



FCS Initial Budgets Released by Appropriations Committees

As previously reported, the Legislature's appropriations process began last Thursday. The best way to describe the reaction to the proposed appropriation to our Florida colleges is good and bad. There are a few bright spots in the proposals from both sides, the Senate and the House, but there is still some significant work to be done. The full House Appropriations Committee is supposed to debate and vote on the proposed budget on Feb. 3. It is expected that the full budget proposed by the House will hit the floor on or about Feb. 10 and 11. The Senate is on a similar timeline. Below is a brief summary.

House Proposed Appropriation

From General Revenue:	931,908,077
From Lottery Funds:	273,796,073
Estimated Tuition and Fees	1,194,109,645
Total:	2,399,813,795

Includes \$20 million in new funds for Performance. A \$60 million total, and retains \$20 million from base funds.

Senate Proposed Appropriation

From General Revenue:	962,096,875
From Lottery Funds:	265,345,335
Estimated Tuition and Fees	817,647,932
Total:	2,045,090,142

Includes \$20 million in new funds for Performance. A \$60 million total, and takes \$30 million from base funds.

Guns bills

- [SB 68](#) by Evers (Identical [HB 4001](#) by Stuebe)
Senate Judiciary Committee chair, Miguel Diaz de la Portilla, announced last week that he does not intend to schedule the guns on campus bill for hearing in his committee which should effectively kill the bill for this year. The House Bill 4001 has passed all three committees of reference there and scheduled for a floor vote by the full House on February 2.

- [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 Naples Daily News reported last week that the bill is likely dead this session due to strong disagreement between the House and Senate over how far the proposal should go.

Sen. Don Gaetz, R-Niceville, said Thursday, he will block an amendment to his bill that removes the allowance to openly carry weapons and replace it with language to only forgive accidental display of weapons in public. Senate Judiciary Committee Chairman Miguel Diaz de la Portilla, R-Miami, said he would block the proposal if the bill does not include that amendment. He was concerned the proposed law would create a bad impression on tourists who would see Floridians walking around with handguns.

Postsecondary Access and Affordability

[CS/HB 7019](#) by Higher Education and Workforce Committee (Similar [SB 984](#) by Legg)

- This bill specifies that instructional material costs are not included in tuition for certain online programs. It also requires the Board of Governors and State Board of Education to submit an annual report on college affordability. The bill will also revise provisions relating to textbook and instructional materials affordability. It includes provisions that requires certain universities and institutions to provide public notice relating to tuition and fees. The bill passed the House Education Committee last week by a 17-0 vote.

Individuals with disabilities

[CS/HB 495](#) by Education Appropriations Committee (Similar [SB 202](#) by Bean)

- In 2005, the Florida Legislature established the James Patrick Memorial Work Incentive Personal Attendant Services Program to provide personal care attendants for eligible persons with severe and chronic disabilities of all kinds. The bill renames the program as the James Patrick Memorial Work Incentive Personal Attendant Services and Employment Assistance Program and expands its services to assist disabled adults with securing and maintaining employment. The bill also expands the responsibilities of the Florida Association of Centers for Independent Living, which is tasked with administering the program. In addition, the existing oversight group is reestablished as an oversight committee with revised membership. The bill has passed all three committees of reference in both the House and Senate.

Career Education

[HB 7017](#) Career Education, Apprenticeships (Similar [HB 1343](#) and [SB 726](#), [SB 1060](#) and [SB 1670](#))

As reported last week, 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. It was placed on the Calendar on 1/14/16. SB 726, filed by Senator Ring, is a companion, which has been “workshopped” by the Senate Higher Education Committee, but not been acted on. This bill has not been discussed in committee since 1/11/16. These two 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
- HB 7017 includes funding of \$3 million for new apprenticeship programs and \$10 million for the Rapid Response programs as identified above.

Other bills address these issues as follows:

- [SB 1060](#), filed by Senator Legg includes only the apprenticeship components. The bill passed its second committee, the Appropriations Subcommittee on Education, on 1/28/16 and is now ready to be heard by the full Appropriations Committee.
- [CS/SB 1670](#), filed by Senator Bean, was heard in the Senate Higher Education Committee on 1/25/16. The bill passed the Committee and now is ready to be heard by the Appropriations Subcommittee on Education. The bill includes:
 - The same concepts as above for apprenticeship. The Committee added language allowing for apprenticeship participation to count as credit towards a standard high school diploma.
 - 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.
- [SB 836](#) by Senator Gaetz, addresses the Rapid Response grant program, and was 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. The bill now is ready to be heard by the Appropriations Subcommittee on Education.

Public-Private Partnerships

- [SB 124](#) by Evers (compare [HB 95](#) by Stuebe)

This resurrects a bill from previous legislative sessions. These bills contain many of the recommendations of the Public Private Partnership (P3) Task Force. It clarifies that the FCS institutions and others are included in public entity definition. It also clarifies payment of fees for unsolicited proposals, requires a design criteria package and quote when responsible public entity solicits proposals, and allows the Division of Management Services (DMS) to maintain copies of P3s (voluntarily stored) as templates/examples for other institutions to use. The bill has passed one of three committees in the Senate and three of four committees in the House.

(Bill Summary Contributors: Michael Brawer, Matt Holliday, and Erin McColskey)

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

THE CAPITAL, TALLAHASSEE.....This is the part of the legislative session where the House and the Senate's honeymoon --- especially one as dubious as this year's --- begins to face its first serious test. The opening weeks and the easy compromises have been sent to the governor for his signature. It gets harder from here.

The biggest fight is always how to divvy up tens of billions of dollars in state spending in a way that makes as many people as possible happy. Already, battle lines on a spending plan are becoming clear and revolve around Gov. Rick Scott's two priorities. The House has fully embraced Scott's call for \$1 billion in tax cuts, though the chamber has reconfigured them a bit; the Senate has taken up the governor's proposal to create a \$250 million "Florida Enterprise Fund" to boost economic development incentives.

Meanwhile, lawmakers are finally taking votes on bills that could become bargaining chips later in the process. Legislation dealing with guns, transportation services like Uber, and a controversial method of drilling for oil and natural gas advanced out of the House or the Senate this week.

And Floridians themselves will face a high-profile question this November, in addition to that pesky question about which presidential candidate will win the nation's largest swing state: whether or not to allow patients with a variety of illnesses to use marijuana for medicinal purposes.

LESS MONEY, MORE SPENDING

Technically, legislative budget-writers had less to work with when they sat down to craft spending plans than Scott did when he released his proposal months ago. Economic forecasters recently lopped nearly \$400 million off the amount they expected to be at the Legislature's disposal. Because of the vagaries of the state budget process, though, House and Senate spending plans released Friday were heavier than the proposal Scott put forward. The governor's plan for the budget year beginning July 1 checked in at \$79.3 billion. The House landed just short of \$80 billion. The Senate overshot that by nearly \$1 billion.

In addition to the split over Scott's priorities, the two chambers were apart on whether to ease up on local education property taxes --- which provide the bulk of the increase allowing state leaders to promise record school funding this year --- and an array of other issues, ranging from hundreds of millions of dollars to relatively small projects. One of the biggest differences, though, would be Scott's ideas on incentives. Sen. Jack Latvala, a Clearwater Republican who chairs the Senate subcommittee dealing with economic development, announced early in the week that he would back the governor's proposal. "I think it's important that we acknowledge the priority of creating jobs and that we all try to work in that direction and we acknowledge that we do it collaboratively," Latvala said.

For its part, the House was busy trying to figure out how to provide about \$1 billion in tax relief to Floridians --- a joyous chore in an election year. Several House Democrats expressed concern about the size of the package, but some of the same members also pitched additional items --- lifting the sales tax on bear-proof trash cans and gym memberships --- that they'd like added to the legislation, which is expected to swell to more than \$1 billion as it advances in the coming weeks.

The proposal unveiled by House Finance & Tax Chairman Matt Gaetz, R-Fort Walton Beach, matches Scott's price tag but includes less in permanent, or recurring, cuts than Scott proposed. It would meet Scott's call for a 1 percentage-point reduction in a tax on commercial leases starting July 1, 2017 and would permanently eliminate a tax on manufacturing machinery that is set to return in 2017. Rep. Lori Berman, D-Lantana, expressed concern with the \$1 billion figure, as state revenue projections have

changed. "I do think it's quite a lot of money, and I think we have to balance this against making sure we're funding our education, our health care, our safety," Berman said.

Gaetz said while he shared Berman's "caution," he views past cuts as having helped the growth of the state's economy, which has seen tourism and home building grow the past six years. "We do continue to cut taxes, we continue to be aggressive in cutting taxes, by \$1 billion, but we do so within this tax package for finite periods of time, so that if the revenue position does change, or oscillate, or dip, that we have the opportunity to have that revenue to come back into the picture," Gaetz said. "But for now I want to put \$1 billion back into the pockets of Floridians because I think that is the best way to stave off some of the leveling we see in this state."

There could be even more changes coming to the tax-cut proposal. Gaetz's father --- Sen. Don Gaetz, R-Niceville --- floated the idea this week of lowering local education property taxes as part of the same discussion. "If we do nothing and simply allow the formula to take effect and approve the governor's proposal, there's a \$500 million property tax increase in the state of Florida," Gaetz said. "Pretty hard to sustain that kind of an increase when we're talking about tax cuts."

GAS, GUNS AND GETTING A RIDE

There was no shortage of controversial legislation on the House and Senate floors this week. House members approved a bill that would bar local governments from imposing moratoriums on the oil and gas drilling method known as "fracking" while requiring the state Department of Environmental Protection to undertake a wide-ranging study that would include looking at potential risks and economic benefits of the process.

Fracking has been blamed for everything from poisoned water supplies to earthquakes. All the more reason to have a state agency look at it and decide what needs to be done, Republicans said. "Wishing for a zero-risk process or some absolute safety is not possible," said Rep. Cary Pigman, R-Avon Park. "I acknowledge that oil and natural-gas production is an untidy process. So is all of mining, so is farming, so is industry, yet our society needs energy, we need food and we need the finished products made from natural resources."

Democrats were more skeptical. "Why would we even want to consider a bill that is going to potentially poison our drinking water? What we're doing is we're injecting toxic fluids in the ground," Rep. Irv Slosberg, D-Boca Raton said. "What's wrong with us here? I mean, something's going on. And you know what's going on, this fracking bill is really called the anything for money bill."

The House bill dealing with ride-sharing services such as Uber and Lyft also spurred debate, but passed fairly easily.

The Senate, meanwhile, spent a chunk of its floor time this week on guns. By a 24-12 vote, members signed off on a measure ([SB 344](#)) that would alter the burden of proof in "stand your ground" self-defense cases. Democrats contend the proposal will put an end to cases before all of the facts are fully revealed. "It potentially stops an investigation cold after the last man standing tells his side of the story," said Senate Minority Leader Arthenia Joyner of Tampa. "The dead do not have the opportunity to rebut the tale told by the survivor. In cases where there are no witnesses, this bill stacks the deck against the justice for the dead."

The bill stems from a Florida Supreme Court ruling last year that said defendants have the burden of proof of showing they should be shielded from prosecution under the "stand your ground" law. In "stand

your ground" cases, pre-trial evidentiary hearings are held to determine whether defendants should be immune from prosecution. The measure, sponsored by Sen. Rob Bradley, would place the burden of proof on prosecutors in the evidentiary hearings. "I think it's simply incorrect to suggest that this bill will result in an otherwise guilty individual going free," Bradley, R-Fleming Island, said. "If the state has sufficient evidence to successfully prosecute a defendant in a jury trial, the state will prevail in the immunity hearing before a judge, and the judge will permit the case to go to trial."

The Senate unanimously passed a second measure ([SB 130](#)) --- dubbed the "backyard range" bill --- intended to restrict the recreational discharge of firearms in certain residential areas.

LIGHT IT UP

It wasn't really a surprise that backers of a medical-marijuana citizens initiative got enough petition signatures to get on the ballot again this year, but it became official this week. Prominent Orlando trial lawyer John Morgan, who has pushed the constitutional amendment, sent an email to supporters Wednesday announcing that the petition drive was successful. "This effort cost millions of dollars --- but it needed to happen. ... Medical marijuana is coming to Florida," Morgan wrote in his email.

But opponents quickly promised to wage another campaign to deny the measure the support of 60 percent of Florida voters, the remaining hurdle for getting the language added into the Constitution. A 2014 initiative led by Morgan failed to reach 60 percent. "It legalizes pot smoking in Florida under the cynical guise of helping sick people. Marijuana is not medicine, it is an illegal and dangerous drug," said Tre' Evers, a spokesman for the anti-marijuana "No on 2" campaign, in a press release. "The fact is that wherever pot smoking has been legalized under the guise of 'medical marijuana' it has proven to be a farce, a ruse, de-facto legalization."

ADAGES ABOUT LEGISLATIVE SESSION:

- "If the bill is too long, there's something wrong."
- "The game you are watching is not the game being played."