laws

- Instructional staff to be Florida-certified teachers

- Provide parents and students specified information including teacher-parent and teacher-student contact information for each course

- Require regular contact with the instructor

- Possess prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains or student growth in each subject area and grade level

- Ensure instructional and curricular quality through a detailed curriculum and student performance accountability plan

- Instructional content and services that align with, and measure student attainment of student proficiency in the Next Generation Sunshine State Standards

- Mechanisms that determine and ensure that a student has satisfied requirements for grad level promotion and high school graduation with a standard diploma.

The bill requires the Department of Education to contact by August 30, 2013, to have a study conducted to review and provide recommendations for online courses, including massive open online courses, and competency-based online courses for K-12 and postsecondary education. The study must include the following components: improving access to the online courses, and approving, funding, holding providers accountable, and awarding credit for such course, etc. The Department shall provide the findings and recommendations to the Governor, President of the Senate and the Speaker of the House by February 1, 2014.

Effective July 1, 2013, CH 2013-152

CS HB 1145 – State-owned/State Leased Lands by Representative Mike LaRosa (R – Saint Cloud), gives the Department of Management Services (DMS) more authority to coordinate and direct state agency use of state-owned and privately-leased office space, requires competitive solicitation for more agency leases, streamlines reports related to leasing activities, and increases reporting related to facility energy savings. The bill:

- Deletes the requirement for the Department of Transportation to submit an inventory of transportation facilities to the DMS and the DEP;
- Requires that governmental entities submit an inventory of all underused property that they own, lease, rent, or occupy and requires the DMS to adopt rules;
- Gives 60 day right of first refusal for universities and state colleges;
- Resolves a technical deficiency that provided rulemaking authority to the DMS instead of the BOT;
- Creates the Underused Property Maximization Program in order to identify underused property and provide specific inventory, procurement, and disposition procedures and requirements related to underused property by state and local governmental entities;
- Provides definitions for “facility,” “governmental entity,” and “underused property”; and
- Provides non-recurring and recurring funds for the implementation of the act.

Effective July 1, 2013, CH 2013-152

HB 21 -- Background Screen-

ing for Non-instructional Contractors on School Grounds by Representative Keith Perry (R – Gainesville), requires the Department of Education (DOE) to create a uniform, statewide identification badge signifying that a non-instructional contractor has satisfied the specified background screening requirements. School districts are responsible for issuing the badges, which must include a photograph of the contractor. A contractor must be issued a badge if he or she is a U.S. resident and citizen or permanent resident alien, 18 years of age or older, and meets the specified background screening requirements.

The badge must be recognized by each Florida school district, visibly worn by the non-instructional contractor when on school grounds, and is valid for five years. DOE must determine a uniform cost that may be charged to a contractor for the badge. Contractors who are exempt from background screening requirements are not required to obtain a badge. **Effective July 1, 2013, CH 2013-73**

SB 50 – Public Meetings by Senator Joe Negron (R – Palm City), requires that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or local government. Such opportunity does not have to occur at the same meeting at which the board or commission takes official action if certain requirements are met. The bill excludes specified meetings and acts from the “right to speak” requirement.

The bill specifies that it does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. It authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is

deemed to be acting in compliance with the section. **Effective October 1, 2013, CH 2013-227**

HB 609 – Bullying in Public School System by Representative Reggie Fullwood (D – Jacksonville), amends the definition of bullying to include cyberbullying and defines “cyberbullying” as bullying through the use of specified technology or electronic communications; the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages; or the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that is accessible to others.

The bill expands the scope of school district bullying policies to include computer-related bullying occurring outside the scope of a public K-12 educational institution and bullying using technology or electronic devices not owned, leased, or used by a public school or school district. Such conduct is actionable if it substantially interferes with or limits the victim’s ability to participate or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.

The bill adds provisions defining “within the scope of a public K-12 educational institution” as any computer or computer system or network that is physically located on school property or at school-related or school-sponsored programs or activities, regardless of ownership.

The bill clarifies that cyberbullying perpetrated from an off-campus computer or device that is outside the scope of school district control must substantially interfere with or limit the victim’s ability to participate or benefit from the services, activities, or opportunities offered by a school to be actionable. Additionally, the bill clarifies that school officials

are not required to monitor non-school related activities, functions, or programs. **Effective July 1, 2013, CH 2013-087**

HB 801-- Certified School Counselors by Representative Dane Eagle (R – Cape Coral),

substitutes “certified school counselor” for the term “guidance counselor” to reflect the current requirement that persons employed as school counselors be certified as set forth by law and State Board of Education rule.

The bill clarifies that school counselors may only perform administrative duties to the extent that performing those duties does not conflict with their primary responsibility of the coordination of student support services, and it allows certified school counselors to act as support staff only for coordinating, administering, or monitoring academic testing and testing programs. **Effective July 1, 2013, CH 2013-089**

SB 1108 -- Exceptional Student Education by Senator Andy Gardiner (R – Orlando),

provides mechanisms for increased parental involvement, clarifies student eligibility for services, and specifies school and program accountability requirements. The bill provides for the involvement of parents of students with disabilities in meetings, including those related to decisions regarding assessment and placement. The bill requires school districts to provide exceptional student education-related services, as defined by State Board of Education rule, for a home education student with a disability who is eligible for the services and who enrolls in a public school for the purpose of receiving those services.

The bill defines an Exceptional Student Education Center and specifies the accountability requirements that apply to them. Additionally, the bill establishes requirements for the reimbursement of federal funds to charter schools. The bill also requires

applicants for renewal of a professional educator certificate to earn a minimum of one college credit or the equivalent in-service points in the area of instruction for teaching students with disabilities.

Finally, the bill requires each school district, at the initial IEP meeting, to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student. **Effective July 1, 2013, CH 2013-236**

HB 655 – Employment Benefits by Representative Steve Precourt (R – Orlando),

amends current law to prohibit political subdivisions from requiring an employer to provide employment benefits or a minimum wage that is not required by state or federal law. The term “employment benefits” is defined as anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits. The term “employer” is defined as any person who is required to pay a state or federal minimum wage to the person’s employees.

This bill also prohibits a political subdivision from:

- Requiring, as part of a contract with the political subdivision, a minimum wage or employment benefit for employees of a political subdivision’s contractors or subcontractors; or

- Awarding contract preferences based upon the wages or benefits provided to employees.

The bill specifies that it does not:

- Limit the authority of a political subdivision to establish a mini-

mum wage or provide employment benefits not otherwise required under state or federal law for its own employees;

- Apply to any domestic violence ordinance, order, rule, or policy; or

- Apply to any contracts entered into or procurements issued before July 1, 2013.

The bill removes the provision of s. 218.077, F.S. that states that the section does not limit the authority of a political subdivision to provide a tax abatement or subsidy to an employer that provides employee benefits not required by state or federal law as a condition of the tax abatement or subsidy. **Effective July 1, 2013, CH 2013-200**

HB 7009 – Charter Schools by Representative George Moraitis (R – Ft. Lauderdale),

includes several provisions that increase charter school accountability and transparency, including, but not limited to:

- Prohibiting a charter school, upon termination of the charter, from expending more than \$10,000 without prior written permission from the sponsor, unless such expenditure was included within the annual budget submitted to the sponsor, or is for reasonable attorney’s fees and costs during the pendency of an appeal, or is for reasonable fees and costs to conduct an independent audit.

- Requiring an audit to be completed by an independent third party within 30 days after a charter school is notified of nonrenewal, closure, or termination.

- Prohibiting charter schools from executing contracts that contain acceleration clauses requiring expenditure of funds based on closure, or notification of nonrenewal or termination and from executing contracts that extend beyond the

term of the school's contract with its sponsor.

- Providing clawback power to the sponsor in case of violation of contract provisions.
- Providing disclosure requirements for charter applicants of previous charter schools that were subject to corrective action or financial emergency recovery plans.
- Requiring sponsors to submit to DOE specific information for each application received to be compiled in a summary report regarding the number of applications received, approved, denied and withdrawn each year.
- Prohibiting employees of the charter school or the charter management organization and their spouses, from serving on the charter school governing board.
- Requiring DOE to develop a proposed statewide standard charter contract by consulting and negotiating with school districts and charter schools and to provide it to the Governor, the Speaker of the House of Representatives, and the President of the Senate by November 1, 2013.

The bill also includes several provisions to expand charter school growth and flexibility, such as:

- Allowing charter applicants to submit a draft charter by May 1 each year, with an application fee, and to receive district feedback on material deficiencies by July 1, prior to final submission on August 1.
- Allowing high-performing charter schools to determine their own capacity and enrollment caps and allowing them to increase those caps under certain circumstances.
- Providing statutory clarification that provisions affecting instructional personnel contracts, do not apply to charter schools under cer-

tain circumstances.

- Clarifying that district K-12 educational facilities not being used to support public education be made available to charters, and requiring the charter school to pay maintenance costs of the facility.
- Authorizing out-of-state operators to qualify for high-performing status to operate schools or systems in Florida under certain circumstances; requiring the State Board of Education to adopt the review and qualification process in rule.

Effective July 1, 2013, CH 2013-250

SB 1410 – Fire Safety by Senator David Simmons (R – Altamonte Springs), makes several substantive policy changes. Most significant among these are more stringent requirements regarding criminal histories for firefighter certification. The bill requires FDLE to search and retain the fingerprints of currently employed firefighters. In addition, the bill removed a provision that provided the Division of Financial Services new rulemaking authority for creating new fees, and it restored language contained in current law providing the agency authority to fix and collect admission fees for fire safety training purposes. Furthermore, the bill extends from two to four years the period during which fire equipment dealers may maintain an inactive permit; clarifies definitions to reflect current practices; and restores current law providing locations for which State Fire Marshall is required to adopt minimum fire safety standards; clarifies the scope of contractor licenses.

Effective July 1, 2013, CH 2013-183

SB 52 – Use of Wireless communication devices while driving by Senator Nancy Detert (R – Venice), creates the “Florida Ban on Texting While Driving Law,” modeled after a sample law developed by the United States Depart-

ment of Transportation (USDOT) and a cross-section of safety and industry organizations. The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation that is punishable by a \$60 fine plus court costs.

In addition to the fines, a violation of the unlawful use of a cellphone which results in a crash will result in 6 points added to the offender's driver license record and the unlawful use of a cellphone while committing a moving violation within a school safety zone will result in an 2 points added to the offender's driver license record in addition to the points for the moving violation.

The bill restricts the admissibility of a person's billing records when determining whether a violation was committed, to only those cases where a crash resulting in a death or personal injury occurred.

Effective October 1, 2013, CH 2013-58

HB 85 – Public Private Partnerships by Representative Greg Steube (R – Sarasota), authorizes public-private partnerships to contract for public service work with not-for-profit-organizations. The bill adds provisions for contracts for park land and public education facilities. Previously the bill was amended to give universities flexibility to utilize existing resources more effectively without a fiscal impact. This language was removed at final passage. **Effective July 1, 2013, CH 2013-223**

BILLS THAT FAILED

HB 359 – Public Meetings by Representative Cary Pigman (R – Sebring) and SB 1276 by Senator Bill Montford (D – Tallahassee, FSU Alum), Provided an exemption from public meeting requirements for certain portions of meetings of a university direct-support organization or of the executive committee or other committees of the board of directors of the DSO. The bills died in committee.

HB 7011 -- Florida Retirement System by Representative Jason Brodeur (R – Sanford), limited the ability of members of the optional retirement program to transfer to the FRS. The bill provided for compulsory membership in the FRS Investment Plan for employees initially enrolled after January 1, 2014. The bill prohibited certain membership in Senior Management Service Class or Senior Management Service Optional Annuity Program. The bill provided that certain participants in the optional retirement program for the State University System have the choice between the optional retirement program & FRS Investment Plan. The bill died on the calendar.

SB 1194 -- Public Broadcasting Program System by Senator Jeremy Ring (D – Margate)

and HB 527 by Representative Gwyn Clarke-Reed (D – Pompano Beach), authorized the Department of Education to provide equipment, funds, and other support for certain television stations owned and operated by a district school board and licensed by the Federal Communications Commission, etc. The bills died in committee.

HB 1217 -- Credit Card Solicitations on College Campuses by Representative Randolph Bracy (D – Orlando) and SB 1202 by Senator Darren Soto (D – Kissimmee), prohibited solicitation of credit cards on Florida College System institution or state university campuses. The bills died in committee.

HB 1235 -- Postsecondary General Education Courses by Representative Michelle Rehwinkel Vasilinda (D – Tallahassee), required that general education courses at lower-division level include specified number of semester hours of United States history. The bill died in committee.

HB 1239 -- Arts for All Students Act: Creates “Arts for All Students Act” by Representative Joe Saunders (D – Orlando) and SB 428 by Senator Nancy Detert (R – Venice), required DOE to publish “Arts for All Students” annual report, and provided components of fine arts curriculum. The bills required criteria & formula for granting “Arts for All Students” model school & model school district designations and provided for annual award of designations. The bills died in committee.

SB 1254 -- Postsecondary Education Tuition by Senator Nancy Detert (R – Venice), provided that, if certain criteria are met, a dependent child whose deceased parent was a United States citizen and a legal resident of this state may qualify as a resident of this state for tuition purposes while completing the

requirements for a high school diploma, etc. The bill died in committee.

SB 276 -- State University Fee Exemptions by Senator Joe Abruzzo (D – Wellington), created the “Student Global Economic Education Act.” The bill provided an exemption from the payment of tuition for students enrolled in certain foreign language courses offered at a state university, etc. The bill died in committee.

SB 624 -- Postsecondary Student Tuition by Senator Dwight Bullard (D – Miami) and HB 1113 by Jose Rodriguez (D – Miami), provided an additional category of nonresident persons exempt from paying nonresident tuition at a state university or Florida College System institution, etc. The bills died in committee.



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