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Florida Attorney General's Office News Release

Attorney General Moody Takes Action Against Biden Administration to Ensure Floridians Are Not Strong-Armed by Unions



TALLAHASSEE, Fla.—Attorney General Ashley Moody is taking legal action against the Biden administration for retaliation against Florida's new law to prevent unions from exploiting workers. The action is over the federal government's unconstitutional interpretation of a federal rule concerning collective bargaining rights resulting in a loss of critical funds for Florida. Earlier this year, the Florida Legislature passed SB 256, a landmark package that enables public workers, like teachers, to make more informed and deliberate decisions on whether to join a union and prohibits unions from forcing due withdrawals directly from employees' paychecks. The Biden administration issued Florida an ultimatum, specifically over transportation workers—abandon the reforms enacted through SB 256 or lose hundreds of millions of dollars in federal funding. According to the Florida Public Transportation Association, the Biden administration's actions threaten more than $800 million to the state of Florida.

Attorney General Ashley Moody said, "Florida passed laws to protect workers from being strong-armed by unions. Biden, intent on driving our country into the ground, continues to try to force states to implement his bad policies. As long as I am Florida's Attorney General, Washington will never decide how we run our state. We're pushing back against this overreach

to protect our state's autonomy and Florida workers."

According to the complaint for preliminary and permanent injunctive relief filed by Florida, the Biden administration is attempting to withhold hundreds of millions of dollars in federal funding over an unconstitutional interpretation of the Federal Transit Act. Attorney General Moody is taking legal action to protect the state's access to critical funding and its sovereign prerogative to regulate in the realm of collective bargaining.

SB 256 made certain changes to collective bargaining in Florida: first, public employees who wish to be represented by a union must sign a membership authorization form; second, SB 256 eliminates the status of government employers as bill collectors and middlemen between public employees and unions; and third, the law reforms how the Public Employees Relations Commission determines if a union is eligible to serve as the exclusive bargaining agent for a class of employees.

The complaint states: "These reforms are designed to ensure that public employees in Florida make a conscious and deliberate decision regarding their constitutional right to participate or not participate in a union. They are also designed to ensure that public sector unions granted the significant power to act as the 'exclusive bargaining agent' for a class of public employees have the support of a critical threshold (60%) of those employees."

The complaint also states: "To be clear, Florida has no intention of abolishing the collective bargaining rights of transportation workers…the Biden Administration reads the phrase 'continuation of collective bargaining rights' in § 5333(b) to mean that Florida cannot enact reasonable regulations governing the collective bargaining process, such as those the Legislature enacted earlier this year in Senate Bill 256 (SB 256). The Department of Labor's application of § 5333(b) to the State of Florida is flagrantly unconstitutional."

The complaint argues that the federal government's interpretation of the FTA, and threat to withhold funding from Florida, is in violation of the Spending Clause and Administrative Procedure Act.

To view the action, click here.

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