

June 2010



# CURRENT

## *Xtra*

THE OFFICIAL NEWS SOURCE  
OF THE FLORIDA ASSOCIATION  
OF COMMUNITY COLLEGES

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# 2010 LEGISLATIVE SESSION SUMMARY

with Governor's  
Actions

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# **THE FLORIDA COLLEGE SYSTEM LEGISLATIVE TEAM**

Erin McColskey, Chair, Palm Beach State College  
Barbara Pippin, Broward College  
Sharon Crow, Daytona State College  
Matt Holliday, Edison State College  
Susan Lehr, Florida State College at Jacksonville  
Jeff Schembera, Gulf Coast Community College  
Sally Everett, Hillsborough Community College  
Andy Treadwell, Indian River State College  
Victoria Hernandez, Miami Dade College  
Steve Schroeder, Pasco-Hernando Community College  
Larry Bracken, Pensacola Junior College  
Jim Roy, St. John's River Community College  
Ed Woodruff, St. Petersburg College  
Guy York, Santa Fe College  
Traci Steen, State College of Florida, Manatee-Sarasota  
Don Payton, Seminole State College of Florida  
Bill Mullooney, Valencia Community College

## **OTHER KEY PLAYERS**

Florida College System Council of Presidents  
Dr. Chick Dassance, Chair, Council of Presidents, College of Central Florida  
Dr. Eileen Holden, Chair, Policy & Advocacy Committee, Polk State College  
Dr. Will Holcombe, Chancellor, Division of Florida Colleges  
Kasongo Butler, Assistant Chancellor, Division of Florida Colleges  
Stacey Webb, Contract Lobbyist  
Ken Plante, FACC Retirement Lobbyist  
Michael Brawer, FACC Executive Director/CEO

## END OF SESSION LEGISLATIVE REPORT

# Session Highlights

The contentious and often partisan Legislative Session of 2010 adjourned, *Sine Die* (Latin for “without day”) on April 30, skipping the traditional fanfare of the “white hanky-dropping” ceremony, which usually occurs in the rotunda between the two chambers as they simultaneously conclude. Normally, the Governor is also present but not this year. The House adjourned almost two hours before the Senate. Several house members and the Speaker preserved some semblance of the tradition by entering the Senate chambers for the hanky-drop. This finale reflected the angry and divisive mood between the Democrats and the Republicans as well as the Governor. The Governor’s decision to run for the US Senate seat as an independent that was announced the next to the last day of the session generated an unusual action by the Republican led legislature; they sent him 63 bills on the last day of the session. Passed bills are normally sent to the Governor over a period of time so that he and his staffs have time to carefully review the bills for their action; however this was anything but a normal session.

When the session began there was a projected \$3.2 billion shortfall, yet lawmakers passed a \$70.4 billion budget which is almost a \$4 billion increase over last year’s \$66.5 billion budget. They were able to achieve this by using all of the \$3 billion in federal stimulus funding, a revenue-sharing gambling compact agreed upon with the Seminole tribe, program cuts and the use of various trust funds including the transfer of \$160 million from the road-building fund. The legislature also authorized future spending contingent upon the anticipated \$270 million in Federal

Medical Assistance Program, which will become available if Congress passes the provision reducing the amount Florida has to provide for MEDICAID matching.

Higher education fared well again this year in the budget. State universities received significant increases in their budget and an authorized 8% tuition increase with an optional, additional 7% available for implementation by their boards of trustees. Other fees were also authorized at up to 15% to include such fees as student activity fees and health and safety fees.

Private higher education saw minimal decreases in funding. The grant programs for Access to Better Learning and Education (ABLE) received a \$41 decrease in per student funding for their enrollment of 4,289 students. The Florida Resident Access Grant (FRAG is for the not-for-profit ICUF institutions) had a decline of \$104 for their 34,580 students. Several not-for-profit private universities saw significant increased funding by line item for special projects.

The Florida College System (FCS) was treated favorably and obtained an overall increase in state and federal funding of \$39 million in recognition of the enormous growth experienced over the last few years. Other new funds were added but are allocated for operating costs of new facilities, increased employer contribution rates for retirement and replacement of non-recurring funds. The legislature replaced a significant amount of the non-recurring funds that were in the colleges’ base budgets. The FCS also received the second and final installment of \$83 million in stimulus funds. In addition, an 8% tuition increase was also approved for local boards of trustees

to consider passing for their individual colleges. These actions will assist the FCS next year when all federal stimulus funds are gone and cuts will be necessary for all parts of the budget. (NOTE: The Governor allowed the 8% increase in tuition to remain)

There was an unexpected windfall of Public Education Capital Outlay (PECO) funds that provide education with their facilities’ funding. The legislature swapped the same percentage of tax from the communications sales tax to the gross receipts tax. While this resulted in an even exchange of funds, the gross receipts tax can be bonded and so yielded an additional \$297 million that was used by the State University System and the FCS. It boosted college facilities projects funding by \$127 million, which allowed a number of projects to be moved forward to be completely funded and removed from the list. However, the Governor did veto \$71 million of those projects.

Next year’s budget commonly referred to as “the cliff year” because the level of funding for those receiving state funds will drop off sharply, will be austere. Budget shortfalls for 2011-2012 could reach \$5 billion according to some estimates. Lawmakers left \$1.4 billion in reserves and if Congress approves additional funding for the Medicaid matching program that could add another possible \$600 million to the fund. These reserves are non-recurring and depending upon the hurricane season and oil spill clean-up issues along Florida’s coastline, they could easily be depleted. Since it is highly unlikely that there will be another federal government bailout for the state, State funded entities are urged to plan carefully for next year.

## HB 5001 General Appropriations Act (GAA) 2010-2011

### Statewide

The Legislature approved \$39,350,710 in new state/federal support to the Community College Program Fund. They provided \$5,558,095 in new state/federal support for baccalaureate degree programs and funded \$6,219,974 in operating costs for new facilities. Employer/college contributions for employees' retirement were provided at \$12 million. There was also a new provision of \$5 million for distribution to colleges and universities for 2+2 partnerships. The Legislature authorized an 8% increase in tuition. All cuts and **virtually all** of the non-recurring appropriations from 2009-10 were restored, which leaves the colleges in a better position next year when all non-recurring funds including the \$83 million in federal stimulus funds will be gone. Depending on an individual college's funding for growth, operating cost for new facilities, baccalaureates, and retirement rates, increases per college ranged from 2.3% to 8.2% for operating costs in the lower division with an average of 5%.

Lottery – Recurring	\$126,959,158
CCPF Lower Division State and Federal	1,099,030,766
CCPF Upper Division State and Federal	15,093,296
Federal Stabilization Funds	83,045,378
Adults with Disabilities	1,034,512
Student Fees	8% increase
Facilities Matching	0
Philip Benjamin Matching	0
PECO <del>-261,199,752</del> After veto:	190,038,381
PECO Sum-of-Digits	26,703,775
First Generation Matching	1,650,000
College Reach Out Program	2,236,166
Public Financial Aid	128,851,308
(Does not include possible \$25 m federal FMAP funds)	
Florida Distance Learning Consortium	595,534
(Total budget includes SUS portion)	
<b>2 + 2 Partnerships, for SUS and FCS</b>	<b>5,000,000</b>



## Appropriations Proviso, Implementing, and Conforming Bill Issues That Passed

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

Bills which were passed by the legislature are sent to the Governor to sign, veto, or to become law without his signature. In this section of the summary, all of the bills were approved by the Governor, as follows:

HB 5001, General Appropriations Act, Chapter 2010-152, Laws of Florida

HB 5003, Appropriations Implementing Bill, Chapter 2010-153, Laws of Florida

HB 5101, Pre-K to 12 Education Conforming Bill, Chapter 2010-154, Laws of Florida

HB 5201, Higher Education Conforming Bill, Chapter 2010-155, Laws of Florida.

SB 2024, Tax on communications and Utility Services (PECO) Chapter 2010-149, Laws of Florida

### Baccalaureate Issues

- **Repeal of Language:** HB 5201 Higher Education Conforming, Section 26

A priority issue for the College System, this language officially moves baccalaureate funding into the Community College Program Fund (CCPF) rather than continuing separate line item funding; this is accomplished by striking existing statutory language that required bachelor's programs to be funded in the GAA by line item. The GAA reflects this change as well.

- **Reporting:** Proviso Line 112, GAA:

Prior to the disbursement of funds, colleges shall submit an operating budget for the expenditure of these funds as

provided in section 1011.30, Florida Statutes. The operating budget shall clearly identify planned expenditures for baccalaureate programs and shall include the sources of funds.

### Finance, Reporting and Purchasing Issues

- **Community College Presidential Salaries:** HB 5201 Higher Education Conforming, Section 28  
Community college presidents cannot be paid more than \$225,000 annually from “appropriated state funds.” That limit includes salary, bonuses, and cash-equivalent compensation. Appropriated state funds are defined as funds appropriated from the General Revenue Fund or state trust funds. This provision does not prohibit any party from providing cash or cash-equivalent compensation from funds that are not appropriated state funds in excess of the \$225,000 limit.

- **Florida College System-- Use of Resources:** HB 5201 Higher Education Conforming, Section 7  
Prohibits use of staff, faculty, land and facilities in support of establishing a new independent nonpublic educational institution.

- **Workforce Education Fees (CWE):** HB 5201 Higher Education Conforming, Sections 11 and 25  
Requires Continuing Workforce Education courses to be fully supported by fees and no longer allow the course to be counted for purposes of funding full-time equivalent enrollment.

- **Community College Facilities Challenge Grant:** HB 5201 Higher Education Conforming, Section 23  
Changes the date from September 1 to October 15 for the State Board of Education to transmit to the Legislature the projects that are eligible for match.

- **Purchasing:** HB 5003 Implementing, Section 70  
Ensures that the expenditure of state funds provided in the 2010-2011GAA for any purchase of goods and services in excess of \$5 million shall give preference, to the maximum extent possible under state and federal laws, to vendors or businesses with a principal place of business in the State of Florida that commit contractually to maximize the use of Florida residents, products and other Florida-based businesses in the fulfillment of their contractual duties.

- **PECO - Tax on Communications and Utility Services:** CS/SB 2024 Ways and Means Conforming  
Reduces the communications services tax rate levied under s. 202.12(1)(a), F.S., from 6.8 percent to 6.65 percent. Increases the gross receipts tax levied under s. 203.(1)(b), F.S., on those communications services subject to tax under s. 202.12(1)(a), F.S., by an offsetting amount. Provides that the limitation imposed on the amount of public education capital outlay (PECO) bonds that may be issued shall be adjusted to reflect

revenues that would have been collected if any legislation enacted before the date of determination of the limit had been in effect for 24 months before the dates contemplated by the legislation. Impact – more money in PECO for this year.

- **Federal Student Loan Reporting:** Proviso, Line 68 in Financial Aid. Requires any institution that participates in the Florida Student Assistance Grant (FSAG – state need-based financial aid) to report to the DOE prior to February 1, 2011, the following loan information for each student’s Stafford and PLUS loan; guarantor, lender, number, amount, and overall total of loans to date for the 2010-2011 fiscal year. This information allows the Office of Student Financial Aid to obtain information about how much in total, students are borrowing from the federal government by institution.

### Retirement Issues

- **Planned Study:** The budget issue of employees contributing to the Florida Retirement System (FRS) is not included in the final state budget or the Conforming Bill. There will be an interim/actuarial study of the Florida Retirement System during the next year. Issues such as changing the average final compensation, employee participation/contribution in the FRS, elimination of a retirees Health Insurance Subsidy (HIS), capping final retirement benefits, changing or eliminating the automatic 3% annual cost of living benefit, eliminating the senior management retirement classification, eliminating the Deferred Retirement Option Program (DROP), and reducing what can be included (leave, overtime, faculty overloads, etc.) in the determination of final retirement benefits/costs could be included in the study.

- **State Employees Pay:** State employee salary reductions or raises are not included in the final state budget. This year means that state employees have gone without a raise for the 5th straight year.

### Library Issues (Summary amended 6/2)

- **Library Automation:**
  - o Proviso, Line 112: Higher Education: Requires the College Center for Library Automation (CCLA-FCS) in collaboration with the Florida Center for Library Automation (FCLA – SUS) to expand its online discovery tool product to allow a user to search simultaneously the combined holdings and applicable electronic resources of CCLA and the FCLA. In addition, library holdings currently available in SUNLINK, as well as library holdings available in standard machine readable bibliographic records of the State Library of Florida and the public libraries should be included when and where feasible. The expanded search function shall be implemented by September 1, 2010.

- o HB 5101, conforming K-12 Access: Requires secondary students enrolled in acceleration courses like AP, DE, IB and ICE be provided access to state funded electronic library resources that are licensed for Florida colleges and state universities by FCLA and CCLA. Verification of eligibility shall be in accordance with rules established by the State Board of Education and regulations of the Board of Governors and processes implemented by Florida Colleges and State Universities.

- **Library Data Center Relocation/Consolidation: Proviso, Lines 112 and 132**

- o Requires the College Center for Library Automation (CCLA-FCS) and the Florida Center for Library Automation (FCLA – SUS) to each develop and submit a transition plan by October 1, 2010 to the Governor, Chairs of Appropriations House and Senate, SBOE, and the BOG for the relocation and consolidation of their computing services and associated resources to the Northwest Regional Data Center (NWRDC) by December 31, 2011.
- o CCLA and FCLA shall work with the Agency for Enterprise Info Technology and NWRDC in developing their plans to include an inventory of all resources, including but not limited to, all computing equipment; a description of resources proposed to remain in their centers; the budget, full-time personnel, and contracted services associated with the cost of its current computing services; the necessary budget adjustments required to accomplish the transfer of computing resources and a timeline with milestones for the completion of the relocation.

- **Libraries-Electronic Resources by CCLA and FCLA: HB 5201 Higher Education Conforming, Section 9**

- o Requires a new collaborative process for FCS, SUS, school districts and public libraries to annually identify electronic library core resources and gain advantageous pricing for resources needed by more than one sector. The core resources to be identified include postsecondary both at the four year and two year degree levels.
- o Expands negotiated pricing models for electronic library resources and ensures advantageous pricing is available to all institutions within the SUS and FCS, as well as K-12 and public libraries as appropriate.

### Bright Futures Issues

- **Bright Futures Scholarship Program: HB 5201 Higher Education Conforming, Section 13**

In response to concerns that the cost of the Bright Futures program has continued to rise, consuming more of the educational budget than considered sound, changes were adopted to increase the standards and tighten up on usage. The changes included:

- o Academic requirements for all levels of the award are raised starting in 2011 or 2012, and continue to increase through 2014. The scores are phased in gradually so that current high school students will have time to prepare academically.
- o New recipients have five, instead of seven, years to use the award
- o New applicants only have one opportunity to restore the award if they lose academic eligibility.
- o New applicants have 100% of their baccalaureate credits covered, rather than the 110% for current awardees.
- o New applicants who utilize acceleration hours to graduate in less than 4 years can use up to 15 of those saved credit hours (in one semester) for graduate courses (paid at Academic or Medallion rates) in targeted graduate programs.

- **Bright Futures FMAP Funds: HB 5201 Higher Education Conforming, Section 33**

Appropriates \$25 million of the non-recurring funds for Bright Futures should the Federal Medical Assistance Percentage (FMAP) funding become available. If the funds are not forthcoming, the Department of Education is to prorate the award levels accordingly.

### Distance Learning, Virtual and On-Line Education Issues

- **Distance Learning Consortium: HB 5201 Higher Education Conforming, Section 5**

- o Requires a plan to be submitted by December 1 for implementing the streamlined, automated, online registration process so that it can be implemented by the 2011-12 academic year. Specifies the plan must include: student financial aid, variations in fees, admission and readmission, registration prioritization, transfer of credit, and graduation requirements with attention to guidelines for students who attend multiple institutions for a degree.



- **School District Virtual Instruction: SB 5101 K-12 Education Conforming, Sections 9 and 12**

- o Adds community colleges as an approved provider of virtual instruction. Districts may contract with state/community colleges as a provider for the virtual instructional programs they are required to offer.
- o Districts are encouraged to use virtual instruction as a means of addressing class size.
- o Colleges would be paid by the District and could not report the FTE for funding in the CCPF. This will include grades 9-12 in offering core curricula courses to meet class size requirements.
- o Allows “part-time students in grades 9-12 who are enrolled in dropout prevention and academic intervention programs under s. 1003.53, core curricula courses to meet class size requirements under 1003.03, or community colleges.”

### Charter School Issues

- **Class Size:** SB 5101 K-12 Conforming, Section 6  
Revises statute to say that the calculation of class size for charter schools will be the “average at the school level.”
- **Administrative Fees:** SB 5101 K-12 Conforming, Section 6  
Restricts school district sponsor to charge no more than a 5% administrative fee for enrollment for up to and including 500 students and which meets other criteria. However, the District can only collect the administrative fee for up to 250 students, and the difference between 251-500 students can be used for capital outlay.
- **Instructional Materials:** SB 5101 K-12 Conforming, Section 17  
Adds electronic content, requires providers to separate and unbundle items so as to be priced individually. Requires instructional materials adopted after 2012-2013 for students in grades 9-12 to also be provided in an electronic format.
- **Electronic Resources:** SB 5101 K-12 Conforming, Section 22  
Authorizes all public school students to be authorized users of the state-funded electronic library resources that are licensed by CCLA and FCLA.
- **Virtual Teachers - Certifications:** SB 5101 K-12 Conforming, Section 34  
Requires virtual instructors to meet certifications required by DOE.

### For-Profit and Private Higher Education Issues

- **Accreditation Expansion – “Education Dollars for Duty:”** SB 5201 Higher Education Conforming, Sections 1 and 2 Expands the Florida National Guard Program “Educational Dollars for Duty,” to pay for programs at higher education institutions accredited by an accrediting body recognized by the US Department of Education. Previously, only those institutions accredited by SACS were allowed to receive those funds, now it will be open to more for-profit institutions in Florida. Funded in the GAA in line item 3006, National Guard Tuition Assistance Program for \$1,781,900.
- **Injured Workers Training:** HB 5201 Higher Education Conforming, Section 3  
Expands authorization for vocational rehabilitation payment of training and education to non-public (for-profit) entities for degrees not offered by a public college located within 50 miles of the student’s residence, or if a significant delay would result if they had to wait to get into a public institution, or if the “most appropriate training and education program is available only through a non-public institution.”
- **Funding for ABLE and FRAG:** GAA HB 5001  
Access to Better Learning and Education (ABLE) received an increase of \$106,068 for a total of \$4,053,105 for 4,289 students (288 more students). Their per-student payment is \$945, which is a \$41 increase over last year. There are four for-profit institutions and nine out-of-state not-for-profits included for ABLE. The Florida Resident Access Grant (FRAG) received a decrease of \$315,209 for a total of \$83,856,500 for 34,580 students (1,309 more students). Their per-student payment is \$2,425, which is a \$104 decrease over last year. There are 28 not-for-profits included in FRAG.



## Miscellaneous Issues in Conforming Bills or GAA

**OPPAGA Study, Merger of Workforce Programs:** HB 5201 Higher Education Conforming, Section 31  
Requires OPPAGA to conduct a study of merging workforce programs from School District Vocational Tech Centers with the Florida College System. A series of questions are provided.

**Florida Public Broadcasting System (FPBS) Funding:** HB 5001 GAA  
The Florida Public Broadcasting System (FPBS) received significant reductions this year. However, in Specific Appropriation #106, each Florida College System radio station received \$72,907 and each Florida College System Public Television Station received \$363,200. In addition, each Public Radio Station received \$14,380 and each Public Television Station received \$71,637 from State Fiscal Stabilization Funds (discretionary stimulus money.)n Specific Appropriation #26 Pensacola Junior College’s WSRE TV received \$95,000 from PECO for removal of hazardous equipment.

**Workforce Boards and Expenditures:** HB 5003 Implementing, Section 49  
Amends section 445.007(10), F.S., to place restrictions on the expenditure of state and federal funds to ensure certain types of expenditures are made in compliance with state and federal laws and rules. Amends section 445.007(11), F.S., to place additional requirements on regional workforce boards in regards to contracting. Requires certain approvals by Workforce Florida, Inc. for contracts. Requires a two-thirds vote for approval of certain contracts and disclosure of conflicts of interest.

**Energy Consumption Reduction:** HB 5201 Higher Education Conforming, Section 30  
Encourages reduction of campus wide energy consumption by 10 percent, requires a benchmark from 2007-08, allows the counting of activities already implemented and requires report by January 1, 2011.

**Textbook Affordability:** HB 5201 Higher Education Conforming, Section 4  
Adds “open-access” textbook availability to that section of law that relates to the requirement that instructors or academic departments must include when considering the adoption of a textbook. It also requires that policies addressing the availability of textbooks to students unable to afford the cost include consideration of open-access textbooks. The bill encourages course instructors and academic departments to also participate in the development or adaptation of open-access textbooks for high-demand general education courses.

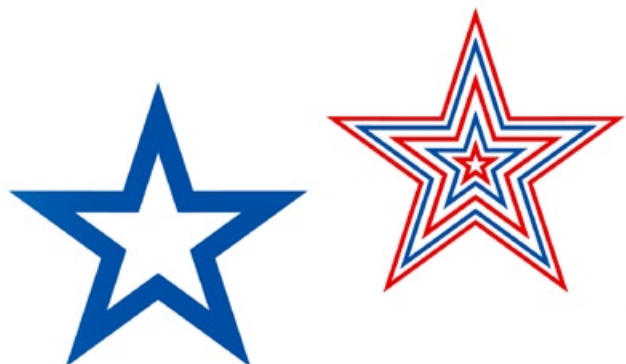
**Determination of Resident Status for Tuition:** HB 5201 Higher Education Conforming, Section 10  
Authorizes colleges to rely upon residency determination from another institution when a student transfers without having to re-verify residency (unless there is some reason to question it). The Higher Education Coordinating Council will continue to review residency issues to determine if further efficiencies are possible.

**State Lands:** SB 1516 General Government Conforming, Section 7  
VETOED BY THE GOVERNOR  
Modifies FS 253.034 to require “Before a building or parcel of land is offered for lease, sublease, or sale to a local or federal unit of government or a private party, it shall first be offered for lease to state agencies, state universities, and community colleges, with priority consideration given to state universities and community colleges. A state university or community college must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use of the building or parcel of land before approval of a lease.”

## Substantive Bills That Passed

**Florida College Name Changes:** CS/SB 436 by Baker and HB 245 by Bernard  
**SIGNED BY THE GOVERNOR**, Chapter 2010-23, *Laws of Florida*.

- Changes the name of Central Florida Community College to College of Central Florida.
- Changes the name of Lake City Community College to Florida Gateway College.
- Changes the name of Palm Beach Community College to Palm Beach State College.
- Changes the name of Seminole Community College to Seminole State College of Florida.
- Effective April 20, 2010.



**Higher Education Coordinating Council:** HB 7237 by Weatherford and the Education Policy Council and SB 1786 by Oelrich

**SIGNED BY THE GOVERNOR,** Chapter 2010-78, *Laws of Florida*

- Creates the Higher Education Coordinating Council to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.
- Members of the Council include
  - o Commissioner of Education
  - o Chancellor of the State University System
  - o Chancellor of the Florida College System
  - o Executive Director of the Commission for Independent Education
  - o President of the Independent Colleges and Universities of Florida
  - o Two representatives of the business community
- The Council serves as an advisory board to the Legislature, State Board of Education, and Board of Governors
- Guiding principles include:
  - o Achieve seamless educational system that fosters integrated continuum of education
  - o Promote consistent education policy, focusing on students
  - o Promote improved articulation
  - o Promote educational access to high-quality education
  - o Promote transfer of credit and data collection for improved accountability

**Nursing Education:** CS/CS/HB 1337 by Grimsley and SB 2530 by Alexander

**SIGNED BY THE GOVERNOR,** Chapter 2010-37, *Laws of Florida*

In 2009 the Legislature passed HB 1209 with the intent to streamline the nursing education approval and regulatory processes. The bill repealed the Board of Nursing (BON) rulemaking authority. The 2010 legislation, CS/CS/HB 1337, builds on the 2009 bill by further streamlining these processes.

- Amended definitions as follows:
  - o “Approved program” is “a program for the pre-licensure education of practical or professional nurses that is conducted in the state at an educational institution and that is approved under s. 464.019.”
  - o “Accredited program” is defined as a program for the pre-licensure education of professional or practical nurses that is conducted in the United States (U.S.) at an educational institution, whether in this state, another state, or the District of Columbia, and that is accredited by the a nursing accreditation agency recognized by USDOE to accredit nursing programs.

- o “Required passage rate” is 10 percentage points, rather than 10 percent in current law, below the national average pass rate on the National Council Licensing Exam (NCLEX) for U.S. educated, first-time test takers.
- o Specifies that the applicable national average passage rate is based on the type of program, i.e. an associate degree, a bachelor’s degree, a diploma professional nursing program or a practical nursing program.
- o Definition for “clinical preceptor” is amended to include License Practical Nurses (LPNs) to act as clinical preceptors in LPN programs and to require an RN as preceptor for RUN program.
- o “Graduate passage rate” is defined to mean “the percentage of a program’s graduates who, as first-time test takers, pass the NCLEX during a calendar year, as calculated by the contract testing service of the NCSBN.”
- A nursing education program that is accredited by either the NLNAC or the CCNE is no longer subject to the BON regulations as long as the program maintains its accreditation. BON is prohibited from imposing any condition or requirement on an “accredited program” except as expressly authorized in statute.
- BON regulation is required for “approved programs”, and timeframes are provided for BON action on applications.
- Graduate passage rate requirement only applied prospectively beginning with the 2010 calendar year. Programs placed on probation for inadequate NCLEX graduate passage rates should be removed from probation after attaining the required passage rate for one calendar year.
- Programs placed on probation must disclose such status in communication with students and applications.
- Specify that the program application must require provision of the legal name for the educational institution and nursing education program and the name of any accrediting agencies for the program.
- If a program ceases to be accredited, the educational institution must provide written notice on the date that the program ceased to be accredited to the BON, students and applicants, and each clinical training site or clinical-based site within 10 days.
- Amends the faculty educational requirements
  - o Program director and 50 percent of the faculty members for an RN program must have a master’s or higher degree in nursing or a bachelor’s degree in nursing and a master’s of higher degree in a field related to nursing; and for an LPN program must have a bachelor’s or higher degree in nursing.
  - o Faculty education credentials for a nursing program may be “documented” by an official transcript or a written statement from an educational institution verifying that it conferred a degree

- The bill was amended to allow OPPAGA to assume all reporting responsibilities required by 2009's HB 1207 if the Florida Center for Nursing did not receive an appropriation.

**Footnote:** The \$450,000 annual appropriation for the Florida Center for Nursing was eliminated from the General Appropriations Act. The Center was established in 2001 to address issues of supply and demand in nursing for the state. FCN does have other grant and private funds and will continue to operate as they can with existing resources. This may be an issue that the Florida College System follows for next year.

**Fee Exemptions Foster Care:** CS/HB 1363 by Glorioso and SB 1148 by Rich

**SIGNED BY THE GOVERNOR,** Chapter 2010-68, Laws of Florida

Amends the fee exemption statute, 1009.25, to clarify that students in the following categories retain the exemption until reaching 28 years of age:

- Is or was, at the time reaching age 18, in the custody of DCFS,
- Was placed in a guardianship by the court after spending six months in custody of DCFS after reaching 16,
- In custody of a relative under the Relative Caregiver Program at the time reaching age 18,
- Adopted from DCFS after May 5, 1997.

### **Military Children - Interstate Compact Educational**

**Opportunity:** HB 521 by Proctor, SB 1060 by Storms

**SIGNED BY THE GOVERNOR,** Chapter 2010-52, Laws of Florida

Extends sunset review date on the Compact, which governs member states in several areas for K-12 students, including school placement, enrollment, records transfer, and graduation for children of active-duty military families. Currently, 26 states are members of the compact.

### **Teacher Education Tuition Waiver/Credit Card**

**Convenience Fees:** CS/CS/HB 723 by Sachs and SB 2102 by Wise

**SIGNED BY THE GOVERNOR,** Chapter 2010-219, Laws of Florida

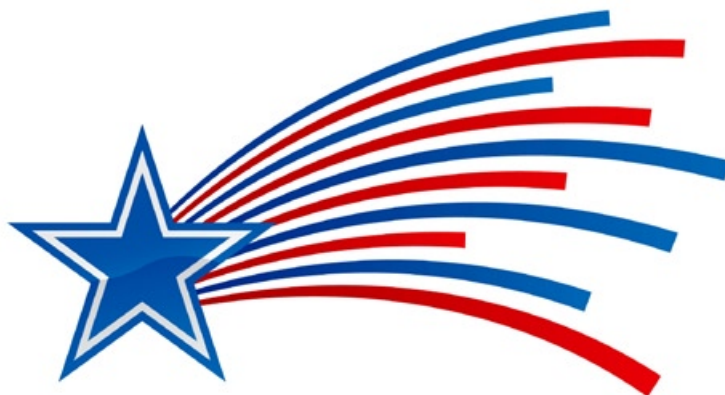
- Allows state university or community college to waive tuition and fees for a classroom teacher, under the following:
  - o Meets university or college academic requirements
  - o Up to 6 credit hours per term on a space available basis
  - o Undergraduate courses approved by the Department of Education, limited to special education, mathematics, or science
  - o The course cannot be taken during the school day
  - o State Board to determine process for approval of courses by the Department

- Amends FS 1009.23 to allow colleges to recover a convenience fee for online credit card transactions for the payment of tuition and fees. Existing statute 1009.23 (12) (a) reads in part: "A community college may not charge any fee except as authorized by law." The amendment to 1009.23 (15) now allows colleges to recover a convenience fee for accepting credit card transactions for only online payments. However, the bill did not amend the second statute, 1009.22 in the workforce fees section, so before this fee can be utilized a glitch bill will be needed during the 2011 session to also amend that statute.

**High School Graduation Standards:** SB 4 by Detert and HB 7053 by Pre-K Policy Committee

**SIGNED BY THE GOVERNOR,** Chapter 2010-22, Laws of Florida

- Increases the high school graduation requirements, beginning with students entering the 9th grade in the following years, to include: Geometry for the 2010 year; Biology I for the 2011 year; Algebra II for the 2012 year; Chemistry or Physics for the 2013 year. It also requires the development of the End-of-Course (EOC) assessment. Successful completion of the courses is not contingent upon the performance on the EOC for the first year in 2010 but will be in subsequent years. The bill also provides for the discontinuance of the FCAT for mathematics in grades 9 and 10 and science in grade 11 as EOC assessments are developed.
- Mandates the students' personalized academic and career plan to include all of these changes to the standards as well as acceleration options such as dual enrollment.
- The subsequent impact on the remediation levels of students graduating with these additional course requirements and entering a postsecondary institution will not be clear for a number of years. It is however, anticipated that the need for remediation at Florida colleges for these high school graduates in the future will be diminished.
- **SIGNED BY THE GOVERNOR,** Chapter 2010-22, Laws of Florida.



## **Persons with Disabilities/Child Care Training and Teacher Training:**

CS/CS 1073 by Llorente and CS/CS 2118 by Gardiner

**SIGNED BY THE GOVERNOR**, Chapter 2010-224, *Laws of Florida*

- Amends standards for the 40 hour introductory course in child care to include content on developmental disabilities, including autism spectrum disorder and Down syndrome, and early identification, use of resources, classroom integration and behavioral supports for children with developmental disabilities. Also requires content on recognition and care of infants and toddlers with such disabilities.
- Requires the development of professional development for all levels of teachers related to these disabilities.

## **Commission for Independent Education/ Open**

**Government Sunset Review:** SB 7167 by Government Affairs Policy Committee

**SIGNED BY THE GOVERNOR**, Chapter 2010-77, *Laws of Florida*

Provides temporary public records exemption for investigatory records held by the Commission for Independent Education (CIE) during investigations of suspected violations of law or rule under their jurisdiction. Additionally, the exemption applies to the portion of probable cause panel meetings in which exempt records are discussed to determine if a violation has occurred. The exemption is limited to a maximum of 10 days after the panel makes a determination regarding probable cause. The bill reenacts the exemption to keep it from “sun-setting.” The Florida Constitution requires this reenactment periodically (5 years); it will be reviewed again in 2015.

## **Funeral, Cemetery, and Consumer Services:**

CS/CS/SB 1152 by Bennett and HB 527 by Roberson

**SIGNED BY THE GOVERNOR**, Chapter 2010-125, *Laws of Florida*

Impacts colleges which offer mortuary science programs. The majority of the bill’s changes apply to the issuance and renewal of licenses to embalmers, funeral directors and funeral director interns.

- Revises the educational and examination requirements for licensure of funeral directors
- Revises the examination requirements for licensure of funeral directors by endorsement
- Establishes educational requirements for funeral director intern licenses
- Requires the disclosure of certain criminal convictions or pleas of no contest when applying for a license as funeral director, embalmer, or funeral director intern
- Allows the issuance of limited licenses to certain individuals during a declared state of emergency
- Allows persons to be licensed as a funeral director who hold an associate degree or higher from a college or

university accredited by a regional accrediting agency recognized by the USDOE and is a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education

- Requires passage of an examination approved by the department on the local, state, and federal laws and rules relating to the disposition of dead human remains
- Requires persons seeking a license as a funeral director intern to have completed an associate or higher degree and to be currently enrolled in a course of study in mortuary science or funeral service arts; have taken a course and received a passing grade in a credit course in mortuary law or funeral science law and also in ethics
- Requires at least six classroom hours of continuing education for renewal of a license including but not limited to a course on communicable diseases approved by the licensing authority

**Department of Business and Professional Regulation:** CS/CS/CS/HB 713 by Workman

**SIGNED BY THE GOVERNOR**, Chapter 2010-106, *Laws of Florida*

Enacts changes to the duties of the Department of Business and Professional Regulation. The changes that have potential impact upon the Florida College System are as follows:

- **Educational and Continuing Education Requirements through Distance Learning**
  - o Creates section 455.2122, F.S., authorizing distance learning courses to satisfy certain licensing education requirements for community association managers and real estate brokers and sales associates.
  - o Amends section 455.2123, F.S., authorizing distance learning courses to satisfy certain continuing education requirements for community association managers, home inspectors, mold assessors and remediators, and real estate brokers, sales associates, and appraisers.
- **Funeral Directors and Embalmers**
  - o Section 455.2226, F.S., is repealed. This section is related to the regulation of Funeral Directors and Embalmers. Funeral Directors and Embalmers are now regulated under chapter 497, F.S., and the functions have been transferred from DBPR to the Department of Financial Services.
- **Educational Requirements for Mold Remediator or Mold Assessor**

Amends section 468.8413(2), F.S., to clarify that a mold remediator or mold assessor must have at least a 2 year associate of arts degree or the equivalent, with at least 30 semester hours in microbiology, engineering, architecture, industrial hygiene, occupational safety or a related field.

The bill also creates s. 468.8413(4)(d), F.S., requiring applicants to submit fingerprints for criminal background checks.

**Public Safety Telecommunicators:** CS/CS/CS/SB 742 by Detert

**SIGNED BY THE GOVERNOR,** Chapter 2010-188, Laws of Florida

- Renames the position of 911 emergency dispatchers as 911 public safety telecommunicator and expands the duties and responsibilities to include receiving, transferring, and dispatching functions related to 911 calls, not just answering the calls
- Requires the training program to consist of not less than 232 hours
- Effective October 1, 2012, requires employees to be certified by the Department of Health and authorizes fees
- A public safety agency may employ a 911 public safety telecommunicator trainee for a period not to exceed 12 months under specified conditions
- Applicants for certification must complete the training program and effective October 1, 2012, pass the examination
- Renewal of a certificate requires 20 hours of training
- Persons employed as a 911 public safety telecommunicator, a sworn state-certified law enforcement officer, or a state-certified firefighter prior to April 1, 2012 who passes the exam may waive taking the training

## Appropriations Proviso and Bills That Failed

### Free Application for Federal Student Financial Aid

(FAFSEA) Proviso

Would have required all Bright Futures students to complete the form and enable the State to know the income levels of students and their families.

**Transportation Fee:** HB 255 by Chestnut and SB 208 by Oelrich

Passed all committees in the House and Senate but died on the calendar. The bill would have authorized the Board of Trustees to decide whether to implement a fee to be used solely to improve public transportation to the college.

**Fire Safety:** HB 531 by Weinstein and SB 1074 by Wise

- For the second year, the FCS and K-12 have worked with the State Fire Marshal (SFM) to reach consensus on legislation that would provide cost efficiencies, eliminate unnecessary reports, eliminate duplicative inspections, clarify fire code inspection responsibilities, align certification requirements for those that inspect schools, expand educational opportunities for management level fire safety inspectors and provide site plan documents needed by local fire officials.

- The bill was well received in the Senate Committee hearings. There was full support by the State Fire Marshal's office and there was no opposition to the bill. It passed 3 different Senate Committees unanimously. Unfortunately there was a roadblock in the House and it was never heard. The bill will be attempted again next year and there should be no problem in passing it.

**Charter Technical Center Associate Degree:** SB 228 by Wise and HB 353 by Patterson.

- Would allow the two Charter Technical Centers (First Coast Technical College and Lake Technical Center) to award Associate Degrees including Associate of Science transferable degrees.
- Would allow use of designation "technical college" rather than "center" and start programs for two years prior to application for candidate status with the Southern Association of Colleges and Schools.
- Would not require SBOE approval or consideration of alternate proposals by other higher education institutions.

**Education Related to Personnel:** SB 6 by Thrasher

Passed both Chambers but was vetoed by the Governor on April 15, 2010.

- Impacted Colleges having Charter Schools by:
  - o Prohibiting issuance of a professional services contract for faculty hired on or after July 1, 2010.
  - o Requiring a Charter school to adopt a salary schedule by 2014-15 school year which would base compensation of faculty and administration on performance; length of service and degrees held could not be used as factors in setting compensation.
  - o Required Charter schools to meet certain assessment criteria as set forth in the bill.
  - o Would have required Charter schools to meet the same performance criteria as school districts (as established within the Bill) as a requirement for obtaining funding from the Department of Education.
- Impacted Teacher Education programs (including EPIs) by:
  - o Would have measured success based on performance of graduates as measured by student learning gains, using criteria established in the act; this assessment would be used, in part, to determine continued operation of the program.

**Charter Virtual School:** SB 2262 by Thrasher

- Defined "entity" as a municipality or other public entity authorized to operate a charter school, a private not for-profit, a 501C.3 corporation or a private, for-profit corporation
- Allowed a charter school's governing body to oversee more than one charter school in more than one school district

- Provided funding and reporting full-time equivalent (FTE) students through the Florida Education Finance Program (FEFP), and an annual allocation for operations. Under the bill, a charter virtual school would receive an allocation that is equivalent to the funds per unweighted student for the Florida Virtual School (FLVS).
- Defined “High-performing education service provider” as an entity which operates at least two high-performing charter schools in this state, has received a school grade of “A” or “B” during the previous three years for at least 75% of the charter schools it operates in this state and has not received a school grade of “F” during the previous three years for any charter school operated by the entity in this state
- Defined “high-performing” charter school as one which in the three previous years has received a school grade of “A” or “B” and did not have certain negative audit issues; allows financial statements quarterly, instead of monthly
- Provided a charter qualified as high performing to increase enrollment to up to 25% more than authorized capacity and to receive charter school capital outlay funds
- Allowed high-performing education service providers to establish a new charter school to replicate an existing high-performing charter school. Subsequent charter schools approved by the sponsor shall be for a period of 15 years and be designated as high performing (subject to annual review and maintaining requirements listed above)
- Allowed charter schools-in-the-workplace to receive charter school capital outlay funding Requires OPPAGA to conduct a study comparing funding of charter schools with public schools

**Matching Grants to For-Profits - Talent and Economic Advancement Matching Grant Program (TEAM):** HB 1409 by Dorworth and Waldman, SB 1960 by Bennett

- Authorized dollar-for-dollar match by state funds for scholarships/grants (as appropriated by the GAA), for approximately 444 schools governed by CIE. The schools must be accredited by a regional or national accreditation body, prepares students for STEM careers, and is on the Targeted Occupational List. However, it is wide open for almost any career training. Unmatched funds would accumulate from year to year and be available for the state to match it. Students required to attend 6 hours per term. Grants could be up to \$4,000 per student.
- Bennett original bill gave 100% tax credits to companies for donation, amendment was filed to make it identical to the House where it was removed because of the fiscal impact.

**First Generation Matching Grant Program Adding For-Profits:** SB 1046 by Thrasher and Gaetz and HB 685 by Nehr and Waldman

Current law only allows First Generation Matching (FGM) grants for public colleges and universities. The institutions raise private money that is matched by state appropriations. This bill would add ICUF (non-profit) schools, for-profit schools and out-of-state not for profits that are SACS accredited. The grants are for undergraduates with financial aid and whose parents have not earned a baccalaureate degree.

**Resident Status for Tuition Purposes:** CS/HB 1243 by Tobia and SB 2398 by Ring

Reduced from five to four the amount of time a student must live with a relative to qualify as a resident for tuition purposes. Allowed students who just graduated from public high school, had attended that school for two years, and are US citizens, to be granted residency on the transcript alone

**Bright Futures:** HB 1415 by Tobia and SB 2462 by Baker

Established five levels of awards.

**Bright Futures:** HB 667 by Tobia and SB 1966 by Baker  
Students are required to reimburse colleges for award amounts received for Bright Futures Courses from which the student dropped or withdrew. Under this bill, the institution would be required to send the funds collected, only, to the Department of Education

**Dentists/Dental Hygienists:** CS/CS/SB 970 by Richter  
Required all Florida licensed dentists and dental hygienists to complete a workforce survey as a part of their licensure renewal, beginning in 2012. It provided certain information that is to be collected by the Department of Health pursuant to a survey instrument adopted by the Board of Dentistry (Board). The Board would be required to issue a non-disciplinary citation to any dentist or dental hygienist who fails to complete the survey within 90 days after the renewal of his or her license to practice as a dentist or dental hygienist. This citation must inform them that his or her license will not be renewed for any subsequent license renewal unless the survey is completed.

**Child Care Facilities/Licensing Standards:** CS/SB 1234 by Garcia and Children and Families  
Provided minimum licensing requirements for window blinds and other window coverings. Required child care facilities to retrofit window blinds, window coverings, pull cords, or inner cords by a specified date in order to eliminate cords that pose a risk of strangulation.

**Child Care Personnel:** CS/SB 1382 by Rich  
Amended the Gold Seal Quality Care Program for child care facilities to specify the process by which the Department of Children and Family Services is to develop the standards. The bill revised minimum standards for child care personnel by increasing the minimum age for child care personnel to 18; requiring that child care personnel hold a high school or high school equivalency diploma; and requiring that, for every 20 children in a licensed child care facility --- beginning with the first child --- at least one staff hold a current credential.

**Public Broadcasting Stations:** SB 472 by Sobel and HB 175 by Rogers  
Proposed to allow BEACON TV, a school district internal public access operation, to have a percentage of federal and state funds intended for the Florida Public Broadcasting station.

**Emergency Medical Services Personnel/ AIDS/HIV Training** CS/SB 1734 by Oelrich and 1489 by Boyd

- Deletes the requirement that any person who applies to be certified or is certified as an emergency medical technician, paramedic, or 911 emergency dispatcher must complete an educational course approved by the Department of Health regarding the human immunodeficiency virus and acquired immune deficiency syndrome. A four hour course was required for initial training; a two hour course was required once every two years for license renewal.
- Written and supported by Florida EMS Educators, this bill merely removes a duplicative and outdated requirement. AIDS/HIV training is also included as part of the broader infectious diseases portion of the EMS curriculum, which also includes H1N1 and other blood-borne pathogens.



# FACC 2010 Calendar

Region III Spring Conference	06/24/10
Region IV Spring Conference	06/25/10
<b>July</b>	
Board of Directors	07/14/10
Membership Development Conference	07/15/10
Deadline for Current Articles	07/30/10
<b>August</b>	
Council of Presidents Steering Committee	08/11/10
<i>Current</i> Published	08/20/10
<b>September</b>	
Council of Presidents	09/09/10
Region II Spring Conference	09/17/10
Deadline for <i>Current</i> Articles	09/20/10
<b>October</b>	
<i>Current</i> Published	10/15/10
<b>November</b>	
Deadline for <i>Current</i> Articles	11/12/10
FACC 61st Convention	11/17/10-11/19/10
<b>December</b>	
<i>Current</i> Published	12/10/10