

# 2014

Florida College System  
**Legislative Session**  
Final Report



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With appreciation: Florida Department of Education,  
Division of Florida Colleges

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## Session Highlights

The Florida Legislature adjourned *sine die* on Friday, May 2, 2014. A total of 1,812 bills were introduced, although only 264 passed both chambers. The College System tracked 290 of the introduced bills as having direct or indirect potential to impact the colleges.

The Florida College System (FCS) has some significant legislative changes to address as a result of the 2014 Legislative Session. Perhaps most impactful to a select group of students was the passing of CS/CS/CS HB 851, which created a waiver of out-of-state fees for undocumented students and others who recently graduated from a Florida high school, and attended that school for the three consecutive years prior to graduation. This issue first surfaced in Florida in 2001 during conversations with students about financial aid and the cost of attending college. The following year, 2002, legislation was first filed to address the needs of these students. HB 851 also addressed some long-standing concerns with the residency-for-tuition-purposes law, adding flexibility in the use of the term “parent” and confirming that a parent’s immigration status cannot be used as a reason to deny a student in-state status.

The Legislature addressed another long-standing concern related to out-of-state tuition, allowing veterans to have their out-of state fees waived. The “Florida GI Bill” includes that provision, as well as providing additional options for funding current and post-service training.

Baccalaureate degree offerings in the FCS came under fire this session in the Florida Senate. At one point, Senate committees had approved language that would eliminate the opportunity to add new degrees, and would have moved 10% of the funding for the existing degrees to the university sector. The Council of Presidents agreed to a one year “pause” in new baccalaureate proposals being submitted to the Florida Board of Education, which is included in HB 5101, and a review of the existing programs. A review will likely compare the existing degrees to the statutory authorization for the degrees, completion data, and earnings of graduates. This review also is expected to look at the current approval process and determine any changes which may be needed.

Last year, legislation established a requirement that school districts pay colleges for tuition or other costs, depending on the location of the dual enrollment. This year, the language was amended to restrict some of those costs, particularly the costs associated with dual enrollment offered at the high school. In addition, funding for dual enrollment was provided to specifically cover the cost of summer dual enrollment. A new addition to the dual enrollment picture is language that requires every FCS college to develop a collegiate high school in every school district in their service area. The collegiate high school is described in the SB 850 summary, but basically provides high school juniors and seniors the opportunity to earn 30 college credits and an industry certification.

As always, many issues failed to pass during the legislative session, even when both sides appeared to support the concept. This year, retirement changes were expected again, but in the end, agreement was not to be had. The two chambers differed on their intent, although neither side proposed changes that would impact existing employees. Another issue that was watched carefully was a House proposal to allow school district technical centers to become technical colleges. While the bill did not move far in the Senate, language was adopted related to reporting that may be a precursor to the issue returning in 2015. Finally, changes to the current textbook laws moved through the process rapidly, but in the end did not pass. The colleges were concerned with some of the new deadlines and language, and are wisely continuing to review ways to implement some of the proposed changes anyway.

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# General Appropriations Act (GAA) 2014-15, HB 5001

## *(Summary before Governor's Actions)*

### Statewide Funding

The Florida Legislature had significant additional General Revenue available to address budget issues. However, while funding for the Florida College System and the Florida College System Program Fund (FCSPF) increased for 2014-15 from the 2013-14 level by \$31.2 million, this was below the \$50 million level requested by the Council of Presidents.

As part of this year's appropriation, the Legislature again implemented a funding source shift for the Florida College System. Funding from General Revenue was replaced with funding from the Educational Enhancement Trust Fund (Lottery) which is up substantially from \$204,938,935 to \$254,972,113, for an increase of \$50,033,178 or 24 percent. Historically, these funds have not been available for the colleges to draw against until after the midpoint of the fiscal year, potentially causing cash flow problems.

Operating costs for new facilities was fully funded at \$2.0 million, including \$1.2 million for the annualization of appropriations from 2013-14 and \$.8 million for new facilities opening in 2014-15.

As usual, the Legislature adjusted funding in the Florida College System Program Fund (FCSPF) to reflect a change in Florida Retirement System (FRS) employer contributions. An increase of \$4.8 million was provided to fund normal cost increases of the retirement program and to cover the unfunded actuarial liability. The increase reflects the employer's contribution rates to be paid by the colleges during the 2014-15 fiscal year. These changes are intended by the Legislature to have no net impact on the funds available for college operations.

The Legislature provided approximately \$15.5 million in compression/equity funding, which was distributed to fourteen colleges with the lowest percentage of met need (basically below 75.50%) in the Funding Allocation Model. This resulted in a significant reduction in the range of least-funded to best-funded colleges. While still under review, compression/equity funding may be complete, or close to complete.

In addition, the Legislature appropriated \$5.0 million in new operational funding through the FCSPF, to be distributed among the 28 colleges using the Funding Allocation Model. As stated above, the result was an overall increase in state funding for the Florida College System Program Fund of \$31.2 million or a net increase of 2.8 percent over 2013-14. However, because the Legislature did not authorize a tuition increase for the FY 2014-15, the overall increase in funding for the Florida College System is 1.4%. The Legislature also, in separate legislation (HB 5101), removed the authority of local boards to increase tuition by the change in the Consumer Price Index.

Within the Florida College System Program Fund, the maximum increase in state funding was 17.0 percent. Seven colleges had a net increase of greater than 5 percent. Three colleges will receive

less funding than in 2013-14. One of those colleges was due to demolition of a facility resulting in negative operating cost and the others were due to non-recurring projects in 2013-14. Depending on an individual college's funding for retirement adjustments, operating cost for new facilities, legislative initiatives, reduction of prior special project funding, and tuition, the range of change is from -6.7 percent to 17.0 percent.

The Legislature appropriated another \$5.0 million for performance funding as a separate categorical. Distribution of these funds will be based on the number of specified industry certifications earned by a college's students.

The Legislature appropriated \$4.8 million of non-recurring General Revenue for dual enrollment funding within the Florida College System Program Fund (FCSPF) appropriation. Distribution of these funds is included in the totals above and is based on the number of students served during the summer term.

The Florida Virtual Campus was appropriated \$9.0 million (with a matching amount provided through the State University System's appropriation.) The Commission on Community Service (Florida's Americorp program) received an increase in funding of \$250,000, raising their total funding to approximately \$.7 million (this is a pass-through Federal appropriation.)

#### CAPITAL OUTLAY

The Legislature provided \$107,511,216 from the Public Education Capital Outlay and Debt Service Trust Fund (PECO) for twenty three projects at twenty colleges. This compares with \$41,510,867 in the 2013-14 budget after the Governor's vetoes. In addition, the budget includes two appropriations for maintenance. \$5 million is for the regular repair, maintenance, and renovation type projects. A second appropriation for \$10 million is dedicated to critical maintenance projects for a total of \$15 million for maintenance. The combination of these items is referred to as the "sum of the digits" funding.

## Florida College System 2013-14 and 2014-15 Funding

Issue	Funding 2013-14	Funding 2014-15
Florida College System Program Fund (FCSPF) - Lottery	\$204,938,935	\$254,972,133
Florida College System Program Fund (FCSPF) - GR	\$895,449,775	\$877,451,626
Performance Incentives	\$5,000,000	\$5,000,000
Adults with Disabilities	\$876,206	\$876,206
Student Fees	3 % increase (VETOED)	0 % increase
Facilities Matching	0	0
Phillip Benjamin Matching	0	0
Fixed Capital Outlay (PECO)		
TOTAL	\$73,760,867 (Note: \$32,250,000 of this amount was VETOED)	\$107,511,216 (Note: Before Action by the Governor)
PECO Sum-of-Digits (Maintenance)	\$5,377,488	\$15,000,000
First Generation Matching - Lottery	\$1,327,166 Florida College System Share	\$1,327,166 Florida College System Share
College Reach Out Program	\$1,000,000	\$1,500,000
Displaced Homemakers	\$1,816,434 (VETOED)	\$2,000,000
Public Financial Aid		
Lottery	\$45,100,892	\$ 55,100,892
Student Loan Operating TF	\$	\$ 9,688,263
General Revenue (FSAG)	\$57,863,695	\$114,525,243
Total	Total \$102,964,587	Total \$179,314,398
Florida Virtual Campus (FDLN,FACTS,CCLA,FCLA)		

# Florida SouthWestern State College Specific Funding

<u>Funding Item</u>	<u>2013-14 Appropriations</u>	<u>2014-15 Appropriations</u>	<u>Difference</u>
Florida College System Program Fund	\$ 24,684,923.00	\$ 24,245,513.00	\$ (439,410.00)
Education Enhancement Trust Fund- Lottery	\$ 5,649,565.00	\$ 7,045,323.00	\$ 1,395,758.00
Total State Appropriations	\$ 30,334,488.00	\$ 31,290,836.00	\$ 956,348.00
<u>Public Education Capital Outlay</u>			
LEE multiple buildings	\$ 3,000,000.00	\$ 1,500,000.00	
Leonhardt Hall (Bldg. H)	not requested	\$ 5,000,000.00	

**\*\*2014-15 PECO funding is pending approval of the Governor**

**\*\*Sum of the Digits allocation is not finalized at this time and will be added once available**



## Appropriations Proviso, Implementing and Conforming Bill Issues

The Legislature has three methods to reflect funding decisions made in the General Appropriations Act (GAA) process. “Proviso” is language in the General Appropriations Act attached to a specific appropriation which directs or authorizes how the funds can be expended. An implementing bill is a substantive bill which provides instructions to enact specific provisions for a GAA appropriation or proviso by changing the law (Florida Statutes) temporarily 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 is also a substantive bill which may “travel” with the GAA. It differs from the implementing bill in that it makes permanent changes to Florida Statutes.

In summary, proviso language and implementing bills are law for only one year and then they expire, while a conforming bill makes 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 but must act on the entire bill. Bills which are passed by the Legislature are sent to the Governor. The Governor may sign, veto, or allow a bill to become law without his signature. Because the Legislature has now adjourned the 2014 Session, the Governor has fifteen consecutive days from the date he receives a bill to act on that bill. Leadership of the Legislature staggers sending bills to the Governor in order to provide time to fully review the content/impact of bills.

When a bill is passed and sent to the Governor while the Legislature is still in session, the time line is different; the Governor must act within seven days from the time his office receives the bill. Several bills were signed into law during this legislative session, for example HB 7015 has already been signed and becomes effective on July 1, 2014.

Following are the appropriations, implementing and education related conforming bills that passed this session. The implementing bill did not include any sections that impacted the FCS this year, and is not addressed in this report.

HB 5001, General Appropriations Act

HB 5003, Implementing Bill

HB 5101, Education Conforming Bill

### Appropriations Proviso

#### FCS Performance Funding

The original Senate appropriations bill included \$40 million in performance funding for the FCS. Included in the \$40 million was \$10 million for industry certification performance, as was funded at \$5 million in 2013. The remaining \$30 million would have created a new performance fund, with \$15 million in new funds, and \$15 million taken out of the College’s base funding and redistributed among all colleges based on performance. All colleges would have been competing for their own money.

The Senate proposal was not included in the final appropriations bill. However, proviso language was agreed to which requires the Commissioner of Education to recommend a performance funding formula to allocate funds to FCS institutions. The Commissioner's recommendation is to include up to ten performance measures, appropriate performance benchmarks for each measure, and a detailed methodology for allocating performance funds to the colleges. At a minimum, the measures must include job placement rates, cost per degree, and graduation/ retention rates. In addition, the performance benchmarks and allocation methodology must consider institutions' current performance effectiveness as well as rates of improvement. The Commissioner's report is due no later than December 31, 2014.

### **SUS Performance Funding**

State University System (SUS) Performance Based Incentives were created and funded at \$200 million, which included \$100 million in new funding and \$100 million that was redistributed from the universities' base. The Board of Governors is to allocate the funds pursuant to the performance funding model approved by the Board in January, 2014. However, the Legislature added the requirement for a university that does not meet the benchmarks that result in base funding being restored to submit a plan to improve upon metrics. If monitoring reports indicate progress, the university may receive a pro rata share of their base funding. Universities that fail to make satisfactory progress will not have their full base funding restored, and any funds remaining will be distributed to the three universities that demonstrate the most improvement on the new metrics.

### **Conforming Bill: HB 5101**

#### **PECO** Section 1, 2

- Creates a separate account within the Public Education Capital Outlay and Debt Service Trust Fund. The purpose of the account is to ensure sufficient revenue is available to meet both debt service (interest) and bond (principal) payment requirements in a fiscally responsible manner. The first transfers are to occur on or before June 30, 2014.

#### **BACCALAUREATE DEGREES** Section 3

- Provides that the State Board of Education and the District Board of Trustees of St. Petersburg College may not approve a Florida College System baccalaureate degree program proposal from March 31, 2014 through May 31, 2015. Earlier versions of Senate Bills would have repealed altogether the authority of the State Board and St. Petersburg College District Board of Trustees to approve new bachelor's degrees after March 31, 2014. A parallel proposal to reduce funding of baccalaureate degrees by 10% and shift funding to preeminent universities was adopted at the committee level, but was not included in HB 5101.

#### **K-12** Section 4, 19, 27

- Requires development and implementation of a digital classroom plan, to include computer science and technology instruction.

#### **STATE UNIVERSITIES, NEW PROGRAMS** Sections 9, 10

- Creates a new Master's degree in Data Science and Analytics at New College and creates the Florida Center for Cybersecurity at the University of South Florida.

**FLVC/FCLA** Sections 15, 16, 17

- Creates the Florida Academic Library Services Cooperative for the public colleges and universities, lieu of the existing Florida Center for Library Automation, under the leadership of the University of West Florida.
- Shifts the services administered through the Florida Virtual Campus to UWF. The effort is renamed the Complete Florida Plus Program and includes the statewide student support services, online student advising, and the statewide catalog of distance learning courses.

**ARTICULATION REPORTING** Section 18

- Requires the Articulation Coordinating Committee to make recommendations on the costs and requirements to develop and implement an online system for data on transfer of credit by postsecondary students. The report is due by January 31, 2015.

**NATIONAL MERIT SCHOLARSHIP** Section 26

- Creates the National Merit Scholar Incentive Program. Any National Merit Scholar or Achievement Scholar who is a Florida resident, and who enrolls in a baccalaureate program at a regionally accredited public or private postsecondary institution is eligible for a scholarship. NOTE: The Appropriations Act included \$2.8 million for this program.

**LOCAL ISSUE** Section 29

- Requires development of an agreement between Pasco Hernando State College and the Pasco County Sheriff related to law enforcement training, addressing a local concern. NOTE: This issue is already being addressed.

**DUAL ENROLLMENT (DE)** Section 21

- Requires School Districts to have DE agreements with each public postsecondary institution in its service area. School Districts are required to pay public postsecondary institutions tuition for courses at the institution in fall or spring term. Districts are required to only pay cost of salary and benefits, not 'other actual costs', when courses are offered at a high school by postsecondary instructor. Districts are no longer required to pay if a course is offered at a high school by a high school teacher. Summer tuition is subject to an annual appropriation.
- NOTE: The following issues were included in bills heard during the session, but did not pass in any legislation:
  - Limit to 24 credits of dual enrollment, until general education is completed
  - Requirement that the School District pay for private school books
  - Specification that private high schools not pay for DE
  - Requirement that School District only pays up to 1 FTE
  - Deletion of requirement related to SACS
  - Allowance for for-profits to do DE

## Bills That Passed

### Multi-issue Education Bill: CS/CS/SB 850

#### **COLLEGIATE HIGH SCHOOL PROGRAM – DUAL ENROLLMENT** Section 10

- Each Florida College System (FCS) institution is required to work with its designated school districts to establish one or more collegiate high school program in every school district in the college's service area. Funding will be in accordance with dual enrollment (1007.271, F.S.) and the Florida Education Finance Program (FEFP) (1011.62, F.S.)
- At a minimum, this must include an option for students in grades 11 or 12, for at least one full school year, to earn CAPE industry certifications and complete 30 credit hours through dual enrollment toward the first year of college for an associate or baccalaureate degree.
- Beginning with 2015-16 school year, if a designated college does not establish a program in its service area, another FCS institution may do so. Contracts must be executed by January 1 of each school year for implementation of the program during the next school year.
- Allows school board to execute a contract with a state university or a nonprofit independent college or university that is SACS accredited (ICUF schools).
- Requires the State Board of Education to withhold funding for noncompliance.

#### **CAREER AND PROFESSIONAL EDUCATION (CAPE)**

- Requires the Commissioner to recommend the CAPE Industry Certification Funding List, and include the career pathways list approved for the Florida Gold Seal Vocational Scholars Award.
- Requires the Articulation Coordinating Committee to review and make recommendations to the State Board of Education regarding articulation of postsecondary credit for related degrees for approved industry certifications.
- Specifies K-12 funding for CAPE certificates including additional funding for CAPE Acceleration Industry Certifications that articulate for 15-29 college credit hours and 1.0 FTE for those that articulate for 30 or more college credit hours.

#### **PERSONAL LEARNING SCHOLARSHIP ACCOUNTS** Section 16

- Creates a new scholarship (voucher) program called "Personal Learning Scholarship Accounts" for kindergarten through grade 12 students with a disability.
- The new scholarship program created by the bill:
  - Specifies parent and student eligibility requirements, prohibitions, responsibilities and obligations;
  - Delineates allowable expenditures related to elementary, secondary and postsecondary education expenses; and
  - Provides funding, payment, and accountability responsibilities.
- Repeals, with phase-out, the Special Diploma and creates new pathways for students with disabilities who meet the requirements to earn a standard diploma. Also requires postsecondary goals and career transition planning processes begin before a student with a disability turns age 14.
- Provides students with disabilities with an additional opportunity to satisfy the requirements for a standard high school diploma. Additionally, the bill allows a student with a disability to

defer receipt of the standard high school diploma if the individual education plan (IEP) prescribes special education or services through age 21 and the student meets high school graduation and other requirements.

- Note: The General Appropriations Bill appropriates \$18.4 million in the Education budget for implementation of this program.

#### **CORPORATE TAX SCHOLARSHIPS PROGRAMS** Section 17

- Among many changes, amends the Corporate Tax Scholarship (voucher) program to allow public universities and private non-profit institutions participating in the Florida Resident Access Grant program (FRAG) to serve as a scholarship funding organization.

#### **JUVENILE JUSTICE EDUCATION PROGRAMS** Section 29

- Among many changes, requires significant changes to the processes in juvenile justice to encourage student long range planning, including college and career plans.

#### **Multi-issue Education Bill: CS/CS/CS HB 851**

#### **FLORIDA PREPAID** Section 1

- Amends law so that the impact of the SUS tuition differential assessments is negated related to prepaid contracts.

#### **TUITION** Sections 2,3,4

- For adult education, eliminates reference to non-residents, resulting in a block tuition of \$45 per year or \$30 per term for all students.
- For all public postsecondary education:
  - Corrects the current level of tuition stated in the Statute. Tuition is established in the Appropriations Act, and did not increase.
  - Specifies that if the resident undergraduate tuition per credit hour at workforce education institutions, Florida College System institutions, or state universities is not provided in the General Appropriations Act, the tuition must remain the same as the prior fiscal year
  - Eliminates the annual rate of inflation increase of the resident undergraduate tuition per credit hour at workforce education institutions, Florida College System institutions, and state universities.
- For universities, reduces the maximum aggregate sum that the tuition and tuition differential fee may increase for state universities from 15% to 6%. Limits differential tuition to preeminent universities, with cap now of 6%, and that 6% is tied to performance standards

#### **OUT OF STATE FEE WAIVERS/UNDOCUMENTED STUDENTS** Section 5

- Requires all public higher education to waive out-of-state fees for students including, but not limited to, students who are undocumented for federal immigration purposes and who:
  - Attended a secondary school in Florida for 3 consecutive years immediately prior to graduation from Florida high school
  - Apply for enrollment within 24 months of high school graduation
  - Submit an official Florida high school transcript.

- Provides additional requirements:
  - Limits waivers to 110% of required credit hours for the program enrolled in.
  - Requires reporting as to the number and value of the waivers.
  - Requires the State University System system-wide cap to include students covered by waiver.
  - Provides that students who are granted the waiver are not eligible for state financial aid.
  - Requires students to be classified as non-resident for tuition purposes.
  - Requires priority to be given to veterans with waivers over students given waivers according to this act as it relates to non-resident student enrollment system-wide.

**RESIDENCY FOR TUITION PURPOSES** Section 6

- Amends definition of parent to allow for either or both parents, any guardian, or any person in a parental relationship (which is not defined).
- States that a dependent child cannot be denied classification as a resident for tuition purposes solely based on the immigration status of the parent. (Codifies the Ruiz ruling)
- Reduces the amount of time a child must live with a relative from 5 years to 3 years in order to use the relative’s documentation.
- Simplifies the statute related to residency status due to marriage to a Florida resident.

**Economic Development: HB 5601**

(Approved by Governor; Chapter No. 2014-38)

- As part of a large bill related to tax breaks, changes were made that will create additional funds for PECO projects. Florida Statute, Chapter 203, imposes, at the rate of 2.5% percent, a tax on gross receipts from the sale, delivery, or transportation of natural gas, manufactured gas, or electricity to a retail consumer in Florida. All revenue received pursuant to this tax is deposited in the Public Education Capital Outlay and Debt Service (PECO) Trust Fund. The use of such funds is limited to paying the principal and interest on bonds to finance capital projects for institutions of higher learning, community colleges, vocational technical schools, or public schools; the cost of any public educational facility capital project; and the cost of maintenance and repairs.
- Amends this law to decrease the sales tax rate on sales of electricity by three percentage points from 7% to 4% and increases the gross receipts tax rate on electrical power or energy delivered to a non-exempt retail consumer by three percentage points from 2.5% to 5.5%. The new gross receipts tax additional rate will incorporate the existing exemptions from the sales tax in order to make this change revenue neutral to both the state and to taxpayers. The overall effect of these changes is to provide a small tax reduction to purchasers of electricity and to deposit additional revenues in the Public Education Capital Outlay Trust Fund. The Staff Analysis projects an estimated recurring increase in deposits to the Gross Receipts Tax of between \$160 and \$200 million.

### **College Name Changes: CS/SB 236**

(Approved by Governor; Chapter No. 2014-8)

- Changes the names of Edison State College and Pasco-Hernando Community College to Florida SouthWestern State College and Pasco-Hernando State College, respectively. Edison is changing its name to better represent the five-county region it serves and due to likely legal actions related to trademarks. Pasco-Hernando's name change is to reflect that institution's addition of baccalaureate programs.

### **Educator Certification: CS/CS HB 433**

(Approved by Governor; Chapter No. 2014-32)

- Amends requirements for Teacher Education programs to address issues related to supervising of field experiences outside of Florida, as follows:
  - Instructional personnel in another state must have received "clinical educator" training or its equivalent in that state, hold a valid professional certificate issued by that state, and have at least three years of teaching experience in prekindergarten through grade 12.
  - Instructional personnel on a U.S. military base outside the U.S. must have received "clinical educator" training or its equivalent; hold a valid professional certificate issued by a state, U.S. territory, or the Department of Defense; and have at least 3 years teaching experience in prekindergarten through grade 12.
- Requires the State Board of Education to adopt rules that would expand training for renewal of professional certificates for educators who must complete training in teaching students with disabilities.
- Revises K-12 educator certification requirements to authorize the use of additional assessment options, align competencies across preparation program types, and provide flexibility for training and in-service requirements.
- Allows additional examinations to be used by teacher certification applicants to demonstrate mastery of subject area knowledge.
- Allows a consortium of charter schools to develop a professional development system.

### **Nursing Education Programs: CS/CS SB 1036**

- Establishes a schedule for all registered nurse pre-licensure programs approved by the Board of Nursing (BON) to become accredited by a specialized nursing accrediting agency that is recognized by the U.S. Secretary of Education. Allows the BON to grant a one-year extension for a program that is set for termination due to low licensure passage rates.
- Requires the plan of remediation for a program that is placed on probation to include specific benchmarks to identify progress toward the required passage rate. Authorizes the BON to extend a program's probationary period for 1 year if the program is meeting a majority of the benchmarks.

- Revises the definition of “clinical training” to include clinical simulation and the definition of “practice of professional nursing” to include “the teaching of general principles of health and wellness to the public and to students other than nursing students.”
- Increases the percentage of clinical training that may consist of simulation from 25 percent to 50 percent.
- Exempts a nurse who is certified by a health care specialty program that is accredited by the National Commission for Certifying Agencies (NCCA) or Accreditation Board for Specialty Nursing Certification (ABSNC) from the biennial continuing education requirement.
- Requires a person who fails to take the licensure examination within 6 months after graduation to complete an examination preparatory class that is approved by the Board of Nursing. Prohibits the use of state or federal funds to pay for the prep class.
- Requires the graduate passage rate to be calculated based on first-time test takers who take the examination within 6 months of graduation.

### **Florida GI Bill CS/CS/HB 7015**

(Approved by Governor; Chapter No. 2014-1)

The first bill to pass during the 2014 Legislative Session was the Florida GI Bill, which provides education and employment opportunities for veterans, including:

- Increases funding for Educational Dollars for Duty, EDD.
- Allows National Guard training funds (EDD) to cover training for industry certifications and continuing education to maintain licensure.
- Requires institutions to report student performance to the Department of Military Affairs for EDD participants.
- Provides for public higher education to waive out-of-state fees for an honorably discharged veteran who physically resides in Florida while enrolled in a postsecondary institution.
- Creates the “Veterans Employment and Training Services Program” (VETS) in the Department of Veterans Affairs. Florida Is For Veterans, Inc. (FIV) is to run the program, and will create a grant program to fund specialized training specific to a business. The grants can be allocated to any training provider, including FCS institutions.

### **Public Records Regarding FERPA: CS/SB 646**

(Approved by Governor; Chapter No. 2014-11)

- Current law provides a public record exemption for public postsecondary education records and applicant records held by a public postsecondary educational institution. For purposes of the public record exemption, applicant records are records that are directly related to an applicant for admission to a public postsecondary educational institution who has not been in attendance at such institution, and that are maintained by such institution. A public postsecondary educational institution may not release a student’s education records without the written consent of the student, except in accordance with and as permitted by FERPA. Education records may be released to the Auditor General or the Office of Program Policy Analysis and Government Accountability in the furtherance of performing their official duties and responsibilities; however, the Auditor General and the office must maintain the records in accordance with FERPA.



- Reenacts this public record exemption for education and applicant records held by a public postsecondary educational institution, which would have been repealed on October 2, 2014, if this bill did not become law.

### **Education Accountability/High School Graduation: HB 7031**

(Approved by Governor; Chapter No. 2014-39)

- Primarily a technical bill that repeals terminated or unfunded programs, corrects cross references, removes obsolete effective dates, eliminates duplicate reporting requirements, repeals completed pilot programs, and updates nomenclature.
- Fixes last year's SB1076 glitch so that high school students having passed Algebra I in middle school do not have to take the end-of-course exam (EOC).

### **Concrete Masonry Education Act: CS/CS SB 286**

- Creates the Concrete Masonry Council, Inc. as a non-profit, direct support organization to the Department of Economic Opportunity (DEO) and gives the Council power to plan, implement, and conduct educational programs related to concrete masonry with a particular focus on training opportunities that lead to gainful employment in the industry.
- The Council is a 13-member board appointed by the Governor, Senate President, and Speaker of the House, with specific representation.
- The Council may accept grants and donations, contract with and make payments to organizations for services, and collect self-imposed voluntary assessments on concrete units produced and sold by masonry manufacturers.

### **Education Data Privacy: CS/CS SB 188**

(Approved by Governor; Chapter No. 2014-41)

- Codifies proposed K-12 records changes presented in the Florida Department of Education report: *Student Data Privacy Recommendations*, which may impact FCS Charter Schools, and dual enrollment.
- Defines "biometric information" and precludes schools collecting, obtaining, or retaining information on political affiliation, voting history, religious affiliation, or biometric information. Grandfathers through 2014-15 the use of a palm scanner (included in Biometric Information) for schools already using this system for student identification for food programs.
- Specifies limited causes for K-12 institutions to make confidential and exempt records available, mostly relating to lawfully issued subpoenas and court orders.
- Florida's Education Commissioner and the FLDOE are responsible for developing rules and a process for Social Security numbers to be replaced by student identification numbers.

### **Sexually Violent Predators: CS/SB 524**

(Approved by Governor; Chapter No. 2014-3)

- Creates the “Protecting Our Children and Adults from Sexual Predators Act,” with the purpose to improve the assessment of sex offenders for possible civil commitment as sexually violent predators and to improve public notification of the location of sexual offenders and predators.
- The Florida Department of Law Enforcement maintains a web site and toll-free telephone number to provide information to the public on the location and offenses of sex offenders and predators. The bill requires public and private colleges and universities to inform students and employees at orientation and on the institution’s website about the FDLE website and toll-free number.

#### **Sexual Offenses by Authority Figures: CS/HB 485**

- Creates the “Stop Harassing Underage Teens Act” which applies primarily to K-12 institutions, including charter schools operated by FCS institutions.
- Increases the penalties for and severity of offenses for criminal sexual activity involving an “authority figure” (any person over the age of 18 who is employed by, volunteering at, or under contract with a school) and a student (person younger than 18 and who is enrolled at the school). Note that this could impact FCS employees in relation to dual enrollment students.
- Excludes “facilities dedicated exclusively to the education of adults.”

#### **Computer Crimes: CS/CS/CS HB 641**

- Recognizing the proliferation of new technologies and the impact of computer-related crimes, amends the definition of computer network and creates a definition of the term *electronic device*, which means “a device or a portion of a device that is designed for and capable of communicating across a computer network with other computers or devices for the purpose of transmitting, receiving, or storing data, including, but not limited to, a cellular telephone, tablet, or other portable device designed for and capable of communicating with or across a computer network and that is actually used for such purpose.”
- Creates new computer-related offenses and expands the application of various existing computer-related crimes to include electronic devices.
- Broadens and creates additional exceptions to computer-related offenses for persons who act pursuant to a search warrant, an exception to a search warrant, or who perform authorized security operations of a government or business.
- Expands the entities that can bring a civil action against persons convicted of computer-related offenses by including owners and lessees of electronic devices.
- Adds electronic devices to the list of items subject to forfeiture if used in computer-related offenses.

#### **Legal Notices: CS/HB 781**

- The publication of legal notices in newspapers is a long established practice for giving notice to the general public of matters such as public sales, pending estates, or businesses' fictitious names, and for service of process upon absent, unknown, or unreachable parties to an action. Current law provides that a newspaper’s website must include the same legal notices that appear in print. A newspaper’s legal notice webpage must be clearly titled and free of charge.

The Florida Press Association maintains a statewide website for legal notices as a repository for all published notices.

- Adds requirement that legal notices must be posted on the date that the printed newspaper notice appears in a separate web page entitled, "Legal Notices," "Legal Advertisements," or comparable language.
- Provides that no fee may be charged nor may registration be required for viewing or searching legal notices on the statewide site.
- Requires that a legal notice placed on the statewide website must be searchable by party or case number, be posted for 90 consecutive days, and retained for 18 months.
- Provides that the newspaper's web pages that contain legal notices must present the legal notices as the dominant and leading subject matter of those pages.

#### Session Dates: CS/HB 9

- The State Constitution provides that, in odd-numbered years, the regular session of the Legislature must begin on the first Tuesday after the first Monday in March. The State Constitution, however, permits the Legislature to fix by law the date for convening the regular legislative session for each even-numbered year. The Legislature has not fixed a date in law; as such, the regular legislative session for all years convenes on the first Tuesday after the first Monday in March.
- Changes the date of convening for the 2016 Regular Session of the Legislature to January 12, 2016.

## BILLS THAT DIED

### Career Technical Colleges CS/CS/HB 7057

- Would have authorized school district career centers to provide instruction that results in college credit or degrees, in addition to their current role in offering occupational completion points and conferring a certificate or applied technology diploma.
- Would have allowed a center to seek State Board of Education approval to offer AAS degrees with an approval process similar to the Florida College System baccalaureate request process.
- Would have required, if approved, accreditation as an AAS degree granting institution from an accrediting agency recognized by the United States Department of Education.
- Would have authorized a career center or charter technical center that offered college credit certificates or AAS degrees to use the designation “technical college” with local school board approval.
- Note: The Appropriations Act included \$4 million for the Department of Education to develop and implement a postsecondary Workforce Education Student Information System Pilot. The system is to include items such as student registration and reporting and tracking of instructional hours, student achievement levels, and industry credentials. Additionally, the system will include on-line student registration with debit/credit card payment capability; case-management of all students enrolling, including time on task and achievement benchmarks; and case management for awarding and tracking student financial assistance.

### Postsecondary Textbooks: CS/CS/HB 355 and CS/SB 530

- Would have amended the textbook affordability law to include instructional materials and defined same.
- Would have required FCS institutions and state universities to post prominently in the course registration system and on their websites a hyperlink to lists of required and recommended textbooks and other instructional materials for each course and section at least 14 days prior to the first day of class registration.
- Would have required use of the same textbook in a course for a minimum of 3 years, unless granted an exemption by the college president or designee.

### Bright Futures, Public Service and Internships: HB 557 and SB 566

- Would have amended the Bright Futures Scholarship requirements to allow community service hour requirements to be met by public service, such as involvement in political campaigns, and career exploration, including internships.

### Miami Dade Referendum: CS/SB 66 and CS/HB 113

- Would have authorized a new discretionary sales surtax, where a county could levy a voter-approved sales surtax of up to 0.5 percent for the benefit of a Florida College System (FCS) institution and a state university located in the county. Currently, Miami-Dade County would

be the only county eligible to levy this surtax. The bill would have established procedures and requirements for surtax deposits, investments, and usage. An oversight board would have reviewed and then accepted or amended the expenditures of the surtax proceeds.

#### **Public Records-Exemption for Executive Searches: CS/CS/HB 135 and SB 728**

- Would have created an exemption from public record requirements for information associated with the applicant recruitment process and an exemption from public meeting requirements for discussions associated with the applicant search. Any personal identifying information of an applicant for president, provost, or dean of any state university or FSC institution would have been made confidential and exempt from public record requirements.

#### **Public Records: SB 1648 and CS/HB 1151**

- Would have substantially amended the public records and public meetings laws to address:
  - How the public may access records and how agencies should respond.
  - What an agency may charge as a service fee and incorporates the cost of litigating attorney fees if an agency loses an enforcement action.
  - Additional requirements on organizations that accept membership fees from the government and on businesses contracted with the government

#### **Public Meetings/Sunshine Law: HB 985 and SB 718**

- Would have required every public agency to publish a detailed agenda specifically identifying every item to be considered prior to every meeting and would have prohibited additions to the agenda at the meeting except for emergency matters.

#### **Florida Retirement System: HB 7173 and CS/CS SB 1114**

- Would have authorized renewed membership in the retirement system for retirees who are reemployed in a position eligible for the Elected Officers' Class under certain circumstances.
- Would have authorized renewed membership in the retirement system for retirees of the Senior Management Service Optional Annuity Program who reemployed on or after July 1, 2014.
- Would have required that certain retirees who are employed on or after July 1, 2014 be renewed members in the investment plan.

#### **School Safety: CS/CS/CS HB 753 and CS/SB 968**

- Would have created authority for school district superintendents to implement school safety designee programs in which individuals could be given special permission and permitted to carry concealed weapons or firearms on school property.
- School safety designees would have had to meet specific training criteria defined by the Criminal Justice Standards and Training Commission, undergo level 2 background screening, and be required to have a military or law enforcement background, have a clean record, and have completed their service (if retired) in good standing.

- Senate version included a definition of ‘school’ that did not include postsecondary institutions, and would have had an adverse effect on Florida College System institutions.

#### **Preference in Awarding State Contracts: CS/CS/SB 612 and CS/HB 801**

- Would have required disclosure in the competitive solicitation for construction services to specify whether payment will come from funds appropriated by the state and, if known, the amount or proportion of such funds.
- Would have restricted colleges from selection of contractors based on “local” preference.
- Amendments would have removed the requirement for colleges to pay a 5% premium to a Florida based construction contractor for construction services.

#### **Renovation of Educational Facilities: HB 359 and SB 1034**

- Would have required colleges to retrofit doors and windows of educational facilities to be bullet-resistant.

#### **Community Health Care Workers: CS/HB 211 and CS/SB 306**

- The Community Health Care Workers (CHWs) bill would have defined activities performed by CHWs, including paid and volunteer workers who advocate for patients, teach prevention and disease management and help to coordinate care for isolated, underserved and low socioeconomic areas.
- Would have created a statewide task force to be housed in a Florida College System institution or state university, to:
  - Develop recommendations for inclusion of CHWs in health care or Medicaid reform, inclusion of CHWs in assisting residents with navigation and with provision of information on preventative health care, and inclusion of CHWs into health care delivery teams.
  - Coordinate with The Florida Community Health Worker Coalition, colleges, universities, and other organizations to determine a procedure for standardization of qualifications and skills for CHWs employed by state-supported health care programs.

#### **Public/Private Partnerships (P3): CS/HB 1051 and CS/SB 1318**

- Would have created an exemption from public record and public meeting requirements for unsolicited proposals for P3 projects for public facilities and infrastructure. The exemption would have been until such time that the responsible public entity provides notice of its intended decision. Additional language would have addressed longer term issues, and seeking additional proposals.
- Would have created a public meeting exemption for any portion of a meeting during which the exempt unsolicited proposal is discussed. A recording of the closed portion of the meeting would be required.

#### **Background Screening: CS/HB 707 and SB 1204**

- Would have required each virtual instruction program, in order to be approved, to certify that all instructional personnel have undergone background screening and hold a valid educator certificate in good standing. FDLE would have had to enter background screening results for virtual instruction program instructional personnel and school district non-instructional personnel and contractors into the Florida Shared School Results system, eliminating the need for virtual educators to undergo background screening for each district in which they are providing instruction.
- Would have included employees of virtual instruction providers in the list of public employees who are immune from civil and criminal liability for any good faith conduct that occurs during the performance of and within the scope of responsibilities related to a background check.
- Would have required FDLE to enroll in the national retained print arrest notification program the fingerprints it has already retained within two years after the FDLE begins participation in the program and required the rescreening of certified educators during their five-year certification renewal if the educator's fingerprints have not yet been enrolled in the national database.
- Would have eliminated an obsolete provision relating to reciprocity of level 2 background screening for Florida High School Athletic Association officials. Such officials are not contracted by school districts, thus reference to reciprocity is unnecessary.

#### **Government Accountability: CS/HB 1327 and CS/SB 1628**

- Would have revised auditing provisions governing state agencies, the state courts system, court-related entities, local governments, district school boards, charter schools, and state colleges and universities.
- Would have required such entities to:
  - Establish and maintain internal controls, including controls designed to prevent and detect fraud, waste, and abuse.
  - Ensure the administration of assigned public duties and responsibilities in accordance with applicable laws, rules, contracts, grant agreements, and best practices.
  - Promote and encourage economic and efficient operations; to ensure the reliability of financial records and reports; and to safeguard assets.
- Would have required each Florida College System institution to annually file with the State Board of Education financial statements prepared in conformity with accounting principles generally accepted by the United States and the uniform classification of accounts prescribed by the State Board of Education. The State Board of Education's rules would have prescribed the filing deadline for the financial statements.

#### **Early Childhood: CS/SB 1702 and CS/CS HB 7069**

- Currently, the School Readiness and Voluntary Prekindergarten Education (VPK) programs are delivered by a diverse range of providers, including licensed and unlicensed child care providers and public and nonpublic schools. The child health and safety standards applicable to each provider type and the degree to which minimum levels of health and safety are inspected and enforced vary widely. The bill would have increased provider health and safety requirements and personnel quality.

## GLOSSARY OF ABBREVIATIONS/DEFINITIONS

<b>ACC</b>	Articulation Coordinating Council
<b>BOG</b>	Board of Governors for the State University System
<b>BOT</b>	Board of Trustees
<b>CAPE</b>	Career and Professional Education
<b>CIE</b>	Council for Independent Education
<b>CS</b>	Committee Substitute
<b>CPT</b>	Common/College Placement Test
<b>DBPR</b>	Department of Business and Professional Regulation
<b>DCF</b>	Department of Children and Families
<b>DMS</b>	Department of Management Services
<b>DOE</b>	Department of Education
<b>EOC</b>	End of Course (exam)
<b>FCS</b>	Florida College System
<b>FCSPF</b>	Florida College System Program Fund
<b>FCO</b>	Fixed Capital Outlay
<b>FAFSA</b>	Free Application for Federal Student Assistance
<b>FERPA</b>	Family Educational Rights and Privacy Act
<b>FS</b>	Florida Statute
<b>FVC</b>	<p>Florida Virtual Campus:</p> <ul style="list-style-type: none"> <li>○ Florida Distance Learning Consortium (FDLC)</li> <li>○ Florida Center for Advising and Academic Support (FCAAS) which runs the Florida Academic Counseling and Tracking for Students (FACTS)</li> <li>○ College Center for Library Automation (CCLA)</li> <li>○ Florida Center for Library Automation (FCLA) for the university system</li> </ul> <p><b>NOTE: See HB 5101, for changes to FVC and FCLA</b></p>
<b>GAA</b>	General Appropriations Act, also referred to as the budget
<b>HB</b>	House Bill
<b>HECC</b>	Higher Education Coordinating Council
<b>ICUF</b>	Independent Colleges and Universities of Florida
<b>Line Item</b>	The number attached to an appropriation or proviso in the GAA
<b>MOOC</b>	Massive Open Online Course
<b>PECO</b>	Public Education Capital Outlay
<b>PECO Digits</b>	Sum of Funds provided to the colleges for maintenance that is based upon square feet of facility space at the institution
<b>Proviso</b>	Language that directs specific instructions regarding an appropriation in the GAA
<b>SACS</b>	Southern Association of Colleges and Schools (accreditation body)



SB
SBE
VTC


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