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Florida Education Association

Frontline Report

2021 Legislative Session

Week 6 - Day 39

April 9, 2021

Coming for Us

What a week for educators. We're facing some steep hills to climb to stop bad policy from becoming law, and every corner we turn another bad policy inches closer to passage. **But the thousands of calls and emails you are sending are working. We must keep the pressure up. [Click here to take action today.](#)**

Pension Battles

[SB 84](#) by Sen. Ray Rodrigues (R-Fort Myers) was heard on the floor of the Senate on Wednesday and passed by a party-line 24-16 vote on Thursday. If SB 84 passes the House and is signed into law, the bill closes the Defined Benefit Plan to everyone outside of the "special risk class" (firefighters, police, etc.) starting in 2022. Our Democratic allies were very engaged and asked almost two hours of questions poking holes in the many issues and flaws in the system closure. Sen. Rodrigues answered many of their questions, but he did it with half-truths and in some instances, just complete inaccuracies. If anyone was listening to the questions asked on the floor Wednesday afternoon and has questions about the impact of closing the Defined Benefit Plan to new members, you can find answers on the document your PPA team has put together. This "[Facts and Myths](#)" document will help combat some of the misconceptions that are being thrown around by the bill sponsor.

On Thursday, 10 Democratic senators raised numerous issues against the bill in over an hour of debate. Debate by Sens. Thurston, Torres, Berman and Farmer stood out. They refuted the argument that the unfunded actuarial liability is out of control and quoted Ash Williams, State Board of Administration executive director, with the statements he made at a recent meeting of the Florida Cabinet where he shared his concern over closing the Defined Benefit Plan to new members. They also raised the issue of higher risks and fees and inadequate payout associated with 401(k) type retirement plans. Sen. Farmer in his final remarks stated that this action will harm our current system and noted that over 30 years the average person in the 401(k) plan would walk away with less than \$270,000 in total benefits compared to a predictable lifetime benefit in the traditional pension plan. Thank you to Sens. Ausley, Berman, Cruz, Farmer, Gibson, Polsky, Powell, Torres and Thurston for their questions, comments and concern over this flawed and dangerous policy. Fortunately, SB 84 has no House companion yet, and we are working hard every day to make sure it stays that way.

Protecting our Individual Freedoms

It's almost like groundhog day here as we talk again about [SB 78](#) by Sen. Ray Rodrigues and [SB 1014](#) by Sen. Dennis Baxley (R-Lady Lake), as both of these bills were on the Senate Rules agenda for Tuesday, but were ultimately temporarily postponed. Big thanks to the many, many members who traveled to Tallahassee intending to speak in opposition to both bills. Many members have been able to schedule in-person meetings with their legislators while they were here. Having a presence in Tallahassee and conversations with local elected leaders makes a difference in how they think about our professions and the impact of legislation on our students and education employees.

An amendment to SB 78 was filed, carving out "special risk class" employees such as correctional officers, police officers and firefighters; leaving just state employees, nurses and educators to meet the requirements within SB 78. Another groundhog reference — both bills (with amendments) will be back on the Rules Committee agenda for Wednesday's marathon committee meeting, and could also be on the newly added Friday Rules Committee meeting next week.

In the House, [HB 835](#) by Rep. Cord Byrd (R-Jacksonville Beach) was removed from the Education & Employment Committee and re-referenced to State Affairs, where [HB 947](#) by Rep. Scott Plakon (R-Longwood) is waiting to be placed on agenda. We anticipate that both bills will be heard Thursday morning when the State Affairs Committee is set to meet again. Please keep your calls and emails up on both sets of bills in either committee! And if you have not yet sent an email to your senator and your representative urging them to vote no on these bills, please do so ASAP.

School Vouchers and Other Ways to Damage Public Schools

Thursday night the House Appropriations Committee took up [HB 7045](#), the companion to [SB 48](#). Though different in detail, both bills would greatly expand school vouchers and move most or all the existing vouchers into the school funding formula. The bill also includes the Teacher Salary Increase Allocation when calculating a private school voucher, reducing the funding that will go to our public school employees for salary increases. If this bill passes, unaccountable private schools and vendors approved for the education savings accounts will be the big winners, and our public schools the losers. Concerned parents and pastors, as well as the FEA spoke against the bill, but it passed on a 20-5 vote.

In Other News

Anti-Riot bills

Prior to the start of the legislative session, Gov. Ron DeSantis announced his top legislative priority, the “Anti-Riot Bill.” According to the governor, this legislation was aimed at ensuring that protests in Florida did not turn violent, like those following the horrible death of George Floyd in Minneapolis or the riots at the U.S. Capitol Jan. 6. The House and Senate released [HB 1](#) co-introduced by Reps. Fernandez-Barquin (R-Miami) and Cord Byrd (R-Jacksonville Beach) and [SB 484](#) by Sen. Danny Burgess (R-Zephyrhills) in response.

HB 1 quickly began making its way through its three assigned committees; however, it met its fair share of opposition along the way. In its current form, HB 1 has some concerning provisions. It is important for our members and local presidents especially who are active participants in holding and attending rallies and marches to understand this piece of legislation. The bill makes changes to the statutes governing riots, affrays and unlawful assemblies. Notably, the bill increases penalties for participating in a riot and assault on a law enforcement officer, and creates new penalties for mob intimidation, or the act of a group of people compelling or inducing another person to maintain a particular viewpoint against their will.

The most concerning piece of the bill would hold all participants of a rally or march responsible for the actions of one or two bad actors. Meaning that if you are a participant of a rally and someone at the rally incites a riot, you could face charges regardless of whether you took part in any illegal rioting activity.

Many believe this is aimed at silencing political opponents and limiting our first amendment rights to free speech and assembly. The bill was considered by the full House and passed out on a party line 76-39 vote with three House Democrats voting no after roll call. The Senate companion bill had stalled. However, this week the Senate amended their block schedule to include both a Friday and Saturday all-day Appropriations Committee hearing, dedicated to HB 1. The Appropriations Committee is the only stop for HB 1 before it heads to the full Senate for consideration.

So-Called Intellectual Freedom

One of the concerning bills in higher education this session, [HB 233](#) by Rep. Spencer Roach (R-North Fort Meyers), passed in the Senate this week despite strong floor debate and lots of engagement and committee testimony by our members in United Faculty of Florida.

Companion legislation by Sen. Ray Rodrigues was laid on the table, and the Senate took up the House companion bill.

Sens. Lori Berman (D-Boynton Beach), Perry Thurston (D-Fort Lauderdale) and Tina Polsky (D-Boca Raton) pointed out the major problems with the bill. First and foremost is the premise that using voluntary surveys to develop an assessment of the political opinions of professors and students would increase intellectual diversity. Sen. Polsky challenged the sponsor about his claim of anonymity in the surveys because his answer to the question changed between the committee and the floor debate. This provision as well as the provision that allows non-consensual recording of classroom lectures and discussion are more likely to suppress speech on campus than encourage it. The final vote was 23-15, with Sen. Berman initially voting in favor of the bill. Sen. Darryl Rouson (D-St. Petersburg) recorded a no vote after roll call, and Sens. Jeff Brandes (R-St. Petersburg) and Berman changed their yes votes to no after the vote was recorded.

Many UFF faculty and graduate assistant union members put up a strong fight with phone calls, emails and testimony, and gave the legislators support for their debate. As a result, the bill will have much less impact on school campuses because of the amendments adopted in response to their advocacy. The bill now heads to the governor for his signature into law or veto.

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