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Judge strikes Amendment 7 from 2012 ballot

TALLAHASSEE – Florida Education Association President Andy Ford commended a ruling by Judge Terry Lewis in state Circuit Court in Tallahassee striking an amendment placed on the ballot by the Florida Legislature that would significantly alter the no-aid provision in the Florida Constitution. Judge Lewis said the ballot summary approved by the Legislature was misleading.

“We applaud the judge’s decision. Amendment 7 would have required taxpayers to fund a broad array of religious programs and institutions,” Ford said. “The judge agreed that taxpayers and voters need to be told the truth and that the purpose and effect of the amendment was not clear in the ballot summary and was misleading to voters.”

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.

In his ruling, Judge Lewis wrote: “It naturally flows from the language deleted and the language added that the primary effect of the amendment will be to make it a lot harder for the state to deny funding or program benefits to a sectarian institution.” Ford said that if enacted, Amendment 7 could open the gateway to school vouchers for all.

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.

“The judge disagreed with one contention in the lawsuit and said that the state attorney general should be given the authority to rewrite a defective ballot summary,” Ford said. “We are reviewing his ruling and will decide later whether to challenge that ruling in an appellate court.”

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.