FLORIDA ASSOCIATION OF COMMUNITY COLLEGES
PERCEPTION
A WEEKLY LEGISLATIVE UPDATE FOR FACC MEMBERS

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Please refer to the legislative issue of the *Current* or to the FACC website at *www.facc.org* for an explanation of issues discussed in this report and for other legislative information.

It was a short week on the Hill due to the Passover – Easter mid-session break. However, there was some movement on bills being monitored by the FACC team.

House and Senate College System Budgets
The Legislature was in recess for the holiday weekend and has just returned to Tallahassee. This week is critical because both the House and Senate will make floor votes on their respective budget bills. This is expected by later this week. Assuming that the budgets pass the House and Senate this week with little modification, we must position ourselves for the budget "conference" discussions. Conference discussions are when members of both chambers come together to negotiate the difference between their respective funding bills.
As you can see from the comparison provided in the link below, the Senate budget proposal is a more favorable result for our system. At this point in time, the House has not shown a desire to increase revenue (such as Indian gaming, cigarette taxes, etc.) to offset cuts. This results in a 20% cut to our CCPF and an 18% cut to lottery funds. Even with the proposed 7% tuition increase and federal stimulus dollars, the House budget is $113 million less than the Senate's proposed budget. The House budget also assumes an 8.5% enrollment growth for our system which is a departure from past practice. The link below will take you to a comparative provided by the Division of Community Colleges Chancellor Will Holcombe.

http://www.facc.org/images/facc/Budget%20side-by-side%204-08-09.pdf

Conforming Bill
SB 1696 by Senate Higher Education Committee
The FACC lobbying team has been closely watching the evolution of SB 1696, the Senate Higher Education Committee's conforming bill. Particular recognition goes to COP Advocacy Chair Dr. Eileen Holden, FACC contract lobbyist Stacey Webb and FACC Legislative Committee Chair Don Payton for their hard work in trying to amend this bill. So far, they have met with some success.

This past week Higher Ed Committee Chair Senator Lynn offered amendments, which passed, to the bill to remove the Board of Governors oversight language. This language would have required colleges with 25 or more baccalaureates to be reviewed by the BOG.

However, the bill still includes a "suspension" of new baccalaureate degree approvals by the State Board of Education for the 2009-10 year. How this will impact baccalaureate programs already cued up to begin, remains to be seen, but it will certainly affect the development of new programs.

Another section of the bill limits presidents' salaries to $225,000 annually. Senator Lynn has amended in the word "appropriated" into the provision. We have been told that the House does not support capping salaries and FACC continues to voice our strong opposition to it.

An amendment also made some changes to the Bright Futures pay-back provisions but didn't change the underlying intent of these provisions. The new language, although apparently aimed at enabling students to re-utilize some of the paid back credits (and thus funds) could be even more problematic from the standpoint of trying to administer these provisions. We continue to work with the House and Senate on this issue.

DROP- RETIREMENT
SB 1182 by Sen. Fasano
FACC has been following this bill closely. The bill is designed to discourage FRS agencies (State, Community Colleges, Universities, etc.) from rehiring retirees. The bill stands a good chance of passing. In summary, the bill proposes the following:

DROP participation is final and cannot be canceled after the first payment is credited to an employees account. This would go into effect upon signing of the bill by the Governor. Currently, a DROP participant cannot rescind participation at any time during DROP after the first month.

A retiree cannot be re-hired by a FRS agency (State, City, County, K-12, CC or University) until 12 months after retirement, instead of 30 days. A DROP participant is deemed to be retired. As a result when an employee leaves DROP they can't be hired for 12 months.

A retiree who is re-hired to a FRS agency after 12 months may not earn a second retirement. This includes all the retirement options both Defined Benefit and Defined Contribution in the various FRS forms. Currently, a retiree may earn a second retirement.

A retiree re-hired by an FRS agency cannot receive both a salary and retirement benefit. During the period that a retiree is re-employed by an FRS agency their retirement benefit is suspended. It would re-start once the employee is no longer employed by an FRS agency. Currently, a retiree may receive both a salary and retirement benefit at the same time.

Any FRS agencies that re-hire a retiree will pay retirement at the rate of the type of position (Senior Management, Regular, Special risk, etc.) to FRS. This is in spite of the fact that the re-hired retiree won't begin earning a second retirement. The funds will go into an un-funded liability account (basically to cover investment losses). Currently, the FRS agency pays into the retirement fund at the appropriate rate. However the re-hired employee begins earning a second retirement.

Faculty in FRS agencies (CC's, Universities, Charter schools, K-12, School for Deaf and Blind, etc.) may teach as adjuncts up to 780 hours in the first 12 months of retirement after the first 30 days. However, exceeding the 780 hours will result in retirement benefits being suspended. If the retired faculty member is re-hired after 12 months all of the above would apply. Currently, a retired faculty member may teach up to 780 hours in the first 12 months after the first 30 days of retiring.

FERPA – Student Records
SB 2374 by Sen. Detert. and HB 7117 by Education Policy Council and Rep. Culp
As previously reported, this is our FERPA bill spearheaded by Bill Mullowney from Valencia Community College. The intent of the bill is to align state student records law requirements with federal. The basic premise in the bill will require the State Board of Education to adopt rules consistent with federal law. The bill passed the Senate Governmental Oversight and Accountability on 4/7, and is now in Senate Rules.

Miami-Dade Tax Bill
SB 1576 by Senator Villalobos and HB 0787 by Rep. Zapata
The Miami-Dade sales tax surcharge bill continues to move favorably through the process. Its final stop should be this week on April 14 in the Senate Policy and Steering Committee on Ways and Means. The bill has not received a nay vote in any committee.

Sante Fe College Transportation Fee
SB 0622 by Sen. Oelrich and HB 0739 by Rep. Chestnut
This bill will authorize the Board of Trustees of Santa Fe College to establish a transportation fee to provide bus transportation for students. The bill continues to move favorably. Its next stop is in the Senate Appropriations Committee on April 15.

Bright Futures Payback
CS/HB 719 by Rep. Stargel and SB 1364 by Sen. Pruitt
These bills, which are moving to the floor for second reading, pose a serious concern for the colleges. The premise of the bills is that if a Bright Futures student withdraws from a class after drop-add, the school would have to repay the tuition back to the state. We believe this would create an undo administrative burden on the school. Moreover, the schools have already made a financial commitment to the course by establishing the section for registration, hiring/assigning the instructor, and allocating the space. The legislature believes this will provide some cost-savings, however, there are other considerations.

For example, if a student repays the funds, and then retakes the course, the state will likely have to pay at a higher rate. Additionally, a student who "owes" the school money cannot re-register at most institutions until their debt is cleared. This could keep the low income Bright Futures recipients out of school until the money owed is paid.