



LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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Call it a reversal of fortune. Call it a miracle! In a surprise move, Governor Charlie Crist changed his stance on tuition increases Wednesday and signed **Senate Bill 1710**, establishing a tuition differential at FSU, UF and USF, into law.

Under the bill, FSU can raise tuition above the rate set by the Legislature for all state universities. Such increases will come incrementally, reaching up to 40 percent above the current level over 4 years, and requires approval from the Board of Governors and the university Boards of Trustees. Tuition growth cannot exceed 15 percent in a fiscal year. This differential, which will be implemented for incoming students in the Fall of 08, and will not be covered by the Bright Futures Scholarship, is expected to raise about \$25 million for FSU over its four- to five year- timeframe. For more information on this and other bills that recently became law, please see the **Spotlight on Bills** section of the Legisletter.

Governor Crist (R., FSU Alum), Lt. Governor Kottkamp (R., FSU Alum), Senator Steve Oelrich (R. Gainesville, FSU Alum), Senator Evelyn Lynn (R. Daytona Beach), and Representative David Mealor (R. Lake Mary) deserve a big FSU thank you for their hard work, keen insight and open minds. They were the main reason this bill became a law. In fact, we would like to thank all of the members of the Seminole Legislative Caucus for their dedication to Florida State. **(See related story.)**

In early June, Governor Crist issued \$459 million in vetoes to the \$71.5 billion state budget. FSU did not escape the veto pen, and in fact realized about \$10.5 million in projects plus revenue lost from the proposed 5% tuition increase which was also vetoed. **(See related story.)**

Tuesday, a special election was held in Florida to fill the Senate seat vacated by Nancy Argenziano who was appointed to the Public Service Commission in May. State Representatives Dennis Baxley (R-Ocala, FSU Alum) and Charles Dean (R-Inverness, FSU Alum) squared off, with Charlie Dean winning the race. Mr. Kurt Kelly (R-Ocala, FSU Alum) replaced Baxley and Mr. Ron Schultz (R-Inverness) replaced Dean in the House. Mr. Kelly is an FSU Alum, Mr. Schultz will be a friend to the university.

Finally, the Legislature met in a special session last month to provide solutions to "soaring property tax bills." The citizens of Florida will now have the opportunity to vote in January to keep their Save our Homes tax cap, or implement a "super exemption," whichever benefits the taxpayer most. Stay tuned for more information on your options as the election date draws near.

This is the final Legisletter for the year, however please feel free to contact me anytime if you have questions about legislation, the legislative process or legislators. I can be reached at **(850) 644-4453**, or via e-mail at **kdaly@mailers.fsu.edu**.



2007-08 Legislative Budget Summary

First Generation in College Matching Grant - **\$8,500,000** (Lottery)

SUS Challenge Grants - **\$74,336,964**

FSU Challenge Grants - **\$17,402,992**

FSU PECO

Neuroscience and Reading Institute (C,E) - **\$21,250,000**

Life Sciences Teaching & Research Center (C,E) - **\$11,500,000**

College of Education Building Expansion (C) - **\$8,900,000**

Utilities/Infrastructure/Capital Reno/Roofs (P,C,E) - **\$8,500,000**

Ruby Diamond Renovation (C) - **\$12,430,000**

Johnston Building Remodeling (P) - **\$20,000,000**

Land Acquisition (S) - **\$3,000,000**

Nursing Health Facility (P,C,E) - **\$7,500,000**

Renovation of 1st DCA Building, College of Law - **\$250,000** + proviso

FSU COURTELIS FACILITIES MATCH PROGRAM

College of Medicine Simulation Center (P,C,E) - **\$750,000**

Ringling Museum Gallery Improvements (P,C,E) - **\$750,000**

College of Med., Human Performance Lab (P,C,E) - **\$150,000**

College of Education Multipurpose (P,C,E) - **\$1,000,000**

FSU Developmental (Lab) Research School - **\$5,000,000**

FSU Math & Science Center - **\$1,750,000**

FDLRC – FSU - **\$594,558** recurring

Autism Program – FSU - **\$1,058,766** recurring

PUBLIC BROADCASTING

Florida Channel Closed Captioning - **\$460,162**

Florida Channel Year Round Coverage - **\$1,764,000**

TV - **\$557,675**

Radio - **\$111,945**

Radio Reading Services for the Blind - **\$407,914**

Centers of Excellence - **\$100,000,000** + proviso

SUS Performance Based Incentives - **\$8,500,000** non-recurring

+ proviso **VETOED**

FSU GENERAL REVENUE - **\$306,874,929**

Included in the base are:

Phased-in Space – PO&M - **\$2,603,410**

New Space – PO&M - **\$5,572,896**

Ratio of In-State/out-of-state mix - **\$3,313,994** – non-recurring

Pathways of Excellence - **\$5,000,000** (\$2,000,000 recurring)

Ctr. For Math & Science Research - **\$250,000**—non-recurring

Ringling Campus - **\$200,000**—non-recurring

Torgesen Reading Center (FCRR) - **\$1,000,000**—non-recurring

FSU E&G Student Fees - **\$134,786,216** (funds 86 new FTE)

Includes: 5% instate undergraduate tuition increase **VETOED**

College of Medicine, GR - **\$45,017,734**

Included in the base are:

Daytona Beach Expansion, restore non-recurring - **\$1,483,982**

Immokalee Expansion, restore –non-recurring - **\$967,337**

Ft. Pierce Expansion, restore non-recurring- **\$1,483,982**

Panama City Expansion – restore non-recurring- **\$439,698**

Gretna Wellness Center - **\$100,000** — recurring **VETOED**

E&G Student Fees - **\$7,921,099**

Includes: Medical School FTE Phase in - \$686,727

FSU Catastrophic Storm Risk Management Research Center - **\$1,000,000**

+ proviso **VETOED**

Civic Center Debt Service payment - **\$6,000,000 VETOED**

Employee Compensation & Benefits

One time bonus of **\$1,000** for all positions funded by GR effective November 1

Health insurance will continue at the same rate

Special Thanks

The Office of Governmental Relations would like to express its gratitude to the Seminole Legislative Caucus for all of their support and hard work on behalf of Florida State University during the 2007 Legislative Session.

Governor Charlie Crist

Lt. Governor Jeff Kottkamp

Senator Charles Dean

Senator Steve Geller

Senator Jim King

Senator Al Lawson

Senator Steve Oelrich

Senator Durell Peaden

Senator J. Alex Villalobos

Representative Thad Altman

Representative Kevin Ambler

Representative Lorraine Ausley

Representative Marti Coley

Representative Carl Domino

Representative Terry Fields

Representative Audrey Gibson

Representative Adam Hasner

Representative Evan Jenne

Representative Will Kendrick

Representative Marcelo Llorente

Representative Mark Mahon

Representative David Mealor

Representative Jimmy Patronis

Representative J. C. Planas

Representative Bill Proctor

Representative Curtis Richardson

Representative Michael Scionti

Representative Ray Sansom

Representative Geraldine Thompson

Representative Trey Traviesa

Representative Will Weatherford

Spotlight on Bills

Passed Bills of Interest

SB 1270— University Governance by Senator Steve Oelrich (R – Gainesville, FSU Alum), provides a comprehensive revision of law relating to university governance to include: Conformity of statute to constitutional authority relating to the powers and duties of the Board of Governors; Conformity of statute to constitutional authority relating to the powers and duties of the Legislature; Transfer of responsibilities from the State Board of Education or the Commissioner of Education to the Board of Governors or the University Boards of Trustees in certain instances; Preservation of the oversight role of the State Board of Education in public education, including in the areas of pre-K through 12 education, and community colleges.

This bill provides for a **transfer of responsibilities** from the Board of Regents, the State Board of Education, or the Commissioner of Education, **to the Board of Governors, in the following areas:**

- Defines that The Board of Governors shall operate, regulate, control, and be responsible for the management of the whole State University System in accordance with s. 7, Art. IX of the State Constitution and law.
- Issues related to public employment, including retirement programs; ethics; personnel; collective bargaining; and state agency policies;
- Funding, including budget review and approval; bond finance, issuance of revenue certificates; trust funds; and allowable expenditure of funds;
- Facilities, including inventories of development and maintenance of state university and joint use of facility approval;
- Purchasing and procurement, including competitive bidding and alternate procedures for bidding;
- Accounting, including rulemaking regarding financial records and statements, and supervision over audits of state universities;
- Tuition and fees, including resident status for tuition purposes for state university students;
- Creates the Board of Governors' Office of the Inspector General using existing resources and funds to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities; and,
- Miscellaneous issues specific to higher education, including authority related to centers and institutes; collegiate license plates; accommodation

for disabled persons; faculty practice plans and self-insurance programs; research and development authority designation; gender equity in sports; new program approval criteria; foreign language credits and competence; sponsored research contract certification; and education assistance programs.

The bill also provides for a specific transfer, applied retroactively as of January 7, 2003, of any powers, duties, functions, records, property, unexpended balances of appropriations, allocations, and other funds; administrative authority and rules; pending issues; and existing contracts of the Board of Regents previously transferred to the State Board of Education to the Board of Governors.

Additionally, the bill requires the Board of Governors to enter into a statewide articulation agreement with the State Board of Education, which will be adopted by the State Board of Education in rule. Effective July 1, 2007. **Approved by Governor June 27, 2007.**

SB 1710— State University Student Fees by Senator Steve Oelrich (R – Gainesville, FSU Alum), provides for a tuition differential to be established by the Board of Governors for certain universities with a cap of 30% or 40% depending on the classification of the institution. Florida State University can raise tuition at the 40% level. The Board of Trustees of a university which has been authorized by the Board of Governors to charge a tuition differential may establish a tuition differential lower than the maximum authorized by the Board of Governors. The growth of tuition plus the differential cannot exceed 15% for any fiscal year. Revenue generated by the tuition differential must be spent solely for improving the quality of direct undergraduate instruction and support services.

The tuition differential will not be covered by the Bright Futures scholarship. Beneficiaries of prepaid contracts in effect on July 1, 2007 are exempt from the fee. Students who are presently enrolled and remain continuously enrolled will not be charged the fee. The bill also clarifies that activity and service fee revenue and athletic fee revenue may be transferred to the university Direct Support Organization for the purpose of paying and securing bonds for university capital outlay projects. The amount that can be transferred cannot exceed 5% of the most recent 12 month collection of the fee.

Effective July 1, 2007. **Approved by Governor June 27, 2007.**

HB 7147— Postsecondary Education Enhancements by Representative Joe Pickens (R – Palatka), requires the following:

- The Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the higher education enrollment forecasting models currently used in the state.
- The Department of Education (DOE) to conduct a comprehensive review of the courses listed in the Statewide Course Numbering System (SCNS) and to update the SCNS based on the review.
- Each nonpublic postsecondary institution, as a condition of initial or continued participation in the SCNS, to identify in all catalogs the specific courses offered by the institution that are included in the SCNS.
- The DOE to develop and maintain an on-line listing of all courses in the SCNS and the institutions that offer each course.
- OPPAGA to conduct a study of the existing articulation policies and identify any current practices that may serve as unnecessary barriers to effective progression and transfer of students within the education system.

Additionally, the bill codifies the mediation agreement between the SBE and the BOG regarding baccalaureate degrees offered by community colleges. The bill specifies that community colleges may propose to deliver:

- baccalaureate degree programs in teaching and nursing;
- baccalaureate degree programs in areas of math and science for the purpose of preparing graduates to enter a teaching position, and
- Bachelor of Applied Science workforce-related degrees in high need/high demand majors.

The bill also authorizes state university Boards of Trustees to name any state building, road, bridge, park, recreational complex, or other similar facility of the state university for a living person in accordance with rules adopted by the board of Governors. Effective July 1, 2007. Approved by Governor June 27, 2007.

SB 420— State Retirement programs by Senator Al Lawson (D – Tallahassee, FSU Alum)

,expands membership in optional retirement programs and qualifies the following employees as eligible for these alternative programs:

- Public community college or community college-sponsored charter technical career center renewed members in the Regular Class of the Florida Retirement System (FRS).
- State University System renewed members of the FRS.

A one-time opportunity is provided to allow a State University System Optional Retirement Program participant a transfer from that program to the FRS or the Public Employee Optional Retirement Program. Effective July 1, 2007. **Approved by Governor, Chapter 2007-92.**

CS/CS HB 83, Venture Capital Investments by Representative Michael Grant (R – Port Charlotte), Among other things, the bill creates the Institute for the Commercialization of Public Research, to serve as a clearinghouse for research projects generated by universities and colleges, research institutes, and publicly supported organizations. The purpose of the institute is to assist in the commercialization of products by attracting private investment into projects generated in the state.

The bill creates the State University Research Commercialization Assistance Grant Program under the Florida Technology, Research, and Scholarship Board to assist state universities in the development and implementation of business plans to help commercialize a product.

The bill appropriates **\$35 million** in General Revenue for fiscal year 2007-2008.

- \$29.5 million is provided to the fund for investments;
- \$500,000 is provided for start-up activities for the Florida Opportunity Fund;
- \$100,000 is provided for start-up costs associated with the institute;
- \$900,000 is appropriated to the institute for its operational expenses; and
- \$4 million is appropriated to the State University Research Commercialization Assistance Grant Program.

Effective July 1, 2007. **Approved by Governor, Chapter 2007-189.**

CS/CS HB 131— Public Records & Meetings/ Florida Opportunity Fund by Representative Michael Grant (R – Port Charlotte), creates a public records and public meetings exemption for certain information relating to venture capital investment in Florida businesses created by CS/CS/HB 83. Specifically, the bill makes confidential and exempt for 10 years proprietary confidential business information held by the Florida Opportunity Fund and the Institute for the Commercialization of Public Research. The bill provides a public

records and meetings exemption for the Florida Technology, Research, and Scholarship Board. It defines “proprietary confidential business information” and specifically excludes certain information from this definition. **Effective July 1, 2007. Approved by Governor, Chapter 2007-191.**

HB 721— Sales Tax/Postsecondary Bookstore by Representative Bill Proctor (R – St. Augustine, FSU Alum), creates a tax exemption for bookstores operated on behalf of postsecondary educational institutions. This exemption will eliminate the taxes imposed on the rent, lease, or other utilization of the property paid by the bookstore operators to postsecondary educational institutions for the use of that property, and is to be applied retroactively to amounts paid on or after January 1, 2006. The bill also provides that the retroactive application is remedial in nature, and is not to be construed as a right to a refund or to require a refund by any governmental entity of any tax prior to the effective date of this act. Effective upon becoming a law and is required to operate retroactively to amounts paid on or after January 1, 2006. **Approved by Governor, Chapter 2007-53.**

SB 2484— Lodging & Food Service Establishments by Senator Mike Haridopolos (R – Melbourne), changes the reference to the Florida Hotel and Motel Association to the Florida Restaurant and Lodging Association (FRLA), and provides for the FRLA to designate one representative from the lodging industry and one representative from the food service industry to serve as voting members of the council. Currently, the former Florida Hotel and Motel Association is authorized to designate only one voting member of the council. The bill changes the title of the person appointed from a college or university from “hospitality administration educator” to “hospitality education administrator,” and increases the term of this appointment from two to four years. The bill eliminates the position of “director of education,” and authorizes the director of the division, with advice from the advisory council, to administer the Hospitality Education Program (HEP). The bill specifies the types of training and training related activities that the council must administer and fund, and specifies that education enhancement activities that must be funded by grants and the application process for the grants. The bill requires that HEP funded training and transition programs must be provided through the public school system utilizing a nationally recognized curriculum approved by the division, and excludes the state universities and community colleges from providing HEP funded training and transition programs. Effective July 1, 2007. **Approved by Governor June 27, 2007.**

SB 2498— Insurance by Senator Rudy Garcia (R – Hialeah), revises laws relating to Citizens Insurance of Florida. Additionally, the bill creates the Florida Catastrophic Storm Risk Management Center at Florida State University to promote and disseminate research on issues related to catastrophic storm loss and to assist in identifying and developing education and research grant funding opportunities among higher education institutions in this state and the private sector. The purpose of the center is to support the state’s ability to prepare for, respond to and recover from catastrophic storms. Effective upon becoming a law. **Approved by Governor, Chapter 2007-90.**

Other bills of interest that passed

SB 248— Clinical Nursing Specialties by Senator Burt Saunders (R – Naples), defines “clinical nurse specialist practice” and defines “clinical nurse specialist” as any person licensed in Florida to practice professional nursing and certified in clinical nurse specialist practice. Procedures are specified for a nurse to be certified as a clinical nurse specialist. The bill revises the restrictions on the use of protected nursing titles and abbreviations to include “Clinical Nurse Specialist,” “Certified Registered Nurse Anesthetist,” or “Certified Nurse Midwife.” Effective July 1, 2007. **Approved by Governor, Chapter 2007-167.**

HB 343— Student Financial Assistance/ Need-based students by Representative Aaron Bean (R – Fernandina Beach), expands the Florida Student Assistance Grant Program (FSAG) by creating the Florida Public Postsecondary Career Education Student Assistance Grant (FCESAG) to provide need-based financial aid to postsecondary career certificate students who attend a community college or district school board operated career center. Unlike other FSAG programs, the bill provides that postsecondary career certificate students are not required to qualify for a Pell Grant to receive aid through the FCESAG. The bill also expands eligibility for the Florida Work Experience Program (FWEP) to: (a) postsecondary career certificate students who attend a community college or district school board operated career center; and (b) students pursuing teacher certification at an Educator Preparation Institute (EPI), although they have previously attained a baccalaureate degree. Effective July 1, 2007. **Approved by Governor, Chapter 2007-113.**

SB 412— Education/Children of POWs and MIAs by Senator Carey Baker (R – Eustis), extends educational benefits to dependent children of Florida resident parents who have been declared

prisoners of war or missing in action since the Viet Nam era. The bill extends the benefit to children of certain military and civilian personnel. Effective July 1, 2007. **Approved by Governor, Chapter 2007-168.**

HB 529— Cable TV/Video Service Franchises by Representative Trey Treviesa (R – Tampa, FSU Alum) establishes the authority to issue statewide cable and video franchises within the Department of State (DOS) and designates DOS as the state franchising authority. The bill removes local government authority to negotiate cable service franchises. Additionally, the bill establishes application procedures for a state-issued certificate of franchise authority (certificate), including provisions that establish the circumstances under which a cable operator with an existing franchise with a municipality or county may terminate such franchise agreement and receive a state-issued franchise for its current franchise area. The bill provides guidelines for the number of public, educational, and government (PEG) channels to be provided in a certain area, including when a channel is considered substantially used. The bill requires the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) and DACS to submit reports to the Legislature, etc. Effective upon becoming law. **Approved by Governor, Chapter 2007-29.**

HB 537 – Elections by Representative David Rivera (R – Miami), moves the date of the presidential preference primary to the last Tuesday in January. The bill authorizes municipalities to move their election date by ordinance to coincide with said primary and exempts persons seeking federal

office from resign-to-run law, etc. Effective January 1, 2008. **Approved by Governor, Chapter 2007-30.**

HB 967— Physical Education by Representative Will Weatherford (R –Zephyrhills) requires that each district school board to provide 150 minutes of physical education each week for students in kindergarten through grade 5. Effective upon becoming law. **Approved by Governor, Chapter 2007-28.**

HB 1161— High School Business Career Enhancement Act by Representative Kevin Ambler (R – Tampa), creates the High School to Business Career Enhancement Program to offer certain high school students in each school district the opportunity to participate in an internship program with local employers that have partnered with the district to offer such opportunity. District school boards are required to adopt policies and procedures for the implementation of this program. The internships shall be coordinated with the career goals of each student participant. The bill provides that no more than 100 internships may be offered each school year by a district school board. An internship shall be at least 8 weeks long but no more than 20 consecutive weeks during any school year, and a student is prohibited from working more than 20 hours per week. The participating employer is required to monitor the academic value of the internship using criteria developed by the school board and must conduct an evaluation of the student at the conclusion of the internship. **Effective July 1, 2007. Approved by Governor, Chapter 2007-122.**

SB 1326— University Concurrency TF by Senator Evelyn Lynn (R – Ormond Beach), re-creates the University Concurrency Trust Fund, FLAIR number 48-2-682, within the Department of Education. Re-creation is effective beginning on July 1, 2007. **Approved by the Governor, Chapter 2007-17.**

SB 1328— Trust Funds/State University System by Senator Evelyn Lynn (R – Ormond Beach), revises Section 215.3206, F.S., which implements Article III, s. 19(f) of the Florida Constitution, requires review of agency trust funds every four years. CS/SB 1328, which reflects the results of this review for the Florida Board of Governors (BOG) of the State University System, terminates eighteen trust funds and modifies nine trust funds. This bill amends s. 1011.94, F.S., to remove reference to the Major Gifts Trust Fund, leaving the program unchanged. The bill specifies that Public Education Capital Outlay (PECO) funds from a terminated fund be returned to the original

PECO source, and that a trust fund, originally planned to be terminated, now be retained due to an outstanding bond issue. **Effective July 1, 2007. Approved by the Governor, Chapter 2007-18.**

SB 1424— State Financial Matters by Senator Lisa Carlton (R – Osprey), clarifies the State Board of Administration's authority to invest in alternative investments. This bill limits the initiation of fixed capital outlay projects through the budget amendment process and clarifies that the Legislature may designate the timing and amount of an appropriation to be released in a bill other than the General Appropriations Act. This bill assigns the Taxation and Budget Reform Commission to the Office of Legislative Services for administrative purposes. This bill sets specific dates by which the Executive Office of the Governor and the Commissioner of Education must act regarding the transfer of funds to meet class size reduction requirements. Effective July 1, 2007 **Approved by Governor, Chapter 2007-98.**

SB 1456— Sales Tax/School Supplies and Clothing by Senator Dan Webster (R – Winter Garden), provides that no sales and use tax will be collected on sales of books, clothing, wallets, or certain bags having a selling price of \$50 or less during the period from 12:01 a.m. August 4, 2007, through midnight, August 13, 2007. The bill also provides that no sales and use tax shall be collected on sales of school supplies having a selling price of \$10 per item or less during that same period of time. **Effective July 1, 2007. Approved by Governor, Chapter 2007-144.**

SB 1974— State Information Technology by the Governmental Operations Committee, establishes a series of policy goals and objectives for the organization and delivery of state technology resources. It creates the Agency for Enterprise Information Technology as the successor organization to the State Technology Office. The agency head is the Governor and Cabinet. The agency will act as the focal point for large-scale enterprise policy for state agencies, initially in four defined areas, and ultimately embracing the development of architecture standards and the consolidation of state agency data centers. The bill requires the new agency to develop and publish a strategic enterprise information technology plan to ensure effective and efficient government services. The bill provides an appropriation of \$2 million from the General Revenue Fund and 15 full-time equivalent positions to staff both the new agency and the Office of Information Security. Effective July 1, 2007. **Approved by Governor, Chapter 2007-105.**



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