

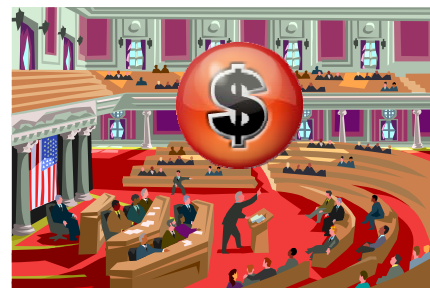


Please refer to the legislative issue of the *Current* or to the FACC website at www.facc.org for an explanation of issues discussed in this report and for other legislative information.

EDUCATION APPROPRIATION BUDGETS FINALLY SUBMITTED

The Senate and House have now configured and submitted budgets for their respective education committees. The Senate Committee on Higher Education Appropriations put together their budget using cuts and replacing those cuts with federal stimulus dollars and revenue immediately available from the proposed Seminole Gaming Compact. The House has configured its budget using some federal stimulus but no gaming funds.

Both budgets contain significant cuts to General Revenue. The Senate budget contains a reduction of only .2% in the Community College Program Fund (CCPF). The House has proposed a reduction of 12.6%. Both have used federal stimulus funds to minimize the reductions, almost \$75M in the Senate and just over \$66M in the House. The Educational Enhancement Trust Fund (EETF) revenue to community colleges, which comes from the Lottery, has also been cut by 18% in the House. The Senate budget however cuts the EETF by only 9%, and adds in the Seminole Gaming revenue for a net gain in EETF of 14.8%. The net loss in the House budget for EETF would be 22.9% without the gaming funds.



Also taking a big hit are baccalaureate programs. Although this initiative to expand access to four year degrees is popular and highly regarded by the Legislators, the Senate has cut funds by 15.9% and the House by 19.7%. The Senate also reduced the Distance Learning Consortium by 8.9%, whereas the House made no reduction.

Overall, the Senate budget appears more favorable, with a net gain of 3.9%. The Senate budget also reduces state funds considerably less and has the effect of putting colleges very close to the current year budget as reduced; however, it should be noted that the replacement funds, federal stimulus and gaming, are non-recurring. The House budget however shows a total reduction of 2.9%. The House is using stimulus funds but not gaming funds, and is \$113M down from the Senate position, with a 7% tuition increase based on a projected enrollment increase of 8.3%. Neither body has taken into account the system's huge enrollment increases the past two years in determining funding levels. Both the House and Senate will now go into "conference" and try to resolve their respective budget differences.

FILLING THE DEFICIT

The state is still facing as much as a \$3B deficit in revenue going into 2009-10. The following are highlights of the Senate approaches to making up that deficit. The House has no plans to raise taxes or rely on new gambling revenue, at least not for this phase of the budget process.

- \$200 million in fee increases on everything from shoreline fishing licenses to motor vehicle tags;
- \$250 million in sales-tax exemption eliminations;
- \$288M in gaming dollars immediately available from the first year of the Seminole Indian Gaming Compact and the plan to give electronic slot machine games to horse and dog tracks around the state. Subsequent years would add an additional \$100M annually to the EETF.
- \$700 million to \$870 million from cigarette taxes;
- \$200 million in increased beer-distributor taxes that could raise the cost of a six-pack by about 5 cents.
- \$64 million from raising college tuition.
- Proposing a constitutional amendment that would give schools flexibility on class size requirements and raise the sales tax a penny on a ballot measure as early as this fall.



FLORIDA COLLEGE SYSTEM BILL STILL ALIVE

[SB 2682](#) by Sen. Pruitt

This bill significantly changes the Florida Community College System. Known as the “state college bill”, it will enhance the community college system statewide and provide for more programmatic offerings and increased student access. This week, the Senate will take action on the bill in the Higher Education Appropriations Committee chaired by Sen. Evelyn Lynn.

RETIREMENT AND DROP RELATED BILLS

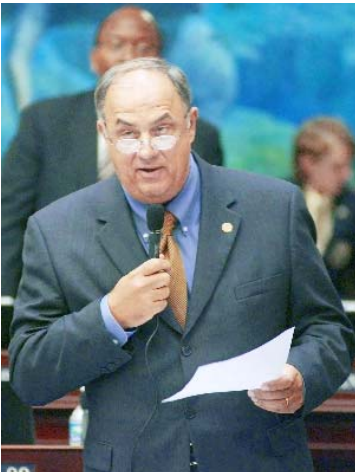
[HB 0479](#) by Rep. Schenck and [SB 1852](#) by Senate Governmental Oversight and Accountability Committee.

In our fourth week of watching this important bill, which could affect every community college employee, we see some more movement. This bill was voted favorably in the Economic Development and Community Affairs Policy Council. As reported, this bill revises the definition of “termination” by basically eliminating the “double-dipper” provision which has become a byproduct of the current DROP system. Related to this bill are [SB 1182](#) and [SB 1214](#) by Sen. Fasano which limit members of specific classes, e.g., elected officials, from receiving both a salary and a retirement payment from an employer who participates in the state retirement system.

CONSTRUCTION BONDS

[SB 0560](#) by Sen. Bennett and [HB 0299](#) by Rep. Tobia

This bill will require a surety to record in the public records a payment bond for a public works construction project. It prohibits the issuing authority of a building permit or a private provider providing inspection services from inspecting an improvement until documents relating to the notice of commencement and payment bond have been filed. The bill will require the clerk of court to serve a notice of contest of lien and contest of nonpayment. The bill appears to shift responsibility on public construction from the contractor to the surety. The bill also states that the permitting authority can not inspect until it has a copy of the recorded bond or the contracting public entity has filed a notarized statement that the contract is exempt from the requirement for bond payment.



Rep. Patterson, R-DeLand

ARTICULATION

[HB 0751C1](#) by Rep. Patterson and [SB 0920](#) by Sen. Baker.

There has been some major new action on this bill which will require that statewide articulation agreements govern the transfer of credit between public institutions and nonpublic institutions licensed by the Commission for Independent Education. On March 20, a committee substitute bill was filed and adopted as proposed by the State and Community Colleges and Workforce Policy Committee. On March 26 the bill was voted favorably in the Community Colleges and Workforce Policy Committee. It will now move to the Full Appropriations Council on Education and Economic Development.

EXCESS CREDIT HOURS

[SB 2318](#) by Sen. Constantine [HB 7109](#) (formerly SPCP2) by State Universities and Private Colleges Committee

PCB SPCP 09-02, now [HB 7109](#), requires students enrolled in a baccalaureate degree program at a state university to pay an excess hour surcharge equal to 50 percent of the tuition rate for each credit hour in excess of 120 percent of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.

This provision applies to students entering a state university or community college for the first time in the 2009-2010 academic year and thereafter. The bill requires state universities and community colleges to implement a process for notifying students of the excess hour surcharge upon initial enrollment and upon the student's having earned the credit hours required to complete the degree program in which the student is enrolled. The notice must include a recommendation that each student who intends to earn credit hours at the institution beyond those required for the baccalaureate degree program in which the student is enrolled meet with the student's academic advisor. The PCB specifies which hours to be included and not included in the excess hour calculations. The bill as written could adversely affect transfer students. FACC lobbyists are trying to have it limited to first-time in college students only.

TECHNICAL COLLEGE

[HB 0993](#) by Rep. Ray and [SB 2428](#) by Sen. Wise. Charter Technical Career Center Pilot Project

As previously reported, this bill would establish a Charter Technical Career Center Associate in Applied Science Degree Pilot Project. Still, no major committee action has occurred on this bill, FACC is watching it very closely and will softly oppose the bill unless specific language regarding SACS accreditation issues are addressed.

WORKFORCE EDUCATION

[SB 1616C1](#) by Sen. Oelrich and [HB 7079](#) (formerly PCB CCWP1)

On March 11, this bill was “temporarily postponed”. On March 19, substitute language was voted up in Pre-K-12. The bill reference to Military Affairs and Domestic Security has been removed. The bill will now go to PreK-12 Appropriations.

DISCRETIONARY SALES SURTAX

[HB 0787](#) by Rep. Zapata and [SB 1576](#) by Sen. Villalobos

As reported last week, this is a legislative follow up to the failed statewide constitutional amendment proposed last year and placed on the November 2008 statewide ballot. The constitutional amendment failed statewide, but was overwhelmingly supported in Miami-Dade County. This bill authorizes a home rule “charter” county, as defined in s. 125.011(1), F.S., to levy a surtax for the benefit of a public community college. The surtax is capped at 0.5 percent and can be used for any purpose to benefit the community college. The bill moved favorably in Senate Higher Education Appropriations last week and will now be heard in the Policy and Steering Committee on Ways and Means. This week the bill will also be heard in the House Finance and Tax Council. Miami-Dade is the only county that would be affected by this bill.

NURSING PROGRAMS

[HB 1209](#) by Rep. Grimsley and [SB 2284](#) by Sen. Haridopolis

This bill amends s. 464.008, F.S., to eliminate the requirement that nurses graduate from “approved programs” or their equivalent, and to remove the requirement that nursing programs be approved by the BON in order to operate. Instead, the bill requires nurses to graduate from an “eligible program” and relies on accreditation and standards in the education system, rather than the professional licensure system, to ensure quality. Examination requirements are not changed by the bill. The bill defines an “eligible program” as a nursing program offered by: a school district, community college or state university; an entity licensed by the Commission for Independent Education; or an institution in this state with a nursing program accredited by a national accrediting organization recognized by the USDOE. The bill repeals s. 464.019, F.S., to remove the authority of the BON to promulgate rules related to nursing education programs. The bill also deletes the definition of “approved program” and makes several conforming changes:



- The educator member of the BON must now be from an “eligible program,” rather than an “approved program”.
 - Use of the titles Graduate Nurse or Graduate Practical Nurse is now limited to graduates of an “eligible program,” rather than an “approved program”.
 - The practice of nursing under the direct supervision of a registered professional nurse pending the result of a first licensure exam is now limited to graduates of “eligible programs,” rather than “approved programs”.
- According to the Department, it currently requests graduation lists from nursing programs to confirm graduation, and would no longer be able to make those requests under this bill

The bill was voted favorably last week in the House Community Colleges and Workforce Policy Committee. It will be heard this week in the Senate Higher Education policy committee. FACC lobbyists have worked closely with Legislative staff to make this a viable bill.



Santa Fe College Transportation fee

[SB 0622](#) by Sen. Oelrich and [HB 0739](#) by Rep. Chestnut

This bill previously reported will allow SFC to charge a transportation fee for bus service to campus. The bill has been moving favorably and is set to be considered this week in Full Appropriations Council on Education and Economic Development in the House.

FERPA

[SB 2426](#) (C1) and [SB 2374](#) by Sen. Detert

This bill is our FERPA bill designed to bring state student records laws in alignment with federal laws. The bill changes provisions regarding parental access to their children’s postsecondary academic record. It also requires that the State Board of Education comply with federal laws with regard to release of student records.