

ALEC | American
Legislative
Exchange
Council

IN
FLORIDA



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Acknowledgements:

The authors of this report are substantially indebted to Beau Hodai of DBA Press and the Center for Media and Democracy (CMD), who filed and shared the information requests that furnished much of the vital information presented in this report. The authors are equally indebted to CMD/PRWatch, who beyond contributing to this report, helped establish the open-source AlecExposed website, which has been an invaluable tool for ALEC researchers across the country. We also appreciate the advice and assistance research colleagues at People for the American Way.

EXECUTIVE SUMMARY

This report documents the footprint that ALEC, the American Legislative Exchange Council, has in Florida. ALEC's impact in state legislatures across the country cannot be underestimated. This corporate-funded 501(c)(3) organization has been operating and expanding since its inception in 1973. ALEC has unprecedented access to lawmakers and to the composition of the bills they pass into law.

Out of Florida's 160 state legislators, 60 have had ties with ALEC since 2010 through dues records or records of its task forces where corporate lobbyists vote as equals with legislators on "model" bills behind closed doors. In the House, 46 representatives have been affiliated with ALEC task forces; in the Senate, 14 senators.

ALEC and its legislative leaders in the state have supported and pushed some of Florida's most devastating legislation. Despite claims to the contrary, ALEC's agenda is not based primarily upon ideology, but mostly upon pecuniary rewards for its corporate funders. The resulting ALEC "model bills" that have been adopted by ALEC "task forces" have been introduced in Florida by ALEC representatives and have amended Florida statutes for the worse, harming the rights and opportunities of everyday citizens in the process.

KEY FINDINGS

The key findings of this report include:

- ALEC model bills introduced across the country have devastating impacts upon public education, consumer protections, environmental protections, workers' rights, equitable healthcare systems, just tax policy, and voting rights.
- ALEC has a strong and growing presence in Florida. ALEC's public-sector state chair in Florida is Representative Jimmy Patronis Jr. (R-6).
- ALEC's corporate-funded scholarship fund contained, as of January 1, 2011, \$46,467. This fund is used to sponsor ALEC members to attend ALEC conferences, and is also spent – as documented in the report – to wine and dine ALEC Florida members alongside corporate lobbyists. Corporations' expenditures for the fund can be written off as 501(c)(3) charitable donations on their tax returns.
- ALEC provides Florida members with "issue alerts," "talking points," and "press release templates" expressing support or opposition to state legislation, despite its claims that "ALEC does not lobby in any state." The organization also tracks the status of its model bills in legislatures and bills it does not like, and sends its employees to testify in support of its bills in state houses across the country.
- ALEC model legislation has been introduced in Florida's legislature, at times word for word, with devastating results.

- In response to ALEC's extreme agenda, 26 for-profit corporations – including Wal-Mart, McDonalds, and Kraft – four non-profit groups and over 50 lawmakers have dropped ALEC in recent months. This report concludes that Florida-based corporations and Florida ALEC members should do the same.

INTRODUCTION TO ALEC

WHAT IS ALEC?

ALEC is a corporate-funded entity that helps corporations get special interest and corporate-written legislation passed into law. When legislators in multiple states introduce similar or identical bills to boost corporate power and profits, undermine workers' rights, limit corporate accountability for pollution or harm to Americans, privatize public education, or restrict voting rights, the odds are good that such legislation was written by corporate lobbyists working through ALEC.

ALEC's major funders and corporate leaders include Exxon Mobil, Altria, AT&T, GlaxoSmithKline, Johnson & Johnson, Koch Industries, PhRMA, Peabody Energy and State Farm Insurance, among dozens of others. Over 98% of ALEC's \$7 million in revenue a year comes from corporations, special interests, and sources other than legislative dues (which run \$50 per year for legislators).¹

ALEC is a registered 501(c)(3) nonprofit organization that exists ostensibly to promote "limited government, free markets, federalism, and individual liberty."² Founded in 1973, the self-described association is, in its own words, a "far-reaching national network of state legislators that ... affects all levels of government. No organization in America today can claim as many valuable assets ... that have influence on as many key decision-making centers."³

The organization's boastfulness is not unfounded. ALEC claims to have more than 2,000 active members in state legislatures across the country and over 100 alumni members in Congress, and it claims to be the largest nonpartisan individual membership association of state representatives in the nation.⁴ The organization has members in every state, and in some states has a majority presence in the legislature – in Arizona, for example, 54% of state legislators are ALEC members.⁵ Every year across the country, ALEC legislators introduce 800 to 1,000 ALEC model bills in the 50 state legislatures, of which 20% are enacted into law.⁶

By paying much higher "dues" than legislators in addition to sponsorship fees, corporations are able to participate in ALEC conferences, where their lobbyists and executives vote as equals alongside the elected officials they are paid to influence in "task forces" on ALEC "model legislation." These model bills are often drafted by corporate lawyers prior to ALEC conferences, sponsored in task force meetings by corporate lobbyists, and are then – if adopted by the task force – introduced in state legislatures across the country without proper disclosure of the origins of the bills and the lobbyists involved.

ALEC task forces are comprised of two equal contingents: representatives of corporations and special interests, and elected representatives. Task force meetings are conducted behind closed doors and are not open to the public. In attempts to view the process, journalists have been asked to leave ALEC conferences, and have been threatened with arrest by hotel security and contracted police.⁷

Not only does ALEC enable corporations and special interests to hand state legislators "model bills," they also provide a vehicle for their corporate members to buy influence with legislators through gifts of flights, hotel rooms, and other perks denominated as "ALEC scholarships."⁸ These corporate expenditures into ALEC's scholarship fund are also registered as 501(c)(3) donations, creating the antithetical situation where corporations are able to deduct their lobbying expenses as charitable donations on their tax returns.

Furthermore, ALEC's magazine declares that members are "encouraged to contact ALEC's public affairs department for assistance with drafting press releases, booking radio and television appearances, building media lists, and participating in media training." Disproving their claim that "ALEC does not lobby in any state,"⁹ the organization also provides legislators with "background research, talking points, sample press releases, and other media resources" to support passage of their model legislation and resolutions,¹⁰ and emails "issue alerts" to legislators in support of, or against, specific bills in state legislatures.¹¹

Despite this influence, ALEC had operated in the shadows until the Center for Media and Democracy (CMD) launched ALECEXPOSED last year after a whistleblower provided CMD with over 850 model bills secretly voted on by corporate lobbyists and legislators. Since then, CMD and other good government groups have been able to connect the dots between ALEC bills and ALEC legislators and corporations that many have expressed concerns about but were unable to prove without the bills.

That secrecy was not a coincidence; it was deliberate. For what ALEC truly does, and what ALEC actually represents is not only immoral, many have argued it is illegal.

THE ALEC AGENDA

ALEC corporations are diverse in their makeup and come from a wide range of industries. Thus, ALEC model legislation covers a wide range of industries, and provides those industries with a wide range of loopholes, tax breaks, and returns. In ALEC's repertoire, there exist countless bills that have no direct purpose except to financially reward corporate funders of the ALEC network. The following topics are directly affected by ALEC model bills (a full list of exposed ALEC model bills can be found at ALECEXPOSED.org):

VOTER ID AND ELECTION LAWS

ALEC has played a central role in the emerging trend among state legislatures to consider voter ID laws.¹² Using false allegations of "voter fraud," ALEC politicians are pursuing policies that disenfranchise students and other at-risk voters -- including the elderly and the poor -- who are unlikely to have drivers' licenses or other forms of photo ID.¹³ Despite sensationalized claims to the contrary, the problem of

“voter fraud” is virtually non-existent in America; reports show that even in battleground states like Ohio, voter fraud occurs at an insignificant rate of 0.0000004%.¹⁴ The reason ALEC supports bills like the Voter ID Act has little to nothing to do with prohibiting non-existent voter fraud, and everything to do with shifting the electoral landscape in their favor. ALEC’s key founder, Paul Weyrich, once stated: *“I don’t want everybody to vote. Elections are not won by a majority of people, they never have been from the beginning of our country and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.”*¹⁵

In addition, ALEC wants to make it easier for corporations to participate in the political process. Their Public Safety and Elections taskforce has long included Sean Parnell of the Center for Competitive Politics, one of the most vociferous pro-corporate election groups that promotes legislation that would devastate campaign finance reform and allow for greater corporate influence in elections. ALEC supports the Citizens United decision and opposes disclosures of spending to influence elections by outside groups. ALEC has opposed bans on pay-to-play activities and even opposed mandatory rules to allow citizens adequate time before hearings or votes so citizens can participate in a meaningful way.¹⁶

CORPORATE POWER AND WORKERS’ RIGHTS

ALEC works fervently to promote laws that would shield corporations from legal action and allow them to limit the rights of workers. The group’s model legislation would roll back laws regarding corporate accountability, workers compensation and on the job protections, collective bargaining and organizing rights, prevailing wage and the minimum wage. ALEC is a main proponent of bills that undermine organized labor by stripping public employees of collective bargaining rights and “right to work” laws. They also push “regulatory flexibility” laws that lead to massive deregulation.¹⁷ It is no surprise that the staff director of ALEC’s Commerce, Insurance and Economic Development Task Force previously was funded as a Koch Associate at the Charles G. Koch Charitable Foundation.¹⁸

UNDERCUTTING HEALTH CARE REFORM

After the passage of federal health care reform in 2010, one of ALEC’s top priorities has been to challenge the law by encouraging members to introduce bills that would prohibit the law’s insurance mandate. ALEC’s Health and Human Services task force is led by representatives of PhRMA and Johnson & Johnson (until J & J left ALEC this past month). Representatives of Bayer and GlaxoSmithKline sit on ALEC’s board.¹⁹ ALEC’s model bill, the “Freedom of Choice in Health Care Act,” has been introduced in forty-four states, including Florida, and ALEC even released a “State Legislators Guide to Repealing ObamaCare” discussing a variety of model legislation including bills to partially privatize Medicaid and SCHIP.²⁰ The legislative guide utilizes ideas and information from corporate-funded groups that are connected to ALEC, like the Heritage Foundation, the Goldwater Institute, the James Madison Institute, the Cato Institute, the National Center for Policy Analysis and the National Federation of Independent Business.²¹

TAX POLICY

As states face challenging budget deficits in the wake of the crash of Wall Street in 2008, ALEC wants to make it more difficult to generate revenue in order to close shortfalls. Bills include the “Super Majority Act,” which makes it so complicated for legislatures to change tax policy that California voters overturned the law which allowed a minority to thwart majority will;²² the “Taxpayer Bill Of Rights” (TABOR) which brought fiscal disaster to Colorado; and measures to eliminate capital gains and progressive income taxes.²³ The main beneficiaries of ALEC’s irresponsible fiscal policies are corporations and the wealthiest taxpayers.

PRIVATIZATION OF PUBLIC SCHOOLS

Despite constitutional problems, negative impacts on public schools, bias against disadvantaged students, and comprehensive studies in cities – like those analyzing Washington DC, New York, Milwaukee, and Cleveland – which demonstrate that private school voucher programs failed to make any improvements to the education system,²⁴ ALEC sees private school vouchers as a way to radically privatize the public education system. Under the guise of “school choice,” ALEC pushes bills with titles like “Parental Choice Scholarship Act” and the “Education Enterprise Act” that establish private school voucher programs. ALEC has also been an active supporter of online education corporations, despite the negative results of such programs. A representative of Connections Academy, which is a division of Connections Education LLC, a for-profit online schooling company, co-chairs ALEC’s Education Task Force.²⁵ Matthew Ladner, one of ALEC’s most prominent advisors on education policy and a former education advisor to Jeb Bush, recently received a “Lifetime Bunkum Award” from the National Education Policy Center at the University of Colorado in Boulder for promoting false and misleading information in pushing ALEC’s school choice agenda.²⁶

OBSTRUCTING ENVIRONMENTAL PROTECTION

At the bidding of its major donors like Exxon Mobil and Koch Industries, ALEC is behind state-level legislation that would hinder the ability of government to regulate and curb polluters.²⁷ ALEC has previously said that carbon dioxide “is *beneficial to plant and human life alike*,” and promotes climate change denialism.²⁸ The group’s model legislation assails EPA emissions guidelines and greenhouse gas regulations, destabilizes regional climate initiatives, and pushes for massive deregulation of air and water pollutions, which would basically permit the free-reign of dirty energy companies. Unsurprisingly, ALEC’s “Energy, Environment and Agriculture” task force was formerly led by Tom Moskitis of the American Gas Association and currently chaired by Martin Shultz of Brownstein Hyatt Farber Schreck, a major lobbyist firm for oil and gas companies like ConocoPhillips.²⁹ The group receives funding from ExxonMobil, Shell, Chevron, Texaco, Amoco, the American Petroleum Institute, and the American Electric Power Association.³⁰

ALEC IN FLORIDA

FLORIDA & ALEC STATE LEGISLATORS

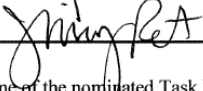
Out of Florida’s 160 state legislators, 60 have had known ties to ALEC since 2010. In the House, 46 representatives have been affiliated with ALEC; in the Senate, 14 Senators. And ALEC’s presence in Florida is on the rise – according to released documents from Representative Jimmy Patronis’ office, Florida lawmakers’ attendance at ALEC’s 2011 annual conference held in New Orleans was “one of the strongest delegations in years.”³¹

LEADERSHIP ROLES

Florida’s Public Sector State Chair is Representative Jimmy Patronis Jr. (R-6).³² As of 2011, Florida’s Private Sector State Chair was David Nickles of the lobbying firm, the Nickles Strategy Group LLC.³³ As acting as the liaison between Florida lawmakers and the ALEC office in Washington D.C., overseeing the

ALEC scholarship fund, and coordinating additional ALEC outreach in Florida.

Representative Patronis nominated the following Florida lawmakers to serve as task force members for the two-year term of January 1, 2011 – December 31, 2012 (recorded below as written by Patronis):

<p>AMERICAN LEGISLATIVE EXCHANGE COUNCIL</p> <h1 style="text-align: center;">ALEC</h1> <p>State Chair Task Force Nomination Form For Term: January 1, 2011- December 31, 2012 Deadline for Appointments: February 1, 2011</p>	
State:	<u>FL</u>
State Chair Name:	<u>Jimmy Patronis</u>
State Chair Signature:	<u></u>
<p>Directions: In the left column, list the name of the nominated Task Force Member or Task Force Alternate, and in the right column, list any related committee(s) that the Legislator serves on in the State Legislature.</p>	

CIVIL JUSTICE TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Charles McBurney	Civil Chair

COMMERCE, INSURANCE, AND ECONOMIC DEVELOPMENT TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Bryan Nelson	Insurance and Banking Chair

INTERNATIONAL RELATIONS TASK FORCE AND FEDERAL RELATIONS WORKING GROUP:

Primary Nomination	Related Committee(s) in State Legislature
Representative Scott Plakon	Chair Federal

PUBLIC SAFETY AND ELECTIONS TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Ray Pilon	Criminal Justice Member

TAX AND FISCAL POLICY TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Steve Precourt	Tax Chair
Representative Javin Brodner	(illegible) Member

EDUCATION TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Anitere Flores	Education Chair

ENERGY, ENVIRONMENT, AND AGRICULTURE TASK FORCE:

Primary Nomination	Related Committee(s) in State Legislature
Representative Clay Ford	Energy Chair

HEALTH AND HUMAN SERVICES TASK FORCE:

Primary Nomination
Representative Gayle Harrell
Representative John Wood
Representative Matt Hudson

Related Committee(s) in State Legislature
Health Chair Subcommittee
""
""

TELECOMMUNICATIONS AND INFORMATION TECHNOLOGY TASK FORCE:

Primary Nomination
Representative Michael Bileca

Related Committee(s) in State Legislature

ALEC FLORIDA MEMBERS

In keeping with its secretive nature, ALEC does not publicize its membership, thus making complete and accurate membership rolls nearly impossible to obtain. However, we know the following Florida lawmakers paid membership dues or attended at least one ALEC conference since 2010 (lawmakers believed to have been dues paying members at least once from 2010-12 are denoted with an asterisk):

*Sen. Michael Bennett (R-21)	*Rep. Rachel Burgin (R-56)	Rep. Clay Ingram (R-2)
*Sen. Larcenia J. Bullard (D-39)	*Rep. Matt Caldwell (R-73)	*Rep. Paige Kreegel (R-72)
Sen. Lee Constantine (R-22)	*Rep. Dean Cannon (R-35)	*Rep. John Legg (R-46)
*Sen. Nancy C. Detert (R-23)	Rep. Richard Corcoran (R-45)	*Rep. Ana Rivas Logan (R-114)
*Sen. Mike Fasano (R-11)	Rep. Fred Costello (R-26)	*Rep. Debbie Mayfield (R-80)
*Sen. Anitere Flores (R-38)	Rep. Steve Crisafulli (R-32)	Rep. Charles McBurney (R-16)
*Sen. Rene Garcia (R-40)	Rep. Daniel Davis (R-13)	Rep. Peter Nehr (R-48)
Sen. Mike Haridopolos (R-26)	*Rep. Jose Diaz (R-115)	Rep. Bryan Nelson (R-38)
*Sen. Alan Hays (R-25)	*Rep. Chris Dorworth (R-34)	*Rep. Jeanette Nunez (R-112)
*Sen. Dennis Jones (R-13)	*Rep. Brad Drake (R-5)	*Rep. Jimmy T. Patronis, Jr. (R-6)
*Sen. Garrett Richter (R-37)	*Rep. Anitere Flores (R-114)	*Rep. Ray Pilon (R-69)
*Sen. David Simmons (R-22)	*Rep. Clay Ford (R-3)	*Rep. Scott Plakon (R-37)
*Sen. Ronda Storms (R-10)	*Rep. James C. Frishe (R-54)	*Rep. Stephen L. Precourt (R-41)
Rep. Larry Ahern (R-51)	*Rep. Rich Glorioso (R-62)	Rep. Lake Ray (R-17)
*Rep. Ben Albritton (R-66)	Rep. Eduardo Gonzalez (R-102)	*Rep. Ron Saunders (D-120)
*Rep. Frank Artiles (R-119)	*Rep. Denise Grimsley (R-77)	*Rep. Kelli Stargel (R-64)
*Rep. Dennis Baxley (R-24)	Rep. Gayle Harrell (R-81)	Rep. John Tobia (R-31)
Rep. Michael Bileca (R-117)	*Rep. Doug Holder (R-70)	Rep. Carlos Trujillo (R-116)
Rep. Jeff Brandes (R-52)	*Rep. Mike Horner (R-79)	Rep. Will Weatherford (R-61)
*Rep. Jason Brodeur (R-33)	*Rep. Matt Hudson (R-101)	*Rep. John Wood (R-65)
		Rep. Dana Young (R-57)

ALEC SCHOLARSHIPS FUND PAY-TO-PLAY

ALEC's scholarship funds can be used to cover the costs that ALEC legislators incur when attending ALEC conferences. These conferences are by no means austere; ALEC conferences are held in lush resorts like the Westin Kierland Resort in Scottsdale, Arizona, or in resorts right in Florida's backyard

(ALEC held a policy conference at the Ritz Carlton in February of 2012 on Amelia Island – pictured below).³⁴

Scholarship fund help pay for airfare, hotel rooms, and other expenses of ALEC legislators during these conferences, which provide meals and drinks in addition to other freebies. On top of those perks, ALEC offers other benefits for ALEC representatives. An invitation sent to Representative Patronis on October 12, 2011, stated: “Your registration is also covered, including all scheduled meals, off-site tours, and reading materials – as well as an optional excursion through the Austin and the Texas countryside.”³⁵ Elected officials are also encouraged to bring their families to conferences, where ALEC offers subsidized childcare for kids six months and older in a program called “Kids Congress.”³⁶ In 2009, ALEC spent \$251,873 on childcare alone, which was partially subsidized by lobbyists and lawmakers.³⁷



ALEC scholarship funds are raised from corporate and special interest contributions. As of January 1, 2011, ALEC’s Florida scholarship fund contained \$46,467.³⁸

According to the Center For Media and Democracy, contributions to scholarship funds are generally made through corporate lobbyists. For example, in Ohio, a Time Warner Cable lobbyist made a \$10,000 contribution to the Ohio ALEC scholarship fund.³⁹ Unfortunately, unless the data is leaked, the details of ALEC scholarship funds are kept secret – to all except ALEC’s legislative leaders and the corporate lobbyists who made the donations. Some documents show that state legislators have solicited companies directly for scholarship contributions, establishing a dangerous possibility for setting up quid quo pro arrangements and certainly the perception of corruption.⁴⁰

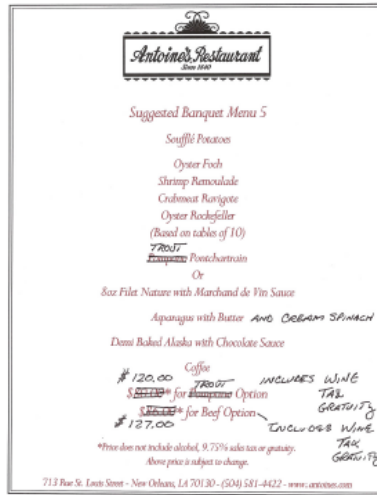
A NIGHT ON THE TOWN IN NEW ORLEANS

The office of ALEC State Chair Jimmy Patronis sent out the invitation for ALEC’s 2011 annual conference in New Orleans to Florida ALEC members in May of 2011. Within days, ALEC members started reaching out to Patronis’ office inquiring about scholarship fund applications, and corporate lobbyists began requesting the list of ALEC legislators who planned on attending the event.

Representative Clay Ford was straightforward. “Should be a good meeting with good food,” he wrote to Representative Jimmy Patronis in an email. And good food there was.

The Florida State dinner in New Orleans was planned by Representative Patronis and Tallahassee-based lobbyist Douglas Russell.⁴¹⁴² The meal took place Friday, August 5th at Antoine’s in the French Quarter.

The meal cost \$120 or \$127 per person, depending on the plate (menu picture below), but Florida lawmakers did not pay a penny – the meal was covered by the 501(c)(3) tax deductible, corporate-funded scholarship fund.



The meal was attended by nearly as many corporate lobbyists as state legislators. The following Florida legislators were joined by lobbyists representing Connections Education, Endo Pharmaceuticals, Blackstone, Bayer Healthcare, Comcast, and Endo Pharmaceuticals, among other clients. 43 44 45 46 47

LEGISLATORS AT ALEC FLORIDA DINNER AT ANTOINE’S

- | | | |
|---------------------------------|------------------------------|------------------------------|
| Rep. Will Weatherford (R-61) | Rep. Lake Ray (R-17) | Rep. Dennis Baxley (R-24) |
| Rep. Chris Dorworth (R-34) | Rep. Matt Caldwell (R-73) | Rep. Steve Crisafulli (R-32) |
| Rep. Richard Corcoran (R-45) | Rep. Michael Bileca (R-117) | Rep. Jason Brodeur (R-33) |
| Rep. Stephen L. Precourt (R-41) | Rep. Daniel Davis (R-13) | Rep. Peter Nehr (R-48) |
| Rep. Stephen L. Precourt (R-41) | Rep. Jose Diaz (R-115) | Rep. Ana Rivas Logan (R-114) |
| Rep. Rachel Burgin (R-56) | Rep. Carlos Trujillo (R-116) | |

The ALEC Florida dinner at Antoine’s was not exceptional. Facilitating relationships between state members and corporate lobbyists is the essence of what ALEC does. However, just because ALEC’s corporate cozying is normalized does not mean it is ethically acceptable; as evidenced by the ALEC agenda, the legislation that results from these relationships has devastating consequences for the people of Florida and other states.

ALEC CORPORATE MEMBERS

For decades, corporations have been using ALEC as a vehicle to get their bills introduced in Florida. These corporations include major US brands like ExxonMobil, and foreign corporations with a US presence like GlaxoSmithKline and Reed Elsevier (known for its Lexis/Nexis site; earlier this year the corporation dropped out of ALEC), who are all currently represented on ALEC’s “Private Enterprise Board.” Below are the major corporations based in Florida that are known to have been affiliated with

ALEC in recent years:

FLORIDA'S ALEC CORPORATE MEMBERS



Apotex Corp.

Apotex is a Canadian-owned pharmaceutical corporation. The company produces more than 300 generic pharmaceuticals in approximately 4000 dosages, exporting to over 115 countries around the globe.

Founded: 1974

Employees: 6,800

Address: 2400 North Commerce Parkway, Suite 400, Weston, Florida, 33326

Telephone: 1-800-706-5575



Arduin, Laffer & Moore Econometrics, LLC

Arduin, Laffer and Moore Econometrics is a conservative-leaning economic consulting firm led by Donna Arduin, Dr. Arthur Laffer, and Stephen Moore. It advises federal, state, and municipal leaders and candidates, as well as private sector clients. Both Moore and Laffer are long-time ALEC supporters who move their legislative agendas through ALEC.

Founded: 2005

Employees: Unknown

Address: 225 South Adams Street, Suite 200, Tallahassee, Florida 32301

Telephone: 850-205-8020



Parquet Public Affairs

Parquet Public Affairs is a national issue management, communications, government relations and reputation assurance firm that advises Fortune 500 corporations, national trade associations, non-profits and regional businesses.

Founded: 2009

Employees: Between 11-50

Address: 1030 N. Orange Avenue, Suite 102 Orlando, FL 32801

Telephone: 407-425-0300



Publix Super Markets, Inc.

Publix is one of the largest US regional grocery chains, only one of a handful of chains operating over 1,000 locations.

Founded: 1930

Employees: 152,000

Address: Publix Super Markets Corporate Office, PO Box 407, Lakeland, FL 33802-0407

Telephone: 800-242-1227

SELECTED PROMINENT ALEC CORPORATE MEMBERS

[See the complete list at http://www.sourcewatch.org/index.php?title=ALEC_Corporations]

1-800 Contacts, Inc	Frito-Lay Inc	Quaker Oats Co.
America West Airlines (US Airways)	Fruit of the Loom	Sara Lee Corporation
AOL	GEICO	Shell Oil Company
AT&T	General Electric	Sony Corp.
Bank of America	General Mills Restaurants	State Farm Insurance Co.
Bayer Corp.	General Motors Corporation	Symantec Corporation
Boeing Corporation	IBM	T-Mobile USA
BP America, Inc	Intel	TECO Energy
CenturyLink	JC Penney Co.	Texaco Inc.
Comcast	Koch Companies Public Sector	Time Warner Cable
Cracker Barrel Old Country Store, Inc	Koch Industries	Gulf States Toyota
Dow Chemical Company	Liberty Mutual Insurance Co.	Tropicana
eBay	Mary Kay Cosmetics	United Airlines
Enron Corporation	Microsoft Corporation	United Parcel Service (UPS)
ExxonMobil Corporation	Monsanto	UnitedHealthcare
FedEx	Motorola, Inc	Verizon Communications, Inc.
Ford Motor Co	Nestle USA Inc	Visa
	Outback Steak House	Walgreens
	Pfizer Inc	Wall Street Journal
		Waste Management Inc.
		Western Union
		Yahoo!

CORPORATE MEMBERS THAT HAVE DUMPED ALEC

[Source: http://sourcewatch.org/index.php?title=Corporations_Who_Have_Cut_Ties_to_ALEC]

Coca-Cola Company
Pepsi
Kraft
Intuit
McDonald's
Wendy's
Mars
Arizona Public Service
Reed Elsevier
American Traffic Solutions
Blue Cross Blue Shield
YUM! Brands
Procter & Gamble
Kaplan
Scantron Corporation
Amazon.com
Medtronic
Wal-Mart
Johnson & Johnson
Dell
Hewlett-Packard
CVS Caremark
Best Buy
John Deere & Co.
Miller Brewing Company
Express Scripts/Medco

ALEC LOBBYING IN FLORIDA

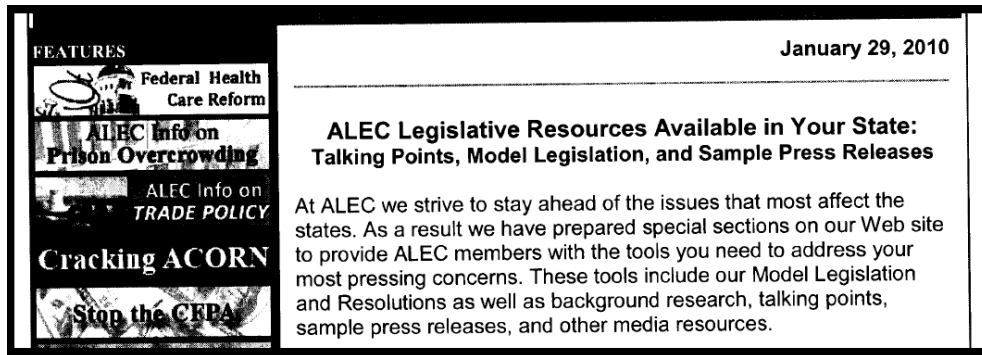
According to the IRS, “no organization may qualify for section 501(c)(3) status if a substantial part of its activities is attempting to influence legislation (commonly known as *lobbying*).”⁴⁸ The IRS examines a variety of factors when determining whether an organization’s lobbying is “substantial” or not, from considering the portion of time devoted to lobbying to analyzing an organization’s expenditures.⁴⁹

In clarifying the definition of lobbying, the IRS states: “An organization will be regarded as attempting to influence legislation if it contacts, or urges the public to contact, members or employees of a legislative body for the purpose of proposing, supporting, or opposing legislation, or if the organization advocates the adoption or rejection of legislation.”⁵⁰ ALEC has repeatedly claimed it engages in zero lobbying.

As the exposing of ALEC developed, and more documents were brought to the surface, it became clear to good government groups that under these definitions, ALEC should not qualify as a 501(c)(3) organization. On April 20th, 2012, Common Cause filed a complaint, pursuant to the whistleblower provisions of 26 U.S.C. 7623 et seq. (the “Tax Whistleblower Act”), requesting that the IRS reexamine and revoke ALEC’s 501(c)(3) status. The following excerpt was taken from their [letter to the IRS](#):

ALEC's primary, if not sole objective is to "influence legislation." Its bylaws state that its purpose is to "formulate legislative action programs," "disseminate model legislation and promote the introduction of companion bills in Congress and state legislatures," and "[e]stablish a clearinghouse for bills at the state level, and provide for a bill exchange program." [1] As recently as April 11, 2012, ALEC boasted that "for years, ALEC has partnered with legislators to research and develop better, more effective ... legislation. [2] Notwithstanding these claims, however, ALEC has reported "for years" to the IRS that it has not spent a single penny on lobbying or attempting to influence legislation. These tax returns are patently false.

From documents obtained by the Center For Media and Democracy and Common Cause, it is evident that ALEC is currently engaged in "influencing legislation" in Florida:



(SOURCE: ALEC News - An example of ALEC lobbying support. Please note: "as well as background research, talking points, sample press releases, and other media resources")



(SOURCE: ALEC Publication “The State Legislators Guide to Repealing ObamaCare” – This ALEC publication is a guide for how legislators can help invalidate federal law. In propagating this publication, to use IRS language, ALEC “advocates the ... rejection of legislation,” and is thus engaged in lobbying.)

ALEC State Tracking: Good Legal Reform Bills					
2012 Legislative Session April 10, 2012		Hearings Scheduled	Moved Since Last Report	Vetoed	
		Introduced Since Last Report	Died	Enacted	
2012 Legislation					
State	Bill No.	Author	Title	Notes	Disposition Location
AL	S 100	Allen Ge (R)	Civil Procedure	Common Sense Consumption Act	Pending Senate Judiciary Committee
AL	S 264	Allen Ge (R)	Civil Actions Against Packers and Distributors	Common Sense Consumption Act	Pending Senate Judiciary Committee
AL	H 380	Williams J (R)	Trespassers	Trespasser Responsibility Act	Pending House Judiciary Committee
AL	H 242	Jones (R)	Civil Actions Associated with Weight Gain	Common Sense Consumption Act	Pending HOUSE
AL	S 418	Ward (R)	State Agencies and Representing Attorneys	Private Attorney Retention Sunshine Act	Pending Senate Judiciary Committee
AL	S 342	Williams Ph (R)	Trespassers	Trespasser Responsibility Act	Pending House Commerce and Small Business
AZ	H 2545	Vogt (R)	Civil Actions and Comparative Negligence	Comparative Fault Act	Pending House Judiciary Committee
AZ	H 2546	Vogt (R)	Claims for Medical Expenses	Phantom Damages Elimination Act	Pending House Committee of the Whole
AZ	S 1336	Melvin (R)	Product Liability Actions	Regulatory Compliance Congruity with Liability Act	Pending House Judiciary Committee
AZ	H 2386	Farnsworth (R)	Asbestos Related Liability	Successor Asbestos-Related Liability Fairness Act	Enacted Chaptered
AZ	S 1132	Yarbrough (R)	Contingent Fee Limitations	Private Attorney Retention Sunshine Act	Enacted Chaptered
AZ	S 1410	Gould (R)	Limited Liability for Trespasser Harm	Trespasser Responsibility Act	Enacted Chaptered
AZ	H 2503	Yee (R)	Manufacturer Exemption from Punitive Damages	Regulatory Compliance Congruity with Liability Act	Pending Concurrence
AZ	S 1142	Driggs (R)	State Lengthy Trial Fund	Jury Patriotism Act	Enacted Chaptered
CA	A 2043	Wagner (R)	Appeals: Representative Actions	Class Action Improvements Act	Pending Assembly Judiciary Committee - 04/2
FL	S 378	Richter (R)	Expert Testimony	Reliability in Expert Testimony Standards Act	Failed Tabled
FL	H 1069	Metz (R)	Damages for Medical Or Health Care Services	Phantom Damages Elimination Act	Failed Died
FL	H 243	Metz (R)	Expert Testimony	Reliability in Expert Testimony Standards Act	Failed Died
FL	S 1328	Hays (R)	Damages for Medical or Health Care Services	Phantom Damages Elimination Act	Failed Died
IA	HSB 614	Judiciary Cmt	Liability	Trespasser Responsibility Act	Pending HOUSE

(SOURCE: Internal ALEC document – ALEC tracking the status of their model bills. In this document, four Florida bills are under consideration.)

ISSUE ALERT

To: ALEC Members on the Florida Senate Judiciary Committee

From: ALEC's Civil Justice Task Force

Re: SB 822 - Expert Testimony

Date: March 9, 2011

We understand that the Senate Judiciary Committee will hold a hearing this afternoon, March 9, on SB 822 regarding expert testimony. If enacted, this bill will help ensure that expert testimonies delivered in court are appropriate, reliable, and fair. **The American Legislative Exchange Council (ALEC) strongly supports the policy in SB 822, which is based on its *Reliability in Expert Testimony Standards Act*.**

ISSUE ALERT

To: ALEC Members, Florida Senate
CC: Rep. Jimmy T. Petronis, Jr., ALEC State Chairman
From: John Stephenson, Director, ALEC Telecom & IT Task Force
Date: May 2, 2011
Re: **Senate Bill 376** – Travel Agent Tax Fairness

Currently before the Florida Senate is legislation (SB 376) that would establish a sensible framework to eliminate confusion and controversy in the imposition of hotel occupancy taxes on services provided by travel agents and online travel companies. On May 2, 2011, the Florida House of Representatives passed similar legislation (HB 493) by a vote of 77-38. SB 376 would provide that local hotel occupancy taxes are imposed on the amount received by a person *operating* hotel accommodations, not on the payments received by third parties *facilitating* the booking of reservations for such accommodations. **ALEC supports the policy embodied in SB 376.**

Issue Alert

To: ALEC Florida Members
From: ALEC's Public Safety & Elections Task Force
Date: April 25, 2011
Re: **HB 1379 and SB 372**

The Florida Legislature is considering **Senate Bill 372** by Senator Ellyn Bogdanoff and **House Bill 445** by Representative Chris Dorworth that requires defendants to be ruled indigent before they can be released through the taxpayer provided pretrial release system. **ALEC supports the policy embedded in HB 1379/SB 372** because it will stop the use of taxpayer funded bail bonds for defendants who are financially able to contract with a commercial bail agent.

(SOURCE: Email Alerts – These issue alerts relate to specific legislation in Florida, and are clear examples of ALEC engaging in lobbying activity.)

ALEC MODEL BILLS IN FLORIDA

IMMIGRATION

NO SANCTUARY CITIES FOR ILLEGAL IMMIGRANTS ACT

Florida Legislation: [SB 1896](#)

Sponsors: Senator Greg Evers (Republican – District 2)

Last Action: Died in Judiciary Committee – 5/7/11

ALEC Model Legislation: [No Sanctuary Cities For Illegal Immigrants Act](#)

Similarities: SB 1896 is modeled, word for word, from ALEC’s ‘No Sanctuary Cities For Illegal Immigrants Act,’ a comprehensive bill that criminalizes undocumented workers and those who associate with them. SB 1896 provisions include: mandating that employers use the E-verify system; making it illegal to have an undocumented worker in one’s vehicle in some circumstances; and criminalizing, with detailed sentencing mandates, the state of being undocumented on Florida soil. Furthermore, SB 1896 provides that: “A law enforcement officer, *without a warrant*, may arrest a person if the officer has *probable cause* to believe that the person is unlawfully present in the United States [emphasis added].”

Analysis: ALEC’s ‘No Sanctuary Cities For Illegal Immigrants Act’ was approved by the corporate lobbyists and politicians on ALEC’s Public Safety and Elections Task Force before it was introduced in Arizona as SB 1070, arguably the most infamous state law in the country. Recently, key portions of this law were struck down as unconstitutional by the U.S. Supreme Court.⁵¹

SB 1070 was drafted by registered lobbyists and Arizona politicians.⁵² The legislation had attracted little support in Arizona’s legislature until it was embraced by an ALEC task force and then endorsed by ALEC’s national board. Representatives from the Corrections Corporation of America (CCA) – the largest private prison company in the country – sat on the ALEC “Public Safety and Elections” Task Force that approved the bill.⁵³ While CCA claims it merely observed the corporations and politicians approving the bill, there is no question the company benefitted from that action; it had previously made public statements about the profits available from the immigration detention business.⁵⁴

CCA annual revenues, which stand at \$1.736 billion,⁵⁵ prove that incarcerating human beings is a profitable business. CCA operates five prisons in Florida, located in Panama City, Lecanto, Graceville, Lake City, and Moore Haven.⁵⁶ CCA stepped down from ALEC in late 2010 in the wake of the controversy over SB 1070, but model ALEC bills that benefit it continue to be pushed in legislatures.

ALEC Model Legislation No Sanctuary Cities for Illegal Immigrants Act	Florida Legislation SB 1896 (2011)
Section 2-A No official or agency of this state or county, city, town, or other political subdivision of this state may adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.	Section 820.03-1 An official or agency of this state or a political subdivision of this state may not adopt a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law.
Section 2-B For any legitimate contact made by an official or agency of this state or county, city, town or other political subdivision of this state where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a	Section 820.03-2 A law enforcement agency shall make a reasonable attempt, when practicable, to determine the immigration status of a person if reasonable suspicion exists that the person is an alien who is unlawfully present in the United States. The

<p>reasonable attempt shall be made to determine the immigration status of the person. The person's immigration status shall be verified with the federal government pursuant to 8 United States Code Section 1373 (c).</p>	<p>person's immigration status shall be verified by the Federal Government pursuant to 8 U.S.C. s. 1373(c).</p>
<p>Section 2-C If an alien who is unlawfully present in the United States is convicted of a violation of state or local law, on discharge from imprisonment or assessment of any fine that is imposed, the alien shall be immediately transferred to the custody of the United States immigration and customs enforcement or the United States customs and border protection.</p>	<p>Section 820.03-3 If an alien who is unlawfully present in the United States is convicted of a violation of a state or local law, upon discharge from imprisonment or payment of a fine imposed on the alien, the alien shall be transferred immediately to the custody of the United States Immigration and Customs Enforcement or the United States Customs and Border Protection.</p>
<p>Section 2-D Notwithstanding any other law, a law enforcement agency may securely transport an alien who is unlawfully in the United States and who is in the agency's custody to a federal facility in this state or to any other point of transfer into federal custody that is outside the jurisdiction of the law enforcement agency.</p>	<p>Section 820.03-4 Notwithstanding any other law, a law enforcement agency may securely transport an alien who is unlawfully present in the United States and who is in the agency's custody to a federal facility in this state or to any other point of transfer into federal custody which is outside the jurisdiction of the law enforcement agency.</p>
<p>Section 2-E Except as provided in federal law, officials or agencies of this state and counties, cities, towns and other political subdivisions of this state may not be prohibited or in any way be restricted from sending, receiving or maintaining information relating to the immigration status, lawful or unlawful, of any individual or exchanging that information with any other federal, state or local governmental entity for the following official purposes: (1) Determining eligibility for any federal, state, local or other political subdivision of this state public benefit, service or license. (2) Verifying any claim of residence or domicile if determination of residence or domicile is required under the laws of this state or a Judicial order issued pursuant to a civil or criminal proceeding in this state. (3) Confirming the identity of any person who is detained. (4) If the person is an alien, determining whether the person is in compliance with the federal</p>	<p>Section 820.03-6 Except as provided in federal law, an official or agency of this state or a political subdivision of this state may, without restriction, send, receive, or maintain information relating to the immigration status of a person, or exchange that information with a federal, state, or local governmental entity for the following official purposes: (a) Determining eligibility for any public benefit, service, or license provided by a federal, state, or local governmental entity or a political subdivision of this state. (b) Verifying a claim of residence or domicile if determining the residence or domicile of the person is required under the laws of this state or a judicial order issued pursuant to a civil or criminal proceeding in this state. (c) Confirming the identity of a person who is detained. (d) If the person is an alien, determining if the person is in compliance with the federal registration laws prescribed by 8 U.S.C. ss. 1301 et seq.</p>

<p>registration laws prescribed by Title II, Chapter 7 of the Federal Immigration and Nationality Act.</p>	
<p>Section 2-F A person may bring an action in superior court to challenge any official or agency of this state or county, city, town or other political subdivision of this state that adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. If there is a judicial finding that an entity has violated this section, the court shall order any of the following: (1) That the person who brought the action recovers court costs and attorney fees. (2) That the entity pay a civil penalty of not less than an amount equal to one thousand dollars and not more than an amount equal to five thousand dollars for each day that the policy has remained in effect after the filing of an action pursuant to this subsection.</p>	<p>Section 820.03-7 A person may bring an action in circuit court to challenge any official or agency of this state or a political subdivision of this state which adopts or implements a policy that limits or restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. If there is a judicial finding that an agency of this state or a political subdivision of this state has violated this section, the court shall order any of the following: (a) That the person who brought the action recover court costs and attorney's fees. (b) That the agency of this state or the political subdivision of this state pay a civil penalty of not less than \$1,000 and not more than \$5,000 for each day that the policy has remained in effect after the filing of an action pursuant to this subsection.</p>
<p>Section 2-G A court shall collect the penalty prescribed in subsection F of this section and remit the penalty to the Department of Public Safety, which shall establish a special subaccount for the monies in the account established for the Gang and Immigration Intelligence Team Enforcement Mission Appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for Gang and Immigration Enforcement and for county jail reimbursement costs relating to illegal immigration.</p>	<p>Section 820.03-8 A court shall collect the civil penalty prescribed in subsection (7) and remit the civil penalty to the Department of Law Enforcement for deposit into the Gang and Immigration Intelligence and Enforcement Account within the Department of Law Enforcement Operating Trust Fund as provided in s. 943.0425.</p>
<p>Section 2-H A law enforcement officer is indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney fees, incurred by the officer in connection with any action, suit, or proceeding brought pursuant to this section to which the officer may be a party by reason of the officer being or having been a member of the law enforcement agency, except in relation to matters in which the officer is adjudged to have acted in bad faith.</p>	<p>Section 820.03-9 A law enforcement officer shall be indemnified by the law enforcement officer's agency against reasonable costs and expenses, including attorney's fees, incurred by the officer in connection with any action, suit, or proceeding brought pursuant to this section to which the officer may be a party by reason of the officer being or having been a member of the law enforcement agency, except in relation to matters in which the officer acted in bad faith.</p>
<p>Section 3-A In addition to any violation of federal law, a person is guilty of trespassing if the person is both: (1) Present on any public or private land in this</p>	<p>Section 820.04-1 In addition to any violation of federal law, a person commits an illegal trespass if the person is: (a) Present on any public or private land in this</p>

<p>state.</p> <p>(2) In violation of 8 United States Code Section 1304(e) or Section 1306(a).</p>	<p>state; and</p> <p>(b) In violation of 8 U.S.C. s. 1304(e) or s. 1306(a).</p>
<p>Section 3-B</p> <p>In the enforcement of this section, the final determination of an alien's immigration status shall be determined by either:</p> <p>(1) A law enforcement officer who is authorized to verify or ascertain an alien's immigration status.</p> <p>(2) A law enforcement officer or agency communicating with the United States Immigration and Customs Enforcement or the United States Border Protection pursuant to 8 United States Code Section 1373(c).</p>	<p>Section 820.04-2</p> <p>In enforcing this section, the final determination of an alien's immigration status shall be determined by a law enforcement officer or agency that:</p> <p>(a) Is authorized by the Federal Government to verify an alien's immigration status; or</p> <p>(b) Communicates with the United States Immigration and Customs Enforcement or the United States Customs and Border Protection pursuant to 8 U.S.C. s. 1373(c).</p>
<p>Section 3-C</p> <p>A person who is sentenced pursuant to this section is not eligible for suspension or commutation of sentence or releases on any basis until the sentence imposed is served.</p>	<p>Section 820.04-4</p> <p>A person who is sentenced pursuant to this section is not eligible for suspension or commutation of sentence or release on any basis until the sentence imposed is served.</p>
<p>Section 3-D</p> <p>In addition to any other penalty prescribed by law, the court shall order the person to pay jail costs and an additional assessment in the following amounts:</p> <p>(1) At least five hundred dollars for a first violation.</p> <p>(2) Twice the amount specified in paragraph 1 of this subsection if the person was previously subject to an assessment pursuant to this subsection.</p>	<p>Section 820.04-5a</p> <p>In addition to any other penalty prescribed by law, the court shall order the person to pay the costs of incarceration and an additional assessment in the following amounts:</p> <ol style="list-style-type: none"> 1. At least \$500 for a first violation. 2. Twice the amount specified in subparagraph 1. If the person was previously subject to an assessment pursuant to this subsection.
<p>Section 3-E</p> <p>A court shall collect the assessments prescribed in subsection D of this section and remit the assessments to the Department of Public Safety, which shall establish a special subaccount for the monies in the account established for the Gang and Immigration Intelligence Team Enforcement Mission appropriation. Monies in the special subaccount are subject to legislative appropriation for distribution for Gang and Immigration Enforcement and for county jail reimbursement costs relating to illegal immigration.</p>	<p>Section 820.04-5b</p> <p>A court shall collect the assessments prescribed in this subsection and remit the assessments to the Gang and Immigration Intelligence and Enforcement Account within the Department of Law Enforcement Operating Trust Fund as provided in s. 943.0425.</p>
<p>Section 3-G.1</p> <p>A violation of this section is a Class 1 Misdemeanor, except that a violation of this section is:</p> <p>(1) A Class 2 Felony if the person violates this</p>	<p>Section 820.04-6a</p> <p>Except as provided in paragraph (a) or paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, a violation of this</p>

<p>section while in possession of any of the following:</p> <p>(a) A dangerous drug as defined by the state.</p> <p>(b) Precursor chemicals that are used in the manufacturing of methamphetamine in violation of state law.</p> <p>(c) A deadly weapon or a dangerous instrument, as defined by the state.</p> <p>(d) Property that is used for the purpose of Committing an act of terrorism as prescribed by the state.</p>	<p>section is:</p> <p>(a) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person violates this section while in possession of any of the following:</p> <ol style="list-style-type: none"> 1. Precursor chemicals that are used in the manufacturing of methamphetamine in violation of s. 893.149. 2. A firearm or weapon as defined in s. 790.001. 3. Property that is used for the purpose of committing an act of terrorism as defined in s. 775.30.
<p>Section 3-G.2</p> <p>A Class 4 Felony if the person either:</p> <p>(a) Is convicted of a second or subsequent violation of this section.</p> <p>(b) Within sixty months before the violation, has been removed from the United States pursuant to 8 United States Code Section 1229(a) or has accepted a voluntary removal from the United States pursuant to 8 United States Code Section 1229(c).</p>	<p>Section 820.04-6b</p> <p>A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:</p> <ol style="list-style-type: none"> 1. Is convicted of a second or subsequent violation of this section; or 2. Within 60 months before the present violation, was removed from the United States pursuant to 8 U.S.C. s. 1229a or accepted a voluntary removal from the United States pursuant to 8 U.S.C. s. 1229c.
<p>Section 7-A</p> <p>An employer shall not intentionally employ an unauthorized alien. If, in the case when an employer uses a contract, subcontract or other independent contractor agreement to obtain the labor of an alien in this state, the employer intentionally contracts with an unauthorized alien or with a person who employs or contracts with an unauthorized alien to perform the labor, the employer violates this subsection.</p>	<p>Section 820.08-1</p> <p>(a) An employer may not knowingly employ an unauthorized alien.</p> <p>(b) An employer violates paragraph (a) if the employer uses a contract, subcontract, or other independent contractor agreement to obtain the labor of an unauthorized alien in this state or if the employer knowingly contracts with a person who employs or contracts with an unauthorized alien to perform the labor.</p>
<p>Section 7-B</p> <p>The attorney general shall prescribe a complaint form for a person to allege a violation of subsection A of this section. The complainant shall not be required to list the complainant's social security number on the complaint form or to have the complaint form notarized. On receipt of a complaint on a prescribed complaint form that an employer allegedly intentionally employs an unauthorized alien, the attorney general or county attorney shall investigate whether the employer has violated subsection A of this section. If a complaint is received but is not submitted on a</p>	<p>Section 820.08-2</p> <p>(a) The Attorney General shall develop a complaint form to be used by a person who alleges that an employer has violated, or is violating, subsection (1).</p> <p>(b) The complainant is not required to list the complainant's social security number on the complaint form or to have the complaint form notarized.</p> <p>(c)1. Upon receipt of a proper complaint form alleging that an employer knowingly employs an unauthorized alien, the Attorney General or state attorney shall investigate whether the employer</p>

<p>prescribed complaint form, the attorney general or county attorney may investigate whether the employer has violated subsection A of this section. This subsection shall not be construed to prohibit the filing of anonymous complaints that are not submitted on a prescribed complaint form. The attorney general or county attorney shall not investigate complaints that are based solely on race, color or national origin. A complaint that is submitted to a county attorney shall be submitted to the county attorney in the county in which the alleged unauthorized alien is or was employed by the employer. The county sheriff or any other local law enforcement agency may assist in investigating a complaint. The attorney general or the county attorney may take evidence, administer oaths or affirmations, issue subpoenas requiring attendance and testimony of witnesses, cause depositions to be taken and require by subpoena duces tecum the production of books, papers and other documents that are necessary for the enforcement of this section. If the employer or any other person refuses to obey a subpoena or fails to answer questions as provided by this subsection, the attorney general or the county attorney may apply to the superior court in the manner provided by state law. Subpoenas under this section may be served by personal service or certified mail, return receipt requested. When investigating a complaint, the attorney general or county attorney shall verify the work authorization of the alleged unauthorized alien with the federal government pursuant to 8 United States Code section 1373(c). A state, county or local official shall not attempt to independently make a final determination on whether an alien is authorized to work in the United States. An alien's immigration status or work authorization status shall be verified with the federal government pursuant to 8 United States Code section 1373(c). A person who knowingly files a false and frivolous complaint under this subsection is guilty of a class 3 misdemeanor.</p>	<p>has violated subsection (1). 2. If a complaint is received but is not submitted on a proper complaint form, the Attorney General or state attorney may investigate whether the employer has violated subsection (1). 3. This subsection does not prohibit the filing of an anonymous complaint that is not submitted on a proper complaint form. (d) The Attorney General or state attorney may not investigate complaints that are based solely on race, color, or national origin. (e) A complaint form that is submitted to a state attorney must be submitted to the state attorney for the county in which the alleged unauthorized alien is, or was, employed by the employer. The sheriff or any other local law enforcement agency in that county may assist in investigating the complaint. (f) When investigating a complaint, the Attorney General or state attorney shall verify with the Federal Government the work authorization status of the alleged unauthorized alien. A state, county, or local official may not attempt to independently make a final determination of whether an alien is authorized to work. An alien's immigration status or work authorization status shall be verified with the Federal Government pursuant to 8 U.S.C. s. 1373(c). (g) A person who knowingly files a false and frivolous complaint under this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.</p>
<p>Section 7-C If, after an investigation, the attorney general or county attorney determines that the complaint is not false and frivolous: (1) The attorney general or county attorney shall</p>	<p>Section 820.08-3 If, after an investigation, the Attorney General or state attorney determines that the complaint is not false and frivolous: (a) The Attorney General or state attorney shall</p>

<p>notify the United States immigration and customs enforcement of the unauthorized alien.</p> <p>(2) The attorney general or county attorney shall notify the local law enforcement agency of the unauthorized alien.</p> <p>(3) The attorney general shall notify the appropriate county attorney to bring an action pursuant to subsection D of this section if the complaint was originally filed with the attorney general.</p>	<p>notify the United States Immigration and Customs Enforcement of the existence of the unauthorized alien.</p> <p>(b) The Attorney General or state attorney shall notify the local law enforcement agency of the existence and location, if known, of the unauthorized alien.</p> <p>(c) If the complaint was originally filed with the Attorney General, the Attorney General shall notify the appropriate state attorney to bring an action pursuant to subsection (4).</p>
<p>Section 7-D</p> <p>An action for a violation of subsection A of this section shall be brought against the employer by the county attorney in the county where the unauthorized alien employee is or was employed by the employer. The county attorney shall not bring an action against any employer for any violation of subsection A of this section that occurs before January 1, 2008. A second violation of this section shall be based only on an unauthorized alien who is or was employed by the employer after an action has been brought for a violation of subsection A of this section or other state law.</p>	<p>Section 820.08-4</p> <p>(a) An action alleging a violation of subsection (1) shall be brought against an employer by the state attorney in the county where the unauthorized alien employee is, or was, employed by the employer.</p> <p>(b) The state attorney may not bring an action against an employer for a violation of subsection (1) if the violation occurred on or before January 1, 2012.</p>
<p>Section 7-E</p> <p>For any action in superior court under this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.</p>	<p>Section 820.08-5</p> <p>For any action filed in circuit court under this section, the court shall expedite the action, including assigning the hearing at the earliest practicable date.</p>
<p>Section 7-F</p> <p>On a finding of a violation of subsection A of this section:</p> <p>(1) For a first violation, as described in paragraph 3 of this subsection, the court shall:</p> <p>(a) Order the employer to terminate the employment of all unauthorized aliens.</p> <p>(b) Order the employer to be subject to a five year probationary period for the business location where the unauthorized alien performed work. During the probationary period the employer shall file quarterly reports in the form provided in state law with the county attorney of each new employee who is hired by the employer at the business location where the unauthorized alien performed work.</p>	<p>Section 820.08-6.a</p> <p>If the court finds that the employer violated subsection (1):</p> <p>(a) For a first violation, the court:</p> <ol style="list-style-type: none"> 1. Shall order the employer to terminate the employment of all unauthorized aliens. 2. Shall order the employer to be subject to a 3-year probationary period for the business location at which the unauthorized alien performed work.
<p>Section 7-F-1.d</p>	<p>Section 820.08-6.a-3</p>

<p>Order the employer to file a signed sworn affidavit with the county attorney. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. The court shall order the appropriate agencies to suspend all licenses subject to this subdivision that are held by the employer if the employer fails to file a signed sworn affidavit with the county attorney within three business days after the order is issued. All licenses that are suspended under this subdivision for failing to file a signed sworn affidavit shall remain suspended until the employer files a signed sworn affidavit with the county attorney. For the purposes of this subdivision, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subdivision are all licenses that are held by the employer at the employer's primary place of business. On receipt of the court's order and notwithstanding any other law, the appropriate agencies shall suspend the licenses according to the court's order. The court shall send a copy of the court's order to the attorney general and the attorney general shall maintain the copy pursuant to subsection G of this section.</p>	<p>a. Shall order the employer to file a signed, sworn affidavit with the state attorney within 3 business days after the court order is issued. The affidavit shall state that the employer has terminated the employment of all unauthorized aliens in this state and that the employer will not intentionally or knowingly employ an unauthorized alien in this state. If the employer fails to file the affidavit with the state attorney within the allotted time, the court shall order the appropriate agencies to suspend all licenses that are held by the employer. Any license that is suspended under this subparagraph remains suspended until the employer files the affidavit with the state attorney. Notwithstanding any other law, the filing of the affidavit immediately reinstates the suspended licenses. For the purposes of this subparagraph, the licenses that are subject to suspension under this subparagraph are all licenses that are held by the employer and are specific to the business location where the unauthorized alien performed work.</p> <p>b. If the employer does not hold a license that is specific to the business location at which the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the licenses that are subject to suspension under this subparagraph are all licenses that are held by the employer at the employer's primary place of business.</p> <p>c. Upon receipt of the court order and notwithstanding any other law, the appropriate agencies shall suspend the employer's licenses according to the court order. The court shall send a copy of the court order to the Attorney General, and the Attorney General shall maintain the copy pursuant to subsection (7).</p>
<p>Section F-2 For a second violation, as described in paragraph 3 of this subsection, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer specific to the business location where the unauthorized alien performed work. If the employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in</p>	<p>Section 820.08-6.b 1. For a second or subsequent violation, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer and that are specific to the business location at which the unauthorized alien performed work. 2. If the employer does not hold a license that is specific to the business location where the unauthorized alien performed work, but a license</p>

<p>general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.</p>	<p>is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business.</p> <p>3. Upon receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.</p>
<p>Section F-3 The violation shall be considered:</p> <p>(a) A first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.</p> <p>(b) A second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under this subsection or other state law, for that employer's business location.</p>	<p>Section 820.08-6.c A violation of subsection (1) is:</p> <p>1. A first violation by an employer at a business location if the violation did not occur during a probationary period ordered by the court under this subsection or s. 820.09(6) for that employer's business location.</p> <p>2. A second violation by an employer at a business location if the violation occurred during a probationary period ordered by the court under this subsection or s. 820.09(6) for that employer's business location.</p>
<p>Section G The attorney general shall maintain copies of court orders that are received pursuant to subsection F of this section and shall maintain a database of the employers and business locations that have a first violation of subsection A of this section and make the court orders available on the attorney general's website.</p>	<p>Section 820.08-7 The Attorney General shall maintain copies of court orders that are received pursuant to subsection (6) and shall maintain a database of the employers and business locations that have a first violation of subsection (1) and make the court orders available on the Attorney General's website.</p>
<p>Section H On determining whether an employee is an unauthorized alien, the court shall consider only the federal government's determination pursuant to 8 United States Code section 1373(c). The federal government's determination creates a rebuttable presumption of the employee's lawful status. The court may take judicial notice of the federal government's determination and may request the federal government to provide automated or testimonial verification pursuant to 8 United States Code section 1373(c).</p>	<p>Section 820.08-8 When determining whether an employee is an unauthorized alien, the court shall consider only the Federal Government's determination pursuant to 8 U.S.C. s. 1373(c). The Federal Government's determination creates a rebuttable presumption of the employee's lawful status. The court may take judicial notice of the Federal Government's determination and may request the Federal Government to provide automated or testimonial verification pursuant to 8 U.S.C. s. 1373(c).</p>
<p>Sections I & J (I) For the purposes of this section, proof of verifying the employment authorization of an employee through the e-verify program creates a rebuttable presumption that an employer did not intentionally employ an unauthorized alien.</p>	<p>Section 820.08-9 For the purposes of this section: (a) Proof of the employer's participation in the E-Verify program creates a rebuttable presumption that an employer did not knowingly employ an unauthorized alien.</p>

<p>(J) For the purposes of this section, an employer that establishes that it has complied in good faith with the requirements of 8 United States Code section 1324a(b) establishes an affirmative defense that the employer did not intentionally employ an unauthorized alien. An employer is considered to have complied with the requirements of 8 United States Code section 1324a(b), notwithstanding an isolated, sporadic or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.</p>	<p>(b) An employer who establishes that he or she has complied in good faith with the requirements of 8 U.S.C. s. 1324a(b) establishes an affirmative defense that the employer did not knowingly employ an unauthorized alien. An employer is considered to have complied with the requirements of 8 U.S.C. s. 1324a(b), notwithstanding an isolated, sporadic, or accidental technical or procedural failure to meet the requirements, if there is a good faith attempt to comply with the requirements.</p>
<p>Section K An employer is not entrapped under this section if the employer was predisposed to violate subsection A of this section and law enforcement officers or their agents merely provided the employer with an opportunity to violate subsection A of this section. It is not entrapment for law enforcement officers or their agents merely to use a ruse or to conceal their identity.</p>	<p>Section 820.08-11 An employer does not establish entrapment if the employer was predisposed to violate subsection (1) and the law enforcement officers or their agents merely provided the employer with an opportunity to commit the violation. It is not entrapment for law enforcement officers or their agents to merely use a ruse or conceal their identity. The conduct of law enforcement officers and their agents may be considered in determining if an employer has proven entrapment.</p>

FAIR AND LEGAL EMPLOYMENT ACT

Florida Legislation: [HB 691](#) / [SB 518](#)

Sponsors:

HB 691 - Rep. Gayle B. Harrell (Republican – District 81); Co-sponsors: Drake; Metz; Pilon; Van Zant

SB 518 - Sen. Alan Hays (Republican – District 20); Co-sponsors: Gaetz

Last Action:

HB 691 – Died in Government Operations Subcommittee (5/7/11)

SB 518 – Died in Judiciary Committee (5/9/11)

ALEC Model Legislation: [Fair and Legal Employment Act](#)

Similarities/Analysis: HB 691 and SB 518, which are companion bills, are nearly identical to ALEC’s Fair and Legal Employment Act. These acts require employers to register their employees under the E-Verify system. As of 2011, E-Verify legislation had been enacted in 12 states⁵⁷ – however the program is

plagued with structural flaws. The program is reported to detect merely 46% of unauthorized workers,⁵⁸ and Government Accountability Office audits estimate that if the program were to be nationally adopted, roughly 770,000 Americans would incorrectly be at risk of losing their jobs due to name duplications and database inconsistencies.⁵⁹ An earlier audit of the program showed that it had an error rate of about 4% but even if one out of every 100 people is denied a job until a worker can prove to a bureaucrat in Washington his or her identity that would put almost 200,000 Floridians out of a job and unable to pay for housing, food, and health care for their families.

Even if the program functioned correctly however, the program would still require employers to deny a job to a person they may have known for years until the employee could prove their identity. Additionally, critics assert that employer sanctions drive the hiring of undocumented workers further underground into the black market economy, where collective bargaining, worker rights and fair wages fall victim to exploitive forces.⁶⁰

<p style="text-align: center;">ALEC Model Legislation Fair and Legal Employment Act</p>	<p style="text-align: center;">Florida Legislation HB 691 / SB 518 (2011)</p>
<p>Section 4-A.1 "Agency" means any agency, department, board or commission of this state or a county, city or town that issues a license for purposes of operating a business in this state.</p>	<p>Section 1-1.a "Agency" means an agency, department, board, or commission of this state or a county, municipality, or town issuing a license for the purpose of operating a business in this state.</p>
<p>Section 4-C "E-verify program" means the employment verification pilot program as jointly administered by the United States department of homeland security and the social security administration or any of its successor programs.</p>	<p>Section 1-1.c "E-Verify system" means the Employment Authorization Program, formerly the "Basic Pilot Program," under Pub. L. No. 104-208, Div. C, Title IV, Subtitle A, 110 Stat. 3009-655 (Sept. 30, 1996), as amended, or any successor program designated by the Federal Government for verification that an employee is an employment-authorized alien.</p>
<p>Section 4-A.3 "Employee": (i) Means any person who provides services or labor for an employer in this state for wages or other remuneration. (ii) Does not include an independent contractor.</p>	<p>Section 1-1.d "Employee" means any person who performs employment services in this state for an employer pursuant to an employment relationship between the person and employer. An employee does not include an independent contractor.</p>
<p>Section 4-B "Employer" means any individual or type of organization that transacts business in this state that has a license issued by an agency in this state, and that employs one or more employees in this state. Employer includes this state, any political subdivision of this state and self-employed persons. In the case of an independent contractor, employer means the independent contractor and</p>	<p>Section 1-1.e "Employer" means any individual or type of organization transacting business in this state which holds or has applied for a license issued by an agency and employs individuals who perform employment services. The term does not include an entity that hires an independent contractor to perform work or the occupant or owner of a private residence who hires casual domestic labor</p>

<p>does not mean the person or organization that uses the contract labor.</p>	<p>to perform work customarily performed by a homeowner entirely within a private residence.</p>
<p>Section 4-F "License": (1) Means any agency permit, certificate, approval, registration, charter or similar form of authorization that is required by law and that is issued by any agency for the purposes of operating a business in this state.</p>	<p>Section 1-1.f "License" means a license, permit, certificate, approval, registration, charter, or similar form of authorization required by law and issued by an agency for the purpose of operating a business. A license includes, but is not limited to: 1. Articles of incorporation. 2. A certificate of partnership, a partnership registration, or articles of organization. 3. A grant of authority issued pursuant to state or federal law. 4. A transaction privilege tax license.</p>
<p>Section 4-H "Unauthorized alien" means an alien who does not have the legal right or authorization under federal law to work in the United States as described in 8 United States Code section 1324a(h)(3).</p>	<p>Section 1-1.g "Unauthorized alien" means an alien is not authorized under federal law to be employed in the United States, as described in 8 U.S.C. 1324a(h)(3). This term shall be interpreted consistently with that section and any applicable federal rules or regulations.</p>
<p>Section 4-E "Knowingly employ an unauthorized alien" means the actions described in 8 United States Code section 1324a. This term shall be interpreted consistently with United States Code section 1324a and any applicable federal rules and regulations.</p>	<p>Section 1-1.h "Knowingly employ an unauthorized alien" has the same meaning as prescribed in 8 U.S.C. 1324a. The term shall be interpreted consistently with s. 1324a and any federal rule or regulation applicable to the unlawful employment of aliens.</p>
<p>Section 7-A After [insert date], every employer, after hiring an employee, shall verify the employment eligibility of the employee through the e verify program.</p>	<p>Section 1-2.a Beginning January 1, 2012, every employer shall, after making an offer of employment which has been accepted by an employee, use the E-Verify system to verify the employment eligibility of the employee. Verification must occur within the period stipulated by federal law or regulations after the hiring of the employee. However, an employer is not required to verify the employment eligibility of a continuing employee hired before the date of the employer's registration with the system.</p>
<p>Section 5-A An employer shall not knowingly employ an unauthorized alien</p>	<p>Section 1-3.a An employer may not employ an unauthorized alien.</p>
<p>Section 5-F.2 For a second violation, as described in subsection 3 of this section, the court shall order the appropriate agencies to permanently revoke all licenses that are</p>	<p>Section 4-k Upon finding a second or subsequent violation of paragraph (a) during a 2-year period, the department or the Agency for Workforce</p>

<p>held by the employer specific to the business location where the unauthorized alien performed work. The employer does not hold a license specific to the business location where the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the court shall order the appropriate agencies to permanently revoke all licenses that are held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately revoke the licenses.</p>	<p>Innovation shall order the appropriate agencies to suspend, for at least 30 days, all licenses that are held by the employer and that are necessary to operate the employer's business at the location at which the unauthorized alien performed work. If a license is not necessary to operate the employer's business at the specific location at which the unauthorized alien performed work, but a license is necessary to operate the employer's business in general, the department or the Agency for Workforce Innovation shall order the appropriate agencies to suspend all licenses held by the employer at the employer's primary place of business. On receipt of the order and notwithstanding any other law, the appropriate agencies shall immediately suspend such licenses for at least 30 days.</p>
<p>Section 5-G The attorney general shall maintain copies of court orders that are received pursuant to subsection f of this section and shall maintain a database of the employers and business locations that have a first violation of subsection A of this section and make the court orders available on the attorney general's website.</p>	<p>Section 4-1 The Agency for Workforce Innovation shall maintain a public database containing copies of all orders issued pursuant to this section and make such information available on its website.</p>

EDUCATION

VIRTUAL PUBLIC SCHOOLS ACT

Florida Legislation: [SB 1620](#) / [HB 7197](#)

Sponsors:

SB 1620 – Sen. Anitere Flores (Republican – District 38)

HB 7197 – Rep. Kelli Stargel (Republican – District 64); Co-sponsors: Ford; McBurney; McKeel; Passidomo; Precourt; Young

Last Action:

SB 1620 – Laid on Table (5/3/11), companion bill(s) passed, see CS/CS/HB 7197 (Ch. 2011-137), CS/CS/CS/SB 1546 (Ch. 2011-232), SB 2120 (Ch. 2011-55) -SJ 776

HB 7197 – Chapter No. 2011-137 (6/2/11), companion bill(s) passed, see CS/CS/CS/SB 1546 (Ch. 2011-232), SB 2120 (Ch. 2011-55)

ALEC Model Legislation: Virtual Public Schools Act

Similarities/Analysis: SB 1620 and HB 7197, which are companion bills, provide for expanding the use of ‘Virtual Schools’ in Florida. Pushing for the adoption of ‘Virtual Schools’ has been a cornerstone of ALEC policy since 2004, when the Education Task Force approved the Virtual Public Schools Act.

The Florida legislation provides that for-profit online schooling corporations can fully usurp the functions of public schools by being designated charter school status. Undoubtedly, the for-profit online providers – like Connections Academy who in 2011 was the private sector chair of the Education Task Force⁶¹ – stand to benefit monetarily from the passage of ‘Virtual School’ bills. And Florida’s school children will suffer. According to the National Education Policy Center, in 2011 27% of online schools achieved the federal standard of ‘adequate yearly progress,’ a percent of achievement that was roughly doubled by public schools nationally.⁶²

ALEC Model Legislation Virtual Public Schools Act	Florida Legislation SB 1220 / HB 7197
<p>Declaration. The General Assembly hereby finds and declares that:</p> <p>...</p> <p>(2) The General Assembly further finds and declares that virtual schools established in this article:</p> <p>(a) Provide [STATE] families with an alternative choice to access additional educational resources in an effort to improve academic achievement;</p> <p>(b) Must be recognized as public schools and provided equitable treatment and resources as any other public school in the state.</p> <p>Simple Version: “Nothing in this bill shall preclude the use of computer- and Internet-based instruction for students in a virtual or remote setting.”</p> <p>Section 1. {Definition}</p> <p>a. “Virtual school” shall mean an independent public school in which the school uses technology in order to deliver a significant</p>	<p>Section 3.</p> <p>1002.33 Charter schools.—</p> <p>(1) AUTHORIZATION.—Charter schools shall be part of the state’s program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A virtual charter school may be created to provide full-time online instruction. The virtual charter school must contract with a statewide virtual provider that is approved under s. 1002.45. Funding is as prescribed in s. 1002.45(10)(b). The provider of online instruction for a virtual charter school must follow the charter application process specified in this section and serve students in the school district in which the charter is granted. However, the provisions of subsection (18) and paragraph (20)(c) do not apply to a virtual charter school. A public school may not use the term charter in its name unless it has been approved under this section.</p>

<p>portion of instruction to its students via the Internet in a virtual or remote setting.</p> <p>b. "Sponsor" shall mean the public school district, charter school board, or state department having a fiduciary responsibility for the operation of the virtual school.</p>	
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PARENT TRIGGER ACT

Florida Legislation: [HB 1191](#)

Sponsors: Rep. Michael Bileca (Republican – District 117); Co-sponsors: Ahern; Brandes; Corcoran; Costello; Gaetz; Gonzalez; Nunez; Trujillo; Wood; Young

Last Action: Died in Education Pre-K-12 (3/9/12)

ALEC Model Legislation: [The Parent Trigger Act](#)

Similarities/Analysis: SB 1204 is modeled after ALEC’s ‘Parent Trigger Act.’ Both acts provide mechanisms to replace public schools with charter schools upon the petition of more than 50% of the parents or legal guardians of pupils attending or planning to matriculate in the schools in a particular year. A 2009 study by the University of Stanford on charter schools demonstrated that, in Florida, learning gains made in charter schools were lower than those made in traditional public schools; and that on a whole, nationally, traditional public schools outperform charter schools.⁶³

Nevertheless, charter schools provide an opening for for-profit entities to take over educating our children, at taxpayer expense. Logically, the question arises: is it really wise to hand our children’s education over to businesses whose primary motive is increasing profits?

<p>ALEC Model Legislation The Parent Trigger Act</p>	<p>Florida Legislation HB 1191</p>
<p>Model Legislation</p> <p>Section 1: {Short Title}</p> <p>This act may be cited as the “Parent Empowerment and Choice Act” or the “Parent Trigger Act.”</p> <p>Section 3. {Parent Empowerment}</p>	<p>Section 4. Section 1003.07, Florida Statutes, is created to read:</p> <p>(1) This section may be cited as the "Parent Empowerment 1Act."</p> <p>(2)(a) If more than one-half of the parents of students attending an elementary school, middle school, or high school or more than one-half of a</p>

<p>For all public schools where more than one-half of the parents or legal guardians of pupils attending the school, or a combination of more than one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one or more of the three interventions identified pursuant to Section (5), the local educational agency shall implement the option requested by the parents.</p>	<p>combination of the parents of students attending a middle school or high school and the parents of students attending an elementary school or middle school who normally matriculate into that middle school or high school, as applicable, sign and date a petition requesting the implementation of one of the school improvement options described in s. 1008.33(5), the school district must submit a plan implementing that option in lieu of the school district's option to the State Board of Education for approval.</p>
<p>Section 5. {School Intervention Models}</p> <p>There are three school intervention models: restart model, school closure, or educational choice model. Each is described below.</p> <p>(A) Restart model. A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides "whole-school operation" services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.</p> <p>(B) School closure. School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available. In the event that no such school exists, the district will implement the educational choice model.</p> <p>(C) Educational choice. Educational choice occurs</p>	<p>Section 5. Paragraph (a) of subsection (5) of section 1008.33, Florida Statutes, is amended to read:</p> <p>(5)(a) In the school year after a school is initially identified as a school in the lowest-performing category, the school district must submit a plan, which is subject to approval by the State Board of Education, for implementing one of the following options at the beginning of the next school year. The plan must be implemented unless the school moves from the lowest-performing category:</p> <ol style="list-style-type: none"> 1. Convert the school to a district-managed turnaround school by means that include implementing a turnaround plan approved by the Commissioner of Education which shall become the school's improvement plan; 2. Reassign students to another school and monitor the progress of each reassigned student; 3. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness; or 4. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school.

when an LEA implements a school voucher program pursuant to Section 6.	
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GREAT TEACHERS AND LEADERS ACT

Florida Legislation: [HB 7019](#)

Sponsors: Erik Fresen (Republican – District 111); Co-sponsors: Adkins; Corcoran; Gaetz; Mayfield; Wood

Last Action: Laid on Table (3/15/11)

ALEC Model Legislation: [Great Teachers and Leaders Act](#)

Similarities/Analysis: HB 7019 has key provisions that resemble those in ALEC’s ‘Great Teachers and Leaders Act.’ Particularly, both bills seek to change teacher and education workers evaluation requirements – without taking into consideration outside economic factors in the school district – and use those evaluations to supersede experience and expertise when determining which education professionals should be let go in times of workforce reduction.

ALEC Model Legislation Great Teachers and Leaders Act	Florida Legislation HB 7019
<p>Section 4-B</p> <p>(3) The purpose of the council shall be to ensure educator effectiveness, and shall be to consider options and make recommendations to the state board and the Legislature that seek to ensure that all licensed personnel are:</p> <p>(a) Evaluated using multiple fair, transparent, timely, rigorous, and valid methods, at least fifty percent of which evaluation is determined by the academic growth of their students;</p> <p>(b) Afforded a meaningful opportunity to improve their effectiveness; and</p> <p>(c) Provided that means to share effective practices with other educators throughout the state.</p>	<p>Section 2-3. a</p> <p>1. Performance of students. At least 50 percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(8). Each school district must use the 204 formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).</p>

<p>Section 4-C-1</p> <p>... The council shall include in its recommendations a definition of effectiveness and its relation to quality standards. The definition of effectiveness shall include, but need not be limited to, criteria that will be used to differentiate between performance standards. The defined performance standards shall include, but need not be limited to, "highly effective", "effective", and "ineffective". The council shall consider whether additional performance standards should be established.</p>	<p>Section 2</p> <p>(d) Identify In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special evaluation procedures and criteria are necessary will be developed.</p> <p>(e) Differentiate among four levels of performance as follows:</p> <ol style="list-style-type: none"> 1. Highly effective. 2. Effective. 3. Needs improvement or, for instructional personnel in the first 3 years of employment who need improvement developing. 4. Unsatisfactory.
<p>Section 6.</p> <p>(F)</p> <p>(1) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the person is performing satisfactorily, no further action shall be taken concerning the original performance evaluation. If the evaluation shows the person is still not performing satisfactorily, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of the person, which dismissal shall be in accordance with the provisions of [insert appropriate reference] if the person is a teacher.</p>	<p>Section 1.</p> <p>(5)(4) ADDITIONAL NOTIFICATIONS. – The district school superintendent shall annually notify the department of any instructional personnel or school administrators who receive two consecutive unsatisfactory evaluations. The district school superintendent shall also notify the department of any instructional personnel or school administrators and who are have been given written notice by the district of intent to terminate or not renew that their employment is being terminated or is not being renewed or that the district school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795(1)(c).</p>
<p>Section 9.</p> <p>(B) A teacher may be suspended temporarily during the contractual period until the date of dismissal as ordered by the board or may have his or her employment contract cancelled during the</p>	<p>Section 13.</p> <p>(5) If workforce reduction is needed, a district school board must retain employees at a school or in the school district based upon educational program needs and the performance evaluations of</p>

<p>contractual period when there is a justifiable decrease in the number of teaching positions. The manner in which employment contracts will be cancelled when there is a justifiable decrease in the number of teaching positions shall be included in any contract between the board of education of the school district and school district employees or in an established policy of the board, which contract or policy shall include the criteria described in Section 6 as significant factors in determining which employment contracts to cancel as a result of the decrease in teaching positions. Effective February 15, 2012, the contract or policy shall include consideration of probationary and nonprobationary status and the number of years a teacher has been teaching in the school district; except that these criteria may be considered only after the consideration of the criteria described in Section 6 and only if the contract or policy is in the best interest of the students enrolled in the school district.</p>	<p>employees within the affected program areas. Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions shall continue in like manner until the needed number of reductions has occurred. A district school board may not prioritize retention of employees based upon seniority.</p>
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HEALTHCARE

FREEDOM OF CHOICE IN HEALTH CARE ACT

Florida Legislation: [SJR 2](#)

Sponsors: Sen. Mike Haridopolos (Republican – District 26); Co-sponsors: Lynn; Wise; Gaetz; Dean

Last Action: Signed by Officers and filed with Secretary of State (6/13/11)

ALEC Model Legislation: [Freedom of Choice in Health Care Act](#)

Similarities/Analysis: SJR 2 is textbook example of ALEC’s coordinated pushback against the Patient Protection and Affordable Care Act. According to ALEC, in 2010 alone 42 states announced or introduced measures modeled after their adopted bill, the ‘Freedom of Choice in Health Care Act.’⁶⁴ ALEC receives generous funding from pharmaceutical companies – for example, PhMRA, the lead trade group of the industry, sits on ALEC’s private enterprise board – and has adopted countless reactionary model bills that sustain the status quo in health care, and the high profits that that status quo yields for ALEC’s funders.

The bill's main sponsor, Senate President Mike Haridopolis, spoke about the introduction of the bill, alongside representatives from ten other states, at an ALEC conference in Washington, DC on November 30th, 2010.⁶⁵ ALEC later wrote a press release in support of Haridopolis on May 5, 2011, claiming credit for the bill's content:⁶⁶

WASHINGTON, D.C. (May 5, 2011) – The American Legislative Exchange Council (ALEC) congratulates the Florida House of Representatives for passing a proposed constitutional amendment allowing voters to opt out of the federal healthcare mandate required by ObamaCare. The Health Care Freedom Act, modeled after ALEC's Freedom of Choice in Health Care Act, blocks a federal requirement for individuals to purchase health insurance. Florida is the latest to join the ranks of ALEC's States Triumph over the Federal Mandate states.

SJR 2 will appear on the November 6th ballot as a proposed amendment to the Florida Constitution – Amendment 1.

ALEC Model Legislation Freedom of Choice in Health Care Act	Florida Legislation SJR 2
<p>Section 1. Short Title. This Act may be cited as the "Freedom of Choice in Health Care Act."</p> <p>Section 2. The people have the right to enter into private contracts with health care providers for health care services and to purchase private health care coverage. The legislature may not require any person to participate in any health care system or plan, nor may it impose a penalty or fine, of any type, for choosing to obtain or decline health care coverage or for participation in any particular health care system or plan.</p> <p>Section 3. {Severability Clause}</p> <p>Section 4. {Repealer Clause}</p> <p>Section 5. {Effective Date}</p>	<p>SECTION 28. Health care services.</p> <p>(1) A law or rule may not compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system.</p> <p>(2) A person or an employer may pay directly for lawful health care services and may not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and may not be required to pay penalties or fines for accepting direct payment from a person or an employer for lawful health care services.</p>

HEALTH CARE CHOICE ACT FOR STATES

Florida Legislation: [HB 1117](#)

Sponsors: John Wood

Last Action: Died in Insurance & Banking Subcommittee (5/7/11)

ALEC Model Legislation: [Health Care Choice Act for States](#)

Similarities/Analysis: HB 1117 is modeled after ALEC’s “Health Care Choice Act for States.” These bills would permit the purchase of health insurance across state lines, from insurers not licensed in the state of the purchaser. Such policies are not subject to the mandated benefits required in all health insurance policies sold in the state of the purchaser. Such legislation would permit the sale of sub-standard health-insurance policies, which risks throwing Florida families into bankruptcy if a family member is seriously injured or contracts cancer or other serious illnesses.

ALEC Model Legislation Health Care Choice Act for States	Florida Legislation HB 1117
<p>A. The {insert state legislative body} recognizes the need for individuals, employers, and other purchasers of health insurance coverage in this state to have the opportunity to choose health insurance plans that are more affordable and flexible than existing market policies offering accident and sickness insurance coverage. Therefore, the {insert state legislative body} seeks to increase the availability of health insurance coverage by allowing insurers authorized to engage in the business of insurance in selected states to issue accident and sickness policies in {insert state}.</p>	<p>...</p> <p>WHEREAS, by removing barriers limiting access to affordable health care coverage and expanding opportunities for residents of this state to purchase more affordable coverage, this state can improve access to health care and curtail rising health care costs while preserving the first-rate care that so many Floridians already enjoy, and</p>
<p>B. The selected out-of-state insurers shall not be required to offer or provide state mandated health benefits required by {insert state} law or regulations in health insurance policies sold to {insert state} residents.</p>	<p>(4) Any interstate health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this section is exempt from all provisions of the Florida Insurance Code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, 627.428, and 627.6043.</p>
<p>C. Each written application for participation in an out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document:</p> <p>1. “This policy is primarily governed by the laws of {insert state where the master policy is filed}; therefore, all of the rating laws applicable</p>	<p>(2) Any interstate health insurance policy sold, and any application for such insurance provided to a resident of this state pursuant to this section, must contain the following conspicuous, boldfaced disclosure in at least 12-point type:</p> <p>This individual health insurance policy is primarily governed by the laws of ...(insert state, district, or</p>

to policies filed in this state do not apply to this policy, which may result in increases in your premium at renewal that would not be permissible in a {insert state}-approved policy. Any purchase of individual health insurance should be considered carefully since future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a {insert state}-approved policy, please consult your insurance agent or the {insert state} Department of Insurance or similar agency.”

D. Each out-of-state health benefit plan shall contain the following language in boldface type at the beginning of the document:

1. “The benefits of this policy providing your coverage are governed primarily by the laws of a state other than {insert state}. While this health benefit plan may provide you a more affordable health insurance policy, it may also provide fewer health benefits than those normally included as state mandated health benefits in policies in {insert state}.

Please consult your insurance agent to determine which state-mandated health benefits are excluded under this policy.”

51 commonwealth).... As a result, this policy does not comply with coverage, underwriting, and other provisions of the Florida insurance code. All of the rating laws applicable to policies filed in Florida do not apply to this coverage, which may result in increases in your premium at renewal that would not be permissible under a Florida-approved policy. Any purchase of individual health insurance should be considered carefully, as future medical conditions may make it impossible to qualify for another individual health policy. For information concerning individual health coverage under a Florida-approved policy, consult your agent or the Florida department of financial services.

GUN INDUSTRY

THE CASTLE DOCTRINE ACT

Florida Legislation: [SB 436](#)

Sponsors: Sen. Durell Peaden (Republican – District 2)

Last Action: Passed (2005) and signed into law by then-Gov. Jeb Bush

ALEC Model Legislation: [The Castle Doctrine Act](#)

Analysis: The tragic death of Trayvon Martin catalyzed a discussion on race, class and identity in America; yet it also shed light on Florida’s ‘Stand Your Ground’ law, the bill’s origins, and its adoption and propagation by the American Legislative Exchange Council.

The 2005 bill – SB 436 – that inserted ‘Stand Your Ground’ provisions in Florida statute was, at the least, drafted with the help of the NRA. Some journalists go further in their analysis. As reported by Media Matters, Florida-based reporter Paul Flemming has stated, “There is no doubt about it. Marion Hammer, the NRA lobbyist here, former president of the NRA, wrote the legislation.”⁶⁷

Despite its grassroots image, the NRA has longstanding ties with, and receives substantial funding from the gun industry. As described by a Violence Policy Center report entitled, “Blood Money: How the Gun Industry Bankrolls the NRA,” the NRA has numerous corporate giving programs, which they advertise to donors as being “geared toward your company’s corporate interests.” Between 2005-2010, corporations contributed between \$19.8 million and \$52.6 million to the NRA, with the vast majority – 74 percent – of those funds coming from the firearms industry.⁶⁸

Beyond helping draft the legislation, NRA lobbyist Marion Hammer placed substantial pressure on lawmakers to pass the bill, reportedly “star[ing] down legislators as they voted.”⁶⁹ And once the bill passed the Florida legislature, after being introduced by ALEC members Senators Durell Peaden and Representative Dennis Baxley, Hammer brought it to ALEC.⁷⁰

The NRA is a longtime ALEC member. The NRA co-chaired the Public Safety and Elections Task Force from 2008 to 2011, and has made large contributions to the group – for example, in 2011, the NRA donated \$25,000 to ALEC to achieve “Vice-Chairman” level sponsorship for the annual conference.⁷¹

The bill was formally adopted as “The Castle Doctrine” by ALEC’s crime task force on August 4, 2005.⁷² And as a testament to the power and effectiveness of the ALEC network, the bill was pushed out by ALEC members, with ALEC support, and is now on the books in 25 states.⁷³

Similarities: Although there are slight alterations in the language, the bills are nearly identical, which is to be expected since the Florida bill served as the template for the model legislation.

ALEC Model Legislation The Castle Doctrine Act	Florida Legislation SB 436
<p>WHEREAS, the Legislature of [insert state/commonwealth name] finds that it is proper for law-abiding people to protect themselves, their families, and others from intruders and attackers without fear of prosecution or civil action from acting in defense of the themselves and others; and</p>	<p>WHEREAS, the Legislature finds that it is necessary to restore absolute rights of law-abiding people to protect themselves, their families and others, and their property from intruders and attackers without fear of prosecution or civil action for defending that to which they are rightfully entitled, and</p>
<p>WHEREAS, the “Castle Doctrine” is a common-law doctrine of ancient origins that declares that a person’s home is his or her castle; and</p>	<p>WHEREAS, the castle doctrine is an ancient common-law doctrine, with origins going back at least to Roman law, which declares that a man's</p>

<p>WHEREAS, [insert appropriate reference to the State/Commonwealth Constitution that provides for the right of citizens to bear arms] guarantees the right of the people to keep and bear arms; and</p> <p>WHEREAS, the persons residing in or visiting this [state/commonwealth] have a right remain unmolested within their homes or vehicles; and</p> <p>WHEREAS, no person or victim of crime should be required to surrender his or her personal safety to a criminal, nor should a person or victim be required to needlessly retreat in the face of intrusion or attack;</p> <p>BE IT RESOLVED, the Legislature of [insert state/commonwealth name] hereby enacts the following:</p>	<p>home is his castle and, thus, a person may use all manner of force, including deadly force, to protect it and its inhabitants from attack, and</p> <p>WHEREAS, Section 2 of Article I of the State Constitution guarantees basic rights to all natural persons, including the right to defend life and protect property, and</p> <p>WHEREAS, the residents of this state have a right to expect absolute safety within their own homes or vehicles, and</p> <p>WHEREAS, no person or victim of crime should be required to surrender his or her life, health, or property to a criminal, nor should a person or victim be required to retreat in the face of intrusion or attack, NOW, THEREFORE,</p> <p>Be It Enacted by the Legislature of the State of Florida:</p>
<p>Section 1. {Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm}</p> <p>1. A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:</p> <p>a. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the dwelling, residence, or occupied vehicle; and</p> <p>b. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.</p>	<p>Section 1. Section 776.013, Florida Statutes, is created to read:</p> <p>776.013 Home protection; use of deadly force; presumption of fear of death or bodily injury.--</p> <p>(1) A person is presumed to have held a reasonable fear of imminent peril of death or bodily injury to himself or herself or another when using defensive force that is intended or likely to cause death or bodily injury to another if:</p> <p>(a) The person against whom the defensive force was used had unlawfully or forcibly entered or attempted to enter a dwelling, residence, or vehicle or if that person had removed or attempted to remove another from the dwelling, residence, or vehicle; and</p> <p>(b) The person using defensive force knew or had reason to believe that an unlawful or forcible entry or unlawful or forcible act had occurred.</p>
<p>4. A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with</p>	<p>(2) A person who unlawfully enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent</p>

<p>the intent to commit an unlawful act involving force or violence.</p> <p>5. As used in this section, the term:</p> <p>a. "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night.</p> <p>b. "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.</p> <p>c. "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.</p>	<p>to commit an unlawful act involving force or violence.</p> <p>(3) As used in this section, the term:</p> <p>(a) "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night, together with the curtilage thereof.</p> <p>(b) "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest.</p> <p>(c) "Vehicle" means any conveyance of any kind, whether or not motorized, which is designed to transport people or property.</p>
<p>Section 2. {Immunity from Criminal Prosecution and Civil Action}</p> <p>1. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.</p>	<p>Section 4. Section 776.032, Florida Statutes, is created to read:</p> <p>(b) As used in this subsection, the term "criminal prosecution" includes wrongfully arresting, detaining in custody, and charging or prosecuting the defendant. The law enforcement agency or state attorney that brought the criminal prosecution is liable to the defendant for the payment of fees and costs.</p>
<p>2. A person who uses force as permitted in Section (1) [and other state codes which are affected/amended by this legislation and which refer to the use of force including deadly force] is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, except when:</p> <p>...</p> <p>3. A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (2), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.</p>	<p>(1) A person who uses force as described in s. 776.012, s. 776.013, or s. 776.031 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force.</p> <p>...</p> <p>(2) A law enforcement agency may use standard procedures for investigating the use of the force, but the agency may not arrest the person for using force unless it determines that probable cause exists showing that the force that was used was unlawful.</p> <p>(3)(a) The court shall award attorney's fees, court</p>

<p>4. The court shall award reasonable attorney’s fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (2).</p>	<p>costs, compensation for loss of income, and all expenses incurred by the defendant in defense of the criminal prosecution if the court finds that the defendant is immune from prosecution as provided in subsection (1).</p>
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CORPORATE WELFARE

MODEL LEGISLATION – UNKNOWN

Florida Legislation: [HM 685](#)

Sponsors: Rep. Rachel V. Burgin (Republican – District 56)

Last Action: Withdrawn prior to introduction (11/17/11)

ALEC Model Legislation: Unknown

Similarities/Analysis: ALEC member Representative Rachel Burgin (R - 56) made an embarrassing and revealing mistake when she introduced HM 685 – she forgot to remove ALEC’s insignia on the bill, leaving the ALEC footprint fully intact.

The bill calls for a lowering of the U.S. corporate tax rate, incorrectly stating that the U.S. has the highest corporate tax rate in the developed world, without taking into consideration the tax loop holes that exist and that allow “all but four of the 30 Fortune 500 companies” to pay a negative federal income tax in 2008, 2009, 2010, and 2011.⁷⁴

The bill states, if adopted, that copies of the resolution should be distributed to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress, on behalf of the *Florida Legislature*.

<p>Florida Legislation HM 685</p>
<p>House Memorial 1 A memorial to the Congress of the United States, urging Congress to cut the federal corporate tax rate.</p>

WHEREAS, it is the mission of the American Legislative Exchange Council to advance Jeffersonian principles of free markets, limited government, federalism, and individual liberty, and

WHEREAS, the combined United States average federal-state corporate income tax rate is over 39 percent, according to the Organization for Economic Cooperation & Development (OECD), meaning the United States imposes the second-highest overall statutory corporate tax rates in the industrialized world, much higher than the OECD average of 25 percent, and

WHEREAS, effective United States corporate tax rates are out of step with the rest of the world, with studies estimating the United States tax is between 4 and 17 percentage points higher than the averages of other countries, according to a Tax Foundation survey, and

WHEREAS, the federal corporate tax rate of 35 percent undermines the ability of every state in the nation to compete against lower-tax nations such as Canada, China, Great Britain, Ireland, Korea, and Singapore, and

WHEREAS, nations have cut their corporate taxes since 2007, making it increasingly difficult for the United States to attract new business investment and jobs, and

WHEREAS, corporate taxes have been identified by the OECD as the most harmful tax for long-term economic growth by reducing investment, entrepreneurship, productivity, and wages, and

WHEREAS, according to the United States Census Bureau, federal corporate income tax collections in 2008 amounted to over \$2,000 for every American household, a tax that is borne by every American in the form of lower wages, higher prices, or lower dividends, and

WHEREAS, while many federal officials have identified corporate tax competitiveness as a serious problem, the Federal Government, as of yet, has no official policy regarding United States tax competitiveness, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the Florida Legislature urges the United States Congress to cut the federal corporate tax rate.

BE IT FURTHER RESOLVED that copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

LABOR

PROHIBITION OF NEGATIVE CHECK-OFF ACT, POLITICAL FUNDING REFORM ACT

Florida Legislation: [HB 1021](#)

Sponsors: Rep. Chris Dorworth (Republican – District 34); Co-sponsors: Gaetz; Harrell; Tobia; Van Zant

Last Action: Died in Community Affairs (5/7/11)

ALEC Model Legislation: Prohibition of Negative Check-off Act, Political Funding Reform Act

Similarities/Analysis:

The amended Sec. 447.18 is based on ALEC’s model bill, “Prohibition of Negative Check Act,” which bars unions from collecting dues via payroll deductions without written consent from employees. This proposal weakens worker rights by making it easier for workers to be freeriders for the benefits provided by unions and makes it more difficult for unions to collect dues to sustain their work on behalf of workers.

The amended Sec. 110.114 is based on ALEC’s model bill, “Political Funding Reform Act,” which prohibits public employers from using public union funds for political purposes.

ALEC Model Legislation Prohibition of Negative Check-off Act	Florida Legislation HB 1021
<p>Section 3. {Definitions.}</p> <p>(A) "negative check-off plan" means a plan whereby a payer, by his or her inaction is deemed to have agreed to a payment or series of payments.</p> <p>(B) "voluntary" means an action or choice given freely, as evidenced by some affirmative act on the part of the payer. A charitable contribution made by a payer pursuant to authorization given by such payer is deemed to be voluntary.</p> <p>Section 4. {Negative check-off plans prohibited.}</p> <p>(A) It shall be a deceptive trade practice to, in the course of one's business, vocation, or occupation, receive funds from an individual whereby such funds are not given on a voluntary basis, unless such an arrangement is required pursuant to a court order. Such involuntary payments are void as against public policy. A payment made pursuant to a negative check-off plan shall not be considered to have been made on a voluntary basis.</p> <p>(B) Nothing in any other state law shall affect the validity or application of this section as</p>	<p>447.18 Refund of certain employee dues, assessments, fines, or penalties.—</p> <p>(1) Unless an employee has executed a written authorization, the employee is entitled to a pro rata refund of any dues, uniform assessments, fines, penalties, or special assessments paid by the employee and used by the labor organization of which the employee is a member to make contributions or expenditures, as defined in s. 106.011. The written authorization must be executed by the employee separately for each fiscal year of the labor organization and shall be accompanied with a detailed account, provided by the labor organization, of all contributions and expenditures made by the labor organization in the preceding 24 months.</p> <p>(2) The employee may revoke the authorization described in subsection (1) at any time. If an employee revokes the authorization, the pro rata refund of the employee for such fiscal year shall be in the same proportion as the proportion of the fiscal year for which the authorization was not in effect.</p>

<p>it applies to any employee, including, but not limited to, persons employed by the state or a local government or any governmental subdivision or agency thereof, without exception.</p>	<p>(3) A labor organization may not require an employee to provide the authorization described in subsection (1) as a condition of membership in the labor organization.</p>
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<p>ALEC Model Legislation Political Funding Reform Act</p>	<p>Florida Legislation HB 1021</p>
<p>Section 3. {Definitions} A. For the purposes of this Act, "public employer" means any state or local government, government agency, government instrumentality, special district, joint powers authority, school board or special purpose organization that employs one or more persons in any capacity.</p>	<p>Section 1. Subsections (1) and (3) of section 110.114, Florida Statutes, are amended to read: 110.114 Employee wage deductions. — (1) The state or any of its departments, bureaus, commissions, and officers are authorized and permitted, with the concurrence of the Department of Financial Services, to make deductions from the salary or wage of any employee or employees in such amount as shall be authorized and requested by such employee or employees and for such purpose as shall be authorized and requested by such employee or employees and shall pay such sums so deducted as directed by such employee or employees.</p>
<p>Section 4. {Prohibitions} A public employer is prohibited from collecting or deducting or transmitting political funds within the meaning of this section. Section 5. {Penalties} A. For a period of two years, no public employer shall collect, deduct, or assist in the collection or deduction of funds for any purpose for a person or organization if, in violation of this article, the person or organization has: 1. used as political funds, as defined in section 3(A) or (B), any of the funds collected or deducted for it by any public employer, or 2. commingled funds collected or deducted by any public employer with political funds.</p>	<p>(3) Notwithstanding subsections (1) and (2), deductions may not be made for the dues, uniform assessments, fines, penalties, or special assessments of an employee organization, and deductions may not be made for purposes of political activity, including contributions to a candidate, political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 501(c)(4) or s. 527 of the Internal Revenue Code</p>

PRISONS

Private Correctional Facilities Act, Prison Industries Act

Florida Legislation: [SB 2038](#) & Florida Statutes

Sponsors: Sen. John Thrasher (Republican – District 8)

Last Action: Failed to pass; YEAS 19 NAYS 21 -SJ 517 (2/14/12)

ALEC Model Legislation: Private Correctional Facilities Act and Prison Industries Act

Similarities:

ALEC-affiliated Florida members have embraced ALEC's prison privatization agenda wholeheartedly. In 2000, ALEC-member and then State Representative Durrell Peaden introduced H 1429, a bill modeled after ALEC's "Prison Industries Act."^{75 76} These bills provide for utilizing a federal prison program – the Prison Industries Enhancement Certification Program – which passed in 1979 yet remained relatively unused until ALEC adopted and propagated the "Prison Industries Act" in 1995. H 1429 helps supply for-profit corporations with cheap labor (inmates) for manufacturing consumer products, often at the expense of public sector employers and private sector companies that do not use prison labor.⁷⁷ This legislation amended, among other statutes, the second side by side featured below.

SB 2038, although not directly modeled after an ALEC bill, contains the essence of ALEC prison bills – turning over government functions to the private sector – and was sponsored by Rules Committee Chair Senator John Thrasher, who was the 1998 American Legislative Exchange Council legislator of year.^{78 79} Had this bill passed, the management of 27 correctional facilities would have been transferred to private prison contractors.⁸⁰

Analysis:

Privatizing prisons has long been a cornerstone of ALEC's agenda. The organization receives substantial funding and support from for-profit prison companies. ALEC model bills like the "Private Correctional Facilities Act" and the "Prison Industries Act" reward those companies with interminable revenue streams, and help facilitate what is colloquially referred to as the "Prison-Industrial Complex." Like operating a hotel, private prison companies are financially rewarded for filling beds in their facilities, but often the contracts require the state to pay for and guarantee an occupancy rate that hotels would be envious of, up to 90%. Furthermore, ALEC privatization bills help transform prison populations into underpaid labor forces that work for and benefit the private sector. These perverse profit incentives result in private prison companies seeking to fill prisons by lobbying for long sentencing mandates and unjust incarcerations; and not seeking to enact policies that benefit society as a whole.

<p style="text-align: center;">ALEC Model Legislation Private Correctional Facilities Act</p>	<p style="text-align: center;">Florida Legislation SB 2038</p>
<p>Section 3. {Authority to contract.)</p> <p>(A) The state or a local government may contract with private entities for the construction, lease (as lesser or lessee), acquisition, improvement, operation, maintenance, purchase, or management of facilities and services as provided in this Act, only with prior approval from the legislature, with the governor acting as the chief executive, as to the site, number of beds, and classifications of inmates or prisoners to be housed in the facility.</p>	<p>Section 1. Section 944.7115, Florida Statutes, is created 68 to read:</p> <p>944.7115 Department of Corrections; Southern Florida Region; privatization of correctional facilities. —</p> <p>(1) Notwithstanding s. 287.057(1)(b)1., the department shall, through the issuance of one or more requests for proposals, privatize the management and operation of all correctional facilities and assigned correctional units, including prisons, annexes, work camps, road prisons, and work release centers, which are operated by the department in the Southern Florida Region and located in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, DeSoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe Counties, excluding any correctional facility or assigned correctional unit that has been closed or scheduled for closure before June 30, 2012.</p>
<p style="text-align: center;">ALEC Model Legislation Prison Industries Act</p>	<p style="text-align: center;">Florida Statute Chapter 946 Inmate Labor and Correctional Work Programs</p>
<p>Sec. _____. Contracts With Private Business. To encourage the development and expansion of prison industries, the division may enter into necessary contracts related to the prison industries program. With the approval of the board, the division may enter into a contract with a private business to conduct a program on or off property operated by the department. A contract entered into under this section must comply with the Private Sector/Prison Industry Enhancement Certification Program operated by the Bureau of Justice Assistance and authorized by 18 U.S.C. Section 1761.</p>	<p>946.523 Prison industry enhancement (PIE) programs. —</p> <p>(1) The corporation may operate or contract with the private sector for substantial involvement in a prison industry enhancement (PIE) program that includes, but is not limited to, contracts for the operation of a direct private sector business within a prison and the hiring of inmates. Any contract authorized by this subsection must be in compliance with federal law governing inmate work programs and must not result in the significant displacement of employed workers in the community. The purposes and objectives of this program are to:</p> <p>(a) Increase the benefits to the general public by reimbursing the state for a portion of the costs of</p>

	<p>incarceration.</p> <p>...</p> <p>(e) Develop and establish new models for prison-based businesses that create jobs approximating conditions of private sector employment.</p> <p>(f) Draw upon the economic base of operations for deposit into the Crimes Compensation Trust Fund.</p> <p>(g) Substantially involve the private sector and its capital, management skills, and expertise in the design, development, and operation of businesses.</p>
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CONCLUSION

WHAT CAN BE DONE

After years of operating in obscurity, ALEC is finally being exposed. And as the public discovers how extreme the ALEC agenda is, and how powerful the network has become, they are understandably indignant. To date, over 500,000 petition signatures have been gathered calling for corporations to pull out of ALEC, and pressure campaigns are mounting against member legislators to do the same.

As of the publishing of this report, 20 corporations – including Wal-Mart, McDonalds, Kraft, and Amazon – have cut ties with the organization; four non-profits, including the Bill and Melinda Gates Foundation, have done the same; and 54 legislators have renounced, some of whom have done so with public statements confirming their disapproval of the ALEC agenda.

ALEC's Florida legislators and Florida-based corporations must follow suit. Anything short of publicly cutting ties with ALEC is inexcusable, and will not be tolerated by increasingly informed voters.

RESOURCES

Center for Media and Democracy's ALEC Exposed: http://www.alecexposed.org/wiki/ALEC_Exposed
Progress Florida: <http://progressflorida.org>
Florida Watch Action: <http://floridawatchaction.org>
People for the American Way Foundation: <http://www.pfaw.org>
Common Cause: www.commoncause.org
DBA Press: <https://dbapress.com>
Center for Media and Democracy's PR Watch: <http://www.prwatch.org>

¹ "A CMD Special Report on ALEC's Funding and Spending," Lisa Graves, Center For Media and Democracy, July 13, 2011. <<http://www.prwatch.org/news/2011/07/10887/cmd-special-report-alecs-funding-and-spending>>

² "[ALEC History](#)," American Legislative Exchange Council, June 2012. <<http://www.alec.org/about-alec/history/>>

³ Ibid

⁴ "Invitation: What the States Can Teach Washington About Fiscal Responsibility," American Legislative Exchange Council, May 22, 2012.

⁵ "[The Voice Of Corporate Special Interests In The Halls Of Arizona's Legislature - UPDATED FOR THE FIFTIETH LEGISLATURE, SECOND REGULAR SESSION](#)," People For the American Way, Center For Media and Democracy, Common Cause, Progress Now, April 12, 2012. <<http://site.pfaw.org/pdf/ALEC-in-Arizona-II.pdf>>

⁶ "[ALEC History](#)," American Legislative Exchange Council, June 2012. <<http://www.alec.org/about-alec/history/>>

⁷ "[Journalist Kicked out of ALEC Conference, Threatened With Arrest](#)," Eric Carlson, August 5, 2011.

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