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Florida Education Association

Frontline Report

2021 Legislative Session

Week 2 - Day 11

Mar. 12, 2021

Ghost Town

If you have ever had the pleasure of being in the Capitol on the weekend or during non-session, then you will know just how quiet the place can be without all the legislators, lobbyists, and the general public milling about. It is rather strange to be in the building during the height of session and see it empty. But as we've told you, this is a session like no other.

Senate Bill 1014 is on the Move

While your pressure has made the Senate sit on [Senate Bill 78](#) for the past few weeks, they are not done trying to attack your freedom to join with your colleagues in union to fight for what is best for students.

On Wednesday, March 17 at 9 a.m., the Senate Government Oversight and Accountability Committee will take up [SB 1014](#). This bill contains all of the same anti-freedom measures contained in SB 78 but goes further and would subject education staff professional unions to the 50% membership density requirement that instructional personnel currently face.

Before 9 a.m. on Wednesday, be sure you tell the committee to [vote no on SB 1014!](#)

Protecting our Unions - Take Action!

Please keep up the calls and emails to not only Senate [Rules Committee](#) members, but your senators as well; they are working! Thanks to all the calls and emails, and the many conversations by your Public Policy team with senators in Tallahassee, SB 78 was not on the agenda of the Rules Committee this week. We are watching to see if it returns next week with the amendments we hear are coming.

But, as we told you in last week's *Frontline*, the House [Government Operations Subcommittee](#) took up not one, but two anti-union bills on Monday: the companion to SB 78 – [HB 947](#) by Rep. Scott Plakon (R-Longwood) and [HB 835](#) by Rep. Cord Byrd (R-Jacksonville Beach).

Late Friday night, just after we sent you the *Frontline*, Rep. Byrd dropped a strike all amendment which gutted the original premise of the bill and replaced it with something much, much worse. I know. Shocking, right? The bill that passed committee Monday now requires all instructional personnel unions for Florida's colleges and universities to meet the 50% membership threshold to maintain their bargaining unit status. Additionally, it makes it much easier for colleges and universities to circumvent the bargaining unit's application for continuing status as the bargaining unit with the Public Employees Relations Commission, thereby rendering the union void. If that wasn't enough, the bill goes a step further for our PreK-12 instructional personnel unions by completely eliminating the rights of employees to direct that their union dues be deducted from their paychecks and would require that each union member re-sign a membership form annually.

Both HB 947 and HB 835 passed the Government Operations Subcommittee by a party-line 12-6 vote. Big thank you to Marian Phillips, President of the Nassau County Education Staff Professionals, and Matthew Lata, President of the UFF-FSU Chapter for testifying against both bills, along with FEA lobbyist, Stephanie Kunkel and our partners at the Florida AFL-CIO and the statewide firefighters union. We also thank our friends on the committee – Reps. Kelly Skidmore (D-Skidmore), Emily Slosberg (D-Delray Beach), Carlos Smith (D-Winter Park), and Yvonne Hinson (D-Gainesville) for asking the sponsors tough questions, offering amendments (which shockingly failed) and debating against the bill. Several Republicans also raised concerns with HB 947 but ultimately voted in favor of the bill.

HB 947 next heads to the [State Affairs Committee](#), while HB 835 will head to the [Education and Employment Committee](#). We'll need you calling and emailing not only your representative, but the members of the two committees urging them to oppose the bill.

Charter School Expansion

It just wouldn't be a session in Florida without some legislation expanding charter schools while limiting accountability. And alas, this session's bill is [HB 51](#) by Rep. Stan McClain (R-

Ocala). A version of failed legislation from last session, this bill, if signed into law, would allow Florida's colleges and universities to sponsor charter schools, with accountability resting in the hands of unelected Boards of Trustees rather than the local school boards. It also designates the charter school as a Local Education Agency, allowing them to receive federal funds directly rather than the funds being sent to the local school board. And lastly, it removes any student attending a college or university-sponsored charter school from the FTE count of the local school district. Currently all students attending charter schools are counted in the FTE count for the school district since "charter schools are public schools." But this bill permits the charter school to continue to receive operational and public education outlay funding (public dollars) and revises the accountability measures for these specific charter schools. It's almost as if they are becoming private charter schools, if you will.

HB 51 has passed its first two of four total committees of reference. Its companion, [SB 1028](#) by Sen. Travis Hutson (R-Palm Coast) has yet to be heard in any of its three committees of reference.

Bright Futures

In all our years of writing the *Frontline* we never thought we'd be writing about a Castro-style attempt to limit Bright Futures Scholarships for students attending college. But this year, you have to read it to believe it. Do you all know the expression: "If it ain't broke don't fix it"? Most likely. How about this one, "If it's working very effectively let's break it"? Probably not. Well, unfortunately, the Florida Legislature seems to be very fond of it. Allow us to present Exhibit A: SB 86 by Sen. Dennis Baxley (R-Lady Lake). The bill requires that eligibility for state financial aid programs be limited to 60 hours unless students are enrolled in a "market-driven" degree program. In a nutshell, the Legislature will pick the winners and losers in terms of degrees, and only students taking the majors it deems as "winners" will receive the full financial support of the state.

If passed, the bill would make the most substantial cutback to Bright Futures since the Great Recession, altering how much money students can receive for the awards currently earned by approximately 120,000 students. According to recent Board of Governors data more than two-thirds of university students in Florida — 70% — attended school without taking out a loan because of these programs. Further building on our exhibit, Bright Futures has long been credited as a key ingredient behind Florida's top rankings for higher education by U.S. News & World Report, a distinction that is frequently mentioned by Gov. Ron DeSantis and lawmakers.

So, in conclusion, if the policy does not fit, you must acquit. Joking aside, SB 86 was on the agenda of the Senate [Education Committee](#) Tuesday but was temporarily postponed. This was, arguably, in large part a result of the [petition](#) being circulated that has been signed by nearly 100,000 students in opposition to the legislation. Despite this great effort, the bill has

been placed on the agenda of the Education Committee next Tuesday, March 16. As evidenced, no policy is safe in the Florida Legislature — even the very effective ones.

Presidential Searches

[HB 997](#) by Rep. Sam Garrison (R-Orange Park) regarding making college and university presidential searches be conducted in secret, was heard Thursday in the House [Postsecondary Education and Lifelong Learning Subcommittee](#) and passed by a 14-3 vote. UFF staff, Emily McCann and Rich Templin of the AFL-CIO both gave compelling arguments against the legislation. Numerous representatives of colleges waived in support, including President Pickens of St. Johns River, President Sidor of Lake-Sumter, a rep from the Association of Florida Colleges, and several foundations. Rep. Alexander (D-Tallahassee) voted no but expressed support if certain amendments were added, principally a longer period to review the finalists and some specific number of finalists. As we have mentioned in previous *Frontline's*, the bill must receive a two-thirds vote of both legislative houses for passage. This is the sixth consecutive year that a version of this bill has been filed.

The Senate companion, [SB 220](#) by Sen. Jeff Brandes (R-St. Petersburg) has passed its two prior committees and is now in the [Rules Committee](#), its final hurdle prior to being available for the Senate floor.

Federal Funds From the American Rescue Plan

President Biden signed the American Rescue Plan (ARP) on Thursday, which makes a substantial investment in the recovery of students and our public schools. In addition to the \$1,400 individual payments to qualified individuals and dependents, there are over \$128 billion in grants to state educational agencies, with 90% allocated to local educational agencies (local school boards). The ARP also includes \$39 billion in grants to higher education institutions. An additional \$15 billion in funds are directed to the Child Care & Development Block Grant program to help support childcare facilities, particularly in high-need areas.

As in the prior CARES and CRSSA Acts, colleges and universities will be required to spend at least 50% of their funds on direct student aid. The remaining funds may be used to replace lost revenue and reimburse institutions for emergency expenses. The maintenance of effort provisions remains through 2023 to ensure states do not simply use the federal dollars to replace the state's existing financial commitment to supporting the colleges and universities.

In K-12 education, the funds may be used as in the last two stimulus programs for 14 allowable uses to continue operations and retain existing staff, and to support programs to help schools and students recover from adverse impacts of the school disruptions because of COVID. The bill does continue the requirement that the state maintain their financial support

of schools at least to the average of the past three years and requires special attention to high poverty schools to ensure low income areas receive equitable treatment.

States have some discretion over the timing of the distribution of the funds as is clear in Florida, where the second round of stimulus funds have still not been made available to school districts. FEA leaders continue to advocate for the release of funds to school districts as expeditiously as possible so the money can be used to help students and schools recover from the impact of the financial and educational impacts of the virus. We will also be on guard to prevent a reduction in state support for public schools if the state were to attempt to use the stimulus money to replace state funds in the near and long term.

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