

# FEA Frontline Report

## *Week Six of the 2012 Legislative Session*

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February 17, 2012

The big news in Tallahassee during week six was the day Republican lawmakers bucked their party leadership and joined Democrats to block a bill that would have privatized 27 prisons and work camps in 18 south Florida counties.

It would have also displaced more than 3,500 correctional officers. The bill's sponsors, Senate Budget Chair JD Alexander and Senator John Thrasher, argued that privatization would save millions of dollars and provide an alternative management structure that could improve the way Florida's prisons operate. Other supporters of the bill promised that private companies would take care of the workers. Senator Bennett assured his fellow senators that "companies make their money by taking care of good employees."

But those opposed to the measure prevailed citing concerns about cuts in benefits and pay and questions over how much such a massive privatization would really save.

Governor Scott, who supported the measure, has stated his intent to further privatize the state prison system as well as other government functions. Many have expressed concern over this privatization effort as it appeared to be a sign of things to come and would set a trend to outsource other state and local government functions, including public schools. Senator Dennis Jones – R, St. Petersburg who was one of the Republicans who voted against the proposal, posed the question that was on many minds. "Where does this stop?" he asked.

### **Budget Update**

The Senate Budget Committee passed all of its bills this week so now they will go to the Senate floor for a full vote. The House has passed its budget bills so the next step, once the Senate passes its budget proposal, will be conference committees where the differences in the two bills will be negotiated. The Senate bill included slightly more funding over all, but neither proposal meets the critical needs of Florida's citizens.

### **Bill Tracking**

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

- [SB 1560 Ethical Requirements for Public Officers](#) by Sen. Thrasher (R-Jacksonville) ran into trouble in its second committee hearing when it failed to get out of the Rules Committee by a tie vote of 6 to 6. This bill would have prohibited university or college employees from serving in the Legislature. UFF President Tom Auxter framed it best by explaining to the panel that the only citizens who would be ineligible to serve in the legislature would be convicted felons, university and college professors. Thankfully, there is not a House companion.

- [SB 1334 Florida Retirement System](#) by Sen. Oelrich (R-Gainesville) slid off the tracks in Thursday's Senate Governmental Oversight Committee meeting. Senators from both sides of the aisle got nervous as it became apparent that this bill was "robbing Peter to pay Paul" and would destabilize the Florida Retirement System. The bill was "TP'd" (temporarily passed/postponed) and no vote was taken.

The well-intentioned bill would have restored the lower retirement age and years of service requirements which were taken away from police and firefighters in last year's FRS overhaul. The problem was HOW Oelrich proposed to pay for the restoration.

At first, lawmakers heard that the bill was "revenue neutral", meaning it would not cost the state anything. However, even slight changes in the FRS have a cost. It soon became apparent that SOMEONE would be paying for the changes for the police and firefighters (known in FRS terms as the Special Risk Class). That "*someone*" would be everyone in the plan, including Regular Class members (school and higher education employees making up the largest share of that group). FEA lobbyist Kevin Watson told the committee "to the extent that this Legislature wants to benefit our first responders, we stand with you 100 percent. We simply don't want to be the bank that funds it."

The bill also would increase vesting for new employees from 8 to 10 years. New employees would be enrolled in the 401K type Investment Plan rather than the Pension Plan (defined benefit plan). New employees would have a one-year window to change to the Pension Plan (aka defined benefit plan).

The tweaking of the plan still chips away at the stability of the system by shrinking the number of members in the Pension Plan and increasing system costs to the state or employer. Over time this will result in what folks up here call a "soft closing" of the Pension Plan - in other words it will require moving all state employees into the 401K type investment plan.

The House version (which is slightly different but not better), [HB 525](#) by Rep. Workman (R-Melbourne) passed the House Appropriations Committee by a vote of 12 to 8. Voting YES were Republicans *Aubuchon, Coley, Dorworth, Glorioso, Grimesley, Hooper, Hudson, Hukill, McKeel, O'Toole, Proctor, and Snyder*. Voting NO were Democrats *Bembry, Chesnut, Jones, Kiar, Porth, Rouson, Sands, Saunders and Republican Kreegel*. Not voting were Republicans *Horner and Trudi Williams*. The next stop for this bill is the House State Affairs committee.

- [HB 1115 PEN Protection Act](#) by Rep. Brandes (St. Petersburg) passed the House Justice Appropriations committee by a party line vote of 9 to 5. Voting YES were: Republicans *Eisnaugle, Glorioso, Grant, Harrell, Metz, Perry, Pilon, Renauart, and Steube*. Voting NO were: Democrats *Porth, Rouson, Slosberb, Soto and Stafford*. This bill began as the "Teacher Protection Act" which included a provision which would have allowed teachers to be represented by the Attorney General in some cases - but there were problems with conflict of interest, cost and, well - teachers have sovereign immunity so needing the Attorney General for representation would have been extremely rare. In other words they were trying to dress up the real intent of the bill: Protect the Professional Educators Network otherwise known as PEN.

This bill is an unnecessary and frivolous attempt to change Florida's laws to benefit an organization that ran afoul of the Public Employees Relations Commission (PERC). HB 1115 would fling open the school house doors and allow any organization to put up a false front that it is an employee

organization but, in reality, is exempt from rigorous certification processes and laws by which employee organizations must abide.

The next stop for this bill will be the House Education Committee. The Senate version, [SB 1698](#) by Sen. Wise, will be heard in the Senate Education Committee on Tuesday (2/21).

- [HB 1191 Parent Trigger](#) by Rep. Bileca (R-Miami) passed the House Education Committee by a vote of 11 to 6 along party lines. Voting NO: Democrats *Bullard, Clarke-Reed, Garcia, Kiar, Reed and Stafford*. Voting YES: Republicans *Adkins, Bileca, Brandes, Coley, Davis, Fresen, O'Toole, Oliva, Proctor, Smith and Stargel*. (Republican *Tobia* was absent) FEA and UTD staff had worked with the sponsor to improve some of the provisions in the bill. Even with those improvements FEA opposed the bill, because it would open the door for private charter corporations to take over public schools. FEA's primary concern continues to be the absence of true "parent engagement" language and the lack of fairness and accuracy in dealing with teacher evaluations as a result of SB 736.

*The next stop for this bill is the floor of the House. The Senate version, SB 1718 by Sen. Benacquisto is in Senate PreK-12 Appropriations waiting to be placed on the committee agenda.*

- [HB 903 Charter Schools](#) by Rep Adkins passed the House PreK-12 Appropriations committee by a vote of 11 to 4 – only one Democrat (*Rep. Fullwood*) voted for the bill. There was some excitement when the sponsor of the bill offered an amendment which would have given charter schools a portion of local millage used for capital outlay projects. The amendment was voted down with Republicans *Coley (Marianna) and Bileca (Miami)* casting NO votes with the Democrats. The bill still allows for the rapid expansion of charters but does not contain the millage sharing requirement that is in the current Senate version. The bill's next stop will be the full House.

*The Senate version, [SB 1852 Charter Schools](#) by Sen. Wise (R-Jacksonville) is sitting in the Budget Committee waiting for its next hearing.*

- [HB 7063 Digital Learning](#) by Rep. Stargel (R-Lakeland) passed the Senate Education Committee by a vote of 14 to 1. The lone NO vote was cast by *Rep. Stafford (D-Miami)*. This bill allows the expansion of Florida Virtual Schools (FLVS) to provide full and part time instruction for grades kindergarten through grade 12. The bill also:
  - Allows full-time FLVS and other virtual school students to take part in interscholastic and intra-scholastic extracurricular activities.
  - Requires FLVS to provide exceptional student education services and the English for Speakers of other languages programs to eligible students and to receive funding for providing those services and programs.

*The next stop for the Senate version [SB 1402 Digital/Virtual Learning](#) by Sen. Gardiner (R-Orlando) was the Senate Budget Committee but it has since been sub-referred to Senate PreK-12 Appropriations.*

- [HB 737 – Tax on Sales, Use, and Other Transactions](#) aka *Sales Tax Holiday* by Porter (R-Lake City) passed the full House. The bill is now in "messages" waiting for the Senate to take it up. The bill establishes the 3-day "sales tax holiday" between August 10 and 12 of this year. During this time the sale of clothing, wallets, bags costing \$75 or less, and school supplies \$15 or less are exempt from both state and county sales tax.

This bill is estimated to cost the state \$25.9 million in nonrecurring revenue to state revenue and a \$5.9 million revenue loss to local governments.

*The Senate version -- [SB 982](#) by Sen. Bogdanoff (R-Ft. Lauderdale)—was sub-referred to Finance and Tax.*

- [HB 285 Sick Leave for School District Employees](#) by Rep. Harrell (R-Stuart) and the Senate version -- [SB 874](#) by Sen. Benacquisto (R-Wellington) -- have passed both chambers and will next go to the governor's desk for his signature. These 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.

## Member Lobbyists

Thanks to members from Orange, Pasco, Pinellas, Seminole, St. Johns, and Volusia counties who joined us in Tallahassee this week to lobby their legislators.

*Thanks to Debi McDaniel and Pam Burtnett for their help with language and spelling!*

Questions? Call us at 850-224-2078!