



ASSOCIATION OF FLORIDA COLLEGES

CAPITOL PERCEPTIONS

A WEEKLY DIGEST OF LEGISLATIVE NEWS

Your Weekly Legislative Update

February 12, 2018
Week Five Session Summary
February 5 - 9, 2018
Legislative Session 2018

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2018 Legislative Session - Week 5 - February 5 - 9, 2018

Strap In and Get Ready for Budget Negotiations

The Florida House and Senate last week both passed their spending plans of about \$87 billion. Although the difference between the budgets is about \$100 million, much remains to be negotiated particularly on education, environment and health legislation. Adequate time for negotiations doesn't appear to be a problem though as the budget effort is a week ahead of schedule compared to previous years.

Appropriations - side by side comparison

(\$ IN MILLIONS)

	GR	LOTTERY	TOTAL
<i>OPERATING</i>	<i>(\$ IN MILLIONS)</i>	<i>(\$ IN MILLIONS)</i>	
HOUSE (HB 5001)	* 974.0	322.6	1296.6
SENATE (SB 2500)	** 894.2	256.8	1151.0

* Includes \$60 million for Performance; \$ 2.2 million for Non-recurring projects; \$983,182 Commission on Community Service.

** Includes \$ 2.85 million in Non-recurring Special Appropriations to Colleges; \$983,182 Commission on Community Service.

NOTE: House also has a specific appropriation item for \$10 million in Performance funding to state colleges for industry certifications. Senate also provides \$60 million in Performance funding in SB540.

	PECO	PECO (Non-recurring for specific college projects)	TOTAL
HOUSE (HB 5001)	35,091,953	25,000,000	60,091,953
SENATE (SB 2500)	35,168,047	19,603,744	54,771,791

[SB 2500](#) 2/8/18 – laid on the table, refer to HB 5001.
[HB 5001](#) in returning messages.

The Revenue Estimating Conference

The Revenue Estimating Conference met on Friday 2/9/18 to analyze general-revenue taxes. Revenue collections estimates were increased by about \$462 million, including \$181 million this year and \$280.5 million for the fiscal year that starts July 1. Most of the increase is one-time, non-recurring money (Hurricane Irma windfall) with limited use. “It was money they weren’t expecting,” said Amy Baker, coordinator of the Legislature’s Office of Economic and Demographic Research. “It’s going to be nonrecurring, which comes with all the issues associated with that. It’s good news.” Even though non-recurring in nature, the increase will have a positive impact on the upcoming Senate and House budget negotiations. Revenue Estimating Conference principals and participants are designated through general statutory authority which specifies the duties of each conference. Principals can call conferences and are generally responsible for developing and choosing the forecasts. Participants may be requested to provide alternative forecasts and to generate supporting information. The four principals for each Conference are professional staff members representing the Governor's Office (Christian Weiss), Senate (Jose Diez-Arguelles), House of Representatives (Don Langston), and the Legislative Office of Economic and Demographic Research (Amy Baker). For more information about the Revenue Estimating Conference, including meeting materials and outcomes, visit:

<http://edr.state.fl.us/Content/conferences/index.cfm#revenue>.

Constitutional Revision Commission (CRC) Update

The CRC is traveling the State of Florida to listen to input from Floridians about potential changes to the Florida Constitution. The first full public hearing, held at Nova Southeastern University’s Rick Case Arena in Ft. Lauderdale, attracted 700 Floridians with almost half publically speaking about the more than three dozen proposals the CRC are considering for the 2018 ballot. The next CRC stop is Eastern Florida State College in Melbourne on Feb. 19. All interested persons are invited to attend CRC public hearings and speak to Commissioners about their ideas for revising the Florida Constitution. If you’d like to speak before the CRC at a public hearing, please complete an appearance form and bring your copy to the meeting. Forms will also be available to complete at the meeting location. To find a meeting location near you visit:

<https://www.flcrc.gov/Meetings/PublicHearings>. 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 re-affirms 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. Proposal 83, linked below codifies the Florida College System into the state constitution, and re-affirms 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.

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

On the National Front

An AFC delegation is in Washington DC attending the American Association of Community Colleges Trustees (ACCT) National Legislative Summit. The Florida group includes AFC President Nika Coleman-Ferrell, AFC CEO Michael Brawer and 45 trustees and presidents from state colleges across Florida. The group will lobby for DACA, Pell grants, and the Higher Education Act. While in DC, CEO Brawer and other members of the delegation have scheduled meetings with Senators Nelson and Rubio. In addition, they will meet with Frank

Elementary and Secondary Education. To view the ACCT's 2018 Legislative Priorities go to:
<https://www.acct.org/files/Advocacy/NLS/2018%20green%20sheet%20FINAL.pdf>

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 education system by slashing tuition bills for the top students in Florida. If the House agrees with the budget 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. No change.

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 Higher Education Appropriations Subcommittee, now in Education Committee.

[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.; referred on 2/8/18 to Senate Military and Veterans Affairs, Space and Domestic Security; Appropriations Subcommittee on Higher Education; Appropriations

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; referred on 2/8/18 to Senate Education; Appropriations.

SB 946 has been referred to Senate Education and Appropriations Committees. It still has not been 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

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 Special Order Calendar, 2/8/18, on third reading.

HB 1419 – Favorably passed Criminal Justice Subcommittee and Judiciary Committee. Placed on the Calendar 2/1/18. No change.

[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 - Passed favorably 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. No change.

[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 on 2/8/18 by Appropriations Subcommittee on Higher Education. Now in Appropriations.

HB 1371 – Favorably passed Post-Secondary Education Subcommittee; now in Higher Education Appropriations Subcommittee. No change.

[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, including funding for expanding apprenticeships related to targeted occupations, considering moving 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. No change.

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. No change.

[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 on 2/8/18 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. Passed House on 2/8/18.

[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

Time Zone, etc.

CS/SB 858 – 1/26/18 Passed favorably by Community Affairs ; On Committee agenda in Commerce and Tourism for 2/12/18.

HB 1013 – 2/1/18 Passed favorably by Government Accountability Committee. Placed on Special Order Calendar for 2/14/18.

HB 5203 by Government Operations and Technology Appropriations Subcommittee ; Ingoglia – related to Statewide Travel. Revises certain lodging rates for the purpose of reimbursement to specified employees; authorizes employee to expend his or her own funds for certain lodging expenses; provides DMS rulemaking authority; creates the statewide travel management system; provides system reporting requirements; requires specified entities (including state colleges) to use statewide travel management system for certain purposes; requires DMS to make travel information available to public by specified date; provides appropriation & positions; provides statement of important state interest.

HB5203 - passed the House on 2/8/18; in messages to Senate with request that the Senate pass the bill as passed by the House or agree to include the bill in the Budget Conference.

WEEKLY ROUNDUP: HALFWAY THERE

(FROM THE NEWS SERVICE OF FLORIDA WIRE)

TALLAHASSEE --- Optimists had cause to celebrate, but glass-half-empty types hung their heads as the 2018 legislative session reached the halfway point this week.

The middle of the 60-day session marks the time for “bills are dying” complaints to begin. And it also sets the stage for horse trading --- “negotiation accompanied by shrewd bargaining and reciprocal concessions,” according to Merriam-Webster --- to kick into overdrive between legislators, the governor and lobbyists.

The ideological differences and political aspirations of those involved have been playing out inside the Capitol since the first week of the session, when the House passed a number of bills over which Republican base voters are certain to lick their chops. GOP House Speaker Richard Corcoran, who’s mulling a run for governor, has orchestrated the efforts.

For example, the deeply divided House passed a proposal to ban “sanctuary cities” in the state, a Corcoran-backed effort that drew criticism from Democrats and helped lead to a scheduled debate next week between the speaker and Tallahassee Mayor Andrew Gillum, a Democrat who’s already in the governor’s race.

But a number of high-profile issues remain in flux as the countdown clock begins to tick.

Gov. Rick Scott and House and Senate leaders have made the opioid epidemic a top priority this session. The House and Senate both have earmarked more than \$50 million to address prescription and street drug addiction, a national phenomenon that’s caused overdoses to skyrocket.

But Senate Rules Chairwoman Lizbeth Benacquisto, R-Fort Myers, has twice postponed a vote by the Rules Committee on her opioid proposal (SB 8). Sen. Bill Galvano, a Bradenton Republican who’s slated to take over as president of the upper chamber after the November elections, said this week he’s in talks with Scott’s office about the bill.

The governor has pushed to restrict doctors to prescribing a maximum of three to seven days’ worth of narcotics, such as oxycodone, for acute pain.

But cardiac surgeons and orthopedists have repeatedly told lawmakers that’s not enough medication for patients who’ve undergone major operations, such as open-heart surgery. The doctors say the Legislature needs to leave decisions about their patients’ care to the experts.

Galvano indicated a deal might include some exceptions to the seven-day limit, an idea Scott’s office balked at during the first half of the session.

While the opioid legislation is still under construction, the House and Senate advanced their budgets this week, more than a week ahead of schedule, according to Senate President Joe Negron.

Those words ought to make even pessimists pleased, especially after everyone was dragged back to Tallahassee for a special session on education spending last year.

Let the shrewd bargaining and reciprocal concessions begin.

The House and Senate on Thursday approved separate versions of an \$87 billion-plus state budget, with the two chambers taking different courses on health-care spending and a plan to link education policy to the budget process.

Although the two plans are only \$100 million apart overall, a major hurdle facing negotiators is a House plan that directly links the \$21 billion public-school portion of the budget to passage of a separate 198-page "conforming" bill (HB 7055), a move one Democrat branded as "ransom." The conforming bill contains major education policy changes, including voucher-like scholarships to pay for bullied students to transfer to private schools.

Rep. Loranne Ausley, D-Tallahassee, said the bullying scholarship provision, which would divert more than \$40 million in sales taxes, is another example of shifting public funding to charter and private schools. "These programs are slowly killing our traditional public schools," Ausley said. "The proverbial death by a thousand cuts."

But the proposal, along with other attempts to expand school choice, are a priority for Corcoran and his leadership team. House Education Chairman Michael Bileca, R-Miami, said the policy changes in the bill are aimed at helping students and their parents, rather than relying on the existing school system.

"Nowhere are we telling parents what to do. We are opening up the choices for them," he said. "It's the greatest accountability system we have in the world."

Negron and Senate Appropriations Chairman Rob Bradley, R-Fleming Island, reiterated their position that the Senate is willing to consider the numerous education policies proposed by the House, but the Senate leaders want to keep policy and budget issues separate, the leaders said.

"It doesn't offend me that a bill is 10 pages or 200 pages, as long as it goes through a proper process of vetting and people have an opportunity to amend, take out, put in, change language," Bradley said.

RED-LIGHT CAMERAS IN THE CROSSHAIRS

Across the street from the Capitol, the Florida Supreme Court took up two high-profile cases this week, hearing arguments on red-light cameras and a challenge to the state's anti-hazing law by a former member of Florida A&M University's "Marching 100" band who's now behind bars.

Dante Martin was sent to prison in the November 2011 death of Robert Champion, a Marching 100 drum major. Champion died after participating in a decades-old ritual known as "crossing Bus C," in which band members are hit and slapped as they cross from the front to the back of a bus.

Martin, who was the "president" of Bus C, was charged with manslaughter, felony hazing resulting in death and two counts of hazing related to Champion's death, which drew international attention and resulted in the ouster of the historically black university's then-president, James Ammons, and long-serving band director, Julian White. An Orange County jury convicted Martin on all counts and a judge sentenced him to 77 months in prison.

But on Wednesday, Martin's lawyers tried to convince the Supreme Court that the fatal hazing ritual was a "competition" authorized by state law.

Under Florida law, hazing "does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective," Martin's lawyer, Rupak Shah, told the justices.

But justices seemed skeptical of Shah's arguments.

"What ordinary, customary competition is there (in) beating of someone?" Justice Peggy Quince asked.

"There are customary events, where beatings, boxing is recognized," Shah answered.

Justice Barbara Pariente was even more pointed, asking if "hazings are competitions to see who can stay alive and who dies."

But Shah said the hazing rite met one dictionary's definition of "competition," which requires "perseverance and endurance to overcome an obstacle."

Shah's rationale did not appear to satisfy Pariente.

"The idea that you're advancing a theory of competition, that you're equating this with a boxing match or a football game or hockey that gets out of hand, but that's not what this was," she said later.

The justices, meanwhile, seemed just as doubtful about a challenge related to the city of Aventura's system of processing red-light camera citations.

Lawyers asked the court to quash a ticket issued to Luis Torres Jimenez after a red-light camera captured an image of an illegal right turn.

Wednesday's arguments in the case centered on the role that American Traffic Solutions, Inc. --- a major player in the industry --- has in handling red-light traffic violations.

documents. The rest are given to city traffic enforcement officials, who decide whether to issue citations or not. Stephen Rosenthal, who represents Jimenez, told the court that a state law, passed in 2010, allows third-party contractors to review the images, but only traffic enforcement officers can actually issue citations. Aventura's system is unlawful because no city official "reviews" the images the vendor's employees deem are not violations, meaning that the private company ultimately decides which drivers not to ticket, Rosenthal argued.

"Mr. Jimenez was subjected to unauthorized screening by the vendors," he said.

But several justices appeared skeptical of Rosenthal's position.

"Is it a misery-loves-company argument?" Justice Charles Canady asked. "I'm struggling. If he violated the statute, I don't see what he has to complain about because ... other people who might have violated the statute don't get dragged into the net."

STORY OF THE WEEK: The House and Senate passed competing versions of the state budget, setting up negotiations over the \$87 billion spending plan.

QUOTE OF THE WEEK: "At some point I would hope the department would stop looking for a scapegoat and just do its job." Sen. Kevin Rader, a Delray Beach Democrat who helps chair the Joint Administrative Procedures Committee, scolding Office of Medical Marijuana Use Director Christian Bax about delays in implementation of a constitutional amendment that broadly legalized medical marijuana in Florida.

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

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