



## **Winding Down to Day 60**

Only 19 days remain in the 2016 Legislative Session. Although it seems as though the budget bills passed by both Chambers are miles apart, few people on either side believe it will result in an extended session. Legislative conference, the process by which the two Chambers negotiate differences in similar budget bills, should begin in earnest by the weekend or early next week. The House Speaker and the Senate President will designate “conferees” who will begin negotiations at the committee level almost nonstop. The FCS budget starts at the Education Appropriations subcommittee conference. Issues left unresolved are bumped up to the full Appropriations Committee. If no resolution is made there, which is rare, the issues are then bumped to the House Speaker and the Senate President.

## **Backyard Gun Range**

The Legislature sent one guns bill to Governor Rick Scott on Thursday, which is a good one. [SB 130](#) known as the "backyard gun range" bill, which is intended to curb recreational shooting in residential areas. The bill makes it a first degree misdemeanor that any person who recreationally discharges a firearm outdoors, including target shooting, in an area that the person knows or reasonably should know is primarily residential in nature with a density of one or more dwelling units per acre. Exceptions are made if a person is lawfully defending life or property, performing official duties requiring the discharge of a firearm, if under the circumstances, the discharge does not pose a reasonably foreseeable risk to life, safety, or property, or if a person accidentally discharges a firearm.

## **FRS**

[HB 7107](#) by Caldwell, House Appropriations Committee, and State Affairs Committee (compare [SB 7014](#) by Governmental Oversight and Accountability)

In an issue that has quickly re-emerged during the 2016 session, the House on Tuesday will consider a proposal to make changes in the Florida Retirement System. The proposal (HB 7107), filed by Rep. Matt Caldwell, R-North Fort Myers, comes after failed attempts in the past by House Republican leaders to move more workers into a 401(k)-style investment plan instead of traditional pensions. Under Caldwell's bill, employees who don't choose between the traditional pension plan and the 401(k)-style plan would "default" into the investment plan.

## Career Education and Apprenticeships

**HB 7017 and HB 1343** (compare **SB 726, SB 1060 and SB 1670, SB 836**)

Career programming and apprenticeships have continued to move forward. A new Rapid Response Education and Training Program has been addressed in the Senate Appropriations bill, with \$20 million in funding and the following proviso:

- Provides that the Department of Education is to award competitive grants
- Grants can be awarded to education and training providers, public or private
- Grants are for the creation or expansion of high-demand postsecondary workforce programs, training students for industry certifications on the State's list
- Use of grants is delineated, with reference to Florida Statute 1001.44, which defines career centers. Clarification would be needed to confirm the ability of Colleges to participate.

HB 7017, created by the Higher Education and Workforce subcommittee, passed the House of Representatives on 2/15/16, and also creates a Rapid Response grant program to encourage development and expansion of postsecondary programs only for technical centers under school boards, and charter technical centers. This bill also provides:

- Allowance for technical centers under school boards to offer the applied technology diploma as college credit.
- 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. An amendment was adopted on the floor that eliminated earlier language that would have funded \$10 million for the Rapid Response programs as identified above.

Other bills address these issues as follows:

- SB 1060, Senator Legg, includes only the apprenticeship components. The bill passed the Appropriations Subcommittee on Education on 1/28/16. It would be heard next in the full Appropriations Committee.
- CS/SB 1670, Senator Bean, passed the Senate Higher Education Committee on 1/25/16 and passed the Appropriations Subcommittee on Education on 2/17/16. The bill includes:
  - the same concepts as in SB 7017 above for apprenticeship. The Higher Education 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.
- SB 836, Senator Gaetz, also creates a Rapid Response grant program. The bill passed the Appropriations Subcommittee on Education on 2/11/16. 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.

## **School Choice**

**PCS/CS/SB 1076** (compare **HB 7029** by the School Choice and Innovation Committee and **HB 669** by Sprowls)

This proposal expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs. It specifies the purpose of the structured programs and requires it to delineate courses that fulfill general education core curriculum or common prerequisites. The bill specifies the purpose of the structured programs must be to provide students opportunities to complete 30 credit hours toward general education core curriculum or common prerequisite requirements. The credit hours may be earned through articulated acceleration mechanisms, in addition to dual enrollment, including Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or College Level Examination Program (CLEP). This modification establishes a purposeful organization of the structured programs that assist students in earning meaningful college credits applicable toward general education core curriculum or common prerequisite requirements, leading to an associate degree or a baccalaureate degree. Statewide articulation agreements between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities. Now in Senate Appropriations.

## **Postsecondary Education for Veterans**

**CS/HB 1157** by the Higher Education and Workforce Subcommittee and Raburn (compare **SB 1638** by Lee)

This bill directs the colleges and universities to award postsecondary course credit for specified training, education, examinations and tests, earned by active military and veterans and military based institutions and programs. The AFC amended this bill before final passage to assure credit review and transfer met accreditation standards. The bill also revises the residency requirement for certain tuition waivers for recipients of specified military decorations, and provides that specified programs and test scores meet certain educator certification requirements. Passed the House on 2/18/2016.

## **Performance Funding**

**CS/HB 7043** by the Education Appropriations Subcommittee ; Education Committee ; Fresen

This bill codifies the Florida College System Performance-Based Incentive metrics that have impacted all colleges since 2014-15. It provides finality of the metrics and authorizes funding for the program. Also included in the bill are issues related to the Florida Best and Brightest Teacher Scholarship Program, revisions to the provisions relating to pre-eminent state research universities program, the state university system performance-based incentives, and matters of teacher liability insurance. Passed the House on 2/18/2016

## **Education Access and Affordability**

**HB 7019** by the Higher Education and Workforce Committee (compare **SB 984** by Legg)

This bill will require tuition for an online degree program to include costs associated with the provision of instructional materials. It also requires a public postsecondary institution to post information relating to required and recommended textbooks and instructional materials and prices in its course registration system and on its website. In addition, the bill will require a state university to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled.

## **Online Procurement**

**SB 350** by Montford (compare **HB 305** by Drake)

This measure revises the powers and duties of the district school board to authorize the adoption of rules regarding procurement practices. It authorizes a district school board to use an online procurement for certain services and purchases. It also authorizes each district school board, Florida College System Board of Trustees, and University Board of Trustees to make purchases through an online procurement system. Passed the Senate and placed on House Special order calendar 2/17/16.

## **Dual Enrollment Program**

**SB 824** by Stargel (**HB 835** by Eisnaugle on Special Order calendar)

The bill exempts dual enrollment students from paying technology fees and requires a home education secondary student to be responsible for his or her own instructional materials and transportation in order to participate in the dual enrollment program unless the local articulation agreement provides otherwise. The bill also authorizes certain instructional materials to be made available free of charge to dual enrollment students in home education programs and private schools if provided for in the articulation agreement. It also requires a postsecondary institution eligible to participate in the dual enrollment program to enter into an articulation agreement with certain eligible private schools.

(Bill Summary contributors: Michael Brawer and Erin McColskey)

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

### **Members, bills are dying....**

Those four words --- or something like them --- have long been used by legislative committee chairmen and presiding officers to try to get lawmakers to focus on the task at hand or to move quickly through contentious agendas. The line also happens to fit what starts happening as the session enters its second half. Some of this year's bills that are in trouble --- such as gun bills bottled up in the Senate by Judiciary Chairman Miguel Diaz de la Portilla, R-Miami --- have been on the brink almost since the legislative

session began. Others, like legislation to formalize a gambling agreement between the state and the Seminole Tribe, are "heavy lifts," to use the phrase almost always attached to gaming bills. One high-profile health-care bill is already formally dead in the Senate.

But other fights live on. The House and Senate are still trying to reach a compromise on Gov. Rick Scott's two biggest priorities, tax cuts and a package of economic development incentives, though it's not clear how interested the governor is in compromising on either. And a House floor fight on education this week might act as a preview to even more controversial initiatives on public schools in the weeks ahead. The more time that the Legislature spends on those proposals, the larger the number of bills that will die.

### **Let's Make A Deal**

Scott came into the legislative session with two key priorities. And whether planned or not, the House and the Senate each seem willing to give him one. Lawmakers in the House favor a \$1 billion tax cut, albeit one structured differently than the governor's idea, and the upper chamber is willing to go along with a \$250 million "Florida Enterprise Fund." That scenario makes it very likely that each side will get part of the governor's agenda, and Scott will end up with half a loaf (or maybe a little more) on both issues. "I think it's important that everybody is going to have to give, everybody is going to have to give a little," Senate President Andy Gardiner, R-Orlando, told reporters Thursday. "The House is going to have to give, the Senate is going to have to give, and the governor is going to have to give."

At the same time, Scott's economic development plans seemed to gain some momentum in the House, where the chamber moved closer to the Senate on a new process for approving incentives. But the funding for the effort remains a sticking point between the two sides. "We've got to start sitting down with the Senate and you've got to look at the numbers," House Appropriations Chairman Richard Corcoran, R-Land O' Lakes, said. "I think the House is committed to doing as much as we can in tax cuts and that's what we've rolled out in our budget."

Both the House and Senate are now proposing that any incentive deals through the Florida Enterprise Fund would have at least a 20 percent local financial match. Projects would be intended to create at least 10 jobs, and no payments would be made until performance conditions are met.

The Senate incentives-policy proposal ([SB 1646](#)) also would require projected economic benefits to provide a 2.5-to-1 return on investment. The House measure ([HB 1325](#)), which initially stood at 5-to-1, has been moved down to a 3-to-1 return on investment.

The talks could affect the Legislature's one constitutionally required duty of passing a budget before the session adjourns. The tax cuts and incentives are at the heart of discussions about allocations --- how much money will be put in each part of the spending plan --- that must be done before budget negotiations begin. Gardiner and House Speaker Steve Crisafulli, R-Merritt Island, said those negotiations wouldn't begin until at least early next week.

### **Supreme Court and Schools**

The House floor was consumed this week with two issues: how to fix the death penalty after a U.S. Supreme Court ruling struck down Florida's process for sentencing and whether to give parents more choices in education. A compromise with the Senate on the death penalty, which emerged as an issue when the high court handed down its decision on the first day of the legislative session, overwhelmingly

passed the House.

The bill would require at least 10 jurors to recommend the death penalty for the sentence to be imposed and would empower juries to decide whether defendants should die or be imprisoned for life without the chance for parole. The House and Senate had been split on whether jury recommendations for death sentences should be unanimous, an idea supported by the Senate while the House proposed 9-3 jury decisions. Under current law, simple majorities of juries have been able to recommend execution to judges.

Crisafulli praised the legislation, saying lawmakers have complied with the Supreme Court ruling. "Changing the requirement for a jury's sentencing verdict to be agreed upon by at least 10 of the 12 jurors has moved us to a position where we have gone beyond what was asked of us by the Supreme Court. These reforms will allow us to keep the death penalty in our toolbox to punish our most violent criminals," Crisafulli said.

The education legislation caused fiery clashes in the chamber. The House pushed through bills aimed at giving bonuses to teachers based partly on their scores on college admissions tests ([HB 7043](#)); easing the path for some charter school providers to open additional campuses ([HB 7029](#)); and allowing students to go to any school in the state that has open seats ([HB 669](#)).

Democrats hammered away at the provisions they found objectionable. House Minority Leader Mark Pafford, D-West Palm Beach, lambasted the bill that would allow high-performing charter school providers to more easily expand, saying that calling charter facilities "public schools" was a ruse. "The rigged system that we have continues to channel public tax dollars to a private-school system that over time is diminishing our traditional schools," Pafford said. Republicans responded, as they often do on choice bills, that approaches like charter schools increase the chances that students will get high-quality educations. "We have to break the chains of the prison guards of the past who want to preserve just what was, and open these doors of opportunity for the future," said Rep. Dennis Baxley, R-Ocala.

### **Taking A Shot With Slots**

Following months of negotiations between the Seminole Tribe and the state on a new gaming compact, the Senate Regulated Industries Committee approved legislation that would likely require more negotiations between the Seminole Tribe and the state.

"We are not back to square one, at all," committee Chairman Rob Bradley, R-Fleming Island, told reporters after a meeting Wednesday at which the bill was approved. Whichever square lawmakers are now on, the Senate legislation would allow pari-mutuels in at least six counties to add slot machines, a move that drove a wedge between the House and the Senate on the \$3 billion deal signed by Scott and the Seminoles. Under the compact, the tribe would add craps and roulette to its casino operations in exchange for a guarantee of \$3 billion in payments to the state over seven years.

The House is considering a less expansive proposal that would ratify the agreement and allow slots at the Palm Beach Kennel Club and at a new facility in Miami-Dade County, items permitted but not expressly authorized by the compact. Under an amendment folded into the bill ([SB 7072](#)) by Bradley's committee, pari-mutuels could add slots in six counties where voters have approved the machines --- and other counties where voters sign off on them in the future. The six counties are Brevard, Gadsden, Hamilton,

Lee, Palm Beach and Washington.

Sen. Joe Negron, who sponsored amendments adopted Wednesday and is set to take over as Senate president in November, insisted that the changes to the compact struck by Scott and the tribe were necessary to keep the measure alive. "If you have a pure compact, and that's all you have, it's not going to pass out of this committee," Negron, R-Stuart, said before the vote. "It's very important that we have geographic concerns echoed in the amendment, and I think we can go back to the Seminole Tribe and negotiate out a compact."

House Regulatory Affairs Chairman Jose Felix Diaz, who worked with Bradley and Scott's top staff for months to nail down the accord with the tribe, said that he wants state economists to evaluate the economic impact of the Senate changes. As a result, a vote from the House Finance & Tax Committee, expected next week, will be delayed, Diaz said. "This bill will be touch and go all the way through to the end. I'm optimistic that there's a path forward. I just don't know what it is," Diaz, R-Miami, said Wednesday evening. "It's going to take some creativity and a lot of time."

**QUOTE OF THE WEEK:** "Always I have concluded the death penalty is wrong, because it lowers us all. It is a surrender to the worst that is in us. It uses a power, the official power, to kill by execution. That has never brought back a life, never inspired anything but hate. And it has killed many innocent people."--Rep. Darryl Rouson, D-St. Petersburg.