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LEGISLATIVE ACTION

Senate

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House

The Committee on Rules (Stargel) recommended the following:

1 **Senate Substitute for Amendment (162200) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

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

8 447.301 Public employees' rights; organization and
9 representation.—

10 (1) (a) Public employees ~~shall~~ have the right to form, join,
11 and participate in, or to refrain from forming, joining, or



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12 participating in, any employee organization of their own
13 choosing.

14 (b)1. An employee who desires to join an employee
15 organization must sign a membership authorization form with the
16 bargaining agent. The membership authorization form must contain
17 the following acknowledgment in bold letters and in at least a
18 14-point type:

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

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

34 3. This paragraph does not apply to members of an employee
35 organization that has been certified as a bargaining agent to
36 represent law enforcement officers, correctional officers, or
37 correctional probation officers as those terms are defined in s.
38 943.10 or firefighters as defined in s. 633.102.

39 Section 2. Section 447.303, Florida Statutes, is amended to
40 read:



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41 447.303 Dues; deduction and collection.—

42 (1) Except as authorized in subsection (2), an employee
43 organization that has been certified as a bargaining agent may
44 not have its dues and uniform assessments deducted by the
45 employer from the salaries of those employees in the unit.
46 Public employees may pay their dues and uniform assessments
47 directly to the employee organization that has been certified as
48 their bargaining agent.

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

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

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

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



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70 Section 3. Section 447.305, Florida Statutes, is amended to
71 read:

72 447.305 Registration of employee organization.—

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

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

88 (b) The names and addresses of the principal officers and
89 all representatives of the organization.

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

92 (d) The current annual financial statement of the
93 organization.

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

98 (f) A pledge, in a form prescribed by the commission, that



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99 the employee organization will conform to the laws of the state
100 and that it will accept members without regard to age, race,
101 sex, religion, or national origin.

102 (g) A copy of the current constitution and bylaws of the
103 employee organization.

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

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

126 (a) Assets and liabilities at the beginning and end of the
127 fiscal year;



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

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

130 disbursements, including reimbursed expenses, to each officer

131 and also to each employee who, during such fiscal year, received

132 more than \$10,000 in the aggregate from such employee

133 organization and any other employee organization affiliated with

134 it or with which it is affiliated or which is affiliated with

135 the same national or international employee organization;

136 (d) Direct and indirect loans made to any officer,

137 employee, or member which aggregated more than \$250 during the

138 fiscal year, together with a statement of the purpose, security,

139 if any, and arrangements for repayment; and

140 (e) Direct and indirect loans to any business enterprise,

141 together with a statement of the purpose, security, if any, and

142 arrangements for repayment.

143 (3) In addition to subsection (2), an employee organization

144 that has been certified as the bargaining agent for public

145 employees must include for each such certified bargaining unit

146 the following information and documentation in its application

147 for renewal of registration:

148 (a) The number of employees in the bargaining unit who are

149 eligible for representation by the employee organization as of

150 December 31 of that renewal period.

151 (b) The number of employees who are represented by the

152 employee organization as of December 31 of that renewal period,

153 specifying the number of members who pay dues and the number of

154 members who do not pay dues.

155 (c) Documentation provided by the public employer verifying

156 the information provided in paragraphs (a) and (b).



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157 (d) Documentation provided by the public employer verifying
158 that it was provided a copy of the employee organization's
159 application for renewal of registration.

160 (4) An application for renewal of registration is
161 incomplete and is not eligible for consideration by the
162 commission if it does not include all of the information and
163 documentation required in subsection (3). The commission shall
164 notify the employee organization if the application is
165 incomplete. An incomplete application must be dismissed if the
166 required information and documentation are not provided within
167 10 days after the employee organization receives such notice.

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

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



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186 certification of the employee organization.

187 (7) Subsections (3) through (6) do not apply to an employee
188 organization that has been certified as a bargaining agent
189 representing law enforcement officers, correctional officers, or
190 correctional probation officers as those terms are defined in s.
191 943.10 or firefighters as defined in s. 633.102.

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

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

201 Section 4. Paragraph (c) of subsection (4) of section
202 1012.2315, Florida Statutes, is amended to read:

203 1012.2315 Assignment of teachers.-

204 (4) COLLECTIVE BARGAINING.-

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

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

213 ~~b. The number of employees who are represented by the~~
214 ~~employee organization, specifying the number of members who pay~~



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215 ~~dues and the number of members who do not pay dues.~~

216 ~~2. Notwithstanding the provisions of chapter 447 relating~~
217 ~~to collective bargaining, an employee organization whose dues~~
218 ~~paying membership is less than 50 percent of the employees~~
219 ~~eligible for representation in the unit, as identified in~~
220 ~~subparagraph 1., must petition the Public Employees Relations~~
221 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
222 ~~as the exclusive representative of all employees in the unit~~
223 ~~within 1 month after the date on which the organization applies~~
224 ~~for renewal of registration pursuant to s. 447.305(2). The~~
225 ~~certification of an employee organization that does not comply~~
226 ~~with this paragraph is revoked.~~

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

231 110.114 Employee wage deductions.—

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

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

241
242 ===== T I T L E A M E N D M E N T =====

243 And the title is amended as follows:



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244 Delete everything before the enacting clause
245 and insert:

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



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