

By Senators Cowin, Lee, Dudley, Horne, Diaz-Balart, Clary, Ostalkiewicz, Latvala, Gutman, Grant, Crist and Childers

11-791B-98

1 A bill to be entitled
 2 An act relating to political contributions;
 3 prohibiting public employers from deducting
 4 funds from a public employee's wages to make
 5 political contributions or expenditures or to
 6 support political activities without the prior
 7 written request of the employee; prohibiting
 8 bargaining units for public employees from
 9 using a public employee member's dues or fees
 10 to make political contributions or expenditures
 11 or to support political activities without the
 12 member's written authorization; prescribing the
 13 form to be used; authorizing the Division of
 14 Elections of the Department of State to prepare
 15 and distribute such forms; prescribing content
 16 of the form; requiring employers and bargaining
 17 units that make such deductions to keep
 18 records; requiring such records to be presented
 19 to the Division of Elections; providing
 20 definitions; prohibiting an employer or
 21 bargaining unit from discriminating against
 22 officers and employees because of their
 23 political activities; providing a criminal
 24 penalty; providing an effective date.

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 26 Be It Enacted by the Legislature of the State of Florida:

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 28 Section 1. (1) A public employer responsible for the
 29 disbursement of funds in payment of wages may not deduct any
 30 funds from a public employee's wages which will be used, or
 31 are intended to be used in whole or in part, as a political

1 contribution or expenditure as defined in chapter 106, Florida
2 Statutes, or to support or obtain political activities to a
3 political committee, committee of continuous existence,
4 political party, or candidate unless:

5 (a) The employer has a prior written request from the
6 employee to make such deduction; and

7 (b) The deduction of such funds for such purpose is
8 not otherwise unlawful.

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10 For purposes of this subsection, the term "political
11 activities" means communications or other activities that
12 involve carrying on propaganda, attempting to influence
13 legislation, or participating in or intervening in any
14 political campaign or political party.

15 (2) The written request required in subsection (1)
16 must be made on a form prescribed by the Division of Elections
17 of the Department of State, which is hereby authorized to
18 prepare and distribute such form. The written request must be
19 renewed annually.

20 (3) The form must contain, at a minimum, the name of
21 the employee, the name of the employer, the amount of the
22 contribution or expenditure, and the employee's signature. The
23 form's title must read, in at least 24-point bold type,
24 "Request for Political Payroll Deductions." The form must also
25 state the following words immediately above the signature
26 line: "Signing this form authorizes your employer to make a
27 deduction from your paycheck that will be used or is intended
28 to be used, in whole or in part, as a political contribution
29 or expenditure or to support or obtain political activities.
30 You are not obligated to authorize this deduction. Your
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1 signature below is completely voluntary and may not in any way
2 affect your employment."

3 (4) Each employer who makes deductions under this
4 section which will be used or which are intended to be used in
5 whole or in part as a political contribution or expenditure or
6 to support or obtain political activities shall maintain
7 records that must include a copy of the employee's request,
8 the amount of the deduction, the date the deduction was made,
9 and the amount of the deduction and the date when it was
10 transferred to the political committee, the committee of
11 continuous existence, political party, or candidate. The
12 employer, upon the request of the Elections Commission, must
13 provide copies of all records to the commission.

14 (5) For purposes of this section, the terms "public
15 employer" and "public employee" have the same meanings
16 ascribed in section 447.203, Florida Statutes.

17 Section 2. (1) A bargaining unit for a public
18 employee may not use dues or other fees paid by the public
19 employee to make payments that will be used, or are intended
20 to be used, in whole or in part as a political contribution or
21 expenditure as defined in chapter 106, Florida Statutes, or to
22 support or obtain political activities to a political
23 committee, committee of continuous existence, political party,
24 or candidate unless:

25 (a) The bargaining unit has a prior written request
26 from the employee that such dues or fees be so used; and

27 (b) The use of such dues or fees for such purpose is
28 not otherwise unlawful.

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30 For purposes of this subsection, the term "political
31 activities" means communications or other activities that

1 involve carrying on propaganda, attempting to influence
2 legislation, or participating in or intervening in any
3 political campaign or political party.

4 (2) The written request required in subsection (1)
5 must be made on a form prescribed by the Division of Elections
6 of the Department of State, which is hereby authorized to
7 prepare and distribute such form. The written request must be
8 renewed annually.

9 (3) The form must contain, at a minimum, the name of
10 the employee, the name of the bargaining unit, the amount of
11 the contribution or expenditure, and the employee's signature.
12 The form's title must read, in at least 24-point bold type,
13 "Authorization for Use of Political Fees." The form shall also
14 state the following words immediately above the signature
15 line: "Signing this form authorizes your bargaining unit to
16 make a deduction from your dues or fees that will be used, or
17 is intended to be used, in whole or in part as a political
18 contribution or expenditure or to support or obtain political
19 activities. You are not obligated to authorize this deduction.
20 Your signature below is completely voluntary and may not in
21 any way affect your membership in the bargaining unit or your
22 employment."

23 (4) Each bargaining unit that makes deductions under
24 this section which will be used or that are intended to be
25 used in whole or in part as a political contribution or
26 expenditure or to support or obtain political activities shall
27 maintain records that must include a copy of the employee's
28 authorization, the amount of the deduction, the date the
29 deduction was made, and the amount of the deduction and the
30 date when it was transferred to the political committee, the
31 committee of continuous existence, political party, or

1 candidate. The bargaining unit, upon the request of the
2 Elections Commission, must provide copies of all records to
3 the commission.

4 (5) For purposes of this section, "bargaining unit"
5 and "public employee" have the same meanings ascribed in
6 section 447.203, Florida Statutes.

7 (6) An employer or bargaining unit for a public
8 employee may not discriminate against an officer or employee
9 in the terms or conditions of employment for the failure to
10 contribute to, the failure in any way to support or oppose, or
11 in any way supporting or opposing a candidate, ballot
12 proposition, political party, or political committee.

13 Section 3. Any person who violates the provisions of
14 this act is guilty of a felony of the third degree, punishable
15 as provided in section 775.082 or section 775.083, Florida
16 Statutes.

17 Section 4. This act shall take effect July 1, 1998.

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20 SENATE SUMMARY

21 Prohibits public employers from deducting funds from a
22 public employee's wages to make political contributions
or expenditures or to support political activities
without the prior written request of the employee.
23 Prohibits bargaining units for public employees from
using a public employee member's dues or fees to make
24 political contributions or expenditures or to support
political activities without the member's written
25 authorization. Prescribes the form to be used. Authorizes
the Division of Elections of the Department of State to
26 prepare and distribute such forms. Prescribes content of
the form. Requires employers and bargaining units that
27 make such deductions to keep records. Requires that such
records be presented to the Division of Elections.
28 Provides definitions. Prohibits an employer or bargaining
unit for a public employee from discriminating against an
29 officer or employee in terms of their employment because
of certain prescribed political activities. Provides a
30 criminal penalty.

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