



2017 LEGISLATIVE SESSION OFF TO A ROARING START

After a very active interim committee week period which began in December, the official 60 day Legislative Session has begun. There are numerous issues at the forefront already which are summarized below.

BUDGET

The Governor's proposed budget for the state is available at [Governor's Budget](#). It totals \$83.5 billion, \$1.2 billion above the previous year. \$24 billion is allocated for all of education, including a little over \$2.05 billion for the Florida College System. When Senate and House budgets drop, hopefully this week, we do not expect them to be quite as generous. Rumors are the FCS could be reduced by as much as \$100 million.

HIGHER EDUCATION

Negron's other high priority this year is a big leap forward in higher education. He wants to expand the Bright Futures scholarship program and tighten graduation standards, as well as tweak performance standards, again, in [SB 02](#) and [HB 03](#). SB 02 adds two additional performance measures. One requires colleges to report affordability. The other addresses the rate of first time in college cohort completion at 100% of degree time. In HB 374, Negron also wants to cap baccalaureate enrollment at Florida colleges to assure our mission stays focused on two-year degrees and certificates. It also suggests forming a new state board of "community colleges, and slows the bachelor's degree approval process considerably. The Council of Presidents and the AFC legislative team is working hard to resolve these issues. It's very early in the process and we will know more specifics on these bills in a few weeks.

ECONOMIC DEVELOPMENT

Gov. Scott's battle to sustain funding for Enterprise Florida and Visit Florida in the House will dominate the budget discussion. The governor wants \$85 million for Enterprise Florida and \$76 million for Visit Florida which the House does not support, particularly Speaker Corcoran. Corcoran ([HB 9, HB 7005](#)) has \$25 million set aside for Visit Florida. However, he is holding out on Enterprise Florida which was further disrupted this week by the abrupt resignation of its CEO, Chris Hart who was just hired in January. The Governor is playing hardball on this, but at the end, Corcoran and the House will likely prevail with some compromise.

GUNS

Initially rolled out in an "omnibus" guns bill ([SB 140](#)) including open carry, airport carry, K-12 carry and more, Sen. Greg Steube, R-Sarasota, has broken his gun package into multiple parts. At this time it appears that only one of those, [SB 616](#) or courthouse carry, is going to move forward. This bill simply allows concealed permit carriers to check their weapon at a courthouse security entrance and retrieve it when they leave. Legislation to allow concealed-weapon permit holders to carry their guns on college

campuses, SB 622, does not appear to have any leadership support in the Senate and is unlikely to succeed this year, which is a great relief for the FCS. All of higher education, including the AFC, remains very opposed. We believe that since guns bills have struggled in previous years, it may indicate they are not a high priority this year. However, it is still early and anything can happen. There's also a bill to shift the burden of proof in "stand your ground" cases ([SB 128](#)) from the defense to the prosecution which has passed all committees of reference and is now awaiting final vote in the Senate. Below is a list of the other guns-related bills that have been filed, yet are not likely to move in the process.

[SB 622](#) (no companion) Stuebe The bill amends [FS 790.06](#):

- Lines 41-43 prohibit concealed or open carry of firearms into any professional, K-12, college, and university athletic events not related to firearms.
- Lines 52-56 remove concealed weapons carry exemptions that disallow registered student, employee, or faculty of college or university stun guns, non-lethal electric weapons, or defensive device that does not fire a dart or projectile.
- Lines 94-97 exclude universities and colleges from concealed weapons carry exemption provisions that apply to "schools" under 790.01 (13)

[HB 6005](#) by Plakon and Plascensia ([SB 622](#) compare) This bill is a repeat of 2016 campus carry bill. It removes the provision prohibiting concealed carry licensees from openly carrying handgun or carrying concealed weapon or firearm into college or university facility.

[SB 620](#) (no companion) Removes concealed carry exemption under 790.06 for "Any meeting of the Legislature or Committee thereof,"

[CS/SB 128](#) Self-defense immunity ([HB 245](#) companion) Revises Stand Your Ground and allows a defendant to file a pre-trial motion for immunity from prosecution. Shifts burden of proof to prosecution.

[SB 142](#) ([HB 835](#) by Hawkins-Williams identical) Storage of Weapons penalties Defines a minor as a person under 16. Specified keeping a weapon securely in a lock box or container with a trigger lock changes to the locations and circumstances in which a loaded firearm is required to be kept or secured with a trigger lock; Deletes provisions relating to conditions for committing the crime of failing to safely store, leave, or secure a loaded firearm in a specified manner.

[SB 610](#) Stuebe ([HB 819](#) by Byrd identical) Business Property Owners Requires a business, organization, or entity that prohibits a concealed weapon or firearm licensee from carrying a weapon or firearm onto its property to assume certain responsibility for the safety and defense of such licensee by displaying a sign assuming the responsibility of the licensee. Provides a cause of action for a concealed weapon or firearm licensee who incurs injury, death, damage, or loss as the result of certain acts or attacks occurring on the property of such business, organization, or entity or on other specified properties.

[SB 644](#) by Stuebe (no companion) Open Carry Provides for amendment to 790.06 for Open Carry of handguns for any person with a concealed carry license. Does not remove exemption for colleges under Section 12a.

[SB 646](#) by Stuebe ([HB 779](#) identical) The bill removes penalties for temporarily or openly displaying a firearm in a prohibited space. It also allows Cabinet members who do not have security to carry a concealed weapon in any space not prohibited by federal law. The amendments go further to de-criminalize illegal carry in prohibited spaces such as our colleges. This bill has been postponed.

Amendment 112386 to Senate Bill 646 deletes lines 47-127 of the bill to change provisions relating to penalties and authorizing certain elected officers to carry concealed weapons.

- Lines 5-12 amends Florida Statute 790.053 (relating to open carrying of weapons) to change the violation for **openly carrying weapons** from a second degree misdemeanor to a \$25 non-criminal penalty for the first violation, \$500 non-criminal penalty for the second offense, and a second degree misdemeanor for the third and subsequent offenses.
- Lines 32-39 amends Florida Statute 790.06 so that **“briefly or inadvertent displays”** of concealed weapons may not be subject to arrest or criminal charges. The penalty for “brief or inadvertent display” is a \$25 non-criminal penalty.
- Lines 39-45 allows any member of the Legislature or elected cabinet member to carry concealed firearms if they do not have full time security present.
- Lines 88-92 amends Florida Statute 790.06 (subsection 12) by changing the violation for **“knowingly and willfully”** carrying concealed weapons into a prohibited place from a second degree misdemeanor to a \$25 non-criminal penalty for the first violation, \$500 non-criminal penalty for the second offense, and a second degree misdemeanor for the third and subsequent offenses.

[HB 803](#) by Hahnfeldt ([SB 140](#) similar) Open Carry Amends FS 790.06 and remove restrictions on concealed carry almost everywhere.

[HB 6001](#) by Raburn ([SB 618](#) identical by Stuebe) Airport Concealed Carry Amends 790.06 and removes prohibitions of concealed carry of a firearm in Section 12A-14, related to airport passenger terminals. Does not amend Section 12A-12 related to college carry.

WATER

A priority of Senate President Joe Negron of Stuart, whose Pam Beach/Indian River district suffered intense green algae blooms last year, wants \$2.4 billion to purchase land south of Lake Okeechobee to ease pollutant runoff in the form of a huge reservoir. Heavily opposed by big sugar and the House, it may not happen this year but could result in a study for better planning for 2018.

CASINOS

The House and Senate are far apart in annual battle over expansion of gambling in [HB 7027](#) and [SB 8](#). The House wants a new casino deal with the Seminole Tribe to help fund education and the Senate wants more slots where voters want them. This one is too hard to call as it is every year.

DEATH PENALTY

Last year the U.S. Supreme Court ruled Florida’s law gave judges too much power in rendering the death penalty and that that power should be more vested with a jury. [HB 527](#) and [SB 280](#) will again require unanimous jury votes to recommend the death penalty. This one will likely make it to the finish very early in the session.

CONSTITUTIONAL AMENDMENTS

A few interesting proposals to amend the Florida Constitution are kicking around. One is a 12-year term limits on appellate judges. Another would make the secretary of state an elected Cabinet officer again. It was an appointed position up until 1998, along with Education commissioner. Some legislators also want constitutional public referendums to require a 2/3 majority public vote. Most of these ideas may get through the legislature but are likely to fail in 2018 when presented to the public for approval.

LIQUOR SALES

Two bills, [SB 106](#) and [HB 81](#) would “tear down that wall” that separates your grocery store from its liquor sales. The wall requirement dates back to the prohibition era. This initiative is driven by the big stores like Publix and Wal-Mart and may actually pass.

MEDICAL MARIJUANA

To implement the voter approved Medical Marijuana (Amendment 2) to the constitution, [SB 406](#) and [SB 614](#) set the guidelines for allowing doctors to recommend regular strength marijuana for patients in need. The legislation will set standards for the new business, and is likely to pass since voters approved it so heavily.