



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

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

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If you read the weekend papers, you know that the House of Representatives basically reached an impasse on Friday. At issue were a health care bill and an unusual situation where the Democrats in the House support Governor Crist's proposal, and not House Speaker Rubio's. The issue of school grading was also part of the problems encountered as the Democrats wanted to discuss recommendations coming from the Senate. At the most dramatic, but ultimately boring part of the day, the Democrats stopped all bills from being heard on the floor by voting to require a bill to be "read in full." Doing this meant that every word of a lengthy bill had to be read before action could be taken. Political 'junkies' find the drama taking place very fascinating and are speculating the long term ramifications both to the health care bill and the Democrats. With only two weeks left in the 2008 session, which adjourns on May 2, there isn't much time to resolve differences.

That being reported, Week Seven moved several significant bills closer to final passage. Many bills, having now missed being heard in a final committee meeting of the session, are considered to be dead. One bill that the colleges were concerned about, relating to **radiography training**, was heard in committee, but was amended to basically 'gut' the bill.

Budget Issues

Both houses finally appointed their conference committees this week and were expected to get right to work on negotiating the budget. In the Senate, **Senator Evelyn Lynn will chair the Higher Education Appropriations Conference**, joined by Senators Ring, Justice, King, and Oelrich. In the House, **Representative Joe Pickens will Chair the Schools and Learning Council** (meaning the House conferees will also address K-12 issues, while the Senate has a separate group of conferees for that purpose.) Other House members are Representatives Traviesa, Altman, Bendross-Mindingall, Coley, Culp, Kiar, Kriseman, Legg, McBurney, McKeel, and Vana.



Budget conference committee chairs received their budget allocations on April 17 signaling the start of negotiations by category of funding, such as Community Colleges. Conference committee meetings were expected to begin immediately. However, as of Sunday, April 20, the first conference committee to be announced will not meet until Monday, April 21, at 5:00. Other conferences, including education, are expected to meet the same day. Since the committees have to complete their work by Tuesday, April 22 at 6:00 p.m., Dr. Ed Massy (Policy and Advocacy Chair), college and FACC contract lobbyists are working behind the scenes with conference members and staff to argue for community college funding.

Unless the deadline is extended, all unresolved issues as of the deadline will "bump" to the presiding officers (committee chairs). On April 23, remaining unresolved issues will bump to the At Large Chairs, Representative Sansom and Senator Carlton. Issues unresolved by the At Large Chairs are bumped to the Senate President and House Speaker. According to the timeline, which is designed to insure final passage of the budget by the last day of the Session, the colleges should know by the end of the week what the 2008-09 fiscal year will bring.

The bills are **HB 5001** in the House and **SB 2900** in the Senate. Both houses increase include a tuition increase of 6%, which include a technology fee in House (silence to technology fee in Senate could signify endorsement of a separate technology fee, not part of tuition). In addition:

- Overall funding at a slight increase in the House and decrease in Senate
- \$2 million in First Generation student matching funds in both bills
- Facility matching funds in Senate, but neither house includes Phil Benjamin Matching (considered by the Colleges as a ‘delay,’ not eliminating the program)
- Performance based funding is ‘folded’ into the Community College Program Fund, so there is not a separate funding category.
- No SUCCEED funding

Governance

As discussed previously, governance bills moved along rapidly in both houses earlier in the session, but have been stalled since the last action on April 2. The bills establish:

- an elected Commissioner of Education
- a Cabinet level State Board of Education
- revised university trustees and Board of Governors
- a **State Board of Colleges** for the 2 and 4 year colleges that have no graduate degrees.

The **Senate Bill, SB 2308**, passed the Full Senate on March 27 and on April 2 was sent on to the House for action. The **House Bill, 7025**, came out of the Policy and Budget committee and is ready to be heard on the floor. Action on the bill simply requires the House Leadership to “pull the bill up out of Messages” and vote. Since the bills are virtually identical, that action would most likely send the bill on to the Governor.



Rep. Pickens

New Florida College System

The new “State College System” bills moved during Week 7. **CS/CS/SB 1716** passed the Senate on April 16. The House, on April 18, amended the bill and sent it back to the Senate. The Senate is expected to take the bill out of messages vote on final passage, and send it on to the Governor. **HB 7071** was laid on the table, and **SB 1716 will be the final bill**. The bills are very similar, and as reported before:

- Creates a **new type of college** in addition to the existing associate and certificate granting community colleges and community colleges that have also been approved for limited baccalaureate degrees. The new “**state colleges**” would offer baccalaureate degrees that address regional and statewide workforce needs versus the local needs that are used to document the need for the limited baccalaureate degrees that some colleges offer now.
- **Creates a Task Force** to develop a process for approving these state colleges and a funding model. The task force will have 12 members, including the Commissioner of Education. The Commissioner appoints the members, which includes 7 community college presidents, a state university president, a private university president, and a lower level private (can be profit) institution president, and one member at large. The Task Force will make recommendations to the Governor, State Board, and the Legislature.
- Provides for a “pilot program” where **designated colleges would become State Colleges** with some difference as to which colleges are named to the pilot. **The Senate bill now includes nine colleges** (St. Petersburg, Okaloosa-Walton, Daytona Beach, Miami Dade, Indian River and Polk, Chipola, Santa Fe, and Edison).
- Allows for community colleges to change their name to “college” if offering baccalaureate degrees.

This is an extremely emotional issue with opinions ranging from it being a “Wattenbarger moment” to “the death of the community college system.” Many members are asking how this will affect the system and how it will affect FACC. We can only trust that this change in structure will simply add a new type of institution to our system. Our colleges already have a diverse range of programs that are offered. The baccalaureate degree is simply an additional program. Many members are asking if this will split the system and/or FACC. Again, we can only trust that the twenty-eight will remain united within a new system and within FACC. We survived the change from junior to community colleges and FACC survived the transition from the Florida Association of Public Junior Colleges to the Florida Association of Community Colleges. If we all remain committed to the mission of community colleges as we add new programs, perhaps a simply name change for FACC will suffice.

Other issues of interest to FACC members

Radiology

HB 1233 (Garcia) and SB 2642 (Peaden) would amend the statutes regulating schools of radiology. These bills, opposed by the national certification association, would allow a school accredited by an alternative association to offer training. **The House Bill was heard by its first and only committee of reference, the Healthcare Council on April 17. Intense lobbying by FACC and college representatives resulted in an amendment which basically gutted the bill. The Senate Bill is not expected to be heard in a committee resulting in the issue being “dead” for the 2008 session.**



Rep. Flores

Remediation and Dual Enrollment

Several bills this session have contained provisions related to remediation and dual enrollment. This past week, two bills seemed to gain momentum. **HB 7069, which passed the House on April 18, started as a committee bill from the Schools and Learning Committee.** The bill:

- **creates a remediation pilot** project to identify strategies that are effective in reducing remediation of recent high school graduates.
- requires designations on a high school diploma related to accelerated credit, career certification, and/or ready to work.
- **Exempts adult apprenticeship students from TABE testing requirements.**
- Provides that a grade assigned by a college for a dual enrollment course shall be used by the high school.

Senate Bill 1908 (Gaetz) addressed school grading and high school graduate readiness for college. **The Bill passed the Senate March 27th and was heard by House Committee on Schools and Learning on April 11. The bill now rests in the Policy and Budget Committee as of April 17.**

Distance Learning and Technology Fees

The **Distance Learning issue** is being discussed via **CS/CS/SB 1762**. On April 15, it passed the **Senate Higher Education Committee**, and on April 16, it was put on the Senate Calendar. The bill:

- **Establishes the Florida Distance Learning Task Force (not the Consortium)** made up of university and community college representatives, including the Executive Director of the existing Consortium. The bill establishes responsibilities for the Task Force, to include developing a recommendation for the future of the Consortium.
- Establishes the Florida Higher Education Distance Learning Catalog
- Authorizes community colleges and state universities to assess a per credit hour distance learning course fee, clearly established as **a user fee**.
- Community colleges will have to report on revenues from the fees

The **House Bill, [HB 7105](#)**, was filed and referred for action by the Policy and Budget Council.

A separate bill addresses technology fees and allows the community colleges to charge a 5% *technology fee* that is similar to that charged by the universities. There are limits to the fee, and there is a requirement for a *student referendum* in support **before a university** can begin collecting the fee (colleges would not have to do so). In addition, universities would have to report on revenues from the technology fee as the colleges would do on the distance learning fee. **[SB 1774](#) passed the Senate on April 9. The House took the bill up on the floor on April 10, but stripped it of all the language and sent it back to the Senate requesting a conference committee. One was appointed on April 16.** The conferencing on this bill will likely be integrated into the budget conference discussions.

Bond Finance

Clarity to the **bond finance** laws for community colleges looks prime for final passage. **Representative Heller's [HB 235](#) and Senator Oelrich's [SB 696](#)** provide:

- Authorizes a board to use any authorized available revenue to repay a debt for any loan, lease-purchase or other contract for a term of up to 5 years
- Authorizes a board of trustees to pledge capital improvement and parking fees to secure repayment of a debt for a term up to 7 years
- Maintains requirement that the Division of Bond Finance issue bonds, up to 20 years
- Provides that revenue bonds may not be secured or paid from tuition, financial aid fees, CCPE, or other operating revenue
- Requires the community college board to authorize all debt incurred by its DSO



Sen. Oelrich

The Senate Bill passed the full Senate on the March 27, and it is in House Messages awaiting further action. [HB 235](#) passed the Policy & Budget Council on April 15, and it was immediately put on the House Calendar. The bills still looks good to receive final passage.

Textbook Affordability

[HB 603](#), (Flores) and [SB 2350](#), (Atwater) are seeking to find methods to contain the high cost of textbooks. [HB 603](#) passed the House on April 16, and it immediately was sent to the Senate. The Senate read the House bill for the second time on April 17 and final passage is expected quickly.

The bill:

- Prohibits college or university employees from receiving anything of value in exchange for textbook selection, with exceptions for sample copies, royalties, honoraria, compensation for reviewing, and training.
- Requires posting of required books at least 30 days before the first day of class.
- Requires State Board of Education and Board of Governors to adopt policies, procedures and guidelines to help minimize the cost of textbooks.

Firefighting and Inspections

HB 1041 (Garcia) and SB 2388 (Saunders) amends the statutes relating to the work of college fire inspectors, which has caused concern to many colleges. **The community college legislative team worked with the State Fire Marshall to amend the bill to address those concerns.** In addition, the bill creates a new *apprenticeship* program that can be offered in high schools. **The House bill had no action since April 2, but the Senate Bill passed the Community Affairs Committee on April 17. Both bills still have committees of reference making final passage difficult, but not impossible.**

Excess Hours AND MORE

SB 320 (Constantine), which originally dealt only with university fees, now includes the excess hours language agreed to by the community colleges. The bill is still in its final committee, the **Higher Education Appropriations Committee, as it has been since April 1.** The bill includes:

- Freshmen who exceed 150% of number of credit hours required to obtain degree to pay increase of 50% per credit hour above normal in-state tuition
- Applies to 1st time college students in Fall 2008 and thereafter
- Community college boards may require counseling and advising for students prior to completion of 24 credits
- Students with in excess of 120% of required hours will be required to meet with advisor to develop educational plan
- DOE to develop a performance based funding methodology to measure and reward policy goals

HB 745 (Precourt) PASSED the House on April 18, and it went to the Senate for consideration. Up until April 18, the bill included a similar provision for excess hours, but Representative Shelly Vana's amendment deleted that section. Still included in the bill:

- Creates **state-level demand pool** for postsecondary education within the enrollment estimating conference; and provides for the allocation of that demand into appropriate public delivery systems.
- Allows **non-Florida corporations** running postsecondary education institutions to have licensure by accreditation
- **Amends the residency statutes** to be more prescriptive and to require institutional determinations
- **Expands state employee tuition waivers to include distance learning courses.**



Rep. Constantine

Cosmetology

HB 415 (Carroll) and SB 996 (Wise) amend the licensure requirements related to cosmetology. Colleges with cosmetology programs have supported this legislation which will allow students to be trained in specific shorter programs and enter the workforce quickly. **SB 996 was heard in the General Government Appropriations Committee on April 15 and passed, and it is on the agenda for the Higher Education Appropriations Committee on April 22. HB 415 has been waiting to be heard in the House Policy and Budget Council since March 10.**

Foundation

HB 883 (Skidmore) and SB 1576 (Storms) would create the Public Employees' Charitable Campaign for local public employers other than state or federal employees. It authorizes a public employer to conduct a charitable campaign as the sole fundraising drive conducted during work hours. Concern has been expressed by college foundations that the bill could inadvertently disallow Foundation campaigns. Sponsors have been contacted to exempt community college foundations from the bills. **Neither bill has been heard to date.**



Sen. Wise