



ASSOCIATION OF FLORIDA COLLEGES

CAPITOL PERCEPTIONS

A WEEKLY DIGEST OF LEGISLATIVE NEWS

Your Weekly Legislative Update

March 12, 2018
Week Eight Session Summary
March 5 - March 9, 2018
Legislative Session 2018

In This Issue...

1. [Budget Update](#)
2. [Constitutional Revision Commission Update & Call to Action](#)
3. [The Community College Competitiveness Act](#)
4. [The Florida Excellence in Higher Education Act of 2018](#)

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

NOTE: The comprehensive AFC Final Legislative Report will be available April 1st.

Budget Update: Sunday Sine Die

Two days past the regularly scheduled last day, the 2018 session ended Sunday afternoon with an \$88.7 billion budget which takes effect July 1st.

2018-19 FCS Program Fund Gets a Slight Increase

After many days of haggling and trying to funnel dollars to needed health care initiatives (\$300M) and School Safety (\$400M), late last Wednesday evening the Legislature resolved its budget differences in conference. The Florida College System Program Fund will receive a slight increase of about \$6.7 million, restoring a little less than 25% of the program reduction of \$30.2 million this year. \$272,175,155 is appropriated from Lottery Funds to colleges and \$945,332,666 from General revenue, including \$60M for performance funding, half for state incentive and half for institutional investment. \$10M has also been allocated for Industry Certifications. A comprehensive summary will be included in the upcoming AFC Final Legislative Report due by April 1. [2018-19 GAA](#)

PECO Funding

House and Senate leaders formally agreed on which construction projects they'll fund next year for universities, state colleges and schools. With so much money being diverted to school safety there were not many winners

The Florida College System gets \$27.2 million for the whole system. We lost \$30.7 million offered by the Senate which agreed to the House position of only \$27.2 million. Three colleges received some additional help including \$5 million to Florida Keys Community College for the Key West Collegiate Academy classroom facility and storm shelter. St. Johns River State College, which received \$5.2 million for remodeling and renovations. Fifteen projects that were in either the House or Senate budget were zeroed out.

The \$27 million for the system is significantly less than needed to meet our colleges' needs. When it comes to construction money for colleges and universities the biggest winner was the University of Florida which received \$50 million. It helps when the Senate Budget Chief is a grad. Florida State University also received \$13 million for Earth Ocean Atmospheric Sciences, \$9.5 million for an interdisciplinary research commercialization building, and \$8.5 million for the College of Business. Florida Gulf Coast University received \$10 million for integrated watershed and coastal studies. All other construction in the Senate budget including \$10 million to pay for utility infrastructure maintenance and repairs for the whole system was zeroed out even though it was a BOG priority.

Regarding public schools, about \$120 million for charter schools and \$50 million for school districts was provided. But House leaders have noted that language in [HB 7055](#) partially reverses changes made last year that require districts share the local tax money they raise for construction with charter schools.

School Safety Bill Passes, Governor Signs

The Florida Legislature passed SB 7026, school safety bill that includes gun control regulations and funding to improve public schools security statewide. On Friday the Governor signed it into law while grieving parents surrounded him. The National Rifle Association almost immediately filed a lawsuit against the state.

The gun control measures in the "The Marjory Stoneman Douglas High School Public Safety Act," are a small step forward in a body that has been loath to change any gun-rights laws for years. The provision arming teachers essentially prohibits front-line full-time teachers from carrying a weapon. All other types of school personnel, though, could carry firearms if they qualify. Gov. Scott said, as reported by Politico, "There are things in this bill that I oppose. And I've been pretty open about that. I still think law enforcement officers should be the ones to protect our schools. I've heard all the arguments for teachers to be armed. And while this bill was significantly changed on this topic, I'm still not persuaded."

The new law also provides for the hiring of more school resources officers, physical security improvements to schools, age and waiting-period limits on shotgun and rifle purchases and more police power to seize weapons from dangerous people.

Family members of victims sent a letter on Tuesday to lawmakers imploring them to support the bill. Politico also reported that activists delivered jars of tar and feathers to some senators after the chamber voted for the legislation earlier this week. In the House, racial divisions emerged between Democrats when some African-Americans fumed that white lawmakers were going the extra mile to react to the Parkland shooting when so many Black Caucus members represent communities ripped apart by gunfire on a more frequent basis.

In summary the Marjory Stoneman Douglas High School Public Safety Act does the following:

- Raises the age limit for purchases from 18 to 21 and requires a three-day waiting period for the purchase of all weapons
- Creates a ban on bump stocks, which make rapid shooting easier
- Includes money for school districts to hire more school resource officers, and programs for mental health services
- Expands the powers of law enforcement to temporarily suspend someone's gun rights if they are admitted for psychiatric evaluation under the state Baker Act. They could

also petition a court to extend the suspension of powers over the 72-hour life of the Baker Act to 60 days
View a breakdown [here](#) of \$400 million in spending under FL SB 7026 (18R).

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:

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

Pushback Kills [SB 540](#) by Hukill “The Community College Competitiveness Act”.

SB 540, the omnibus bill from Senate President Negron, did not make it to the finish line. With significant opposition to many aspects of the bill from AFC, college lobbyists, college presidents, trustees, business partners, and the media the House never took up the bill. As a result the FCS will see no changes to governance, performance standards, DSO personnel, or baccalaureate degree approval. Most importantly there will be no caps placed on our four-year program enrollments.

[SB 4](#) by Galvano - “The Florida Excellence in Higher Education Act of 2018”. 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. The final bill version also includes language disallowing a public institution of higher education to designate any area of campus as a free-speech zone or otherwise create policies restricting expressive activities to a particular outdoor area of campus.

CS/SB4 was approved by the Governor on 3/11/18.

[HB 75](#) by Ponder regarding Post-Secondary Fee Waivers 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 was presented to the Governor on 3/9/18.

[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.

Indefinitely postponed and withdrawn.

[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.

Indefinitely postponed and withdrawn.

[CS/HB 7055](#) The final Senate analysis for 7055 includes the following regarding colleges. 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. The bill states that \$550,000 budgeted shall be used for instructional materials pursuant to 1007.271 (13) and doesn't speak to reimbursement for private school tuition. The bill does not prohibit institutions from charging tuition and fees to private school institutions.

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. The bill states that \$550,000 budgeted shall be used for instructional materials pursuant to 1007.271 (13) and doesn't speak to reimbursement for private school tuition. The bill does not prohibit institutions from charging tuition and fees to private school institutions.

CS/HB 7055 also creates the Hope Scholarship Program for students who have been bullied to transfer to another public school or receive a scholarship to attend an eligible private school. The Hope Scholarship Program will be funded by taxpayers who make a contribution limited to \$105 when a vehicle or registration is purchased. The contributor will receive a 100 percent credit of the contribution against the sales tax.

CS/HB 7055 – Approved by the Governor 3/11/18.

CS/CS/HB 731 Relating to Home School Dual Enrolled Students. Amends language relating to home school students enrolling in dual enrollment courses. Prohibits additional arbitrary requirements from being included in the articulation agreement for students who have demonstrated the ability to master advanced courses to keep them from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution. Removes the requirement that a home schooled student be responsible for his or her own instructional materials. This may have a significant fiscal impact upon individual colleges. Specifies that any course or program limitations may not exceed the limitations for other dually enrolled students. Provides the initial and continued eligibility requirements for home education student participation are not to exceed those required of other dually enrolled students. States that a high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

Removes the requirement that a private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students. This will have a significant fiscal impact on certain institutions.

Contingent upon CS/HB 7055 or similar legislation in the 2018 Regular Session of the Legislature or an extension thereof failing to become law, for the 2018-2019 fiscal year, the sum of \$550,000 in recurring funds from the General Revenue Fund is appropriated to the Department of Education to be used by the Division of Florida Colleges to reimburse eligible colleges for the instructional materials pursuant to s.1007.271(13), Florida Statutes.

CS/CS/HB 731 - Engrossed and enrolled on 3/9/18

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 ; 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 – Passed by the Senate and enrolled on 3/6/18.

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. Died.

[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 Approved by the Governor, 3/9/18.

[HB 1201](#) related to Education for Prisoners. The bill would amend current law to allow the Department of Corrections to contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services in the Correctional Education Program. The education services may include any educational, career, or vocational training that is authorized by the department. Current law prohibits expending state funds for the education of inmates.

The bill also allows each county to contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide education services for inmates at county detention facilities. The education services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee. Current law prohibits expending state funds for the education of inmates.

A restriction is placed on the inmates served under the contracts. State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state inmates with more than 24 months of time remaining to serve on their sentence or federal inmates.

HB 1201 – passed House 3/9, enrolled.

WEEKLY ROUNDUP: “Job One”

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

TALLAHASSEE --- Big picture, a lot of things happen during legislative sessions that really aren't important. Special interests battle among themselves. Lawmakers give ponderous speeches. Press conferences come and go. But this week, lawmakers dealt with perhaps the most-important issue they will face during their time in Tallahassee.

After the devastation of the mass shooting at Marjory Stoneman Douglas High School, lawmakers spent days debating and ultimately passing a bill to try to improve school safety, boost mental-health services and impose new gun restrictions. The debate, at times, was gut-wrenching. It also went beyond the Parkland shooting and reflected racial and cultural divides. But the families of the 17 people killed at Marjory Stoneman Douglas High offered support for the bill and helped prompt Gov. Rick Scott to sign it. They knew something needed to be done. Will the bill work? Will parents be able to drop their kids off at school in the morning and be assured they will be safe? The truth is, nobody knows for sure. But amid all the messiness and political maneuvering of the final week of the legislative session, it was a big deal.

‘PUSH THE GREEN BUTTON’

Rep. Jared Moskowitz, D-Coral Springs, went to Marjory Stoneman Douglas High. He served on the Parkland City Commission. And after word came Feb. 14 of the massacre, he rushed home to Broward County. So when Moskowitz took the microphone on the House floor Wednesday, the usual clamor in the chamber stopped and members listened. Moskowitz's described the awful scene at the school after the shooting. Then he broke down while describing how his 4-year-old son was receiving writing lessons from a pre-school teacher when the teacher's daughter was shot dead at the school. Moskowitz chided House members who throughout the day called the vote on the bill a difficult decision. "This isn't hard. Putting your kid in the ground is hard. This is a button. ... Push the green button," Moskowitz concluded, referring to the button for "yes" votes.

The \$400 million package includes \$69 million for early mental health screening and services, \$97 million for school resource officers, \$98 million for school-hardening grants, and \$25 million to raze and rebuild the freshman building where the shooting spree occurred. But the debate focused mostly on gun issues.

The National Rifle Association and its allies tried to rally opposition because of part of the bill that increased the minimum age to 21 and imposed a three-day waiting period for people purchasing rifles and other long guns. As more evidence of the opposition, the NRA quickly filed a federal lawsuit challenging the restrictions after Scott signed the bill Friday. "(Scott) put his hand on a bible and took an oath to support, protect and defend the Constitution," NRA lobbyist Marion Hammer said in a telephone interview Friday with The News Service of Florida. "So Gov. Scott obviously has a hard time keeping his word."

Scott, had objected to the three-day waiting period but said Friday he and others had to compromise, acknowledging that gun regulations in the bill went too far for some and not far enough for others. "I know the debate on all these issues will continue, and that's healthy in our democracy. People are passionate in their beliefs and they should be. But, we should not insult or disparage each other. We should work together to make our schools safe for our kids. We have a lot of work ahead of us in order to enact these reforms and make our schools safer. This is a time for all of us to come together, roll up our sleeves, and get it done," he said.

The other major gun issue focused on part of the bill that would allow trained school employees, including some teachers, to be armed. The so-called school "guardian" program drew objections from many people who don't want guns added to the daily mix in schools. But the proposal also sparked debate with a decidedly racial aspect. Black lawmakers fear the program could endanger minority students, who are more likely to be punished at school. The lawmakers said they worry minority students could be unfairly targeted in emergencies, as could armed school personnel who are "black or brown." "I'm afraid that in an emergency situation, a black or brown student who may be running down the hall to get away like everyone else, who reaches for his or her cell phone to call their parent, may be seen not as a student, but as a shooter," Rep. Cynthia Stafford, a Miami Democrat who is black, said. But Rep. Elizabeth Porter, a Lake City Republican who supported the program, pushed back against such arguments. "All of a sudden, the folks that have been proponents of teachers all these years are now saying that teachers are incompetent to have a concealed weapon permit, they're racist, they're bigoted, they're going to target black boys and brown boys. I don't think that of our teachers at all. I don't believe that of them," Porter said.

THE END GAME

Lawmakers should have been celebrating Friday night and getting ready to head home. But instead, they faced the prospect of spending Sunday afternoon in the Capitol to pass a budget and a tax-cut package. House and Senate leaders extended the 60-day session after negotiators could not finalize a budget in time to end the session on time Friday.

The \$400 million package for school safety after the Broward County shooting caused unexpected budget changes late in the session. Senate Appropriations Chairman Rob Bradley, R-Fleming Island, said the shooting had "a real impact" on the budget process. "We responded aggressively," Bradley said. "If we don't protect our kids, what are we here for? That's job one." But the negotiations got hung up on other, more-typical issues, such as Medicaid funding for hospitals and nursing homes.

In the end, the Senate got one of its priorities, with an increase in Medicaid funding for nursing homes. Meanwhile, the House got part of what it wanted by continuing to funnel extra money to hospitals that serve large numbers of Medicaid patients. When they return to the Capitol on Sunday, lawmakers will approve an \$88.7 billion budget for the fiscal year that starts July 1.

STORY OF THE WEEK: The House and Senate passed a wide-ranging plan designed to improve school safety after the Feb. 14 mass shooting at Marjory Stoneman Douglas High School in Broward County. Gov. Rick Scott signed the bill Friday, and it quickly drew a legal challenge from the National Rifle Association.

QUOTE OF THE WEEK: "My precious daughter Meadow's life was taken, and there's nothing I can do to change that. But make no mistake, I'm a father and I'm on a mission. I'm on a mission to ensure that I'm the last dad to ever read a statement of this kind." --- Andrew Pollack, reading a statement after the House passed the school-safety package Wednesday. Pollack's 18-year-old daughter, Meadow, was among the 14 students slain at Marjory Stoneman Douglas High School last month.

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

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