



Post-Secondary Education Subcommittee

January 23, 2018

3:30 PM

Mashburn Hall (306 HOB)

Meeting Packet

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Post-Secondary Education Subcommittee

Start Date and Time: Tuesday, January 23, 2018 03:30 pm
End Date and Time: Tuesday, January 23, 2018 06:30 pm
Location: Mashburn Hall (306 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 859 The Historically Black Colleges and Universities Matching Endowment Scholarships Program by Lee
HB 861 Trust Funds by Lee
HB 909 Free Expression on Campus by Rommel, Clemons
HB 1371 State Employee Higher Education Fee Waivers by Ausley

Update on implementation of the State Authorization Reciprocity Agreement (SARA)

NOTICE FINALIZED on 01/19/2018 4:23PM by Olsen.Kirsten



AGENDA

Post-Secondary Education Subcommittee
Tuesday, January, 23 2017
3:30 p.m. – 6:30 p.m.
306 HOB

- I. Call to Order and Roll Call
- II. Opening Remarks
- III. Consideration of the following bills:
 - HB 859 – The Historically Black Colleges and Universities Matching Endowment Scholarships Program by Lee
 - HB 861 – Trust Funds by Lee
 - HB 909 – Free Expression on Campus by Rommel, Clemons
 - HB 1371 – State Employee Higher Education Fee Waivers by Ausley
- IV. Presentation on Implementation of the State Authorization Reciprocity Agreement (SARA)
 - Morgan Champion – Director, Postsecondary Reciprocal Distance Education, Council for Independent Education
- V. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 859 The Historically Black Colleges and Universities Matching Endowment Scholarships Program

SPONSOR(S): Lee, Jr.

TIED BILLS: HB 861 **IDEN./SIM. BILLS:** SB 1526

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney	Bishop
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill creates the Historically Black Colleges and Universities Matching Endowment Scholarship Program (Program). The Program will be administered by the Florida Department of Education (DOE) and provides funds to participating Florida based HBCUs in order to provide scholarships to enrolled students.

Florida has four historically black colleges and universities (HBCU): Bethune-Cookman University, Edward Waters College, Florida Agricultural and Mechanical University, and Florida Memorial University.

The Legislature will appropriate \$2 million for the Program and each HBCU in the state will be required to provide \$500,000 in matching funds if they wish to participate in the Program. All funds transferred to the trust fund for the Program will be invested. The appropriated funds and all matching funds will remain in the trust fund and interest from the fund will be used for the scholarships. The annual accumulated interest will be allocated by the DOE to each participating HBCU and must be used to provide scholarships to enrolled students on a first-come, first-served basis.

The bill takes effect July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

An HBCU is any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the U.S. Secretary of Education to be a reliable authority as to the quality of training offered or is making reasonable progress toward accreditation.¹

There are four HBCUs in Florida² - Bethune-Cookman University (B-CU),³ Edward Waters College (EWC),⁴ Florida Agricultural and Mechanical University (FAMU),⁵ and Florida Memorial University (FMU).⁶

Bethune-Cookman University

Bethune-Cookman University (B-CU) is a private university located in Daytona Beach, Florida, founded in 1904, and is affiliated with the United Methodist Church.⁷ B-CU is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).⁸ It is also a member of the Independent Colleges & Universities of Florida (ICUF).⁹ B-CU currently enrolls approximately 4,000 students¹⁰ and awards Bachelor of Arts, Bachelor of Science, Master of Athletic Training, Master of Education, Master of Public Health, and Master of Science degrees.¹¹

Edward Waters College

Edward Waters College (EWC) is a private college located in Jacksonville, Florida, founded in 1866, and affiliated with the African Methodist Episcopal Church. It is the oldest private institution of higher education in the state of Florida.¹² EWC is accredited by the SACSCOC and is a member of ICUF.¹³ EWC's current enrollment is 839 students. Approximately 51% of the student body is male, 49% female, and over 90% of the students rely on financial aid.¹⁴ EWC prepares students for careers in teaching, technology, research, religion, politics, and other leading fields of today and in the future.¹⁵ Bachelor's degrees are offered in Communications, Music, Psychology, Criminal Justice, Biology, Elementary Education, Mathematics, and Business Administration.¹⁶

¹ U.S. Department of Education, White House Initiative on Historically Black Colleges and Universities, *What is an HBCU?*, <https://sites.ed.gov/whhbcu/one-hundred-and-five-historically-black-colleges-and-universities/> (last visited Jan. 5, 2018).

² Miami Herald, Historically black colleges face challenges, but seeing more interest amid racial tensions, Lance Dixon, Feb. 25, 2017, <http://www.miamiherald.com/news/local/education/article134927419.html> (last visited Jan. 4, 2018).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Bethune-Cookman University, About B-CU, http://www.cookman.edu/about_BCU/index.html (last visited Jan. 4, 2018).

⁸ Bethune-Cookman University, Accreditation, <http://www.cookman.edu/academics/accreditation.html> (last visited Jan. 18, 2018).

⁹ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

¹⁰ Bethune-Cookman University, About B-CU, Fall 2017 Institutional Profile, <http://www.cookman.edu/academics/IE/research/Institutional2017-2018FallProfile.pdf> (last visited Jan. 18, 2018).

¹¹ Bethune-Cookman University, Degree Offerings, <http://catalog.cookman.edu/content.php?catoid=29&navoid=1843> (last visited Jan. 18, 2018).

¹² Edwards Waters College, About Us, <http://www.ewc.edu/about/> (last visited Jan. 4, 2018).

¹³ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

¹⁴ Edwards Waters College, About Us, <http://www.ewc.edu/about/> (last visited Jan. 4, 2018).

¹⁵ *Id.*

¹⁶ Edwards Waters College, Academic Programs, <https://www.ewc.edu/academics/academic-programs/> (last visited Jan. 18, 2018).

Florida Agricultural and Mechanical University

Florida Agricultural and Mechanical University (FAMU) is a public university within the State University System of Florida with a main campus in Tallahassee, Florida and a law school in Orlando, Florida. FAMU is an 1890 land-grant institution and is accredited by SACSCOC.¹⁷ FAMU currently enrolls approximately 11,000 students¹⁸ and offers 54 bachelor's degrees, 29 master's degrees, 3 professional degrees, and 12 doctoral degrees.¹⁹

Florida Memorial University²⁰

Florida Memorial University (FMU) is a private university located in Miami Gardens, Florida and established by the Baptist Church²¹ in 1879.²² FMU is accredited by SACSCOC and is a member of ICUF.²³ FMU's current enrollment is 1,339²⁴ and the university offers 41 Bachelor degree programs and 4 master's programs.²⁵ In addition to typical undergraduate degree programs found at other Florida colleges and universities, FMU offers several unique, specialized programs such as a Bachelor of Science in Aeronautical Science with a concentration in Flight Education or Air Traffic Control, and a Bachelor of Science in Aviation Management.²⁶ FMU's graduates enjoy the sixth highest starting salaries in the state.²⁷

Effect of Proposed Changes

The bill creates the Historically Black Colleges and Universities Matching Endowment Scholarship Program (Program). The Program will be administered by the Florida Department of Education (DOE) and provide funds to participating Florida based HBCUs in order to provide scholarships to enrolled students.

The Legislature will appropriate \$2 million for the Program and each HBCU in the state will be required to provide \$500,000 in matching funds to participate in the Program. All funds transferred to the trust fund for the Program will be invested. The appropriated funds and all matching funds will remain in the trust fund and the annual accumulated interest will be allocated by the DOE to each participating HBCU and must be used to award scholarships to enrolled students on a first-come, first-served basis.

This bill takes effect July 1, 2018.

B. SECTION DIRECTORY:

Section 1. Creates s. 1009.894, F.S., establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Program.

Section 2. Provides an effective date of July 1, 2018.

¹⁷ Florida Agricultural and Mechanical University, Accrediting Associations, <http://www.famu.edu/index.cfm?AboutFAMU&AccreditingAssociations> (last visited Jan. 18, 2018).

¹⁸ Florida Agricultural and Mechanical University, Quick Facts, Overview, <http://www.famu.edu/index.cfm?AboutFAMU&Overview> (last visited Jan. 18, 2018).

¹⁹ *Id.*

²⁰ Florida Memorial University, About, <http://www.fmuniv.edu/about/> (last visited Jan. 1, 2018).

²¹ *Id.*

²² *Id.*

²³ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

²⁴ U.S. News and World Report, Florida Memorial University – 2018 Quick Stats, <https://www.usnews.com/best-colleges/florida-memorial-university-1486/student-life> (last visited Jan. 19, 2018).

²⁵ Florida Memorial University, Academics, <http://www.fmuniv.edu/academics/> (last visited Jan. 1, 2018).

²⁶ Florida Memorial University, Undergraduate Degree Programs, <http://www.fmuniv.edu/academics/undergraduate-degree-programs/> (last visited Jan. 18, 2018).

²⁷ Florida Memorial University, About, <http://www.fmuniv.edu/about/> (last visited Jan. 1, 2018).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill requires the Legislature to appropriate \$2 million to transfer into a Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund. Each HBCU wishing to participate in the program must provide \$500,000 in matching funds. The corresponding trust fund is created in HB 861.

Costs to the Department of Education in administering the program are unknown; however, these costs are likely insignificant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The State Board of Education shall adopt rules and the Board of Governors of State University System shall adopt rules to administer the Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to the Historically Black Colleges and
 3 Universities Matching Endowment Scholarship Program;
 4 creating s. 1009.894, F.S.; establishing the
 5 Historically Black Colleges and Universities Matching
 6 Endowment Scholarship Program within the Department of
 7 Education; providing the purpose of the program;
 8 providing for an appropriation; requiring a
 9 Historically Black College or University to provide a
 10 certain amount of matching funds by a specified date
 11 to participate in the program; requiring certain funds
 12 to remain in the trust fund; providing that the
 13 interest will be used to provide scholarships to
 14 certain students; providing for annual disbursement of
 15 the interest; requiring the State Board of Education
 16 and Board of Governors of the State University System
 17 to adopt rules and regulations, respectively;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Section 1009.894, Florida Statutes, is created
 23 to read:

24 1009.894 Historically Black Colleges and Universities
 25 Matching Endowment Scholarship Program.-

26 (1) There is established the Historically Black Colleges
 27 and Universities Matching Endowment Scholarship Program to be
 28 administered by the Department of Education. The program shall
 29 provide funds to participating historically black colleges and
 30 universities in the state to provide scholarships to students
 31 enrolled at the schools.

32 (2) The Legislature shall appropriate \$2 million to be
 33 transferred to the Historically Black Colleges and Universities
 34 Matching Endowment Scholarship Trust Fund for the program. No
 35 later than June 30, 2019, each historically black college and
 36 university in the state that wishes to participate in the
 37 program shall provide \$500,000 in matching funds. All funds
 38 transferred to the trust fund for the program shall be invested
 39 in accordance with the provisions of chapter 215.

40 Notwithstanding the provisions of s. 216.301 and pursuant to s.
 41 216.351, the appropriated funds and all matching funds shall
 42 remain in the trust fund and the interest from such funds shall
 43 be used for scholarships for students enrolled at participating
 44 colleges and universities.

45 (3) Annually, the interest accumulated in the trust fund
 46 for the program shall be equally allocated by the Department of
 47 Education to each participating college and university to award
 48 scholarships to students enrolled at the school. Scholarships
 49 shall be awarded on a first-come, first-served basis at each
 50 participating college and university.

51 (4) The State Board of Education shall adopt rules and the
52 Board of Governors of State University System shall adopt rules
53 to administer this section.

54 Section 2. This act shall take effect July 1, 2018.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Post-Secondary Education Subcommittee

Representative Lee offered the following:

Amendment (with title amendment)

Remove lines 48-53 and insert:

scholarships. Each participating college and university shall award scholarships to enrolled students with unmet financial need.

(4) The State Board of Education shall adopt rules necessary to implement this section.

T I T L E A M E N D M E N T

Remove lines 16-17 and insert:

to adopt rules;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 861 Trust Funds
SPONSOR(S): Lee, Jr.
TIED BILLS: HB 859 **IDEN./SIM. BILLS:** SB 1528

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney	Bishop
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill creates the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund (Trust Fund) within the Florida Department of Education (DOE). The Trust Fund is established for use as a depository for funds to be used for the Historically Black Colleges and Universities Matching Endowment Scholarship Program. Money credited to the Trust Fund will consist of an appropriation from the Legislature as well as matching funds from participating Historically Black Colleges and Universities in Florida.

The bill has no fiscal impact.

The bill is effective July 1, 2018, if HB 859 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law. Article III, section 19(f) of the Florida Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of creating a trust fund.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Trust funds: Establishment and criteria.

A trust fund may be created by law only by the Legislature and only if passed by a three-fifths vote of the membership of each house in a separate bill for that purpose only.¹ Each trust fund² must be created by statutory language that specifies at least the following³:

1. The name of the trust fund.⁴
2. The agency or branch of state government responsible for administering the trust fund.⁵
3. The requirements or purposes that the trust fund is established to meet.⁶
4. The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.⁷

Florida Constitution on trust funds.

State trust funds shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund. The legislature may set a shorter time period for which any trust fund is authorized.⁸

Trust fund review

Prior to the regular session of the Legislature immediately preceding the date on which any executive or judicial branch trust fund⁹ is scheduled to be terminated¹⁰ the agency responsible for the administration of the trust fund and the Governor, for executive branch trust funds, or the Chief Justice, for judicial branch trust funds, recommend to the President of the Senate and the Speaker of the House of Representatives whether a trust fund should be terminated or re-created.¹¹ Each recommendation is based on a review of the trust fund and its purpose and a determination is made on whether the trust fund is terminated or re-created.

A recommendation to re-create the trust fund may include suggested changes to the mission, sources of receipts, or allowable expenditures. Recommendations from an agency or the Chief Justice are made as a part of the legislative budget request to the Legislature,¹² and recommendations from the Governor are made as part of the recommended budget presented to the Legislature.¹³ If the trust fund is terminated, all cash balances and income of the trust fund are to be deposited into the General Revenue Fund.¹⁴ The agency or Chief Justice pays the outstanding debts of the trust fund, and the Chief Financial Officer closes out and removes the trust fund from the state financial systems.¹⁵

¹ Section 215.3207, F.S.

² Except for trust funds being re-created by the Legislature.

³ *Id.*

⁴ Section 215.3207(1), F.S.

⁵ Section 215.3207(2), F.S.

⁶ Section 215.3207(3), F.S.

⁷ Section 215.3207(4), F.S.

⁸ Article III, s. 19(f)(2), FLA. CONST.

⁹ Pursuant to the provisions of Article III, s. 19(f), FLA. CONST.

¹⁰ Or an earlier date specified by the Legislature.

¹¹ Section 215.3206(1) and (2), F.S.

¹² Section 216.023, F.S.

¹³ Section 216.162, F.S.

¹⁴ Section 215.3206(2), F.S.

¹⁵ *Id.*

Historically Black Colleges and Universities

An HBCU is any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the U.S. Secretary of Education to be a reliable authority as to the quality of training offered or is making reasonable progress toward accreditation.¹⁶

There are four HBCUs in Florida¹⁷ - Bethune-Cookman University (B-CU),¹⁸ Edward Waters College (EWC),¹⁹ Florida Agricultural and Mechanical University (FAMU),²⁰ and Florida Memorial University (FMU).²¹

Bethune-Cookman University

Bethune-Cookman University (B-CU) is a private university located in Daytona Beach, Florida, founded in 1904, and is affiliated with the United Methodist Church.²² B-CU is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).²³ It is also a member of the Independent Colleges & Universities of Florida (ICUF).²⁴ B-CU currently enrolls approximately 4,000 students²⁵ and awards Bachelor of Arts, Bachelor of Science, Master of Athletic Training, Master of Education, Master of Public Health, and Master of Science degrees.²⁶

Edward Waters College

Edward Waters College (EWC) is a private college located in Jacksonville, Florida, founded in 1866, and affiliated with the African Methodist Episcopal Church. It is the oldest private institution of higher education in the state of Florida.²⁷ EWC is accredited by the SACSCOC and is a member of ICUF.²⁸ EWC's current enrollment is 839 students. Approximately 51% of the student body is male, 49% female, and over 90% of the students rely on financial aid.²⁹ EWC prepares students for careers in teaching, technology, research, religion, politics, and other leading fields of today and in the future.³⁰ Bachelor's degrees are offered in Communications, Music, Psychology, Criminal Justice, Biology, Elementary Education, Mathematics, and Business Administration.³¹

Florida Agricultural and Mechanical University

Florida Agricultural and Mechanical University (FAMU) is a public university within the State University System of Florida with a main campus in Tallahassee, Florida and a law school in Orlando, Florida. FAMU is an 1890 land-grant institution and is accredited by SACSCOC.³² FAMU currently enrolls

¹⁶ U.S. Department of Education, White House Initiative on Historically Black Colleges and Universities, *What is an HBCU?*, <https://sites.ed.gov/whhbcu/one-hundred-and-five-historically-black-colleges-and-universities/> (last visited Jan. 5, 2018).

¹⁷ Miami Herald, Historically black colleges face challenges, but seeing more interest amid racial tensions, Lance Dixon, Feb. 25, 2017, <http://www.miamiherald.com/news/local/education/article134927419.html> (last visited Jan. 4, 2018).

¹⁸ *Id.*

Id.

²⁰ *Id.*

²¹ *Id.*

²² Bethune-Cookman University, About B-CU, http://www.cookman.edu/about_BCU/index.html (last visited Jan. 4, 2018).

²³ Bethune-Cookman University, Accreditation, <http://www.cookman.edu/academics/accreditation.html> (last visited Jan. 18, 2018).

²⁴ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

²⁵ Bethune-Cookman University, About B-CU, Fall 2017 Institutional Profile,

<http://www.cookman.edu/academics/IE/research/Institutional2017-2018FallProfile.pdf> (last visited Jan. 18, 2018).

²⁶ Bethune-Cookman University, Degree Offerings, <http://catalog.cookman.edu/content.php?catoid=29&navoid=1843> (last visited Jan. 18, 2018).

²⁷ Edwards Waters College, About Us, <http://www.ewc.edu/about/> (last visited Jan. 4, 2018).

²⁸ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

²⁹ Edwards Waters College, About Us, <http://www.ewc.edu/about/> (last visited Jan. 4, 2018).

³⁰ *Id.*

³¹ Edwards Waters College, Academic Programs, <https://www.ewc.edu/academics/academic-programs/> (last visited Jan. 18, 2018).

³² Florida Agricultural and Mechanical University, Accrediting Associations,

<http://www.famu.edu/index.cfm?AboutFAMU&AccreditingAssociations> (last visited Jan. 18, 2018).

approximately 11,000 students³³ and offers 54 bachelor's degrees, 29 master's degrees, 3 professional degrees, and 12 doctoral degrees.³⁴

Florida Memorial University³⁵

Florida Memorial University (FMU) is a private university located in Miami Gardens, Florida and established by the Baptist Church³⁶ in 1879.³⁷ FMU is accredited by SACSCOC and is a member of ICUF.³⁸ FMU's current enrollment is 1,339³⁹ and the university offers 41 Bachelor degree programs and 4 master's programs.⁴⁰ In addition to typical undergraduate degree programs found at other Florida colleges and universities, FMU offers several unique, specialized programs such as a Bachelor of Science in Aeronautical Science with a concentration in Flight Education or Air Traffic Control, and a Bachelor of Science in Aviation Management.⁴¹ FMU's graduates enjoy the sixth highest starting salaries in the state.⁴²

Effect of Proposed Changes

The bill creates the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund (Trust Fund) within the Florida Department of Education (DOE). The Trust Fund is established for use as a depository for funds to be used for the Historically Black Colleges and Universities Matching Endowment Scholarship Program. Money credited to the Trust Fund will consist of an appropriation from the Legislature as well as matching funds from participating Historically Black Colleges and Universities in Florida.

The bill takes effect on the same date that HB 859, or similar legislation takes effect if the legislation is enacted in the same legislative session and becomes law. It must pass by a three-fifths vote of the membership of each house of the Legislature.

Unless terminated sooner, the trust fund will be terminated on July 1, 2022. Prior to the 2022 regular session of the Legislature, DOE must recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be terminated or recreated.

B. SECTION DIRECTORY:

Section 1. Creates s. 20.151, F.S., establishing the Historically Black Colleges and Universities Matching Endowment Scholarship Trust Fund within the Department of Education.

Section 2. Provides the same effective date that HB 859, or similar legislation, takes effect if such legislation is enacted in the same legislative session and becomes law, and only if it is enacted by a three-fifths vote of the membership of each house of the Legislature.

³³ Florida Agricultural and Mechanical University, Quick Facts, Overview, <http://www.famu.edu/index.cfm?AboutFAMU&Overview> (last visited Jan. 18, 2018).

³⁴ *Id.*

³⁵ Florida Memorial University, About, <http://www.fmuniv.edu/about/> (last visited Jan. 1, 2018).

³⁶ *Id.*

³⁷ *Id.*

³⁸ Independent Colleges and Universities of Florida, Institutions, <http://www.icuf.org/institutions/> (last visited Jan. 18, 2018).

³⁹ U.S. News and World Report, Florida Memorial University – 2018 Quick Stats, <https://www.usnews.com/best-colleges/florida-memorial-university-1486/student-life> (last visited Jan. 19, 2018).

⁴⁰ Florida Memorial University, Academics, <http://www.fmuniv.edu/academics/> (last visited Jan. 1, 2018).

⁴¹ Florida Memorial University, Undergraduate Degree Programs, <http://www.fmuniv.edu/academics/undergraduate-degree-programs/> (last visited Jan. 18, 2018).

⁴² Florida Memorial University, About, <http://www.fmuniv.edu/about/> (last visited Jan. 1, 2018).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Creation and administration of a new trust fund will have insignificant administrative costs on the Department of Financial Services.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to trust funds; creating s. 20.151,
 3 F.S.; creating the Historically Black Colleges and
 4 Universities Matching Endowment Scholarship Trust Fund
 5 within the Department of Education; providing for the
 6 purpose of the trust fund and source of funds;
 7 providing for future review and termination or re-
 8 creation of the trust fund; providing a contingent
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

12
 13 Section 1. Section 20.151, Florida Statutes, is created to
 14 read:

15 20.151 Historically Black Colleges and Universities
 16 Matching Endowment Scholarship Trust Fund.—

17 (1) The Historically Black Colleges and Universities
 18 Matching Endowment Scholarship Trust Fund is created within the
 19 Department of Education.

20 (2) The trust fund is established for use as a depository
 21 for funds to be used for purposes of the Historically Black
 22 Colleges and Universities Matching Endowment Scholarship Program
 23 under s. 1009.894.

24 (3) Moneys to be credited to the trust fund shall consist
 25 of an appropriation from the Legislature and matching funds from

26 participating Historically Black Colleges and Universities in
27 the state.

28 (4) In accordance with s. 19(f)(2), Art. III of the State
29 Constitution, the trust fund shall, unless terminated sooner, be
30 terminated on July 1, 2022. Before its scheduled termination,
31 the trust fund shall be reviewed as provided in s. 215.3206(1)
32 and (2).

33 Section 2. This act shall take effect on the same date
34 that HB 859 or similar legislation takes effect if such
35 legislation is enacted in the same legislative session or an
36 extension thereof and becomes law, and only if this act is
37 enacted by a three-fifths vote of the membership of each house
38 of the Legislature.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 909 Free Expression on Campus
SPONSOR(S): Rommel; Clemons and others
TIED BILLS: none **IDEN./SIM. BILLS:** SB 1234

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		McAlarney	Bishop
2) Civil Justice & Claims Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill creates s. 1004.097, F.S, the "Campus Free Expression Act" (Act), which addresses the issue of free speech on Florida university and college campuses.

The bill defines the terms free speech zone, outdoor areas of campus, and public institutions of higher education. It clarifies that an individual or institution may not infringe upon the expressive rights of others, and an institution is prohibited from restricting expressive activities to a particular area of campus and designating free speech zones.

Protected activities include speeches and writings that an individual uses to communicate ideas to others. These include:

- Peaceful assembly.
- Peaceful protests.
- Speeches.
- Guest speakers.
- Distributing literature.
- Carrying signs.
- Circulating petitions.
- Video or audio recording in outdoor areas of campus.

Reasonable limits on expressive activities are permitted. However, students, faculty, or staff may not materially and substantially disrupt activities on campus. An institution may restrict expressive activities only if the restrictions are reasonable. The restrictions must be content-neutral on time, place, and manner of expression, and must be narrowly tailored to a significant institutional interest. All restrictions must be clear, published, and provide for ample alternative means of expression.

The bill empowers individuals and the Attorney General to defend free speech rights by creating a state cause of action. Remedies for violations include monetary damages, reasonable court costs, and attorney fees. A one-year statute of limitations is set.

The bill has an effective date of July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Intellectual Diversity and Freedom of Expression

In 2013, the American Council of Trustees and Alumni (ACTA), with the James Madison Institute (JMI), produced a comprehensive report that reviewed state university policies in Florida relating to the right to free expression on campus.¹ The report found that, while Florida institutions have broad policy statements that declare the right to free expression on campus, they also have broad policies that punish “offensive” speech or restrict expression to designated “free speech zones.”² The Foundation for Individual Rights in Education (FIRE) also conducted a review of the state of free speech on college campuses.³ FIRE conducted a survey of the publicly available policies at 449 4-year postsecondary institutions (345 public and 104 private) and found that 39.6 percent of those institutions maintain severely restrictive speech codes that prohibit constitutionally protected speech.⁴ FIRE rated colleges and universities as either “red light,”⁵ “yellow light,”⁶ or “green light”⁷ based on the amount of restrictions their written policies place on protected speech. Over a 9-year period, the number of public postsecondary institutions that received a “red light” rating dropped from 79 percent to 33.9 percent.⁸

As of 2017, the only Florida public universities that have received a “green light” campus free speech rating are the University of Florida and the University of North Florida.⁹

In January 2015, the Committee on Freedom of Expression at the University of Chicago produced a free speech policy statement (referred to as the “Chicago Statement”) that affirmed the centrality of unfettered debate to the university’s mission.¹⁰ Below is an excerpt from this statement:¹¹

¹ American Council of Trustees and Alumni (with the James Madison Institute), *Florida Rising: An assessment of Public Universities in the Sunshine State* (June 2013). Available at: https://www.goacta.org/publications/florida_rising (last visited Jan. 11, 2018).

² *Id.*

³ Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018).

⁴ *Id.*

⁵ Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A “red light” institution is one that has at least one policy both clearly and substantially restricting freedom of speech, or that bars public access to its speech-related policies by requiring a university login and password for access. A “clear” restriction is one that unambiguously infringes on protected expression.

⁶ Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A “yellow light” institution is one that maintains policies that could be interpreted to suppress protected speech or policies that, while clearly restricting freedom of speech, restrict narrow categories of speech.

⁷ Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018). A “green light” institution is one whose written policies do not seriously threaten campus expression. It does not indicate whether an institution actively supports free expression in practice.

⁸ Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 17, 2018).

⁹ James Madison Institute, *Free expression and Intellectual Diversity: How Florida Universities Currently Measure Up*. (December 14, 2017). Available at: <https://www.jamesmadison.org/Library/docLib/PolicyBrief-FreeSpeech-v05.pdf> (last visited Jan. 11, 2018).

¹⁰ *Id.*

¹¹ University of Chicago, *Report of the Committee on Free Expression* (2015). Available at: <https://freexpression.uchicago.edu/sites/freexpression.uchicago.edu/files/FOECommitteeReport.pdf> (last visited Jan. 11, 2018).

Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself."

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

Several other postsecondary institutions have adopted some version of the "Chicago Statement" since 2015.¹²

US Constitutional Right to Free Speech

The First Amendment to the U.S. Constitution states that:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*¹³

What Does Free Speech Mean?

The Supreme Court of the United States (SCOTUS) historically determines what exactly constitutes protected speech. The following are examples of speech, both direct (words) and symbolic (actions), that the SCOTUS has decided are, or are not, entitled to First Amendment protections.¹⁴

Freedom of speech includes the right:¹⁵

- Not to speak (specifically, the right not to salute the flag).¹⁶
- Of students to wear black armbands to school to protest a war ("Students do not shed their constitutional rights at the schoolhouse gate.")¹⁷
- To use certain offensive words and phrases to convey political messages.¹⁸
- To contribute money to political campaigns.¹⁹
- To advertise commercial products and professional services.²⁰
- To engage in symbolic speech such as burning the American flag in protest.²¹

¹² Foundation for Individual Rights in Education, *Spotlight on Free Speech Codes 2017*. Available at: <https://www.thefire.org/spotlight-on-speech-codes-2017/> (last visited Jan. 11, 2018).

¹³ Congress.gov, The Constitution of the United States of America: Analysis and Interpretation, Amendments to the Constitution, Bill of Rights, 1st Amendment, p. 1071, <https://www.congress.gov/content/conan/pdf/GPO-CONAN-2017-10-2.pdf> (last visited Jan. 11, 2018).

¹⁴ Administrative Office of the U.S. Courts, About Federal Courts, Educational Resources, What Does Free Speech Mean?, <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does> (last visited Jan. 11, 2018).

¹⁵ *Id.*

¹⁶ *West Virginia Board of Education v. Barnette*, 319 U.S. 624 (1943).

¹⁷ *Tinker v. Des Moines*, 393 U.S. 503 (1969).

¹⁸ *Cohen v. California*, 403 U.S. 15 (1971).

¹⁹ *Buckley v. Valeo*, 424 U.S. 1 (1976).

²⁰ *Virginia Board of Pharmacy v. Virginia Consumer Council*, 425 U.S. 748 (1976); *Bates v. State Bar of Arizona*, 433 U.S. 350 (1977).

²¹ *Texas v. Johnson*, 491 U.S. 397 (1989); *United States v. Eichman*, 496 U.S. 310 (1990).

Freedom of speech does not include the right:²²

- To incite actions that would harm others such as shouting 'fire' in a crowded theater.²³
- To make or distribute obscene materials.²⁴
- To burn draft cards as an anti-war protest.²⁵
- To permit students to print articles in a school newspaper over the objections of the school administration.²⁶
- Of students to make an obscene speech at a school-sponsored event.²⁷
- Of students to advocate illegal drug use at a school-sponsored event.²⁸

Free Speech at Higher Education Institutions

The SCOTUS stated that the "college classroom with its surrounding environs is peculiarly the 'marketplace of ideas.'²⁹ If public universities stifle student speech and prevent the open exchange of ideas on campus "our civilization will stagnate and die."³⁰ In college classrooms young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate others' exercise of the same rights. There is "no room for the view that . . . First Amendment protections should apply with less force on college campuses than in the community at large . . . Quite to the contrary, the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools."³¹

Effect of Proposed Changes

This bill creates the "Campus Free Expression Act" (Act), s. 1004.097, F.S, which addresses the issue of free speech on the campuses of public postsecondary institutions.

The Act defines the terms free speech zone, outdoor areas of campus, and public institutions of higher education as follows:

- Free speech zone is defined as a designated area on a public institution of higher education's campus for the purpose of political protesting.
- Outdoor areas of campus are defined generally as accessible areas of the campus where members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas where access is restricted.
- Public institution of higher education (institution) is defined as any public technical center, state college, state university, law school, medical school, dental school, or other Florida College System institution as defined in s. 1000.21, F.S.

Free speech rights are protected by enforcing the right to peacefully protest or distribute literature on campus, and clarifying that an individual or institution may not infringe upon the expressive rights of others. Protected activities include speeches and writings that an individual uses to communicate ideas to others.

²² Administrative Office of the U.S. Courts, About Federal Courts, Educational Resources, What Does Free Speech Mean?, <http://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does> (last visited Jan. 11, 2018).

²³ *Schenck v. United States*, 249 U.S. 47 (1919).

²⁴ *Roth v. United States*, 354 U.S. 476 (1957).

²⁵ *United States v. O'Brien*, 391 U.S. 367 (1968).

²⁶ *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988).

²⁷ *Bethel School District #43 v. Fraser*, 478 U.S. 675 (1986).

²⁸ *Morse v. Frederick*, 551 U.S. 393 (2007).

²⁹ *Healy v. James*, 408 U.S. 169, 180 (1972).

³⁰ *Sweezy v. New Hampshire*, 354 U.S. 234, 250 (1957).

³¹ *Healy v. James*, 408 U.S. 169, 180 (1972).

These include:

- Peaceful assembly.
- Peaceful protests.
- Speeches.
- Guest speakers.
- Distributing literature.
- Carrying signs.
- Circulating petitions.
- Video or audio recording in outdoor areas of campus.

Reasonable limits on expressive activities are permitted; however, students, faculty, or staff may not materially disrupt activities on campus. An individual may exercise rights freely as long as his or her conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education.

Restrictions must be reasonable and content-neutral on time, place, and manner of expression. These restrictions must be narrowly tailored to a significant institutional interest. This clarifies the legal standard for courts to apply and ensures that regulations are truly necessary to prevent disruption. All restrictions must be clear, published, and provide for ample alternative means of expression. Additionally, institutions are prohibited from creating policies restricting expressive activities to a particular area of campus and designating free speech zones.

A state cause of action with a one-year statute of limitation is created. If an individual is prevented from speaking or writing, or is forced to do so in a free-speech zone, that individual or the Attorney General, can file a lawsuit in state court. Remedies for violations include monetary damages,³² reasonable court costs, and attorneys' fees.³³

By allowing individuals to recover attorneys' fees, the bill ensures access to courts and makes it feasible for an individual to bring a case where significant, nonmonetary, constitutional rights are at stake.

B. SECTION DIRECTORY:

Section 1. Explains that the act may be cited as the "Campus Free Expression Act".

Section 2. Creates s. 1004.097, F.S., the "Campus Free Expression Act," authorizing public institutions of higher education to create and enforce restrictions on expressive activities on campus; provides cause of action for violation of the act; provides for specific damages; and provides a statute of limitations.

Section 3. Provides an effective date of July 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

³² However, the total compensatory damages available may not exceed \$100,000. This is excluding reasonable court costs and attorney fees. If there are multiple plaintiffs, the court divides the damages equally among the plaintiffs until the maximum award is exhausted.

³³ The court is required to award a minimum of \$500, plus an additional \$50 for each day the violation remains ongoing. The \$50 per day starts the day after the Institution is properly served under the *Florida Rules of Civil Procedure*.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

1 A bill to be entitled
 2 An act relating to free expression on campus;
 3 providing a short title; creating s. 1004.097, F.S.;
 4 providing definitions; providing applicability;
 5 authorizing a public institution of higher education
 6 to create and enforce certain restrictions relating to
 7 expressive activities on campus; providing for a cause
 8 of action against a public institution of higher
 9 education for violations of the act; providing for
 10 damages; providing a statute of limitations; providing
 11 an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. This act may be cited as the "Campus Free
 16 Expression Act."

17 Section 2. Section 1004.097, Florida Statutes, is created
 18 to read:

19 1004.097 Free expression on campus.—

20 (1) DEFINITIONS.—

21 (a) "Free speech zone" means a designated area on a public
 22 institution of higher education's campus for the purpose of
 23 political protesting.

24 (b) "Outdoor areas of campus" means generally accessible
 25 areas of the campus where members of the campus community are

26 commonly allowed, including grassy areas, walkways, or other
 27 similar common areas. The term does not include outdoor areas
 28 where access is restricted.

29 (c) "Public institution of higher education" means any
 30 public technical center, state college, state university, law
 31 school, medical school, dental school, or other Florida College
 32 System institution as defined in s. 1000.21.

33 (2) RIGHT TO FREE SPEECH ACTIVITIES.-

34 (a) Expressive activities protected under this section
 35 include, but are not limited to, any lawful verbal or written
 36 means by which an individual may communicate ideas to others,
 37 including all forms of peaceful assembly, protests, speeches,
 38 and guest speakers; distributing literature; carrying signs;
 39 circulating petitions; and the recording and publication,
 40 including Internet publication, of video or audio recorded in
 41 outdoor areas of campus of public institutions of higher
 42 education.

43 (b) A person who wishes to engage in an expressive
 44 activity in the outdoor areas of campus of a public institution
 45 of higher education may do so freely, spontaneously, and
 46 contemporaneously as long as the person's conduct is lawful and
 47 does not materially and substantially disrupt the functioning of
 48 the public institution of higher education.

49 (c) The outdoor areas of campus of a public institution of
 50 higher education that accept federal funding are considered

51 traditional public forums. A public institution of higher
52 education may create and enforce restrictions that are
53 reasonable and content-neutral on time, place, and manner of
54 expression and that are narrowly tailored to a significant
55 institutional interest. Restrictions must be clear, published,
56 and provide for ample alternative means of expression.

57 (d) A public institution of higher education may not
58 designate any area of campus as a free speech zone or otherwise
59 create policies restricting expressive activities to a
60 particular area of campus.

61 (e) Students, faculty, or staff of a public institution of
62 higher education may not materially disrupt previously scheduled
63 or reserved activities on campus occurring at the same time.

64 (3) CAUSE OF ACTION; DAMAGES.—

65 (a) The Attorney General or a person whose expressive
66 rights are violated by an action prohibited under this section
67 may bring an action in a court of competent jurisdiction to
68 recover compensatory damages, reasonable court costs, and
69 attorney fees.

70 (b) If the court finds that a violation of this section
71 occurred, the court shall award the aggrieved party a minimum of
72 \$500 for the initial violation plus an additional \$50 for each
73 day the violation remains ongoing starting the day after the
74 date the complaint is served on the public institution of higher
75 education.

76 (c) Excluding reasonable court costs and attorney fees,
77 the total compensatory damages available to a plaintiff in a
78 case arising from a single violation of this section may not
79 exceed \$100,000. If there are multiple plaintiffs, the court
80 shall divide the damages equally among the plaintiffs until the
81 maximum award is exhausted.

82 (4) STATUTE OF LIMITATIONS.—A person aggrieved by a
83 violation of this section must bring suit no later than 1 year
84 after the date the cause of action accrues. For the purpose of
85 calculating the 1-year limitation period, each day that a
86 violation of this section persists or each day that a policy in
87 violation of this section remains in effect constitutes a new
88 violation and, therefore, a new day that the cause of action
89 accrues.

90 Section 3. This act shall take effect July 1, 2018.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Post-Secondary Education
 2 Subcommittee

3 Representative Rommel offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 89 and 90, insert:

7 Section 1. Subsection (10) of section 1009.24, Florida
 8 Statutes, is amended to read:

9 1009.24 State university student fees.—

10 (10)(a) Each university board of trustees shall establish
 11 a student activity and service fee on the main campus of the
 12 university. The university board may also establish a student
 13 activity and service fee on any branch campus or center. Any
 14 subsequent increase in the activity and service fee must be
 15 recommended by an activity and service fee committee, at least
 16 one-half of whom are students appointed by the student body



Amendment No. 1

17 president. The remainder of the committee shall be appointed by
18 the university president. A chairperson, appointed jointly by
19 the university president and the student body president, shall
20 vote only in the case of a tie. The recommendations of the
21 committee shall take effect only after approval by the
22 university president, after consultation with the student body
23 president, with final approval by the university board of
24 trustees. An increase in the activity and service fee may occur
25 only once each fiscal year and must be implemented beginning
26 with the fall term. The Board of Governors is responsible for
27 adopting the regulations and timetables necessary to implement
28 this fee.

29 (b) The student activity and service fees shall be
30 expended for lawful purposes to benefit the student body in
31 general. This shall include, but shall not be limited to,
32 student publications and grants to duly recognized student
33 organizations, the membership of which is open to all students
34 at the university without regard to race, sex, or religion. The
35 fund may not benefit activities for which an admission fee is
36 charged to students, except for student-government-association-
37 sponsored concerts. The allocation and expenditure of the fund
38 shall be determined by the student government association of the
39 university, except that the president of the university may veto
40 any line item or portion thereof within the budget when
41 submitted by the student government association legislative

113631 - h0909-line 89.docx

Published On: 1/22/2018 6:23:37 PM



Amendment No. 1

42 body. The university president shall have 15 school days from
43 the date of presentation of the budget to act on the allocation
44 and expenditure recommendations, which shall be deemed approved
45 if no action is taken within the 15 school days. If any line
46 item or portion thereof within the budget is vetoed, the student
47 government association legislative body shall within 15 school
48 days make new budget recommendations for expenditure of the
49 vetoed portion of the fund. If the university president vetoes
50 any line item or portion thereof within the new budget
51 revisions, the university president may reallocate by line item
52 that vetoed portion to bond obligations guaranteed by activity
53 and service fees. Unexpended funds and undisbursed funds
54 remaining at the end of a fiscal year shall be carried over and
55 remain in the student activity and service fund and be available
56 for allocation and expenditure during the next fiscal year.

57 (c) To preserve viewpoint neutrality in the allocation of
58 activity and service fees, any recognized student organization
59 that submits an activity and service fee funding request to the
60 student government organization that disburses such funds shall
61 be provided a written justification for the amount of funds
62 awarded to the requesting organization.

63
64 Each student government association shall maintain on its
65 website an organized record of funding requests and awards. The
66 record shall contain the name of each organization that



Amendment No. 1

67 requested funds, the amount the organization requested, the
68 amount the organization received, and the written explanation in
69 paragraph (c) that was provided to the requesting organization.
70 The record shall be displayed in an easy to find place on the
71 student government association's website.

72

73

74

T I T L E A M E N D M E N T

75

Remove line 10 and insert:

76

damages; providing a statute of limitations; amending s.

77

1009.24, F.S.; providing disclosure requirements when allocating

78

activity and service fees; providing

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1371 State Employee Higher Education Fee Waivers

SPONSOR(S): Ausley

TIED BILLS: none **IDEN./SIM. BILLS:** SB 252

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Post-Secondary Education Subcommittee		Silver	Bishop
2) Higher Education Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Florida law requires each state university and Florida College System institution to waive tuition and fees for state employees to enroll for up to 6 credit hours per term on a space-available basis, subject to approval by an employee's agency head or the equivalent.

The bill modifies the postsecondary tuition and fee waiver for employees of the state from 6 credit hours per term to 18 credit hours per calendar year.

There is no fiscal impact to the state.

The bill takes effect May 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Tuition Fee Waiver

Present Situation

Florida law¹ requires each state university and Florida College System institution to waive tuition and fees for state employees to enroll for up to 6 credit hours per term on a space-available basis, subject to approval by an employee's agency head or the equivalent.

Employees of the state include employees of the executive, legislative, and judicial branches of state government, except for persons employed by a state university.² Guidelines for the state employee tuition waiver program³ clarify that the maximum educational assistance available under the program is 18 credit hours per plan year. A plan year is defined as the calendar year (i.e., January 1 – December 31).⁴ Only full time employees of the state are eligible to receive the tuition and fee waiver.⁵

Effect of Proposed Changes

The bill modifies the postsecondary tuition and fee waiver benefit for employees of the State of Florida. Specifically, the bill modifies the tuition and fee waiver from 6 credit hours per term to 18 credit hours per calendar year. Such modification may provide flexibility to state employees to enroll in more than 6 credit hours per term, still within the current 18 credit hour maximum for the calendar year.

Accordingly, state employees who are close to meeting their graduation requirements may be able to accelerate their time to degree by increasing their course workload per academic term or terms, as applicable, subject to space availability.⁶

The bill also provides that the modification to 18 credit hours per calendar year applies to any academic term beginning on or after May 1, 2018. However, for a state employee with tuition and fees waived for an academic term beginning on or after January 1, 2018, through April 20, 2018, those credit hours count toward the 18 credit hour maximum for the 2018 calendar year.

The bill takes effect May 1, 2018.

¹ Section 1009.265(1), F.S. The state employee fee waivers program is also known as the State Employee Tuition Waiver Program or the State of Florida Employee Educational Assistance Program. Department of Management Services, *State Employee Tuition Waiver Program, Frequently Asked Questions* (Sept. 2016), available at: https://www.dms.myflorida.com/content/download/129121/803063/2016-008_-_State_Employee_Tuition_Waiver_QandA_09-28-16.pdf, at 2.

² Section 1009.265(5), F.S.

³ Department of Management Services, *State Employee Tuition Waiver Program, Frequently Asked Questions* (Sept. 2016), available at: https://www.dms.myflorida.com/content/download/129121/803063/2016-008_-_State_Employee_Tuition_Waiver_QandA_09-28-16.pdf, at 3.

⁴ *Id.*

⁵ Department of Management Services, *State Employee Tuition Waiver Program, Frequently Asked Questions* (Sept. 2016), available at: https://www.dms.myflorida.com/content/download/129121/803063/2016-008_-_State_Employee_Tuition_Waiver_QandA_09-28-16.pdf, at 4.

⁶ Board of Governors, *2018 Agency Bill Analysis for SB 252* (Oct. 24, 2017), at 2.

B. SECTION DIRECTORY:

Section 1. Amends section 1009.265, F.S.; revising postsecondary tuition and fee waivers for state employees.

Section 2. Provides an effective date of May 1, 2018.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

There is no fiscal impact to the state.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A bill to be entitled
 An act relating to state employee higher education fee
 waivers; amending s. 1009.265, F.S.; providing that
 credit hours eligible for tuition and fee waivers be
 determined on a calendar year basis, rather than per
 academic term; providing applicability; providing an
 effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 1009.265, Florida
 Statutes, is amended to read:

1009.265 State employee fee waivers.—

(1) As a benefit to the employer and employees of the
 state, subject to approval by an employee's agency head or the
 equivalent, each state university and Florida College System
 institution shall waive tuition and fees for state employees to
 enroll for up to 18 ~~6~~ credit hours of courses per calendar year
~~term~~ on a space-available basis.

Section 2. The amendment made to s. 1009.265, Florida
Statutes, by this act applies to any academic term beginning on
or after May 1, 2018. If a state employee had tuition and fees
waived pursuant to s. 1009.265, Florida Statutes, for any
courses that he or she was enrolled in for an academic term
beginning on or after January 1, 2018, through April 30, 2018,

HB 1371

2018

26 | those course credit hours count toward the 18 credit hour
27 | maximum for the 2018 calendar year.

28 | Section 3. This act shall take effect May 1, 2018.



**Florida-State Authorization
Reciprocity Agreement (FL-SARA)**


House Postsecondary Education Subcommittee
January 23, 2018
Morgan Champion
Director, Postsecondary Reciprocal Distance Education



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

www.FLDOE.org

1



FLORIDA DEPARTMENT OF
EDUCATION
fldoe.org

Overview

- Legislation was signed into law on June 9, 2017 (see Ch. 2017-87, L.O.F.)
 - Creates s. 1000.35, F.S. relating to a reciprocity agreement
 - Authorizes two FTE positions to implement the reciprocity agreement
 - Provides a recurring appropriation of \$225,534

www.FLDOE.org

2



What is state authorization reciprocity?

- State Authorization Reciprocity Agreement (NC-SARA) creates reciprocity between 48 states for distance education
- NC-SARA covers two (2) areas:
 - Distance education
 - Mandatory supervised field experiences
- Benefits for institutions
 - Reduces costly licensing fees
 - Different applications/requirements in each state

www.FLDOE.org

3



Council Members



Pam Stewart
Commissioner of Education
Council Chair



Ed Moore
*President of the Independent Colleges
and Universities of Florida*
Council Vice Chair



Marshall Criser, III
*Chancellor of the State
University System*



Madeline Pumariega
*Chancellor of the Florida
College System*
www.FLDOE.org



Sam Ferguson
*Executive Director of the Commission
for Independent Education*

4



Overview (cont.)

- Authorizes Florida to join a reciprocity agreement
- Requires Florida to choose a reciprocity agreement and apply within 60 days
- Designates Commission for Independent Education as the administrative support to the Council
- Identifies the Council as the State Portal Entity to administer the reciprocity agreement



Overview (cont.)

- Specifies powers and duties of the Council:
 - Reviews and approves reciprocity agreement applications
 - Ensures institution compliance with:
 - Accreditation/institution quality
 - Consumer information and protection
 - Proper disclosure and reporting requirements
 - Complaint mechanisms
 - Financial responsibility
 - Recommend rules necessary to administer the reciprocity agreement to the State Board of Education for approval



NC-SARA Institutional Eligibility Requirements

- In order to be eligible to apply, an institution must:
 - Be a degree granting institution
 - Be physically located in the U.S. (including its territories, districts, or Indian reservations)
 - Hold proper authorization from Congress, a U.S. State or a federally recognized Indian tribe

www.FLDOE.org

7



NC-SARA Institutional Eligibility Requirements

- Hold accreditation from an accrediting association that is recognized by the U.S. Secretary of Education and has formal recognition to accredit distance education programs
- If private, meet federal financial responsibility requirements
- Fees for participation based upon FTE enrollment which are determined by law

www.FLDOE.org

8



Timeline for Implementation

- June 30, 2017: First Council meeting
- August 3, 2017: Council meeting & Rule Development Workshop
- August 4, 2017: Southern Regional Education Board (SREB) Steering Committee Conference Call
- September 13, 2017: Rules approved by the State Board of Education
- September 27, 2017: Rules filed with the Department of State
- October 1, 2017: Florida became an official member of NC-SARA
- October 17, 2017: Rules take effect
- October 17, 2017: First day institutional applications may be submitted to FL-SARA
- October 27, 2017: Application deadline
- December 11, 2017: Council Meeting

www.FLDOE.org

9



Institutional Approval Process

- ✓ Submit a complete application, appear on an agenda, and receive approval from the Council
- ✓ Institutional FL-SARA contact(s) will receive an approval letter from the Director
- ✓ Institutional FL-SARA contact will receive an automated email from NC- SARA with link to pay fees
- ✓ Once fees are paid to NC-SARA, the institution will receive an approval letter, the NC- SARA logo to place on the institution's website, and the institution may begin enrolling students under SARA
- ✓ When an institution's renewal date is 90 days away, the main SARA contacts will receive an automated email from NC-SARA

www.FLDOE.org

10



FL-SARA Implementation to date

- Submitted Florida’s state application to SREB for approval on behalf of NC-SARA
- Developed the Council rules to implement s. 1000.35, F.S.
- Designed the content for the FL-SARA website
- Organized and jointly hosted a three-part webinar series with Florida Virtual Campus for interested institutions to attend
- Conducted presentations to multiple professional organizations regarding FL-SARA and institutional participation requirements
- Planned, organized, and created materials for three Council meetings
- Reviewed 62 applications, notified schools of deficiencies, and processed the 62 applications in time for the December 11, 2017, Council meeting to ensure institutions could enroll students for the spring 2018 semester if NC-SARA fees are paid accordingly



Approved Institutions

- To date, 62 institutions have been considered and approved by the Council
- As of Monday, January 22, 2018, 47 institutions have paid NC-SARA fees and are approved to enroll students under the agreement (deadline is February 9, 2018)

Sector	Number of Participating Institutions
Commission for Independent Education (CIE)	12
Florida College System (FCS)	17
Independent Colleges and Universities (ICUF)	19
State University System (SUS)	12
Other Florida Institutions	2
Total participating institutions	62



Moving Forward

- Submit annual report due to the Governor, Speaker of the House, and President of the Senate by February 15
- Continue to process applications as they are received
- Prepare for upcoming Council meetings
- Ensure student protection
- Monitor institution compliance with the NC-SARA agreement
- Conduct on-site visits as needed



Contact Information

Morgan Champion

Director

Postsecondary Reciprocal Distance Education

Morgan.Champion@fldoe.org

850-245-3212

www.FLSARA.org