



Volume **20** | Number **9** | April 29, 2013

Another active weekend of budget negotiations between the House and the Senate full Appropriations Chairs nudged the roughly \$74 billion spending plan to completion late last night. The finished product must be on legislators' desks by Tuesday in order to end this 60-day session on time because of the constitutionally mandated 72-hour "cooling off" period.

Legislators finalized a pay-raise plan for all state employees, settled on a tuition increase for public colleges and universities, and allocated fixed capitol outlay for the universities. Please see the related story for more budget-related updates.

Today starts the final week of the nine-week session. While a number of issues are still unresolved, most are moving toward resolution. The local bill regarding the Civic Center will pass the House today and thereby be ready for hearings in the Senate.

Higher education conforming bills that address a variety of outstanding issues will wrap up by mid-week. In doubt is the bill that would drastically change the Florida Retirement System for new state employees. That bill met resistance in the Senate last week and has stalled, but leadership in the House still hopes for a vote later this week.

Last week, President Barron was in attendance as Governor Scott signed the university preeminence bill into law, and this event may be viewed at Advocate for Florida State. If you haven't already, please take a moment to send the governor a note of thanks, which is easy to do by those who have registered with this website.

The final week of session is always quite frenzied and, at times, confusing. You can watch all of the harried action live on The Florida Channel, local cable channel 4, or online at WFSU.org.

As always, if you have questions about a budget item or a bill that interests you, please feel free to contact me at **(850) 644-4453** or kdaly@fsu.edu.

Kathleen

Budget Update

The conferees closed out the \$74 billion spending plan for the next fiscal year late on Sunday evening. While many details are still outstanding, the following is a brief breakdown of issues outlined in the proposed 2014-15 fiscal year budget impacting Florida State University:

<u>Issue</u>	<u>Amount</u>
Preeminent University (FSU)	15,000,000 Recurring
SUS Performance Funding	20,000,000
SUS Fixed Capital Outlay	70,000,000
SUS Maintenance Repair & Renovation	44,400,000
<u>PECO</u>	
Critical Maintenance (FSU)	5,000,000
Florida Diagnostic & Learning Resources Center ...	396,525
Florida Center for Reading Research	2,500,000 + Proviso
Communication Navigator	1,000,000
Autism Program	770,762
Workload (All Centers)	2,027,033
<u>Public Broadcasting</u>	
Statewide Governmental & Cultural Affairs Programing	497,522
Florida Channel Closed Captioning	340,862
Florida Channel Year Round Coverage	1,806,676
Florida Channel Year Round Coverage Expansion ..	265,878
Florida Channel Satellite Transponder Operations	1,440,000
Satellite Operations	250,000
Public Television Stations	3,996,811
Public Radio Stations	2,130,156

Pepper Center Long Term Care (Restored)	500,000
Immokalee Obesity Prevention (FSU)	300,000
Domestic Security – FSU Mass Gathering	115,324
FSU Veterans Center	500,000 Recurring
Student Veteran Cost of Living	2,000,000
FSU – Housing Boys & Girls State	98,000 Non-recurring
Developmental Research Schools Capital Improvement	2,700,000 + Proviso
Cloud Virtualization (FSU)	5,000,000 Recurring
Civic Center Operations	5,000,000 Non-recurring
Florida Health Equity Research Institute	4,000,000 Non-recurring
Tuition Increase	3%

Salary increases are included as follows:

- For employees with a base rate pay of \$40,000 or less on September 30, 2013, an annual increase of \$1,400.00.
- For employees with a base rate of pay greater than \$40,000 on September 30, 2013, an annual increase of \$1,000. Provided however, in no instance shall an employee's base rate of pay be increased to an annual increase less than \$41,400.
- \$600,000 bonus – criteria to be determined.
- Raises take effect on October 1, 2013, except bonus.
- Health Insurance premiums shall continue at the current rates.
- OPS Benefits–Only for Graduate students working 30 hours or more.

A final budget piece will be provided after session ends.



CS/HB 23 – Public Meetings by Representative Ray Rodrigues (R – Ft. Myers), requires members of the public to be given a reasonable opportunity to be heard on a proposition before a board or commission. Specifically the bill:

- Defines the term “board” or “commission”. This change creates consistency in the use of the term throughout the bill.
- Clarifies that the opportunity to be heard must be afforded before action is taken on a proposition. The original bill inconsistently referenced the terms “proposition” or “item”.
- Clarifies that the rule requirements under the bill only pertain to the opportunity to be heard, and that the requirements do not limit the ability of a board or commission to maintain order and decorum.
- Authorizes the court to assess attorney fees to a challenger if the challenger prevails on appeal from a trial court order finding a violation of the opportunity to be heard.
- Provides a legislative finding of an important state interest.
- Provides that if a board or commission adopts rules or policies and follows those rules or policies, then the board or commission is deemed to be acting in compliance with the act. The original bill stated if a board or commission adopted rules or policies and followed those rules or policies it would merely be presumed to be acting in compliance with the act.
- Delays the effective date from July 1, 2013, to October 1, 2013.
- Removes the provision providing that an opportunity to be heard must be provided at a meeting with the same notice requirements as the meeting at which an official action on a proposition is taken.
- Clarifies that the opportunity to be heard does not apply to an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations.

The bill is waiting to be heard by the

full House. A similar bill in the Senate, **SB CS/CS/50 by Senator Joe Negron (R – Palm City)** is in House messages.

CS/CS/CS/CS/SB 726 -- Relating to Regulation of Family or Medical Leave Benefits for Employees by Senator David Simmons (R – Altamonte Springs), amends current law to prohibit political subdivisions from requiring an employer to provide employment benefits or a minimum wage that is not required by state or federal law. The term “employment benefits” is defined as anything of value that an employee may receive from an employer in addition to wages and salary. The term includes, but is not limited to, health benefits; disability benefits; death benefits; group accidental death and dismemberment benefits; paid or unpaid days off for holidays, sick leave, vacation, and personal necessity; retirement benefits; and profit-sharing benefits. The term “employer” is defined as any person who is required to pay a state or federal minimum wage to the person’s employees.

This bill also prohibits a political subdivision from:

- Requiring, as part of a contract with the political subdivision, a minimum wage or employment benefit for employees of a political subdivision’s contractors or subcontractors; or
- Awarding contract preferences based upon the wages or benefits provided to employees.
- The bill specifies that it does not:
- Limit the authority of a political subdivision to establish a minimum wage or provide employment benefits not otherwise required under state or federal law for its own employees;
- Apply to any domestic violence ordinance, order, rule, or policy; or
- Apply to any contracts entered

into or procurements issued before July 1, 2013.

The bill removes the provision of **s. 218.077, F.S.** that states that the section does not limit the authority of a political subdivision to provide a tax abatement or subsidy to an employer that provides employee benefits not required by state or federal law as a condition of the tax abatement or subsidy.

Lastly, the bill provides that a living wage ordinance in place on July 1, 2013, remains in effect through July 1, 2016, when it is repealed by operation of law.

The bill was amended to:

- Remove a prohibition on political subdivisions from requiring a minimum wage, other than a state or federal minimum wage, or employment benefits not otherwise required by state or federal law, for the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision as a condition of the tax abatement or subsidy that was included in the original bill;
- Provide that a living wage ordinance that is in place on July 1, 2013, remains in effect through July 1, 2016, when it is repealed by operation of law;
- Provide that the bill does not apply to any domestic violence ordinance, order, rule, or policy; and
- Provide that the bill does not apply to any contracts entered into or procurements issued before July 1, 2013.

The bill passed out of the Senate and was substituted for **CS/HB 655 -- Political Subdivisions by Representative Steve Precourt (R – Orlando)**. HB 655 was amended in the Senate and will now go back to the House.

CS/CS/CS/SB 1594 -- Guaranteed Energy, Water, and

Wastewater Performance Savings Contracting Act by Senator Rob Bradley (R – St. Petersburg), adds a county school district, or an institution of higher education, including all state universities, colleges, and technical colleges to the list of governmental entities authorized to enter into guaranteed energy, water, and wastewater performance savings contracts.

The bill revises the definition of the term “energy, water, and wastewater efficiency and conservation measure” to expressly include not only an addition to existing facilities or infrastructure but also a building retrofit or renovation. It also authorizes inclusion of a variety of new savings measures in a contract.

Finally, the bill requires that the Office of the Chief Financial Officer complete its review and approval of a performance savings contract, a contract or lease for third party financing, or any combination of such contracts within 10 business days after receiving the proposed contract or lease. To make this review more efficient, the bill requires that a proposed contract or lease with a state agency must include an investment-grade audit, certified by the Department of Management Services, which states the cost savings are appropriate and sufficient for the term of the contract. The bill passed the Senate on Friday and is in messages to the House. The House companion, **HB 1357 by Representative Travis Cummings (R – Orange Park)** is waiting to be heard by the full House.

UPDATE ON BILLS

CS/CS/HB 85 – Public Private Partnerships by Representative Greg Steube (R – Sarasota), authorizes public-private partnerships to contract for public service work with not-for-profit organizations. The bill adds provisions for contracts for park land and public education facilities. Last week

an amendment was added to give universities much needed flexibility to utilize existing resources more effectively without a fiscal impact. The amendment does three key things:

1. Allows for Public Private Partnerships to be recognized as a construction alternative under 1010.62, Florida Statutes.
2. Allows for Education, Academic and Research space to be constructed with bondable funds.
3. Allows for the BOG to consider and approve, in conjunction with the Division of Bond Finance, multi-use facilities for construction with a mix of funding sources. The bill, however, does not increase any fees or provide any additional university fees for bonding.

The bill passed the House last week and is in Messages to the Senate. A Senate companion, **SB 84 by Senator Miguel Diaz de la Portilla (R – Miami)** reported favorably by the Appropriations Committee last week and contains the same university system language.

CS SB 1074 – State Owned or State Leased Space by Senator Alan Hays (R – Umatilla), gives the Department of Management Services (DMS) more authority to coordinate and direct state agency use of state-owned and privately-leased office space, requires competitive solicitation for more agency leases, streamlines reports related

to leasing activities, and increases reporting related to facility energy savings. The bill:

- Deletes the requirement for the Department of Transportation to submit an inventory of transportation facilities to the DMS and the DEP;
- Requires that governmental entities submit an inventory of all underused property that they own, lease, rent, or occupy and requires the DMS to adopt rules;
- Gives 60 day right of first refusal for universities and state colleges;
- Resolves a technical deficiency that provided rulemaking authority to the DMS instead of the BOT;
- Creates the Underused Property Maximization Program in order to identify underused property and provide specific inventory, procurement, and disposition procedures and requirements related to underused property by state and local governmental entities;
- Provides definitions for “facility,” “governmental entity,” and “underused property”; and
- Provides non-recurring and recurring funds for the implementation of the act.

The bill was laid on the table and the house companion, **CS HB 1145 by Representative Mike LaRosa (R – Saint Cloud)** was taken up and passed. It will next go to the Governor for signature.

CS/CS/SB 1664 -- Education Instructional Personnel and School Administrators by Senator John Legg (R – Lutz), revises the requirements for state approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program. The bill was amended again last week to:

- Provide that all individuals and instructors in postsecondary teacher preparation programs who instruct, or supervise pre-service field experience courses or internships have at least one of the following:
 - Specialized training in clinical supervision;
 - At least 3 years of successful, relevant prekindergarten through grade 12 teaching, student services, or school administration experience; and,
 - An annual demonstration of experience in a relevant pre-kindergarten through grade school setting as defined by State Board of Education rule.

Additionally, the bill was amended to remove the mastery of professional preparation and education competence criteria.

The bill is awaiting its final hearing in the Senate. A comparable bill in the House, **HB 7141 by Representative Janet Adkins (R – Frenandina Beach)** is waiting to be heard by the full House.



FLORIDA STATE UNIVERSITY
GOVERNMENTAL RELATIONS

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SESSION SCHEDULE

SENATE SESSION: MONDAY, **APRIL 29**, 12:00 noon to 6:00 p.m.

TUESDAY, **APRIL 30** — THURSDAY, **MAY 2**, 9:00 a.m. to 6:00 p.m.

FRIDAY, **MAY 3**, 9:00 a.m. to Sine Die

HOUSE SESSION: MONDAY, **APRIL 29**, 10:00 a.m. to Completion

TUESDAY, **APRIL 30** — WEDNESDAY, **MAY 1**, 9:00 a.m. to Completion

THURSDAY, **MAY 2**, 10:00 a.m. to Completion

FRIDAY, **MAY 3**, 10:00 a.m. to Sine Die