

# SPC St. Petersburg College

## *2016 Legislative Session*

### *New Law Summary*

#### Session Highlights

The Florida Legislature's 2016 Regular Session began on January 12, 2016 and adjourned *sine die* on March 11, 2016. A total of 1,880 bills were introduced, although only 279 passed both chambers. The Florida College System tracked over 250 of the introduced bills as having direct or indirect potential to impact the colleges.

Although it appeared the Legislature was positioning itself to pass the budget a week earlier than usual, that did not occur and the General Appropriations Act (GAA) (HB 5001) was passed on the last day of Session. Once a bill passes the Legislature, it must be signed by both presiding officers before being sent to the Governor. There is no restriction on how long this may take. This year, the Governor announced his veto message on the General Appropriations Act before the presiding officers had signed and presented the bill to him, and signed it and the implementing bill (HB 5003) on March 17, 2016.

Three major issues dominated the conversations related to the Florida College System (FCS): a request for an overall increase in funding for the Florida College System, Performance-based Funding, and legislation relating to weapons on campus.

The System received an overall increase of \$53.7 million over the prior year, which included \$10 million distributed pursuant to a funding formula to all colleges.



Legislation passed which placed Performance-based Funding for the College System in statute this Session. The amount of funding subject to performance is to be established in the General Appropriations Act each year. This year, \$30 million of new state money and \$30 million of the institutions' money was identified for performance funding. The metrics placed in statute were basically the same as those put in place in 2015, however, the provisions do allow for a factor related to the Associate of Arts (AA) degree to be applied by the Division.

While none of the bills relating to guns on college campuses passed, the debate was intense and is likely to resurface during the 2017 Legislative Session. The Association of Florida Colleges led the opposition to guns being allowed on campus.

# Table of Contents

Session Highlights	
2016-17 General Appropriations Act (GAA) HB 5001 .....	3
Statewide Funding and Capital Outlay .....	3
Appropriations Proviso and Implementing Bill Issues .....	4
FCS Performance Funding/Industry Certifications.....	5
Implementing Bill for General Appropriations Act, HB 5003 .....	5

## **OTHER BILLS THAT PASSED**

### ACADEMIC PROGRAMS AND SCHOOL CHOICE

School Choice and other Education Provisions: CS/CS/HB 7029.....	6
Culinary Education Programs: CS/CS HB 0249.....	10
Medical Assistant Certification: SB 0238.....	10
Nurse Licensure Compact: HB 1061 and HB 1063.....	10
Workforce Development: CS/SB 7040.....	11
Postsecondary Access and Affordability: CS/SB 7019.....	11

### STUDENTS WITH DISABILTIES

Disabled Students/Dual Enrollment: CS/HB 0837 .....	12
Educational Options: SB 0672.....	13
Individuals with Disabilities: CS HB 7003.....	13

### TEACHER EDUCATION

Education Personnel: CS/CS/HB 0719 .....	13
Teacher Certification: CS/HB 0189.....	14

### VETERANS

Veteran’s Employment: CS/HB 1219.....	14
Veteran’s Credit: CS/HB 1157 .....	14
Veteran’s Fees: HB 0799 .....	15

### K-12 PUBLIC SCHOOLS, CHARTER SCHOOLS, DUAL ENROLLMENT

Bright Futures: CS/HB 0793.....	15
Bullying and Harassment Policies in Schools: CS/HB 0229 .....	15

**FACILITIES AND BUSINESS OPERATIONS**

Dorms: SB 0576..... 15  
Public, Private Partnerships: SB 0124/SB 0126 ..... 16  
Body Cameras: HB 0093 ..... 16  
Evidence Collection: CS/CS/SB 0636 ..... 16  
Online Procurement: CS/SB 0350 ..... 16  
Death Benefits under the Florida Retirement System: SB 7012..... 16  
Trade Secrets: CS/SB 0180..... 17

**PUBLIC RECORDS**

Public Records/Security System Plans: CS/SB 1004..... 17  
Public Records/Contractors: CS/HB 0273 ..... 17  
Public Records/Information Technology Security: CS/SB 0624..... 17  
OGSR\*/Emergency Notification Information: HB 7033..... 18  
OGSR\*/Competitive Solicitations or Negotiation Strategies: CS/SB 7030 ..... 18

**BILLS NOT PASSING**

Licenses to Carry Concealed Firearms or Weapons: SB 0068 and HB 4001 ..... 18  
Weapons and Firearms: CS/CS/CS/HB 0163 ..... 18  
Weapons and Firearms: CS/SB 0300..... 18  
Licenses to Carry Concealed Weapons or Firearms: HB 4031..... 18  
School Safety: HB 4055..... 19  
Public Records: CS/CS/CS SB 1220 and HB 1021 ..... 19  
Home Education/Dual Enrollment: PCS SB 0824 and CS/HB 0835..... 19  
Career and Adult Education: CS/SB 1060 and HB 7017..... 19  
Vocational Rehabilitation: SB 0962 and HB 1359 ..... 21  
Florida Retirement System: SB 7014 and HB 0881 ..... 22  
Public Employees: CS/HB 7107 ..... 22  
School Choice: CS/CS/CS/HB 0669..... 22  
Agency Rules: CS/CS/HB 0953 and CS/SB 1150..... 22  
Computer Coding as Language: CS/CS/SB 0468 and CS/CS/HB 0887..... 22  
Qualifications for Interpreters: CS/SB 0916 and CS/HB 0705..... 23  
Independent Postsecondary Schools: CS/CS/SB 0800 and CS/HB 1053..... 23

**GLOSSARY OF ABBREVIATIONS/DEFINITIONS ..... 24**

## 2016-17 General Appropriations Act (GAA) HB 5001

(Approved by Governor, Chapter No. 2016-66)

### Statewide Funding

The Florida Legislature had significant additional General Revenue available to address budget issues. Funding for the Florida College System (FCS) and the Florida College System Program Fund (FCSPF) increased for 2016-17 from the 2015-16 level by \$53.7 million, a significantly higher increase than was funded in 2015. The overall increase in State funding for the Florida College System is 4.6 %. The Legislature again did not authorize a tuition increase for 2016-17 and capped the amount a college may charge for the distance learning fee at \$15.00 per credit hour.

The Legislature provided funds specifically for compression (\$12.5 million) and equity (\$10 million) which it did not do last year. The Legislature provided \$575,008 to annualize the operating cost of new facilities that had received funding in 2015-16. However, the Legislature did not provide funding for the operation of new facilities coming on line in Fiscal Year 2016-17.

As described elsewhere in the report, a slightly different performance-based funding method was created for the FCS with a \$60 million appropriation including \$30 million in new funds and \$30 million from the institutions' base funding. The Legislature also appropriated \$10 million, twice the 2015 funding, for performance funding based on the number of specified industry certifications earned by each college's student completers.

As part of this year's appropriation, the Legislature again implemented a funding source shift for the Florida College System. Funding from the General Revenue Fund was replaced with \$28,892,846 in funding from the Educational Enhancement Trust Fund (Lottery).

Included in institutional fund appropriations were projects of statewide interest totaling \$12,165,000 at eleven (11) colleges and operational support projects totaling \$9,800,000 at seven colleges.

Additionally, the Legislature again adjusted funding in the Florida College System Program Fund (FCSPF) to reflect a change in Florida Retirement System (FRS) employer contributions and to the Health Insurance Subsidy for Retirees. The net result was an increase of \$3,020,000 in the amount to be contributed to FRS. The change reflects the employer's contribution rates to be paid by the colleges during the 2016-17 fiscal year. These changes are intended by the Legislature to have no net impact on the funds available for college operations.

## College System - Capital Outlay

The Legislature provided \$36.2 million for repair, maintenance, and renovation type projects. These funds are referred to as the “sum of the digits” and are distributed by formula. The Legislature provided \$176,023,443 from the Public Education Capital Outlay and Debt Service Trust Fund (PECO) for twenty-eight (28) projects at twenty-three (23) colleges, including St. Petersburg College. The Governor vetoed \$36,992,044 in projects funded from PECO, reducing the total funding to \$139,031,399. After vetoes, the 2015-16 budget had provided \$78,567,931. To fund this year’s projects, the assumption is that the State will bond PECO for the first time in several years.

## St. Petersburg College

For the 2016-2017 fiscal year, the College will receive funds from the Florida College System Program Fund-Lottery totaling \$16,693,508, and General Revenue Fund in the amount of \$51,974,141. The College will also receive a proportionate amount of Performance-based Funding and repair/maintenance funds as allocated by the Department of Education. St. Petersburg College was one of twenty three colleges to receive fixed capital outlay (PECO) funding, with an appropriation of \$10,000,000 earmarked for the new Student Success Center at St. Petersburg/Gibbs Campus.

## Appropriations Proviso and Implementing Bill Issues

The Legislature has three methods to reflect funding decisions made in the General Appropriations Act (GAA) process. “Proviso” is language in the General Appropriations Act attached to a specific appropriation which directs or authorizes how the funds can be expended. An implementing bill is a substantive bill which provides instructions to enact specific provisions for a GAA appropriation or proviso by changing the law (Florida Statutes) temporarily for one year. This is necessary because the courts have ruled the GAA cannot contradict current law; however, there may be a need to temporarily suspend some provision of law. A conforming bill is a substantive bill which may “travel” with the GAA. It differs from the implementing bill in that it makes permanent changes to Florida Statutes. Individual bills which become law permanently change the law. There was no conforming bill for the 2016-17 Session.

While the Governor may veto the entire appropriations act or exercise his veto by “line item,” he does not have “line item” veto in an implementing or conforming bill, but must act on the entire bill. However, language is contained in the implementing bill (HB 5003) that provides if a specific appropriation, or proviso language relating to a specific appropriation, is vetoed, then language in the implementing bill pertaining to that item is void.

Bills which are passed by the Legislature are sent to the Governor. If the Legislature is not in Session, the Florida Constitution allows the Governor fifteen days after receiving a bill to veto, sign, or let a bill become law without his signature. If the Legislature is in Session, the

Governor has seven days. The Governor acted on the 2016-17 Appropriations Bill, with significant vetoes, and on the 2016 Implementing Bill on March 17, 2016.

## Appropriations Proviso

### FCS Performance Funding/Industry Certifications

An appropriation of \$10 million for industry certification performance included proviso language that identified the programs eligible for funding for 2016-17 (same as 2015-16) to include public safety, health sciences, automotive service technology, auto collision repair and refinishing, cyber security, cloud virtualization, network support services, computer programming, advanced manufacturing, electrician, welding, Federal Aviation Administration airframe mechanics, power plant mechanics, pharmacy technicians, and heating, ventilation and air conditioning technicians.

### FCS Performance Funding

The General Appropriations Act included \$60 million in performance funding for the Florida College System, with \$30 million in new funds, and \$30 million deducted from the Colleges' base funding and potentially redistributed among other colleges based on performance. Details on performance funding are included in the Implementing Bill, HB 5003, and HB 7029.

## Implementing Bill for General Appropriations Act, HB 5003

(Approved by Governor, Chapter No. 2016-62)

The following sections of the Implementing Bill apply to the Florida College System. All sections of the implementing bill that apply to the Florida College System expire July 1, 2017. Where noted, similar or identical language is included in other legislation.

The Implementing Bill establishes the **Florida College System Performance-Based Incentive program**. (See also, CS/CS/HB 7029)

- The State Board of Education is required to adopt metrics and benchmarks, to include:
  - Performance-based metrics which must include retention rates, program completion and graduation rates, post-graduation employment, salaries, and continuing education for workforce education and baccalaureate programs, with wage thresholds that reflect the added value of the certificate or degree and outcome measures appropriate for Associate of Arts (AA) degree recipients.
  - Benchmarks to evaluate each institution's performance on the metrics to measure the institution's achievement of institutional excellence or need for improvement and the minimum requirements for eligibility to receive performance funding.
  - No restriction on the number of times an institution could earn back institutional funding (No restriction was included in the implementing bill, but was included in CS/CS HB 7029).
  
- The bill also creates the **Distinguished Florida College System institution program** to recognize the excellence of Florida's highest-performing institutions. Excellence standards established include:
  - 150% of normal time completion rate of 50% or higher.
  - 150% of normal time completion rate for Pell Grant recipients of 40% or higher.

- Retention rate of 70% or higher.
  - Continuing education, or transfer, rate of 72% or higher for AA graduates.
  - Licensure passage rate on Nursing exam of 90% or higher.
  - Job placement or continuing education rate of 88% or higher.
  - Time-to-degree for students graduating with an AA of 2.25 years or less for first-time-in-college students.
  - Meeting five of the seven results in designation and eligibility for funding.
- This bill caps the **distance learning fee** charged to a student enrolling in a course listed in the distance learning catalog at \$15 per credit hour. Any increase in the current fee must now be approved by the State Board of Education, as opposed to the local board of trustees.
  - It changes the methodology for distributing **financial aid funds** to students in the Florida Public Assistance Grant program, the Florida Public Postsecondary Career Education Student Assistance Grant program, the Florida Private Student Assistance Grant program, and the Florida Postsecondary Student Assistance Grant program.
  - It requires a district school board providing clinical field experience to notify each student of the availability of **educator liability insurance**. The postsecondary educational institution or school board may not require a student enrolled in a teacher preparation program to purchase liability insurance as a condition of participation in any clinical field experience or related activity at a school. (Also included in CS/CS HB 7019)
  - Finally, this bill establishes **the Florida Best and Brightest Teacher Scholarship program**. In order to participate in the program, a teacher must have achieved a composite score at or above the 80<sup>th</sup> percentile on either the SAT or ACT based on the national ranks at the time the teacher took the test, and been evaluated as a highly effective teacher in the school year immediately prior to the year in which the scholarship will be awarded. Charter school teachers are eligible to participate in the program.

## BILLS THAT PASSED

### Academic Programs and School Choice

#### School Choice and other Education Provisions: CS/CS/HB 7029

(Approved by Governor, Chapter No. 2016-237)

- This bill establishes the **Distinguished Florida College System Program**, described above in the Implementing Bill.

- It also establishes in law, rather than proviso or the implementing bill, the **Florida College System Performance-Based Incentive Program** for the Florida College System. It provides that:
  - The State Board of Education (SBE) is to adopt metrics including retention rates, program completion and graduation rates, post-graduation employment, salaries, and continuing education for workforce education and baccalaureate programs with wage thresholds that reflect the added value of the certificate or degree, and outcome measures appropriate for the Associate of Arts (AA) Degree.
  - The SBE is also to adopt benchmarks to evaluate each institution's performance on the metrics and determine whether each institution has achieved excellence or needs improvement.
  - The SBE is required to establish minimum requirements to receive performance funding.
  - Colleges needing to have an improvement plan are required to be monitored, submitting reports by 12/31 and 5/31 of each year. *Beginning 2017-18, ability to submit improvement plan is limited to one each fiscal year.*
  - The amount of funding from the State and the institution's base will be according to General Appropriations Act.
  - The SBE, by Oct. 1, is required to report to the Governor, Speaker and President on prior fiscal year allocations, which must reflect rankings and award distributions.
  - The SBE is required to adopt rules to administer the program.
  - This bill contains two provisions that are different from the Implementing Bill, namely, the one year limitation on improvement plans and outcome measures appropriate to the AA degree.
  
- **Educational Choice**
  - Allows parents to seek any public educational choice options throughout state, including CAPE digital tools, CAPE industry certifications, and collegiate high school programs.
  - Requires fiscal transparency with parents having the right to a report card about school grades, etc., including a school financial report that must indicate the average amount of money expended per student in the school, and which must be included in the school's student handbook.
  - Removes authority of a school board to approve student transfers/eligibility related to athletics.
  - Authorizes public school students to be provided transportation pursuant to open enrollment provisions.
  
- **Controlled open enrollment; public school parental choice**
  - Provides, beginning in the 2017/18 school year, as part of a district's or charter school's controlled open enrollment process, that each school board or charter school must allow a parent from any district in the state whose child is not subject to current expulsion or suspension, to enroll his/her child in and transport his/her child to any public school, including a charter school that has not reached capacity, subject to class size.



- Requires a district or charter school to accept the student and report the student for FEFP funding. A district or charter school may provide transportation.
- Requires that capacity determinations be current and on district websites. School board must incorporate information contained in district facilities plan and long-term work programs. A charter school governing board shall determine capacity based on the charter school contract.
- Requires preferential treatment must be provided to: military dependents; foster care relocations, custody issues or serious illness/death of parent; students residing in district.
- Specifies that students residing in district, including charter school students, may not be displaced by student from another district seeking enrollment.
- Student who transfers may remain at school chosen by parent until student completes the highest grade level at the school.
- Requires school board to post on its website the controlled open enrollment process, academic eligibility criteria, schools not reaching capacity, and school district policy on preferential treatment.
- Requires each school board to annually report the number of students exercising choice by type.
- Specifies that a school district or charter may not delay eligibility or otherwise prevent a student participating in controlled open enrollment of choice program from being immediately eligible to participate in inter and intra extracurricular activities.
- Provides that a student may not participate in a sport if the student participated in the same sport at another school during that school year unless certain criteria are met (e.g. military dependent, etc.).

➤ **Charter schools**

- Clarifies an existing charter school seeking to become a virtual charter school must amend its charter or submit a new application.
- Requires that admission or dismissal from a charter school must not be based on academic performance.
- Provides a process to be followed when a governing board voluntarily closes a charter school; including notice to parents and sponsor, etc.
- Requires charter school, upon approval of contract, to provide sponsor with monthly financial statement summary sheet.
- States that charter school contract is automatically terminated if school earns two consecutive grades of "F" after all grade appeals are final. Provides for notice if charter is terminated.
- Republishes language related to parental involvement and requirements for at least two public meetings in district where the charter school is located.
- Allows students who attend, or are assigned to, failing schools to be eligible for enrollment.
- Authorizes charter school to receive funds from research-based reading allocation.
- Provides payment schedule, and prohibits school board from delaying payment, based on timing of receipt of local funds by school board.
- Specifies that a charter school must be located in Florida to receive capital outlay funds.

- **Requirements for standard high school diploma**
  - Provides that the school board or a charter school may offer students options to satisfy online course requirements for high school, including completion of a course in which the student earns an industry certification identified on the CAPE list in information technology, or passage of the information technology certification examination without enrolling in, or completing, the course, or passing an online content assessment demonstrating such skill and competency.
  
- **Charter schools capital outlay funding**
  - Requires that a charter school must have been in operation for two rather than three years to be eligible for charter school capital outlay, but must have an annual audit with no financial emergency conditions.
  - Deletes existing methodology for distribution of charter school capital outlay and, after base funding, allocates weighted funding based on whether the charter school serves 75% or greater of students who are eligible for free or reduced-price school lunch and/or 25% or greater of students who have disabilities as defined by SBE rule and consistent with IDEA.
  - Requires DOE to calculate the eligible charter school funding allocations. DOE must recalculate the allocations periodically based on receipt of revised information, on a schedule established by the Commissioner.
  
- **Acceleration options**
  - Modifies the Credit Acceleration Program (CAP) Program to include courses required for high school graduation through passage of End of Course (EOC) assessment, Advanced Placement (AP) Exam, or College Level Examination Program (CLEP). District must award course credit to a student not enrolled in the course or who has not completed the course if student attains passing score on EOC, AP, or CLEP. Home education students must be permitted to take an assessment or exam.
  
- **Funds for operation of schools/Dual Enrollment Certificate Funding**
  - Provides for recalculation of ESE Guaranteed Allocation once during the year based on the actual student membership from the October FTE survey.
  - Authorizes equitable distribution of bonus funds awarded for dual enrollment (DE) courses by which student earns certain certifications. Allows for student who earns industry certification via DE, if that certification is not a fundable certification on the postsecondary certification list, to have the bonus value be funded in the same manner as non-dual enrollment course industry certifications. Allows the school district and a college to enter into agreement for equitable distribution of funds.
  - Provides bonuses for students taught by teachers who provide instruction in a course that led to attainment of CAPE industry certification, etc. Increases Bonus award cap to \$3,000.
  
- **Educator certification requirements**
  - Authorizes, rather than requires, a charter school to develop a system by which teachers demonstrate mastery of professional preparation and education competence.

- **Continuing education and in-service training for youth suicide awareness and prevention**
  - Creates statute and authorizes training in youth suicide awareness and prevention training materials for instructional personnel in elementary, middle and high school. If two hours of training is provided for instructional personnel, a school may be considered a “Suicide Prevention Certified School.”
  
- **Contracts with instructional staff, supervisors, and school principals**
  - Clarifies that a retired member may interrupt retirement and be reemployed in any public school as instructional personnel under a one year probationary contract. If retiree successfully completes a probationary contract, a school board may reemploy such retiree under an annual contract. The retiree is not eligible for a professional service contract.
  
- **School Reading requirements**
  - Expands on interventions and instructional supports for K-3 students with reading deficiency, including teacher certifications and training requirements.

## Culinary Education Programs: CS/CS HB 0249

(Approved by Governor, Chapter No. 2016-120)

Defines a culinary education program to be a program that educates an enrolled student in the culinary arts, including preparation, cooking and presentation of food, or a program that provides education and experience in related businesses. It also includes provision for inspection by a state agency for compliance with sanitation standards, and allows a culinary education program with a food service license to obtain a special alcoholic beverage license, with restrictions.

## Medical Assistant Certification: SB 0238

(Approved by Governor, Chapter No. 2016-67)

This bill removes a voluntary provision which recognizes two certification organizations for medical assistants.

## Nurse Licensure Compact: HB 1061 and HB 1063

(Approved by Governor, Chapter No. 2016-139 & 97)

- This bill authorizes Florida to enter into the revised Nurse Licensure Compact (NLC), to address the shortage of qualified nurses in the next decade. The NLC is a multi-state agreement that establishes a mutual recognition system for the licensure of registered nurses and licensed practical or vocational nurses. In 2015, the National Council of State Boards of Nursing adopted revised model legislation for the NLC and required any state entering the NLC to adopt the revised model legislation. The provisions address the expanded mobility of nurses and the use of advanced communication technologies, such as telemedicine.
- HB 1063 provides the public records exemption for certain meetings, records and actions under the NLC, with a repeal date of Oct. 2, 2021 unless saved from repeal.

## Workforce Development: CS/SB 7040

(Approved by Governor, Chapter No. 2016-216)

- This bill retitles regional workforce boards as “local workforce development boards,” and
  - Changes references to Workforce Investment Act to the new Workforce Innovation and Opportunity Act (WIOA).
  - Revises statutes to be consistent with WIOA such that it:
    - Requires a four year plan, rather than a five year plan, and deletes the requirement that the plan address secondary career education.
    - Removes the requirement that to receive grant funding businesses had to be in Florida for one year, have at least one employee, and demonstrate financial viability.
  - Requires CareerSource Florida to enter into a Memorandum of Understanding (MOU) with the Florida Department of Education to ensure federal requirements are met.
  - Eliminates references to a three-tier measurement system.
  - Requires CareerSource Florida to establish regional planning areas by March 1, 2018 in accordance with WIOA. Local boards and elected officials within regional planning areas are to prepare a regional workforce development plan.
  - Requires the local workforce development board to enter into a MOU with partners in the one-stop delivery system, detailing the partner’s required contribution to infrastructure costs. The Governor will allocate the costs if an agreement is not developed.

## Postsecondary Access and Affordability: CS/SB 7019

(Approved by Governor, Chapter No. 2016-236)

- **College Affordability**
  - Requires the State Board of Education and Board of Governors to identify strategies to promote college affordability by evaluating:
    - Tuition and fees
    - Financial aid
    - Cost of textbooks and instructional materials
  - Requires both boards to submit report to the Governor, President, and Speaker on affordability initiatives.
- **Textbooks/instructional materials**
  - Defines instructional materials.
  - Creates new language requiring institutions, each semester, to examine costs of textbooks and instructional materials by course and course section for all general education courses. Review is to identify variance in cost among sections of same course and percentage in use for more than one term.
  - Requires a list of those with wide variance and frequent changes to be sent to department chair. Repeals this section in 2018 unless re-enacted.
  - Allows for local policies that allow, in consultation with providers and bookstores, for use of innovative pricing techniques and payment options. Policies can include bulk pricing so students purchase digital materials. Innovative pricing and payment must

include 'opt-in' provision, and must include documentation of reduction of cost for students.

- Amends language related to posting of textbooks and materials. Includes deadline of 45 days rather than 30 days prior to first day of class, and requires hyperlink to lists. Requires information on 95% of all courses and sections.
  - Amends language to provide more time for the bookstore to source lower costs and explore alternatives with faculty.
  - Requires specific cost-benefit analyses to identify the lowest cost, and consultation with the school district to identify practices that impact cost related to dual enrollment.
  - Requires boards to submit a report to the Chancellor regarding local processes and resulting action.
  - Failed to reinstate the sales tax exemption for textbooks which was adopted in 2015 (sales tax will be collected).
- **Student Tuition/fee** increases
- Requires notice and notification to students of any proposal to increase tuition or fees at least 28 days before consideration by the local Board. Notice to include:
    - Date/time of meeting when will be considered
    - Details of existing tuition/fees, rationale for increase, and how funds will be used
    - Posting on website and press release.

## Students with Disabilities

### Disabled Students/Dual Enrollment: CS/HB 0837

(Approved by Governor, Chapter No. 2016-137)

- For **students with disabilities**:
- Includes a "transition-to-work program" as part of the John M. McKay scholarship.
  - Allows home education students with disabilities to participate in dual enrollment.
- Related to **dual enrollment**:
- Requires eligible postsecondary institutions to submit articulation agreements related to dual enrollment to the Department of Education.
  - Requires private schools to award credit towards high school completion for dual enrollment.
  - Requires private school students to document enrollment in private school; to provide their own transportation and materials unless the agreement says otherwise.
  - Requires private school agreement to include courses and programs available, eligibility requirements, student responsibilities, costs, including tuition and fees, which cannot be passed on to student, and provision stating whether the school will compensate the postsecondary institution for the standard tuition.

- Requires inclusion in an articulation agreement the services and resources available to students with disabilities. The Florida Center for Students with Unique Abilities is to be a resource to the students.

## Educational Options: SB 0672

(Approved by Governor, Chapter 2016-2)

This bill addresses multiple areas in the K-20 education system, but most significantly enhances the educational options for students with intellectual disabilities. It creates a voluntary process for postsecondary institutions to offer a Florida Postsecondary Comprehensive Transition Program for students with intellectual disabilities and creates the Florida Center for Students with Unique Abilities to serve as a statewide information center for students and their families. It also provides payments to school districts and charter schools that have student attire policies in conformance with state guidelines.

## Individuals with Disabilities: CS HB 7003

(Approved by Governor, Chapter No. 2016-3)

This bill:

- Creates a Financial Literacy Program for individuals with developmental disabilities.
- Requires state agencies, including the Department of Education, to develop and implement programs that include internships, mentoring, on-the-job-training, unpaid work experience, and other strategies geared towards individuals who have a disability.
- Defines developmental disability to include Down syndrome.
- Creates the “Employment First Act” to prioritize employment outcomes.
- Creates, in the Department of Economic Opportunity, the Florida Unique Abilities Partner Program to recognize business entities that demonstrate commitment to the independence of those with disabilities.

## Teacher Education

## Education Personnel: CS/CS/HB 0719

(Approved by Governor, Chapter No. 2016-58)

- This bill includes the same provisions on educator liability insurance included in the Implementing Bill. It also,
  - Creates new language related to **school leader preparation programs**. The Department of Education will develop a process to approve programs leading towards the certificate in educational leadership. Two levels are to be offered, and postsecondary institutions can offer Level I.

- Establishes purposes of the new program, as well as the content, process for approval, and requirements for continuation.

### Teacher Certification: CS/HB 0189

(Approved by Governor, Chapter No. 2016-117)

- This bill creates an expedited pathway for an individual with a Florida temporary educator certificate having a master's degree or higher in STEM fields, to earn a Florida professional educator certificate for grades 6-12, without having to take additional coursework if the individual:
  - Meets the general certification requirements;
  - Holds a master's or higher degree in science, technology, engineering, or mathematics;
  - Passes the subject area examination for the correlating certificate;
  - Passes the required professional education competency examination;
  - Teaches a high school course in the subject of the advanced degree; and
  - Is rated highly effective under the school district's performance evaluation system, based in part on student performance as measured by a statewide-standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

## Veterans

### Veteran's Employment: CS/HB 1219

(Approved by Governor, Chapter No. 2016-102)

- Allows each state agency and political subdivision, which includes state colleges, to have a veterans' recruitment plan including annual goals, and requires the Department of Management Services to collect data.

### Veteran's Credit: CS/HB 1157

(Approved by Governor, Chapter No. 2016-142)

- Requires the Department of Education to include the Excelsior College subject examination, Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test, and Defense Language Proficiency Test (DLPT) on the list of acceleration mechanisms for which credit may be awarded.
- Modifies an existing tuition waiver qualification requirement for eligible recipients of a Purple Heart, or superior combat decoration, to include: Any eligible recipient of a Purple Heart, or superior combat decoration, enrolled in an eligible postsecondary institution who currently is a Florida resident, or was a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other superior combat decoration.
- Requires the Department of Education to include successful completion of a United States Defense Language Institute Foreign Language Center program or passing score on the Defense Language Proficiency Test (DLPT) with the documentation an individual may

provide to demonstrate mastery of subject area knowledge for purposes of meeting teacher certification requirements.

### **Veteran's Fees: HB 0799**

(Approved by Governor, Chapter No. 2016-136)

This bill creates an out-of-state fee waiver for an active duty member of the United States Armed Forces residing or stationed outside of the state at the time of enrollment at a State university, Florida College System institution, career center, or charter technical career center. It further requires the Board of Governors or State Board of Education to report the number and value of all fee waivers granted and authorizes the Board of Governors and State Board of Education to adopt regulations and rules to administer this fee waiver.

## **K-12 Public Schools, Charter Schools, Dual Enrollment\***

\*See also HB 7029, Pages 6-8 and HB 0837, Page 12.

### **Bright Futures: CS/HB 0793**

(Approved by Governor, Chapter No. 2016-91)

This bill eliminates outdated eligibility requirements and removes differentiated requirements for specified home education students. It also revises community service requirements, and allows for a deferral of an award for purposes of fulfilling full-time religious service obligations.

### **Bullying and Harassment Policies in Schools: CS/HB 0229**

(Approved by Governor, Chapter No. 2016-119)

Requires each school district to review its bullying and harassment policy at least every three years. Each school principal (including charter school) must integrate the policy with the school's bullying prevention and intervention program.

## **Facilities and Business Operations**

### **Dorms: SB 0576**

(Approved by Governor, Chapter 2106-32)

This bill allows a Florida College System institution to construct dormitories with up to 300 beds, instead of the current 100 beds restriction, to house the institution's students.



## **Public, Private Partnerships: SB 0124/SB 0126**

(Approved by Governor, Chapter No. 2016-154)

This bill addresses the capacity and parameters for a “responsible public entity” to engage in land-based public private partnerships (“P3”). Colleges are not included in the definition of responsible public entity, and hence afforded more flexibility in transacting such land deals.

## **Body Cameras: HB 0093**

(Approved by Governor, Chapter No. 2016-76)

This bill provides, for the colleges that have sworn law enforcement, numerous procedures related to the use of the cameras and the information collected in their use. Law enforcement agencies that permit law enforcement officers to wear body cameras are required to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data, to include:

- General guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;
- Any limitations on law-enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- General guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.

## **Evidence Collection: CS/CS/SB 0636**

(Approved by Governor, Chapter No. 2016-72)

This bill provides that sexual assault test kits or other DNA evidence collected as part of a sexual offence investigation be submitted to the Statewide Criminal Analysis Lab within 30 days of collection or request for testing in accordance with established protocols. Further, it authorizes victims or personal representatives of victims to request testing, however, does not create a private cause of action for a victim where testing does not occur.

## **Online Procurement: CS/SB 0350**

(Approved by Governor, Chapter No. 2016-31)

This bill authorizes Florida College System institution boards of trustees to make purchases through an online procurement system, electronic auction service, or other efficient procurement tool, and to review the purchasing agreements and state term contracts available through the Department of Management Services before purchasing nonacademic commodities and services. It also requires each bid specification for nonacademic commodities and services to include a statement that the purchasing agreements and state term contracts have been reviewed.

## **Death Benefits under the Florida Retirement System: SB 7012**

(Approved by Governor, Chapter No. 2013-213)

This bill authorizes payment of death benefits to the surviving spouse or children of a Special Risk Class member killed in the line of duty under specified circumstances, including death benefits to the surviving spouse or surviving children of a Special Risk Class member in the investment plan.

## Trade Secrets: CS/SB 0180

(Approved by Governor, Chapter No. 2016-5)

Revised the Florida Statutes, 812.081, to include “financial information” within the definition of “trade secret”.

## Public Records

### Public Records/Security System Plans: CS/SB 1004

(Approved by Governor, Chapter No. 2016-178)

Authorizes governmental entities to disclose the plans to certain others without waiving the confidential and exempt status, and provides the circumstances when security system information may be disclosed.

### Public Records/Contractors: CS/HB 0273

(Approved by Governor, Chapter No. 2016-20)

This legislation requires a public agency, including state colleges, to contract for services that are procured pursuant to a written agreement or contract to have such contract include a statement in a prescribed large, boldface font informing the contractor of the contact information of the public agency’s custodian of public records (records custodian) and instructing the contractor to contact the agency records custodian concerning any questions the contractor may have regarding the contractor’s duties to provide public records relating to the contract. It must be clearly communicated that the contractor is responsible for complying with the law, and that the college will not provide legal or business advice to the Contractor with respect to compliance with the law. It further:

- Repeals the requirement that each contract for services require the contractor to transfer its public records to the public agency upon termination of the contract. Instead, the contract must address whether the contractor will retain the public records or transfer the public records to the public agency upon completion of the contract.
- Requires a request for public records relating to a contract for services to be made directly to the contracting agency. If the agency determines that it does not possess the records, it must immediately notify the contractor and the contractor must provide the records or allow access to the records within a reasonable time. A contractor who fails to provide the records to the agency within a reasonable time may be subject to certain penalties.

### Public Records/Information Technology Security: CS/SB 0624

(Approved by Governor, Chapter No. 2016-114)

The provisions of SB 0624 strengthen the confidential and exempt status of information technology security programs. Included are both physical and virtual plans and specifications for detecting, preventing and investigating breaches. The bill authorizes access by Auditor General and office of cybercrime investigations.

## OGSR\*/Emergency Notification Information: HB 7033

(Approved by Governor, Chapter No. 2016-27)

Renews the public records exemption for any information provided to a state agency, including state colleges, for purposes of receiving emergency notifications.

## OGSR\*/Competitive Solicitations or Negotiation Strategies: CS/SB 7030

(Approved by Governor, Chapter No. 2016-49)

Repeals open government “sunset provisions” and preserves public records exemptions related to competitive solicitations and negotiations.

**\*\*\*OGSR – Open Government Sunset Review – generally requires that public records exemptions enacted by the legislature be reviewed and approved by a date certain or the exemption expires or “sunssets.”**

## BILLS NOT PASSING

### Licenses to Carry Concealed Firearms or Weapons: SB 0068/HB 4001

These bills would have revised the law so that holders of concealed carry permits would have been allowed to carry on college and university campuses, with some restrictions on carrying at certain student-oriented events and athletic events.

### Weapons and Firearms: CS/CS/CS/HB 0163

This bill, if enacted, would have provided a right to sue any person or entity whose actions infringed upon an individual’s right to bear arms. It would have retained the right of employers and private property owners to prohibit possession of firearms on their property, and provided immunity for police officers acting in good faith in conducting legally authorized investigations. It would allow individuals holding a concealed carry permit to openly carry a firearm, loaded or unloaded, with certain restrictions, and permitted licensed legislators to carry openly in meetings.

### Weapons and Firearms: CS/SB 0300

This bill would have provided specific guidance to the courts on the standard to be applied in interpreting any statute or rule infringing the right to bear arms, and would have permitted concealed carry permit holders to openly carry, including in meetings of local and state government and other locations.

### Licenses to Carry Concealed Weapons or Firearms: HB 4031

This bill would have allowed a concealed carry permit holder to carry in meetings of local and state government and career centers.

### School Safety: HB 4055

This bill would have allowed a concealed carry permit holder to carry on elementary or secondary school property.

### Public Records: CS/CS/CS SB 1220 and HB 1021

The provisions would revise the circumstances under which a court must assess and award the reasonable costs of enforcement against an agency in a civil action involving public records. It included language to prohibit an assessment and award if the court determines that the public records request was made primarily to harass the agency or cause a violation of the law.

### Home Education/Dual Enrollment: PCS SB 0824 and CS/HB 0835

This bill would have specified that school districts may provide access to career and technical courses for home education program students who enroll for that purpose; that industry certification, national assessments and statewide standardized assessment programs must be made available to home-schooled students, and that parents shall be notified in advance. Home education students enrolled in dual enrollment would be provided an annual reimbursement of up to \$80 for instructional materials assigned for the course. It would have included technology fees in the list of exempt dual enrollment charges for students enrolled in any type of dual enrollment or early admission programs, and specified that dual enrollment program limitations for home school students may not exceed those for other dually enrolled students. Home education dual enrollment students would be required to maintain minimum postsecondary grade point average established by institution for continued dual enrollment participation.

It specified that payment provisions for dual enrollment between public school districts and postsecondary institutions do not apply to an articulation agreement with a private school or home education student, and that postsecondary institutions may enter into private school articulation agreements in compliance with statute, and exempt private school students from same tuition and fees as public schools.

### Career and Adult Education: CS/SB 1060 and HB 7017

#### ➤ **Apprenticeship**

Provisions related to apprenticeship, if enacted, would have redefined “journey worker” more broadly, deleted a reference to required completion of a registered apprenticeship program and a required number of years on the job, and added the requirement for a knowledge of technical subjects related to a specific trade or occupation and specifies multiple paths for doing so (with certain special provisions). It would have clarified that manual, mechanical or technical skills and knowledge be in accordance with the industry standards for the occupation and would require a minimum of 2,000 hours (no change) of “on-the-job training (OJT),” and specified that apprenticeship training, supplementing OJT, may be through occupational or industrial courses or correspondence courses of equivalent value, through electronic media or through other forms of self-study approved by the department. It would have deleted the prohibition of apprenticeships in retailing, selling or similar distributive or managerial fields, as well as in professional or scientific professions requiring an academic degree.

➤ **School District Center and college credit** provisions, would have:

Redefined the Applied Technology Diploma (ATD); deleted technical credit from ATD, retaining college credit courses (only); allowed ATD program to be offered by a public school district or a Florida College System institution; and, deleted requirements that public school district may offer an ATD only as technical credit with college credit awarded via articulation to an FCS institution. It further specified that although a workforce education program may be conducted by an FCS institution or a school district, an associate in applied science or associate in science degree may be awarded only by an FCS institution. Provided that if an AAS or AS degree contains within it an OCP that confers a certificate or and ATD, then that portion of the program may be offered by a school district career center.

The bill would have deleted provisions related to funding for workforce programs, and specified that funding for workforce education programs that is not classified as self-supporting “continuing workforce education” be calculated based on weighted enrollment and program costs, minus fee revenues generated to offset program operational costs. It would have deleted the provision of 75/25 state to tuition funding ratio and removed language based fees for workforce education programs on a uniform fee calculated and set at the state level as adopted by the SBE. School districts and FCS institutions receiving state appropriations for workforce education programs would be required to maintain adequate and accurate records, and file periodic reports as specified.

➤ **Adult Education programs** provisions would have:

- As it related to students studying to achieve basic literacy, eliminated the requirement that students in adult education demonstrate skills at less than a fifth grade level as measured by approved standardized tests.
- As it related to students studying to achieve functional literacy, eliminated requirements that students demonstrate skills at the fifth grade level or higher, but below the ninth grade level as measured by approved standardized tests.

It would have required each school district or FCS institution with an adult high school or offering a high school equivalency examination preparation program to offer at least one online program option that enables students to earn a high school diploma or its equivalent.

It would have deleted the provision that SBE shall define in rule, levels and courses of instruction to be funded through the developmental education programs, and reference that developmental education is part of an AA degree program; deleted the requirement that developmental education and lifelong learning students shall be reported separately; deleted provision that allocations for development education shall be based on proportional FTE; deleted the provision that a student shall be funded to enroll in the same developmental education class within a given skill area only twice, after which he or she shall pay 100% of the full cost of instruction; and, deleted the ability of FCS institution to make exceptions to full cost of instruction provision for developmental education.

- **CAPE Industry Certification and Funding** provisions would have:
  - Raised the number of CAPE Digital Tool certificates from 15 to 30.
  - Deleted the provision that the CAPE Industry Certification Funding list shall be updated solely by the Chancellor of Career and Adult Education.
  - Deleted provision that school districts and FCS institutions that provide workforce education programs shall receive funds in accordance with certain measures.
  - Deleted a requirement that distributions for base and performance funding be established by the Legislature in the GAA.
  - Required operational funding shall be provided to school districts for workforce education programs based on weighted student enrollment and program costs.
  - Created Performance Funding for workforce education programs including:
    - Measures that reward programs that prepare people to enter high-skill and high-wage occupations.
    - Preparing adults who are eligible for public assistance, economically disadvantaged, disabled, dislocated, and/or not proficient in English.
    - Increasing student achievement in adult general education courses by measuring performance output and outcomes, including improvement in student literacy skills, grade-level improvement or attainment of a high school diploma.
    - Performance outcome measures for adult general education programs or placement in and retention of employment after reaching a completion point, including continuation of postsecondary education at a level that will further enhance employment.

It would have deleted a provision establishing a program to assist school districts and FCS institutions in responding to the needs of new and expanding businesses with funding through the GAA.

➤ **Florida Apprenticeship Grant-“FLAG”**

It would have been created to provide grants to career centers, charter technical career centers and the Florida College System on a competitive basis to establish new apprenticeship programs and expand existing apprenticeship programs, with priority to be given to apprenticeship programs in areas of information technology, health, and machining and manufacturing.

➤ **Rapid Response Grants**

It would have established a program to competitively award grants for expansion or implementation of high demand postsecondary programs at career centers. (Other bills included colleges in these grants)

**Vocational Rehabilitation: SB 0962 and HB 1359**

This bill would have created a performance improvement imperative for the Division of Vocational Rehabilitation, including an increase in the number of Postsecondary CAPE certifications earned by Vocational Rehabilitation clients.

### **Florida Retirement System: SB 7014 and HB 0881**

These bills would have permitted certain FRS retirees who are rehired into an FRS regular position to re-enroll in the FRS Investment plan.

### **Public Employees: CS/HB 7107**

This bill would have authorized renewed membership in the investment plan for retirees of the investment plan, the SMSOAP, the SUSORP, or the SCCSORP. Such renewed member will be a renewed member of the appropriate membership class in the investment plan, unless employed in a position eligible for participation in the SUSORP or the SCCSORP, in which case the retiree will become a renewed member of the applicable optional retirement program.

It would also have established new survivor benefits for members of the investment plan who are killed in the line of duty, providing the same survivor benefits to the spouse and children of such member as those currently provided for pension plan members who are killed in the line of duty. The bill would have also provided the survivor benefits for any member of the investment plan who had been killed in the line of duty since 2002, when members were first allowed to participate in the investment plan, through a process for calculating the retroactive benefit.

It would have also established a default from the pension plan to the investment plan for members who do not affirmatively choose a plan. The bill also extended the plan election period to the last business day of the eighth month after the month of hire.

### **School Choice: CS/CS/CS/HB 0669**

This bill would have required that the parent of each public school student in grades 6 through 12 be provided a course syllabus with a complete listing by title of the instructional materials to be used in each course, and identify any material containing mature or adult content. Parents would be notified of the procedures for objecting to his or her child's use of a specific instructional material.

### **Agency Rules: CS/CS/HB 0953 and CS/SB 1150**

These provisions would provide for suspension of rulemaking authority upon expiration of reauthorization until reauthorized by general law, and would have required legislative ratification of rules adopted while rulemaking authority is suspended and authorized the Governor to delay suspension for a specified period.

### **Computer Coding as Language: CS/CS/SB 0468 and CS/CS/HB 0887**


The Senate Bill would have removed the requirement that high schools (including Florida Virtual School) must offer computer-coding courses, to provide that high schools *may* provide computer-coding courses. The House Bill would have directed the Higher Education Coordinating Council to develop recommendations in preparing students for successful postsecondary education and careers in computer science, information technology, and related fields.

### **Qualifications for Interpreters: CS/SB 0916 and CS/HB 0705**

This bill would have required the State Board of Education to adopt rules for educational interpreters to include certain performance assessments, and would have required notification to parents if an interpreter assigned to a student does not meet standards in State Board rule.

### **Independent Postsecondary Schools: CS/CS/SB 0800 & CS/HB 1053**

These bills would have modified the requirements related to the oversight of private postsecondary education institutions operating in Florida, requiring the Commission on Independent Education to prepare an annual accountability report, revise evaluation standards, and establish certain panels and committees to address issues. Disclosure requirements concerning fees and costs would be modified by requiring such to be provided to current and prospective students.



Prepared by the Office of the General Counsel, St. Petersburg College, with excerpts taken from the 2016 Legislation Session Report, prepared by the Florida College System Institutional Lobbyists, Association of Florida Colleges Staff and Lobbyists, and with appreciation of the Florida Department of Education, Division of Florida Colleges.



## GLOSSARY OF ABBREVIATIONS/DEFINITIONS

<b>ACC</b>	Articulation Coordinating Council
<b>BOG</b>	Board of Governors for the State University System
<b>BOT</b>	Board of Trustees
<b>CAPE</b>	Career and Professional Education
<b>CIE</b>	Council for Independent Education
<b>COP</b>	Council of Presidents
<b>CS</b>	Committee Substitute
<b>DBPR</b>	Department of Business and Professional Regulation
<b>DCF</b>	Department of Children and Families
<b>DMS</b>	Department of Management Services
<b>DOE</b>	Department of Education
<b>EOC</b>	End of Course (exam)
<b>FCS</b>	Florida College System
<b>FCSPF</b>	Florida College System Program Fund
<b>FCO</b>	Fixed Capital Outlay
<b>FAFSA</b>	Free Application for Federal Student Assistance
<b>FERPA</b>	Family Educational Rights and Privacy Act
<b>FS</b>	Florida Statute
<b>GAA</b>	General Appropriations Act, also referred to as the budget
<b>HB</b>	House Bill
<b>HECC</b>	Higher Education Coordinating Council
<b>ICUF</b>	Independent Colleges and Universities of Florida
<b>Line Item</b>	The number attached to an appropriation or proviso in the GAA
<b>PECO</b>	Public Education Capital Outlay
<b>PECO Sum of Digits</b>	Funds provided to the colleges for maintenance that is based upon square feet of facility space at the institution
<b>Proviso</b>	Language that directs specific instructions regarding an appropriation in the GAA
<b>SACS</b>	Southern Association of Colleges and Schools (accreditation body)
<b>SB</b>	Senate Bill
<b>SBE</b>	State Board of Education
<b>SCCSORP</b>	State Community College System Optional Retirement Program
<b>SMSOAP</b>	Senior Management Service Optional Annuity Program
<b>SPC</b>	St. Petersburg College
<b>VTC</b>	Vocational Technical Center