



Florida Colleges 2020 Legislative Session Update

February 24, 2020

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Schedule for the Week of February 24-28

Tuesday, February 25

- Senate Subcommittee on Education, 9:00 AM, 412K
- House Appropriations Committee, 3:30 PM, 212K

Wednesday, February 26

- House Education, 8:00 AM, 102H
- House Session, 1:30 PM
- Senate Session, 3:30 PM

Thursday, February 27

- Senate Appropriations, 9:00 AM, 412K
- House Session, 1:30 PM

Budget Update The House voted in favor of HB 5001/5003-General Appropriations Act and requested that the Senate pass the bill as passed by the House or agree to include the bill in the Budget Conference. The Senate substituted SB 2500/2501- General Appropriations Act for HB 5001/5003. The Senate having refused to pass the bill as passed by the House, acceded to the request for a conference. Budget conference will begin shortly.

FCS	Lottery	Industry Certifications	PECO	Maintenance	2+2 Student Success	Work Florida	Operating	Dual Enrollment	Total	Difference
Senate	168,250,252	14,000,000	23,019,555	0	20,000,000	10,000,000	1,074,899,831	0	1,310,169,638	
House	171,400,211	14,000,000	0	0	20,000,000	10,000,000	1,050,780,765	10,000,000	1,276,180,976	33,988,662

Day by Day Action, February 17-21

Monday, February 17

- The **Senate Education Committee** temporarily postponed **SB 1322- Postsecondary Fee Exemptions (pg. 9)**.
- The **Senate Governmental Oversight and Accountability Committee** voted in favor of **SB 774- Public Records and Public Meetings/Applicants for Presidents/State University or Florida College System Institution (pg. 9)**.
- The **Innovation, Industry, and Technology Committee** voted in favor of **SB 646- Intercollegiate Athlete Compensation and Rights (pg. 6)**.
- The **Senate Community Affairs Committee** voted in favor of **SB 1270-Fiduciary Duty of Care for Appointed Public Officials and Executive Officers (pg. 10)**.

Tuesday, February 18

- In the **Senate Appropriations Subcommittee on Education**, voted in favor of **SB 1246- Dual Enrollment (pg. 3)**.
- In the **House Education Committee**, voted in favor of **HB 187- Postsecondary Education for Secondary Students (pg. 4)** and **HB 7081- Public Records and Meetings/Postsecondary Education Executive Search (pg. 11)**.

Wednesday, February 19

- During House Session on Wednesday, they debated **HB 725- Workforce Education (pg. 3)** and temporarily postponed **HB 171- Postsecondary Education for Certain Military Personnel (pg. 13)**.
- On Wednesday evening, College Presidents and Trustees enjoyed a reception at the Governor's Mansion. We heard from Commissioner Richard Corcoran, Governor Ron DeSantis and Council of Presidents Chairman, Dr. Jim Murdaugh.

Thursday, February 20

- The **House** voted in favor of **HB 725- Workforce Education (pg. 3)**.
- The Council of Presidents and Representative Mel Ponder held a press conference announcing the creation of the Patriot's

Path. The Patriot's Path program will help veterans and active duty members to have the most accessible and affordable educational options. Each college will have services and programs that reflect their community's needs.

Bills for Review from last week and this week:

Technical Colleges

➤ ***HB 725/SB 418- Workforce Education (Sen. Diaz/Rep. Robinson)***

- *HB 725 passed on the House floor on Thursday, February 13.*
- *SB 418 passed through the Senate Education Committee with 6 yeas, 1 nay. It is most likely not being heard in its next committee stop, the Appropriations Subcommittee on Education.*

This bill amends s. 1011.80, F.S., to authorize a school district career center to conduct an associate in applied science or an associate in science nursing degree program if the career center offering the associate in science nursing degree program offers it only to graduates of a licensed practical nursing program offered by the same center.

Dual Enrollment

➤ ***SB 1246- Dual Enrollment (Stargel)***

- *SB 1246 passed through Appropriations Subcommittee on Education agenda on 2/18/20. It now heads to the Appropriations Committee.*

SB 1246 modifies the dual enrollment and collegiate high school programs to ensure students have access to such programs, parents and legal guardians are informed of opportunities and responsibilities, and school districts and postsecondary institutions are provided financial support to offer dual enrollment opportunities to students. Modifies the dual enrollment program to increase access for students by specifying that:

- School districts or Florida College System institutions may not deny an eligible student from participating in dual enrollment, and may not establish eligibility criteria in addition to those in law.
- Instructional materials are free-of-charge for students in private schools and home education programs
- Private schools are exempt from the payment of tuition and fees for dual enrollment.

Renames the “collegiate high school” to “early college” program and specifies requirements in the program contract and student performance contract. Establishes funding and financial incentives for school districts and postsecondary institutions by:

- Creating the Dual Enrollment Scholarship Program in the Department of Education to reimburse eligible postsecondary institutions a specified amount for tuition and instructional materials for dual enrollment taken by private school and home education program students in the fall and spring term, and by all students in the summer term, subject to appropriation in the General Appropriations Act.
- Providing a full-time equivalent (FTE) student membership bonus in the Florida Education Finance Program (FEFP) for students who complete general education core courses or an associate degree through dual enrollment, and requiring school districts to allocate half of such funds to support academic guidance and postsecondary readiness.
- Establishes a requirement for the Commissioner of Education to report to the Governor and Legislature regarding the status of dual enrollment programs for public and private school and home education program students.

➤ ***HB 187- Postsecondary Education for Secondary Students (Zika)***

- *Passed favorably in the Education Committee. It now heads to the House floor.*

The bill renames “collegiate high school programs” as “early college programs,” expands the programs from 1 to 2 years, and allows charter and private schools to establish programs with a state college, state university, or other eligible postsecondary institution.

The bill requires the programs be made available to students in grades 11 and 12 and specifies that they must include an option for a student to graduate from high school with an associate degree. The bill also prohibits district school boards and Florida College System (FCS) institutions from limiting the number of eligible students who may enroll in dual enrollment programs, including early college programs, unless a 1-year waiver is granted by the Commissioner of Education.

The dual enrollment articulation agreement between a FCS institution and a school district must include at least one early admission program, career early admission program, or early college program. The bill requires articulation agreements to address the costs associated with courses delivered using technology to be borne by both entities. The bill establishes reporting requirements for district school boards, postsecondary institutions, and the Department of Education (DOE) regarding early college programs and dual enrollment articulation agreements.

The bill requires home education students to meet the same minimum common placement test score as other dually enrolled students for participation in college credit dual enrollment and limits the college credit dual enrollment exceptions to students who exceed the minimum score on the common placement test.

The bill prohibits dual enrollment articulation agreements from passing along costs associated with tuition and fees, including registration and laboratory fees, and instructional materials to a student's private school of enrollment or being funded through the Florida Education Finance Program (FEFP). The bill also provides that costs associated with the early college program may not be passed on to private school students, their private school, or be funded through the FEFP.

The bill requires the dual enrollment transfer guarantees statement developed by the DOE to identify English and mathematics courses that require a grade of "C" or higher and include a notice stating that grades in college credit courses remain on the student's permanent record.

The bill requires students participating in dual enrollment and their parent to sign a form acknowledging that dual enrollment course grades are included in the student's college GPA, become part of the student's permanent record, and may affect the student's financial aid eligibility which the school keeps on file.

The bill appropriates \$550,000 in recurring funds from the General Appropriations Act to the DOE for Fiscal Year 2020-2021. The bill has an indeterminate fiscal impact on public postsecondary institutions. See Fiscal Comments.

Charter School

➤ ***HB 953- Charter Schools (McClain)***

- *HB 953 now heads to the floor.*

To address the needs of educational capacity, workforce qualifications, and career education opportunities that may extend beyond a school district's boundaries, the bill authorizes state universities and Florida College System (FCS) institutions to solicit applications and sponsor charter schools upon approval by the Department of Education (DOE).

- The bill also revises requirements for charter schools operated by a FCS institution with a teacher preparation program.
- The bill provides that the board of trustees of a sponsoring state university or FCS institution is a local educational agency for the purpose of receiving federal funds and accepting responsibility for all requirements in that role. The bill requires the DOE, in collaboration with charter school sponsors and operators, to develop a sponsor evaluation framework and report results in its annual charter school application report.
- In addition, the bill revises charter school application reporting requirements and submission dates for both sponsors and the DOE. The bill establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university or FCS institution.
- The bill authorizes charter schools to provide career and professional academies.

College Athletics

➤ **HB 7073 (HEA 20-01)- Naming of University and College Facilities (Higher Education Appropriations Subcommittee)**

- *HB 7073 passed in the House Education Committee and heads to the floor.*

The bill creates s. 1004.098, F.S., to require State University System and Florida College System institutions' presidents to provide written notification to the Governor, the President of the Senate, and the Speaker of the House of Representatives prior to executing a contract for all non-philanthropic commercial sponsorships of \$1 million or more, designed for marketing in a public postsecondary institution's athletic facilities. If, within 30 days of receipt, any of the parties provide written objection, an act of the Legislature shall be required for authorization.

➤ **SB 646/HB 287- Postsecondary Student Athletes (Sen. Mayfield/Rep. LaMarca)**

- *SB 646 passed in the Innovation, Industry, and Technology Committee and is on the Rules Committee agenda for 2/26/20.*
- *HB 287 was filed on 10/4/19 and has not been heard in its first committee, the House Higher Education & Career Readiness Subcommittee.*

Citing this act as the "Student Athlete Achievement Act"; providing requirements for contracts made by a minor or his or her parent or guardian relating to the licensing of the minor's name, image, or likeness while participating in intercollegiate athletics; prohibiting a postsecondary educational institution from preventing students participating in intercollegiate athletics from earning specified compensation; prohibiting certain organizations from preventing such students from earning specified compensation; prohibiting certain entities from preventing students participating in intercollegiate athletics from obtaining professional representation.

➤ **HB 7051-Intercollegiate Athlete Compensation and Rights (Workforce Development & Tourism Subcommittee)**

- *HB 7051 (formerly PCB WTS1) passed favorably through the Judiciary Committee and was placed on the Calendar, on 2nd reading.*

The bill authorizes intercollegiate athletes to earn compensation for their name, image, likeness, or persona (NILP). The bill seeks to preserve the integrity, quality, character, and amateur nature of intercollegiate athletics while maintaining a clear distinction between amateur and professional sports by:

- Providing that compensation for athletic performance or attendance at a particular institution remains prohibited.

- Allowing NILP compensation only if it is provided by a third party unaffiliated with the athlete’s postsecondary educational institution.
- The bill prohibits postsecondary educational institutions receiving state aid (Florida College System institutions, State University System institutions, and private colleges and universities) from:
 - Preventing or unduly restricting an intercollegiate athlete from earning NILP compensation.
 - Preventing or unduly restricting an intercollegiate athlete from obtaining professional representation for purposes of seeking NILP compensation.
 - Revoking or reducing grant-in-aid awards for an intercollegiate athlete who earns compensation for his or her NILP.

The bill specifies that the terms of a contract for NILP compensation may not conflict with the terms of the intercollegiate athlete’s team contract or extend beyond the time of the athlete’s participation in an athletic program at a postsecondary educational institution. In addition, the bill requires each postsecondary educational institution receiving state aid to:

- Provide intercollegiate athletes with health and disability insurance, including the cost of deductibles, coinsurance, and copays and a death benefit of \$25,000.
- In the event of a sports-related injury, continue providing such insurance for the time it takes the athlete to recover from the injury, subject to certain conditions.
- Maintain grant-in-aid for intercollegiate athletes until the athlete graduates, under certain circumstances.
- Conduct a financial and life skills workshop at the beginning of the intercollegiate athlete’s first and third academic years.

College Business

➤ ***HB 5007- State-administered Retirement System (Appropriations Committee/Cummings)***

- *HB 5007 passed on the House floor with 111 yeas and 5 nays. The bill conforms the law to the House proposed 2020-21 General Appropriations Act (GAA) as retirement contributions are included in the GAA.*

Current law requires an annual actuarial valuation of the FRS be provided by the administrator of the Department of Management Services and for the results to be reported to the Legislature by December 31 of each year. Thereafter, the Legislature uses the results of the actuarial valuation to establish uniform employer contribution rates during the next Legislative Session to ensure the FRS is funded in a sound actuarial manner. The bill revises the employer contribution rates for the FRS based on the 2019 Actuarial Valuation.

Employer Contribution Group	Estimated Increase In Contributions
State Agencies	\$47.0 Million
School Boards	\$232.7 Million
State Universities	\$21.6 Million
Colleges	\$18.6 Million
Counties	\$61.0 Million
Other	\$23.6 Million
Total:	\$404.6 Million

➤ **HB 7087- Higher Education (Fine/Education Committee)**

- *HB 7087 (formerly EDC3) passed through the Education Committee with 12 yeas and 6 nays. It is on the Appropriations Committee agenda for 2/25/20.*

The bill revises the Florida Academic Scholars textbook award providing an additional stipend for textbooks if funds are specifically provided in the General Appropriations Act, in lieu of providing a \$300 stipend for textbooks each fall and spring semester. The bill revises the Florida Medallion Scholars (FMS) award effective for students initially eligible in the fall 2021 semester, to provide for the following:

- A FMS student who is enrolled in an associate degree program at a Florida College System (FCS) institution is eligible for an award equal to 100 percent of tuition and applicable fees.
- A FMS student who earns an associate degree at an FCS institution with a 3.5 cumulative grade point average or higher is eligible for an award equal to 100 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.
- A FMS student who earns an associate degree at an FCS institution with a 2.75 cumulative grade point average or higher, but below a 3.5, is eligible for an award equal to 75 percent of tuition and applicable fees upon enrolling in a baccalaureate degree program at an eligible Florida postsecondary institution.

The bill revises the intent of the William L. Boyd, IV, Effective Access to Student Education (EASE) program and the Access to Better Learning and Education (ABLE) Grant Program to be a financial aid program. Beginning with the fall semester of 2021, the bill requires students applying for an initial EASE or ABLE award to apply for the Pell Grant and meet the eligibility requirements for demonstrated financial need.

Beginning July 1, 2020, the bill requires the University of Florida (UF) and Florida Polytechnic University (FPU) boards of trustees (BOTs) to submit an application for merger with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC). Upon approval of the merger, specified items must be transferred to UF, including the Florida Industrial and Phosphate

Research Institute. FPU is required to transfer related foundation funds to the UF Foundation after obtaining donor consent. The bill requires Florida State University (FSU) and New College of Florida (NCF) BOTs to submit an application for merger with SACSCOC. Upon approval of the merger, specified items must be transferred to FSU. The bill requires tuition and fees at FPU and NCF to remain in place for current undergraduate and graduate students until they graduate.

➤ ***SB 1340/HB 007-Legal Notices (Sen. Gruters/Rep. Fine)***

- *HB 0007 passed favorably through the State Affairs Committee and has been placed on calendar, on 2nd reading.*
- *SB 1340 was temporarily postponed in the Judiciary on 2/11/20 and 2/19/20.*

The bill allows a governmental agency the option to publish legally required advertisements and notices on a publicly accessible website if certain conditions are met. Specifically, the bill allows a governmental agency:

- In a county that has not been designated a fiscally constrained county, to publish legally required advertisements and notices on a publicly accessible website if online publication would result in a cost savings for the government.
- In a fiscally constrained county, to publish advertisements and notices on a publicly accessible website after making a determination at a publicly noticed meeting that online publication:
 - Is in the public interest;
 - Will be less expensive than newspaper publication; and
 - Will not, after taking into account the level of internet access in the county, unreasonably restrict access to advertisements and legal notices.

➤ ***SB 1322/HB 6035- Postsecondary Fee Exemptions (Sen. Wright/Rep. Overdorf)***

- *SB 1322 was temporarily postponed in the Senate Education Committee on 2/17/20.*
- *HB 6035 has not yet been heard in its first committee, Higher Education & Career Readiness Subcommittee.*

The bill removes the tuition and fee exemption for students in approved apprenticeship programs that partner with school districts, Florida College System institutions, and state universities for the instructional portion of a program.

➤ ***SB 774/HB 7081- Public Records and Meetings/Applicants for President/State University or Florida College System Institution (Sen. Diaz/House State Affairs Committee-Rep. Latvala)***

- *SB 774 passed in the Governmental Oversight and Accountability Committee. It is on the Rules Committee agenda for 2/26/20.*

- *HB 7081 (formerly SAC4) passed in the Education Committee. It was placed on Calendar, on 2nd reading.*

SB 774 creates an exemption from public records and public meetings requirements for any personal identifying information associated with applicants for president of a state university or Florida College System institution.

The bill specifies that the proposed exemption does not apply once a final group of at least three applicants is established.

The bill provides that the exemption is subject to the Open Government Sunshine Review Act, and so is repealed on October 2, 2025, unless saved from repeal by the Legislature.

➤ ***SB 1270/HB 1113- Fiduciary Duty of Care for Appointed Public Officials and Executive Officers (Sen. Lee/Rep. Beltran)***

- *SB 1270 passed through the Community Affairs Committee on 2/17/20, it is now headed to Rules Committee.*
- *HB 113 passed through its first committee and is now in the Government Operations & Technology Appropriations Subcommittee.*

CS/SB 1270 creates part IX of chapter 112, F.S., to establish an express fiduciary duty of care for appointed public officials' and executive officers acting on behalf of governmental entities. The bill makes a statement of legislative findings providing that:

- Appointed public officials and executive officers acting on behalf of governmental entities owe a fiduciary duty to the entities they serve; and
- Codifying a fiduciary duty of care will require that appointed public officials and executive officers stay adequately informed of affairs, perform due diligence, perform reasonable oversight, and practice fiscal responsibility regarding decisions involving corporate and proprietary commitments on behalf of a governmental entity.

The bill provides definitions for relevant terms including, but not limited to “appointed public official,” “executive officer,” and “governmental entity.”

The bill establishes training requirements for each appointed public official and executive officer to begin on January 1, 2021. The bill specifies that a minimum of five hours of board governance training must be completed for each term served. The bill provides three exceptions to the training requirement for appointed public officials and executive officers (i) of governmental entities whose annual revenues are less than \$100,000; who hold elected office in another capacity; or (iii) who complete board governance training involving fiduciary duties or responsibilities which is required under any other state law.

The bill requires appointed public officials and executive officers to provide written certification of compliance with the board governance training.

The bill requires the Department of Business and Professional Regulation (DBPR), by January 1, 2021, to either (i) contract for or approve a board governance training program that includes an affordable web-based electronic media option; or (ii) publish a list of approved Training providers. The bill grants rulemaking authority to the DBPR.

The bill requires the appointment of an executive officer or general counsel be subject to approval by a majority vote of the governing body of the governmental entity. The bill specifies that all legal counsel employed by a governmental entity must represent the legal interest and position of the governing body of the governmental entity, unless such representation is directed by the governmental entity.

➤ ***SB 738/HB 393- Jury Service (Senator Harrell/Rep. Stone)***

- *SB 738 passed favorably through the Judiciary, Education and now heads to the Rules Committee.*
- *HB 393 now heads to the floor.*

The bill allows students who are 18 to 21 years of age to be excused from jury service upon request if they are enrolled as a full-time student at a high school, state university, private postsecondary educational institution, Florida College System Institution, or career center.

➤ ***SB 774/HB 7081- Public Records and Meetings/Applicants for President/State University or Florida College System Institution (Sen. Diaz/House State Affairs Committee)***

- *SB 774 passed in the Governmental Oversight and Accountability Committee and now is on the Rules Committee.*
- *HB 7081 passed in the Education Committee. It was placed on Calendar, on 2nd Reading.*

SB 774 creates an exemption from public records and public meetings requirements for any personal identifying information associated with applicants for president of a state university or Florida College System institution.

The bill specifies that the proposed exemption does not apply once a final group of at least three applicants is established.

The bill provides that the exemption is subject to the Open Government Sunshine Review Act, and so is repealed on October 2, 2025, unless saved from repeal by the Legislature.

➤ ***HB 1111/SB1538- Government Integrity (Rep. Tomkow/Sen. Gruters)***

- *HB 1111 passed through the Public Integrity & Ethics Committee and Appropriations. It is now in State Affairs Committees.*

- *SB 1538 has not been heard in its first committee stop, the Governmental Oversight & Accountability Committee.*

The bill includes various provisions designed to promote integrity in government and identify and eliminate fraud, waste, abuse, mismanagement, and misconduct in government. Specifically, the bill:

- Creates the Florida Integrity Office under the Auditor General for the purpose of ensuring accountability and integrity in state and local government and facilitating the elimination of fraud, waste, abuse, mismanagement, and misconduct in government.
- Requires the Chief Inspector General (CIG) and agency inspectors general to determine whether there is reasonable probability that fraud, waste, abuse, mismanagement, or misconduct in government has occurred within six months of initiating an investigation of such activity.
- Provides a mechanism for the state to recover funds when the CIG or an agency inspector general determines a public official, independent contractor, or agency has committed fraud, waste, abuse, mismanagement, or misconduct in government.
- Requires the Chief Financial Officer to regularly forward to the Florida Integrity Officer copies of suggestions and information submitted through the state's 'Get Lean' hotline.
- Provides a financial incentive for agency employees to file 'Whistle-blower's Act' complaints and participate in investigations that lead to the recovery of funds.
- Broadens the competitive solicitation exemption for statewide broadcasting of public service announcements.
- Prohibits state or local tax incentive funds from being used to award or pay a state contractor for services provided or expenditures incurred pursuant to a state contract.
- For agency contracts over \$50,000, requires a contractor to include in the contract a good faith estimate of gross profit for each year of the contract, provides a process for the agency to review such estimate, and provides financial penalties for a contractor who misrepresents the estimate.
- Prohibits a state employee from lobbying for an appropriation and also participating in awarding any contract funded by the appropriation. The bill provides an exception for a state employee who is an agency head, employed in the Executive Office of the Governor or the Office of Policy and Budget, or an employee who is required who is required to register as a lobbyist but whose primary job responsibilities do not include lobbying.
- To increase accountability, the bill requires the DOE IG to also investigate allegations or reports of possible waste, fraud, abuse, or mismanagement against a Florida College System institution made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. Additionally, the bill also requires the DOE IG to investigate allegations or reports of possible waste or mismanagement against a district school board made by any of the previously referenced

members or officers.

Veterans

➤ ***SB 372/HB 171 Postsecondary Education for Certain Military Personnel (Sen. Lee/Rep. Ponder)***

- *SB 372 was temporarily postponed on the floor.*
- *HB 131 passed through its final committee (Education) and has been placed on Special Order Calendar, 2/26/20.*

The bill promotes uniformity in the application of military training and education toward postsecondary credit (credit) or career education clock hours (clock hours) by public postsecondary educational institutions and establishes a fee waiver for active duty members and honorably discharged veterans of the United States Armed Forces. Specifically, the bill requires:

- The Articulation Coordinating Committee (ACC) of the Florida Department of Education to convene a workgroup to develop a process for prioritizing and determining when military courses and occupations are appropriate for credit. The process must be approved by the Board of Governors of the State University System (BOG) and the State Board of Education (SBE), in consultation with the Florida Department of Veterans' Affairs.
- The ACC to approve a list of postsecondary course equivalencies and credit and clock hours awarded for military courses and occupations, which must be approved by the BOG and SBE in the statewide articulation agreement.
- State universities, FCS institutions, and career centers to award credit or clock hours based on the approved list.
- A state university, FCS institution, career center operated by a school district, or a charter technical career center to waive transcript fees for active duty servicemembers and honorably discharged veterans, and their spouses and dependents.