



Volume **21** | Number **3** | **March 17, 2014**

Although this year's nine-week legislative session is just two weeks along, its frenetic pace has made it comparable to the closing weeks of past sessions. Bills are moving quickly out of their respective committees – most of them with lengthy amendments attached – and heading directly to either their appropriations committee or full chamber for final passage.

One such bill was designated a priority by FSU; the Florida "G.I. Bill" grants, among other things, in-state tuition to military veterans, regardless of their state of residency. This sweeping legislation passed unanimously through both the House and Senate and is designed to make Florida the most veteran-friendly state in the nation.

Meanwhile, a number of education bills being considered contain similar or identical provisions, which makes keeping track of them quite a challenge! For example, provisions that repeal tuition increases tied to the rate of inflation have been spotted in three or four different bills. Some of these same bills also contain variations in differential-tuition rollback language. For more information on these and other bills, please see the Spotlight on Bills section of this newsletter.

Last Wednesday, state economists forecast that Florida would take in about \$150 million more next year than was previously estimated (see related story). This welcome news provides legislators with approximately \$1.2 billion in additional revenue to appropriate compared to last year. Consequently, state lawmakers said they would move forward with the \$500 million in tax breaks requested by Gov. Scott. The legislative-budget process is scheduled to begin tomorrow.

On a more somber note, final respects will be paid this week to former Governor Reubin Askew – the first FSU graduate to be elected governor – who passed away on Thursday at age 85. From 10:00 to 6:00 tomorrow, Gov. Askew will lie in state at the Old Capitol. On a personal note, it was an honor for me to have known Gov. Askew and receive his counsel. He will be greatly missed.

Note that Florida State will host the Board of Governors this week for meetings on Wednesday and Thursday in the Turnbull Center.

Please feel free to contact me if you have questions about issues moving through the legislative process or would like copies of bills and their analyses. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Kathleen

State economy continues to grow

State lawmakers learned last week that they will have significantly more revenue to work with for the coming fiscal year – roughly \$1.2 billion more. On Wednesday, Chief State Economist Amy Baker reported an estimate of about \$150 million in additional general revenue due to increases in consumer spending. This estimate signals further stabilization of Florida's economy and decreases in the real estate fluctuations of the recent past.

Forecasts indicate state-tax collections will grow 5.2 percent during the coming year, and should continue to grow through 2017. State legislators have already announced that they will apply portions of this expected surplus toward cuts in existing taxes and fees, including a rollback of the vehicle-registration fees enacted five years ago.

Lawmakers have also said that some of these additional monies may be used to boost education budgets, environmental protection, and child welfare programs.

Said Baker, "It is very good news that the economy is behaving in some way that's predictable and that we can forecast well."

SESSION SCHEDULE

SENATE SESSION | TUESDAY, **MARCH 18**, 10:30 a.m. to 12:00 noon | THURSDAY, **MARCH 20**, 1:30 p.m. to 4:30 p.m.
HOUSE SESSION | WEDNESDAY, **MARCH 19**, 5:00 p.m. to 7:00 p.m. | THURSDAY, **MARCH 20**, 3:30 p.m. to 6:00 p.m.

SPOTLIGHT ON **BILLS**

CS SB 900 -- Public-private Partnerships by Senator Jack Latvala (R – Clearwater), provides definitions, legislative findings and intent, procurement procedures, qualification and approval processes for qualifying projects, agreement provisions, fee structures, financing arrangements, powers and duties of state university boards and private entities, and provisions that affirm the applicability of sovereign immunity.

The bill encourages investment in the state by private entities, facilitates various bond financing mechanisms, including private capital and other funding sources. Additionally, the bill includes expansion and acceleration of such financing to meet the public need, and to provide the greatest possible flexibility to public and private entities contracting for the provision of services.

Essentially, the bill authorizes state universities to utilize public-private partnerships as an alternative procurement process to develop, operate or maintain qualifying projects that the state university will subsequently own at the end of the associated comprehensive agreement. The bill reported favorably in the Education Committee last week. A comparable bill in the House, **HB 543, by Representative Greg Steube (R – Sarasota)** passed the Governmental Operations Subcommittee last week.

SB 1396 – Public – Private Partnerships by Senator Bill Montford (D – Tallahassee, FSU Alum), exempts from disclosure, pursuant to Florida's public records

law, certain unsolicited proposals for a public-private partnership filed with a state university board of trustees.

If the board does not intend to enter into an agreement for the qualifying project, the unsolicited proposal is not exempt from disclosure. Otherwise, the unsolicited proposal is exempt from disclosure until:

- Notice of the board's intended decision, or
- Twelve 12 months after the board rejects all proposals for the project described in the unsolicited proposal.

The bill passed the Education Committee last week and is bill tied to the passage of **SB 900, by Senator Jack Latvala (R – Clearwater)** which also passed the Education Committee last week. A comparable bill in the House, **HB 543, by Representative Greg Steube (R – Sarasota)** passed the Governmental Operations Subcommittee last week.

CS SB 950 – Teacher Certification by Senator Kelli Stargel (R – Lakeland), revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and in-service requirements.

The bill authorizes the State Board of Education to adopt in rule additional examinations that may be used by teacher certification applicants to demonstrate mastery of subject area knowledge.

Additionally, the bill requires that scientifically based reading instruction must be included in a district competency-based professional development certification program.

With respect to renewal of a professional certificate, the bill provides that an applicant may renew a subject area specialization by passing a state-board approved subject area test or another standardized examination in lieu of college course credit or in-service points.

- The bill also requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities. The bill was amended in the Education Committee last week to permit an applicant for an educator certificate who successfully completes a Teach for America professional education training program to demonstrate mastery of professional preparation and education competence by earning a passing score on the professional education competency exam; and
- To permit the assignment of newly hired instructional personnel to a school that has earned a grade of "F" in the previous year or any combination of three consecutive grades of "D" or "F" in the previous three years pursuant to s. 1008.34, F.S., if they meet specific requirements related to training, teaching experience, performance, and certification.

The House companion, **CS HB 433 by Representative Ross Spano (R**

– **Riverview, FSU Alum**) was also amended to:

- Restore language specifying that certain provisions of the bill apply to individuals in postsecondary teacher preparation programs who instruct or supervise pre-service field experience courses or internships in which candidates demonstrate impact on student learning growth;
- Provide requirements for instructional personnel who supervise or direct teacher preparation students during field experience courses or internships, in which candidates demonstrate impact on student learning growth, on a U.S. military base outside the U.S. through a Florida online or distance program. Such instructional personnel must have received “clinical educator” training or its equivalent in the state in which the field experience takes place, hold a valid professional certificate issued by a U.S. state or territory or the Department of Defense, and have at least three years of teaching experience in prekindergarten through grade 12; and
- Make technical changes.

The bill reported favorably in the Education Committee last week.

CS SB 1148 – Postsecondary Education by Bill Galvano (R – Bradenton), eliminates the annual rate of inflation increase of the resident undergraduate tuition per credit hour at state universities and reduces the maximum aggregate sum that the tuition and tuition differential fee may increase for state universities from 15 percent to six percent. The bill also specifies that if the resident undergraduate tuition per credit hour at state universities is not provided in the General Appropriations Act, the tuition must remain the same as the prior fiscal year.

Based on 2013-2014 fiscal year tuition and tuition differential fees, this bill may save a state university student up to \$13.20 per credit hour, for the 2014-15 fiscal

year, or a total of \$396 based on enrollment in 30 credit hours. The total student savings is estimated to be up to \$74,448,319, with state universities forgoing revenues of that same amount. The bill passed the Appropriations Subcommittee on Education last week. **HB 851 by Representative Jeanette Nunez (Republican, Miami)** has a similar bill, which passed the House Appropriations last week and is awaiting a hearing before the full House. HB 851 reduces the university differential tuition provision in statute from the current 15 percent cap to a six percent cap, and repeals the rate of inflation language in statute for tuition purposes. It also allows for children of immigrants who grew up in the state and honorably discharged veterans to be charged the in-state tuition rate.

CS SB 1076 -- Electrical Power or Energy by Senator Anitere Flores (R – Miami), decreases the sales tax rate on sales of electrical power or energy from the current 7 percent to 0 percent in 3 stages (preserving the application of any county discretionary sales surtax). Concurrently the bill imposes an additional rate to the gross receipts tax for electrical power or energy delivered to a retail consumer in this state, beginning at 1.5 percent and ending at 3.5 percent over 3 years. The bill establishes a list of transactions of electrical power or energy to which the new additional rate does not apply.

The bill also creates a sales tax holiday for Energy Star and WaterSense products, with a limit of one purchase per person of each specific type of listed Energy Star or WaterSense product which has a sales price of \$500 or more. The bill authorizes the Department of Revenue to adopt emergency rules to administer the sales tax holiday and deems all requisite conditions to be met. The bill was amended to revise the changes in the percentages of sales tax and gross receipts tax on sales of electricity. The tax will have a reduction in tax rate from 7 percent to 3.5 percent. The bill reported favorably

in the Communications, Energy, and Public Utilities Committee last week. A similar bill in the House, **HB 899 by Representative Mike Hill, (R – Pensacola)** is now in the Finance and Tax Subcommittee.

SB 852 – Education by Senator John Legg (R – Lutz), provides that a student who must take a statewide, standardized assessment may not take a district assessment within two weeks before or two weeks after the administration of the statewide, standardized assessment taken by that student. The bill provides students with a buffer of non-testing time before and after required statewide assessments. However, the bill permits a student to re-take a statewide, standardized assessment or take a college entrance, AP, IB, AICE, or an industry certification exam within the buffer period of time. The bill is waiting to be heard by the full Senate. There is no House companion at this time.

CS SB 968 – School Safety by Senator Alan Hays (R – Umatilla), authorizes school personnel to designate employees to carry concealed firearms on school campuses or in district administrative buildings. The bill deletes the current definition of “school,” which was the main basis for postsecondary institutions to prohibit guns/weapons on campus. The bill requires that designees meet criteria set forth in the bill including having either a military or law enforcement background or a valid concealed carry license, successful completion of a training program, and additional screening as required by the principal or superintendent.

The Florida Department of Law Enforcement will design and administer the training as set forth in the bill. Local law enforcement school campus first responders will have the opportunity to recommend safety and security-related changes to new school construction plans. The recommendations must be incorporated into the plans prior to the construction bid process. The bill was amended to:

- Provide for volunteers to be designated by a district school principal to carry a concealed firearm on campus. School superintendents are authorized to designate volunteers to carry concealed firearms in administration buildings.
- Modify the criteria a volunteer must meet in order to be designated by eliminating the possibility that a volunteer who possesses a concealed carry license could be designated without additional qualifications being met.
- Require that if a retired or former law enforcement officer becomes a designee, he or she must have retired or terminated employment in good standing.
- Require the designee training course as set forth in the bill will be developed by the Criminal Justice Standards and Training Commission, and be administered by Criminal Justice Training Centers, rather than FDLE.
- Provide for a tour of each school, including private schools, by first responder law enforcement agencies every three years.
- The provision in the bill for law enforcement review and modification of new school building plans is eliminated.

The bill reported favorably in the Criminal Justice Committee last week. A similar bill in the House, **HB 753 by Representative Greg Steube (R – Sarasota)** reported favorably by the K-12 Subcommittee last week. An amendment adding the current definition of “school” passed the committee last week, making this version more favorable to universities.

CS/SB 850 – Education by Senator John Legg (R – Lutz), expands rigorous curricular, instructional, and assessment options available to public elementary, middle, and high school students.

The bill expands options to elementary students, expands options

and strengthens requirements for middle grade students, expands options and strengthens requirements for high school students, and requires the Florida College System (FCS) institutions to establish collegiate high school program for students in every school district in the colleges’ designated service area.

Specifically, the bill:

- Clarifies digital skill areas and certificate options for elementary students;
- Expands acceleration options and strengthens accountability requirements for middle grade students;
- Specifies professional development requirements for middle grade teachers related to accountability requirements and new digital skills and content available to students;
- Establishes requirements for FCS institutions and school districts to provide a collegiate high school pathway for high school students to earn a full year of college credit while enrolled in high school;
- Provides additional career-themed options for students in high school grades through new career-themed innovative courses and acceleration programs that, if successfully completed, are eligible to earn both high school and college credit; and
- Authorizes industry certification providers to notify students and parents about the college credits earned by the students, and the savings associated with earning the college credits, as a return on the investment of state dollars for the industry certifications earned by the student while in public school.

Additionally, the bill establishes bonus funding for elementary schools and teachers who directly assist students in attaining new digital skills, and expands funding to middle and high schools and teachers who directly assist students in attaining digital skills and industry certifications.

Bonus funding is calculated as a component of the Florida Education Finance Program. The bill is now in the Appropriations Subcommittee on Education. A comparable bill in the House, **HB 7031 by Representative Janet Adkins (R – Fernandina Beach)** passed the House last week.

CS HB 921-- Instructional Materials for K-12 Public Education by Representative Matt Gaetz (R – Shalimar, FSU Alum), eliminates the state’s instructional materials review and adoption process and shifts the responsibility to each school district to select and provide adequate instructional materials for all students. Accordingly, the bill deletes corresponding sections of law that provide for:

• State review of instructional materials;

• The powers and duties of the Commissioner of Education (commissioner) and the Department of Education (DOE) related to selecting and adopting instructional materials;

• The bidding process for state instructional materials adoption;

• Timelines and schedules relating to the adoption and requisition of instructional materials through the state adoption process.

- State review of instructional materials;
- The powers and duties of the Commissioner of Education (commissioner) and the Department of Education (DOE) related to selecting and adopting instructional materials;
- The bidding process for state instructional materials adoption;
- Timelines and schedules relating to the adoption and requisition of instructional materials through the state adoption process.

The bill conforms language to reflect the shift in responsibility to the district school boards and clarifies that certain requirements for state instructional materials reviewers are applicable to district instructional materials reviewers.

The bill establishes district school board rulemaking requirements for implementation of the instructional materials review process, notice of instructional materials adoption and the opportunity for public review and comment, and appointment of district instructional materials reviewers by district school boards and district school superintendents. The bill allows district instructional materials review committees to combine with

other district committees to form super committees, which may reduce costs associated with the review and adoption of instructional materials for smaller school districts.

The bill requires the DOE to publish recommended, minimum technology requirements that include guidelines on the number of students per device necessary to ensure that students can access all instructional materials in digital format and specification for hardware, software, networking, and security.

The bill authorizes districts to requisition adopted instructional materials either from a contracted publisher's depository or from another vendor selling the materials.

The bill prohibits instructional materials that contain pornography or are prohibited as matter harmful to minors under s. 847.02, F.S., from being used or made available within a public school. Last week the K-12 Subcommittee adopted four amendments and reported the bill favorably as a committee substitute.

The amendments:

- Require that adopted instructional materials, in addition to being accurate; objective; current; and suitable based on a student's needs, comprehension, and grade level, must also be balanced, nonflammable, and fact based;
- Provide that school districts, beginning in the 2014-2015 school year, may use all of their instructional materials allocation on digital instructional materials;
- Require that reasonable safeguards be put into place against the unauthorized use,

reproduction, and distribution of instructional materials posted online for public review and comment and clarify that the student editions of the instructional materials must be posted; and

- Remove the bill's provision allowing a district school board or consortium of districts to request assistance from the publisher's depository to recommend instructional materials for review, approval, adoption, and purchase.

A similar bill in the Senate, **SB 864 by Senator Alan Hays (R – Umatilla)** reported favorably in the Education Committee.

UPDATE ON BILLS

HB 7015 – Military and Veteran Support by Representative Jimmie Smith (R – Lecanto), creates the "Congressman C.W. Bill Young Veteran Tuition Waiver Program passed the legislature last week and is on its way to the Governor for signature, which will occur in a few weeks.

CS HB 355 – Textbook Affordability by Representative Elizabeth Porter (R – Lake City, FSU Alum), provides addition information to students regarding cost for textbooks and instructional materials. The bill was amended last week by the Higher Education and Workforce Subcommittee and reported favorably. The committee adopted a strike-all amendment that included several new provisions, including, but not limited to:

- Providing a definition of "instructional materials."

- Requiring institutions to post textbook and instructional materials information for each course and course section in the course registration system as well as on the website.
- Requiring institutions, for undergraduate courses, to use the same textbook in that course for a minimum of three years, unless granted an exemption.
- Revising the information required in the annual reports.
- Requiring the Governor to establish a task force to research options that will reduce the cost of textbooks and instructional materials.

The Senate companion, **SB 530 by Senator Anitere Flores (R – Miami)** was amended last week to:

- Define "instructional materials."
- Require a 3-year adoption cycle for textbooks and instructional materials for undergraduate courses, unless an exception is granted by the institution's President, and requires a minimum 5 year adoption cycle for undergraduate courses in which a dual-enrollment student may be enrolled.
- Retain the authority to adopt textbooks and instructional materials policies and procedures at the state level.
- Require the Governor to appoint a task force for recommendations to reduce the cost of print and digital textbooks and instructional materials.



FLORIDA STATE UNIVERSITY
GOVERNMENTAL RELATIONS

850.644.4453 govrel.fsu.edu

Kathleen M. Daly,
Assistant Vice President

Toni Moore,
Program Coordinator

Chris Adcock,
Office Administrator