

By the Committee on Governmental Oversight and Productivity;
and Senator Dawson

302-1889-01

1 A bill to be entitled
 2 An act relating to union activities;
 3 prohibiting employee participation in certain
 4 activities when the employee is counted in
 5 staffing calculations; prohibiting certain
 6 costs for Medicaid reporting purposes;
 7 specifying certain exemptions to the act;
 8 providing an effective date.

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

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12 Section 1. (1) Nursing home employee participation in
 13 any activity that assists, promotes, deters, or discourages
 14 union organizing shall not be allowed during any time the
 15 employee is counted in staffing calculations for minimum
 16 staffing standards under chapter 400, Florida Statutes.

17 (2) Salaries paid by any health care provider to an
 18 employee for any activity that assists, promotes, deters, or
 19 discourages union organizing shall not be an allowable cost
 20 for Medicaid cost reporting purposes.

21 (3) Any expense, including, but not limited to, legal
 22 and consulting fees and salaries of supervisors and employees,
 23 incurred for activities directly relating to influencing
 24 employees with respect to unionization shall not be an
 25 allowable cost for Medicaid cost reporting purposes.

26 (4) This section does not apply to any activity
 27 performed, or any expense incurred, in connection with:

28 (a) Addressing a grievance or negotiating or
 29 administering a collective bargaining agreement.

30 (b) Performing an activity required by federal or
 31 state law or by a collective bargaining agreement.

1 (c) Keeping employees informed of issues and keeping
2 lines of communication open between employees and employers as
3 a part of normal personnel management, provided such costs are
4 not directly related to influencing employees with respect to
5 unionization.

6 Section 2. This act shall take effect January 1, 2002.

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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 SB 1042

11 Removes legislative policy statement.

12 Removes provision that permitted complaints to be filed with
13 the Agency for Health Care Administration.

14 Removes provision conferring taxpayer standing.

15 Removes provision requiring cost and attorney's fee recovery
by prevailing plaintiffs.

16 Removes provisions regarding liability of providers and others
who violate the act.

17 Removes whistle-blower provisions.

18 Removes severability clause.

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