

State University System

2009 Regular Legislative Session Summary

Updated 06/11/09

ISSUE	BILL
<p>1. State Budget Overview: A \$66.5B budget (\$74B in 2006) Federal Stimulus Funds: \$5.7B \$900M Cigarette Tax (\$1/pack) \$1B in new fees; \$1B in spending cuts \$600M Trust Fund Sweeps \$300M Gaming Compact in FY 09-10; minimum annual \$150M to EETF</p>	<p>GAA</p> <p>Governor signed on 5/27</p>
<p>2. SUS Budget Summary: An overall 1.0% increase for the SUS as a whole when general revenue, tuition, and federal stabilization funds are considered. State's recurring GR down by 25%; the cut to SUS GR is almost 15.0% (\$207m); SUS received \$159m in Federal Stimulus Funding for FY09-10; \$70m increase in tuition revenues possible. Medical Education Funding: Obtained additional funding for medical schools: \$10.9m to FIU; \$10.3m to UCF (BOG request) \$5m each for UF & USF (BOG requested \$26.6m) New College of Florida: \$500K to complete administrative support (BOG request: \$1.8m) USF Lakeland: \$5m (not in BOG request) UF: \$1.2m in Program Enhancements (not in BOG request) Matching Funds: None PO&M: funded at requested level: \$14.7m Utilities: No additional funding to cover increased costs received.</p>	<p>GAA</p>
<p>3. PECO: \$128.5m (BOG requested \$121.6m) September List reduced twice (January & March) due to TF shortfall Add-ons: USF Lakeland & USF Interdisciplinary Bldg</p>	<p>GAA</p>
<p>4. Salaries: Governor vetoed provision in the General Appropriations Act reducing state employee salaries over \$45k by 2%; SUS was excluded from the original reduction while the BOG staff was included.</p> <p>SUS Personnel - 1001.74 Powers and duties of university boards of trustees amended to read: (d) A board of trustees may not enter into an employment contract that requires the university to pay an employee an amount from state funds in excess of 1 year of the employee's annual salary for termination, buy-out, or any other type of contract settlement. This does not prohibit the payment of leave and benefits accrued by the employee in accordance with the university's leave and benefits policies before the contract terminates. Severance payouts for employees of community colleges, the state university system, and the Board of Governors limited to one year's salary from state funds.</p> <p><u>Note:</u> This language was also added for the community colleges; it was existing law for school boards. Language limiting superintendents' salaries to \$225,000 from state funds added this year. The community college presidents are still exempt from this.</p>	<p>GAA</p> <p>SB 1696 Governor signed the bill on 5/27</p>
<p>5. University Presidents Selection: This bill authorizes the state university boards of trustees to appoint, terminate, and establish the terms and conditions of employment of university presidents. The bill would eliminate the Board of Governors' role in the selection and appointment of university presidents. If approved by the Governor, these provisions take effect July 1, 2009.</p>	<p>SB 234 Governor received the bill on 6/08</p>
<p>Tuition - For 2009-2010: Legislature mandated an 8% increase: \$34m \$82.03 to \$88.59/credit hour</p>	<p>GAA</p>

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	<p>Tuition Differential - authorizes all SUS institutions to charge a differential tuition fee for undergraduate courses up to the national average of public institutions (15% increase per year). 70% of the tuition differential will be used to enhance undergraduate education and 30%, or the equivalent amount from private sources, will be used to provide financial aid to undergraduate students who exhibit financial need.</p> <ul style="list-style-type: none"> • The tuition differential is not covered by the Bright Futures Scholarship Program; • Students who were in attendance at the qualifying institution prior to July 1, 2007, and who maintain continuous enrollment may not be charged the tuition differential; • A university may waive the tuition differential for students who demonstrate unmet financial need under the criteria for the Florida Public Student Assistance Grant (FSAG); and • Beneficiaries having prepaid tuition contracts in the Prepaid College Tuition Program in effect on July 1, 2007, are exempt from the payment of the tuition differential. 	<p>SB 762</p> <p>Governor signed the bill on 6/01</p>
<p>6.</p>	<p>State University Graduate Tuition Rate: Authorizes up to 15% annual adjustments to match professional tuition flexibility already authorized.</p> <p>Graduate Tuition Differential: \$ -0- Out-of-state fee A graduate student who has been determined to be a nonresident for tuition purposes pursuant to s. 1009.21 and has a .25 full-time equivalent appointment or greater as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate; a graduate student who is receiving a full fellowship.</p>	<p>SB 1696</p> <p>Governor signed the bill on 5/27</p>
<p>7.</p>	<p>Excess Hours - State universities shall require a student to pay an excess hour surcharge equal to 50% of the tuition rate for each credit hour in excess of 120% of the number of credit hours required to complete the baccalaureate degree program in which the student is enrolled.</p> <p>Except as otherwise provided by law and for purposes of this section, the following credit hours shall be included when calculating the number of hours taken by a student:</p> <p>(a) All credit hours for courses taken at the state university from which the student is seeking a baccalaureate degree, including:</p> <ol style="list-style-type: none"> 1. Failed courses. 2. Courses that are dropped after the university's advertised last day of the drop and add period. 3. Courses from which a student withdraws, except as provided in subsection (4). 4. Repeated courses, except repeated courses for which the student has paid the full cost of instruction as provided in s. 1009.285. <p>(b) All credit hours earned at another institution and accepted for transfer by the state university and applied toward the student's baccalaureate degree program.</p> <p>For purposes of this law, credit hours earned under the following circumstances are not calculated as hours required to earn a baccalaureate degree:</p> <ol style="list-style-type: none"> (a) College credits earned through an articulated accelerated mechanism identified in s. 1007.27. (b) Credit hours earned through internship programs. (c) Credit hours required for certification, recertification, or certificate programs. (d) Credit hours in courses from which a student must withdraw due to reasons of medical or personal hardship. (e) Credit hours taken by active-duty military personnel. (f) Credit hours required to achieve a dual major taken while pursuing a baccalaureate degree. 	<p>SB 1696</p> <p>Governor signed the bill on 5/27</p>

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	<p>(g) Remedial and English as a Second Language credit hours. (h) Credit hours earned in military science courses that are part of the Reserve Officers' Training Corps (ROTC) program. Notices required: Each state university and community college shall implement a process for notifying students regarding the provisions of this section. Notice must be provided by a state university or a community college upon a student's initial enrollment in the institution. Such notice must be provided a second time by a state university when a student has earned the credit hours required to complete the baccalaureate 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 in excess of the credit hours required for the baccalaureate degree program in which the student is enrolled meet with his or her academic advisor. Effective for students who enter a community college or a state university for the first time in the 2009-2010 academic year and thereafter.</p>	
8.	<p>Medical Education Funding Formula: the Board of Governors shall develop a funding methodology for a consistent base level of state support on a per-student basis for each 4-year Doctor of Medicine degree program offered by a state university. The Board of Governors shall work with OPPAGA and representatives from each 4-year Doctor of Medicine degree program to develop the methodology.</p>	<p>Proviso</p>
9.	<p>Medical Faculty Certificates: The bill increases the maximum number, from 15 to 30, of medical faculty certificates that may be issued to the faculty at each of the following institutions: the University of Florida, University of Miami, University of South Florida, Florida State University, Florida International University, University of Central Florida, and the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida. The bill increases the maximum number, from 5 to 10, of medical faculty certificates that may be issued to the faculty at the Mayo Medical School at the Mayo Clinic in Jacksonville, Florida.</p>	<p>HB 387 Signed on 6/01</p>
10.	<p>Campus Police Jurisdiction: This bill expands the jurisdiction of state university police officers to enforce the law. In particular, the bill authorizes state university police officers to:</p> <ul style="list-style-type: none"> • Enforce laws within defined jurisdictional areas as agreed upon in a mutual aid agreement with another law enforcement agency; • Enforce traffic laws when the violations occur within 1,000 feet of any university owned or controlled property or facilities; • Enforce traffic laws beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement; • Arrest persons for violations of state law or applicable county or city ordinances if the violation occurs on or within 1,000 feet of university owned or controlled property or facilities; and • Arrest persons for violations of state law or applicable county or city ordinances beyond the 1,000-foot threshold when hot pursuit originates on university property or within 1,000 feet of university owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement. 	<p>HB 295/SB 554</p> <p>Governor did not have the bill as of 6/08</p>
11.	<p>Facility Enhancement Challenge Grant Program - Allow universities to spend private money raised for Courtelis Matching prior to receiving the matching funds from the state.</p> <p>Facility Enhancement Challenge Grant Program - The private money would remain eligible for match after it is spent. The Legislature would have no requirement to match the private money at any time. Requires notice of state match delay for Community College and State University Facilities and Operating Challenge Grant donations.</p>	<p>SB 1696 Signed on 5/27</p>

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12.	<p>Prepaid Agreement on Exempted Contract Holders: Establishes a new Prepaid College Plan payment methodology to state universities on behalf of beneficiaries of Prepaid College Plan contracts purchased prior to July 1, 2009. The payment methodology specifies the level that the Prepaid College Board will pay for tuition increases, tuition differential increases, dormitory, and local fee increases each year, within a reasonable range based on fund reserve. An advance payment contract may also be offered that covers registration fees, tuition differential fees, and local fees under one contract, rather than under separate contracts as presently offered, as well as a new plan with incremental credit hour increases.</p>	<p>SB 1696 Signed on 5/27</p>
13.	<p>Bright Futures: Modifies the Bright Futures Scholarship Program to: (1) require a refund for courses withdrawn or dropped by students after the end of the drop and add period; (2) require that full-time students complete at least 24 semester hours, or the equivalent, per academic year for renewal of the scholarship; (3) remove college-related expense awards for Academic Scholars; (4) prohibit conversion of Gold Seal Awards to Medallion Awards; and (5) provide authorization to establish award levels in the General Appropriations Act. The award per credit hour or credit hour equivalent for the 2009-2010 academic year shall be as follows:</p> <p>Four-Year Institutions Academic Scholars Award \$126 Medallion Scholars Award \$95 Gold Seal Vocational Scholars Award \$95</p> <p>Two-Year Institutions Academic Scholars Award \$78 Medallion Scholars Award \$78 Gold Seal Vocational Scholars Award \$59</p> <p>The additional stipend for Top Scholars shall be \$54 per credit hour.</p>	<p>GAA: \$418,878,452</p> <p>SB 1696 Signed on 5/27</p>
14.	<p>CLAST: Section 1008.29, Florida Statutes, is repealed (Section 21); Substantially amends s. 1007.25 (Section 20).</p>	<p>SB 1676 Signed on 5/27</p>
15.	<p>Minor Projects Increase \$1 million to \$2 million - Increase the threshold for minor projects from \$1 million to \$2 million.</p> <p>Public Procurement of Services: The bill also raises the per project cap for use of continuing contracts from \$1 million to \$2 million, and specifies that continuing contracts include contracts in which each individual project does not exceed \$2 million. The bill amends the definition of the artistic services competitive procurement exemption in s. 287.057(5)(f), F.S., to specify that artistic services do not include advertising. The bill amends s. 1013.45, F.S., to allow the use of construction management entities for remodeling, renovation, maintenance, or repairs.</p> <p>Capital Improvement Fee - Allow this fee to increase to a maximum of 10% of tuition instead of a flat \$4.76 which has not changed since 1988.</p>	<p>Failed: HB 499/SB 1996</p> <p>Passed: SB 2666 Governor did not have the bill as of 6/8</p> <p>Failed: HB 499/SB 1996</p>
16.	<p>Distance Learning: This bill enacts recommendations of the Florida Distance Learning Task Force. The Florida Distance Learning Consortium is established to:</p> <ul style="list-style-type: none"> • Facilitate collaboration among public institutions in their use of distance learning; • Increase student access to courses; • Support institutions in their use of technology; • Help build partnerships among the institutions, businesses, and communities; • Manage and promote the Florida Higher Education Distance Learning Catalog; • Consult with the Florida College System and the State University System to develop a plan for an automated, on-line registration process; 	<p>HB 7121</p> <p>Governor signed the bill on 5/27</p>

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	<ul style="list-style-type: none"> • Coordinate the negotiation of statewide licensing and preferred pricing agreements; and • Develop and operate a central instructional content repository. <p>The Board of Governors and the State Board of Education would jointly oversee the consortium. The bill defines a distance learning course as one in which at least 80% of the direct instruction of the course is delivered using some form of technology when the student and instructor are separated by time, space, or both. A community college or state university course would have to meet this definition in order for the institution to assess the distance learning course user fee.</p>	
17.	Student Education Records: Conforms Florida law to FERPA; companion bill is the public records exemption	HB 7117 & 7119 - Governor did not have the bills as of 6/08
18.	<p>Approval of Nursing Programs: The bill streamlines the application process for new programs for the prelicensure education of professional or practical nurses. The bill repeals the Board of Nursing's (BON's) authority to adopt rules for the approval of nursing programs and instead codifies the program standards in law. The BON must approve or deny a program within 90 days if the application documents compliance with: program standards set by the bill for faculty qualifications; clinical training and clinical simulation requirements; faculty-to-student supervision ratios; and curriculum and instruction requirements.</p> <p>The BON's rulemaking authority is limited to rules that prescribe the format for nursing programs to submit program applications and summary descriptions of program compliance. The BON is prohibited from imposing any condition or requirement on a nursing program submitting</p>	<p>HB 1209</p> <p>Governor signed the bill on 6/11</p>
19.	Educational Dollars for Duty Program: The bill reorganizes and consolidates state educational assistance for Florida National Guard members into one program to be known as the Educational Dollars for Duty Program (EDD). The bill expands education assistance eligibility for current members of the Guard and gives the Adjutant General the sole responsibility for developing and administering the program. The bill authorizes the Adjutant General to adopt rules for program administration. EDD provides assistance for Guard members who enroll in an authorized course of study at Florida public and nonpublic institutions of higher learning accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. The bill classifies all active drilling members of the Florida National Guard as residents for tuition purposes at Florida public postsecondary institutions. Guard members who have obtained a master's degree under this program are ineligible for further assistance under the provisions of this bill. Enrollment in college-preparatory courses is authorized.	<p>HB 685</p> <p>Signed on 6/01</p>
20.	Columbariums on University Campuses: Allows state universities to have structures on campus to receive/maintain the ashes of deceased persons.	SB 926 Gov did not have bill as of 6/08
21.	Residency: Addresses issues regarding documentation to prove dependency and acceptance of military documents.	SB 1696 Signed 5/27
22.	First Generation Scholarships: Requires FSAG-level need for eligibility.	SB 1696 Signed 5/27
23.	Local Fee Cap Exemption: Authorizes Florida State University to exceed the statutory limit of 5% on annual increases to local fees to allow an increase in the health fee for the purposes of constructing a new health facility.	SB 1696 Signed 5/27

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	<p>The bill provides that any person whose retirement is effective on or after July 1, 2010, or whose participation in the DROP program terminates on or after July 1, 2010, may be reemployed by an FRS employer. The retiree must meet the definition of termination prior to reemployment and for 6 months after meeting that definition, the person may not receive both a salary and retirement benefits. A reemployed retiree may not renew membership in the FRS and the employer of such a person must pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the FRS in addition to other contributions for social security and the retiree health insurance subsidy.</p> <p>Persons who are initially reemployed in violation of the restriction, and the employer that employs such a person are jointly and severally liable for reimbursement of any retirement benefits paid.</p> <p>The bill provides that certain instructional personnel employed by a developmental research school and authorized by the school's director, or if the school has no director, the school's principal to participate in an extended DROP may participate for up to 36 calendar months beyond the 60-month DROP period. For all DROP participants, an election to participate is final and may not be canceled after the first payment is credited during the DROP participation period.</p> <p>The Division of Retirement in the Department of Management Services is authorized to issue retirement benefits payable for division of marital assets under a qualified domestic relations order directly to the alternate payee to meet Internal Revenue Code requirements, regardless of any court order to the contrary.</p> <p>Conforming revisions are made to provisions governing the State Community College System Optional Retirement Program, the Public Employees Optional Retirement Program, the Senior Management Optional Annuity Program, the Optional Retirement Program for the State University System, and renewed membership in the FRS. For purposes of a de minimis distribution under the Senior Management Optional Annuity Program and the Optional Retirement Program for the State University System, a participant who receives a mandatory distribution of a de minimis account (earnings of not more than \$5,000) authorized by the Department of Management Services is not considered a retiree and may be reemployed and renew membership in the FRS. Any retiree of a state-administered system who is initially reemployed on or after July 1, 2010, may not renew membership in the FRS.</p>	
31.	USF Pharmacy PhD: Authorizes a doctor of pharmacy degree program at the university.	Failed: HB 75
32.	Governmental Financial Information: This bill requires a website be established for public access to government entity financial information. The initial phase will include appropriations data and expenditure data for all branches of state government. The Joint Legislative Auditing Committee will oversee the website and will propose additional phases of information to be made available. The committee will provide a proposal by March 1, 2010, to be submitted to the President of the Senate and the Speaker of the House of Representatives, that will include a schedule of additional phases of information by the type of information to be provided for specific governmental entities, including local government units, community colleges, state universities, and other government entities that receive state appropriations. The proposal will include timeframes for additional phases as well as a proposed development entity for the additional information.	SB 1796 Governor signed the bill on 5/27

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<p>33. Administrative Procedures: This bill makes adjustments to the Administrative Procedure Act, by amending the definition of “agency” to codify existing case law, and requiring that agencies:</p> <ul style="list-style-type: none"> • Give notice of meetings, hearings, and workshops on the agency’s website; • Post meeting agendas and materials on the agency’s website; • Make staff available to explain agency rule proposals at public hearings; • Consider information submitted within certain timeframes in rulemaking; • Specify the effective date of a rule in the notice of rulemaking; and • Post their statements of agency organization on their websites. <p>“Agency” means the following officers or governmental entities if acting pursuant to powers other than those derived from the constitution:</p> <p>(a) The Governor; each state officer and state department, and each departmental unit described in s. 20.04; the Board of Governors of the State University System; the Commission on Ethics; the Fish and Wildlife Conservation Commission; a regional water supply authority; a regional planning agency; a multi-county special district, but only when a majority of its governing board is comprised of nonelected persons; educational units; and each entity described in chapters 163, 373, 380, and 582 and s. 186.504</p>	<p>SB 2188 Presented to the Governor on 6/08</p>
<p>34. State-owned Real Property: The bill requires the state to offer to state agencies and universities the opportunity to lease state-owned buildings or parcels of land before it offers to sell or lease to others. The bill directs the Department of Management Services to create a database of all state-owned real property and to immediately begin the disposition of surplus buildings.</p>	<p>SB 1804 Governor signed the bill on 5/27</p>