



FLORIDA AFL-CIO UNITED LABOR LOBBY



LEGISLATIVE UPDATE

2008 FLORIDA LEGISLATURE

May 2, 2008

Issue 7

Labor Scores A Major Victory for the People of Florida CSX Rail Deal Back to the Drawing Board



The Great Railroad Strike of 1877 lasted over 45 days and involved thousands of workers, hired thugs, state militiamen and federal troops. The strike started following a drastic reduction in wages for railroad workers coupled with an increase in the amount of work they were forced to do. During the early days of the strike, Thomas Alexander Scott of the Pennsylvania Railroad, often considered one of the first robber barons, suggested that the strikers should be given "a rifle diet for a few days and see how they like that kind of bread." In the days that followed, federal troops and state militiamen were called in to violently break the strike and attacks on workers followed by worker reprisals spread carnage across Pennsylvania, Illinois, Ohio and Maryland. When the smoke cleared, nearly 100 union supporters had been killed, communities were devastated and nobody was ever held accountable for the violence. The unions were busted in the end, but this event preceded one of the strongest periods of union organizing in history. Rail workers and coal miners across the nation formed unions and negotiated contracts, thus becoming a solid base from which the labor movement could spread. As we have reported in these pages over the past several weeks, a far less dramatic but equally important struggle between workers and the railroad occurred here in Tallahassee during the legislative session – this time the unions prevailed.

In the beginning, we opposed the CSX deal for several reasons. First, the deal represented a huge taxpayer handout to one of the state's most profitable corporations while budgets for education and healthcare were being slashed. Second, the sovereign immunity portion of the deal let CSX off the hook for any rail accidents, whether they were at fault or not. This lack of accountability posed a serious risk to public safety and could have left the victims of corporate mistakes with nowhere to turn to recover their losses. Finally, on the surface, we were concerned that the deal did not provide adequate protections for the state's railway workforce. However, as time went on and we researched the deal more fully, carefully examining over 2 years worth of memos detailing the negotiations between the Florida Department of Transportation and CSX, we realized that CSX was looking to use this deal to set a precedent that could be used to eliminate Florida's unionized rail workers - representing union busting on a massive scale.

We were not alone in this fight. Smaller communities like the City of Lakeland had not been included in planning of the new rail lines and faced the prospect of hundreds of new freight trains being routed right through their neighborhoods. The Florida Justice Association (formerly the Florida Academy of Trial Lawyers) knew from past experiences that the sovereign immunity portion could prove disastrous for victims of rail accidents and would lead to an overall eroding of safety measures taken by the company. Many members of the House and Senate, who had never been briefed on the deal over the past two years, were also concerned about the cost, lack of accountability and all of the unanswered questions that characterizes any massive undertaking which is crafted in secret behind closed doors. Finally, the Brotherhood of Railroad Signalmen, whose members in Florida had been listed on a CSX memo by name for termination if the deal went through, provided critical information and logistical support throughout the session.

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Thanks to the leadership of Senators Paula Dockery and Alex Villalobos, there were enough votes in the Senate to block the deal, but in the final weeks, Senate President Ken Pruitt, Senate Majority Leader Dan Webster, incoming House Speaker Dean Cannon, the Governor, Orlando Mayor Buddy Dyer and an army of CSX lobbyists put enormous pressure on the legislature to get the deal passed by sneaking on amendments to any and every transportation-related bill they could find. ULL lobbyists worked furiously day and night with our allies with the FJA and our supporters in the Senate to stay one step ahead of those pushing for the deal, keeping our allies in the Senate informed about possible strategies CSX would try and continuously reassuring them that voting down this bad deal was in the best interests of their constituents and the state. In the last 48 hours, CSX supporters offered the Florida Justice Association numerous deals to peel them off of our coalition but they repeatedly refused, pledging to stick with labor, regardless of the outcome. In the final hours, CSX made several empty gestures to the ULL and Signalmen to break off from the lawyers, but we agreed to hold strong and fight this proposal until the very end.

We did not know whether or not our efforts would be successful until 6:02 PM on the final day of session when both chambers adjourned – without a deal on CSX. Our victory is a little bittersweet. Florida’s labor movement has always supported the idea of commuter rail as a critical component of Florida’s overall transportation system. We stood behind the High Speed Rail Amendment, even when others found it politically risky to do so. Our members provide the backbone of the state’s various mass transit systems and we do everything we can to ensure that those systems are adequately funded and that they rely on the best trained workforce to give everyone a safe ride. Our goal was not to stop commuter rail for Central Florida, we know they need it. However, this secret deal was wrong for Florida, wrong for passengers and wrong for the workers we represent whose job it is to keep the rail lines safe. **This does not mean the end of commuter rail in Florida as some CSX executives and members of the press have claimed. On the contrary, CSX will undoubtedly go back to the drawing board with FDOT, but this time the deal will be out in the sunshine and the people can work to ensure that this becomes a real benefit for the public rather than simply another corporate welfare, union busting scheme.**



A Special Thank You from the United Labor Lobby Regarding the CSX Victory

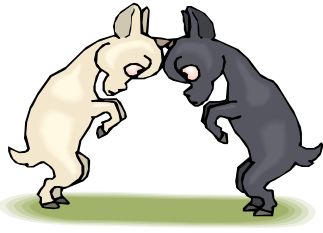
Some members of the press, especially the Orlando Sentinel Editorial Board are claiming that CSX was stopped by greedy trail lawyers who simply wanted the chance to file frivolous lawsuits. This strategy is designed to cloud the issue and keep people from realizing that there were a myriad of reasons to oppose the CSX deal and a wide range of people and groups working to keep it from happening. **Here are some of the individuals and groups that worked together to stop this horrible travesty of public policy.**

- ◆ The Downtown Lakeland Partnership (Julie Townsend)
- ◆ The Florida Justice Association
- ◆ The Brotherhood of Railroad Signalmen (Gus Demott & John Gaige)
- ◆ Senators Paula Dockery and Senator Alex Villalobos who led the fight in the Senate.
- ◆ Senator Tony Hill who withstood immense pressure to stand by Labor.
- ◆ Senator Larcenia Bullard who refused to let CSX backers hijack one of her bills in the final hours of session, she did so with the full understanding that one of her legislative priorities would be jeopardized.
- ◆ Senator Jim King, the Rules Chair who faithfully executed his duties and held the Senate to their own rules.
- ◆ Senators Gwen Margolis, Mike Bennett, Charlie Dean, Steve Oelrich, Dave Aronberg, Ted Deutch and Al Lawson.

An Extra Special Thank You

to the almost 400 Union Members who participated in our E Activist campaign and sent letters to their Senators encouraging them to oppose this bad deal.

If you are not part of our network, please visit www.flafclcio.org and click on the “Get Involved” button.



Messages From the Front Lines

News from the Trenches of the Florida Legislature

2008 Bill Statistics

SENATE AND HOUSE BILLS	FILED	PASSED FIRST CHAMBER	PASSED BOTH CHAMBERS
CONCURRENT RESOLUTIONS	4	2	2
RESOLUTIONS(ONE CHAMBER)	190	178	0
GENERAL BILLS	2156	446	269
LOCAL BILLS	89	40	39
JOINT RESOLUTIONS	45	6	0
MEMORIALS	<u>19</u>	<u>6</u>	<u>3</u>
TOTALS	2503	678	313*

Crane Operator Certification – SUPPORT – FAILED

SB 1316 by Gaetz

HB 609 by Evers

Currently, Florida does not require any certification of competency for the workers operating those tower cranes. Heavy equipment/crane employers and the Florida locals of the International Union of Operating Engineers (IUOE) have recognized the need for certification for safety, efficiency and to ensure the job is done right. These bills require that certification process. Recent crane disasters in New York and Miami make this issue especially relevant right now. The crane operator certification language was coupled with legislation establishing state-wide standards for the building and maintenance of tower cranes. This provision was controversial because members of the Miami-Dade delegation in both chambers were concerned that that the new standard was less stringent than one recently adopted for the county. HB 609 passed the full House but was never picked up by the Senate. The Senate bill never made it through all of the Committee stops. The Florida Building Trades succeeded in amending legislation about Florida's building codes to include the crane language, but that amendment was stripped in the Senate. In a last minute attempt, an amendment was offered that exempted Miami/Dade from the State preemption but with key Legislative leaders from South Florida maintaining their opposition, the amendment died on a voice vote in the House Chamber.

Task Force on Workplace Safety – SUPPORT - PASSED

SB 652 by Lynn

HB 967 by Gibson, Cusack

In 1999, Gov. Jeb Bush and the Florida Legislature eliminated the Division of Safety in the Florida Department of Labor and Employment Security and repealed all of the safety laws covering public sector employees. Florida law currently contains no provisions regarding the general health and safety of public sector workers at any level. Public employees are not covered by the federal Occupational Safety and Health Act (OSHA). This has had tragic consequences. The safety task force bill is a first step in bringing back safety laws for Florida public employees. The 15 member task force will make a report to the Governor and Legislature with recommendations for enacting workplace safety and health laws for the state's public sector employees. **HB 967 passed the House on April 30th. SB 652 was substituted by the House version and passed on May 1st. The legislation is on its way to the Governor.**

The Truth in Government Act – SUPPORT – FAILED

SB 268 by Villalobos, Dockery, Gaetz, Lynn, Ring

HB 95 by Llorente, Brandenburg, Galvano, Garcia, Planas, Sachs, Williams

Testimony in support or opposition to proposed legislation in front of committees is a vital part of the legislative process. In addition to adding your position and thoughts on an issue to the public record, testimony often provides legislators with important information they would not have otherwise, encourages discussion and debate between legislators and provides the media with information they need to do their jobs of informing the public. There is currently no requirement that the representations made during public testimony in legislative meetings be truthful or accurate. Consequently, the truth has become a very flexible concept at the Florida Legislature.

Messages continued...

This is the second year that Senator Villalobos has tried to correct this by changing the law so that those giving committee testimony are placed under oath to ensure that their remarks are truthful, verifiable and accountable. **SB 268 passed the Senate on April 30th but died in House Messages on May 2nd when the session ended thanks to what Sen. Villalobos has called the “liar’s lobby”.**

Restoring the Career Service System – SUPPORT

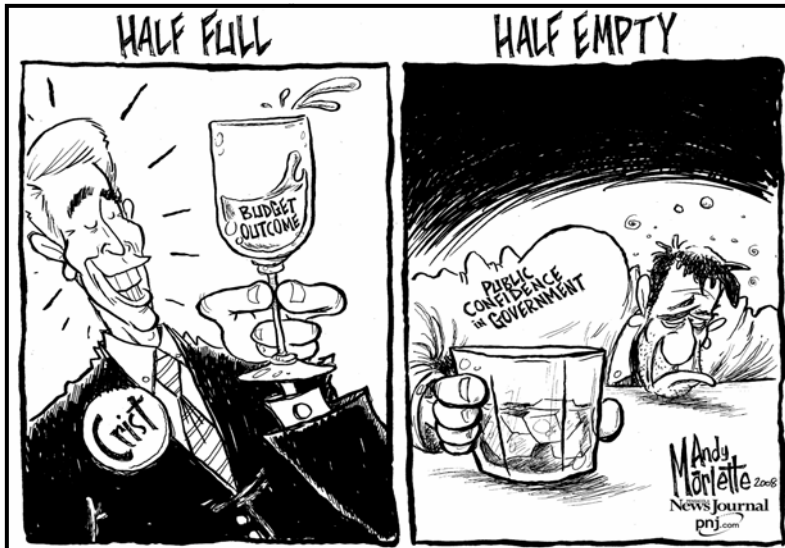
SB 2202 by Dean

HB 887 by Coley

There was a time when serving as a career service employee with the state of Florida was a goal for thousands of Floridians. Working for the state promised hard working employees a lifetime career that was stable, secure and in an environment that was fair and work was respected. Florida is still fortunate to have thousands of employees dedicated to providing quality services for the people of Florida, but their work conditions have become much more difficult. Over the years, our once heralded career service system has been chipped away, and now many of our state workers find themselves in environments where career advancement is based on patronage rather than hard work. Discipline and workplace standards are unfair and inconsistent. This legislation will make non-economic changes to the to the career service system to help create an environment where quality work is rewarded and workers are treated more fairly.

Voucher Expansion Passes on the Final Day

The Florida AFL-CIO and ULL have been opposed to the privatization of our public schools through vouchers since the earliest days of this incredibly misguided idea. There is no way that you can improve our public schools by draining their precious resources and shifting them to private schools. Regardless of what they are called or how the issues are framed, vouchers represent an abandonment of our public schools, perhaps the greatest institution created by our society. Despite numerous press reports over the years of rampant corruption in the various voucher programs and a Supreme Court order ruling one unconstitutional, many in the legislature continue to push for more vouchers and more public money for private schools. HB 653 and SB 1440 were designed to expand the program through which tax breaks are given to corporations on a dollar by dollar basis, when they set up scholarship (voucher) programs. Currently, the maximum amount of money available for tax credits (vouchers) is \$88 million. These bills would have increased that amount by \$30 million each year for the next five years. The legislation also sought to increase the maximum amount for each scholarship (voucher) from \$3,750 to \$3,950 for the 2008-2009 school year, with annual increases managed through the State Board of Education. During the session the proposal was amended to decrease the dollar amount of the expansion to \$118 million but the increases in individual voucher amount remained intact. HB 653 was held up by the Senate for two days before they took it up for final passage and then bounced between the two chambers on the final day until it passed both chambers. In the House the vote was 82-34. The Senate passed the bill 29-8. **A special “shame on you” needs to go out to the Democratic members in each chamber who broke with the Democratic principle of fully funding public schools and championed this voucher scheme. Senators Geller, Hill, Lawson, Margolis and Siplin and Representatives Braynon, Chestnut, Fields, L. Garcia, Heller, Reed, Rouson, R. Saunders and Scionti.**



The Citizen's Initiative Process Survives One More Session


The Florida Chamber of Commerce's six-year war on Article XI, Section 3 of the Florida Constitution, the right of Florida's citizens to amend their Constitution through citizen's initiatives, continued this session with the filing of bills that would have created a cumbersome and expensive registration process for any individual seeking to gather petition signatures in support of proposed constitutional amendments. The Florida AFL-CIO has been one of the strongest champions to protect this basic right of all Floridians; a right that is at the heart of our democracy. It is the embodiment of one of the most fundamental rights we enjoy as Americans, the right to petition our government for the redress of our grievances. This basic right has never been more important than it is now, in an age where wealthy special interests have a complete lock on power in the Capitol and use that power to increase their profits, regardless of the toll it takes on the quality of life of our residents. The Florida Chamber and other big business groups and their allies in the Legislature have long known that they could not simply eliminate this important right, the voters would not stand for

it. Instead, they have been working the "death by a thousand paper cuts" strategy, weakening the process to the point where true citizen's groups can't use it. Only those with big money and big power would be able to navigate their new complex, expensive and nearly impossible process. **They have had great success, and now, Florida's constitution is the hardest to amend in the nation amongst those states with an initiative process.**

The bills filed this session would have been the final nail in the coffin of the initiative process and would have effectively eliminated the ability for all but the wealthiest special interests to get a proposed amendment on the ballot. The measure glided through the House committee process even though the sponsor, freshman Representative Chris Dorworth, could never adequately explain the necessity of his bill or even what it did exactly, but it was never brought up for debate on the House floor. In the Senate, the bill filed by Senator Bill Posey could not garner enough support on the Senate Judiciary Committee for passage so it was never placed on the agenda. In the final two weeks, the Florida Chamber tried numerous times to amend the language onto other elections related bills but the ULL worked to effectively block these maneuvers. In the end, the hankie dropped on Friday night with no new restrictions on the rights of people to amend their constitution.


During the final two weeks, there was also another victory on this front in the courts. On April 23rd, the 1st District Court of Appeals ruled that the signature revocation process backed by the Chamber and passed by the Legislature last session was unconstitutional. The courts ruled that the process (and all of the tricks it enabled) represented an undue burden on the constitutional right to place amendments on the ballot. The revocation process had just been used by several big business groups to keep the Hometown Democracy Amendment off the ballot for 2008. We hope that this ruling will send the message to the Legislature that "enough is enough" and that these repeated attempts to shut people out of the process through bureaucratic hurdles will cease but in all likelihood this is a fight we will be stuck with for a little longer. Some have speculated that the House version did not pass because House Speaker Marco Rubio, who was unsuccessful in getting his tax cut/cap amendments on the ballot either through the Legislature or the Taxation and Budget Commission, wants to keep the process as easy as possible for his effort to place the 1.35% cap on property taxes on the 2010 ballot. Only time will tell whether or not this rebuke of the Chamber's priority is only a phenomenon of this session or whether or not it represents a real change in attitude of the Legislature.

The bottom line is that this was a major victory, one that could not have been possible without the efforts of Senator Alex Villalobos, Representative Susan Bucher, Representative Keith Fitzgerald, the League of Women Voters, Florida ACORN and Common Cause of Florida.



2008 Endorsing Convention

Spring is in the air and so is election fever! Our 2008 Endorsing Convention will be held June 20-22 at the beautiful Hilton Cocoa Beach Oceanfront Resort. Credential packages have been mailed to all affiliates. If you do not have your materials please contact Hazel Ziegler at (850) 224-6926.



Labor 2008 - National Healthcare Walk and Phone Banks!

On Saturday, May 17th, thousands of union members across the nation will participate in a National Walk to talk to other union members about John McCain's horrendous Health Care proposal that will increase costs and reduce benefits for working families. John McCain's health care proposal is similar to President Bush's failed plan. Like his new mentor George Bush, McCain's plan undermines existing employer-based health care and pushes workers into the private market to fight the big insurance companies on their own. It will reduce benefits, increase costs and leave many with no health care at all! We are looking for activists from EVERY affiliated union to help out with our National Labor Walk on Healthcare. In addition, we will be conducting phone banks during the following week, reaching out to other union members to educate them on McCain's "unhealthy" health care plan. Please do whatever you can to participate, and recruit as many fellow activists as possible. Below is the contact information for the 5 cities participating in these events.

Tallahassee	Phyllis Garrett 850-224-6926
Jacksonville	Nicholas Dix 850-228-9829
Orlando	Stacy Stepanovich 850-228-9831
W Palm Beach	Sheena McCleary 850-228-9842 (walk happening on May 31st)
Miami	Deborah Dion 305-593-8886
Tampa	Joshua Anijar 850-228-9841 (phone banking only)

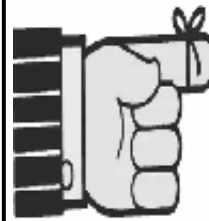
THIS
IS A
LIFE
SAVING
DRUG...



...IN AS MUCH
AS IT TOOK
MY
LIFE
SAVINGS
TO PAY
FOR IT!



Don't Forget!



This final issue of our 2007 Legislative Update is just a taste of what's to come. Our full 2007 Legislative Session Report including key votes, legislative rankings and detailed analyses of what passed will be mailed out in about six weeks.



Tallahassee, FL 32301
135 South Monroe Street
PUBLISHED BY THE FLORIDA AFL-CIO

Legislative Update

