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Advocates for education and religious groups file suit to challenge amendment on 2012 ballot

TALLAHASSEE – Individuals and groups representing Florida’s public schools and religious community filed a lawsuit today in state Circuit Court in Tallahassee challenging an amendment placed on the ballot by the Florida Legislature that would significantly alter the no-aid provision in the Florida Constitution.

“This is a shady way of opening the door for school vouchers for all,” said Florida Education Association (FEA) President Andy Ford. “Throughout the nation, voters have repeatedly rejected voucher initiatives, which would weaken our public schools. The leadership of the Legislature realized this, so they approved an amendment whose ballot title, “Religious Freedom,” and summary are misleading.”

The constitutional amendment, labeled Amendment 7 by the office of the Secretary of State, would substantially alter the no-aid provision of the Florida Constitution, which has been in effect for more than 125 years. The provision, which is in Article 1, section 3 of the Constitution, protects the religious freedom rights of all Floridians by barring taxpayer-funded aid to religious institutions.

“The ballot summary adopted by the Legislature are misleading to voters about the impact of Amendment 7,” said attorney Ron Meyer, who is representing the plaintiffs in the case. “This is a violation of the requirement that the summary be clear and unambiguous, and must state the legal effect of the ballot proposed.”

Ford and the FEA are joined in the lawsuit by Lee Swift of Punta Gorda, who is president of the Florida School Boards Association and a member of the Charlotte County School Board; Susan Summers-Persis of Ormond Beach, who is president of the Florida Association of School Administrators; Rabbi Merrill Shapiro, who is the Rabbi of Temple Shalom in Deltona; the Rev. Kent Siladi of Rockledge, who is the Conference Minister for the Florida Conference of the United Church of Christ; the Rev. Harry Parrott of Clay County, who is a retired Baptist minister; the Rev. Harold Brockus of St. Petersburg, a

retired pastor of a Pinellas Park church affiliated with the Presbyterian Church USA and the United Church of Christ; Rabbi Jack Romberg of Temple Israel in Tallahassee; and the Rev. Bobby Musengwa, who is pastor of Maximo Presbyterian Church in St. Petersburg.

“It is for good reason that Florida’s constitution calls for ‘a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education.’ “ Shapiro said. “Our tax dollars should be used to further that noble vision, not to fund sectarian religious education.”

The lawsuit also challenges another piece of legislation passed by the Legislature this year that provides that the state attorney general may rewrite a ballot title or summary if the court removes it from the ballot. The lawsuit says that under the Florida Constitution, the Legislature may not delegate its expressed duties to another branch of government.

A copy of the complaint can be found at <http://www.meyerbrookslaw.com/Litigation.htm>.

The Florida Education Association is the state’s largest association of professional employees, with more than 140,000 members. FEA represents pre K-12 teachers, higher education faculty, educational support professionals, students at our colleges and universities preparing to become teachers and retired education employees.