



**Volume Seventeen / Number Eleven • July 1, 2011**

Saying legislators approved a budget weighted down with “short-sighted, frivolous, wasteful” projects, Governor Rick Scott vetoed a record \$615 million from the nearly \$70 billion state spending plan last month.

Florida State University did not escape the governor’s veto pen, losing \$6 million for completion of the Applied Sciences Building and more than \$400,000 for WFSU public broadcasting (see related budget).

This week the governor signed or vetoed the last of the 290 bills that passed during the 2011 session. Please see the Spotlight on Bills section for a complete listing of these bills and their effective dates, along with the bills that failed in the legislature and those that were vetoed.

Rumblings of a special session to address unfinished business from the session continue, and in September interim committee meetings will begin and will continue throughout the fall.

The 2012 legislative session begins on January 10 next year because of reapportionment. Once every ten years the legislature must meet early to begin this redistricting process. The Legisletter will resume at that time, or prior to that if a special session is called.

Bills have already been filed for the 2012 session, so please feel free to contact me if you have questions or would like copies of bills and their analysis. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

Finally, please go to our Advocate for Florida State website at **advocateforfloridastate.fsu.edu** and sign up to receive periodic updates over the summer.

*Kathleen*

# 2011-12 General Appropriations Act

In the final hours of the 2011 Legislative Session, Legislators voted on the \$69.7 billion spending plan. Since that time, the Governor vetoed an additional \$615 million in appropriations. Below is a breakdown of the budget as it pertains to FSU.

## Operating Budget

General Revenue	\$	212,075,291
Lottery	\$	24,659,274
Student and Other Fees	\$	186,492,233
Student Financial Assistance	\$	3,453,334

(GR – includes \$500,00 recurring for the FSU Pepper Center Long-Term Care Proposal)

## College of Medicine

General Revenue	\$	33,999,993
Lottery	\$	605,115
Student and Other Fees	\$	10,863,626
Bright Futures + proviso	\$	350,000,000
FCO – Maintenance, Repair, Renovation And Remodeling – SUS	\$	13,848,000

## PECO – FSU

Utility/Infrastructure/Capital Renewal/Roofs	\$	1,827,644
Applied Sciences Building (ce)	\$	6,000,000 VETOED
Florida Diagnostic and Learning Resource Ctr.		
General Revenue	\$	396,525
Autism – FSU College of Medicine		
General Revenue	\$	700,693
Public Broadcasting		
Statewide Gov. & Cultural Affairs Programming	\$	497,522
Florida Channel Closed Captioning - GR	\$	340,862
Florida Channel Year Round Coverage - GR	\$	1,806,676
FSU – Public Television	\$	307,447 VETOED
FSU – Public Radio	\$	61,715 VETOED
Florida Catastrophic Storm Risk Management Center	\$	950,000

## Benefits

Section 8 ... For the coverage period July 1, 2011, through June 30, 2012, funds are provided in each agency's budget to continue paying the state share of the current State Life Insurance Program.

## State Health Insurance Plans and Benefits – Proviso

- Premiums paid by Employees
- a. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premiums for the standard plans shall continue at \$50 per month for individual coverage and \$180 per month for family coverage.
  - b. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the high deductible health plans shall continue at \$15 per month for individual coverage and \$64.30 per month for family coverage.
  - c.
    - i. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and high deductible health plans shall continue to be \$8.34 per month for individual coverage and \$30 per month for family coverage. This subparagraph applies to those employees filling positions with "agency pay all" benefits.
    - ii. Effective July 1, 2011, for the coverage period beginning August 1, 2011, the employee's share of the health insurance premium for the standard plans and the high deductible health plans shall be \$15 per month for each employee participating in the Spouse Program in accordance with section 60P-2.0036, Florida Administrative Code, either as a "spouse" or "dependent spouse."

## State Employees' Prescription Drug Program

2. For the period July 1, 2011, through June 30, 2012, co-payments for the State Group Health Insurance Standard Plan shall be as follows:
  - a. \$7 co-payment for generic drugs with card;
  - b. \$30 for preferred brand name drug with card;
  - c. \$50 non-preferred brand name drug with card;
  - d. \$14 for generic mail order drug;
  - e. \$60 for preferred brand name mail order drug;
  - f. \$100 for non-preferred brand name mail order drug.
6. The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order. Effective July 1, 2011, those drugs on the list may be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order.
- (f) For the period July 1, 2011, through June 30, 2012, the co-payments and coinsurance for prescription drugs with state-contracted health maintenance organizations shall be identical to the copayments and coinsurance established under the State Employees' Prescription Drug Program.

## Other provisions

Section 8. ... Each state agency, at the discretion of the agency head, may expend funds provided in this act for bar dues and for legal education courses for employees who are required to be a member of the Florida Bar as a condition of employment.

Section 10. ...the following fixed capi-

tal 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. FSU Research and Development Facility – Number Four  
FSU Italian Study Center  
FSU Free Electron Laser Laboratory

Section 11. ...the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation.

FSU Minor Projects for FSU Facilities  
FSU Free Electron Laser Laboratory  
FSU Fine Arts Research Building  
FSU School of Visual Arts Annex  
FSU College of Motion Picture/Television/Recording Arts Studio

In addition to provisions in the appropriations bill, following is language from the Implementing bill, SB 2002, that may have an impact on Florida State:

Section 5 ...a university board of trustees may expend reserve or carry-forward balances from prior year operational and programmatic appropriations for legislatively approved fix capital outlay authorized for the establishment of a new campus.

Section 25 ...the Florida Catastrophic Storm Risk Management Center at Florida State University shall conduct the analysis as originally required in s. 164 of chapter 2004-390, Laws of Florida. Notwithstanding that section, the center shall use the most recent and available premium data for personal lines property and casualty insurance in completing the analysis.

Section 70. ...the funds appropriated

to each state agency, which may be used for travel by state employees, are limited during the 2011-2012 fiscal year to travel for activities that are critical to each state agency's mission. Funds may not be used to pay for travel by state employees to foreign countries, other states, conferences, staff-training activities, or other administrative functions unless the agency head has approved in writing that such activities are critical to the agency's mission. The agency head must consider the use of teleconferencing and other forms of electronic communication to meet the needs of the proposed activity before approving mission-critical travel.

Section 71. ...each of the state's designated primary data centers, which are funded from the data processing appropriation category and other categories used to pay for computing services of user agencies, and pursuant to the notice, review, and objection procedures of s. 216.177, Florida Statutes, the Executive Office of the Governor may transfer funds appropriated in any appropriation category used to pay for data processing in the 2011-2012 General Appropriations Act between agencies in order to align the budget authority granted with the utilization rate of each department.

Section 72. State agencies that are required to begin planning for a data center consolidation scheduled for a subsequent fiscal year may accelerate the consolidation into the 2011-2012 fiscal year, contingent upon approval by the Legislative Budget Commission of budget adjustments necessary to accomplish the consolidation. The primary data center may establish position contingent on an equal or greater number of positions being placed in reserve from the agency data centers being consolidated.

# Spotlight on Bills

## Bills that passed

**SB 2150, Higher Education Funding by the Budget Conference Committee**, provides for the following:

- Authorizes the Department of Revenue to provide information regarding gross receipts taxes to the State Board of Education, the Division of Bond Finance and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by gross receipts tax the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Repeals certain responsibilities of the Department of Education for monitoring rehabilitation providers and services; repeals rehabilitation provider qualifications.
- Authorizes the implementation of a transient student admission application process through the Florida Academic Counseling Tracking for Students system to include admissions, readmissions, financial aid, and transfer of credit functions. Authorizes a fee of \$5 to support the system.
- Designates the Northwest Regional Data Center as a primary data center.
- Requires an annual report on cost savings from collaborative licensing of electronic library resources.
- Authorizes the Florida Fund for Minority Teachers, Inc. to use other available funds for administration.
- Authorizes a spring and summer term student enrollment pilot program at the University of Florida for the purpose of aligning student enrollment and the availability of instructional facilities. Authorizes Bright Futures scholarships in the summer for these students.
- Updates the provisions related to tuition and

out-of-state fees for postsecondary students in workforce, college, and university programs to include 2011-2012 tuition.

- Requires a block tuition and corresponding out-of-state fee for students enrolled in adult general education courses. Removes fee exemptions for certain students and requires residency of students to be documented.
- Provides an exemption from the 30 percent need-based expenditure requirement from the tuition differential fee if the university has covered the entire tuition and fee costs of all need-based students.
- Authorizes alternative documentation for tuition fee waivers for Purple Heart veterans.
- Increases the Florida Medallion Scholarship test scores in 2013-2014, from 1050 to 1170 for SAT, including the applicable home school test scores. Increases or establishes required community service hours for Bright Futures applicants.
- Requires applicants for Bright Futures, FRAG, and ABE programs to submit the Free Application for Federal Student Aid prior to disbursement of funds.
- Increases the tuition surcharge for excess hours to 100 percent in excess of 115 percent of the credit hours required for a degree.
- Provides that funding for student financial aid and tuition assistance programs shall be as provided in the General Appropriations Act.
- Streamlines library operations through consolidation and joint purchasing. Requires creation of a union catalog for higher education.

- Prioritizes state student financial aid to the neediest (Pell eligible) students.
- Prohibits funding for co-enrollment in public schools and adult general education programs, except that for the 2011-2012 fiscal year students may enroll in core courses for credit recovery or dropout prevention for up to two credits. High school students are exempt from the payment of block tuition for general adult education programs.
- Prohibits the use of state workforce education and Florida College funding for prison inmate education.
- Temporarily suspends the state match for facilities and operating challenge grant programs for colleges and universities, effective July 1, 2011. Existing eligible donations will remain eligible for future match. Removes the suspension once \$200 million of the grant backlog has been matched.
- Allows a university board of trustees to expend carry-forward balances from prior year operational appropriations on legislatively approved fixed capital outlay projects authorized for the establishment of a new campus.
- Requires the Florida College System Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds to the college system institutions.
- Provides for the use of a funding formula to ensure equitable distribution of district workforce funds.



## THE FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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- Provides a \$200,000 limit on the amount of state funds that may be paid for salaries of college and university presidents and administrative employees.
- Requires the Chancellors of the SUS and FCS to submit a plan to the Governor and Legislative appropriations committees for establishing a joint library organization to address the needs of academic libraries in the SUS and FCS that replaces FCLA and CCLA.

*Effective July 1, 2011, Chapter No. 2011-63*

**HB 7151, Postsecondary Education by Representative Kelli Stargel (R – Lakeland)**, provides for the following:

- Provides that a university or college system institution may dispose of or make use of the unclaimed lost or abandoned property in a manner that best meets the needs of the university and its students. This provision will allow for a recycled bicycle program to be used on the FSU campus.
- Authorizes Florida College System boards of trustees to request from the Commissioner of Education an investigation of a college president by DOE's inspector general in specified circumstances. The inspector general must report findings, make recommendations, and refer any potential legal violation to the authorities.
- Removes obsolete references to the CLAST.
- Establishes the Articulation Coordinating Committee and provided responsibilities.
- Requires the Higher Education Coordinating Council to make detailed recommendations relating to:
  - The primary core mission of public and non public postsecondary education institutions in the context of state access demands and economic development goals.
  - Performance outputs and outcomes designed to meet annual and long-term state goals, including increased student access, preparedness, retention, transfer, and completions
  - The state's articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality
  - A plan for workforce development education that address the alignment of school districts and Florida College System workforce development education programs to ensure cost efficiency and mission delineation.
- Provides access to postsecondary education

for individuals with intellectual disabilities by allowing reasonable substitutions for admission to a program of study and graduation requirements (does not constitute a fundamental alteration in the nature of the program).

- Requires the SBE to specify by rule provisions for alternative remediation opportunities and retesting policies.
- Requires that a student who has accumulated 12 college credit hours, but who has not yet demonstrated proficiency in the basic competency areas, must be advised in writing of the requirements for associate degree completion and state university admission, and the potential cost of accumulating excess college credit hours.
- Authorizes DOE to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award.
- Removes exemption from the state university summer enrollment requirement for students who have earned 9 or more credits through acceleration mechanisms.
- Repeals the University Concurrency Trust Fund.

*Effective July 1, 2011, Chapter No.2011-177*

**SB 2100, Retirement by the Budget Conference Committee.** The following is a summary of changes made to the retirement program:

Effective July 1, 2011, the legislation requires a 3% employee contribution for all FRS members. DROP participants are not required to pay employee contributions.

For employees initially enrolled on or after July 1, 2011 (new employees), the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.

For employees initially enrolled in the pension plan on or after July 1, 2011 ( new employees), such members will vest in 100% of employer contributions upon completion of 8 years of

creditable service. For existing employees, vesting will remain at 6 years of creditable service.

For employees initially enrolled on or after July 1, 2011 (new employees), the legislation increases the normal retirement age and years of service requirements, as follows:

- For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
- For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.

Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.

The Health Insurance Subsidy (HIS) that provides up to \$150 a month to supplement retirees pay post-retirement health insurance costs has not been changed.

Finally, the bill eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3% cost-of-living adjustment will be reinstated.

The cost-of-living adjustment formula shall expire effective June 30, 2016, and the benefit of each retiree and annuitant shall be adjusted on each July 1 thereafter.

None of the provisions of this law will affect current retirees, including retirees in DROP. *Chapter No. 2011-68*

**SB 2, Health Care Services by Senator Mike Haridopolos (R – Melbourne)**, is a joint resolution that proposes the creation of Section 28 of Article I of the State Constitution, to preserve the freedom of Florida residents to provide for their own health care by:

- Ensuring that any person, employer, or health care provider is not compelled to participate in any health care system;
- Authorizing a person or employer to pay

directly, without using a third party such as an insurer or employer, for health care services without incurring penalties or fines; and

- Authorizing a health care provider to accept direct payment for health care services without incurring penalties or fines.

The joint resolution also does not allow a law or rule to prohibit the purchase or sale of health insurance in private health care systems and specifies certain aspects of health care that are not affected by this constitutional amendment. In addition, the joint resolution also defines terms that are used within the proposed constitutional amendment. The joint resolution includes the statement that is to be placed on the ballot at the next general election or at an earlier special election.

### **HB 105, Open House Parties by Representative Tom Goodson (R – Titusville, FSU Alum)**

provides that a person in control of a residence who allows an open house party to take place commits a second degree misdemeanor if they know a minor has possession of or consumed any alcoholic beverage or drug at their residence and the person fails to take responsible steps to prevent the possession or consumption of the alcoholic beverage or drug by the minor. The bill amends present law to make a second or subsequent violation a first- degree misdemeanor. This bill also provides that any violation, which results in serious bodily injury or death, will be punishable by a first degree misdemeanor. *Effective July 1, 2011, Chapter No. 2011-161*

**HB 143, Tax Credits by Representative Ritch Workman (R- Melbourne)**, creates s. 220.1811, F.S., which authorizes an aerospace-sector jobs tax credit and tuition reimbursement tax credit against state corporate income taxes, which may have the effect of encouraging private sector economic activity. The newly created statutes authorizing the aerospace-sector jobs tax credit and tuition reimbursement tax credit expire on December 31, 2021, with the exception of the carryover provisions.

Additionally, the bill creates a 3 day sales tax holiday on school supplies with a cost of \$15. or less, clothing, shoes and bags with a cost of \$75.00 or less per item, etc. The sales tax holiday will begin at 12:01 a.m. on August 12, 2011 and run through 11:59 p.m. on August 14, 2011. *Effective July 1, except where otherwise*

*provided. Chapter No.2011-76*

**SB 228, Code of Student Conduct by Senator Gary Siplin (D – Orlando)**, requires district school boards to include a student dress policy in student conduct codes. It also requires language to be included in the policy which prohibits students from wearing clothing to school during the regular school day that indecently or in a vulgar manner exposes underwear or body parts or that is disruptive to an orderly learning environment. Additionally, schools will then be required to monitor this component of the policy and impose sanctions for students who violate the policy. The extent of involvement required by the school is contingent on how many times a student has committed an offense as follows:

For first offenders, the school is required to give the student a verbal warning, and the principal must call the student's parent or guardian;

For second offenders, the student is ineligible to participate in extracurricular activities for up to 5 days, and the principal must meet with the parent or guardian;

For third or subsequent offenders, the extracurricular activity exclusion is extended to up to 30 days; the school must place the student in in-school suspension for up to 3 days; and the principal must both call and send written notice to a parent or guardian.

*The bill is effective July 1, 2011. Chapter No.2011-103*

**SB 234, Firearms by Senator Greg Evers (R – Crestview)**, amends the concealed weapons license law to provide that a person who is in compliance with the concealed carry license requirements and limitations may openly carry his or her firearm on public property and, when permissible, on private property. Additionally, the bill provides that a person who is licensed to carry a weapon or firearm shall not be prohibited from carrying it in or storing it in a vehicle for lawful purposes.

The bill also provides that a concealed weapon or firearms license does not authorize a person to carry a weapon or firearm in a concealed manner into:

- any school, college, or professional athletic event not related to firearms;
- any school administration building;

any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;

any elementary or secondary school facility; any career center;

any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

*Effective upon becoming law. Chapter No.2011-145*

### **HB 331, Firesafety by Representative Mike Weinstein (R – Orange Park, FSU Alum)**

clarifies the role of the State Fire Marshal in firesafety inspections of Florida's educational facilities and streamlines the inspection and enforcement practices at the state and local levels. Specifically, the bill:

- Aligns laws governing the State Fire Marshal with educational laws governing firesafety inspections on educational property;
- Abolishes the classification of the special state firesafety inspector, leaves intact the classification of firesafety inspector, and provides for a contingent grandfathering of existing special state firesafety inspectors;
- Requires uniform firesafety standards and an alternate system to be governed by firesafety inspectors certified by the State Fire Marshal;
- Reduces the number of mandatory annual inspections at educational facilities from two to one, and provides for the inspection report to be distributed at the local level only;
- Clarifies the firesafety inspection process for charter schools and for public colleges;
- Requires all public education boards to use only certified firesafety inspectors and other inspectors who have been certified by the State Fire Marshal in monitoring compliance with the Florida Building Code, the Florida Fire Prevention Code, and the State Requirements for Educational Facilities; and
- Requires a public education board to submit for approval the site plan for new construction to the local entity providing fire-protection services to the facility, and outlines the compliance process.

*The bill is effective July 1, 2011. Chapter No.2011-79*

### **SB 478, Property Taxation by Senator John Thrasher (R – Jacksonville, FSU Alum),**

revises, updates and consolidates provisions of chapter 197 of the Florida Statutes relating to tax collections, sales and liens. The bill tolls the statute of limitations relating to proceedings involving tax lien certificates or tax deeds to the period of intervening bankruptcy. The bill amends requirements for tax deed applications and the purchase of tax certificates to provide definitions and include interest, fees, and costs in the face value of the certificate. The bill provides for electronic notice, programs, sales, and fees. The bill also authorizes tax collectors to issue certificates of correction to the tax rolls for uncollectable personal property accounts. The bill consolidates provisions relating to the payment of deferred taxes. *The bill is effect July 1, 2011. Chapter No. 2011-151*

### **HB 579, Regional Autism Centers by Representative Marti Coley (R – Marianna, FSU Alum),**

creates a public record exemption for all records relating to a client of a regional autism center who receives the services of a center or participates in center activities, and all records relating to the client's family. Such records are made confidential and exempt from public records requirements. Upon request, a client who receives services from the center, if competent, or the client's parent or legal guardian, if the client is incompetent, must be provided with a copy of the client's individual record.

The confidential and exempt records may be released to physicians, attorneys, and governmental entities having need of the record in order to aid a client, as authorized by the client if competent, or as authorized by the client's parent or legal guardian if the client is incompetent. The center must produce the confidential and exempt records in response to a subpoena or as authorized by court order. In addition, the State Board of Education or the Board of Governors of the State University System may have access to such records when the director of the center deems it necessary for the treatment of the client, maintenance of adequate records, compilation of treatment data, or evaluation or programs.

Provided that personal identifying information of a client or the client's family has been removed, the bill authorizes a center to release information as follows:

- To a person engaged in bona fide research if that person agrees to sign a confidentiality agreement with the center, agrees to maintain the confidentiality of the information received, and, to the extent permitted by law and after the research has concluded, destroy any confidential information obtained.
- For statistical and research purposes by the director of the center or designee, provided that any confidential and exempt information is removed in the reporting of such statistical or research data.
- Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. This exemption provides patients and their families the privacy expected for matters of personal health. The exemption may also prevent damage to their reputations by the release of records, which may contain defamatory content. Additionally, the exemption allows the discussion of the condition of autism or related disorders to be conducted in a free and open manner, providing both patients and their families the opportunity to receive appropriate diagnostic and treatment information.

The bill also provides a public record exemption for personal identifying information of a donor or prospective donor to the center who desires to remain anonymous. Without the ability to remain anonymous, there is a chilling effect on donations because donors are concerned about the disclosure of personal information, which may lead to identity theft. The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. *Effective July 1, 2011. Chapter No. 2011-221*

### **HB 599, Corporations Not for Profit by Representative Kathleen Passidomo (R – Naples),**

creates the Florida Uniform Prudent Management of Institutional Funds Act to replace the Florida Uniform Management of Institutional Funds Act. Among its key provisions, this bill:

- Makes significant enhancements to provisions currently contained in the Florida Uniform Management of Institutional Funds Act.
- Applies to all charitable institutions, not just those associated exclusively with educational purposes.
- Expands the types of assets that can be in a

charitable organization's portfolio.

- Allows pooling of institutional funds for purposes of managing and investing.
- Delineates factors to be considered prior to expenditure of funds.
- Provides new procedures for releasing restrictions on small institutional funds.
- Provides for modification of restrictions on the use of endowment funds.

The provisions contained in this bill would apply to a non-educational direct-support organization only if it held a fund exclusively for charitable purposes. This bill makes Florida's not-for-profit law consistent with national standards for the management of endowment funds that have already been adopted by 47 other states. The bill provides for reversion of real property back to the Board of Trustees of the Internal Improvement Trust Fund if a not-for-profit entity holding a deed subject to a reverter clause violates the deed restrictions. *Effective July 1, 2012. Chapter No. 2011-170*

### **SB 736, Education Personnel by Senator Stephen Wise (R – Jacksonville),**

provides for a reform of the evaluations of instructional personnel and school administrators; compensation; and employment practices. The bill provides for the following:

Performance Evaluations for Instructional Personnel and School Administrators

- Requires the Commissioner of Education (Commissioner) to establish a learning growth model for school district use for the Florida Comprehensive Assessment Test (FCAT) and other statewide assessments to measure the effectiveness of instructional personnel and school administrators based on what a student learns;
- Provides that 50 percent of an evaluation is based on student performance over a 3-year period, with the remainder of the evaluation based on instructional practice or leadership, as applicable;

Compensation for Performance

- Requires school districts to establish a new performance salary schedule by July 1, 2014, that provides annual salary increases based upon the performance evaluation;
- Allows current teachers and school administrators to remain on the current salary schedule with an option to move to the new performance salary schedule;
- Requires current instructional personnel who want to move to the new performance

salary schedule or who move from one district to another to relinquish their professional service contract in exchange for an annual contract;

- Beginning with instructional personnel hired on or after July 1, 2011, prohibits a district school board from using advanced degrees to set the salary schedule unless the advanced degree is held in the individual's area of certification;
- Provides for earning additional salary supplements for differentiated pay based on assignment to a high priority location, certification and teaching in critical teacher shortage areas, or assignment of additional academic responsibilities;

#### Employment

- Eliminates professional service contracts for instructional personnel newly-hired, beginning July 1, 2011;
- Revises the criteria for renewal of contracts by tying renewal to the performance evaluation;
- Provides that professional service contracts are not automatically renewed; and
- Clarifies that just cause under a professional service contract includes unsatisfactory performance on the individual's evaluation.

Additionally, the bill:

- Eliminates a phase-in for school districts to develop end-of-course assessments that is tied to the Commissioner of Education's obligation to identify item banks, shared assessments, or other methods to assist districts;
- Requires current instructional personnel who want to move to the new performance salary schedule or who move from one district to another to relinquish their professional service contract in exchange for an annual contract;
- Requires instructional personnel who move from another state or district to have a probationary contract;
- Revises the criteria for the annual renewable exemption for school districts that receive a grant of \$75 million or more from a private foundation;
- Provides that professional service contracts are not automatically renewed; and
- Revises the criteria for just cause to terminate a professional service contract, renewal of an annual contract, and notice to a parent by substituting three consecutive years of needs improvement and unsatisfactory evaluations

with three out of five.

- Adds newly-hired teachers to the requirement to be evaluated twice in the first year of teaching;
- Allows an evaluation to be amended if assessment data becomes available within 90 days after the close of the school year and requires notice to the employee and an opportunity to respond when an evaluation has been amended;
- Clarifies that just cause under a professional services contract includes two annual unsatisfactory ratings in a 3-year period and three annual "needs improvement" ratings in any 5-year period;
- Exempts rules adopted to implement this act from legislative review in order to expedite rulemaking and meet Race to the Top timelines;
- Limits the number of performance evaluation categories to four;
- Adds association representatives and others to the stakeholders working on developing the performance levels for the evaluations; and
- Requires rules that allow for teachers and other instructional personnel to review the class roster for accuracy.

*Effective March 24, 2011, Chapter No. 2011-1*

#### **HB 849, Building Construction and Inspection by Representative Daniel**

**Davis (R – Jacksonville)**, amends numerous provisions relating to the Florida Building Code and provisions relating to fire safety, construction standards, and inspection guidelines. The bill:

- Exempts rules adopting federal standards, updates or modifications of the Florida Building Code, and updates or modifications of the Florida Fire Prevention Code from the requirement for legislative ratification.
- Prohibits the Commission from adopting rules that limit any of the statutory exceptions or exemptions to coastal construction control and erosion projection requirements.
- Revises guidelines for the Department of Management Services to follow concerning standards for public buildings.
- Deletes references to the specified energy efficiency and sustainable materials rating standards, and redefines the terms "sustainable building rating" or "national model green building code" to include the International Green Construction Code (IGCC). These changes substitute references

to the individual green code ratings with the term "sustainable building rating" or "national model green building code."

- Requires hurricane mitigation training, approved by the Construction Industry Licensing Board, to be included as part of a home inspector's continuing education; allows individuals to be licensed as a home inspector, if the individual submits an application postmarked on or before July 1, 2012; removes certain qualifications for licensure; and removes certain authority to conduct investigations.
- Requires compliance with minimum separation distances for liquefied petroleum gas tanks as provided in the 2011 National Fire Protection Association standard 58.
- Specifies that a person engaging in the practice of landscape design may submit plans to government agencies for approval.
- Clarifies that Habitat for Humanity International, Inc., or its local affiliates are exempt from contracting licensing requirements for the rehabilitation of certain family residences.
- Revises provisions relating to the Florida Americans with Disabilities Accessibility Implementation Act to incorporate the 2010 ADA Standards for Accessible Design and to conform the Florida-specific provisions to those standards.
- Requires proposed amendments to base codes to provide a specific justification for why Florida is different from other areas that have adopted the base code; specifies that changes to the foundation code are only effective until the Commission adopts the new edition every three years.
- Specifies that efficiency standards for the Building Code are changed by replacing scheduled enhancements to the energy code provisions with model code language.
- Replaces the specified energy efficiency requirements for commercial and residential pool equipment with a reference to the Florida Energy Efficiency Code for Building Construction.
- Adds reference to a national model green building code to the policy of the state that buildings constructed and financed by the state be designed and constructed to comply with a referenced code.

*The bill is effective July 1, 2011. Chapter No. 2011-222*



## **HB 1255, Education Accountability by Representative Janet Adkins (R – Fernandina Beach),**

makes the following to Education accountability measures:

- Amends the good cause exemption for voluntary prekindergarten program providers.
- Requires school districts to provide access to virtual education during and after school, rather than one or the other.
- Authorizes the Commissioner of Education to require districts to participate in the administration of international assessments and provides the commissioner limited flexibility to extend the schedule for reporting student results on statewide assessments.
- Eliminates the 3-week end-of-course (EOC) assessment window and authorizes the commissioner to establish an assessment schedule for EOC assessments.
- Eliminates the requirement that certain students take the Algebra I EOC assessment.
- Establishes an exemption from the intensive reading course requirement for certain students.
- Amends the formula for calculating school grades to include EOC assessments taken by middle school students and middle school student attainment of industry certification.
- Amends how school grades are determined for purposes of differentiated accountability and eligibility for the Opportunity Scholarship Program.
- Establishes a waiver from the results of EOC assessments for certain students with disabilities and allows a principal to waive the civics EOC assessment for a transfer student who already took civics.
- Authorizes districts to provide digital curriculum for students in grades 6 through 12.
- Requires a district's strategic plan to include plans to implement a middle school career and professional academy.
- Requires industry certification, when available, for certain career and technical education teachers and authorizes districts to establish alternative qualifications for these teachers.
- Requires an assistive technology assessment to be completed within 60 school days of an individual education plan team's recommendation.
- Eliminates the requirement that the

commissioner review the budgets for districts and Florida College System institutions, eliminates the requirement that the Department of Education approve budgets for school boards and establishes budget transparency by requiring districts to post certain budget information on their websites and encourages them to provide additional information on their websites.

- Establishes a gift ban for school board members and their relatives.
- Establishes when a student has returned to public school for purposes of determining the end of the McKay Scholarship.
- Includes services provided by a certified Listening and Spoken Language specialist to the special education services that may be provided to a child with disabilities.
- Requires high schools to evaluate the college readiness of all students receiving certain scores on standardized assessments and provide appropriate postsecondary preparatory courses.
- Requires the Department of Education to review and revise the matrix of services for exceptional students and implement any changes by the 2012-13 school year.

*The bill is effective July 1, 2011. Chapter No. 2011-175*

## **SB 1292, Chief Financial Officer by Senator J.D. Alexander (R – Lake Wales),**

provides for the following:

- Beginning October 1, 2011, the CFO will begin conducting workshops with state agencies, local governments, educational entities and entities of higher education to gather information for the development of a uniform chart of accounts.
- The CFO will provide to the state agencies, local governments, educational entities and entities of higher education a draft chart of accounts by July 1, 2013.
- The CFO shall accept comments and input from state agencies, local governments, educational entities and entities of higher education regarding the draft chart of accounts through November 1, 2013.
- By January 15, 2014, the CFO will present a report to the Governor, President of the Senate and the Speaker of the House of Representatives recommending a uniform chart of accounts which requires specific enterprise-wide information related to

revenues and expenditures of state agencies, local governments, educational entities and entities of higher education. The report will include the estimated cost of adopting and implementing a uniform enterprise-wide chart of accounts.

*The bill is effective July 1, 2011. Chapter No. 2011-44*

## **SB 1314, State Financial Matters by Senator J.D. Alexander (R – Lake Wales),**

makes agencies more accountable in their contracting practices, and the Legislature more informed about the agencies' actions. Specifically, the bill:

- Defines a new budget category "Lease or lease/purchase of equipment." in s. 216.011, Florida Statutes for the Legislature to better track expenditures.
- Requires each state agency to provide certain contract information in its Legislative Budget Request when granting a concession contract.
- Requires state agencies to identify the specific appropriation in the contract that will be used to make payment for the first year of the contract with a \$5 million threshold, unless the Legislature specifically authorizes otherwise.
- The Act applies to contracts, contract amendments, contract extensions, or contract renewals that are executed on or after July 1, 2011.

*The bill is effective July 1, 2011. Chapter No. 2011-45*

## **HB 1331, School Choice by Representative Michael Bileca (R – Miami),**

expands the definition of a failing school for purposes of student eligibility for the Opportunity Scholarship Program (OSP). The bill changes the classification of a failing school from a school receiving two "D's" in a four-year period or an "F" in a two year period to a school that has received a "D" or an "F." The bill clarifies that the school the student is enrolled in, or scheduled to attend, must have received a school grade of "D" or "F" in the prior year and be categorized in the lowest two categories of differentiated accountability.

The bill expands the authorization parents currently have to choose a higher-performing public school that has space available in an adjacent school district to allow a parent to choose a higher-performing public school in any other

school district in the state. The bill maintains the transportation requirements for school districts, thus, if a parent chooses a public school outside of the assigned school district, the parent is responsible for providing transportation. However, if a parent chooses a higher-performing public school within the assigned district, the school district is required to provide transportation. The authorization for use of categorical funds remains an option for school districts to provide the transportation required for Opportunity Scholarship recipients. *The bill is effective July 1, 2011. Chapter No. 2001-128*

### **HB 1471, Religious Freedom by Representative Scott Plakon (R – Longwood),**

proposes a ballot initiative that amends the Florida Constitution relating to religious freedom. The resolution:

- Repeals a limit on the power of the state and its subdivisions to spend funds “directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”
- Provides that government may not deny the benefits of any program, funding, or other support on the basis of religious identity or belief, except to the extent required by the First Amendment to the United States Constitution.
- The proposed amendment will be placed on the ballot at the November 6, 2012, general election. Sixty percent voter approval is required for adoption.

*If adopted by the voters, the amendment will take effect on January 4, 2013.*

### **SB 1546, Charter Schools by Senator John Thrasher (R – Jacksonville, FSU Alum),**

revises statutory requirements pertaining to charter schools in Florida. The bill:

- Provides clarification that charter school training requirements apply to applicants who are approved, and that training must take place at least 30 days before the first day of school;
- Adds compliance with the ch. 120, F.S., administrative process, to the appeals process in nonrenewal and termination appeals cases;
- Assesses attorney’s fees and costs against the district when an appellant prevails in situations where:
  - A sponsor immediately terminates a

school and does not assume continuing operation pending appeal; or

- A high-performing applicant, applying under the authority of a high-performing charter school system is denied approval;
- Establishes the designation of “high performing charter schools,” provides qualifications and outlines benefits. High performing charter school systems are also designated if certain criteria are met;
- Authorizes sanctions against a district pursuant to s. 1008.32(4), F.S., where the State Board of Education finds a pattern of unlawfully denying high-performing applications;
- Provides greater flexibility for charter schools-in-the-workplace;
- Abolishes the Charter School Review Panel; and,
- Requires OPPAGA to compare charter school with traditional school funding, specifically regarding capital improvement millage distribution and the administrative fee.

*The bill is effect July 1, 2011. Chapter 2011-232*

### **SB 2120, K-12 Education Funding by Senator J.D. Alexander (R – Lake Wales),**

provides for the following:

- Authorizes Department of Revenue to provide certain information regarding the gross receipts tax to the State Board of Education, the Division of Bond Finance, and the Office of Economic and Demographic Research. In making the determination of the amount of bonds that can be serviced by the gross receipts tax, the State Board of Education is to disregard the effects of a 2010 nonrecurring refund.
- Expands the class size reduction lottery bond program to include other educational facilities.
- Authorizes a regional educational consortium service organization to generate revenue to support its activities. A consortium may establish ownership of patents, copyrights, trademarks and licenses. Revenues generated must be used to support each organization’s marketing and research and development activities in order to increase services to its member school districts.
- Provides that the allocation of state funds for a regional education consortium shall be determined based on funds provided in the

General Appropriations Act.

- Adjusts the charter school enrollment process such that students living in a development that provides the facility and related property with an appraised value of at least \$10 million for a charter school in the development shall be entitled to 50 percent of the enrollment in the charter school.
- Provides that charter school systems may be designated as local education agencies for the purpose of receiving federal funds.
- Limits the administrative fee that school districts withhold from high performing charter schools, as defined by SB 1546, to 2 percent for up to 250 students and to 2 percent for up to 500 students for high performing charter school systems as defined in s. 1002.33(20)(a)3.
- Clarifies prior legislation and authorizes the expenditure of PECO funds by a charter-school-in-the-workplace prior to July 1, 2010.
- Increases the number of students assigned to an instructor in the school year prekindergarten program from 11 to 12, and from 18 to 20 for an instructor plus an assistant. Reduces the administrative allowance for early learning coalitions from 4.5 to 4.0 percent.
- Redefines the term “core curricula courses” for the purpose of designating classes subject to the maximum class size requirements and requires the Department of Education (DOE) to maintain a list of such courses.
- Provides flexibility for school districts to implement class size requirements when additional students enroll in a school after the October survey and for grades 4 to 8 students who take high school courses. Clarifies the use of class size reduction funds.
- Authorizes school districts to establish pilot digital instructional materials schools. Participating districts will be required to have a local instructional improvement system and rely heavily on electronic instructional materials. Pilot schools will not have to purchase the required instructional materials adoption within the first two years and will not have to purchase materials from the depository. Districts will provide a plan and report on the outcomes.
- Revises statutes related to instructional materials for public schools, including revising naming conventions, using “instructional materials” as the generic rather than

- “textbooks”; modifying and expanding the description and requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers; clarifying and expanding bid advertisement specifications for electronic and digital content; revising the term for instructional materials adoption from 6 to 5 years; requiring that by 2015-2016, all adopted instructional materials for K-12 students are to be in electronic or digital format and districts are to use at least 50 percent of the annual allocation for the purchase of digital or electronic instructional materials on the state adopted list.
- Provides recurring flexibility, after March 1 of each year, for instructional materials funds to be used to purchase hardware for student instruction after required instructional materials purchases have been made.
- Revises the definition of adult education and provisions relating to the co-enrollment of high school students in adult education courses.
- Adjusts industry certified bonus weights based on rigor and the employment value of the certification with revised weights remaining within existing funding levels, and provides for middle school student eligibility for industry certification and bonus weights;
- Requires school districts to provide to the DOE by October 1, copies of contracts and amounts paid to providers of virtual instruction. Also requires districts to spend the difference between funds received for the virtual instruction program and amounts paid to providers of virtual instruction on local instructional improvement systems and electronic and digital instructional materials.
- Removes the additional FTE provision for the Florida Virtual School.
- Creates a virtual education contribution categorical in the FEFP.
- Authorizes an inter-district transfer of FEFP funds when students in Department of Juvenile Justice facilities are transferred between student membership surveys.
- Allows 16 districts that passed a referendum in the 2010 general election to levy 0.25 mills for the authorized two years and eligible districts to receive state compression adjustment funds for two more years. Provides for the expiration of the

authorization for school boards to levy by supermajority vote, following referendum, an additional 0.25 mills for critical operations or capital outlay on June 30, 2011.

- Defines casualty insurance for educational and ancillary facilities for purposes of school district expenditure of capital improvement millage revenues.
- Waives the equal dollar reduction penalty in the FEFP for school district audit findings for property and casualty insurance expenditures for the 2009-2010 fiscal year and the 2010-2011 fiscal year prior to January 1, 2011.
- Provides that state funding for the Merit Award Program will be discontinued after 2011-2012 payment of the 2010-2011 awards.
- Provides the DOE with flexibility to provide Florida Knowledge Network materials and other educational services online or by other electronic media, instead of primarily through television broadcast.
- Updates and clarifies DOE responsibilities for the Florida Information Resource Network.
- Extends an exemption from state educational facilities requirements for the demolition and replacement of school buildings for certain school districts.
- Adopts by reference, the alternative compliance calculation amounts to the class size reduction operating categorical allocation for the 2010-2011 fiscal year.

*The bill is effective July 1, 2011. Chapter No. 2011-55*

**SB 2156, Governmental Reorganization by the Budget Committee**, transfers the functions and trust funds of the Agency for Workforce Innovation to other agencies, and transfers the Office of Early Learning Services to the Department of Education, transfers the Office of Unemployment Compensation to Jobs Florida, transfers the Office of Workforce Services to Jobs Florida, transfers the functions and trust funds of the Department of Community Affairs to other agencies, and transfers the Florida Housing Finance Corporation to Jobs Florida.

Additionally, the bill creates the Commission on Oil Spill Response Coordination which will:

- Identify potential changes to state and federal law and regulations which will improve the oversight and monitoring of offshore drilling activities and increase response capabilities to offshore oil spills.

- Identify potential changes to state and federal law and regulations which will improve protections for public health and safety, occupational health and safety, and the environment and natural resources.
- Evaluate the merits of the establishment of a federal Gulf-wide disaster relief fund.
- Evaluate the need for a unified and uniform advocacy process for damage claims.
- Evaluate the need for changes to interstate coordination agreements in order to reduce the potential for damage claims and lawsuits.
- Address any other related issues as determined by the commission.

The bill also appropriates for the 2011-2012, 2012-2013, and 2013-2014 fiscal years the sum of \$10 million each year in recurring funds from the General Revenue Fund to the Department of Economic Opportunity. The Department of Economic Opportunity shall use these funds to execute a contract for \$10 million annually, for a term not to exceed three years, with the Office of Economic Development and Engagement within the University of West Florida for the charitable purpose of developing and implementing an innovative economic development program for promoting research and development, commercialization of research, economic diversification, and job creation in a Disproportionally Affected County.

*The bill is effective July 1, 2011. Chapter No. 2011-142*

### **HB 5303, Biomedical Research by the Health Care Appropriations Subcommittee**

provides for the following:

- Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from \$50 million to \$25 million beginning in the 2011-2012 fiscal year.
- Decreases the amount of funding provided to the James and Esther King Biomedical Research Program from \$20 to \$5 million subject to an annual appropriation in the General Appropriations Act.
- Decreases the amount of funding provided to the William G. “Bill” Bankhead Coley Cancer Research Program from \$20 to \$5 million

subject to an annual appropriation in the General Appropriations Act.

- Decreases the amount of funding provided to the H. Lee Moffitt Cancer Center and Research Program from \$10 to \$5 million subject to an annual appropriation in the General Appropriations Act.
- Provides \$5 million for the Sylvester Cancer Center at the University of Miami subject to an annual appropriation in the General Appropriations Act.
- Provides \$5 million for the Shands Cancer Hospital at the University of Florida subject to an annual appropriation in the General Appropriations Act.

*The bill provides an effective date of July 1, 2011. Chapter No. 2011-98*

### **HB 7005, Unemployment Compensation by the Economic Development & Tourism Subcommittee,**

increases the number of employer payroll service providers who qualify for access to unemployment tax information. Additionally, the bill requires that individuals claiming benefits report center information and participate in an initial skills review. The bill also clarifies "good cause" for voluntarily leaving employment, disqualifies certain persons for benefits, will require random drug testing of new participants and, reduces the amount and revises calculation of number of weeks of a claimant's benefit eligibility from 27 weeks to 23 weeks. The bill revises an employer's unemployment compensation contribution rate by certain factors; revises application to conform to changes made by this act; provides employer payment schedule for 2012, 2013, and 2014 contributions. The bill readopts and amends the provision relating to temporary extended benefits and provides for retroactive application. The bill also establishes temporary state extended benefits for weeks of unemployment and provides for state extended benefits for certain weeks and periods of high unemployment. *The bill is effective upon becoming law. Chapter No. 2011-235*

**HB 7087, Education Law Repeals by Representative Kelli Stargel (R – Lakeland)**, repeals programs that were never implemented or are no longer funded. The programs are: Digital Divide Council and the associated Pilot Project for Discounted Computers and Internet Access for Low-Income Students; the Institute on Urban Policy and Commerce;

the Community and Faith-based Organizations Initiative; the Community and Library Technology Access Partnership; the Community computer access grant program; Adult Literacy Centers; the Florida Literacy Corps; Pre-teacher and Teacher Education Pilot programs, the Teacher Education Pilot Programs for High-Achieving Students; the Merit Award Program; the Critical Teacher Shortage Program, which includes: the Florida Teacher Scholarship and Forgivable Loan Program, the Critical Teacher Shortage Tuition Reimbursement Program, and the Critical Teacher Shortage Student Loan Forgiveness Program.

The bill also repeals obsolete provisions of law governing the criteria for awarding continuing contracts and professional service contracts. In addition, the bill repeals a section of law found unconstitutional that prohibits any person in the state of Florida from falsely claiming to possess an academic degree, or the title associated with that degree, unless the person has been awarded the degree from an accredited institution.

Finally, the bill repeals the requirement for students who took Algebra I in the middle grades from 2007-2008 through 2009-2010 to take the Algebra I end-of-course assessment in the 2010-2011 school year. Approximately 39,600 students would not have to take the Algebra I assessment. *The bill was effective upon becoming law and was approved by Governor on May 5, 2011; Chapter No. 2011-37.*

**HB 7185, Corporate Income Tax by Representative Steve Precourt (R – Orlando)**, imposes a 5.5% tax on the taxable income of corporations doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income used for federal income tax purposes. This means that a corporation paying taxes in Florida generally receives the same benefits from deductions allowed in determining its federal taxable income. Florida maintains this relationship by each year adopting the Federal Internal Revenue Code as it exists on January 1 of the year in question. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income. The bill adopting the federal code is commonly referred to as the "piggyback bill."

Last year, the federal government passed two acts that affected the Internal Revenue Code - the Small Business Jobs Act of 2010 (SBJA) and the Tax

Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (TJJA). These acts contained provisions that will reduce Florida corporate tax receipts over the next two years if adopted in Florida. Those provisions are:

- 50 percent first year bonus depreciation for certain new business property placed in service between January 1 and September 8, 2010.
- 100 percent first year bonus depreciation for certain new business property placed in service after September 8, 2010 through December 31, 2011.
- 50 percent first year bonus depreciation for certain new business property placed in service in 2012.
- Increase in the amount that can be immediately expensed for certain depreciable asset purchases made in 2010 and 2011, from \$250,000 or \$25,000, depending on the year, to \$500,000.
- Increase in the amount that can be immediately expensed for certain depreciable asset purchases made in 2012, from \$25,000 to \$125,000.

The bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2011. The change will apply retroactively to January 1, 2011. However, the bill contains provisions that do not adopt the federal bonus depreciation and enhanced expensing provisions described above. The bill accomplishes this by extending current statutory provisions adopted by Florida in 2009 to decouple from similar bonus depreciation and enhanced expensing provisions enacted by Congress in 2008 and 2009. *The bill will take effect upon becoming a law and shall operate retroactively to January 1, 2011. Chapter No. 2011-229*

### **HB 7197, Digital Learning by Representative Kelli Stargel (R – Lakeland)**,

- revises the following:
- Revised the number of virtual instruction options that school district must provide. (Reduced from 9 to 3 to accommodate smaller districts).
  - Specifically authorized school districts to operate/create their own virtual instruction programs.
  - Modified the eligibility criteria for participation in virtual instruction programs

- to allow kindergarten and 1st grade eligibility without the requirement for prior year enrollment in the public school system.
- Revised the date by which high school students entering grade 9 must complete at least one online course, from 2013-14 to 2011-2012.
- Revised the funding requirements for all virtual instruction options (FLVS, school district operated virtual instruction programs and virtual charter schools) to clarify that funding shall be through the Florida Education Finance Program as provided in the General Appropriations Act, but cannot include funding for class size requirements.
- Authorized virtual charter schools to provide full-time online instruction to kindergarten through grade 12 students in the district in which the student resides.
- Virtual charter schools must contract with the Florida Virtual School, an approved provider, or enter into an agreement with the school district to allow the charter school's students to participate in the district's VIP.
- The district may require that up to half of the virtual charter school's governing board reside in the district.
- The board must hold three public meetings in the district per year.
- A quorum of the governing board members must physically attend each meeting.
- The sponsoring school district may withhold an administrative fee equal to 5% of the total funds generated by the charter school through the FEFP.
- Authorized school districts to offer blended learning courses that combine traditional classroom instruction and virtual instruction taught by a teacher that is not physically in the classroom.
- Enabled public school students to enroll in an online course offered by another district if:
  - the course is not offered by the student's district;
- Authorized Florida Virtual School to provide full-time online instruction to students in kindergarten through grade 12, and expands part-time instruction to students in grades 4-5 for public school students taking grade 6 through 8 courses.
- Elementary school principals are required to notify parents of students scoring level 4 or 5 on FCAT reading or math of the option for the student to take accelerated

courses through the FLVS.

- Required public school students receiving full-time and part-time instruction from the Florida Virtual School to take statewide assessments – including FCAT and statewide end-of-course exams.
- Required Florida Virtual School to receive a school grade for students receiving full-time instruction.
- Revised the requirements for charter school governing boards. The bill allowed school districts to require that at least 50% of the governing board members reside in the school district. The bill removes this authority and prohibits the charter school sponsor from requiring board members of the charter school to reside in the district in which the school is located if the governing board appoints a representative, who resides in the school district, to resolve disputes and provide information to interested stakeholders and holds two meetings in the district per school year at which the representative and the principal or director must be physically present.
- Restricted FLVS to serving only public school students in grades 2 through 5 to reduce the fiscal impact to the state.
- Revised the requirement that all school districts provide at least three virtual instruction program options. The bill provides flexibility for small rural counties so that they do not have to meet the same requirements as large school districts that have the capacity to serve more students in virtual instruction programs.
- Clarified that the approval of virtual instruction providers is for three school years and is not limited to the calendar year.
- Clarified that enrollment in the full-time FLVS program satisfies the enrollment criteria for other virtual instruction programs.

*The bill is effective July 1, 2011. Chapter No. 2011-137*

**HB 7207, Growth Management by Representative Gary Aubuchon (R – Cape Coral)** provides for the following:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.

- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).
- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional

impact.

- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

*The effective date of this bill is upon becoming law. Chapter No. 2011-139*

The following summaries of bills that passed relating to health issues provided by Laura Brock, College of Medicine.

**HB 0097, Health Insurance by Representative Matt Gaetz (R – Shalimar, FSU Alum)**, prohibits certain health insurance policies & health maintenance contracts from providing coverage for abortions; provides exceptions; defines term “state”; provides that certain restrictions on coverage for abortions apply to certain group health insurance policies issued or delivered outside state which provide coverage to residents of state; provides that certain restrictions on coverage for abortions apply to plans under Employee Health Care Access Act. *Effective Date: July 1, 2011 Chapter No. 2011-111*

**HB 0155, Firearms Owners by Representative Jason Brodeur (R – Sanford)**, provides that licensed practitioner or facility may not record firearm ownership information in patient’s medical record; provides exception; provides that unless information is relevant to patient’s medical care or safety or safety of others, inquiries regarding firearm ownership or possession should not be made; provides exception for EMTS & paramedics; provides that patient may decline to provide information regarding ownership or possession of firearms; clarifies that physician’s authority to choose patients is not altered; prohibits discrimination by licensed practitioners or facilities based solely on patient’s firearm ownership or possession; prohibits harassment of patient regarding firearm ownership during examination; prohibits denial of insurance coverage, increased premiums, or other discrimination by insurance companies issuing policies on basis of insured’s or applicant’s ownership, possession, or storage of firearms or ammunition; clarifies that insurer is not prohibited from considering value of firearms or ammunition in setting personal property premiums; provides for disciplinary action. *Effective Date: upon becoming a law. Chapter No.*

*2011-112*

**HB 0445, Wellness or Health Improvement Programs by Representative Clay Ingram (R – Pensacola, FSU Alum)**, authorizes insurers & HMOs to offer voluntary wellness or health improvement program & encourage or reward participation in program by offering rewards or incentives to members; authorizes insurers & HMOs to require plan members not participating in said programs to provide verification that their medical condition warrants nonparticipation in order for nonparticipants to receive rewards or incentives; requires that reward or incentive be disclosed in policy or certificate; provides that act does not prohibit insurers or HMOs from offering other incentives or rewards for adherence to wellness or health improvement program. *Effective Date: July 1, 2011. Chapter No. 2011-167*

**SB 0702, Umbilical Cord Blood Banking by Representative Anitere Flores (R – Miami)**, requires the Department of Health to post on its website certain resources and a website link to specified materials regarding umbilical cord blood banking. Requires the department to encourage certain health care providers to make available to their pregnant patients information related to umbilical cord blood banking. Provides that a health care provider or health care facility and its employees or agents are not liable for damages in a civil action, etc. *Effective Date: July 1, 2011. Chapter No. 2011-154*

**HB 0935, Health Care Price Transparency by Representative Richard Corcoran (R – New Port Richey)**, authorizes primary care provider to publish & post schedule of certain charges for medical services offered to patients; requires schedule to include certain information regarding medical services offered; provides that schedule may group provider’s services by price levels & list services in each price level; provides exemption from license fee & continuing education requirements for provider who posts schedule of charges; requires primary care provider’s estimates of charges for medical services to be consistent with posted schedule; requires provider to post schedule of charges for certain time period; provides for repayment of license fees & compliance with continuing education requirements previously waived if schedule of charges was not posted; requires urgent care centers to publish & post

schedule of certain charges for medical services offered to patients; provides fine for failure to publish & post schedule of medical services; requires medical directors or clinic directors of health care clinics & entities with certificate of exemption under Health Care Clinic Act to publish & post schedule of certain charges for medical services offered to patients, etc. *Effective Date: July 1, 2011. Chapter No. 2011-122*

**HB 1085, Women’s Health by Representative Scott Plakon (R – Longwood)**, creates “Kelly Smith Gynecologic & Ovarian Cancer Education & Awareness Act”; requires DOH to disseminate & display information about gynecologic cancers; requires department to encourage women to discuss risks of gynecologic cancers with their health care providers; requires State Surgeon General to post link to gynecologic cancer information on CDC Internet website; encourages DOH to seek any available funds to promote gynecologic cancer awareness; encourages DOH to collaborate with other entities to create systematic approach to increasing public awareness regarding gynecologic cancers; increases membership of Florida Cancer Control & Research Advisory Council. *Effective Date: July 1, 2011. Chapter No. 2011-91*

**HB 1125, Health and Human Services by Representative Richard Corcoran (R – New Port Richey)**, provides exemption from review by AHCA & requirement to file application for certificate of need with agency for certain Level III neonatal intensive care units under certain circumstances; removes limitation on eligibility for enrollment in approved health flex plan; revises definition of term “health care provider” to include orthotists, orthotic fitters, orthotic fitter assistants, pedorthists, & prosthetists; revises eligibility requirements for participation in Florida Health Choices Program; provides that statutory rural hospitals are eligible as employers rather than participants under program; permits specified eligible vendors to sell health maintenance contracts or products & services; requires certain risk-bearing products offered by insurers to be approved by OIR; provides requirements for product certification; provides duties of Florida Health Choices, Inc.; provides for certain risk-pooling data to be reported annually; authorizes personal identifying information of Florida Kidcare program applicant to be disclosed to Florida Health Choices, Inc., to administer program;

requires AHCA to establish demonstration project in Miami-Dade County of long-term-care facility & psychiatric facility to improve access to health care by medically underserved persons. *Effective Date: July 1, 2011 Chapter No. 2011-195*

**HB 1127, Abortions by Representative Elizabeth Porter (R – Lake City, FSU Alum)**, requires that ultrasound be performed on woman obtaining abortion; requires that ultrasound be reviewed with patient before woman gives informed consent for abortion procedure; requires that woman certify in writing that she declined to review ultrasound & did so of her own free will & without undue influence; provides exemption from requirement to view ultrasound for women who are victims of rape, incest, domestic violence, or human trafficking or for women who have serious medical condition necessitating abortion; provides grounds for disciplinary action for failure to comply with such requirements; provides rulemaking authority to AHCA. *Effective Date: July 1, 2011 Chapter No. 2011-224*

**HB 1179, Abortion/Public Funding/Construction of Rights by Representative Dennis Baxley (R – Ocala, FSU Alum)**, proposes creation of s. 28, Art. I of State Constitution; prohibits public funding of abortions; provides exceptions; prohibits State Constitution from being interpreted to create broader rights to abortion than those contained in U.S. Constitution. *Effective Date: Not Specified*

**HB 1193, Health Insurance by Representative Matt Hudson (R – Naples)**, prohibits person from being compelled to purchase health insurance except under specified conditions; specifies that act does not prohibit collection of certain debts. *Effective Date: June 1, 2011. Chapter No. 2011-126*

**HB 1247, Parental Notice of Abortion by Representative Kelli Stargel (R – Lakeland)**, revises definition of term “constructive notice”; revises notice requirements relating to termination of pregnancy of minor; provides exceptions to notice requirements; revises procedure for judicial waiver of notice; provides for minor to petition for hearing within specified time; provides that in hearing relating to waiving requirement for parental notice, court consider certain additional factors, including whether minor’s decision to terminate her pregnancy was

due to undue influence; provides procedure for appeal if judicial waiver of notice is not granted; requires that court order contain factual findings & legal conclusions; requires Supreme Court reports to Governor & Legislature to include additional information; provides for severability. *Effective Date: October 1, 2011, or upon the adoption of rules and forms pursuant to s. 390.01114(5), Florida Statutes, by the Supreme Court for purposes of the amendment of s. 390.01114, Florida Statutes, by this act, whichever occurs earlier. Chapter No. 2011-227*

**HB 1473, Public Records/Florida Health Choices Program by Representative Richard Corcoran (R – New Port Richey)**, creates exemption from public records requirements for personal, identifying information of enrollee or participant in Florida Health Choices Program; creates exemption from public records requirements for proprietary confidential business information of vendor; creates exemption from public records requirements for client & customer lists of program buyer’s representative; provides exceptions; authorizes enrollee’s legal guardian to obtain confirmation of certain information about enrollee’s health plan; provides for retroactive application; provides penalty for unlawful disclosure of confidential & exempt information; provides for future legislative review & repeal of exemption under Open Government Sunset Review Act; provides statement of necessity. *Effective Date: October 1, 2011 Chapter No. 2011-197*

**SB 1676, Sovereign Immunity by Senator John Thrasher (R – Jacksonville, FSU Alum)**, provides that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services. Provides that certain colleges and universities that own or operate a medical school or any of its employees or agents providing patient services pursuant to a contract with a teaching hospital are agents of the teaching hospital and are immune from certain liability for torts, etc. *Effective Date: upon becoming a law, and applies to all claims accruing on or after that date Chapter No. 2011-219*

**SB 2144, Medicaid by the Budget Committee**, provides for funding the Medicaid reimbursement for certain persons age 65 or older while the optional program is being phased out.

Renames the “medically needy” program as the “Medicaid non-poverty medical subsidy.” Limits certain categories of persons eligible for the subsidy to only physician services after a certain date. Deletes the hospitalist program. Revises the factors for calculating the maximum allowable fee for pharmaceutical ingredient costs. Directs the AHCA to establish reimbursement rates for the next fiscal year, etc. *Effective Date: June 30, 2011. Chapter No. 2011-61*

## Bills that Failed

**HB 135, Procurement of Architectural, Engineering, and other Professional Services by a Governmental Agency or School Board by Representative Fred Costello (R – Deland)**, allows compensation to be a considering factor during the competitive selection process for architectural, engineering, and other professional services by a governmental agency or school board. The bill authorizes the agency or board to reopen negotiations with a selected firm following termination of negotiations with other firms. The bill died in the Governmental Operations Subcommittee.

**SB 230, Enforcement of Immigration Laws by Senator Nancy Detert (R – Venice)**, cites this act as the “Florida Security and Immigration Compliance Act.” The bill prohibits agencies from entering into a contract for contractual services with contractors that are not registered and participating by a specified date in a federal work-authorization program. Additionally, the bill provides procedures for the verification of eligibility for benefits, etc. *The bill died in the Judiciary Committee.*

**SB 246, Human Trafficking by Senator Arthenia Joyner (D – Tampa)**, requires operators of massage establishments to maintain valid work authorization documents on the premises for employees who are not U.S. citizens, and present these documents to a law enforcement officer upon request. The bill makes it unlawful for a massage establishment operator to knowingly use a massage establishment for the purpose of lewdness, assignation, or prostitution. Criminal penalties are established for a violation of any of the provisions set forth in the bill. *The bill died in messages to the House.*

### **SB 260, Non-public Postsecondary Educational Institutions by Senator**

**Jeremy Ring (D – Margate)**, requires institutions licensed by the Commission for Independent Education (CIE) or exempt from licensure under certain circumstances to disclose the institution's accreditation status to each prospective student. Additionally, the bill requires an institution offering postsecondary education through correspondence or distance learning to students in Florida to be licensed by the CIE. *The bill died in the Budget Committee.*

### **HB 271, Enforcement of Immigration Laws by Representative Scott Pilon (R – Sarasota)**

designates the "Florida Security and Immigration Compliance Act." The bill prohibits agencies from entering into a contract for services with contractors not registered and participating in the federal work authorization program by specified date. Additionally, the bill provides for enforcement, a schedule for phased compliance, and requires the Chief of Domestic Security to negotiate terms of memorandum of understanding between state and certain Federal Government entities concerning specified matters related to immigration, etc. *The bill was withdrawn prior to introduction.*

### **HB 461, Tax on Sales, Use and other Transactions by Representative James Grant (R – Tampa)**

provides that sales tax may not be collected on the sale of firearms during the period from 12:01 a.m., October 1, 2011, through 11:59 p.m., 12 October 2, 2011. *The bill died in the Finance and Tax Committee.*

### **SB 716, Corporate License Plates by Senator Mike Fasano (R – New Port Richey)**

authorizes the Department of Highway Safety and Motor Vehicles to create a corporate license plate program and enter into certain agreements with certain entities. The bill requires that corporate license plates meet specified criteria and that certain aspects of such license plates be approved by the department. Additionally, the bill requires that specified minimum fees be paid by applicants and corporate sponsors for such applications, etc. *The bill died in the Transportation Committee*

### **SB 830, Labor and Employment by Senator John Thrasher (R – Jacksonville, FSU Alum)**

revises labor laws to:

- Prohibits deductions from public employee wages that would directly or indirectly go toward political activity.
- Prohibits a labor organization from deducting moneys from employees that go toward political contributions or expenditures without written authorization from the employee.
- Requires a pro rata refund for moneys paid by a public or private employee to a union for political contributions and expenditures when an employee revokes their authorization.
- Prohibits labor organizations from requiring an authorization to spend funds for political contributions and expenditures as a condition of membership.
- Provides that the bill applies to all collective bargaining agreements entered into after the effective date.

*The bill died on the calendar.*

### **SB 2126, Department of Management Services by Senator J.D. Alexander (R – Lake Wales)**

- provided for the following:
- Eliminates the Executive Aircraft Program.
  - Implements recommended changes from the Chief Financial Officer relating to the purchase of internal furnishings in state buildings.
  - Removes the one-percent reimbursement limit for administration of the Florida State Employee Charitable Campaign.
  - Provides for the transfer of funds from the DMS to the Department of Financial Services to support statewide purchasing operations.
  - Revises the contracting requirements to the DMS's post-payment claims audit services contract to specify that all recovered overpayments must be deposited into a state account before the vendor can be paid from the receipts.
  - Reforms the state employees' health insurance program over a multi-year period as follows:
    - Provides for transition to a defined contribution program.
    - Increases coverage options beginning in 2013.
    - For the 2012 calendar year, requires the Department of Management Services to:
      - Retain the state PPO plan and continue to offer multiple HMOs on either a self-insured or fully insured basis, whichever renders best value to the state.

Continue current benefit levels and contributions for both plans.  
Procure an independent benefits manger (IBM) to analyze the program and assist the DMS in developing a plan to convert the state group insurance program to a defined contribution program and to provide other plan administration services.

Require the plan, including an implementation timeline, to be submitted to the Governor and the Legislature by January 1, 2013.

- for the 2013 calendar year:
- Requires the Department of Management Services to offer four levels of benefits to employees - Platinum, Gold, Silver, and Bronze - with each plan level having different benefits and costs.
- Provides that employees who choose a lower cost plan will share the savings with the state through a proportional pay increase.
- Authorizes the University of Florida Board of Trustees to independently develop and implement a plan for self-insurance benefits for its employees and students, subject to approval by the Legislative Budget Commission.
- During the 2013 Legislative Session, the Legislature will review the plan submitted by the DMS to convert the state group insurance program to a defined contribution program. The Legislature may approve or modify the plan.
- For the 2014 plan year and thereafter, requires the DMS to implement the defined contribution plan, if approved by the Legislature.

*The bill died in the Conference Committee.*

### **HB 5005, Deregulation of Professions by Representative Dorothy Hukill (R – Port Orange)**

- provided for the following:
- Removes the requirement for auctioneer apprenticeship licensure.
  - Provides that out-of-state auctioneers may conduct motor vehicle auctions held for the purpose of sanctioned contests in this state.
  - Repeal the registration requirement for the hair braider, hair wrapper, and body wrapper specialties.



- Deregulates the practice of interior design.
- Removes the license classification of rooming house.
- Repeals registration and regulatory requirements on sellers of "business opportunities," as defined in s. 559.801(1), F.S.
- Removes the requirements relating to access to and from public roads and other requirements that specifically apply to outdoor theatres.
- Removes the requirement that a contract to solicit orders within this state between a principal and a commissioned sales representative be in writing and specify the terms of the commission.
- Removes the requirement that cathode ray tubes (CRT, or television picture tubes) be correctly labeled to indicate the new and used components and materials in such picture tubes.

*The bill died on final passage.*