

## HOUSE OF REPRESENTATIVES FINAL BILL ANALYSIS

<b>BILL #:</b>	CS/CS/HB 7057	<b>FINAL HOUSE FLOOR ACTION:</b>	
<b>SPONSOR(S):</b>	Education Committee, Education Appropriations Subcommittee, Higher Education & Workforce Subcommittee, Nuñez and others	117 Y's	0 N's
<b>COMPANION BILLS:</b>	(CS/CS/SB 1720; CS/CS/SB 1076; CS/CS/ HB 7091; CS/CS/SB 878)	<b>GOVERNOR'S ACTION:</b>	Approved

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### SUMMARY ANALYSIS

CS/CS/HB 7057, in part, passed the House on May 3, 2013, as CS/CS/SB 1720, which also includes portions of CS/CS/HB 7027. Other provisions of CS/CS/HB 7057 passed the House as part of CS/CS/SB 1076 on April 12, 2013. This analysis pertains to the portions of CS/CS/HB 7057 and CS/CS/HB 7027 that, together, were passed as CS/CS/SB 1720. For analysis of the parts of CS/CS/HB 7057 that were included in CS/CS/SB 1076, please refer to the final bill analysis for CS/CS/HB 7091.

The bill provides the Board of Governors (BOG) oversight enforcement authority over the State University System (SUS) and allows the BOG and the State Board of Education (SBE) to address a state university's or Florida College System (FCS) institution's failure to take full corrective action in response to recommendations made by the Auditor General. It revises the purposes, membership, and guiding principles of the Higher Education Coordinating Council. It also revises the duties of the Articulation Coordinating Committee and creates the Office of K-20 Articulation to support these entities. Further, the bill replaces the Board of Governors with the University of South Florida Board of Trustees as lessor with respect to the lease agreement with the Moffitt Cancer Center and Research Institute. It also revises requirements related to postsecondary general education core course options.

The bill grants rulemaking and regulation-making authority to the State Board of Education, Board of Governors, and Commission on Independent Education to implement provisions relating to failure to report child abuse.

The bill requires FCS institutions to implement a developmental education plan no later than Fall 2014 and to make annual accountability reports on developmental education beginning in 2015. It specifies which students are not required to be tested or to enroll in developmental education and requires colleges to provide students with developmental education options including in-course tutoring. It also allows students to elect to take developmental education testing and instruction.

The bill increases the number of fee exemptions each FCS institution may grant and authorizes a differential out-of-state fee for students enrolled in distance learning courses. It also repeals the requirement that Bright Futures scholarship and Florida Resident Access Grant (FRAG) and Access to Better Learning and Education (ABLE) tuition assistance grant recipients submit a Free Application for Federal Student Aid (FAFSA) prior to disbursement of funds.

For education accountability purposes, the bill establishes dates by which licensed private postsecondary institutions must report data to the Commission for Independent Education and nonprofit independent colleges and universities must report data to the Department of Education. The bill specifies the minimum sample size and minimum percentage of students tested in order for schools to receive a school grade or school improvement rating, defines "colocated schools" for purposes of school accountability, and requires specified content to be included on student report cards that are distributed to parents of students enrolled in alternative schools. It also directs the Department of Education to develop criteria for issuing and revoking master school identification (MSID) numbers.

The fiscal impact of the bill is indeterminate at this time. See Fiscal Comments

The bill was approved by the Governor on May 20, 2013, ch. 2013-51, L.O.F., and will become effective on July 1, 2013.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h7057z1.HEWS.DOCX

**DATE:** June 10, 2013

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Oversight of Florida College System and State University System

##### Present Situation

##### *Florida College System*

The Florida College System is the state's system of regionally-based public two- and four-year colleges.<sup>1</sup> The FCS is comprised of 28 public postsecondary institutions located at 181 sites statewide.<sup>2</sup> Each FCS institution is assigned a service area comprised of one or more counties.<sup>3</sup>

The State Board of Education provides state-level governance of the FCS, with agency oversight provided by the Department of Education's (DOE) Division of Florida Colleges.<sup>4</sup> Each FCS institution is governed locally by a board of trustees.<sup>5</sup> Individual trustees are appointed by the Governor and confirmed by the Florida Senate.<sup>6</sup> Local boards of trustees must govern their institutions in accordance with state law and state board rules.<sup>7</sup>

As part of its oversight authority over the Florida College System, the SBE has authority to request and receive information, data, and reports from individual FCS institutions.<sup>8</sup> Further, the Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause, reporting determinations of probable cause to the SBE.<sup>9</sup>

Once a determination of probable cause for violation of law or rule is reported to the SBE, the SBE must require the FCS institution's board of trustees to document compliance with the law or rule.<sup>10</sup> If the board of trustees cannot satisfactorily document compliance, the SBE may order compliance within a specified timeframe.<sup>11</sup>

The SBE may initiate certain actions in the event it determines that a FCS institution board of trustees is unwilling or unable to comply with law or state board rule within the specified timeframe.<sup>12</sup> The actions prescribed by statute include any of the following:<sup>13</sup>

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<sup>1</sup> Part III, ch. 1001, F.S.; Part III, ch. 1004, F.S.; *see* ch. 2009-228, L.O.F. FCS institutions were first known as "junior colleges." Today, FCS institutions may use one of four name designations - junior college, community college, college, or, if the FCS institution offers baccalaureate degrees, state college. Sections 1000.21(3), 1001.60(2)(b), and 1004.66, F.S.

<sup>2</sup> Sections 1000.21(3) and 1001.60(2), F.S.; Florida Department of Education, *Florida Colleges: Facts at a Glance*, [http://www.fldoe.org/cc/facts\\_glance.asp](http://www.fldoe.org/cc/facts_glance.asp) (last visited February 15, 2013). The origins of the FCS date back to 1933, when Palm Beach Junior College became Florida's first public two-year college. Palm Beach State College, *History of Palm Beach State College*, <http://www.palmbeachstate.edu/history> (last visited February 15, 2013).

<sup>3</sup> Sections 1000.21(3) and 1004.65(2)(a), F.S.

<sup>4</sup> Sections 20.15(3)(a) and 1001.02(1) and (4), F.S.

<sup>5</sup> Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S. FCS institutions are statutorily designated as political subdivisions of the state. Sections 1004.65(3) and 1004.67, F.S.

<sup>6</sup> Section 1001.61(2), F.S.

<sup>7</sup> Section 1001.64(1) and (2), F.S. Among other things, each board is authorized to adopt rules, procedures, and policies on such matters as admissions, educational programming, administration, personnel, contracts, grants, and facilities. Section 1001.64(4), F.S.

<sup>8</sup> Section 1008.32(1), F.S. FCS institution presidents are responsible for the accuracy of information and data reported to the SBE.

<sup>9</sup> Section 1008.32(2), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 1008.32(3), F.S.

<sup>12</sup> Section 1008.32(4), F.S.

<sup>13</sup> Section 1008.32(4)(a)-(e), F.S.

- Reporting to the Legislature that the institution has been unwilling or unable to comply with law or state board rule and recommend action to be taken.
- Reducing the discretionary lottery appropriation until the FCS institution complies with the law or board rule.
- Withholding the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the FCS institution complies with the law or board rule.
- Declaring the FCS institution ineligible for competitive grants.
- Requiring monthly or periodic reporting on the situation related to noncompliance until it is remedied.

### *State University System*

The State University System (SUS) provides students with undergraduate and graduate level instruction leading to baccalaureate, masters, doctoral, and professional degrees. SUS institutions also conduct research and engage in public service.<sup>14</sup> The SUS is comprised of the following 12 institutions:

- The Florida Agricultural and Mechanical University
- The Florida Atlantic University
- The Florida Gulf Coast University
- The Florida International University
- The Florida Polytechnic University
- The Florida State University
- New College of Florida
- The University of Central Florida
- The University of Florida
- The University of North Florida
- The University of South Florida
- The University of West Florida<sup>15</sup>

As set forth in the Florida Constitution, state-level governance of the SUS is provided by the BOG and the Legislature.<sup>16</sup> The BOG is comprised of 17 members – the Commissioner of Education, the chair of the Advisory Council of Faculty Senates (or the equivalent), the Florida Student Association president, and 14 citizen appointments by the Governor. Governor appointees must be confirmed by the Florida Senate.<sup>17</sup>

Each institution in the SUS is governed locally by a board of trustees<sup>18</sup> comprised of 13 members – the chair of the faculty senate or the equivalent, the president of the student body of that institution, six members appointed by the Governor, and five members appointed by the BOG. The members appointed by the Governor and the BOG must be confirmed by the Florida Senate.<sup>19</sup> The local boards of trustees must govern their institutions in accordance with BOG rules and regulations.<sup>20</sup> Each local board's responsibilities include, but are not limited to, strategic planning and adopting policies regarding admissions, educational programming, administration, personnel, contracts, grants, and facilities.<sup>21</sup>

<sup>14</sup> Art. IX, s. 7, Fla. Const.; part IV, ch. 1001, F.S.; part II, ch. 1004, F.S.

<sup>15</sup> Section 1000.21(6), F.S.

<sup>16</sup> Art. IX, s. 7(d), Fla. Const.; s. 1001.71(2) and (3), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Art. IX, s. 7(c), Fla. Const.; s. 1001.71(1), F.S.

<sup>19</sup> Section 1001.71(1), F.S.

<sup>20</sup> Art. IX, s. 7(c), Fla. Const.; *see also* Florida Board of Governors Regulation 1.001 (Feb. 16, 2012).

<sup>21</sup> Florida Board of Governors Regulation 1.001(3)-(7).

The BOG is the constitutionally created body required to “operate, regulate, control, and be fully responsible for the management of the whole university system.”<sup>22</sup> The BOG, or the BOG’s designee, has responsibility for:<sup>23</sup>

- Defining the distinctive mission of each SUS institution.
- Defining the articulation of each SUS institution in conjunction with the Legislature’s authority over the public schools and the FCS institutions.
- Ensuring the well-planned coordination and operation of the SUS.
- Avoiding wasteful duplication of facilities or programs within the SUS.
- Accounting for expenditure of funds appropriated by the Legislature for the SUS as provided by law.
- Submitting a budget request for legislative appropriations for the institutions under the supervision of the BOG as provided by law.
- Adopting strategic plans for the SUS and each SUS institution.
- Approving, reviewing, and terminating degree programs of the SUS.
- Governing admissions to the SUS institutions.
- Serving as the public employer to all public employees of the state universities for collective bargaining purposes.
- Establishing a personnel system for SUS institutions’ employees.<sup>24</sup>
- Complying with and enforcing for institutions under the BOG’s jurisdiction, all applicable local, state, and federal laws.

The BOG’s oversight of the SUS is subject to the Legislature’s power to appropriate funds, as well as the Legislature’s responsibility to provide for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.<sup>25</sup>

### *Legislature*

With regard to the SUS, the Legislature is responsible for:<sup>26</sup>

- Making provision by law for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.
- Appropriating state funds for the SUS through the General Appropriations Act or other law.
- Establishing tuition and fees.
- Establishing policies relating to merit- and need-based student financial aid.
- Establishing policies relating to the expenditure of, accountability for, and management of funds appropriated by the Legislature or revenues authorized by the Legislature, including but not limited to, policies relating to: budgeting; deposit of funds; investments; accounting; purchasing, procurement, and contracting; insurance; audits; maintenance and construction of facilities; property; bond financing; leasing; and information reporting.
- Maintaining the actuarial and fiscal soundness of centrally administered state systems by requiring SUS institutions to continue to participate in programs such as the Florida Retirement System, state group health insurance programs, and the state casualty insurance program.
- Establishing and regulating the use of state powers and protections, including, but not limited to, eminent domain, certified law enforcement, and sovereign immunity.

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<sup>22</sup> Art. IX, s. 7(d), Fla. Const.

<sup>23</sup> Section 1001.705(2), F.S.

<sup>24</sup> Although the Florida Board of Governors is responsible for establishing a personnel system for all state universities, the Department of Management Services retains control over the state group insurance and retirement plans established in ss. 110.123, 110.1232, 110.1234, 110.1238, and 110.161, and in chapters 121, 122, and 238. Section 1001.705(2)(k), F.S.

<sup>25</sup> Art. IX, s. 1(a) and 7(d), Fla. Const.; ss. 1001.705 and 1001.706, F.S.

<sup>26</sup> Section 1001.705(3), F.S.

- Establishing policies relating to the health, safety, and welfare of students, employees, and the public while present on the campuses of SUS institutions.

### *State University System Governance Agreement*

In 2007, a group of citizens filed a lawsuit against the Legislature that sought to clarify the scope of the BOG's constitutional authority and identify the entity that has the authority to set SUS tuition and fees. Subsequently, this lawsuit was joined by the BOG.

On March 24, 2010, the Chair of the BOG, the Chancellor of the SUS, legislative leaders and the Governor signed a SUS Governance Agreement acknowledging their shared constitutional authority for the state universities as set forth in the Constitution of the State of Florida. The components of the SUS Governance Agreement include master planning and coordination of Florida's higher education systems; strategic planning; university governance; financial aid programs; the Administrative Procedures Act and BOG regulations; tuition; and fees. As a result of the SUS Governance Agreement, the BOG filed a notice of dismissal, with prejudice, of their claims in the 2007 lawsuit filed against the Legislature. The presiding officers agreed to file legislation in accordance with the framework set forth in the governance agreement and to exercise their best efforts to accomplish the final passage of the legislation.<sup>27,28</sup>

### *Audits Relating to Florida College System Institutions and State Universities*

The Auditor General is required to annually conduct financial audits of all state universities and state colleges, and at least every three years, conduct operational audits of the accounts of state universities and state colleges.<sup>29</sup> The Educational Entities and Local Government Audits Division's responsibilities include audits of the DOE, district school boards, state universities and colleges, and local governmental units. Audits are made to determine whether financial resources are properly accounted for; whether public officials comply with applicable laws, rules, regulations, and other legal requirements; whether proper and effective internal controls are in place over entity operations; and whether assets are properly safeguarded. Audits are selected based on statutory requirements and risk assessments performed on the various agencies.<sup>30</sup>

Upon conclusion of an audit, the Auditor General discusses the audit with the official whose office is subject to audit and provides a list of the Auditor General's findings which may be included in the audit report. The official, within 30 days, is required to submit to the Auditor General his or her written statement of explanation or rebuttal concerning the findings, including corrective action to be taken to preclude a recurrence of all findings.<sup>31</sup>

The Auditor General is required to notify the Joint Legislative Auditing Committee (JLAC) of any audit review which indicates that a state university or state college has failed to take corrective action in response to a recommendation which was included in the two preceding audit reports.<sup>32</sup> If the JLAC determines that the state university or FCS institution has failed to take full corrective action for which there is no justifiable reason or has failed to comply with committee requests, the committee may schedule a hearing to determine if the entity should be subject to further state action.<sup>33</sup>

<sup>27</sup> Florida Legislature, *State University System Governance Agreement* (March 24, 2010); see also ch. 2010-78, L.O.F.; staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 7237* (2010).

<sup>28</sup> On January 31, 2013, the Florida Supreme Court issued a ruling in favor of the Legislature, holding that the Florida Constitution does not indicate intent to delegate the Legislature's power to set and appropriate for the expenditure of tuition and fees to the BOG. Thus, the challenged statutes, by which the Legislature exercises control over tuition and fees, are facially constitutional. See *Graham v. Haridopolos*, 108 So. 2d 597, 599 (Fla. 2013).

<sup>29</sup> Section 11.45(2)(c) and (f), F.S.

<sup>30</sup> <http://www.myflorida.com/audgen/pages/statauth.htm> (last visited on Feb. 20, 2013).

<sup>31</sup> Section 11.45(4)(d), F.S.

<sup>32</sup> Section 11.45(7)(j), F.S.

<sup>33</sup> Section 11.40(2), F.S.

Additionally, if an audit contains a significant finding, the Florida College System institution board of trustees or the university board of trustees must conduct an audit overview during a public meeting.<sup>34</sup>

### Effect of Proposed Changes

The bill creates s. 1008.322, F.S., which grants the Board of Governors the same oversight enforcement authority over state universities that the State Board of Education has over FCS institutions. The bill amends s. 1008.32, F.S., to conform language concerning the withholding of discretionary lottery funds to the newly created section of law.

The bill also provides that, instead of proceeding in accordance with s. 11.40(2), F.S., the JLAC, if it determines that a state university or college fails to take full corrective action, shall refer the matter to the BOG or SBE, as appropriate, to proceed in accordance with their respective oversight enforcement authority.

## **Protection of Vulnerable Persons**

### Present Situation

In 2012, the Legislature passed CS/CS/CS/HB 1355, which provides for the imposition of a \$1,000,000 fine on public and private universities, colleges, and schools whose personnel or law enforcement agencies that fail to report certain child abuse taking place on campus or at an event or function sponsored by the college, university, or school.<sup>35</sup> The fine applies to each failure to report, and specifically applies to:

- (1) Any Florida College System institution, state university, or nonpublic college, university, or school whose administrators knowingly and willfully fail to report, or knowingly and willfully prevent another from reporting known or suspected child abuse, abandonment, or neglect committed on the property of the institution, university, college, or school; and
- (2) The law enforcement agency of any Florida College System institution, state university, or nonpublic college, university, or school that fails to report any known or suspected child abuse, abandonment, or neglect committed on the property of the institution, university, college, or school, or during an event or function sponsored by the institution, university, college, or school.<sup>36</sup>

The fine is to be assessed by the SBE, BOG, or the Commission for Independent Education (CIE),<sup>37</sup> depending on the educational institution involved in the failure to report abuse.<sup>38</sup> Further, a FCS institution, university, college, or school may challenge an assessed fine.<sup>39</sup> However, there is no express statutory grant of rulemaking or regulation-making authority to the SBE, BOG, or CIE to implement the provisions of CS/CS/CS/HB 1355 (2012).

### Effect of Proposed Changes

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<sup>34</sup> Section 1010.30(2), F.S.

<sup>35</sup> Section 39.205(3) and (4), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> The Commission for Independent Education is an entity within the Department of Education that authorizes the granting of diplomas and degrees by those independent postsecondary educational institutions under its jurisdiction. Section 1005.21(1), F.S. It also functions in other matters concerning independent postsecondary education institutions, including consumer protection, program improvement, and licensure for institutions under its purview. Section 1005.21(2), F.S. The CIE has authority to adopt rules for its own governance and for the operation and establishment of independent postsecondary educational institutions. Section 1005.22(1), F.S.

<sup>38</sup> Section 39.205(3), F.S.

<sup>39</sup> Section 39.205(5), F.S.

The bill grants authority to the SBE and CIE to adopt rules and the BOG to adopt regulations necessary to implement the provisions of CS/CS/CS/HB 1355 (2012). The rules adopted by the SBE and CIE will relate to FCS institutions and nonpublic colleges, universities, and schools, respectively. The regulations adopted by the BOG will relate to state universities.

## **General Education Requirements**

### *Present Situation*

To meet regional accreditation requirements, each institution of higher education must require in each undergraduate degree program, “the successful completion of a general education component at the collegiate level that (1) is a substantial component of each undergraduate degree, (2) ensures breadth of knowledge, and (3) is based on a coherent rationale.”<sup>40</sup> For baccalaureate degree programs, the general education component constitutes a minimum of 30 semester hours or the equivalent. These credit hours must be drawn from and include at least one course from each of the following areas: humanities/fine arts, social/behavioral sciences, and natural science/mathematics.<sup>41</sup>

The DOE must identify courses that meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. Such courses must be identified by their course number using the Statewide Course Numbering System. All public postsecondary educational institutions are required to accept the general education courses.<sup>42</sup>

Under current law, the chairs of the SBE and BOG must jointly appoint faculty committees to identify statewide general education core course options.<sup>43</sup> Students entering a college or university in 2014-15 and thereafter must complete at least one identified core course in each subject area as part of the general education requirements. All public postsecondary institutions must offer and accept these courses as meeting general education core course requirements. The remaining general education course requirements must be identified by each institution and reported to the DOE by their statewide course number.<sup>44</sup>

In 2012, the Legislature reduced the number of required general education course credit hours from 36 to 30, for the purpose of providing institutions with flexibility in developing a solid foundation for students enrolled in their undergraduate programs, beginning with students initially entering a FCS institution or state university in 2014-2015.<sup>45</sup> However, the Southern Association of Colleges and Schools (SACS) Commission on Colleges informed institutions that a reduction in general education credit hours would constitute a substantive change requiring SACS approval. For accreditation purposes, each FCS institution and state university would be required to submit to SACS formal notice of the reduction at least six months prior to implementation in 2013. The reduction to 30 credit hours would also require that every general education course offered by each FCS institution and state university meet certain SACS standards in order for that institution to maintain accreditation.

### *Effect of Proposed Changes*

The bill reinstates the 36-hour general education credit requirement, restoring current requirements for general education credits and alleviating accreditation issues with SACS. The bill causes no immediate impact to current FCS and state university students because the implementation date for the reduction

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<sup>40</sup> Southern Association of Colleges and Schools Commission on Colleges, *Foundations for Quality Enhancement*, at 19 (2012), available at <http://sacscoc.org/principles.asp> (last visited Feb. 20, 2013).

<sup>41</sup> Southern Association of Colleges and Schools Commission on Colleges, *Foundations for Quality Enhancement*, at 19 (2012), available at <http://sacscoc.org/principles.asp> (last visited Feb. 20, 2013).

<sup>42</sup> Section 1007.25(3), F.S.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Sections 1 and 10, ch. 2012-195, L.O.F.

to 30 hours has not yet passed. The bill maintains statutory provisions related to core course options and extends the implementation date for general education core course requirements to 2015-2016 from 2014-2015. It also provides a process for faculty committees to propose changes to core course options so that the core course options can remain relevant over time.

## Developmental Education

### Present Situation

All first-time-in-college (FTIC) degree-seeking students, who have not already demonstrated college readiness, must be evaluated in reading, writing, and math prior to initial registration in a public postsecondary educational institution.<sup>46</sup> The State Board of Education (SBE), pursuant to s. 1008.30(1), F.S., allows students to demonstrate college readiness by achieving specified scores on one of four approved assessment tools.<sup>47</sup>

Students who are unable to achieve any of the scores established by rule<sup>48</sup> must enroll in developmental (also known as remedial or college preparatory) instruction courses. Students must earn a “C” or better in the developmental education courses prior to taking college credit courses in subject areas with identified deficiencies.<sup>49</sup>

A degree-seeking student who is required to complete a developmental education course must successfully complete the required developmental education studies by the time the student has accumulated 12 hours of lower-division college credit degree coursework; however, a student may continue enrollment in degree-earning coursework provided the student maintains enrollment in college-preparatory coursework for each subsequent semester until college-preparatory coursework requirements are completed.<sup>50</sup>

The vast majority of students needing developmental education attend FCS institutions. With the exception of Florida Agricultural and Mechanical University, state universities are not permitted to offer developmental education courses but may contract with FCS institutions to provide developmental education services for their students in need of remediation.<sup>51</sup>

Approximately 70% of 2011-2012 FTIC students attending a FCS institution were identified as needing developmental education in at least one subject area. Of these students, 91 percent were identified as having deficiencies in math, while 49 percent were not college ready in reading and 44 percent were not college ready in writing.<sup>52</sup> About 54 percent of 2011-2012 FTIC students were deficient in more than one subject area. About 29 percent were deficient in all three subject areas.<sup>53</sup>

The costs associated with providing remediation include several components. As with other higher education programs, the cost of providing college remediation is paid for through student tuition and fees as well as appropriations to the state college. The total cost is calculated based on the number of developmental education courses taken by all students needing remediation and the number of college

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<sup>46</sup> Rule 6A-10.0315(1), F.A.C.

<sup>47</sup> These tools include the four following tests: the Florida Postsecondary Education Reading Test (PERT), the Accuplacer (the Common Placement Test, or CPT), the SAT-1; or the Enhanced ACT. Rule 6A-10.0315(1), (2), F.A.C.

<sup>48</sup> Rule 6A-10.0315(1), (2), F.A.C.

<sup>49</sup> Rule 6A-10.0315(1), F.A.C.; Office of Program Policy Analysis and Government Accountability, *College Remediation*, update to Report No. 07-31 (Feb. 2013), available at <http://www.oppaga.state.fl.us/Presentations.aspx> (last visited Feb. 25, 2013).

<sup>50</sup> Section 1008.30(4)(a), F.S.

<sup>51</sup> Section 1008.30(4)(b), F.S.; Office of Program Policy Analysis and Government Accountability, *College Remediation*, update to Report No. 07-31, at 5 (Feb. 2013), available at <http://www.oppaga.state.fl.us/Presentations.aspx> (last visited Feb. 25, 2013).

<sup>52</sup> Office of Program Policy Analysis and Government Accountability, *College Remediation*, update to Report No. 07-31, at 10 (Feb. 2013), available at <http://www.oppaga.state.fl.us/Presentations.aspx> (last visited Feb. 25, 2013).

<sup>53</sup> *Id.* at 11.



credit courses taken by remedial students who were unsuccessful at completing all remediation requirements.<sup>54</sup>

For the 2009-2010 school year, FTIC students paid approximately \$73 million tuition and fees for developmental education coursework, while the state appropriated an additional \$81 million, for a total of \$154 million spent on developmental education.<sup>55</sup> For the same year, \$107 million dollars (about 70 percent of the total) was spent on students who were unsuccessful in completing remediation.<sup>56</sup>

### Effect of Proposed Changes

The bill creates s. 1008.02, F.S., to define several terms related to the provision of developmental education, including “developmental education,” “gateway course,” and “meta-major.”<sup>57</sup>

The bill requires the common placement test be established by rule and for alternative assessments that may be accepted in lieu of the common placement test to be identified in rule. By October 31, 2013, the SBE must establish by rule the test scores a student must achieve to demonstrate readiness to perform college-level work.

The rules must also provide that a student who entered the 9<sup>th</sup> grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma cannot be required to take the common placement test or enroll in developmental education instruction in a FCS institution. This same exemption applies to students who are serving as active duty members of the United States Armed Services.

All students must be provided admissions counseling which may include information on all available and appropriate developmental education instruction options. For students not exempt from testing, the counseling must use tests to measure achievement of college-level communication and computation competencies.

The bill allows students who are not required to take placement testing or enroll in developmental education instruction to “opt” into the assessment and enroll in developmental education. Further, any student who takes the common placement test and whose score on the test indicates a need for developmental education must be advised of all the education options offered at the institution and, after advisement, shall be allowed to enroll in the developmental education option of his or her choice. A student who demonstrates readiness by achieving or exceeding the test scores established by rule and enrolls in a FCS institution within 2 years after achieving the scores cannot be required to retest or enroll in developmental education when admitted into any FCS institution.

The bill specifies that the basic competencies diagnosed by the college placement testing program are those essential for success in meta-majors.

The bill requires the SBE, in consultation with BOG, to approve a series of meta-majors and academic pathways that identify the gateway courses associated with each meta-major. For those students not exempt from placement testing, Florida College System institutions must use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major. The FCS institutions are required to counsel students into college credit courses as quickly as possible and limit developmental education to that content needed for success in the meta-major.

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<sup>54</sup> *Id.* at 22.

<sup>55</sup> *Id.* at 22.

<sup>56</sup> *Id.* at 23.

<sup>57</sup> “Meta-major” means a collection of programs of study or academic discipline groupings that share common foundational skills.

The bill removes the prohibition on concurrent enrollment in developmental education instruction and college credit coursework addressing the same skills. These changes are designed to provide institutions with flexibility to provide innovative approaches to remediation.

Each FCS institution must develop a plan to implement developmental education and rules established by the SBE. Each plan must include, at minimum, local policies that outline:

- Data-supported student attributes, in addition to college placement test scores, considered by the institution for placement determinations;
- Developmental education strategies available to students;
- A description of student costs and financial aid opportunities associated with each instructional option;
- Provisions for the collection of student success data; and
- A comprehensive plan for advising students into appropriate developmental education strategies based on student success data.

The plans must be submitted to the chancellor of the FCS for approval no later than March 1, 2014. The FCS institutions must implement developmental education programs in accordance with the approved plan no later than the beginning of the 2014 fall semester.

Each FCS institution must prepare an annual accountability report which includes student success data relating to each developmental education option implemented by the institution. Starting in 2015, the FCS institutions must submit the report to the Division of Florida Colleges by October 31 in a format determined by the chancellor of the FCS. The chancellor must compile the reports and submit them to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE by December 31, each year.

## **Postsecondary Tuition Exemptions**

### *Current Situation*

Certain persons are statutorily exempt from the payment of tuition and fees for postsecondary courses at school district technical centers, Florida College System institutions, and state universities. Section 1009.25, F.S., currently exempts students who are: dually enrolled; in apprenticeship programs; in the Road to Independence program;<sup>58</sup> in the custody of a relative caregiver at the time they reached 18 years of age;<sup>59</sup> were adopted from the Department of Children and Family Services after 05/05/1997; or are homeless. Other statutory exemptions include persons wrongfully incarcerated,<sup>60</sup> spouses and children of law enforcement officers<sup>61</sup> and firefighters<sup>62</sup> killed in the line of duty.

Section 1009.25(2), F.S., provides FCS institutions fee exemption authority for up to 40 full-time equivalent (FTE) students at each institution.<sup>63</sup> FCS institutions vary in student population, from 850 FTE at Florida Keys Community College to 56,858 FTE at Miami Dade College. The 40 FTE exemption structure is not proportional to each college's student enrollment.

### *Effect of Proposed Changes*

The bill increases the number of student fee exemptions each college may grant. The bill authorizes 54 student exemptions, or 1% of a FCS institution's total FTE enrollment, whichever is greater.

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<sup>58</sup> As defined under s. 409.1451, F.S.

<sup>59</sup> As defined under s. 39.5085, F.S.

<sup>60</sup> Section 961.06(1)(b), F.S.

<sup>61</sup> Section 112.19(3), F.S.

<sup>62</sup> Section 112.191(3), F.S.

<sup>63</sup> Section 1009.26(2), F.S.

## School Grades

### Current Situation

All public schools, including charter schools, which have at least 30 full-year-enrolled students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading for the current and prior years and at least 30 full-year-enrolled students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade.<sup>64</sup> For the mathematics portion of the school grade, high schools must have at least 10 students with valid algebra 1 EOC assessment scores in 2011-12 and, beginning in 2012-13, at least 10 students with valid geometry EOC assessment scores or FAA scores in the current and previous years in order to receive a school grade.<sup>65</sup> Because learning gains for high school students may be measured using FCAT 2.0 Mathematics scores for the prior-year scores, these scores are also counted toward the minimum cell-size requirements. Department of Juvenile Justice schools are not graded, and alternative schools that provide dropout prevention and academic intervention services have the option of earning a school grade or a school improvement rating.<sup>66</sup> If an alternative school chooses to receive a school improvement rating instead of a school grade, student performance is also included in the school grade of the students' home school.<sup>67</sup>

To earn an "A," a school must test at least 95 percent of eligible students. To earn a "B," "C," or "D," a school must test at least 90 percent of eligible students.<sup>68</sup> If less than 90 percent of the eligible students are assessed, an "I" (Incomplete) is assigned.<sup>69</sup>

### Effect of Proposed Changes

The bill defines a colocated school as a school that has a unique master school identification number, provides for the education of each of its enrolled students, and operates at the same facility as another school that has its own unique master school identification number and provides for the education of each of its enrolled students. If more than one school operates at the same facility and one of the schools does not earn a school grade or school improvement rating, then the student performance data of all schools must be aggregated to develop a school grade that will be assigned to all schools at the facility.

To increase the number of schools receiving a school grade, the bill requires all schools that meet or exceed the minimum sample size of 10 to receive a school grade. Currently, a school may not receive a school grade if it has less than the minimum sample size of 30.

## Alternative Schools

### Current Situation

An alternative school is any school that provides dropout prevention and academic intervention services. Alternative schools may serve students in grades 1-12 who:

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<sup>64</sup> Rule 6A-1.09981(3)(a), F.A.C.; s. 1008.34(3)(a)1., F.S.

<sup>65</sup> Rule 6A-1.09981(3)(a), F.A.C.; *see also* s. 1008.34(3)(a)1., F.S.

<sup>66</sup> Beginning in 2011-12, ESE Center Schools, as a subset of alternative schools, are also eligible to choose between receiving a regular school grade or a school improvement rating. Florida Department of Education, *Notice of Intent* (February 28, 2012), available at <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

<sup>67</sup> Section 1008.34(3)(c)3., F.S.; *see also* s. 1008.341, F.S. "Home school" means the school to which the student would be assigned if the student were not assigned to an alternative school. Section 1008.34(3)(c)3., F.S.

<sup>68</sup> Rule 6A-1.09981(1)(a)4., F.A.C.

<sup>69</sup> Rule 6A-1.09981(8)(b)1., F.A.C.

- Are academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing;
- Have a pattern of excessive absenteeism or are habitual truants; or
- Have a history of disruptive behavior<sup>70</sup> in school or have committed an offense that warrants out-of-school suspension or expulsion from school.<sup>71</sup>

However, for accountability purposes, the definition of an alternative school excludes “second chance schools”,<sup>72</sup> educational programs operated or contracted by Department of Juvenile Justice facilities, and district school board programs that serve students officially enrolled in dropout retrieval programs.<sup>73</sup> There are 266 alternative schools subject to accountability measures in Florida.

Beginning July 1, 2012, the department classified schools serving students with disabilities exclusively as Alternative Centers for reporting purposes.<sup>74</sup>

### *School Improvement Ratings*

Alternative schools must receive a school improvement rating.<sup>75</sup> School improvement ratings are indicators of whether an alternative school’s performance has improved, remained the same, or declined compared to the prior year based on student statewide, standardized assessment scores.<sup>76</sup> However, in lieu of a school improvement rating, an alternative school may choose to receive a school grade. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board.<sup>77</sup> The school improvement rating must include:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have FCAT or comparable scores for the preceding school year;<sup>78</sup> and
- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25<sup>th</sup> percentile of students in the state on FCAT Reading.<sup>79</sup>

The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services are credited back to the home school for inclusion in the home school’s grade calculation. “Home school” means the school to which the

<sup>70</sup> For the purposes of this program, “disruptive behavior” is behavior that interferes with the student’s own learning or that of others and requires a degree of individual attention that is not practicable in a traditional program or results in frequent conflicts of a disruptive nature or that severely threatens the general welfare of students or others. Section 1003.53(1)(c)3.a.-b., F.S.

<sup>71</sup> Section 1003.53, F.S.

<sup>72</sup> A “second chance school” means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. Section 1003.53(1)(d)1., F.S.

<sup>73</sup> Section 1008.341(2), F.S.; Rule 6A-1.099822(2)(a), F.A.C.; *cf.* s. 1008.341(3), F.S. (stating that the assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school’s school improvement rating.)

<sup>74</sup> Notice of Intent from Commissioner of Education Gerard Robinson, Feb. 28, 2012, *available at* <http://www.fldoe.org/esea/pdf/NoticeofIntent.pdf>.

<sup>75</sup> Section 1008.341(2), F.S.

<sup>76</sup> Section 1008.341(2), F.S.; *see also* Rule 6A-1.099822, F.A.C.

<sup>77</sup> Section 1008.34(3)(a)2., F.S.

<sup>78</sup> Section 1008.341(3)(a), F.S.

<sup>79</sup> Section 1008.341(3)(b), F.S.

student would be assigned if the student were not assigned to an alternative school.<sup>80</sup> Alternative schools include ESE Centers for the purposes of school accountability. An alternative school that earns a school improvement rating receives one of the following:

- “Improving” – students are making more academic progress at the alternative school than when the students were served in their home schools;
- “Maintaining” – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- “Declining” – students are making less academic progress at the alternative school than when the students were served in their home schools.<sup>81</sup>

In order to receive a school improvement rating, an alternative school must have a minimum of 10 students with valid FCAT or FAA scores in reading for the current and previous two years and a minimum of 10 students with valid FCAT, FAA, and/or EOC assessment scores in mathematics for the current and previous two years.<sup>82</sup>

### Effect of Proposed Changes

The bill provides that if the alternative school serves at least 10 students who are tested on statewide assessments in the current and prior year, the alternative school must report to the parents of each enrolled student: learning gains, industry certification rate, college readiness rate, dropout rate, graduation rate, and the student’s progress toward meeting high school graduation requirements. This additional information will enable parents to make informed decisions regarding the education of their students, especially for those students attending schools that do not receive a school grade or school improvement rating.

To increase the number of alternative schools receiving a school improvement rating, the bill requires the DOE to include retakes when calculating the school improvement rating and to issue a school improvement rating when a school tests over 80% of its students. However, an alternative school may not earn a rating higher than “Maintaining” if the school tests less than 90% of its students. In addition, if an alternative school chooses not to receive a school grade but has student performance data for 10 or more students in the current and prior year, the alternative school must receive a school improvement rating.

## **Florida’s K-20 education performance accountability system**

### Present Situation

In 2001, the Legislature created the K-20 education performance accountability system which is intended “to assess the effectiveness of Florida’s seamless K-20 education delivery system.”<sup>83</sup> The K-20 education performance accountability system was established as a “single, unified accountability system” consisting of state and sector-specific performance measures and standards to assess student outcomes.<sup>84</sup>

Data from Florida’s public educational institutions and not-for-profit independent colleges and universities which are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program, are integrated into the K-20 data warehouse which is maintained by the DOE. FRAG-

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<sup>80</sup> Section 1008.34(3)(c)3., F.S.; cf. rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students’ home school’s grade as well as the school’s school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

<sup>81</sup> *Id.*

<sup>82</sup> Rule 6A-1.099822(5)(a), F.A.C.

<sup>83</sup> Section 1008.31(1)(a), F.S. Section 9, ch. 2001-170, L.O.F., was initially codified at s. 229.007, F.S., and was redesignated in 2002 as s. 1008.31, F.S.

<sup>84</sup> Section 1008.31(1)-(2), F.S.

eligible not-for-profit independent colleges and universities must report student-level data annually in a format prescribed by the DOE. At a minimum, the data must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates. The Commissioner of Education determines the standards for the data that are collected, monitors data quality, and measures improvements.<sup>85</sup>

The K-20 data warehouse is designed to serve the education information interests of the state and the general public by providing data that follows student cohorts over time to determine trends in education research. Effective July 1, 2011, the DOE established a Research Agenda to encourage research in areas of specific interest to the DOE and amended the process for providing researchers access to data maintained by the K-20 data warehouse.<sup>86</sup>

### *Higher Education Coordinating Council*

The Higher Education Coordinating Council (HECC) was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.<sup>87</sup> The HECC must act as an advisory board to the Legislature, the SBE and the BOG. Recommendations of the HECC must be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students;
- To promote consistent education policy across all educational delivery systems, focusing on students;
- To promote substantially improved articulation across all educational delivery systems;
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians; and
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.<sup>88</sup>

The HECC membership includes: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the Florida College System; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives, who co-chair the Council.<sup>89</sup> Staff support for the Council is currently provided by the BOG and the DOE.<sup>90</sup>

The HECC was required to submit a report on December 31, 2011, that specifically included recommendations for legislative consideration during the 2012 Legislative Session.<sup>91</sup> In 2012, the Legislature amended the HECC reporting provisions, requiring the HECC to continue to annually report, by December 31, to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE recommendations relating to the:

- Primary core mission of public and nonpublic postsecondary education institutions;
- Performance outputs and outcomes designed to meet annual and long-term state goals;
- Florida's articulation policies and practices; and

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<sup>85</sup> Section 1008.31(3)(a)-(c), F.S.

<sup>86</sup> Florida Department of Education, *Research*, <http://www.fldoehub.org/Research/Pages/default.aspx> (last visited Jan. 28, 2013).

<sup>87</sup> Section 1004.015(1), F.S.

<sup>88</sup> Section 1004.015(3), F.S.

<sup>89</sup> Section 1004.015(2), F.S.

<sup>90</sup> Section 1004.015(5), F.S.

<sup>91</sup> Section 1004.015(5), F.S.

- Workforce development education, specifically recommending improvements relating to the consistency of workforce education data collected and reported by FCS institutions and school districts.<sup>92</sup>

### *Articulation Coordinating Committee*

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and the BOG on postsecondary transition issues. The committee provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement. The ACC reports to the Commissioner of Education and is comprised of the following members: two members each representing the State University System (SUS), the Florida College System (FCS), public career and technical education, public K-12 education, and non-public education, and one member representing students.<sup>93</sup>

The ACC must:<sup>94</sup>

- Monitor the alignment between the exit and admission requirements of education systems and make recommendations for improving transfer of students from one education system to another education system.
- Propose guidelines for interinstitutional articulation agreements between and among public schools, career and technical education centers, FCS institutions, state universities, and nonpublic postsecondary institutions.
- Annually recommend dual enrollment course and high school subject area equivalencies for approval by the SBE and the BOG.
- Annually review the statewide articulation agreement<sup>95</sup> and make recommendations for revision.
- Annually review the statewide course numbering system (SCNS), the levels of courses, and the application of transfer credit requirements among public and non-public institutions participating in the SCNS and identify instances of student transfer and admissions difficulties.
- Annually publish a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions.<sup>96</sup>
- Examine statewide data regarding articulation to identify issues and make recommendations to improve articulation throughout the K-20 education system.
- Recommend roles and responsibilities of public education entities in interfacing with the statewide computer-assisted student advising component of the Florida Virtual Campus.<sup>97</sup>

### *The Commission for Independent Education*

The Commission for Independent Education (CIE) regulates independent postsecondary educational institutions which operate in Florida or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government. The CIE is responsible for matters concerning consumer protection, program improvement, and licensure for institutions under the purview of the commission.<sup>98</sup> The granting of diplomas and degrees by independent postsecondary educational institutions under CIE's jurisdiction must be authorized by the CIE.<sup>99</sup>

<sup>92</sup> Section 7, ch. 2012-195, L.O.F.

<sup>93</sup> Section 1007.01(2)-(3), F.S. The ACC was initially codified at 229.551, F.S., but was repealed January 7, 2003, by s. 3(7), ch. 2000-321. In 2011, the ACC was again codified in law by amending s. 1007.01, F.S. Section 7, ch. 2011-177, L.O.F.

<sup>94</sup> Section 1007.01(3), F.S.

<sup>95</sup> Statewide articulation agreement is established pursuant to s. 1007.23, F.S.

<sup>96</sup> See s. 1007.25, F.S.

<sup>97</sup> The Legislature established the Florida Virtual Campus in 2012. Section 14, ch. 2012-134, L.O.F.

<sup>98</sup> Sections 1005.21(2) and 1005.02(11), F.S.

<sup>99</sup> Section 1005.21(1), F.S.

The CIE serves as a central agency for collecting and distributing current information regarding the independent postsecondary educational institutions licensed by the commission. The CIE must collect, and all the institutions licensed by the commission must report, student-level data for each student who receives state funds. The data must be reported annually and at a minimum, must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates.<sup>100</sup>

### Effect of Proposed Changes

The bill changes the membership of the HECC to include greater representation of decision-making bodies within the postsecondary and business arenas. The restructured HECC includes the following members:

- One member of the Board of Governors, appointed by the chair.
- One member of the State Board of Education, appointed by the chair.
- The chancellor of the Florida College System.
- The chancellor of the State University System.
- The president of Enterprise Florida, Inc. or a designated member of the Stakeholder Council appointed by the president.
- The executive director of the Florida Association of Postsecondary Schools and Colleges.
- The president of the Independent Colleges and Universities of Florida.
- The President of Workforce Florida, Inc. or his or her designee.
- Three representatives of the business community: one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor.

Appointed members serve on the HECC for two years and a single chair must be annually elected by the membership by a majority vote.

The bill requires the ACC to make recommendations regarding access, quality, and reporting of data maintained by the K-20 data warehouse and foster timely collection and reporting of statewide education data to improve the K-20 performance accountability system. To this end, it must facilitate timely reporting of data by all educational delivery systems and identify data issues including, but not limited to, data quality and accessibility.

The bill clarifies that the ACC membership includes two members representing K-12 education, whether public or private, and two members representing nonpublic postsecondary education. It also provides that the Office of K-20 Articulation will provide administrative support for the ACC.

The Commissioner of Education must collaborate with the executive director of the Department of Economic Opportunity to develop procedures for the ability to tie student-level data to student and workforce outcome data.

The bill also requires the DOE to develop criteria for issuing and revoking master school identification numbers to support the maintenance of education records, to enforce and support education accountability, to support the distribution of funds to school districts, to support the preparation and analysis of school districts financial reports, and to assist the Commissioner of Education in carrying out the duties set forth in ss. 1001.10 and 1001.11, F.S.

The bill establishes the Office of K-20 Articulation within the DOE for the purpose of providing permanent staffing for the HECC and the Articulation Coordinating Committee.

## **H. Lee Moffitt Cancer Center and Research Institute**

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<sup>100</sup> Section 1005.22(1)(i), F.S.



### Present Situation

The H. Lee Moffitt Cancer Center and Research Institute (Moffitt) is a multi-corporate system including a hospital, medical group, research institute, clinical facility, and charitable foundation. Moffitt was founded in 1986 and is located on the University of South Florida (USF) campus.<sup>101</sup> Moffitt employs more than 4,200 people and has been designated as a “Comprehensive Cancer Center” by the National Cancer Institute, treating over 30,000 patients and educating more than 1,500 people annually in the area of oncology.

The BOG is required to enter into an agreement for the utilization of the facilities on the USF campus with a Florida not-for-profit corporation organized solely for the purpose of governance and organization of Moffitt.<sup>102</sup>

### Effect of Proposed Changes

The bill replaces the Board of Governors with the University of South Florida Board of Trustees as lessor with respect to the lease agreement with the Moffitt Cancer Center and Research Institute. It also provides that the lease agreement with Moffitt must be rent free so long as Moffitt and its subsidiaries utilize the leased lands and facilities primarily for purposes set forth under the lease agreement as established by law. The bill requires the lease agreement to provide for the review of construction plans and specifications by the USF for consistency with the university’s campus master plan. The bill adjusts and expands Moffitt’s board to reflect the institute’s growth and maturation and appoints entrepreneurial, business and community leaders to advance Moffitt’s mission.

## **Disclosure of financial information by FRAG and ABLE applicants**

### Present Situation

To be eligible to receive funds under the Florida Bright Futures Scholarship Program,<sup>103</sup> the William L. Boyd, IV, Florida resident access grant,<sup>104</sup> and the Access to Better Learning and Education Grant Program, students must submit a complete and error-free Free Application for Federal Student Aid (FAFSA).<sup>105</sup> These requirements were adopted by the Legislature in 2011 to gather more comprehensive data on students who are provided state tuition assistance funds.<sup>106</sup>

### Effect of Proposed Changes

The bill repeals the requirements that students submit a completed and error-free FAFSA as a precondition to receipt of Florida Bright Futures Scholarship Program, William L. Boyd, IV, Florida resident access grant, and Access to Better Learning and Education Grant Program funds. This ends the state’s collection of financial data relating to recipients of these scholarship and tuition assistance programs.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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<sup>101</sup> Moffitt Cancer Center, *Fact Sheet*, available at <http://www.moffitt.org/the-moffitt-experience/about-us/fact-sheet> (last visited Mar. 1, 2013).

<sup>102</sup> Section 1004.43(1), F.S. The not-for-profit group is the H. Lee Moffitt Cancer and Research Institute. The lease is currently held by the University of South Florida.

<sup>103</sup> Section 1009.531(7), F.S.

<sup>104</sup> Section 1009.89(4)(c), F.S.

<sup>105</sup> Section 1009.891(4)(c), F.S.

<sup>106</sup> Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 5201* (2011).

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Portions of this bill require rulemaking by state agencies. Thus, the bill may impose on these state agencies expenses related to the rulemaking process.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Articulation Coordinating Committee may need to hold two additional meetings. Travel expenses related to the meetings may cost up to \$1,000 in travel per each of the 11 committee members. This amounts to \$22,000 in potential costs incurred by the participating members' institutions.

D. FISCAL COMMENTS:

The bill increases the number of student fee exemptions FCS institutions may grant. The bill authorizes 54 student exemptions, or 1% of a FCS institution's total FTE enrollment, whichever is greater. Because the population of each FCS institutions varies widely, the fiscal impact of this provision is indeterminate.

The bill also requires student-level data collection by the CIE. The addition of another staff person and the expenses related to data collection will cost an estimated \$113,210. The additional staff is necessary to assist with the data collection and reporting processes.