



## 2017 Legislative Session – Week 3

The third week of the 2017 Legislative Session passed with some activity on issues related to Florida Colleges.

### BUDGET CALM BEFORE THE STORM

Last week, we shared information about the proposed reduction in the Senate to the FCS appropriation by as much as \$98 million. As we mentioned, we believe there is plenty of room for negotiation to bring these cuts back on to the table. In the House, the FCS has been held relatively harmless. Specific appropriations in the House will be heard this week in the House Education Appropriations Committee on Tuesday,

### BILLS TO WATCH

#### [HB 929](#) by Raburn and [CS/CS/SB 374](#) by Hukill

Emanating from the Senate as [SB 374](#), the House bill, [HB 929](#) is now a moving companion, though not identical in content. It needs some tweaking in many aspects. In general, like [SB 374](#) it renames the FCS, the Florida Community College System, but does not require any college name changes. It also calls for the creation of a new State Board of Community Colleges to provide more autonomy and better oversight of the FCS. The bill does not amend the baccalaureate degree approval process or place caps on our enrollments in BS programs, but it does tie new BS programs to performance, and places extra emphasis on verifying workforce demand.

#### [CS/CS/SB 2](#) by Galvano (compare [HB 3](#))

As described last week, this bill covers several policy issues. This week a committee substitute was filed to [HB 3](#) that addressed some of our concerns with [SB 2](#). [HB 3](#) does have some differences though, including but not limited to:

1. It does not expand the Benacquisto Scholarship to out-of-state students and does not provide scholarships for farmworkers
2. If a university block tuition plan were implemented it would protect families who purchased pre-paid tuition plans.

3. Makes some changes to FCS performance measures.

### **SB 128 by Baxley (compare [HB 245](#))**

Known as the “Stand Your Ground” bill, this will shift a key burden of proof in “stand your ground” self-defense cases from defendants to prosecutors in the pre-trial hearings. It passed the Senate by a 23-15 vote and is currently in “messages” awaiting action in the House.

### **SB 644 Open Carry and Campus Carry by Stuebe**

These controversial gun bills might continue to be dead. The Senate the bills’ sponsor doesn't intend to let them go. Judiciary Chairman Sen. Greg Steube from Sarasota said he will eventually take up a gun bill in his committee. [SB 644](#) would allow people with concealed-weapons licenses to openly carry firearms or [SB 622](#) that would allow them to carry on college or university campuses. Stuebe has said that at some point he will bring up Sen. Baxley's bill that addresses gun-free zones or one of his bills aforementioned. He wants to force the debate but is not likely to succeed.

### **HB 81 by Avila and the Commerce Committee and Government Operations Committee (similar [SB 106](#))**

HB 81 addresses the Prohibition era law requiring liquor to be sold separately from the rest of the items in your local grocery store. The bill is almost ready to go to the governor. It has cleared its final House stop and the Senate approved the bill this week. The Senate vote was close, 21-17. The House bill is expected to pass.

### **[SB 436](#) by Baxley (compare [HB303](#))**

Both the House and Senate agree on this idea as the Senate passed a bill protecting religious expression in schools yesterday while the bill cleared its final House committee earlier the same day. The prayer in schools bill should move easily in the House. In the Senate, there was Democratic opposition to the bill from senators who feared it would lead to ostracizing students from non-Christian religions. In the House, Democrats are actually the sponsors of the bill. This bill creates the "Florida Student and School Personnel Religious Liberties Act," protecting K-12 public school students, their parents, and school personnel from discrimination based on their religious belief and expression. The bill protects students from discrimination based on their religion in several ways. Regarding coursework, the bill requires that students' work be graded according to the expected academic standards, without regard for any religious content. Also, if students in a given school setting are permitted to wear clothing, jewelry, or accessories that display a secular message or symbol, then students may also wear items displaying religious messages or symbols. Moreover, the bill authorizes students to express themselves in a religious manner, and to engage in and organize religious activities to the same extent as secular expressions and activities are permitted.

### **[SB 244](#) by Jeff Clemens (identical [HB 553](#) by Alexander)**

This bill would prohibit colleges and universities from considering an applicant's past criminal history in the employment or the admissions process. Regarding admissions, the bill portends to violate [FS 1004.64](#) which allows a Board to consider prior conduct in the admissions process.. Many colleges also have a prohibition against admitting sexual predators, which this bill could make illegal. The bill has not moved yet, but is one we have to watch carefully.

### **[HB 1073](#) by Chuck Clemons (identical [SB 1276](#))**

The bill prohibits Santa Fe College from increasing its transportation access fee. It also prohibits DBOTs from increasing certain fees which may conflict with pass through increases related to non-renewable item fees for a course such as propane or other supplies with a third-party cost. The bill has not moved in either chamber very much.

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#### **HOUSE READY TO TAKE UP JUDICIAL TERM LIMITS**

Moving forward with a priority of Speaker Richard Corcoran, the House on Wednesday is scheduled to take up a proposed constitutional amendment that would lead to term limits for Florida Supreme Court justices and appeals-court judges. The proposal (HJR 1), sponsored by Rep. Jennifer Sullivan, R-Mount Dora, would go on the November 2018 ballot if approved by the Legislature. It seeks to limit Supreme Court justices and District Court of Appeal judges to two six-year terms, though differences on when jurists were appointed could mean some would serve at least slightly longer. Supreme Court justices and appeals-court judges do not currently have term limits, though they face a mandatory retirement age of 70. Corcoran, R-Land O' Lakes, has pushed the controversial term-limits plan, arguing that it would increase accountability of judges. A similar Senate proposal (SJR 482), filed by Sen. Travis Hutson, R-Elkton, has not been heard in committees.

#### **Court Grants 'Stand Your Ground' In Domestic Case**

An appeals court Friday ruled that a woman should not face charges in the shooting of her husband because she was acting in self-defense under Florida's "stand your ground" law. A panel of the 5th District Court of Appeal overturned a Brevard County circuit judge's ruling that Victoria Reid should stand trial for shooting her husband, James Wesley Reid, in the leg during a domestic dispute. Victoria Reid was charged with aggravated battery with a firearm while inflicting great bodily harm but argued she should be shielded from prosecution because of the "stand your ground" law. The ruling by the three-judge panel said Victoria Reid contended "she was in reasonable fear that (James Wesley) Reid was reaching for a firearm when she shot him." After an evidentiary hearing, a circuit judge denied Victoria Reid's request for immunity under the "stand your ground" law. But the appeals court pointed to testimony from the couple, a 911 call and the husband's history of drinking in siding with Victoria Reid. "Both parties testified that petitioner (Victoria Reid) was afraid that (James Wesley) Reid was reaching for a firearm when she shot him," the ruling by appeals-court judges Thomas Sawaya and F. Rand Wallis and Chief Judge Jay

Cohen said. "They also testified that Reid had committed acts of domestic violence against petitioner while he was under the influence of alcohol and that he had resumed drinking shortly before the shooting. The statements made by petitioner during the 911 call were consistent with the testimony presented at the hearing and indicated that she believed Reid was about to shoot her."

## **THE CAPITAL, TALLAHASSEE, WEEKLY ROUNDUP**

One-third of the way through this year's legislative session --- assuming that it wraps up on time --- some of the debates that will define the next six weeks are beginning to take shape. There still seems to be a bit of haziness on where things are going.

There was movement on some of the more high-profile initiatives of the session, whether tearing down the "liquor wall" or overhauling the state's higher education system. At the same time, there were few signs of movement on the budget, the one thing lawmakers must get done every year, and the thing that some have pegged as a reason the session could head to overtime.

At the same time, a longer-term project got underway, as the once-every-20-years Constitution Revision Commission held its first meeting --- and promptly got into a scrape with House Speaker Richard Corcoran, R-Land O' Lakes, about when the next few get-togethers should be held.

There were also issues of crime and justice to emerge, including the ongoing battle over an Orlando prosecutor's decision not to seek the death penalty in capital punishment cases and one House Republican's own brush with the law as he made his way home from the Capitol.

The skirmish over the Constitutional Revision Commission has its roots in a stinging defeat of Carlos Beruff, now the panel's chairman. Beruff months ago lost his attempt to win the Republican nomination for the U.S. Senate in a bare-knuckles battle against U.S. Sen. Marco Rubio. By Monday, Beruff had undertaken another project that could have long-lasting effects on the state: chairing the panel empowered to recommend constitutional amendments directly to the voters, who will decide whether to adopt those changes in November 2018. Beruff, a Sarasota homebuilder and close political ally of Gov. Rick Scott, is the first chairman of a Constitution Revision Commission selected by a Republican. He pledged an open process as the 37-member body got down to work in a ceremonial meeting. "Every member of the CRC will have the opportunity to be heard and have the chance to fight for the issues they believe are important to this state," he said. "Most importantly, though, we need to listen to the citizens."

Complaints from various corners accused Beruff of having no apparent experience in constitutional law, and also raised questions about his closeness with Scott. But even some Democratic members of the GOP-dominated commission seemed less than concerned. In fact, one of the first flashpoints around Beruff's leadership of the commission came from

Corcoran, a Republican whose relationship with Scott has become increasingly strained over the last several months.

Of the four men allowed to pick members of the commission --- Scott, Corcoran, Senate President Joe Negron and Florida Supreme Court Chief Justice Jorge Labarga --- the House speaker was the only one to place current legislators on the panel. Corcoran appointed five members. So when the first four public hearings were announced --- all of them to be held outside of Tallahassee, and during the ongoing legislative session --- Corcoran was not pleased. "Obviously ... especially when you have such a once-in-20-year august body dealing with something that is of the highest impact, which is our Constitution, and you only have a limited number of members, 37, and immediately the first action is to disenfranchise one-sixth, I don't think that's a good start," he said.

A spokeswoman for the commission responded Friday, noting that videos of the meetings would be available online and more meetings will be held. "As a commission which meets just once every 20 years, commissioners have a responsibility to be accountable to the people of Florida and accomplish as much as we can in the short time we have," said Meredith Beatrice. "The work before this commission is incredibly important. We will be working with all commissioners on additional public hearings to ensure the best possible outcome for families in our state."

## **TEAR DOWN THE WALL**

The nation's most prominent Republican might be devoted to building a wall, but in Florida, some members of the Senate GOP were part of a push to tear one down. The so-called "liquor wall" --- a Depression-era ban on liquor being sold alongside groceries --- took a hit when the Senate narrowly approved a measure ([SB 106](#)) to get rid of the prohibition.

The chamber voted 21-17 to approve the bill, as members argued over whether it might kill someone. And as two of the Senate's more prominent Republican members got into a public fight on the floor.

The issue has led to repeated legislative battles in recent years, pitting Walmart and Target, which want to stock liquor on shelves near other goods, against Publix and ABC Fine Wine & Spirits, which have stand-alone liquor stores as part of their corporate blueprints. In asking lawmakers to reject the proposal, Sen. Jack Latvala, R-Clearwater, said "large corporate citizens want us to do it (approve the bill) for their own economic purposes." That prompted Sen. Tom Lee, R-Thonotosassa, to fire back in a speech that ended with him dropping a live microphone on his desk. "We talk about who is pushing it, but we know who is pushing against it too, Sen. Latvala. We know who's pushing against it real hard," Lee said.

## **GAMBLING ON INSTINCT**

On the other end of the Capitol, House committees began moving forward with two marquee issues. First, they approved the latest version of legislation in the years-long battle over what comes next for the state's gambling industry. The House Ways and Means Committee voted 11-7 to approve the proposal ([HB 7037](#)), aimed at creating a new agreement with the Seminole Tribe, even if a tribe representative recently called the proposal a "non-starter." The bill would continue to allow the tribe to have exclusive rights to operate "banked" card games, such as blackjack, at five of its casinos. In exchange, the Seminoles would have to guarantee \$3 billion in payments to the state --- earmarked mainly for education --- over seven years.

Critics objected that the proposal gives short shrift to pari-mutuels. The measure would, among other things, ban popular and lucrative "designated player" poker-style games operated by numerous cardrooms throughout the state. "The pari-mutuel industry has been a friend to this state. They've helped provide a lot of dollars for a lot of things to happen. They by-and-large are getting treated less well than they deserve for the service they've rendered the state," Rep. Joe Geller, D-Aventura, said.

Sen. Bill Galvano, a Bradenton Republican shepherding the upper chamber's proposal, was optimistic. "It's only week three (of the 60-day legislative session) and at this point I am more focused on the fact that gaming bills are moving than the differences," Galvano, who is slated to take over as Senate president in November 2018, said in a text message late Tuesday.

## **HIGHER ED TUITION IN FOCUS**

On the education front, a House committee approved its version of a higher-ed reform bill, one that includes expanding Bright Futures scholarships and requiring state universities to begin using "block" tuition, some of the earliest movement on a priority of Negron, R-Stuart. Both bills would expand the top-level Bright Futures award for "academic scholars" to cover full tuition and fees for those students who qualify for the merit-based aid. But while the Senate would expand the scholarship for "academic scholars" to the summer semester, the House wants to expand summer support to all Bright Future recipients. There are also differences over the details of the tuition plan, which would replace the current per-credit hour charge with a flat per-semester fee.

## **PUNISHMENT AND CRIME**

Outside the walls of the Capitol, the firestorm started by a Central Florida state attorney who says she won't seek the death penalty continued to play out. Aramis Ayala, whose decision not to ask for capital punishment for alleged cop-killer Markeith Loyd started the dispute, accused Scott this week of abusing his authority by handing the case to another state attorney.

Ayala, state attorney for the 9th Judicial Circuit in Orange and Osceola counties, asked a judge Monday to put a hold on proceedings in the case of Loyd, accused of killing his pregnant ex-girlfriend, Sade Dixon, and the execution-style killing of Orlando Police Lt. Debra Clayton.

In a five-page filing, Ayala argued that Scott lacks the power to strip her of her role as prosecutor. If a court interpreted state law to allow Scott's action, Ayala wrote, the governor could supersede a prosecutor in any given case. "Giving the governor the tremendous and unfettered discretion to interfere in that decision making, would be unprecedented and could undermine the entire justice system in Florida," she wrote.

Scott defended his decision to appoint a different prosecutor. "So the first thing I did was I asked her to recuse herself. She said she wasn't going to, so I moved the case to Brad King. Last week, she said she was fine with that. Today she's changed her position. So the case has been assigned to Brad King, and that was the right decision," the governor said.

### **LEGISLATOR GETS DUI**

With a blood-alcohol level nearly double the legal limit, state Rep. Cary Pigman was charged with drunken driving after a traffic stop on Florida's Turnpike several hours after a House session Thursday, according to a police report. Pigman, R-Avon Park, did not immediately respond to requests for comment Friday. Calls to his legislative offices went to voice mail.

**QUOTE OF THE WEEK:** "This is Florida's version of 'To Kill a Mockingbird.' And I appreciate the committee supporting this resolution so that these families can get some closure."---Sen. Gary Farmer, D-Fort Lauderdale, on a proposal (SCR 920) that would apologize to families of the "Groveland Four," a quartet of African-American men convicted under dubious circumstances of raping a white woman in 1949. Two of the men were killed in the aftermath of the alleged crime and two others served lengthy prison sentences.