



# DAILY BRIEF

**From April 8, 2010**

Two of the major issues (Gaming and Education Reform) for the 2010 legislative session dominated the action today in the Legislature. As it relates to the Seminole Gaming Compact, the House Select Committee responsible for review the Seminole Gaming Compact met early this morning to begin the process of ratifying the recently signed Gaming Compact. The Senate also took up and debated the Gaming Compact this morning during their floor session. It is expected that both chambers will ratify the Gaming Compact early next week.

In the House, education reform was the order of the day as state representatives debated the teacher pay bill late into the night. Tonight's *Daily Brief* includes a complete re-cap of all three AIF-supported education reform bills that passed the House and will now go to the Governor for his signature.

**AIF thanks all members of the House who voted in favor of these bills.**

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## **Education**

Today, three major pieces of education reform legislation were considered in the House. Two of the SJR 2 and SB 4 are headed to **Governor Crist** for his approval. The most controversial of the three, SB 6 – the teacher pay bill was still being debated as of 10:30 p.m. It is expected that SB 6 will be passed since Republicans have enough votes in the House. AIF has worked all session on these bills and is pleased that all three are close to becoming law. A summary of all three bills follows this report.

As Speaker Larry Cretul (R-Ocala) opened the House session this afternoon around 3:15 p.m., he reminded that the House has spent over 18 hours debating SB 6 (see below for description). With that, the House brought up SJR 2 – the “Right Size the Class Size” measure. There was one amendment offered on third reading and defeated. Debate was fairly brief, lasting less than half an hour, and along with the final vote, tended to follow party lines with Democrats opposing the bill and Republicans supporting it. The bill passed by a vote of 77-41.

In a somewhat unusual move, Speaker Cretul called for a quorum call – the time for members to indicate they are present and voting – before each bill was presented and again before each vote.

The House then brought up SB 4 – AIF's top education priority. No amendments were filed on third reading for this bill and debate was very brief. Representative Dwight Bullard (D-Miami) led off the debate and he, Representative Mia Jones (D-Jacksonville), and Representative Gwyn Clarke-Reed (D-Pompano Beach) spoke in favor of the bill, indicating some bi-partisan support of the bill. Representative Kevin Rader's (D-Boynton Beach) debate seemed to sum up the democrat's position on the bill – he stated that he was voting for the bill “with a heavy heart”, indicating that he liked moving toward end of course exams in lieu of the high school FCAT but that the end of course exams were still high stakes exams. The bill passed by a vote of 106 – 12.

After a few other education bills, the House moved to the most controversial measure of the day – SB 6, the teacher quality bill. There were 23 amendments to the bill, filed on third reading by mostly Democratic members who opposed the bill. One notable exception was that there were three amendments filed by Representative Julio Robaina (R-Miami), a Republican representative who does not support the bill. All amendments were defeated or did not receive enough votes for consideration on third reading (a 2/3 vote is required to introduce amendments on third reading). The amendatory process took over half an hour.

As the house was ready to begin debate on the contentious bill, Rules Chair Representative Bill Galvano (R-Bradenton) reminded the members of the rules and rights of members to try to persuade the majority of their point of view, but that their debate should be limited to members' opinions and not that of non-elected groups (in order to prevent the minority party from extending the debate by reading numerous emails they received opposing the bill). The House debated SB 6 for a short time and then took a short recess so members could eat. The House returned around 7:30 p.m. and resumed debate on the bill.

## **SB 2**

The measure would require the same class sizes that are required currently - 18, in K-3, 22 in grades 4-8, and 25 in 9-12 - to be measured at the *school* level (rather than at the *class* level which is required for next year). Additionally the measure adds a "hard cap" so that the school averages have to be achieved within a hard limit of 21, 27, and 30 in individual classes. By maintaining the measurement at the school level, principals would have the flexibility to increase a class above the original limit by having another class below the original limit, thus being able to better balance and manage class scheduling and avoiding a significant disruption when an unplanned child enrolls - often referred to as the 19th child scenario.

**AIF supports the measure so that there is not a decrease in access to rigorous or specialty courses such as AP, arts, etc.; which we believe are essential to providing well rounded and prepared graduates.**

## **SB 4**

Senate Bill 4 specifies geometry and Algebra II as two of the four mathematics credits needed for graduation and Biology I and chemistry or physics as two of the three science credits needed for graduation. Additionally, the bill eliminates the 9th and 10th grade FCAT for math and science and replaces them with end of course exams in Algebra I, Geometry, and Biology I.

Research shows that these courses are needed so that Florida's high school graduates are prepared for both higher education and jobs in the 21st century economy.

**AIF has prioritized college readiness for three years and has supported these increased standards for the past two years. SB 4 makes important improvements in Florida's graduation requirements so that students are prepared for the needs of employers and able to compete in a global workforce.**

## **SB 6**

**Performance Appraisals:** School districts must adopt performance appraisals for instructional personnel and school administrators that differentiate among four levels of performance: unsatisfactory, needs improvement, effective, and highly effective. Effective July 1, 2014, more than 50 percent of each employee's performance appraisal must be based upon student learning gains.

- **Compensation:** The bill requires school districts to adopt a salary schedule that compensates employees solely based upon performance appraisals; prohibits the use of years of service or degrees held in setting the salary schedule.
- **Contracts:** The bill ends the use of professional service contracts for classroom teachers hired on or after July 1, 2010. For classroom teachers hired on or after July 1, 2010, the bill requires one probationary contract and authorizes up to four annual contracts. Such teachers must be designated effective or highly effective on two out of the three preceding year's performance appraisals to receive an annual contract beyond the fifth year.
- **Teacher Quality Accountability:** The bill establishes a performance fund that school districts and charter schools must use to implement end-of-course assessments and teacher contract and compensation reforms and creates a narrow exemption. Noncompliance with these requirements results in the withholding of performance funds, which is an amount equal to five percent of the total state, local, and federal funds allocated to the district by the Florida Education Finance Program.

- **Educator Certification and Preparation:** The bill requires out-of-state certified teachers to demonstrate subject area mastery; requires temporary certificate-holders to demonstrate subject area mastery within one year of employment; removes lifetime certificate renewal for National Board certified teachers; and conditions certificate renewal upon effective or highly effective performance on four out of five performance appraisals during the previous certification period. The bill conditions continued approval of initial teacher preparation programs upon demonstration that program graduates produce student learning gains.

**AIF supports SB 6 because it creates a career path that keeps teachers in the classroom and because of its importance for the federal Race to the Top competition. The two states that won in round one already have similar laws on the books.**

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## **Seminole Gaming Compact**

Today, Chairman Bill Galvano (R-Bradenton) of the House Select Committee on the Seminole Compact Review presented **SICR 03** Relating to Gaming. This measure represents the latest efforts of the Executive Office of the Governor, as well as the House and Senate leadership, to ratify a compact and repeal the terms of SB 788 from last year.

The latest compact gives the Seminoles exclusive gaming rights for 20 years with a review in five years to run banked card games at 5 of its 7 existing casinos, and slot machines at four casinos outside of Miami-Dade and Broward County.

Chair Galvano emphasized that the “bargained for exclusivity” includes provisions guaranteeing the State of Florida a billion dollars over the next five years, with over \$437 million coming this year. Other provisions include mandatory 2 day, 10 hours monthly inspections at a capped cost of \$250,000 per year to be paid by the tribe, tort liability and non-smoking facilities. The legislation also includes a mechanism for the tribe to waive its sovereign immunity.

For existing pari-mutuel facilities in Dade and Broward Counties, the bill reduces the tax rate from 50 to 35 percent. Furthermore, tracks and frontons statewide are granted expanded gaming hours and higher betting limits. Although the provisions do not prohibit Florida from permitting other gaming activities, the state would forfeit revenue sharing if it did so.

Representative Brandenburg (D-West Palm Beach) questioned the types of games restricted and that the games left would not benefit the existing pari-mutuel industry. The Chair responded that the games selected were based on any games that would impinge on the revenue sharing arrangements, including a limitation to 10 state lottery machines in Seminole gaming facilities. There were amendments offered that would have made the bill more palatable to the existing pari-mutuel industry; however, they were withdrawn by their sponsors before members had an opportunity to vote on them.

During the public testimony portion, the Florida Baptist Convention and anti-gambling advocates spoke against the bill. Conversely, a representative from Tampa Downs spoke fervently in support and asked the legislature to urge voters to ratify the compact. The bill passed 15-3 with Representatives Sandy Adams (R-Oviedo), Brandenburg and Alan Hays (R-Umatilla) voting against.

The senate version of the bill, SB 622 by Senator Dennis Jones (R-Seminole), was read for the second time on the House floor and rolled over to third reading. Both chambers are expected to pass the measure next week.

**Associated Industries of Florida has closely monitored the debate in the legislature for the past two years and has supported fair and equitable gaming in Florida. We have grave concerns about the compact as it is currently formulated and urge the legislature to promulgate uniform pari-mutuel statutes, rules and regulations.**

## Information Technology

Today, the Senate Policy and Steering Committee on Ways and Means unanimously passed SB 1706 Relating to State Financial Matters by Chairman JD Alexander (R-Lake Wales). This bill enhances the authority of the Legislature over agency contracting that affects the state budget. Furthermore, it prohibits agencies from entering into a contract that:

- Requires the state to pay liquidated damages or early termination fees;
- Requires the state to pay interest if the agency has insufficient budget to pay; and
- Binds the state to make future-year payments to offset payments not made in a prior year.

SB 1706 would also require the legislature to approve any lease or lease purchase agreement of \$500,000 or more. It requires the agency heads to sign contracts in excess of \$25,000. In general, this measure gives the legislature the authority to oversee most agencies' contracting to protect the budgetary process

**Barney Bishop, AIF's President & CEO**, testified in opposition to the bill. Recognizing that Chair Alexander had the full support of his committee, testimony against the measure proved to be an uphill battle. Nonetheless, Mr. Bishop was respectful of the Ways and Means Chair by explaining that AIF's opposition was more about the logistics of implementing the provisions of the bill, rather than the concept.



SB 1706 has passed its final committee of reference and is ready for consideration by the Senate

**Barney  
Bishop**

**AIF's IT Council was one of the most vocal OPPONENTS of this legislation during the 2009 session. AIF continues to be OPPOSED because this bill will place an inordinate amount of restrictions on businesses contracting with the state. AIF will continue to monitor this legislation closely in order to protect businesses that contract with the state.**