



# FLORIDA AFL-CIO UNITED LABOR LOBBY

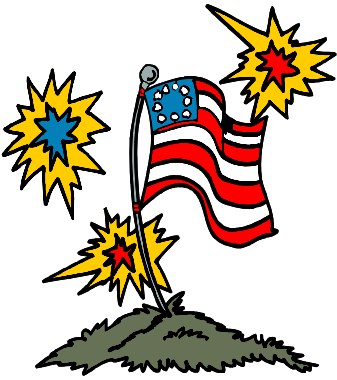


## LEGISLATIVE UPDATE

2009 FLORIDA LEGISLATURE

May 8, 2009

Issue 6-7



### Constitutional Amendment against the Employee Free Choice Act **FAILED!**

The intense push to pass HJR 1013 and SJR 1908, the proposed constitutional amendment to block the major provisions of the federal Employee Free Choice Act, was part of a national campaign funded by Wal-Mart, Home Depot, the Heritage Foundation and a long who's who list of the wealthiest and most powerful special interest groups. These powerful corporate forces have pledged millions to block the act using PR spin, misdirection and out and out lies. One faction of this overall campaign is "SOS Ballot," a national group working to put deceptive constitutional amendments on the ballot in as many states as possible under the guise of "protecting the secret ballot." Their hope is to confuse the issue by making people believe that their right to vote in elections by secret ballot is at risk and use that confusion to change state constitutions in ways they believe will block major provisions of the Employee Free Choice Act. Fortunately for Florida's workers, that campaign hit a brick wall in Tallahassee.

House Majority Leader, Rep. Adam Hasner, is a board member of the SOS Ballot national organization so he led the charge here in Florida and sponsored HJR 1013, a constitutional amendment that states, "the right of individuals to vote by secret ballot is fundamental. Where local, state, or federal law requires elections by the people for public office, requires public votes by the people on initiatives or referenda, or requires [designations or authorizations of employee representation](#), the right of individuals to vote by secret ballot is guaranteed." Freshman Senator Garrett Richter sponsored its Senate counterpart, SJR 1908.

Article VI of Florida's constitution already guarantees the right to vote by secret ballot in all local, state and federal elections, so the only real change would be those elections regarding "designations or authorizations of employee representation" a.k.a unions. This amendment would have made voluntary recognition of unions, a common practice in many companies, illegal in Florida. It also would have stripped the rights of our teachers, police officers and firefighters of their rights to form unions with voluntary recognition under the Public Employees Relations Act. This proposed amendment was lobbied for heavily by the business community including the Florida Chamber of Commerce, Florida Retail Federation and the Associated Builders and Contractors of Florida. While the legislation was assured easy passage in the House due to Rep. Hasner's incredible power as Majority Leader, we knew that members of the much more moderate Senate would take issue with anything that denied basic rights to Florida's workers. The Florida AFL-CIO and ULL worked tirelessly to raise awareness of this issue in both chambers and thousands of you communicated with your elected officials via email, phone and letters. HJR 1013 moved through the House committee process quickly but stalled on the House floor for over a week when Representative Hasner realized that he did not have the 3/5 vote needed for passage. The measure did come up for vote until April 27<sup>th</sup> after disgraced former House Speaker Ray Sansom returned from his indictment and arrest on corruption charges to cast a key vote. In the end, the measure, which required a 3/5 vote for passage, passed by only two votes, 74-44. Our Democratic allies stood firm in voting no and Republican Julio Robaina crossed to aisle to support Florida's workers. In the Senate, Republicans and Democrats indicated their unease with the legislation and it was never brought up for a vote.

This was a major victory but we know it is only temporary. With hundreds of millions of dollars already invested in denying workers the benefits of the Employee Free Choice Act, big business is not about to give up the fight. Representative Hasner has confirmed that he will file the bill at the earliest opportunity and will aggressively push for the proposed amendment to be on the 2010 ballot. We are confident however that by then, the Employee Free Choice Act will have been signed into law by President Obama and that it will be much more difficult to mislead the public about what the Act actually entails.

## Sneak Attack on Florida's Democracy Beaten Back by Florida's Voters



The 2008 election in Florida was one for the record books. There was a record number of new voters registered, a record turnout, a record for people using early voting and voting by absentee. There were still some problems with the process, like deficiencies in the number of early voting sites and the controversial “no-match – no vote” program, but for the most part, the national media proclaimed that Florida had finally washed out the stain of the disastrous 2000 election. Most political watchers agree that the huge number of people participating in the process was a primary factor in labor’s endorsed candidate, President Barack Obama’s big win in a state that most had written out of the “blue” column. This is why powerful partisans in the Florida Legislature rolled out one of the most sweeping elections bills in a generation late in the 2009 session. This massive elections law re-write was called “the worst elections bill in over a hundred years” by Leon County Supervisor of Elections and

voting rights advocate Ion Sancho. This power grab package included in SB 956 and HB 7149 addressed everything unions and others did right in the last election and then one by one made them impossible or illegal.

The way this travesty of public policy was rammed through the process was illustrative. On Thursday, April 16<sup>th</sup>, in the late-afternoon, a strike-all amendment was added to SB 956, a “shell bill” meaning that the bill had a number and title only, no actual language. This 80-page amendment was quickly voted out of the committee with a party-line vote after public testimony from groups like the Florida AFL-CIO was limited to only one minute. While the Senate committee was still meeting, nearly identical language was filed in the House as a proposed committee bill. The Democrats on the committee and the public received almost no notice and the staff analysis was not released until 11:30 that night. The bill was then promptly scheduled for an 8:00 am meeting the very next day. Advocates from the League of Women Voters, Florida Public Interest Research Group, the Advocacy Center for the Persons with Disabilities and the NAACP worked through the night to prepare testimony for this meeting and provide a detailed analysis to the Democrats on the committee. When the bill was taken up on Friday morning, **Republican Representative Jennifer Carroll** used a procedural move to block debate. After less than 30-seconds of public testimony, **Republican Representative Robert Schneck** insisted that Representative Carroll’s motion also blocked any public comment, so that was halted as well. So, with less than 6-minutes of discussion and 30-seconds of public input, the bill passed House Economic Development and Community Affairs Policy Committee and was on its way to the full House for a final vote.

Why was this legislation made available only during the final days of session? Why was debate and public comment so restricted? The answer is simple; this legislation represented the single biggest threat to Florida’s voters since the days of Jim Crow and the less the public knew about it, the less opportunity there was for the people to stop the partisan power grab. There was so much in this bill to be terrified of and so many provisions that were most likely unconstitutional that it is hard to adequately address all those issue in a single newsletter, much less a single article. Here are some the major provisions that were included in the bill.

- These bills would have made it nearly impossible for groups like the Florida AFL-CIO, Jobs with Justice, League of Women Voters and the NAACP to register their members and others to vote.
- These bills would have made it much more difficult or voters to exercise their constitutional rights to amend Florida’s Constitution. The legislation contained provisions that would have created expensive new bureaucracies, allowed valid signatures on petition forms to be discarded and forced grassroots groups to pay for needless registration and training fees for their workers. If these regulations had been in place, Florida voters would have never been able to vote on the Class Size Amendment, Universal Voluntary Pre-K, the state minimum wage or financial reporting requirements for politicians.
- SB 956 and its House counterpart would have greatly restricted or eliminated our non-partisan election protection programs on Election Day. The bills banned any type of legal advice for anyone waiting in line and extended the “no solicitation” boundary from 100-feet away from the polling place to 100-feet away from the end of the line. Remember how long lines were for voting? There was also a ban on “solicitation by audio and video methods” which could have prevented voters from talking to election hotlines while waiting in line to vote.
- The legislation eliminated transparency in campaign financing so that wealthy special interests could use their money to hijack elections in Florida – and the public would have never known how.

*Voters cont. on page 5*



# Messages From the Front Lines

## News from the Trenches of the Florida Legislature

### CSX Corporate Welfare Deal – Oppose - FAILED



After two long years, the Florida AFL-CIO finally helped drive the nails in the coffin of one of the biggest corporate welfare scams in Florida history. The sweetheart deal, crafted in secret during the last few months of the Jeb Bush administration, would have robbed taxpayers of an estimated \$1.2 to \$2.6 billion and given it to the CSX rail company in exchange for just over 61 miles of track to operate a small commuter train in Central Florida. Most of this money had nothing to do with the commuter rail project but was earmarked for CSX to improve their own for-profit freight operations! This from a company that has posted record profits over the past three years. It also would have put the taxpayers on the hook for all accidents on the rail line, which would still have been used by CSX 12 hours a day, even if the freight giant was at fault. The arrangement for CSX would also have banned the use of Florida's best trained and most experienced union rail workers in all future commuter rail projects in the state, representing a clear case of state union busting on a massive scale. Commuter rail was always a sec-

ondary consideration in this deal, serving as nothing more than the public talking point to hand billions of your tax dollars to one of the most profitable freight companies in the world. It also allowed the deal's supporters to paint critics as somehow against commuter rail, even though most of the opponents like Senator Paula Dockery and the Florida AFL-CIO have been some of the strongest supporters of rail projects in the state. In the final days of the session, CSX supporters tried to gain the critical support of key South Florida Senators by attaching a dedicated funding source for the beleaguered Tri-Rail line, which is currently out of cash a looking at serious personnel lay-offs and service reductions. We fully support Tri-Rail, but this final play essentially held the future of this proven rail project hostage and represented nothing but political gamesmanship. None of those purporting to support Tri-Rail ever brought legislation forward to provide funding and it was never a serious issue in budget negotiations. Where were these so-called supporters the rest of session, or last year...or the year before? **In the end, Senators Deutch, Aronberg, Sobel and Rich withstood incredible pressure, held strong and voted to protect the taxpayers and hundreds of union jobs.** This fight is far from over. The Florida Department of Transportation is still sitting on hundreds of millions of dollars they can give to CSX. **Recently, Senator Constantine, Orlando Mayor Buddy Dyer, Congressman Mica and Congresswoman Brown met with FDOT officials to find a way around the legislature, and proclaimed in the media that "nothing is off the table" to get this deal moving again. Stay tuned!**

### Voucher Expansion – Oppose - PASSED

In addition to the dismal budget numbers, the Florida Legislature made the financial outlook for our struggling public schools worse when they passed HB 453, a dramatic expansion of Florida's program that gives tax credits to corporations who then turn around and give that money to a private school voucher program. The debate over this issue is much like a Texas longhorn...a point here...a point there and 2,000 pounds of bull in the middle. No matter how you slice it, this is taking public dollars that should go to public schools and giving them to private institutions, with no accountability and no standards. Our schools had already suffered over \$3 billion in cuts *before* the current budget cutting. This expansion of vouchers takes even more money from our schools.

### Weakening the Class Size Amendment – Oppose - FAILED

SJR 1828 and HJR 919 both proposed an amendment to Florida's Constitution that would have decimated the Class Size Amendment. These changes would require that the class size requirements for public schools remain at the current limits *but* the class size caps would be based on the *average* number of students in the schools at each grade level, rather than on the *maximum* number of students. These changes also deleted requirements for funding annual reductions in class size to achieve the required maximum class size limits. **HJR 919 passed the House of Representatives but was not taken up in the Senate. The joint resolution passed the House mostly along party lines but Democratic Representatives Bemby, Boyd and Waldmen voted with the Republican majority.**

### **Removing Barriers to KidCare Eligibility – Support - PASSED**

Shortly before leaving office, former Governor Jeb Bush began a concerted effort to privatize Florida's Medicaid system. One tactic he used was to greatly diminish the program, making it incredibly ineffective so he could come back later and be in a better position to hand over the responsibilities for providing health care coverage to Florida's most vulnerable residents. A part of this effort was to erect serious barriers to KidCare, the portion of the overall Medicaid system that provides health care for the children of those families who otherwise have no access to healthcare. The program was changed to make it easier for the state to remove children from the system, make it harder for parents to enroll their children and to remove thousands of children from the rolls by increasing the income levels required for eligibility. They also eliminated the ability for lower-wage public sector employees to enroll their children. After three long years, SB 918 by Senator Nan Rich, a comprehensive package that removed many of these barriers was approved during the final hours of the session. This was a major victory, one that almost did not happen, thanks to the ideologues in the House leadership.

## Get in the Game!

With the close of the 2009 Legislative Session it is now time to redouble our efforts to pass the Employee Free Choice Act in Congress. While the lines designating our supporters and detractors in the Florida delegation are pretty well drawn, it is essential for us to move beyond thinking in terms of vote counts and build the grassroots support needed to pass this monumental reform of our nation's labor laws. In order to pass this legislation, there must a visible groundswell of support – this must be a full-fledged movement! In order to build that movement, the Florida AFL-CIO and our Central Labor Councils will be organizing even more events and providing even more opportunities for you to get involved. The best way to get involved and keep up with all the action is to subscribe to our weekly newsletter, the *Florida Employee Free Choice Act Update*. **The newsletter is distributed through our E-Activist system. To become an E-Activist, visit our website at [www.flafclcio.org](http://www.flafclcio.org), click on the "Get Involved" tab and follow the on-screen instructions.**

YOU CAN TRUST THOSE OF US IN THE BUSINESS COMMUNITY WHEN WE SAY...



IF THIS LEGISLATION PASSES...

...AND MORE PEOPLE ARE ABLE TO JOIN UNIONS ...

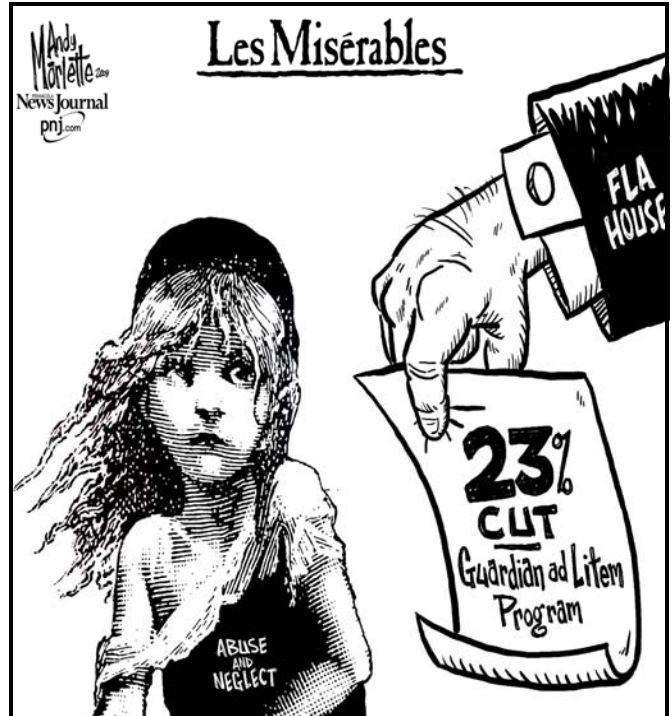


...IT WILL BE THE WORST THING TO HAPPEN...



..TO THE U.S. ECONOMY...

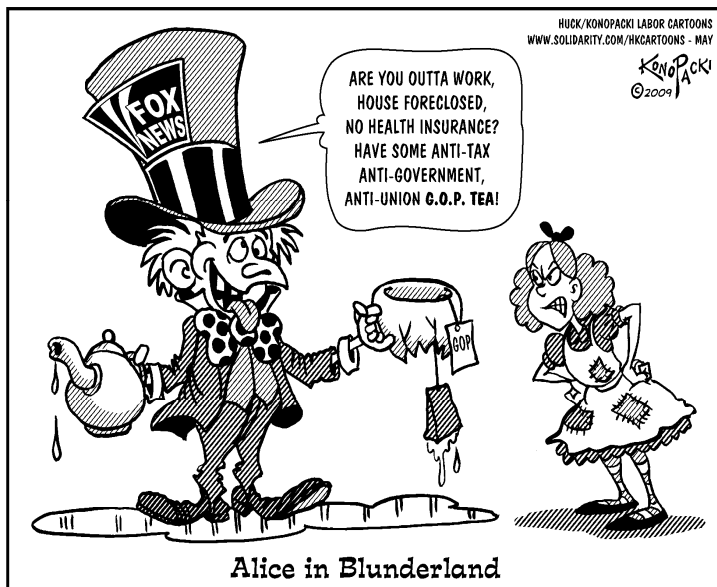
...SINCE WE NEARLY DESTROYED IT!



The Florida AFL-CIO and ULL quickly went to work with a statewide coalition of voters' rights advocacy groups to get the word out about these attacks on Florida's Democracy. Within 72-hours, newspapers across the state were publishing editorials admonishing the Republican leadership for their late session power grab. A press conference was quickly called at the Capitol and over two dozen Democratic lawmakers attended. The New York Times ran two separate exposés on the issue nationwide. Additionally, our E-Activists and E-Messenger subscribers helped generate thousands of emails, phone calls and letters to our legislative leaders and the Governor and within 36-hours, the Governor hinted that he would veto the bill. The night before the bill was to be heard on the House floor, we worked with Democratic legislators to file over 100 amendments to the bill, enough to temporarily shut down the legislature's computer system that handles filed amendments. These amendments coupled the intense public pressure kept the issue from being heard on second reading, the last day it could have been taken up without a waiving of House rules. The next day, House Majority Leader, Representative Adam Hasner, claimed that the legislation would have to wait until the next session, while refusing to concede that the public outcry had anything to do with the legislation's hang-up. Senator Mike Haridopolos did manage to pull the Senate version out of its committees so it could be heard on the Senate floor but ULL lobbyists carefully monitored the calendar to make sure that the issue was not taken up and that our allies on both sides of the aisle were ready if it did.

In the end, this legislation died on the calendar in the House and in the Senate Rules Committee. This fight has major implications on multiple fronts. There is no reason to believe that after our successes in the 2008 elections that the Republican dominated legislature will not try to change our elections process next year. Now we know some of the areas of the system they will be targeting. More importantly, our success at quickly mobilizing the public to fight this sneak attack shows the value of the alliances we have made with other groups over the past few years. It also clearly demonstrates the power of an involved labor movement. **Your calls, emails and letters were the key to this major victory. Thank you and congratulations.**

## The Florida House Leaves Half-a-Billion for Unemployed Workers on the Table



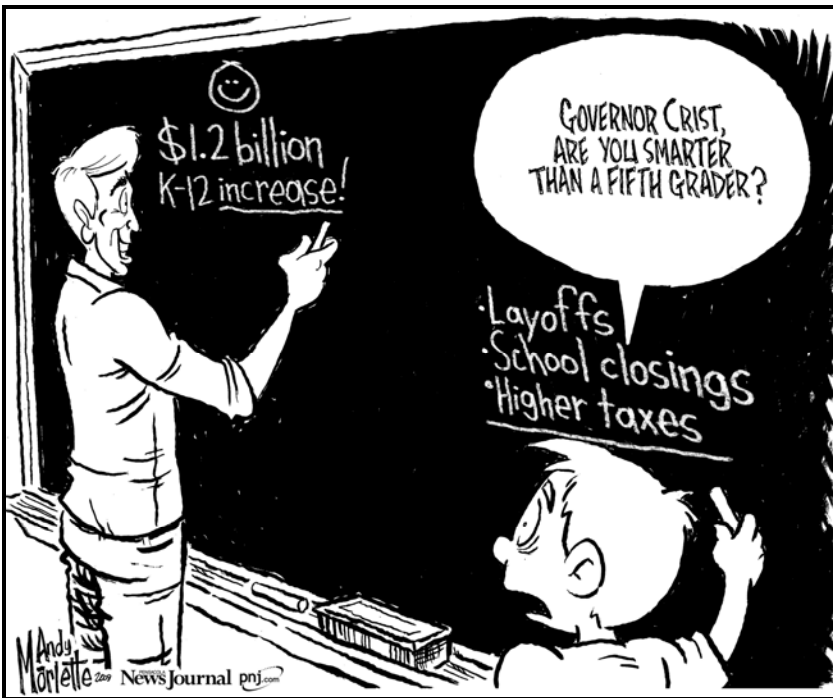
The Florida AFL-CIO has worked for the past 8 years to modernize Florida's 70-year old unemployment insurance system in ways that expands eligibility so that those workers who need unemployment support can get it. Florida's UI system is a disaster and has been given failing grades in study after study of UI systems and their ability to function. Florida is at the bottom in national rankings in terms of percentage of unemployed who qualify for benefits. The federal economic stimulus legislation outlines five policy improvements that we have been pushing for years that states should adopt to modernize their own UI systems with \$7 billion worth of incentives to help pay for those changes. States were to receive a share of this funding based on how many of the five modernization upgrades they make or already have on the books. **Florida currently has none of the proposed requirements for this funding.** The Florida AFL-CIO worked with Florida Legal Services and the Florida Center for Fiscal and Economic Policy to craft legislation that would place Florida in compliance with the provisions of the federal stimulus legislation and enable our state to

draw almost \$500 million in free federal money to help unemployed workers. **SB 516 by Senator Tony Hill and HB 1333 by Representative Kevin Rader** would have expanded UI eligibility in the following ways:

- Institute the "Alternate Base Period" which would allow workers to use their most recent work history to reach eligibility. Under current law, a worker's most recent work history is excluded.
- Inclusion of workers forced off the job for "compelling family reasons" such as serious family illness, domestic violence or relocation with a spouse.
- Eligibility for workers who can only seek part-time employment due to current life circumstances such as caring for children or other family members.

Collectively, these changes would have enabled almost **45,000 workers**, laid off for no fault of their own and currently excluded from unemployment eligibility to get the benefits they deserve. **The total cost to the state's unemployment trust fund would have been approximately \$71 million but in return Florida would have received almost \$477 million in federal dollars...a net gain for Florida of \$406 million!**

Unfortunately, the ideologues in the Florida House, backed up by business reactionaries in Associated Industries of Florida, Florida United Business Association and others decided to block the legislation. Big businesses claimed that these changes would represent a tax increase, even after a report was released by the National Employment Law Project showing that the infusion of federal money into the system would actually give them a tax cut! We fought hard with Senator Hill to get the bill moving in the Senate and even struck a deal with Senate leadership to attach our language to another bill. Unfortunately, the House refused to even take up the bill and told the Senate they would never pass these changes. Representative Rader and the House Democrats led a valiant effort on the House floor, debating for over an hour on an amendment that included our language into another bill but Adam Hasner's full frontal assault on workers continued and he locked down all Republicans to vote against the measure. In the end the effort was defeated. So now with unemployment reaching 10% and millions out-of-work, a half-a-billion dollars to help these people and strengthen our economy, gift wrapped just for Florida – has been turned down. **This is an incredibly shameful situation. Keep an eye out in the weeks ahead for opportunities to let the House Republicans know exactly what you think about them putting ideology over the needs of Florida's unemployed workers and their families.**



## Don't Forget!



This final issue of our 2009 Legislative Update is just a taste of what's to come. Our full 2009 Legislative Session Report including key votes, legislative rankings and detailed analyses of what passed will be mailed out in about six weeks.

