



# LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

Volume Fourteen / Number Nine • May 15, 2009

The 2009 Legislative Session ended on a bittersweet note, a week later than was scheduled, and with little fanfare or audience.

While the outcome of the budget negotiations still present a dire situation for Florida State University, it could have been much worse. University employees were spared the 2% pay cut state employees will receive in July. And the state will continue to fund employee health benefits as always. Additionally, the Legislature passed a new tuition differential bill, establishing the basis for improved funding prospects over time.

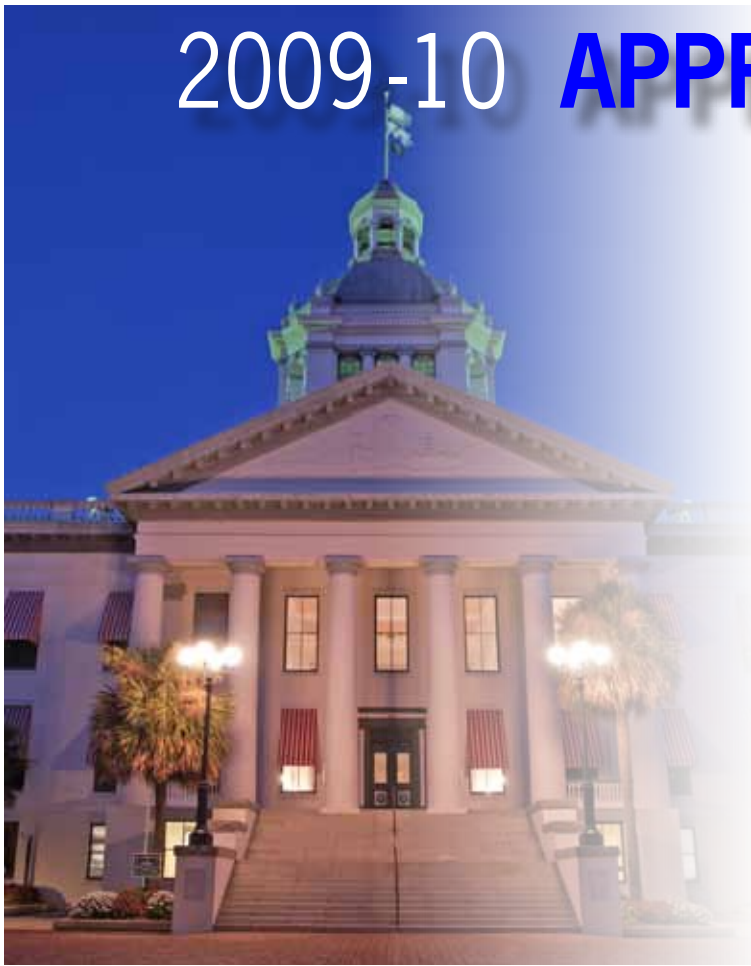
This being said, our base budget was reduced by \$43 million in recurring funds on top of the \$12 million in cuts from the January Special Session for a total reduction of \$55 million from the 2009-10 budget. The University did receive about \$22 million in non-recurring federal stimulus funds to off-set a small portion of our recurring budget cuts. The Legislature approved about \$2 billion in cigarette and other taxes and fees to further off-set deeper cuts. **(See budget overview)**

As for other legislation, dozens of the hundreds of bills tracked during the session did pass. Among the more interesting to FSU include the Police Jurisdiction legislation, allowing university police officers to enforce laws with specified jurisdictions and a bill that gives university Boards of Trustees direct control over the employment of their respective presidents. For a complete listing of bills that passed and bills that failed, please see the Spotlight on Bills section of this newsletter.

The Governor has 15 days to issue vetoes upon receiving the budget and other important legislation. To date, he has not received the budget. I will keep you informed of his actions by updating this Legisletter after the budget bill has been signed into law next month. But feel free to contact me if you have questions about a budget item or legislation of interest. I can be reached at **(850) 644-4453** or via e-mail at **kdaly@fsu.edu**.

*Kathleen*

# 2009-10 APPROPRIATIONS ACT



FSU PECO	
Utility/Infrastructure/Capital Renewal/Roofs	\$ 4,653,726
Academic Support building	\$ 2,000,000
Library Information Commons	\$ 1,000,000
FAMU/FSU College of Engineering III-Joint Use	\$ 985,665
College of Law Remodeling & Expansion	\$ 600,000
Applied Sciences Building	\$ 1,000,000
Dittmer Building Remodeling	\$ 2,000,000
Florida Diagnostic and Learning Resources Center	
General Revenue	\$ 438,138
Federal Stimulus	\$ 25,458
Autism – FSU College of Medicine	
General Revenue	\$ 830,019
Federal Stimulus	\$ 48,229
Public Broadcasting	
Florida Channel Closed Captioning - GR	\$ 299,691
Federal Stimulus	\$ 59,111
Florida Channel Year Round Coverage - GR	\$ 1,148,851
Federal Stimulus	\$ 226,597
FSU – Public Television	\$ 363,200
FSU – Public Radio	\$ 72,907
Florida Catastrophic Storm Risk Management Center	\$ 975,000
Bright Futures Scholarship Program	\$ 418,878,452

The 2009 Budget includes an 8 percent increase in tuition rates plus up to 7 percent differential tuition increase at state colleges and universities.

The following is a summary of the 2009-10 state budget:

## Operating Budget:

General Revenue	\$ 235,078,926
Lottery	\$ 26,539,058
Federal Stimulus (Education)	\$ 19,799,857
Federal Stimulus (Discretionary)	\$ 1,382,604
Student and Other Fees	\$ 157,551,804
Student Financial Assistance	\$ 3,540,501
Risk Management Insurance	\$ 2,000,626
Total	\$ 445,893,376

### College of Medicine

General Revenue	\$ 34,702,368
Lottery	\$ 589,410
Federal Stimulus	\$ 3,001,632
Student and Other Fees	\$ 9,933,495

The following proviso regarding university implementation of budget reductions has been included in the university section of the budget: “Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2008-2009 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Governors.”

### Other Issues

SUS Fixed Capital Outlay	\$ 141,000,000
SUS Maintenance, Repair & Remodel	\$ 25,708,780

The award per credit hour or credit hour equivalent for the 2009-2010 academic year shall be as follows:

Four-Year Institutions	Two-Year Institutions
Academic Scholars Award.....\$126	Academic Scholars Award..... \$ 78
Medallion Scholars Award ..... \$ 95	Medallion Scholars Award.... \$ 78
Gold Seal Vocational Scholars Award..... \$ 95	Gold Seal Vocational Scholars Award..... \$ 59

The additional stipend for Top Scholars shall be \$54 per credit hour.

Salaries – Effective July 2, 2009, the annual base rate of pay for each employee with an annual base rate of pay in excess of \$45,000 shall be reduced by 2 percent. This does not include university employees.

Members of the Legislature will take a 7 percent reduction in pay.

State Health Insurance shall continue at the current rate.

Section 77 - ...the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operations:

- Sliger Building
- Johnson Building
- Shaw Building
- Commonwealth 2 Building

Section 78 - ...fixed capital outlay projects may be constructed, acquired, and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors:

- Student Wellness Center/Nursing/Health Facility

Section 80 - ...the unexpended balance or \$1,000,000, from funds appropriated in Specific Appropriation 15A of chapter 2008-152, Laws of Florida, for the Florida State University for Phase II Rec SportsPlex – Main shall revert immediately and is appropriated for the 2009-2010 fiscal year to the Florida State University for the Student Success Building – Main.

# Spotlight on Bills

## Bills That Passed the Legislature

**SB 762 – State University Tuition and Fees by Senator Ken Pruitt (R – Port St. Lucie)**, authorizes each state university to charge a tuition differential subject to approval by the Board of Governors. In addition to the five state universities that currently charge the tuition differential—the University of Florida, Florida State University, the University of South Florida, the University of Central Florida, and Florida International University—the remaining six state universities are authorized to establish a tuition differential, as well.

Seventy percent of the tuition differential will be used to enhance undergraduate education and thirty percent, or the equivalent amount from private sources, will be used to provide financial aid to undergraduate students who exhibit financial need. The aggregate sum of tuition and the tuition differential could not increase by more than 15 percent of the total charged for these fees in the previous year. The total undergraduate tuition and fees per credit hour could not exceed the national average for undergraduate tuition at public universities. **Effective July 1, 2009.**

**SB 1696 – Higher Education Conforming Bill by Senator Evelyn Lynn (R – Ormond Beach)**, makes the following changes to higher education funding statutes:

- Bright Futures
  - Requires a refund of funds received for courses withdrawn or dropped by students after the end of the drop and add period.
  - Revises credit hour requirements for full-time students.
  - Removes college-related-expense awards for Academic Scholars.
  - Prohibits conversion of Gold Seal Awards to Medallion Awards.
- Florida Prepaid College Plans
  - Establishes set per year payments from Florida Prepaid College Program to State Universities within a reasonable range based on fund reserve.
  - Authorizes new plans with incremental credit hour purchases.
- State University Excess Hours – Requires a 50% tuition surcharge after 120% of required credit hours for resident students.
- Postsecondary Education Residency Requirements– Modifies standards for converting to resident status for tuition purposes.
- State University Graduate Tuition Rate – Authorizes up to 15% annual adjustments to match professional tuition flexibility already authorized.

- Higher Education Challenge Grants –
  - Requires notice of state match delay for Community College and State University Facilities and Operating Challenge Grant Donations.
  - Allows Community Colleges and Universities to spend existing donations for facilities projects.
- Provides flexibility to state and community colleges by deleting an expenditure restriction on tuition revenue.
- Community College Baccalaureate Programs –
  - Modifies the state support and tuition language to be as provided in the General Appropriations Act.
- Clarifies current practice for scholarship programs by removing specific dollar amounts from certain scholarship programs (Critical Teacher Tuition, Reimbursement, Critical Student Loan Forgiveness, Teacher Scholarships and Loan Forgiveness, and Minority Teacher Scholars) and prorating these awards based on General Appropriations Act funding. Eliminates the unfunded “Chappie” James Most Promising Teacher Scholarship.
- Requires return of unused Minority Teacher Scholarship balances at the end of the fiscal year.
- Requires FSAG-level need requirement for First Generation Scholarships.
- Repeals Ethics in Business Scholarship Program.
- Revises eligibility to the Rosewood Family Scholarship program to include only direct descendants.
- Provides for consistent reporting requirements for private colleges and universities that receive state appropriations.
- Limits all community college and all state university employee severance payouts to one year from state funds.
- Authorizes Florida State University to exceed the statutory limit of 5% on annual increases to local fees to allow an increase in the health fee for the purpose of constructing a new health facility.
- The bill prohibits a state university from establishing a new requirement for student health insurance coverage. Proviso language in the GAA creates an OPPAGA study.

This bill pulls in aspects of many of the bills we have been following throughout Session. **Effective upon becoming law.**

**HB 7121 – Postsecondary Distance Learning by Representative Faye Culp (R – Tampa)**, establishes the Florida Distance Learning Consortium to facilitate collaboration among public postsecondary education

institutions in their use of distance learning to increase student access to associate and baccalaureate courses and degree programs, to support institutions in their use of technology, and to help build partnerships among the institutions, businesses, and communities.

The bill provides a definition of distance learning and clarifies that only courses meeting this definition can be assessed the distance learning fee authorized in ss. 1009.23 and 1009.24, F.S. The bill clarifies the placement of a link for the Florida Distance Learning Catalog on an institution’s website.

The bill has no fiscal impact; however there may be an indeterminate positive fiscal impact to undergraduate students taking distance learning courses because the bill clarifies that only distance learning courses complying with a specified definition of distance learning can be assessed the statutorily authorized distance learning course user fee. **Effective upon becoming law.**

**HB 1209 – Nursing Programs by Representative Denise Grimsley (R – Sebring)**, prescribes the approval process for practical and professional nursing programs and to repeal existing law that vests the Florida Board of Nursing (BON) with the authority to prescribe this process by rule. Under the bill, each institution wishing to conduct a new nursing education program on or after the bill’s effective date must submit a program application and fee to the Department of Health. Existing nursing education programs are subject to a “grandfathering clause” so that they continue to be authorized to provide these programs in the future, except for programs on probationary status due to inadequate student performance on the National Council of State Boards of Nursing Licensing Examination (NCLEX). Programs with such status must achieve compliance with the student performance standards by July 1, 2011, or they will be terminated.

The BON is required to approve a new program application within 90 days if the application documents compliance with program standards set by the bill for: (a) faculty qualifications; (b) clinical training and clinical simulation requirements; (c) faculty-to-student supervision ratios; and (d) curriculum and instruction requirements. If the application does not document compliance, the BON may issue a notice of denial and the applicant may request review under the Administrative Procedure Act (APA).

All nursing education programs are required to submit an annual report to the BON. The report must include an affidavit that verifies continued compliance with each statutorily-specified program standard and must document specified data relating to student admissions, retention, and performance. This and other data about Florida nursing education programs must be published by the BON on its Internet website. The website must allow interactive searches and comparisons of specific nursing programs and must be updated at least quarterly.

A program that fails to submit its annual report will be placed on probation. Likewise, a program will be placed on probation if the performance of its graduates on the NCLEX falls 10 percent or more below the national average score for that exam for two consecutive years. The BON shall terminate a program on probation under the APA if: (a) the program does not submit its annual report within six months; or (b) the performance of the program's graduates on the NCLEX does not achieve compliance within the next two consecutive years.

The bill should have a positive fiscal impact on the Department of Health. The department should receive additional revenue of \$30,000 over the next two years from new program application fees which will offset their associated costs for implementing the bill of \$20,000. In addition, there should be a cost savings to the Medical Quality Assurance Trust Fund due to the limitation on BON rulemaking activities and a decrease in BON oversight and travel.

The bill should increase the pool of qualified nurses available to work in Florida and, in turn, public and private healthcare employers may incur a cost savings when hiring nurses due to their greater availability locally. **Effective July 1, 2009**

**SB 2682 – Florida College System by Senator Ken Pruitt (R – Port St. Lucie)**, implements some of the recommendations of the Florida College System Task Force and the State College Pilot Project. In particular, the bill;

- Renames the Division of Community Colleges within the Department of Education as the Division of Florida College System;
- Define the colleges' service areas;
- Authorizes a community college to change its name to college or state college if it has been authorized to grant baccalaureate degrees and had been accredited by the Southern Association of Colleges and Schools (SACS) to do so, or, alternatively, with board-of-trustees and State Board of Education (SBE) approval;
- Requires the college to seek a statutory name change in the year following the college's name change;
- Revises the primary mission of the community colleges to include upper level instruction and awarding baccalaureate degrees as authorized by law;

- Requires colleges to maintain associate degree programs after receiving approval to offer a baccalaureate degree;
- Requires initial approval of a baccalaureate degree by the SBE;
- Provides criteria for the evaluation of a baccalaureate degree proposal;
- Authorizes institutions with baccalaureate degrees approved before July 1, 2009, to offer additional baccalaureate degrees if the proposal meets certain specified criteria;
- Requires the statewide articulation agreement to provide for the admission of Associate of Arts (AA) degree graduates to a state college or university; and
- Provides for community college AA degree graduates to receive priority over out-of-state students for admission to an institution within the Florida College System (FCS) for upper division programs.

**Effective July 1, 2009.**

**SB 234 – State University Presidents by Senator Don Gaetz (R – Ft. Walton Beach)**, revises powers and duties of the Board of Governors and university boards of trustees relating to personnel. Provides that a state university president is not subject to the personnel program established by the Board of Governors. Requires that a board of trustees appoint the university president and administer a personnel program for the president. **Effective July 1, 2009.**

**SB 554 – Police Jurisdiction by Senator Charles Dean (R – Ocala, FSU Alum)**, redefines term "mutual aid agreement" to authorize state university police officers to enforce laws within specified jurisdictional area as agreed upon in voluntary cooperation written agreement; authorizes university police officers to enforce traffic violations & arrest persons for violations within certain distance of specified property or facilities or as agreed upon in mutual aid agreement. **Effective July 1, 2009**

**HB 425 – Department of Business and Professional Regulation by Representative Scott Plakon (R – Longwood)**, deletes provisions requiring architect, interior designer, and landscape architect licensees to complete a certain core curriculum or pass an equivalency test of the Florida Building Code Compliance and Mitigation Program. The bill exempts certain persons or entities engaged in the manufacture, sale, or installation of commercial food service equipment from provisions regulating architecture and interior design under certain circumstances. The bill further defines the term "hospitality industry" and revises the purpose of the Hospitality Education Program to focus on certain training and transition programs. The bill requires a statewide nonprofit organization that receives the program's grant funding to represent a hospitality industry in the state and requires the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to use a portion of certain annual

license fees for programs directed to careers in the restaurant industry and, a portion of the fees for programs directed to careers in the lodging industry. The bill authorizes the division to use a portion of the fees for administration of the program and deletes provisions related to the allocation of the funds to various programs. Additionally, the bill revises the criteria for the award of grants to conform to changes made by the act and removes an expired provision that authorized administrative fines to be used for the program. **Effective October 1, 2009.**

**HB 281 – Prepaid College Programs by Representative Mike Weinstein (R – Orange Park, FSU Alum)**, authorizes purchasers of advance payment contracts for prepaid tuition scholarships to receive a refund equal to the redemption value of the unused portion of the advance payment contract, if the refund is used exclusively to fund the purchase of additional prepaid scholarships. **Effective upon becoming law.**

**HB 453 – Tax Credits for Contributions to Nonprofit Scholarships by Representative Will Weatherford (R- Zephyrhills)**, renames the Corporate Income Tax Scholarship Program the Florida Tax Credit Scholarship Program to reflect the expansion of the program to include insurance premium tax credits as eligible contributions to the scholarship program. The bill allows insurance companies to receive a credit of 100% of an eligible contribution to an eligible scholarship-funding organization against any net tax due for a taxable year under the provisions of the state's insurance code. However, the credit may not exceed 75% of the net tax due. **Effective July 1, 2009.**

**SB 606 – Florida Prepaid College Program by Senator Stephen Wise (R – Jacksonville)**, permits beneficiaries of prepaid contracts to transfer the benefits of a prepaid contract to any eligible educational institution as defined in s. 529 of the Internal Revenue Code. The bill permits Florida Prepaid College Program beneficiaries the maximum choice permitted under s. 529 of the Internal Revenue Code in selecting an educational institution at which the benefits of their plans could be used. The bill requires that any advertisement disseminated by a for-profit educational institution which references the Florida Prepaid College Program shall state that the Florida Prepaid College Board does not endorse any particular educational institution. **Effective July 1, 2009.**

**SB 766 – Anatomical Gifts by Senator Steve Oelrich (R – Gainesville, FSU Alum)**, revises Florida's anatomical gift law to incorporate certain provisions from the Revised Uniform Anatomical Gift Act (2006), to make technical corrections, and to improve the grammatical fluency of the law. Substantive changes include:

- Defining what makes a person "reasonably available" in situations where a procurement organization must contact them regarding

making, amending, or revoking an anatomical gift;

- Eliminating a hospital or physician as an authorized donee of an anatomical gift;
- Establishing a priority for the purposes of an anatomical gift if a priority is not designated in the document of gift, so that an anatomical gift will be used first for transplantation or therapy if suitable, then for research or education;
- Revising the manner in which a donor may amend or revoke an anatomical gift;
- Providing that an oral statement that was made by a donor to amend or revoke an anatomical gift is effective only if the procurement organization, transplant hospital, or physician has actual notice of the amendment or revocation before an invasive procedure is made to the decedent's body or the recipient's body;
- Authorizing a physician who attends a donor at the donor's death or who certifies the death, or the donor's primary care physician, to participate in the procedures to preserve the donor's organs or tissues after death, and that these physicians may serve in a voluntary capacity on the board of directors of a procurement organization or similar organization;
- Eliminating the need to act without negligence in order for certain immunities to apply;
- Providing for immunity to a person making an anatomical gift and the donor's estate for the making or use of the anatomical gift;
- Authorizing the reliance on representations as to the relationship of a person to the donor with respect to an anatomical gift, absent knowledge that the representation is untrue;
- Providing for the validity of and the choice of Florida law to interpret a document of gift; and
- Requiring a medical examiner and procurement organization to cooperate in order to maximize opportunities to recover anatomical gifts and for the Florida Medical Examiners Commission to adopt rules



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establishing responsibilities of each in furtherance of this objective.

**Effective July 1, 2009.**

**HB 895 – Public Records/Education Testing Impropriety Investigations by Representative Yolly Roberson (D – North Miami Beach)**, creates a public records exemption for the following information relating to an investigation of testing impropriety: the identity of a school or postsecondary institution; the personally identifiable information of any personnel; or any specific allegations of misconduct.

The bill stipulates that these records remain confidential as long as the investigation is active. An investigation is considered active "so long as it is ongoing and there is a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future." An investigation is considered concluded:

- Upon a finding that no impropriety has occurred;
- Upon the completion of any law enforcement investigation; or
- Upon the referral to an employer with the authority to take disciplinary action.

The bill provides the constitutionally required public necessity statement. **Effective July 1, 2009.**

**SB 926 – Cemeteries by Senator Thad Altman (R – Melbourne)**, provides an exemption from the rules pertaining to cemeteries under the Florida Funeral, Cemetery, and Consumer Services Act (Act), to allow for a columbarium consisting of five acres or less to be located on the main campus of any of the eleven state universities. A university or a university direct-support organization (DSO) that established a columbarium on its main campus must ensure that the structure is constructed and perpetually kept and maintained in a manner consistent with the intent of the Act. If the columbarium is relocated, the university or university direct-support organization will have to relocate all of the urns and remains that were placed in the columbarium. Universities constructing and operating columbaria under this exemption must comply with specified rules including the maintenance of burial records and anti-discrimination provisions. **Effective July 1, 2009.**

**HB 7051 – Social Security Numbers by Representative Clay Ford (R – Pensacola)**, amends s. 119.071(5)(a), F.S., to prohibit an agency from collecting social security numbers (SSN) unless the agency identifies in writing the specific federal or state law governing the collection, use, or release of the SSN for each purpose for which that agency collects the number. The notice also must state whether collection of the SSN is mandatory or authorized

under federal or state law.

The bill also amends the general public record exemption for SSNs held by an agency by modifying the exceptions to the exemption. Social security numbers held by any agency may be disclosed only for the following reasons:

- The disclosure of the SSN is expressly required by federal or state law or a court order.
- The disclosure of the SSN is necessary for the receiving agency or governmental entity to perform its duties and responsibilities.
- The individual expressly consents in writing to the disclosure of his or her SSN.
- The disclosure of the SSN is made in order to comply with the USA Patriot Act of 200118 or Presidential Executive Order 13224.
- The disclosure of the SSN is made to a commercial entity for the permissible uses set forth in the Driver's Privacy Protection Act,19 Fair Credit Reporting Act,20 or Financial Services.

**Effective October 1, 2009.**

**HB 479 – Retirement by Representative Robert Schenck (R – Springhill)**, revises the definition of "termination" by extending the prohibition on retiree reemployment with an FRS employer from one calendar month to six calendar months. The bill also provides that retirees of a state-administered retirement system who retire after a certain date may not be reemployed by an employer participating in the Florida Retirement System for 6 months after terminating employment and may not renew membership in the Florida Retirement System.

Thus, precluding retirees reemployed with an FRS employer from accruing a second retirement benefit. The bill, however, grandfathered in those who are renewed members at the time of the bill's effective date. **Effective July 1, 2009.**

**HB 685 – Education Dollars for Duty by Representative Bill Proctor, (R – St. Augustine, FSU Alum)** reorganizes and consolidates the delivery of state education assistance for Florida National Guard members into one consolidated Program to be known as the Educational Dollars for Duty (EDD) program. The bill expands education assistance eligibility for current members of the Guard and gives the Adjutant General the sole responsibility for developing and administering the EDD program. The bill authorizes the Adjutant General to adopt rules for the administration of the program. Additionally, the bill makes all active drilling members of the Florida National Guard residents for tuition purposes, at Florida's public postsecondary institutions. Funding the Educational Dollars for Duty Program is subject to appropriation by the Legislature. The 2008 General Appropriations Act, provided \$1.7 million for National Guard Tuition Assistance. **Effective July 1, 2009.**

**HB 7117 – Student Records by Representative Faye Culp (R – Tampa)**, aligns Florida’s Student Education Records Law with requirements of the controlling federal law, known as the Family Educational Rights and Privacy Act or “FERPA.” The bill addresses both public K-12 and public postsecondary student records. The bill:

- Reaffirms the rights of students and their parents with respect to student education records, states the intent that public educational institutions and agencies comply with the federal student education records law known as FERPA, and directs the State Board of Education to evaluate FERPA and ensure that its regulations meet specific principles.
- Establishes the State Board of Education’s duties to adopt rules for public K-12 institutions to carry out FERPA and the principles of the law, monitor FERPA and notify the Legislature of any change in FERPA, and advise the Legislature of any change in FERPA that would create a new public records exemption.
- Reaffirms the provision to students and/or parents of the right to bring an action in circuit court to enforce student education records law and recover attorney’s fees.
- Reaffirms the application of the requirements of Florida law to the education records of defunct private institutions held by a school superintendent.

**Effective July 1, 2009**

**SB 168 – Human Trafficking by Senator Arthenia Joyner (D – Tampa)**, creates the Florida Statewide Task Force on Human Trafficking within the Executive Office of the Governor. The bill prescribes the membership of the task force, its activities, and other matters necessary to the task force completing its work. The bill requires the task force to receive the Statewide Strategic Plan currently being formulated by the Florida State University Center for the Advancement of Human Rights, and to receive, revise, and propose a plan of implementation of the strategic plan. The bill also requires the Florida State University Center for the Advancement of Human Rights to carry out specified activities. **Effective upon becoming law.**

**SB 166 – Donors Identification/Public Buildings, by Senator Jeremy Ring (D – Margate)**, creates a public records exemption for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility. The bill provides that at the request of the donor or prospective donor, identifying information would be confidential and exempt from the public records provisions of s. 119.07(1)(a), F.S., and s. 24(a), Art. I of the State Constitution. The exemption is subject to legislative review and repeal under the provisions of the Open Government Sunset Review Act. **Effective July 1, 2009.**

**SB 1676 – PreK-12 Education Conforming Bill by Senator Stephen Wise (R – Jacksonville)**, makes the following changes to PreK-12 Education funding statutes:

- Establishes the Florida Quality School Construction Bond Act in order for school districts in Florida to participate in federal bond programs under the American Recovery and Reinvestment Act.
- Requires that for the 2009-2010 fiscal year school board member salaries shall be the lesser of the amount calculated pursuant to statutory methodologies or the salary of beginning teachers in the district.
- Provides that elected school district superintendents may reduce their salaries voluntarily and requires that elected superintendent salaries be reduced by 2 percent for the 2009-2010 fiscal year.
- Prohibits school districts from entering into contracts for a school district superintendent salary paid from state funds that is in excess of \$225,000 and encourages school districts with appointed superintendents to negotiate 5% reduction to the superintendent’s salary for FY 2009-10.
- Revises the establishment of the regional autism center at Florida State University within the College of Medicine.
- Prohibits state funds appropriated to the Division of Public Schools within the DOE to be used to pay indirect costs to universities, community colleges, school districts or any other entity.
- Provides an alternative to CLAST, by repealing CLAST and the examination fee, and authorizes that an alternative testing and remediation requirements be established by the State Board of Education in conjunction with the Board of Governors.
- Reduces the authorized capital improvement millage levy from 1.75 to 1.5 mills.
- Authorizes school districts to levy 0.25 mills for capital improvement needs in lieu of an equivalent amount of the discretionary mills for operations as provided in the GAA.

**Effective July 1, 2009.**

**SB 1664 – Health Care by Senator Durell Peaden (R – Crestview)**, eliminates the limitation of expanding the Area Health Education Center (AHEC) network smoking-cessation initiative and increases the amount required to be awarded to the AHEC network from \$10 million to \$11 million.

The bill reduces the annual appropriation from the General Revenue Fund to the Biomedical Research Trust Fund for the William G. “Bill” Bankhead Jr. and David Coley Cancer Research Program from \$6.75 million to \$5 million. **Effective July 1, 2009.**

**SB 1796 – Governmental Operations, by Senator J.D. Alexander (R – Winter Haven)**, requires a website be established for public access to government entity financial information. The initial phase will include

appropriations data and expenditure data for all branches of state government to be established by the Executive Office of the Governor in consultation with the legislative appropriations committees. The Joint Legislative Auditing Committee will oversee the website and will propose additional phases of information to be made available. The committee will provide a proposal by March 1, 2010 that will include a schedule of additional phases of information by the type of information to be provided for specific governmental entities, including local government units, community colleges, state universities and other government entities that receive state appropriations. The proposal will include timeframes for additional phases as well as a proposed development entity for the additional information. **Effective upon becoming law.**

**SB 2694 – State Financial Matters, by Senator J.D. Alexander (R – Winter Haven)**, enhances the authority of the Legislature over agency contracting that affects the state budget. The bill specifies that the Legislature must grant specific authority in the General Appropriations Act before a state agency or the judicial branch may make certain transfers deemed necessary by reason of changed conditions. The bill prohibits agencies, without legislative approval, from obligating the state through certain types of contractual clauses, and requires advance notice to the Governor and Legislature before entering certain high-value or no-cost contracts. The bill specifies contractual language addressing the state’s ability to terminate contracts, which must be included in all executive and judicial contracts, and creates misdemeanor penalties for agency employees who willfully violate the bills’ provisions. The bill requires agency heads or their equivalents to sign contracts worth more than \$25,000, and to certify compliance with applicable contracting provisions for all contracts with terms of greater than 12 months. **Effective July 1, 2009.**

**SB 1840 – Protecting Health/Surcharge on Tobacco Products by Senator Ted Deutch (D – Delray Beach)**, creates the Protecting Florida’s Health Act. The bill levies a \$1 per pack surcharge on cigarettes and a \$1 per ounce surcharge on tobacco products other than cigarettes. These surcharges are administered, collected, and enforced in the same manner as the existing excise taxes on these products, and the revenue generated by these surcharges is paid into the Health Care Trust Fund. The bill strengthens the enforcement of existing laws relating to cigarette taxes and provides for a reward to be paid to persons who report violations.

The Revenue Estimating Conference has determined that the net additional revenue attributable to the levy of a \$1 surcharge on cigarettes is \$874.4 million annually. Of this amount, \$22 million is transferred to the General Revenue Fund and \$871.5 million is deposited into the Health Care Trust Fund in the Agency

for Health Care Administration. Receipts into the Public Medical Assistance Trust Fund are reduced approximately \$18.5 million annually because of reduced cigarette tax revenues.

The surcharge on other tobacco products is expected to generate \$126.8 million in FY 2009-2010. The Health Care Trust Fund is expected to receive \$122.2 million, and the General Revenue Fund is expected to receive \$4.6 million. **Effective July 1, 2009.**

**HB 788 – Gaming Compact/State of Florida & Seminole Tribe by Senator Dennis Jones (R – Seminole)**, provides that the previous compact between the Tribe and the Governor is not approved or ratified by the Legislature. The bill directs the Governor to negotiate a gaming compact with the Tribe and specifies games that may be authorized for play pursuant to the compact. Additionally, the bill specifies revenue sharing between the state and the Tribe and authorizes the state to pledge to use revenues from gaming activities to repay bonds, etc. **Effective Date: Contingent**

#### **Bills that Failed**

**HB 391 – State Funding for Medical Education by Representative Bill Proctor (R – St. Augustine, FSU Alum) and SB 1614 by Senator Steve Oelrich (R – Gainesville, FSU Alum)**, require the Board of Governors of State University System, in consultation with OPPAGA and representatives from Doctor of Medicine degree programs, to develop a funding methodology for Doctor of Medicine degree programs at state universities. This language was pulled into proviso language in the General Appropriations Act. The bills died in committee.

**SB 600 – State University System/ Optional Retirement Program by Senator Mike Fasano (R – New Port Richey) and HB 621 by Representative Bill Heller (D – St. Petersburg)**, revise provisions relating to provider contracts that provide benefits to program participants. The bills increase the number of companies that may provide contracts from five to seven. The bills died in committee.

**HJR 919 – Revision of Class-size Requirements for Public Schools by Representative Will Weatherford (R – Zephyrhills) and SB 1828 by Senator Stephen Wise (R – Jacksonville)**, propose an amendment to Section 1 of Article IX of the Florida Constitution, relating to class size. Currently, the constitution specifies the maximum number of students that can be assigned to each teacher in three grade groupings: prekindergarten through grade 3 (18 students), grades 4 through 8 (22 students), and grades 9 through 12 (25 students). The bills died in messages to the Senate.

**HB 7159 – Sales Tax Use and Other Transactions by Representative Ellyn Bogdanoff (R – Ft. Lauderdale)**, repeals the following sales tax exemptions:

- Memberships in physical fitness facilities owned or operated by a hospital.
- Sales, leases, maintenance, and repairs of aircraft with a certified takeoff of less than 10,000 pounds used in a fleet of on-demand air carriers when the fleet contains at least 25 aircraft and the purchaser or lessee of the aircraft has offered, in writing, to participate in a flight training and research program with two or more universities.

The bill amends the following sales tax exemptions:

- The rental of a skybox or other box seat during a high school or college football game when the rent is imposed by a nonprofit organization.
- Chartering fishing vessels.

The bill saves from scheduled repeal certain tax exemptions for convention halls, exhibit halls, auditoriums, stadiums, theatres, arenas, civic centers, performing arts centers and publically owned recreational facilities. The bill creates sales tax exemptions for:

- Aircraft owned by a nonresident which is temporarily in the state for less than 21 days during the first six months after purchase.
- An aircraft owned by a nonresident which is exclusively in the state for flight training, repairs, modifications, or similar services.
- The sale or use of aircraft primarily used in a fractional aircraft ownership program.
- Industrial machinery and equipment (for two years).
- Tickets to the NBA All Star game and the NHL All Star game.

The bill creates a maximum sales tax cap of \$300 on purchases of fractional aircraft ownership interests and of \$18,000 on the purchase of a boat or aircraft.

The bill creates a 3-day “Back-to-School” sales tax holiday on clothing and school supplies. The bill creates a 3-day hurricane preparedness sales tax holiday.

The bills died in Senate Messages.

**HB 1293 – High School Graduation by Representative Erik Fresen (R – Miami) and SB 2654 by Senator Thad Altman (R – Melbourne)**, modifies the high school graduation requirements for receipt of a standard diploma by specifying the required mathematics and science courses that must be taken. The bills raise the FCAT score required for a student to pass the Grade 10 FCAT by providing that passing scores on the Grade 10 FCAT must, at a minimum, meet grade-level proficiency. The bills also create the Graduation Exit Option Program which authorizes the award of an alternative diploma to students who are at least 16 years old, enrolled in high school

courses that meet high school graduation requirements, and at risk of failing to graduate and meet criteria developed by the Department of Education.. The bills were indefinitely postponed and withdrawn from consideration.

**HB 1411 – Education Personnel by Representative Kelli Stargel (R – Lakeland) and SB 2458 by Senator Thad Altman (R – Melbourne)**, create the “Quality Teachers for All Students Act” and:

- Changes the contractual requirements for classroom teachers hired beginning July 1, 2009.
- Revises the current assessment system and establishes an appraisal system and revises the appraisal procedures and criteria for instructional, administrative, and supervisory personnel.
- Requires, by March 1, 2010, and biennially thereafter, the Department of Education (DOE) to report to the State Board of Education (SBE) on the effectiveness of the graduates of state-approved teacher preparation programs.
- Adds successful completion of a professional education training program provided by Teach for America and achievement of a passing score on the professional education competency examination required by rule by the SBE as an option for demonstrating professional education competence.
- Authorizes the SBE to adopt rules to allow a person to use his or her teaching experience as a military instructor to verify occupational teaching experience for the same number of years of instruction provided in one of the branches of the United States Armed Forces.
- Requires each district school board to report to the DOE on its differentiated pay policy in the manner and format prescribed by the DOE. The SBE is directed to adopt rules with respect to compliance requirements for district salary schedules regarding individual performance and differentiated pay, reporting formats, and procedures for review of salary schedules.
- Requires the DOE to annually post on its Internet website the percentage of classroom teachers by school who are first-time teachers, temporarily certified teachers, teachers in need of improvement, or out-of-field teachers; and report by school district the number of classroom teachers whose students’ declining academic performance indicates educational insufficiency.
- Eliminates the mandate in existing law that, as of July 1, 2001, school districts must recognize and accept each year of public, full-time teaching service earned in Florida and outside the state for each employee who enters into a written contract. Eliminating the mandate does not, however, prohibit the school district from considering years of service when determining pay.
- Directs the SBE to adopt by rule the Florida Educator Accomplished Practices, which forms the basis for the state’s expectations for effective instructional practice. The Commissioner of Education must periodically

review the Florida Educator Accomplished Practices based on contemporary educational research and analysis of student performance data and include associations representing teachers, principals, superintendents, and school boards.

The bills were indefinitely postponed and withdrawn from consideration.

**CS 158 – Sure Futures Scholarship Program by Senator Don Gaetz (R – Ft. Walton Beach) and HB 23 by Representative Kevin Ambler (R – Tampa)**, create the Sure Futures Postgraduate Scholarship Program, matching businesses with students who are seeking advanced degrees and employment. A corporate sponsor would provide at least 50 percent of the cost of a scholarship for a student, who would then agree to work for the corporate sponsor for a minimum of 4 years after graduation. A sponsor's contribution would be matched by state funds if such funds were appropriated. The bills died in committee.

**HB 69 – Space Industry, by Representative Dorothy Hukill (R – Port Orange) and SB 888 by Senator Evelyn Lynn (R – Ormond Beach)**, create a multi-university Space Technology and Research Development Institute (STRDI) within the Governor's Office of Tourism, Trade and Economic Development (OTTED) and supported by Space Florida. The STRDI will be a university-based program, led by Embry-Riddle Aeronautical University, to provide research and development and policy analysis to improve the competitiveness of the space transportation industry in Florida. Additionally, the STRDI will seek designation as a Federal Aviation Administration sponsored Center of Excellence. Research to be supported by the institute includes, but is not limited to:

- Range and airspace management systems;
- Spaceflight human factors;
- Launch vehicle safety;
- Materials science; and
- Spaceport instrumentation, technologies, and processes.

The bills died Senate messages.

**SB 1294 - Student Financial Assistance, by Senator Rhonda Storms (R – Brandon)**, prohibits the use of state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents which were used to provide Financial assistance during the 2007-2008 academic year to students holding F-1 or M-1 visas, etc.. The bill was indefinitely postponed and withdrawn from consideration.

**SB 642 – Autism Programs and Related Disabilities by Senator Thad Altman (R - Melbourne) and HB 239 by Representative Rich Glorioso (R – Plant City)**, authorize DHSMV to develop and issue an Autism license plate. Drivers can display this specialty plate upon payment of the appropriate license taxes

and fees and a \$25 annual use fee. The fee is to be distributed to various Autism related activities including fifteen percent to the CARD at the University of Miami for distribution to the seven regional CARDS, as determined appropriate by the director of that center, to be used to support the services provided by the CARDS. The bills died on the calendar.

**SB 156 – Nonpublic Postsecondary Institutions, by Senator Jeremy Ring (D – Margate) and HB 619 by Representative Bill Heller (D – St. Petersburg)**, revise the criteria concerning the standards by which the Commission for Independent Education (CIE) evaluates institutions for licensure. All nonpublic postsecondary educational institutions licensed by the commission would have to obtain accreditation within five years after the date they are first licensed or by 2014 if they are currently licensed but not accredited. Institutions would be required to notify the Department of Education and the Office of the Attorney General of their progress in obtaining accreditation. The bills define the term academic degree for private postsecondary institutions. Additionally, the bills require the Commission for Independent Education to maintain, on its website, a current list of the institutions that are licensed and hold accreditation. The bills died in committee.

**HB 751 – Statewide Articulation Agreements, by Representative Pat Patterson (R – Deland) and SB 920 by Senator Carey Baker (R – Eustis)**, require that the statewide articulation agreement govern the transfer of credit between public institutions and nonpublic institutions licensed by Commission for Independent Education. The bills authorize school districts to enter into inter-institutional articulation agreements with independent postsecondary institutions. The bills died on the calendar.

**SB 1906 – Joint Resolution Government Revenues/Voter Approval/New Taxes & Fees by Senator Mike Haridopolis (R – Melbourne) and HB 1263 by Representative Anitere Flores (R – Miami)**, propose an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution, to provide the following:

- Replaces the existing state revenue limit based on Florida personal income growth with new state revenue limits, and creates a local government revenue limit.
- Limits property tax revenues based on changes in local growth and school enrollment changes.
- Requires excess revenues to be deposited into budget stabilization funds and provides for distribution of the excess funds.
- Authorizes voters to permit the collection of revenues in excess of the limit.
- Authorizes the Legislature and the local government governing body to approve emergency taxes by a supermajority vote.
- Prohibits state and local government from imposing new taxes, fees, assessments, or

charges for services without first obtaining approval by a supermajority vote of electors voting on the issue.

- Prohibits the state and local government from incurring multi-year debts or financial obligations without adequate cash reserves.

The proposed amendment will be submitted to the electors at the general election in 2010 or at an earlier special election specifically authorized by law for the purpose, and will take effect upon adoption. The Legislature is required to adopt implementing legislation which must take effect July 1, 2011. The bills were indefinitely postponed and withdrawn from consideration.

**SB 1104 – Art in Public Buildings by Senator Rhonda Storms (R – Brandon) and HB 1295 by Representative Rich Glorioso (R – Plant City)**, repeal a statutory requirement that each appropriation for new construction of a state building include an amount of up to 0.5 percent of the total appropriation for buying works of art for the building. The repeal of s. 255.043, F.S., also eliminates all requirements related to the purchase of works of art for new state building construction, and related rulemaking authority. The bills were indefinitely postponed and withdrawn from consideration.

**SB 2370 – State Purchasing of Vehicles by Senator Don Gaetz (R – Ft. Walton Beach)**, requires state agencies, state universities, and certain local governments to purchase hybrid, flex-fuel, or biodiesel vehicles if such vehicles are available. The bill was indefinitely postponed and withdrawn from consideration.

**SB 2584 – State University Student Fees by Senator Victor Crist (R – Tampa)**, requires that the moneys from the Capital Improvement Trust Fund be used for the purpose of funding projects to benefit the student body. The bill requires that each state university board of trustees increase the activity and service fees beginning in the 2009-2010 fiscal year in an amount equal to \$1 per credit hour. The bill further requires that the university appropriate the revenues from such fees to its respective university alumni association to fund programs. The bill was indefinitely postponed and withdrawn from consideration.

**HB 731 – 1-percent Sales Tax Increase by Representative Dwight Bullard (D – Miami) and SB 2582 by Senator Ted Deutch (D – Delray Beach)**, provide for 1-percent increase in sales & use tax rate and revises the brackets for calculating sales tax amounts. The bill provides for distribution of revenues from the additional 1-percent increase in tax rate and provides for 1-percent decrease in tax rate in 3 years. The bill died in committee.