

2019

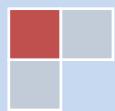
VALENCIA COLLEGE

THE SESSION REPORT

May 15, 2019

*The online version of The Session Report may be found at
<http://valenciacollege.edu/generalcounsel>*

*If you have questions or need additional information, please contact
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General Session Highlights

- ▶ The Florida Legislature adjourned *sine die* on Saturday, May 4, 2019. In all, 3,571 bills were filed, although only 196 passed both chambers. The 2019 session also saw 2,997 amendments filed, 3,765 votes taken, and 40 floor sessions.
- ▶ The Legislature passed the only bill it is constitutionally required to pass, SB 2500—a balanced budget. Budget Conference lasted through Wednesday, May 1, and due to the statutory requirement of a 72-hour cooling off period, the earliest the legislature could vote on the budget was 1:30pm on May 4. The budget as approved totaled \$91.1 billion, the largest budget in Florida's history—a significant increase from last year's \$88.7 billion budget.

SESSION FUNDING GOALS:

- ▶ Valencia had five goals entering the 2019 Session, following two very difficult budget years for the Florida College System.
 1. Make Performance Funding Recurring (as great as Performance funding is and as much as Valencia benefits) – as it has not been recurring it does not create an opportunity to scale faculty and student support initiatives.
 2. To bring back a line item in the budget called Compression – this line item in the past been used to equalize the funding for those Colleges at the bottom of the per-FTE funding allocation.
 3. With our Florida College System partners, attempt to have as much money as possible put into the system for general operations.
 4. Working with our Valencia Legislative Delegation, advocate for targeted Valencia “Support for Operations” recurring funds in recognition of Valencia as a high growth college that somehow remains underfunded relative to like institutions in the Florida College System.
 5. Seek funding for initial planning costs toward Valencia’s highest capital priority - Lake Nona Campus Building 2.





[Reflecting on Ocean Pond](#)

SESSION FUNDING RESULTS:

► Valencia is pleased to report that we did make some progress. While the total amount of state funding put into the College System budget remains anemic related to Valencia's growth and historic underfunding, the College was able to contribute to the following legislative actions related to the points above:

1. Performance Funding: The Legislature once again adjusted the Performance Funding Model, resulting in a lower appropriated amount to the system. On a positive note, the legislature did choose to appropriate Performance Funding with recurring dollars, rather than nonrecurring, which has been the methodology used in the past. A total of \$30 million in Performance Funding was allocated to the Florida College System
2. Compression Funds: The legislature provided \$10 million in targeted Compression funding for those colleges at the very bottom of the state funding per FTE allocation, including Valencia College.
3. Operating Funds: With an allocation of an additional \$10 million to the entire Florida College System for general operating purposes, funding in this regard remained relatively flat again this year.
4. Valencia Supplemental: Valencia did get a supplemental line item for operations. A total of \$3 million recurring general revenue was placed in the approved state budget for this purpose.
5. Public Educational Capital Outlay (PECO): Valencia's request for planning dollars for our planned Lake Nona 2 building was not approved, as the Legislature only allocated \$11.3 million to the entire Florida College System to provide funding toward three projects at other colleges. For the first time in recent memory, the legislature chose not to fund the customary PECO sum-of-the-digits maintenance funding for the Florida College System institutions.
6. All told, Valencia's operating budget increased by \$2.2 million, with a boost in our total recurring funds from the State. When taking into consideration the legislature's decision not to fund PECO maintenance funding for colleges this year, Valencia will experience a cut in its capital maintenance budget of approximately \$1.6 million, yielding a net gain of approximately \$600,000 entering the 2019-2020 fiscal year.



[To Have and Have Not](#)

General Appropriations Act (GAA) 2019-20, SB 2500

(Pending approval by Governor)

► The Legislature has three methods to reflect funding decisions made in the General Appropriations Act (GAA) process.

◆ “Proviso” is language in the General Appropriations Act attached to a specific appropriation that directs or authorizes how the funds can be expended.

◆ An "implementing bill" is a substantive bill that provides instructions to enact specific provisions for a GAA appropriation or proviso by changing the law (Florida Statutes) temporarily for one year. This is necessary because the courts have ruled the GAA cannot contradict current law; however, there may be a need to suspend some provision of law.

◆ A "conforming bill" is also a substantive bill that may “travel” with the GAA. It differs from the implementing bill in that it makes permanent changes to Florida Statutes.

► In summary, proviso language and implementing bills are law for only one year and then they expire, while a conforming bill makes a permanent change in Florida law. While the Governor may veto the entire appropriations act or exercise his veto by “line item,” he does not have “line item” veto in a conforming or implementing bill but must act on the entire bill. Bills that are passed by the Legislature are sent to the Governor. The Governor may sign, veto, or allow a bill to become law without his signature. Because the Legislature has now adjourned the 2019 Session, the Governor has fifteen consecutive days from the date he receives a bill to act on that bill. Leadership of the Legislature staggers sending bills to the Governor in order to provide time to review carefully the content/impact of bills.

► When a bill is passed and sent to the Governor while the Legislature is still in session, the time line is different; the Governor must act within seven days from the time his office receives the bill.

► Following are the bill numbers of the appropriations bills:

- [SB 2500, General Appropriations Act](#)
- [SB 2502, Appropriations Implementing Bill](#)



[Beyond the Seven Mile Bridge](#)

How to Find the Final Version of a Bill

The simplest way to see the final version of a bill is to go to www.flsenate.gov and enter the bill number in the space provided on the top of the homepage, or go to www.flhouse.gov and click on the top tab “Bills.” Senate bills are always even numbers (SB 00) and House bills are always odd numbers (HB 11). On the House site, note that you may choose either chamber or choose “both.” When you enter the bill number, the history of the bill will appear. For bills that have passed, go to the section on “Bill Text” and choose the entry followed by “ER,” which is the most recent, enrolled version of the bill. An enrolled bill is the version sent to the Governor. For bills that have not passed, go to the section on “Bill Text” and choose the entry with the latest date, which is the final version of the bill before it failed.



GENERAL BILLS THAT PASSED

CS/SB 190, Higher Education, by Stargel

- Creates a new PECO project prioritization and point system guidelines for the SBOE, which includes FCS institutions to set aside 5% of the cost for each fixed capital outlay project into an escrow account for future building maintenance needs;
- Prohibits Direct-Support Organizations (DSOs) gift giving to a political action committee;
- “2+2” Targeted Pathway Articulation Agreements with SUS institutions.
- Bright Futures Scholarship revisions to align the test scores with the percentile scores for the SAT and ACT;
- Removal of \$15M CAPE industry certification cap;
- New minimum carry-forward balances for FCS institutions based on the size of enrollment of each institution.
 - Institutions that have greater than 15,000 FTE must maintain a 7 percent carry forward balance
 - Institutions that have less than 15,000 FTE must maintain a 5 percent carry forward balance
 - If any institution drops below the minimum threshold for the institutional size, they must provide written notification to the SBOE.
- Specific carry-forward and expenditure authority for funds in excess of the minimum carry-forward balance requirements with the approval of an expenditure plan by each institution’s board of trustees.
- During the last week of session, the House stripped the Senate’s language from SB 190 and filed an amendment that would have made any fund balance transfer plans as duly approved by each college institution’s local District Board of Trustees subject to approval/disapproval or amendment by the State Board of Education (SBOE). This presented an unprecedented and absolute conflict with the constitutional local governance authority of college district boards of trustees. The Senate refused to concur, called the bill back from the House, and removed the conflicting language, leading to the bill’s eventual passage.



[A New Age](#)

Bills That Passed, cont.

- Authorized expenditures in the College carry-forward expenditure plans include:
 - PECO projects that were previously funded by the legislature and require additional funds to complete
 - Completion of a renovation, repair or maintenance project up to \$5 million per project.
 - Completion of a remodeling or infrastructure project, up to \$10 million per project if the project is in the institution's survey of recommended needs.
 - Completion of a repair or replacement project necessary due to damage caused by a natural disaster.
 - Nonrecurring operational expenditures that support the institution's mission
 - Any other purpose approved by the SBOE or specified in the GAA

[HB 525, Renaming Of Florida College System Institutions, by Raschein](#)

- The bill changes the name of “Florida Keys Community College” to “The College of the Florida Keys”; and
- The bill changes the name of “North Florida Community College” to “North Florida College.”



Patriot and Warrior

[HB 547, Stanley G. Tate Florida Prepaid College Program, by Clemons](#)

The bill authorizes the qualified beneficiary of an advance payment contract under the Stanley G. Tate Florida Prepaid College Program at a:

- A State university may use the fees associated with a dormitory residence plan to cover the costs of housing provided by a qualified nonprofit organization that is approved by the state university.
- A Florida College System (FCS) institution may use the fees associated with a dormitory residence plan to cover the costs of housing provided by a qualified nonprofit organization approved by the FCS institution.
- The bill defines a “qualified nonprofit organization” as a nonprofit organization under s. 501(c)(3) of the Internal Revenue Code that provides dormitories or residency opportunities to full-time students at an FCS institution or state university, primarily supports students that lack financial resources, and has been approved by the Florida Prepaid Board for inclusion in the dormitory residence plan.
- The bill specifies that the fees from a dormitory residence plan paid to a qualified nonprofit organization may not exceed the average, rather than maximum, fees charged for state university dormitory residences, or for fees charged for FCS institution or FCS institution direct-support organization (DSO) dormitories or residency opportunities, whichever is less.

Bills That Passed, cont.

[HB 593, Postsecondary Fee Waivers, by Trumball](#)

The bill authorizes certain Florida College System (FCS) institutions to waive out-of-state fees for students under certain conditions for recruiting students. Specifically, the bill provides that:

- An FCS institution that serves counties directly impacted by a hurricane, where enrollment decreases by more than 10 percent as a result of such impact, may waive the out-of-state fees to recruit students for a period of three years, beginning 180 days after the date on which the hurricane directly impacted the counties served by the FCS institution.
- A student who qualifies for the hurricane-related out-of-state fee waiver is eligible to receive the waiver for up to 110 percent of the number of credit hours required for the degree or certificate program in which the student is enrolled. The bill specifies that such student may not disenroll from the FCS institution for more than one semester.
- Each FCS institution must report to the State Board of Education the number and value of all hurricane-related out-of-state fee waivers granted annually.
- Out-of-state students enrolled under the hurricane-related out-of-state fee waiver must not be included in the FCS institutions' enrollment totals by the Education Estimating Conference on Florida College System Enrollment.

The following Florida College System (FCS) institutions serve Hurricane Michael affected counties:

- Chipola College (Calhoun, Holmes, Jackson, Liberty, and Washington counties).
- Gulf Coast State College (Bay, Franklin and Gulf counties).
- North Florida Community College (Taylor County).
- Tallahassee Community College (Gadsden, Leon, and Wakulla counties).



[Okeehumkee on the Oklawaha](#)

[SB 620, Military Friendly Initiatives, by Broxon](#)

- Provides a number of benefits to service members and their families and additional protections and benefits for military organizations, land interests and uses. Among other features, the bill expands the time at which active duty members, spouses, and their dependents are classified as residents for tuition purposes - from "attending a Florida College System Institution or state university within fifty miles of the military establishment where they are stationed, if such military establishment is within a county contiguous to Florida" to the enhanced "attending a Florida College System Institution or state university within fifty miles of the military establishment where they are stationed, ***at the time of acceptance to the Florida College System institution or state university***, if such military establishment is within a county contiguous to Florida."

Bills That Passed, cont.

[HB 741, Anti-Semitism, by Fine](#)

- Amends the Florida Educational Equality Act (FEEA) to add religion as a protected class with regard to discrimination against students and employees in Florida's K-20 public education system. The bill requires a public K-20 educational institution to treat discrimination by students or employees or resulting from institutional policies motivated by anti-Semitism in an identical manner to discrimination motivated by race.
- The bill also amends the FEEA to add a definition of anti-Semitism similar to the definition adopted by the U.S. Department of State's Special Envoy to Monitor and Combat Anti-Semitism, providing that "anti-Semitism" is a certain perception of Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his or her property, or toward Jewish community institutions or religious facilities; the definition includes examples of what classifies as anti-Semitism including those related to Jewish people generally and the State of Israel.
- The bill includes legislative intent that the new law defining anti-Semitism may not diminish or infringe upon any right protected under the First Amendment to the United States Constitution, or the Florida Constitution, and prohibits construction of the law in conflict with federal or state discrimination laws.
- Legislative staff analysis documents regarding the bill note a constitutional issue that may arise, in that the bill defines anti-Semitism as it relates to discrimination in public educational institutions and the State of Israel in a way that may be interpreted by a court to indicate preference for one religion, ethnicity, race, or national origin over another. The analyses state, "[t]he United States Supreme Court has emphasized that the First Amendment right to free speech includes a right to make hate speech, holding recently as a "bedrock First Amendment principle: Speech may not be banned on the ground that it expresses ideas that offend." The Establishment Clause of the First Amendment prohibits the government from making any law respecting an establishment of religion. The clause prohibits any government action that unduly favors one religion over another."

[HB 807, Civics Education, by Aloupis](#)

- The bill requires all instructional materials for the civics education course required for middle school students be reviewed and approved by Florida's Commissioner of Education in consultation with civics organizations and stakeholders that may include, but are not limited to, the Florida Joint Center for Citizenship, the Bill of Rights Institute, Hillsdale College, the Gilder Lehrman Institute of American History, iCivics, and the Constitutional Sources Project, and educators, school administrators, postsecondary education representatives, elected officials, business and industry leaders, parents, and the public. Any errors or inaccuracies in state-adopted civics materials identified by the Commissioner must be corrected pursuant to current statutory procedures.
- The bill requires the Commissioner to review and make recommendations for improvements to current state adopted civics material and the statewide civics end-of-course assessment by December 31, 2019. The Department of Education is required to review civics education course standards by December 31, 2020.

Bills That Passed, cont.

[SB 7014, Workforce Education, by Higher Education & Career Readiness](#)

- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse;
- Requires the Florida College System and Florida State University System to comply with section 110.1127, F.S., related to employee background screening, which requires institutions to designate which employees are subject to either Level 1 or Level 2 background screening.



[The Spring of Life](#)

[HB 7071, Workforce Education, by Higher Education & Career Readiness](#)

- The bill promotes career education and readiness opportunities for students in public schools and provides responsibilities for district school boards, the Department of Education (DOE), and the Commissioner of Education (commissioner) regarding career education opportunities; provides flexibilities and supports to public schools regarding teacher recruitment and training; strengthens transition pathways to college and career opportunities; establishes alignment between education and workforce needs; and specifies provisions related to the consolidation of accreditation of the University of South Florida branch campuses.

Specific impacts to the Florida College System include:

- The statewide articulation agreement between the State Board of Education and the Board of Governors of the State University System of Florida (BOG) shall provide for a reverse transfer agreement for Florida College System (FCS) associate in arts (AA) degree-seeking students who transfer to a state university after earning more than 30 credit hours from an FCS institution but before earning an AA degree; and specifies related requirements for the state universities.
- Each career center and FCS institution with overlapping service areas must annually submit to the DOE by May 1, a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the FCS institution in the service area. Each career pathways agreement must guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement.

Bills That Passed, cont.

- The deadline for the annual reporting of postsecondary feedback information by the commissioner to specified entities moves from November 30 to April 30.
- Establishes the “Strengthening Alignment between Industry and Learning (SAIL) to 60” Initiative to increase to 60 percent the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience by the year 2030.
- Establishes the “Last Mile Scholarship Program,” subject to legislative appropriation, to award annually the cost of in-state tuition and required fees for Florida resident students who are in good standing at FCS institutions and state universities and who are within 12 or fewer credit hours of completing their first associate or baccalaureate degree.
- Creates the “Florida Pathways to Career Opportunities Grant Program,” subject to legislative appropriation (\$10 million provided in specific appropriation 125A), to provide competitive grants to career and technical centers and Florida Colleges to expand existing or establish new apprenticeship and preapprenticeship programs.
- Reconstitutes the Higher Education Coordinating Council as the Florida Talent Development Council for the purpose of developing a coordinated, data-driven, statewide approach to meeting Florida’s need for a 21st century workforce, which utilizes the Florida’s talent supply system. The bill also moves the administrative support for the council from the DOE to the Department of Economic Opportunity, revises the council’s membership, and specifies reporting requirements.
- Membership of the Florida Talent Development Council is comprised as follows: Chair (appointed by Governor), a Senator, a Representative, president of CareerSource Florida, Inc., president of Enterprise Florida, Inc., executive director of Department of Economic Opportunity, Commissioner of Education, president of Florida Council of 100, president of Florida Chamber of Commerce, member of Board of Governors, member of State Board of Education, and ex officio nonvoting members including Chancellor of State University System, Chancellor of Florida College System, Chancellor of Career and Adult Education, president of Independent Colleges and Universities of Florida, and president of Florida Association of Postsecondary Schools and Colleges.

CS/CS/CS/SB 1080, Hazing, by Book

- The bill amends and reorganizes the definition of hazing in section 1006.63, Florida Statutes, to include the perpetuation or furtherance of a tradition or ritual of any organization operating under the sanction of a postsecondary institution.
- Currently, section 1006.63, Florida Statutes, protects persons who are members of or applicants to a student organization from hazing. The bill adds a person who is a former member of the organization as a person who is protected under section 1006.63, Florida Statutes.
- Persons who solicit others to commit the crime of hazing or who plan any act of hazing may be prosecuted as if they actively participated in the hazing event under the provisions in the bill. If the hazing results in a permanent injury to the victim, the crime is a third degree felony.
- Finally, the bill provides that a person who provides aid, before medical assistance, law enforcement, or campus security arrive on the scene or if an individual is the first to call 911 seeking medical attention for a hazing victim, and who otherwise cooperates with and assists first responders, may not be prosecuted for the crime of hazing.

BILLS THAT FAILED

[HB 5501 by Fine, Higher Education/ PECO, Appropriations;](#)

- Would have limited the ability of colleges and universities to transfer state funds to any other fund within the institution (i.e. Fund 1 to Fund 7) or direct support organization (DSO) without specific authorization from the Legislature. Beginning July 1, 2019, college transfers of any state appropriation to DSOs with a fund balance of greater than \$50 million could only include funds pledged for capital projects.
- Would have authorized universities and colleges to use their carry forward funds each year for operations, for maintenance, or to finish previously funded PECO projects as specified in the bill. Required approval of each carry forward spending plan by each Board of Trustees and the Board of Governors or Board of Education as appropriate, creating a governance conflict for college boards.
- Would have modified standards for calculating space needs by colleges and universities. The current utilization rate representing “100% utilized” consists of classrooms that are 60% occupied for 40 hours per week. The bill would have changed utilization rates for classrooms to 80% occupied for 60 hours per week to be considered fully utilized, and for teaching lab space to be 85% utilized for 40 hours a week.
- Would have allowed for veterans of the Armed Services, including reserves, who were honorably discharged and reside in Florida, immediately to obtain residency for tuition purposes without the 12 months of domicile requirement.

[HB 189 by Zika/SB 1342 by Stargel, Postsecondary Education for Secondary Students](#)

- Provided that any public postsecondary institution that uses technology to provide dual enrollment courses and has a total number of dual enrolled students of at least 25% of the institution’s total FTE or total headcount enrollment would receive an appropriation of a fulltime faculty member’s salary and benefits. The institution would also receive an additional appropriation of the same amount for each 100 students served above the 25% threshold.
- Would have required Colleges to provide instructional materials to home education dual enrollment students without charge and to private school dual enrollment students at no cost to the student or the private school.
- In addition, the bill would have exempted private schools from paying colleges for tuition for dual enrolled students that private schools send to colleges. Colleges already absorb the tuition cost for dual enrolled home school students, and would have been required to absorb all of these additional costs as well, without corresponding appropriations to cover the increased costs.
- SB 1342 would have modified Florida law regarding student eligibility criteria for participating in dual enrollment by changing the GPA requirement from 3.0 to 2.5. It is important to note that current law, Ch. 1007.271(3), Florida Statutes, states student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses is a 2.0 unweighted high school GPA. Language regarding the 2.5 GPA in SB 1342 only pertained to courses taken for college credit dual enrollment courses.



Valencia College Legislative Delegation

*Please extend thanks to all of the members of Valencia's local legislative delegation
Their names and contact information are listed below.
(Updated 1/2/19)*



Valencia College Legislative Delegation: Florida Senate



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- Criminal Justice
- Finance and Tax
- Innovation, Industry and Technology



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Committee Assignments

- Appropriations
- Appropriations Subcommittee on Agriculture, Environment, and General Government
- Commerce and Tourism
- Infrastructure and Security
- Joint Administrative Procedures Committee, Alternating Chair



**Senator Victor M. Torres, Jr.
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Committee Assignments

- Commerce and Tourism, Vice Chair
- Appropriations Subcommittee on Transportation, Tourism, and Economic Development
- Children, Families, and Elder Affairs
- Governmental Oversight and Accountability
- Military and Veterans Affairs and Space
- Joint Select Committee on Collective Bargaining

Valencia College Legislative Delegation: Florida House of Representatives



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Committee Assignments
• Civil Justice Subcommittee
• Education Committee
• Government Operations & Technology Appropriations Subcommittee
• Local, Federal & Veterans Affairs Subcommittee



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Committee Assignments
• Government Operations & Technology Appropriations Subcommittee
• Health & Human Services Committee
• Health Quality Subcommittee
• Workforce Development & Tourism Subcommittee



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Committee Assignments
• Business & Professions Subcommittee
• Health Market Reform Subcommittee
• Local, Federal & Veterans Affairs Subcommittee
• PreK-12 Appropriations Subcommittee
• Public Integrity & Ethics Committee



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• Children, Families & Seniors Subcommittee
• Government Operations & Technology Appropriations Subcommittee
• Health & Human Services Committee
• Ways & Means Committee

Valencia College Legislative Delegation: Florida House of Representatives (continued)



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Committee Assignments

- Health & Human Services Committee
- Higher Education & Career Readiness Subcommittee
- PreK-12 Innovation Subcommittee
- Public Integrity & Ethics Committee



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- Civil Justice Subcommittee
- Joint Committee on Public Counsel Oversight
- PreK-12 Quality Subcommittee
- Transportation & Infrastructure Subcommittee



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- Commerce Committee (Chair)
- Appropriations Committee
- Gaming Control Subcommittee
- Rules Committee



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- Judiciary Committee
- Public Integrity & Ethics Committee
- Ways & Means Committee

Valencia College Legislative Delegation: Florida House of Representatives (continued)



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Committee Assignments

- Local, Federal & Veterans Affairs Subcommittee
- Oversight, Transparency & Public Management Subcommittee
- PreK-12 Quality Subcommittee
- Ways & Means Committee



**Representative
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Committee Assignments

- Workforce Development & Tourism Subcommittee (Chair)
- Health Quality Subcommittee (Vice Chair)
- Appropriations Committee
- Commerce Committee
- Health Care Appropriations Subcommittee
- Oversight, Transparency & Public Management Subcommittee



**Representative
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Committee Assignments

- Appropriations Committee
- Health Quality Subcommittee
- Higher Education & Career Readiness Subcommittee
- Higher Education Appropriations Subcommittee



**Representative
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Committee Assignments

- Education Committee (Chair)
- Health Quality Subcommittee
- Public Integrity & Ethics Committee
- Ways & Means Committee