

By the Committee on State Administration and
Representative Brummer

1 A bill to be entitled
2 An act relating to the deduction and collection
3 of a bargaining agent's dues and uniform
4 assessments; amending s. 447.303, F.S.;
5 eliminating a right of certain bargaining
6 agents to have certain dues and assessments
7 deducted and collected by an employer from
8 certain employees; providing legislative
9 findings and intent; providing that the
10 deduction and collection of certain dues and
11 assessments is a proper subject of collective
12 bargaining; providing requirements and
13 limitations; providing for accounting of funds;
14 providing for enforcement; providing an
15 effective date.

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

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19 Section 1. Section 447.303, Florida Statutes, is
20 amended to read:

21 447.303 Dues; deduction and collection.--

22 (1) Any employee organization which has been certified
23 as a bargaining agent, other than a certified bargaining agent
24 for instructional personnel as defined in s. 228.041, shall
25 have the right to have its dues and uniform assessments
26 deducted and collected by the employer from the salaries of
27 those employees who authorize the deduction of said dues and
28 uniform assessments. However, such authorization is revocable
29 at the employee's request upon 30 days' written notice to the
30 employer and employee organization. Said deductions shall
31 commence upon the bargaining agent's written request to the

1 employer. Reasonable costs to the employer of said deductions
2 shall be a proper subject of collective bargaining. Such
3 right to deduction, unless revoked pursuant to s. 447.507,
4 shall be in force for so long as the employee organization
5 remains the certified bargaining agent for the employees in
6 the unit. The public employer is expressly prohibited from
7 any involvement in the collection of fines, penalties, or
8 special assessments.

9 (2)(a) The Legislature recognizes and finds that
10 teacher shortages in this state have reached critical
11 proportions and anticipates that this state will need an
12 additional 162,000 teachers over the next 10 years to meet the
13 challenges of the state's growing student population. The
14 Legislature further finds that this teacher shortage is
15 exacerbated by the collective bargaining agent's emphasis on
16 increased salaries for long-tenured teachers, as opposed to
17 beginning teachers, and favored status for long-tenured
18 teachers over beginning teachers with respect to conditions of
19 employment. As a result of these disparities, many beginning
20 teachers leave the system in frustration. The Legislature
21 also finds that, as a result of the recent merger and industry
22 consolidation of the collective bargaining agents that
23 represent instructional personnel as defined in s. 228.041, a
24 monopoly in such services has been created in this state.
25 Because of these facts and trends, the Legislature finds that
26 the current status of instructional personnel representation
27 constitutes a set of circumstances distinct and unique from
28 any other area of public employment. Therefore, the
29 Legislature finds that with regard to instructional personnel,
30 the deduction and collection of the certified bargaining
31 agent's dues and uniform assessments should not be mandated by

1 the Legislature but shall be a permissive subject of
2 collective bargaining, as otherwise restricted in this
3 subsection. Further, the Legislature acknowledges that this
4 state is a right-to-work state as guaranteed by the State
5 Constitution. The Legislature finds that the State
6 Constitution does not require an employer to deduct and
7 collect a bargaining agent's dues and uniform assessments from
8 an employee's salary and that such a procedure is a statutory
9 construct that, under the circumstances, can no longer
10 generate support.

11 (b) With regard to a certified bargaining agent that
12 represents instructional personnel as defined in s. 228.041,
13 any deduction and collection by an employer of that certified
14 bargaining agent's dues and uniform assessments from an
15 employee's salary may be a proper subject of collective
16 bargaining. If the deduction and collection of an agent's dues
17 and uniform assessments are collectively bargained, the
18 collectively bargained agreement shall provide that payroll
19 deduction for dues or uniform assessments shall not exceed an
20 amount actually used for activities of the certified
21 bargaining agent necessary to perform the agent's duties
22 regarding the resolution of labor-management issues which
23 consist of collective bargaining, contract administration, and
24 grievance adjustment. Such amount shall not include any
25 amounts used for any other purpose, including, but not limited
26 to: electoral activities; independent expenditures or
27 contributions to any candidate, political party, political
28 committee, or committee of continuous existence; voter
29 registration campaigns; or any other political or legislative
30 cause, including, but not limited to, ballot initiatives.
31 Additionally, the collectively bargained agreement must

1 require the written authorization of the employee,
2 commencement of the deductions upon the bargaining agent's
3 written request to the employer, collection of reasonable
4 costs which must include all of the costs incurred by the
5 employer for making such deduction, revocation provisions,
6 including revocation pursuant to s. 447.507, and a prohibition
7 against the public employer from collecting fines, penalties,
8 special assessments, or for any purpose other than
9 labor-management issues, as provided for in this subsection.

10 (c) The collectively bargained agreement shall also
11 provide for a reasonable accounting of funds through a
12 segregation of funds received through payroll deduction or by
13 an independent audit of the use of such funds.

14 (d) Any taxpayer or other aggrieved party may seek
15 enforcement of this subsection in a court of competent
16 jurisdiction.

17 Section 2. This act shall take effect July 1, 2001.

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20 HOUSE SUMMARY

21 Provides that the deduction and collection of dues and
22 uniform assessments by a certified bargaining agent that
23 represents educational personnel is a proper subject of
24 collective bargaining. Provides requirements and
25 limitations. Provides for accounting of funds. Provides
26 for enforcement actions in court by taxpayers or
27 aggrieved persons. See bill for details.
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