

EMERGENT DESIGN AND DEVELOPMENT
Legislative Update
September 2, 2008

I hope that everyone had a safe and restful summer and that you are ready for another exciting year. By early indications, it will, once again, be a challenging year for those connected with education.

Elections, the economy, constitutional amendments, and new legislation will all have dramatic impacts on education, both at the local and national level.

ELECTION INFORMATION

School Superintendents

Currently, there are 25 Florida districts that will have a new Superintendent of Schools for the 2008-09 school year. That breaks down to 5 appointed and 20 elected Superintendents. Ten additional districts have incumbent Superintendents facing opposition in the general election in November, which could result in an increase to the already 25 new Superintendents.

Florida Senate

Five incumbents Senators were re-elected without opposition. Nine incumbents face opposition in the November general election and 9 districts are already guaranteed to have new Senators when the 2009 session opens.

House of Representatives

Fifty current members of the House will face an opponent in the November general election. In addition, 34 districts are already guaranteed to have a new Representative. Thirty-one Representatives were reelected without opposition and 2 new members were unopposed.

When you consider all of the new and/or potential new members in these leadership groups, educators could have interesting challenges and opportunities in the next few years.

LEADERSHIP RESIGNATION

The legislator expected to be the leader of education in the House, Representative Trey Traviesa of Tampa announced his resignation. He has decided to spend more time with his family and his position of President of the Laser Spine Institute. His House replacement will be decided in November. His leadership position replacement has not been announced. New Speaker of the House Ray Sansom from Fort Walton Beach will name the replacement. Several names have been suggested. Among them are; Anitere Flores (Miami), Marti Coley (Panama City), and John Legg (Port Richey).

CONSTITUTIONAL AMENDMENTS

There are three constitutional amendments on the November ballot which have strong implications for education in Florida. Educators across the state have joined together to defeat these amendments. Legal challenges have been filed against all three. (Remember that the law requires amendments to obtain 60% or more of the vote to become law.)

The three amendments are numbered 5, 7, and 9. I have included a link to each amendment below, as well as a very brief summary and potential impact statement. The Florida Supreme Court will hear arguments concerning all 3 of these amendments on September 3rd. This will enable the court to render an opinion prior to September 5th, the date when ballots for the November election must be printed.

Amendment 5 Replacement of Local Required Effort

This proposal directs the repeal of local required effort by School Districts. The proposal reports to replace the revenue with a combination of: an increase of 1 cent in sales tax, repeal of sales tax exemptions, spending reductions for other components of the State Budget, and/or other revenues created by the Legislature.

Currently local required millage would be expected to generate about \$9.5 billion in 2010-11, when the proposal would take effect. A 1 cent increase in the sales tax is expected to yield a bit **less than \$4 billion**. Depending on what exclusions to the sales tax are eliminated, possibly another \$3 billion could be raised. That leaves a **shortfall of something in the range of \$2 to \$2.5 billion** to be replaced from somewhere.

These changes would come at the same time that we are facing a declining economy with major shortfalls in state income and major cuts in education spending.

<http://election.dos.state.fl.us/initiatives/fulltext/pdf/12-6.pdf>

Amendment 7 Repeal of the “no aid” provision

This proposal would delete a portion of the State constitution referred to as the “Blaine Amendment”. Currently it states that “no revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution.”

The proposal would add a new sentence in its place: “individuals or entities may not be barred from participating in public programs because of religion”. (Florida law already guarantees freedom of religion.) This amendment is seen as an attempt to expand the use of vouchers to religious programs.

<http://election.dos.state.fl.us/initiatives/fulltext/pdf/12-8.pdf>

Amendment 9 65% funding for classrooms and minimum duty for education

This proposal would amend the State constitution to provide that the paramount duty of the state to provide for the education of children in Florida must be fulfilled at a minimum, **but not exclusively**, through free public schools. The proposal also requires that at least 65% of the funding received by school districts must be spent on classroom instruction rather than administration.

It appears that this amendment may also be a way to expand vouchers. Combining the 65% issue with the non exclusive issue seems to give this proposal a better chance of passage.

<http://election.dos.state.fl.us/initiatives/fulltext/pdf/12-10.pdf>

FUTURE REVENUE

Recent budget estimates for the 2008-09 fiscal year have indicated that there is still a budget shortfall of at least \$1.5 billion. The Governor is asking permission from the Legislative Budget Commission to use \$672 million of reserves to somewhat offset this shortfall. The Governor has indicated that he wants to wait until the November Revenue estimates before taking any further action. There is no indication that the remainder of the shortfall will be covered, which would mean that districts will receive further cuts to this current years operating budget.

The latest bit of bad news deals with next years budget. State lawmakers heard Wednesday that they will face an additional shortfall of over \$3.5 billion for the 2009-10 budget year.