



The week on March 30 was the turning point of the 2016 Legislative Session. There was not much happening as bills are moving very slowly. The overall session may yield considerably fewer bills than normal. It was an active week for the top college issues and a couple “AFC” issues.

### **AFC ENGAGES TOP LOBBYIST**

The AFC has contracted with renowned lobbyist, Brian Ballard, to help with difficult items challenging the colleges this year including the baccalaureate degree issue and the budget appropriation. Ballard will work closely with the Council of Presidents and the Policy and Advocacy Committee.

Named among the top 10 Republicans in Florida by Campaign & Elections Politics, Brian has earned a reputation as a tireless and an effective advocate for his clients' interests. Before establishing Ballard Partners, Brian was founder and managing partner for Smith & Ballard. He also served as managing shareholder for Bryant Miller & Olive P.A. He currently serves as counsel to Panza, Maurer & Maynard, P.A.

Brian was appointed by the U.S. Secretary of Commerce to the U.S. and Foreign Commercial Service Advisory Council. He also directed the transition and assisted in the U.S. Senate confirmation of Governor Bob Martinez as the Director of the Office of National Drug Control Policy (Drug Czar) in the Executive Office of the President. Among his public service experience, Brian served as chief of staff in the Executive Office of the Governor, developing a special interest in environmental issues. Among his accomplishments, Brian served as chief architect of Preservation 2000, the largest public acquisition program for environmentally sensitive lands in the nation. He also served as Florida's chief negotiator with the U.S. Department of the Interior to end offshore drilling along the state's southeast coastline and the Florida Keys. The American Lawyer magazine recently rated Brian as one of America's top rated lawyers in the field of Energy, Environmental and Natural Resources law.

Committed to community service, Brian has been a member of the Council of 100, the Collins Center for Public Policy, Florida Governor's Mansion Foundation, and the City of Tallahassee-Leon County Architectural Review Board. He has received Florida's highest award for historic preservation recognizing his efforts involving preservation of historic buildings. In 2007, Governor-Elect Charlie Crist chose Brian and his wife, Kathryn, to co-chair the Inaugural Committee that planned and executed the events surrounding the inauguration of Florida's 44th Governor and Lieutenant Governor. Brian and his wife also served as Finance Co-Chairs of Governor-Elect Rick Scott's Inaugural Committee.

Brian received both his Bachelor of Science degree in Business Administration and his Juris Doctorate from the University of Florida, where he was later inducted into the University's Hall of Fame.

### **STATE BUDGET**

The House on Thursday approved a \$76.2 billion budget plan, clearing the way for negotiations with the Senate as federal and state officials continued a feud over whether they are discussing \$2.2 billion in health-care funding that plays a major role in budget deliberations. A handful of Democrats joined

Republicans to approve the House version of the spending plan in an 86-29 vote. The measure would cover the fiscal year that begins July 1.

The budget is significantly smaller than the Senate version, which would spend \$80.4 billion. The Senate wants to spend \$5 billion for a critical hospital-funding program, known as the Low Income Pool, and for an alternative to Medicaid expansion. The House has ruled out the Senate's expansion plan and says it will only include the \$2.2 billion in Low Income Pool, or LIP, funding once the federal government agrees to extend the program.

The LIP program, which is currently set to expire June 30, funnels additional money to hospitals and other health providers that serve large numbers of poor and uninsured patients. A large chunk of the money for the program comes from Washington. The future of that funding has been thrown into question after state officials announced late Wednesday that the federal Centers for Medicare & Medicaid Services suspended negotiations for at least two weeks. The back-and-forth could make it difficult for lawmakers to finish the budget by the May 1 deadline for ending the legislative session on time. The last time legislators were forced into overtime to handle the state budget was in 2009, when the economic collapse sparked by a financial crisis forced the state to accept billions of dollars in temporary funding from the federal government.

Meanwhile, the House debate over the budget Thursday focused largely on the unwillingness of Republicans to accept a \$2.8 billion Senate proposal to use Medicaid expansion money from the federal Affordable Health Care Act, better known as Obamacare, to help an estimated 800,000 lower-income Floridians purchase private insurance. Democrats argued that Republicans were letting their partisan hatred of President Obama prevent them from doing the right thing. Budgets for the FCS remain the same at a little over \$2 billion total including tuition. Final negotiations for the budget will begin in about a week.

#### **SB 176 AND HB 4005 REGARDING ALLOWING CONCEALED CARRY OF HANDGUNS GUNS ON CAMPUS.**

Despite considerable opposition, HB 4005 made it through its final House committee stop, Judiciary, and is ready for a vote in the House Chamber. We expected all along the bill would move and likely be passed in the House. The Senate bill, however, has stalled. It is not scheduled to be heard in Senate Judiciary this week. Being this is the final week of substantive committee meetings in both Chambers, it is very possible the Senate bill will die there, barring any late session shenanigans. Without an identical companion bill in each Chamber, a bill cannot be passed. Based on preliminary vote counting in the Senate, it is believed there are not enough votes there to pass the bill. This shows that the collective efforts of groups, including the AFC, have been successful in the Senate, which is typically the more deliberate chamber.

The bill puts the choice of carrying in the hands of a license holder rather than the school. Florida State faculty Union President Jennifer Proffitt argues this sets Florida apart from most other states that allow guns on their campuses. "30 other states allow guns on campus," Proffitt says, "but it hasn't been said that 23 of them allow the institutions to determine whether they want guns, and of the remaining seven, six have some sort of limitation, whether it means installing gun lockers so guns aren't in the classrooms or in dorms, or faculty only carrying."

Another guns bill that would allow designated carriers in public schools, also has no Senate companion. Yet a third bill which would allow weapons to be carried during emergency evacuations for up to 48 hours, appears like it will pass.

If the AFC and other organizations are successful in holding off the bills this year, they will surely return next January for the 2016 session.

## **SB 1252 REGARDING COLLEGE BACCALAUREATE DEGREE PROGRAM**

The Senate bill proposed has come under fire from media outlets across the state. Articles recently in the Florida Times Union and the Bradenton Herald have characterized the proposal as an “extreme assault” and an effort to “downgrade and status” of the 28 Florida colleges and the roles they play in their respective communities.

SB 1252 is scheduled for another hearing on Wednesday morning at 10:00am in the Senate Appropriations Committee. Another amendment is being filed. The Council of Presidents is not totally opposed to many of the reforms offered in the proposal including a rigorous annual review and a program approval process. However, there is little support for reversing college name changes, many of which were passed within the last 5-6 years and approved by many of these same legislators, and setting an enrollment cap of 5% that limits program growth and our ability to respond to local and regional workforce needs.

## **SB 7024 AND HB 913 REGARDING RETURN OF INVESTMENT FUNDS FROM THE STATE BOARD OF ADMINISTRATION.**

As previously reported, these bills will allow the return of recouped investment interest from the Florida Prime Fund to be repaid directly to 26 colleges. The total of funds is in excess of \$1.2 million. The bills have passed the committee process in both Chambers. HB 913 is on the second reading calendar. SB 7024 was voted up in the Senate on April 1 by a 37-0 vote.

## **MEDICAL MARIJUANA**

Five months after narrowly rejecting a medical-marijuana ballot initiative, Florida voters overwhelmingly support allowing doctor-prescribed marijuana in the state, according to a poll released Monday. The Quinnipiac University poll found that 84 percent of Florida voters backed letting adults use medical marijuana, if doctors prescribe it. But here's the rub: Polls in late 2013 and the first part of 2014 also showed support for medical marijuana topping 80 percent. In the November 2014, election, however, a proposed ballot initiative received about 58 percent of the vote --- shy of the 60 percent needed to approve constitutional amendments.

The numbers plummeted, at least in part, because opponents spent millions of dollars on television ads warning that the ballot initiative included loopholes that could lead to widespread abuse. The group behind the 2014 amendment, People United for Medical Marijuana, has signaled it is willing to put a revised marijuana initiative before voters in 2016 if lawmakers don't approve legalization. Republican legislative leaders have largely dismissed the idea of legalizing full-blown medical marijuana, saying they want to focus on moving forward with a 2014 law that allowed a limited type of non-euphoric cannabis for certain medical conditions.

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

Florida has a reputation for weird news; one need only peruse the @FloridaMan Twitter account's timeline or do a web search for "FanGate" to see how the state provides seemingly endless entertainment for the residents of the rest of the nation. But even for the bouquet of bizarre that is Sunshine State politics, this week was exceptionally strange.

Federal and state officials no longer simply disagree on what to do about the potential expiration of \$2.2 billion in health care funding; they disagree on whether they're trying to reach agreement. And the strangest story of the week had no humor to it at all, as the Department of Corrections faced reports of a murder plot that included the involvement of members of the Ku Klux Klan. All the while, cultural scuffles broke out on a range of issues, from abortions to whether --- in an only-in-Florida twist --- guns and ammunitions should be part of a July 4 sales-tax holiday.

As the legislative session passed the halfway point, there were plenty of remaining questions. But one of them is how much stranger Florida politics can get.

## **PAYING LIP SERVICE TO NEGOTIATIONS?**

From the beginning, discussions about the state budget for the fiscal year that starts July 1 have been clouded by the uncertain prospects of \$2.2 billion in funding for the Low Income Pool, or LIP, program. The LIP program, which is currently set to expire June 30, funnels additional money to hospitals and other health providers that serve large numbers of poor and uninsured patients.

As lawmakers worked on their versions of the budget, the state Agency for Health Care Administration negotiated with the federal Centers for Medicare & Medicaid Services to try to strike a deal to allow some presumably revamped version of the program to continue. The federal government plays a major role in funding the program. The Senate decided to get an in-person update from federal officials this week. Senate Health and Human Services Appropriations Chairman Rene Garcia, R-Hialeah, and Senate President Pro Tempore Garrett Richter, R-Naples, spent Tuesday in Washington meeting with Obama administration officials. That same day, according to Agency for Health Care Administration Secretary Liz Dudek, the talks took an unexpected hiatus. Federal officials told the state that CMS's top negotiator would not be available for at least two weeks and the discussions were off in the meantime, Dudek said. Not so, said CMS, which sounded bewildered by the notion that the talks were off. "CMS remains in contact with state officials and continues to share information," said Aaron Albright, a spokesman for the agency, in a statement sent to reporters Thursday. "Senior officials from CMS will continue conversations with state officials about our shared goal of securing access to high quality health care coverage for low income Floridians."

Dudek issued a statement late Thursday standing by the state's version of events. "After months of discussions we found out that negotiators would not be available to continue to further discuss the LIP program. At this time, no date has been set for a future meeting," she said. The back-and-forth overshadowed the House and Senate both approving their respective versions of the budgets this week and increased doubts that lawmakers could get their work done before the scheduled May 1 conclusion of the regular session.

## **CULTURE WARS**

As states like Indiana and Arkansas reeled from battles over proposed "religious liberty" laws decried by critics for alleged anti-gay bias, Florida lawmakers found themselves in cultural skirmishes that were less potent but still divisive. The closest to the fights in other states was a proposal approved by the House Judiciary Committee that would allow private adoption agencies to refuse to place children with same-sex couples. The committee passed the measure ([HB 7111](#)) by Rep. Jason Brodeur, R-Sanford, providing what it calls "conscience protection" for private agencies whose "religious or moral convictions" do not permit the children in their care to be adopted by gays or lesbians. "What we are saying in this bill, very narrowly crafted for the handful of private adoption agencies that have a written moral or religious exemption, is that they cannot have that be a basis for damages or for retribution," Brodeur said.

The bill passed 12-3 on a party-line vote. But opponents warned that if it became law, Florida could suffer the same sort of economic boycott now aimed at Indiana. "This bill is even worse than Indiana's," said Carlos Guillermo Smith of the pro-gay advocacy group Equality Florida. "This threatens Florida's tourism-based economy." Meanwhile, the House Health & Human Services Committee approved a bill ([HB 633](#)) that would require women to wait 24 hours before having abortions in Florida. The sponsor, Rep. Jennifer Sullivan, R-Mount Dora, said the plan would "empower" women by giving them more time to reflect before making such momentous decisions. But Dian Alarcon of Miami told lawmakers that because she'd had no access to a legal abortion, she'd had an illegal procedure --- with no medical care.

"By supporting this bill, what you're doing is making women like me and women in the community go out and seek illegal and unsafe abortions," Alarcon said. "I think the most important thing we can do for

our children is to educate them and to give them the tools to make decisions about their bodies and their lives."

### **TAX FREE HUNTING GEAR!**

And the House Finance & Tax Committee chose to keep guns and ammunition in a proposed Independence Day sales-tax holiday on hunting gear that is part of a wide-ranging, \$690 million tax-cut package (PCB FTC 15-05). The panel rejected efforts by Democrats to remove firearms and ammo from the sales-tax holiday for July 4. Rep. Jose Javier Rodriguez, D-Miami, said the proposal sends mixed messages, as law enforcement will be telling people at the same time not to fire guns into the air.

"It's not an exaggeration to say that it really is a bad policy when we have law enforcement expending resources to address a public safety issue and in our tax code we have the exact opposite incentive and we're encouraging people to purchase ammunition for the holiday," Rodriguez said. Rep. Frank Artiles, R-Miami, said the proposal could help increase tourism by promoting hunting and fishing in the state. In addition to rifles, shotguns, spear guns, crossbows and bows, the July 4 sales-tax event would cover camping tents and fishing gear. "While I understand my Democratic colleagues don't like firearms and ammunition, the reality is that fish hooks also kill fish," Artiles told Rodriguez. "But apparently fish are not important to you."

QUOTE OF THE WEEK: "We're walking hand-in-hand with 800,000 souls to the altar of fringe politics."---Rep. Evan Jenne, D-Dania Beach, on the House's refusal to accept a Senate alternative to Medicaid expansion.