

# Legislative Session Update

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**\$90 Billion Budget with House and Senate differing on Higher Education**

The **House proposed budget (APCI - Appropriations Committee Bill)** has allocated **\$1.22B** for the Florida College System (FCS). However, that does not include any new operating funds for the FCS. The only additional dollars include \$4M to CAPE Industry Certifications, which equates to \$14M total, as the FCS received \$10M last year. This would full fund at \$1,000 per industry certification at the current level, not the expected number of future industry certifications. Total operating funds are the same as last year at \$1.147M. Performance Funding also remains the same at \$60M (\$30M state investment/\$30M institutional investment). Additionally, the House has re-appropriated \$550,000 for home school dual enrolled instructional materials and \$983,182 for Commission on Community Service. The House has also not provided any PECO funding for FCS or

SUS maintenance and projects. The **Senate proposed budget (SPB 2500)** has set aside **\$1.28B** for the FCS. This includes \$38M (\$15.5M in compression and \$22.5M in general operating) in new operational funding for the colleges. The Senate has increased CAPE funding to a total of \$15M. In addition, they have changed the means by which performance funding is calculated. While there would be no institutional investment based on the Senate proposal, the performance funding equates to \$40M (\$28M for "2+2" Student Success and \$12M in Work Florida Incentive Funds). The "2+2" incentive fund rewards colleges for Associate in Arts (AA) degree students who complete critical core courses (ENCI101 and MAT1033), persist across academic years, graduate on time (150% and 200%), and transfer to bachelor's degree programs. Work Florida rewards colleges

for workforce education students who graduate on time and obtain successful employment outcomes after graduation. The Senate also maintains the same \$550,000 for instructional materials for home school dual enrolled students and \$983,182 for Commission on Community Service. The Senate provides \$25M for deferred maintenance and \$34.5M for FCS PECO projects. There are 10 college PECO projects currently listed for funding by the Senate.

APCI appropriates \$89.9B, and SPB 2500 provides for \$90.3B. These bills will be heard in their respective full Appropriations Committees this week. Following passage in each committee, both bills will be discussed, amended, and debated on their chamber floors, which will then lead to a full legislative body vote by each chamber. A Budget Conference will follow and commence probably within the next couple of weeks.

	HOUSE	SENATE	OVER/UNDER	NOTES
CAPE Performance	\$ 14,000,000	\$ 15,000,000	\$ (1,000,000)	Maintains \$1,000 per industry
Program Fund - GR	\$ 992,260,946	\$ 955,788,025	\$ 36,472,921	
Program Fund—Lottery	\$ 154,869,137	\$ 265,516,296	\$ (110,647,159)	
Program Fund—Total	\$ 1,147,130,083	\$ 1,221,304,321	\$ (74,174,238)	Senate: \$38M operational increase (\$15.5M Compression and \$22.5M Program Fund Formula)
Performance Funding	\$ 60,000,000	\$ 40,000,000	\$ 20,000,000	<b>House:</b> \$30M state / \$30M institutional (same as last year) <b>Senate:</b> \$28M for "2+2" and \$12M for Work Florida
Dual Enrollment	\$ 550,000	\$ 550,000	-	
Commission on	\$ 983,182	\$ 983,182	-	
<b>TOTAL</b>	<b>\$ 1,222,663,265</b>	<b>\$ 1,277,837,503</b>	<b>\$ (55,174,238)</b>	

## LEGISLATION OF INTEREST

### Appropriations

#### **HB 5501: Higher Education/Public Education Capital Outlay (PECO)**

**Sponsor: Higher Education Appropriations Subcommittee; Rep. Randy Fine**

On Tuesday, March 19, the House Higher Education Appropriations Subcommittee passed the proposed committee bill ([PCB HEA 19-01](#)) by a vote of 10-0. The Proposed Committee Bill was assigned the number 5501 and is considered a budget conforming bill. It limits the ability of colleges and universities to transfer state funds to any other fund within the institution (i.e. Fund 1 to Fund 7) or direct support organization (DSO) without specific authorization from the Legislature. Beginning July 1, 2019, college transfers of any state appropriation to DSOs with a fund balance of greater than \$50 million may only include funds pledged for capital projects. The bill also authorizes universities and colleges to use their carry forward funds each year for operations, maintenance, or to finish previously funded PECO projects.

House Bill 5501 modifies standards for calculating space needs by colleges and universities including changing utilization rates for classrooms considered fully utilized by 80% utilized for 60 hours per week, and for teaching lab space to 85% utilized for 40 hours a week.

While the Division of Florida Colleges currently has a method by which it ranks Fixed Capital Outlay projects, this bill would require the Board of Governors and State Board of Education to develop a points based methodology to rank projects for recommendation for funding.

Each Florida College System institution shall maintain a minimum carry forward balance of at least 7 percent of its state operating budget. If an FCS institution fails to maintain a 7 percent balance in state operating funds, the institution shall submit a plan to the State Board of Education to attain the 7 percent balance within the next fiscal year.

An amendment was filed and passed that reduced from the original filed version of 25% to 10% of the cost of the project that a FCS institution would have to bring to the table in order to be considered on the priority PECO list.

#### **HB 4909: The Florida College System Self-Insurance Consortium**

**Sponsor: Rep. Elizabeth Anne Fetterhoff**

This bill is an appropriations request on behalf of the Florida College System. Through the FCS self-insurance consortium, the FCS requested support through this bill for extraordinary losses from the last two hurricane seasons along with other losses associated with fires, floods, and tornadoes that impact various colleges over the last few years. The total cost requested is \$18.67M.

The bill has not yet been heard in its first of two committees of reference, House Higher Education Appropriations Subcommittee.

### Dual Enrollment

#### **HB 189 / SB 1342: Postsecondary Education for Secondary Students**

**Sponsors: Rep. Ardian Zika and Sen. Kelli Stargel**

### Dual Enrollment continued...

House Bill 189 renames the “collegiate high school program” to the “early college acceleration program” and expands the program from 1 to 2 years. It deletes the requirement for a separate early college program contract and requires each dual enrollment articulation agreement between a Florida College System institution and a school district to establish at least one early college program. It also states that dual enrollment instructional materials be provided to students in a home education program at no cost.

Senate Bill 1342 expands upon HB 189’s language. In the Senate Bill, home school and private school students would not be responsible for the costs associated with instructional materials, tuition, and fees, including registration and laboratory fees. Therefore, colleges would be expected to absorb this cost, as no funding has been identified to offset these costs.

HB 189 passed out of the House PreK-12 Innovation Subcommittee 13-0 and is waiting to be placed on the Higher Education Appropriations Subcommittee agenda. SB 152 is expected to be heard on Tuesday, March 26, at 1:30pm in the Senate Education Committee.

### Workforce Education

#### **SB 190: Education**

**Sponsor: Sen. Kelli Stargel**

In addition to modifying the requirements associated with the Florida Bright Futures Scholarship Program (Bright Futures program), SB 190 removes the \$15M cap of performance funding for industry certifications to FCS institutions and school district workforce education programs. As a result, FCS institutions and school districts may be fully funded for earned certifications, which is subject to legislative appropriation. Its companion bill, HB 189, does not include this specific workforce language.

Senate Bill 190 has passed unanimously out of the Senate Education Committee and Senate Appropriations Subcommittee on Education. It has not yet been placed on the agenda for full Appropriations, its last committee stop before heading to the Senate Floor.

#### **SB 522: Apprenticeship Programs**

**Sponsor: Sen. Manny Diaz, Jr.**

Senate Bill 522 establishes a new reporting requirement and funding source to expand apprenticeship and preapprenticeship opportunities. Specifically, the bill requires the Department of Education (DOE) to report specified information to the Legislature and the State Apprentice Advisory Council regarding apprenticeship and preapprenticeship training in Florida. The bill also requires DOE to provide information on its website explaining how a Florida College System institution or a school district may assume the responsibilities of a local education agency for the purposes

### [Workforce Education continued...](#)

of administering an apprenticeship program. This legislation creates the Florida Apprenticeship Grant (FLAG) Program, which provides eligibility for grant awards to registered apprenticeship program sponsors who do not require assistance from a career educational institution. Similar FLAG language can be found in HB 7071.

On March 12, SB 522 passed unanimously out of the Senate Education Committee and has two more committee stops, Senate Appropriations Subcommittee on Education and full Appropriations Committee.

### **[HB 661 / SB 770: Alternative High School Graduation Requirements](#)**

***Sponsor: Rep. Wyman Duggan and Sen. Travis Hutson***

House Bill 661 would create a career and technical education (CTE) pathway option that would allow for eligible students to acquire a CTE diploma instead of a traditional standard high school diploma. The courses must result in a program completion and an industry certification.

Additionally, the legislation requires principles to meet and discuss with students, who have a cumulative grade point average that falls below 2.0, CTE pathway options.

This bill is yet to be heard in any of its referred committees.

Its companion bill, SB 770, however, is moving through the Senate.

Senate Bill 770 includes similar CTE pathway option language found in HB 661. It also modifies the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits, and creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement.

The legislation revises the acceleration mechanism component for the school grade calculation for high schools by specifying that dual enrollment courses include career clock-hour dual enrollment courses.

The bill creates the Florida Pathways to Career Opportunities Grant Program to enable high school and Florida College System institutions to offer applied learning opportunities for students in high-demand career pathways linked to occupations that will provide students with middle-level and high-level wages. Similar language can be found in [Senate Bill 1588](#), relating to Enhancing Florida's Workforce, by Sen. Diaz.

It also increases from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually. Additionally, the legislation restores middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.

It requires district school boards to declare a "College and Career Decision Day" to recognize high school seniors and encourage them to prepare for college and pursue advanced career pathways. The bill also requires DOE to provide assistance to specified entities in notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.

### **SB 770 continued...**

On March 19, Senate Bill 770 passed unanimously out of the Senate Education Committee. It has two additional committees in which to be heard, Senate Innovation Industry & Technology and full Appropriations.

### **HB 7055: Career Education**

***Sponsors: PreK-12 Innovation Subcommittee; Rep. Wyman Duggan; and Rep. Ralph Massullo, Jr.***

According to legislative staff, HB 7055, originally a proposed committee bill (PCB PKI 19-01), was crafted in order to help meet growing workforce demand and provide students flexibility and options to pursue advanced career pathways.

The bill revises the school grades formula to recognize career certificate clock hour dual enrollment and establishes formal career dual enrollment agreements between high schools and career centers. It offsets some high school courses by allowing students with an industry certification to earn two mathematics credits for Algebra I. It also allows for a computer science credit to substitute for a mathematics or science credit and requires a biennial review of career education courses for alignment with high school graduation requirements.

The legislation requires the Department of Education to provide assistance in increasing public awareness of apprenticeship and preapprenticeship opportunities and eliminates industry certifications that are not aligned to industry needs.

Similar to SB 770, HB 7055 establishes a “College and Career Decision Day” to recognize high school seniors for their postsecondary education and career plans. It also doubles the cap on career and professional education (CAPE) Digital Tool certificates the State Board of Education may identify for weighted FTE funding and reestablishes a middle grades career planning course requirement.

On March 6, HB 7055 passed unanimously out of the House PreK-12 Innovation Subcommittee. It is slated to be heard in the House PreK-12 Appropriations Subcommittee on Monday, March 25. at 3:00pm. Its last committee of reference is the House Education Committee.

### **HB 7071: Postsecondary Workforce Education**

***Sponsor: Higher Education & Career Readiness Subcommittee; Rep. Amber Mariano***

House Bill 7071 started as a Proposed Committee Bill (PCB HEC 19-02), which promotes apprenticeships and creates the “Strengthening Alignment between Industry and Learning (SAIL) to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults (ages 25-64) who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030. The legislation renames the Higher Education Coordinating Council (HECC) as the Florida Talent Development Council, revising its membership, and would require

### [HB 7071 continued...](#)

the council to develop a strategic plan for talent development in Florida.

This legislation, similar to SB 522, creates the Florida Apprenticeship Grant (FLAG) Program, subject to an appropriation in the General Appropriation Act (GAA), to provide competitive grants to career centers, charter technical career centers, Florida College System (FCS) institutions, and other entities authorized to sponsor apprenticeship programs for the purpose of expanding existing programs and establishing new apprenticeship programs.

The bill revises the statutory characteristics of an apprenticeable occupation and modifies the requirements for the two public members appointed to the State Apprenticeship Council by the Governor to be independent of any joint or non-joint organizations. It also redefines “journeymen” as “journeyworkers” and includes special provisions for veterans, minorities, and women in apprenticeship programs.

Additionally, statewide articulation agreements must provide for a reverse transfer agreement for FCS AA degree-seeking students who transfer to a state university prior to earning their associate in arts degree. Similar reverse transfer language can be found in HB 839.

House Bill 7071 also requires that each career center and FCS institution with overlapping service areas execute and annually submit to DOE a career pathways agreement for each certificate program offered by the career center.

The bill also requires each school district and FCS institution receiving state appropriations for workforce education programs to maintain adequate and accurate records for funding and expenditures.

This legislation passed unanimously out of the House Higher Education & Career Readiness Subcommittee on March 13. It is now slated to be heard on Tuesday, March 26 in the House Higher Education Appropriations Subcommittee at 3:30pm. Its next and last committee of reference is the House Education Committee.

### [Reverse Transfer](#)

#### **[HB 839: Organization & Operation of State Universities](#)**

***Sponsor: Rep. Ray Rodrigues***

This legislation requires that the statewide articulation agreement between the State Board of Education and the Board of Governors provides for a reverse transfer agreement for FCS associate in arts degree-seeking students who transfer to a state university early or prior to earning their associate in arts (AA) degree.

If a student earned a majority of the credit hours toward an AA degree from an FCS institution, then the student must be awarded this degree by that FCS institution upon completion of the degree requirements at the state university.

HB 839 passed unanimously out of the House Higher Education & Career Readiness Subcommittee on March 13 and is slated to be heard by the House Higher Education Appropriations Subcommittee at 3:30pm on Tuesday, March 26. Its last committee of reference is the full Education Committee before coming to the House Floor for a vote.

### [Reverse Transfer continued...](#)

Similar reverse transfer language can also be found in [SB 1296](#) by Sen. Diaz, SB 1308, HB 1407, and HB 7071.

### [SB 1308 / HB 1407: Pathways to College and Career Success / Postsecondary Education](#)

**Sponsors: Sen. Keith Perry and Rep. Mel Ponder**

On March 19, the Senate Education Committee passed SB 1308 by a unanimous vote. This legislation requires the Commissioner of Education (commissioner) to conduct an annual review of career and technical education offerings in the K-12 education system, career centers, and the Florida College System (FCS) to determine their alignment with employer demand, postsecondary degree or certificate programs, and industry certifications. As a result of the review, the commissioner must phase out programs not aligned to the needs of employers or do not provide completers with middle- or higher-wage jobs. This review will also encourage school districts and FCS institutions to offer new programs that are in demand by employers.

In addition to reverse transfer language, this legislation would authorize a state university or FCS institution to waive tuition and fees for a student who was enrolled between 5 and 10 years ago, and who successfully completed all but the equivalent of 10 percent of the required coursework for an associate or bachelor's degree.

Senate Bill 1308 has two more committees, Senate Appropriations Subcommittee on Education and full Appropriations, prior to coming to the Floor for a full Senate vote.

House Bill 1407 includes the provisions stated above including performance funding for dual enrollment and collegiate high school programs for FCS institutions. This funding is contingent upon a specific appropriation in the state budget. In this bill, each FCS institution would be provided \$1,000 for each home education and private school student who completes at least one course through a dual enrollment program. Each FLCS institution would also receive \$1,000 for each student who earns an AA degree through a collegiate high school program.

House Bill 1407 has yet to be heard in any of its referred committees.

### [Direct Support Organizations \(DSO\)](#)

#### [SB 1744 / HB 705 I: Higher Education](#)

**Sponsors: Sen. Dennis Baxley and Rep. Cord Byrd**

Senate Bill 1744 requires the State Board of Education to establish criteria for the review and approval of new facilities and programs at Florida College System institutions to ensure the well-planned development, coordination, and operation of the Florida College System and to avoid duplication of facilities or programs.

This legislation also includes DSO language that would restrict the authority of our local Boards of Trustees to transfer college funds to our foundations for personal

### Direct Support Organizations continued...

services. DSOs would also be restricted from using state funds for travel expenses. Additionally, beginning July 1, 2019, college transfers of any state appropriation to DSOs with a fund balance of greater than \$50 million may only include funds pledged for capital projects.

Additionally, the bill restricts FCS institutions and their DSOs from constructing, accepting, or purchasing property or facilities if general revenue funds will be required for operation or maintenance upon project completion or in subsequent years of operation, unless the Legislature grants approval.

SB 1744 would require the Commissioner of Education to report to the State Board of Education any findings by the Auditor General that a district school board or Florida College System institution is acting without statutory authority or contrary to state law. The State Board of Education shall require the district school board or Florida College System institution board of trustees to document compliance with the law.

SB 1744 has not yet been placed on the Senate Education Committee, its first committee of reference. It has two additional committee stops, as well—Senate Appropriations Subcommittee on Education and full Appropriations.

HB 7051, the companion bill to SB 1744, was previously a proposed committee bill (PCB HEC 19-01), and passed out of the House Higher Education & Career Readiness Subcommittee on March 6 by a vote of 14-0. On March 21, the bill was heard in the House Public Integrity & Ethics Committee and passed unanimously. It is now waiting to be heard in the House Education Committee, its last committee stop before heading to the House Floor for a full House vote.

In addition to the content included in SB 1744, HB 7051 would require all FCS institutions to report annually to the Legislature the amount of state appropriations transferred to any DSO during the previous fiscal year, the purpose for which the funds were transferred and the remaining balance of any funds transferred.

### Articulation

#### **SB 194: Higher Education**

**Sponsors: Sen. Kelli Stargel**

On March 19, the Senate Education Committee unanimously passed SB 194, legislation that would establish the “2+2” targeted pathway program. Specifically, the bill requires that by the 2019-2020 academic year, each college must execute at least one “2+2” targeted pathway articulation agreement with one or more state universities. In the same token, each state university must execute at least one “2+2” targeted pathway articulation agreement with one or more colleges. The legislation requires the “2+2” targeted pathway articulation agreement to provide students who graduate with an AA degree and who meet specified requirements guaranteed access to the state university and a baccalaureate degree program at that university, in accordance with the terms of the agreement.

### Articulation continued...

Senate Bill 194 is now waiting to be placed on the agenda for the Senate Appropriations Subcommittee on Education. Its final committee of reference is full Appropriations.

### Intercollegiate Athletics

#### **HB 789 / SB 798: Florida College System Institutions Offering Baccalaureate Degree Programs / Baccalaureate Degree Access**

***Sponsors: Rep. Rene Plasencia and Sen. Debbie Mayfield***

This legislation authorizes FCS institutions that offer one or more baccalaureate degree programs the ability to participate in 4-year intercollegiate athletics. The bills would allow students enrolled in a 4-year baccalaureate program at an FCS institution to compete in their sport for 4-years without having to transfer to another institution. Additionally, under the governance of a four-year athletic governing body, a college's athletic program could offer additional scholarships based on the governing body's guidelines.

HB 789 passed out of the House Higher Education & Career Readiness Subcommittee by a unanimous vote on March 20. It is slated to be heard in the House Higher Education Appropriations Subcommittee on Tuesday, March 26. Its last committee of reference is the House Education Committee.

SB 798 has not yet been heard in a committee. Its referred committees include Senate Education, Senate Appropriations Subcommittee on Education, and full Appropriations.

### Military / Veterans

#### **HB 217 / SB 442: Postsecondary Education for Certain Military Personnel**

***Sponsors: Reps. Adam Hattersley & Mel Ponder and Sen. Tom Lee***

This legislation would require the Board of Governors to adopt regulations and the State Board of Education to adopt rules to create a uniform system to enable servicemembers and veterans of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training, education, and experience acquired in the military.

It would also require state universities, FCS institutions, career centers operated by a school district, and charter technical centers to waive the transcript fee for active duty members and honorably discharged veterans of the United States Armed Forces, and their spouses and dependents.

HB 217 has passed all three of its referred committees by a unanimous vote. It is now ready to be brought up for consideration on the House Floor.

### Military / Veterans continued...

SB 442 passed out of the Senate Education Committee by a vote of 8-0. It is slated to be heard on March 26 in the Senate Military and Veterans Affairs and Space Committee. It will have one more stop, full Appropriations, before it can be considered by the full Senate.

### Charter Schools

#### **HB 1197 / SB 1668: Charter Schools / School Choice**

**Sponsors: Rep. Jason Fischer and Sen. Travis Hutson**

House Bill 1197 authorizes state universities and Florida College System (FCS) institutions to sponsor charter schools. Present limitations on charter schools operated by an FCS institution with a teacher preparation program are repealed.

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 the role.

The legislation also establishes operational funding and capital outlay funding formulas for charter schools sponsored by a state university and FCS institution.

On March 19, the House PreK-12 Innovation Subcommittee passed HB 1197 by a vote of 12-2 (Fernandez & Goff-Marcil). Its next two stops are House Appropriations and Education Committees.

Senate Bill 1668 has not yet been placed on a committee agenda. It has three stops: Senate Education, Appropriations Subcommittee on Education, and Appropriations.

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