

2011 LEGISLATIVE SESSION

FINAL REPORT

Updated July 6, 2011

PREPARED FOR DISTRIBUTION BY:

- ***FLORIDA COLLEGE SYSTEM INSTITUTIONAL LOBBYISTS***
- ***FLORIDA DEPARTMENT OF EDUCATION, DIVISION OF FLORIDA COLLEGES STAFF***
- ***ASSOCIATION OF FLORIDA COLLEGES STAFF AND LOBBYISTS***

SESSION HIGHLIGHTS

The 2011 session of the Florida Legislature, which got underway in early March, was confronted with making a \$4.7 billion reduction in the state's budget, based on revenue declines brought about by a national and state economy that is deep in the doldrums. Adding to the budget crisis was the expiration of the Recovery and Reinvestment Act of 2009 stimulus funds.

In addition to the realities of state revenue declines, first year Governor Rick Scott sought \$1.7 billion in tax reductions, including \$458 million in corporate income tax cuts. The Governor also sought a change in the Florida Retirement System to have state employees pay 5 percent of their salaries toward their pension funds. This provision was particularly controversial given the fact that State employees have not received a pay increase in five years.

Other issues that confronted legislative leaders, in addition to FRS changes, included an attempt at new immigration legislation, abortion issues, gun laws, merit based public teacher changes, restrictions on pay deductions for union dues, major changes in state Medicaid funding, homeowner insurance issues, deregulation of multiple licensed professions, and a host of other contentious issues.

The Legislature also placed a series of proposed constitutional amendments before the voters for the next election, including a state revenue cap, a ban on the use of public dollars to pay for abortions, a repeal of a Reconstruction-era constitutional amendment that bans using state dollars for religious purposes, and a ban on mandated health care (an attempt to block President Obama's health care reforms). Other initiatives proposed included giving first-time homebuyers a property-tax discount and lowering the cap on the annual rise in assessments for non-homestead property from 10 percent to 5 percent, an expansion of a property-tax discount for veterans injured in combat, and a requirement for Senate confirmation of Supreme Court justices and to give the Legislature greater power to review court rules.

Florida College System leaders faced a daunting series of budget reductions, beginning with recurring revenue reductions, major shortfalls in Public Education Capital Outlay (PECO) funds, and involved serious considerations of tuition and fee increases. College system policy issues also included further limitations on baccalaureate degree programs, an issue now more than a decade old, as well as possibilities of expanding the oversight of postsecondary education of the Higher Education Coordinating Council. Four colleges sought name changes, there were limits put on administrative salaries, attempts to deregulate some career programs, and a transportation fee for one college.

By the time the session ended at 3:35 AM on May 7th, the Florida College System appeared to have survived the most difficult legislative session in memory with serious funding reductions, with significant tuition and fee increases, and with a long list of implementing and conforming bill changes.

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How to Find the Final Version of a Bill

The simplest way to see the final version of a bill is to go to www.flhouse.gov and click on the top tab “Bills.” Senate bills are always even numbers (SB 00) and House bills are always odd numbers (HB 11). Note that you may choose either chamber or choose “both.” Enter the bill number and the history of the bill will come up. Go to the section on “Bill Text” and choose the top entry, which is the most recent version of the bill. An enrolled bill is the one being sent to the Governor.

General Appropriations Act (GAA) 2011-2012, SB 2000

Statewide Funding

Funding for the Community College Program Fund was significantly reduced for 2011-12 from the 2010-11 level. Although lottery funding was up slightly from \$126,959,158 to \$130,359,158 for an increase of \$3,400,000 or 2.7%, the loss of General Revenue and federal stimulus funds resulted in an overall decline in funding of \$90,672,430 or a negative 8.1%. \$83,045,378 of the loss was non-recurring federal stimulus funding which the colleges had not expected to be replaced. The Legislature reduced General Revenue by \$11,027,052 or -1.2%. To offset these losses, the Legislature authorized an 8% increase in tuition. Adding the potential tuition receipts, the overall decrease in funding amounted to -1.2%.

Within the Community College Program Fund, one of the most significant changes resulted from adjustments to the Florida Retirement System. The reduction in funding of \$57,733,000 reflects the lowered employer's contribution rates which will be charged for FRS members in 2011-12. Because of the lowered rates, it is expected that the colleges will recoup the \$57.7 million budget reduction through reduced FRS-related expenses.

The Legislature restored \$49,462,811 of non-recurring funds included in last year's CCPF (includes \$3.4 million in lottery and \$46.1 million of general revenue). Operating costs for new facilities was provided at \$6,632,212. Community College Library Automation efficiencies and presidential and staff salary caps resulted in a further reduction of \$1,837,996. Funding was continued for 2+2 partnerships at the new level of \$3 million for distribution to colleges and universities, down from the \$5 million level for 2010-11. Legislative initiatives totaling \$4,000,000 were also included.

Depending on an individual college's funding for retirement adjustments, operating cost for new facilities, lottery, and legislative initiatives only two colleges received more funding this year than last. The range for the remaining colleges was from negative 0.2% to negative 5.1% for the CCPF with an overall average of negative 1.2%.

Based on recent legislative activity and current enrollment data, state operating funds are set to decrease next year by \$247 or 8.5% per FTE. If college enrollments are maintained at the current level state provided operating funds will drop from \$2,910 in 2010-11 to \$2,663 in 2011-12. Over the past five years state operating appropriations for the colleges have declined by \$106.9 million (9.6%), from a high of \$1.11 billion in 2007-08 to \$1.0 billion in 2011-12. On a per FTE basis, state operating funds have declined by \$980 (26.9%) since 2007-08. Over the same time period FTE enrollment has grown by 23.7%, adding more than 72,000 additional FTE students to the system.

The Governor signed the GAA on May 26, 2011. He vetoed all of the Florida College System's (FCS) and the State University System's (SUS) PECO construction projects except the Polytechnic Center for the University of South Florida. The Governor also vetoed half of the SUS' general renovation projects and two from the FCS including those from Miami Dade College and Florida State College at Jacksonville. The vetoes eliminated the need to bond funds that would have provided \$165 million for these construction and general renovation projects.

Florida College System 2011

Issue	Funding 2010-11	Funding 2011-12
Lottery	\$126,959,158	\$130,359,158
Community College Program Fund (CCPF)	<u>\$987,164,904</u>	\$893,092,474
Adults with Disabilities	<u>\$1,034,512</u>	\$1,030,830
Student Fees	8% increase	8 % increase
Facilities Matching	0	0
Phillip Benjamin Matching	0	0
PECO		
General Revenue	\$6,400,000	\$1,440,000
Lottery		\$18,776,420
PECO	<u>\$254,799,752</u>	<u>\$82,648,517</u>
Total	Total \$261,199,752	Total \$102,864,937
	After veto: \$190,038,381	After Veto: \$18,636,486
PECO Sum-of-Digits	\$26,703,775	\$8,088,000
First Generation Matching	\$1,650,000	\$1,397,017
College Reach Out Program	\$2,236,166	\$1,000,000
Displaced Homemakers	\$2,060,024	\$1,816,434
Public Financial Aid		
Lottery		\$45,100,892
General Revenue (FSAG)		<u>\$55,304,031</u>
Total	Total \$100,350,612	Total \$100,404,923
Florida Distance Learning Consortium FACTS		\$590,000 Includes SUS Portion
Consortium Budget	\$595,534	\$595,534
2 + 2 Partnerships, SUS and FCS	\$5,000,000	\$3,000,000

General Appropriations Bill SB 2000 and <Insert your Institution Name> Budget

ISSUE	FY 2010-11 Appropriation	2011-12 Session Conference Report
CCPF-Operation Funds		
Lottery		
Stimulus		
Total CCPF Appropriations		
Tuition Increase		
PECO		
General Renovation		

Appropriations Implementing, Proviso and Conforming Bill Issues

The Legislature has three methods to reflect decisions made in the General Appropriations Act (GAA) process. Proviso is language attached to a specific appropriation and directs or authorizes how the funds can be expended. An implementing bill provides instructions to enact specific provisions in the GAA language or proviso by changing the law on a temporary basis for one year. This is necessary because the courts have ruled the GAA cannot contradict current law; however, there may be a need to temporarily suspend some provision of law. A conforming bill may also “travel” with the GAA. It is different from the implementing bill in that it makes permanent changes to Florida laws.

In summary, proviso language and implementing bills are law for only one year and then they expire, while a conforming bill is a permanent change in Florida law. While the Governor may veto the entire appropriations act or exercise his veto by “line item,” he does not have line item veto in a conforming or implementing bill. Bills which were passed by the legislature are sent to the Governor to sign, veto, or to become law without his signature. Because the Legislature has now adjourned the 2011 Session, the governor has fifteen consecutive days *from the date he receives a bill* to act on that bill.

Following are the appropriations and related bills passed this session:

- SB 2000, General Appropriations Act (Approved by Governor, Chapter No.2011-69)
- SB 2002, Appropriations Implementing Bill (Approved by Governor, Chapter No.2011-47)
- SB 2150, Higher Education Conforming Bill (Approved by Governor, Chapter No.2011-63)

Another term that is heard or read as the Session draws to a close is “Conference Report.” When the Senate and House of Representatives pass different versions of a bill and they are not able to agree upon common content through the amendatory process, each house appoints members (“conferees”) to a conference committee on the bills. The committee members negotiate the differences between the bills and present a mutually agreed upon version to both houses. This product is called a “Conference Report” which may only be accepted or rejected, but not amended, by each house. Although the General Appropriations Act and its related bills are commonly conferenced, there has been a growing tendency for other important bills to also be conferenced. This year there were 44 conference report bills.

Tuition and Fees

Florida College System (FCS) Tuition

- SB 2150 Higher Education Conforming, Section 11 for Workforce, s.1009.22 (3) (c) and Section 12, s.1009.23 (3)

A priority issue for the FCS, this language codifies in Statute the 8% tuition increase and related out-of-state fee increase that is included in the General Appropriations Act (GAA) for the FCS. Section 11 has the fee schedule for workforce programs, including adult education block tuition and Section 12 contains the same for college credit programs. Pursuant to Section 1009.23(4), Florida Statutes, each college board of trustees shall establish the tuition and out-of-state fees for the college. The fees may vary no more than 10 percent below and 15 percent above the combined total of the standard tuition and fees established by the Legislature.

- Proviso Following Specific Appropriation 99, GAA

Beginning with the Fall 2011 semester, tuition and fee rates are established for the 2011-2012 fiscal year as follows:

- For advanced and professional, postsecondary vocational, college preparatory, and educator preparation institute programs, standard tuition for residents and nonresidents shall be \$68.56 per credit hour and the out-of-state fee shall be \$205.82 per credit hour for nonresidents.
- For baccalaureate degree programs, the standard tuition shall be \$87.42 per credit hour for students who are residents.
- For programs leading to a career certificate or an applied technology diploma, the standard tuition shall be \$2.22 per contact hour for residents and out-of-state fee shall be \$6.66 per contact hour.

Adult Education – Tuition

- SB 2150 Higher Education Conforming, Section 11, s.1009.22 (3) (a) and (c) and Section 14, s. 1009.25

Block tuition of \$45 per half year or \$30 per term is established for all adult education in-state students, and tuition of \$180 per half year or \$120 per term for out of state students. Fee exemptions are repealed for students in adult basic, adult secondary, or career prep programs who: 1) do not have a high school diploma or GED, or 2) have a high school diploma or GED, but have skills below the eighth grade level. The bill also codifies in statute the 8% tuition increase that is included in the GAA for workforce education programs. Residency must also be determined, *pursuant to s. 1009.21, F.S.*

- Proviso Following Specific Appropriation 99, GAA

For adult general education programs, block tuition will be assessed in the amount of \$45 per half year or \$30 per term for residents. For non-residents, the out-of-state fee shall be \$135 per half year or \$90 per term, in addition to the standard tuition.

Capital Improvement Fee Use

- SB 2150 Higher Education Conforming, Section 11, s.1009.22 (6) (a) and Section 12, s. 1009.23 (11) (a)

Allows Capital Improvement Fee revenues to also be used to acquire improved real property.

Credit Card Convenience Fee (Workforce)

- SB 2150 Higher Education Conforming, Section 11, s. 1009.22 (10)

Authorizes colleges to assess a convenience fee when students pay with credit or debit cards. The fee may not exceed the total costs charged by the credit card company. This provision was authorized last year for college credit but was inadvertently not authorized for workforce programs; this corrects this inequity so it is the same for all FCS students.

Transportation Access Fee – Santa Fe College

- SB 2150 Higher Education Conforming, Section 11, s.1009.22 (12) (a) and Section 12, s.1009.23 (18) (a) and (b)

Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee of up to \$6 per credit hour if the fee is approved by a referendum held by the student government.

Transient Student Fee

- SB 2150 Higher Education Conforming, Section 12, s.1009.23 (17)

Authorizes a transient student fee of up to \$5 for *only* online distance learning courses for transient students for each course they access via the Higher Education Distance Learning Catalog. Colleges are not authorized to charge this fee for other (non-online) transient student enrollment.

Fee Waiver Purple Heart – Documentation

- SB 2150 Higher Education Conforming, Section 15, s.1009.26 (c)

Adds additional documentation that is acceptable for obtaining a Purple Heart fee waiver. If the DD-214 is not available, other documentation may be acceptable if recognized by the U.S. Dept. of Defense or the U.S. Dept. of Veterans Affairs.

Excess Credit Hour Surcharge

- SB 2150 Higher Education Conforming, Section 16, s.1009.286 (2) and (7)

Though this provision only impacts four year degrees at state universities, 2+2 transfer students need to be advised of this provision so they can avoid excess hours with higher tuition costs. Colleges are statutorily required to notify all student of this provision. The tuition surcharge for excess credit hours is increased from 50 percent of tuition for students who reach 120 percent of the credit hours required for their degree, to 100% of tuition for students who reach 115 percent of the credit hours required for their degree (would be 138 hours for a 120 hour baccalaureate degree.) The changes impact students who enter a community/state college or a state university for the first time in 2011-2012 and thereafter.

Distance Learning and Online Education Issues

Florida Distance Learning Consortium (FDLC) and Transient Student Application

- SB 2150 Higher Education Conforming, Section 5, s.1004.091 (2) and Section 8, s. 1007.28 (5)

Requires the FDLC, FCS and State University System (SUS) to implement a transient student admissions application process via the Florida Academic Counseling and Tracking for Students (FACTS) system. This is part of the “streamlined, automated, online registration process” for currently enrolled undergraduate students pursuing a degree who wish to enroll in courses listed in the Florida Higher Education Distance Learning catalog. The FDLC, colleges and universities have been working on a process that was required last year by the legislature. Requirements for transient students using the distance learning catalog:

- All colleges and universities must use the transient student admissions online application form from FACTS.org. This is the only admissions application required for the enrollment of the online transient student. (Only the home institution may require and charge an admission application fee. Colleges can no longer charge an admissions/application fee for online transient students; instead, they may charge the \$5 transient student fee per online course.)
- Implement automated financial aid procedures.
- Automatically transfer credit awarded to the student back to the home institution (no additional transcript fee allowed.)
- By July 1, 2012, provide an interface between the colleges’ computer systems and the FACTS system in order to electronically send, receive, and process the transient admissions application. This will require reprogramming of computer systems at the colleges for this process to work. It is for that reason that the colleges will have until July 1, 2012 to implement the requirements.
- Adds the public school users to the digital repository as a duty for the FDLC. This includes digital content and open access textbooks in the learning management system (Orange Grove.)

FACTS.org

- Proviso Following Specific Appropriation 101 and 129, GAA

Funds are provided for the Florida Academic Counseling and Tracking for Students system (FACTS.org) to develop and implement the transient student admissions application process required by section 1004.091, Florida Statutes.

Finance, Reporting and Purchasing Issues

Facilities Utilization Study

- Proviso Preceding Specific Appropriation 102, GAA

Requires that the State Board of Education (SBE) and Board of Governors (BOG) identify the percent of day, evening, and weekend utilization of higher education classroom facilities to accurately determine space needs. Also requires a review of the data and the development of recommendations for a revised funding formula or potential policy changes to increase the evening and weekend utilization of higher education classroom facilities during future school terms. These recommendations shall be provided to the chair of the Senate Budget Committee, the chair of the House Appropriations Committee, and the Executive Office of the Governor on or before January 15, 2012.

Operating Budgets Baccalaureate Reporting

- Proviso Following Specific Appropriation 99, GAA

Prior to the disbursement of funds, colleges shall submit an operating budget for the expenditure of these funds as provided in s.1011.30, Florida Statutes. The operating budget shall clearly identify planned expenditures for baccalaureate programs and shall include the sources of funds.

Budget Reduction Notification

- Proviso Following Specific Appropriation 99, GAA

Each Florida college board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the Florida college by more than 10 percent during the 2011-2012 fiscal year, written notification shall be made to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Education.

PECO Funding Formula for the Florida College System (FCS)

- SB 2150 Higher Education Conforming, Section 50

Requires the FCS Council of Presidents to develop and recommend an equitable funding formula for the distribution of PECO funds. Recommendations are due by Dec. 31, 2011, to the *State Board of Education, Governor and Legislature* for *potential* implementation in the 2012-2013 fiscal year.

Matching Funds– Temporary Suspension

- SB 2150 Higher Education Conforming, Section 33, s.1011.32, and Section 37, s.1011.85

The Phillip Benjamin Matching Grant Program and Facility Enhancement Challenge Grant Program are temporarily suspended until such time as the backlog is reduced by \$200 million. The current backlog is over \$500 million for matching programs in universities and colleges. Donations received prior to June 30, 2011 will remain eligible for future match. Prohibits funds received from community events and festivals to be used for state matching.

Education Facility Bonds

- SB 2150 Higher Education Conforming, Sections 1, s.213.053 and Section 2, s. 215.61

Provides that in making a determination on the amount that can be serviced by the gross receipts tax for PECO bonds, the State Board of Education (SBE) shall disregard the effect on gross receipts tax revenues collected during a tax period of any refund request made relating to the settlement reached in the ATT Mobility Wireless Data sales litigation. In effect this allows the legislature to disregard lawsuit liability in calculating PECO funds for bonding and expands the use of K-12 class size lottery. This would have provided additional funding for PECO this year. However, the Governor's veto of construction and general renovation funds from the SUS and FCS eliminated the need to bond funds that would have generated \$165 million.

Funding for State *and Federal* Inmate Education

- SB 2150 Higher Education Conforming, Sections 35, s.1011,80 (7) (b) and Section 36, s.1011.81

Codifies in Statute current proviso that prohibits the use of workforce and FCS state appropriated program funds for instruction of prison inmates for workforce and college credit programs.

Co-Enrollment

- SB 2150 Higher Education Conforming, Section 35, s.1011.80 (10)

Prohibits high school students co-enrolled in an adult general education program from being reported (FTE) in the adult general education program. An exception was made for this year (FY 2011-12); these students may be co-enrolled for core courses only for credit recovery or dropout prevention purposes and the courses are limited to two courses per student per year. High school students are exempt from payment of block tuition for adult general education.

Personnel, Remuneration Limitation from State Appropriated Funds

- SB 2150 Higher Education Conforming, Section 39, s.1012.885 for presidents and Section 40 for FCS administrative employees, s.1012.886

For FY 2011-12 only, the amount of state appropriated funds that may be paid for salaries of college and university presidents is reduced from \$225,000 to \$200,000. For 2011-12 only, the amount of state appropriated funds that may be paid for salaries of administrative employees of the FCS and SUS is limited to \$200,000. University medical faculty or staffs are excluded from the limitation.

2+2 Partnerships

- Proviso Following Specific Appropriation 101A, GAA

\$2,250,000 to be awarded to eligible public colleges and public universities with partnership articulation agreements to provide 2+2 baccalaureate degree programs at a college during the 2011-2012 academic year. Funding is based on the eligible full-time equivalent enrollment in each 2+2 baccalaureate partnership program offered at a college during the 2011-2012 academic year. The participating college and the participating partner university shall receive equal proportions of the per student incentive award. Colleges are to submit applications to the Department of Education requesting funds for eligible programs by April 15, 2012. The Department is to distribute the funds to the eligible colleges and partner universities by June 1, 2012.

\$750,000 to be awarded as incentive grants to eligible public colleges and public universities to establish new partnership articulation agreements to create 2+2 baccalaureate degree programs at a college during the 2011-2012 and 2012-2013 academic years. The Department of Education to establish application procedures, guidelines, accountability measures, and timelines for implementation of the new programs and advise all approved applicants accordingly. Funds must be used to support new students and new programs and not to supplant current funding or students.

Financial Aid and Residency

Adult Education – Residency

- SB 2150 Higher Education Conforming, Section 11, 1009.22 (3) (a)

Requires residency of adult education students to be determined by s. 1009.21, as fees are now to be charged for these students.

Bright Futures

- SB 2150 Higher Education Conforming, Sections 17, 18, 19, and 20, s.1009.531, s.1009.534, s.1009.536

Adding to the 2010 changes to Bright Futures, these requirements move up the higher standards, and add other requirements as follows:

- **Test Scores:** Increases test scores for high school graduates beginning in 2013-2014 and thereafter to receive Medallion Scholars awards: increased SAT from 1050 to 1170 and ACT from 23 to 26.
- **Home Education Program Test Scores:** Increases test scores for home schooled students beginning in 2013-2014 and thereafter to receive Medallion Scholars: increased SAT from 1100 to 1220 and ACT from 24 to 27.
- **Community Service Hours Requirements:** Increases community service requirements effective for high school graduates in 2011-12. For Academic Scholars: increases requirements from 75 to 100 hours. For Medallion Scholars: requires 75 hours. For Gold Seal Scholars: requires 30 hours. Both Medallion and Gold Seal awards will include the requirement for the identification of a social problem, a plan for involvement in addressing that problem, and papers and presentations that evaluate and reflect on the experience. Academic Scholars are already subject to the latter requirement.
- **FAFSA:** Requires students to submit the Free Application for Federal Student Aid (FAFSA), which is complete and error free, prior to disbursement of Bright Futures award.

Bright Futures Award Amounts

- Proviso Following Specific Appropriations 3, GAA

The award amount per credit hour or credit hour equivalent enrolled for the 2011-2012 academic year was reduced. The new award amounts are as follows:

Two-Year Institutions

Academic Scholars Award.....	\$ 62
Medallion Scholars Award.....	\$ 62
Gold Seal Vocational Scholars Award.....	\$ 47

Upper-Division Programs Offered by Florida Colleges

Academic Scholars Award.....	\$ 70
Medallion Scholars Award.....	\$ 52
Gold Seal Vocational Scholars Award.....	\$ 52

Four-Year Institutions

Academic Scholars Award.....	\$101
Medallion Scholars Award.....	\$ 76
Gold Seal Vocational Scholars Award.....	\$ 76

The additional stipend for Top Scholars shall be \$43 per credit hour.

First Generation Matching Grant Program

- SB 2150 Higher Education, Section 27, 1009.701

Requires completion of the FAFSA, complete and error free, prior to disbursement and first priority of funding must be given to students who demonstrate need by qualifying and receiving federal Pell grant funds up to the full cost of tuition and fees per term

Funding for Scholarships and Programs as Specified in the GAA

- SB 2150 Higher Education Conforming, Sections 21-26, 28-29, and 31 and 32.

Clarifies that funding is as specified in the GAA for the following programs in sections 21-26 and 28-29: Rosewood Family Scholarship, Seminole and Miccosukee Indian Scholarships, Florida Teacher Scholarship (Forgivable Loan Program), Minority Teacher Education Scholars, Florida Minority Medical Education, Virgil Hawkins Fellow, Mary McLeod Bethune Scholarship, Theodore R/Vivian M. Johnson Scholarship, Florida Work Experience Program, Access to Better Learning and Education (ABLE) in section 31, and the Florida Resident Access Grant (FRAG) in section 32.

The Florida Work Experience Program

- SB 2150 Higher Education Conforming, Section 30, 1009.77.

Requires completion of the FAFSA, complete and error free, prior to disbursement and first priority of funding must be given to students who demonstrate need by qualifying and receiving federal Pell grant funds up to the full cost of tuition and fees per term.

FRAG Eligibility

- SB 2150 Higher Education Conforming, Section 31, s.1009.90.

Requires that funding for the program for eligible institutions be as provided in the GAA and requires completion of the FAFSA, complete and error free, prior to disbursement.

ABLE Eligibility

- SB 2150 Higher Education Conforming, Section 32, s.1009.891.

Requires funding for the program for eligible institutions be as provided in the GAA and requires completion of the FAFSA, complete and error free, prior to disbursement.

Funding for ABLE and FRAG

- SB 2000, Lines 48 and 53.

Florida Resident Access Grant (FRAG) and Access to Better Learning and Education (ABLE) were impacted by the sale of part of the for-profit Keiser University to the not-for-profit Everglades University. The Keiser students who became Everglades students were made eligible for the FRAG, with a significantly higher amount of funding per student. Further, more students were eligible in the FRAG statute than were eligible using the ABLE statutory criteria. The additional 5,462 Keiser transfer students created a funding dilemma for the legislature, due to the limited funds. This was resolved by creating two tiers in FRAG. The institutions that had eligible participants in the 2010-11 year were appropriated \$76,375,269 for 35,529 students at \$2,149 per student (a decrease of \$276 per student from last year). The new Keiser/Everglades students were funded at the same level as ABLE students at \$803 per student for 5,462 students with funding at \$4,385,986. The total FRAG funding is \$80,761,255. ABLE was funded at \$2,419,439 for 3,013 students at \$803 per student. This was a decrease of \$142 per student over last year's funding.

Library and Data Center Issues

Electronic Library Resources

- SB 2150 Higher Education Conforming, Section 7, s.1006.72.

Requires an annual report relating to the cost savings of collaborative licensing of electronic library resources. Note: Legislation was passed in 2010 that requires the colleges and universities to collaborate with school districts and public libraries in the identification and acquisition of electronic

library resources. It also required the FCLA and the CCLA to collaborate on the licensing of electronic library resources that are acquired through funds appropriated to them for this purpose.

Northwest Regional Data Center (NWRDC) Requirements

- SB 2150 Higher Education Conforming, Section 6, s 1004.649.

Designates the NWRDC as a primary data center *for the purpose of serving its state agency customers.*

K-12 Bibliographic Database

- SB 2150 Higher Education Conforming, Section 47.

Requires DOE to work with Community Center for Library Automation (CCLA) to transfer the K-12 bibliographic database (SUNLINK - the K-12 library search tool) to CCLA for inclusion in the online discovery tool product and make it searchable by the public, school district students, staffs and parents by September 1, 2011. This has not yet been accomplished, though in 2010-2011, the GAA appropriated \$100,000 for this to be done.

Joint Library Organizational Structure

- SB 2150 Higher Education Conforming, Section 48.

Requires the *Chancellors of the Florida College System and State University System* to submit a plan describing the establishment of a joint library technology organizational and governance structure that will meet the needs of academic libraries in both the FCS and SUS. The FCLA and CCLA are required to provide a union catalog that will include the combined holdings and electronic resources of state universities and the Florida colleges. Also required is a schedule for consolidating the computing and data center resources and equipment and a joint operational budget.

Substantive Bills that Passed

Please note that the first bill number shown is the bill that passed. The number and bill sponsor in the parenthesis was the companion bill.

Florida College Name Changes, CS/SB 84 by Lynn (CS/HB 35 by Ford) (Approved by Governor, Chapter No. 2011-102)

- Changes the name of St Johns River Community College to St Johns River State College.
- Changes the name of Pensacola Junior College to Pensacola State College.

- Changes the name of Gulf Coast Community College to Gulf Coast State College.
- Changes the name of Valencia Community College to Valencia College.

Higher Education Issues, CS/CS/HB 7151 **by House K-20 Innovation Subcommittee and Representative Stargel (CS/SB 1732 by Lynn)** (Approved by Governor, Chapter No. 2011-177)

This bill was contentious during the session. At one point, it included a plan to move colleges with a certain amount of baccalaureate enrollment under the Board of Governors and other changes to the baccalaureate approval process. In the end, changes to the baccalaureate approval process were deleted from the bills. The System supported the effort to put the Articulation Coordinating Committee into statute. Other than those issues, the bill provided “clean-up” provisions.

- **CLAST:** references deleted in Statute since the test is no longer used.
- **Inspector General Investigations**
 - Provides the ability for a Florida College System institution’s District Board of Trustees to ask the Commissioner of Education to authorize the investigation of a college president. The Inspector General is to provide a report and recommendations for corrective action if such is required. If the Inspector General finds legal violations, the legislation provides for a report to the Commission on Ethics, the Florida Department of Law Enforcement, the Attorney General, or other appropriate entity.
- **HECC Recommendations:** Requires the Higher Education Coordinating Council to make recommendations to the Governor and Legislature regarding:
 - core missions of public and non-public postsecondary institutions related to access and economic development;
 - performance outputs and outcomes measures, to be consistent across sectors to allow for comparison to other states;
 - articulation policies; and
 - a plan for workforce including aligning school district and college programs, and data.
- **Articulation Coordinating Committee** authorized in statute.
- **Acceleration Mechanisms**
 - The Department of Education is to use performance data of recipients of advanced placement credit to determine exam scores/credit for CLEP, AP, AIC and IB.
 - For students in the State University System, deletes the waiver of summer school for advanced credit recipients.
- **CPT and Remediation**
 - Requires the State Board of Education to specify provisions for alternative remediation opportunities.

- Provides that a student with 12 credit hours who has not finished college prep courses to be notified in writing of requirements for associate degree completion, SUS admissions, impact on financial aid, and cost of excess hours.
- Requires college prep students to demonstrate competency as defined by the State Board of Education.
- **Property Disposal:** allows for the disposal of lost and abandoned property, and clarifies policies in that regard.
- **Bright Futures** for Home Education Students: requires the Department of Education to approve community service work for purposes of Bright Futures scholarships for home education students.
- **State University System Concurrency Trust Fund:** repeals the trust fund.
- **Disability Issues, General Education, and Other:** Deletes existing language and makes technical changes.

Florida Retirement System (FRS) Revisions, Conference Report SB 2100 (Approved by Governor, Chapter No. 2011-68)

The information below is a general overview of the changes to retirement. Those impacted by the FRS and the changes herein is forewarned that many special situations are not addressed here, and should request individual guidance on their own situation.

Both houses conducted many hours of hearings and debate on retirement benefits for state employees and other participants in FRS. The conference report resulted in:

- **Program Titles** (Section 6):
 - Florida Retirement System Pension Plan: renamed from the existing “defined benefit plan.”
 - Florida Retirement System Investment Plan: renamed from the existing “Public Employee Optional Retirement Program,” also referred to as the “defined contribution program.”
- **Employee Contribution** (Sections 33 and 40): Effective July 1, 2011, requires a 3% employee contribution for all FRS members, and Community College Optional Retirement Program (CCORP) participants. Only exclusion for DROP participants who are not required to pay employee contribution.
- **Average Final Compensation** (Section 6):
 - For new employees initially enrolled on or after July 1, 2011, 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.

- **Vesting for Pension Plan (Section 6):**
 - For new employees initially enrolled in the pension plan on or after July 1, 2011, members will vest upon completion of 8 years of creditable service.
 - For existing participants, vesting will remain at 6 years of creditable service.

- **Vesting for Investment Plan (Section 26):**
 - Participants are fully and immediately vested in all employee contributions.
 - Participants are vested in the employer contribution after completing 1 work year with an FRS employer, including any service while a member of the pension plan.

- **Retirement Age (Section 6):**
 - For employees initially enrolled on or after July 1, 2011, the normal retirement age and years of service requirements increase, 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.
 - For existing FRS enrollees enrolled before July 1, 2011, the retirement age is not changed.

- **DROP (Section 15):**
 - For employees entering DROP on or after July 1, 2011, interest will be earned 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%.

- **COLA (Section 17):**
 - Eliminates the cost-of-living adjustment (COLA) (credit) 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, this new COLA formula will expire effective June 30, 2016, and the cost-of-living adjustment will be reinstated.
 - Current employees will be able to utilize COLA credits earned up to June 30, 2011. However, FRS will calculate a cost-of-living factor for each retiree and beneficiary retiring on or after July 1, 2011. This factor will equal the product of 3% multiplied by the quotient of the sum of the member's service credit earned for service before July 1, 2011, divided by the sum of the member's total service credit earned. The result is a continued reduction in an employee's COLA benefit for all service credit earned on or after July 1, 2011.
 - No impact on current retirees or DROP participants.

- **Health Insurance Subsidy (HIS) (Section 3):** No changes, continues as currently offered.

- **Community College Optional Retirement Plan (CCORP):** Continues as currently available with employee contribution of 3% required.

K-12 Issues, Conference Report SB 2120 (Approved by Governor, Chapter No. 2011-55)

- Authorizes the Department of Revenue (DOR) to provide information on the gross receipts tax. 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.
- 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.
- 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.
- Charter school systems may be designated as local education agencies (LEAs) for the purpose of receiving federal funds.
- 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.
- 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 requirements for local instructional improvement systems; revising the instructional materials review process by replacing committees with three national expert reviewers.
- Clarifies and expands 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.

- 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.
- 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.
- Provides that state funding for the Merit Award Program will be discontinued after 2011-2012 payment of the 2010-2011 awards.

Fire Safety, HB 331 by Weinstein (SB 534 by Wise) (Approved by Governor, Chapter No. 2011-79)

- Eliminates the second, duplicative annual inspection of facilities that is mandatory for the local, county, municipal or special fire district (commonly referred to as the “local fire authority”). Makes this redundant inspection optional, so the local fire authority officials may inspect the education facility if they so choose. The State Fire Marshal has the authority to inspect educational facilities at any time and this legislation makes no changes to that provision.
- Eliminates the fire safety reports sent to the State Fire Marshall (SFM) but retains the reports at the local level where they are more easily accessed by the public. Colleges and school districts will certify to the SFM that the fire safety inspections and reports have been completed.
- Clarifies responsibilities for school fire code and facility inspections, eliminating varying interpretations of the law and confusion in the field over who is authorized to perform these duties.

Clarifies responsibility to inspect charter schools and sets forth clearer standards for what actions must be taken if there are deficiencies. Colleges must inspect charter schools located on property they own or lease.

- Adds a new requirement for schools to submit a site plan for each new facility or addition that exceeds 2,500 square feet to the local fire control district for review and feedback, limited to fire department access roads, fire-protection 541 system connection locations, and fire hydrant spacing.

- Eliminates the “special state fire safety inspector” classification and requires anyone who inspects schools to have the same “standard state fire safety inspector” certification. A grandfather clause is provided.

Certificates & Licenses, Certain Health Care Practitioners (Dental Hygienists), CS/CS/HB 1319 by Harrell (SB 1228 by Altman) (Approved by Governor, Chapter No. 2011-95)

Among other issues, this legislation affects the services provided by dental hygienists, including:

- The definition of *health access setting* is amended to include a school-based prevention program and accredited dental hygiene programs as places that a dental hygienist may practice.
- Provides a definition for “*school based prevention program*” to mean the preventive oral health services that are provided at a school or not-for-profit, expanding the areas in which a dental hygienist can practice.
- Expands the current scope of practice for dental hygienists to allow them, without supervision, to:
 - apply fluorides;
 - instruct on the oral hygiene of a patient;
 - supervise the oral hygiene of a patient;
 - perform dental charting and measure and record a patient’s vital signs;
 - record a patient’s case history;
 - apply topical fluorides, varnishes, and dental sealants;
 - remove calculus deposits, accretions and stains from the teeth.

When a dental hygienist performs one of these procedures, the patient must be notified that the visit with the dental hygienist is not a substitute for a comprehensive dental exam. Additionally, a dentist is required to conduct an oral examination on a patient within 13 months of a dental hygienist removing calculus deposits, accretions, and stains from a patient’s teeth.

- Provides that dental hygienists who perform tasks without the supervision of a dentist are required to carry medical malpractice insurance that has minimum limits of \$100,000 per occurrence and \$300,000 in the aggregate.

Charter Schools, CS/CS/CS 1546 by Thrasher (HB 7195 - Relating to School Choice by K-20 Innovation Subcommittee). (Approved by Governor, Chapter No. 2011-232)

Creates High Performing Charter Schools and Systems, giving incentives for those designated as High Performing, including an automatic 15 year contract. In addition:

- Allows for submission of quarterly rather than monthly financial statements to sponsor.
- Provides that each Charter School’s governing body must appoint a representative to facilitate parental involvement.

- Provides expanded enrollment preferences for business partners of charter in the workplace, residents of charter school-in-a-municipality, students that successfully complete a voluntary Pre-K provided by the charter school or charter school's governing board during the previous year, and to students who are the children of active-duty members of any branch of the US Armed Forces.
- Further limited restrictions in the local building requirements that may be more restrictive than SREF. Local governing authorities must treat charter schools equitably to public schools when imposing restrictions, requirements and processes.

Note: The K-12 Conforming Bill provides for developers that contribute \$10M appraised value land donation may reserve up to 50% of student stations for development's resident students. Also in the K-12 Conforming Bill, for High Performing Charter Schools, an administrative fee reduction to 2% for enrollment up to and including 250 students, and for a High Performing System 2 % for up to 500 students.

Digital Learning (High School Graduation Requirement), CS/CS/HB 7197 by K-20 Innovation Subcommittee (SB 1546 by Thrasher) (Approved by Governor, Chapter No. 2011-137)

- Blended Virtual Charter Schools are allowed, provided students are full time at the charter school and take the virtual classes within the physical space of the charter school. Funding follows the student in FEFP.
- Full time Virtual Charter Schools are created.
- Virtual adjunct instructors are allowed.
- Imposes new high school graduation requirement so that every student takes at least one on-line class. Districts can withhold up to 5% administrative fee for sponsor.
- Beginning with 2014-15, all end-of-school assessments must be provided on-line.

Educational Accountability, CS/CS SB 1255 by Adkins (SB 1696 by Wise – multiple companion bills)
(Approved by Governor, Chapter No. 2011-175)

- **Virtual and Digital Education:** School Boards, in cooperation with the district's school superintendent, may develop and implement a digital curriculum for students in grades 6 through 12 in order to enable students to attain competencies in web communications and web design.
- **District School Boards/District Boards of Trustees**
 - Removes the absolute ban for school board members and relatives from soliciting or accepting gifts and now permits gifts under \$50.
 - Eliminates Commissioner's review of annual operating budgets of school district boards and the Florida College System's boards of trustees.

- Eliminates DOE approval of school board agendas; requires each school district to post budgetary information on its website as well as negotiated faculty contracts, citizens' advisory committee information, and requires the website must be interactive.
 - Establishes auditory-oral programs for students with hearing disabilities.
 - Revises and describes circumstances and reporting requirements for restraint and seclusion of students with disabilities.
- **Assessment**
 - Revises provisions related to the student assessment program for public schools; requires that the Commissioner of Education direct school districts to participate in certain national or international assessment programs; authorizes the school principal to exempt transfer students from end-of-course assessment in civics in certain cases; and revises provisions relating to administration and reporting results of assessments.
 - Revises provisions relating to public school improvement and requires DOE to categorize public schools based on the portion of a school's grade that relies on statewide assessments.
 - Revises the basis for the designation of school grades and includes achievement scores and learning gains for students who are hospitalized or homebound.
- **Middle Schools**
 - Revises general requirements for middle grades promotion
 - Authorizes each school district board to develop and implement a digital curriculum for students in grades 6 through 12; requires DOE to develop a model digital curriculum; and authorizes partnerships with private businesses and consultants.
 - Specifies grades for middle schools will be comprised of a combination of end of course exams, performance and participation.
- **High Schools/Postsecondary Prep**
 - Revises provisions relating to general requirements for high school graduation and provides that a high school student may be exempt from reading remediation requirements under certain circumstances.
 - Revises provision relating to evaluation of college readiness and providing for postsecondary preparation instruction and requires SBE to adopt certain rules
 - Requires high schools to evaluate college readiness of students scoring certain levels on statewide assessments; requires high schools to provide appropriate postsecondary preparatory instruction to all students identified as having a deficiency (not just those interested in college); students testing with appropriate scores are not to be re-tested or enroll in remedial courses at a Florida College.
 - Elective courses may not be substituted for the selected postsecondary reading, mathematics, or writing preparatory course unless the elective course covers the same competencies included in the postsecondary reading, mathematics, or writing preparatory course.
 - Specifies parental consent procedures for accelerated learning course enrollment.

- **Career Education**
 - Revises requirements for career and professional academies and enrollment of students; requires that the middle school career academies be aligned with high school academies; requires each school district board to develop a plan to implement a career and professional academy in at least one middle school.
 - Provides that if the passage rate on an industry certification examination that is associated with the career and professional academy falls below 50 percent, the academy must discontinue enrollment of new students the following school year and each year thereafter until such time as the passage rate is above 50 percent or until the academy is discontinued.
 - Revises provisions relating to the qualifications for non-degreed teachers of career education courses and provides for establishment of alternative qualifications for career and technical education teachers who have industry certification.

Building Construction and Florida Building Commission Bill, CS/CS/CS **HB 849 by Davis (CS/CS SB 396 by Bennett)** (Approved by Governor, Chapter No. 2011-222)

Provides for elimination of waiver process for tiered classrooms, theaters, concert halls, stadiums or other large assembly areas that have stadium-style seating or tiered seating, provided ADA standards 221 and 802 are met

Auditor General, Conference Report, SB 2110 (HB 5001 by Appropriations) (Approved by Governor, Chapter No. 2011-52)

Modifies Auditor General (AG) requirements so that the frequency of operational and financial audits conducted by the AG is moved from every 2 years to every 3 years.

State Financial Information, Conference Report SB 2096 (HB 5001 by Appropriations) (Approved by Governor, Chapter No. 2011-49)

- Beginning in 2012, the Auditor General will be required to report to Legislature any entities, including Colleges, that do not comply with the transparency requirements.
- Requires charter schools and charter technical career centers to post their financial information on the Transparency Florida website.
- Changes system name from Community Colleges to Florida College System; continues to require posting of certain information on the State website relating to expenditures, revenue collections and contracts.
- Authorizes the Legislative Auditing Committee to issue guidelines for including new information by November 1, 2012.

Public Employee Compensation (Severance Pay), CS/CS/CS SB 88 by Gaetz (HB 43 by Smith) (Approved by Governor, Chapter No. 2011-143)

- Amends Section 215.425 Florida Statutes relating to the prohibition of extra compensation claims for public employees to include “bonuses” and “severance pay.”
- Requires that any policy or procedure developed to implement a bonus or severance “scheme” must:
 - Base the award of a bonus on work performance;
 - Describe the performance standards and evaluation process by which a bonus will be awarded;
 - Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
 - Consider all employees for the bonus.
- Requires that any new or renewed contract entered into after July 1, 2011 that includes provisions for severance, must include the following:
 - A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.
 - “A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in s. 443.036(29), by the unit of government.”
- After July 1, 2011, allows employees to receive severance pay where not provided for by contract, of up to 6 weeks, provided it is paid in settlement of an employment dispute and no settlement agreement may be held confidential.
- Clarifies that this section does not create an entitlement to severance pay.
- Defines severance pay as used in this subsection as the actual or constructive compensation, including salary, benefits, or perquisites, for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for:
 - Earned and accrued annual, sick, compensatory, or administrative leave;
 - Early retirement under provisions established in an actuarially funded pension plan subject to part VII of chapter 112; or
 - Any subsidy for the cost of a group insurance plan available to an employee upon normal or disability retirement that is by policy available to all employees of the unit of government pursuant to the unit’s health insurance plan. This subparagraph may not be construed to limit the ability of a unit of government to reduce or eliminate such subsidies
- Deletes language that is inconsistent with the above provisions and makes modifications to language relating to municipalities and water management districts.

Unemployment Compensation, CS/CS/HB 7005 **by Economic Development and Tourism (SB 728 by Detert)** (Approved by Governor, Chapter No. 2011-235)

Provides a maximum of 23 weeks that an unemployed worker could earn unemployment benefits, based on a tiered system that ties benefits to the unemployment rate. The maximum 23 weeks could be earned only if the jobless rate reached 10.5 percent or higher. The minimum of 12 weeks could be collected if the unemployment rate is five percent or lower. The bill's changes are expected to save employers \$18 per employee in unemployment taxes.

Open Carry Weapons, CS/CS SB 234 **by Evers (HB 517 by Dorworth)** (Approved by Governor, Chapter No. 2011-145)

As originally filed, the bill would have provided that a person who holds a valid concealed weapon or firearm license could carry a weapon or firearm openly, including within a career center, a college or university, and nonpublic elementary or secondary school facilities. **As amended, the bill took out the option to carry a gun on an educational site.** As passed, the bill:

- Provides that a person who holds a valid concealed weapon or firearm license may carry a handgun openly on any public property and, when permissible, on private property as well. Further the weapon may be briefly, accidentally displayed but not in a threatening or angry manner.
- Continues the prohibition for a weapons license holder to carry a weapon or firearm within a career center, a college, or university, and nonpublic elementary or secondary school facilities. Allows that a person who carries a weapon or firearm on one of the prohibited locations or a person who prohibits a licensee from carrying or storing a firearm in a vehicle for lawful purposes, commits a second degree misdemeanor if they do so knowingly and willfully under the provisions of the bill.
- Authorizes Department of Agriculture and Consumer Services to take fingerprints from a license-applicant for inclusion with the application packet for a concealed weapon or firearms license. This provides an additional venue to have applicants' fingerprints taken.
- Repeals a provision that limits Florida residents to the purchase of rifles and shotguns in contiguous states and clarifies law that a licensed dealer's shotgun or rifle sale to a Florida resident in another state is subject only to the federal law and the law of the state wherein the transfer is made.

Memorial to Congress, CS/SB 1654 **by Wise (CS/1445 by Hudson)** (Signed by Officers and filed with Secretary of State)

The memorial notifies the federal government of colleges and universities in Florida which are authorized to operate educational programs beyond the secondary level. This will enable the schools to meet the requirements of the new federal rules requiring state authorization, effective July 1, 2011. All the ICUF schools, plus Webber International University, Keiser University and Everglades University, are listed in the memorial.

Department of Economic Opportunity - Government Reorg, Conference Report SB 2156 **(multiple companion bills rolled together)** (Approved by Governor, Chapter No. 2011-142)

This is the major reorganization related to economic development, but includes early education issues as well.

- Creates the Department of Economic Opportunity (DEO) to include the former Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions in the new agency.
- Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.
- Transfers the AWI Office of Early Learning to the Department of Education as a separate entity. DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK). Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.
- Consolidates public-private economic development partnerships. Enterprise Florida, Inc., (EFI) President, known as the "Secretary of Commerce," is appointed by and serves at the pleasure of the Governor. Workforce Florida, Inc., maintains independent status as currently provided in law.

Florida Uniform Prudent Management of Institutional Funds Act, CS/CS/CS/HB 599 **by Passidomo (SB 952 by Richter) replaces the Florida Uniform Management of Institutional Funds Act.** (Approved by Governor, Chapter No. 2011-170)

This bill makes Florida's not-for-profit law consistent with national standards for the management of endowment funds which have already been adopted by 47 other states. This bill:

- Applies to all charitable institutions, not just those associated exclusively with educational purposes.
- Expands the types of assets which 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.
- Applies to a non-educational direct-support organization only if it held a fund exclusively for charitable purposes.
- 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.

Bills that Failed

Contracts Personnel Hired by a FCS Institution Board of Trustees (Tenure), HB 7193 by K-20 Competitiveness Committee and Fresen (no Senate companion)

Would have discontinued the award of tenure, multi-year contracts, and continuing contracts for all personnel hired after July 1, 2011, except for the president of the college. Extension, renewal or re-adoption of personnel contracts in effect prior to July 1, 2011 would be prohibited. All new hires would be granted a one year probationary contract, and the FCS board of trustees may award annual contracts. The annual contract would not create an expectancy of employment beyond the term of the contract.

Capital Improvement Fee, HB 523 by Diaz (SB 1518 by Altman)

Would have allowed a Florida College that has less than 65% of relative space needs met to raise the capital improvement fee to 20% of tuition for resident students and 20% of tuition and out-of-state fees for nonresident students. The Division of Florida Colleges would have determined by January 1 of each year which colleges were eligible to charge the fee increase. The fee would be collected for up to five years. Funds collected that exceeded 5% of the tuition for resident and nonresident students could not be bonded. Funds collected could have been used to acquire improved real property or any project that met survey and construction requirements per statute.

Deregulation of Occupations and Professions, Conference Report for CS/CS/HB 5005 by House Business and Community Affairs Subcommittee and Rep. Hukill (SB 1824 by Hays)

As it relates to the FCS and training/continuing education programs, would have:

- Removed the requirement for mold remediation education.
- Repealed the registration requirement for the hair braider, hair wrapper, and body wrapper specialties.
- Deregulated the practice of interior design.

Reducing and Streamlining Regulations, Conference Report for CB/CS/HB 5007 by House Business and Community Affairs Subcommittee and Rep. Hukill (multiple related bills, none a companion)

As it relates to the FCS and training/continuing education programs, would have:

- Authorized the Department of Highway Safety and Motor Vehicles to provide copies of driver licenses to the Department of Business and Professional Regulation (DBPR) to assist in investigations of unlicensed activity.
- Provided that inactive license holders may only be required to complete one full cycle of continuing education requirements, regardless of how many years they have been inactive.
- Decriminalized rule violations for real estate and cosmetology related professionals.

- Amended the grandfather provision for home inspector licensees to permit Division I contractors and building code inspectors to qualify for licensure. The grandfather provision is extended until July 1, 2012.
- Reduced education requirements for persons licensed as mold assessors or mold remediators to require that the applicant have a high school diploma or its equivalent rather than college coursework; eliminated the requirement for mold related professionals to have documented coursework in water, mold, and respiratory protection; amended the grandfather provision for mold related services to permit persons with at least one year of experience who have completed at least 10 remediation invoices or assessments.

Emergency Medical Services, HB 909 by Perry & Others (SB 1358 by Oelrich)

- Would have removed the requirement that EMTs and paramedics complete HIV/AIDS continuing education instruction. EMT's and paramedics currently employ "universal precautions" in the field which dictates that all patients are considered to be carriers of blood-borne pathogens, including HIV/AIDS. Additional HIV/AIDS training was duplicative.
- Would have changed the definition of "basic life support" to include the name of the new National EMS Education Standards and removes outdated competencies that are captured within the training curriculum. Made conforming changes by removing "emergency medical technician basic training course" and adding "National EMS Education Standards," which aligns with the most current national standard.
- Would have increased the timeframe that EMTs and paramedics can take the state examination following successful completion of an approved training program from 1 to 2 years.
- Would have amended the state's emergency medical services plan required update from 2 to 5 years.

Massage, CS/SB 584 by Flores (HB 49 by Fresen)

Would have created a temporary license for 6 months for someone to work without having passed the state licensure test. Appeared to be created to assist for-profit school programs.

Labor and Employees, CS/CS/SB 830 by Thrasher (HB 1021 by Dorworth)

- Would have prohibited state, county, municipal, and special district employee payroll deductions for dues, uniform assessments, penalties, or special assessments of an employee organization; prohibited public employee payroll deductions for purposes of political activity, including contributions to a candidate, political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under 501(c)(4), or s. 527, of the Internal Revenue Code.

- Deleted the explicit authorization for “employee organizations” that are the exclusive bargaining agent for a unit of state employees to deduct membership dues.

Enforcement of Immigration Laws, CS/SB 2040 by Judiciary

- As amended, the bill would have made illegal immigration a state crime, allowing police to question suspects about their immigration status, requiring employers to use a federal database to check the immigration status of prospective hires, and requiring each agency to use the federal program for electronic verification of employment eligibility which is known as the E-Verify Program, or any successor program, to verify the employment eligibility of any worker who is referred to an employer and to issue to the employer a certification of the verification as provided in regulations of the United States Department of Homeland Security.
- Each agency defined in the bill also would be required to seek verification through the Systematic Alien Verification for Entitlements (SAVE) Program the eligibility of any applicant for a state or local public benefit administered by the agency. An alien who is not a qualified alien would not be eligible for any federal public benefit.

Buy Florida Procurement, CS/CS/SB 386 by Bogdanoff (HB 1079 by Moraitis)

- Gave preference to Florida businesses in procurement of personal property and services. Referred to as the "Buy Florida Act," the bill would have required "every agency, county, municipality, school district, or other political subdivision of this state to give a 5% preference to the responsible and responsive vendor whose principal place of business is in this state when awarding contracts to have materials printed."
- Provided that purchases of personal property through competitive solicitation also give a 5% preference to in-state businesses.
- Would require state agencies to develop and adopt assessment protocols which facilitate an agency's best efforts to evaluate and make a determination whether equipment, machinery or any other inventory could be repaired or restored prior to any request to purchase replacement equipment, machinery or any other inventory being approved. This would apply to such purchases that result from fire, smoke, water or any other disaster incident, be limited to those purchases that are absolutely necessary, and are deemed to be in an un-repairable condition.

Veterans Affairs Residency, CS/HB 171 by Pafford (SB 430 by Altman)

Would have added “Operation New Dawn” to the list of campaigns for which a dependent could be eligible for the children and spouses of deceased or disabled veterans’ scholarship; revised the residency requirement to “have been residents of the state during the period of military action.”

Veterans -Postsecondary Education of Military, HB 693 by Nelson (SB 894 by Bennett)

Would have required a veteran who was a resident of Florida for 4 years before entering the United States Armed Forces who holds an associate degree or 60 hours of college credit from a Florida College System (FCS) institution to be admitted to any FCS or state university of their choice.

Veterans Resident Status for Tuition Purposes, HB 683 by L. Garcia (SB 826 by Fasano)

Would have allowed all veterans to be classified as residents for tuition purposes (thus receiving in-state tuition rates), regardless of where they lived. Potentially, veterans enrolling as distance learning students would be classified as residents, without ever living in or moving to Florida.

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