

2012 Legislation Session

New Law Summary Report

The Florida Legislature adjourned the 2012 Session during the final hours of Friday, March 9, 2012 with 292 bills passing both the Senate and House. Thirty-five conforming bills were added as statutory changes to both the House and Senate appropriations.

The \$70 billion dollar budget included a 2.8 percent increase for the Florida College System over the previous year's budget, and both the House and the Senate agreed to allow up to a 5 percent tuition increase.

One of the more impactful bills, House Bill 7135, *Postsecondary Education*, included provisions to revise general education requirements beginning with students initially entering a Florida College System institution in 2014-2015. The required number of general education hours was lowered from 36 hours to 30 hours for an associate or baccalaureate degree. The Board of Governors and State Board of Education are required to convene faculty committees to identify statewide general education core course options within certain subject areas. Additionally, foreign language requirements must now be met as part of the graduation requirements for the Associate in Arts degree.

New initiatives include a pilot distance learning project, targeting students who have begun but did not complete a degree. The project, not funded this year, is intended to be spearheaded by the University of West Florida as the lead institution, in partnership with the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College.

The lack of Public Education Capital Outlay (PECO) funding continued to create problems for the Florida College System, with a relatively small amount (\$5.3 million) available for maintenance at all 28 colleges. No projects were funded out of PECO dollars, however Lottery bond proceeds were appropriated to fund selected college projects. The Legislature did provide appropriations to cover the current PECO cash shortage impacting the 2008 and 2010 approved PECO projects.



Florida State Capital building
photo by Infrogmation

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There were several changes to the Florida college governance system, as well as mandates for additional studies regarding higher education governance to be implemented through the Higher Education Coordinating Council (HECC).

General Appropriations Act for 2012-2013 (GAA) HB 5001

The General Appropriations Act (HB 5001) provides funding for the Florida College System. The Community College Program Fund (CCPF) was increased slightly for 2012-13 from the 2011-12 level.

The funding level for the Community College Program Fund was adjusted to reflect a change in Florida Retirement System contributions. An increase of \$7.2 million was provided to fund normal cost increases of the program. The increase was offset by a reduction in funding of \$6.5 million, which reflects the lowered employer's contribution rates which will be charged for members of the CCORP and the Investment programs in 2012-13.

The Legislature provided approximately \$36.1 million to individual colleges resulting in an overall increase in state funding of \$28.3 million or a net increase of 2.8 percent. The Legislature also authorized local boards to increase tuition by up to 5 percent.

GAA provisions concerning Public Education Capital Outlay (PECO) authorized specific colleges to acquire or construct certain facilities from non-PECO sources. Operating costs for new facilities were funded at \$7.3

million, including \$2.1 million in annualization of appropriations from 2011-12 and \$5.2 million for new facilities opening in 2012-13.

Effective July 1, 2012

Approved by Governor with Line Item Veto
Chapter No. 2012-118

Link to [http:// laws.flrules.org/2012/118](http://laws.flrules.org/2012/118)

Appropriations Proviso language, and Implementing and Conforming Bills

The Legislature has three methods to reflect decisions made in the General Appropriations Act (GAA) process. Proviso is language attached to a specific appropriation and directs or authorizes how the funds can be expended. An implementing bill may provide instructions to enact specific provisions in the GAA language or proviso by changing the law on a temporary basis for one year. While the GAA cannot contradict current law, there may be a need to temporarily suspend some provision of law. Finally, a conforming bill may also travel with the GAA. It is different from the implementing bill in that it may make permanent changes to Florida laws.

Proviso following Specific Appropriation 108, General Appropriations Act, includes language relating to the following issues:

- The requirement to submit an operating budget including details for planned expenditures for baccalaureate programs and the source of funds.
- Language regarding the statutory fee increase, if the tuition and fees specified in the General Appropriations Act become law.

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- Language relating to fee waivers for Workforce Development Education.
- Reporting requirements for adult general education programs.
- Language relating to flexibility for each college board of trustees to make adjustments to the operating budget.

HB 5201-Appropriations Conforming Bill: Postsecondary Education Funding

Provisions Included:

1. Auditor General Reporting Requirements Relating to Florida College System Institutions

Section 1, adding paragraph (j) to subsection (7) of section 11.45, Florida Statutes:

Requires the Auditor General to notify the Legislative Auditing Committee if a college or university fails to take full corrective action in response to an audit recommendation that was included in the two previous financial or operational audit reports on the institution.

Authorizes the Joint Legislative Auditing Committee to request the institution to provide a written explanation of why full corrective action has not been taken on the recommendation and, if the response is deemed insufficient, to require the chair of the governing body of the institution, or the chair's designee, to appear before the Committee.

If the Committee determines there is no justifiable reason why the institution has failed to take full corrective action on the recommendation, the Committee may direct the Department of Financial Services to withhold funds until the institution complies with the recommendation.

Requires audits with significant findings for the Florida College System, State University System, and School Boards to be presented and discussed in a public board meeting.

2. Restrictions on Severance Pay Provisions of Employee Contract

Section 4, amending subsection (47) of section 1001.64, Florida Statutes,

Requires severance pay provisions included in employee contracts at public universities and public colleges to conform with s. 215.425, Florida Statutes, which limits such pay to 20 weeks of compensation. Provides further that severance pay may not be provided when the employee is fired for misconduct.

3. Purchasing Consortia; subsection (48):

Requires each board of trustees to use purchasing agreements, state contracts, or to enter into consortia and cooperative agreements to maximize purchasing power for goods and services. The goal is to achieve a 5-percent savings on existing contracts through the use of new cooperative arrangements or new consortium contracts.

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4. **Creation of the Florida Virtual Campus and Expansion of Transient Course Fee**

Section 14, creating s. 1006.73, Florida Statutes:

The Florida Virtual Campus is established which consolidates the Florida Distance Learning Consortium, FACTS.org, the Florida Center for Library Automation (FCLA), and the College Center for Library Automation (CCLA). Funding for the Florida Virtual Campus is evenly split between the Florida College System and the State University System. As part of the reorganization, FACTS.org is no longer required to provide career planning tools for the K-12 students.

Primary responsibilities of the Florida Virtual Campus are to provide access to online student services and library support services, serve as a statewide resource and clearinghouse for postsecondary education distance learning courses and degree programs, and increase student access and completion of degrees. Joint oversight for the Florida Virtual Campus is assigned to Florida College System and State University System Chancellors who shall establish the governing and reporting structure, staffing, and operating budget for the Virtual Campus.

Sections 2, 7, 8, 9, 13, 14, 15, 16, 17, 18, 21, and 22 of HB 5201 also make changes relating to the creation of the Florida Virtual Campus and the de-authorization of the current entities of the Florida Distance Learning Catalog, Florida Distance Learning Consortium, FACTS.org, the Florida Center for Library

Automation (FCLA), and the College Center for Library Automation (CCLA).

The 2011 Legislature required all public postsecondary students taking distance learning classes as transient students apply for transient admission online. That legislation limited the transient admissions fee to \$5.00. HB 5201 expands the online admissions process to be required for ALL transient students and types of courses, in person or distance, with authorization for up to a \$5.00 fee per course.

5. **Degree Completion Pilot Project**

Section 15, creates Section 1006.735, Florida Statutes, effective upon the bill becoming law:

The Pilot Project is designed to recruit, recover, and retain adult learners who have “stopped out” of college prior to attaining a degree. Students must have left college in good standing and have successfully completed college level coursework in multiple semesters. Returning students are to be assisted in obtaining degrees aligned with high-wage, high-skill workforce needs of the State.

The Degree Completion Pilot Project is established with four public institutions in the Pilot. They are the University of West Florida, as the lead institution, the University of South Florida, Florida State College at Jacksonville, and St. Petersburg College. Funding for this Pilot was appropriated, however vetoed by the Governor.

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6. Florida College System Baccalaureate Degree Approval Process

Section 19, deletes current subsection (6) and renumbers current subsection (7) as subsection (6) of section 1007.33, Florida Statutes:

This section removes current language authorizing colleges to apply for an exemption from State Board of Education approval of new baccalaureate degree programs. With the exception of St. Petersburg College authorized pursuant to 1007.33, Florida Statutes, requests for approval of future baccalaureate degree programs must continue to be made to, and approved by, the State Board of Education.

7. Increase in the Student Fee for Capital Improvement (CIF)

Section 21, amending section 1009.23, Florida Statutes, to:

Allow a local board of trustees to increase the charge for the Capital Improvement Fee over time from up to 10-percent of tuition to a maximum of 20-percent of tuition per credit hour for resident students. The maximum increase in any given year remains limited to \$2 per credit hour over the prior year.

8. Fee Exemption for Workforce Education Program Students

Section 23, amending subsection (1) of section 1009.25, Florida Statutes:

This section amends language to specify that exemptions from tuition and fees, including lab fees at a school district, Florida College System college, or state university apply to students in workforce education programs and not postsecondary career programs.

9. Excess Hour Surcharge

Section 24, amending sections (2) and (7) of section 1009.286, Florida Statutes:

For First-Time-In-College (FTIC) students who enroll in the State University System in 2012-13, and who maintain continuous enrollment, a 100% tuition surcharge is established for hours over 110% of the required number to receive specific baccalaureate degrees, however not to include students attending State Colleges.

10. Bright Futures Scholarship Eligibility Requirements

Section 25, amending sections (2) and (7) of section 1009.531, Florida Statutes:

Provides that high school students graduating in the 2012-13 academic year and thereafter will have 2 years instead of 3 years to accept an initial award. Students will have 5 years after high

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school graduation to receive renewal awards. Grounds for an extension of one year to renew an award are specified as a verifiable illness or other documented emergency.

To be eligible for an initial award or to renew an award, students will be required to submit a Free Application for Federal Student Aid. Currently, only initial award applicants are required to submit the form.

- **Bright Futures Gold Seal – Renewal Awards and Gold Seal Awards**

Section 26, amending subsection (3) of section 1009.532, Florida Statutes:

Limits use of the Bright Futures Scholarship to 100 percent of the number of credit hours to complete an associate or baccalaureate degree program, or a postsecondary career certificate program for students initially eligible in the 2012-13 academic year.

Florida Gold Seal Vocational Scholars awards are limited to 100-percent of the hours required to complete one of the following: applied technology diploma programs (up to 60 credit hours or the equivalent), technical degree or career certificate programs (not to exceed 72 credit hours or the equivalent).

- **Bright Futures Award Amounts to be Specified in the GAA**

Section 27, 28, and 29:

Specifies that the award amount for each Bright Futures Scholarship Program shall be the amount set in the General Appropriations Act. Removes existing language tying the award amounts to tuition and fees.

Restrictions relating to secondary school career credits are removed.

To receive the Florida Medallion Scholars Award or the Florida Gold Seal Vocational Award, home school students are required to complete a program of community service work the same as are public high school students.

NOTE: An Increase in the Grade Point Average for renewal of Bright Futures awards was not included in the Final Version of the Bill

11. Review of Audit Findings at a Public Meeting

Section 35, amending section (2) of section 1010.30, Florida Statutes:

This section provides that if a Florida College System institution has a significant finding in an audit, the board of trustees shall conduct an audit overview during a public meeting.

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12. Co-Enrolled Student Funding and Fees

Section 36, amending section 1011.80(10), Florida Statutes:

Authorizing students who are co-enrolled in core curriculum courses for credit recovery or dropout prevention during 2012-2013 and do not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, to be reported for funding for up to two courses per student. These students are exempt from being charged adult general education tuition.

13. Contract Language for Administrative and Instructional Staff

Section 37, amending section 1012.83, Florida Statutes, to:

Require that each contract or employment agreement, or renewal or renegotiation of an existing contract or employment agreement which contains a severance pay provision must include the following provisions in the contract:

A requirement that severance pay provided may not exceed an amount greater than 20 weeks of compensation.

A prohibition of provision of severance pay when the officer, agent, employee, or contractor has been fired for misconduct, as defined in s.443.036(29), by the unit of government.

14. Restrictions on the Remuneration of Florida College System Presidents and Administrative Employees

Sections 38, and 39:

Continues for fiscal year 2012-13, the current restrictions against using state appropriated funds in excess of \$200,000 to pay the salary of presidents or administrative employees.

*Effective July 1, 2012
Chapter 2012-134*

Other Key Legislation Impacting State Colleges

Institutional Governance

SB 368 — Financial Emergencies

This bill allows governmental entities in a state of financial emergency to consult with other governmental bodies regarding the consolidation of administrative and support services.

Plans created to end a financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative direction or support services. In addition, this bill provides that governing board members who fail to resolve a financial emergency may be suspended from office by executive order.

The bill also incorporates two provisions recommended in the Auditor General's Local Government Financial Reporting System Performance Audit. The first provision requires auditors to consider a deficit fund balance or deficit net assets balance in determining whether deteriorating financial conditions exist that are required to be discussed with a governing body. The second provision stipulates a 45-day time frame within which local government entities must respond to requests for information by the Governor or the Commissioner of Education and establishes consequences for the failure to respond.

*Effective July 1, 2012
Chapter 2012-38*

HB 541 — Administrative Procedures

This bill revises statutory provisions relating to the Florida Administrative Code and the Florida Administrative Weekly.

In pertinent part, changes include:

- Changes the name of the Florida Administrative Weekly to the Florida Administrative Register.
- Provides that the electronic versions of the Florida Administrative Code and the Florida Administrative Register are the official versions of the state.
- Removes requirement that the Department of State must publish a printed version of the Florida Administrative Code.
- Allows the Department of State to contract with a publisher to provide printed publications of the Florida Administrative Code and the Florida Administrative Register.
- Removes requirement that the Department of State provide free print copies of the Florida Administrative Register to various federal and state government entities.
- Requires the Department of State to continually revise the Florida Administrative Register.
- Requires that adopted rules and material incorporated by reference be filed in an electronic format.

*Effective October 1, 2012
Chapter 2012-63*

HB 7135 (SB 1366) — Higher Education/ Economic Security Report

This bill requires changes in educational reporting to better inform students and their parents of the employment and economic outcomes for certificates and degrees earned at Florida College System institutions and state universities.

The bill requires the Department of Economic Opportunity to prepare an economic security report on the employment and earnings of graduates of a degree or certificate program at public postsecondary educational institutions and for Florida College System institutions to provide students electronic access to the economic security report beginning in 2014-2015.

The State Board of Education shall adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM) to improve K-20 STEM education and prepare students for high-skill, high-wage, and high-demand employment and identify performance metrics for FCS institutions and state universities, respectively. The metrics must include student retention, graduation, employment, licensure passage, excess hours, student loan burden and default rates, faculty awards, and other measures. The bill revises procedures for a Florida College System institution's provision of a baccalaureate degree program by requiring a Florida College System institution to receive State Board of Education approval for new baccalaureate degree programs.

The State Board of Education is to clarify the mission statements of each institution and its role within the Florida College System as

a whole and to establish criteria for service delivery areas of Florida College System institutions authorized to grant baccalaureate degrees.

Each Florida College System institution offering baccalaureate degree programs shall report its status annually using specific performance and compliance indicators related to the institution's baccalaureate degree programs.

General Education Requirements for an Associate or Baccalaureate Degree

Regarding the general education requirements for an associate or baccalaureate degree, the bill:

- Reduces the general education course requirements from 36 semester credit hours to 30 semester credit hours, beginning with students initially entering a Florida College System institution in 2014-2015;
- Requires general education core course options to consist of a maximum of five courses within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, and requires a student to complete one course in each of those areas; Requires that associate in arts degree students demonstrate competency in a foreign language; and
- Requires the chairs of the State Board of Education and the Board of Governors to jointly convene faculty committees to identify statewide general education core course options.

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- The bill gives the Commissioner of Education the authority to investigate or review practices, procedures, or actions at a Florida College System institution which appear to be inconsistent with sound financial, management, or academic practices.

Effective July 1, 2012
Chapter 2012-195

Public Records

SB 570 — Public Records/Donor Identity/ Publicly Owned Performing Arts Center

This bill creates a public records exemption for information that identifies a donor or a prospective donor to a publicly owned performing arts center should the donor wish to remain anonymous. The exemption is subject to legislative review and repeal under the provisions of the Open Government Sunset Review Act. The bill contains a statement of public necessity as required by the State Constitution.

Effective October 1, 2012
Chapter 2012-12

HB 629 — Public Records/Personal Identifying Information/Certain Current and Former Public Employees, Spouses, and Children

The bill expands the public record exemptions for identification and location information of certain public employees to include dates of birth of the public employees and of their spouses and children. It also specifies that the public record exemption for identification and location information of law enforcement personnel applies to sworn and civilian law enforcement personnel.

The current exemption for identification and location information applicable to the judiciary is expanded to include former justices and judges, and their spouses and children.

The bill deletes the current statutorily-required repeal of public records exemptions that apply to magistrates, administrative law judges, guardians ad litem, public defenders and others.

The bill defines the term “telephone numbers” to include home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

Effective October 1, 2012
Chapter 2012-149

Employment Related

SB 878 — Florida College System Personnel Records

The bill narrows the public records exemption for employee records maintained by a Florida College System institution. The definition of limited-access records includes only academic evaluations of employee performance, records of investigations of employee misconduct, disciplinary proceedings, and grievance proceedings.

The bill requires that records relating to a complaint, investigation, or disciplinary proceeding must be made public after a final decision has been made in the investigation or proceeding.

While the bill makes academic evaluations of employee performance exempt from public records requirements, it does not exempt other types of employee performance evaluations. Thus, evaluations of employee performance, other than academic performance, would be public.

Effective July 1, 2012
Chapter 2012-46

HB 943 — Background Screening

The bill makes a number of changes to background screening requirements, primarily relating to individuals who work and volunteer with vulnerable populations.

Specifies that employers of direct service providers previously qualified for employment or volunteer work under Level 1 screening

standards, and individuals required to be screened according to the Level 2 screening standards, shall be rescreened every five years, except in cases where fingerprints are electronically retained.

Provides that employees may be hired before completing the background screening process but those employees may have no direct contact with vulnerable persons; Waives the additional background screening requirement for Certified Nursing Assistants (CNA) under certain circumstances; and provides for requirements relating to fingerprinting including who may take the prints, standards for vendors, and fee collection. The bill also provides for the creation of the Care Provider Background Screening Clearinghouse.

Effective April 6, 2012.
Chapter 2012-73

HB 1205 — Drug-Free Workplaces

This bill amends drug-free workplace provisions in s. 112.0455, F.S., concerning state agency employees, and s. 440.102, F.S., concerning employers and employees covered under the Workers' Compensation Law. It authorizes state agencies to conduct random drug testing on all employees every three months. Employees to be tested must be chosen via computer-generated random sampling by an independent third party, and each sample may not constitute more than ten percent of the total employee population. Agencies may also administer drug tests to all job applicants. Drug testing must be conducted within each agency's appropriation.

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The bill also revises provisions related to discipline and management of state agency employees with positive drug tests. An agency may discipline or terminate the employment of any employee who receives a first-time positive drug test. If the employee is not discharged, the employer may refer him or her to an employee assistance program or alcohol and drug rehabilitation program, in which he or she may participate at personal expense or at the expense of a health insurance plan. The employer must determine whether the employee is able to safely and effectively perform assigned job duties while participating in such programs, and if the employee is deemed unable to do so, he or she must be placed in a job assignment which can be performed during that time or placed on leave status.

Certain employees, such as those who carry firearms or work with children, are automatically considered to be unable to perform their duties while participating in employee assistance programs or alcohol and drug rehabilitation programs.

Effective July 1, 2012
Chapter 2012-8

HB 5005 — Retirement

This bill provides for the following:

- Reduces the employer contribution rates into the Community College System Optional Retirement Program.
- Reduces the employer contribution rates into the Senior Management Service Optional Annuity Program.

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- Reduces the employer contribution rates into the State University System Optional Retirement Program.
- Adjusts the employer-paid contribution rates for normal cost and unfunded actuarial liability for the Florida Retirement System (FRS), based on the 2011 Actuarial Valuation, as adjusted by the changes to the Investment Plan allocations.
- Reduces the allocation rates for all retirement classes being deposited into Investment Plan member accounts.

Effective July 1, 2012
Chapter -2012-146

HB 5203 — Re-employment Services

This bill, in pertinent part, impacts the Florida College System in that it repeals and terminates the Workers' Compensation Administration Trust Fund within the Department of Education.

Amends s. 440.491, F.S., as follows:

- Transfers responsibilities for training and education of injured workers to the Department of Financial Services.
- Authorizes the Department of Financial Services to contract with one or more third parties to administer functions of training and education.
- Requires that persons or firms selected to administer reemployment services may not have a conflict of interest.

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- Prohibits a rehabilitation provider who contracts with the department to provide injured employees reemployment assessments and other services from providing training or education to the injured employee.

*Effective July 1, 2012
Chapter 2012-135*

HB 7027 — Unemployment Compensation

This bill rebrands the state's unemployment compensation program in Chapter. 443, Florida Statutes, as the "reemployment assistance program."

Related to Benefits

The bill makes several changes related to benefits, including:

- Individuals who fall below the minimum score on the initial skills review may elect to take workforce skills training.
- Increasing the period of disqualification for making a fraudulent claim from the time that the fraudulent claim was made until 1 year after a fraud is discovered or until all fraudulent overpayments are repaid in full.
- Applying certain restrictions on the payment of benefits to an individual employed by an educational institution to an individual who provides services to an educational institution through a contract between the individual's employer and the institution (effective July 1, 2013).

Further, the bill codifies Executive Order 12-03 extending the temporary state extended benefits program.

*Effective, in part, on July 1, 2013
Chapter 2012-30*

HB 7079 — State Retirement

The bill makes the following conforming and clarifying changes to the Florida Retirement System:

- Clarifies that the provisions of part I of the Florida Retirement System Act are applicable to parts II and III of the act. Revises definitions to make clarifying changes. Allows a retiring member of optional retirement programs to receive a benefit distribution of up to 10 percent of their account balance one month after termination.
- Clarifies that the existing prohibition on hardship loans does not apply to a requested distribution for retirement, a mandatory distribution authorized by the administrator, or a required minimum distribution provided pursuant to the Internal Revenue Code. Conforms the deferral age for participants of the Deferred Retirement Option Program initially enrolled in the FRS on or after July 1, 2011, to changes made in 2011 by Senate Bill 2100.
- Clarifies that a retiree of the FRS investment plan, or optional retirement program, who is reemployed on or after

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July 1, 2010, is prohibited from being reenrolled as a renewed member of a state-administered retirement system.

- Clarifies that members of the State University System Optional Retirement Program may receive payment of benefits from either annuity contracts or investment contracts, and clarifies the definition of the term "benefit."

Effective July 1, 2012
Chapter 2012-222

Health Related Programs

HB 479 — Animal Control

This law expands the list of drugs that can be used to euthanize and immobilize domestic animals. It allows the Board of Pharmacy, at the request of the Board of Veterinary Medicine, to expand the list of drugs that may be used to euthanize or immobilize domestic animals if findings support the addition of drugs to the list for humane and lawful treatment of animals. The bill limits the possession and use of these drugs to animal control officers and employees or agents of animal control agencies and humane societies while operating within the scope of their employment or official duties.

The law clarifies that the Department of Health is responsible for issuing the permit, by removing an outdated reference to the Department of Business and Professional Regulation being responsible for issuing the permit. The bill provides the Department of Health and the Board of Pharmacy with the authority to deny a permit, or fine, place on probation, or otherwise discipline an applicant or permittee for failure to maintain certain standards or violation of statutes. The bill allows the Department of Health to immediately suspend a permit through emergency order upon a determination that a permittee poses a threat to public health, safety and welfare.

The bill eliminates food-based delivery of euthanasia drugs as an acceptable method of euthanization. The bill permits euthanasia by intracardial injection only upon a dog or cat which is unconscious and exhibits no corneal reflex.

Lastly, the bill requires an animal control officer, a wildlife officer, and an animal disease diagnostic laboratory to report to the Department of Health knowledge of any animal bite, diagnosis or suspicion of a group of animals having similar disease, or any symptom or syndrome that may pose a threat to humans.

Effective July 1, 2012
Chapter 2012-175

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HB 653 — Health Care Fraud

The bill amends s. 456.0635, F.S., to ease licensure and licensure renewal requirements for health care practitioners who have been convicted of a felony under ch. 409, F.S., relating to social and economic assistance, including the Florida Medicaid program; ch. 817, F.S., relating to fraudulent practices; ch. 893, F.S., relating to controlled substances; or a similar felony offense committed in another state or jurisdiction. The bill establishes differing timeframes for which an applicant must wait for licensure approval depending upon the nature of the conviction.

In order to be licensed or to renew a license an applicant must not have been convicted of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, an offense under the specified laws:

- For felonies of the first or second degree, more than 15 years before the date of application.
- For felonies of the third degree, except those under s. 893.13(6)(a), F.S., relating to unlawful possession of controlled substances, more than 10 years before the date of application.
- For felonies of the third degree under s. 893.13(6)(a), F.S., more than 5 years before the date of application.
- Have been convicted of or entered a plea of guilty or nolo contendere to, regardless of adjudication, a felony under 21 U.S.C. ss. 801-970, relating to federal controlled substance laws, or 42 U.S.C. ss. 1395-1396,

relating to the federal Medicare, Medicaid, and related programs, unless the subsequent conviction or plea ended more than 15 years before the date of application;

- Have been terminated for cause from the Florida Medicaid program, unless he or she has been in good standing for the most recent 5 years (already in statute);
- Have been terminated for cause from any other state Medicaid program unless he or she has been in good standing with a state Medicaid program for the most recent 5 years and the termination occurred at least 20 years before the date of application (already in statute); or
- Be currently listed on the United States Department of Health and Human Services Office of Inspector General's List of Excluded Individuals and Entities.

These provisions do not apply to applicants for initial licensure who were enrolled in an educational program recognized by the Department of Health on or before July 1, 2009, and who applied for licensure after July 1, 2012.

A person who is denied licensure renewal under the provisions of this bill may only regain licensure by meeting the qualifications and completing the application process for initial 2012 licensure as defined by the appropriate practice board or the Department of Health.

*Effective July 1, 2012
Chapter 2012-653*

SB 1040 — Practice of Dentistry

The bill allows dental hygienist licensure applicants to have taken certain examinations any time prior to licensure application, rather than within 10 years of application, and adds certain criteria to licensure requirements relating to prior disciplinary action or to criminal convictions related to the practice of a health care profession. The bill designates the Dental Hygiene Examination produced by the American Board of Dental Examiners (ADEX) as the official practical examination for licensure of dental hygienists in Florida and specifies certain conditions related to Florida representation on ADEX governing boards as well as other conditions. The bill provides for licensure of dental hygienists who took the ADEX in another state.

The bill also allows dental hygienists to administer local anesthesia under the direct supervision of a dentist if the hygienist completes an educational course in anesthesia administration, maintains CPR certification, and is certified by the Board of Dentistry (a \$35 fee is required). Anesthesia certification never has to be renewed.

Effective March 23, 2012

Chapter 2012-14

Facilities

HB 465 — District School Board Bonds

This bill revises the requirements for the form and duration of school district bonds to:

- Allow bonds to be issued for a period of 30 years, instead of 20 years, from the

date of issuance, unless the Department of Education approves a longer period; and

- Remove the requirement that bonds bearing interest in excess of 2.99 percent must be callable beginning not later than 10 years from the date of issuance, thus allowing the school board to set the terms and the time period under which bonds will be callable.

Effective July 1, 2012

Chapter 2012-52

SB 704 — Building Construction and Inspection

This bill amends a number of provisions related to building construction and inspection in Florida, and provides in part:

- How local government code enforcement boards serve notices on property owners;
- Requires public bodies to open sealed bids for construction and repairs to public buildings at a public meeting;
- Authorizes building and fire code administrators to accept electronically transmitted construction plans and related documents for permit approval purposes;
- Includes fire safety inspectors among those eligible to take the building code inspector or plans examiner certification exam and shortens the time length of a provisional certificate for newly

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employed or promoted inspectors or examiners;

- Includes landscape architecture in the mold assessment exemption;
- Clarifies that a landscape design practitioner may submit planting plans independent of, or as a component of, construction documents;
- Creates an owner-as-contractor licensure exemption for persons engaged in solar panel projects through the U.S. Department of Energy's Sunshot Initiative; provisions to facilitate the electronic submission of permitting applications for these solar projects are created;
- Expands the meaning of 'demolish' as it is used to define licensed contractors;
- Modifies plumbing contractor scope of services to include drain cleaning and clearing, and installation or repair of rainwater catchment systems;
- Expands the roofing contractor licensure scope of work to include skylights;
- Expands air conditioning and mechanical contractor licensure to include the testing and evaluation of ventilation systems and duct work;
- Clarifies the responsibilities of certified contractors and registered contractors, specifically clarifying that contractors

can perform and supervise all work which falls within the scope of their license, whether that work is performed by a subcontractor or a business entity hired by and supervised by the licensed contractor.

*Except as otherwise expressly provided in this act and section 20, this act shall take effect July 1, 2012
Chapter 2012-13*

HB 1355 — Protection of Vulnerable Persons

This bill increases mandatory reporting to the Florida Abuse Hotline related to children who are the victims of child abuse, abandonment, or neglect, including sexual abuse, by requiring any person to report known or suspected abuse of a child regardless of who is the suspected perpetrator. The bill also requires any person who knows or has reasonable suspicion that a child is a victim of childhood sexual abuse to report that knowledge or reasonable suspicion.

A one million dollar fine will be assessed for each Florida College System institution whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment, or neglect committed on campus or during a college sponsored event or function, or who knowingly and willfully prevent another person from doing so.

*Effective October 1, 2012
Chapter 2012-155*

Educational Programs

HB 45 — Postsecondary Education Course Registration for Veterans

The bill requires public postsecondary institutions that offer priority course registration to a segment of the student population to provide priority course registration to veterans of the U.S. Armed Forces who are receiving GI Bill educational benefits. The bill also allows for a veteran's spouse or dependent children to whom the GI Bill educational benefits have been transferred to be granted priority course registration. Additionally, the bill encourages independent postsecondary institutions to provide the same benefit of priority course registration to veterans and their dependents as public postsecondary institutions are required to provide under the bill.

The bill will enable veterans who are utilizing GI Bill educational benefits to have greater access to available courses, thereby decreasing the number of excess hours taken by veterans and reducing the time to graduation.

*Effective July 1, 2012
Chapter No. 2012-162*

SB 98 — Education

The bill authorizes district school boards (including application to charter schools) to adopt policies which would permit a student to deliver an inspirational message at a student assembly. The bill clarifies that students retain control over the decision to provide an inspirational message and the choice of student volunteers to deliver the message. The content of the message

is entirely at the discretion of the student volunteer. School district personnel are prohibited from involvement in the following: Determining whether an inspirational message is to be delivered; Selecting a student to deliver the message; and Monitoring or reviewing message content.

The bill provides as its purpose the formal or ceremonious observance of an occasion or event.

*Effective July 1, 2012
Chapter 2012-9*

HB 347 — College Credit for Military Training and Education Courses

The bill requires the State Board of Education to adopt rules to provide guidance to their respective institutions in evaluating and awarding college credit for training and education acquired in the military. The procedures established in the rules and regulations will allow for a more uniform approach in evaluating and awarding college credit for military training and education across public higher education institutions in Florida.

*Effective July 1, 2012.
Chapter 2012-169*

HB 7059— Acceleration Options in Public Education

The bill requires that the strategic plan developed by school districts, regional workforce boards, and postsecondary institutions address advisement and recruitment of students into career-themed

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courses and redirection of funds to support career courses and academies; Shortens the timeline for the curriculum review committee to approve or deny newly proposed workforce-related core courses; Requires the State Board of Education to adopt rules that include STEM industry certifications offered in middle school on the Industry Certified Funding List; Requires one career course for middle grade promotion that is focused on workforce trends and labor market demands; and Requires a student who enrolls in and completes a career-themed course to have opportunities to earn postsecondary credit when applicable.

Early High School Graduation

The bill provides an early graduation option for a student upon earning 24 credits that meet high school graduation requirements. If a student graduates early, the district will receive funding for unpaid high school credits.

For students who graduate one year early, funding may be provided up to the dollar equivalent of one full-time equivalent (FTE).

Dual Enrollment Programs

The bill provides student eligibility criteria for continued enrollment in dual enrollment courses.

Additionally, the bill:

- Provides requirements for faculty members providing instruction in college credit dual enrollment courses;
- Provides curriculum standards for college credit dual enrollment courses;

- Authorizes participation at a Florida College System institution based upon capacity, as specified in the dual enrollment articulation agreement;
- Establishes the college credit hours for participation in an early admission program;
- Provides home education student eligibility criteria and requires a home education articulation agreement;
- Provides requirements for developing a school district and Florida College System institution dual enrollment articulation agreement;
- Repeals a provision that provides for school districts and postsecondary institutions to conduct Advanced Placement instruction within dual enrollment courses; and
- Requires the Department of Education to develop an electronic system for submitting dual enrollment articulation agreements for compliance review.

Finally, the bill eliminates an exemption from the Florida College System institution admission requirements for secondary students who are not participating in dual enrollment. These are students who are enrolled in college level instruction creditable toward an associate degree, but not towards a high school diploma.

*Effective July 1, 2012
Chapter 2012-191*

2012 Legislation chart

Bill text and web url	Citation	Effective date	Departments impacted
1. Postsecondary Education Course Registration for Veterans http://laws.flrules.org/2012/162	HB 45 Chapter 2012-162	7/1/2012	Veterans Affairs Academic Affairs
2. Relating to Education http://laws.flrules.org/2012/9	SB 98 Chapter 2012-9	7/1/2012	Collegiate High School Early College Dual Enrollment
3. Relating to College Credit for Military personnel http://laws.flrules.org/2012/169	HB 347 Chapter 2012-169	7/1/2012	Academic Affairs Veterans Affairs Enrollment Management
4. Relating to Financial Emergencies http://laws.flrules.org/2012/38	SB 368 Chapter 2012-38	7/1/2012	Business Services President Board of Trustees
5. Relating to District School Board Bonds http://laws.flrules.org/2012/5	HB 465 Chapter 2012-52	7/1/2012	Facilities Business Services Collegiate High School
6. Relating to Animal Control http://laws.flrules.org/2012/173	HB 479 Chapter 2012-173	7/1/2012	Veterinary Technology Program
7. Relating to Administrative Procedures http://laws.flrules.org/2012/63	HB 541 Chapter 2012-63	10/1/2012	General Counsel Business Services
8. Relating to Public Records http://laws.flrules.org/2012/12	SB 570 Chapter 2012-12	10/1/12	Business Services Palladium Theatre

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2012 Legislation chart continued

Bill text and web url	Citation	Effective date	Departments impacted
9. Relating to Public Records http://laws.flrules.org/2012/149	HB 629 Chapter 2012-149	10/1/2012	Business Services General Counsel Human Resources
10. Relating to Healthcare Fraud http://laws.flrules.org/2012/64	HB 653 Chapter 2012-64	7/1/2012	Health Education Center
11. Relating to Building Construction and Inspection http://laws.flrules.org/2012/13	SB 704 Chapter 2012-13	7/1/2012	Facilities Business Services
12. Relating to Florida College System Personnel Records http://laws.flrules.org/2012/46	SB 878 Chapter 2012-46	7/1/2012	Human Resources General Counsel
13. Relating to Business and Professional Regulation http://laws.flrules.org/2012/72	HB 887 Chapter 2012-72	10/1/2012	Business Services
14. Relating to Background Screening http://laws.flrules.org/2012/73	HB 943 Chapter 2012-73	4/6/2012	Human Resources Health Education Center Business Services
15. Relating to Practice to Dentistry http://laws.flrules.org/2012/14	SB 1040 Chapter 2012-14	3/23/2012	Health Education Center
16. Relating to Drug-Free Workplaces http://laws.flrules.org/2012/8	HB 1205 Chapter 2012-8	7/1/2012	Human Resources
17. Relating to Protection of Vulnerable Persons http://laws.flrules.org/2012/155	HB 1355	7/1/2012	General Counsel Facilities
18. Appropriations Bill http://laws.flrules.org/2012/118	HB 5001 Chapter 2012-118	7/1/2012	Business Services Administration

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2012 Legislation chart continued

Bill text and web url	Citation	Effective date	Departments impacted
19. Appropriations Act http://laws.flrules.org/2012/119	HB 5003 Chapter 2012-119	7/1/2012	Business Services Administration
20. Relating to Retirement http://laws.flrules.org/2012/146	HB 5005 Chapter 2012-146	7/1/2012	Human Resources Business Services
21. Relating to Postsecondary Education Funding http://laws.flrules.org/2012/134	HB 5201 Chapter 2012-134	7/1/2012	Academic Affairs Financial Aid Business Services
22. Relating to Reemployment Services http://laws.flrules.org/2012/135	HB 5203 Chapter 2012-135	7/1/2012	Human Resources Business Services
23. Relating to Unemployment Compensation http://laws.flrules.org/2012/30	HB 7027 Chapter 2012-30	7/1/2012	Human Resources Business Services
24. Relating to Acceleration Options in Public Education http://laws.flrules.org/2012/191	HB 7059 Chapter 2012-191	7/1/2012	Academic Affairs Dual Enrollment Collegiate High School
25. Relating to Retirement http://laws.flrules.org/2012/222	HB 7079 Chapter 2012-222	7/1/2012	Human Resources Business Services
26. Relating to Postsecondary Education/Economic Security Report http://laws.flrules.org/2012/195	HB 7135 Chapter 2012-195	7/1/2012	Academic Affairs Business Services

Notes

Prepared by the Office of General Counsel, St. Petersburg College, with excerpts taken from the 2012 Legislation Session Report, Florida College System Institutional Lobbyist and Florida Department of Education.

Equal Opportunity Statement

The Board of Trustees of St. Petersburg College affirms its equal opportunity policy in accordance with the provisions of the Florida Educational Equity Act and all other relevant state and federal laws, rules and regulations. The college will not discriminate on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, or against any qualified individual with disabilities in its employment practices or in the admission and treatment of students. Recognizing that sexual harassment constitutes discrimination on the basis of sex and violates this Rule, the college will not tolerate such conduct. Should you experience such behavior, please contact the director of EA/EO/Title IX Coordinator at 727-341-3261; by mail at P.O. Box 13489, St. Petersburg, FL 33733-3489; or by e-mail at eaao_director@spcollege.edu.

Within Reach

