



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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The 2008 Florida Legislative Session adjourned at about 6:00 pm on May 2. Many issues that seemed destined to pass didn't, and some that seemed to be beyond hope passed. The community college legislative team worked closely up until the final moments of session to monitor amendments that could have impacted the colleges. While the session was an unusually active one in terms of legislation, the budget always took the limelight. Many new bills are highlighted below, that were not mentioned in prior *Perception*. **FACC greatly appreciates the efforts of Erin McColskey (PBCC), Susan Lehr (FCCJ), Don Payton (SCC), Sharon Crow (DBCC), and Ed Woodruff (SPC) for providing summaries of those bills.**

As the Legislative Session came to a close, many legislators who were "term limited out" rose to take time to say their farewells in their respective houses. One of the most memorable farewells came when Representative Joe Pickens stood to say his good-bye to the House. Most of the K-12, university and community college lobbyists crowded into the House gallery to honor Rep. Pickens who has been a true champion of education, especially community colleges. His knowledge of the education sector, balanced with an amazing capacity to completely understand the impact of legislation and appropriations on the system, but more importantly, on the students, made him a favorite of FACC and the Community College System. A few of his many accomplishments include:



- **Developed concept and spearheaded passage of 100% funding for Bright Futures Medallion recipients attending Community Colleges.**
- **Architect of the best Community College budgets in more than a decade, accomplished almost single handed.**
- **Relentless year long pursuit for increased CC allocation with House Leadership.**
- **Lone voice that achieved \$5.0M matching dollars for first generation in college for Community College students, after CC students were excluded in the primary legislation.**
- **Sponsor and champion for CC Capitol Improvement Fee. Guiding the Bill through both chambers and passed as the last bill of the Session that passed with 110 seconds to spare.**
- **Provided "Chairman's Love" additional operating funds for smaller colleges over two years.**
- **Developed funding for CC programs and projects too numerous to mention, then defended the funding thru the Budget development and Conference process.**
- **THE single strongest Statesman's position opposing any Legislation potentially damaging to Community Colleges – most noteworthy; public funding of non-accredited for-profit private colleges (FICA), direct funding of apprenticeship programs, and Excess Hours.**



Joe Pickens' service to the State of Florida will be missed greatly!

Rep. Joe Pickens on the House floor

FACC also thanks **Mr. Don Payton**, of Seminole Community College, for the full-time volunteer job of leading the FACC Legislative Committee, and therefore the lobbying team of the colleges. The 2008 session was a trying one, with many, many, many bills to track and lobby. Don's support of FACC is most appreciated along with all of the college and FACC lobbyists, Dr. Ed Massey (Policy and Advocacy Committee Chair) and Dr. Jackson Sasser (Council of Presidents Chair).

Budget Issues

HB 5001 ended up cutting overall community college state funding for operations approximately \$26 million system-wide. There was an attempt to balance that reduction, however, with the tuition increase of 6%. Newspapers have begun reporting that Governor Crist has expressed support for the tuition increase. In addition, a distance learning user fee (discussed later) and a new technology fee (not effective until 2009-10) were established. Other budget points of interest include:

- Performance based funding is “folded” into the Community College Program Fund – there is no longer a separate funding category.
- No SUCCEED funding.
- No 2 + 2 Partnership funding
- No Phil Benjamin Matching (considered by the colleges as a “delay,” not eliminating the program)
- Some Facility matching funds
- First Generation student matching funds, \$2 million
- \$700,000 for remediation partnerships among school districts and colleges.



House Speaker Rubio

BILLS THAT PASSED

New Florida College System

Even though the proposed constitutional amendment on governance failed, 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 ¾ 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).

Textbook Affordability

HB 603 passed and was designed to help 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.

Distance Learning and Technology Fees

The final version of the **Distance Learning fee issue** passed in **HB 7105**. This 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



Sen. Geller and Sen. Webster

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 was the vehicle for the technology fee.**

Bond Finance

Clarity to the **bond finance** laws for community colleges passed in **SB 696** providing:

- 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

Remediation and Dual Enrollment

Several bills this session contained provisions related to remediation and dual enrollment. [CS/HB 5083](#) included:

- **Dual Enrollment**

- Authorizes a school district to report 900 hours of instructional time (one full-time student) for a dual enrollment student who is enrolled in 30 credit hours (15 credit hours per semester) in a postsecondary institution.

- **Industry Certification, AP, IB AICE – additional funding calculation**

- Reduces FTE value from 0.24 to 0.16 for International Baccalaureate, Advanced International Certificates, and Advanced Placement who receive a score of 3 or higher on the College Board Advanced placement exam. Efforts failed to add dual enrollment to this section.
- Stipulated that the additional value of 0.3 FTE calculated for each student who completes an industry certified career and professional academy must achieve “the highest level of industry certification and a high school diploma.” It also clarifies that no more than 0.3 additional FTE can be earned per student.

Cosmetology

[SB 996](#) passed and amended 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.

- Changes the license requirements for cosmetologist:
 - Increases education hours from 1200 to 1500 hours.
 - Continues to include hair stylist services, hair removal services, manicure and pedicure services for the natural nails, and basic skin services for facials.
 - Restricts expanded skin treatment services and artificial nail services to those who obtain specialized training and licensure.
- Creates three (3) new licenses:
 - Hair Stylist-continues to require licensure exam (current for cosmetologist).
 - Decreases education requirements from 1200 to 1,000 hours – allowing students to enter the workforce in less time and with less cost.
 - Allows hair removal (waxing/tweezing of eyebrows and lip).
 - Nail Technician
 - Changes from registration to a license requiring state exam.
 - Increases educational requirement from 240 to 350 hours.



Rep. Carroll

- Esthetician
 - Changes from registration to a license requiring state exam.
 - Increases educational requirement from 260 to 600 hours.

911 Emergency Dispatchers

CS/SB 1694 Creates new laws providing definitions and requirements relating to 911 emergency dispatchers and requires the Department of Health to establish criteria for their certification. The bill requires completion of an appropriate 911 emergency dispatcher training program that is equivalent to the most recently approved emergency dispatcher course of the Department of Education and consists of not less than 208 hours.

Pharmacy Technicians

CS/CS SB 1360 provides effective January 1, 2010, :

- Pharmacy technicians to be registered effective January 1, 2010.
- A pharmacy technician student who is enrolled in a pharmacy technician training program that is approved by the board may be placed in a pharmacy for the purpose of obtaining practical training. The student must wear identification indicating student status; students do not have to register until completion of the program.
- CEUs must be approved by the board of the Accreditation Council for Pharmacy education of which 4 hours must be via live presentation and 2 hours must be related to the prevention of medication errors and pharmacy law.
- Provides penalties for violations.



Rep. Storms

Effective January 1, 2011

- By January 1, 2011, an applicant to become a registered pharmacy technician must also have completed an approved pharmacy technician training program.
- Specifies that a registered pharmacy technician registered before January 1, 2011, who has worked as a pharmacy technician for a minimum of 1,500 hours under a licensed pharmacist's supervision or who has received certification as a pharmacy technician from an approved program is exempt from the requirement to complete an initial training program for purposes of registration.

Council on the Social Status of Black Men and Boys

CS/CS/HB 1395

- Encourages the development of local Councils.
- Establishes a Direct Support Organization to support the mission of the Council; with established Board of Directors.
- Duties to include:
 - Development of a strategic plan, to include support of One Church, One Child and a community college partnership.
 - Host a "Black Policy Summit" in conjunction with a university.
 - Develop intervention programs.

Energy Conservation and Sustainable Buildings Act

SB 7135 provided many changes related to sustainability, but as it relates to the colleges, provides that:

- All buildings to be constructed shall meet either United States Green Building Council (USGBC) LEED’s certification or Green Globes certification for plans that are commenced after July 1, 2008. For colleges, only new construction is required to be certified and there is no requirement for a certain level (i.e. silver, gold, platinum). For other state agencies renovations, remodels and certification for leased space is required.
- St. Petersburg College was named as an entity that will allow it to “provide training and educational opportunities that will ensure that green building rating system certifying agents are available to work with appropriate entities” and to “provide continuing education for the construction industry to develop online curriculum for use statewide, etc...”
- New vehicles purchased under a state purchasing plan, are restricted to consider the classification (use) of vehicle and then purchase the ones that provides the greatest fuel efficiency available for that classification.
- Recycling programs are to be developed statewide with specific deadlines for developing state guidelines.
- Requires DMS to develop a “Florida Climate Friendly Preferred Products List” and requires state agencies to purchase from list if price is competitive.
- Establishes the Florida Energy Systems Consortium consisting of all state universities.

Workforce Innovation

SB 428

- Authorizes regional workforce boards to be the designated “one-stop” operator and provider of intake, assessment, and eligibility determinations, EXCEPT training.
- Chief elected official and the Governor must agree.

Reserve Officer Training Corps Programs

CS/HB 251, as it relates to colleges:

- Prohibits any community college or state university from banning any branch of the United States Armed Forces from establishing, maintaining, or operating a unit of the Senior Reserve Officers’ Training Corps at the community college or state university.
- Requires a community college or state university to grant military recruiters of the United States Armed Forces or the United States Department of Homeland Security the same access to students and to campus facilities which the institution grants to other prospective employers of students.
- Requires a community college or state university, to the extent required by federal law, to grant military recruiters access to information about the institution’s students.

Educational Facilities Construction/Day Labor

CS/CS/SB 1276

- For day-labor contracts by either district school boards or community college boards of trustees, the maximum amount of such contracts is increased from \$200,000 to \$280,000. The amount shall be adjusted annually based on changes in the Consumer Price Index.

- Allows Florida Keys Community College to construct a dormitory for up to 100 beds for full time community college students.

Gun Bill - Right to Keep & Bear Arms in Motor Vehicles

CS/HB 503

- Prohibits public or private employer from prohibiting customer, employee, or invitee from possessing any legally owned firearm that is lawfully possessed & locked inside or locked to private motor vehicle in parking lot.
- Prohibits such entities from violating specified privacy rights by verbal/ written inquiry, etc.
- (7) **EXCEPTIONS.**—The prohibitions in subsection (4) do not apply to:
 - (a) Any **school** property as defined and regulated under s. 790.115.
 - (b) Any correctional institution regulated under s. 944.47 or chapter 957.
 - (c) Any property where a nuclear-powered electricity generation facility is located.
- In section 790.115, the language reads: For the purposes of this section, **“school” means** any preschool, elementary school, middle school, junior high school, secondary school, career center, **or postsecondary school, whether public or nonpublic.**
- Effective Date: July 1, 2008: this was signed into law by the Governor on April 15, 2008..



Rep. Attkisson

BILLS that Did NOT Pass

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. **Perhaps the biggest surprise of the session was that this bill died on the House Calendar** even though early in session they seemed to be on a path to quick passage. Towards the end of Session, it appeared the House thought that Senator Pruitt was so committed to passage that a ‘trade’ could be engineered. However, in the end, there wasn’t enough interest to pull the bill to the top of the “must pass” list. The bills were **Senate Bill 2308 and House Bill 7025**. The bills would have created:

- 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

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. **HB 745 (Precourt)** included a similar provision for excess hours, but it was deleted prior to House Passage.

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.

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

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. This bill died in Council.**

Technical Colleges HB 331

- Authorized Charter Technical Career Centers and public Technical Centers to change their names to Technical "College"; the rationale was to promote their institutions and encourage students to continue on to postsecondary.
- Authorized the use of the name "college" or "technical college" while they pursued SACS accreditation, if their sponsor agreed to the name change.

Bright Futures HB 813/SB 1320

- Would have amended the requirements to receive Bright Futures.
- Revised amounts of awards, with more for students in high demand majors.

Early Voting SB 1628

- Would have allowed Community Colleges to serve as early voting sites.
- Initiative supported by FJCCSGA.

FACC will provide a detailed analysis of the 2008 Legislative Session on the FACC web site under the Advocacy menu. www.facc.org