



## FLORIDA AFL-CIO UNITED LABOR LOBBY



### LEGISLATIVE UPDATE

2007 FLORIDA LEGISLATURE

March 30, 2007

Issue 4

# NEW ALLIES IN THE FIGHT TO PROTECT OUR LIBERTIES



The Florida AFL-CIO has been working for the past four years with a broad coalition of organizations including the League of Women Voters, ACORN, the American Cancer Society, the Florida Public Interest Research Group and many others to protect Floridians' rights to amend their constitution through the ballot initiative. This year, that fight has taken on a new urgency as the same powerful special interests are now seeking to not only functionally eliminate the ballot initiative process, but to essentially eliminate all constitutional rights on commercial property. Recently, the coalition has gained a new and powerful ally, the National Rifle Association.

On Tuesday March 27th, the Florida AFL-CIO publicly stated its support for **SB 2356** in a meeting of the Senate Criminal Justice Committee. The legislation, misnamed and mischaracterized by the state's most powerful business groups as the "guns at work" bill is really about ensuring that legal, private property of workers and consumers can be kept in their vehicles when they go to work or shop at commercial businesses licensed to be open to the public.

Over the past four years, the Florida Chamber of Commerce, Florida Retail Federation and other special interest groups representing Florida's largest and most powerful businesses have been working to create unprecedented new rights for the owners of these businesses. These new rights would give the owners broad new powers to ban a wide range of activities that are protected by the United States Constitution. From "tort reform" legislation that absolve businesses from any liability for accidents when they do not maintain basic safety conditions, to bills that prohibit citizen groups from gathering signatures for petition campaigns or registering people to vote, these powerful groups are seeking to carve out artificial islands of territory where the constitutional rights of individuals are null and void.

In committee testimony, Communications Director Rich Templin said, "We are not here to talk about the 2<sup>nd</sup> Amendment; we are here to talk about the 1<sup>st</sup> Amendment, the 4<sup>th</sup> Amendment, the 14<sup>th</sup> Amendment and the Bill of Rights. The Chamber and Retail federation have a plethora of bills peppered through the legislative process that put the rights of dirt, the property, over the people who make that dirt profitable – the workers, the consumers and the people who license those businesses through the power vested by them in the state. This legislation is a pro-active step to ensure that the privacy rights of workers are protected. It is an unfortunate reality that, in the current era, we need this protection for people who have legal materials in their cars, whether those be union organizing materials, political information or secured firearms."

There is disturbing anecdotal evidence coming in from around the country that union members are being harassed and/or fired because they have been found to have union or political materials in their cars which their employers find objectionable. This legislation simply codifies in state law the long-standing principle that a worker's vehicle is his/her private property and does not fall under the purview of their employer.

*Continued on Page 2*

## ***New Allies continued...***

If a worker or consumer is believed to have illegal materials in their vehicle, there are numerous legal avenues that the employer can pursue.

President Cindy Hall said in a statement following the committee meeting, "There is a real pattern forming here. These powerful businesses are working in piece-meal fashion to get the legal right to be the state's new speech police. They own the new town squares and want to ensure that they can control the civil discourse in those areas. Workers and consumers should not be forced to give up their rights to work or buy life's necessities. They should be able to peacefully and respectfully talk about issues, gather signatures on petitions and help register voters. Business owners should not be able to pick and choose who can do that. Their opposition to this bill proves that they even want to control what is in your car."

The Florida AFL-CIO has tried unsuccessfully to negotiate with the Florida Chamber of Commerce and others to develop uniform standards and practices that protect business owners from undue disruption of their business activities, but also protects people's rights. So far, they have largely ignored our efforts. The Florida AFL-CIO and United Labor Lobby's support of SB 2356 is an attempt to maintain a balance between the rights of property and the rights of people.

Thanks in part to our involvement, the committee voted 7-1 to send the legislation to the Senate Judiciary Committee, with only Senator Dave Aronberg voting against the measure. We will continue to support this measure, not because of the gun issue but because the personal rights of workers must be protected.



# **Messages From the Front Lines**

## **News from the Trenches of the Florida Legislature**

### **Banning Petition Gathering on Commercial Property – OPPOSE / WATCH**

**SB 1920** by Fasano

**HB 559** by Brown

The full court press by Florida's most powerful businesses to effectively eliminate the citizen initiative process continued this week. These bills seek to give commercial property owners broad new powers to pick and choose the groups who can gather signatures on their property. Groups they support, like the Florida Chamber, will be allowed. Unions and grass-roots groups will not. We have been working with Publix Supermarkets to find language that simply re-states current practices without any broad expansion and so far that agreement is holding with these bills. While we still believe that no new legislation is needed, if legislation is going to pass this is the language we prefer. **SB 1920 passed the Senate Ethics and Elections Committee on March 27<sup>th</sup>.** The bill's next stop is the Senate Commerce Committee. **HB 559 passed the House Ethics and Elections Committee on March 8<sup>th</sup>.** It is currently in the House Council on Economic Expansion and Infrastructure.

### **Improving the Jessica Lunsford Act - SUPPORT**

**SB 988** by Argenziano

There have been numerous unintended consequences with the Jessica Lunsford Act, which was designed to restrict people's access to schools and other places children congregate to protect them from predators. The broad nature of the original language and the way it was implemented have created many problems for law abiding building trades and other workers who do their jobs on school grounds. This bill is designed to fix those problems while continuing to keep our kids safe. **SB 988 passed the Senate Governmental Operations Committee on March 29<sup>th</sup>.** **There is a House Proposed Committee Bill that does not adequately address the problems associated with the Jessica Lunsford Act. We will work to ensure that the Senate language is adopted by the House.**

## ***Messages cont.***

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### **Truth in Government – SUPPORT**

**SB 2196** by Villalobos

Truth in government? What a novel idea! Testimony in support or opposition to proposed legislation in front of committees is a vital part of the legislative process. In addition to adding your position and thoughts on an issue to the public record, testimony often provides legislators with important information they would not have otherwise, encourages discussion and debate between legislators and provides the media with information they need to do their jobs informing the public. There is currently no requirement that the representations made during public testimony in legislative meetings be truthful or accurate. Consequently, the truth has become a very flexible concept at the Florida Legislature. Senator Villalobos has filed legislation that will compel all testimony in front of the legislature to be under oath, much like it is in Congress. This change would enhance the legislative process for everyone but powerful Tallahassee insiders, who Senator Villalobos referred to as the "liars lobby" in a recent press account, are working to stop it. **SB 2196 passed the Senate Judiciary Committee on March 28<sup>th</sup> with a vote of 7-2. Senators Diaz de la Portilla (who is trying to get out of Florida Ethics Commission fines for alleged campaign violations by claiming to be broke) and Senator Saunders were the only two Senators on the committee to vote against truth in government.** The bill now heads to the Senate Criminal Justice Committee.

### **Performance Based Compensation for Teachers – SUPPORT / WATCH**

**SB 1226** by Gaetz, Rich

A system wide improvement in compensation based on performance can be one part of an overall recruitment and retention strategy to assure the best and most qualified teacher in every classroom, increase student academic performance, elevate the teaching profession, and build broad-based support and confidence in public education. Unfortunately, legislative debate over teacher pay in the past few years has been diverted to A+ bonuses, performance pay, career ladders, differentiated pay, and STAR for teachers. While these ideas, if done correctly and through collective bargaining, are not without some merit, they do not address the real compensation issue. While the Florida AFL-CIO and ULL believe that performance based pay is a diversionary tactic to keep from addressing the real issues, these programs exist and have been extremely problematic. SB 1226 goes a long way towards fixing the incredibly flawed STAR program and gives more control over performance based pay plans to local governments and as a item for collective bargaining. This is a much needed improvement. **SB 1226 passed the Senate and House and was signed by the Governor on March 29<sup>th</sup>.**

### **FRS – Special Risk for Forensic/Correctional Workers – SUPPORT**

**SB 1684** by Lawson

**HB 655** by Coley, Richardson

Forensic Health Care workers help provide medical and humanitarian services for mentally disabled people whose illnesses have forced them into the criminal justice system. These "criminally insane" patients are some of the most dangerous and difficult to work with. There are thousands of workers who do their best to ensure that these mental patients are well cared for. These workers are often bitten, spat upon, urinated on and face a whole host of other dangerous types of assaults, causing both physical and emotional anguish. Their hard work and dedication protects our safety and the safety of the mentally ill. However, they have never been afforded special risk status when it comes to the calculation of retirement benefits and terms of service. Three years ago managers, supervisors, nurses and other professional personnel were granted special risk status, but the frontline staffers, those who have the most contact with these patients, were not. These bills would correct the serious injustice. **HB 655 passed the House State Affairs Committee on March 28<sup>th</sup>. Its next stop is the House Government Efficiency and Accountability Council. SB 1684 has yet to heard.**

# Apprenticeship Day at the Capitol



**March 15<sup>th</sup> was Apprenticeship Day** at the Florida Capitol. There is a tremendous shortage of highly skilled workers in the construction industry. This lack of skilled and experienced workers is contributing to unsafe working conditions across the state. Businesses can increase productivity with highly skilled workers and workers can increase their career potential through comprehensive training. The “registered” apprenticeship model has proven itself to produce the knowledge, skill and abilities that are needed by business and labor alike. Apprenticeship is defined as trainee employment, wherein the worker and the business participate in a course of on-the-job training coinciding with classroom instruction over a certain period of time. The apprenticeship programs are an integral part of Florida’s economic development engine. Over 40 people from the union apprenticeship community were joined by dozens more from other aspects of the apprenticeship system for a day of information booths, virtual reality exhibits and meetings with legislators and staff about the importance of the apprenticeship programs. Mike Williams, the President of the Florida Building Trades said, “Apprenticeship Day has become an incredibly important event for the building trades and the apprenticeship community. It brings awareness to legislators and their staff about these valuable programs and lets them see that we are completely engaged in the process of building better, more comprehensive programs.” This year, the Florida Building Trades is working with the rest of the ULL to ensure that the current funding for apprenticeship programs is maximized and to secure new funding to expand reach of the programs. Currently, the Senate’s budget has an additional \$3 million for registered apprenticeship programs which would create about 1500 new apprenticeships. The House has provided for a \$1 million increase which would allow for 500 new spots.

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## Florida’s Labor Movement is on Fire!



There is no doubt about it, our political program is paying off big time! Thanks to the hard work of all of Central Labor Councils, local unions and members, 2006 was the most successful electoral year in recent history. Labor’s endorsed candidates won more races than any other election cycle in over a decade. The West

Central Florida Federation of Labor kept the momentum going this week with a complete sweep of the Tampa city council and mayoral elections. Big victories in the run-off elections on Tuesday, March 27<sup>th</sup> made the sweep complete with council victories by Gwen Miller and Joseph Caetano. The entire city council and Mayer Pam Iorio were all endorsed by labor.

**Congratulations to everyone in the West Central Florida Federation of Labor for a major victory! Next up...the Central Florida AFL-CIO and the special election for House District 49...our endorsed candidate is Darren**

# REMEMBER THE FALLEN



**WORKERS MEMORIAL DAY, APRIL 28**

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