



### **Session Comes to a Whirlwind Ending**

The 2014 Legislative Session ended with little fanfare on May 2 at about 10:40pm. Of close to 2,000 bills filed by the House and the Senate, 254 bills passed during the 2014 Session.

### **Florida College System Budget Summary**

- Program Fund = \$ 1,132,423,739 (+2.8%)
- Performance Incentives = \$ 5,000,000 (new)
- Standard Tuition = \$ 840,685,423
- Florida Virtual Campus = \$ 9,006,230 (-27%) reduced by amount of reserve
- Commission on Community Service = \$ 683,182

### **FRS Changes Fail in the Senate, Again....**

The latest attempt to overhaul the FRS collapsed on the Senate floor last Wednesday, ending House Speaker Will Weatherford's drive to achieve one of his top priorities.

A procedural move scuttled attempts to bring the House version of the bill ([HB 7181](#)) before the Senate. The measure didn't come up in an afternoon session, and the sponsor said afterward that the bill is dead. The apparent death of the legislation deprives Weatherford of something he has sought his entire term as speaker. Weatherford has pushed various versions of the pension overhaul over the last two years, outraging public-employee unions and sparking intra-party fights in the Senate GOP caucus. In 2013, many of the same Republicans who voted against the bill Wednesday opposed a proposal that would have closed the traditional pension plan to new workers and forced them into a 401(k)-style investment plan.

When the Senate tried to take up the House version of the bill --- which blends the Florida Retirement System changes with a relatively non-controversial revamp of local police and firefighter pensions --- Sen. Jack Latvala, R-Clearwater, made a motion that would have required a two-thirds vote to hear the House legislation. The motion failed when the 21-15 margin did not provide the 2/3 majority required.

### **FLORIDA SENATE PASSES LEGISLATION TO REDUCE THE COST OF THE FLORIDA PREPAID COLLEGE PROGRAM**

The Florida Senate today approved [SB 732](#), the Stanley G. Tate Florida Prepaid College Program, sponsored by Senator Bill Galvano (R-Bradenton), Chair of the Senate Subcommittee on Education Appropriations. SB 732, Stanley G. Tate Florida Prepaid College Program, aims to provide the Florida Prepaid College Board better predictability of future tuition and fee payments to universities, thus reducing the cost of prepaid contracts. The maximum assessment and payment for state university registration fees, tuition differential fees, local fees, and dormitory fees is capped at no more than the actual cost charged by the state universities for such fees.

### **CS/SB 850 by Legg regarding Dual Enrollment & Early College Collegiate High School**

- Collegiate High School Program – Dual Enrollment Provisions:
  - Requires each FCS institution to work with school districts to establish one or more collegiate high school programs in the service area.
  - At a minimum this must include an option for grades 11 or 12 for at least 1 full school year, to earn CAPE industry certifications and complete 30 credit hours through dual enrollment toward the first year of college for an associate or baccalaureate degree.
  - Requires a contract with school district for one or more agreed upon locations. Beginning with 2015-16 school year, if the college does not establish a program in its service area, another FCS institution may do so. Contracts must be executed by January 1 of each school year for implementation of the program during the next school year. Contract must include the following:
    - Identify grade levels to be offered.
    - Describe offerings of courses and industry certifications, online availability, high school and college credits earned for each postsecondary course and industry certifications earned, student eligibility criteria and the enrollment process.
    - Methods to inform parents and return on investment associated with participation.
    - Performance outcomes and other reporting requirements.
    - Requires a contract with the parent, student and school officials.
    - Allows school board to execute a contract with a state university or a nonprofit independent college or university that is SACS accredited (ICUF schools).
    - Funding is identified in 1007.271 (see conforming 5101 below) and is also available to ICUF schools.
    - DOE is authorized to withhold transfer of funds to school districts and colleges for noncompliance.

### **Career and Professional Education (CAPE) Provisions:**

- Requires the Commissioner to recommend the CAPE Industry Certification Funding List, and include the career pathways list approved for the FL Gold Seal Vocational Scholars Award.
- Limits to no more than 15 CAPE Digital Tool certificates to word processing and others that do not articulate for college credit.
- Requires the Articulation Coordinating Committee to review and make recommendations to the State Board of Education for approval.
- Specifies K-12 funding for CAPE certificates including additional funding for CAPE Acceleration Industry Certifications that articulate for 15-29 college credit hours and 1.0 FTE for those that articulate for 30 or more college credit hours.
- Expands Corporate Tax Scholarships Programs

### House Bill 5101- Conforming Bill

- **PECO:** Creates method to save funds necessary to cover payments for PECO trust fund payments. Required the legislature to set aside funds. Will not impact amount of PECO funds
- **BACCALAUREATE DEGREES:** Restricts the State Board of Education, and St. Petersburg College, from approving any new baccalaureate degrees before May 31, 2015. No special exceptions allowed.
- **SUS:** Created Master's degree at New College. Created Florida Center for Cybersecurity at USF.
- **FLVC/FCLA:** Under UWF, creates Florida Academic Library Services Cooperative, Complete Florida Plus, Statewide catalog of distance learning courses, statewide online student Advising Services and Support (FLVC) .
- **K-12:** Includes digital classrooms, computer science and technology instruction
- **DUAL ENROLLMENT (DE):** Allows for DE agreement with any postsecondary institution. School District is required to pay public postsecondary institutions tuition for courses at the institution in fall or spring term. District required to only pay cost of salary and benefits, not 'other actual costs', when courses offered at high school by postsecondary instructor. District no longer required to pay if course offered at high school by high school faculty. States that summer tuition is subject to an annual appropriation.
- **SCHOLARSHIP:** Creates the National Merit Scholar Incentive Program. Any National Merit Scholar or Achievement Scholar who is a resident, and who enrolls in baccalaureate program at a regionally accredited public or private postsecondary institution is eligible.

### HB 851 by Nunez regarding Residency and Tuition

On Thursday, the Senate passed **HB 851**, followed by the House on Friday. Among other provisions, the bill will allow children of undocumented immigrants who attend a Florida high school for three years and graduated the chance to receive in-state tuition. The Senate version of the bill was sent back to the House for final approval Friday morning. After some debate and a few amendments, which failed, the bill passed overwhelmingly. Shortly after the Senate vote on Thursday, **Gov. Rick Scott** gathered with reporters on the fourth floor Rotunda with a promise that he would sign the bill into law. Below is a brief summary of the bill.

- **FLORIDA PREPAID:** Amends law so that tuition differential tuition impact on prepaid is negated.
- **TUITION:**
  - For adult education, eliminates reference to non-residents, resulting in a single block tuition of \$45 per year or \$30 per term for all students.
  - For all public postsecondary education:
    - Corrects the current level of tuition stated in the Statute. Tuition is established in the Appropriations Act, and did not increase.
    - Eliminates the option to raise tuition equal to the rate of inflation, if tuition was not addressed in the Appropriations Act.
  - For universities, limits differential tuition to preeminent universities. Also limits to 6%, and that 6% is tied to performance standards
- **OUT OF STATE FEE WAIVERS:**
  - Requires all public higher education to waive out-of-state fees for students who are undocumented for federal immigration purposes and who:
    - Attended a secondary school in Florida for 3 consecutive years immediately prior to graduation from Florida high school
    - Apply for enrollment within 24 months of high school graduation
    - Submit official Florida transcript.
  - Waivers limited to 110% of required credit hours

- Reporting is required as to the number and value of the waivers.
  - State University System system-wide cap is to include students covered by waiver
  - Students who are granted the waiver are not eligible for state financial aid
  - Priority in non-resident student enrollment system-wide is to be given to veterans with waivers over students given waivers via this act.
- **RESIDENCY**
    - Amends definition of parent to allow for either or both parents, any guardian, or any person in a parental relationship (which is not defined.)
    - States that a dependent child cannot be denied classification as a resident for tuition purposes solely based on the immigration status of the parent. (Codifies the Ruiz ruling)
    - Reduces the amount of time a child must live with a relative from 5 years to 3 years in order to use the relative's documentation
    - Simplifies the statute related to residency status changes due to marriage.

#### **Bills that Failed**

- **Florida Retirement System** [HB 7173](#) and [SB 1114](#)
- **Textbooks Postsecondary** [CS/HB 355](#) and [CS/SB 530](#)
- **School District's Technical Colleges** [CS/CS HB 7057](#) and [CS/SB 1202](#)
- **Postsecondary Tuition FCS Baccalaureate Degrees** [CS/SB 1148](#) and [CS/SB 1710](#)
- **Preference in Awarding State Contracts** [CS/CS/SB 612](#) and [CS/HB 801](#)
- **School Safety (Guns on Campus)** [CS/HB 753](#) and [CS/SB 968](#)
- **Background Screening** [SB 1204](#) and [C/ HB 707](#)
- **Public Records** [CS/CS/HB 135](#) and [SB 728](#)
- **Public Records and Meetings** [SB 1648](#) and [CS/HB 1151](#)

#### **Congratulations New Florida College System Trustees**

The Senate has approved new and re-appointments to several college Boards of Trustees:

- Sandra Balfour, College of Central Florida
- Virginia Stuart, Chipola College
- Stanley Escudero, Daytona State College
- Garry Lubi, Daytona State College
- Eric Loche, Edison State College
- Braxton Rhone, Edison State College
- Christopher Vernon, Edison State College
- Elena Spottswood, Florida Keys Community College
- Donald Crisp, Gulf Coast State College
- Vicki Davis, Indian River State College
- Sandra Krischke, Indian River State College
- Kathryn McGinnis, Florida Gateway College
- Miguel Tepedino, Florida Gateway College
- Marcia Butler, Lake-Sumter State College
- Bret Jones, Lake-Sumter State College
- Tim Morris, Lake-Sumter State College
- Peter Wahl, Lake-Sumter State College
- Robert Wyatt, State College of Florida, Manatee-Sarasota
- Amando Bucelo, Jr., Miami-Dade College
- Helen Ferre, Miami-Dade College
- Bernardo Navarro, Miami-Dade College

- Ricky Lyons, North Florida Community College
- Carolyn Williams, Palm Beach State College
- Rao Musunuru, Pasco-Hernando State College
- Carol Carlan, Pensacola State College
- Chip Simmons, Pensacola State College
- Frank White, Pensacola State College
- Stephania Stanley Wilson, Pensacola State College
- Herbert Woll, Pensacola State College
- Ricardo Garcia, Polk State College
- Brian Keith, St. Johns River State College
- Amy Lockhart, Seminole State College
- Kevin Vaughn, Tallahassee Community College
- John Crossman, Valencia College
- Maria Grulich, Valencia College
- Raymer Maguire, Valencia College

#### **FROM THE NEWS SERVICE OF FLORIDA WIRE.....**

In some ways, it was a session of the unexpected. When lawmakers decamped to Tallahassee at the beginning of March, the agenda was full of conservative red meat. Taxes and fees would be slashed by \$500 million. The state's de facto school-vouchers program would be expanded. Military veterans would be given benefits in something dubbed the "Florida GI Bill." Public-employee pensions would be overhauled. And, if all went well, Gov. Rick Scott would be placed on a glide path to re-election.

Most of those things happened -- though, it should be noted, the pension changes went down in flames. Some of them happened in an unexpected way, such as the voucher expansion, which seemed dead 12 hours before it was revived. But other items that weren't on the radar or at best looked like long shots before the Legislature was gaveled into session in March ended up headed to Scott's desk by the time of the Legislature's traditional adjournment "sine die."

Some undocumented immigrants will be able to pay in-state tuition at Florida colleges and could become eligible to practice law in the state. And Republicans furiously fighting against a constitutional amendment that would allow the use of marijuana for medical problems backed a proposal that would give access to a non-euphoric version of the drug to rein in frequent seizures. Scott said he would sign those measures. Other issues of interest mostly to Adams Street insiders and the most politically active citizens also moved through. Under one bill, the 2016 session will begin in January. Under another measure, voters will decide this fall whether outgoing governors should replace retiring Supreme Court justices when they're leaving office at the same time.

As for Scott's re-election -- polls are all over the map. Former Gov. Charlie Crist, the most likely Democratic nominee, is ahead by a lot, or a little, or in a dead heat with his successor, depending on which survey you prefer. Scott has already spent what Democrats estimate to be about \$20 million on campaign ads, but if he reaches his self-identified fundraising goal for the election, there's \$80 million more where that came from. And most Floridians are either just beginning to tune into the contest or waiting for a few more months before they make up their minds.

#### **2014 WORK PLAN: NOT ACCORDING TO PLAN**

For the second year in a row, House Speaker Will Weatherford, R-Wesley Chapel, and Senate President Don Gaetz, R-Niceville, touted their ability to compromise and reach a joint "work plan" for their chambers -- a shared agenda meant to serve as a contrast to the often-toxic relationship between their predecessors, former House Speaker Dean Cannon and former Senate President Mike Haridopolos.

For the second year in a row, the document included changes to the Florida Retirement System as one of its components. And for the second year in a row, the work plan was largely a success -- except for the FRS changes. Gaetz said afterward that the two leaders won approval for "about 4.3" of their five work plan entries.

The failure of the pension overhaul was particularly frustrating for Weatherford, who was the primary force behind overhauling the retirement system for hundreds of thousands of state and county employees. On Wednesday, Weatherford wasn't quite ready to concede defeat on the initiative -- but was already eulogizing the plan, which went through multiple versions as lawmakers looked for the combination that could pass the Senate.

Another one of Weatherford's work-plan priorities came down to the very end, when a drive to expand eligibility for the state's de facto voucher program passed in the waning hours of the session. The plan appeared dead on Thursday evening after Democrats used a procedural move to block it on the Senate floor. But Republicans revived it Friday morning, tacking it onto another education measure (SB 850). That bill passed -- only to twice be put on hold in the House, as lawmakers discussed whether to take off language dealing with diplomas for students with disabilities, an issue that was a priority of Sen. Andy Gardiner, an Orlando Republican who will take over from Gaetz following the November elections. Ultimately, the House let the measure pass unchanged.

Other work-plan priorities -- including increasing benefits for veterans, slashing taxes and fees by \$500 million and improving state services for the elderly and children -- proved easier to pass, usually by broad, bipartisan margins. "While there's dysfunction in Washington, D.C., and other states around the country, you showed that we could put policy above politics. We could put Florida above politics. And we can pass a significant work plan that changes the way that our state grows and changes the way that we prosper," Weatherford said after the session ended.

### **GAMBLING GOES BUST**

A gambling overhaul was a crap shoot from the beginning, and in the end it turned out to be no dice. Lawmakers spent \$400,000 on a gambling analysis by New Jersey-based Spectrum Group, didn't like the first version the industry group provided and, ultimately, shelved any gambling legislation altogether. Out-of-state gambling operators have pushed the Legislature for several years to approve "destination resorts" --- a term that this spring morphed into "integrated resorts." The issue split the business community, with the Disney-friendly Florida Chamber of Commerce ardently opposed to the idea while Associated Industries of Florida, after buddying up with Las Vegas Sands, arguing that casino resorts would be an economic and jobs boon to the state.

The Senate Gaming Committee took its show on the road, holding six hearings throughout the state to take testimony from folks on both sides of the issue, before floating a proposal that would have allowed two casino resorts --- one each in Broward and Miami-Dade counties --- that would have paired hotels, retail and slots. But Weatherford effectively put any gambling plans on ice early in the session when he laid out two requirements for any legislation to pass his chamber. Weatherford wanted a constitutional amendment to go on the November ballot that, if approved by voters, would have required a statewide vote on any future gambling expansions.

What finally killed any gambling proposals this session was Weatherford's almost insurmountable second condition --- that Scott complete a deal with the Seminole Tribe of Florida before the end of the session. Scott is negotiating the portion of a 2010 compact that gave the Seminoles the "exclusive" rights to banked card games, including blackjack, at five of its seven facilities in exchange for \$1 billion over five years. The card deal expires on Aug. 1, 2015.

Just a week before the session ended, Scott's envoys --- Lt. Gov. Carlos Lopez-Cantera, the governor's chief of staff Adam Hollingsworth and general counsel Pete Antonacci --- told House and

Senate leaders in private meetings that a deal with the tribe was imminent. Legislators who were part of the huddles said that Scott's team didn't reveal any details but were instead "taking the temperature" on the possibility of a special session in mid-May so the Legislature could ratify the compact. But news leaked out that the Seminoles were willing to pay more than \$2.5 billion over seven years to add another casino in Fort Pierce, and that the deal didn't appear to include any sweeteners for casino operators or the state's pari-mutuels.

### **GOING TO POT**

The Republican-dominated Legislature doesn't like pot. At least, not until this year, when, in an amazing turnaround, legislators gave overwhelming support to a medical marijuana proposal Scott has said he will sign. The proposal deals with a strain of marijuana that is low in euphoria-inducing tetrahydrocannabinol (THC) but high in cannabidiol (CBD). The strain, known as "Charlotte's Web," is supposed to dramatically reduce life-threatening seizures in children with a rare-form of epilepsy but has not been approved by the U.S. Food and Drug Administration.

Holley and Peyton Moseley --- a Panhandle couple who enlisted the support of Rep. Matt Gaetz, a Fort Walton Beach Republican who just happens to be the Senate president's son --- led the charge on the issue on behalf of their adopted daughter RayAnn and about 150,000 other Florida families they say can benefit from the low-THC marijuana.

Scott said he will sign the proposal (SB 1030), though the governor failed to limit the bill as he had hoped. The governor wanted to only allow patients involved in clinical trials to have access to the marijuana, usually administered in paste or oil form. "I'm a parent and a grandparent. I want to make sure my children, my grandchildren, have the access to the health care they want," Scott told reporters after the measure received final approval from the Legislature on Thursday.

Politically, some Republican lawmakers were faced with a dilemma. For them, approving even a strain of cannabis that purportedly doesn't get users high was troubling. What made it even more problematic was many Republicans' staunch opposition to a proposed constitutional amendment on the November ballot that would allow doctors to order regular old marijuana for critically ill patients.

"I think after people analyze it they are going to kind of line up. They'll either say there is a right way involving these derivatives and there's a wrong way and contrast it with the amendment. Or they'll say people are going to get this all mixed up and think I'm for (medical marijuana). ... It depends how their district reads and how they want to be seen," House Judiciary Chairman Dennis Baxley, R-Ocala, said earlier this year.

Holley and RayAnn Moseley met briefly with Scott in his office after the low-THC bill passed. For Holley Moseley, the issue is all about saving lives of children like RayAnn, who sometimes has hundreds of seizures a week. "I just look forward to the day that she gets to start it. Hopefully we'll be coming back next year to brag and show her off," she said.

### **IMMIGRATING TO A NEW POSITION**

For years, Florida Republicans have found strong opposition to illegal immigration -- and anything that might encourage it -- safe political ground. Scott himself got elected in part by labeling then-Attorney General Bill McCollum insufficiently tough on illegal immigration during the 2010 GOP primary.

Then came the Mitt Romney wipeout in 2012, when Latinos helped propel President Barack Obama's re-election victory nationwide -- and in Florida. Suddenly, insiders from Washington, D.C., to Tallahassee were looking for new ways to appeal to Hispanic voters, many of whom viewed anti-illegal immigration rhetoric as a window into an anti-Latino mindset among some in the GOP.

In Florida, Republicans settled on two proposals: One that would allow undocumented immigrants brought to America as children to pay in-state tuition at state colleges and universities, and another paving the way for an undocumented immigrant to practice law in Florida.

In perhaps the highest-profile turnaround, Scott has promised to sign both bills, and in particular championed the tuition legislation, which also does away with the ability of most state universities to request tuition increases from the Florida Board of Governors without legislative approval. (The University of Florida and Florida State University will keep that authority, but at a much lower level.)

The measure (HB 851) allowed Scott to needle Crist, who opposed similar proposals when he was governor but also now supports them. "We are trying to right the wrongs of the previous administration that raised the price of a college education and opposed providing in-state tuition for children of immigrants," he said in a statement Friday. "The Legislature did the right thing, and I look forward to signing this historic legislation."

The more personal measure, though, might have been the one that will allow Jose Godinez-Samperio the right to become a lawyer in Florida. Helped out by a push from influential Senate Rules Chairman John Thrasher, R-St. Augustine, and Sen. Darren Soto, D-Orlando, the measure became law after being attached to another bill (HB 755). Posing for a photograph while clutching the 26-7 vote sheet in his hand Friday evening, Godinez-Samperio said Friday evening he "thought this was going to be a disaster" when he and his team first started lobbying the Legislature to change the law. "I'm ecstatic," he said. "It's a dream come true. It's a great day for Florida."

In a sign of the limits of the GOP's evolution on immigration, neither bill would have become law without the support of Democratic lawmakers. But as he addressed the House on the tuition bill, Rep. Jose Javier Rodriguez, D-Miami, still entertained the possibility that things had changed in Florida for good. "I hope that this signals an end to the anti-immigrant extremism that has reigned in both of these houses for over a decade," said Rep. Jose Javier Rodriguez, D-Miami.

#### **AND ONE MORE THING**

One bill will never be a surprise when it passes the Legislature: The budget for the coming fiscal year, which begins July 1. Lawmakers are constitutionally incapable --- literally --- of going home without deciding how to spend the tens of billions of dollars that come in from the state's taxpayers and the federal government.

In this case, it was nearly \$77.1 billion, a record in terms of raw dollars. The state's economic recovery appears to be picking up steam. And while Scott and Crist argued over whether the governor or the president deserves more credit, the Legislature was more than happy to shower the extra funding on public schools, child welfare and more than a few local projects.

Not to mention the \$500 million in tax and fee reductions --- most of it spoken for in a measure Scott has already signed to roll back an increase in motor-vehicle fees signed by (not coincidentally) Crist. The other \$105 million was covered by a mish-mash of tax holidays, credits and exemptions that the House sponsor, Rep. Ritch Workman, R-Melbourne, labeled a "patchwork of awesomeness."

The handful of Democrats who voted against the bill were left with only one complaint: Lawmakers should have spent more, particularly on education and trimming waiting lists for state services. "The economy is good. We're moving in the right direction. There's more money around. But there's a problem with priorities," said Rep. Elaine Schwartz, D-Hollywood.