



DAILY BRIEF

From May 2, 2013

Environment & Agriculture

The Senate unanimously passed HB 7065, *Relating to Everglades Improvement and Management*, by Representative Matt Caldwell (R-Lehigh Acres). The Senate companion measure, SB 768, was carried by Senator Wilton Simpson (R-New Port Richey). Among other things, the legislation provides legislative finding that implementation of best management practices (BMPs), funded by the owners and users of land in the Everglades Agricultural Area (EAA), effectively reduces nutrients in waters flowing into the Everglades Protection Area. AIF agrees fully with this position. To date, in their continued commitment to the Everglades, farmers and landowners in the region have spent \$200 million on BMPs. Also, the legislation does not raise the current \$25 per acre Agricultural Privilege Tax that farmers and landowners pay the state. The legislation moves towards completing the Everglades Restoration plan.

The bill will next be sent to the Governor to be signed into law. If signed, the bill will become law effective immediately.

AIF supports legislation necessary to authorize funding, to begin implementing the revised \$880 million State Everglades Restoration Plan that Florida has already committed to complete. AIF opposes any increases in the Agricultural Privilege Tax and supports the inclusion of provisions in the legislation that requires the appropriate state agency to conduct a Use Attainability Analysis at the completion of construction projects to determine if the nutrient limits are attainable.

Workforce

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.

Senator David Simmons (R-Altamonte Springs) previously amended the bill to delete the preemption of living wage ordinances. In addition to the preemption language, the senate version includes a task force to study the issue and report back to the legislature.

The bill will now be sent to the Governor to be signed into law.

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

Education

The Senate passed HB 7029, *Relating to Digital Learning*, by Representative Manny Diaz. (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; and
- Clarifying, for home school students, that eligibility is 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.

Now, HB 7029 will be sent to the Governor to be signed into law. If signed, it is effective beginning July 1, 2013.

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 non renewal, closure, or termination.
- Prohibiting charter schools from executing contracts that contain acceleration clauses requiring expenditure of funds based on closure, or notification of non renewal 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 has previously introduced an amendment that eliminated the ability of a charter school to access unused and under used school district facilities.

The bill will now be sent to the Governor to be signed into law. If signed, it will become effective July 1, 2013.

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

Insurance

The Legislature approved the Citizens depopulation package, SB 1770, *Relating to Property Insurance* by Senator David Simmons (R-Altamonte Springs). The bill creates a Citizens Clearinghouse to place new applicants and existing insured persons upon renewal with a private insurer if certain conditions are met. In addition, the bill reduces the value of eligible homes for coverage from \$1 million to \$700,000 over a four-year period, and prohibits Citizens from insuring homes seaward of the coastal construction control line.

SB 1770 will be sent to the Governor to be signed into law. If signed, it will go into effect beginning July 1, 2014.

AIF supports legislation to return Citizens to an insurer of last resort.

The Senate unanimously passed SB 648, *Relating to Health Insurance Marketing Materials*, by Senator Dorothy Hukill (R-Port Orange). The bill repeals a health insurer's obligation to submit marketing materials to the Office of Insurance Regulation (OIR) prior to using them. Current law requires that each marketing communication to be used in the marketing of a health benefit plan be submitted for review by the OIR prior to its use. The bill maintains the authority of OIR to review the marketing communications and disclosure statements as part of complaint investigations or market conduct reviews.

SB 648 will next be sent to the Governor to be signed in to law. If signed, it will become effective beginning July 1, 2013.

AIF supports measures that will streamline regulatory requirements on Florida businesses.

Energy

Earlier today, the Senate unanimously passed CS/SB 1472, *Relating to Nuclear and Integrated Gasification Combined Cycle Power Plants*, by Senator John Legg (R-Lutz); this bill:

- Breaks the preconstruction period into licensing and other preconstruction, and limits the types of costs that could be recovered during the licensing phase;
- Requires the Public Service Commission (PSC) find that the projected costs for the plant are reasonable and that there is still a need for the plant, prior to the preconstruction phase and the construction phase;
- Provides that in order to preserve the opportunity for future cost recovery, a utility must begin construction within ten years after the date on which it obtains a license or petition the PSC and evidence ongoing intent to build the plant; and
- Establishes that twenty years after the date a utility obtains a license, the utility may not recover future costs relating to that plant.

SB 1472 will be sent to the Governor. If signed, the bill will become law effective July 1, 2013.

AIF has been monitoring this bill as it could have generational consequences to both users and ratepayers as well as to the returns for some of Florida's largest corporations.

The House passed HB 579, *Relating to Natural Gas Motor Fuel*, by Representative Lake Ray (R-Jacksonville). HB 579 would replace the annual decal and fee system with a motor fuel equivalent gallon form of taxation similar to the tax on diesel, beginning January 1, 2019. It would also create an incentive program for public and private sectors to expand their natural gas fleets. The bill would further require anyone selling natural gas fuel in Florida to obtain a natural gas retailer license from the Department of Revenue. There are currently 32 natural gas fueling stations in Florida and with the development in the United States of proved reserves of natural gas, the potential for a less expensive and cleaner alternative to other motor fuels is expanded in this legislation.

HB 579 will now move to the Governor for his signature. If signed, the bill will become law starting January 1, 2014.

AIF supports any efforts by the Legislature to provide Florida's businesses with a less expensive and cleaner alternative motor fuel.

Telecommunications

The Senate passed SB 52, *Relating to the Use of Wireless Communications Devices While Driving*, by Senator Nancy Detert (R-Venice). The House companion bill, HB 13, was carried by Representative Doug Holder (R-Sarasota). The bill provides for secondary enforcement of a ban on texting-while-driving. Specifically, a driver must be first pulled over for a violation of another traffic law before that driver may be cited for violating the texting-while-driving ban.

Also, graduated penalties and exceptions are provided. Further, the bill allows for a driver may still text when legally parked. The bill also provides that a driver's wireless billing records and testimony from those receiving messages are admissible as evidence in a proceeding to determine whether a violation has been committed. Like its House companion, HB 13, this bill also now applies to the use of tablets as well as wireless cell-phones. The bill may generate additional revenues for local and state governments as a result of the penalties.

On April 30th, the House adopted an amendment by Representative José Oliva (R-Hialeah) that forbids prosecutors to subpoena a driver's cell phone and texting records, except in cases involving a death or injury.

SB 52 will now be sent to the Governor to be signed into law. The bill will become effective on July 1, 2013.

AIF supports SB 52 because it will effectively decrease automobile accidents thus lowering insurance costs for Florida's businesses.

Ethics & Elections

Governor Scott signed the Senate ethics bill, SB 2, by the Senate Committee on Ethics and Elections, and the House campaign finance bill, HB 569 by Representative Rob Schenck (R-Springhill), late last night.

AIF will monitor all proposals related to public ethics and elections and advocate as necessary to protect the rights of individuals and businesses.

House & Senate Floor Votes

Unless otherwise indicated, all bills passed unanimously

- HB 7065, Relating to Everglades Improvement and Management by Representative Matt Caldwell (R-Lehigh Acres)...
- HB 655, Relating to Political Subdivisions by Representative Steve Precourt (R-Orlando)... (76-41)
- HB 7029, Relating to Digital Learning by Representative Manny Diaz. (R-Hialeah)... (27-12)
- HB 7009, Relating to Charter Schools by Representative George Moraitis (R-Ft. Lauderdale)... (76-42)
- SB 1770, Relating to Property Insurance by Senator David Simmons (R-Altamonte Springs)... (32-1)
- SB 648, Relating to Health Insurance Marketing Materials by Senator Dorothy Hukill (R-Port Orange)...
- SB 1472, Relating to Nuclear and Integrated Gasification Combined Cycle Power Plants by Senator John Legg (R-Lutz)...
- HB 579, Relating to Natural Gas Motor Fuel by Representative Lake Ray (R-Jacksonville)... (116-2)
- SB 52, Relating to the Use of Wireless Communications Devices While Driving by Senator Nancy Detert (R-Venice)... (39-1)