



BUDGET CONFERENCE STARTS

With two weeks remaining in session, time's ticking for the budget. Out of the gate, the House and Senate leaders agreed last Friday to a budget outline that limits both of Gov. Rick Scott's priorities for the coming year, slashing Scott's tax cut plan and wiping out a business-incentive package.

The talks on allocations had largely centered on Scott's call for a \$1 billion tax-cut package and a "Florida Enterprise Fund" of \$250 million in business incentives. The House had spread out \$1 billion in tax cuts over a longer timeframe while zeroing out the incentive package. Senate leaders had countered with \$250 million for the incentives and a potential \$250 million in tax cuts. In the end, lawmakers agreed to \$400 million in tax cuts in the current year and no money for the Florida Enterprise Fund.

The tax-cut number also means that Scott will fall short of his promise during his 2014 re-election campaign to secure \$1 billion in tax cuts over the first two years of his new term. Lawmakers agreed to cut \$372.4 million in the current financial year, which ends June 30. Lawmakers pointed out that, after Scott proposed his spending and tax-cut plan, state economists slashed nearly \$400 million from estimates of how much revenue the Legislature would have to work with.

BILLS WE HAVE MONITORED THAT HAVE PASSED IN CHAMBERS

CS/CS/CS/HB 669, 1st Eng. (2016) Educational Choice
<http://www.flsenate.gov/Session/Bill/2016/0669>

CS/HB 1157, 1st Eng. (2016) Postsecondary Education for Veterans
<http://www.flsenate.gov/Session/Bill/2016/1157>

HB 7017, 1st Eng. (2016) Career and Adult Education
<http://www.flsenate.gov/Session/Bill/2016/7017>

CS/HB 7019 (2016) Postsecondary Access and Affordability
<http://www.flsenate.gov/Session/Bill/2016/7019>

CS/CS/HB 7029, 1st Eng. (2016) School Choice
<http://www.flsenate.gov/Session/Bill/2016/7029>

CS/HB 7043 (2016) Education
<http://www.flsenate.gov/Session/Bill/2016/7043>

HIGHER ED ALLOCATIONS STILL IN FLUX

In its first offer on the education budget Feb. 27, the House gave \$4.734 billion to state universities. That's about \$55 million more than the Senate's \$4.679 billion budget plan. That includes the \$500 million plan on performance funding, with half coming from the state and half coming from the institution's base budget. The Senate has \$225 million coming from the state, but matches the House on \$250 million from the schools.

The House also offered \$1.206 billion for Florida colleges, about \$21 million below the Senate's \$1.227 billion. Florida colleges would get \$60 million in performance funding from both chambers. The Senate would have half come from the state while the House would have \$40 million. Efforts are still underway to negotiate some new recurring dollars to meet the college's workforce preparation request.

STATE INCREASES K-12 ALLOCATIONS

The upper chamber's education budget subcommittee chairman accepted the House's initial offer on the Florida Education Finance Program, which is the main funding source for K-12 public schools, at its joint budget meeting Sunday Feb. 28. That would increase the state's share of the \$20 billion program to \$11.3 billion. That's \$385 million more than the current year. It would also give \$428 million in "tax relief" on local property taxes. But, education budget talks broke down late Sunday after a day in which negotiations on the overall state spending plan seemed to slow on several fronts.

House negotiators working on the education proposal rejected a complicated Senate offer that would have closed out several but not all of the remaining issues between the two chambers. The Senate plan was a "contingency offer," which meant that the House could either accept it in whole and move forward with the talks, or turn it down.

In a counteroffer Sunday night, House Education Appropriations Chairman Erik Fresen, R-Miami, accepted only parts of the Senate deal. That prompted Fresen's Senate counterpart, Sen. Don Gaetz, to say the education talks would move up to House Appropriations Chairman Richard Corcoran, R-Land O' Lakes, and Senate Appropriations Chairman Tom Lee, R-Brandon.

The only area of agreement between the two sides is a plan to keep the property owners from seeing an increase in their local education tax bills despite rising property values.

RIDING THAT TRAIN...

The formation of legislative trains — linking together various issues in single bills — is a longstanding practice, particularly late in legislative sessions. But at least one prominent senator said after the meeting that he was wary of the cobbling together of omnibus bills on topics like education. "I think it complicates the process," said Appropriations Chairman Tom Lee, R-Brandon. "It confuses the members. People don't know what's in the legislation. ... I really don't think that's the healthiest way to pass public policy." But it didn't stop them from proceeding and passing in his committee. One of the bills ([SB 524](#)), which originally weighed in at 15 pages, was amended to run closer to 59 pages. At least seven other pieces of legislation were combined in the new measure, which now deals with everything from funding for universities that are approaching "pre-eminent status" to services related to cochlear implants.

The Senate also approved another broad education bill ([SB 1166](#)) with a variety of new initiatives. That legislation went from 36 pages to around 85 pages. It now includes provisions that would allow children to go to any school in the state that is not at capacity; require that private schools be allowed to participate

in different sports in different athletic conferences; and tighten charter school accountability standards. The measure passed with little debate.

MEDICAL MARIJUANA BILL SENT BACK TO COMMITTEE

With more than two-dozen amendments stacked up on the bill Wednesday, Senate President Andy Gardiner yanked a medical marijuana measure off the floor and sent it back to a committee for another vetting. The bill ([SB 460](#)) would add medical marijuana to a list of experimental treatments available to terminally ill patients. Sen. Rob Bradley, the bill's sponsor, proposed a wide-ranging amendment on Tuesday that would expand the measure to address problems in getting low-THC marijuana --- authorized by the Legislature and Gov. Rick Scott nearly two years ago --- off the ground.

CONFEDERATE STATUE TO BE REMOVED

The Florida House on Wednesday gave final approval to a bill ([SB 310](#)) that would lead to the replacement of a statue of Confederate Gen. Edmund Kirby Smith at the U.S. Capitol. House members took up the bill Tuesday and rejected a proposed amendment. With the Senate already approving the bill this month, House passage Wednesday would send the measure to Gov. Rick Scott. Each state is allowed two statues in the U.S. Capitol's National Statuary Hall, and Florida is represented by statues of Smith and John Gorrie, widely considered the father of air conditioning. Under the bill, a committee would recommend three prominent Floridians as potential replacements for Smith, and the Legislature would pick one whose statue would be placed in the hall. House sponsor Jose Felix Diaz, R-Miami, said Tuesday he has received threats and derogatory comments because of the bill. But he said Florida's statues have not changed since 1922. "It's time for Florida to revisit its history," Diaz said.

'RAPE KITS' LEGISLATION READY FOR APPROVAL

Florida lawmakers appear ready to approve a plan that would require faster testing of DNA evidence in suspected sexual-assault cases, after disclosures last year about a backlog of thousands of untested "rape kits." The Senate on Tuesday took up its bill ([SB 636](#)), sponsored by Sen. Lizbeth Benaquisto, R-Fort Myers, and could approve the measure as early as Wednesday. The House version ([HB 179](#)), sponsored by Rep. Janet Adkins, R-Fernandina Beach, also is ready for consideration on the House floor. Benaquisto's bill, in part, would require law-enforcement agencies to submit rape kits for testing within 30 days of receiving the evidence. Testing would be required within 120 days of the submission of the kits. Benaquisto said the bill addresses an "epidemic" of sexual-assault kits going untested and that victims deserve to have evidence tested in a timely fashion. "Imagine if you were one of those individuals, and the evidence was needed to bring the perpetrator of the crime against you to justice," she said. "You would not have had the evidence at your disposal."

HOUSE TO VOTE ON TERM LIMITS FOR APPELLATE JUDGES

A plan that would limit future Florida appellate-court judges and Supreme Court justices to two full terms in office ([HJR 197](#)) is likely to be voted on Wednesday by the House, a day after lawmakers rejected a symbolic Democratic amendment. The House overwhelmingly defeated an amendment that would have barred a sitting governor from appointing a replacement for a Supreme Court justice who dies when the governor has less than one year left in office. The amendment, proposed by Rep. Jared Moskowitz, D-Coral Springs, was an allusion to the recent death of U.S. Supreme Court Justice Antonin Scalia. U.S. Senate Majority Leader Mitch McConnell, R-Ky., has said he will not move forward with any appointee put forward by President Barack Obama, who will leave office in January. "If you agree with Mitch McConnell that a president should not be able to fill his constitutional duty, then you should also agree that a governor should not be able to fill his constitutional duty in his last year in office, should there be a vacancy on the (Florida) Supreme Court," Moskowitz said. The symbolic amendment was defeated on a 98-5 vote. The term-limits proposal, which would be added to the Florida Constitution, needs a three-fifths majority in the House to move to the Senate, where prospects appear dim. If approved by the full Legislature, the proposal would still need 60 percent of the vote in a November referendum.

FROM THE NEWS SERVICE OF FLORIDA WIRE....

DEATH PENALTY

The closing days of the session mean it's time to strike bargains. And lawmakers either made agreements or moved in that direction on many of the key issues of the session.

The Senate pushed to the floor a bill that would fix a fundamental flaw with the state's death-penalty sentencing system, which would allow the state to restart its capital punishment process. On Thursday, the Senate Appropriations Committee amended the chamber's death-penalty bill to align it with a compromise already OK'd by the House in the wake of a U.S. Supreme Court decision striking down the state's sentencing scheme.

The ruling dealt with the sentencing phase of death-penalty cases after defendants are found guilty, and it focused on what are known as aggravating circumstances that must be determined before defendants can be sentenced to death. A 2002 U.S. Supreme court ruling, in a case known as *Ring v. Arizona*, requires that determinations of such aggravating circumstances must be made by juries, not judges. But much of the debate in Florida has focused on whether to require a unanimous decision from juries in order to administer the death penalty. The plan working its way through the Legislature now would require jurors to unanimously find that at least one aggravating factor exists before a defendant can be eligible for a death sentence. At least 10 jurors would have to recommend death for the sentence to be imposed.

BUSINESS INCENTIVES

Less consequential compromise discussions were also underway. The House on Wednesday overwhelmingly approved a bill that would revamp the state's business incentives process. While lawmakers were still dealing with how much money to devote to the cause, the bill ([HB 1325](#)) dealt with one of the bargaining chips in budget negotiations. The House voted 79-39 to approve the bill, with a mixture of Republicans and Democrats on each side. Among the opponents were House Appropriations Chairman Richard Corcoran, R-Land O' Lakes, and House Economic Affairs Chairman Jose Oliva, R-Miami Lakes. The bill approved by the House does not specify a level of funding, but it would revamp the process of awarding incentives. Rep. Jim Boyd, the Bradenton Republican handling the legislation, said the bill includes reforms and would help create jobs.

"We're not giving away tax dollars," Boyd said. "We're investing in our communities."

But some opponents harshly criticized the bill, calling incentives corporate welfare and saying the state would be better off investing in programs such as education.

GAMBLING COMPACT

There was also a continuing push to agree on approving a gambling compact between the state and the Seminole Tribe. House Finance and Tax Chairman Matt Gaetz, R-Fort Walton Beach, began crafting changes that would match up a House gambling proposal with an even more-expansive Senate bill. But aligning the two packages may not be enough to keep the measure rolling in the Senate.

The House's plan currently complements an agreement, called a "compact," with the Seminole Tribe, struck by tribal leaders and Gov. Rick Scott. Under the compact signed in December, the tribe would be allowed to add craps and roulette to its casino operations in exchange for \$3 billion in payments to the state over seven years. Scott's agreement with the tribe would also open the door for slots at the Palm Beach Kennel Club and at a new facility in Miami-Dade County, items included in the House plan.

But Senate leaders remained skeptical about the future of their chamber's plan, with time running out before the March 11 scheduled end of the legislative session. "I don't know how we unwind it. I think it ends up sitting in committee," Senate Majority Leader Bill Galvano, R-Bradenton, told The News Service

of Florida on Wednesday. Galvano was instrumental in hashing out a deal with the Seminoles in 2010.

BRIDGES TOO FAR?

Other bills --- mostly legislation from the House facing long odds in the Senate --- seemed on the edge of ending their legislative journeys. The House passed a constitutional amendment Wednesday that would limit Florida appellate court judges and Supreme Court justices to two full terms, but it was widely seen as dead in the Senate. Supporters of the measure argued that it would provide new blood to the judiciary and prevent governors from using their power to appoint judges --- who must run in merit-retention elections every six years --- to pack the courts.

But Democrats noted that the proposal followed years of efforts to overhaul the Supreme Court amid a series of significant legal defeats for Republican leaders. The court's more-liberal majority --- including the three longest-serving justices --- has emerged as the last roadblock in state government for the GOP, which controls the Legislature, all three Cabinet positions and the governor's mansion.

FRACKING FRITTERING...

A proposal allowing "fracking" in Florida stalled in the Senate Appropriations Committee, though a procedural move kept the measure alive. The committee on Thursday voted 10-9 against the measure ([SB 318](#)), filed by Sen. Garrett Richter, R-Naples. Sen. Lizbeth Benacquisto, R- Fort Myers, then moved to reconsider the bill, a procedural move that kept it alive.

The bill would set up a state permitting process for fracking, a method of drilling that involves injecting water, sand and chemicals underground to create fractures in rock formations, allowing natural gas and oil to be released. Among other things, the bill would require companies to inform the state Department of Environmental Protection of chemicals they inject into the ground, although with some restrictions. Also, the bill would set aside \$1 million for a study on the impact of fracking, with a temporary moratorium until the study is completed and the Legislature can act.

"A study removes the emotion and permits science to drive the issue," Richter said. "I want science driving the issue." Opponents, though, were still optimistic after Thursday's vote. "There's a small chance this could come back, but it's all but dead," Sierra Club Florida lobbyist Dave Cullen said. "I don't think the legislators have the stomach for this bill. Voters will remember fracking at the polls."

QUOTE OF THE WEEK: "Once again, you're loading it down as if that carrot is going to be enough to get us to swallow a stick, and I'm not swallowing the stick today."---Rep. Joe Geller, D-Aventura, on a pensions bill that combined measures Democrats like and dislike.