

the Messenger

May 2001

MESSAGE FROM THE PRESIDENT:

New Opportunities in Florida Education

The 2001 Florida legislature has concluded, and many issues of importance to JMI members were successfully addressed. Citizens should be pleased that the concepts of limited and efficient government, free markets, and individual liberty seemed to have resonated and found acceptance in this session.

Some issues received more attention than others, as is the case every year. Education was among these, especially the structure of the state's educational service delivery. A recent *Backgrounder* focused on the need to change this structure, especially after an examination of poor performance statistics. Quite frankly, Floridians are not receiving favorable results for the amount of resources they expend for education. If this were any other government or private enterprise activity, it would have been abandoned long ago as a general failure and the full resources of the state let loose to seek better solutions.

Yet there are successes in the mix and these should be analyzed and replicated.

- Retention and graduation rates at every level are less than desirable, but some schools do better than others. We should know why.
- Too many public funds are being spent on remediation that could be better spent providing the original education intent. Some systems do a better job than others at deterring the need for remediation.
- Even more discouraging are the results of the various assessments taken; yet even here, there are suc-

cesses. While progress seems to have occurred over the past two years, there is still much room for improvement.

This is not just a Florida issue; performance indicators in every state show serious deficiencies. The education structure should show accelerated improvement if the new State Board of Education takes the mantle of responsibility seriously, and moves quickly from organizational issues to the more important tasks of performance and accountability. Under the new structure, one board will have a system-wide view of programs and performance. Dated notions of conflicting bureaucracies should be a thing of the past, as levels of education begin to relate consistently to one another. Innovation, integration, evaluation, and cooperation should be the bywords of the new structure, with Florida's students as the beneficiaries.

One area of immediate concern for the new board should be the projected shortage of teachers. While this is a national problem, it can be addressed here with imaginative approaches to teacher education, in-service training, and retention. Other states are recruiting our newly educated teachers, so Florida must find methods to keep the competent ones here. The state cannot afford a "teacher drain" while its student population increases.

One suggestion during the recent legislative session was to allow community colleges to offer a bachelor's degree in education. This is a radical move that

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Separation of Powers

by Peter Doherty

No principle is more important to the American system of government than separation of powers. James Madison himself said so, and the 2001 Florida legislative session provided an object lesson of Madison's wisdom. It also gave JMI an opportunity to assist in forcefully asserting the continuing sanctity of this critical principle.

What began as a public employee collective bargaining dispute went beyond that in early April when Circuit Judge Ralph Smith of Tallahassee issued an order prohibiting the Florida legislature from meeting to discuss any topic related to public employee collective bargaining. The immediate target of Smith's order was a scheduled meeting of a Joint House/Senate Committee on Collective Bargaining Issues.

House Speaker Tom Feeney and Senate President John McKay openly defied Smith and ordered the meeting held. Smith responded with a demand that the Speaker, the president, and the Joint Committee co-chairs, Sen. Rudy Garcia (R-Hialeah) and Rep. Fred Brummer (R-Apopka), appear in court April 19—ironically, the anniversary of the Battles of Lexington and Concord at the start of the American Revolution—to explain why they should not be held in criminal contempt.

The legislative leaders responded by filing suit in the Florida Supreme Court.

Their lawyers argued Smith had “violated the doctrine of separation of powers.” But Feeney, an attorney and keen student of history, wanted to make the point even clearer and called on JMI for help. The Speaker asked us to provide him with precedents for legislative independence that he said he knew went back about 500 years and came to America from the British Parliament.


JMI responded quickly with a detailed chronological listing of parliamentary precedents. In our research we found that the Speaker was correct: The key ruling occurred nearly 500 years ago in 1513 in the case of Richard Strode, a member of Parliament. It was ruled, in what has ever after been known as “Strode’s Case,” that no court in the realm had the authority to interfere in parliamentary proceedings or to threaten any member with punishment for participating in such proceedings.

The legislature used our research to bolster the case that Judge Smith had acted beyond the law. Our information was incorporated as a key part of a brief filed in support of the legislature by several former Speakers of the Florida House, including JMI Chairman Mallory Horne. The Supreme Court evaluated the arguments and one day later cancelled Smith's order saying succinctly, “We agree.”

JMI is proud to have assisted in this important case. James Madison's work continues as his wisdom prevails. *

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would redefine the nature of community colleges, a step that should not be lightly taken. This idea and others merit study and review but a thorough analysis is mandatory, not precipitous action. The legislature allowing a single community college to offer selected four-year degrees without a comprehensive review by the new state board undermines the development of a truly seamless system. The newly created State Board of Education should be given the opportunity to a) become established, b) debate policy and programs, c) investigate potential solutions, and d) develop a cohesive plan for Florida's education system. The legislature has created this new agency and should allow it to succeed. Innovative and creative solutions, along with radical and subtle changes, will best emerge if the foundations remain untouched as the board begins to take responsibility for the statutory mandates handed to it.


Edwin H. Moore
President

Kudos to JMI

On April 2, 2001, the Florida House of Representatives recognized The James Madison Institute with House Resolution No. 9015. Sponsored by Rep. Mike Fasano, the resolution commended JMI for creating and providing a comprehensive, information-based orientation program for newly elected and returning members of the Florida House of Representatives. *



Moore (left) and Rep. Mike Fasano, majority leader, Florida House of Representatives.

Citizen Voter Has Spoken

by *E.F. Johnson*

Florida was at the core of national attention for several weeks during the 2000 presidential election hub-bub. In the wake of the clamor, the Institute collaborated with the Collins Center for Public Policy, another nonpartisan Florida think tank, to find out what citizen voters think about the election system. Rob Schroth and Associates in Washington, D.C., was commissioned to conduct a statewide telephone survey of public opinion on Florida election reform issues. The April 3-8 survey used a random sample of 600 Floridians 18 years of age and older.

On April 16, results were released at a press conference in Tallahassee by the team of highly respected political science scholars who designed the survey instrument: Dr. Susan A. MacManus of the University of Florida who was the team chair, Dr. Dario Moreno of Florida International University, Dr. Richard Scher, also of the University of Florida, and Dr. Henry Thomas of the University of North Florida.

Responses were divided by demographic variables of age, gender, race or ethnicity, education, length of residency in the state, and party affiliation. Most respondents (81 percent) favor reform of the election system to

make it more fair and accurate, and they expect reforms to be in place before the November 2002 election. Floridians who were surveyed overwhelmingly said they want uniform systems of ballot layout and design, an improved voter registration system, and better voter education. Results also indicated that 53 percent believe President Bush received more votes in the state, while 38 percent sided with Al Gore. *



(Pictured left to right) Moore, MacManus, Moreno, Thomas, and Mark Pritchett, executive vice president, Collins Center for Public Policy

For more information or a copy of the results of the statewide voter survey on election reform issues, contact JMI at (800) 376-1119.

Hinkle to Provide Development Direction

JMI is pleased to announce that Lee Hinkle will serve as an external affairs consultant, providing direction in the areas of communications, strategic planning, and board development. She brings more than 25 years experience as a public affairs professional in the Florida political arena, and has worked in leadership roles in government and public affairs for both corporations and associations.

Hinkle is founding president and chief executive officer of FloridaFREE, the non-

partisan political research organization. She was senior vice president and chief lobbyist for the Florida Chamber of Commerce and director of government relations for Hospital Corporation of America.

A graduate of Florida State University, Hinkle serves as a member of the Florida Commission on Ethics, is a member of the board of the Florida Prepaid College Foundation, and is on the Florida Advisory Council for the Trust for Public Land. *

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JMI has published seven "white papers" in the past seven months dealing with taxation in Florida (3), education reform (2), misguided rail development, and corporate welfare. Each set forth a fiscally sound approach to public policy. Next up? A study on Florida's energy needs, and workforce development and labor markets.

Don't miss another *Backgrounder!* Become a member today.

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Members receive *The Journal of The James Madison Institute* published four times a year and the membership newsletter, the *Messenger*, as well as all other Institute publications, policy studies, reports, and notices of events to be held in their area.

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