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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 447.301, Florida
Statutes, is amended to read:

447.301 Public employees' rights; organization and
representation.—

(1) (a) Public employees ~~shall~~ have the right to form, join,
and participate in, or to refrain from forming, joining, or
participating in, any employee organization of their own



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12 choosing.

13 (b)1. An employee who desires to join an employee
14 organization must sign a membership authorization form with the
15 bargaining agent. The membership authorization form must contain
16 the following acknowledgment in bold letters and in at least a
17 14-point type:

18
19 I acknowledge and understand that Florida is a right-
20 to-work state and that union membership is not
21 required as a condition of employment. I understand
22 that union membership and payment of union dues and
23 assessments is voluntary and that I may not be
24 discriminated against in any manner if I refuse to
25 join or financially support a union.

26
27 2. An employee organization must revoke an employee's
28 membership upon receipt of his or her written request for
29 revocation. If an employee must complete a form to request
30 revocation of membership from the employee organization, the
31 form may not require a reason for the employee's decision to
32 revoke his or her membership.

33 3. This paragraph does not apply to members of bargaining
34 units that represent law enforcement officers, correctional
35 officers, or correctional probation officers as those terms are
36 defined in s. 943.10 or firefighters as defined in s. 633.102.

37 Section 2. Section 447.303, Florida Statutes, is amended to
38 read:

39 447.303 Dues; deduction and collection.—

40 (1) Except as authorized in subsection (2), an employee



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41 organization that has been certified as a bargaining agent may
42 not have its dues and uniform assessments deducted by the
43 employer from the salaries of those employees in the unit.
44 Public employees may pay their dues and uniform assessments
45 directly to the employee organization that has been certified as
46 their bargaining agent.

47 (2) (a) An ~~Any~~ employee organization that ~~which~~ has been
48 certified as a bargaining agent to represent law enforcement
49 officers, correctional officers, or correctional probation
50 officers as those terms are defined in s. 943.10 or firefighters
51 as defined in s. 633.102 has ~~shall have~~ the right to have its
52 dues and uniform assessments deducted and collected by the
53 employer from the salaries of those employees who authorize the
54 deduction of said dues and uniform assessments. However, such
55 authorization is revocable at the employee's request upon 30
56 days' written notice to the employer and employee organization.
57 Said deductions shall commence upon the bargaining agent's
58 written request to the employer.

59 (b) Reasonable costs to the employer of said deductions is
60 ~~shall be~~ a proper subject of collective bargaining.

61 (c) Such right to deduction, unless revoked under pursuant
62 ~~to~~ s. 447.507, is shall be in force for so long as the employee
63 organization remains the certified bargaining agent for the
64 employees in the unit.

65 (3) The public employer is expressly prohibited from any
66 involvement in the collection of fines, penalties, or special
67 assessments.

68 Section 3. Section 447.305, Florida Statutes, is amended to
69 read:



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70 447.305 Registration of employee organization.—

71 (1) Every employee organization seeking to become a
72 certified bargaining agent for public employees shall register
73 with the commission pursuant to the procedures set forth in s.
74 120.60 prior to requesting recognition by a public employer for
75 purposes of collective bargaining and prior to submitting a
76 petition to the commission requesting certification as an
77 exclusive bargaining agent. Further, if such employee
78 organization is not registered, it may not participate in a
79 representation hearing, participate in a representation
80 election, or be certified as an exclusive bargaining agent. The
81 application for registration required by this section shall be
82 under oath and in such form as the commission may prescribe and
83 shall include:

84 (a) The name and address of the organization and of any
85 parent organization or organization with which it is affiliated.

86 (b) The names and addresses of the principal officers and
87 all representatives of the organization.

88 (c) The amount of the initiation fee and of the monthly
89 dues which members must pay.

90 (d) The current annual financial statement of the
91 organization.

92 (e) The name of its business agent, if any; if different
93 from the business agent, the name of its local agent for service
94 of process; and the addresses where such person or persons can
95 be reached.

96 (f) A pledge, in a form prescribed by the commission, that
97 the employee organization will conform to the laws of the state
98 and that it will accept members without regard to age, race,



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99 sex, religion, or national origin.

100 (g) A copy of the current constitution and bylaws of the
101 employee organization.

102 (h) A copy of the current constitution and bylaws of the
103 state and national groups with which the employee organization
104 is affiliated or associated. In lieu of this provision, and upon
105 adoption of a rule by the commission, a state or national
106 affiliate or parent organization of any registering labor
107 organization may annually submit a copy of its current
108 constitution and bylaws.

109 (2) A registration granted to an employee organization
110 pursuant to the provisions of this section shall run for 1 year
111 from the date of issuance. A registration shall be renewed
112 annually by filing application for renewal under oath with the
113 commission, which application shall reflect any changes in the
114 information provided to the commission in conjunction with the
115 employee organization's preceding application for registration
116 or previous renewal, whichever is applicable. Each application
117 for renewal of registration shall include a current annual
118 financial report, signed by its president and treasurer or
119 corresponding principal officers, containing the following
120 information in such detail as may be necessary accurately to
121 disclose its financial condition and operations for its
122 preceding fiscal year and in such categories as the commission
123 may prescribe:

124 (a) Assets and liabilities at the beginning and end of the
125 fiscal year;

126 (b) Receipts of any kind and the sources thereof;

127 (c) Salary, allowances, and other direct or indirect



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128 disbursements, including reimbursed expenses, to each officer
129 and also to each employee who, during such fiscal year, received
130 more than \$10,000 in the aggregate from such employee
131 organization and any other employee organization affiliated with
132 it or with which it is affiliated or which is affiliated with
133 the same national or international employee organization;

134 (d) Direct and indirect loans made to any officer,
135 employee, or member which aggregated more than \$250 during the
136 fiscal year, together with a statement of the purpose, security,
137 if any, and arrangements for repayment; and

138 (e) Direct and indirect loans to any business enterprise,
139 together with a statement of the purpose, security, if any, and
140 arrangements for repayment.

141 (3) In addition to subsection (2), an employee organization
142 that has been certified as the bargaining agent for public
143 employees must include for each such certified bargaining unit
144 the following information and documentation in its application
145 for renewal of registration:

146 (a) The number of employees in the bargaining unit who are
147 eligible for representation by the employee organization as of
148 December 31 of that renewal period.

149 (b) The number of employees who are represented by the
150 employee organization as of December 31 of that renewal period,
151 specifying the number of members who pay dues and the number of
152 members who do not pay dues.

153 (c) Documentation provided by the public employer verifying
154 the information provided in paragraphs (a) and (b).

155 (d) Documentation provided by the public employer verifying
156 that it was provided a copy of the employee organization's



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157 application for renewal of registration.

158 (4) An application for renewal of registration is
159 incomplete and is not eligible for consideration by the
160 commission if it does not include all of the information and
161 documentation required in subsection (3). The commission shall
162 notify the employee organization if the application is
163 incomplete. An incomplete application must be dismissed if the
164 required information and documentation are not provided within
165 10 days after the employee organization receives such notice.

166 (5) Notwithstanding the provisions of chapter 447 relating
167 to collective bargaining, an employee organization whose dues-
168 paying membership is less than 50 percent of the employees
169 eligible for representation in the bargaining unit must petition
170 the commission pursuant to s. 447.307(2) and (3) for
171 recertification as the exclusive representative of all employees
172 in the bargaining unit within 1 month after the date on which
173 the employee organization applies for renewal of registration
174 pursuant to subsection (2). The certification of an employee
175 organization that does not comply with this section is revoked.

176 (6) The public employer or a bargaining unit employee may
177 challenge an employee organization's application for renewal of
178 registration if the public employer or employee believes that
179 the application is inaccurate. The commission or one of its
180 designated agents shall review the application to determine its
181 accuracy and compliance with this section. If the commission
182 finds that the application is inaccurate or does not comply with
183 this section, the commission shall revoke the registration and
184 certification of the employee organization.

185 (7) Subsections (3) through (6) do not apply to an employee



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186 organization that has been certified as the bargaining agent
187 representing law enforcement officers, correctional officers, or
188 correctional probation officers as those terms are defined in s.
189 943.10 or firefighters as defined in s. 633.102.

190 ~~(8)(3)~~ A registration fee shall accompany each application
191 filed with the commission. The amount charged for an application
192 for registration or renewal of registration shall not exceed
193 \$15. All such money collected by the commission shall be
194 deposited in the General Revenue Fund.

195 ~~(9)(4)~~ Every employee organization shall keep accurate
196 accounts of its income and expenses, which accounts shall be
197 open for inspection at all reasonable times by any member of the
198 organization or by the commission.

199 Section 4. Paragraph (c) of subsection (4) of section
200 1012.2315, Florida Statutes, is amended to read:

201 1012.2315 Assignment of teachers.-

202 (4) COLLECTIVE BARGAINING.-

203 ~~(c)1. In addition to the provisions under s. 447.305(2), an~~
204 ~~employee organization that has been certified as the bargaining~~
205 ~~agent for a unit of instructional personnel as defined in s.~~
206 ~~1012.01(2) must include for each such certified bargaining unit~~
207 ~~the following information in its application for renewal of~~
208 ~~registration:~~

209 ~~a. The number of employees in the bargaining unit who are~~
210 ~~eligible for representation by the employee organization.~~

211 ~~b. The number of employees who are represented by the~~
212 ~~employee organization, specifying the number of members who pay~~
213 ~~dues and the number of members who do not pay dues.~~

214 ~~2. Notwithstanding the provisions of chapter 447 relating~~



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215 ~~to collective bargaining, an employee organization whose dues~~
216 ~~paying membership is less than 50 percent of the employees~~
217 ~~eligible for representation in the unit, as identified in~~
218 ~~subparagraph 1., must petition the Public Employees Relations~~
219 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
220 ~~as the exclusive representative of all employees in the unit~~
221 ~~within 1 month after the date on which the organization applies~~
222 ~~for renewal of registration pursuant to s. 447.305(2). The~~
223 ~~certification of an employee organization that does not comply~~
224 ~~with this paragraph is revoked.~~

225 Section 5. For the purpose of incorporating the amendment
226 made by this act to section 447.303, Florida Statutes, in a
227 reference thereto, subsection (3) of section 110.114, Florida
228 Statutes, is reenacted to read:

229 110.114 Employee wage deductions.—

230 (3) Notwithstanding the provisions of subsections (1) and
231 (2), the deduction of an employee's membership dues deductions
232 as defined in s. 447.203(15) for an employee organization as
233 defined in s. 447.203(11) shall be authorized or permitted only
234 for an organization that has been certified as the exclusive
235 bargaining agent pursuant to chapter 447 for a unit of state
236 employees in which the employee is included. Such deductions
237 shall be subject to the provisions of s. 447.303.

238 Section 6. This act shall take effect July 1, 2021.

239
240 ===== T I T L E A M E N D M E N T =====

241 And the title is amended as follows:

242 Delete everything before the enacting clause
243 and insert:



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244 A bill to be entitled
245 An act relating to employee organizations; amending s.
246 447.301, F.S.; requiring that a public employee who
247 desires to join an employee organization sign a
248 membership authorization form; requiring that the form
249 include a specified acknowledgement; requiring an
250 employee organization to revoke an employee's
251 membership upon receipt of the employee's request for
252 revocation; providing that a revocation form may not
253 require an employee to state a reason for the
254 revocation; providing nonapplicability with respect to
255 employee organizations that represent certain
256 employees; amending s. 447.303, F.S.; prohibiting an
257 employee organization from having its dues and uniform
258 assessments deducted and collected by an employer;
259 allowing public employees to pay their dues and
260 uniform assessments directly to the employee
261 organization; providing that an employee organization
262 that represents certain employees has the right to
263 have its dues and uniform assessments deducted and
264 collected by the employer; amending s. 447.305, F.S.;
265 revising the information and documentation required to
266 be included in an application for renewal of
267 registration of an employee organization; providing
268 that an application for renewal is incomplete and is
269 not eligible for consideration by the Public Employees
270 Relations Commission in certain instances; requiring
271 the commission to notify an employee organization if
272 its application is incomplete; providing that an



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273 incomplete application must be dismissed in certain
274 instances; requiring certain employee organizations to
275 recertify as bargaining agents; allowing an employer
276 or a bargaining unit employee to challenge an employee
277 organization's application for renewal of
278 registration; requiring the commission or its
279 designated agent to review the application; requiring
280 the commission to revoke the registration and
281 certification in certain instances; providing for
282 nonapplicability with respect to employee
283 organizations that represent certain employees;
284 amending s. 1012.2315, F.S.; removing duplicative
285 provisions; reenacting s. 110.114(3), F.S., relating
286 to employee wage deductions, to incorporate the
287 amendment made to s. 447.303, F.S., in a reference
288 thereto; providing an effective date.