



LEGISLATIVE WEEK 6 UPDATE

Week #6 was a tough one for public safety workers. Working for the FOP this week in Tallahassee it was District Director Bobby Jenkins who led a group of officers from Miami Beach, Miami, and Dade County. In addition we had members from Coral Gables, Orlando, Gainesville, Jacksonville and Collier County. Harry Pickering, Robert Jenkins, Nelson Cuba, David Stephens, Mark Hussey, Charlie Cobb, Daniel Zachary, Howard Giraldo, Steve Fellman, Alex Bello, Javier Ortiz, Edgar Burroughs and Jeff McAdams did outstanding jobs representing our positions. They spent their first day at an accelerated pace working on SB1128 (local pension plans) and SB830 (union payroll deduction ban).

Monday morning the members were briefed on the issues that we had coming up and went over the list of legislators that needed to be contacted. The FOP lobby team went to the Capitol and sought out their local legislators. Due to the blitz being done by the Chamber of Commerce, Associated Industries of Florida, the Tea Party and the Republican Party there was a press conference being planned for the first 100 days of Rick Scott. Former Governor Jeb Bush jumped into the fray with Chairman Bitner and went after each of the Republican votes with a vengeance. FOP Lobbyists Thomas Grigsby and Bill Helmich were assigned to work with staff and members in the House on local pension issues. Due to their efforts, the legislators' staff began preparing language for the House local pension bill. They are focusing on fixing the major concerns of the police and fire. Thomas and Bill also spent hours working with Lisa Henning on drafting language and working it into the negotiations with Senator Jeremy Ring for the Senate local law plan. The Firefighters worked shoulder to shoulder with the Cops to push back at Craig Cohn from the League of Cities. Attorney Robert Klausner kept up a running dialogue regarding draft after draft of proposed language making certain that we did not miss any pitfalls. As Lisa focused on the local pension issues, FOP lobbyist Lori Weems, of Weems and Pregeiz worked on keeping our members

lined up for our battle on SB 830 and watching the budget members for any action on the FRS pension bill (2100).

Tuesday, everyone worked closely with the other special risk groups to get us even closer to fixing the local pension bill. All but 2 areas of concern have been taken care of regarding the local pension bill and though the papers have stated we support the bill, we actually thanked the bill sponsor for so drastically changing the bill, stated that we still had two issues of concern and supported the direction that the bill was headed in. To be specific, the bill sponsor will be the one handling the issue in conference behind closed doors and at the time of the meeting was very frustrated with the League of Cities, and is now realizing that we (cops and firefighters) are not the ones being unreasonable and greedy.

Wednesday, Senate Bill 830 was up for debate. The debate on this bill was four hours long with over a hundred speakers there to defend public employees from the Republican and Tea Party attack on unions. There were very few speakers in support of the bill and it is no surprise that they were from the Tea Party, Florida Chamber of Commerce and the Associated Industries of Florida. Lisa Henning and John French exchanged debate and Brother Nelson Cuba exchanged heated remarks with the chair and bill sponsor, Senator Thrasher when they attempted to shut down the testimony of the police and firefighters. The atmosphere was tense and Brother Cuba made certain that the committee acknowledged that unions may have payroll deduction but that being a member was optional, whereas the Florida Bar was mandatory enrollment and dues were required to practice law, of which the bill sponsor is a member. The Mayor of Sunrise, Mike Ryan, went after the legislators telling them that he did not support them on this issue, asking them pointedly "What are you doing?" Tell them that they needed to be dealing with real issues like jobs. Mayor Ryan brought the audience to their feet cheering with applause. One of our cousins in FPF told the legislators that the citizens voted for them to do a job and that it was not to vote with leadership and that it was time for them to grow a set and do the job they were elected to do instead of following the orders of party leaders. In the end at the vote by the committee the bill passed out of committee by a vote of 11 to 9 as we expected.

On Thursday Senate Bill 1128 dealing with local pension plans was up for debate in committee. This bill is just one more step in a long road to come. We offered over 16 different drafts to the bill sponsor and all the special risk groups went in focused on the same five issues. The product is not perfect but we managed to keep all new hires from being forced into defined contribution plans, kept the league from taking away the term "extra benefits" from

premium tax revenues, protected all share plan monies up to 2009, and blocked the Cities from doing a sweep of the monies. There was an attempt to change the make up of the pension board but the language specifically states that you can not change the ratio of police and fire on the board. It says the "ratio" not "number" which means that to change the number of city officials would change the police and fire ratio. With that issue conquered we then went after the overtime calculation for AFC. We are still working on this but we have taken it from 0 to a cap at 300 hours. For the meat of the issues the focus was on use of monies from 175/185 and here is where we presently sit: All cities must now create share plans with their premium tax dollars in conjunction with their defined benefit plans. The cities may not lower or not contribute to the db plans any longer. If you are 80% funded then you receive all monies up to 2009 allocation plus 1/2 of new revenue with the remaining money going to the db plan. If you fall below 70% then you get the 2009 amount and the new money goes into the db plan until it is 80% funded. There are still unsettled issues of how to handle plans that have encumbered premium tax revenues and no share plans and those are still being worked out with special risk protecting the monies from being swept by the cities.

We are still working with the Senate. The House has a completely different bill and approach. This issue is still being worked and will become part of the House and Senate conferences.

On Friday, Senate Bill 830 was now up in the Senate Rules Committee which was chaired by the bill sponsor, Senator John Thrasher. This was the most contentious and hostile committee that so far. It is important that everyone know that Majority Leader Senator Andy Gardiner, Senator Gaetz, and Thrasher viscously attacked the people speaking against the bill. Lisa's speaker card was moved to the bottom to the pile and finally removed so she was not afforded an opportunity to speak. Also, you should know that they took a late filed amendment that was not available to the public until after the vote was taken. Even though the chairman had it in hand before the bill was brought up. The chairs staff was repeatedly asked for a copy and they failed to produce it. Lori Weems got a secreted copy and provided it to our members before the vote. The amendment is still unacceptable and is an attempt by leadership to get our Republican supporters to turn away from us. Senator Jones held the line and gave a no vote on the bill. Senator Flores voted for the bill but stated that it was only out of courtesy that the floor was a different situation and she still had concerns about the bill. Of course, as we expected the bill passed by a vote of 8 to 4. Nothing we could say would change their minds as they are focused on the ideology instead of facts.

Representative Jimmy Patronis and the members of his committee (Williams, Porter, Plakon, Perry, Ford, Crisafulli, Caldwell and Burgin) were all contacted to solicit opposition to HB 1241. Senator Nancy Detert and Senator Jack Latvala were each contacted to thank them for their support. Robb Robertson, a member of the RPOF and on our Legislative Committee contacted his party members to let them know how much the current assault on police and fire was alienating solid Republican votes. Letters were sent to the entire Senate Budget Committee urging opposition to the FRS pension bill. Senator Bogdanoff and Senator Benaquisto were contacted to urge them stop supporting SB 830.

We continue working with the Labor Union Coalition who are sending out mailings to the legislators in their home districts. Video ads are being developed and released around the state.

Local media reports on the issues:

A controversial measure that would ban state and local governments from allowing public employee unions from using payroll deductions was significantly scaled back on Friday. The revised measure now just says that dues collected through payroll deduction can't be used for political purposes.

Sen. John Thrasher, R-Jacksonville and the bill sponsor, said the amendment to **SB 830** would narrow the bill so that it deals with political contributions only and was a way to make “clear what the intent is.”

Thrasher made a change in order to win over moderate Republicans concerned about the legislation. The divide among the GOP caucus could have jeopardized its passage out of the Senate since Democrats are opposed to the bill. Shortly after the vote, he went up to **Sen. Eilyn Bogdanoff** and asked her if the change helped. She told him that it did.

Those opposed to the original bill called it political payback by Republicans for union support of Democrats in recent statewide elections. But Thrasher said on Friday it is a matter of keeping government out of political contributions.

“The state of Florida ought not to be in the business of collecting political dues,” said Thrasher.

The bill passed the **Senate Rules Committee** by an 8-4 vote and now heads to the Senate floor. Although the bill was changed, unions and Democrats still adamantly oppose the amended bill.

Gary Rainey, president of **Florida Professional Firefighters**, called the bill “disingenuous” and said it is unfair to ask only labor unions to refrain from using dues for political reasons and no one else.

“This is one of those gut votes that will be remembered,” Rainey said of members voting for the bill. “This is one that we are not likely to forget, or go quietly in the night.”

Sen. Andy Gardiner, R-Orlando, quickly jumped on Rainey's remarks and said that he finds it "very offensive," noting the bill does not stop unions from collecting dues for the use of anything other than political purposes.

"All this says is that the taxpayers of this state should not be responsible for collecting your political dues that you use for 527s and political action committees," Gardiner.

The comments and reasoning by Senator Gardiner are laughable as he further slants this bill violating the constitutional issues of equal protection under the law, freedom of speech and association and much more.

Presently we are working on keeping our no votes in place for the issue and fighting against the republican leadership attacks. We are also preparing to seek an injunction through the court system should the bill pass and be signed by Governor Scott.

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Florida senator weakens anti-union bill amid broad opposition

By [Mary Ellen Klas](#), Times/Herald Tallahassee Bureau

TALLAHASSEE — Faced with certain defeat of his anti-union bill, a powerful Senate leader backed off his proposal to ban unions from collecting dues through payroll deduction Friday and offered up an alternative to keep the measure alive.

Under the amendment by Sen. John Thrasher, R-St. Augustine, public employee unions could continue to have their dues automatically deducted from their paychecks but would be barred from using the money "directly or indirectly for the purposes of any political activity."

Banned activities would include contributions to candidates, political parties and committees, tax-exempt organizations and electioneering. If unions want to use their dues for political purposes, they would have to get written permission each year from each union member. Unions could continue to collect money to pay for education, training, legal defense, charitable causes and other nonpolitical activities.

The amendment, proposed after the bill barely made it through the Senate Budget Committee on Wednesday, was needed "to ensure that we're clear about what the intent of the original bill was," Thrasher said.

The Senate Rules Committee approved the amended bill, 8-4, sending the measure to a full vote of the Senate. Sen. Dennis Jones, R-Seminole, became the eighth Republican senator to publicly oppose it as teachers, firefighters and police unions members blasted the idea as a false fix.

"To say that unions are the only ones to use dues for political purposes is a little bit disingenuous," said Gary Rainey, president of the Florida Professional Firefighters. Hundreds of private corporations in Florida use payroll deductions to collect money for political activity, he said, and targeting public employee unions "is patently unfair."

Thrasher needs three more Republicans to get the measure out of the Senate and back to the House, which has already approved his original version. So on Thursday, Thrasher, the former chairman of the Republican Party of Florida, called in the party's top brass.

State party chairman Dave Bitner and the party's executive committee took the extraordinary step of sending a letter to all Republican senators, citing "union power and the obstruction of the American legislative system" in Wisconsin, and urging them to support the bill.

Meanwhile, the unions produced a spreadsheet of 48 insurance companies and credit unions that use payroll deduction to collect dues and make more than \$10 million in campaign contributions.

Sen. Anitere Flores, a Miami Republican who opposed the original bill, switched her vote to get the bill out of committee. But, she added, the measure "doesn't address all the concerns I have."

Marianne Moran, representing Tea Party in Action from West Palm Beach, spoke in favor of the bill on behalf of "the hard-earned money" of union members, whom she said could "face retribution" for opposing the use of their dues for political purposes.

But Henry Kelley of the Fort Walton Beach Tea Party sent a letter to senators urging them to reject the bill.

"What does this bill have to do with the Tea Party principles of limited government?" he wrote, noting the state allows 360 other organizations to use payroll deduction from public employee paychecks. "I joined up with the tea party over fiscal conservative issues. Like it or not, unions, and any other group, have a right to lobby."

Mary Ellen Klas can be reached at meklas@miamiherald.com.

At least 12 Republicans had indicated their opposition to a bill to ban public employee unions from using payroll deduction to collect their dues, enough to defeat the priority of former RPOf chairman, Sen. **John Thrasher**. So the Republican Party of Florida brass snapped into action. In a letter to Republican senators Thursday, RPOF chairman **Dave Bitner** and the party's executive committee urged them to support SB 830.

"As leaders of the Republican Party of Florida's State Executive Committee, we strongly urge you to fight for the freedoms we believe in and to protect our legislative system by voting in favor of S.B. 830," the group wrote.

But the letter helped only slightly. Thrasher succeeded in getting the bill out of committee on an 8-4 vote, but only after modifying it to remove the ban on payroll deduction. Instead, the measure continues to prevent unions from using the money they collect for political purposes -- something still vigorously opposed by the unions who backed the wavering senators.

Coming up in Week #7

The Senate has takes a break for Passover and Easter Break.

The House will be in Session and Committee Hearings on Wednesday and Thursday and our focus will be the local pension bill and making certain that no secret meetings on budget are taking place.

Lisa Henning
Legislative Director

RULES COMMITTEE PASSES UNION DUES RESTRICTIONS: A controversial measure (SB 830) preventing unions from using payroll deductions to collect dues for political purposes was approved by the Senate Rules Committee after an amendment was added clarifying that deductions could be taken for non-political purposes. Backers say the late filed amendment, copies of which were not publicly available until after the vote, clarifies that unions need to find another mechanism to collect political contributions from members who work for government. "We are not going to be in business of collecting you political dues," said Sen. Andy Gardiner, R-Orlando. "Plain and simple, you can do it on your own." The bill is strongly opposed by police, firefighters and public employees unions,. They say that since union membership in Florida is optional, the bill unfairly hinders union fund raising activity while allowing other entities, some with political agenda, to deduct premiums and dues automatically from workers' pay. "For today, I'm voting for this only out of respect for the senator who sponsored this," said Anitere Flores, R-Miami, adding that she may not support the measure on the floor. The House passed its version (HB 1021) on a 73-40 vote in March.

Press Release

A Preview of What's to Come: SB 830 Still Silences the Voices of Teachers, Firefighters, Police Officers and Florida Workers!

Amendment to SB 830 in Senate Rules Committee NOT a compromise Amendment!

A meeting of the Senate Rules Committee today provided an excellent preview of what the Florida Legislature will look like if SB 830, the "worker gag bill" is approved this session. A late-filed, secret amendment was offered just minutes before a vote on the bill. This amendment is designed to confuse, confound and hide the fact that this legislation is nothing but an attempt to shut working Floridians out of the legislative and political process. Furthermore, Senator Don Gaetz shut down discussion on the measure, blocking the ability for workers who traveled from around the state to be heard on the issue.

While the amendment permits limited payroll deduction of union dues to continue, it creates governmental intrusion into a union's business and prevents unions from "directly or indirectly" engaging in political activities, even **if dues are collected without using payroll deduction**. While Senator John Thrasher states that he only wants the state to stop collecting political dues for unions, in fact, his amendment seeks to stop political action by unions.

Proponents of this legislation stated their amendment was a way to bolster limited government; nothing could be further from the truth. This, in essence is an increase to the government's role in policing and enforcing laws targeting the working families of the state. This is a big government take over on the policies and practices of private organization; this is overreach pure and simple!

When labor organizations engage in politics they should be permitted to do so under the exact same laws and rules governing everyone else. This bill as amended will add even more reporting, more forms, more accounting, and dramatically adding more cost and burdens for teachers, law enforcement and firefighters to participate in the very same activities everyone else will engage in without those additional burdens. This bill will put restrictions on labor unions that the other 300 plus organizations that utilize payroll deduction offered by the state will still be exempted from. This is a continued blatant attack on the rights and voice of working families in the state of Florida.

From: FWB Tea Party Legislative Team <legislative@fwbteaparty.com>

Date: April 14, 2011 1:29:32 PM EDT

To: meklas@miamiherald.com

Subject: S830

Ms Klas,

I saw your article regarding S830. I saw you referred to Tea Party support for this bill. This is not a global position, nor do I think it will remain strong when the details of this bill are understood.

I have written the below and distributed to tea parties around the state. I am not in Sen. Evers district, but his district bisects the town of Fort Walton Beach where I live. Due to scheduling, I have not have a chance to discuss with my State Senator, Don Gaetz, but I will make my opinion known prior to the vote.

There are by my count 360 organizations who have similar payroll deductions, and several of them have lobbying arms.

I am also the chairman of the Fort Walton Beach (FWB) Tea Party.

My letter:

There is before the Senate S830, referred to as the Paycheck Protection Act. I ask - what does this bill have to do with the Tea Party principles of limited government?

So that I am not misunderstood – I am no fan of unions. Last year during local budget discussions I was verbally confronted by local labor leaders. Fortunately I'm a big boy and don't threaten easily, but no one, no one, should construe my words to suggest I support unions. To do so is intellectually dishonest, and is a misrepresentation of my position.

I have a real, and what will be unpopular, as is my habit, concern with this bill. First, the exact language:

- An act relating to labor and employment; amending s.110.114, F.S.; prohibiting a state agency from deducting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity;

Do you see how it **specifically** targets unions? While this may sound great I have two serious problems with this bill.

First, A major problem I have with Obamacare is the waivers - already over 1000 companies have received waivers. That violates the concept of equal protection under the law. If the healthcare bill is such a great deal, why can some companies and individuals get out of participation? I addressed the Florida Senate regarding the Healthcare Freedom Act and my main argument was "equal protection under the law".

Under 830, the Legislature is specifically targeting unions. There are at least 360 organizations who the state allows to collect dues/donations from - what about them?

Why is lobbying unacceptable to Unions through payroll deductions but not these other organizations? It is my opinion that the Legislature will pass this quickly, and with great fanfare, and then a judge will toss this bill out as violating the equal protection clause of our Constitution. Which is precisely the same grounds that Judge Vinson struck down Obamacare.

Either change the law to ban all groups, or let it be. You can't have it both ways.

Secondly, I joined up with the tea party over fiscal conservative issues. Like it or not, unions, and any other group, has a right to lobby.

Stand FOR fiscal sanity by controlling public benefit pension costs. Ask how this bill improves the States financial position - because I'm not sure that this bill is in line with tea party principles of financial responsibility.

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