



Week Nine Session Summary March 5-9 March 12, 2012

2012 Legislative Session Comes to and End

After a strange trip that at one time threatened to short-circuit the session, the Legislature approved a budget a shade over \$70 billion Friday, allowing lawmakers to leave the Capitol on time even as a Supreme Court ruling ensured they would return. The budget measure passed the House on a party-line, 80-37 vote; the Senate followed suit just minutes before the session concluded with a bipartisan, 32-8 vote. (Source: News Service of Florida)



House Sergeant at Arms Earnest Sumner, left and Senate Sergeant at Arms Donald Severance drop their handkerchiefs to signal the close of the 2012 legislative session, Friday at the Capitol in Tallahassee.

PHOTO: Colin Hackley

Final Fund Allocations for Colleges Slightly Improved

Despite it being a tight budget year for the state as a whole, our 28 colleges fared pretty well. As a whole the Community College Program Fund has increased by about 1.55% to \$ 1,039,274,647. With a 5% authority to increase tuition, the overall fund gain is 3.18% for a total of \$ 1,988,318,037. Overall increases per college range from 1.14% to 14.01%.

Comprehensive Bill Summary Being Developed – AFC Member Teleconference to Follow

In this final 2012 issue of *Perception*, there will be no tracked bills updated. The AFC

Legislative Committee (college lobbyists) is working diligently on compiling its annual Legislative Summary and Bill Report. Your *Perceptions Extra* will be sent out in about two weeks and will provide a summary of all tracked bills passed that impact our colleges. Once completed, we will schedule another AFC member teleconference.

FROM THE NEWS SERVICE OF FLORIDA WIRE...

How Can We Miss You When You Won't Go Away?

Lawmakers will return to the Capitol on Wednesday -- less than a week after the final day of the regular session -- to begin crafting new lines for the state Senate, according to a proclamation issued late Friday night by Gov. Rick Scott. After the Florida Supreme Court struck down the Senate maps, Scott's legal team had spent at least part of the day trying to decipher a vague part of the Florida Constitution that could be read either to say Scott had to issue a proclamation within five days or that lawmakers actually had to return within five days; the governor eventually went with the latter. Senate Reapportionment Chairman Don Gaetz, R-Niceville, said his committee would meet Wednesday to begin reviewing the decision. The Legislature hopes to pass a bill the week of March 19, but have until 11:59 p.m. on March 28 under Scott's proclamation.

Senate Kills Bill to Let Parents Choose Fate of Failing School

The Senate defeated a bill that would have let parents decide what to do with their children's failing schools on a tie vote Friday, the latest and perhaps final victory for a dissident faction of the GOP caucus as the curtain came down on the 2012 legislative session. Eight Republicans -- most of them reliable members of the maverick group -- joined with all 12 Senate Democrats to kill the measure ([SB 1718](#)). Republicans voting against the bill included Sens. Charlie Dean of Inverness, Nancy Detert of Venice, Paula Dockery of Lakeland, Mike Fasano of New Port Richey, Alan Hays of Umatilla, Dennis Jones of Seminole, Evelyn Lynn of Ormond Beach and Steve Oelrich of Gainesville. The defeat of the measure - called the "parent trigger bill" by some because it would have let parents trigger certain changes, was the latest blow to the Senate leadership, which earlier this year lost a notable vote on prison privatization because of GOP opposition. Five of the Republicans who voted against the education measure also opposed the prison bill.

Sales Tax Holiday

Shoppers who look forward to a tax holiday each August appear to be in luck again this year. Florida lawmakers are expected on Friday to renew the program, which coincides with the return to school in most areas. During the tax holiday, shoppers would not have to pay state or local sales taxes on clothing, footwear, wallets and bags that cost \$75 or less or pay taxes on school supplies worth \$15 or less. A Senate budget panel on Wednesday approved a tax cut package that includes a three-day sales tax holiday from Aug. 3-5. The measure is part of a \$120 million tax package that goes before lawmakers on Friday. Florida, which has had 10 tax holidays since 1998, is among 20 states that have offered taxpayers a back-to-school tax holiday.

FSU and UF Could be "Pre-Eminent Universities"... if the Governor Approves

Florida's two major research universities could gain wide power over how much to charge students under a bill sent to Gov. Rick Scott on Thursday. The legislation would allow the University of Florida and

Florida State University to raise tuition above the current 15 percent a year cap — if it survives the veto pen of the governor. Scott has steadfastly said he is opposed to letting universities raise tuition this year.

"I don't believe in tuition increases, so I am going to look at that very closely," he said when asked about it.

The bill would allow any university that meets a list of criteria to ask the Board of Governors to raise tuition above the existing 15 percent a year cap. It would also set different tuition rates for different types of programs. It not only deals with tuition but it would also allow FSU and UF to require between three and four extra classes for freshmen. Students entering the schools this fall could not use credit earned in high school in advanced placement classes or other dual-enrollment programs to fulfill the requirement.

The legislation is an outgrowth of a complaint by House Speaker Dean Cannon, R-Winter Park; the state university system is mired in mediocrity and suffered from political interference over the years. The House spent hours listening to university presidents and eventually crafted two bills designed to aid the university system and change the rules for college graduation requirements. Supporters of the bill contend the extra tuition will allow UF and FSU to compete nationally with well-known public universities in North Carolina, Virginia and Michigan.

The Senate voted 36-3 on Thursday for the bill. Among those voting no was Senate President Mike Haridopolos, R-Merritt Island, who has a teaching job at UF. He said he was opposed to higher tuition. The House vote followed a contentious debate in which some Democrats said it would put too much of a burden on students in a time of economic hardship.

No Repeat of Sandusky Scandal in Florida, Legislators Promise

The Legislature passed the nation's most expansive and hard-hitting mandatory abuse reporting bill to prevent the kind of cover-ups that produced national scandals at Penn State and Syracuse.

The bill, Florida HB [1355](#), "Protection of Vulnerable Persons," imposes a fine of up to \$1 million each time any public or private Florida college or university whose administration or law enforcement agency willfully and knowingly fails to report child abuse that occurs on its campus, in any of its facilities, or at/during college or university-sponsored events and functions. This makes Florida the first state in the nation to better protect children from institutional cover-ups of child sexual abuse, brought to light by the Penn State scandal. The bill also closes a loophole in the law to require that the Florida Child Abuse Hotline accepts reports regardless of who commits the abuse, even if the alleged abuser is not a direct caregiver.

Changes to the Board of Governors

Florida voters will be asked to change the membership of the panel that oversees the state university system. The Florida Senate voted 37-3 on Thursday to place on the ballot a constitutional amendment dealing with the Florida Board of Governors. If voters say yes, the student member on the Board of

Governors will come from a council of student body presidents. Currently the student member comes from a group known as the Florida Student Association. Florida State University leaders complained about the arrangement since they had pulled out of the association.

Issues Unresolved-Special Session Likely

The Florida Legislature drops the curtain Friday on an annual lawmaking session clouded by the politically combustible redistricting process, with a trove of costly and controversial tax, insurance and classroom issues still hanging in the balance. Although the clock runs out on the 60-day session at midnight, the fate of a proposed overhaul of Florida's no-fault auto-insurance law — the \$10,000 in health coverage known as PIP that all Florida drivers are required to purchase. With Gov. Rick Scott, House Republicans and powerful insurance and business lobbyists calling current rates a "fraud tax" and backing a sweeping House overhaul ([HB 119](#)) that would restrict medical-care choices and cap attorney fees, time might run out on the issue for now. Consumer groups, doctors and hospitals prefer the Senate version, which would impose new licensing requirements on medical providers, eliminate massage therapy and acupuncture from covered care and set up a new anti-fraud unit while mandating a 25 percent rate cut. But Scott made clear Thursday that anything less than the House version would be unacceptable, setting the stage for a potential special session.

Budget Pain Felt Across the State

Lawmakers passed a \$70 billion 2012-13 budget that is loaded with millions in hometown projects for lawmakers, increases spending on schools by about \$840 million but slashes \$200 million in prison spending and \$300 million from universities – likely forcing them to raise tuition. The budget also cuts funding for court clerks, provides \$55 million from the state's traditional public-school construction program to build charter schools, doubles spending on tourism advertising and gives the governor \$86 million in corporate tax-incentives. Then there are two-dozen related spending bills that include \$120 million in tax breaks for airplane-engine repair shops, phosphate miners, onshore oil-drillers and others, ([HB 7087](#)) and a push by the Senate's budget chairman to create a new state "Polytechnic" university in Lakeland.

Another spending bill ([HB 5301](#)) involves a **Medicaid** billing fight that smacks counties with between \$70 million and \$150 million for uncollected bills locals say are flat-out wrong. The problem stems from a new billing system for Medicaid services the state put in place in 2008, which locals say has been plagued with problems and inaccurate billing statements that list the wrong residences for people treated and log duplicative charges.

The measure would block counties from getting a half-cent sales tax for Medicaid services until their debts are paid back, and counties would have to go to court to prove the bills were inaccurate. Of affected Central Florida counties, Orange would have to repay \$14.7 million; Lake \$2 million; Osceola \$3.1; and Volusia \$3 million. Broward County would have to come up with \$14.8 million and Palm Beach County

\$8 million. Senate Budget Chairman JD Alexander, R-Lake Wales, said counties could make their case to an administrative judge if they felt wronged.

Texting While Driving Remains Legal

A bill to ban texting while driving had some traction in the Senate but failed to elicit much attention in the House. The proposal ([SB 416](#)) would have allowed law enforcement officers to tack on a ticket for texting to motorists pulled over for other driving offenses. While the Senate plan got to the floor, three bills in the House never got out of park after being bottled up in a key House subcommittee chaired by Eucheanna Republican Brad Drake.

Online Travel Battle to Continue In Courts

Lawmakers ended the session Friday without resolving a years-long fight between online-travel companies and counties about hotel bed taxes. That likely means the issue will continue slogging through the courts. For instance, numerous counties and online-travel companies, such as Expedia and Orbitz, have been battling in lawsuits filed in 2009 in Leon County. The companies, which serve as middlemen between hotels and travelers, charge customers for room rentals and fees related to providing the service. The dispute centers on whether the online-travel companies should have to pay tourist-development taxes on the total cost, or only on the portion that goes for room rental. Bills were filed in the House and Senate to try to resolve the issue, but they never received committee votes.

Scott Gets Bill to Clarify His Executive Branch Power

In the waning hours of the session Friday the Senate passed a bill aimed at clarifying that the governor has the authority to exercise control over bureaucrats in his own agencies. The Florida Supreme Court last year found essentially that rulemaking power was vested in agencies by the Legislature and could only be done the way it was laid out for the agencies in the Administrative Procedures Act. That ruling came in *Whiley v. Scott*, when new Gov. Rick Scott tried to freeze all rulemaking and create a process to undo some rules that had gone through the APA process spelled out by lawmakers. The bill ([HB 7055](#)), which passed the House 81-33, a week earlier and was approved by the Senate 29-11 Friday, would clarify that the governor has the authority to determine how agencies will carry out rulemaking except when the Legislature clearly says otherwise.

Citizens Assessment Bill Comes In Under Wire

By a unanimous vote, Senate on Friday approved [HB 1127](#), which reduces from 6 percent to 2 the regular assessments on Citizens Property Insurance Corp. coastal accounts and eliminates it for other residential and commercial accounts. The bill, one of the last passed in the 2012 session, would make up the loss of revenue by shifting the repayment of losses by levying emergency assessments on a wider pool of policyholders and lengthening the repayment period. Citizens now has about \$12.8 billion available to pay claims until it would be required to seek assessments to pay claims. Meanwhile, the cost of a one in 100 year storm would be \$23.2 billion. The bill now goes to the governor.