

UNIVERSITY GOVERNANCE

CS/CS/SB 1270 — Education/University Governance

by Higher Education Appropriations Committee; Higher Education Committee; and Senators Oelrich and Lynn

This bill is the result of a comprehensive review of law regarding governance in higher education. The bill delineates powers and duties in higher education of the Board of Governors of the State University System. It also transfers responsibilities from the State Board of Education or the Commissioner of Education, to the Board of Governors or the university boards of trustees, where the duty relates to a state university and it is appropriate to do so.

This bill establishes the Board of Governors and the university boards of trustees as part of the executive branch of government. As such, these entities are subject to various ethics and accountability standards, as is required of other state entities. Additionally, when operating pursuant to legislative, rather than constitutional, authority, the Board of Governors and the university boards of trustees are required to comply with provisions of the Administrative Procedures Act.

The State Board of Education and the Board of Governors are required to collaborate in certain areas of responsibility, including postsecondary enrollment and state financial aid plans. The bill also requires a coordinated effort regarding articulation, to facilitate a smooth progression for students transitioning from community colleges, or qualifying private institutions, to state universities.

The Board of Governors, or its designee in certain instances, is tasked with duties in the following areas: ensuring access to general education courses, accounting for expenditures, preparing legislative budget requests, developing strategic plans, maintaining an effective information system, establishing an employee personnel system, and administering a program for facility maintenance and construction.

This bill specifies that new colleges, schools, or other programs leading to a degree offered as a credential for a specific license granted by law require specific legislative approval where they are funded through tuition and fees or appropriation.

This bill prohibits the Board of Governors from assessing fees, and universities from charging fees that are not authorized by law.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 108-0

ACADEMIC ENHANCEMENT

CS/SB 1710 — State University Student Fees

by Higher Education Appropriations Committee and Senators Oelrich, Rich, Dockery, and Lynn

The bill authorizes the Board of Governors of the State University System to establish a tuition differential for research universities that meet the criteria for Funding Level 1 and 2 under the 21st Century Technology, Research and Scholarship Act. The tuition differential is a supplemental fee that would be charged for instruction at those universities if it is approved by the Board of Governors. Currently, Florida State University and the University of Florida meet the criteria for Level 1, and the University of South Florida meets the criteria for Level II. The tuition differential at Level 1 schools is capped at 40 percent of tuition. Funding of the tuition differential at Level 2 schools cannot exceed 30 percent of tuition. However, the maximum tuition differential established by the Board of Governors for Level 1 institutions must be at least 30 percent greater than the maximum tuition differential established by the board for Level 2 institutions. The growth of tuition plus the differential cannot exceed 15 percent for any fiscal year. Revenue generated by the tuition differential must be spent solely for improving the quality of direct undergraduate instruction and support services.

The University Board of Trustees of a university which has been authorized by the Board of Governors to charge a tuition differential may establish a tuition differential lower than the maximum authorized by the Board of Governors.

Students who are presently enrolled and remain continuously enrolled would not be charged the tuition differential. A university may waive the tuition differential for students whose financial need meets Florida Student Assistance Grant eligibility criteria.

The bill exempts the tuition differential from the Florida Bright Futures Scholarship Program. Thus, recipients of a Bright Futures Scholarship award would have to pay the fee if the student did not attend the university prior to July 1, 2007, and maintain continuous enrollment.

The bill provides a specific exemption for beneficiaries of the Stanley G. Tate Florida Prepaid College Program for contracts purchased prior to July 1, 2007. The bill permits the Prepaid College Board to offer a tuition differential contract, in conjunction with advance payment contracts for registration fees, after that date.

The bill also clarifies that a university may transfer activity and service, health, and athletic fee revenue to the university direct support organization for the purpose of paying and securing bonds for university capital outlay projects with the approval of the Board of Governors. The amount that can be transferred cannot exceed the amount authorized for debt service on the project.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 28-10; House 79-37

SB 192 — Florida Gulf Coast University/Bachelor of Science Degree/Long-term Care Administration

by Senators Saunders, Constantine, and Aronberg

This bill authorizes the creation of a bachelor of science degree program in long-term care administration at the Florida Gulf Coast University.

This program will provide graduates with skills in the areas of nursing home, assisted living facility, retirement community, hospice, and long-term residential institution management.

Given the continuing increase in seniors represented in Florida's demographics, this program will provide a much-needed service, at the administrative level, to meet the special health and medical care needs of this burgeoning population.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 37-0; House 116-0

HB 515 — University of West Florida/Master of Science Degree/Nursing/Social Work

by Rep. Evers and others (SB 1648 by Senators Gaetz and Crist)

This bill authorizes master of science degree programs in both nursing and social work, at the University of West Florida (UWF).

These programs are created in response to demonstrated current and future projections of significant need in the State of Florida in the areas of nursing and social work.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 35-0; House 115-0

HISTORICAL PRESERVATION

HB 851 — Historic Preservation

by Rep. Proctor and others (CS/SB 2404 by Higher Education Appropriations Committee and Senator King)

This bill provides for the long-term preservation of state-owned historic properties in St. Augustine through a contract with the University of Florida. The university would provide oversight to enhance existing educational programs in historic preservation, archaeology, and cultural resource management at the University of Florida, while simultaneously meeting the needs for historic preservation in St. Augustine. The university may authorize a direct-support organization to assist the university in its role.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 36-0; House 116-0

HB 853 — Public Records/St. Augustine Historic District

by Rep. Proctor and others (CS/SB 2406 by Governmental Operations Committee and Senator King)

This bill exempts from public disclosure the identity of a donor or prospective donor who contributes or may contribute to a direct-support organization of the University of Florida for purposes of historic preservation in St. Augustine, if the donor wishes to remain anonymous.

The exemption sunsets on October 2, 2012, in accordance with the Open Government Sunset Review Act, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 116-0

COMMUNITY COLLEGES

CS/HB 7147 — Postsecondary Education Enhancements

by Policy and Budget Council; Schools and Learning Council; and Rep. Pickens and others (CS/SB 1570 by Higher Education Appropriations Committee and Senator Lynn)

Community College Baccalaureate Degree Programs

The bill specifies that community colleges granting baccalaureate degrees will remain under the authority of the State Board of Education and the community college's board of trustees. In addition to the current authorization for a community college to develop baccalaureate degree proposals that meet local workforce needs, the bill authorizes a community college to develop proposals to deliver baccalaureate degree programs in math and science that would prepare graduates to enter a teaching position in math or science.

At least 90 days prior to its submission to the State Board of Education (SBE) of a plan to offer a baccalaureate degree, a community college must notify the SBE of its intention to do so. The SBE must notify each state university and each regionally accredited private college and university chartered in Florida of the community college's intent. The bill specifies the elements that must be present in formal agreements to deliver baccalaureate degree programs by other institutions at community college sites. State universities have 60 days to submit an alternative plan to offer the baccalaureate degree on the community college's campus. In the absence of a state university proposal, the SBE must provide regionally accredited private colleges and universities 30 days to submit an alternative proposal to the SBE.

Community college boards of trustees have the power to establish tuition and out-of-state fees for upper division courses in baccalaureate degree programs consistent with law and the General Appropriations Act. The bill prohibits the reporting of a non-resident student for tuition purposes in calculating enrollment in community college baccalaureate degree programs, requires funds appropriated for baccalaureate degree programs to be used only for such programs, and establishes state policy that funding for a community college baccalaureate degree program may not exceed 85 percent of the cost of direct instruction in upper level university programs. Community colleges that grant baccalaureate degrees must maintain reporting and funding distinctions between site-determined baccalaureate degree programs and baccalaureate degree programs offered through concurrent-use partnerships.

The bill requires community college faculty who teach in baccalaureate degree programs to teach a minimum of 15 classroom contact hours.

Postsecondary Articulation

The bill requires three reports to Legislative leaders by February 1, 2008:

- The Office of Program Policy and Government Accountability (OPPAGA) must study postsecondary enrollment forecasting models and issue a report;
- The Department of Education (DOE) must review courses in the statewide course numbering system and issue a report; and
- OPPAGA must study the implementation of articulation policies and recommend improvements.

The bill requires a private postsecondary institution that participates in common course numbering to identify in its catalog specific courses that are included in the common course numbering system. The DOE must develop and maintain on the department's website a list of courses in the statewide course numbering system and the institution that offers each course.

The Florida Business and Education Collaborative

The bill establishes the Florida Business and Education Collaborative as an advisory board to make recommendations annually for defining and attaining Florida's economic goals. The Governor must appoint the members of the collaborative, and the membership must include business leaders, members of the Legislature, and leaders of public and non-public community colleges, universities, career schools, and workforce education institutions. The collaborative must recommend measurable performance outcomes and approaches to align educational outputs to Florida's economic priorities.

University Facility Designation

The bill authorizes a state university to name a building, road, recreational complex or other similar facility for a living person if the university board of trustees designates the facility in accordance with rules adopted by the Board of Governors of the State University System.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 119-0

CS/HB 343 — Student Financial Assistance/Need-based Students

by Schools and Learning Council and Rep. Bean and others (CS/CS/SB 918 by Higher Education Appropriations Committee; Higher Education Committee; and Senators Wise and Crist)

The Florida Public Postsecondary Career Education Student Assistance Grant Program

The bill creates the Florida Postsecondary Career Education Student Assistance Grant Program to provide need-based financial aid to postsecondary career certificate students who are enrolled at least half-time in a community college or a career center operated by a district school board. The bill requires postsecondary career certificate students to apply for a Pell Grant, but they are not required to receive a Pell grant in order to receive aid through the Florida Public Postsecondary Career Education Student Assistance Grant Program. A student is eligible to receive an award for 110 percent of the number of clock hours required to complete the program in which he or she is enrolled.

Funds appropriated for the Florida Public Postsecondary Career Education Student Assistance Grant Program would be distributed to eligible community colleges and district school boards in accordance with a formula approved by the Department of Education. Each institution would determine the eligibility status of students. The State Board of Education must establish rules to implement the program.

The Florida Work Experience Program

The bill expands eligibility for the Florida Work Experience Program (FWEP) to include postsecondary students enrolled at least half-time in a career center operated by a school district and students enrolled at least half-time at an Educator Preparation Institute (EPI). The bill allows students pursuing teaching certification in an EPI to be eligible for the FWEP despite having already obtained a baccalaureate degree. Eligible postsecondary career certification programs must be approved by the DOE, and must consist of no less than 450 clock hours of instruction.

The bill expands payment for the program to permit a participating postsecondary institution to be reimbursed for 100 percent of the student's wages, in the same manner as public elementary and secondary school employers. All other employers may be reimbursed for up to 70 percent of the student's wages. An employer must pay no less than the federal minimum wage or the state minimum wage, whichever is greater. Each participating postsecondary educational institution

must furnish the full cost of all pre-employment requirements such as background screening and tuberculosis testing.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 112-0

POSTSECONDARY INSTITUTIONS AND FACULTY

CS/SB 420 — State Retirement Programs

by Governmental Operations Committee and Senator Lawson

This bill requires that a retired officer or employee under the Public Employee Optional Retirement Program meet six years of creditable service, and comply with age and service requirements of state and federal law as a condition of eligibility.

This bill provides greater flexibility to higher education employees regarding participation in optional retirement programs. Public community college or community college-sponsored charter technical career center renewed members in the Regular Class of the Florida Retirement System (FRS); and State University System renewed members of the FRS, are now eligible to participate in these alternative programs.

A one-time opportunity is provided to allow a State University System Optional Retirement Program participant a transfer from that program to the FRS or the Public Employee Optional Retirement Program.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 39-0; House 116-0

CS/CS/SB 1160 — Building and Facility Designation

by Governmental Operations Committee; Higher Education Committee; and Senators Dockery, Hill, and Bullard

This bill authorizes the naming of buildings and facilities associated with universities and state facilities. The bill authorizes the naming of:

- Four facilities at the University of Florida: the “Bispham Turfgrass Support Building,” the “Mark Bostick Golf Course,” the “L. Gale Lemerand Football Support Facility,” and the “Katie Seashole Pressly Stadium”;
- Three facilities at the University of South Florida Tampa Campus: the “Frank and Carol Morsani Center for Advanced Health Care,” the “Glenn Burdick College of Engineering Building,” and the “Alfred and Rose Schiff Dean’s Conference Room”;

- Four facilities at the University of Central Florida: the “Nicholson School of Communication,” the “Anthony and Sonja Nicholson Field House,” the “James and Annie Ying Academic Center,” and the “Burnett Biomedical Sciences Building”;
- One facility at Florida International University as the “Ronald W. Reagan Presidential House”;
- The Department of Education office at 921 N. Davis Street in Jacksonville as the “Mary L. Singleton Education Office”;
- The administration building at the Florida State Hospital in Chattahoochee as the “William DeWitt Rogers Administration Building”; and
- The Florida Center for Nursing located in Orlando as the “Florida Barbara B. Lumpkin Center for Nursing.”

The bill authorizes the University of Florida, University of South Florida, the University of Central Florida, Florida International University, the Department of Education, the Department of Children and Family Services, and the Department of Health to erect suitable markers making the respective facility designations.

If approved by the Governor, these provisions take effect July 1, 2007.

Vote: Senate 38-0; House 114-0

CS/HB 721 — Sales Tax/Postsecondary Bookstore

by Schools and Learning Council and Rep. Proctor and others (CS/SB 2102 by Higher Education Committee and Senator Gaetz)

This bill provides a sales tax exemption for payments made by bookstore operators for the use of the real property where the bookstore is located.

To qualify for the exemption, bookstores must be primarily involved in the types of sales, distribution, and provision of textbooks, merchandise, and services that are traditionally available at college and university bookstores.

Although this exemption operates retroactively to amounts paid on or after January 1, 2006, taxpayers are not entitled to refunds by any government entity for any tax, penalty, or interest paid to the Department of Revenue before the bill becomes law.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-0