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LEGISLATIVE ACTION

Senate

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House

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Senator Mayfield moved the following:

Senate Amendment

Delete lines 1734 - 1765

and insert:

Section 22. Section 447.509, Florida Statutes, is amended to read:

447.509 Other unlawful acts; exceptions.—

(1) Employee organizations, their members, agents, or representatives, or any persons acting on their behalf are hereby prohibited from:

(a) Soliciting public employees during working hours of any



12 employee who is involved in the solicitation.

13 (b) Distributing literature during working hours in areas
14 where the actual work of public employees is performed, such as
15 offices, warehouses, schools, police stations, fire stations,
16 and any similar public installations. This section may ~~shall~~ not
17 be construed to prohibit the distribution of literature during
18 the employee's lunch hour or in such areas not specifically
19 devoted to the performance of the employee's official duties.

20 (c) Instigating or advocating support, in any positive
21 manner, for an employee organization's activities from high
22 school or grade school students during classroom time.

23 (d) Offering anything of value to a public officer as
24 defined in s. 112.313(1) which the public officer is prohibited
25 from accepting under s. 112.313(2).

26 (e) Offering any compensation, payment, or thing of value
27 to a public officer as defined in s. 112.313(1) which the public
28 officer is prohibited from accepting under s. 112.313(4).

29 (2) An ~~No~~ employee organization may not ~~shall~~ directly or
30 indirectly pay any fines or penalties assessed against
31 individuals pursuant to ~~the provisions of~~ this part.

32 (3) Public employers, their agents or representatives, or
33 persons acting on their behalf may not provide any form of
34 compensation or paid leave to a public employee, directly or
35 indirectly, for the purpose of engaging in employee organization
36 activities.

37 (4) Notwithstanding subsection (3), a public employee may
38 do any of the following:

39 (a) Be granted time off without pay or benefits to engage
40 in employee organization activities, provided that the public



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41 employer and the bargaining agent agree. An employee
42 organization may compensate a public employee for engaging in
43 employee organization activities.

44 (b) Use compensated personal leave, whether the leave is
45 the public employee's or is voluntarily donated by other public
46 employees in the bargaining unit, to engage in employee
47 organization activities if:

48 1. The leave is accrued at the same rate by similarly
49 situated public employees in the bargaining unit without regard
50 to membership in or participation with an employee organization.

51 2. The public employee may freely choose the manner in
52 which to use the leave.

53 (c) Engage in representational employee organization
54 activities on behalf of the bargaining agent while in a duty
55 status without loss of pay or benefits, provided that the public
56 employer and the bargaining agent agree.

57 (5) Notwithstanding subsection (3), a public employer may
58 provide compensation and benefits to a public employee for the
59 purpose of engaging in employee organization activities if
60 agreed to in the collective bargaining agreement and if the
61 public employer is fully reimbursed by the employee organization
62 for such compensation and benefits.

63 (6) Subsections (3) and (4) do not apply to public
64 employees in public safety units.

65 (7) The circuit courts of this state shall have
66 jurisdiction to enforce the provisions of this section by
67 injunction and contempt proceedings, if necessary. A public
68 employee who is convicted of a violation of any provision of
69 this section may be discharged or otherwise disciplined by his



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70 | or her public employer, notwithstanding further provisions of
71 | law, and notwithstanding the provisions of any collective
72 | bargaining agreement.