



## **The BUDGET!**

It wasn't good news for the state when it was announced that the revenue forecast for 2016-17 FY was about \$400 million less than estimated earlier.

However, the FSC lobbying team is working it hard. Senate Appropriation Subcommittee chairs received their budget allocations on January 21. According to House Education Appropriations Chairman Erik Fresen, the House chairs could receive their allocations at any time in the next few days.

The Legislature's appropriations process will begin officially next week when subcommittees in both chambers begin discussing details of their budget plans. House Appropriations leader Richard Corcoran confirmed that House budget subcommittees are scheduled to meet January 28 to review the details of their portions of the budget. Then, a complete draft budget, including conforming and implementing bills, will be published on January 29. The full Appropriations Committee will debate and vote on the budget on February 3. The budget is scheduled for debate and a vote on the House floor February 10 and 11.

Chairman Gaetz indicated that the Senate is on a similar timeline. Subcommittees will meet next week, with the full appropriations committee expected to take up the budget during the fourth week of session. The Senate spending plan will be taken up by the full Senate during the fifth week of session.

So, what can we expect for Florida colleges and our total ask of \$237 million in new funds? It is very unlikely we will get anywhere near the total, but we have to aim high to land somewhere comfortably. Senator Gaetz told us that because of lower revenue estimates, he has been told to prepare for possible budget cuts. Chairman Fresen was less pessimistic. He said he plans to put placeholder numbers in his initial budget for each of the COP budget priorities, workforce enhancement, performance funding, and campus safety. He will endeavor to give us some money for each priority. We should expect the numbers to fluctuate as we move through the process. Lastly, both chambers, at first, will simply put total PECO numbers into their budgets; these totals will be broken down into specific college allocations toward the end of the negotiations.

## **Guns bills**

- [SB 68](#) by Evers (Identical [HB 4001](#) by Stuebe)  
This bill would allow the unrestricted carrying of currently prohibited concealed firearms and other weapons into college and university facilities. The AFC has adamantly opposed this bill. Senate Judiciary Committee chair announced this week that he does not intend to schedule the bill for hearing in his committee, which is the next stop. This should effectively kill the bill for this year, however we will be diligently watching to assure no amendments to resurrect it are attached to other guns bills still in play. The House Bill 4001 has passed all three committees of reference there and is ready for a vote by the full House if they choose to bring it up.

- [SB 300](#) by D. Gaetz (Similar [HB 163](#) by M. Gaetz)  
Among other provisions related to the carrying of concealed firearms or weapons, this bill would allow individuals with a concealed carry license to openly carry a firearm or weapon in public. Current exemptions for colleges and universities are not affected. The House bill is in its final committee assignment, House Judiciary. The Senate bill is waiting to be heard in Senate Judiciary.

### **Discrimination Bills**

- [SB 120](#) by Abruzzo \*Similar [HB 45](#) by Raschein)  
This bill adds “perception” of “sexual orientation, gender identity or expression” to the protections from discrimination in law
- [SB 320](#) by Richter (Similar [HB 391](#) by Passidomo)  
This bill provides a public records exemption and protection for current or former Emergency Medical Technicians/ Paramedics. Would apply for instructors/professors at colleges who are former EMTs or paramedics.
- [SB 448](#) by Clemens (Identical [HB 353](#) by Powell)  
This bill will prohibit questions about applicant’s criminal history on initial screening/application for public employers. Public employer may only inquire about criminal history after the applicant’s qualifications have been screened and the employer determines the applicant meets the minimum qualifications for that specific position.

### **Individuals with Disabilities**

- [SB 7010](#) by Fiscal Policy and Governmental Accountability committees (Similar [HB 7003](#))  
The Senate bill was laid on the table. The House bill has passed both chambers and is ready for the Governor’s signature. The Legislation addresses the employment and economic independence of disabilities including equal employment policy, financial literacy, and recognizes businesses that employ or support disabled individuals.

### **Fees and Fee Exemptions**

[SB 944](#) by Richter (Identical [HB 799](#) by Avila)

- This bill addresses out-of-state Fee Waivers for Active Duty Service Members. It requires public colleges and universities to charge tuition and fees equal to in-state rate for active duty members of the Armed Forces of the United States, regardless of where the service member is residing or stationed. The bill has three committees of reference but has not moved yet.

### **Performance Funding**

[HB 7043](#) by the Education Committee

- Among other provisions, the bill intends to codify university and college performance funding measures and metrics (previously enacted in the General Appropriations Act proviso language each year). The measures include:
  - Retention
  - Program completion and graduation rates,
  - Post-graduation employment,
  - Salaries & Continuing education for workforce education and baccalaureate programs

It requires that wage thresholds must reflect the added value of the certificate or degree. The bill also continues the practice of withholding a portion of each institution's funding pending performance, similar to last year, along with the requirement that institutions not meeting the minimum eligibility threshold will not share in the performance funds. There is no specific Senate companion bill at this time.

### **Career Education, Apprenticeships**

[HB 7017](#) by the Higher Education and Workforce Committee (Similar [HB 1343](#); [SB 726](#); [SB 1060](#); and [SB 1670](#))

- Several bills have been filed and are moving forward related to career programming as well as apprenticeships. The House has moved forward a comprehensive bill, HB 7017, created by the Higher Education and Workforce subcommittee, which has passed all of its committees and is on the Calendar. SB 726, filed by Senator Ring, is a companion, which has been “workshopped” by the Senate Higher Education Committee, but has not been acted on. HB 7017 also includes funding of \$3 million for new apprenticeship programs, and \$10 million for the Rapid Response programs as identified above. These bills include:
  - Allowance for technical centers under school boards to offer the applied technology diploma as college credit.
  - Creation of a Rapid Response Grant Program to encourage development and expansion of postsecondary programs for technical centers under school boards, and charter technical centers.
  - Significant changes to the statutes related to apprenticeship, providing:
    - Flexibility offering related instruction, which could result in new models of apprenticeship
    - Creation of the Florida Apprenticeship Grant Program (FLAG) to establish new programs

### **Other bills address these issues as follows:**

- [SB 1060](#), filed by Senator Legg, passed its first committee of reference on 1/20/16, but includes only the apprenticeship components.
- [SB 1670](#), filed by Senator Bean, is to be heard in the Higher Education Committee on 1/25/16 includes:
  - the same concepts as above for apprenticeship
  - Creation of a Rapid Response grant program only for the State Colleges.
- [HB 1343](#), filed by Representative Atkins, not heard yet, includes:
  - the same concepts as above for apprenticeship, but adds language requiring non-technical courses.
  - Creation of a Rapid Response grant program only for the State Colleges.

One additional bill, [SB 836](#) by Senator Gaetz, addresses the Rapid Response Grant Program, and will be heard on 1/25/16 in the Higher Education Committee. This bill creates the program under Complete Florida (formerly Florida Virtual/FACTS) in conjunction with Enterprise Florida. This bill allows ALL education and training providers, public and private, to participate in the grants. It also requires matching funds and evaluations.

**(Bill Summary Contributors: Michael Brawer, Matt Holliday, Victoria Hernandez, Don Payton, and Erin McColskey)**

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

When lawmakers return to Tallahassee every year for the legislative session, they are usually more or less proactive, passing legislation and holding committee hearings that shape the news that comes from the Capitol.

Every so often, though, outside events tend to shape what goes on in the Legislature more than the members of the House and Senate do. This week was one of those periods.

The biggest or most significant stories of the week --- including the decision of Senate leaders not to push forward with a redistricting appeal and the move by state economists to slash almost \$400 million from revenue projections --- involve legislative reactions. Senate leaders were reacting to court rulings, while lawmakers will have to react in the coming weeks to the economists' forecast. Meanwhile, much of the political energy remained focused on the Republican presidential primary, where real estate tycoon Donald Trump continued his reign in the polls.

It was only the second week of the session. For better or worse, the House and Senate will have to regain the initiative over the next several weeks. There are budgets to be passed and legislation to be hammered out. And no one, at least no one on the Republican side, wants a replay of the slow-motion collapse of the session that happened last year --- an encore that would take place just months before voters go to the polls.

But much of what they do before the traditional session-ending hanky drop could be shaped by what happened this week.

### **THE END OF THE LINE**

For nearly four years, Republican leaders in the House and Senate have been locked in the litigious equivalent of warfare with voting-rights organizations that say Senate and congressional districts drawn by the Legislature in 2012 violated a voter-approved ban on political gerrymandering.

After repeatedly losing at the trial-court level and repeatedly appealing to the Florida Supreme Court, top lawmakers announced this week that they've had enough. Senate President Andy Gardiner, R-Orlando, said his chamber would not appeal a ruling that would result in a version of the Senate map drawn by the voting-rights groups.

The ruling, issued last month by Leon County Circuit Judge George Reynolds, gives Democrats a chance at eating into the GOP's 26-14 edge in the state Senate during the November elections--- and maybe a far outside chance of breaking even in the chamber.

Senate Reapportionment Chairman Bill Galvano, R-Bradenton, said it was time to move on.

"At this point, with the lines themselves, I think the members of the Senate are ready to have closure with regard to those lines," Galvano, who also serves as Senate majority leader, told reporters. "We want to do our work this session and then pivot into the political season."

Galvano said he believed there were still open questions about how lawmakers should operate under the anti-gerrymandering Fair Districts amendments, added to the Florida Constitution in 2010. But he suggested those issues could be hammered out during a constitutional revision commission that starts meeting next year or when the once-a-decade redistricting process rolls around again in 2022.

A lawyer for the coalition of voting-rights groups, including the League of Women Voters of Florida and Common Cause Florida, declared an unqualified victory. The organizations also drew a congressional map that will be used in November.

"In 2010, Florida voters sent a strong message to the Legislature: Stop drawing districts to favor yourselves and your parties. Just over five years later, we are thrilled to be able to say that the voters' wishes have been granted," lawyer David King said. "With the Legislature's decision not to appeal Judge Reynolds' final judgment, in 2016 Floridians will for the first time have the opportunity to vote in legally drawn Senate districts that fully comply with the Fair Districts Amendments."

The only ongoing legal challenge to the current redistricting proposals is a federal lawsuit filed by Democratic Congresswoman Corrine Brown, who says changes to her district would undermine the rights of African-American voters. If needed, oral arguments in that case are set to be heard March 25.

### **WHAT'S \$400 MILLION BETWEEN FRIENDS?**

Gov. Rick Scott set a lofty agenda for this year's budget, asking lawmakers to approve \$1 billion in tax cuts, boost economic-development incentives by tens of millions of dollars and increase education spending to record levels. Making room for all of those proposals already required an elastic definition of what constitutes the "surplus" that lawmakers have to work with this year.

The definition doesn't matter quite as much anymore, after state economists slashed almost \$400 million from their forecast for state tax collections over the next 18 months, something that will force budget-writers to try to squeeze the priorities of the Legislature and Scott into a smaller spending plan than the one the governor suggested. Even the House, which had said it was willing to along with \$1 billion in tax cuts, suddenly sounded more guarded.

"Fortunately, we have instituted conservative budgeting principles year after year," said House Speaker Steve Crisafulli, R-Merritt Island. "We will be able to make adjustments to our spending plan which will come out in the next few weeks."

Scott's office tried to play down the drop as "a minor reduction" and pointed to a proposed gambling agreement with the Seminole Tribe that would bring in \$2.3 billion over eight years. While that funding wouldn't be available until after the coming budget year, it could soften the tax cuts' impact on future spending plans.

"We are pleased to also learn that we still have a significant increase in revenues of over \$1 billion in fiscal year 2016-17," said Scott spokeswoman Jackie Schutz. "Additionally, most actual revenues end up higher than revenue estimates."

Left unsaid in Schutz's statement was the gambling "compact" with the Seminole Tribe is what Capitol dwellers call a heavy lift --- and a bipartisan grilling of one of Scott's aides during a meeting of the Senate Regulated Industries Committee was a reminder of that.

The meeting was the first public vetting of the deal since Scott and tribal leader James Billie signed it on Dec. 7. The agreement would allow the Seminoles to add craps and roulette to their casino operations in exchange for increased guaranteed payments to the state over seven years.

House and Senate leaders have said that the compact would have to be tweaked to get needed approval from the Legislature, which was evidenced by pointed questions from several members of the committee.

Committee Chairman Rob Bradley, R-Fleming Island, told reporters after the meeting that he hadn't decided whether to put the compact into bill form. Its future may rest in Scott's hands, Bradley indicated. At the same time, the economic forecast Tuesday showing lower-than-expected state tax revenues may broaden the compact's appeal for lawmakers as they craft the state's budget, Bradley said.

"... Anything that can be impactful on the revenue side of the ledger, such as adding money from revenue sharing with the tribe, is a very important part of the discussion," he said. "This all should be viewed through the lens of making the budget balance. I think that, as the revenue projections go down, it certainly does ratchet up pressure to take a serious look about whether we need these dollars in order to provide basic services."

### **TRUMP'S LEAD: STILL YUGE**

Donald Trump is known to like bragging about his poll numbers as his longshot bid for the Republican presidential nomination has turned into a credible threat to the GOP establishment. And a new poll released this week by the Florida Atlantic University Business and Economics Polling Initiative gave him new ammunition: a 32-point lead over the next-closest candidate among Florida's Republican voters.

The business magnate and reality TV star had the support of 47 percent of the party's voters, 12 points more than the same poll gave him in September and enough to have a yawning lead against U.S. Sen. Ted Cruz of Texas. Coming in third was U.S. Sen. Marco Rubio of Florida --- one of two candidates expected to have a home-field advantage in the Sunshine State --- with former Florida Gov. Jeb Bush landing in fourth with 9.5 percent.

Neurosurgeon Ben Carson, who was challenging Trump in earlier polls but has slumped in Florida and nationally, checked in at fifth with 3.3 percent.

"The mood of the electorate is very anti-establishment. That's clear. In a lot of ways, Donald Trump is probably one of the most reassuring candidates to people who are frustrated with the state of American politics," said Kevin Wagner, an FAU political science professor.

The new poll also showed Democrat Hillary Clinton leading U.S. Sen. Bernie Sanders by 36 percentage points and gaining in match-ups against the Republican candidates in Florida.

**STORY OF THE WEEK:** The Senate decided not to appeal a case setting districts for the November elections, ending most of the litigation surrounding the redistricting process that began in 2011.

**QUOTE OF THE WEEK:** "But Sen. Bradley knows that accurately and fairly reporting to a hungry man without money the true prices for all the items on the menu that he can't afford in the restaurant he can't get to doesn't mean he'll get to eat. Price transparency is good for its own reasons --- and I sure support it --- but posting a price list doesn't by itself reduce costs or provide access to care."---Sen. Don Gaetz, R-Niceville, discussing efforts to increase health-care price transparency, including a transparency bill filed by Sen. Rob Bradley, R-Fleming Island. Gov. Rick Scott has pushed price transparency as part of a solution to the state's issues with health-care spending.