



ASSOCIATION OF FLORIDA COLLEGES

CAPITOL PERCEPTIONS

A WEEKLY DIGEST OF LEGISLATIVE NEWS

Your Weekly Legislative Update

January 22, 2018
Week Two Session Summary
January 15 - January 19, 2018
Legislative Session 2018

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2018 Legislative Session - Week 2 - January 15 - 19, 2018

Association of Florida Colleges Legislative Days

January 30-31, 2018 [Click Here](#) to Register!!

HEADING INTO THE THIRD WEEK!

The AFC advocacy focus continues to center on the Council of Presidents budget request of \$286 million in new funds, and on the potential impacts from proposed SB 540, entitled the "Community College Competitiveness Act" and its House companion HB 831. At the Senate Subcommittee on Higher Education Appropriations last week, AFC CEO Michael Brawer testified in opposition to SB 540. Also, testifying was Dr. Lenore Rodicio, Executive VP and Provost at Miami Dade College, who brought a very local perspective to the impact on students. HB 831 is not expected to be heard this week.

This week it is expected that budget "allocations" will be released. Allocations comprise the large pots of money for each sector, i.e., education, transportation, health and human services, etc. Specific appropriations for each funded entity such as the Florida College System are derived from each allocation. The FCS "base" appropriation is what it was budgeted for 2017-18 in recurring funds. Any new funds in 2018-19 appropriation, including restoration of the \$30.2 million reduction from last session, are added to the prior year base. New funds are run through the FCS Funding Formula and added to each college's prior year base.

About the Constitutional Revision Commission

The 2017-2018 Constitution Revision Commission (CRC) is the third of its kind in Florida history. In 1968, Florida voters ratified three separate amendments rewriting significant portions of the Florida Constitution. One

once every twenty years for possible changes, beginning in 1977. The first CRC convened in 1977-1978 and the second CRC convened in 1997-1998. The 1977-1978 CRC, chaired by Sandy D'Alemberte, placed eight proposed constitutional amendments on the Florida ballot for voter consideration. None of the proposals were passed by Florida voters. However, proposals similar to the Commission's proposed changes were adopted in later years as part of the Florida Constitution or statute law, either by citizen ballot initiative or by legislative proposal. The 1997-1998 CRC, chaired by Dexter Douglass, placed nine proposed constitutional amendments on the Florida ballot for voter consideration. Eight were passed by Florida voters. In 1998, CRC proposals required a simple majority to be passed by Florida voters (more than 50 percent). As of 2006, at least 60 percent of the vote is required to pass a constitutional amendment. It was during this revision that the old State Board of Community Colleges was abolished and the State Board of Education was expanded to become a K-20 Board per Gov. Jeb Bush's vision. The 2017-2018 CRC, chaired by Carlos Beruff, held its organization meeting on March 20, 2017, and must complete its work by May 10, 2018, which is the deadline to submit its final report to the Florida Secretary of State. Since the last CRC convened in 1997-1998, Florida's population has grown by more than 5 million people and access to social media and the Internet has created a historic level of public input.

There are two proposals that would impact the Florida College System. Proposal 25 linked below would recreate the State Board of Community Colleges and would overlap governance authority with our district boards of trustees. Proposal 83 also 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).

[P 25: EDUCATION by Sherry Plymale](#)

[P 83: EDUCATION by Nicole Washington](#)

New College Names Headed to House Floor

The House Education Committee last week unanimously approved a proposal that would change the names of Florida Keys Community College and North Florida Community College. The proposal (HB 619), sponsored by Rep. Holly Raschein, R-Key Largo, and Rep. Jeanette Nunez, R-Miami, is ready to go to the full House. The measure would rename the schools as The College of the Florida Keys and North Florida College and leave only two institutions in the state --- Tallahassee Community College and Hillsborough Community College --- continuing to use the traditional "community college" label. North Florida College, which is based in Madison, serves students in Hamilton, Jefferson, Lafayette, Madison, Suwannee and Taylor counties. A Senate version of the bill (SB 946), filed by Sen. Anitere Flores, R-Miami, has not started moving through committees.

BILLS TO WATCH

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

This is an omnibus-type bill that impacts the Florida College System in many different ways.

Renames the Florida College System, the "Florida Community College System" (FCCS);

1. Creates a 13 member State Board of Community College (SBCC) as the governing body (with rule-making responsibilities) for the System and transferring all powers and duties of State Board of Education (SBOE) to the SBCC on Oct. 1, 2018;
2. SBCC members shall be appointed by Governor;
3. The SBCC shall appoint the Chancellor by Nov. 1, 2018;
4. Defines the primary missions of the FCCS, career centers and charter technical centers;
5. Places restrictions on Direct Support Organizations in regard to use of state funds for personal services and travel;
6. Setting total upper-level (baccalaureate) undergraduate enrollment caps in FCCS institutions (20%)

7. Establishing "Supporting Students for Academic Success Program"

SB 540 has passed one committee and the Appropriations Sub-committee on Higher Education. The bill is now on the Appropriations Committee's agenda for 1/24/18 at 2pm.

HB 831 is not scheduled to be heard this week.

[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. 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. Allows Bright Futures awards to be used to cover technology fees. 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.

HB 423 CS read 1st time in House Post-secondary Education Subcommittee and is now in Higher Education Appropriations Subcommittee.

[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 three committees favorably and has been placed on the Calendar.

SB 460 has passed one committee and the Appropriations Sub-committee on Higher Education. It is now in Appropriations.

[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.

HB 619 Committee Substitute by Post-Secondary Education Subcommittee passed the House Education Committee and has been placed on the Calendar.

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

[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.

[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 was withdrawn from consideration on January 18 at the Senate Judiciary Committee.

HB 1419 has been referred to the House Criminal Justice Subcommittee. It has not been heard by any committee.

[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 by Governmental Oversight and Accountability; Now in Appropriations Subcommittee on General Government.

HB 665 has been referred to Oversight, Transparency and Administration Subcommittee; Appropriations Committee; Government Accountability Committee.

[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.

HB 1371 – On Committee agenda for Post-Secondary Education Subcommittee 1/23/18, 3:30pm.

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

Temperatures approached the teens this week in Tallahassee, causing a conundrum for visitors to the Capitol from balmy regions of the state. But the frost outside didn't create a chill inside the Capitol, where House and Senate committees sifted through a range of legislation that included Hurricane Irma fallout, gambling and opioids.

The legislative week also gave Rep. Ross Spano, a Dover Republican running for attorney general, an opportunity to burnish his conservative creds with a measure that would declare pornography a public health risk. According to Spano, research shows a correlation between porn and "mental and physical illnesses, difficulty forming and maintaining intimate relationships," and a host of other ills. The only "no" vote on the measure, approved by a House panel Thursday, came from Republican Rep. Cary Pigman, an emergency-room doctor who said the state should focus on real health risks affecting Floridians, such as hypertension, obesity and diabetes. Objections to pornography have historically been overridden by First Amendment protections, calling to mind Larry Flynt, the publisher of *Hustler* and other sexually graphic mags. "Freedom of speech doesn't protect speech you like; it protects speech you don't like," Flynt, who's been entangled in several First Amendment fights, once said.

ANTI-GAMBLING PROPOSAL HITS THE JACKPOT

The "Voter Control of Gambling Amendment," an initiative largely bankrolled by a Disney company and the Seminole Tribe of Florida, would make it harder to expand gambling in Florida by requiring voter approval for any form of casino gambling, an issue now largely controlled by the Legislature. Backers of the amendment this week topped the 766,200 petition signatures required to get on the November general-election ballot, where it will appear as Amendment 3. The Florida Supreme Court last year approved the ballot language. Like all constitutional changes, the proposal will require 60 percent approval from voters in November to pass.

If ultimately approved, the proposal would give voters the "exclusive right to decide whether to authorize casino gambling" in the state. The change would require voter approval of casino-style games, such as slots, in the future. The amendment pits the state's gambling industry --- and many members of the Legislature --- against anti-gambling advocates in what is expected to be a high-dollar campaign before the fall election. "It's game over for the Legislature if that (constitutional) amendment gets on the ballot and passes. And at that point, we'll just be spectators in the world of gaming, which will essentially be a monopoly for the Seminole Tribe," Sen. Bill Galvano, a Bradenton Republican who has been instrumental in gambling-related legislation for eight years, told the News Service on Wednesday.

Industry representatives also foreshadowed dire consequences if the constitutional amendment passes. "I think it will have a huge impact on our industry, because as opposed to the Legislature regulating us, we'll need 60 percent of the residents of Florida to regulate us in the future. And, as the most regulated business in the state, that just makes anything we want to do to grow our business in the future more difficult," Izzy Havenick, whose family owns dog tracks in Naples and Miami, said in an interview.

SENATE ADOPTS NEW SEXUAL HARASSMENT POLICY

After the resignation of two prominent senators because of sex scandals, Senate President Joe Negron this week released a new sexual-harassment policy outlining do's and don'ts --- mostly don'ts --- to guide senators, aides and lobbyists. Unwelcome physical behavior that could constitute sexual harassment includes "kissing or hugging, unless welcome or clearly not objected to, when made in connection with a greeting or parting, such as a peck on the cheek." And "patting, pinching, or intentionally brushing against an individual's body" are also off-limits, according to the new policy.

sexual harassment and that “conduct or communications that might have been welcome between two individuals at one time may become unwelcome at any time.” Negron released the policy after the Senate has been roiled by the resignations of Lake Worth Democrat Jeff Clemens and Clearwater Republican Jack Latvala. Clemens resigned after disclosures about an extramarital affair with a lobbyist, while Latvala stepped down after a highly damaging investigation about sexual harassment.

IRMA, REDUX

The House Select Committee on Hurricane Response and Preparedness inched forward this week with recommendations based on lessons learned from Hurricane Irma, the historic storm that swept through the state in September. Requiring nursing homes to have adequate backup power, blocking storm-damaged properties from being rebuilt in “high-risk” areas and looking into changes in highway traffic flow during evacuations are a few of the proposals advanced by the select committee.

The suggestions focused on Hurricane Irma recovery, the impact on Florida of people fleeing Puerto Rico after Hurricane Maria and how to better prepare for future storms. They will be distributed to various committees and subcommittees to determine the potential impacts on the next state budget as ideas are converted into bills. Select committee Chairwoman Jeanette Nunez, R-Miami, whittled down the list of proposals and called them a “starting point” for short-term and long-term measures.

Meanwhile, the state’s largest utility had some good Irma-related news for its customers. Florida Power & Light said Tuesday that savings from the federal tax overhaul will allow it to avoid billing customers for the \$1.3 billion cost of restoring electricity after Hurricane Irma. FPL had initially planned to start billing customers in March for the restoration costs but put those plans on hold after Congress and President Donald Trump last month approved the overhaul, which cut corporate tax rates and made numerous other changes in the federal tax code.

In the announcement Tuesday, FPL said a 2016 agreement that set the utility’s base electric rates allowed it to “leverage” the tax savings to deal with the Irma costs. “The timing of federal tax reform, coming on the heels of the most expensive hurricane in Florida history, created an unusual and unprecedented opportunity,” Eric Silagy, FPL’s chief executive officer, said in a prepared statement Tuesday. “We believe the plan we’ve outlined is the fastest way to begin passing tax savings along to our customers and the most appropriate approach to keeping rates low and stable for years to come.”

QUOTE OF THE WEEK: “Quite simply, advising clients to grow their own marijuana based on a fake doctor’s advice is wrong and cannot now be said to be subject to interpretation based on the evolution of medical marijuana law.” --- Carlos Alberto Leon, a Florida Bar lawyer who served as referee in a disciplinary case against Ian Christensen, who was disbarred Thursday by the Florida Supreme Court. Christensen and a colleague charged clients \$799 for a patient identification card that they said could keep the patients out of trouble for having or growing marijuana.

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