



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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With only one week left in the 2008 Florida Legislative Session as it adjourns on May 2, many bills have passed the Legislature, moved on to the Governor for action, or are in a good position to pass. Many more are either beyond hope of passing or in need of significant attention to make it to that point. The FACC legislative team members are keeping their eyes open for last minute amendments which could impact the colleges.

Budget Issues

While the bills have not been released, and therefore college based appropriations still remain unknown, it appears that budget negotiations will be complete in time to finish the Session on Friday. As of the end of the week, unresolved issues had been forwarded on to the Appropriations Chairs for resolution, and over the weekend, news of agreement trickled out.

The bills are [HB 5001](#) in the House and [SB 2900](#) in the Senate. Both houses include a tuition increase of 6%, with issues relating to a technology fee still unresolved at this time. In addition, based on information released about the budget:

- Overall state funding for operations will be down approximately \$26 million system-wide.
- If approved by the Governor, tuition increases could cover that reduction. If vetoed by the Governor, tuition could still increase by the “cost of living” percentage, per statute.
- Performance based funding is “folded” into the Community College Program Fund – there is no longer a separate funding category.
- \$1.625 million provided for implementation of the new “State College System.”
- No SUCCEED funding.
- No 2 + 2 Partnership funding
- No Phil Benjamin Matching (considered by the colleges as a “delay,” not eliminating the program)



Still unknown:

- Facility matching funds
- First Generation student matching funds
- PECO projects and funding

Governance

As discussed previously, governance bills moved along rapidly in both houses earlier in the session, but had stalled since the last action on April 2. However, over the weekend, the House moved [SB 2308](#) from Messages to the Calendar, a sign of impending action. Newspaper reports suggested that this bill is a strong priority of President of the Senate, Ken Pruitt, and that it could be held as a “trade” by the House. Both 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.



Rep. Sansom

The Senate Bill is [SB 2308](#) and the House Bill is [HB7025](#).

New Florida College System

The new “State College System” bill passed the Legislature on April 23, with [SB 1716](#). As reported before, the legislation:

- Changes the names of DBCC, Broward CC, IRCC, Polk CC, and Santa Fe CC, to drop “community.”
- Allows for community colleges to change their name to “college” if offering baccalaureate degrees.
- 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 12 member Task Force** to develop a process for approving these state colleges and a funding model. The task force will include the Commissioner of Education and 11 other members appointed by the Commissioner. Members include 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. A $\frac{3}{4}$ vote is required to pass any recommendation.
- The Task Force will make recommendations to the Governor, State Board, and the Legislature by March 2, 2009 and is disbanded on June 30, 2010.
- Provides for a “pilot program” where nine **designated colleges would become State Colleges** (St. Petersburg, Okaloosa-Walton, Daytona Beach, Miami Dade, Indian River, Polk, Chipola, Santa Fe, and Edison).

Other issues of interest to FACC members

Textbook Affordability

[HB 603](#) (Flores) passed both houses of the Legislature on April 23, and is on its way to the Governor. The intent of the bill is to find methods to contain the high cost of textbooks.

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 on the college websites at least 30 days before the first day of class (to include ISBN and other information.)
- Requires State Board of Education and Board of Governors to adopt policies, procedures and guidelines to help minimize the cost of textbooks.



Rep. Flores

Distance Learning and Technology Fees

The final version of the **Distance Learning fee issue** is now contained in [HB 7105](#). The bill passed the House on April 25, and was read for a second time in the Senate the same day. Final passage seems apparent with only one more vote needed by the Senate. The bill:

- **Establishes a nine member Florida Distance Learning Task Force (not the Consortium)** made up of four university and four 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.

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 result of conferencing on this bill, however, is still unclear.

Bond Finance

Clarity to the **bond finance** laws for community colleges still 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, CCPF, or other operating revenue
- Requires the community college board to authorize all debt incurred by its DSO



Rep. Heller

HB 235 passed the Policy & Budget Council on April 15, and it was immediately put on the House Calendar. The Senate Bill passed the full Senate on the March 27. On April 28, the bill was removed from House Messages and put on the House Calendar signaling imminent final passage.

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 passed out the Higher Education Appropriations Committee on April 22 and sent to the calendar, and it is on the Special Order Calendar for April 28. HB 415** has been waiting to be heard in the **House Policy and Budget Council**. Once the Senate Bill moves over to the House, it is very possible that the House Bill can be pulled from the Council, to the Calendar, and the bill pass.

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 and the Senate Bill had no action since April 17. Both bills still have committees of reference making final passage difficult, but not impossible.**

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. On April 24, the House discussed the bill on the floor, but further discussion was delayed, and has not been heard again at press time.**

BILLS SAFE TO ASSUME AS ‘DEAD’

Excess Hours

Over the course of the Session, different bills contained language relating to excess hours. **SB 320 (Constantine)**, which originally dealt only with university fees, was amended to include the excess hours language agreed to by the community colleges. That bill has not come out of the Higher Education Appropriations Committee, since assigned there on April 1.



Rep. Garcia

HB 745 (Precourt) included a similar provision for excess hours. It passed the House on April 18, and it went to the Senate for consideration. However, amendment deleted the excess hours section prior to House Passage. At this point, no active bill contains excess hours language.

Foundation

HB 883 (Skidmore) and SB 1576 (Storms) would have created the Public Employees' Charitable Campaign for local public employers other than state or federal employees. It authorized a public employer to conduct a charitable campaign as the sole fundraising drive conducted during work hours. Concern was expressed by college foundations that the bill could inadvertently disallow Foundation campaigns.



Rep. Precourt

Radiology

HB 1233 (Garcia) and SB 2642 (Peaden) would have amended the statutes regulating schools of radiology. These bills, opposed by the national certification association, would have allowed a school accredited by an alternative association to offer training.



Rep. Skidmore