

Legislative Summary for the 2007 Session

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May 23, 2007

Overall Session Wrap-Up

The 2007 legislative session adjourned *sine die* at 4:10 PM on Friday, May 4, 2007, bringing to a close another successful session for Florida's community colleges, and SCC in particular. This report summarizes the major accomplishments of the session, including budget information for the system as a whole and for SCC specifically. Also included are summaries of major bills that did and did not pass.

SCC's legislative delegation worked hard on our behalf this year. Senator Lee Constantine and Representatives David Meador and David Simmons successfully carried special projects on our behalf. Representative Meador and Senator Constantine combined to secure funding to plan and begin the renovation of Buildings L and F, while Senator Constantine and Representative Simmons again worked to bring us \$500,000 in start-up operating funds for the new Altamonte Springs campus. Senator Dan Webster guided our projects through the budget conference process on the Senate side. Outside our delegation, Representative Joe Pickens, Chairman of the House Schools and Learning Council, and Senator Evelyn Lynn, Chair of the Senate Higher Education Appropriations Committee, produced an excellent community college budget, especially considering the declining nature of the state's revenues.

Community College System Budget

The 2007 legislative session got underway with the grim news that the state's revenues were coming in nearly \$1 billion below earlier estimates, due primarily to declining sales tax revenues. This revised revenue forecast, coupled with soaring Medicaid costs and the need to spend \$3.9 billion on the continued implementation of the class size reduction constitutional amendment, meant that it would be impossible for the community college system to realize its goal of a \$100.8 million increase in operating funds in fiscal year 2007-2008.

In view of these difficult fiscal realities, the community college system did very well in the budget, receiving \$54,125,206 million in new state operating funds, plus a 5% tuition increase valued at \$23.8 million, bringing the total increase in college operating funds to nearly \$78 million, an increase of 4.9%.

The system's new operating funding includes \$35.3 million for capacity building, \$2.1 million for targeted enrollment growth, \$5 million for compression/equalization funding

designed to close the funding gap among colleges, \$5 million in increased performance funding, and \$6.6 million for operating costs of new facilities.

In addition, the SUCCEED program received an additional \$9.5 million (to a total of \$20 million), Educator Preparation Institutes received \$3.8 million, 2+2 public/private partnerships received \$3.5 million, \$1 million was appropriated for new apprenticeship programs, funding for community college baccalaureate programs was increased by \$2.2 million, and full funding was provided for the Facilities and Philip Benjamin Matching Grant programs. \$2 million was appropriated for First Generation in College Scholarships, and \$2.2 million was provided for FSAG Grants to Career Education students.

Seminole Community College Appropriations for 2007-2008

SCC is slated to receive \$56,156,454 in state operating funds and student fees in fiscal year 2007-2008. This represents an increase of \$3,622,207 or 6.9% over 2006-2007. This is the second highest percentage increase in funding among Florida's 28 community colleges, second only to the 8% increase received by Lake-Sumter Community College. Some of these funds, of course, are earmarked for specific expenses such as operating costs of new facilities and start-up operational funding for the Altamonte Springs campus. Receipt of student fee revenues, of course, is dependent on our meeting enrollment goals.

Our requests for special start-up operations funding for the Altamonte Springs campus, state matching dollars for both the facilities matching grants and program challenge grants, and our PECO (construction) funding request were all fully funded. Following is a detailed summary of funds appropriated specifically for SCC:

Funds Specified for Seminole Community College

Community College Program Fund	\$35,335,958
(Includes \$500,000 in non-recurring funds for Altamonte operations)	
Lottery Funds	\$ 3,929,574
Facilities Matching Grants	\$ 43,500
Philip Benjamin Program Challenge Matching Grants	\$ 879,912
Performance-Based Funding	\$ 1,077,626
Adult Handicapped Program	\$ 73,209
<u>PECO (Construction) Funding</u>	
General Renovations and Remodeling	\$ 2,876,499
Renovation and Remodeling of Building K	\$ 1,307,971
Renovation and Remodeling of Buildings E and I	\$ 2,169,388
Renovation and Remodeling of Buildings L and F	\$ 4,109,897
Joint Use Facility Total	\$ 4,179,128
SCC Share	\$ 3,743,302
Commissioner's "Off-the-Top" Share	\$ 435,826

Substantive (Policy) Legislative Issues

Legislation That Passed

- **Relating to Postsecondary Enhancements:** CS/HB 7147 by Pickens (CS/SB 1570 by Lynn) provides the following:
 - Study of higher education enrollment forecasting models by the Office of Economic and Demographic Research.
 - Statewide Course Numbering System - a comprehensive review by DOE to:
 - Identify courses listed in system not taught for the preceding 5 years.
 - Identify courses of nonpublic postsecondary institutions that may be inappropriately designated as equivalent for purposes of transfer of credit.
 - Update the system based on findings.
 - A requirement that nonpublic postsecondary institutions, as a condition of initial or continued participation in the system shall identify in all catalogs, printed or electronic, the specific courses offered by the institution that are included in the statewide course numbering system.
 - By July 1, 2008, DOE shall develop and maintain a website listing all courses in the system and the institutions that offer each course. All that participate in the system must include a statement in their catalogues advising the reader of the website address and its use.
 - Creation of a business and education collaborative that is advisory to the Governor and legislature on economic goals.
 - OPPAGA to study existing articulation policies and identify:
 - Practices that are unnecessary barriers to transfer of credits and impediments to completion.
 - Transfer of students.
 - Credit transfer policies and recommendations to improve the award of credit through acceleration mechanisms.
 - How students notified about whether the credit they receive will apply toward graduation requirements.
 - How articulation policies impact the student's ability to complete their program in a timely manner, and the cost to the student and state.
 - Allows universities to name facilities after a living person.
 - Community College Baccalaureate Degree Programs:
 - Provides for review and approval by the State Board of Education (SBOE).
 - Authorizes a community college to offer a BA degree in math and science which prepares graduates to enter a teaching position in math or science.
 - A community college wishing to offer a baccalaureate degree must provide notice of its intent 90 days prior to submitting the proposal.

- The SBOE shall advise state universities and regionally accredited private colleges of the community college's intent. The state universities have 60 days to submit an alternative proposal. If the SBOE does not receive a proposal from a state university with the 60 day time period or if the university proposal is not approved, the SBOE shall provide 30 days for private colleges to submit a proposal.
- Alternative proposals must address:
 - Degree to which students can complete the degree in the community college district.
 - Level of financial commitment.
 - Extent to which faculty will collaborate in development and offering of curriculum.
 - Ability of the institution to approve curriculum within 6 months after agreement is signed.
 - Extent to which the student may incur additional costs above what the student would expect to incur if the program were offered by the community college.
- Fees: authorizes Board of Trustees to establish fees consistent with the General Appropriations Act (GAA).
- Financial Support:
 - Cannot count out-of-state students for FTE.
 - Colleges must fund start-up for a BA without new state appropriations unless special grant funds are appropriated in the GAA.
 - A new BA degree program cannot accept students without a recurring legislative appropriation for this purpose.
 - Establishes state policy that funding for a community college baccalaureate degree program will be no more than 85% of the cost of direct instruction in upper-level university programs (with an exception for phasing in new programs).
 - Funds and reporting are to be kept separate from other community college funds.
 - Maintains the requirement that full-time faculty teach 15 contact hours per week.

Effective Date: Immediately upon signature by the Governor.

Link: <http://static.lobbytools.com/bills/2007/PDF/7147ER.PDF>

- **Sales Tax Exemption for Bookstore Commissions:** CS/HB 721 by Proctor (CS/SB 2102 by Gaetz) provides an exemption from sales tax for commissions paid to a postsecondary educational institution by a person who is operating a bookstore at a location owned, leased or otherwise operated on behalf of that institution. Absent the exemption, the sales taxes imposed on the commissions would have been passed on in the form of higher costs to students for textbooks and supplies. It also

provides a retroactive application, which is remedial and does not provide a right to refund for those who have paid it in the past.

Effective Date: Immediately upon signature by the Governor.

Link:

<http://www.flsenate.gov/data/session/2007/House/bills/billtext/pdf/h072102e1.pdf>

- **Need-Based Financial Aid** - CS/HB 343 by Bean (CS/SB 918 by Wise) has two parts:

Need Based Aid for Vocational Certificate Students - Funded at \$2.2 million

Florida Student Assistance Grant (FSAG) for Career Education is a new financial aid program identical to the other FSAG programs except that:

- It is designed for students in certificate programs of 450 hours or more.
- Students must be enrolled at a community college or career technical center operated by a school district.
- The student must apply for PELL but does not have to be eligible for PELL in order to receive state need based aid (FSAG).
- The student must have unmet financial need.

Florida Work Experience Program (FWEP) - Funded at \$1,569,922

The program was expanded to include postsecondary vocational students enrolled in community colleges or career technical centers who are pursuing a vocational certificate. The following changes were made to the FWEP statute:

- Modifies employer reimbursements to be up to 70% (current law is 70%) - this allows program flexibility to pay less when the employer is willing to pay more of the cost.
- Allows up to 100% of program funds to be used on campus to aid in student retention and completion (current law is 25%).
- Authorizes program to pay 100% of the salary for students employed by a postsecondary institution to encourage student retention and development of soft skills (current law is 70%).
- Authorizes a new provision for the program to pay for pre-employment expenses when a student is placed into a public school for their work experience (fingerprinting - \$60, TB test, etc).
- Authorizes one exception to the prohibition that students cannot have a baccalaureate degree by providing aid to students in Education Preparatory Institutes working to become teachers.

Effective Date: July 1, 2007.

Link:

<http://www.flsenate.gov/data/session/2007/House/bills/billtext/pdf/h034303er.pdf>

- **Cosmetology** - CS/CS SB 920 by Wise (CS/CS/HB 117 by Carroll)

The bill separates the current cosmetology license of 1200 training hours into the three separate licenses and increases training for body wrappers. All current cosmetologists and registration specialties are grandfathered for continued practice.

- **Hair Technician License** - new requirement is 1,000 hours
- **Nail Technician License** - new requirement is 350 hours
- **Esthetician License** -new requirement is 600 hours
- **Cosmetologist** - contains all three licenses and requires 1800 hours.

Effective Date: July 1, 2008

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s0920er.pdf>

- **Career and Professional Education** - CS/CS/SB 1232 by Gaetz (CS/CS/HB 965 by the Schools and Learning Council).

This bill creates the Florida Career and Professional Education Act to provide a statewide planning partnership between business and education communities, to expand and retain high value industry, and sustain a vibrant state economy. Career and professional academies would enable students to matriculate easily to both postsecondary education and the workforce. Participating public high schools would be required to offer a rigorous and relevant curriculum that leads to 1) industry-recognized certification in high-demand occupations; 2) the award of a standard high school diploma; and 3) opportunities for high school students to simultaneously earn college credit.

School districts must develop, in collaboration with local workforce boards and the postsecondary community, strategic 5-year plans that objectively address the needs of the local and regional workforce through the development and implementation of academies. Two or more school districts are authorized to collaborate in developing and offering career academies, provided the strategic plan is approved by the Agency for Workforce Innovation (AWI) and certain requirements are met. The strategic plan must include provisions for at least one career and professional academy to be operational in a school district at the beginning of the 2008-2009 school year.

The State Board of Education must establish an expedited process for the continuous review of newly proposed rigorous and relevant core high school courses and decisions regarding course eligibility must be made within 60 days. Approved courses would be included in the Course Code Directory and also considered for possible dual enrollment and postsecondary credit.

The bill requires AWI to identify appropriate industry certification based on the highest national standards available. Local work force boards and academies may request additions to the list of industry certifications, provided requests are based upon high-demand labor needs of the regional workforce economy. The AWI will publish annually an updated list of industry certifications to be used within the career academies.

The Department of Education must work with Workforce Florida and Enterprise Florida in the collection and analysis of academic achievement and performance data of academy students. An evaluation plan and self-assessment tool would be required to determine outcomes such as graduation rates, achievement of industry certification, postsecondary enrollment, satisfaction of business and industry, employment rates, earnings, and awards of scholarships and postsecondary credit.

Finally, the Florida Education Finance Program (FEFP) is revised to provide supplemental weighted funding for students enrolled in career and professional academies, provided the instruction leads to industry certification for enrolled students upon academy completion.

Effective Date: July 1, 2007.

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s1232er.pdf>

- **Retirement** - CS/SB 420 by Senator Lawson (CS/HB 685 by Simmons)

Section 1: The bill redefines “retiree” to include any officer or employee (including those of a community college) who retires under a state retirement system or a state optional annuity or retirement program or who is placed on disability retirement, and who begins to receive retirement benefits immediately after retirement from employment and provides those persons the option to participate in group insurance plans or self-insurance plans. This includes any officer or employee who retires under the Public Employee Optional Retirement Program and meets the age and service requirements to qualify.

Section 2: Through December 31, 2008, the bill allows any participant of the State Community College Optional Retirement Program who has service credit in the defined benefit plan of the FRS to transfer a sum representing the present value of the employee’s accumulated benefit obligation from the defined benefit plan to the optional retirement program. This option to transfer is extended to persons who are eligible for membership in or for renewed membership in the FRS.

Effective Date: July 1, 2007.

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s0420er.pdf>

- **Telecommunications Bill - Cable TV/Video Franchises** - CS/CS HB 529 by Traviesa (CS/CS SB 998 by Bennett)

This legislation deregulates the cable television industry and allows telephone companies to enter the cable TV business. Provisions pertaining to original programming and other limitations will effectively eliminate much of the educational content now carried, such as telecourses. Also, cable providers would be allowed to relocate educational channels to the lowest tier of digital cable service, thereby placing educational programming out of the reach of persons with only basic, analog cable service. Lower tier channels thus freed-up could then be reprogrammed as revenue-generating commercial channels. This legislation is NOT expected to affect SCC students since the college has converted its course offerings to streaming over the internet. Specific provisions include:

- The cable/telephone providers can immediately abandon their existing contracts and are also no longer required to pay fees to the county or municipality.
- Grandfathers in existing channels if the channel can meet the criterion to remain “activated,” which requires 10 hours per day of programming on average over a quarter. Five of the 10 hours per day cannot be repeated during the quarter. Static information screens or bulletin board programming cannot count toward the 10 hour per day use requirement.
- Failure to meet this requirement causes the channel to be de-activated and the service provider can reprogram the channel at its discretion.
- Public education and government channels (PEGs) may be located on the lowest digital tier of service, which does not mean it is available to all subscribers.
- The provider must notify the PEG 120 days prior to relocating the channel.
- The provider must provide connectivity to one origination point for each PEG up to 200 feet from the provider’s activated video service distribution point.
- Copyright Issue: “To the extent that a PEG channel content provider has authority the delivery of PEG content to a certificate holder constitutes authorization for the certificate holder to carry such content, including at the provider’s option, authorization to carry the content beyond the jurisdictional boundaries of the municipality or county.”
- The certificate holder “shall use reasonable efforts to interconnect their networks for the purpose of providing PEG programming.” The PEG shall bear the cost of such interconnection and it must be as specified by the certificate holder.
- There is one active basic cable or video service outlet provided to K-12 public schools, public libraries, or local government administrative buildings, to the extent such buildings are located within 200 feet of the certificate holder’s activated video distribution plant.

Effective Date: Immediately upon signature by the Governor (May 18, 2007).

Link:

<http://www.flsenate.gov/data/session/2007/House/bills/billtext/pdf/h052904er.pdf>

Most of the language relating to the public education, government and public access (PEG) channels is found on pages 25 -30.

- **Workforce Services** - CS/HB 1301 by Rep. Aubuchon (CS/SB 1926 by the Committees on Children, Families and Elder Affairs, and Commerce)

Amends portions of the workforce statutes related to work requirements and transitional child care under the Temporary Assistance to Needy Families (TANF) program. The TANF revisions reflect changes made by the U.S. Department of Health and Human Services:

- Deletes descriptions of work requirements for TANF recipients which are currently in statute in order to conform state practice to federal work requirement definitions now detailed in the U.S. Department of Health and Human Services (HHS) interim final rule;
- Inserts language into the transitional child care statute to emphasize that this service is only available to assist those seeking employment, attempting to retain employment, or attempting to improve their employment prospects; and
- Changes certain terms to conform to terms in federal law.

Effective Date: Immediately upon signature by the Governor.

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s1926c1.pdf>

- **FRS Retirement Rates** - HB 7085 by the Government Efficiency and Accountability Council

No change in current rates.

Effective Date: July 1, 2007.

Link: <http://www.flsenate.gov/data/session/2007/House/bills/billtext/pdf/h708500.pdf>

- **Education/Children of POWs and MIAs** - CS/SB 412 by Military Affairs (CS/HB 35 by the Schools and Learning Council)

Extends education benefits at state expense (fee waivers) to the dependent children of Florida resident parents who have been declared prisoners of war or missing in action since the Vietnam era. The bill includes the dependent children of parents who have been classified as POW or MIA while serving in the Armed Forces of the US or in the capacity of civilian personnel captured while serving with the consent or

authorization of the US Government. The bill reduces the parent's Florida residency requirement from 5 years to 1 year prior to the event that caused the parent to be classified as POW or MIA.

Effective date: July 1, 2007.

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s0412er.pdf>

- **Facility Enhancement Challenge Grant Program** - Conference Committee Report on CS/SB 1064 by Sen. King.

Two changes are made to current law pertaining to Community College Facility Enhancement Challenge Grants. The first change provides that the Legislature may approve a project for funding under this program. Currently, only the State Board of Education may approve projects.

The second change relates to the disposition of unexpended funds upon completion of a project. New language provides that any private matching funds for a project which are unexpended after the project is completed, shall revert to the community college's direct-support organization capital facilities matching account. Any unexpended state matching funds shall be returned to the fund from which those funds were appropriated.

Effective Date: July 1, 2007.

Link: <http://www.flsenate.gov/data/session/2007/Senate/bills/billtext/pdf/s1064er.pdf>

- **ESOL** - SB 2512 by Wise (CS/HB 1219 by Carroll)

This bill establishes in-service requirements for teachers of English for Speakers of Other Languages (ESOL). The bill specifies that a teacher providing ESOL instruction must comply with the following in-service requirements:

- Primary English instructor (Basic ESOL) who is an English/Language Arts teacher: 300 in-service hours or the equivalent;
- Instructor teaching the basic subject areas of reading, mathematics, science, social studies or computer literacy: 60 in-service hours or the equivalent;
- Instructor teaching subject areas other than Basic ESOL or basic subject areas: 18 in-service hours or the equivalent; and
- School administrator or guidance counselor: 60 in-service hours or the equivalent.

Effective Date: July 1, 2007.

Link: <http://static.lobbytools.com/bills/2007/PDF/2512C1.PDF>

- **Construction Bonding** - CS/HB 1489 by Aubuchon

Provides that the amount of Public Project Construction Bonds shall equal the contract price except under certain conditions; provides that bond may not be conditioned on performance of design or nonconstruction services if such services are not included in bond amount; revises provisions regarding the award of design-build contracts for surveying or mapping services by certain governmental entities; requires the use of the Florida Bond Finance Authority for certain bonds. The Council of Business Affairs had concerns about earlier versions of this legislation; however those concerns were alleviated by amendment.

Effective Date: July 1, 2007.

Link: <http://static.lobbytools.com/bills/2007/PDF/1489ER.PDF>

- **Dual Enrollment**

No Dual Enrollment legislation was passed, but the 2007-2008 General Appropriations Bill (SB 2800) included funding to school districts to cover the cost of college textbooks for their dual enrollment students, thus eliminating one barrier to increased participation in dual enrollment programs.

Legislation That Did Not Pass

What does not pass frequently is more important (and takes more time during session) than what does pass. The following bills of note did not pass during the regular session:

Textbook Affordability (CS/HB 289 by Flores; CS/CS/SB 254 by Wise; and CS/SB 2492 by Haridopolis) - Prohibits university and community college employees from soliciting or accepting gifts for requiring students to purchase a particular textbook. Requires 45 days notice of required texts and that the notice be posted on college or university websites. Requires the State Board of Education and the State Board of Governors to enact policies and procedures to further control textbook costs. Earlier versions of this legislation included a sales tax exemption for textbooks purchased in an on-campus bookstore. That provision was dropped due to its adverse financial impact on the state.

First Generation in College Matching Grants (CS/HB 287 by Flores; SB 2140 by Deutch; CS/SB 848 by Lawson; and HB 881 by Kiar) - Bills to amend the university First Generation in College language also included statutory authorization for the community college FGIC. Despite the fact that these bills codifying the program did not pass, the program continues for another year by virtue of its inclusion in the appropriations bill.

Excess Hours (CS/SB 2862 by Constantine and HB 1507 by Altman) - This session's excess hours bills would have required students who took credit hours exceeding 120% of the amount required for a degree to pay 50% more in tuition for those credits exceeding the 120% threshold. Community colleges opposed this penalty on students and sought to reduce the number of excess hours through the implementation of incentive funding for colleges to encourage efficient completion of degrees by students. Community colleges have agreed to work with Senator Constantine to resolve this ongoing issue.

Transportation Fee (CS/SB 684 by Oelrich; CS/HB 207 by Chestnut) - Would have allowed community colleges to charge students a transportation fee under certain circumstances.

Postsecondary Faculty (SB 2652 by Geller and HB 1279 by Fitzgerald) - Would have required that 75% of all courses at community colleges be taught by full time faculty and required the adjustment of adjunct faculty pay scales.

Technical Colleges (HB 1313 by Bean and SB 2436 by Wise) - Would have allowed school districts to call vocational centers "Technical Colleges."

Teacher Preparation (HB 451 by Proctor and SB 1214 by Wise) - Would have created uniform core curricula for persons majoring in education to be adopted by State Board of Education rule. Would have had the effect of increasing the number of hours required in core courses for teacher training programs, particularly those offered at community colleges.

Articulation (SB 1190 by Lynn) - Would have established the Articulation Coordinating Committee in Statute, with requirements. Parts of this bill are contained in HB 7147, which passed.

Education (SB 2444 by Wise and HB 1453 by Attkisson) - Would have required assistance in program planning from DOE for all nonpublic postsecondary institutions; required public and nonpublic postsecondary educational institutions that are accredited and participate in financial assistance programs to participate in the statewide common course numbering system; required faculty credentials to meet requirements of DOE; authorized DOE to impose administrative fines.

Obtaining and Distribution of Personal Identification (SB 2268 by Wise) - Would have made it a misdemeanor in the second degree for any person to obtain and distribute personal identifying information of an individual without the individual's consent.

Financial Aid (SB 2698 by Lawson and HB 1443 by Thompson) - Bills would have created the Community College & Career Center Working Student Assistance Program; provided eligibility criteria for student assistance grants; provided additional elements to be considered in awards of grants to community college students under the Florida Public Student Assistance Grant Program (FSAG). These bills would have broadened the availability of financial aid to a class of students not currently eligible.

Retirement/Reemployment (HB 681 by Simmons and CS/SB 1948 by Posey) - Would have prohibited reemployment on a full time basis by the same employer within one year of the date of retirement or, in the case of a participant in DROP, one year after completing the DROP program. Provided penalties for employers and employees who violated this provision.

Workforce Education Grants (SB 2442 by Wise) - Similar to last year's FICA legislation and appropriation, would have allowed students enrolled in non-public postsecondary workforce education programs to receive State funding. Definition of non-public postsecondary institution would have included both for-profit and non-profit institutions.

Commission for Independent Education (HB 1501 by Patterson and SB 2536 by Oelrich) - Would have established CIE as an independent Department. Provided for appointment of members of commission. Established powers and duties. Provided for support from Department of Education.

Retirement (SB 568 by Jones and HB 927 by Pickens) - Would have increased the multiplier for Regular class member to 1.8%. HB 657 by Gelber and SB 2210 by Villalobos would have changed the amount to 3.0%.

Commissioner of Education (S 388 by Wilson and H 679 by Brise) - A constitutional amendment was proposed to create the office of Commissioner of Education, who would have been an elected member of Cabinet & responsible for supervision of the free public education system in manner prescribed by law. The proposed Constitutional amendment would also have deleted the power of the State Board of Education to appoint the Commissioner.