



April 18, 2011

Week Six Session Summary - April 11-15

HOUSE AND SENATE RETIREMENT BILLS AWAIT BUDGET CONFERENCE

There wasn't much new action on the retirement bills this past week. Both legislative chambers have passed bills which are far from identical. Budget negotiators from the House and Senate appointed by the respective leaders will sort out the differences. [HB1405](#), the House version for retirement system reform, provides for an employee co-pay of 3% and eliminates DROP to new participants after June 30, 2011. HB1405 has been laid on the table for SB2100 to set up the conference. The Senate revised bill, [SB2100](#), now has a tiered employee co-pay of 2% of the first 25K in salary, 4% of the next 25K, and then 6% of the amounts over \$50K. However, the Senate bill phases out DROP over the next five years. We urge all AFC members to contact their legislators to let them know how these changes will impact you. Click on the link [Retirement Bill Analysis](#) for a full description of proposed changes.

CHANGES MADE IN THE HOUSE TO FCS BACCALAUREATE OVERSIGHT BILL

[SB1732](#) by Lynn; regarding **Baccalaureate Degree governance and Florida Business and Education Collaborative**; [CS7151](#) by Rep. Proctor and the House Education Committee
SB1732 began as a bill that would require the Board of Governors (BOG) and the Higher Education Coordinating Council (HECC) to develop plans to examine establishing comprehensive undergraduate universities, not research universities that would be dedicated and limited to undergraduate instruction. The goal being to more closely monitor the growth of baccalaureate programs at our Florida colleges. The bill passed the Budget Subcommittee on Higher Education Appropriations on April 13 by a unanimous vote.

CS7151 contains many similar provisions but is not identical to SB1732. It was voted up as a committee substitute bill on April 13 by a 12-3 vote in the House Education committee. Below is a comparison of its original provisions and the changes. (Source: Division of Florida Colleges)

Original Provisions (HB 7151)

1. Requires the Higher Education Coordinating Council (HECC) to make detailed recommendations relating to:
 - a. The primary core mission of public and nonpublic postsecondary education institutions;
 - b. Performance outputs and outcomes designed to meet annual and long-term state goals;
 - c. Florida's articulation policies and practices;
 - d. A plan for workforce development that aligns school district and Florida College System (FCS) workforce development education programs and improves the consistency of workforce education data collection and reporting by colleges and school districts; and
 - e. Baccalaureate degree authorization and production.

2. Requires HECC to submit a report by December 31, 2011, that specifically includes recommendations for legislative consideration during the 2012 Legislative Session.
3. Requires DOE (in addition to BOG) to provide administrative support to HECC.
4. Removes exemption from the approval process for additional baccalaureate degrees at FCS institutions offering baccalaureate degree programs for 3 or more years.
5. Requires DOE to utilize student performance data in subsequent coursework in determining appropriate AP, IB, ACIE, and CLEP examination scores for the receipt of college credit.

New Provisions (included in Strike-All):

1. Authorizes FCS boards of trustees to request from the Commissioner of Education an investigation of a college president by DOE's inspector general in specified circumstances. The inspector general is required to report findings, make recommendations, and refer any potential legal violation to the authorities.
2. Removes obsolete references to the College Level Academic Skills Test.
3. Establishes the Articulation Coordinating Committee and provides responsibilities.
4. Provides access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for admission to a program of study and graduation requirements (does not constitute a fundamental alteration in the nature of the program).
5. Requires the State Board of Education to specify by rule provisions for alternative remediation opportunities and retesting policies.
6. Requires that a student who has accumulated 12 college credit hours, but who has not yet demonstrated proficiency in the basic competency areas, must be advised in writing of the requirements for associate degree completion and state university admission, and the potential cost of accumulating excess college credit hours.
7. Authorizes DOE to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award.
8. Removes exemption from the state university summer enrollment requirement for students who have earned 9 or more credits through acceleration mechanisms.

Removed Provisions (from original [HB 7151](#)):

1. Removed from the bill the requirement that 4-year doctor of medicine degree programs at state universities receive a uniform base level of state support, as determined annually in the General Appropriations Act.

FCS FIRE BILL MOVING TOWARDS PASSAGE

[HB331](#) by Weinstein; and [SB534](#) by Wise

After surviving five committees of reference in the House and four in the Senate, the "fire safety" bills appear to be poised to pass. SB534 will face its final hurdle in the Senate budget committee. In the House HB331 has been placed on the Calendar for second reading on the floor. The identical bills essentially do the following:

- Eliminates mandatory duplicative inspection by local fire departments;
- Eliminates "special fire inspector" with grandfather provision of two years to take test;
- Makes all fire safety inspectors have the same credentials;
- Clarifies inspection responsibility for charter schools;
- Eliminates unused state report

TUITION WAIVER BILLS FOR VETS NOT MAKING HEADWAY

[HB683](#) by Garcia; and [SB826](#) by Fasano to provide resident status for tuition purposes for veterans.

Despite an amendment being drafted to limit the scope of the waiver to only include veterans newly discharged but living in Florida with an exemption to the 12 month residency requirement, the bill has languished in the Senate. It passed the Military Affairs committee on March 17 but has not been heard since. Its next stop is the Senate Higher Education committee but is not scheduled yet.

The bill would grant in-state tuition to all veterans of Armed Services including reserves who attend public college, or a university. The House version, HB683, has not moved since February 22.

[HB171](#) by Pafford; and [SB430](#) by Altman redefines “veteran for tuition waiver purposes and provides for waivers for dependent children.

HB171 provides for educational opportunity at state expense for dependent children of military personnel who die or suffer certain disability in specified military operations. The bill expands the definition of term "veteran" to include wars since 2001 and provides fee waiver for dependent children of military personnel who die or become 100% disabled from Operation New Dawn or other military operation. They must have been FL resident during their service. HB171 has not moved since March 31. Its next stop should be the House Higher Education Appropriations subcommittee. SB430 had fared a bit better. It was voted favorably on April 13 in the Budget Subcommittee on Higher Education Appropriations and is slated to move the full Budget committee next.

NOT MUCH ACTION EXPECTED IN WEEK SEVEN

The House is having some meetings this week on Wednesday and Thursday but the Senate is closed all week in recognition of the Passover and Easter holidays.

WEEKLY ROUNDUP FROM THE NEWS SERVICE WIRE

THE CAPITAL, TALLAHASSEE, April 15, 2011.....Peeps and other Easter confections will be half price or off the shelves completely when House and Senate negotiators sit down to begin hammering out their differences between two competing budget plans. Talks appeared to break down this week before they even began. More than \$ 3 billion apart, chamber leaders this week all but conceded that the session might go beyond the May 6 scheduled end, with conference committees now not scheduled to even start until April 25 at the earliest. That would give legislators two weeks to hammer out a compromise, assuming they don't do any work during the Easter-Passover off week.

And Gov. Rick Scott on Friday threw a new egg into the hunt: he essentially said he wouldn't sign a budget that doesn't include tax cuts, which legislative leaders have been reluctant to include. Already pressed to fill a nearly \$4 billion gap, both chambers' leaders said they would love tax cuts, but that they couldn't really figure out how to do it. In his weekly radio address on Friday, Scott essentially said, they better find a way. "I will not compromise on these principles," of having a smaller budget, a smaller government – both of those are going to be delivered – and tax cuts, Scott said.

Putting budget building on the fast track during the session's first half, maybe leaders had a clue that crafting a spending blueprint would be more difficult than usual even with a veto-proof majority in both chambers and an electorate seemingly willing to do less with less. With a \$3.75 billion shortfall and the faces of those whose lives will be affected by cuts showing up at committee hearings, House and Senate negotiators find themselves \$3 billion apart and unable to decide where to begin.

“Unfortunately, we're not quite as far along as we would like to be,” Sen. J.D. Alexander, R-Lake Wales, told members of his Budget Committee this week. “The president has worked very diligently but

we're not ready to begin conference as yet."

House Speaker Dean Cannon sent a memo to members urging them not to make plans for the period in early May right after when session would normally end. There are significant gaps to reconcile between the \$66.5 billion House blueprint and the Senate's \$69.8 billion measure. The House would require workers to kick in 3 percent of their income regardless of their earnings to bolster their pensions. The Senate plan would set different charges on different levels of income, ranging from 2 percent on the first \$25,000 of pay to 6 percent on any pay above \$50,000.

The House proposal sweeps \$330 million from the State Transportation Trust Fund --- a seemingly annual battle with the Senate. Those are just some of the most closely-watched differences; there are plenty of others more obscure, from how to deal with water management district revenue to whether to remove the clerks of courts from the general revenue budget. "It's a hard year and we're a long way apart," said Rep. Denise Grimsley, R-Sebring, the House budget chairwoman. "It might take a little longer than normal, but we'll get there. It's moving along."

Despite impasse over next year's spending, budget makers were able to help Scott on at least one front this week by allowing the governor to maintain payments to those who provide services through the Agency for Persons with Disabilities. Prompted by budget constraints, Scott had issued an executive order to cut provider rates by 15 percent to fill a \$174 million deficit. Lawmakers found the money, however, to make up the deficit and Scott was able to rescind the edict.

Lawmakers also got a boost from BP Oil, which announced another \$30 million to help Northwest Florida dig itself out of the worst oil spill in U.S. history. Scott said the money will be used by Panhandle counties to get the word out that Florida's beaches are clean and the fish are biting.

UNEMPLOYMENT DROPPING

The Governor was able to deliver some good news, announcing Friday that Florida's unemployment rate fell in March to 11.1 percent, from 11.5 in February, and reaching the lowest it's been in over a year. That was good news enough to prompt Scott to make the announcement in person instead of letting the state labor agency simply make its usual electronic data release. "We're seeing an encouraging trend since Florida's unemployment rate has declined for three straight months," Scott told reporters. "We are clearly heading in the right direction but we still have a long way to go because we still have more than 1 million people out of work." The state's jobless rate is 0.2 percentage points lower than March 2010, but still higher than the national unemployment rate, which in March was 8.8 percent. None of the job growth appears to be attributable to any effort by the Governor, but came about as service industry growth hired to meet invigorated tourist demand.

ELECTIONS AND THE COURTS

Though budget talks moved at a glacial speed, other Republican-backed efforts affecting the courts, elections, gun rights and other initiatives worked their way through committees as leaders tried to ready measures for after the Passover/Easter holidays that have become a spring break of sorts before lawmakers head into the session's rapid-fire final weeks.

A Senate plan that passed that chamber's Rules Committee on Friday would limit early voting to seven days and move the state's usual non-presidential primary until after Labor Day. The Senate plan ([SB 2086](#)) also takes away the ability for voters to change their names or addresses on Election Day.

A House bill ([HB 1355](#)) also makes a slate of changes to the state's election law by allowing some registered voters to change their addresses on Election Day. Both measures also place more restrictions

on citizen initiative petitions, including how long signatures are valid.

In other election news, the House announced this week a plan to have a commission set next year's presidential primary date, now scheduled for Jan. 31. The commission would get until October to figure out how to get Florida the presidential due leaders think the big, diverse state deserves, without losing the support of the national party – and some of the state's delegates, by breaking with the tradition that lets states like Iowa and New Hampshire go first.

Also, a proposal ([SB 830](#)) limiting the ability of unions to use payroll deductions to collect political contributions from members who work for the government was moving toward final votes this week. On Friday, the Senate Rules Committee made a change that backers said clarifies that only money for political purposes would be barred from payroll deductions. A House version ([HB 1021](#)) banning all union dues deductions for government workers has already passed that chamber.

SUPREME CHANGES

Speaker Cannon's effort to overhaul the Florida Supreme Court also moved closer to becoming law this week as the House passed a bill creating a 10 member court, with five justices for civil cases and five for criminal cases. Democrats attacked it as court packing, an effort to boost the now-seven member court with new Republican appointees and to move all the experienced judges – including the three appointed by Democrat Lawton Chiles – to the criminal side. That would get them away from the civil arena, where they can throw out laws created by the GOP Legislature, and maybe be involved in redistricting.

Several judicial heavy-hitters, including former Florida Supreme Court justices and former U.S. Sen. Bob Graham, joined the Florida Bar to oppose the proposed changes that also include making it easier to impeach sitting judges, and giving the governor more authority over judicial nominations. Cannon maintains the move is strictly about efficiency. But there may not be a Senate companion – although there might be. A Senate version emerged in an amendment this week, but was withdrawn before being attached to a bill.

OTHER NEWS:

A House bill ([HB 7089](#)) that would require employers to screen newly hired workers for their immigration status and give police the power to question criminal suspects to determine if they are in the country legally. In the Senate, action on a less restrictive version ([SB 2040](#)) that only includes employer verification requirements was postponed until after Easter.

The House Economic Affairs Committee approved the measure backers say will allow the state to take steps to control illegal immigration without going down the Arizona rabbit hole that has led that state's law to court. Hundreds of critics lined up to speak against the measure, which is now on its way to the House floor. Opponents include farm worker advocates, business and agricultural interests, the clergy and some law enforcements groups.

Bills traveling in both chambers would require recipients of temporary financial assistance to undergo drug tests at their own expense. Backers say the measure would send a message to drug users that taxpayer dollars would not be used to feed their addictions. Critics said the changes have no basis in research and would punish families already under great stress.

SELLING SOLANTIC

Not all the action took place in legislative chambers. Scott made headlines this week for announcing his intent to sell his family's stake in the Solantic urgent care clinic chain. Dogged by questions over his ties to the company, Scott said last week he would sell off his interest (now in his wife's control) to New

York investment firm Welsh, Carson, Anderson & Stowe, which had been a minority shareholder in the private company. Terms of the sale of Scott's share weren't disclosed in detail, but the Palm Beach Post reported the sale price was under \$60 million. Scott's interest in the company was valued at \$62 million in his financial disclosure last year. The St. Petersburg Times, which first reported the sale, said the deal would close April 29.

QUOTE OF THE WEEK:

"We want to be able to go to school every morning without having to worry if our family will be there when we get out," said Cecilia Perez, a legal resident and sophomore at Largo Magnet School, whose parents are not in the U.S. legally, speaking against the House immigration bill.

YOU MAY ASK, "WHAT CAN I DO?"

We encourage all AFC members to become knowledgeable and active advocates for the AFC. Please follow the following rules of engagement:

1. Be knowledgeable of the issues.
2. Write a letter, send a fax or email, or call YOUR local legislative delegation to express your concerns regarding any bill
3. Be polite and professional.
4. Be a registered voter with a voting record. They know!
5. Remember, you not only represent your college, but also the AFC.
6. Do not use college resources to communicate with your legislative delegation. Use your own computer, phone, fax, or email, and do it away from campus.
7. It's never too late to get involved. Support your college's AFC Chapter.