



2016 Legislative Session Underway

Out of the gate this year, some big ticket items are already coming to forefront as legislative priorities.

TAX CUTS: In his State of the State address on January 12, Gov. Scott aggressively pushed \$1 billion in tax cuts in the session. The bulk of the cuts require the elimination of the 5.5 percent corporate income tax that is paid by manufacturers and retail businesses. Scott also wants to permanently eliminate the sales tax on manufacturing equipment, an exemption that expires in 2017. In addition, he wants a reduction in the sales tax that businesses pay on commercial leases, a one-year sales tax exemption on college textbook purchases, and sales tax holidays for back-to-school and hurricane supplies. Republican legislative leaders are likely to back a tax-cutting package, although it may not be as ambitious as Scott wants. The Senate is starting with a tax cut in the range of \$250 million. Scott spent much of his half-hour speech emphasizing jobs creation. The Governor did not mention other important legislative issues, such as guns, education, water policy, or a \$3 billion gambling deal he struck last month with the Seminole Tribe.

BUDGET: Lawmakers have more money this year because of an improving economy, but they will still face enormous pressures as they try to pass a new state budget in the range of \$79 billion for the 2016-17 fiscal year. A key decision will be how much of Gov. Rick Scott's call for a tax-cut package will be considered in the new budget. Scott also wants to boost funding for public education, although lawmakers are increasingly reluctant to build that increase on the use of higher local property tax collections. A growing Medicaid budget, as well as, a scheduled reduction in federal funding for Florida hospitals will complicate the final budget deal.

GAMBLING: A major gambling package could also complicate the outcome of the 2016 session. Last month, Gov. Scott announced a potential \$3 billion agreement with the Seminoles, adding craps and roulette, but it must be approved by the Legislature. The proposal also allows the expansion of slot machines at tracks in Southeast Florida along with some blackjack tables, for the first time. A provision in the measure would "decouple" live events, like dog or horse races, from other gambling activity, like card rooms. Decoupling is supported by dog track owners, but opposed by the state's horse racing industry and casino opponents. The seven-year Seminole agreement would replace a five-year gambling pact that expired last year.

HEALTH CARE: The 2015 regular session collapsed when House and Senate members deadlocked over health care funding. A similar stalemate is not expected this year. There will be no serious move to expand Medicaid under the federal health care law. Lawmakers will face pressure from declining federal funding to help hospitals pay for uninsured patients. The fund is expected to drop by a third from almost \$1 billion to \$608 million in the coming year. In addition, lawmakers will weigh a series of proposals aimed at reducing health care costs, including eliminating a regulatory program that limits services provided by hospitals and allowing nurses an expanded "scope of practice" to treat patients.

WATER: Lawmakers have already agreed to pass a major water policy bill in the early stages of the 2016 session. The bill failed to pass in the 2015 session when the two chambers were at odds. The compromise bill will set water-flow levels for the state's natural springs and provide guidelines for a regional water-supply planning effort in Central Florida. It also outlines further management plans for Lake Okeechobee region, including the Caloosahatchee and St. Lucie River systems. Environmental groups have called for more provisions, including stronger enforcement provisions to regulate polluters and allowing local governments to impose more restrictions on the use of fertilizers.

GUNS: Gun legislation would let concealed-weapons license holders carry guns on state college and university campuses. The measure is unanimously opposed by university and college leaders and their police agencies. The bill, which has the backing of Second Amendment activists, is likely to pass the House with its fate hinging on the Senate. Another bill would allow Floridians with concealed weapons permits to openly carry their firearms in public.

DISABLED FLORIDIANS: Another legislative package that is a series of measures supported by Senate President Andy Gardiner, R-Orlando, that seek to increase education and employment opportunities for residents with disabilities. Gardiner, whose son has Down syndrome, has made the legislation, which he says is aimed at Floridians with "unique abilities," his top priority. One portion of the package would increase scholarships for disabled students, ranging from public schools to higher education. Another provision, sponsored by Sen. Nancy Detert, R-Venice, is designed to encourage Florida businesses and government agencies to employ disabled residents.

COMPUTER CODING

A second Senate panel last Wednesday approved a bill aimed at allowing high-school students to take computer-coding classes as an alternative to learning more-traditional foreign languages. Ultimately, it seeks to allow high-school students to learn computer coding to satisfy two credits of foreign-language instruction. Supporters say the change, which was approved last month by the Senate Education PreK-12 Committee, would give Florida students needed technology skills. But critics question whether coding should count as a foreign language.

BILLS WE ARE WATCHING (CLICK ON THE BILL NUMBER FOR FULL TEXT AND SUMMARY)

Each week we will provide a listing of bills we are watching and the tracking of those bills. Bill numbers will be hyperlinked so you can click on it to review the full bill text and related summaries.

[SB 0068](#) by Evers (Identical [HB 4001](#)) Campus Carry of Firearms

Licenses to Carry Concealed Weapons or Firearms; Deletes a provision prohibiting concealed carry licensees from openly carrying a handgun or carrying a concealed weapon or firearm into a college or university facility.

[CS/SB 300](#) by Gaetz (Similar [HB 0163c1](#)) Open Carry of Firearms

Weapons and Firearms; Providing for construction of statutes that implicate the right to bear arms or engage in self-defense; specifying that a law enforcement officer may arrest a person for the unlicensed carrying of a concealed weapon only upon probable cause that such a violation is being committed; providing that a person licensed to carry a concealed firearm or weapon may also openly carry such firearm or weapon, as long as, such person is in compliance with specified provisions; providing that a person or entity who infringes on specified rights of an individual may be subject to liability under specified provisions.

[SB 984](#) by Legg (Compare [HB 7019](#))

Education Access and Affordability; Requiring tuition for an online degree program to include costs associated with the provision of instructional materials; requiring a public postsecondary institution to post information relating to required and recommended textbooks and instructional materials and prices in its course registration system and on its website; requiring a state university to publicly notice meetings at which votes on proposed tuition or fee increases are scheduled.

[SB 0726](#) by Ring (Compare [SB 1060](#), [HB 1343](#), [SB 1670](#), [HB 7017](#))

Career Education; Revising the membership requirements for the State Apprenticeship Advisory Council; revising the requirements for a candidate to take an examination for a high school equivalency diploma after reaching the age of 16; revising the program standards for career, adult, and community education programs; increasing the maximum number of authorized CAPE Digital Tool certificates; creating the Florida Apprenticeship Grant Program to provide grants to certain career centers and Florida College System institutions; creating the Rapid Response Grant Program to provide grants for the expansion or implementation of certain postsecondary programs at career centers.

[SB 120](#) by Abruzzo (Similar [HB0045](#))

Prohibited Discrimination; Creating the "Florida Competitive Workforce Act"; revising provisions to include sexual orientation and gender identity or expression and the perception of race, color, religion, sex, national origin, age, sexual orientation, gender identity or expression, handicap, or marital status as impermissible grounds for discrimination; providing an exception for constitutionally protected free exercise of religion.

[HB 881](#) by Raulerson (Identical [SB 7014](#): Florida Retirement System)

Florida Retirement System; Authorizes renewed membership in FRS for certain retirees; requires employer to make employer & employee contributions for certain purposes; requires that certain retirees be renewed members in investment plan; specifies that creditable service does not accrue for employment during specified period; prohibits certain funds from being paid into renewed member's investment plan account for specified period of employment; requires employer & retiree to make applicable contributions to renewed member's investment plan account; prohibits purchase of past service in investment plan; authorizes renewed member to receive additional credit towards health insurance subsidy; prohibits transfers to pension plan; provides for renewed membership in optional retirement program for certain retirees; prohibits purchase of past service in optional retirement program; revises definition of term "eligible employee"; provides for enrollment in investment plan for certain retirees; prohibits transfers to pension plan; provides for employer contribution rate increases to fund changes made by act; declares that act fulfills important state interest.

[SB 1326](#) by Soto (Identical [HB 1011](#))

Retirement; Revising the method for determining the cost-of-living adjustment of benefits for retirees and annuitants of the Florida Retirement System on and after a specified date.

[SJR 942](#) by Garcia (Identical [HB 0767](#))

Composition of Cabinet/Election of Commissioner of Education/State Board of

Education; Proposing amendments to the State Constitution to provide for the election of the Commissioner of Education, the inclusion of the Commissioner as a member of the Cabinet, and the establishment of the Governor and Cabinet as the State Board of Education.

[SB 706](#) by Altman (Similar [HB 0223](#), [HB 0249](#))

Culinary Education Programs; Providing for the applicability of Department of Health sanitation rules to a licensed culinary education program; authorizing a culinary education program with a public food service establishment license to obtain an alcoholic beverage license under certain conditions; authorizing the Division of Alcoholic Beverages and Tobacco to adopt rules to administer such licenses.

[SB 448](#) by Clemens (Identical [HB 0353](#))

Discrimination in Employment Screening; Prohibiting a public employer from inquiring into or considering an applicant's criminal history on an initial employment application unless required to do so by law.

[HB 45](#) by Raschein (Similar [SB 0120](#))

Prohibited Discrimination; Amends the statute that prohibits employment discrimination to add sexual orientation and gender identity, or expression to the list of protected classes. The bill also adds language that prohibits unlawful discrimination based "on the perception" of any of the ten (10) protected classes (e.g. race, sex, national origin etc.). The current statute also includes public lodging, housing and financial transactions, and land use for the purposes of unlawful discrimination. About 25 states and the federal government have current laws that protect sexual orientation in some form. An increase in the number and types of claims and lawsuits would be expected. A modest increase in insurance coverage is possible and additional training would be recommended. Currently, many colleges include sexual orientation and gender identity as protected classes. College policies and procedures may need to be amended to conform to the changes, and additional training would be recommended. The addition to unlawful discrimination based "on the perception" does expand the scope of protection for all protected classes. The language is substantially the same as the federal law for disability protection based on the perception of a disability.

FROM THE NEWS SERVICE OF FLORIDA WIRE....

THE CAPITAL, TALLAHASSEE, January 15, 2016.....Usually, legislative sessions start out slowly, with the first week focused on catching up with colleagues and friends at the Capitol. There are some speeches, including the governor's annual State of the State address, and committees that haven't gotten serious about their work thus far begin to do so.

But, because of --- and perhaps to make up for --- the disastrous meltdown of the 2015 session, this year's first week was different. Top priorities for Senate President Andy Gardiner, R-Orlando, and House Speaker Steve Crisafulli, R-Merritt Island, are already headed to Gov. Rick Scott's desk.

For his part, the governor spent his week trying to sell a \$1 billion tax cut and other policies he says will allow the state to continue growing its population and workforce. In committee meetings, behind podiums and on the road, Scott touted the tax reductions and changes to the structure of the state's economic-development incentives.

Meanwhile, forces from outside Tallahassee threatened to upend lawmakers' plans. The U.S. Supreme Court added to the Legislature's to-do list by striking down the state's method for imposing the death penalty. But if the House and Senate keep up the pace set in the first week, they could have time left over to deal with some additions to the agenda.

LOOKING OUT FOR NO. 1

The bills House and Senate leaders most want to pass are usually held up until the session's last week, when they can be more useful as chits in budget negotiations and other aspects of the final "deal" between the two chambers.

However, after the implosion of the 2015 legislative session ended up killing some of Gardiner's and Crisafulli's pet projects last year, lawmakers decided to change the order of the proceedings. Crisafulli got a water-policy bill of the type he has sought for years, and Gardiner pushed through legislation helping people with developmental disabilities.

The business-backed water bill ([SB 552](#)), which environmentalists say they will seek to make stronger in the future, was sent to Scott after the House approved it Thursday on a 110-2 vote. That came a day after the Senate unanimously supported the bill, which lawmakers have been trying to advance for more than two years.

"A comprehensive approach to water will result in our ability to protect our state's most precious resource from crisis," said House State Affairs Chairman Matt Caldwell, a North Fort Myers Republican and sponsor of the measure.

Scott made it clear he would sign the measure.

The developmental disabilities legislation ([SB 672](#)) was named after Gardiner, whose son has Down syndrome. It would make permanent an expansion of a program known as the Florida Personal Learning Scholarship Accounts Program, which provides money to parents of children with disabilities to help meet educational needs, such as buying instructional materials and receiving specialized services.

The bill also includes another initiative aimed at increasing access to college and university programs for students with disabilities.

Another measure ([HB 7003](#)) dealing with job opportunities and financial independence for people with disabilities, passed the House and Senate unanimously and also heads to the governor for his signature or veto.

Crisafulli used his speech on the opening day of session to add another priority to the list: Eliminating a five-year waiting period for children of legal immigrants to be eligible for the state's KidCare health-insurance program.

KidCare is a subsidized program that serves children from low- and moderate-income families. Children of lawfully-residing immigrants currently have to wait five years before they can become eligible. The proposed bills lifting the waiting period and would not apply to undocumented immigrants.

"I believe the time has come," Crisafulli said. "These children and their parents have followed our laws and should be able to access the same services many Florida families can."

It was reminiscent of when former Speaker Will Weatherford, Crisafulli's immediate predecessor, used his office to push for allowing some undocumented immigrants to pay in-state tuition at state colleges and universities. It took Weatherford working on the legislation for two sessions to get it approved, though, and Crisafulli doesn't have that kind of time.

BROTHER, CAN YOU SPARE A BILLION?

In his State of the State speech to open the session on Tuesday, Scott wedged a repeated call for his

economic priorities into a speech that seemed more concerned with anecdotes about Floridians who manufacture lacrosse equipment and a call to kill terrorists affiliated with the so-called Islamic State group.

One day earlier, he took his pitch to the Senate Finance and Tax Committee, hoping to get the upper chamber to sign onto \$1 billion in tax cuts.

"I think these are going to help continue to grow the economy, help get people jobs," Scott said. "The way to do that is to grow the economy, and the way to grow the economy is to get more companies to want to do business here."

The governor also wants to set aside \$250 million for a "Florida Enterprise Fund" that would be used to lure companies to continue the growth of the Sunshine State.

Scott is also using his bully pulpit to push the ideas, setting off on his "Million Miles for a Million Jobs" bus tour to mark the state crossing the seven-figure mark in the number of jobs added since the governor took office in 2011.

That approach appears to be working in the House, though Crisafulli is suggesting that his chamber will focus more on one-time tax cuts, to avoid weakening the state's revenue picture in future years. Legislative leaders have expressed concern that providing too many tax cuts that continue year after year could create shortfalls down the road.

"We obviously have a lot of commitments, whether it be education or other issues in the state that we obviously have to make sure that we take care of, but at the end of the day, a \$1 billion total number is what we have in mind," Crisafulli told reporters.

WHILE YOU'RE THERE...

If the U.S. Supreme Court was going to invalidate the way people in Florida are sentenced to death, it chose the time when lawmakers might have the best chance to fix any defects. Almost exactly as the gavels were falling down to being the House and Senate meetings on Tuesday, the justices released their opinion.

The 8-1 ruling says juries --- not judges--- should be responsible for imposing the death penalty. The ruling focused on what are known as "aggravating" circumstances that must be found before defendants can be sentenced to death. A 2002 U.S. Supreme Court ruling, in a case known as *Ring v. Arizona*, requires that determination of such aggravating circumstances be made by juries, not judges.

Florida requires juries to make recommendations to judges regarding the death penalty after considering aggravating and mitigating circumstances, with judges ultimately imposing the sentences.

But Florida's unique law giving judges the power to decide whether defendants should face death equates to an unconstitutional violation of the Sixth Amendment right to a trial by jury, Justice Sonya Sotomayor write in the majority opinion.

Lawmakers quickly vowed to fix the problem.

"This is something that we have to do," House Judiciary Chairman Charles McBurney, R-Jacksonville, said. "We will be addressing the issue which was raised specifically by the Supreme Court in that decision, and then looking beyond the narrow decision to see how it affects other aspects of the death penalty statute to ensure its future constitutionality as well."

What seemed less likely was approval for legislation that would require a jury vote to impose the death penalty be unanimous. Only two other states don't require unanimity. And two other Florida cases that deal with the unanimity issue are now pending before the U.S. Supreme Court.

That's led to concern that doing the minimum to conform Florida law with the high court ruling is problematic.

"My hope is that the Legislature goes far enough to require unanimity in both the decision that somebody is death eligible and that somebody will get the death penalty. And if they don't do that, they're only inviting more litigation and waiting for the next shoe to drop. They may fix it temporarily, but they're not going to fix it permanently," said Florida International University law professor Stephen Harper, who runs the school's Death Penalty Clinic. "They're only going to put a Band-aid on a much bigger problem."

STORY OF THE WEEK: Lawmakers returned to the Capitol for the 2016 legislative session and quickly got down to business, sending legislation dealing with water and developmental disabilities to Gov. Rick Scott.

QUOTE OF THE WEEK: "We do a lot of things in Tallahassee that you find out in a mail piece later that maybe you regret. But I can tell you, each of us, Republican, Democrat, things like this is why you come up here."--- Senate President Andy Gardiner, R-Orlando, on a bill dealing with developmental disabilities that was named after him.