

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Brummer offered the following:

Amendment

On page 2, line 9 through page 3, line 10,
remove from the bill: all of said lines

and insert in lieu thereof: (2)(a) The Legislature acknowledges that Florida is a right to work state as guaranteed by s. 6, Art. I of the State Constitution, which provides employees the right to bargain collectively. However, the State Constitution does not require an employer to deduct and collect a bargaining agent's dues and uniform assessments from an employee's salary. Furthermore, the Legislature in implementing s. 6, Art. I of the State Constitution, has declared that it is the public policy of this state to neither encourage nor discourage participation in a certified employee organization. The current statutory right of a collective bargaining agent to have its dues and uniform assessments deducted from an employee's salary is inconsistent with this policy because it assumes a non-neutral position regarding membership in a certified employee

Amendment No. ____ (for drafter's use only)

1 organization. By statutorily requiring an employer to deduct a
2 collective bargaining agent's dues and assessments, the state
3 facilitates the financial support of that organization not
4 only for its collective bargaining functions but for whatever
5 political or social causes that organization chooses to
6 support. The payroll deduction process does not require the
7 identification of how the money deducted will be utilized.
8 Other voluntary payroll deductions are clear on their face as
9 to the amount and purpose of the deductions. In addition,
10 other payroll deductions are not encumbered with the legal
11 complexities surrounding collective bargaining rights and this
12 state's policy of neutrality regarding membership in a
13 certified employee organization. Moreover, the First Amendment
14 to the United States Constitution guarantees a person freedom
15 of association, and included in that right a person may not be
16 compelled to financially support a social cause or a political
17 candidate or cause. To the extent members of a certified
18 employee organization are uninformed regarding the use of
19 their payroll deducted dues and assessments, unaware of their
20 rights to be refunded any portion of such dues or assessments
21 used for political or social purposes to which they do not
22 agree, or are prevented or inhibited from exercising their
23 associational rights, directly or indirectly, for whatever
24 reason and from whatever source, then the state's
25 participation in their payroll deduction impinges on those
26 employees' First Amendment rights.

27 The Legislature finds that instructional personnel
28 represent the largest collective bargaining unit in this
29 state. Furthermore, the Legislature recognizes and finds that
30 teacher shortages in this state have reached critical
31 proportions and anticipates that Florida will need an

Amendment No. ____ (for drafter's use only)

1 additional 162,000 teachers over the next 10 years to meet the
2 challenges of this state's growing student population.
3 Attracting new teachers as well as retaining existing teachers
4 is a priority for this Legislature. Furthermore, the
5 Legislature finds that this state has a substantial and
6 compelling interest in protecting the First Amendment rights
7 of instructional personnel, and that the state's ability to
8 recruit and retain instructional personnel should be enhanced
9 by empowering instructional personnel to pursue their First
10 Amendment rights and to make informed decisions regarding
11 their political and social participation within the context of
12 exercising their collective bargaining rights. The
13 Legislature also finds that, as a result of the recent merger
14 and industry consolidation of the collective bargaining agents
15 that represented instructional personnel as defined in s.
16 228.041, a monopoly in such services has been created in this
17 state. Accordingly, this state must redouble its efforts to
18 remain neutral and thereby not empower or detract from that
19 collective bargaining agent's representational role, or from
20 the employees' ability to be represented in the collective
21 bargaining process by whomever they so choose.

22 Because of these facts and trends, the Legislature
23 finds that the current status of instructional personnel
24 constitutes a set of circumstances distinct and unique from
25 any other area of public employment within this state.
26 Therefore, the Legislature finds that with regard to
27 instructional personnel, the deduction and collection of the
28 certified bargaining agent's dues and uniform assessments
29 should not be mandated by the Legislature but should be a
30 permissive subject of collective bargaining, as otherwise
31 restricted by this act. The Legislature further finds that

Amendment No. ____ (for drafter's use only)

1 the restrictions imposed by this act do not interfere with the
2 ability of instructional personnel to be a member of a
3 certified labor organization or to contribute directly to that
4 organization in support of its non-collective bargaining
5 activities.

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