

FEA Frontline Report

Weekly Legislative Session Update by the Florida Education Association

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2008 Legislative Session buzzes by

Tallahassee is experiencing quite a bit of discomfort this spring as an annual occurrence is attacking with a vengeance. No, we're not talking about the legislative session. We're talking about chiggers. The little pests seem to be everywhere this year. One of the greatest misconceptions about chiggers is that they burrow into our skin and eventually die within the tissues, thus causing the persistent itch. Rather, the larvae pierce the skin and inject powerful enzymes that digest cellular contents, which become liquefied and are then consumed. But since they don't actually suck your blood, any apt metaphor with the legislative session would be unfair and we're just not going there.

The swarm of legislators and lobbyists that descends upon Tallahassee to usher in spring will be gone after Friday. The chiggers will remain along with itching sense that something is just not right with our political and legislative process. Looking over the beleaguered faces of legislators it is easy to see this session has taken a toll on everyone. The budget outlook has not been this bad in decades and those who have seen the decades fly by are telling us they have never seen it this bad.

Yet the Republican leadership is still wearing its shield of "fiscal responsibility"; digging in their heels and choosing to cut public education rather than address actual fiscal responsibility. It didn't have to be this way; there are other choices they could have made. But they didn't. It is frustrating and it's hard not to blurt out "I told you so!" when you think about the warnings that economists and budget experts gave us during the Jeb! tax cut years. And quietly, over the buzz of the chiggers the earworm is playing Elvis Costello's King of America: "It was a fine idea at the time, but now it's a brilliant mistake."

We have a lot of work to do in the coming months to mitigate the damages of all the brilliant mistakes our elected officials have been making. Sure -- we're all tired. The TBRC, repeated legislative sessions and budget cuts, and finally the 2008 session and more budget cuts have consumed us for more than a year. But there is hope: the 2008 elections. Bring it on. We'll be ready. We're bitin' mad.

TOP ISSUES:

- The Final Acts of the 2008 TBRC – or should we say TVRC:

One has to wonder why a special commission that meets only every 20 years to examine the state's budget and tax policies would venture into voucher world ...but that's what the Tax and Budget Reform Commission did last week. FEA lobbyist Marshall Ogletree suggested that the TBRC should have been called the TVRC – Tax and Voucher Reform Commission. The work of the 2008 TBRC is for the most part done. In a few weeks, funding for the powerful commission will end, the commission will present final recommendations to the governor and the Legislature and commissioners will relinquish their posts.

Legislative Session Newsletter for Florida Education Association Members

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When all was said and done, the TBRC ended its term by passing seven proposals. The real outcome however, will be seen in November when voters have the opportunity to have their say on each of the seven proposals. All ballot proposals will have to clear the recently enacted 60 percent high hurdle. The TBRC passed three highly debated proposals: including a tax tradeoff, state funding of religious organizations (a.k.a. universal vouchers), and the 65 Percent Deception.

- The tax tradeoff would cut an estimated 25 percent or more from property tax bills by eliminating the required local effort, a portion of property taxes currently allocated for education funding. The decrease of an estimated \$9 billion in school funding would be balanced out through the Legislature imposing at least a one cent sales tax increase, elimination of some of the 246 sales tax exemptions currently found in state law, and most likely further cuts to the state budget. At least, that's the theory.
- The TBRC also voted to allow Floridians to effectively overturn an appellate court decision on vouchers. The proposal would change a provision of the Florida Constitution that prohibited using taxpayer funding to support religious based institutions in the form of vouchers.
- The Commission also approved a measure to defeat the possibility of another constitutional objection to vouchers, this the one used in the 2006 Florida Supreme Court ruling – the requirement for a "uniform efficient, safe secure, and high quality system of free public schools." The proposed amendment re-characterizes that duty as a "minimum," and not an exclusive duty of the state. The proposal was coupled with 65 Percent Deception – which 65 percent of all school district funding be spent directly in the classroom.
- The 65 Percent Deception finally makes it on the ballot. The devil is in the details as to what is defined as "classroom funding," and legislators, if the measure is adopted, will have to determine whether school nurses, guidance counselors and the like count toward the percentage requirement. People won't know when they vote whether this will seriously hamper districts' ability to properly fund classrooms.

The four other TBRC proposed amendments to the Florida Constitution that will appear on the ballot area provision to allow a local option sales tax for community colleges, property tax breaks for working waterfronts, conservation lands and property owners who improve energy efficiency and windstorm protection.

- Budget ax falls:

Barring a last minute decision to use the rainy day fund for public schools, the estimated cut to the 2008-09 Florida Education Finance Program will be another \$337 million. This is piled on top of two cuts made to school budgets in 2007-08. In total, FEA estimates the 2008-09 budget cut will be \$900 million from the beginning of this school year. The official FEP projections will be available later this week and will show the allocation on a county-by-county basis.

Budget conferees met twice Sunday before concluding negotiations on next year's spending plan. It was also decided to provide the Miami-Dade Public Schools an allocation of \$7.5 million for District Cost Differential (DCD) transition. That decision and a compromise on the funding level for the A+ School Recognition Program at \$85 per student completed the public schools list of unresolved issues. The usual funding level for the school recognition program is \$100.

The Legislature is also making permanent changes to the Dale Hickam Excellent Teaching Program for national board certified teachers. The allocation is \$55.3 million, a cut of \$32 million from 2007-08 funding and \$46 million from that appropriated just one year ago. The bill limits the program to a single 10-year period and deletes permanently the fee subsidy, portfolio prep fee and retirement system payment. It retains both bonus payments with proration language.

All in all, the 2008-09 school year will be very challenging as there is a loss of 4.25 percent per student over that budgeted at the start of this school year. In a state that regularly runs their schools on the cheap, Florida now will slide even further behind our neighboring states and the larger diverse states with whom we compete.

PEOPLE:

- Member lobbyists in Tallahassee!

With black umbrellas in hand, members from Alachua, Bay, Broward, Okaloosa, Orange, Pasco and Pinellas counties and the United Faculty of Florida helped set the backdrop for a FEA news conference demanding that legislators follow the advice of the governor and other budget policy experts and utilize the rainy day fund. They carried that message throughout the halls of the Capitol to their legislators. Many thanks to all of our member lobbyists!

Be sure to visit our website to hear your colleagues from across the state comment on their experiences in Tallahassee and their thoughts on the issues in front of the 2008 Legislature:
<http://www.feaweb.org/page.aspx?page=1andz=34>

PROPOSALS:

- Watch list: Bills still alive and kicking

The session logjam either break with a roaring rush of bills passing the chambers, or a slow trickle with bills languishing in the netherworld of "in messages". It is all horse trading, egos and short tempers as the final hours tick by until the hankie drops at the Sine Die ceremony closing the 2008 legislative session. Here's a condensed, at-a-glance version of what's on the move (all are subject to amendments and can end up looking quite different in they end -- if they are passed by both chambers at all):

- **HB7043/SB1756 Class Size Reduction Flexibility** – gives school districts two-year flexibility in meeting class size requirements under specific instances.
- **HB653/SB1440 Corporate Tax Credit Vouchers** – expands the CTC program from \$88 million to \$118 million.
- **SB 1712 Ethics in Education** – addresses issues around "breach of public trust." Requires DOE to assist in developing policies and procedures governing educator ethics and employment.
- **SB610/HB1163 Middle School Physical Education** – 150 minutes of PE per week for middle school students.

- **High School Grades** – allows for other measure besides FCAT to compute the school grade.
- **SB 1914/HB7045 Enhanced Sunshine State Standards** – Speaker Rubio’s “world class education standards” bill; also has been called Sunshine State Standards 2.0.
- **National Board Certified Teacher program conforming bill** – the final word on the cuts to the Excellent Teaching program.
- **SB2692 /HB1483 Evolution Theory** – allows for teaching of other theories besides evolution.
- **HB 7125 TABOR** – Proposes amendment to State Constitution to revise state revenue limitation by providing that state revenue growth is limited to changes in population and inflation, plus one percentage point, and by changing types of revenues that are subject to such limitation; and to provide revenue limitation for counties, municipalities, school districts, and special districts to be implemented by Legislature.
 - **HB967/SB652 Workplace Safety** - Creates 15-member Florida Public Task Force on Workplace Safety within USF Safety Florida Consultation Program to develop findings and issue recommendations on innovative ways by which the state may effectively ensure that each state department and agency and each county and municipal government complies with OSHA Standards.
 - **SB 7025 Elected Commissioner of Education/Board of Governors** – Senate President Pruitt’s bill that limits the size and scope of the State University System’s Board of Governors in addition to restructuring the Cabinet to include an elected Commissioner of Education.
 - **HB65/SB1414 Supplemental Education Services** -- requires DOE to assign grades to state-approved supplemental educational service providers.
 - **HB669/SB 88 “Jeffery Johnston Stand Up for All Students Act”** also known as the “bullying bill.” Prohibits bullying and harassments of any student or employee of public schools. Does nothing to stop bullying in the Legislature.

Stay tuned!

Special thanks to Marshall Ogletree for his number crunching budget contribution to this report and advice on all things legislative; and a big thanks to intrepid Frontline editor Mark Pudlow for his patient editing and this week’s entomological metaphor.