

SPC St. Petersburg College

2017 Legislative Session

New Law Summary



Session Highlights Impacting the Florida College System

The 2017 Florida Legislature adjourned sine die on Monday evening, May 8, 2017. Following a contentious budget process that resulted in the extension of the legislative session by three days and the requisite 72-hour “cooling off period,” the Legislature approved the General Appropriations Act and an overall budget of \$83 billion. A total of 3,132 bills were filed this session with only 249 passed by both chambers, resulting in the second lowest number of bills passed in nearly two decades.

The Florida College System (FCS) would have had significant statutory changes to address as a result of the 2017 Legislative Session if the Governor had not vetoed SB 374. The most impactful change will be a system-wide budget reduction of \$30.2 Million attributed to changes in developmental education.

Special Session 1A- A Special Session of the Legislature was called by the Governor to address Public School funding, Medical Marijuana amendment implementation, Enterprise Florida and Visit Florida funding. Among the actions of the Legislature during Special Session, House Bill 1A restored funds to one college’s operating budget and restored partial funding to fixed capital outlay projects at two colleges totaling \$4,572,518.

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2017-2018 General Appropriations Act (GAA) SB 2500

Statewide Funding [SB 2500](#)

The Florida Legislature had significant additional General Revenue available to address budget issues surrounding the Florida College System (FCS). However, the House of Representatives and the Senate focused on reducing the FCS Program Fund (FCSPF).

Prior to the legislative session, Governor Rick Scott released his budget proposal which called for a \$9 million increase in total funding for the System. Even though it was substantially below the \$100 million increase requested by the FCS Council of Presidents, the proposal appeared to be supportive of the System.

The initial House budget recommendation proposal included, cutting \$9,866,896 to ensure public funds were not spent to support personal services of the colleges' direct support organizations. An additional cut of \$62,700,000 was also proposed to force certain colleges to have to spend down their fund balances to a level the House identified. The House explained that this cut would be a non-recurring reduction and equivalent funding would be added back in the 2018-19 budget.

Initially the Senate budget proposed a permanent reduction of \$55,130,856 to the FCSPF, explaining that colleges were no longer serving as many students in the developmental education programs as they previously had served. The Senate also proposed to suspend both the Industry Certification and the Performance categorical for the upcoming fiscal year.

Passed on May 8, 2017, the General Appropriations Act (SB 2500), reduced the FCS budget by \$30,200,000 to reflect an anticipated decline in developmental education enrollment, however appeared to be also based on a pro-rata reduction. Because of additional funds being added to certain colleges for specific purposes, the actual difference in the total appropriation for the program fund appears to be a loss of \$29.6 million (not counting the FRS adjustment).

A slightly modified performance-based funding method was created for the Florida College System for the third consecutive year. The amount of money remained the same with a \$60 million appropriation, including \$30 million in nonrecurring state funds and \$30 million from the institutions' base funding (SB 374). The Legislature also appropriated \$10 million for performance funding based upon the number of specified industry certifications earned by each college's students as well as local projects of statewide interest totaling \$15.3 million at thirteen colleges and operational support projects totaling \$9.6 million at five colleges. These funds are included in the individual college's program fund appropriation.

As part of this year's appropriation, the Legislature again implemented a funding source shift for the Florida College System. Funding from the Educational Enhancement Trust Fund (Lottery) was replaced with General Revenue in the amount of \$42,044,494. Historically, Lottery funds have not been available for the colleges to draw against until after the midpoint of the fiscal year, potentially causing cash flow problems. As usual, the Legislature adjusted funding in the FCSPF to reflect a change in Florida Retirement System (FRS) employer contributions and to the Health Insurance Subsidy for Retirees. The net result was an increase of \$4,942,768 in the amount to be contributed to FRS. The change reflects the employer's contribution rates to be paid by the colleges during the 2016-17 fiscal year. Both of these changes are intended by the Legislature to have no net impact on the funds available for college operations.

Capital Outlay

This year, the Legislature provided \$38,066,518 for repair, maintenance and renovation type projects for FCS institutions. These funds are referred to as the "sum of the digits" and are distributed by formula.

The Legislature elected not to bond facilities projects and instead provided \$83,512,385 from General Revenue and the Public Education Capital Outlay and Debt Service Trust Fund (PECO) for twenty-two projects at eighteen colleges. The Governor voted for five fixed capital outlay projects at five colleges totaling \$14.5 million. During Special Session 1A, partial funding was restored for vetoed fixed capital outlay projects at two colleges which totaled \$4,572,518.

Career and Adult Education

The legislative appropriation for Career and Adult Education, which spans components of both K-12 and the Florida College System sectors, totaled \$477 million. Of that amount, \$366.3 million is designated for Workforce Development funding; another \$67.1 million provides budget authority for the (federal) Carl D. Perkins Career and Technical Education Act, and \$41.6 million is dedicated for Adult Basic Education federal flow-through funds.

Appropriations Proviso and Implementing Bill Issues

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 which directs or authorizes how the funds can be expended. An implementing bill is a substantive bill which 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 temporarily suspend some provision of law. A conforming bill is a substantive bill which may “travel” with the GAA. It differs from the implementing bill in that it makes permanent changes to Florida Statutes. Individual bills which become law permanently change the law. For the 2017-18 Session, there was no language affecting the FCS in the implementing bill. There was no conforming bill.

While the Governor may veto the entire appropriations act or exercise his veto by “line item,” he does not have “line item” veto in an implementing or conforming bill, but must act on the entire bill. If a specific appropriation or proviso language relating to a specific appropriation is vetoed, then language in an implementing bill pertaining to that item is void.

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.

Appropriations Proviso

Industry Certifications

An appropriation of \$10 million for industry certification performance included proviso language that identified the programs eligible for funding for 2017-18 to be: public safety, health sciences, automotive service technology, auto collision repair and refinishing, cyber security, cloud virtualization, network support services, computer programming, advanced manufacturing, electrician, welding, Federal Aviation Administration airframe mechanics, power plant mechanics, pharmacy technicians, and heating, ventilation and air conditioning technicians. These are the same programs as in 2016-17.

FCS Performance Funding

The General Appropriations Act included \$60 million in performance funding for the Florida College System, with \$30 million in nonrecurring state funds, and \$30 million deducted from the Colleges’ base funding. Base funding could potentially be redistributed among other colleges based on performance.

BILLS THAT PASSED

Academic Programs and Financial Aid

Student Loan Debt: [CS/SB 0396](#)

[Ch 2017-092.pdf](#)

Senate Bill 396 defines the term “student loans” to mean federal loans disbursed to pay for education. Requires that colleges beginning in 2017-18 provide students an estimate of the students’ total borrowing, potential repayment amount, monthly installments, and available borrowing limit. Also specifies an institution shall not incur liability for providing information to the student.

Postsecondary Distance Education: [CS/CS/HB 0859](#)

[Ch 2017-087.pdf](#)

House Bill 859 would allow for state participation in a reciprocity agreement with other states for the delivery of postsecondary distance education, and establishes the Postsecondary Reciprocal Distance Education Coordinating Council to administer the reciprocity agreement and establishes fees for participation in reciprocity agreement. The Bill designates the Commission for Independent Education to provide administrative support, however does not authorize their jurisdiction over non-Florida participant institutions. Further, it stipulates that the Council will apply for Florida to participate as a member state of a reciprocity agreement* within 60 days after the effective date of the act. *The national reciprocity agreement is SARA (State Authorization Reciprocity Agreement).

The Council must also:

- Review and approve applications for participation from institutions
- Ensure compliance with the reciprocity agreement
- Develop and administer a complaint resolution process

The Governor is granted authority to request the Council to reconsider participation in a reciprocity agreement or to withdraw from participation and requires a report to the Governor, President of the Senate and Speaker of the House on revenue generated versus operational costs to administer participation. The Council has the authority to revoke participation of any institution. It designates fees and fines to a specific trust fund, requires a separate account, and stipulates use of such funds.

Autism Awareness Training for Law Enforcement Officers:

[CS/CS/HB 0039](#)

[Ch 2017-043.pdf](#)

House Bill 39 requires The Florida Department of Law Enforcement (FDLE) to establish a continuing employment course (CET) component relating to Autism Spectrum Disorder (ASD). Completion of the training may count toward a law enforcement officer's required 40 hours of CET. The training must include, but is not limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to such individuals.

Regulation of Nursing: [CS/CS/HB 0543](#)

[Ch 2017-134.pdf](#)

House Bill 543 authorizes the Board of Nursing (BON) to grant a one-year extension to a nursing education program that is on probation for failure to meet the graduate passage rate, if the program shows progress. The BON retains authority to terminate a program after the two-year probation period. A program on probation must notify its students and applicants of that status and its implications in writing. Further, the bill removes a requirement that a nursing student who does not take the licensure examination within six months of graduation must successfully complete a licensure examination preparatory course, and prohibits a program that was terminated or closed from reapplying for approval for three years and authorizes the BON to adopt rules related to nursing education programs, and to perform an on-site evaluation of a nursing education program applicant. The provisions of HB 543 also eliminates the requirement of annual reports by the Office of Program Policy Analysis and Government Accountability on the status of nursing education programs, but require the Florida Center for Nursing to issue the annual reports and include an assessment progress accreditation status for certain nursing programs.

In addition, the Bill:

- Authorizes DOH to request a date of birth on a licensure application and removes requirements for the size and forms of licenses;
- Requires DOH to deny license renewal of an applicant who owes fines and costs imposed in a licensure disciplinary proceeding unless the applicant has received an extension of time to pay;
- Authorizes a regulatory board or DOH, if there is no board, to transfer funds from a profession's operating trust fund to cover a deficit related to prosecuting unlicensed activity and to waive licensure or renewal fees under certain circumstances;
- Authorizes DOH to administer the Conrad 30 Waiver program, which allows a limited number international physicians, employed by a facility in an underserved area, to apply for a federal waiver for the 2-year residence requirement upon completion of the J-1 exchange visitor program (Section 214(l) of the Immigration Nationality Act (INA)).
- Requires certain pain management clinics to register with DOH at no cost;

- Authorizes any entity approved by the BON to offer the required 3-hour continuing education class on the safe and efficient prescription of controlled substances;
- Requires an ARNP to maintain a copy of his or her protocol at the location the ARNP practices and if the ARNP works with multiple supervising physicians in a group practice, the ARNP has to enter into a protocol with at least one physician;
- Establishes standards for permitting and regulating in-state sterile compounding pharmacies and outsourcing facilities;
- Authorizes DOH to issue a single license to a prosthetist-orthoptist and establishes a path to licensure for certain students enrolled in physical therapist assistant programs.
- Updates national licensure examinations for marriage and family therapists.

Public Records

Public Records and Meetings/Information Technology/ Postsecondary Education Institutions: [CS/CS/HB 0501](#) [Ch 2017-109.pdf](#)

House Bill 501 provides that records and meetings held by state universities (SUS) and Florida College System institutions regarding information security incidents, such as investigations into security breaches, security technologies, processes and practices, as well as security risk assessments are subject to Florida open record laws. In that public disclosure of this information may present a significant security risk because such information could reveal weaknesses within the State University System and Florida College System computer networks, this bill provides that the following records held by a state university or Florida College System institution are confidential and exempt from public record requirements:

- Records that identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, if the disclosure of such records would facilitate unauthorized access to, or unauthorized modification, disclosure, or destruction of, information or data, or information technology resources; and
- Those portions of risk assessments, evaluations, audits, and other reports of the institution's information technology security program for its data, information, and information technology resources, if the disclosure of such records would facilitate unauthorized access to or unauthorized modification, disclosure, or destruction of information or data or information technology resources, and
- Exempts from public meeting requirements. Those portions of a public meeting that would reveal data or information that is made confidential and exempt by this bill. The meeting must be recorded and transcribed, but the recording and transcript of such a meeting must remain confidential and exempt from public disclosure.
- Provides that such confidential and exempt information must be provided to specified entities.

- Provides for repeal of the exemption on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Public Records and Meetings/Campus Emergency Response for Public Postsecondary Education Institutions: [CS/HB 1079](#) [Ch 2017-184.pdf](#)

House Bill 1079 creates an exemption from public record and public meeting requirements for information associated with a campus emergency response of a public postsecondary educational institution, and defines “Campus emergency response” as a public postsecondary educational institution’s response to or plan for responding to an act of terrorism or other public safety crisis or emergency.

Further, the Bill provides that any portion of a campus emergency response held by a public postsecondary educational institution, a state or local law enforcement agency, a county or municipal emergency management agency, the Executive Office of the Governor, the Department of Education, the Board of Governors of the State University System, or the Division of Emergency Management is exempt from public record requirements. This exemption applies to plans held by a custodial agency before, on, or after the effective date of the bill. It provides that the portion of a public meeting which would reveal information related to a campus emergency response is exempt from public meeting requirements. The exemptions are repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Public Records/Victim of Alleged Sexual Harassment/ Identifying Information: [CS/CS/HB 0397](#) [Ch 2017-103.pdf](#)

House Bill amends s. 119.071, F.S., to provide that personal identifying information of the alleged victim in an allegation of sexual harassment is confidential and exempt from public record requirements. It specifies that such information may be disclosed to another governmental entity in the furtherance of its official duties and responsibilities. The provisions provide for the repeal of the exemption on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

Public Records: [CS/CS/SB 0080](#) [Ch 2017-021.pdf](#)

Senate Bill 80 requires a court to award attorney fees and enforcement costs in actions to enforce public records laws if the court determines that an agency unlawfully refused access to a public record and the plaintiff provided written notice identifying the public records request to an agency records custodian at least 5 business days before filing the action. The five day notice period excludes holidays and weekends. It stipulates that advance written notice is not required if the agency does not prominently post contact information for its records custodian in the agency’s primary administrative building in which public records are kept and on the agency’s website, if the agency has a website. However, if the court determines that a plaintiff requested records or filed the enforcement action based on an

improper purpose, the court must award reasonable costs and attorney fees against the Plaintiff. An improper purpose is one in which a person requests records mainly to harass an agency, cause a violation of the public records law, or for frivolous purpose. Further, the provisions specify that monetary damages are not available in an action to enforce the public records laws.

Disability Services

Assistive Technology Devices: [HB 0371](#) [Ch 2017-100.pdf](#)

House Bill 371 revises provisions related to the use of assistive technology devices by students with disabilities and recognizes that access to and use of the assistive technology device is essential for a student moving from school to home and community. It provides that an individualized plan for employment to be one of the plans that may serve as the basis for a student to retain an assistive technology device through a transition.

Educational Options: [CS/CS/CS/HB 0015](#) [Ch 2017-166.pdf](#)

House Bill 15 expands the Gardiner Scholarship program by expanding the pool of applicants with additional disabilities and the use of scholarship funds for equine, art, or music therapy services, and stops payments to the scholarship accounts if accounts have been inactive for two fiscal years. Further, the Bill revises the Florida Tax Credit Scholarship Program by increasing the base annual scholarship amount and allowing a dependent child of a parent who is a member of the U.S. Armed Forces to apply for a scholarship at any time. It also prohibits a student enrolled at the Florida School for the Deaf and Blind from being eligible for the scholarship.

Public Employment and Business Operations

Public Employees: [SB 7022](#) [Ch 2017-088.pdf](#)

Senate Bill 7022 impacts state health insurance offerings and retirement through the Florida Retirement Services (FRS). Provisions of the State Group Health Insurance Program (Program) are amend for plan year 2020 and thereafter, by requiring the Department of Management Services (DMS) to offer four health insurance coverage levels of at least a certain actuarial value under the Program as follows: Platinum – 90 percent, Gold – 80 percent, Silver – 70 percent, and Bronze – 60 percent. It further provides that where the

state's contribution is more than the premium cost of the health plan selected by the employee, that employee will be permitted to allocate unused state health insurance contributions to other benefits or as salary.

Beginning with plan year 2018, the DMS is authorized to procure new types of health care products and services. For plan year 2018, the DMS must contract with an entity to provide enrollees with an online cost comparison for health care services and providers and at least one entity that provides comprehensive pricing and inclusive services for surgery and other medical procedures. Enrollees may access these services and share in any savings to the plan. The DMS must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on certain criteria, including cost-savings to both enrollees and the state resulting from implementation of the Internet-based platform and the comprehensive services.

FRS renewed membership to be permitted in the investment plan or one of the optional annuity retirement plans for certain former participants of those plans. The survivor benefit for investment plan members killed in the line of duty was expanded to include all members of the investment plan and made the provisions, including those pertaining to the Special Risk Class, retroactive to 2002. The Senior Management Service Optional Annuity Program is closed to new members. The default for members failing to elect participation after nine months of employment in either the pension plan or the investment plan is set to the pension plan for enrollees in positions within the Special Risk Class and the investment plan for all other members.

Public Records/Firefighters and their Spouses and Children:

[CS/SB 1108](#)
[Ch 2017-096.pdf](#)

Senate Bill 1108 expands an existing public records exemption in s. 119.071(4)(d) 2.b., F.S., for the personal identifying information of current firefighters, their spouses, and children. The expansion will extend the public records exemption to former fire fighters and their families. The records exempted are the names of the spouses and children, home addresses, telephone numbers, dates of birth, photographs, places of employment, and the names and locations of schools and day care facilities attended by the children of firefighters. The public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S. The exemption will stand repealed on October 2, 2022, unless the Legislature reviews the exemption and saves it from repeal through reenactment.

Body Cameras: [CS/HB 305](#)
[Ch 2017-015.pdf](#)

House Bill 305 requires a law enforcement agency that permits the use of body cameras to have a provision permitting an officer using a body camera to review the recorded footage from the body camera before writing a report or providing a statement regarding any event. An officer would still have an inherent duty to immediately disclose information necessary to secure an active crime scene or to identify suspects or witnesses.

Public Charter Schools

Education: Chapter No. [2017-116](#)

Among other provisions, House Bill 7069 included various revisions to the law on public charter schools, including, but not limited to:

- **Charter:** Modification of charter school requirements related to open enrollment procedures, standard application and charter contract, administrative fees, reporting requirements and the calculation and authorized uses of charter school capital outlay, requiring school districts to share local millage revenue with charter schools.
- **High-Performing Charter Schools:** Authorizes a high-performing charter school to establish more than one charter school in any year if it operates in the area of a persistently low-performing school and serves students from that school and allows a high-performing charter school system to replicate its schools in any school district in the state and specifies application requirements.
- **Schools of Hope:** Authorizes the establishment of “schools of hope” and designation of “hope operators” to provide students in areas of persistently-low performing schools with a high-quality education option.
- **Schools of Excellence Program:** Creates the Schools of Excellence Program to provide administrative flexibility to the state’s highest performing schools.

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GLOSSARY OF ABBREVIATIONS/DEFINITIONS

ACC	Articulation Coordinating Council
BOG	Board of Governors for the State University System
BOT	Board of Trustees
CAPE	Career and Professional Education
CIE	Council for Independent Education
COP	Council of Presidents
CS	Committee Substitute
DBPR	Department of Business and Professional Regulation
DCF	Department of Children and Families
DMS	Department of Management Services
DOE	Department of Education
EOC	End of Course (exam)
FCS	Florida College System
FCSPF	Florida College System Program Fund
FCO	Fixed Capital Outlay
FAFSA	Free Application for Federal Student Assistance
FERPA	Family Educational Rights and Privacy Act
FS	Florida Statute
GAA	General Appropriations Act, also referred to as the budget
HB	House Bill
HECC	Higher Education Coordinating Council
ICUF	Independent Colleges and Universities of Florida
Line Item	The number attached to an appropriation or proviso in the GAA
PECO	Public Education Capital Outlay
PECO Sum of Digits	Funds provided to the colleges for maintenance that is based upon square feet of facility space at the institution
Proviso	Language that directs specific instructions regarding an appropriation in the GAA
SACS	Southern Association of Colleges and Schools (accreditation body)
SB	Senate Bill
SBE	State Board of Education
SCCSORP	State Community College System Optional Retirement Program
SMSOAP	Senior Management Service Optional Annuity Program
SPC	St. Petersburg College
VTC	Vocational Technical Center