Florida Gulf Coast University Board of Trustees
June 15, 2010

SUBJECT: 2010 Legislative Session Report

PROPOSED BOARD ACTION

Information Only

BACKGROUND INFORMATION

A report on the 2010 legislative session will be provided on substantive legislation and budget matters.

Supporting Documentation Included: FGCU 2010 Legislative Session Summary

Prepared by: Director of Government Relations Jennifer Goen

Legal Review by: N/A

Submitted by: Director of Government Relations Jennifer Goen
Florida’s 2010 Legislative Session was officially adjourned sine die on April 30th. This Session was marked by several controversial issues and proved to be another difficult budget cycle. The finalized budget, HB 5001, totaled approximately $70.4 billion, as compared to previous state budgets reaching as high as $73.6 billion. The budget was crafted and balanced utilizing a combination of budget cuts, the second installment of the two year federal stimulus funding, approximately $400 million from the Seminole Gaming Compact (SB 622) and a sweep of nearly $600 million from various state trust funds.

The State University System received approximately $3.6 billion, which includes the amount of revenue generated from a 15% tuition increase, if fully implemented. An 8% increase was authorized by the Legislature, leaving the balance of the 7% to the discretion of each university Board of Trustees. Other appropriations include $10 million of non-recurring funding for the New Florida Initiative. Additionally, student financial aid programs totaled $586 million, but $25 million of that increase is contingent on additional Federal Medicaid Assistance Program (FMAP) funding, which has yet to receive Congressional approval. The student financial aid funding includes approximately $437 million for Bright Futures and $130 million for need-based aid. Below are highlights of FGCU’s funding:

- Appropriated State funds (GR and Lottery) $46,712,009
- Final federal stimulus allocation $3,428,533
- Public Education Capital Outlay (PECO) $15,500,00
  - Infrastructure $3,000,000
  - Academic 8, Health Professions $12,500,000
  - Innovation Hub (IHUB) $5,000,000 Vetoed 5/28/2010
Finally, the budget did not include any salary or retirement benefit reductions to State university employees.

**2010 Approved Legislation**

**HB 7237** Relating to Postsecondary Education by Representative Weatherford

The bill revises provisions relating to the responsibility of State University System under State Constitution, which includes the powers & duties of Board of Governors. Provides that board has authority to regulate State University System & may adopt regulation development procedure for board & university boards of trustees to use in implementing constitutional duties & responsibilities. Specifically the bill includes;

- Creates the Higher Education Coordinating Council to act as an advisory board to the Legislature, the State Board of Education, and the BOG.
- Repeals s. 1001.74, F.S., relating to the powers and duties of the university boards of trustees in recognition of the BOG’s exclusive authority to delegate powers and duties to the university boards of trustees.
- Acknowledges the BOG is responsible for the personnel programs for university employees, requires the BOG to confirm the presidential selection by a university board of trustees, and states the Department of Management Services will continue to control the state group insurance and retirement plans.
- Authorizes the BOG to approve university proposals to: implement flexible tuition policies, establish a fee not specifically authorized by law, and increase certain existing fees.
- Provides guidelines for the review of university fee proposals.
- Exempts state universities from certain requirements regarding communications and data processing.
- Allows a university to participate in the SUNCOM Network at the university’s discretion.
- Acknowledges the BOG’s authority to adopt regulations when acting pursuant to its constitutional duties and responsibilities.  

**EFFECTIVE DATE: 07/01/10**

This bill revises provision relating to postsecondary Education funding. The bill includes the following provisions:

- Revises provisions relating to the Children and Spouses of Deceased or Disabled Veterans (CSDDV) Program by clarifying the use of funds, the award amounts, and the eligible institutions at which a recipient may use an award.
- Revises training and education services.
- Encourages the use of open-access textbooks.
- Provides for the development of a streamlined, automated, online distance learning registration process.
- Authorizes a doctor of Pharmacy degree program at USF.
- Restricts the use of resources by the Florida College System to establish a new independent non-public institution.
- The bill provides a new process for the coordinated licensing of electronic library resources for use by secondary and postsecondary students.
- Requires that students enrolled in workforce education programs must be classified as residents or nonresidents for tuition purposes.
- Revises the requirement to evaluate residency classifications.
- Provides for flexibility in the calculation of certain university fees.
- The bill creates an exemption from payment of the state university tuition differential fee for students who are recipients of prepaid postsecondary tuition scholarships.
- Provides for Bright Futures Scholarship requirements and funding levels through the 2010-2011 academic year.
- The bill eliminates statutory requirements for separate funding of baccalaureate programs within the Florida College System, allowing for such funding to be transferred to the Community College Program Fund. The bill also creates a requirement for separate reporting of upper-division enrollment and upper-division expenditures.
- Aligns the submission date for requests relating to the community college and state university facilities enhancement challenge grant programs with the October 15 legislative budget request submission deadline.
- Revises accredited medical school funding requirements.
- Limits compensation of Community College Presidents.
- Encourages universities and colleges to reduce energy consumption by 10%.

**EFFECTIVE DATE: 07/01/10**
SJR 2  Relating to Class Size Requirements for Public Schools by Senator Gaetz

This Senate Joint Resolution proposes amendments to the State Constitution to revise class size requirements for public schools. The proposed amendment includes the following provisions;

Beginning with the 2010-2011 school year, maximum class size would be the school level average number of students who can be assigned to each teacher in the following grade categories:

- 18 students in prekindergarten through grade 3
- 22 students in grades 4 through 8
- 25 students in grades 9 through 12

Also, the joint resolution requires the maximum number of students who may be assigned to a teacher (while not exceeding the school level average) be as follows:

- 21 students in prekindergarten through grade 3
- 27 students in grades 4 through 8
- 30 students in grades 9 through 12

- Retains the application of the class size amendment to core-curricula classes.
- Repeals the requirement for a reduction of an average of two students in each classroom per year.
- Provides that the constitutional class size requirements do not apply to virtual classes.

EFFECTIVE UPON VOTER APPROVAL AND RETROACTIVE TO 2010-2011 SCHOOL YEAR

[Link to the full text of the resolution](http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0002er.html&Directory=session/2010/Senate/bills/billtext/html/)
HB 1337    Relating to Nursing by Representative Grimsley

This bill authorizes disclosure of certain confidential information required of nursing license applicants to certain persons, provides & revises definitions, revises requirements for graduation from certain nursing education programs for nursing license applicants seeking to take licensing examination. The bill includes the following provisions:

- Adds the program director of an approved program or accredited program to the list of individuals allowed to have access to certain applicant information.
- Defines “accredited program”.
- Provides for the criteria for decision making of professional and practical nurses.
- Defines “approved program”.
- Expands the definition of “clinical preceptor”.
- Redefines “probationary status”.
- Defines educational institution as a school, college or university.
- Defines graduate passage rate.
- Defines required passage rate.
- Expands the requirements of licensure by examination.

- Provides definitions of approved titles for graduate nurses and graduate practical nurses.
- Revises the requirements for the approval of nursing application requirements and procedures by the Board of Nursing.
- Revises the BON’s authority to adopt rules.
- Revises requirements for the Florida Center for Nursing’s evaluation of the BON implementation of certain accountability provisions.  **EFFECTIVE 07/01/10**