

# LegisLetter

FLORIDA STATE UNIVERSITY GOVERNMENTAL RELATIONS

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The Governor signed the \$66 billion state budget into law last week. Remarkably, he held the SUS and FSU harmless. This was a rarity, indeed, and we were grateful.

Most of the legislation passed during the 2008 Session has been signed into law. The complete list can be found in the Spotlight on Bills section of this newsletter. Also, I've included the final budget tallies once again, for your review and convenience.

With these actions, the 2008 Legislative Session is officially history, and we are now turning our attention to the 2009 session, which begins on March 3rd. By all indications, the budget situation will be as bad, or possibly even worse, than it was last session. The Legisletter will resume in February.

Thank you again for your interest, your comments and your assistance over the last six months. As always, it is much appreciated.

Kathleen

## Spotlight on Bills

### Bills That Passed the Legislature

**HB 7105 — Distance Learning by Representative Joe Pickens (R – Palatka)** establishes the Florida Distance Learning Task Force to study access to undergraduate distance learning resources that enable public postsecondary education institutions to fulfill their missions while contributing to and sharing in the distance learning resources of the Florida Distance Learning Consortium. The task force recommendations are due to the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Board of Education, the Board of Governors, and the university and community college boards of trustees, no later than March 1, 2009. The bill establishes the Florida Higher Education Distance Learning Catalog as an interactive, Internet-based central point of access to distance learning courses, degree programs, and resources offered by public postsecondary education institutions. Additionally, the bill authorizes community colleges and state universities to establish distance learning fees that may be assessed for courses listed in the Florida Higher Education Distance Learning Catalog. **Effective July 1, 2008, Chapter Law 2008-148**

**HB 7135 — Energy by Representative Stan Mayfield (R – Vero Beach)**, forms a sustainable, energy efficient and environmentally compatible strategic plan for the state. The bill repeals the

Florida Energy Commission and creates the Florida Energy and Climate Commission (FECC). Additionally, the bill requires the Florida Building Commission to implement a schedule of energy-efficient goals and update the Florida Building Code accordingly. The bill establishes the Renewable Energy and Energy-Efficient Technologies Grants Program within the FECC; creates the Florida Energy Systems Consortium to promote collaboration between experts in the State University System, with the goal of becoming a world leader in energy research, education, technology and energy systems analysis; mandates that each public utility develop a net-metering program and interconnection agreement for customer-owned renewable energy generation, etc. **Effective July 1, 2008, except as otherwise provided. Presented to the Governor on June 18, 2008.**

**HB 603 – Textbook Affordability by Representative Anitere Flores (R – Miami)**, prohibits employees of a community college or state university from receiving anything of value in exchange for requiring a student to purchase a specific textbook for coursework and instruction. The bill requires community colleges and state universities to post on their websites the books that will be required for each course, including the International Standard Book Number (ISBN) and other relevant information for identifying the book, at least 30 days before the first day of class. **Effective July 1, 2008. Chapter Law 2008-78**

**HB 745 — Postsecondary Education by Representative Steve Precourt (R – Winter Garden)**, was amended to change eligibility criteria for the statutory 30% tuition differential to institutions with \$100 million or more in total R&D expenditures. Additionally the bill raises from 10% to 15% the statutory maximum annual professional program tuition increase for out-of-state students. **Effective July 1, 2008, Chapter Law 2008-193**

**SB 1716 — Postsecondary Education by Senator Steve Oelrich (R – Gainesville, FSU Alum)**, creates the Florida College System comprised of public postsecondary institutions that grant two-year and four-year academic degrees. The bill permits a community college to remove the term “community” from its name if it has been granted the authority to award baccalaureate degrees or if the local board of trustees and the SBE approve the name change. Additionally, the bill establishes the Florida College System Task Force within the Division of Community Colleges of the Department of Education for the purpose of developing findings and issuing recommendations regarding the transition of community colleges to baccalaureate-degree granting colleges and the criteria for establishing and funding state colleges. The bill further creates the State College Pilot Project comprised of St. Petersburg, Okaloosa-Walton, Daytona Beach, and Indian River College, Chipola College, Edison College and others for

baccalaureate degree programs that are designed to meet regional and statewide employment needs. **Effective July 1, 2008, Chapter Law 2008-52**

**SB 1882 – Transportation and Concurrency Funding, by Senator Mike Fasano (R – New Port Richey)**, redirects documentary stamp proceeds for the Department of Transportation and from the Department of community Affairs, \$300 million and \$1.8 million respectively, to the General Revenue Fund. Permanently redirects the fund source for the State University System Concurrency Trust Fund to General Revenue, eliminating the Concurrency Trust Fund once prior year appropriations are disbursed. **Effective July 1, 2008, Chapter Law 2008-114**

**HB 5063 – Retirement by Representative Michael Grant (R – Port Charlotte)**, requires that a person appointed to a faculty position at a state university having a faculty practice plan, participate in the optional retirement program of the State University System rather than FRS. Additionally the bill revises the payroll contribution rates for membership classes of FRS for state fiscal years effective July 1, 2008, & July 1, 2009; provides declaration of important state interest, etc. **Effective July 1, 2008, Chapter Law 2008-139**

**SB 2654 — Autism Spectrum Disorder by Senator Steven Geller (D – Hallandale Beach, FSU Alum)**, creates the “Steven A. Geller Autism Coverage Act.” The bill requires health insurance plans to provide coverage for screening, diagnosis, intervention, and treatment of autism spectrum disorder in certain children. Additionally, the bill prohibits an insurer from denying or refusing coverage or refusing to renew or reissue or terminate coverage based on a diagnosis of autism spectrum disorder, etc. **Effective January 1, 2009, Chapter Law 2008-30**

**HB 251 – Reserve Officers’ Training Corps Programs, by Representative Stan Jordan (R – Jacksonville)**, prohibits a school district, community college, or state university from: banning the establishment, maintenance, or operation of a unit of the Reserve Officers’ Training Corps (ROTC) at a public high school, community college, or state university; denying military recruiters of the U.S. Armed Forces and U.S. Department of Homeland Security the same access to students, and to campus facilities and grounds, which the school district grants to postsecondary educational institutions or prospective employers (or which the community college or state university grants to other employers); and denying military recruiters access, to the extent prohibited by specified federal laws, to certain student information (e.g., names, addresses, telephone listings). **Effective July 1, 2008. Chapter Law 2008-73**

**SB 736 – Clinical Nurse Specialists/Certification by Senator Burt Saunders (R – Naples)**, provides an additional avenue to state certification for an applicant seeking certification as a clinical nurse specialist. The additional avenue is available to a registered nurse who holds a master’s degree in

a clinical nursing specialty area for which no private certification exists. The nurse must show proof that he or she holds a master’s degree as a clinical nurse specialist in a specialty area for which no certification exists and that he or she has completed 1,000 hours of clinical experience in that specialty, with a minimum of 500 hours of clinical practice after graduation. The applicant for certification as a clinical nurse specialist must submit an affidavit to the Board of Nursing affirming the required hours of clinical experience. If a nurse falsifies the affidavit, she or he is subject to discipline. **Effective October 1, 2008. Chapter Law 2008-164**

**SB 1313 — Students with Disabilities by Representative Steve Precourt (R – Winter Garden)**, replaces several terms used throughout the Florida K-20 Education Code which have been superseded in common usage within the field of special education. The new terms describe various disabilities for purposes of a requirement that students with disabilities have an equal opportunity to be selected for enrollment in a charter school; student eligibility requirements for the John M. McKay Scholarships for Students with Disabilities Program; the definition of “exceptional student” for purposes of public K-12 education; student eligibility requirements for special programs and related services for children with disabilities who are 3 years of age or older (preschool children) and for special programs for children with disabilities who are younger than 3 years of age (infants and toddlers); special high school graduation requirements for students with disabilities; and, substitute admission and graduation requirements of public postsecondary educational institutions for students with disabilities. **Effective July 1, 2008. Chapter Law 2008-204**

**SB 1908 – Education Pre-K – 12 by Senator Don Gaetz (R – Ft. Walton Beach)**, provides for a revision of the Sunshine State Standards as the Next Generation Standards; authorizes the Department of Education to eliminate obsolete assessments for graduation and replace them with correlated scores on newer assessments to reduce costs; includes certain practical arts courses to satisfy the arts requirements for high school graduation; creates a designation on the high school diploma to reflect achievement in a student’s emphasis of study, including advanced placement and other programs; clarifies articulation between postsecondary institutions and school districts in assigning grades in dual enrollment courses; authorizes the Commissioner of Education to develop or adopt end-of-course examinations under certain conditions; requires the Commissioner to set state assessment schedules to provide for the latest possible test administration and earliest return of test scores; prohibits school districts from suspending regular instruction in order to prepare for state assessments under certain circumstances. The bill further requires language arts standards to identify literary genres; and requires high schools to administer college readiness assessments to lower performing students and provide remediation before high school graduation as a collaborative effort between community colleges and school districts; provides that passing scores on the college readiness

assessments are good for two years to exempt the student from remediation; and adds provisions relating to certification options for teachers for certain foreign language subjects, etc. **Effective July 1, 2008. Presented to the Governor on June 19, 2008.**

**SB 610 Physical Education Grades 6 – 8 by Senator Lee Constantine (R – Altamonte Springs)**, requires district school boards to provide the equivalent of one class period per day of physical education for one semester of each year for students enrolled in grades 6 through 8. This requirement must be waived for students who are enrolled in a remedial course or whose parents request a waiver under certain conditions. **Effective July 1, 2008, Chapter Law 2008-94**

**HB 503 — Firearms in vehicles by Representative Greg Evers (R - Milton)**, codifies the right of persons to possess firearms in or on their vehicles while parked on the property of businesses, employers, and other public or private entities. The bill relieves entities of certain duties that would then apparently limit civil liability so long as the entity complies with the statute. It appears as though the provisions of the bill do not apply to school property, however clarification may be necessary to ensure that universities are exempt. **Effective July 1, 2008, Chapter Law 2008-7.**

**SB 2326 — Certificates of Need/General Hospitals by Senator Durell Peaden (R – Crestview)**, revises the requirements for the AHCA with respect to reviewing an application for a certificate of need for a general hospital. The bill revises the requirements for an application for a certificate of need by an applicant for a general hospital. Additionally, the bill requires AHCA to attend public hearings on such applications and requires an existing hospital to submit a written statement of opposition in order to challenge the AHCA decision on an application. **The bill is effective upon becoming law. Chapter Law 2008-29.**



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# 2008-09 Appropriations Act

FSU escaped the veto pen last week as the Governor signed the 2008-09 Appropriations Act.

The 2008 Budget includes a 6 percent increase in tuition rates at state colleges and universities. University students will pay about \$140 more a year for the standard 30 credit hours.

Below is the final summary of the 2008-09 state budget:

## Fixed Capital Outlay:

Highlights for FSU are as follows:

## PECO Projects:

Utilities/Infrastructure/Capital Renewal/Roofs — **\$8,500,000**  
College of Education Building Expansion — **\$3,000,000**  
Ruby Diamond Renovation — **\$10,000,000**  
Johnston Building Remodeling — **\$29,200,000**  
Nursing/Health Facility — **\$10,000,000** (not included in BOG request)

**Capital Improvement Trust Fund (CITF) Projects: \$122 million** systemwide – The BOG requested **\$160 million** in January; however, the latest credit market information provided by the Division of Bond Finance to the Legislature indicated that a smaller level of bond debt was advisable. At the request of the Legislature, BOG staff worked with each university to revise its CITF request to align with the reduced total funding of \$122 million.

Barron Building Remodeling — **\$207,000**  
Allan Bense Atrium Remodeling, Panama City — **\$25,000**  
Phase II Rec SportsPlex, Main — **\$3,000,000**  
Student Success Building, Main — **\$13,000,000**  
Repay Housing Aux Loan for Rec SportsPlex Phase 1, Main — **\$4,000,000**

**Courtelis Facility Challenge Grants:** FSU requested matches for nine projects totaling **\$13,892,737**, of those nine projects, the legislature partially funded two projects;  
Ringling Circus Museum — **\$3,405,237** (requested \$4,000,000)  
Ringling Museum Library Improvements — **\$25,000**

The budget transfers funds from both the **Concurrency Trust Fund (\$30 million)** and the **Courtelis Facilities Matching Trust Fund (\$8.8 million)** to General Revenue.

(1) *What does this mean for the Courtelis Facilities Matching Trust Fund?* The Board of Governors included in its LBR **\$68 million** in Courtelis projects for 2008-09. For those projects that were not funded by the Legislature, the university will need to follow donor terms. If donations were made subject to appropriation this Session, then funds must be returned as required.

(2) *What does this mean for the Concurrency Trust Fund?* The Board of Governors included in its Legislative Budget Request **\$13 million** in Concurrency for 2008-09. Instead, **\$45 million** was swept from the fund to General Revenue. While the requested amount was not provided, previous appropriations appear adequate to meet anticipated needs through 2008-09. The university will work with BOG to determine the amount required for the 2009-10 LBR. House Bill 5067 redirects the Concurrency revenue source, so it is likely that the 2009-10 budget request will be made from General Revenue, barring a Governor's veto of this legislation.

**Challenge Grant Matching Gift Program:** No funding was provided for the matching gift program.

## Operating Budget:

The year's state budget reduces FSU's recurring general revenue base by **\$17.4 million** (-5.91%). Approximately **\$68 million** in additional lottery funds has been allocated to the university system, FSU will receive approximately **\$9 million** of these funds, **\$3 million** of which is non-recurring. Additionally, it is estimated that FSU will raise approximately \$3 million from the 6% tuition increase. Overall, this results in a net reduction in state funds system-wide of **\$59.7 million** (3%).

The Legislature replaced 100% of the non-recurring funds with recurring funds for the **FSU Medical School - \$4.3 M** which includes funding for clinical sites in Daytona, Ft. Pierce, Immokalee and Panama City.

The following proviso regarding university implementation of budget reductions has been included in the university section of the budget: "Each university board of trustees is given flexibility to make necessary adjustments to its operating budget. If any board reduces individual programs or projects within the university by more than 10 percent during the 2008-2009 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 Board of Governors."

## Other Notable Budget Information:

FCR – STEM - **\$6,000,000** (a portion of this will go to FSU)  
FSU CARD - **\$964,578**

Public Broadcasting

Florida Channel Closed Captioning — **\$419,226**

Florida Channel Year Round Coverage — **\$1,607,075**

Public Television — **\$508,064**

Public Radio — **\$101,986**

Included in the Department of Community Affairs Budget are the following funds and proviso regarding campus security:

"From the funds in Specific Appropriation 1529A, **\$250,000** in non-recurring funds from the Federal Emergency Management Programs Support Trust Fund is provided for the **Center for Disaster Risk Policy** at the Florida State University to establish a pilot program to coordinate and conduct emergency exercises on university campuses. The exercise objectives shall be designed to evaluate campus security and campus emergency coordination with local emergency managers and responders."

Specific Appropriation 2539A provides **\$3,000,000** (recurring) for the Florida Catastrophic Storm Risk Management Center at FSU.

Specific Appropriation 2803A provides **\$3,000,000** (non-recurring) in Debt Service Payment for the Civic Center

Section 29 provides \$50,000,000 for the multi-university "**Florida Energy Systems Consortium**." FSU's portion of this non-recurring funding is **\$8,750,000**. Additionally, **\$14,570,225** is provided for the **Center for Excellence for Advanced Aero-Pulsion**.

There are no salary increases or bonuses included in this year's budget. Insurance premiums will continue at the current rate.