The 2007 Legislative Session came to an uneventful, if not subdued close, on time and during daylight hours last Friday, May 4th. It was uneventful and subdued, however, because legislators plan to come back for a special 10-day session on property-tax reform next month.

Governor Crist is now reviewing the $72 billion budget and will issue his vetoes to it by the end of this month. While Florida State University received a 7.68% increase over last year’s base funding, enrollment funding was down from last year, recurring dollars were scarce, and employees will only receive a one-time $1,000 bonus on November 1, instead of the customary annual pay raise. (For details on the 2007-08 budget, please see the related story.)

A number of substantive bills that affect the SUS passed during this 60-day session. Some were wanted, others weren’t. The long-lingering Governance bill finally passed two weeks prior to the end of the session and the governor is expected to sign it. A bill authorizing FSU, UF and USF to charge additional tuition passed with two days remaining in the session, although the governor is expected to veto that legislation. Please see the Spotlight on Bills section for a complete list of higher-ed bills that passed, as well as those that did not.

I will send a final Legisletter sometime next month after the governor’s vetoes have been issued on the budget and key legislation. Until then, please feel free to contact my office with any questions, comments or concerns you may have. I would also be glad to schedule a meeting to brief you and your colleagues on the 2007 session. I can be reached at (850) 644-4453 or via e-mail at kdaly@mailer.fsu.edu.

Kathleen
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

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

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

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
Civic Center Debt Service payment - $6,000,000

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

With Appreciation

The Office of Governmental Relations would like to express its gratitude for the support received from the Legislative Liaison Committee members.

These important members of our team contributed much hard work and patience during the 2007 Legislative Session.

Anne Blankenship - Academic Affairs
Ralph Alvarez - Budget and Analysis
Michael Lake – Budget and Analysis
James Corbe - Faculty Senate
Terry Fulcher - Finance & Administration
Susan Ray - Magnet Lab
Beth Hodges - Office of Research
Mary Coburn - Student Affairs
Liz Maryanski - Student Affairs
Dawn Randle - University Relations
Mike Cramer - University Attorney
Joyce Howard - Student Government
Matthew Tuchman - Student Government
Jenn Hunter - Athletics
Dennis Bailey - Physical Plant
Steve Adamick - Physical Plant
Darryl Marshall - Financial Aid
Renisha Gibbs - Enhancement and Compliance
Joyce Ingram - Human Resources
Robert Henley – Labor Relations
Marcie Doolittle - Purchasing
Rob Werner - Laboratory Animal Research
Bob Pekurny - College of Communication
Marcy Driscoll - College of Education
Lynn Wicker - College of Education
Ocie Harris - College of Medicine
Jessie Jackson - Florida High
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

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 1.5% 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 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

SB 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.

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

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.

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.

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 Vietnam era. The bill extends the benefit to children of certain military and civilian personnel. Effective July 1, 2007.

SB 429—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.

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

SB 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 (FWE) 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

SB 529 Cable TV/Video Service Franchises by Representative Trey Trevesia (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.

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.

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.

SB 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.

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

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

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

Failed Bills of Interest

SB 228—Bright Futures Scholarship Program by Senator Evelyn Lynn (R – Ormond Beach) and HB 1067 by Representative Pat Patterson (R – Deland), authorized students to use award from Bright Futures Scholarship Program for enrollment in summer term. The bills died in committee.

SB 254—Textbook Affordability by Senator Stephen Wise (R – Jacksonville), provided a sales tax exemption for textbooks purchased at bookstores for secondary classes. The bill died in committee. The House companion, HB 289 by Representative Anitere Flores (R – Miami) died in Senate messages.

SB 287—First Generation Matching Grant Programs by Representative Anitere Flores (R – Miami), revised the First Generation Matching Grant Program to conform language relating to eligibility requirements and the basis for reserving proportionate allocations of appropriated funds; changed the date to reallocate remaining unmatched funds beginning with the 2008-2009 fiscal year; permitted students to use an award for summer-term enrollment if funds were available; required that grants for summer-term enrollment may only be used at the institution awarding the grant; provided a definition of “summer-term enrollment.” The bill died in Senate messages. The Senate companion, SB 848 by Senator Al Lawson (D – Tallahassee, FSU Alum) died in committee.

HB 451—Teacher Preparation Program by Representative Bill Proctor (R – St. Augustine, FSU Alum) and SB 1214 by Senator Stephen Wise (R – Jacksonville), specified uniform core curricula for persons majoring in education be adopted by State Board of Education rule. The bills died in committee.

HB 491—Veterans’ Tuition Assistance Act by Representative Michael Scinti (D – Tampa, FSU Alum), required state universities & community colleges to waive 50 percent of in-state tuition rate for veterans who served during wartime. The bill died in Senate messages. The Senate companion, SB 2006, by Senator Victor Crist (R – Tampa) died in committee.

SB 678—Law Enforcement Salary Incentives by Senator Stephen Wise (R – Jacksonville) and HB 159 by Representative Mary Brandenburg (D – Lake Worth), increased the amounts of specified salary incentives for full-time law enforcement officers. The bills died in committee.

HB 695—Public Broadcasting Program System by Representative Joe Gibbons (D – Pembroke Park) and SB 1620 by Senator Nan Rich (D – Sunrise), included certain stations licensed by the Federal Communications Commission for which support & funding may be given. The bills died in committee.

SB 850—Postsecondary Student Fees/Technology Fee by Senator Al Lawson (D – Tallahassee, FSU Alum), authorized state universities to charge a technology fee under certain circumstances. The bill died in committee. There was no House companion.

SB 1190—Education Articulation by Senator Evelyn Lynn (R – Ormond Beach) The bill prescribed duties of the Board of Governors in the development of articulation policies and guidelines and provided for Articulation Coordinating Committee to report to Education Commissioner. The bill died in House messages. There was no House companion.

HB 1279—Public Postsecondary Education Faculty by Representative Keith Fitzgerald (D – Sarasota) and SB 2652 by Senator Steven Geller (D – Hallandale Beach, FSU Alum), provided requirements for community college and state university faculty excellence. The bills required institutions to increase number of full-time faculty members with tenure or continuing-contract status or on tenure or continuing-contract track, and specifies faculty member and salary goals that must be met during 5-year period, etc. The bills died in committee.

SB 1898—University Education Accountability by Senator Evelyn Lynn (R – Ormond Beach), required the Board of Governors to adopt guidelines for state university education accountability reports. The bill required board of trustees of each state university to adopt criteria for measuring the university’s effectiveness in educating undergraduate and graduate students and requires reports. Additionally, the bill required OPPAGA to study feasibility of establishing 12th state university and of establishing an on-line state university. The bill died in committee.

SB 2480 Tax on Rental or License Fees/Skybox by Senator Bill Posey (R – Rockledge), repeals exemption from tax on rental or license fees for use of real property which applies to charges for rental, lease, sublease, or license for use of skybox, luxury box, or other box seats during high school or college football game. The bill died in committee. There was no House companion.