



***PERCEPTIONS LEGISLATIVE E-Zine # 8***

***April 26, 2010***

**For members of the Florida Association of Community Colleges**

**This will be our final Perceptions of the 2010 Legislative Session. Your next comprehensive update will come on May 17 with the distribution of the spring *Current*. It will include a full summary of the budget and bill that impact the Florida College System.**

**BUDGET CONFERENCE**

Week #8 was all about the budget. No leaf was been left unturned as our lawmakers scrambled to piece together a budget compromise. The good news is that it appears the Florida College System was resolved early on. Of course the opera isn't over yet, but the numbers for funding the FCS can be best described as adequate.

The total budget allocation for the college system, including tuition and fees, as it stands now is approximately \$1.9B. On the surface this is about a 5.5% increase. This includes about \$1.15B in total programmatic support including baccalaureate funding, which has been folded into the general program fund. There is about \$91B in non-recurring funding which is a cause for concern as we move into 2010-11. About \$82B of that is federal stabilization funds which will no longer be available.

**PECO**

In an unprecedented action, On April 22, legislative budget chiefs called on universities and colleges to make presentations regarding their respective construction and facilities needs. The process turned out to be a very positive one. It was an opportunity for our colleges to discuss publicly projects that would expand access and increase job training and employment opportunities across the state. It was generally felt that legislators left much more aware of the need to support these projects. This could bode well for future funding requests.

**Retirement**

Of the two retirement issues that remained in play last week, one appears to have been set aside. [HB 5701](#) which proposed to eliminate the retiree Health Insurance subsidy had a \$250M budget savings attached to it. This issue is over after significant push back from many organizations including the FACC. SB 2022, which proposed to require each state retirement system participant to make a .25% co-pay, was another \$48M in savings. This issue appears to remain in play as part of a possible group of co-pays being proposed by the Senate. In a heads up provided by FACC contract lobbyist Ken Plante, other co-pays that may impact state employees include increases in health insurance, prescription costs, and life insurance. Also a possibility is a change to the DROP multiplier down to 3%.

We are concerned that the concepts put forth this legislative session regarding some fairly sweeping changes to the Florida Retirement System will continue to be explored. Additionally, it is very likely a study of the FRS will be undertaken prior to next year's legislative session. The FACC will be making a pitch to be at the table when the study gets underway. Bills filed this year that proposed some major changes to the FRS included [HB1319](#), [SB2022](#), and [HB1543](#).

#### **Gaming (from Associated Industries of Florida)**

On Monday, April 19th the House of Representatives passed [SB 622](#) Relating to the Seminole Indian Compact by [Senator Dennis Jones \(R-Seminole\)](#) by a vote of 74 to 39. Now that the Legislature has ratified the Compact it will go into effect as soon as Governor Crist signs the bill. The Compact gives the Seminoles exclusive gaming rights for 20 years with a review in five years to run banked card games at 5 of its 7 existing casinos and slot machines at four casinos outside Miami-Dade and Broward Counties. Furthermore, the Compact includes provisions that guarantee the State of Florida a billion dollars over the next five years, with over \$437 million coming this year. Other provisions include mandatory 2 day, 10 hour monthly inspections at a capped cost of \$250,000 per year to be paid by the tribe, tort liability and non-smoking facilities, and a mechanism for the tribe to waive its sovereign immunity. For existing pari-mutuel facilities in Dade and Broward Counties, the bill reduces their tax rate from 50 to 35 percent; and tracks and frontons statewide would get expanded gaming hours and higher betting limits. Although the provisions do not prohibit Florida from permitting other gaming activities, the state would forfeit revenue sharing if it did so.

[SB 640](#) Relating to Pari-mutuel Wagering by [Senator Dennis Jones \(R-Seminole\)](#) passed the [General Government Appropriations Committee](#) unanimously on Monday, April 19th with one amendment. This legislation regulates existing pari-mutuel facilities which are not covered by the Seminole Compact. It seeks to enhance the environment for the industry by changing the definition of "full schedule" for live racing or games for jai alai frontons if the facility has conducted at least 100 performances per year and a handle of less than \$4 million per year. Instead of requiring 100 performances for 10 years after December 31, 1992, [SB 640](#) reduces that requirement to 100 performances for 3 consecutive years, plus the handle requirements in order for a jai alai fronton to qualify for the reduced schedule of 40 performances instead of 100 performances. The bill also eliminates the taxes on handle and card rooms, creating an \$18 million tax reduction for the industry in year one. The amendment created a reduction on the fiscal impact to the state and limits the cost to \$8.4 million. There are currently twenty-seven pari-mutuel facilities in operation throughout the state. Twenty-three of the facilities have card rooms and five facilities have slot machines. [SB 640](#) passed the [Senate Policy and Steering Committee on Ways & Means](#) and was voted up on April 21. The bill is now awaiting the Governor's signature.

#### **FINAL WEEK OF SESSION (from the News Service of Florida)**

Who would have thought that going into the last week of the legislative session, the actual last week of the legislative session would come as the second item in a list of things on the radar in Tallahassee that week? But in between checks of the qualifying announcements (re. Gov. Crist), lawmakers in Florida still have to pass a budget, and decide whether they're going to drastically overhaul Medicaid and how far they'll go in reforming the Public Service Commission. And the Legislature also still may pass a proposed constitutional amendment on redistricting that, depending on who you ask, either torpedoes two redistricting amendments already on the ballot or helps make sure those two amendments don't disenfranchise black and Hispanic voters.

The Senate still has some big items – it may pass a bill allowing red light cameras that's already passed the House. It may – or may not – confirm Crist's two PSC appointees.

But the budget will be the big legislative story. Lawmakers want to have a budget on their desks early enough in the week to give the budget final passage by Friday. To do it by the rules, they'll have to have a budget on lawmakers' desks sometime Tuesday.

House Speaker Larry Cretul and Senate President Jeff Atwater expect to work out some of the last differences this weekend or early next week.

The bad news is the calendars are pretty useless at this point. Legislative rules don't really seem to apply much during the final week. As one top House staffer put it: "Next week is the week that is impossible to predict."

### **MONDAY, April 26, 2010**

**THE SENATE:** The Senate takes up a number of items on its special order calendar as legislative leaders attempt to line up legislation for the last frenzied days of session. The chamber takes up a texting-while-driving bill, [SB 448](#), while also bolstering penalties for crimes against homeless people. In all, more than two dozen bills are on the special order calendar. The chamber is also scheduled to take up the bill on pill mills ([SB 2272](#)) and red light cameras ([SB 2166](#)) and another measure to remove the statute of limitations on sexual abuse for victims under 16 years of age. The Senate is on the floor all day every day next week. ([SB 870](#)) (Monday 10 a.m. Senate Chambers, The Capitol.)

**HOUSE – FINAL DAY FOR BILLS ON THIRD READING:** If a bill hasn't passed the House on third reading by Monday or isn't coming over from the Senate, it doesn't have a chance if the House follows the rules. That doesn't always happen, so there are exceptions, but generally if a bill remains on the special order calendar or hasn't made the calendar by the end of Monday, it's dead until next year. Also on Monday, the House Rules and Calendar Committee will set Tuesday's Special Order calendar for Senate bills. If a bill hasn't passed the House or isn't on that list of bills coming out of Rules, start looking for someone to sponsor it again next November. The House expects to pass on Monday the legislatively-drafted redistricting amendment that it rolled on Friday. Democrats likely will debate heavily – this time the debate is more about just getting into the hometown paper or on TV, it's about getting into the record for the courts what Republicans were trying to do with the proposal.

### **TUESDAY, April 27, 2010**

**HOUSE - BILLS IN MESSAGES:** The House will spend much of Tuesday dealing with bills that have been passed by the Senate and are coming over to the House. The House will be taking up bills on third reading on Wednesday, and by rule only can deal with bills in returning messages on Thursday and Friday, so Tuesday is really the last day when Senate-passed bills that haven't passed the House can be taken up on special order in the House.

**CABINET MEETS,** Meeting as the trustees of the State Board of Administration, the governor, chief financial officer and the attorney general will hear a quarterly report by SBA executive director Ash Williams, who will update members on the state's investment portfolio. The full Cabinet will also review a handful of land purchases and transfers including the sale of an eight foot by 105 foot parcel of land adjacent to a Monroe County graveyard that was inadvertently overlooked during a survey of the property. The Cabinet is also expected to recognize the 60th anniversary of Nic's Toggery, a downtown Tallahassee mainstay. (Tuesday. 9 a.m. Cabinet meeting room, The Capitol.)

**STATE OF THE AIR:** The American Lung Association will release the results of its annual State of the Air report during an embargoed "virtual press conference" to be held via webinar and teleconference. The conference is only open to accredited media. Contact: Catherine Sebold at [csebold@lungusa.org](mailto:csebold@lungusa.org)

### **WEDNESDAY, April 28, 2010**

**HOUSE – SENATE BILLS ON THIRD READING:** The House could give final passage to bills coming over from the Senate – the ones placed on the third reading calendar in the House on Tuesday.

**RACE TO THE TOP MEETING:** The governor's Race to the Top work group meets all day Wednesday to vet the Florida Department of Education's application and reviews from the first round of competition. The group's recommendations to the governor are due April 30, and the state's revamped application is due June 1 in Washington D.C. (Wednesday, 9:30 a.m., The Cabinet Room, Florida Capitol) ‘

**GAMING BILL DEADLINE:** Gov. Charlie Crist has until Wednesday to sign a key piece of legislation he pushed for – the bill ratifying the Seminole Indian Gaming Compact ([SB 622](#)). Crist needed lawmakers to pass it partly because balancing the budget is much easier with the measure. The governor also faces a Wednesday deadline for two tort-related bill, a measure clarifying when parents can sign away their child's right to sue over injuries in dangerous activities ([SB 2440](#)) and a measure increasing what the government can pay out in legal claims before reaching the sovereign immunity limit ([SB 2060](#)). Also on the governor's desk and needing to be signed or vetoed by mid-week is a bill increasing the standards for tomato food safety ([SB 350](#)).

### **THURSDAY, April 29, 2010**

**FOLLOW THE BOUNCING BILL:** Thursday and Friday are the days that bills typically bounce back and forth between the Senate. It's too late to do a conference committee generally, so if the Senate passes a bill and sends it to the House and the House amends it, it sends it back to the Senate. If the Senate passes the bill, it then would go to the governor, but if the Senate doesn't like the change, or wants to make another, it goes back to the House. These are essentially the only kinds of bills that can be taken up these two days – bills “in messages.” The House could also take up conference reports and concurrent resolutions.

**CRETUL FAREWELL:** House Speaker Larry Cretul, who never planned on being speaker, plans on giving farewell remarks to the House sometime late this week. Thursday is a good bet for the day, House staffers say.

**SUPREME COURT OPINIONS:** The Florida Supreme Court releases opinions. (Thursday, 11 a.m., [www.floridasupremecourt.org](http://www.floridasupremecourt.org))

### **FRIDAY, APRIL 30, 2010**

**BUDGET PASSAGE:** Both chambers are likely to pass the budget late in the week, with the House expecting to pass it on Friday. The Senate could go a little earlier, but the budget will be the main story Friday – assuming Crist doesn't wait until the last day of qualifying to announce his intentions.

**FINAL DAY OF FEDERAL QUALIFYING:** Will Charlie Crist run as a Republican or not? He must decide by noon on Friday. Other candidates will have the same deadline – though not the same attention – for filing their paperwork as well.