

VALENCIA COLLEGE

2022 LEGISLATIVE SESSION REPORT

THE DISTRICT BOARD OF TRUSTEES OF VALENCIA COLLEGE

June 23, 2022

Session Highlights

- ▶ The 2022 Florida Legislature adjourned sine die on Monday afternoon, March 14, 2022. The legislature approved the General Appropriations Act and an overall budget of \$112 billion. A total of 3,735 bills were filed this Session, with only 285 bills being passed by both chambers and sent to the Governor.
- ▶ The Florida College System (FCS) has some significant statutory changes to address following the 2022 Legislative Session. More specifically, the most impactful changes likely will be associated with the implementation of bills involving accreditation, discrimination, and public records.
- ▶ Bills which are passed by the Legislature are sent to the Governor. If the Legislature is not in Session, the Florida Constitution allows the Governor fifteen days after receiving a bill to veto, sign, or let a bill become law without his signature. If the Legislature is in Session, the Governor has seven days. The Governor acted on the 2022-23 Appropriations Bill, with significant vetoes on June 2, 2022. Finally, of significance in this year's budget, the legislature has requested that Department of Education (DOE) in consultation with the Council of Presidents work together to fix preexisting inequities in the funding model.

Valencia College Funding - 2022-23

Funding Category	Valencia Funding 2022-23
Program Fund- General Revenue & Lottery (Combined)	\$102,841,637
2+2 Program	\$3,041,425
Student Success	\$1,535,977
Nursing Education	\$1,471,985
Deferred Maintenance (facilities)	\$17,571,279
TOTAL COMBINED	\$126,462,303

Bills of Note That Passed

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 one being 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. Staff analyses for bills are also found on the bill sites.

CS/HB 7 (Avila) Individual Freedom

(Approved by Governor; Chapter No. 2022-72)

- ▶ The bill amends 760.10, F.S., which prohibits unlawful employment practices. Specially, it prohibits subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe certain specified concepts. Doing so constitutes discrimination based on race, color, sex, or national origin under this section. Furthermore, the bill amends the Florida Educational Equity Act, 1000.5, F.S., which prohibits discrimination based on race, color, national origin, or sex, and adds a new type of discrimination – the act of subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any certain specified concepts. The concepts are as follows:
 - 1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
 - 2. An individual, by virtue of his or her race, color, sex, or national origin, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
 - 3. An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
 - 4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
 - 5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
 - 6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
 - 7. An individual, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
 - 8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members of another race, color, sex, or national origin.
- ▶ Language added to both statutes also states that it is not prohibited to discuss the specified concepts as part of a course of training or instruction when such training or instruction is provided in an objective manner and without endorsement of the concepts.

CS/HB 45 (Benjamin, Morales) Educational Opportunities for Disabled Veterans

(Approved by Governor; Chapter No. 2022-187)

- ▶ The bill waives the remaining tuition and fees not covered by the GI Bill for disabled veterans who are FL residents. To qualify, the veteran must have been:
 - Determined by the VA to have a service-connected 100-percent total and permanent disability rating for compensation.
 - Determined to have a service-connected total and permanent disability rating of 100 percent and receive disability retirement pay from a branch of the U.S. Armed Services.
 - Issued a valid identification card by FDVA that identifies the veteran as having a 100-percent, service-connected permanent and total disability rating for compensation or who has a service-connected total and permanent disability rating of 100 percent and receives disability retirement pay from a branch of the U.S. Armed Forces.

- ▶ Beginning with the 2022-2023 academic year, a disabled veteran enrolled in a program of education approved for education assistance under the GI Bill who receives a tuition benefit to attend a state post-secondary institution, a career center operated by a school district, or a charter technical career center under the GI Bill, but who does not qualify for the 100-percent eligibility tier federally, is eligible for a waiver of tuition and fees from the institution attended.
 - The waiver amount is equal to the difference between the portion of tuition and fees authorized under federal law and the full amount of tuition and fees charged by the institution attended. The bill requires that any amount awarded by the state to the disabled veteran must not be determined until after the application of eligible GI Bill benefits.
 - The bill requires institutions to report the number and value of all fee waivers granted under the program to the Board of Governors and the State Board of Education.

CS/SB 520 (Brandes) Public Records and Public Meetings

(Approved by Governor; Chapter No. 2022-015)

- ▶ The bill creates, 1004.098, F.S., which makes the personal identifying information of an applicant for the position of president of a state university or Florida College System (FCS) institution held by a state university or an FCS institution confidential and exempt from public records disclosure requirements.
 - The bill provides that the personal identifying information of an applicant included in a final group of applicants for the presidency is no longer confidential and exempt from public records requirements beginning at the earlier of the date the final group of applicants to be considered for president is established or at least 21 days before either an interview of an applicant or final action on the offer of employment.
 - The bill exempts from open meeting requirements any portion of a meeting held for the purpose of identifying or vetting applicants for the presidency of a state university or FCS institution, including any portion of a meeting that would disclose personal identifying information of such applicants. However, the meeting exemption does not apply to any portion of a meeting held for the purpose of establishing qualifications for the position or establishing any compensation framework to be offered to an applicant. Additionally, any meeting held after a final group of applicants is determined must be open to the public.

SB 2524 (Appropriations) Education

(Approved by Governor; Chapter No. 2022-154)

- ▶ As it relates to the FCS, the bill seeks to address the state's nursing shortage by expanding access to nursing programs by creating LINE fund and PIPELINE fund. Furthermore, under the Florida Postsecondary Academic Library Network (FPALN), the bill requires the FCS, SUS and FPALN to provide support to faculty members from an FCS and SUS institution in the adaptation, adoption, and creation of Open Education Resources (OER), and establishes the Student Open Access Resource Grant and Repository (SOAR).
- ▶ *The LINE Fund:* The Linking Industry to Nursing Education (LINE) fund is a competitive grant program that provides matching funds, on a dollar-to-dollar basis, to participating institutions that partner with a healthcare provider to recruit faculty and clinical preceptors, increase capacity of high-quality nursing education programs and increase the number of nursing education program graduates who are prepared to enter the workforce.
 - The bill specifies the criteria that an institution's nursing education program must meet to be eligible for the LINE fund to include:
 - For a certified nursing assistant program, a completion rate of at least 70 percent for the prior year.
 - For a licensed practical nurse, associate of science in nursing and Bachelor of Science in nursing program, a first-time passage rate on the National Council of State Boards of Nursing Licensing Examination of at least 70 percent for the prior year.
 - The bill identifies the types of institutions, with the applicable nursing education programs, that are eligible to receive the LINE funds to include:
 - Technical career centers.
 - Charter technical career centers.
 - FCS institutions.
 - State universities.
 - Independent nonprofit colleges or universities located and chartered in the state and accredited by a U.S. DOE recognized accrediting agency or association to grant baccalaureate degrees.
 - The bill specifies the eligible uses of the LINE funds to included: (a) funding scholarships to students who are residents, (b) recruiting additional faculty, (c) purchasing equipment, and (d) supporting simulation centers to advance high-quality nursing education programs throughout the state. Funds may not be used for the construction of new buildings.
 - Finally, the bill requires each institution receiving LINE funds to submit a report to the BOG and/or the DOE and for the BOG and/or the DOE to adopt regulations and rules, respectively, to administer the LINE fund.
- ▶ *The PIPELINE Fund:* To reward performance and excellence among public postsecondary nursing education programs the bill establishes the Prepping Institutions, Programs, Employers, and Learners through Incentives for Nursing Education (PIPELINE) fund. Institutions that are eligible to receive performance-based incentives from the PIPELINE include (1) Technical career centers that offer a licensed practical nurse program; (2) Charter technical career centers that offer a licensed practical nurse program; (3) FCS institutions and (4) State universities.
 - The bill specifies that, subject to an appropriation, each institution will receive an allocation

based on the performance of its respective nursing education program or programs according to the following metrics:

- The number of nursing education program completers, by program.
- The first-time National Council of State Boards of Nursing Licensing Examination passage rate of the institution's nursing education program completers, by program.

Additionally, the bill specifies that allocations will reward excellence among nursing education programs with an average first-time National Council of State Boards of Nursing Licensing Examination passage rate above the national average.

▶ ***SOAR Grant:*** Under FPALN, the bill establishes the Student Open Access Resources (SOAR) Repository and Grant Program within the Florida Postsecondary Academic Library Network, and requires the chancellors of the FCS and the SUS to collaborate and take the lead in identifying and developing processes to coordinate and support the adaptation or development of Open Education Resources (OER) by teams of faculty, librarians, and instructional designers within a public postsecondary institution or across multiple institutions.

- The processes developed should ensure the quality and accuracy of content, suitability for publication, and compliance with federal and state copyright laws and regulations. Furthermore, pursuant to the processes developed by the chancellors, the Network is tasked with:

- Serving as the lead agency.
- Managing interinstitutional collaborations.
- Hosting approved digital assets and on-demand printing capabilities.
- Ensuring compliance with all federal and state laws and regulations relating to accessibility, copyright, and quality assurance.
- Providing training for resource and professional development.
- Administering the SOAR Grant Program.

- Finally, each FCS institution and State University awarded grant funds shall post prominently in its course registration system and its website, as early as feasible, but at least 45 days before the first day of class for each term, courses that utilize OER and have zero textbook cost indicated by an icon next to each eligible course.

SB 7044 (Education Committee and Diaz) Postsecondary Education

(Approved by Governor; Chapter No. 2022-70)

▶ ***Textbooks and Instructional Materials Transparency:*** The bill modifies s. 1004.085, F.S., to add more elements to the current law requiring posts of lists of required and recommended textbooks and instructional materials at least 45 days before the first day of class for each term. The law now requires the textbook lists to:

- Remain posted for at least five (5) academic years;
 - Be searchable by the course subject, course number, course title, the name of the instructor of the course, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material;
 - Be easily downloadable by current and prospective students
- Additionally, if a course is a general education core course option, the list must

include course syllabi information containing sufficient detail informing students of the course curriculum; the goals, objectives, and student expectations of the course and how student performance will be measured.

- ▶ *Credit Transfer (Articulation):* The bill modifies s. 1007.24, F.S., to codify existing practices in the development and maintenance of the statewide course numbering system (SCNS). Furthermore, the bill requires the SCNS to be maintained electronically and regularly updated by the DOE, and in addition to including the courses at the recommended levels, and requires the inclusion of course numbers, course titles, credits awarded, and other identifiable information by institution and academic year, as required by SBE rule. The bill further requires such information to be included in the registration process at each state university and FCS institution.
 - When receiving transfer course credit, the bill requires postsecondary institutions participating in the SCNS to accept and apply general education courses and credit, including credit earned through dual enrollment, course equivalences, and other acceleration mechanisms, as first satisfying general education core course credit requirements and other general education subject area course credit requirements before applying the course credit as elective credit.
- Finally, the bill requires the SBE to adopt rules that provide for the collection of course information from participating institutions, identifiable information required for each course, and the conduct of regularly scheduled faculty committee reviews and recommendations.
- ▶ *Accreditation:* The bill creates new s. 1008.47, which requires that by September 1, 2022, the BOG and State Board of Education (SBE), as applicable, to identify and determine the accrediting agencies or associations recognized by the United States Department of Education (USDOE) that are best suited to serve as an accreditor for public postsecondary institutions. The bill prohibits a public postsecondary institution from being accredited by the same accrediting agency or association for consecutive accreditation cycles.
 - The bill also requires that in the year following reaffirmation or fifth-year review by its accrediting agencies or associations, each public postsecondary institution must seek and obtain accreditation from an accrediting agency or association identified by the Board of Governors or State Board of Education, respectively, before its next reaffirmation or fifth-year review date.
 - The bill clarifies that this requirement does not apply to professional, graduate, departmental, or certificate programs where another accrediting body is applicable (i.e., law, paralegal, pharmacy, engineering, etc.)
 - A public postsecondary institution must initially seek regional accreditation and must provide to the BOG or SBE quarterly reports of its progress. If the institution is not granted candidacy status by any of the regional accrediting agencies or associations identified by the State, the institution must seek accreditation by another agency or association recognized by the USDOE. The bill authorizes a public postsecondary institution to remain with its current accrediting agency or association if the institution is not granted candidacy by an accrediting agency or association before its next reaffirmation or fifth-year review date.
 - Finally, the bill also provides a cause of action for any public postsecondary institution, or nonpublic postsecondary education institution that receives state funds, that is negatively impacted by a retaliatory action by its accrediting agency or association. The accreditation provisions in the bill expire on December 31, 2032.

- ▶ *Tuition and Fees:* The bill addresses transparency requirements for an FCS institution and state university to prominently post all tuition and fees, and email to enrolled students any notice of a proposed change to tuition and fees. Any FCS institution or state university proposal or action to increase a fee is subject to an extraordinary vote by the respective governing board.

CS/CS/HB 1577 (Woodson) Homeless Youth

(Approved by Governor; Chapter No. 2022-65)

- ▶ The bill aligns s. 1009.25, F.S., with the federal definition of homeless children and youth, expands the current liaison program under s. 409.1452, F.S., by requiring each school district program, Florida College System institution, or state university at which a student is exempt from the payment of tuition and fees under s. 1009.25 97, F.S. to have, at a minimum, a knowledgeable, accessible, and responsive employee who acts as a liaison. The bill specifies that contact information for the liaisons be provided to the eligible students. Finally, the bill requires programs and postsecondary institutions to maintain the original documentation submitted by the student regarding their eligibility for the tuition and fee exemption.

CS/HB 461 (Melo and Valdes) Florida Bright Futures Scholarship Program Student Service Requirements

(Signed by Officers and presented to Governor (Governor must act on this bill by 07/02/22))

- ▶ The bill modifies the eligibility requirements for the Bright Futures Scholarship Program to include an option for students to use paid work hours in lieu of volunteer hours to qualify for a scholarship. Specifically, students graduating in the 2022-2023 academic year and thereafter may qualify for a Florida Academic Scholars, Florida Medallion Scholars, Florida Gold Seal Vocational Scholars, or Florida Gold Seal CAPE Scholars award through volunteer hours specified in law, or through 100 hours of paid work.

Bills of Note That Did Not Pass

HB 6007 (Sabatini) Firearms on Campus

- ▶ Would have removed provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility.

HB 75 (Sabatini)/SB 594 (Perry) Limiting COVID-19 Restrictions

- ▶ Would have prohibited state and political subdivisions from enacting mask mandates, COVID vaccinations requirements for local and state governments and businesses from requiring customers to provide documentation certifying COVID-19 vaccination.

HB 1551 (Tomkow)/SB 1810 (Perry) Retirement

- ▶ Would have authorized a person who has retired from the FRS to provide volunteer services to an FRS employer without violating the provision of law requiring termination from employment. The bill authorizes the Division of Retirement within the Department of Management Services to adopt rules establishing criteria for volunteer services that retirees may provide to an FRS employer.