



Week Four Session Summary April 4, 2011

FRS REFORM BILLS MOVE TO THE FLOORS OF BOTH CHAMBERS

Despite heavy lobbying in opposition from the AFC, law enforcement unions, state employee unions, the FEA and numerous others, bills that will reform the FRS have made it through the committee process and are now being scheduled for debate in Chambers. Both the House bill, [HB1405](#), and the Senate bill, [SB2100](#) (formerly SB7094), address several provisions related to the Florida Retirement System. Both bills now largely align with each other as well as many of the Governor's proposals for reforming the FRS. The most apparent changes include a 3% employee co-pay and the elimination of DROP to all new participants effective July 1, 2011.



Sen. J. D. Alexander

After hours of public testimony last Friday, almost all in opposition to the changes, the Senate budget committee chaired by Sen. J.D. Alexander (R, Lake Wales) backed off of softening the bill to include a scaled co-payment by employees, one of the key recommendations made by the AFC when working on SB1130 weeks ago. This week SB7094 (now SB2100) was voted up largely along party lines by the Senate budget committee. However, several Republican Senators including Evelyn Lynn (R, Ormond Beach) expressed some concerns about the impact on lower wage employees. She said she would not support the bill on the Senate floor unless some changes were made to soften the financial hit on them. AFC CEO Michael Brawer testified again last Friday in opposition to the bill. He pointed out that the co-pay portends to remove over \$600M in disposable income from the Florida economy. Additionally, Brawer said that the work done on the retirement bill by AFC and other educator groups at the request of Sen. Ring was fair and reasonable, and directly tied the co-payments to the unfunded liability of the FRS fund. If the employee dollars go into general revenue, then it is in fact a tax on employees. Brawer urged the committee to revisit the tenets of SB1130 before making a final decision on the bill.

The House may take up its retirement package for state and local government workers on the floor on Wednesday. The Senate bill closes the defined benefit pension plan to all employees except Special Risk but the House makes no changes in plans. The House bill changes the retirement age to age 65 or 30 years (age 60 for Special Risk), but the Senate bill raises Special Risk retirement to age 62 or 30 years, same as others. The House bill retains the 3% cost of living adjustment (COLA) on retirement payments, but the Senate bill eliminates it. These differences will be negotiated during legislative committee conferences in the coming weeks. Conferences are when representatives from both Chambers begin meetings to resolve differences between bills. Click on the link [Retirement Bill Analysis](#) for a full description of proposed changes.

SEVERANCE PAY BILL MOVES FORWARD

CS/43 by Rep. Smith; CS88 by Sen. Gaetz regarding Public officials Severance Pay

All issues regarding dollars for employees upon retirement seem to be in the sights this year. Among them are the two aforementioned bills which basically eliminate severance pay. The bills would eliminate severance pay for non-elected public officials except under certain circumstances. This bill would affect our college presidents. The bill is now with the House Budget Appropriations Committee and will be heard by the Senate Governmental Oversight and Accountability Committee today at 3:15.

TENURE ELIMINATION BILL STRONGLY OPPOSED BY THE AFC

PCB7193 by the House K-20 Competitiveness Sub-committee; no Senate companion



Rep. Fresen

This bill by Rep. Erik Fresen (R, Miami), not Rep. Proctor as previously stated, most egregiously proposes to eliminate tenure as we know it. AFC CEO Michael Brawer went on record in television interviews and with the Chronicle of Higher Education to express our displeasure and opposition with such a bill. In addition, the bill attempts to re-define college personnel by classification in order to make changes to annual and multi-year contracts including requiring our district boards of trustees to issue probationary and annual contracts with certain restrictions. Rumors were circulating last week that this bill was promulgated by the Council of Presidents, but that is not true. The presidents, lobbyists, and all of us in the college system learned of the bill at the same time last Monday morning. The good news is that there is no Senate bill at this time. Efforts are underway to educate Rep. Fresen that much of the contracting issue he covered in the bill can already be addressed by our district boards of trustee (DBOT). The AFC is also pushing to leave tenure issues out of state government intrusion and allow each college's DBOT to deal with it if necessary.

FCS GOVERNANCE ISSUE WOULD CHANGE THE LANDSCAPE

SB1732 by Lynn; regarding Baccalaureate Degree governance and Florida Business and Education Collaborative; CS7151 by Rep. Proctor and K-20 Innovation Committee

As reported SB1732 would have over-arching impact on our systems' baccalaureate movement as well as governance and oversight of our colleges. Last week the House K-20 Innovation Committee filed CS7151. That bill amends the function of the Higher Education Coordinating Council (HECC) with input from the State Board of Education (SBOE) and the Board of Governors (BOG) to recommend improvement options and implementation plans to: 1) define primary mission of public and non-public post-secondary education institutions in the context of state access demands and economic development goals; 2) establish performance outputs to include access, preparedness, retention, transfer and completion, and consistent measures; 3) evaluate articulation policies and return on investment; 4) establish a plan for workforce education that aligns programs in school districts and Florida colleges including adult education; 5) improve consistency in workforce education data; 6) address BA degree authorization and production with potential for establishing comprehensive undergraduate institutions that offer four year degrees and may include FCS, SUS and University branch campuses, and address accountability options and local and regional needs and gaps that might result in a shift in our primary mission; 7) recommend funding options and strategies, student tuition and fees, financial aid funding and other strategies to encourage performance based funding. A report on all of this will be due on 12/21/11. The bills also would require the DOE to publish scores for CLEP, AP, AICE and IB in addition to postsecondary courses to determine appropriate exam scores for credit given, and it deletes the exemption from SBOE review of BA degree programs for some "veteran" BA offering colleges.

OTHER BIG POLITICAL NEWS FROM THE NEWS SERVICE of FLORIDA WIRE

The highlight of the week will once again be the budget – with both the House and Senate bringing to the floor their differing versions of the spending plan. Both chambers are expected to begin discussing

the budget on the floor on Wednesday and both will have voted by the end of the week, setting the stage for an early conference process. The session is only roughly at its midpoint and the budget appears headed for an earlier than expected resolution – though the hardest part is likely to come, and lawmakers said all along that with a nearly \$4 billion shortfall they might need a month of negotiations.

SENATE BUDGET: The Senate takes up its roughly \$69.8 billion budget on the floor on Wednesday. The spending plan reduces public education spending by nearly 7.4 percent, shrinks Bright Futures scholarships by \$1,000 per student because of an offsetting tax credit and slashes Medicaid rates for providers from hospitals to nursing homes, among other things. Supporters say the measures are needed to avoid a tax increase as the state closes a \$3.75 billion budget shortfall. Both chambers will have their budgets on the floor this week, allowing for final votes and a start to budget conferencing relatively early in the session – near the midpoint. (Wednesday, 10 a.m., Senate Chamber.)

BUDGET CONSIDERED ON HOUSE FLOOR: The House of Representative's \$66.5 billion budget will head to the House floor on Wednesday and get a vote on Thursday. It was approved by the House Appropriations Committee last week. Democrats blasted the budget as a danger to public safety and an attack on state workers. The Republicans said the budget was a product of tough choices in an effort to fill a \$3.75 billion hole and keep a promise to not raise taxes. (Wednesday, 12 p.m. to 7 p.m., House Chamber)

RENEWABLE ENERGY FIGHT: The effort to boost the use of renewable – particularly solar – energy in Florida comes before the Senate Communications, Energy, and Public Utilities Committee on Monday, but just who would get to provide any new green electricity is an issue of contention in the bill ([SB 2078](#)). The measure would let the big investor owned utilities such as Florida Power & Light voluntarily build new renewable energy capacity without Public Service Commission approval and pass the cost on to customers. FPL says it's important to jump start the production of electricity from new green sources. Smaller and private energy companies are opposed to it, saying they'd be shut out of the market under the proposal. The measure would also require public utilities to perform a free energy audit for commercial customers and require the Department of Management Services to prioritize buildings for an energy audit and retrofits and to proceed with performing those audits and retrofits. The committee also hears SB 888, which eases up a bit on kids who are convicted of "sexting" so they don't get branded sex offenders. Another bill ([SB 212](#)) would change the standards of conduct for commissioners at the Public Service Commission, requiring them to abide by the Code of Judicial Conduct – an idea arising out of a scandal over ex parte communications at the commission. The bill, by Sen. Mike Fasano, R-New Port Richey, would prohibit commissioners or their staff from engaging in certain types of communications with parties in cases before the commission. (Monday, 1 p.m., 110 Senate Office Building.)

CHILD CUSTODY CASES INVOLVING MILITARY PERSONNEL: A parent's activation, deployment, or temporary assignment to military service and the disruption to the child that may cause couldn't be the sole factor in granting a petition for or modification of time-sharing and parental responsibility order under a bill ([SB 1650](#)) before the Senate Children, Families and Elder Affairs Committee. (Monday, 3:15 p.m., 401 Senate Office Building.)

ABORTION BILLS IN HEALTH REG: The Senate Health Regulation Committee considers the measure ([SB 1744](#)) that would require all women seeking an abortion to first undergo an ultrasound and see or have the image described to them in many cases. The panel also considers a bill ([SB 1748](#)) that restricts the circumstances in which an abortion may be performed in the third trimester or after viability. That bill also requires an abortion clinic to provide conspicuous notice on any form or medium of advertisement that the abortion clinic is prohibited from performing abortions in the third trimester or

after viability and bans abortions from being performed in a location other than a validly licensed hospital, abortion clinic, or physician's office. (Monday, 3:15 p.m., 412 Knott Building.)

COURT MAKE-UP CHANGES IN JUDICIARY: The Senate Judiciary Committee has several bills that would change life for the court system. A proposed constitutional amendment ([SJR 1672](#)) that would require 60 percent of voters to approve of Supreme Court or appeals court judges to remain on the bench in merit retentions, another to open up judicial qualifications commission investigations to more public scrutiny ([SJR 1704](#)). Another bill ([SPB 7222](#)) before the panel would have the attorney general, rather than the Board of Governors of The Florida Bar, submit nominees for certain positions on judicial nominating commissions. It also calls for the termination of terms of all current members of judicial nominating commissions. The panel also has a proposed amendment ([SJR 2084](#)) aimed at preventing the Supreme Court from using court rules to make what lawmakers think are substantive changes that should be made in law. (Monday, 3:15 p.m., 110 Senate Office Building.)

BLAINE AMENDMENT: Another proposed constitutional amendment ([SJR 1218](#)) before the Senate Judiciary Committee on Monday would delete a prohibition in the state constitution on using public revenues in aid of any church, sect, or religious denomination or any sectarian institution. The removal of the so-called “Blaine Amendment” language comes as conservatives worry that some faith-based charities might be deemed ineligible for state money, or that religious schools might be barred from getting voucher money. The committee also hears the watered-down gun rights bill that started out as a ban on doctors asking patients about firearm ownership but now has generous allowances for doctors to continue to ask patients questions when necessary ([SB 432](#)) and another bill ([SB 402](#)) prohibiting local officials from enacting tougher gun regulations than those imposed by the state. The Judiciary Committee also takes up a bill ([SB 2040](#)) requiring every employer in the state to use the federal E-Verify program to check immigration status. (Monday, 3:15 p.m., 110 Senate Office Building.)

PANTS ON THE GROUND: The House Education Committee will hear a bill that has been championed for years by Sen. Gary Siplin, D-Orlando. The “droopy drawers” bill ([HB 61](#)) requires school districts to adopt a dress code which forbids clothing that “exposes underwear or body parts in an indecent or vulgar manner.” This is the bill’s last committee stop in the House, a sign that it just might make it to the House floor this year. (Tuesday, 8 a.m. 102 House Office Building.)

HEALTH CARE LAW? NO THANKS: The Senate Banking and Insurance Committee on Tuesday takes up the measure ([SB 1754](#)) by Sen. Rene Garcia, R-Hialeah, that prohibits the government from compelling Florida residents to buy health insurance except under certain conditions. The bill is a reaction to the federal health care law, widely disliked by many Republicans. (Tuesday, 10:15 a.m., 412 Knott Building.)

SCHOOL BUS ADS: The Senate Transportation Committee takes up the bill ([SB 1124](#)) allowing advertising on school buses. Another school bus bill before the committee would require cameras to detect and record cars that don’t stop when the school bus is stopped. (Tuesday, 10:15 a.m., 37 Senate Office Building.)

SCHOOL PRAYER, VIRTUAL CHARTER SCHOOL AND SCHOOL BOARD PAY: The Senate Education Pre-K-12 Committee on Tuesday will consider a bill ([SB 700](#)) that grants school boards the authority to allow prayer at certain school events, such as graduation. The bill says the prayer is the choice of student government and that only students can deliver prayers. Sponsored by Sen. Gary Siplin, D-Orlando, the bill has already drawn strong opposition from the Anti-Defamation League. In that same committee, lawmakers will consider a bill ([SB 1620](#)) to establish a statewide virtual charter school by Sen. Anitere Flores, R-Miami. Parents across the state would have the option to enroll in the

virtual charter school. The committee has put forth a bill ([SPB 7234](#)) that would prohibit school board members from receiving a salary, only permitting a small stipend and travel expense reimbursement. (Tuesday, 1:15 p.m., 301 Senate Office Building.)

HEAD INJURY GUIDELINES: The House Health and Human Services Access Subcommittee takes up the issue of head injuries in high school athletics by setting up guidelines to prevent injury from concussions ([HB 301](#)) The committee also takes up a measure setting up a homelessness prevention grant program ([HB 131](#)) task force and another measure requiring public pools to have safety equipment to rescue swimmers entrapped under water by water filtration system suction. (Tuesday 3 p.m., 12 House Office Building, The Capitol.)

CHARTER SCHOOL, SUS EXPANSION BILLS IN HIGHER ED: The Senate Higher Education Committee considers a bill ([SB 1546](#)) that would expand the ability of universities and colleges to open charter schools, permit high-performing charter schools to expand, and establish a new college preparatory boarding academy. A similar House proposal passed its first committee last week. The committee also considers a bill ([SB 1732](#)) that would require the State University System to develop a plan to elevate a state college to the university system. (Monday, 3:15 p.m., 301 Senate Office Building.)

NUMERIC STANDARDS: The House Federal Affairs Subcommittee takes up a measure ([HB 239](#)) that would prohibit the state, water management districts or local governments from putting into practice numeric water quality standards established by the U.S. Environmental Protection Agency. The state is in an ongoing fight with the feds over the water standards that were imposed after a federal judge ruled the agency was dragging its feet enforcing the Clean Water Act.. (Tuesday 4 p.m., 212 Knott Building, The Capitol.)

CABINET LOOKS AT RULE CHANGES: The Governor and Cabinet take up a relatively light agenda that includes some routine bond sales and reports. The panel is expected to approve a series of changes to state land purchasing rules that will allow staffers in the Department of Environmental Protection to take action on certain submerged land lease proposals without having to seek Cabinet approval. The group will also be updated on the state's debt affordability status and be asked to approve a trio of amendments requested by the State Board of Administration regarding notification requirements of the Florida Retirement System. (Tuesday, 9 a.m., Cabinet Room, The Capitol.)

FEDERAL PROSECUTOR MUSLIM OUTREACH: Pamela C. Marsh, U.S. Attorney for the Northern District of Florida, will discuss how she is reaching out to Muslim, Sikh and Arab-American communities in North Florida in a public lecture at The Florida State University. Marsh's talk will be followed by brief remarks from Parvez Ahmed, an associate professor of finance at the University of North Florida, member of Jacksonville's Human Rights Commission; Adam Gaiser, assistant professor of religion at FSU, an expert on Islamic sectarianism and faculty adviser to FSU's Muslim Student Association; and Rabbi Jack Romberg of Temple Israel in Tallahassee. The FSU Center for the Advancement of Human Rights is sponsoring Marsh's talk as part of its "Human Rights and National Security in the 21st Century" lecture series in cooperation with the FSU College of Law, FSU's Muslim Law Students Association and The Village Square. (Thursday, 12:30 p.m., FSU College of Law rotunda, 425 W. Jefferson St., Tallahassee.)

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.