



Week Four of the 2015 Legislative Session was pretty typical for the AFC lobbying team. As the 2015 Legislative Session crosses the mid-point this week, some proposals are getting resolved while others are still awaiting action. This issue of Capitol Perceptions will provide quick summaries about a variety of college-related and other proposals that could impact all Floridians.

## **GUNS PROPOSALS ABOUND - CAMPUS, SCHOOLS, EVACUATIONS, TAX BREAKS**

Guns rights advocates have done a good job this legislative session pushing forward proposals to advance gun rights in Florida. Bills to allow concealed carry on our campuses have moved through some committees, as has a bill to allow persons to be designated to carry a weapon in a public school. Additionally, the Legislature has already killed a bill to outlaw backyard shooting ranges.

### **Campus and Schools**

The college gun bills, [SB 176](#) and [HB 4005](#), which would allow concealed carry on our campuses by permit holders 21 years of age or older, were not heard by any committee this past week. Both bills await their next committee stops in Senate Judiciary and House Judiciary, respectively. As committee meetings to deal with substantive legislation begin to wind down over the next two weeks, there is some hope that the bills may not make it to the finish line.

Another gun bill, [SB 180](#), authorizes school boards to implement armed security measures on school property. It expands the definition of “school” to include adult education facilities and any combination of schools, facilities, or centers. The bill creates “school safety designees” who must be licensed to carry a concealed weapon or firearm pursuant to the requirements of s. 790.06, F.S., and be:

- an honorably discharged military veteran with no firearm-related disciplinary infraction;
- an active-duty member of the military, National Guard, or reserves, with no firearm-related disciplinary infraction;
- or a law enforcement officer in good standing or a former officer who has retired or terminated employment in good standing and not during the course of an internal investigation.

The designee is required to carry the weapon or firearm, on his or her person, in a concealed manner at all times while performing official school or school safety designee duties. School safety designees must undergo a Level 2 background screening.

### **Tax Break**

Gun clubs and buyers may be the recipients of a tax cut package proposed in the House that would exempt gun and skeet shooting club membership fees from sales tax, and provide a tax holiday on July 4 for camping gear which includes rifles, shotguns and ammunition. The estimate of cost to the state for the exemption is \$1.2 million.

## **Emergency Evacuations**

The Florida Senate passed a bill which would allow gun owners without a concealed weapon permit to take their guns during emergency evacuations. [SB 290](#) ([HB 493](#) similar) passed on a 29-10 vote Tuesday, with only Democrats opposing it. The proposal would allow people to carry a concealed gun without a permit if they are subject to a mandatory evacuation during a hurricane or other emergency. There would be a 48-hour time limit for the exception. Opponents argued that hurricane shelters are chaotic and stressful, and someone without training and a legal permit should not be allowed to take a gun into one. But supporters said the bill will save lives, not endanger them. Some pointed to looting in New Orleans after Hurricane Katrina as a reason the bill is needed.

## **Backyard Shooting Ranges**

A bill filed by Representative Darryl Rouson (D - St. Petersburg) would outlaw firing a gun on residential property as part of a home firing range. But, despite a passionate push for votes, it failed this week. Some legislators believe that laws currently in place cover this issue. The current law on the books says someone cannot recklessly or negligently discharge a firearm on any property. Plakon and several others believe this should explain it for law enforcement.

## **BACCALAUREATE DEGREES**

Last week, we reported that a strike all amendment filed by Senator Negron was adopted by the Senate Higher Education Committee in [SB 1252](#), sponsored by committee chair Senator Stargel, could significantly affect the future of our college baccalaureate degree programs. Also, tucked in proviso language in the Senate proposed appropriations bill is a limit on colleges using general revenue or lottery funds to support or start baccalaureate degree programs. Proviso language in an appropriations bill dictates how certain funds are to be spent, and only apply to the year of the appropriation. The college lobbying team is hard at work negotiating a softened position on the policy and budget issues. A set of amendments is expected sometime this week from Senator Stargel to help soften the impact of the strike all passed last week.

## **CASH RETURN TO COLLEGES FROM THE SBA**

As reported last week, [HB 913](#) passed its first committee, Government Operations, on March 17 and now moves to House Appropriations on March 31. [SB 7024](#) has now passed all committee references and has been placed on the Special Order calendar for second reading in the Senate on March 24.

The State Board of Administration (SBA) provides a variety of investment services under the Local Government Surplus Trust Fund currently known as “Florida Prime.” It is open to all local government entities including our colleges for the purpose of investing surplus funds. The SBA also has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan investments and the FRS Investment Plan. The AFC is helping pass this bill, which will return cash to several of our colleges.

Countries which hold investments made by the SBA are subject to policies regarding affirmative action. Passed in 1988 were taken to pressure them to eliminate any ethnic or religious discrimination practiced by the government, agencies, or instrumentalities thereof. To assure compliance with the statutory restrictions limiting investments in countries cited for such infractions, the SBA subscribes to several research services, which collect and analyze employment and other data on businesses. In Northern Ireland, as a result of impending restrictions in November 2007, the Prime Fund experienced an unanticipated liquidity crisis when participants withdrew an unprecedented \$14 billion in funds in a single month. Faced with this liquidity crisis, the SBA’s trustees implemented a temporary four-day freeze on withdrawals and deposits and created a separate, second fund, the “Fund B Surplus Funds Trust Fund,” to hold the distressed securities. Since 2011, there have been no shareowner proposals submitted covering Northern Ireland. And, as of September 2014, Fund B participants have received 100 percent of their original investment. Since returning the principal balance, additional returns and legal settlements have produced a residual balance within Fund B of approximately \$43 million, of which about \$1.2 million belongs to various Florida colleges. Among other things, the bills direct the SBA to distribute any residual balance in the Fund B Surplus Funds Trust Fund to the trust fund participants, not their accounts, based on each participant’s proportional share of the November 2007 interest earnings that were withheld from distribution and transferred to the Fund B Surplus Funds Trust Fund.

## **COLLEGE AFFORDABILITY**

PCB HEWS 15-01 makes a number of changes at the board of trustee level of Florida's colleges and universities. Among those is a requirement that the Florida Board of Governors and the State Board of Education report college affordability strategies each year to the governor, the president of the Senate and the speaker of the House of Representatives. It includes a requirement that a college or university's board of trustees sends out a press release and posts online any proposal to increase tuition 28 days before it is considered at a Board of Trustees meeting. Those proposals could include changes to fees, financial aid policies and textbook costs. [SB 938](#) addresses a sales tax exemption for textbooks and tuition limitations, among other things. It also strips boards of trustees' authority to set tuition for graduate and professional programs. It gives the BOG that authority. In addition, the bill focuses on textbook costs. It would provide students with time to shop around for the best textbook price. It requires universities to review the cost of textbooks each semester and to report to the BOG annually on implementation of textbook affordability policies. The bill has no other committee stops.

## **OTHER BILLS OF PUBLIC INTEREST COMING UP THIS WEEK**

- [SB 998](#) would ban powdered alcoholic beverages.
- [SB 282](#) would prohibit the use of aerial drones to track people without their consent.
- [SB 724](#) would require a 24-hour waiting period before a woman could have an abortion.
- [HB 1145](#) would allow parents to transfer their children to any public school not at 90% of its capacity.
- [HB 4043](#) would eliminate the residency requirement at the time of qualifying for write-in candidates in local elections.
- [SB 614](#) would grant drug prescribing authority to Physician Assistants and ARNP's.
- [SB 192](#) and [SB 246](#) would make texting while driving a primary offense, meaning one could get pulled over for it. Currently, one can only be cited if pulled over for another offense.
- [SB 1298](#) would place new insurance requirements on companies like Uber and Lyft.

## **BILLS DYING A SLOW DEATH**

Many more potential laws are introduced than will pass. In a typical year, there may be as many as 1800 bill filed, yet only about 300 or less may get passed. Most die not from votes but from being left behind while legislators move on to other matters. Some are good bills.

Speaker Steve Crisafulli said the House subcommittees will shut down next week and that means most bills that they haven't already passed are probably dead. This year, measures affecting the pricing of contact lenses, a required movie viewing in schools, how juveniles are treated by law enforcement and many others are in jeopardy. Generally, bills must clear both House and Senate subcommittees before being voted on in both chambers. Some bills move further on one side than the other. A measure sponsored by Sen. Tom Lee, R-Brandon, that would have blocked contact lens manufacturers from setting minimum prices in Florida survived one Senate committee, but now may not be heard in a House subcommittee. Other measures, like one brought by Sen. Jack Latvala, R-Clearwater, to criminalize wage theft, needed multiple subcommittee hearings that probably will not take place this session. Rep. Darryl Rouson, D-St. Petersburg, has had success on both sides with a bill advancing the visitation rights of grandparents. But another measure he sponsored, changing how law enforcement would treat juvenile offenders, remained scheduled for subcommittees and may be dead, at least for this session. A bill by Sen. Alan Hays, R-Lake Marion, Orange, Sumter, that would have required all 8<sup>th</sup> and 11<sup>th</sup> graders school students to view the film by conservative author Dinesh D'Souza, *America, Imagine the World Without Her*, also does not appear to be making it through the committee process. It still may be possible for legislators to save a dying bill by voting to waive the rules and take it up in a Senate bill, or they may attach the measure to another bill. But such actions are usually reserved for major issues. For the rest, the clock continues to tick — the regular legislative session ends on May 1.

## **STATE WORKFORCE COULD SHRINK SOME MORE**

Under the House of Representatives proposed budget for the 2016 fiscal year the state's workforce could shrink some, though not as much as Gov. Rick Scott has recommended. But under the Senate's proposed budget, the workforce would actually grow by a little.

Scott has recommended cutting 1,353 full-time equivalent positions and one-time funding of 28 positions. His budget would add 363 positions, for a net decrease of 1,018 FTEs. If Scott has his way, the number of state-agency positions would drop from 114,502 to 113,484, a reduction of less than 0.90 percent. Under the House's \$76.2-billion budget, which passed Wednesday out of the House Appropriations Committee, state agencies would have 851 fewer positions, a reduction of 0.70 percent. The Senate has proposed adding 35 positions as part of its proposed \$80.4-billion budget. More than a quarter of the positions Scott wants to eliminate are filled, though the Governor's Office has said the "vast majority" of the positions will be vacant by July 1.

Florida's state-agency workforce is the smallest and the least expensive per capita in the nation. Last fiscal year, the state had 108 state employees per 10,000 residents; the national average was 211. The cost of the state workforce was \$37 a month for each Floridian; the national average was \$76. Sen. Bill Montford, D-Tallahassee and a member of the Senate Appropriations Committee, said the number of state employees should be ticking up, not down, given that Florida added a quarter-million new residents over the past year or so. Most of the cuts would come from the Department of Health in the Governor's plan, which would lose 758 positions, including 215 filled slots. Under the House plan, the DOH loses 813 positions, most of which are vacant. Under the Senate's budget, DOH staffing would tick up slightly by about three FTEs.

## **LOW INCOME POOL MEDICAID FUNDS (from Health News Florida)**

Many of the state's decisions on health care for the poor are on hold as state and federal Medicaid officials negotiate over funding, behind closed doors. Billions of dollars are at stake. When it comes to health-care funding, Florida's in a funny position. The state has twice turned down billions of dollars from federal Medicaid that would have covered care for about a million poor Floridians. This year may be no different.

At the same time, state legislators and Governor Rick Scott want federal officials to keep a special fund for hospitals that treat those same patients. It's called the Low Income Pool. It may seem inconsistent, but that's health-care politics in Florida. Justin Senior, Florida's Medicaid director, is watching the calendar as he negotiates with federal health officials over renewing the Low Income Pool. It expires June 30. "In order for us to make any plans for expenditures on July 1 of this year we really do need agreement in principle from our federal partners sometime in late March or very early April," he said.

The Medicaid budget that Governor Scott recently sent to the Legislature includes more than \$1 billion for the Low Income Pool. But federal Medicaid chief Eliot Fishman told business leaders in Orlando recently that the Low Income Pool -- which he calls LIP -- will not be renewed in its present form. "We extended the LIP for a year with the explicit purpose of moving to a significantly reformed payment system," Fishman said at the Associated Industries of Florida's Health Care Affordability Summit.

To get that money last year, Florida had to agree on an independent evaluation of its Medicaid payment program. Fishman says that report by the consulting company Navigant shows lots of flaws. "Florida's payment system is complicated and far more so than the payment system in either Medicare or payment systems in other states," he said. "That complexity leads to huge variation within the state in terms of the ratio of Medicaid payment to the cost of care." In other words, the program pays way more to some health-care providers than to others for the same service.

Florida can straighten out its payment problems if it expands coverage to the uninsured, Fishman said. Two years ago, the state House turned down billions of dollars from the Affordable Care Act intended for that purpose. Fishman said states that did expand are seeing immediate results. In just one year, they've seen steep drops in unnecessary ER visits and hospital admissions.

A big difference in the Medicaid expansion debate this year is that big business has added its heft to the push for the state to accept the Medicaid expansion money. That's at least \$3 billion a year. The Senate may be open to considering taking that money, but the House isn't. "It's dead on arrival." State Representative Cary Pigman, a Republican from Sebring. He's also an ER doctor who chairs a panel on health quality.

Unless, Pigman says, the proposal looks a lot different from last time. It would need to give the state more control, use private insurance, reduce some benefits, and require more from Medicaid enrollees -- healthy behavior, co-pays and willingness to work. He said the House Republican caucus won't accept a demand to expand Medicaid in order to avoid a sudden cutoff of the Low Income Pool. It's unclear if that will happen. "We believe the jury is still out with that. I believe there are some bureaucrats in Washington who don't want to cut Florida off abruptly, I think there are other bureaucrats in Washington would like to punish us for not expanding Medicaid the way they want us to expand it," he said.

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

The House and Senate committees charged with crafting budget plans have finished their first drafts. Differences between the two chambers on some of the major policy issues are starting to emerge. And Capitol insiders are beginning to speculate that a special session could be in the cards. In other words, all the usual signs that the midpoint of the session is at hand are on display in Tallahassee. And as usual, there are almost as many questions as answers.

Will the budget include money to defray the medical costs of low-income Floridians, either through a form of Medicaid expansion or something else? Just how far will lawmakers really go in reining in the testing and accountability system that has been the hallmark of the state's education reform efforts for 15 years? And is this the year that advocates of a gambling deal hit the jackpot, or will they once again go bust? The past week helped set up some of the battles. The next month will be about resolving them. Unless, of course, the chattering classes finally have it right and lawmakers will need a few extra weeks to hammer out their differences.

#### **WHAT'S A FEW BILLION AMONG FRIENDS?**

There's always a gap of some sort between the House and Senate budgets. Usually, one of the chambers floats the idea of removing a program from the state ledger, or adding something to the spending plan, or cutting this tax or that expense. This year, though, the difference is a bit larger than usual. With the Senate Appropriations Committee passing an \$80.4 billion for the budget year that begins July 1 and the House Appropriations Committee checking in with a \$76.2 billion outline, the gap between the two is more than \$4 billion.

That means legislative leaders will likely have to reach some sort of agreement before negotiations about the budget details can begin. And the biggest source of friction comes in health care. The Senate would include \$2.8 billion for a plan to use Medicaid expansion money from the federal Affordable Health Care Act, better known as Obamacare, to help lower-income Floridians purchase private insurance. The upper chamber also would use nearly \$2.2 billion from a potential extension of the Low Income Pool, or LIP, program, which funnels additional money to hospitals and other health providers that serve large numbers of poor and uninsured patients. That program is set to expire June 30 unless the state can reach an agreement with the federal government.

In the case of expanding health coverage with Medicaid money, the Senate has tried before to get the House to go along with a similar plan, only to get soundly rejected. And the House is also hesitant to put LIP money in the budget, given that the LIP program is scheduled to not exist when the budget takes effect. But something's got to give, Senate leaders say. "Whether or not the House wants to embrace either of those two proposals remains to be seen, but we're going to have to have some solution," said Senate Appropriations Chairman Tom Lee, R-Brandon.

As reluctant as they are to talk about Medicaid expansion and LIP funding, though, House leaders are eager to discuss taxes. The chamber rolled out a \$690 million package of tax relief that slashes levies or offers holidays for a range of items, including cell phone bills, pay TV, gun-club memberships, college textbooks and book fair purchases. "The average Floridian pays about \$1,800 bucks a year in state taxes. That is the lowest in the country, but we can do even

better and we will," said House Finance & Tax Chairman Matt Gaetz, R-Fort Walton Beach.

But Lee said tax-cut measures may not advance for a couple of weeks due to the talks with the federal government. "And we're not going to get into conference (negotiations with the House) unless we get some remedy, in all likelihood anyway, on the health-care funding problems that we have," Lee said.

### **INHERITED VICE**

The sins --- or at least the sinful ideas --- of past legislative sessions are coming back to pester lawmakers in 2015. One of the thorniest issues is gambling. On one hand, the House is vetting a soup-to-nuts gaming measure that might end up going nowhere fast; on the other, the Senate is pursuing negotiations with the Seminole Tribe of Florida focused on the state's existing deal with the tribe.

House Regulatory Affairs Chairman Jose Felix Diaz's comments at the introduction of a four-hour workshop Thursday on gambling might have foreshadowed the future of a sweeping proposal released by House Majority Leader Dana Young the day before the legislative session began earlier this month. "Welcome to the most anticipated non-event of the year," Diaz, R-Miami, quipped to a packed meeting room.

Young's plan ([HB 1233](#)) would allow a maximum of two Las Vegas-style casinos to open in Miami-Dade or Broward counties and would effectively do away with a 20-year revenue-sharing agreement, called a compact, with the tribe. A portion of the deal with the Seminoles giving the tribe exclusive rights to operate banked card games such as blackjack is set to expire on July 31 unless the Legislature reauthorizes it or signs a new agreement.

Meanwhile, Senate Regulated Industries Rob Bradley told The News Service of Florida that his talks with the Seminoles have intensified over the past week. "We are negotiating right now with the Seminole Tribe. Those are ongoing negotiations. Whether they will be fruitful or not remains to be seen," Bradley, R-Fleming Island, said. Under the current agreement, the Seminoles agreed to pay the state a minimum of \$1 billion over five years in exchange for exclusive rights to banked card games at five of its seven facilities throughout the state. The tribe's payments to the state have thus far exceeded the minimum and are expected to increase under a complicated revenue-sharing formula inked in 2010.

Meanwhile, Bradley's committee has also tackled a state law that allows a limited form of medical marijuana. Facing another legal challenge to the state's attempt to craft a framework for the pharmacological pot industry, the committee moved forward with a measure that would jump-start the process. Bradley, who was instrumental in passing a law last year that legalized non-euphoric cannabis for patients with cancer or chronic muscle spasms, is pushing a new plan that would expand the types of patients who would be eligible for the treatment. The plan also includes specifics about how the Florida Department of Health would choose nurseries that can grow, process and distribute the substance.

The Department of Health has tried twice to craft rules for the industry. But a lawyer representing a 4-year-old girl with inoperable brain cancer filed a legal challenge to the revised proposal two weeks ago, creating more delays in getting the law implemented. A judge has set an April 14 hearing in the case. Also, two other challenges were filed this week.

Last year's law was "a promise to families across Florida that had children suffering from as many as 100 seizures a week that we would give them the relief they were asking for," Bradley, R-Fleming Island, said. "A year has passed and unfortunately we have yet to be able to fulfill this promise that we made to those families, even though we wrote a law that said a system would be in place to deliver the substance by Jan. 1. The purpose of this bill is simple. To deliver on the promise we made last year."

### **TEST OF WILLS**

Lawmakers are also considering, as usual, an array of measures dealing with education. Perhaps the highest-profile legislation related to schools is a plan to roll back the number of standardized tests that public-school students take each year, and the Senate Appropriations Committee took perhaps the biggest step in that direction yet. Under the newest version of a Senate measure ([SB 616](#)), Florida third-graders would not have to pass the Florida Standards

Assessment to be promoted to fourth grade this year until the tests for that grade and others are found to be valid by an independent examination. In exchange, the proposal would require school districts to identify students who scored in the bottom 20 percent on the test and come up with strategies to help those students.

"You can promote them, if you want to promote them, but you need to demonstrate why you're promoting them," said Senate Education PreK-12 Committee Chairman John Legg, a Lutz Republican sponsoring the overall bill. House Speaker Steve Crisafulli, R-Merritt Island, didn't seem eager to join. "Social promotions, to us in the House, are not something that we're interested in," he said.

The House, having already passed its version of the testing bill, moved on this week to other education measures. It approved a proposal that could funnel local tax dollars to charter-school construction ([HB 7037](#)), a bill ([HB 665](#)) relaxing penalties for school districts that don't comply with the state's class-size limits and a measure ([HB 7043](#)) that would make it easier for school districts to approve student dress codes and establish financial bonuses for districts that do so.