



ASSOCIATION OF FLORIDA COLLEGES

CAPITOL PERCEPTIONS

A WEEKLY DIGEST OF LEGISLATIVE NEWS

Your Weekly Legislative Update

March 5, 2018
Week Eight Session Summary
February 26 - March 2, 2018
Legislative Session 2018

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2018 Legislative Session - Week 8 - February 26 - March 2, 2018

Budget Update

In order to end legislative session this Friday, March 9th, House and Senate negotiators must wrap up the \$87 million 2018-2019 budget by a Tuesday deadline. All final budget differences will be reconciled by House and Senate leadership. A 72-hour "cooling off" period is required by the Constitution before lawmakers can vote on the budget. The FCS is hoping the conference [House Offer #2](#) will prevail.

[CS/SB 7026](#) - "The Marjory Stoneman Douglas High School Public Safety Act" (by Rules Committee)

CS/SB 7026 provides law enforcement, the courts, and schools with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence. The bill also promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level. Some key issues addressed in the bill as related to K-12 school safety include:

- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Requires a three-day waiting period for all firearms, not just handguns or until the background check is complete, whichever is later.
- Prohibits a person under 21 years of age from purchasing a firearm.
- Prohibits a licensed firearm dealer, importer, or manufacturer, from making or facilitating the sale or transfer of a firearm to a person under the age of 21. This prohibition does not apply to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer or to a member of the military.
- Prohibits a bump-fire stock from being imported, transferred, distributed, transported, sold, keeping for sale, offering or exposing for sale, or given away within the state.

- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from accessing firearms when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
- Provides a court can issue a risk protection order, ex parte in certain circumstances, and requires the surrender of all firearms and ammunition under said order.
- Establishes the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement (FDLE) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools (office) within the Florida Department of Education (DOE) and specifies the purpose of the office is to serve as the state education agency's primary coordinating division for promoting and supporting safe-learning environments.
- Creates the Florida Sheriff's Marshal Program within the DOE as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.
- Codifies the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET) as a function of the DOE in partnership with other state, regional, and local entities to facilitate collaboration and communication between the specified entities.
- Establishes the Public School Emergency Response Learning System Program to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools.
- Establishes the "FortifyFL" program and requires the FDLE to procure a mobile suspicious activity reporting tool that allows students and the community to report information anonymously about specified activities or the threat of such activities to appropriate public safety agencies and school officials.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility,
- Requires each district school board to designate a district school safety specialist to serve as the district's primary point of public contact for public school safety functions.
- Requires each school district to designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction.
- Creates the mental health assistance allocation to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs and to connect students and families with appropriate services.

CS/SB 7026 passed Appropriations Committee favorably 02/27/18. 3/3/18 Senate placed on 3rd Reading.

Constitutional Revision Commission (CRC) Update & CALL TO ACTION - by March 13th!

We are requesting AFC members to express your support for Proposal 83 to the members of the Constitutional Revision Commission. [Click Here](#) for a more detailed overview and information on how you can communicate your support for Proposal 83 to the CRC.

The Education Committee of the CRC voted and approved, on 1/26/18, Commissioner Nicole Washington's Proposal 83. [Proposal 83](#), linked below, codifies in the Florida Constitution that there is to be a single college system comprised of all public community and state colleges. Local boards of trustees will continue to govern each state college system institution, and the SBE's supervision of the system will continue to be subject to the Legislature's lawmaking authority. The proposal provides that a member of a board of trustees must be a resident of the service delivery area of the college.

The 37-member CRC convenes every 20 years. Any changes it ultimately approves still must go on the 2018 statewide ballot and gain 60 percent approval to be added to the constitution. The CRC is traveling the State of Florida to listen to input from Floridians about potential changes to the Florida Constitution. The next CRC Public Hearings are:

Monday, March 05, 2018

1:00-7:00 PM EST

The Westin

Tarpon Point Ballroom

5951 Silver King Boulevard

Cape Coral, FL 33914

Tuesday, March 13, 2018 (Last Public Hearing!)

1:00-7:00 PM EST

University of South Florida - St. Petersburg

University Student Center 200 6th Ave S

St. Petersburg, FL

For more information on the remaining meeting dates, times and locations as well as appearance forms visit: <https://www.flcrc.gov/Meetings/PublicHearings>.

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. Still no change in either bill as of 3/5/18.

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

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

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

[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. 3/2/18 House placed on 3rd Reading.

CS/HB 423 passed Higher Education Appropriations Subcommittee, now in Education Committee. 3/2/18 House Laid on Table, refer to CS/SB4.

[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. 2/27/18 Withdrawn from Military and Veterans Affairs, Space, and Domestic Security; Appropriations Subcommittee on Higher Education; Appropriations; Placed on Calendar, on 2nd reading; Substituted for SB 460; Read 2nd time; Placed on 3rd reading 2/28/2018; Passed Senate 2/28/18; House Ordered enrolled

SB 460 has passed one committee and the Appropriations Sub-committee on Higher Education. It is now in Appropriations. Placed on Special Order Calendar, 02/27/18. Senate Laid on the Table, refer to HB 75.

[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 House 1/31/18; referred 2/8/18 to Sen. Education; Approps. No change as of 3/5/18.

SB 946 has been referred to Senate Education and Appropriations Committees. It still has not been heard. No change as of 3/5/18.

[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 Special Order Calendar, 2/8/18, on third reading. No change as of 3/5/18.

HB 1419 – Favorably passed Criminal Justice Subcommittee and Judiciary Committee. Placed on the Calendar 2/1/18. No change as of 3/5/18.

[SB 1064](#) by Baxley - Dual Enrollment Programs (Similar language contained in [HB 7055](#)) Revises provisions relating to Commissioner of Education, DOE, school districts, school district superintendents, statewide, standardized assessments, charter schools, educational scholarship programs, principal autonomy pilot program initiative, dual enrollment, FLVS, & private schools. The bill modifies the dual enrollment eligibility requirements for home education program students and the related dual enrollment articulation agreement to remove the requirement that home education program students are responsible for their own instructional materials. Additionally, the bill removes the requirement for the articulation agreement between a postsecondary education institution and a private school to include a provision indicating whether a private school will compensate a public postsecondary institution for dual enrollment instruction provided by the postsecondary institution to the private school's students. The bill, however, does not specify that the public postsecondary institution may not charge tuition and fees to the private school for the dual enrollment of its students.

SB 1064 – Now in Appropriations. No change as of 3/5/18.

CS/HB 7055 – Passed House. 2/15/18 Referred to Senate Education; Appropriations. Passed Education favorably on 2/20/18; 2/27/18 Passed Appropriations favorably with 1 amendment; 2/28/2018 Placed on Calendar on 2nd reading; Placed on Special Order Calendar, 03/02/18; Senate Read 2nd time, Amendment(s) failed (692180, 903516), Amendment(s) adopted (831300); Placed on 3rd reading; 3/5/2018 Senate Read 3rd time

[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 ; CS/CS favorably passed Commerce and Tourism; Passed Rules Committee favorably, 3/1/18. Placed on Calendar, on 2nd reading, Placed on Special Order Calendar, 03/05/18, Senate Read 2nd time; Substituted HB 1013; Laid on Table, refer to HB 1013.

HB 1013 – 2/14/18 favorably passed House; received by Senate 2/21/18. No change as of 3/5/18.

[SPB 7022](#) - Firearm Safety (by Rules) - Authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; prohibiting a person younger than a certain age from purchasing a firearm, etc.

SPB 7022 is on the Rules Committee agenda 02/26/18, 2:30 pm; and, on the Appropriations Committee agenda 02/27/18, 11:00 am. The bill has not been received as of 3/5/18.

[SPB 7024](#) - Public Records/Victim of a Crime of Mass Violence (by Rules); Providing an exemption from public records requirements for the address of a victim of a crime of mass violence that has occurred on the grounds of a K-12 school or a postsecondary education institution or the address of an immediate family member of a victim which is contained in a report of a law enforcement agency and held by an agency; providing for future legislative review and repeal; providing a statement of public necessity, etc.

SPB 7024 favorably passed Rules Committee and Appropriations Committee. 3/3/18 Senate placed on 3rd Reading.

WEEKLY ROUNDUP: Parents Plead for Action

Recap and analysis of the week in state government roundup from the Florida News Service

TALLAHASSEE --- Last week, the students had the spotlight. This week, it was grieving parents who dominated the discussion.

Their focus, and the attention of lawmakers and Gov. Rick Scott, was on a measure that began as a wide-ranging school-safety proposal but is now known inside the Capitol as a “gun bill” that’s alienated people on both ends of the Second Amendment spectrum. Republican leaders last month hurriedly assembled a package dealing with mental health, school safety and stricter gun regulations in an effort to prevent another tragedy like the Feb. 14 massacre of 17 people --- including 14 students --- at Marjory Stoneman Douglas High School in Parkland. Now they’re fighting against time --- and bipartisan dissatisfaction --- to get a bill passed in the week before the legislative session ends.

What began as a unified pledge by Scott and GOP legislative leaders to make schools safer and keep guns out of the hands of mentally ill people like Parkland gunman Nikolas Cruz has --- in less than a week --- morphed into a fiery debate over whether teachers should be allowed to bring guns to schools and whether more restrictions should be placed on buying guns.

National Rifle Association Florida lobbyist Marion Hammer sent out an alert to “members and friends” this week in advance of an expected Senate vote, warning that “senators are being bullied into voting for gratuitous gun control measures in order to be able to vote on school safety.”

Meanwhile, Rep. Jared Moskowitz, a Marjory Stoneman Douglas High alum, said the bill had been “hijacked” by Republicans who insist on keeping the controversial provision that would allow school districts to use specially trained teachers who are deputized by sheriffs to bring guns to class. The proposal has been dubbed the “school marshal” program. “I just don’t get why they even came up with that,” Cameron McEachern, an 18-year-old Marjory Stoneman Douglas High senior, said after a press conference Friday in the Capitol. “It’s not what we want.”

POLITICS BE DAMNED

Accompanied by the father and brother of a student slain during the mass shooting in Parkland, Scott made a rare appearance before the House and Senate on Thursday to urge lawmakers to pass a school safety measure. The governor's direct message to the Legislature, with the aid of grieving parent Ryan Petty, came as the House earlier in the day put its plan on hold. Republican leaders acknowledged the plan --- opposed by the powerful NRA, black lawmakers, some survivors of the massacre and others --- needs more work. Scott is touting an alternative plan that relies heavily on putting law enforcement officers in schools. "If this devolves into a gun control debate, we are going to miss our opportunity to get something done. What's different about the governor's plan is that we are focusing on securing our schools," Petty, whose 14-year-old daughter Alaina was among the 17 people killed, told reporters after pleading with lawmakers in both chambers to pass a bill.

The day after Petty and Scott, accompanied by Petty's son, Patrick, addressed the House and Senate during floor sessions, the Senate postponed debate on its bill, scheduling a highly unusual Saturday floor session. Senate President Joe Negron announced the Saturday session in a memo Friday morning, saying the bill's sponsor, Sen. Bill Galvano, wanted "additional time to work on this important issue." Delaying consideration of the measure (SB 7026) until next week would affect the House's ability to hear the Senate bill because of procedural reasons, Negron said. Galvano said Friday he has the votes to pass the measure, but acknowledged it is problematic for many of his colleagues. "We have some that think we're going too far, some that think we're not going far enough. Certain interest groups like some components, don't like others. That means, in my experience, that we probably have a pretty good piece of legislation, that we've hit a balance between competing interests," Galvano, a Bradenton Republican slated to take over as Senate president after the fall elections, said. "But at the end of the day, none of that matters. We had a tragedy just a couple of weeks back. What we should be concerned about is not what group likes what, but can we come together, put a meaningful safety package out there and pass it that's going to save lives. And then the politics of it be damned."

Scott on Thursday reiterated his rejection of the school marshal program. "I want to make sure that there's a law enforcement presence at our schools. I don't believe in arming the teachers. I've been clear about that since I put out my proposal last week," the governor told reporters.

House and Senate budget committees approved the two chambers' similar proposals on Tuesday. The bills would raise the age from 18 to 21 to purchase rifles or other long guns and create a commission to explore failures leading up to the massacre. About 40 parents from Parkland, the affluent Broward County enclave where the nation's second-worst school shooting occurred, traveled to the Capitol to share their stories and requests with key legislators and Scott. Max Schachter, whose 14-year-old son Alex was among the victims at Marjory Stoneman Douglas High, strained to choke back tears as he begged lawmakers to act. "I've never been an outspoken person. I never wanted to be in this situation. But I'm pleading with you to put your differences aside. It's time to learn to compromise and help make our schools safe again," Schachter, comforted by his father, Steve, told the House Appropriations Committee. "We owe it to all these students. You owe it to me and you owe it to all those 16 other families."

BUDGET TALKS ON THE SIDE

The \$400 million school-safety initiative is also playing a role in House and Senate negotiations about the state's \$87 billion budget. After striking a deal on local property taxes, the House and Senate late Thursday agreed to spend \$21.1 billion on public schools in the 2018-2019 academic year, which would represent about a \$100 increase per student. But they are still trying to allocate that funding while accommodating a \$400 million school-safety package, prompted by the Broward County mass shooting. The cost of the school-safety initiatives as well as other recent impacts on the state budget, including a decline in projected corporate income-tax collections and higher Medicaid costs, are impacting other areas of the proposed \$87 billion-plus budget.

On Thursday, the Senate backed off a proposal that sought \$345 million in state performance funding for the university system, agreeing with the House to leave it at \$245 million, which is the current level. Negotiators also agreed on \$30 million in state performance funding for the 28 state colleges, which is also the current level.

In the prison system, lawmakers find themselves forced to respond to legal settlements in cases alleging prisoners are not receiving adequate treatment for infectious diseases, mental health issues and disabilities. Sen. Jeff Brandes, a St. Petersburg Republican who is leading the Senate negotiations on civil and criminal justice issues, estimated the new budget will contain about \$100 million in response to those legal mandates involving the Department of Corrections. The issues include money for treating prisoners with hepatitis C, an infectious disease that may affect as many as one out of every five prisoners in the system. Treatment can cost as much as \$37,000 for a 12-week regimen.

The House and Senate agreed Thursday to spend another \$42.6 million on mental-health treatment, including hiring 289 people, in response to a separate lawsuit. And lawmakers are in agreement on spending more than \$6 million to care for disabled prisoners under a court settlement that came after advocates alleged the state was discriminating against prisoners who were deaf, blind or confined to wheelchairs.

Despite the overall challenges, Senate Appropriations Chairman Rob Bradley, R-Fleming Island, said the budget negotiations remain on target for a final deal by Tuesday, which will allow lawmakers to vote on the spending plan on March 9, the last day of the 2018 session. "We're having great communications. It's been a very smooth process," Bradley said.

STORY OF THE WEEK: With time running out in the legislative session, key House and Senate committees approved school-safety initiatives that include a controversial program allowing specially trained teachers to bring guns to schools.

QUOTE OF THE WEEK: "What you're asking Republicans to do, if you vote for this, you're toast. If you want to move up, you're toast." --- State Rep. Joe Gruters, R-Sarasota, who serves as Sarasota County Republican chairman, on a school-safety proposal (HB 7021) opposed by the NRA.

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

Capitol Perceptions - The Back Issues

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