

FEA Frontline Report

Week Five of the 2012 Legislative Session

February 10, 2012

We're passed the half-way mark for this year's legislative session and as usual things are getting interesting. The papers and blogs have been turning up the heat on lawmakers this week – in fact one of them called a couple of legislators “hypocritical, pandering cowards... whose proposals aren't even respected by your own GOP peers.”

In another turn of events, Sen. Paula Dockery (R-Lakeland) blasted fellow lawmakers in an op-ed regarding the voter suppression bill passed during the 2011 session. She wrote, “*Florida's new election law was another poorly vetted piece of legislative slop.*” (By the way, that bill was muscled through last year using the same toxic mixture of chicanery and raw power they're using to pass the prison privatization bill this year.)

All this honesty makes us smile...but it's time to get back to education legislation and the power and money behind the “reforms” that have been passed over the past decade —

How many high priced lobbyists does it take to pass a charter school bill that pillages tax dollars used for public school construction and maintenance — then hands them over to private corporations to build privately owned buildings? Or maybe the question is really, “Who is paying for some of the high-priced lobbyists to pass the charter bill?” One group with seven hired lobbyists this year is Charter Schools USA located in Ft. Lauderdale. Charter Schools USA's president is Jonathan Hage. Mr. Hage worked for the Foundation for Florida's Future (commonly called Jeb's foundation). Follow the money, and you find out interesting things.

Budget Update

“*This is a half-budget. It's halfway, half-witted, and a half-word I can't use on this floor.*” — Rep. Jeff Clemens (D-Lake Worth) during debate as the House passed their version of the 2012-13 state budget. He bemoaned the state's unwillingness to collect revenues that are already owed to it. Billions in tax revenues go uncollected every year, and the state only looks at cuts.

The House passed a \$69.2 billion budget proposal on Thursday (2/9) on a party-line vote of 79-38. You'll see headlines that boast of an addition \$1 billion to education. There are a few things you need to know before dancing in the streets and running up credit cards. It is important to think about the House, Senate and Governor's budget proposals in this way: everything that legislators say is important in education, and everything that parents and teachers say is important to children's success in schools is NOT reflected in this budget. Even with the much touted \$1 billion addition to the education budget, per student funding is still below the 2006-07 levels.

This billion is a drop in the bucket. It is level funding from the previous year – it won't bring back lost jobs or make class sizes smaller; it won't buy the technology needed for online testing; it won't bring

back lost programs or protect courses like art and music; it won't repair air conditioning units or help clean up mold. And, it certainly won't make up for 5 years of decline.

A quote from the Center on Budget and Policy Priorities states: *"Florida spends 18.1 percent less per K-12 student in state money than when the recession began in 2008, once figures are adjusted for inflation, according to the report. That means Florida is spending \$705 less per student this year than it was in 2008."*

The \$1 billion you hear Gov. Scott and the legislative leaders crowing about is simply a poll-tested ploy to raise their approval ratings.

There is no new revenue in these budget proposals. This means that the billion came out of someone else's pocket. The House budget slashes other services to plug a nearly \$2 billion revenue shortfall.

Remember: It takes both chambers to pass the final budget. Late Thursday, Sen. JD Alexander (R-Lake Wales) said the Senate Budget Committee will meet Wednesday, Feb. 15 to approve the Senate proposed state budget. Senate conforming and implementing bills will be released later this evening (Friday 2/10).

Lawsuit Updates

We continue waiting for a ruling on our challenge to the Legislature's 3-percent income tax on public workers and their families, the tax which Gov. Rick Scott and legislative leaders claim is a "contribution" to an employee's pension fund. We hear that a ruling may be coming soon. The case was heard in Circuit Court late last October in Tallahassee.

There have been no further developments in the SB 736 challenge. FEA is preparing a motion for summary judgment on the claims; however, there is no hearing date set. The first court action on that lawsuit won't occur until later this year.

Opponents of a proposed constitutional amendment repealing Florida's ban on public funding of religious organizations aren't challenging the revised ballot summary. After Circuit Judge Terry Lewis of Tallahassee ruled the Legislature's original version was misleading, Attorney General Pam Bondi rewrote the summary. A lawyer for education groups and clergy members said it would be non-productive to challenge Bondi's fix. According to FEA's attorney, Ron Meyer, Bondi's rewrite is identical to one the judge suggested. This proposed constitutional amendment, previously known as Amendment 7, now called Amendment 8, lifts a potential obstacle to vouchers that allow students to attend private schools at public expense.

Redistricting

Thursday afternoon the Senate cast a final vote on reapportionment plans for both the Legislature and Florida's congressional districts. The Florida Democratic Party immediately filed the first of what most expect to be a series of lawsuits challenging the maps. Interestingly, while the House maps will pit 38 incumbent House members against each other, the Senate map protects all returning Senate incumbents of either party.

To view the final maps adopted by the Legislature click on the following:

[House Districts](#)

[Senate Districts](#)

[Congressional Districts](#)

Bill Tracking

Here are the education bills we kept an eye on this week:

- [SB 1852 Charter Schools by Sen. Wise](#) (R-Jacksonville) passed the Senate Education Committee after impassioned and sometimes angry public testimony and debate. The bill forces districts to do one of two things – either share the revenue generated by the millage levy for capital improvements with charter schools in the district on a per-student basis or be subject to a Florida Education Finance Program (FEFP) re-allocation to charter schools in the district.

When public charter schools came into existence, they looked legislators in the eye and said, “We can educate students cheaper and better than traditional schools. Give us freedom from statutes that hinder our innovation and we will give you big results!”

Now they want to take your tax dollars from traditional public schools to build privately owned charter schools. This bill is nothing more than a money grab by for-profit charter school operators and their team of lobbyists swarming the Capitol.

- [SB 1402 Digital/Virtual Learning](#) by Sen. Gardiner (R-Orlando) passed the Senate Education committee by a unanimous vote. This bill allows Florida Virtual Schools (FLVS) to provide full and part time instruction for grades kindergarten through grade 12. The bill also:
 - Phases in additional virtual education grade levels in which students are eligible to participate without meeting the prior school-year enrollment requirements
 - Authorizes funding for ESE, ESOL, and other weighted programs for students in a full-time FLVS, a district virtual program, and/or a virtual charter school
 - Provides standards for interscholastic and intra-scholastic extracurricular activities for full-time students in FLVS, a district virtual program and/or a virtual charter school.

The next stop for this bill is in the Senate Budget Committee. The House has comparable bills but not identical at this time.

- [HB 737 – Tax on Sales, Use, and Other Transactions](#) aka *Sales Tax Holiday* by Porter (R-Lake City) passed the full House. This bill establishes the 3-day period during 2012 when sale of clothing, wallets, bags, and school supplies are exempt from sales tax. This year (if the bill passes both the House and the Senate and is signed by the governor) the sales tax holiday will be August 10-12. During the sales tax holiday, clothing, footwear, wallets, and bags costing \$75 or less and school supplies costing \$15 or less are exempt from the state sales tax and county discretionary sales surtaxes (commonly called “local option sales taxes”).

The 2012 Revenue Estimating Conference estimates that this year the bill would have a negative, nonrecurring impact of \$25.9 million to state revenue and \$5.9 million to local governments.

The Senate version -- [SB 982](#) by Sen. Bogdanoff (R-Ft. Lauderdale)—passed the Senate Education Committee unanimously and next moves to the Senate Budget Committee.

- [SB 250 Uniform Traffic Control](#) aka *School Bus Safety Program* by Sen. Braynon (D-Miami Gardens) was approved by the Senate Transportation Committee by a vote of 9 to 1, with Sen. Garcia (R-Hialeah) voting against the bill. The bill authorizes the use of cameras on school buses to enforce laws regarding the failure to halt when a school bus displays a stop signal at a bus stop. Braynon explained that police officers are rarely around to catch people who don't stop for school buses and children often dart in front of the bus. Under the measure, the local jurisdiction where the violation occurs would be responsible for using the pictures to issue tickets. The fine was also raised to \$265.

The bill's next stop is the Senate Education Committee. The House version -- [HB 269](#) by Rep. Gonzalez (R-Hialeah Gardens) -- has not yet been heard in committee.

- [HB 285 Sick Leave for School District Employees](#) by Rep. Harrell (R-Stuart) has passed all committees and is headed to the floor of the House. The Senate version -- [SB 874](#) by Sen. Benacquisto (R-Wellington) -- passed the Senate Education Prek-12 Committee and will be next heard in Senate Governmental Oversight and Accountability.

These companion bills would allow districts the option to create policies that permit their employees to donate unused sick leave to a non-relative district employee. Currently, there is no mechanism for a school district to develop such a policy.

However, there is another discussion which has been bubbling under the surface that has not been included in any legislation so far: capping of sick leave payouts. According to the *Tampa Bay Times* (formerly the *St. Petersburg Times*) CFO Jeff Atwater expressed concerns that districts and other local governments have been “overly generous” in policies allowing employees to be paid for unlimited amounts of unused sick leave when they terminate their employment. Districts must reserve funds equal to the cost of the total unused sick leave so there is the cash on hand for required payouts. Atwater “stopped short of calling for legislative action” but strongly suggested local school boards should address the issue. If they do not, he implied that the legislature could become involved.

Member Lobbyists

Thanks to members from Alachua, Gadsden, Jefferson, Leon, Liberty, Okaloosa, Orange, Palm Beach, Pinellas, St. Johns, Taylor, and Volusia counties who joined us in Tallahassee this week to lobby their legislators.

Thank you to PPA staff members

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Questions? Call us at 850-224-2078!

