

**Florida Gulf Coast University Board of Trustees
June 16, 2009**

SUBJECT: 2009 Post-Legislative-Session Report

PROPOSED BOARD ACTION

Information only

BACKGROUND INFORMATION

This report is a summary of the action taken by the Legislature during the 2009 Session and actions by the Governor.

Supporting Documentation Included: 2009 Post-Legislative-Session Report

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Legal Review by: N/A

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Tough Budget Year

During the 2009 Legislative Session, FGCU together with the other ten state universities successfully accomplished many of the Board of Governors' goals. The Board of Governors' goals included the following:

Mitigate budget cuts-recurring general revenue
Tuition authority with flexibility-recurring general revenue
Utilities payment increase-recurring general revenue (no funding)
Fund Medical Schools-recurring general revenue
Match Courtelis funds-non-recurring general revenue (no funding)
Match Major Matching Gifts funds-non-recurring general revenue (no funding)
Complete New College funding for Academic and Administrative Infrastructure-recurring general revenue (partial funding)

Due to the declining state revenues and the state of the national economy, this year's Session was extended for one week and ended on May 8, 2009. These reductions caused a deficit in the budget of \$6 billion over the previous year's budget. The final budget passed totaled \$66.5 billion with \$5.9 billion going to higher education. In addition to the state revenues, the budget includes non-recurring Federal Stabilization funding totaling \$5.3 billion of which higher education received \$161 million. Below is a breakdown for FGCU:

- FGCU operating reduction amount; (\$7,335,256) recurring revenue
- FGCU federal stimulus funded amount; \$3,583,134 non-recurring revenue
- FGCU PECO funding by project
 1. Infrastructure \$5,263,875 (original request amount \$7 million)
 2. Health (Academic 8) \$3,000,000 (original request amount \$12.5 million)
- FGCU Lottery funding
 1. Lottery reduction (\$111,858) trust fund

In addition the budget contained revenue projects for the authority granted in Senate bill 720 by Senator Pruitt and House sponsor Representative Weatherford giving universities the ability to increase tuition by a maximum of 15% each year. The 15% cap would include any amount appropriated by the Legislature for a tuition increase. This year the budget included an 8% tuition increase. Any increase must be approved by the local Boards of Trustees and then the Board of Governors.

Finally, the State University team successfully averted any salary reductions to university employees. Other state employees received a 2% reduction for anyone making over \$45,000 a year. Subsequently, this issue was vetoed by the Governor on May 28, 2009. Other issues included in the budget are funding for First Generation Matching Grants, other financial aid and a review by the Office of Program Policy Analysis and Government Accountability (OPPAGA) regarding best practices for student Health policies at universities due December 1, 2009.

While a balanced budget is the only constitutionally required action of the Legislature each year, substantive legislation like SB 720 is passed. This year of the 2369 bills filed only 238 of those filed passed both chambers and are waiting for the Governors review. This figure is down from past Sessions, but the State University System had 18 bills affecting higher education pass to the Governor. The Governor has 15 days from the day a bill and the budget is presented to him to sign it, veto it or let it become law without his signature.

2009 Approved Legislation

SB 0166 **Relating to Pub. Rec./Donors' Identification/Public Buildings** Senator Ring
Pending approval of the Governor

Pub. Rec./Donors' Identification/Public Buildings [EPSC]; Creates an exemption from public records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned building or facility if the donor desires to remain anonymous. Provides for future legislative review and repeal of the exemption under the Open Government Sunset Review Act. Provides a statement of public necessity. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0166er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 0234 **Relating to State University Presidents** Senator Gaetz
Pending approval of the Governor

State University Presidents [SPSC]; Revises powers and duties of the Board of Governors and university boards of trustees relating to personnel. Provides that a state university president is not subject to the personnel program established by the Board of Governors. Requires that a board of trustees appoint the university president and administer a personnel program for the president.
EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0234er.html&Directory=session/2009/Senate/bills/billtext/html/

HB 0281 **Relating to Prepaid College Programs** Representative Weinstein
Pending approval of the Governor

Prepaid College Programs: Provides that purchaser of advance payment contract may receive refund of unused portion of contract under certain circumstances. EFFECTIVE DATE: upon becoming a law.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb028102er.html&Directory=session/2009/House/bills/billtext/html/

HB 0479 **Relating to Retirement** Representative Schenck
Pending approval of the Governor

Retirement: Redefines terms "employer," "officer or employee," "past service," "normal retirement date," "termination," "regularly established position," & "temporary position"; requires promotional materials that refer to FRS to include disclaimer unless approval is obtained from DMS or SBA; revises & clarifies provisions relating to employment after retirement; revises provisions relating to renewed membership in retirement system, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb047906er.html&Directory=session/2009/House/bills/billtext/html/

SB 0554 **Relating to Legal Jurisdiction of Campus Police** Senator Dean
Pending approval of the Governor

Legal Jurisdiction of Campus Police [SPSC]; Redefines the term "mutual aid agreement" to authorize state university police officers to enforce laws within a specified jurisdictional area as agreed upon in a mutual aid agreement. Authorizes university police officers to enforce traffic violations committed within a specified distance from property under the supervision or control of the university, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0554er.html&Directory=session/2009/Senate/bills/billtext/html/

HB 0685

**Relating to Educational Dollars for Duty Program
Pending approval of the Governor**

Representative Proctor

Educational Dollars for Duty Program: Revises provisions relating to Educational Dollars for Duty educational assistance program; revises duties of Adjutant General with respect to program; removes duties of BOG & SBE with respect to program; provides for education assistance for members of Florida National Guard who enroll in authorized course of study at specified public or nonpublic institution of higher learning; revises application requirements to include active drilling members; provides requirement of service in guard for specified period; provides condition of ineligibility to participate in program; revises courses not authorized for program; authorizes college preparatory courses for program; deletes provisions relating to State Tuition Exemption Program; authorizes DMA to pay tuition & fees for current members; provides eligibility to use program upon enlistment; requires DMA to pay tuition & fees for member enrolled in nonpublic postsecondary institution or nonpublic vocational-technical program in specified amount; prohibits participation by certain members; provides for applicability of a requirement to reimburse DMA for tuition charges & student fees under specified circumstances. EFFECTIVE DATE: 07/01/2009

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb068503er.html&Directory=session/2009/House/bills/billtext/html/

SB 0762

Relating to State University Tuition and Fees Senator Pruitt
Approved by the Governor-6/01/09

State University Tuition and Fees [SPSC]; requires the Education Estimating Conference to develop information relating to the national average of tuition and fees. Revises provisions relating to the establishment of a maximum 15% tuition differential for all eleven universities. Provides requirements for a university board of trustees to submit a proposal to the Board of Governors to implement a tuition differential, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0762er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 0788 **Relating to Gaming** Senator Jones (D)
Pending approval of the Governor

Gaming [WPSC]; Provides terms and conditions for a gaming compact between the State of Florida and the Seminole Tribe of Florida. Removes an exception to the required issuance date of licenses to conduct thoroughbred racing performances. Provides that the payout percentage of a slot machine gaming facility must be at least 85 percent. Revenues will be transferred to the Educational Enhancement Trust Fund. EFFECTIVE DATE: Contingent.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0788er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 0926 **Relating to Cemeteries** Representative Altman
Pending approval of the Governor

Cemeteries [CPSC]; Exempts from provisions governing cemeteries a columbarium consisting of 5 acres or less and located on the main campus of a state university. Requires a university or university direct support organization that establishes the columbarium to ensure that it is constructed, kept, and maintained in a manner consistent with specified provisions. Revises requirements for the material composition of cremation containers. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb0926er.html&Directory=session/2009/Senate/bills/billtext/html/

HB 1209 **Relating to Nursing Programs** Representative Grimsley
Pending approval of the Governor-presented to the Governor 6/01/09

Nursing Programs: Revises provisions for approval of nursing programs by Board of Nursing; requires institutions wishing to conduct certain nursing programs to submit program application & pay program review fee to DOH; specifies that program application is deemed approved if board does not act within specified timeframes; provides standards for approval of nursing programs, etc.
EFFECTIVE DATE: 07/01/2009

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb120904er.html&Directory=session/2009/House/bills/billtext/html/

SB 1796

**Relating to Governmental Financial Information
Approved by the Governor-5/27/09**

Senator Alexander

Governmental Financial Information [WPSC]; Directs the Legislative Auditing Committee to provide oversight and management of a state website providing information on governmental appropriations and expenditures. Creates the "Transparency Florida Act." Requires the Executive Office of the Governor to establish a website providing information relating to each appropriation in the General Appropriations Act, etc. EFFECTIVE DATE: Upon becoming law.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb1796er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 1802

**Relating to Retirement
Approved by the Governor-5/27/09**

Senator Alexander

Retirement [WPSC]; Revises the payroll contribution rates for the membership classes of the Florida Retirement System for the state fiscal years effective July 1, 2009, and July 1, 2010. Requires the state actuary to consider additional factors when conducting the annual actuarial study of the State Retirement System. Specifies the factors to be considered. Provides a declaration of important state interest. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb1802er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 1804

**Relating to State-owned Real Property
Approved by the Governor-5/27/09**

Senator Alexander

State-owned Real Property [WPSC]; Requires the state to offer to lease state-owned buildings or lands to state agencies and universities before offering them for sale, lease, or sublease to others. Requires the department to review the lease and determine if suitable space is available in a state-owned building in the same geographic region, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb1804er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 2666 **Relating to Public Procurement of Services** Senator Haridopolos
Pending approval of the Governor

Public Procurement of Services [GPSC]; Authorizes the DMS to select and contract with construction management entities to assist in the management of state construction projects. Provides that a construction management entity may be required to offer a guaranteed maximum price and a guaranteed completion date under specified circumstances and secure a surety bond. Revises provisions relating to contracting and construction for educational facilities, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2666er.html&Directory=session/2009/Senate/bills/billtext/html/

SB 2694 **Relating to State Financial Matters** Senator Alexander
Vetoed by the Governor-5/27/09

State Financial Matters [WPSC]; Prohibits an agency or branch of state government from contracting to pay, without legislative authority, liquidated damages or early termination fees resulting from the breach or early termination of a contract or agreement, from contracting to pay interest because of insufficient budget authority to pay an obligation in the current year, from obligating the state to make future payments to cover unpaid payments, etc. EFFECTIVE DATE: 07/01/2009.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2694er.html&Directory=session/2009/Senate/bills/billtext/html/

HB 7051 **Relating to OGSR/Social Security Numbers** Governmental Affairs Policy Committee
Pending approval of the Governor

OGSR/Social Security Numbers: Provides that social security numbers of current & former agency employees held by employing agency are confidential & exempt from public records requirements; provides for future review & repeal of exemption; requires that agency identify in writing specific federal or state laws governing collection, use, & release of social security numbers & ensure compliance therewith; requires notice as to whether collection of social security number is authorized or mandatory under federal or state law; clarifies that public records exemption for social security numbers held by agency does not supersede federal law prohibiting release of social security numbers or any other applicable public records exemptions for social security numbers; delineates conditions under which social security numbers held by agency may be disclosed; redefines term "commercial activity" for purposes of provisions authorizing disclosure of social security number under limited circumstances; eliminates agency reports of requests for social security numbers by commercial entities; provides statement of public necessity. EFFECTIVE DATE: 10/01/2009

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb705102er.html&Directory=session/2009/House/bills/billtext/html/

HB 7119 **Public Records/Education Records** Education Policy Council
Pending approval of the Governor

The bill reenacts and expands a public records exemption for student education records to comply with the federal Family Educational Rights and Privacy Act (FERPA) and the federal implementing regulations for K-12 students and public postsecondary students. The bill also protects from public disclosure the applicant records of a student who applies to a public postsecondary educational institution. These records are confidential and exempt. The exemption is subject to review under s. 119.15, F.S., the Open Government Sunset Review Act, and would sunset on October 2, 2014, unless saved from repeal through reenactment by the Legislature. The bill prohibits agencies, public schools, centers, institutions or other entities that are part of Florida's education system from releasing information without the written consent of the student, except in the circumstances permitted by FERPA. Education records released by agencies, public schools, centers, and public postsecondary institutions to the Office of Program Policy Analysis and Government Accountability or the Auditor General that are used to perform their official duties and responsibilities must be used and maintained in accordance with FERPA.
EFFECTIVE DATE: Contingent.

http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb711901er.html&Directory=session/2009/House/bills/billtext/html/