

# FLORIDA

OVERALL RANK: 50TH<sup>1</sup>  
TIER 5 (WEAKEST)

STRONGER  WEAKER

OVERALL					50
1. RESOURCES AND MEMBERSHIP					47
2. INVOLVEMENT IN POLITICS				36	
3. SCOPE OF BARGAINING			35		
4. STATE POLICIES					46
5. PERCEIVED INFLUENCE					50

## AREA 1: RESOURCES AND MEMBERSHIP TIED FOR 47TH

Florida’s state-level teacher union contends with limited financial resources and low membership. Just 55.8 percent of the state’s teachers are union members (40th of 51 jurisdictions). Further, the merged state-level NEA and AFT affiliate, the Florida Education Association (FEA), brings in a mere \$182 annually per teacher in the state (42nd). The union also does not see high spending on education as compared to other states: While the state directs 20.1 percent of its expenditures to K-12 education (22nd), dollars per-pupil (a combination of state, federal, and local money) amounts to just \$9,576 (40th). Only 49.9 percent of those dollars go toward teacher salaries and benefits—just two states spend smaller portions.

## AREA 2: INVOLVEMENT IN POLITICS<sup>2</sup> TIED FOR 36TH

Compared to other states, Florida teacher unions were not major donors during the past decade of state politics (that said, our calculations are conservative and unions have certainly been active, especially in the courts—see sidebar). Contributions from teacher unions made up just 0.21 percent (42nd) of total donations to candidates for state office.<sup>3</sup> Those contributions comprised just 1.4 percent of the donations to candidates from the ten highest-giving sectors in the state (45th). Teacher unions did, however, contribute 1.7 percent of all donations received by state political parties (17th). But the union presence at the Democratic and Republican national conventions was not particularly strong, with 12.5 percent of Florida’s delegates identifying as teacher union members (28th).<sup>4</sup>

### AREA 3: SCOPE OF BARGAINING TIED FOR 35TH

While Florida is one of thirty-two states that require collective bargaining, unions are not allowed to automatically collect agency fees from non-member teachers, and therefore union revenues are limited (see Area 1). State law also prohibits teacher strikes. Florida does, however, have a relatively permissive scope of bargaining: Of twenty-one items examined in this metric, four must be negotiated—wages, hours, terms and conditions of employment, and grievance procedures—and only teacher dismissal is prohibited. Bargaining is permitted over the remaining sixteen items—the inclusion of insurance benefits is explicitly left to the discretion of the districts, and fifteen items are implicitly within the scope of bargaining because the state does not address them at all.

### AREA 4: STATE POLICIES TIED FOR 46TH

Florida education policies are less aligned with traditional union interests than the policies of nearly every other state. Recent laws eliminated tenure for new teachers, required student achievement data to be the predominant criterion in teacher evaluations, and outlined stringent consequences for unsatisfactory evaluations (see sidebar). Teacher performance must be considered in layoff decisions (while seniority is an optional criterion), and Florida is one of just three states with a state-supported mandatory system of merit pay for all teachers. Further, the state does not limit the number and type of charter schools allowed to

operate, and it automatically exempts them from district collective bargaining agreements. On the other hand, Florida is one of just two states that have a state-mandated class size limit that is smaller than the national average (Nevada is the other).

### AREA 5: PERCEIVED INFLUENCE 50TH

Stakeholders report that Florida's state union is very weak—only Mississippi respondents perceived their unions to be weaker. Florida stakeholders rank the union's influence on education policy below the state charter school association, education advocacy groups, the state association of school administrators, and the business roundtable/chamber of commerce. While respondents report that Democrats running for state-level office often need teacher union support to get elected, they also note that state education leaders are rarely aligned with union positions and that the union was not effective in protecting dollars for education and in warding off proposals with which it disagrees. Finally, respondents indicate that policies proposed by the governor in the latest legislative session were *mostly* not in line, and the policies actually enacted were *not at all* in line, with union priorities (an unsurprising response given that recently the FEA seems unable to sway lawmakers and has on several occasions turned to the courts instead—see sidebar).<sup>5</sup>

### OVERALL 50TH

Florida's state teacher union is one of the weakest in the nation: It has scant resources, few recent policy successes, a feeble reputation, and few allies in the capitol. Florida's state union is by far the weakest of any state in which bargaining is mandatory.

On its face, Florida's 2012–13 budget looked good for schools, promising a \$1 billion increase to K–12 education.<sup>6</sup> But according to Florida Education Association (FEA) president Andy Ford, that's not enough for local districts, which must find a way to fill the hole left by depleted local funds (caused by plunging property values) and the end of federal "bailout" money. It's not just inadequate dollars for education, but also how those dollars are used that has the FEA upset: The budget allocated money for charter school expansion and increased tax credits for corporations that donate to voucher-like scholarships for attending private schools, which Ford pans as "another example of political leaders favoring unproven and less-accountable schools over our traditional neighborhood schools."<sup>7,8</sup> (Of course, the FEA has long opposed voucher programs.)<sup>9</sup> Perhaps the FEA will take its objections to court, as it did in response to a 2011 law requiring state employees to contribute 3 percent of their salaries to pensions (they did not previously pay into the system). That law was overturned in circuit court in March 2012, but the FEA will have to wait until the end of the year, or beyond, for the state supreme court to make a final decision.<sup>10</sup>

With no allies in the Republican-led governor's office and legislature, the FEA again turned to the courts. In March 2011, legislators passed SB 736, despite the union's warning that it would result in "unfair decisions about pay and employment, potential lawsuits, and lost educational opportunity for tens of thousands of the state's schoolchildren."<sup>11</sup> Praised by Michelle Rhee (and slammed by AFT president Randi Weingarten), the law eliminated tenure for new teachers, tied teacher pay and dismissals to evaluations rather than seniority, and required that at least half of a teacher's evaluation be based on student growth on standardized tests.<sup>12</sup> Resorting once more to the courts, the FEA sued to block the bill on grounds that it was unconstitutional. But it's unlikely that the union will halt the reforms in the long run—the state denied the allegations of the suit, districts have already started implementing the evaluation system, and the FEA does not actually oppose merit pay (but believes that teacher evaluations should be bargained).<sup>13</sup> With two lawsuits pending and Republican-majority state leaders set on education reform, the FEA may soon find the gavel insufficient protection.

# FLORIDA RANKINGS BY AREA AND INDICATOR

OVERALL RANK: 50TH			
Area and Rank <sup>a</sup>	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status <sup>b</sup>
<b>AREA 1: RESOURCES &amp; MEMBERSHIP</b>  47*	Membership	By rank, what percentage of public-school teachers in the state are union members?	40th
	Revenue	By rank, what is the total yearly revenue (per teacher in the state) of the state-level NEA and/ or AFT affiliate(s)?	42nd
	Spending on education	By rank, what percentage of state expenditures (of state general funds, state restricted funds, state bonds, and federal "pass-through" funds) is directed to K-12 education?	22nd
		By rank, what is the total annual per-pupil expenditure (of funds from federal, state, and local sources) in the state?	40th
		By rank, what percentage of total annual per-pupil expenditures is directed to teacher salaries and benefits?	49th
<b>AREA 2: INVOLVEMENT IN POLITICS</b>  36*	Contributions to candidates and political parties	By rank, what percentage of the total contributions to state candidates was donated by teacher unions?	42nd
		By rank, what percentage of the total contributions to state-level political parties was donated by teacher unions?	17th
	Industry influence	By rank, what percent of the contributions to state candidates from the ten highest-giving sectors was donated by teacher unions?	45th
	Status of delegates	By rank, what percentage of the state's delegates to the Democratic and Republican conventions were members of teacher unions?	28th*
<b>AREA 3: SCOPE OF BARGAINING</b>  35*	Legal scope of bargaining	What is the legal status of collective bargaining?	Mandatory
		By rank, how broad is the scope of collective bargaining?	20th
	Automatic revenue streams	What is the unions' legal right to automatically collect agency fees from non-members and/or collect member dues via automatic payroll deductions?	Agency fees prohibited
	Right to strike	What is the legal status of teacher strikes?	Prohibited
<b>AREA 4: STATE POLICIES</b>  46*	Performance pay	Does the state support performance pay for teachers?	Required for all teachers
	Retirement	By rank, what is the employer- versus employee-contribution rate to the teacher pension system?	36th
	Evaluations	What is the maximum potential consequence for veteran teachers who receive unsatisfactory evaluation(s)?	Eligible for dismissal
		Is classroom effectiveness included in teacher evaluations? If so, how is it weighted?	Required; Preponderant criterion
	Terms of employment	How long before a teacher earns tenure?	Annual contracts only
		Is student/teacher performance considered in tenure decisions? If so, how is it weighted?	Required; Preponderant criterion
		Is seniority considered in teacher layoff decisions? If so, how is it weighted?	Optional; May be considered among other factors
		Is teacher performance included in teacher layoff decisions? If so, how is it weighted?	Required; Considered among other factors
Class size	By rank, what percentage of the teaching workforce was dismissed due to poor performance?	15th	
	Is class size restricted for grades 1-3? If so, is the restriction higher or lower than the national average (20)?	Yes; Lower	

Area and Rank	General Indicator	Sub-Indicator	Sub-Indicator Rank/Status
<b>AREA 4: STATE POLICIES</b>  <b>46*</b>  (cont.)	Charter school structural limitations	Is there a cap (limit) placed on the number of charter schools that can operate in the state (or other jurisdiction) and/or on the number of students who can attend charter schools?	No state cap
		Does the state allow a variety of charter schools: start-ups, conversions, and virtual schools?	Yes
		How many charter authorizing options exist? How active are those authorizers?	Two or more w/ limited jurisdiction
	Charter school exemptions	Are all charter schools automatically exempt from state laws and state/district regulations (except those that safeguard students and fiscal accountability)? If not, are they eligible for exemptions?	Partially; Some automatic exemptions for all schools
		Are all charter schools automatically exempt from state teacher-certification requirements? If not, are they eligible for exemptions?	No; Schools cannot apply for exemptions
		Are all charter schools automatically exempt from collective bargaining agreements (CBAs)? If not, are they eligible for exemptions?	Yes

<b>AREA 5: PERCEIVED INFLUENCE<sup>c</sup></b>  <b>50</b>	Relative influence of teacher unions	How do you rank the influence of teacher unions on education policy compared with other influential entities?	Fifth-most influential or below
	Influence over campaigns	On a scale from always to never, how often do Democratic candidates need teacher-union support to get elected?	Often/Always
		On a scale from always to never, how often do Republican candidates need teacher-union support to get elected?	Never/Rarely
	Influence over spending	To what extent, from strongly agree to strongly disagree, do you agree that even in times of cutbacks, teacher unions are effective in protecting dollars for education?	Disagree
		Given recent budgetary constraints, would you say that teacher unions generally make concessions to prevent reductions in pay and benefits or fight hard to prevent those reductions?	Fight
	Influence over policy	To what extent, from strongly agree to strongly disagree, do you agree that teacher unions ward off proposals in your state with which they disagree?	Disagree
		On a scale from always to never, how often do existing state education policies reflect teacher-union priorities?	Rarely
		To what extent, from totally in line to not at all in line, were state education policies proposed by the governor during your state's latest legislative session in line with teacher-union priorities?	Not at all/Mostly not in line
		To what extent, from totally in line to not at all in line, were legislative outcomes of your state's latest legislative session in line with teacher-union priorities?	Not at all in line
	Influence over key stakeholders	On a scale from always to never, how often have the priorities of state education leaders aligned with teacher-union positions in the past three years?	Rarely
		Would you say that teacher unions typically compromise with policymakers to ensure that their preferred policies are enacted, or typically need not make concessions?	Compromise

\* Tied with another state

<sup>a</sup> Area ranks are calculated using a weighted average of sub-indicators. For a more detailed description, see Appendix A.

<sup>b</sup> Where possible, we report a state's rank as compared to other states on a given metric. For example, out of 51 states, Florida has the 40th-highest percentage of teachers who are union members. Otherwise, we report a status: Florida has mandatory collective bargaining, and union agency fees are prohibited. For a more detailed description of our metrics and methodology, see Appendix A. To request the raw data for your state, send an email to [uniondata@edexcellence.net](mailto:uniondata@edexcellence.net).

<sup>c</sup> For all survey questions, stakeholders were asked specifically about teacher unions, candidates, policies, and leaders in their state. In addition, we asked about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

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## ENDNOTES

<sup>1</sup> A state's overall rank is calculated as follows: First, we score it on multiple sub-indicators (sub-indicator data and scores for Florida are shown in the table, *Florida Rankings by Area and Indicator*). Second, we take a weighted average of the sub-indicators in each of five areas. In each area, we use that average to place the states in rank order: For example, in Area 1: Resources and Membership, Florida is ranked 47th of 51 based on the weighted average of its sub-indicators. To generate the state's overall rank, we average the five area ranks together, then re-order the states. For a more detailed description of data sources and methodology, see Appendix A.

<sup>2</sup> Readers should note that these figures include only direct donations from unions and union-connected PACs, but not their spending on electioneering/advertising, mobilizing the union's own membership, lobbying, or advocacy. A recent *Wall Street Journal* report found that donations and lobbying activities account for a small share of union political spending compared with their expenditures on member mobilization and advocacy. Even the AFT agreed, making the argument that since its mission is organizing and activism, it will naturally spend significant amounts on these activities. Thus, the percentages we report here are extremely conservative representations of what unions actually spend on politics. For more information, see Appendix A, Area 2; Tom McGinty and Brody Mullins, "Political Spending by Unions Far Exceeds Direct Donations," *Wall Street Journal*, July 10, 2012; and Jeff Hauser, "Wall Street Journal Compares Union Political Spending to Corporate Donations," AFL-CIO, July 10, 2012.

<sup>3</sup> The indicators in Area 2 are calculated using total contributions to state candidates and political parties from local, state, and national unions. In the majority of cases, the state unions gave much higher sums than all the local unions combined, with the national associations giving little (or nothing). Florida is an exception because the sum of the donations from individual local affiliates is far greater than the contributions from the state union.

<sup>4</sup> At the time of publication, the 2000 conventions were the most recent for which such detailed data were available in forms that met rigorous standards. However, 2008 data provided by the Democratic National Convention were highly correlated with the reliable figures from 2000.

<sup>5</sup> We asked stakeholders about unions and policies in the "current legislative session," but because legislative calendars vary from state to state, responses refer to policies proposed and enacted within the 2010-11 window.

<sup>6</sup> Lizette Alvarez, "Florida Higher Education May Face Big Budget Cuts," *New York Times*, March 6, 2012, <http://www.nytimes.com/2012/03/07/education/florida-higher-education-may-face-big-budget-cuts.html>.

<sup>7</sup> Andy Ford, "Public Education Shortchanged — Again," *Star-Banner*, April 22, 2012, <http://www.ocala.com/article/20120422/OPINION/120429969>.

<sup>8</sup> Jeff Solochek, "Voucher Debate Spreads As Florida Expands Access," *Tampa Bay Times*, April 9, 2012, <http://www.tampabay.com/blogs/gradebook/content/voucher-debate-spreads-florida-expands-access>.

<sup>9</sup> Most famously, the FEA (along with the NEA and AFT) supported a group of parents in filing a lawsuit against former Governor Jeb Bush's Opportunity Scholarships—a voucher program which proposed public money to pay private school tuition. After a six-year court battle led by NEA lawyers, the Florida Supreme Court ordered the voucher program closed. See Sam Dillon, "Florida Supreme Court Blocks School Vouchers," *New York Times*, January 6, 2006, <http://www.nytimes.com/2006/01/06/national/06florida.html>; the Institute for Justice, "Safeguarding Educational Freedom: Latest Legal Showdown For School Choice Heads To Florida Supreme Court," accessed August 27, 2012, <http://www.ij.org/florida-school-choice-background>.

<sup>10</sup> Kathleen Haughney, "Judge Overturns Public Employee Pension Contribution Requirement," *Florida Sun-Sentinel*, March 6, 2012, [http://articles.sun-sentinel.com/2012-03-06/business/fl-judge-to-rule-on-pension-20120306\\_1\\_florida-retirement-system-public-employees-retirement-age](http://articles.sun-sentinel.com/2012-03-06/business/fl-judge-to-rule-on-pension-20120306_1_florida-retirement-system-public-employees-retirement-age).

<sup>11</sup> "Teachers, Researchers: SB 736 Takes Wrong Track," Florida Education Association, February 22, 2011, <http://feaweb.org/teachers-researchers-sb-736-takes-wrong-track>.

<sup>12</sup> Bill Kaczor, "Gov. Scott Signs Florida Teacher Pay, Tenure Bill," *Associated Press*, March 25, 2011, <http://www.businessweek.com/ap/financialnews/D9M68VQ01.htm>.

<sup>13</sup> Jeff Solochek, "Florida Teacher Lawsuit Over SB736 Moves Slowly," *Tampa Bay Times*, November 15, 2011, <http://www.tampabay.com/blogs/gradebook/content/florida-teacher-lawsuit-over-sb-736-moves-slowly>.