



ASSOCIATION OF FLORIDA COLLEGES

CAPITOL PERCEPTIONS

A WEEKLY DIGEST OF LEGISLATIVE NEWS

Your Weekly Legislative Update

February 5, 2018
Week Four Session Summary
January 29 - February 2, 2018
Legislative Session 2018

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2018 Legislative Session - Week 4 - January 29 - February 2, 2018

Budget Battles (Skirmishes?) Begin

This week Senate Appropriations Committee unanimously passed the \$87.3 billion Senate budget bill (SB 2500) and the House Appropriations Committee, in a 17-8 vote, approved its' \$87.2 billion spending plan (HB 5001). With only a \$100 million difference, it is believed negotiations could go more smoothly than last year.

The bills are now headed to the full House and Senate for approval. Once approved in both chambers, negotiating a final spending plan will begin via the Budget Conference process.

Key policy areas where the two chambers differ include education (e.g. Senate has more funding for higher education, House has more money for "schools of hope" program).

On Wednesday the House committee voted to transfer \$121 million to the state college system from university programs.

The budget proposal already included cuts of more than \$200 million in operational funds for the universities. The rationale was tied to the recent cuts to state colleges while universities have experienced budget growth.

[SB 2500](#) passed favorably 1/31/18, placed on Special Order Calendar 2/7/18.

[HB 5001](#) passed favorably 1/31/18.

WHAT HAPPENS NEXT?

With the start of the fifth week of session, we are almost at the midpoint. February 27, 2018, the 50th day, is the last day for regularly scheduled committee meetings. March 9, 2018, the 60th day, is the last day of Regular Session.

CONSTITUTIONAL REVISION COMMISSION (CRC) UPDATE

The Education Committee of the CRC voted and approved on 1/26/18 Commissioner Nicole Washington's Proposal 83. Proposal 83, linked below codifies the Florida College System into the state constitution, and reaffirms that the State Board of Education shall provide its oversight (same as currently). Both K-12 and the State University System are similarly codified in the State Constitution. AFC CEO Michael Brawer addressed the CRC Education Committee on behalf of the Council of Presidents. In his remarks, without supporting either proposal, he affirmed the COP's resolution previously communicated to all the commissioners to have the FCS recognized in the constitution and to retain a system of strong local control. After his remarks Chair Marva Johnson commented with regard to her support for the FCS and she complimented the colleges for the great work they do on behalf of all Floridians.

[P 83 EDUCATION](#), by Nicole Washington – Passed favorably by Education; Placed on Calendar, on 2nd reading. No change.

BILLS TO WATCH

[SB 540](#) by Hukill “The Community College Competitiveness Act” (Identical - [HB 831](#) by Gruters)

As written, SB 540 would turn college policy on its proverbial ear and impact the Florida College System in many different ways. At the Senate Appropriations committee meeting last week, the bill sponsor, Sen. Hukill, proposed a “strike all” amendment which changed only one aspect of the original bill – it would no longer rename the Florida College System. It would continue to be the “Florida College System” (FCS), and the proposed 13-member state board would be referred to as the State Board of Colleges.

On the positive side, the bill proposes to strengthen and maintain the “2+2” targeted pathway language. The bill does establish “Supporting Students for Academic Success Program” which has \$30 million tied to it in the budget. This programmatically would be a good thing and help the FCS reduce the adviser/counselor to student ration, and improve technology for tracking completions. Unfortunately tied to the policy bill with the other issues of concern, it presents a bit of a conundrum. Thus, the AFC lobbying team and the COP are submitting numerous amendments to the bill. Meanwhile, the House companion bill, HB 831, has not been heard in any committee yet. Some of the other aspects of the bill remain and include:

- Modifies language on performance metrics to remove the 100% on-time completion metric in lieu of a completion rate metric that reflects the priority of on-time completion based on a student's enrollment intensity.
- Removes language on performance metrics regarding full-time, first-time-in-college students in AA programs who graduate with a baccalaureate degree in 4 years after initially enrolling in an AA program.
- Maintains the Distinguished Colleges performance metrics.
- Maintains language that prohibits FCS institutions from offering a bachelor of arts degree program and modifies the baccalaureate degree approval process to align with current statute.

[CS/CS/SB 540](#) has had three amendments filed (see links below) and has been retained on the Senate Calendar.

Amendments filed to CS/CS/SB540:

[325042 - Amendment filed by Senator Powell](#)

[480602 - Amendment filed by Senator Powell](#)

[657986 - Amendment filed by Senator Powell](#)

[SB 1752](#) by Torres regarding Bright Futures Scholarships (Identical - [HB 1331](#) by Smith)

Senate President Joe Negron is being heavily supported for bringing significant changes to the higher

proposal, the Bright Futures Scholarship Program would receive \$124 million and bring back full tuition for students in public colleges and universities. A companion bill in the House was referred to three committees. Last year, the measure was vetoed by Gov. Scott.

SB 1752 has been referred to Education; Appropriations Subcommittee on Higher Education. Introduced 1/17/18.

HB 1331 has been referred to Post-Secondary Education Subcommittee; Higher Education Appropriations Subcommittee; Education Committee. No change.

[SB 4](#) by Galvano “The Florida Excellence in Higher Education Act of 2018” (Similar - [HB 423](#) by Rodrigues)

CS/SB 4 establishes the “Florida Excellence in Higher Education Act of 2018” to expand financial aid provisions and incentivize postsecondary institutions to emphasize on-time graduation. The bill also expands policy and funding options for state universities to recruit and retain exemplary faculty and enhance the quality of professional and graduate schools. It does not include provisions dealing with FCS governance, no limitations on FCS baccalaureate degrees, no changes to FCS performance or distinguished college metrics. Prohibits university DCOs from using personnel services after 2023 and provides that no state money may be spent on DSO travel. No limitations are placed on FCS DSOs. The bill allows Bright Futures awards to be used to cover technology fees and allows Bright Futures awards to be used for summer school. Bright Futures Academic Scholars program is returned to 100% of tuition and fees, plus \$300 for textbooks. Medallion Scholars Program is returned to 75% of tuition and fees with no provision for textbooks. First Generation Matching Grant program is extended to the FCS; there would be a \$2 match in state money for every \$1 raised privately.

SB 4 has been certified and is in messages for House action. No change.

CS/HB 423 passed Post-secondary Education Subcommittee and is now on the agenda for Higher Education Appropriations Subcommittee, 02/06/18, 9:30am.

[HB 75](#) by Ponder regarding Post-Secondary Fee Waivers (Similar [SB 460](#) by Gainer)

Authorizes FCS institutions to waive portion of certain postsecondary fees for active duty members of U.S. Armed Forces using military tuition assistance; requires FCS institutions to report to SBE number & value of such fee waivers granted annually. Mostly impacts FCS institutions with high numbers of active duty service members (e.g. FSCJ, NWFS).

HB 75 Passed the House 1/31/18.

SB 460 has passed one committee and the Appropriations Sub-committee on Higher Education. It is now in Appropriations. No change.

[HB 619](#) by Nunez regarding renaming of Florida College System institutions (compare to [SB 946](#) by Flores, Florida Keys Community College)

Changes name of "Florida Keys Community College" to "The College of the Florida Keys"; changes name of "North Florida Community College" to "North Florida College." Although addressing specific institutions, the debate should be monitored closely for issues related to overall FCS policy issues, especially in light of the news coverage related to the bill.

CS/HB 619 passed the House 1/31/18.

heard. No change.

[SB 1242](#) by Steube regarding weapons carrying (Identical - [HB 739](#) by Fant)

This bill would allow open carry during a wide number of recreational activities. Current Florida law requires a concealed weapons permit for carrying a firearm and FS 790.06 places certain restrictions on carry. SB 1242 would allow people to openly carry firearms, including assault weapons, while engaged in a variety of outdoor activities such as fishing, hiking, trapping, biking, boating, etc.

SB 1242 was withdrawn from consideration on January 18 at the Senate Judiciary Committee. HB 739 has been referred to the House Criminal Justice Subcommittee; Justice Appropriations Subcommittee and the Judiciary Committee. It still has not been heard. No change.

[SB 1048](#) by Baxley regarding concealed weapons carry (Identical – [HB 1419](#) by McClure)

This bill would allow churches, synagogues, and other religious institutions to authorize concealed license holders to take their firearms onto their properties. This also means that the designated carrier could take their concealed weapons into schools if the religious institution owns, rents, leases or borrows the property.

SB 1048 – Committee Substitute (CS) passed by Senate Judiciary Committee. Placed on the Calendar on second reading.

HB 1419 – Favorably passed Criminal Justice Subcommittee and Judiciary Committee. Placed on the Calendar 2/1/18.

[SB 722](#) by Garcia regarding retirement (Identical – [HB 665](#) by Clemons)

This bill specifies the minimum amount of the factor used to calculate the cost-of-living adjustment of benefits for certain retirees and beneficiaries of the Florida Retirement System, etc.

SB 722 - Favorably passed by Governmental Oversight and Accountability; Now in Appropriations Subcommittee on General Government. No change.

HB 665 – On agenda for Oversight, Transparency and Administration Subcommittee. Workshopped on 1/30/18.

[SB 252](#) by Steube regarding State Employee Higher Education Fee Waivers (Identical – [HB 1371](#) by Ausely)

State Employee Higher Education Fee Waivers; Providing that credit hours eligible for tuition and fee waivers be determined on a calendar year basis, rather than per academic term, etc.

SB 252 Passed by Education; Now in Appropriations Subcommittee on Higher Education. No change.

HB 1371 – Favorably passed Post-Secondary Education Subcommittee; now in Higher Education Appropriations Subcommittee.

[HB 711](#) by Asencio regarding Pre-Apprenticeship and Apprenticeship Programs (Identical [SB 1388](#) by Garcia)

Bills were filed in fall 2017 as recommendations resulting from the Governor's Construction Taskforce in 2016,

apprenticeships from the FLDOE to Department of Economic Opportunity and establishing a Task Force on Apprenticeship Expansion. HB711 includes an appropriation of \$6.85 million to fund apprenticeships as an Earn & Learn Grant Program.

HB 711 – 11/27/17 Referred to PreK-12 Quality Subcommittee; Appropriations Committee; Education Committee; Introduced 1/9/18.

SB 1388 – Referred to Education; Appropriations Subcommittee on Pre-K Education; Appropriations; CS Passed Education Committee Agenda, 1/29/18; now in Rules 2/1/18.

[SB 1064](#) by Baxley - Dual Enrollment Programs (Similar language contained in [HB 7055](#) by Baxley)

Revises the contents of a postsecondary institution and private school dual enrollment articulation agreement, etc.; Deletes the provision that requires the school district to compensate the college for the cost of the dually enrolled student.

SB 1064 – Passed Education Committee agenda, 1/29/18, now in Appropriations Subcommittee on Higher Education

HB 7055 – Referred to Appropriations Committee and passed as [CS/HB7055](#) 1/31/18. Placed on Special Order Calendar 2/7/18.

[CS/SB 858](#) by Steube – The "Sunshine Protection Act" (similar [HB 1013](#) Daylight Savings Time by Nunez and Fitzhagen)

Directs the Legislature to submit a request to the Secretary of the United States Department of Transportation to redesignate portions of the state in the Central Time Zone into the Eastern Time Zone, etc.

CS/SB 858 – 1/26/18 Passed favorably by Community Affairs ; now in Commerce and Tourism.

HB 1013 – 2/1/18 Passed favorably by Government Accountability Committee. Placed on Calendar.

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

TALLAHASSEE --- With the 2018 legislative session nearing its midpoint, lawmakers are doing their duty. Dozens of bills are moving through committees, and, maybe most important, the House and Senate have drawn up initial budget plans that tip the scales at more than \$87 billion.

But Florida's political world doesn't simply focus on the state Capitol during the annual 60-day session, as was apparent this week.

A Tallahassee federal judge issued a bombshell ruling about restoring the voting rights of felons who have done their time. Meanwhile, more than 400 miles to the south, Republican Congressman Ron DeSantis held a coming-out party for his gubernatorial campaign.

CLOSE, BUT YET SO FAR

First, the good news about the initial budget proposals that key House and Senate committees approved this week: The total amounts of the proposals are only about \$100 million apart, a difference that really isn't a big deal in the context of divvying up more than \$87 billion.

"I think we're in great shape," Senate Appropriations Chairman Rob Bradley, R-Fleming Island, said Wednesday after his committee unanimously passed the \$87.3 billion Senate budget bill (SB 2500). "The overall numbers are very similar."

But in the budget world, big numbers can be somewhat deceiving. That's because the House and Senate will still have to agree on all of the details about how money should be spent.

In the coming weeks, House and Senate leaders will have to work out differences in several policy areas. For example, the Senate wants to spend more money than the House on higher education, a top priority of

proposal, wants to set aside more money for school-choice programs, a priority of House Speaker Richard Corcoran, R-Land O' Lakes.

Also, the two chambers differ on health-care issues such as how the state pays hospitals to care for Medicaid patients.

The proposed budgets will go to the full House and Senate during the coming week and likely will be tweaked. That will set the stage for negotiations to try to agree on a final spending plan before the scheduled March 9 end of the legislative session.

NO MORE KOWTOWING?

Restoration of voting rights for ex-felons has long been a controversial issue in Florida. But a federal judge, in no uncertain times, ruled this week that Florida's system of deciding whether rights should be restored is arbitrary and unconstitutional.

"Florida strips the right to vote from every man and woman who commits a felony," U.S. District Judge Mark Walker wrote in a 43-page ruling Thursday. "To vote again, disenfranchised citizens must kowtow before a panel of high-level government officials over which Florida's governor has absolute veto authority. No standards guide the panel. Its members alone must be satisfied that these citizens deserve restoration. Until that moment (if it ever comes), these citizens cannot legally vote for presidents, governors, senators, representatives, mayors, or school-board members."

Gov. Rick Scott, Attorney General Pam Bondi, Agriculture Commissioner Adam Putnam and state Chief Financial Officer Jimmy Patronis serve as the state's clemency board, which determines whether rights should be restored. Under the system, ex-felons must wait five or seven years after finishing their sentences --- including probation, parole and fines --- before they can apply to have their rights restored, according to Walker's ruling.

But applying doesn't mean that Scott and the Cabinet members will agree to restore the felons' rights. In his ruling, Walker focused heavily on what he saw as the arbitrariness of the system, which he ruled violated First Amendment rights and equal-protection rights under the U.S. Constitution's 14th Amendment.

The voting-rights group Fair Elections Legal Network filed the lawsuit last year. Walker did not decide how the rights-restoration process should change and gave the plaintiffs and the state until Feb. 12 to file briefs on the issue.

But Scott's office issued a statement late Thursday indicating it doesn't plan to back down.

"The discretion of the clemency board over the restoration of felons' rights in Florida has been in place for decades and overseen by multiple governors," John Tupps, a Scott spokesman, said in the statement. "The process is outlined in Florida's Constitution, and today's ruling departs from precedent set by the United States Supreme Court.

"The governor believes that convicted felons should show that they can lead a life free of crime and be accountable to their victims and our communities. While we are reviewing today's ruling, we will continue to defend this process in the court."

Regardless of Walker's ruling, voters will decide in November whether to approve a proposed constitutional amendment on the restoration issue.

The proposal, backed by a political committee known as Floridians for a Fair Democracy, seeks to automatically restore the voting rights of most felons who have served their sentences, completed parole or probation and paid restitution. Automatic restoration would not apply to murderers and sex offenders.

DESANTIS DIVES IN

As the 2018 elections draw closer, one of the most-watched issues will be how candidates are affected by their ties to President Donald Trump.

But as DeSantis formally launched his gubernatorial campaign this week during an event in Boca Raton, he touted his relationship with Trump.

"I want to thank the president for his support," DeSantis said. "As we've seen in the aftermath of this tax bill, the president and his supporters in Congress, we're keeping our word in getting the American economy moving again."

That type of message could help with the Republican base, as DeSantis squares off with Putnam and probably Corcoran for the GOP nomination. But the Trump ties could be trickier in a general-election campaign.

Democrats quickly moved to make an issue of DeSantis' relationship with Trump, who continues to suffer from low overall poll numbers.

"Congressman Ron DeSantis (R-Fox News) officially rolled out his campaign for governor with a speech that was 'light on policy' but heavy on love for Donald Trump," the Florida Democratic Party said in an email.

have dominated state government for the past two decades.

"I'm proud to stand here today before you, as a veteran of our Armed Forces, as a principled conservative leader and with the support of our president, to be running for governor of Florida --- the greatest state in the union," DeSantis said. "A governor needs to lead, and I pledge that I will work every day to secure Florida's future by expanding economic opportunities, promoting innovation and education and keeping our streets and communities safe."

STORY OF THE WEEK: U.S. District Judge Mark Walker ruled that the state's system for restoring rights of ex-felons is unconstitutional.

QUOTE OF THE WEEK: "Here, plaintiffs' protected expressive and associational activities are at risk of viewpoint discrimination because the (clemency) board may defer restoration of rights for years --- or forever. Defendants (the state) cannot --- whether arbitrarily or motivated by political, racial, or religious bias --- kick the can down the road for so long that they violate former felons' rights to free association and free expression without offending the Constitution." --- U.S. District Judge Mark Walker, in his Thursday ruling on restoration of rights.

Capitol Perceptions is compiled weekly during the Florida Legislative Session and distributed to AFC members.

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