



DAILY BRIEF

From April 4, 2013

Education

In the Senate Appropriations Subcommittee on Education, AIF stood in support of SB 1664, *Relating to Education Instructional Personnel and School Administrators*, by Senator John Legg (R-Lutz). SB 1664 revises the requirements for state approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program. Specifically, the bill makes the following changes:

- Provides a new framework for the approval of teacher preparation programs based on performance outcome metrics while holding all preparation programs accountable
- Maintains three distinct program types offering high quality options for those entering the teaching profession
- Streamlines core curriculum so it is more focused and relevant, allowing for deeper preparation in standards-based instruction
- Requires candidates to demonstrate they have a positive impact on student learning growth in field experiences before the completion of a program
- Requires the State Board of Education to adopt rules allowing an individual to be eligible for temporary certificate if he or she passes the Florida Educational Leadership Examination, holds a bachelor's degree or higher and provides evidence of successful management or leadership experience
- Allows for the State Board of Education to adopt rules providing for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an ACE transcript
- Changes the name of the Florida Teachers Lead Program to the Florida Teachers Classroom Supply Assistance Program
- Requires local contribution be added to the funds allocated by the state when calculating each teacher's proportionate share

The bill passed committee by a vote of 11-2 and will next be heard in the Senate Committee on Appropriations.

AIF supports SB 1664 because it better aligns postsecondary teacher preparation programs with outcome and performance which will create a stronger and better equipped teaching workforce. This enhanced teaching workforce will ultimately lead to a better trained student with 21st Century skills to meet the global demands of Florida businesses.

In the same committee, AIF stood in support of SB 980, *Relating to Educational Personnel Evaluations*, by Senator Anitere Flores (R-Miami). The bill revises the criteria for the performance evaluation of classroom teachers and instructional personnel. The student learning growth portion of a classroom teacher's evaluation must only be based on the performance of students assigned to the teacher in the subjects taught by him or her. For instructional personnel, the student learning growth portion of the evaluation is based on performance data that reflects their actual contributions to the performance of students actually assigned to their areas of responsibility.

The bill passed committee with a vote of 11-1 and will next be heard in the Senate Committee on Appropriations.

AIF supports legislation transforming the teacher evaluation model and aligning student performance and outcomes thus yielding a better student prepared to join the workforce.

In the House Education Committee, AIF stood in support of HB 7027, *Relating to Education Accountability*. HB 7027 increases school accountability in a variety of different ways. The bill will also require the Commissioner of Education to restructure the process to access data kept in the K-20 data warehouse by creating a “Research Engine” capable of providing access to records under the federal Family Educational Rights and Privacy Act (FERPA).

The bill passed unanimously and is now ready to be heard before the full House.

AIF supports legislation creating a uniform system of accountability and incentivizing educational institutions to use Common Course Numbering.

The House passed HB 21, *Relating to Background Screening for Noninstructional Contractors on School Grounds*, by Representative Keith Perry (R-Gainesville). The legislation would require the Department of Education to create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that a contractor has met specified requirements and background checks.

AIF supports this legislation because it streamlines and makes uniform the ID requirements for non-instructional contractors working on school grounds.

The House passed HB 7029, *Relating to Digital Learning*, by Representative Manny Diaz, Jr. (R-Hialeah). HB 7029 includes several provisions increasing access to digital and blended learning options by:

- Expanding the pool of eligible applicants who can apply for state-level approval to include individuals or organizations who provide individual online courses, including, but not limited to, massive open online courses (MOOCs) that are measured by state assessments.
- Creating a district innovation school pilot program that encourages schools to engage in a whole school transformation using blended learning models in exchange for flexibility and exemption from certain statutes.
- Allowing districts and providers to offer part-time virtual instruction for K-12 students in all courses, rather than only those courses that are measured through statewide assessments or end-of-course-exams.
- Providing an opportunity for providers without sufficient prior, successful experience in offering online courses to receive conditional approval from the Department of Education to offer only courses measured through statewide assessments or end-of-course exams. The conditional approval is only effective until the provider has sufficient data to apply for provider approval in accordance with current law and State Board of Education rule.
- Allowing students enrolled in one school district to enroll in an online course offered by any other district in the state, without limitations.
- Prohibiting a school district from requiring a public school student to take a virtual course outside the school day or on the school grounds.
- Clarifying, for home school students, that eligibility be verified upon enrollment, for purposes of funding through the FEFP. Home education students must still meet applicable eligibility criteria for participation in virtual education courses.

AIF supports establishing a Digital Learning Initiative to offer infrastructure, bandwidth, and mobile devices equipping all Florida students with access to quality, digital learning opportunities.

The House also passed HB 7009, *Relating to Charter Schools*, by Representative George Moraitis (R-Ft. Lauderdale). The bill includes several provisions that increase charter school accountability and transparency while also offering more flexibility:

- Prohibiting a charter school, upon termination of the charter, from expending more than \$10,000 without prior written permission from the sponsor, unless such expenditure was included within the annual budget submitted to the sponsor, or is for reasonable attorney's fees and costs during the pendency of an appeal, or is for reasonable fees and costs to conduct an independent audit.
- Requiring an audit to be completed by an independent third party within 30 days after a charter school is notified of nonrenewal, closure, or termination.
- Prohibiting charter schools from executing contracts that contain acceleration clauses requiring expenditure of funds based on closure, or notification of nonrenewal or termination and from executing contracts that extend beyond the term of the school's contract with its sponsor.
- Providing claw back power to the sponsor in case of violation of contract provisions.
- Providing disclosure requirements for charter applicants of previous charter schools that were subject to corrective action or financial emergency recovery plans.
- Requiring sponsors to submit to DOE specific information for each application received to be compiled in a summary report regarding the number of applications received, approved, denied and withdrawn each year.
- Prohibiting employees of the charter school or the charter management organization and their spouses, from serving on the charter school governing board.
- Requiring DOE to develop a proposed statewide standard charter contract by consulting and negotiating with school districts and charter schools and to provide it to the Governor, the Speaker of the House of Representatives, and the President of the Senate by November 1, 2013.

The bill also includes several provisions to expand charter school growth and flexibility, such as:

- Allowing charter applicants to submit a draft charter by May 1 each year, with an application fee, and to receive district feedback on material deficiencies by July 1, prior to final submission on August 1.
- Allowing high-performing charter schools to determine their own capacity and enrollment caps and allowing them to increase those caps under certain circumstances.
- Providing statutory clarification that provisions affecting instructional personnel contracts and establishing that they are at will employees.
- Clarifying that district K-12 educational facilities not being used to support public education be made available to charters, and requiring the charter school to pay maintenance costs of the facility.
- Authorizing out-of-state operators to qualify for high-performing status to operate schools or systems in Florida under certain circumstances; requiring the State Board of Education to adopt the review and qualification process in rule.

Rep Moraitis introduced an amendment that eliminated the ability of a charter school to access unused and underused school district facilities. The amendment passed unanimously.

AIF supports removing artificial enrollment caps that prevent charter schools from meeting the demand of students on waiting lists.

The House passed HB 867, otherwise known as the "Parent Trigger Bill," by Representative Carlos Trujillo (R-Doral). The bill enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school earns a grade of "F". The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students.

Currently, AIF does not have a position on the bill, but has been monitoring it as it directly pertains to Florida's future workforce.

Health Care

In the House Health & Human Services Committee, AIF stood in support of HB 939 by Representative Cary Pigman (R-Sebring). The bill would increase accountability in the state's Medicaid program by:

- Lengthening the time medical and Medicaid-related records are kept;
- Authorizing AHCA to perform onsite inspections of a service location of a provider who has applied to become a Medicaid provider; and
- Expanding the list of offenses for which AHCA may terminate a provider's participation in the Medicaid program.

The bill passed by a vote of 14-4 and will now head to the House floor. The Senate companion bill, SB 844 by Senator Denise Grimsley (R-Sebring), is in the Senate Committee on Banking and Insurance.

AIF supports passage of legislation that would lessen incidences of fraud within the state's Medicaid program which could lower the amount by which Florida employers subsidize that program.

In substitution of SB 278, the Senate unanimously approved HB 239, *Relating to Practice of Optometry*, by Representative Matt Caldwell (R-Lehigh Acres). The bill allows certified optometrists who complete additional coursework and pass an examination to provide a broader range of services including administering and prescribing oral pharmaceutical agents. For the last several years, optometrists have sought to increase their scope of practice, noting they can provide additional services for patients at a lower cost.

AIF supports expanding the scope of practice for health care professionals in order to increase access to services and lower the cost of care.

Environment & Agriculture

On its third reading, SB 244, *Relating to Water Management Districts*, by Senator Charles Dean, Sr. (R-Inverness) was passed unanimously. The bill addresses several water management district issues. It provides for adoption of water reservations, minimum flows and levels by the Florida Department of Environmental Protection (FDEP), recovery, and prevention strategies adopted by FDEP. The bill also provides for districts to work together on the water supply component of the regional water supply plans.

AIF supports legislation providing water management districts (WMDs) with guidance on minimum flows and levels, reservations, recovery and prevention strategies and multi-district projects.

The Senate unanimously passed SB 364, *Relating to Consumptive Use Permits for Development of Alternative Water Supplies*, by Senator Alan Hays (R-Umatilla). Also known as the "30 year alternative water supply permitting bill," it expands water supply and reduces the cost of bonding such projects.

AIF supports state funding for alternative water supply programs and believes the Water Protection and Sustainability Trust Fund (WPSTF) must be fully funded so alternative water supply projects, such as reclaimed water projects, desalination efforts and the collection and storage of rainwater, can be built to produce additional and sustainable future water supplies.

Insurance

The House Regulatory Affairs Committee met and discussed HB 635, *Relating to Insurance*, by Representative Katie Edwards (D-Plantation). This bill includes provisions that allow for electronic proof of automobile insurance cards and to allow insurers to electronically deliver certain insurance policy forms. There was an extended discussion regarding the exemption of medical malpractice from the assessment base of the Florida Hurricane Catastrophe Fund. The exemption provided in current law is set to expire. The bill provided for a permanent exemption but an amendment was adopted that extends the current exemption for another three years.

The bill passed unanimously and is now ready for the House floor.

AIF supports legislation to restore the Florida Hurricane Catastrophe Fund (Cat Fund) to a safety buffer for Andrew-sized storms, thereby ensuring it can meet its obligations in the event of a storm and reducing the hurricane taxes funding its operations, as well as its possible deficits.

Taxation

In the House Regulatory Affairs Committee, AIF stood in support of HB 807, *Relating to Emergency Communication System*, by Representative Greg Steube (R-Sarasota). The bill would reduce the current charge for 911 services on all phone lines, including mobile, from the current \$0.050 to \$0.046. In addition, the legislation implements the findings of the E911 Board, allowing for the collection of the 911 fee at the retail point of sale for prepaid wireless phone plans. Implementing a point of sale collection method for prepaid plans and enabling the fee to be collected from everyone with access to 911 may make it possible to reduce the fee for all consumers. The bill would also put priority on allowing counties to use funds to upgrade and replace 911 systems for next generation. Rep. Steube introduced a strike all amendment which will reduce the E911 fee from 50 to 43 cents and applies it to prepaid wireless service.

The legislation passed unanimously and now moves to the House calendar for its second reading. The companion bill, SB 1070 by Senator Alan Hays (R-Umatilla) has been amended to only provide for a two year extension of the moratorium on prepaid wireless to 2015. It is in Senate Appropriations Subcommittee on Finance and Tax.

AIF supports lessening the 911 surcharge on Florida's phone users as well as supports a robust and modern emergency communications system vital to the welfare of Florida's business community.

Energy

Without amendments, the Senate unanimously passed SB 338, *Relating to Theft of Utility Services*, by Senator Wilton Simpson (R-New Port Richey). The legislation would increase criminal penalties for the

theft of utility services. Specifically, the bill provides that thefts of utility services are punishable as theft under the general theft statute. As a result of this change, persons committing theft of utilities will not necessarily commit a first degree misdemeanor. The bill also increases the civil penalty for a person violating the utility theft statute from the current three times the value of stolen services or \$1,000 (whichever is greater) to three times the value stolen or \$3,000 (whichever is greater). The bill would take effect October 1, 2013.

AIF supports this legislation because it will hopefully dissuade would be thieves from targeting Florida businesses.

Workforce

Without amendments, the House passed HB 655, *Relating to Political Subdivisions*, by Representative Steve Precourt (R-Orlando). HB 655 amends current law to further restrict political subdivisions from requiring an employer to provide employment benefits not required by state or federal law. The bill is designed to block local governments from enacting sick-time rules, such as the one pending in Orange County. This legislation is necessary to avoid what could become a patchwork of wage and benefit rules that may drive businesses away from Florida.

AIF supports this legislation because it is necessary to avoid what could become a patchwork of wage and benefit rules that may drive businesses away from Florida.

State Contracts

The House passed HB 1309, *Relating to Procurement of Commodities and Contractual Services* by Representative Ben Albritton (R-Bartow). Effective July 1, 2013, the bill makes the following revisions to provisions governing state agency procurement and contracting, including, but not limited to:

- Renames chapter 287, F.S., as “Procurement of Commodities and Contractual Services”;
- Revises contract manager, grant manager, or contract negotiator qualifications and training requirements;
- provides that DMS may delegate the purchase of insurance to agencies;
- modifies the process for suspending a vendor from the vendor list maintained by DMS;
- Requires that invitations to bid be awarded to the lowest responsive bidder;
- Permits DMS to lead joint agreements with governmental entities;
- Allows agencies to combine funds for purchases of commodities and services;
- Removes the requirement that an agency head certify emergency procurement documents; and
- Repeals contract negotiation team requirements.

On second reading, Representative Alan B. Williams (D-Tallahassee) offered a lengthy amendment on human trafficking, requiring state contractors to ensure they are not doing business with any company engaging in human trafficking. The amendment was adopted and is now engrossed in the bill as passed by the House. **AIF opposes the amendment as it would be extremely difficult to set up procedures make such an assurance to the state.**

AIF opposes this bill as it has at least 6 areas that are unclear and may not do what is the intent of the bill sponsor.

Bills Voted on in House & Senate Floor

Unless otherwise indicated, all bills passed unanimously

- HB 21, Relating to Background Screening for Noninstructional Contractors on School Grounds by Representative Keith Perry (R-Gainesville)
- HB 7029, Relating to Digital Learning by Representative Manny Diaz (R-Hialeah) (82-37)
- HB 7009, Relating to Charter Schools by Representative George R. Moraitis, Jr. (R-Ft. Lauderdale) (87-29)
- HB 867, Relating to Parent Empowerment in Education, by Representative Carlos Trujillo (R-Doral) (68-51)
- HB 655, Relating to Political Subdivisions, by Representative Stephen L. Precourt (R-Orlando) (75-43)
- HB 1309, Relating to Procurement of Commodities and Contractual Services, by Representative Ben Albritton (R-Bartow)
- SB 244, Relating to Water Management Districts, by Senator Charles Dean, Sr. (R-Inverness)
- SB 278, Relating to Practice of Optometry, by Senator Garrett Richter (R-Naples)
 - Read third time; substituted for HB 239 and laid on table
 - Passed by a vote of 40-0
- SB 338, Relating to Theft of Utility Services, by Senator Wilton Simpson (R-New Port Richey)
- SB 364, Relating to Consumptive Use Permits for Development of Alternative Water Supplies, by Senator Alan Hays (R-Umatilla)