



# LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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**T**he 2012 legislative session concluded on March 9 and a \$70 billion state budget, along with 292 bills, were sent to the governor for his response.

On April 17, the governor vetoed \$142.7 million from the budget before signing it into law, which will take effect on July 1. These vetoes included \$350,000 for the Florida Storm Risk Management Center in the FSU College of Business (see Quick Budget Guide).

All but 12 of the 292 bills that passed the legislature became law, either with or without the governor's signature. The governor vetoed one of particular interest to Florida State University – House Bill 7129, the State Universities of Academic and Research Excellence and National Preeminence Act – which would have established 14 academic and research standards of excellence and allowed institutions that met 12 of them (only FSU and UF currently do so) the ability to establish student tuition and fees at differentiated and market rates (see Veto Message).

The Spotlight on Bills section of this newsletter provides a complete listing of legislation of interest that passed during the session, as well as the bills that did not.

This past session also included reapportionment so all 160 political districts were redrawn and, with the Florida Supreme Court's recent signoff on those new legislative and Congressional boundaries, the election cycle has officially begun.

As always, please feel free to contact me if you have questions about bills that passed or those that failed, or any budget-related inquiries. I can be reached at **(850) 644-4453** or **kdaly@fsu.edu**.

## Thank You For Another Great Session

The Office of Governmental Relations would like to express its gratitude for the support received from the Legislative Liaison Committee members. These important members of our team contributed much hard work and patience during the 2012 Legislative Session.

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THE FLORIDA STATE UNIVERSITY  
GOVERNMENTAL RELATIONS

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# SPOTLIGHT ON **BILLS**

## **HB 7129, State Universities of Academic and Research Excellence and National Preeminence, by Representative Bill Proctor (R – St. Augustine, FSU Alum),**

establishes the State Universities of Academic and Research Excellence and National Preeminence Act (Act). The Act is a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research excellence and national preeminence of the highest performing state research universities in Florida. A state research university that substantially meets 11 of the 14 academic and research excellence standards (of which only UF and FSU currently meet) established in the bill may:

- Establish student tuition and fees at differentiated and market rates; and
- Require incoming first-time-in-college students to take 9-12 credit hours of coursework specifically determined by the university at the university.

A qualified Prepaid Program beneficiary is exempt from the payment of any increase in tuition and fees if an advance payment contract for such qualified beneficiary predates the first year an SUS institution receives tuition and fee authority; and if the advance payment contract for such qualified beneficiary remains in effect. A qualified Prepaid Program beneficiary who enters into an advance payment contract in the first year an SUS institution receives tuition and fee authority, or in the years thereafter, must pay the difference between the highest rate of tuition and fees covered by the advance payment contract and the tuition and fees assessed by the SUS institution of national preeminence that such qualified beneficiary attends.

The authority to establish student tuition

and fees at differentiated and market rates is contingent upon the BOG verifying that the SUS institution substantially meets at least 11 of the following 14 academic and research excellence standards:

- An average weighted grade point average of 3.8 or higher on a 4.0 scale and an average SAT score of 1800 or higher for fall semester incoming freshman, as reported annually.
- A top 50 ranking on at least two well-known and highly respected national public university rankings, reflecting national preeminence, using most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time first-time-in-college students, as reported annually to the Integrated Postsecondary Education Data System (IPEDS).
- A 6-year graduation rate of 70 percent or higher for full-time first-time-in-college students, as reported annually to the IPEDS.
- Six or more faculty members at the state university who are members of a national academy, as reported annually by The Center for Measuring University Performance for the Top American Research Universities (TARU).
- Total annual research expenditures, including federal research expenditures, of \$200 million or more, as reported annually by the TARU.
- Total annual research expenditures in diversified nonmedical sciences of \$100 million or more, as reported annually by the National Science Foundation (NSF).
- A top 100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study, as reported annually by the NSF.
- One hundred or more total patents

awarded by the United States Patent and Trademark Office for the most recent 3-year period.

- Two hundred fifty or more doctoral degrees awarded annually, as reported by TARU.
- Two hundred or more post-doctoral appointed annually, as reported by TARU.
- A national ranking in quality higher than predicted based available financial resources rankings, as reported annually by U.S. News and World Report.
- An endowment of \$400 million or more, as reported annually by the TARU
- Annual giving of \$50 million or more, as reported annually by the TARU.

Additionally, a state research university that substantially meets the requirements of the bill must submit a tuition and fee rate proposal annually by May 31 detailing the requested budget authority in the Education and General Student and Other Fees Trust Fund needed to implement the new tuition structure to the BOG with the university work plans.

Finally, a state research university that substantially meets the requirements of the bill must maintain fees used to pledge or secure debt at an appropriate fee level to meet all debt service obligations of that university.

**The bill is effective upon becoming law. VETOED BY THE GOVERNOR**

**HB 7135, Postsecondary Education by Representative Bill Proctor (R – St. Augustine, FSU Alum),** amends provisions of law relating to the State University System (SUS), the Florida College System (FCS), general education requirements, and various other provisions.

The bill requires that the strategic plan adopted by the Board of Governors (BOG) address, not only goals and objectives for the State University System (SUS) and each constituent university, but also each university's contribution to overall system goals and objectives. The strategic plan must also include performance metrics and standards common to all institutions and standards and metrics unique to each institution, depending on the institutional mission. To advance system and unique institutional priorities the BOG may consider waiving its regulations to reduce barriers and support attainment of goals identified in institutional plans as necessary.

The bill establishes a formula for performance funding whereby state universities can compete for additional funding to support engineering and technology programs that have high employment outcomes.

The State Board of Education (SBE) must clarify the mission statements of each Florida College System (FCS) institution and its role within the system as a whole. More specifically, the SBE must identify the role of each institution in baccalaureate degree production and establish criteria for service delivery areas of FCS institutions authorized to grant baccalaureate degrees. The SBE must identify performance metrics for the FCS and develop a plan that specifies goals and objectives for each FCS institution.

The SBE, in consultation with the BOG and the Department of Economic Opportunity (DEO) must adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM).

A FCS institution notice of intent to propose a baccalaureate degree program must include independently-determined workforce demand and unmet need data. In addition, the bill repeals the unused provision allowing FCS institutions to bypass SBE approval for additional baccalaureate degrees and requires each FCS institution offering baccalaureate degree programs to annually report its status using specific performance and compliance indicators.

The bill revises provisions related to general education beginning with students initially entering a FCS institution in 2014-15, by reducing the requirement

from 36 semester credit hours to 30 semester credit hours for an associate or baccalaureate degree. The chairs of the SBE and the BOG are required to jointly convene faculty committees to identify statewide general education core course options. General education core course options must consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The bill also requires that associate in arts degree students demonstrate competency in a foreign language pursuant to s. 1007.262, F.S.

Beginning December 31, 2013, the bill requires the DEO to annually prepare an economic security report of employment and earning outcomes for degrees or certificates earned at a public postsecondary educational institution.

The bill requires all private postsecondary institutions that receive state funds to submit student-level data to appropriate state level entities.

**The bill is effective upon becoming law.  
Ch. 2012-195**

**HB 5201, Higher Education Funding, by Representative Denise Grimsley (R – Sebring),**

provides higher education funding issues to conform to the 2012-2013 General Appropriations Act. Specifically, the bill:

- Establishes the Florida Virtual Campus to provide access to online student and library support services and serve as a statewide resource and clearinghouse for postsecondary education distance learning courses and degree programs and to increase student access and completion of degrees;
- Establishes a Degree Completion Pilot Program to recruit, recover, and retain adult learners and assist them in completing degrees aligned to high-wage, high-skill, and workforce needs;
- Increases the surcharge for excess credit hours;
- Authorizes the Board of Governors to transfer unused Student and Other Fees Trust Fund authority between institutions, and restricts universities' ability to transfer funds to and from satellite campuses in excess of \$2 million

for the current fiscal year and \$1 million for the subsequent years;

- Maintains the salary limitation on the amount of state funds that may be used for salaries of Florida College System and State University presidents and administrative employees in Fiscal Year 2012-2013;
- Provides that a full-time student, co-enrolled in a K-12 education program and an adult general education program, may be reported for funding for two courses in an adult education program in Fiscal Year 2012-2013;
- Revises the severance package language for colleges and universities to conform to s. 215.512, F.S.;
- Requires both college and universities to maximize purchasing power by entering into consortia and cooperative agreements;
- Removes an exemption from State Board of Education approval for baccalaureate degree programs to be offered by a Florida College System Institution;
- Requires the Auditor General to notify the Joint Legislative Auditing Committee of any audit review which indicates that a state university or state college has failed to take corrective action, and requires the district school board, the Florida College System institution board of trustees, or university board of trustees to conduct an audit overview during a public meeting; and
- Authorizes the University of Florida to exceed the 5% bonding limitation on the Activity and Service (A&S) fee to fund the renovation and expansion of the student union.
- Allows colleges to increase the fee up to 20% of tuition or the sum of tuition and out-of-state fees. It implements a new fee structure for universities allowing them to increase the Capital Improvement Trust Fund (CITF) fee up to 10% of tuition or the sum of tuition and out-of-state fees as approved by a fee committee and the board of trustees. The fee may increase no more than \$2 per credit hour over the prior year for resident students. The bill also stipulates the fee may be used to fund any project or real property acquisition and any reduction must undergo review of the State Board of Administration, Division of Bond Finance.

The bill makes the following changes to student financial aid and tuition assistance programs:

- Shortens the length of time from 3 years to 2 years that a student is eligible to accept the initial Bright Futures Scholarship after high school graduation;
- Clarifies that students enrolled in the Spring/Summer University of Florida pilot program are authorized to receive a Bright Futures Scholarship award for only two semesters each year;
- Clarifies that students are required to annually submit the Free Application for Federal Student Aid (FAFSA); and
- Limits allowable uses for the Bright Futures Gold Seal Vocational Scholarship.

The bill includes provisions for other scholarship programs which:

- Requires annual financial reporting by the Florida Fund for Minority Teachers (FFMT) and the Florida Education Fund (FEF);
- Requires the FFMT to use a contingency collection agency to recoup scholarship repayments from students in default;
- Eliminates a law scholarship program that is no longer funded, nor does the FEF provide scholarships; and
- Revises matching requirements for the FEF, the Jose Marti and Mary McLeod Bethune Scholarship Programs.

The General Appropriations Act provides:

- \$24.4 million to support the newly established Virtual Campus, including \$2.5 million for a degree completion pilot;
- \$11 million in savings to the state associated with the decrease in allowable excess credit hours; and
- \$505,926 in savings due to changes in the Bright Futures Vocational Gold Seal Scholarship program.

**Effective July 1, 2012. Ch. 2012-134**

**HB 5007, State Employees by Representative Denise Grimsley (R – Sebring),** provides for the resolution of collective bargaining issues at impasse between the State of Florida and the certified bargaining units for state employees. Bargaining units include: Teamsters Local 2011, Police Benevolent Association, Fire Services Association, AFCME, Federation of Physicians and Dentist, and the Department of Lottery. **Effective July 1, 2012. Ch. 2012-132**

**HB 5009, Health Insurance Benefits for State Employees, by Representative Denise Grimsley (R – Sebring),** revises the State Group Health Insurance Program (program) as follows:

The program is an optional benefit for all state employees working for state agencies, state universities, the court system and the Legislature. Universities are required to participate.

The program provides several options for employees who choose health insurance coverage. The state offers Individual and Family Coverage in both a standard plan and a high-deductible plan with Preferred Provider Organization PPO and Health maintenance Organization HMO options. The high deductible plan includes a Health Savings Account (HSA). Every year since the high-deductible option has been offered, the state has contributed \$500 and \$1,000 into the HSA for employees with Individual or Family Health coverage, respectively.

During the 2010 session, the Legislature implemented a policy whereby participants in the PPO plan were required to use mail order for certain maintenance drugs. Mail order prescriptions are for 90 days and cost the equivalent of two monthly copayments, saving both the participant and the state money. Retail outlets are limited to providing 30 day supplies. The bill provides that DMS may implement a 90-day supply limit program for certain maintenance drugs for retail pharmacies participating in the program if DMS finds it is in the best interest of the state.

The bill provides the Board of Trustees of the University of Florida with the option to create their own health insurance program separate from DSGI to cover its students, employees and retirees. If such a program is established, the bill directs the University to be provided funding as established for other entities in the General Appropriations Act adjusted on an annual basis by an actuarially determined implicit subsidy for retiree benefits.

**Effective July 1, 2012.**

**VETOED BY THE GOVERNOR**

**Senate Bill 5011 – Relating to State Information Technology, by Representative Denise Grimsley (R – Sebring),**

creates the Agency for State Technology (AST) and abolishes Agency for Enterprise Information Technology, and transfers its records, property, funds, trust funds, administrative authority and rules, pending issues, and, existing contracts to AST. The bill nullifies specified rules relating to enterprise e-mail service and revises provisions for consolidation of agency computing facilities into the primary data centers system. Additionally, the bill revises provisions relating to state data center system and provides duties of AST. Finally, the bill revises the duties of state agencies. **Effective July 1, 2012. VETOED BY THE GOVERNOR**

HB 5203 – Workers Compensation, by Representative Denise Grimsley (R – Sebring), repeals section 1010.87, Florida Statutes, removing the Department of Education's administrative responsibilities toward Workers Compensation and placing those duties within the Department of Financial Services. **Effective July 1, 2012. Ch. 2012-135**

**HB 5509, State Data Center System, by Representative Ed Hooper (R - Clearwater),** consolidates all agency data centers and computing facilities in a primary data center. The bill requires that computing resources be concentrated in quality facilities that provide proper security, infrastructure, and staff resources to ensure that the state's data is maintained reliably and sagely, and is recoverable in the event of a disaster. The bill designates Northwest Regional Data Center at FSU as a primary data center that will have the following facilities consolidate with:

- The Department of Education's Knott Data Center
- The Department of Education's Division of Vocational Rehabilitation
- The Department of Education's Division of Blind Services
- The FCAT Explorer
- FACTS.org
- The Department of Revenue's Carlton building and Imaging Center locations

**The bill is effective July 1, 2012. Ch. 2012-142**

**HB 5101, Pre-kindergarten – 12 Education Funding by**

**Representative Marti Coley (R – Marianna, FSU Alum)**, is the budget conforming bill for Pre-K – 12. The bill:

- Removes references to the public broadcasting radio stations. This change limits the use of state funds provided for educational television to only be disbursed by the Department of Education to public broadcasting television stations meeting the requirements of the Corporation for Public Broadcasting.
- Modifies the FEFP Supplemental Academic Instruction and Reading allocations for 2012-2013 and 2013-2014 to require districts with the 100 lowest performing elementary schools to provide intensive reading instruction by effective teachers for the students in these schools for an additional hour a day beyond the normal school day for the entire school year.
- Delays the increased class size penalty (from 50% to the full amount of the base student allocation) until 2014-2015, including a retroactive adjustment of the 2011-2012 penalty calculation.
- Provides school districts with flexibility for instructional materials purchases, for the 2012-2013 mathematics adoption if the districts meet certain requirements.
- Requires providers and schools to implement pre and post assessments for students in the voluntary prekindergarten program.
- Limits the amendatory period for the reporting of FTE for payment to providers and schools by early learning coalitions for the voluntary prekindergarten program.
- Requires districts to provide Discretionary Local Effort funds up to the state average and/or state compression funding for juvenile justice education students.
- Requires school districts to participate in a School District Consortium to maximize purchasing power for goods and services.
- Creates the K-12 Public School Facility Funding Task Force to make recommendations for funding equity among charter schools and school district schools.
- Creates the Digital Instructional Materials Work Group to plan and monitor the transition to digital instructional materials.

- Limits the 5% charter school administrative charge for schools with exceptional student enrollment that is 75% or greater of the total school enrollment.
- Conforms severance package language for district superintendents and employees to s. 215.425, F.S. (from a maximum of one year's salary to a maximum of 20 weeks compensation).
- Limits the use of public broadcasting funds to TV stations to reflect budget allocations.
- Clarifies that the Sheriff is an eligible juvenile justice education provider.
- Repeals the Manatee County School District compulsory school attendance age pilot project.
- Authorizes the Commissioner of Education to waive certain school district facilities construction requirements if justified by the district.
- Clarifies that Auditor General audits satisfy the independent audit requirement for the educational facilities plan of school districts.
- Provides technical clarification of FEFP reporting requirements and audit adjustments.
- Maintains the waiver of the three-fourths limit for the use of school district discretionary capital outlay millage funds for payments required by lease-purchase agreements.

**The bill is effective July 1, 2012, Ch. 2012-133**

**HB 5005, Retirement, by Representative Denise Grimsley (R – Sebring)**, revises the employer contributions for members of the State University System Option Retirement Program, and the State Retirement System. The bill:

- Reduces the allocation rates for all retirement classes being deposited into investment plan member accounts.
- Reduces the employer contribution rates into the Community College System Optional Retirement Program.
- Reduces the employer contribution rates into the Senior Management Service Optional Annuity Program.
- Reduces the employer contribution rate by 2.28% into the State University System Optional Retirement Program.

- Adjusts the employer contribution rates for the FRS based on the 2011 Actuarial Valuation as adjusted by the changes to the Investment Plan allocations.

**Effective July 1, 2012, Ch. 2012-146**

**CS SB 198, State University System Optional Retirement Program, by Senator John Thrasher (R – Jacksonville, FSU Alum)**, increases the number of companies that the Department of Management Services (DMS) is authorized to contract with for provision of State University System optional retirement plans (SUSORP) from five to six companies. The bill also provides that if an additional company is to be added by competitive procurement, that the contract with the new provider be effective from July 1, 2012 until December 14, 2014, and that all SUSORP providers to be designated after January 1, 2015, must participate together in a competitive procurement. **Effective upon becoming law. Ch. 2012-10**

**SB 922, Current and Former Military Personnel, by Senator Mike Bennett (R – Bradenton)**, contains numerous provisions relating to support of military installations, military personnel and veterans. The bill addresses military support as follows:

**Encroachment:** The bill clarifies provisions relating to military installation commanders' advisory comments on land use changes. In addition, the bill requires advisory comments be supported by appropriate data and analyses that are to be provided with the comments.

**Property Tax Exemption for Deployed Service members:** The bill makes changes to the designated operations for which deployed service members may qualify for an ad valorem tax exemption. It also provides an exception to the March 1 application deadline in s. 196.173(5), F.S., for 2012 only.

**Florida Veterans' Hall of Fame Council:** The bill creates the Florida Veterans' Hall of Fame Council to serve as an advisory body tasked with accepting nominations of persons to be considered for induction into the Hall of Fame.

**Grants for Military Base Retention:** The bill streamlines the grant programs

and revises legislative intent for the programs to include the Legislature's interest in supporting and sustaining military installations throughout the state.

**T. Patt Maney Veterans' Treatment Intervention Act:** The bill authorizes the chief judge of each judicial circuit to establish a Military Veterans and Service members Court Program (Program) for veterans and service members who are convicted of a criminal offense and who suffer from a mental illness, traumatic brain injury (TBI), or substance abuse disorder as a result of their military service. Under the Program, a judge may sentence such veterans and service members in accordance with ch. 921, F.S., and through services tailored to the individual needs of the participant. The bill includes requirements for entry into the Program. The bill also authorizes a court to impose a condition of supervision requiring probationers or community controllees whose crime was committed on or after July 1, 2012, and who is a service member or veteran, who suffers from a military service-related mental illness, TBI, or substance abuse disorder, to participate in a treatment program capable of treating the offender. The bill requires preference for certain treatment programs. Finally, the bill adds both felony and misdemeanor pre-trial intervention programs as eligible treatment programs for veterans and service members. Except as otherwise expressly provided in this act and except for specific sections, which shall take effect upon this act becoming a law, **this act shall take effect July 1, 2012. Ch. 2012-159**

**HB 45, Postsecondary Education Course Registration for Veterans by Representative Jimmie Smith (R – Lecanto),** requires institutions within the Florida College System and the State University System that offer priority course registration for a segment of the student population (or upon the implementation of such a policy), to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also encourages independent postsecondary educational institutions to offer similar priority course registration. The bill provides that the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred would also be

granted priority course registration, and that qualified GI Bill users will be eligible for priority registration until the expiration of the GI Bill educational benefits. **Effective July 1, 2012. Ch. 2012-162**

**HB 7079, State Retirement, by Representative Jimmy Patronis (R – Panama City, FSU Alum),** clarifies the definitions of terms "normal retirement date" and "vesting". The bill authorizes distributions to certain members who are terminated from employment for 1 calendar month if the member has reached the normal retirement date. The bill provides rulemaking authority to the Department of Management Services and college boards of trustees. Additionally, the bill clarifies provisions related to the prohibition of hardship loans or payments and clarifies that a retiree who is reemployed in regularly established position, after certain date, may not be enrolled as renewed member. The bill makes conforming changes to DROP regarding the deferral age. The bill also provides that the term "benefit" for purposes of the SUSORP means a distribution taken by the member, or surviving beneficiary, funded in part or in whole by employer and employee contributions. A rollover distribution to another qualified plan qualifies as a distribution. The bill specifies that the definition of the term "eligible employee" does not include certain members reemployed in regularly established position and clarifies when benefits may be paid out. **Effective July 1, 2012. Ch. 2012-222**

**SB 1994, Postsecondary Education by Senator Don Gaetz (R - Destin),** creates the Florida Polytechnic University as a new university in the State University System (SUS) and codifies the steps established by the Board of Governors (BOG) as requirements the university must meet as a new SUS institution. The bill requires that students currently enrolled at the University of South Florida (USF) Polytechnic must be allowed to complete their degrees at USF. The bill requires real and personal property, licenses and associated revenues, and funds of USF Polytechnic to be transferred to the Florida Polytechnic University. All programs, offices, functions and faculty and staff positions of USF Polytechnic will be transferred to USF. The Florida Industrial and Phosphate Re-

search Institute, which is currently at USF Polytechnic is established within the Florida Polytechnic University, and the USF Doctor of Pharmacy program, which was designated to be housed at USF Polytechnic, will remain at USF. As space becomes available at the Florida Polytechnic University's new campus, space at the Lakeland joint-use facility must be transferred to Polk State College. The University of Florida is authorized to advise the board of trustees and president of the Florida Polytechnic University in accreditation and administrative matters. Effective upon becoming law, Ch. 2012-129

**HB 931, Board of Governors/ Student Member of Board of Governors by Representative Matt Gaetz (R – Shalimar, FSU Alum),** proposes to amend Section 7(d), Article IX of the Florida Constitution as follows:

- The specific reference to "the president of the Florida student association, or the equivalent," as the student member of the BOG is removed;
- The number of members appointed by the Governor is increased from 14 to 15; and
- One of the 15 members appointed by the Governor must be a state university student body president selected from a pool of applicants.

The state university student body president will serve a one-year term and is not subject to confirmation by the Florida Senate. A state university student body president is ineligible for appointment if the student body president appointed to the BOG in the previous year was from the same university. The initiative will be placed on the ballot to be decided by the voters.

**HB 347, College Credit for Military Training and Education Courses, by Representative Gayle Harrell (R – Port St. Lucie),** requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.

The bill requires that the regulations and

rules include procedures for credential evaluation and the award of academic college credit, including but not limited to, equivalency and alignment of military course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit. **Effective July 1, 2012. Ch. 2012-169**

**HB 1205, Drug-free Workplace by Representative Jimmie Smith (R – Lecanto)**, expands the authorization of state agencies to drug test employees to allow for random drug testing of all employees at specified intervals. It limits the number of employees tested to no more than 10 percent of each agency's workforce every three months.

The bill also revises requirements for the discipline, treatment, and continued employment of a state employee who receives a positive drug test result. In part, such revisions include authorization for a state agency to terminate the employment of any employee who receives a first-time positive drug test result.

The bill provides for the blanket drug testing of all state agency job applicants, regardless of the duties of the position. The bill provides that any drug test conducted under the Drug-Free Workplace Act must be paid for by each agency's appropriation.

In addition, the bill revises the categories of public job applicants that may be drug tested. It also expands the categories of employers that may qualify for certain insurance discounts due to maintenance of a drug-free workplace program. **Effective July 1, 2012. Ch. 2012-8**

**CS/CS/CS/HB 1355, Protection of Vulnerable Persons by Representative Chris Dorworth (R – Heathrow)**, requires any person to report known or reasonably suspected physical or emotional abuse of a child by any adult person. The bill also requires any person to report known or reasonably suspected sexual abuse of a child by any person. Any report of child abuse, abandonment, or neglect by a person other than a child's caregiver, as defined in statute, must be accepted by the Florida Abuse Hotline (hotline), maintained by the Department of Children and Families (department), and forwarded to the appropriate sheriff's office.

The bill requires the department to enable the hotline to accept reports of known or suspected child abuse, abandonment, or neglect through web-based chat. Also, the department is directed to conduct a study on the feasibility of adding text and short message service formats as means for the hotline to accept and process reports of abuse. The department must also update the web-based reporting form for the hotline to receive appropriate information and allow the department to assess need and the appropriate response to the need. The bill requires the department to partner with community-based organizations and public service campaigns to promote public awareness of the hotline. The bill appropriates 47 full-time equivalent staff and \$2.44 million from the General Revenue Fund to the department to handle additional workload for the hotline.

The bill imposes a \$1,000,000 fine on public and private colleges, universities and schools whose personnel or law enforcement agencies fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school and specifies who shall assess the fine against the institution.

The bill requires the department to develop and implement a program to assist parents and custodians of children who call the hotline to seek assistance unrelated to a report of abuse or a crime involving a child. The bill establishes requirements for the program and specifies the services to be offered by the program.

The bill expands the scope of victims who are eligible to receive monetary relocation assistance to include a victim of sexual battery, and appropriates \$1.5 million from the General Revenue Fund for that purpose.

The bill increases criminal penalties by reclassifying certain violations involving sexual conduct with minors. **The bill is effective October 1, 2012. Ch. 2012-155**

**HB 7127, School Improvement and Education Accountability, by Representative Erik Fresen (R – Miami, FSU Alum)**, eliminates existing criteria for identifying public schools for intervention and classification of schools into six categories, five of

which require intervention. Instead, the Florida Department of Education (FDOE) must identify public schools for interventions based upon a school earning a grade of "D" or "F." The most intense strategies must be provided to schools earning recurring letter grades of "D" or "F." Traditional public schools that earn a grade of "F" or three consecutive "D's" must implement school turnaround options. Charter schools that earn a grade of "D" or "F" must implement a school improvement plan. Those that earn recurring grades of "D" or that fluctuate between "D" and "F" over a period of years must implement corrective actions. A charter school's sponsor must terminate a charter school that earns two consecutive grades of "F," with certain exceptions. The bill provides eligibility for Opportunity Scholarships to students attending schools earning a grade of "F" or three consecutive "D's."

The bill also increases the percentage of a high school's grade that may be based upon the statewide assessment components. The calculation of school district grades is revised to capture students who transfer among district schools and students attending ungraded schools. Middle school students enrolled in courses that require passage of a statewide, standardized end-of-course (EOC) assessment will no longer be required to take the corresponding grade level FCAT. **Effective July 1, 2012. Ch. 2012-194**

**HB 7087, Economic Development by Representative Steve Pre-court (R – Orlando)**, contains several provisions designed to encourage economic development in Florida. These are:

Intangible Personal Property Tax on Governmental Leaseholds—The bill provides an exemption from the intangible personal property tax on governmental leaseholds when the lessee serves or performs a governmental, municipal, or public purpose or function.

**New Markets Development Program—**The bill increases the total amount of tax credits available to be allocated to the program from \$97.5 million to \$163.8 million over seven years. The bill also makes clarifying changes to conform certain aspects of the state program to the federal program.

**Sales Tax Exemptions**—The bill modifies several sales tax exemptions and creates two additional exemptions:

- The current sales tax exemption for electricity used for production or processing of agricultural products on the farm is expanded to include electricity used directly or indirectly in a packinghouse where fruits, vegetables, or meat from cattle or hogs are packed or otherwise prepared for market or shipment.
- The increase in productive output required to qualify for the current sales tax exemption for industrial machinery and equipment used by an expanding business is lowered from 10 % to 5%.
- The current minimum aircraft weight requirement for the sales tax exemptions on repair and maintenance parts and labor for aircraft is lowered from 15,000 pounds maximum certified takeoff weight to 2,000 pounds maximum certified takeoff weight.

A new exemption is created for the purchase of certain chemicals, machinery, parts, and equipment used and consumed in the manufacture or fabrication of aircraft engines and gas turbine engines.

**Entertainment Industry Financial Incentive Program**—The bill substantially revamps the priority and eligibility of high-impact television series for tax credits under this program. It also creates and revises several definitions to expand the program to include certain interactive websites. The program is extended for an additional year and \$42 million in tax credits in FY 2015-16.

**Corporate Income Tax Exemption**—The bill increases the current corporate income tax exemption from net income from \$25,000 to \$50,000.

**Government Procurement Preferences to Florida Businesses**—The bill provides a five percent preference for Florida vendors in purchases of printing and tangible personal property by state agencies, universities, colleges, school districts and other political subdivisions of the state, but does not apply to counties or municipalities. For tangible personal property purchases, if the low bid is submitted by an out-of-state vendor whose home state grants a preference to in-state businesses, the preference to the Florida business shall equal that preference amount.

The bill provides that a vendor whose principal place of business is in Florida may not be precluded from being an authorized reseller of information technology commodities of a state contractor if certain criteria are met.

**Sales Tax Holiday**—The bill establishes a three day period, August 3, 2012 through August 5, 2012, during which certain items will be exempt from sales tax. During the sales tax holiday, clothing, footwear, wallets, and bags that cost \$75 or less, and school supplies that cost \$15 or less are exempt from the state sales tax and county discretionary sales surtaxes.

**Appropriation**—The bill provides an appropriation of \$14.9 million of nonrecurring General Revenue funds to the State Economic Enhancement and Development Trust Fund for various economic development incentives.

**Effective July 1, 2012. Ch. 2012-32**

**HB 1261, State Employment by Representative Debbie Mayfield (R – Vero Beach)**, makes the following changes to the statutes governing state employees:

- Revises requirements for fingerprinting conducted as part of a background screening.
- Restructures the administrative annual leave cap for certain disabled veterans from six days to 48 hours.
- Revises the process for the implementation of furloughs.
- Removes the annual hourly cap for other-personal-services employees and revises related agency reporting requirements.
- Transfers administration of the alternative retirement income security program for other-personal-services employees from the Department of Management Services to the Department of Financial Services.
- Revises provisions related to telework.
- Requires employees to designate a charity when donating to the Florida State Employees' Charitable Campaign.
- Revises provisions relating to pay additives.
- Removes a career service employee's ability to carry forward unused compensatory leave when he or she moves

to a Selected Exempt Service position.

- Limits a career service employee's probationary period to no more than 18 months.
- Clarifies provisions relating to employees who have been promoted and are in probationary status.

**Effective July 1, 2012. Ch. 2012-215.**

**HB 7059, Acceleration Options in Public Education by Representative Kelli Stargel (R – Lakeland)**,

amends various provisions of the law related to acceleration options in public education, establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options, and provides an opportunity for students to graduate early from high school. More specifically, the bill:

**ACCEL Options:** Establishes ACCEL options that provide academically challenging curriculum or accelerated instruction to eligible students; requires principals and school districts to establish eligibility requirements for ACCEL options and a process for a parent to request student participation in an ACCEL option; and requires a school district's student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.

**Early Graduation:** Provides a student the option to graduate from high school early once a student meets the standard graduation requirements; authorizes eligible high school students who graduate midyear to receive a Bright Futures Scholarship award during the spring term; authorizes school districts to receive funding for unpaid credits delivered to students who graduate early; defines unpaid credits; and requires school districts to notify parents and advise students of the options for early and accelerated high school graduation.

**End-of-Course Assessments:** Establishes performance based funding for Algebra I, Biology I, and Geometry courses contingent upon students passing the end-of-course (EOC) assessments, beginning in the fourth year of administering the EOC, and requires the Algebra I EOC to be administered four times annually.



**Dual Enrollment Program:** Clarifies student eligibility requirements for dual enrollment; provides faculty and curriculum standards for college credit dual enrollment courses, which are consistent with those required by the Southern Association of Colleges and Schools Commission on Colleges and are currently outlined in State Board rule; requires superintendents and Florida College System (FCS) institution presidents to establish a dual enrollment articulation agreement instead of a district interinstitutional articulation agreement; repeals s. 1007.235, F.S., relating to district interinstitutional articulation agreements; repeals s. 1007.272, F.S., relating to joint dual enrollment and advanced placement instruction; and prohibits the practice of “credit in escrow.”

**Career-Themed Courses:** Defines a career-themed course and clarifies that any school can offer career-themed courses, not just career and professional academies and changes the existing strategic five year plan to address and meet local and regional workforce needs to a three year plan. **Effective date July 1, 2012. Ch. 2012-191**

**HB 7063, Digital Learning by Representative Kelli Stargel (R – Lakeland),** expands digital learning options for students in public schools, allows all students eligible to enter kindergarten through grade 5 to participate in Florida Virtual School Full Time (FLVS FT), full-time district virtual instruction programs, and full-time virtual charter schools. The bill also authorizes FLVS FT students to participate in interscholastic extracurricular activities. The bill prohibits any individual from knowingly and willfully taking an online course or examination on behalf of another person for compensation. Any individual that violates this provision commits a misdemeanor of the second degree.

The bill authorizes FLVS to expand part-time instruction to kindergarten through grade 3. The bill also expands part-time offerings for grades 4 and 5 by removing the limitation which restricts students to taking grades 6 through 8 courses. The bill authorizes FLVS FT students to participate in interscholastic extracurricular activities at the public school to which the student would be assigned or

could choose to attend according to district school board policies. This provision is similar to current law that authorizes eligible home school, private school, and charter school students to participate in public school interscholastic extracurricular activities who meet specified academic standards and eligibility requirements, etc. **Effective date July 1, 2012. Ch. 2012-192**

## BILLS THAT FAILED

**SB 14, Relief of Dennis Darling, Sr. and Wendy Smith/State of Florida, by Senator Arthenia Joyner (D – Tampa),** the bill would have provided compensation for the loss of their son, Devaughn Darling, whose death occurred while he was engaged in football preseason training of the Florida State University campus. **The bill died in the Special Master on Claims Bills.**

**HB 23, Ban of Oil Exploration, Drilling, Extraction, and Production in Territorial Seas by Representative Rick Kriseman (D – Tampa),** proposed an amendment to the State Constitution to prohibit exploration, drilling, extraction, and production of oil beneath Florida waters between mean high-water line and seaward limit of Florida’s boundaries. **The bill died in the Energy and Utilities Subcommittee.**

HB 35, Allocation and Expenditure of State Lottery Revenues, by Representative Gwyndolen Clarke-Reed (D – Pompano Beach), required a portion of Powerball net revenues to be allocated to voluntary prekindergarten education programs. **The bill died in the PreK-12 Appropriations Subcommittee.**

**HB 41, Naming of Public Building and Facilities, by Representative Matthew Caldwell (R – Ft. Myers),** proposed amending the State Constitution to prohibit the naming of public building and facilities for any person not deceased for a certain period of time unless approved by four-fifths vote of the governmental body that is enacting such designation, except that no such building or facility could be named for any public officer while that person is in public office.

**HB 61, Public Broadcasting Program System, by Representative Gwyndolen Clarke-Reed (D – Pompano Beach),** expanded the eligibility for state funding for educational television to include “nondenominational full-power educational television stations licensed by the Federal Communications Commission. **The bill died in the PreK-12 Appropriations Subcommittee.**

**HB 71, High School Diploma Options, by Representative Jimmie Smith (R – Lecanto),** required a study on the creation of a high school graduation option that focused on career-technical education and lead to a career-technical education diploma. **The bill was withdrawn prior to introduction.**

**HB 81, Postsecondary Student Fees, by Representative Dwight Bullard (D – Miami),** provided an exemption from payment of nonresident tuition at state universities and Florida College System institutions for students without legal immigrant status who graduated with at least three years attendance at a Florida high school, etc. **The bill died in the K-20 Innovation Subcommittee.**

**SB 96, Commissioner of Education by Senator Joe Negron (R – Palm City),** proposed an amendment to the State Constitution to provide for the election of the Commissioner of Education and the inclusion of the commissioner as a member of the Cabinet. **The bill died in the Education PreK-12 Committee.**

**SB 106, Postsecondary Student Fees by Senator Gary Sip-  
lin (D – Orlando),** provided that beginning with the 2012 fall term, a student, other than a nonimmigrant alien, qualified for in-state tuition rates at a state university or Florida College System institution if the student:

- Attended high school in Florida for 3 or more years;
- Graduated from a Florida high school or attained high school equivalency;
- Registered as an entering student or is currently enrolled at a state university or Florida College System institution; and
- In the case of a student without lawful

immigration status, files an affidavit stating that the student has filed an application to legalize his or her immigration status or will do so as soon as he or she is eligible.

**The bill was laid on the table by the Judiciary Committee.**

**HB 111, Career Education by Representative Bryan Nelson (R – Apopka),** revised the career and education planning course for middle grades promotion and provided requirement for a career high school diploma. The bill required the student and parent to agree in writing to the requirements for the career diploma track, specified credit requirements and strategies for meeting instructional needs of students and standards for graduation. **The bill died in the K-20 Innovation Subcommittee.**

**HB 131, Resident Status for Tuition Purposes by Representative James Grant (R – Tampa),** provided that veterans of the Armed Services of the United States including reservist, who attend a physical location of a public college, university or institution of higher learning within the state are residents for tuition purposes. **The bill died in the K-20 Innovation Subcommittee.**

**HB 165, Education and Training Opportunities for Public Employees by Representative Daphne Campbell (D – Miami Shores),** provided that state and local government employees may be authorized to receive a voucher or grant, for matriculation fees, to attend work-related courses at public community colleges, public career centers, or public universities. The bill was withdrawn prior to introduction.

**HB 239, State Lotteries by Representative Geraldine Thompson (D – Orlando),** provided for a special instant scratch-off lottery game title Ticket for the Cure. The provided for revenues to be equitably apportioned to state universities that have medical research facilities or that are associated with medical research facilities. The bill died in the Government Operation Subcommittee.

**SB 404, Postsecondary Education of Military Veterans by Senator Mike Bennett (R – Bradenton),** provided that any veteran of the United States Armed Forces who was a resident of this state 4 years before entering military service and who holds an associate degree or has earned at least 60 college credit hours from a Florida College System institution shall be admitted to any Florida College System institution or state university of the veteran's choice. **The bill was withdrawn prior to introduction.**

**HB 441, Resident Status for Tuition Purposes by Representative Reggie Fullwood (D – Jacksonville),** provided that a dependent child who is a United States citizen, a lawful permanent resident, or a qualified legal alien whose parent is not a United States citizen, a lawful permanent resident, or a qualified legal alien and who attends a Florida high school for 4 consecutive years, enrolls in an institution of higher education within 12 months after graduating from a Florida high school, and submits to the institution of higher education his or her high school transcript prior to initial enrollment in the institution, shall be classified as residents for tuition purposes. The bill died in the K-20 Innovation Subcommittee.

**HB 591, Archeological Sites and Specimens by Representative Larry Metz (R – Eustis),** authorized the Division of Historical Resources of the Department of State to issue permits for excavation, surface reconnaissance, and archaeological activities on land owned by a political subdivision. The bill died in the Governmental Oversight and Accountability Committee.

**HB 719, Public Contracting by Representative Charles Van Zant (R – Palatka),** provided definitions for the terms "governmental unit" & "facility." The bill prohibited a governmental unit that contracts for construction, repair, remodeling, or improving of facility from imposing conditions that require, prohibit, encourage, or discourage certain bidders, contractors, or subcontractors from entering into or adhering to

agreements with a collective bargaining organization. The bill further prohibited a governmental unit from granting certain awards as condition of contracts and prohibited certain terms from being placed in bid specifications, project agreements, or other controlling documents. **The bill died in the Governmental Operations Subcommittee.**

**HB 1314, Career-themed Courses by Senator Don Gaetz (R – Destin),** required that each district school board, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions, develop a strategic 3-year plan addressing and meeting local and regional workforce demands. The bill revised the requirements of the strategic 3-year plan to include career-themed courses and specified strategies and revised provisions relating to the computation of the annual allocation of funds to each school district for operation, etc. **The bill died on the calendar.**

**HB 1375, Postsecondary Education by Representative Franklin Sands (D – Sunrise),** created the Postsecondary Education Study Committee to evaluate and determine whether state university branch campuses should be combined with Florida College System campuses to create a three-level postsecondary education system. **The bill died in the K-20 Innovation Subcommittee.**

**SB 1606, Postsecondary Education by Senator Mike Bennett (R – Bradenton),** required that the Higher Education Coordinating Council review and evaluate the current higher education governance structure in this state and make recommendations to the Legislature for potential revisions to the higher education delivery system. The bill required that the council report its findings and recommendations to the Governor and Legislature, etc. **The bill died on the calendar.**

## 2012-2013 QUICK BUDGET REFERENCE GUIDE SB 5001

PAGE	DESCRIPTION	LINE ITEM
	<b><u>OPERATING BUDGET</u></b>	
<b>37</b>	General Revenue . . . . . \$156,883,468	<b>129</b>
<b>4</b>	Lottery . . . . . \$ 26,415,961	<b>11</b>
<b>37</b>	Student and Other Fees . . . . . \$214,937,655	<b>129</b>
<b>38</b>	Student Financial Assistance . . . . . \$1,467,667	<b>136</b>
	(GR – includes \$3.3 million recurring for the National High Field Magnet Laboratory)	
	<b><u>COLLEGE OF MEDICINE</u></b>	
<b>38</b>	General Revenue . . . . . \$32,572,857	<b>133</b>
<b>5</b>	Lottery . . . . . \$605,115	<b>15</b>
<b>38</b>	Student and Other Fees . . . . . \$11,572,716	<b>133</b>
<b>2</b>	Bright Futures + proviso. . . . . \$329,408,935	<b>3</b>
<b>6</b>	FCO – Maintenance, Repair, Renovation & Remodeling, SUS . . . . . \$7,000,000	<b>16</b>
	<b><u>LOTTERY CAPITAL OUTLAY – FSU</u></b>	
<b>8</b>	Earth Ocean Atmospheric Sciences Building . . . . . \$3,850,000	<b>17A</b>
	<b><u>FLORIDA DIAGNOSTIC AND LEARNING RESOURCE CTR.</u></b>	
<b>24</b>	General Revenue . . . . . \$396,525	<b>88</b>
	<b><u>AUTISM – FSU COLLEGE OF MEDICINE</u></b>	
<b>24</b>	General Revenue . . . . . \$770,762	<b>91</b>
	<b><u>PUBIC BROADCASTING</u></b>	
<b>27</b>	Statewide Gov. & Cultural Affairs Programming . . . . . \$497,522	<b>103</b>
	Florida Channel Closed Captioning - GR . . . . . \$340,862	
	Florida Channel Year Round Coverage - GR . . . . . \$1,806,676	
	FSU – Public Television . . . . . \$307,447	
<b>103</b>	<b>Proviso</b> FAMU/UF/FSU/FAU collaboration to provide: (1) training opportunities for students from diverse backgrounds to pursue advanced degrees in the state's existing medical, dental, pharmacy, nursing and other health related programs. . . . \$1,600,000	<b>570</b>
	<b>VETOED</b>	
<b>306</b>	Florida Catastrophic Storm Risk Management Center <b>VETOED</b> . . . . . \$350,000	<b>2488A</b>
<b>311</b>	<b>Proviso</b> May be utilized to promote and enhance collaborative research among State Universities. The Florida Public Hurricane Loss Model located at Florida International University may consult with the private sector and the Florida Catastrophic Storm Risk Management Center.. . . . \$588,639	
<b>385</b>	<b>Proviso</b> Funds are provided in each agency's budget to continue paying the state share of the current State Life Insurance Program.	<b>Section 8</b>

## 2012-2013 QUICK BUDGET REFERENCE GUIDE SB 5001

PAGE	DESCRIPTION	LINE ITEM
386	<p><b>Proviso</b> State Health Insurance Plans and Benefits</p> <p><b>A.</b> Premiums paid by Employees for the coverage period July 1, 2012, through June 30, 2013 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.</p> <p><b>B.</b> For the coverage period July 1, 2012 through June 30, 2013, 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.</p> <p><b>C.</b> For the coverage period July 1, 2012 through June 30, 2013, 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.</p> <p><b>D.</b> For the coverage period July 1, 2012 through June 30, 2013, 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."</p>	<b>Section 8</b>
386	<p style="text-align: center;"><b>STATE EMPLOYEES' PRESCRIPTION DRUG PROGRAM</b></p> <p><b>2.</b> For the coverage period July 1, 2012 through June 30, 2013, co-payments for the State Group Health Insurance Standard Plan shall be as follows:</p> <p><b>A.</b> \$7 co-payment for generic drugs with card;</p> <p><b>B.</b> \$30 for preferred brand name drug with card;</p> <p><b>C.</b> \$50 nonpreferred brand name drug with card;</p> <p><b>D.</b> \$14 for generic mail order drug;</p> <p><b>E.</b> \$60 for preferred brand name mail order drug;</p> <p><b>F.</b> \$100 for nonpreferred brand name mail order drug.</p> <p><b>6.</b> The Department of Management Services shall maintain a listing of certain maintenance drugs that must be filled through mail order by participants of the Preferred Provider Organization option only. Effective July 1, 2012, those drugs on the maintenance list may be filled three times in a retail pharmacy; thereafter, any covered prescriptions must be filled through mail order, unless the Department of Management Services develops a program per House Bill 5003 to allow retail pharmacies to provide 90 day prescriptions for such drugs.</p>	<b>Section 8</b>
388	<p><b>Proviso</b> 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.</p>	<b>Section 8</b>
390	<p>The following fixed capital outlay projects may be constructed, acquired and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.</p> <p>NHMFL Storage Building            FSU Lake Bradford Waste Management &amp; Recycling Center            FSU Tallahassee Building            FSU Gunter Building            FSU 3000 Commonwealth            FSU Donald L. Tucker Civic Center</p>	<b>Section 9</b>
390	<p>The following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation.</p> <p>FSU Earth Ocean and Atmospheric Sciences Building (EOAS)            FSU Athletic Facility</p>	<b>Section 9</b>