



Volume **20** | Number **4** | **March 25, 2013**

This past week felt, in some ways, like the last week of a legislative session. First, the House and Senate, in just their third week of this nine-week session, “meant business” as both chambers passed bills aimed at shutting down Internet cafes across the state.

In addition, the House passed a bill (HB 7011) that would substantially reform the retirement system for state employees. This legislation, a priority for House Speaker Will Weatherford (R-Wesley Chapel), would close off the traditional defined-benefit pension system to new employees and instead require them to enroll in a 401(k)-type “defined contribution” plan. The Senate appears to have significant disagreements with the House bill and its plan is moving through the committee process.

Please see the Spotlight on Bills section of this newsletter for a rundown on additional bills of relevance that had hearings last week. As for this week, state lawmakers plan to take somewhat of a break in observance of religious holidays. Consequently, legislative meetings are only scheduled for Wednesday and Thursday.

Before the end of the week, however, the Senate plans to release its general financing plan after that chamber’s Appropriations Committee meets on Thursday. This important piece of legislation will then come before the committee for a vote next week.

Meanwhile, the House is expected to release its preliminary appropriations numbers, along with a facilities committee bill, on Wednesday of this week. Additional information on these early budget numbers, and an overview of what might be expected in the facilities committee bill, is provided in a related story in this newsletter.

You can catch the legislature in action live on the Florida Channel, local cable channel 4. As always, please don’t hesitate to contact me if you have questions about a bill and its analysis. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**. Thanks!

Kathleen

Budget Talks Begin

The Senate Education Appropriations Committee released its preliminary budget recommendations last week and will meet again this Wednesday to review and discuss this tentative spending plan.

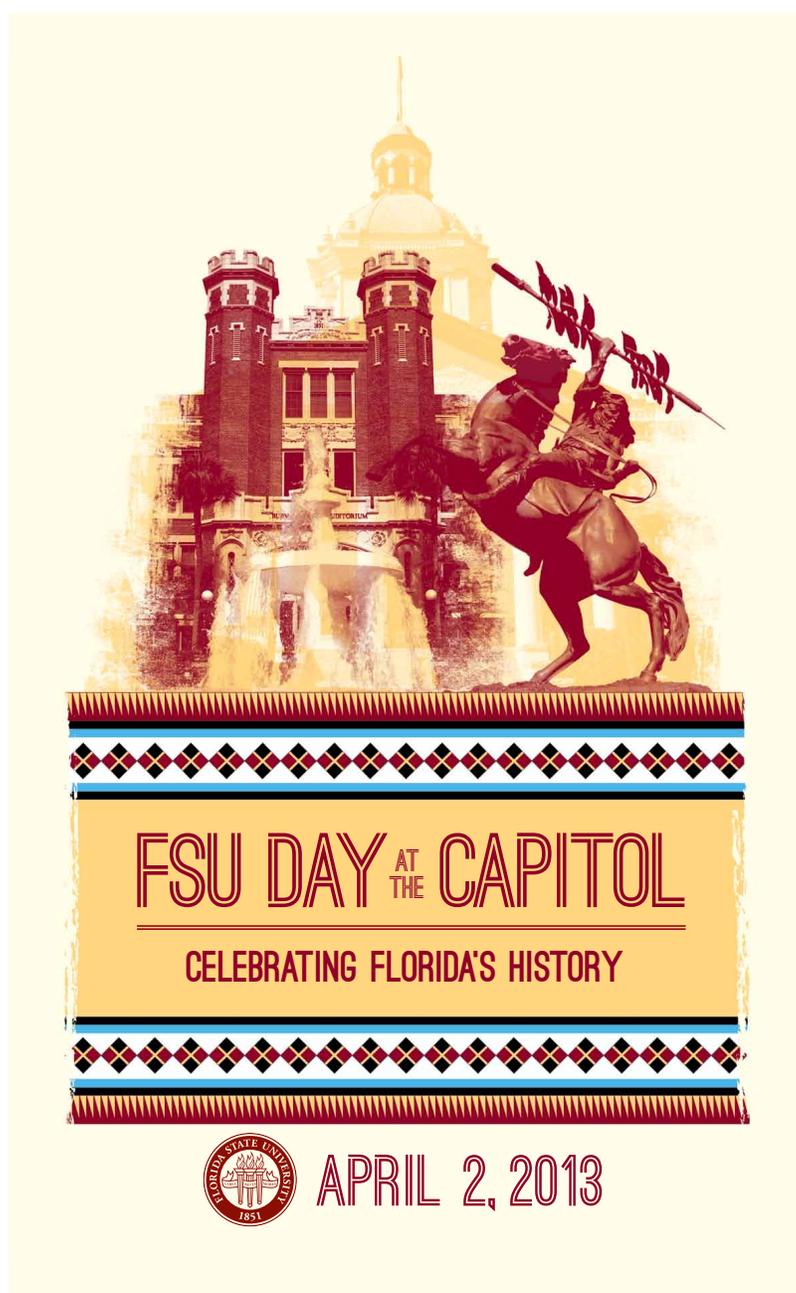
Highlights of the Senate’s recommendations at this time include:

- Restoration of the \$300 million cut to higher education taken during last year’s session (Florida State’s portion would total \$66 million).
- \$70 million to cover State University System costs for the Florida Retirement System.
- \$43 million to fund high-wage/high-demand IT occupations (an allocation pursuant to SB 1076)
- \$15 million in recurring dollars to the University of Florida and Florida State University to fund their University Research Excellence proposals, which are designed to elevate each institution’s national rankings.
- \$7 million for the SUS’s Small Business Development Centers (SB 224).
- \$2 million to further the Florida Virtual Campus (an amount that matches the request from the Board of Governors).
- \$48 million in reductions (recommended by a special Senate project) for various local funding initiatives that were previously appropriated (includes \$500,000 in recurring monies for the Pepper Center at FSU).

The House Education Appropriations Committee, meanwhile, is expected to release an initial draft of its budget on Wednesday. Moreover, the House Appropriations Committee is expected to release, in addition to its overall budget, a proposed committee bill that offers alternatives to the Public Education Capital Outlay (PECO) fund, which is essential to maintaining facilities

on public-education campuses. Declining PECO dollars during the past several years has necessitated alternate sources of funding.

PECO alternatives being considered include those that provide for greater flexibility in revenue management and additional public-private partnership options. A proposed committee bill may also make changes to the concurrency policy, increase the limit on minor-project contracts to \$2 million (up from \$1 million), expand university-revenue sources to be used for bonding, and explore whether public/private partnerships should be an allowable debt for state universities.



FSU Day at the Capitol

The annual salute to Florida State's significant contributions to our state will take place on Tuesday, April 2, from 9:00 to 2:00.

FSU Day at the Capitol has become one of the most popular traditions during the legislative session, and provides a wonderful opportunity to showcase our University's programs and accomplishments to our friends in the legislature.

Through this event, Florida State is able to emphasize the University's long and proud heritage, and bring attention to the extraordinary achievements of our students, faculty and staff.

Preceding the day's festivities, a "Seminole Evening" reception will be held on April 1 starting at 5:30 on the 22nd floor of the Capitol. This special event is sponsored by the FSU Student Government Association and all University supporters are welcome to attend.

As always, FSU Day at the Capitol will include informative displays, which will be positioned throughout the plaza level and second and third floor rotundas. Also featured will be University "celebrities" – administrators, legislative alumni and more – along with performances by the FSU pep band, cheerleaders and the Flying High Circus.

A special celebration of all things FSU will take place in the Capitol courtyard beginning at 11:30 with refreshments available for all to enjoy. If your department has not yet signed up to display your achievements, please contact Toni Moore in the FSU Governmental Relations office at tmoore@fsu.edu or **(850) 644-3847**.

Mark your calendars now for this Garnet and Gold on April 2nd!

SPOTLIGHT ON **BILLS**

SB 7120 – State Group Health Insurance Program by Senator Jeremy Ring (D – Margate),

expands the group of employees eligible to participate in the State Employee Health Insurance Program. Under current law, no person paid from other-personal-services funds is eligible regardless of the numbers of hours the employee works. Under the provisions of this bill, any state employee working an average of 30 or more hours per week will be eligible for health insurance coverage and premium subsidies. In addition, the proration of the state premium contribution will apply only to permanent employees working less than 30 hours per week on average.

The bill continues the current level of contributions into health savings accounts for employees participating in the high deductible health insurance plans under the State Employee Health Insurance Program. The authority for the state to contribute to the accounts expires on June 30, 2013. Under this bill, the state can continue to contribute at the current levels (\$500 for individual coverage and \$1,000 for family coverage) for FY 2013-14. Beginning in FY 2014-15, the amount of the contributions by the state will be established in the annual general appropriations act.

The bill also modifies the state prescription drug program by repealing expiration dates on the current provisions. Under this bill, the state prescription drug program will continue without modification. The

bill was heard in the Governmental Oversight and Accountability Committee last week. There is no House companion at this time.

CS HB 637 Postsecondary Education Executive Search Committees by Representative John Tobia (R – Melbourne Beach),

creates an exemption from inspection or copying under public records laws for information contained in an application provided to, or information obtained by, an executive search committee regarding an applicant for a position within a Florida College System institution or state university.

The bill provides for repeal of the exemptions on October 2, 2018, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill was amended last week to:

- Exempt from public record laws all personal identifying information of applicants for the positions of president, provost, or dean with a state university or FCS institution.
- Provide that meetings for the purpose of identifying or vetting such applicants be exempt from public meeting laws.
- Provide that meetings for the purpose of establishing qualifications or compensation frameworks be subject to public meetings laws.
- Provide that meetings and interviews held after a final group of applicants has been established for the purpose

of making a final selection are subject to public meeting laws.

- Require state universities and FCS institutions to release the names of applicants to be considered in the final round of interviews no later than 10 days before the date of the meeting at which final action or vote is to be taken on the employment of the applicants.
- Provide that all documents containing personal identifying information of any applicants within the final group become subject to public records laws at the time the applicants' names are released.

The bill reported favorably in the Higher Education and Workforce Subcommittee last week. There is no Senate companion at this time.

HB 1217 – Credit Card Solicitations on College Campuses by Representative Randolph Bracy (D – Orlando),

expands on the federal Credit Card Accountability Responsibility and Disclosure (CARD) Act that provides guidelines for colleges and universities regarding marketing of credit cards to students attending a postsecondary institution of higher education. The Credit Card Act prohibits a credit card issuer from offering a student at an institution of higher education any tangible item to induce a student to apply for or participate in an open-ended consumer credit plan.

The bill expands on the Credit CARD Act by prohibiting advertising, marketing, or merchandising credit

cards on the campus of a Florida College System institution or state university. The bill prohibits:

- Advertising or soliciting at campus vendor tables;
- Posting or distributing applications, fliers, posters, and handbills and signage, electronic or otherwise, in an institution or university facility; and
- Using a college's e-mail system or web page for the purpose of advertising or soliciting credit cards to students.

The bill also prohibits banks, credit unions or other businesses approved to be present at student orientations during the weeks leading up to the opening of the institution or university or other campus activities, from providing credit card applications to students during those events.

The bill passed the Higher Education and Workforce Subcommittee last week and is now in the Insurance and Banking Subcommittee. The identical bill in the Senate, **SB 1202 by Senator Darren Soto (D – Kissimmee)** has been referred to the Banking and Insurance, Education and Rules committees.

CS HB 7027 – Education Accountability by Representative Kathleen Passidomo (R – Naples),

increases school accountability by:

- Defining a co-located school as one that: has its own Master School Identification (MSID) number; provides the education for each of its enrolled students; and operates at the same facility as another school with its own MSID number and providing education for its enrolled students.
- Clarifying that if one school operating in a facility of co-located schools does not receive a school grade or school improvement rating, the student performance data of all schools will be aggregated and assigned to all schools at the facility.
- Requiring that all traditional schools that meet or exceed the minimum sample size of 10 shall receive a school grade.

- Requiring the DOE to include retakes when calculating the school improvement rating and to issue a school improvement rating when the school tests over 80% of its students, rather than 90%.
- Designating Exceptional Student Education Centers as alternative schools for accountability purposes.
- Requiring the DOE to define, in rule, ESE Center Schools that provide instruction in accordance with requirements in s. 1003.57(1)(d), F.S.
- Clarifying that achievement scores and learning gains of students attending ESE Centers will not be included in the students' home school, if the student had not been enrolled in or attended a public school in the district within the last three years, other than the ESE Center School.
- Clarifying that achievement scores and learning gains for hospital- or homebound students will only be assigned to their home school if the student was enrolled in the home school during the October and February FTE counts.
- Specifies duties of the Articulation Coordinating Committee (ACC), the Higher Education Coordinating Council (HECC), public and private postsecondary institutions, and the Commissioner of Education, in an effort to streamline the data reporting process and data accessibility.

The bill passed the Education Appropriations Subcommittee last week and is now in the Education Committee. A similar bill in the House, **HB 7057 by Representative Jeanette Nunez (R – Miami)**, passed the Education Appropriations Subcommittee last week.

CS HB 7091 – K-20 Education by Representative Elizabeth Porter (R – Lake City, FSU Alum), creates three new standard high school diploma designations, i.e., the College and Career, Industry, and Scholar designations. The course and

testing requirements vary for each designation, thereby enabling students to tailor their course of study to their post-high school graduation goals. The designations are effective for students entering 9th grade in the fall of 2013-14; however, students currently in high school may opt into a designation. The bill establishes a process for developing career education courses that enable students to simultaneously earn credit in the career course and core academic credit required for graduation. The bill requires incorporation of financial literacy into the required high school economics course.

The bill increases emphasis on digital literacy by requiring school district student progression plans to address use of digital competency tools; requiring districts to provide digital instructional materials to students in PreK-12, including students with disabilities; and establishing three digital literacy programs enabling elementary and middle school students to demonstrate mastery of digital literacy concepts.

The bill strengthens student opportunities to earn industry certification by establishing a Postsecondary Industry Certification Funding List for postsecondary industry certification programs; authorizing funding of industry certifications that have embedded minimum age or other requirements that limit student's ability to earn full certification while in high school; and incorporating industry certifications into existing acceleration mechanisms, e.g., ACCEL options, career dual enrollment, and career early admission. The bill was amended last week to:

- Provide that students must pass certain EOC assessments to earn a standard diploma; however, passage will no longer be required to earn high school course credit.
- Remove provisions stating that students may not be required to pass common core assessments in mathematics and ELA until the fourth year of administration, after field and baseline testing.

- Add provisions revising the funding calculation for students who earn industry certification.
- Add provisions allowing AP teachers to earn additional bonuses, if certain requirements are met.
- Add provisions enabling elementary and middle schools to receive rewards relating to student completion of certain digital literacy programs.

The bill passed the Education Appropriations Subcommittee and will next go to the Education Committee. A comparable bill in the Senate, **SB 1096 by Senator Bill Montford (D – Tallahassee, FSU Alum)** is waiting to be heard by the full Senate.

CS HB 843, Education by Representative Matt Gaetz (R – Shalimar, FSU Alum),

creates the Florida Flexible Option Initiative to expand student choice regarding courses and corresponding assessments a student may take to satisfy various secondary and postsecondary education requirements. It provides that Florida-accredited charter courses may be created by an individual whose credentials and documented knowledge of a specific science, technology, engineering, or math field warrants consideration as a credible and legitimate source of course content. The assessments associated with the Florida-accredited courses must be developed by regionally accredited public institutions.

The bill was amended last week by the Choice & Innovation Subcommittee, the committee adopted a strike-all amendment that provides an avenue for individuals or organizations that provide individual online courses to apply and become approved providers at the state level. Courses approved by such providers must be measured by statewide assessments and included in the statewide course numbering system as well as the course code directory. The amended bill provides an accountability system for individuals and organizations that provide online

courses, provides a mechanism for funding such courses, and identifies eligible students. It requires the Articulation Coordinating Committee to recommend a funding model and accountability mechanism for funding and assessing providers of online courses by December 31, 2013.

The amendment replaced the original bill that did not describe which students are eligible to participate, the process for approving courses or providers, how providers and courses will be evaluated and held accountable, and the amount of funding available to pay for such courses.

The bill reported favorably by the Choice & Innovation Subcommittee last week. A similar bill in the Senate, **SB 904 by Senator Jeff Brandes (R – St. Petersburg)** is now in the Rules Committee.

SB 1074 – State-owned or State-leased Space by Senator Alan Hays (R – Umatilla),

allows the Department of Management Services 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 also makes changes intended to facilitate the sale of non-conservation state lands determined to be surplus.

The bill requires the DMS and DEP to publish a yearly inventory of all state-owned facilities, including the inventories of the Board of Governors of the State University System, the Department of Education, and the DOT, excluding the transportation facilities of the state transportation system. The annual report of state-owned real property recommended for disposition.

The bill reduces from 6 months to 90 days the time period during which a public entity that has requested use of a property must secure the property under lease.

Before a building or parcel of land is offered for lease or sale, it must first be offered for lease to state agencies, state universities, and community colleges, contingent upon the submission of a business plan for the proposed use of the building or parcel. Within 60 days after the offer of a surplus building or parcel, a state agency, state university, or community college that requests the transfer of a surplus building or parcel must develop and submit a business plan for the proposed use. The business plan must include the proposed use, the cost of renovation, the replacement cost for a new building for the same proposed use, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot be otherwise met, and other criteria developed by rule by the DEP. The board or its designee must compare the appraised value of the building or parcel to any submitted business plan for proposed use of the building or parcel to determine if the transfer or sale is in the best interest of the state. The bill changes this subsection to delete the priority consideration given to state universities and community colleges, etc.

The bill was passed last week by the Governmental Oversight and Accountability Committee and is now in the Environmental Preservation and Conservation Committee. A similar bill in the House, **HB 1145 by Representative Mike La Rosa (R – Saint Cloud)** is in the Government Operations Subcommittee.

UPDATE ON BILLS

HB 863, Teacher Preparation and Accountability by Representative Ross Spano (R – Riverview, FSU Alum),

was amended last Friday by the Education Committee to meet the requirements of university Colleges of Education. The bill reported favorably by the Education Committee. The Senate companion, **SB 1664 by Senator John Legg (R – Lutz)** is now in the Education Committee.

CS SB 1276 -- Public Meetings/ University Direct-support Organizations by Senator Bill Montford (D – Tallahassee, FSU Alum), exempts portions of meetings of university direct-support organizations (DSO) from public meeting laws when confidential information and documents are discussed.

The bill was amended by a technical amendment last week and reported favorably by the Education Committee. The bill is now in the Governmental Oversight and Accountability Committee. A similar bill in the House, **CS HB 359 by Representative Cary Pigman (R – Sebring)** is now in the Governmental Oversight and Accountability Committee.

CS HB 7011 – Florida Retirement System by Representative Jason Brodeur (R – Sanford), closes the defined benefit pension plan for new enrollees effective January 1, 2014 and requires those employees to participate in the defined contribution investment plan. The Bill passed out of the House last week and is waiting to be heard in the Senate. The Senate companion, **CS SB 1392 by Senator Wilton Simpson (R – New Port Richey)** reported favorably by the Community Affairs Committee last week and is now in the Appropriations Committee.

HB 7051 – Resident Status for Tuition Purposes by Representative Jeanette Nunez (R – Miami), provides that a United States citizen who is a dependent child may not be denied classification as a resident for tuition purposes based solely upon the immigration status of his or her parent. It amends the definitions of “dependent child” and “parent” regarding establishing residency for tuition purposes.

The bill allows, under certain circumstances, dependent students to utilize an additional pathway to establish residency for tuition purposes by submitting evidence of their own residency in Florida.

The bill removes a requirement for institutions to reevaluate the classification status of a student classified as a resident for tuition purposes so long as there is no inconsistent information suggesting an erroneous classification and there is no break in the student’s enrollment for a period of 12 months or longer. The bill eliminates a measured one-year grace period allowed when a person loses reclassification of his or her residency status.

The bill provides that a student who resides in Florida may be classified as a resident for tuition purposes if he or she marries a person who qualifies

as a resident for tuition purposes. It also allows a student who has been classified as a nonresident to reclassify as a resident upon subsequently marrying a person who already qualifies as a resident for tuition purposes. For a dependent child living with an adult relative who is a Florida resident and who is not the child’s parent, the bill reduces from five years to three years the amount of time the child must live with the relative in order to use the relative’s documentation to establish residency for tuition purposes.

Additionally, the bill classifies as residents for tuition purposes individuals who receive certain tuition waivers and exemptions under Florida law, and veterans of the U.S. Armed Forces, including reserve components, who physically reside in Florida while enrolled in a Florida institution of higher learning.

The bill was amended last week to include military reservists who were honorably discharged and who physically reside in this state while enrolled in an institution of higher education.

The bill reported favorably by the Education Committee last week. A comparable bill in the Senate, **SB 180 by Senator Anitere Flores (R – Miami)** is in the Higher Education & Workforce Subcommittee.

SESSION SCHEDULE

SENATE SESSION WEDNESDAY, MARCH 27, 4:00 p.m. to 6:00 p.m.

The House will not convene in session this week.



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