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Station Manager

Re: False and Misleading Advertising by SMP on Your Station

Dear Station Manager:

It has come to our attention that, while Florida was preparing and dealing with a major hurricane, your station has been airing an advertisement from a group calling itself SMP touting false information about Governor Rick Scott, a candidate for election to the United States Senate in the State of Florida (“the Advertisement”). The Advertisement contains demonstrably false and misleading assertions about Governor Scott intended to deceive your viewers. During a time that the State of Florida is bracing for Category 4 Hurricane Michael, the station has an obligation to protect the public and a false negative advertisement being aired about the current Governor during a State of Emergency diminishes the ability of the State’s government to communicate emergency safety information to Florida residents and hurts the State as a whole. As a licensee, you have a legal obligation to review and eliminate false, misleading, or deceptive advertisements in order to protect your viewers.

The Advertisement falsely asserts that Governor Scott cut state general revenue funds for education. This claim is a blatant manipulation of the facts. The largest portion of the decline in education funding from October 2011 to November 2012 was the expiration of two years of federal stimulus funds. The expiration of federal funding is not the same as cutting general revenue funds. Additionally, the required local effort of funding was reduced as a result of lower property taxes following the housing crisis. This decrease in local funding is again not the same as cutting general revenue funds. Furthermore, per U.S. Census data, state funding alone (general revenue) increased during this time.¹ This shows how SMP’s claims are false and designed to mislead your audience.

In addition, the Advertisement states that Governor Scott “cut \$1.3 billion from K-12 education ... And gave tax breaks to corporations instead.” Politifact reported this

¹ 2011 Census: <https://www2.census.gov/programs-surveys/gov-finances/tables/2011/summary-tables/11slsstab1a.xls>.

2012 Census: <https://www2.census.gov/programs-surveys/gov-finances/tables/2012/summary-tables/12slsstab1a.xlsx>.

attack as “mostly false” just last month, saying “...this attack has become increasingly inaccurate as we get further away from Scott’s first year in office. Scott did oversee a \$1.3 billion education cut, in 2011. Over the next seven years with Scott as governor, the **education budget grew each year**. That’s severe cherry-picking.”² Further, the claim that tax breaks were given to corporations again is a manipulation of the facts. Politifact wrote that “[s]ome such companies benefited, but so did many other types of businesses. And the question of whether the tax cuts and the education cuts had any causal relationship is murkier than the ad lets on.”³ Furthermore, the evidence shows the tax breaks benefitted local Florida residents – not corporations. CNN even acknowledged this by stating “[h]omeowners will save roughly \$210 million in property tax relief through lower levies from the state’s water management districts. Also, residents will benefit from a three-day sales tax holiday on back-to-school supplies in August.”⁴ Again, SMP’s claims are false and this Advertisement must be taken down.

The Advertisement makes a number of other false and/or misleading statements. It states that Governor Scott “cut \$20 million from Pre-K.” This number completely ignores the fact that funding has jumped to \$398 million and that the governor had proposed increased funding that would be the largest boost for early learning in the past decade.⁵ The Advertisement continues to totally mislead the viewers by stating that Governor Scott “slashed Bright Futures scholarships” when in fact Governor Scott signed legislation **permanently expanding** the Florida Bright Future Scholarship Program.⁶ Further, the Advertisement implies that Governor Scott does not care about teaching jobs when in fact U.S. Labor Market Statistics show that job creation in the education services industry is on the rise, **including 7,400 new jobs in this industry in Florida over the past year alone**.⁷ Additionally, it states that Florida’s schools have fallen to 40th in the nation. According to U.S. News & World Report, Florida’s higher education system has ranked first in the nation for two consecutive years and the national rank for **education overall was #7**.⁸

Finally, not only should this Advertisement be taken down because it is false, it is appalling that it is being aired while a Category 4 hurricane is hitting the state. The station has a duty to protect the public and a false negative advertisement being aired about the current Governor during a State of Emergency puts the public at risk, rather than protect the public as is the duty of this station. The juxtaposition of the current Governor, who has

² Amy Sherman, “Bill Nelson cherry-picks Rick Scott’s education funding record,” Politifact, September 28, 2018. <https://www.politifact.com/florida/statements/2018/sep/28/bill-nelson/bill-nelson-cherry-picks-rick-scotts-education-fun/>.

³ Amy Sherman, “Rick Scott cut education to pay for tax breaks, Democratic Party ad says,” July 7, 2014. <https://www.politifact.com/florida/statements/2014/jul/07/florida-democratic-party/rick-scott-cut-education-pay-tax-breaks-democratic/>.

⁴ Tami Luhby, “No big tax cuts for Florida businesses,” May 3, 2011. https://money.cnn.com/2011/05/03/news/economy/florida_scott_budget_taxes/index.htm.

⁵ <https://www.flgov.com/wp-content/uploads/2018/03/SPR-BIZHUBa18031613360.pdf>

⁶ “Gov. Scott signed bill to expand Bright Futures scholarship,” March 12, 2018. <https://miami.cbslocal.com/2018/03/12/gov-scott-expand-bright-futures-scholarships/>.

⁷ Florida’s August Employment Figures Released, Florida Department Economic Opportunity, September 21, 2018. <http://lmsresources.labormarketinfo.com/library/press/release.pdf>.

⁸ U.S. News & World Report. State Rankings, Florida. <https://www.usnews.com/news/best-states/florida#education>.

been imploring citizens to take measures to ensure their safety and the safety of their neighbors, next to that of the false and misleading Advertisement calling the Governor's credibility into question, may suggest to your station's viewers that the Governor is not to be believed on matters of public safety. This should be of grave concern to your station, particularly when the Advertisement is demonstrably false and misleading.

Knowing that the Advertisement is false, and possessing the legal authority to refuse to air it, your station is obligated to exercise such authority in accordance with its duty to protect the public. We trust that you are aware of your responsibility, and that as a licensee, you may be held liable for knowingly broadcasting false claims.

Sincerely,

Steve Roberts
Counsel to Rick Scott for Florida