

2015

LEGISLATIVE SESSION

FINAL REPORT



FAU

GOVERNMENT RELATIONS
Division of Institutional Advancement
Florida Atlantic University



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FROM THE OFFICE OF GOVERNMENT RELATIONS

It is our pleasure to present the 2015 Legislative Session Final Report. The Office of Government Relations produces this document in an effort to provide our stakeholders with a comprehensive review of the Florida Legislature’s actions during the 2015 Regular and Special Legislative Sessions and their subsequent impacts on FAU and the higher education community.

This year, an ongoing budget impasse between the Senate and House over Medicaid expansion and Low Income Pool (LIP) health care funding brought the 2015 Regular Session to an unusual conclusion. As a result of the Legislature’s inability to reach an agreement on a number of significant issues, the chambers adjourned prior to the conclusion of the regular 60-day legislative session and were forced to reconvene on June 1, 2015 for a three-week Special Session to create and pass a balanced budget.

In late June, the Legislature passed and Governor Scott signed the fiscal year 2015-2016 General Appropriations Act (GAA – SB 2500A) into law. The state budget totaled \$78.7 billion and contained several large-scale budget priorities, including more than \$400 million in tax cuts, a 3 percent increase in K-12 per-student funding and \$400 million to supplement federal reductions to the Low Income Pool health care program.

State legislators allocated approximately \$4.5 billion to the State University System. Just as it was in 2014, the cornerstone of this year’s budget is a \$400 million performance funding pool (\$150 million in performance funds and \$250 million in institutional contributions) that is allocated to qualifying institutions pursuant to the Board of Governor’s (BOG) performance funding model recommendations.

Over the past year, FAU has made great strides within the framework of the BOG’s performance funding model and we have begun to reap the benefits of our student success initiatives and new strategic plan. Most important is the fact that instead of facing performance funding cuts, as we did last year, our improved performance will allow the University to receive a share of the \$150 million that’s earmarked for the high-performing SUS institutions. This will amount to more than \$11.3 million for FAU. When compared to the \$7 million withheld from our budget last year, there is evidence of a significant turnaround.

Florida Atlantic University also has worked tirelessly to develop a consistent, University-wide presence in Tallahassee. In February 2015 those efforts culminated in the reestablishment of FAU Day at the Capitol. FAU Day saw a delegation of more than 40 students, faculty, staff and alumni travel to Tallahassee to engage lawmakers, share the University’s successes and increase awareness and understanding of our legislative priorities.

The Office of Government Relations is committed to further developing the connections between our elected officials and the wonderfully talented individuals within the University. We greatly appreciate your assistance and support over the past year and we look forward to building on our success in the years to come.



Go Owls!

Ryan Britton
 Director of State Relations

2015 LEGISLATIVE SESSION EXECUTIVE BUDGET SUMMARY

★ GENERAL BUDGET

The fiscal year (FY) 2015-16 General Appropriations Act (GAA) totaled \$78.7 billion and contained several large-scale budget priorities, including more than \$400 million in tax cuts, a 3 percent increase in K-12 per-student funding and \$400 million to supplement federal reductions to the Low Income Pool health care program. The GAA allocates approximately \$4.5 billion to the State University System (SUS).

★ TUITION

This year's state budget did not include a tuition increase for SUS institutions. Moreover, during the 2014 Session, legislation was passed that eliminates the automatic annual rate of inflation increase for undergraduate tuition and removes the ability of non-preeminent SUS institutions to apply for or collect any new tuition differential.

★ PERFORMANCE FUNDING

The cornerstone of the SUS budget is a \$400 million performance funding pool (\$150 million in performance funds and \$250 million in institutional contributions) that is allocated to qualifying institutions pursuant to the Board of Governor's (BOG) performance funding model recommendations. The performance funds are composed of \$100 million in new funding and \$50 million reallocation of FY 2014-15 performance funds. The institutional contribution funds are composed of a proportional share of each institution's base funding (\$215 million), and the repurposing of FY 2013-14 performance funds (\$20 million) and gap analysis grant funds (\$15 million).

Over the past year, FAU has made great strides within the framework of the BOG's performance funding model and we have begun to reap the benefits of our student

success initiatives and new strategic plan.

Most important is the fact that instead of facing performance funding cuts, as we did last year, our improved performance will allow the University to receive a share of the \$150 million that's earmarked for the high-performing SUS institutions. This will amount to more than \$11.3 million for FAU. When compared to the \$7 million withheld from our budget last year, there is evidence of a significant turnaround.

★ CAPITAL FUNDS

The SUS received approximately \$197 million for fixed capital outlay. Within that total sum, the BOG will proportionately allocate \$32 million for improvements and \$35 million for maintenance. FAU will receive a proportional share of both. The state's developmental research (lab) schools also received \$5,080,837 in millage equivalence funding that will be distributed to the six university lab schools, including FAU's Boca Raton and St. Lucie campuses.

★ FAU'S SPECIFIC BUDGET PROVISIONS

- \$3,531,815 for the STEM Life Science Initiative (\$2,631,815 recurring and \$900,000 nonrecurring funding)
- \$1 million (nonrecurring) for Tech Runway (*this funding line was vetoed by the Governor*)
- \$1,011,807 (recurring) for FAU's Boca Raton-based Center for Autism and Related Disabilities (CARD)
- \$100,000 (recurring) increase in sparsity funding for A.D. Henderson/FAU High
- 3 percent (recurring) increase in per-student funding for A.D. Henderson/FAU High

2015 LEGISLATIVE SESSION EXECUTIVE BUDGET SUMMARY

- ▶ \$350,000 (recurring) for Harbor Branch's Indian River Lagoon Observatory Program
- ▶ A \$446,311 Senate-proposed reduction to our graduate medical education program funding was fully restored, and our residency program line was fully funded.

★ FAU's SPECIFIC PROVISOR LANGUAGE

Pursuant to s. 1013.74 and s. 1013.78, Florida Statutes, the following facilities may be constructed or acquired from non-appropriated sources, which upon completion will require general revenue funds for operation of Education and General space within the building. Main campus unless otherwise noted:

- Florida Atlantic University - College of Medicine Office Building and Division of Research - Will provide additional space for College of Medicine, 24,000 gsf.
- Florida Atlantic University - Schmidt Family Academic Support Center - Classrooms, computer labs, study space, 17,875 gsf.

Pursuant to section 1010.62 and section 1013.171, Florida Statutes, and section 11(d) and (f), Art. VII of the State Constitution, the following fixed capital outlay projects may be constructed, acquired, and financed by a university or university direct support organization. Financing mechanisms include any form of approved debt or bonds authorized by the Board of Governors.

No state appropriation of funds will be associated with these projects. The Legislature has provided the Board of Governors general authority to consider debt financing for most classes of projects. However, certain athletic and commercial facilities require specific Legislative authorization as a prerequisite condition for these projects. Legislative authorization does not supersede any of the requirements for Board of Governors review and approval of all projects to be financed from debt.

- Florida Atlantic University - Hotel and Conference Center
- Florida Atlantic University - Schmidt Family Academic & Athletic Excellence Complex



2015 LEGISLATIVE SESSION SUMMARY OF LEGISLATIVE ISSUES

★ **ACADEMIC ISSUES**

DUAL ENROLLMENT

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation continues to grow. SB 874 modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students.

SB 874 failed to gain adequate support and died on the Senate Calendar.

➡ **Click here to learn more about dual enrollment programs.**

FLORIDA COLLEGE SYSTEM BACCALAUREATE

DEGREES In 2014, the Legislature passed a moratorium on the granting of new baccalaureate degrees from Florida College System institutions. Several Senators discussed what they perceived as a duplication of efforts and "mission creep" by the College System. The baccalaureate moratorium will expire in 2015 and in anticipation of the moratorium expiring, SB 1252 was introduced. The measure realigns the mission and roles of Florida's public postsecondary systems and institutions in meeting Florida's labor market demands as well as community and regional needs.

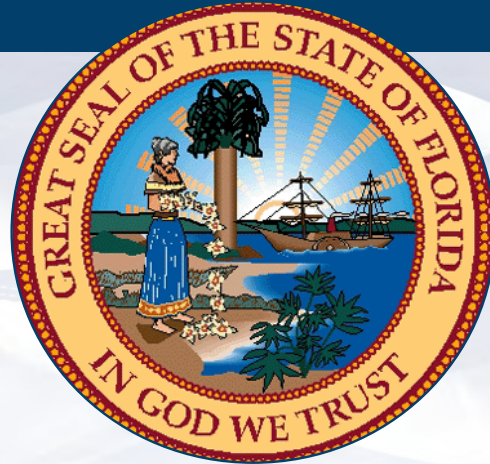
SB 1252 failed to gain adequate support and died in the Senate Appropriations Subcommittee on Education.

➡ **Click here to learn more about baccalaureate degrees in the Florida College System.**

HIGHER EDUCATION OPTIONS FOR STUDENTS WITH DISABILITIES

One of Senate President Andy Gardiner's primary objectives during the 2015 Legislative Session was to expand educational opportunities for special-needs students. Earlier this year and in response to President Gardiner's interest in this topic, the Office of Program Policy Analysis and Government Accountability (OPPAGA) provided presentations to the Legislature that outlined the resources and postsecondary programs that are currently available for special-needs students in Florida. Consequently, several pieces of legislation were introduced during the 2015 Session in an effort to increase resources and opportunities for students with disabilities.

The effective date of SB 642 is upon becoming law.



The Governor approved SB 642 on May 21, 2015 (Chapter No. 2015-56).

The effective date of SB 644 is upon becoming law.

The Governor approved SB 644 on May 21, 2015 (Chapter No. 2015-57).

The effective date of SB 646 is upon becoming law.

The Governor approved SB 646 on May 21, 2015 (Chapter No. 2015-58).

HB 7091 failed to gain adequate support and died on the House Calendar.

➡ **Click here to learn more about students with disabilities.**

★ **TUITION & SCHOLARSHIP ISSUES**

STUDENT LOAN DEFAULT RATES

The United States Department of Education annually calculates student loan default rates. Defaulted federal student loans cost taxpayers money, and cohort default rate sanctions and benefits provide an incentive to schools to work with their borrowers to reduce default. Sanctions can prevent a school with a high percentage of defaulters from continuing to participate in the William D. Ford Federal Direct Loan (Direct Loan) Program and federal Pell Grant program. SB 880 utilizes federal student loan cohort default rates as an accountability measure for public and private postsecondary educational institutions.

SB 880 failed to gain adequate support and died in the Senate Appropriations Committee.

➡ **Click here to learn more about student loan default rates.**



GRADUATE STUDENT FEE WAIVER

Graduate teaching and research assistants can be required to pay a number of different university fees. HB 925 requires SUS institutions to waive financial aid fees; technology fees; security, access, or identification card fees; and any fees or fines relating to the use, late return, and loss or damage of facilities and equipment. The waiver would apply to a graduate student who has a 0.25 or greater, full-time equivalent appointment as a graduate assistant, graduate research assistant, graduate teaching assistant, graduate research associate, or graduate teaching associate.

HB 925 failed to gain adequate support and died in the House Higher Education and Workforce Subcommittee.

FLORIDA BRIGHT FUTURES SCHOLARSHIPS

The Florida Bright Futures Scholarship Program is a lottery-funded scholarship that rewards a Florida high school graduate who merits recognition for high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible public or private postsecondary institution in Florida after graduating from high school. This year, legislation was introduced that sought to modify the Bright Futures community service requirement as well as provide a scholarship recipient with the ability to defer the award for a specified period of time because of a religious or service obligation.

SB 1140 failed to gain adequate support and died on the Senate Calendar.

HB 747 passed the House but failed to gain enough support and died on the Senate Calendar.

▶▶▶ [Click here to learn more about Florida Bright Futures Scholarships.](#)

EXPANDING IN-STATE TUITION RATES FOR VETERANS AND THEIR DEPENDENTS

In 2014, Governor Scott signed the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program into law. The program waived out-of-state fees for veterans who reside in Florida and are attending state universities, Florida College System institutions, career centers operated by a school district or charter technical career centers. In addition, the U.S. Congress enacted the Veterans Access, Choice, and Accountability Act of 2014. The federal legislation requires institutions

to offer in-state tuition rates to certain veterans and their dependents by July 1, 2015 in order to qualify to receive payments under the Post 9/11 GI Bill and the Montgomery GI Bill. SB 7028 brings Florida into compliance with federal law and will allow additional persons to be eligible for the out-of-state tuition fee waiver currently afforded to honorably discharged veterans residing in Florida.

The effective date of SB 7028 is upon becoming law.

The Governor approved SB 7028 on May 21, 2015 (Chapter No. 2015-76).

▶▶▶ [Click here to learn more about veterans’ tuition benefits.](#)

PUBLIC EDUCATION AFFORDABILITY

At the beginning of the 2015 Legislative Session, Governor Scott identified a number of higher education priorities that he hoped the Legislature would advance. SB 938 incorporated a number of the identified priorities and addresses higher education access and affordability mechanisms by modifying requirements for instructional materials as well as tuition and fees. The measure also seeks to promote public awareness regarding higher education costs to assist students and their parents in making informed decisions.

SB 938 failed to gain adequate support and died in the Senate Appropriations Subcommittee on Education.

▶▶▶ [Click here to learn more about public education affordability.](#)

★ CAPITAL & TAX ISSUES

PUBLIC PRIVATE PARTNERSHIPS

Recently, the ability to construct, renovate and maintain educational facilities on SUS campuses has been significantly reduced as a result of declining Public Education Capital Outlay (PECO) funds and the lack of new revenue sources to pay for these projects. During the 2013 Session, in the face of a growing statewide infrastructure problem, the Legislature authorized the use of P3s to meet the infrastructure needs of local governments, school districts, special districts and state colleges. However, SUS institutions were excluded in the final version of the 2013 bill that was signed into law. During the 2015 Legislative Session, HB 63 was introduced to formalize P3 guidelines and extend the use of P3s to state universities. In addition, HB 65 was introduced to encourage private entities to engage in



P3 agreements by providing public records exemption designed to protect information contained in an unsolicited proposal from a private entity.

HB 63 and HB 65 failed to gain adequate support and died in the House Appropriations Committee and House Floor respectively.

▶▶▶ [Click here to learn more about Public Private Partnerships.](#)

OMNIBUS TAX PACKAGE

During the 2015 Special Session A, the Legislature passed an omnibus tax package (HB 33A) that included more than \$400 million in tax reductions to a wide range of budget categories. The largest component of the bill is a permanent 1.73 percent reduction in the state's communications services tax (CST) rate. HB 33A also directly impacts Florida's higher education community. The measure includes a 10-day "back-to-school" holiday for clothing, footwear, school supplies, and computers as well as creates a one-year tax exemption for college textbooks and instructional materials. In addition, the bill provides clarifying language for the sales tax exemption on prepaid college meal plans that passed last year.

The effective date of HB 33A is July 1, 2015.

The Governor approved HB 33A on June 16, 2015 (Chapter No. 2015-221).

▶▶▶ [Click here to learn more about the omnibus tax package.](#)

★ CAMPUS SAFETY

CONCEALED CARRY ON CAMPUS

As of March, 2014, there were 20 states that banned carrying a concealed weapon or firearm on a college campus. In 23 states, the decision to ban or allow concealed carry on campuses is made by each college or university individually. Only seven states allow concealed carry on college campuses: Colorado, Idaho, Kansas, Mississippi, Oregon, Utah, and Wisconsin. Currently, Florida Statutes prohibit those with a valid concealed weapons or concealed firearms license from carrying a concealed weapon or firearm into any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university; the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes; and the weapon does not fire a dart or projectile. HB 4005 repeals the section of the statute that bans this practice, and as a result allows valid concealed

carry licensees to bring a weapon or firearm into any building on a university or college campus.

HB 4005 failed to gain adequate support and died on the House Calendar.

★ PUBLIC RECORDS ISSUES

POSTSECONDARY EDUCATION EXECUTIVE SEARCH

Transparency and open government laws have existed in Florida Statutes since the late 1960s. When filling a vacant high-level position, state universities and Florida College System (FCS) institutions typically establish a search committee for the purpose of locating qualified applicants who are interested in the job. However, the meetings and information associated with the search process are open to the public. The openness of the process can potentially deter an individual from applying. HB 182 allows university searches for high-level positions to be closed until finalists are selected.

HB 182 failed to gain adequate support and died in the House Rules Committee.

▶▶▶ [Click here to learn more about Postsecondary Executive Searches.](#)

★ ADMINISTRATIVE ISSUES

STATE GROUP INSURANCE PROGRAMS

The State Group Insurance Program (SGIP) is an optional benefit for employees, which includes health, life, dental, vision, disability and other supplemental insurance benefits. The program offers employees a choice among a health maintenance organization (HMO) plan, preferred provider plan (PPO), and a high-deductible health plan (HDHP) with a health savings account (HSA). Currently, only one benefit level is offered for each plan type and an employee's premium for the HMO and PPO are the same, even though the HMO provides greater benefits. HB 7097 makes changes to the SGIP by instructing the Department of Management Services to establish employee contribution rates for the 2017 plan year that will reflect the full benefit difference between the HMO and PPO plans.

HB 7097 failed to gain adequate support and died on the House Calendar.

▶▶▶ [Click here to learn more about State Group Insurance Programs.](#)



DUAL ENROLLMENT

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow. SB 874 modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students. The Legislation also establishes August 1 as the annual deadline for submitting such agreements to the Florida Department of Education. Specifically, the bill:

- Removes the responsibility of a home education program student to provide for his or her own instructional materials and requires that instructional materials be provided free of charge to all dual enrollment students.

- Specifies dual enrollment articulation agreement provisions and requirements for agreements with private school students, similar to current law for home education program students.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.

SB 874 failed to gain adequate support and died on the Senate Calendar.





FLORIDA COLLEGE SYSTEM BACCALAUREATE DEGREES

In 2014, the Legislature passed a moratorium on the granting of new baccalaureate degrees from Florida College System institutions. Several Senators discussed what they perceived as a duplication of efforts and “mission creep” by the College System. The baccalaureate moratorium will expire in 2015 and the Senate asked the Legislature’s Office of Program Policy and Government Accountability (OPPAGA) to analyze the complexities of this issue. Early in the 2015 Legislative Session, the Senate Higher Education Committee held a workshop discussion on baccalaureate degrees granted by FCS institutions, which provided OPPAGA with an opportunity to present their research and gave committee members the opportunity to hear from the FCS. During the workshop, proponents of bachelor’s degrees at the state colleges cited access, age of student, cost, approval process and workforce needs as reasons why the program in its current form is functioning properly and should be allowed to continue.

In anticipation of the moratorium expiring, SB 1252 was introduced. The measure realigns the mission and roles of Florida’s public postsecondary systems and institutions in meeting Florida’s labor market demands and community and regional needs. Specifically, the bill:

- Clarifies the mission of state universities, Florida College System (FCS) institutions, career centers, and charter technical career centers regarding state expectations.
- Renames the FCS as the Florida Community College System (FCCS).
- Clarifies Florida’s “2+2” system of articulation and guaranteed transfer of credit hours earned through acceleration mechanisms, CAPE industry certifications, and courses at FCCS institutions.

- Clarifies expectations and state oversight of baccalaureate degree programs offered by FCCS institutions. The bill eliminates the one-year moratorium on the State Board of Education’s approval of new baccalaureate degree program offerings by FCCS institutions and aligns the baccalaureate degree approval process for St. Petersburg College with the approval process for other FCCS institutions.
- Prohibits the establishment of an enrollment cap in the collegiate high school program contract and requires school districts and colleges to report student enrollment information to the Florida Department of Education.
- Adds the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council.
- Requires career education program standards and benchmarks to reflect the quality components of career and technical education.

SB 1252 failed to gain adequate support and died in the Senate Appropriations Subcommittee on Education.





SPECIAL-NEEDS STUDENTS

One of Senate President Andy Gardiner's primary objectives during the 2015 Legislative Session was to expand educational opportunities for special-needs students. Earlier this year and in response to President Gardiner's interest in this topic, the Office of Program Policy Analysis and Government Accountability (OPPAGA) provided presentations to the Legislature that outlined the resources and postsecondary programs that are currently available for special-needs students in Florida. Consequently, several pieces of legislation were introduced during the 2015 Session in an effort to increase resources and opportunities for students with disabilities.

SB 642

SB 642 creates the Florida Achieving a Better Life Experience (ABLE) program, which would assist individuals with disabilities in saving money without losing their eligibility for state and federal benefits, thereby providing a pathway for economic independence and a better quality of life. ABLE accounts resemble in some respects the federal 529-college savings plan that are tax-advantaged savings accounts. The federal ABLE Act of 2014 ("ABLE Act") authorizes states to establish ABLE programs as an agency or instrumentality of the state or contract with other states to administer such accounts if certain conditions are met. The bill directs the Florida Prepaid College Board (Prepaid Board) to create Florida ABLE, Inc., as a direct support organization that must be organized as a not-for-profit corporation.

The effective date of SB 642 is upon becoming law.

The Governor approved SB 642 on May 21, 2015 (Chapter No. 2015-56).

SB 644

SB 644 creates the Florida ABLE Program Trust Fund (trust fund) within the State Board of Administration (SBA). The trust fund will hold appropriations and moneys acquired from private sources or other governmental sources for the Florida ABLE program. The trust fund also will hold ABLE account moneys.

The effective date of SB 644 is upon becoming law.

The Governor approved SB 644 on May 21, 2015 (Chapter No. 2015-57).

SB 646

SB 646 creates a public records exemption for specified personal financial and health information of a consumer relating to an ABLE account, or a participation agreement or any information that would identify a consumer held by the Florida Prepaid College Board, Florida ABLE Inc., Florida ABLE program, or an agent or service provider of these entities. The bill defines a consumer as a party to a participation agreement, which would be under the Florida ABLE Program.

The effective date of SB 646 is upon becoming law.

The Governor approved SB 646 on May 21, 2015 (Chapter No. 2015-58).

HB 7091

HB 7091 creates the "Florida Postsecondary Comprehensive Transition Program Act" in an effort to increase independent living, inclusive and experiential postsecondary education, and employment opportunities for students with intellectual disabilities. The bill establishes a process for postsecondary institutions in Florida to voluntarily seek approval of a Florida Postsecondary Comprehensive Transition Program (FPCTP) to provide postsecondary education options for students with intellectual disabilities.

In addition, the bill creates the Florida Center for Students with Unique Abilities at the University of Central Florida to serve as the statewide coordinating center for the dissemination of information regarding programs and services available to students with disabilities and their families. The Center will assist with the implementation of the FPCTPs and disseminate information regarding education programs, services, resources, technical assistance, mentoring and job placement opportunities for students with disabilities and their families.

The legislation also provides tuition exemptions to individuals in adult education programs who receive social security disability income or supplemental security income due to a physical or mental disorder as determined by the Social Security Administration.

HB 7091 failed to gain adequate support and died on the House Calendar.



STUDENT LOAN DEFAULT RATES

The United States Department of Education (ED) annually calculates student loan default rates. Defaulted federal student loans cost taxpayers money, and cohort default rate sanctions and benefits provide an incentive to schools to work with their borrowers to reduce default. Sanctions can prevent a school with a high percentage of defaulters from continuing to participate in the William D. Ford Federal Direct Loan (Direct Loan) Program and federal Pell Grant programs.

SB 880 requires public and private postsecondary educational institutions to report on the federal student loan cohort default rate for their institutions, and makes the institutions' eligibility to receive certain state funds and retain licensure to operate in Florida contingent on the institutions maintaining default rates at certain specified thresholds.

Specifically, the legislation impacts public postsecondary educational institutions by:

- Requiring performance funding for industry certifications for the Florida College System (FCS) institutions must factor-in the institutions' federal student loan default rate.
- Requiring a portion of a state university's performance funding score must include the university's federal student loan cohort default rate, in addition to the factors determined by the Board of Governors of the State University System of Florida.

The bill also impacts private postsecondary educational institutions by:

- Requiring the institutions to provide federal student loan default rate information as part of the fair consumer practices reporting requirements.
- Requiring the institutions to maintain a federal student loan cohort default rate below 30 percent for 3 consecutive years or at or below 40 percent for any given year.

- Deeming an institution that is eligible to receive the William L. Boyd, IV, Florida Resident Access Grant (FRAG) or the Access to Better Learning and Education (ABLE) Grant for incoming students ineligible to receive such funds until the institution's federal student loan cohort default rate falls below the threshold.

Additionally, the institution, if licensed by the Commission for Independent Education, will lose the license to operate in Florida.

SB 880 failed to gain adequate support and died in the Senate Appropriations Committee.





FLORIDA BRIGHT FUTURES SCHOLARSHIPS

The Florida Bright Futures Scholarship Program (program) is a lottery-funded scholarship program to reward a Florida high school graduate who merits recognition for high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible public or private postsecondary institution in Florida after graduating from high school. The Department of Education (DOE) administers the program in accordance with rules and procedures adopted by the State Board of Education.

SB 1140 allows a high school graduate who is eligible to accept a Florida Bright Futures Scholarship award to defer the 2-year period for the initial award and the 5-year period for renewing the award until after the individual completes a full-time religious or service obligation lasting at least 18 months. In addition, the bill requires the organization to document, in writing, and verify the student's religious obligation or service work.

HB 747 modifies Bright Futures student community service requirements by expanding the permissible activities that students can participate in to meet the volunteer service work requirement.

Specifically, the bill expands service work areas beyond social areas of interest to include a civic issue or a professional area of interest and requires students to develop a plan for personal involvement. The measure provides accountability requirements for students' service work and prohibits students from receiving compensation or academic credit for their volunteer service. In addition, the bill specifies that volunteer service work may include, but is not limited to, the following activities:

- Internship with a business or government entity;
- Work for a nonprofit community service organization; or
- Activity on behalf of a candidate for public office.

SB 1140 failed to gain adequate support and died on the Senate Calendar.

HB 747 passed the House but failed to gain enough support and died on the Senate Calendar.





EXPANDING IN-STATE TUITION RATES FOR VETERANS AND THEIR DEPENDENTS

In August 2014, the U.S. Congress enacted the Veterans Access, Choice, and Accountability Act of 2014. This Act requires the U.S. Department of Veterans Affairs (USDVA) to disapprove programs of education for payment of benefits under the Post-9/11 GI Bill and the Montgomery GI Bill-AD at public institutions if the schools charge qualifying veterans and dependents tuition and fees in excess of the rate for resident students. Public institutions must offer in-state tuition rates to certain veterans and their dependents by July 1, 2015, in order for the institution to be eligible to receive payments under the Post-9/11 GI Bill and the Montgomery GI Bill-Active Duty programs.

SB 7028 amends the Congressman C.W. “Bill” Young Veteran Tuition Waiver Program to allow additional persons to be eligible for the out-of-state tuition fee waiver currently afforded to honorably discharged

veterans residing in Florida and enrolled in a state university, Florida College System institution, career center operated by a school district, or charter technical career center. The bill requires a state university, Florida College System institution, career center operated by a school district, or charter technical career center to waive out-of-state fees for any person who is receiving educational assistance through the U.S. Department of Veterans Affairs and who physically resides in Florida while enrolled in the institution. This addition allows individuals, such as a spouse or child of a veteran or servicemember using GI Bill benefits, to qualify for in-state tuition rates.

The effective date of SB 7028 is upon becoming law.

The Governor approved SB 7028 on May 21, 2015 (Chapter No. 2015-76).





PUBLIC EDUCATION AFFORDABILITY

At the beginning of the 2015 Legislative Session, Governor Scott identified a number of higher education priorities that he hoped the Legislature would advance. SB 938 incorporated a number of the identified priorities and addresses higher education access and affordability mechanisms by modifying requirements for instructional materials as well as tuition and fees. The measure also seeks to promote public awareness regarding higher education costs to assist students and their parents in making informed decisions. Specifically, the bill:

- Requires the Board of Governors of the State University System of Florida (BOG) and the State Board of Education (SBE) to identify strategies and initiatives to maintain college affordability for all Floridians and annually report on the boards' college affordability efforts to the Governor, President of the Senate, and Speaker of the House of Representatives.
- Modifies current law regarding a postsecondary educational institution's responsibility to post textbook information online by requiring each Florida College System (FCS) institution and state

university to prominently post on the institution's website for course registration, a hyperlink to lists of required and recommended textbooks and instructional materials for at least 90 percent of the courses and course sections offered by the institution. The bill also changes the deadline for posting the textbook information online from at least 30 days before the first day of class for each term to at least 14 days before the first day of student registration for each term.

- Establishes caps for tuition and out-of-state workforce education fees, FCS institution fees, and state university tuition per credit hour.
- Requires FCS institutions and state universities to notify students and the public about any institutional boards of trustees meeting regarding votes on proposed increases in tuition and fees; and provides specifications and timelines for such notifications.

SB 938 failed to gain adequate support and died in the Senate Appropriations Subcommittee on Education.





PUBLIC PRIVATE PARTNERSHIPS

Public Private Partnership (P3) occurs when a public need has been identified, a private funding source exists, and a partnership is formed between the parties to develop and construct a project, establish a payment process, and to provide for the eventual ownership of the completed project by the public entity.

Recently, the ability to construct, renovate and maintain educational facilities on SUS campuses has been significantly reduced as a result of declining Public Education Capital Outlay (PECO) funds and the lack of new revenue sources to pay for these projects. During the 2013 Session, the Legislature authorized the use of P3s to meet the infrastructure needs of local governments and school boards. However, SUS institutions were not expressly included in the final version of the 2013 bill that was signed into law. The 2013 legislation also created the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to recommend guidelines for the Legislature to consider for purposes of creating a uniform P3 process across the state.

HB 63 formally extends the use of P3s to state universities and incorporates many of the recommendations contained in the task force report. For example, the bill:

- Clarifies that the P3 process must be construed as cumulative and supplemental to any other authority or power vested in the governing body of a county, municipality, district, or municipal hospital or health care system.
- Provides that the P3 process is an alternative method that may be used.
- Provides increased flexibility to the responsible public entity by permitting a responsible public entity to deviate from the provided procurement timeframes if approved by majority vote of the entity's governing body.
- Requires that an unsolicited proposal be submitted concurrently with an initial application fee, which fee the responsible public entity may establish. The bill authorizes a responsible public entity to request

additional funds if the initial fee does not cover the costs to evaluate the unsolicited proposal. The bill also requires the responsible public entity to return the initial application fee if it does not review the unsolicited proposal.

In addition, HB 65 was introduced to encourage private entities to engage in P3 agreements by creating an exemption from public record and public meeting requirements for unsolicited proposals for P3 projects for public facilities and infrastructure.

The bill provides that an unsolicited proposal is exempt from public record requirements until such time that the responsible public entity provides notice of its intended decision. If the responsible public entity rejects all proposals and concurrently provides notice of its intent to seek additional proposals, the unsolicited proposal remains exempt for a specified period of time; however, it does not remain exempt for more than 90 days after the responsible public entity rejects all proposals received for the project described in the unsolicited proposal. If the responsible public entity does not issue a competitive solicitation, the unsolicited proposal is not exempt for more than 180 days.

The bill also creates a public meeting exemption for any portion of a meeting during which the exempt, unsolicited proposal is discussed. A recording must be made of the closed portion of the meeting. The recording, and any records generated during the closed meeting, are exempt from public record requirements until such time as the underlying public record exemption expires.

The public record and public meeting exemptions are subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

HB 63 and HB 65 failed to gain adequate support and died in the House Appropriations Committee and House Floor respectively.



OMNIBUS TAX PACKAGE

During the 2015 Special Session A, the Legislature passed an omnibus tax package (HB 33A) that included more than \$400 million in tax reductions to a wide range of budget categories. The largest component of the bill is a permanent 1.73 percent reduction in the state's communications services tax (CST) rate. The measure also includes new or expanded sales tax exemptions for the following: agricultural items, including feed for aquatic organisms, irrigation equipment, costs of maintenance and repairs of irrigation and power farm equipment, stakes, and certain trailers used on farms; K-12 school food and beverage concessions in support of extra-curricular activities; boat repairs exceeding the first \$60,000 in tax; gun club memberships or admissions; and motor vehicles brought to Florida by military servicemembers deployed outside of the U.S.

HB 33A also directly impacts Florida's higher education community. The measure includes a 10-day "back-to-school" holiday for clothing, footwear, school supplies, and computers as well as creates a one-year tax exemption for college textbooks and instructional



materials. In addition, the bill provides clarifying language for the sales tax exemption on prepaid college meal plans that passed last year.

The effective date of HB 33A is July 1, 2015.

The Governor approved HB 33A on June 16, 2015 (Chapter No. 2015-221).





EXECUTIVE SEARCH

Transparency and open government laws have existed in Florida statutes since the late 1960s. When filling a vacant high-level position, state universities and Florida College System (FCS) institutions typically establish a search committee for the purpose of locating qualified applicants who are interested in the job. However, the meetings and information associated with the search process are open to the public. The openness of the process can potentially deter an individual from applying. HB 182 would allow university searches for high-level positions to be closed until finalists are selected.

Specifically, the bill creates an exemption from public record and public meeting requirements for information associated with the applicant recruitment process and discussions associated with the applicant search for certain state university and Florida College System (FCS) institution employees. The measure states that any personal identifying information of an applicant for president, provost, or dean of any state university or FCS institution is confidential and exempt from public record requirements. It also creates a public meeting exemption for any meeting held for the purpose of identifying or vetting applicants for president, provost, or dean of any state university or FCS institution.

The bill also provides instances when the public meeting exemption does not apply. In addition, it states that the names of any applicants who comprise a final group of applicants must be released by the state university or FCS institution no later than 30 days before the date of the meeting at which final action or vote is to be taken on the employment of the applicants. All documents containing personal identifying information of any applicants who comprise a final group of applicants become subject to public record requirements when the applicants' names are released.

HB 182 failed to gain adequate support and died in the House Rules Committee.





STATE GROUP INSURANCE PROGRAMS

The SGIP is an optional benefit for employees, which includes health, life, dental, vision, disability and other supplemental insurance benefits. The program offers employees a choice among a health maintenance organization (HMO) plan, preferred provider plan (PPO), and a high-deductible health plan (HDHP) with a health savings account (HSA). However, only one benefit level is offered for each plan type. Additionally, an employee's premium for the HMO and PPO are the same, even though the HMO provides greater benefits.

HB 7097 instructs the Department of Management Services to establish employee contribution rates for the 2017 plan year that reflect the full benefit difference between the HMO and PPO plans. Consequently, participants will be given a choice between paying more for the high-value HMO plan and paying less, compared to the prior year, for the lower-value PPO. The bill also adds new products and services to the program by giving DMS broad authority to contract for a wide variety of additional products and services.

Starting in 2016, the Department of Management Services will be directed to implement a 3-year price transparency pilot project in at least one, but no more than three areas of the state. The purpose of the project is to reward value-based pricing by publishing the

prices of certain diagnostic and surgical procedures and sharing any savings generated by the enrollee's choice of providers. Participation in the project will be voluntary for state employees.

Starting in the 2018 plan year, the legislation provides that state employees will have health plan choices at four different benefit levels. If the state's premium contribution is more than the cost of the plan selected by the employee, then the employee may use the remainder to:

- Fund a flexible spending arrangement,
- Fund a health savings account,
- Purchase additional benefits offered through the state group insurance program, or
- Increase the employee's salary.

The bill also requires the Department of Management Services to hire an independent benefits consultant that will develop an implementation strategy for the new benefit levels and provide ongoing assessments and analysis of the program.

HB 7097 failed to gain adequate support and died on the House Calendar.



FAUTM

GOVERNMENT RELATIONS

Division of Institutional Advancement
Florida Atlantic University

