

Senate Bill No. 1378

An act relating to health care union organizing activities; prohibiting inclusion of certain activities in determinations of nursing home staffing standards; prohibiting inclusion of certain salaries or expenses as allowable Medicaid costs; providing a limited exclusion from application; providing an effective date.

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

Section 1. (1) Participation by an employee of a nursing home in any activity that assists, promotes, deters, or discourages union organizing shall not be allowed during any time the employee is counted in staffing calculations for minimum staffing standards.

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

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

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

(a) Addressing a grievance or negotiating or administering a collective bargaining agreement;

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

(c) Keeping employees informed of issues and keeping lines of communication open between employees and employers as a part of normal personnel management,

provided such activities or expenses are not directly related to influencing employees with respect to unionization.

Section 2. This act shall take effect upon becoming a law.

Approved by the Governor May 3, 2002.

Filed in Office Secretary of State May 3, 2002.