

2015 Legislative Session

New Law Summary

July, 2015

The Florida Legislature's 2015 Regular Session began on March 3, 2015 and adjourned *sine die* on April 29, 2015, three days early. A total of 1,754 bills were introduced, however only 231 passed both chambers. As the Legislature adjourned before passing the Annual Appropriations Act, a Special Session began on June 1, 2015, and ended on June 19, 2015. During the Special Session, 21 bills were introduced, and eleven passed, including Senate Bill 2500A, the Appropriations Act, and Senate Bill 2502A, the "implementing" bill.



Two issues dominated the legislative discussions related to the Florida College System: continued conversation regarding the approval of baccalaureate degrees and performance funding.

The offering of baccalaureate degree programs in the Florida College System was discussed and debated during the 2014 legislative session, resulting in a one-year moratorium on new baccalaureate proposals being submitted to the Florida Board of Education. During the recent 2015 session, additional restrictions and revisions were proposed, including an agreement to limit baccalaureate growth and to accept additional input on new proposals. Ultimately, no language actually passed the Legislature on this issue, effectively eliminating the moratorium on new proposals. The State Board of Education, however, began amending the process to reflect the provisions of the agreement.

In 2014, the State University System (SUS) implemented a Performance Funding System under which individual institutions may lose certain funding and potentially earn back lost base funding by submitting an improvement plan. This session, the Florida College System Performance Funding System was adopted and will be implemented pursuant to a revised implementation plan by the Commissioner of Education.

Below is a summary of the appropriations, implementing and conforming bills, as well as summaries of selected bills impacting colleges in the Florida College System.

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**General Appropriations Act
(GAA) SB2500A**

[Chapter 2015-232.pdf](#)

Statewide Funding

The Florida Legislature had significant additional General Revenue available to address budget issues. However, while funding for the Florida College System and the Florida College System Program Fund (FCSPF) increased for 2015-16 from the 2014-15 level by \$34.8 million; this was below the \$100 million level requested by the Council of Presidents.

The Legislature did not provide funds specifically for compression/equity funding. However the Legislature did provide \$22,250,000 in new funding to thirteen colleges for operational support. As described elsewhere in the report, a new performance funding method was created for the Florida College System, with a \$40 million allocation, created with \$20 million in new funds, and \$20 million from base funding. The Legislature also appropriated five million dollars for performance funding based on the number of specified industry certifications earned by a college’s students.

Although the Legislature did not authorize a tuition increase for the FY 2015-16, the overall increase in state funding for the Florida College System was 3.9 %.

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 \$10,068,886 in funding from General Revenue. Historically, Lottery funds have not been



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available for the colleges to draw against until after the midpoint of the fiscal year, potentially causing cash flow problems. Operating costs for new facilities were fully funded at \$2.2 million, including \$700,000 for the annualization of appropriations from 2014-15 and \$1.5 million for new facilities opening in 2015-16. As in past years, the Legislature adjusted funding in the Florida College System Program Fund (FCSPF) to reflect a change in Florida Retirement System (FRS) employer contributions and to the Health Insurance Subsidy for Retirees. The net result was a decrease of \$200,000 in the amount to be contributed to FRS. The change reflects the employer's contribution rates to be paid by colleges during the 2015-16 fiscal year. These changes are intended by the Legislature to have no net impact on the funds available for college operations.

Capital Outlay

The Legislature provided \$84,797,931 from the Public Education Capital Outlay and Debt Service Trust Fund (PECO) and \$1,000,000 from General Revenue for fourteen projects at thirteen colleges. The Governor vetoed three projects funded from PECO, reducing the total funding to \$78,567,931. This compares with \$106,661,216 in the 2014-15 budget after the Governor's vetoes. In addition, the budget includes \$20 million for the regular repair, maintenance, and renovation type projects. These funds are referred to as the "sum of the digits."

Appropriations Proviso, Implementing and Conforming 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 also a substantive bill which may "travel" with the GAA. It differs from the implementing bill in that it makes permanent changes to Florida Statutes.

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 which 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. One implementing bill, the tax cut package, was approved by the Legislature on June 15, 2015, and the Governor approved the bill on June 16, 2015. The Governor acted on the 2015 Appropriations Bill, with significant vetoes, and the 2015 Implementing Bill on June 23, 2015.

Due to the unusual situation of the Special Session, there were no conforming bills that impacted the College System.

The following are the appropriations and implementing bills that passed during Special Session and impact Colleges:

- SB 2500A, General Appropriations Act
- SB 2502A, Implementing Bill
- HB 33A, Tax Reduction Implementing Bill

Appropriations Proviso

Florida College System Performance Funding/Industry Certifications

An appropriation of \$5 million for industry certification performance included proviso language that identified the programs eligible for funding for 2015-16 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.

Performance Funding

The original Senate appropriations bill included \$60 million in performance funding for the FCS, with \$30 million in new funds, and \$30 million taken out of the College's base funding and redistributed among all colleges based on performance. All colleges would have been competing for their own money. The original House appropriations bill provided \$20 million for performance, all new money.

The final appropriations bill included a \$40 million performance fund, with \$20 million in new funds, and \$20 million withheld from the college's base funding and redistributed based on performance. Proviso language requires the State Board of Education to allocate the funds pursuant to a performance funding model, to be approved by the Board prior to September 1, 2015.

Proviso also limits the measures to:

- Job Placement,
- Program Completion and Graduation Rates,
- Retention Rates, and
- Completer Entry Level Wages.

The proviso language also requires the State Board to establish a minimum performance threshold that colleges must meet in order to be eligible for new funding. Any college that fails to meet the minimum performance funding threshold will have a portion of its base funding withheld. Those colleges must submit an improvement plan to the Board that specifies the activities and strategies for improving performance. The Board must then review the improvement plan, and if approved, monitor the college's progress. Once a monitoring report for the college is approved by the Board, base funds can be released. Any college that fails to make satisfactory progress will not have its full base funding restored. If all funds are not restored, then any remaining funds will be redistributed in accordance with the Board's adopted performance funding model to the seven state colleges that had the highest overall performance scores.

Implementing Bill

[Chapter 2015-222.pdf](#)

Section 15 of the bill impacts the Florida College System as it related to performance funding. This language is very similar to the proviso, and limits the performance metrics to those that measure:

- Job Placement,
- Program Completion and Graduation Rates,
- Retention, and
- Post-graduation employment, salaries or further education.

This language clarifies that monitoring reports from colleges that fail to meet minimum

performance thresholds are to be submitted by December 31, 2015 and May 31, 2016.

Tax Reduction

HB 0033A

[\(Chapter 2015-221.pdf\)](#)

This law affords students a one-year (July 1, 2015 to June 30, 2016) exemption on sales tax for textbooks and printed or digital materials required or recommended for a course offered by postsecondary educational institutions. To obtain the exemption, a student is required to provide a student identification number, and the applicable course syllabus or list of required and recommended instructional materials.

Other Bills That Passed

STUDENT VETERANS

Educational Opportunities for Veterans

SB 7028

[\(Chapter 2015-076.pdf\)](#)

This bill expands the existing out-of-state fee waivers for veterans to anyone using United States Department of Veterans Affairs education benefits (G.I. Bill benefits) and repeals the 110 percent restriction on use of the out-of-state fee waiver. The bill brings the state law into compliance with Federal law which requires colleges to provide in-state tuition rates for those, such as dependents, who are eligible for G.I. educational benefits.

WORKFORCE PROGRAMS

Workforce Services

CS/HB 7019

[\(Chapter 2015-098.pdf\)](#)

Workforce Florida, Inc. is renamed CareerSource Florida, Inc. All regional workforce boards are re-named as well. This bill creates a task force to implement the 2014 Federal Workforce Innovation and Opportunity Act (WIOA). The Task Force will develop recommendations on the following: Review of current service delivery programs; Regional planning design; One-stop service delivery design; Integration of economic development, workforce development, and education; and development of sector strategies and career pathways.

STUDENT AND PUBLIC RECORDS POLICY

Public Records/Active Duty Service-members

CS/CS/CS HB 0185

[\(Chapter 2015-086.pdf\)](#)

This bill creates a public records exemption for current and former military service-members who served since September 11, 2001, and their spouses and dependents. Exempt information includes:

- Home address, telephone numbers, and birthdate of service-member.
- Home address, telephone numbers, birthdate, and place of employment of spouse or dependent.
- Name and location of school attended by spouse, or school/daycare attended by dependent.

BOARD GOVERNANCE AND LEGAL

Government Entities as Victim

HB 0115/ SB 0732
([Chapter 2015-132.pdf](#))

This bill provides that governmental entities and political subdivisions may be defined as a victim, eligible for restitution, in certain criminal cases.

Electronic Commerce

CS/CS/CS SB 0222
([Chapter 2015-014.pdf](#))

This bill creates the “Computer Abuse and Data Recovery Act” which provides for a civil cause of action (including recovery for damages) if an injury is caused by an individual who, with intent to do harm, obtains information from a protected computer, causes transmission of program, code, or command, or traffics in ‘access barriers’ such as passwords.

Florida Civil Rights Act

SB 0982
([Chapter 2015-068.pdf](#))

This bill amends the Florida Civil Rights Act (760.01, FS) to prohibit discrimination in education, employment, housing and public accommodations on the basis of pregnancy, and provides a cause of action and remedies as described in 760.11, FS.

Legislative Lobbying Requirements

SB 0984
([Chapter 2015-028.pdf](#))

This bill clarifies that use of a public facility for a public purpose is not an expenditure for purposes of the “legislative expenditure ban.”

Strategic Lawsuits Against Public Participation

(SLAPP) CS/SB 1312
([Chapter 2015-070.pdf](#))

This bill expands the application of anti-SLAPP statutes to prohibit retaliatory lawsuits related to protected free speech, in connection with public issues, to include:

- Speech made before a governmental entity in connection with an issue under review by that entity, and
- Speech in connection with a play, movie, TV program, radio broadcast, audiovisual work, book, magazine article, musical work, news report or other similar work.

ADMINISTRATION AND BUSINESS SERVICES

Senior Management Service Class

HB 0565
([Chapter 2015-149.pdf](#))

This bill provides a six-month window for a local agency to reassess its designation of positions for inclusion in the Senior Management Service Class in the Florida Retirement System, beginning July 1, 2015, and every five years thereafter.

Local Government Construction Preferences

CS/CS/SB 0778
([Chapter 2015-162.pdf](#))

This bill amends the statute relating to local government construction preferences. It prohibits local ordinances and regulations from restricting competition for the award of a contract for construction services based upon certain conditions, including a provision that, if 50% or more of the cost of the project will be paid from state-appropriated funds (all funds

appropriated in the general appropriations act, excluding federal funds), then a state college, county, municipality, school district, or other political subdivision of the state may not use a local ordinance or regulation that provides a preference to a local contractor over other qualified contractors.

Additionally, it requires language to be included in competitive solicitation documents stating that a local ordinance containing restrictions on bidder is not applicable to the specific project.

***SECONDARY EDUCATION:
IMPACTING CHARTER
SCHOOLS & DUAL
ENROLLMENT***

Individuals with Disabilities

CS/SB 0642

([Chapter 2015-056.pdf](#))

This law creates the Florida Achieving a Better Life Experience (ABLE) program, allowing those with disabilities to save money, using accounts like the 529-college savings plan accounts and directs the Pre-Paid College Board to create a Direct Support Organization (DSO) for ABLE.

Education Accountability

CS/HB 7069

([Chapter 2015-006.pdf](#))

This bill allows school districts to amend start dates, as early as August 10. This change will allow students to finish terms before the December holidays, and therefore will eliminate problems with dual enrollment.

Further, it eliminates duplicative assessments by repealing the statewide, standardized English Language Arts (ELA) assessments, and repealing the requirement to evaluate college readiness of certain high school students via the common placement test. It also prohibits final exams in addition to end of course (EOC) assessments.

Involuntary Examination of Minors

CS/SB 0954

([Chapter 2015-067.pdf](#))

This bill requires immediate notification to a student's parent, guardian, or caregiver if the student is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination. School health services and charter school governing boards are required to develop procedures to include notification requirements when a student is so removed. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed if the principal or designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to 39.201, FS, based upon knowledge or suspicion of abuse, abandonment, or neglect.

Interception of Wire, Oral, or Electronic
Communication

HB 7001

([Chapter 2015-082.pdf](#))

This bill allows a child under 18 to intercept and record oral communications if the child is a party to the communications and has reasonable grounds to believe the recording will capture a statement by another party that indicates the intent to commit an unlawful sexual act or unlawful physical force or violence against the child.

BILLS THAT DID NOT PASS

Florida College System Baccalaureate Programs

[\(SB 0602, SB 0948 , CS/SB 1252 , SB 2500 \)](#)

As originally introduced, Senate Bill 1252 would have repealed the moratorium on new baccalaureate degree programs in the Florida College System (FCS). The bill was amended to impose new restrictions including extending the approval process and capping baccalaureate enrollments at five percent of a college's total FTE enrollment. Additionally, proviso language was inserted into the General Appropriations Act calling for all Florida College System baccalaureate programs to be supported by tuition and fees only, with no state funding to be used to expand existing programs or start new programs.

The following was agreed upon:

- *Moratorium:* The current moratorium is lifted.
- *Institutional mission:* Bachelor's degrees will become part of a secondary mission.
- *Enrollment caps:*
 - Those at 10% or above may grow by 5%.
 - Those below 10% may grow by 7%.
 - 2014-15 FTE is used as the benchmark.
 - Institutions will not exceed the enrollment cap at any time during any year for the next three years.
 - The caps sunset on June 30, 2018.
- *Approval Process for New Bachelor's Degrees:* Colleges must file a Notice of Intent 120 days (increased from 100 days) prior to filing an application for a new baccalaureate program. Public and private universities have 90 days to review proposals. Verification of need data by a single third party entity will be required. Statutory language allowing St. Petersburg College to approve new baccalaureate degrees without State Board of Education approval is repealed.

- *Accountability:* New accountability provisions are added to the program, including annual review of performance and continuing need.
- *2+2 Initiatives:* Language strengthening articulation stressing the importance of 2+2 programs is included, and the State Board of Education and the Board of Governors are required to study current 2+2 efforts.
- *Institutional and System Names:* All colleges keep their current names with no restrictions on future names. The System will be renamed the Florida Community College System.
- *Funding of Programs:* The proviso language in the General Appropriations Act that limited program support to only tuition and fees would be removed. State funding could be used for program support.

The statutory text implementing this agreement was included in an amendment to Senate Bill 948, sponsored by Senator Gaetz, and later into Senate Bill 602.

Veterans Services

[\(CS/HB 1091, CS/CS /SB 1296 \)](#)

This bill if passed would have made outreach to veterans to provide services easier by use of a check box on driver's license forms. Further, it would have directed Florida State Colleges to recognize and accept military training and education towards degree completion, requiring a specific contact person for veterans within each degree program.

Guns on Campus

[\(SB 0176, HB 4005\)](#)

This bill if passed would have permitted concealed weapons on college and university campuses.

Presidential Searches

[\(CS/CS/SB 0182 , CS/CS HB 0223\)](#)

This bill if passed would have provided an exemption to the public records laws for applicants for president, provost or dean of a state university or state college.

Higher Education Coordinating
Council Membership

(CS/SB 1252)

This bill if passed would have added the Chancellor of Career and Adult Education as a member of the Higher Education Coordinating Council.

Agency for State Technology

(CS/CS/SB 0948)

This bill if passed would have directed the Agency for State Technology to develop "architectural standards" for school districts when establishing digital classrooms. The language appears to only relate to district school boards, except that a charter school seeking funds from the Florida digital classrooms allocation funds would have to adhere to the uniform definitions of information technology architecture components identified by the Agency for State Technology. Colleges which operate charter schools and would want to request funding from the Florida digital classrooms allocation funds appropriation would have been directly impacted by these restrictions.

Dorms

(CS/CS/SB 0948)

This bill if passed would have allowed a Florida College System institution to construct dormitories with up to 400 beds, instead of the current 100 beds restriction, to provide student housing.

Postsecondary Access and Affordability

(CS/HB 7125, CS/HB 7127)

Referred to as the 'conforming bill', these bills addressed a variety of issues including:

- Amending current law and creating new programs related to apprenticeship.

- Creating a new economic development program called the 'Rapid Response' program.
- Adding new reporting and review requirements, and notice of certain information regarding textbooks 30 days before classes.
- Requiring that Board of Trustee discussions related to increasing tuition to be noticed to students.
- Allowing technical centers to become colleges.
- Requiring college students to take the College Placement Test.

Postsecondary Affordability

(CS/SB 0938)

Similar to the other bills related to affordability, this bill required colleges to post information regarding textbooks 14 days before registration, as well as the use of textbooks for at least three years.

Dual Enrollment Funding

(HB 0713, CS/SB 0874)

This law would have exempted dual enrolled students from paying certain student fees, including technology fees, and required that certain instructional materials be made available free of charge to dual enrolled students in home education programs and private schools if provided for in the institutional articulation agreement.

Administrative Procedures

(CS/CS/CS HB 0435)

This law would have made changes to the Administrative Procedures Act (APA) related to agency rulemaking and a state agency's reliance on un-adopted or invalid rules.

(Vetoed by the Governor on 6/16/15)