



**Week One Session Summary  
March 14, 2011**

Welcome to the 2011 edition of the Perception Legislative Update. This member service is provided every Monday during legislative session in order to keep AFC members apprised of what is happening in the Capitol. We provide summaries of numerous high priority bills your AFC legislative committee is monitoring. Each bill is hot linked so you can easily click on it to review its current status.

Legend: HB = House bill  
SB = Senate bill  
CS = Committee substitute bill  
PCB = Proposed Committee bill

**[SB1732](#) by Lynn; [HB 4153](#) by Stargel regarding Baccalaureate Degree governance**

This bill requires the Board of Governors (BOG) and the Higher Education Coordinating Council (HECC) to establish a plan for transfer oversight of FCS institutions to BOG. The BOG and the HECC are to establish criteria for such a transfer. Criteria will include a transfer provision for an institution with 20% or more of its enrollment in upper division courses OR one that constructs dormitories after July 1, 2011. The bill also includes a requirement that the State Board of Education (SBOE) in coordination with the HECC, create a plan to address adult and career education provided in the FCS and K-12, including possible merging & clarifying of jurisdiction over programs. The bill proposes deleting FS1000.07 - business/post-secondary education collaborative. It adds a provision to the Board of Trustees (BOT) duties and responsibilities to include authority to request investigation of the President by Department of Education (DOE) and the Inspector General (IG) and provides for the IG to refer cases to the Florida Ethics Commission and others (including attorney general). The bill also would allow universities to set higher scores for CLEP and it deletes the current exemption for certain students from the requirement to attend summer semester. It also eliminates authority for Colleges to obtain an exemption from going to the SBOE to seek permission for their BOT to offer baccalaureate degrees. The HB 4153 companion so far only includes the deletion of business/postsecondary education collaborative.

**[HB331](#) by Weinstein; [SB534](#) by Wise regarding Fire Safety**

This bill would correct issues that have been challenging the FCS for several years regarding fire safety inspection of campuses. It would eliminate mandatory duplicative inspections by local fire departments. It eliminates “special fire inspector” with a grandfather provision of two years to take the test. The bill would assure that all fire safety inspectors have the same credentials, clarifies inspection responsibility for charter schools, and eliminates unused state reporting.

**[HB35](#) by Ford; [CS/SB84](#) by Lynn regarding College Name Changes**

This bill codifies the name changes for St. Johns River State College, Gulf Coast State College, Pensacola State College, and Valencia College.

**HB 881 by Bemby; SB1194 by Oelrich regarding Postsecondary Education**

This “Division” bill covers several issues related to postsecondary education. It deletes provisions relating to CLAST and the use of test scores for student college-level communication and computation skills. In addition, it provides requirements relating to articulation and establishes an Articulation Coordinating Committee. The bill also revises provisions relating to eligibility to substitute requirements for admission to or graduation from institution, requirements of the common placement testing program, and approval of community service work for eligibility for Bright Futures award.

**HB007 by Chestnut; CS/SB654 by Oelrich regarding Student Transportation Fees**

This bill would authorize Santa Fe College BOT to establish transportation access fee to provide bus transportation for students. The bill limits the amount of the fee to a maximum of \$3.00 per credit hour and provides a timeframe for fee increases and implementation of the increase. The bill prohibits inclusion of the fee in calculating amount student receives under Bright Futures. The bill requires student approval of increase.

**HB523 by Diaz; no Senate companion bill regarding Capital Improvement Fees**

This bill would make it more efficient for colleges to move forward on capital improvement projects. It requires acquisitions of improved real property funded through CIF by district school board or FCS institution to meet certain requirements. It would allow an FCS institution that has not met certain relative space needs (65%) to establish capital improvement fee for five fiscal years. The bill includes specific provisions to limit the maximum fee and uses of funds. An amendment submitted would permit relative need calculations based on individual campuses, not college-wide.

**SB800 by Diaz de la Portilla; HB157 by Campbell; SB836 by Margolis (similar) regarding Tuition Waivers for local government employees**

This bill will authorize state and local government entities to pay for education of employees. It expands fee waivers to include local government employees (law enforcement, fire fighters, correction officers, EMTs or paramedics) for up to six hours per term (credit and non college credit) in space available.

**HB683 by Garcia; SB826 by Fasano regarding resident status for military veterans**

This bill provides in-state tuition granted to all veterans of Armed Services including reserves who attend public college, university, or institution of higher learning are residents for tuition purposes.

**HB171 by Pafford; SB430 by Altman regarding dependent children of military veterans**

This is another veteran-friendly bill that expands the definition of the term "veteran" to include wars since 2001. The bill provides a fee waiver for dependent children of military personnel who die or become 100% disabled from Operation New Dawn or other military operations. To be eligible the veteran must have been a Florida resident during their service.

**CS/SB1130 by Ring regarding the state retirement system**

The AFC has been very integral in shaping this bill for minimum impact on FCS employees. Click on the link [Retirement Bill Analysis](#) for a full description of proposed changes. Passed Senate Government Oversight and Accountability Committee on 3/10/11 by a 12-1 vote. No House bill yet.

**SB1160 by Gaetz; HB825 by Workman regarding DROP**

This bill would prohibit FRS employees retiring on or after July 1, 2011 (or entering DROP on or after July 1, 2011) from receiving both a retirement check and a salary from an FRS employer. The bill applies to all retirement classes and retirement programs. It states that rehired retirees cannot earn a second retirement benefit but the employer still has to pay retirement for the unfunded liability portion

of rehired retiree. These provisions would also apply to retired FRS employees who contracts with FRS employers. Unlike the amendment proposed for SB1130 this bill still allows for re-employment of employees retiring on or after July 1, 2011. Retirees who retired on or prior to June 30, 2011 are not affected.

**HB43 by Smith; CS/SB88 by Gaetz regarding Severance Pay**

This bill would prohibit severance pay for non-elected public officers except under specified circumstances. The bill also contains provisions to prohibit certain limitations on discussing an employment dispute or settlement.

**SB830 by Thrasher; CS/HB1021 by Dorworth regarding Payroll Deduction for Labor Unions**

This bill amends a section of Florida statutes related to Labor and Employment unions. It would prohibit a “state agency” from deducting from employee wages any dues, uniform assessments, penalties, or special assessments of an employee organization. It further prohibits public employee payroll deductions for purposes of political activity, including contributions to a candidate, political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under 501(c)(4), or s. 527, of the Internal Revenue Code. The bill deletes the explicit authorization for “employee organizations” that are the exclusive bargaining agent for a unit of state employees to deduct membership dues. With regard to labor organizations generally, unless an employee has executed a written authorization, the labor organization may not use dues, uniform assessments, fines, penalties, or special assessments paid by an employee to make contributions or expenditures, as defined in s. 106.011, F.S.

**HB1405 by Workman; no Senate companion regarding the Florida Retirement System**

This bill addresses several provisions related to the Florida Retirement System. It revises and provides provisions relating to FRS, including definitions, election of benefits, employer and employee contributions, investment plans, pension plans, DROP, and retiree health insurance subsidies. This bill could become the House vehicle for SB1130.

**SB574 by Wise; HB427 by Tobia regarding Construction Procurement**

This bill applies to colleges and contains several provisions regarding construction procurement including a requirement that a college disclose the amount of funds budgeted for a purchase allowing and bidders to see this information.

**HB923 by Van Zant; SB1352 by Hays regarding Construction Bid Specifications**

This bill removes college BOT authority relative to bid specs. It amends protest notices providing by four additional days. It also would restrict a college’s ability to suspend a supplier’s prequalification process.

**HB89 by Workman, Baxley and Gaetz; SB914 by Bennett regarding Competitive Bids Advertising**

This bill would allow colleges to solicit competitive bids online and expedite the process. However, colleges are not included in section that allows use of legally required advertising and notices to be done online in lieu of using newspaper notices.

**SB964 by Wise; HB1453 by Plakon regarding Construction Liens and Bonds**

This bill states that colleges cannot require a release of lien or waiver, either partial or final, from subcontractors, as a condition to provide payments to contractors or final payments. This would eliminate an effective way in which colleges confirm that the money provided a construction manager or general contractor actually made its way to the subcontractors. Auditors are requiring that colleges “prove that the GMP or cost of the construction, whichever is less, was received by the institution.”

Auditors want evidence which can be supported by these monthly lien waivers and final lien waivers, when the amount of the money received, and not just a date through which they waive any lien rights, is inserted in the lien waiver.

**CS/SB45 by Gaetz; CS/HB402 by Negron regarding Firearms and Ammunition**

This bill would allow colleges to store ammunition for Law Enforcement training. It prohibits knowingly and willfully regulating or attempting to regulate firearms or ammunition in any manner except as specifically authorized. The bill also covers penalties and eliminates the authority of counties to adopt ordinance requiring a waiting period between the purchase and delivery of handgun. The bill also includes that public funds may not be used to defend unlawful conduct of any person charged with a violation of this section and includes fines for governmental entities in whose service or employ provisions of this section are knowingly and willfully violated. The bill provides for investigation of complaints of criminal violations and prosecution of violators by state attorney;

**SB234 by Evers; HB517 by Dorworth (similar) regarding Firearms**

This bill allows for the carrying of concealed weapons by duly licensed citizens. It maintains the current exemption against carrying firearms on a college campus. The House bill does not conform to the Senate bill and does not include the same college campus exemption.

**SB958 by Gaetz, Alexander, and the Finance and Tax Committee regarding State Revenue**

This bill replaces the existing state revenue limitation based on Florida personal income growth with new state revenue limitation based on changes in population and inflation. It would require excess revenues to be deposited into the Budget Stabilization Fund, used to support public education, or returned to the taxpayers. It also adds fines and revenues used to pay debt service on bonds issued after July 1, 2012 to the state revenues subject to the limitation. It would also authorize the Legislature to increase the revenue limitation by a supermajority vote and authorizes the Legislature to place a proposed limitation increase before the voters, requiring approval by 60 percent of the voters.