



Week Five Session Summary April 11, 2011

STATE RETIREMENT SYSTEM CHANGES APPEAR TO BE INEVITABLE

After July 1, you can be assured that you will be contributing toward your state retirement. Despite our collective lobbying effort, there seems to be little sympathy for the plight of public sector employees when it comes to the retirement issue. Both the House bill, [HB1405](#), and the Senate bill, [SB2100](#) have passed their respective chamber votes, largely supported along party lines. SB2100 from the Senate Budget Committee was voted favorably 26-13. HB1405 from Rep. Workman passed with a 78-39 vote along party lines. Despite similarities in both bills, there remains some differences. However, neither bill is nearly as draconian as the proposal by Governor Scott.

The Senate bill now has a tiered employee co-pay of 2% of the first 25K in salary, 4% of the next 25K, and then 6% of the amounts over \$50K. The House bill includes a 3% across the board co-pay for all FRS participants. For the making over 50K, the House position is more favorable. The Senate bill phases out DROP over five years. The House bill closes DROP effective July 1, 2011 to all new participants. This means if you are eligible for DROP after June 30, the program will not be available to you. The House bill changes vesting in the “pension” plan to six years service and age 65, and sets retirement at any age at 33 years of service for new hires. The Senate bill retains the status quo regarding vestment and retirement at any age but closes the “pension” plan to new hires making 75K or more effective July 1, 2011. CCORP participants would be shifted in a comparable “contribution” plan under the House plan, but would not change under the Senate plan. All of these differences will be sorted out in conference committee beginning the week after next. Click on the link [Retirement Bill Analysis](#) for a full description of proposed changes.

SEVERANCE PAY BILL MOVES SLOWLY FORWARD

[CS/HB43](#) by Rep. Smith; [CS/SB88](#) by Sen. Gaetz regarding Public Employee Severance Pay

These bills continue to move forward, but not very quickly. The bills would eliminate severance pay for non-elected public employees except under certain circumstances and could impact our colleges at all levels. CS/HB43 passed favorably in the House Government Operations Sub-Committee on March 29 but has languished since then. CS/SB88 has sailed through Community Affairs and the Judiciary committees in the Senate by unanimous votes. Its next stop is with Government Oversight and Accountability which will meet this week on Thursday but the bill is not yet agendaed.

AFC AND COP PUSHBACK RENDERS AN EARLY DEMISE FOR THE “TENURE BILL”

[PCB7193](#) by the House K-20 Competitiveness Sub-committee; no Senate companion

As reported last week, we were quite surprised by the filing of this bill. Sponsored by Rep. Erik Fresen (R, Miami), the bill went after “continuing contracts” and tenure. The AFC immediately went on record in opposition. Moreover, at its meeting on April 7, the Council of Presidents voted unanimously by roll

call 27-0 (one president was absent and not represented) to oppose the bill. Upon hearing that, Rep. Bill Proctor (R, St. Augustine) who visited with the COP at its meeting and whose House Education committee was the next stop for the bill assured us that the bill would not move forward, effectively killing it for this year. However, it is likely that the tenets of the bill will resurface next year. The AFC in conjunction with the Faculty Commission (Margie Robertson (SCF), Chair) will work closely to formulate a position. Active involvement of college Faculty Senates will be needed to assist with educating legislators on issues related to the concepts of tenure, academic freedom and academic speech, which should be separate from matters related to contracts.

FCS BACCALAUREATE OVERSIGHT STILL ON THE TABLE

[SB1732](#) by Lynn; regarding Baccalaureate Degree governance and Florida Business and Education Collaborative; [CS7151](#) by Rep. Proctor and K-20 Innovation Committee

SB1732 would require the Board of Governors (BOG) and the Higher Education Coordinating Council (HECC) to develop plans to examine establishing comprehensive undergraduate universities, not research universities, that would be dedicated and limited to undergraduate instruction. The BOG is to submit a plan to the Governor and the Legislature no later than 1/31/2012. The plan is to identify "*conditions that could result in the transfer of an FCS institution to the State University System.*" These conditions would include colleges that (1) have enrollments of more than 20% of students in upper division programs, or (2) construct dormitories after July 1, 2011. The State Board of Education (SBOE) and the HECC would also examine re-aligning adult basic education (ABE) and career education programs. By 1/31/2012, the SBOE is to submit a plan to consolidate ABE and career programs within school districts and FCS institutions. The plan would clarify jurisdictional responsibility and funding and establish an implementation schedule for realigning the programs.

A point of contention is that the bill would repeal current law that allows an "experienced" FCS institution to be exempted from SBOE approval of new baccalaureate programs. Among other things the bill also includes a provision for district boards of trustees (DBOT) to ask the Education Commissioner to authorize an investigation of a president's actions, by inspector general (IG) if needed. The IG would then provide a report and recommend corrective action as necessary. The bill also allows the statewide articulation agreement to authorize state university system (SUS) and FCS DBOT's to establish the AP exam scores for universities to accept for course credit.

There is no companion bill in the House yet. However, five other bills contain some parts of what is in [SB1732](#). They are [SB 0632](#) Relating to Postsecondary Education; [HB 4153](#) Relating to Florida Business and Education Collaborative; [HB 4175](#) Relating to Articulated Acceleration Mechanisms; [HB 4177](#) Relating to Public Postsecondary Education, and [HB 7151](#) Relating to Postsecondary Education.

SB1732 passed in the Senate Higher Education committee on April 4. It was slated to move forward to the Senate budget committee but was sub-referred late last week to the Senate sub-committee on Higher Education Appropriations where it is scheduled to be heard this week.

COLLEGE SYSTEM 2011-12 BUDGET, "COULD BE A LOT WORSE."

That was the general sentiment among most of us here. Both the House and Senate appropriations committees released updated budget numbers for our colleges. The differences will be negotiated in conference committee next week.

House including 5% tuition increase = \$ 1,868,801,404 (-4.4%)

Senate including 8% tuition increase = \$ 1, 979,938,193 (+1.3%)

FROM THE NEWS SERVICE WIRE

With the halfway point of the 2011 Legislative Session officially in the rear view mirror, Florida lawmakers this past week spent much of their time teeing up spending plans, setting up a month of negotiations over retiree benefits and other budget differences - and mounting uncertainty over the governor's response to being only one leg of a three-legged stool.

STATE BUDGET

Wednesday, April 6 marked the midpoint of the 60-day session, a symbolic milestone that often prompts naval gazing from those who follow the session's progress in hopes of deciding whether to extend their leases or start saving boxes for the trip back home. Optimists see the chambers' early vote on their respective budgets as a welcome sign while skeptics maintain the session's early efficiency will be more than offset by the time it takes to settle a \$3.3 billion difference between the \$66.5 billion House blueprint and the Senate's \$69.8 billion budget.

Leaders in both chambers say they hope to have overall allocations out next week. A necessary step before conferees can begin their work. Two of the budget's biggest sticking points remain what to do about retirement and how deep to cut benefits to the state's most needy.

FRS AND THE BUDGET

With the question of whether to make changes to the Florida Retirement System decided, House leaders want to share the pain equally among workers at all salary levels by requiring all FRS recipients to kick in 3 percent of their income regardless of how much they take home, and what job they do. The Senate plan would set different charges on different levels of income, ranging from 2 percent on the first \$25,000 of pay to 6 percent on any pay above \$50,000. Leading by example, lawmakers and statewide elected officers would kick in an extra percentage point at each salary level, meaning most lawmakers will kick in five percent of their compensation package.

HEALTH CARE MATTERS

On the health care front, the Senate budget proposal calls for spending \$28.4 billion on health and human services programs, which is about \$800 million less than the House. That difference shows up in areas such as the Medically Needy program, which the House would not cut, and in deeper Senate reductions in hospital Medicaid rates. The Senate proposal would cut those rates 10%, while the House would cut them seven percent.

CHANGES TO THE SUPREME COURT

There were other issues pending before lawmakers that lay outside the budget as members wrangled over pill mills, the courts and other reorganizations. In response to criticism from court officials and other "stakeholders," House Speaker Dean Cannon this week scaled back ambitious court reform proposals that critics said were thinly veiled attacks at a judiciary, especially the Florida Supreme Court, which has scuttled a few Cannon-backed constitutional measures. Last month, Cannon unveiled a controversial slate of proposals that would have split the Florida Supreme Court in two. Other Cannon fodder would make it more difficult for a judge to get re-elected and easier for the Legislature to impeach them once they were seated. Under the new proposed amendment, the Supreme Court would stay as one, but would add three justices and have a civil and criminal division of five justices each. The Senate would also have to confirm any new justice appointed by the governor.

The plan would also give the House access to investigative files of the Judicial Qualifications Commission to review possible cases for impeachment and would set aside at least 2.25% of general revenue every year to fund the judicial branch.

PILL MILLS

The House and Senate, meanwhile, have taken vastly different positions to combating unscrupulous pain clinics that dish out painkillers to drug addicts and traffickers. House leaders say the answer is to ban doctors from dispensing drugs in their offices. They also want to eliminate a series of regulations approved during the past two years, including a requirement that the state use a new database to better track prescriptions. Scott wants lawmakers to scuttle the database, which he says is intrusive.

GOVERNOR'S POPULARITY A QUESTIONMARK

How much political clout Gov. Scott can muster to move his legislative agenda still remains to be seen. A Quinnipiac poll released this last week shows Florida voters clearly think Gov. Scott is not doing the job well enough and his callous manner seems to be turning people off. Scott's disapproval rating among Florida voters has ballooned to 38%, the poll found, with 52% saying the governor's budget cutting proposals are unfair to them. Comparatively, Charlie Crist had a 70% approval rating at this point in his tenure. But, public opinion can be somewhat fickle and when you have nowhere to go but up, who knows how Gov. Scott will do in the long run.

MISCELLANEOUS FROM THE WIRE

In other developments, the House passed a bill removing state regulatory authority over several professions. The bill, which would deregulate interior designers, auto mechanics, and auctioneers to name a few, passed after Republicans rebuffed efforts by Democrats to keep several of the professions under state regulations.

A bill paving the way for up to five "destination resort" casinos in Florida passed the Senate Commerce and Tourism Committee after being pulled from consideration by the bill's sponsor, who was apparently bluffing. Still, critics say the odds of passage this year are close to that of drawing an inside straight.

STORY OF THE WEEK

The House and Senate passed their respective budget plans but remain \$3.3 billion apart.

QUOTE OF WEEK

"You better think - think about what you're trying to do to me." House Democratic Leader Ron Saunders (D, Tavernier) channeling Aretha while debating the FRS reforms on the House floor this week.

YOU MAY ASK, "WHAT CAN I DO?"

We encourage all AFC members to become knowledgeable and active advocates for the AFC. Please follow the following rules of engagement:

1. Be knowledgeable of the issues.
2. Write a letter, send a fax or email, or call YOUR local legislative delegation to express your concerns regarding any bill
3. Be polite and professional.
4. Be a registered voter with a voting record. They know!
5. Remember, your not only represent your college, but also the AFC.
6. Do not use college resources to communicate with your legislative delegation. Use your own computer, phone, fax, or email, and do it away from campus.
7. It's never too late to get involved. Support your college's AFC Chapter.