



565898

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2021	.	
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The Committee on Governmental Oversight and Accountability
(Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (4) of section
1012.2315, Florida Statutes, is amended, and paragraphs (d) and
(e) are added to that subsection, to read:

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(c)1. In addition to the provisions under s. 447.305(2), an



565898

11 employee organization that has been certified as the bargaining
12 agent for a unit of instructional personnel as defined in s.
13 1012.01(2) must include for each such certified bargaining unit
14 the following information in its application for renewal of
15 registration:

16 a. The number of employees in the bargaining unit who are
17 eligible for representation by the employee organization as of
18 December 31 of that renewal period.

19 b. The number of employees who are represented by the
20 employee organization as of December 31 of that renewal period,
21 specifying the number of members who pay dues and the number of
22 members who do not pay dues.

23 2. Notwithstanding the provisions of chapter 447 relating
24 to collective bargaining, an employee organization whose dues-
25 paying ~~dues paying~~ membership as of December 31 of that renewal
26 period is less than 50 percent of the employees eligible for
27 representation in the unit, as identified in subparagraph 1.,
28 must petition the Public Employees Relations Commission pursuant
29 to s. 447.307(2) and (3) for recertification as the exclusive
30 representative of all employees in the unit within 1 month after
31 the date on which the organization applies for renewal of
32 registration pursuant to s. 447.305(2). The certification of an
33 employee organization that does not comply with this paragraph
34 is revoked.

35 3. The commission may conduct an investigation to confirm
36 the validity of any information submitted pursuant to this
37 paragraph.

38 a. If the commission has reason to believe a registered
39 employee organization has reported inaccurate figures pursuant



565898

40 to this paragraph, it can require the employee organization to
41 submit its membership roll in order to verify the accuracy of
42 the reported figures. If the employee organization fails to
43 submit its membership roll within 30 days of receiving a written
44 request from the commission, the employee organization's
45 certification will be revoked.

46 b. If a registered employee organization does not submit or
47 intentionally misstates the information required in this
48 paragraph for a certified bargaining unit it represents, the
49 employee organization's certification for that unit will be
50 revoked.

51 4. The commission shall adopt rules to carry out this
52 paragraph.

53 (d) Notwithstanding the provisions of s. 447.303 relating
54 to dues deduction and collection, an employee organization that
55 has been certified as the bargaining agent for instructional
56 personnel may not have its dues and uniform assessments deducted
57 and collected by a district school board from the salaries of
58 instructional personnel. Instructional personnel who are
59 represented by an employee organization must pay their dues and
60 uniform assessments directly to the employee organization that
61 has been certified as their bargaining agent.

62 (e) Beginning August 1, 2021, and each August 1 thereafter,
63 before the employee organization can collect dues or uniform
64 assessments from any instructional personnel for the upcoming
65 school year, the employee must sign and submit a form to the
66 employee organization acknowledging Florida is a right-to-work
67 state. The form must contain the following acknowledgement in
68 bold letters and in at least 14-point type:



565898

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70 I acknowledge and understand that Florida is a right-to-work
71 state and that union membership is not required as a condition
72 of employment. I understand that union membership and payment of
73 union dues and uniform assessments is voluntary and that I may
74 not be discriminated against in any manner if I refuse to join
75 or financially support a union.

76 Section 2. Section 1012.8552, Florida Statutes, is created
77 to read:

78 1012.8552 Collective bargaining.-

79 (1) In addition to s. 447.305(2), an employee organization
80 that has been certified as the bargaining agent for a unit of
81 instructional personnel employed by a Florida College System
82 institution must include for each such certified bargaining unit
83 the following information and documentation in its application
84 for renewal of registration:

85 (a) The number of employees in the bargaining unit who are
86 eligible for representation by the employee organization on the
87 date the application is filed.

88 (b) The number of employees who are represented by the
89 employee organization, specifying the number of members who pay
90 dues and the number of members who do not pay dues.

91 (c) Documentation provided by the institution verifying the
92 information provided in paragraphs (a) and (b).

93 (d) Documentation provided by the institution verifying
94 that it was provided a copy of the employee organization's
95 application for renewal of registration.

96 (2) An application for renewal of registration is
97 incomplete and is not eligible for consideration by the Public



565898

98 Employees Relations Commission if it does not include all of the
99 information and documentation required in subsection (1). The
100 commission shall notify the employee organization if the
101 application is incomplete. Any incomplete application must be
102 dismissed if the required information and documentation are not
103 provided within 10 days after the employee organization receives
104 such notice.

105 (3) Notwithstanding the provisions of chapter 447 relating
106 to collective bargaining, an employee organization whose dues-
107 paying membership is less than 50 percent of the employees
108 eligible for representation in the bargaining unit must petition
109 the commission pursuant to s. 447.307(2) and (3) for
110 recertification as the exclusive representative of all employees
111 in the bargaining unit within 1 month after the date on which
112 the employee organization applies for renewal of registration
113 pursuant to s. 447.305(2). The certification of an employee
114 organization that does not comply with this section is revoked.

115 (4) A Florida College System institution may challenge an
116 employee organization's application for renewal of registration
117 if the institution believes that the application is inaccurate.
118 The commission or one of its designated agents shall review the
119 application to determine its accuracy and compliance with this
120 section. If the commission finds that the application is
121 inaccurate or does not comply with this section, the commission
122 shall revoke the registration and certification of the employee
123 organization.

124 Section 3. Section 1012.916, Florida Statutes, is created
125 to read:

126 1012.916 Collective bargaining.-



565898

127 (1) In addition to s. 447.305(2), an employee organization
128 that has been certified as the bargaining agent for a unit of
129 instructional personnel employed by a State University System
130 institution must include for each such certified bargaining unit
131 the following information and documentation in its application
132 for renewal of registration:

133 (a) The number of employees in the bargaining unit who are
134 eligible for representation by the employee organization on the
135 date the application is filed.

136 (b) The number of employees who are represented by the
137 employee organization, specifying the number of members who pay
138 dues and the number of members who do not pay dues.

139 (c) Documentation provided by the institution verifying the
140 information provided in paragraphs (a) and (b).

141 (d) Documentation provided by the institution verifying
142 that it was provided a copy of the employee organization's
143 application for renewal of registration.

144 (2) An application for renewal of registration is
145 incomplete and is not eligible for consideration by the Public
146 Employees Relations Commission if it does not include all of the
147 information and documentation required in subsection (1). The
148 commission shall notify the employee organization if the
149 application is incomplete. Any incomplete application must be
150 dismissed if the required information and documentation are not
151 provided within 10 days after the employee organization receives
152 such notice.

153 (3) Notwithstanding the provisions of chapter 447 relating
154 to collective bargaining, an employee organization whose dues-
155 paying membership is less than 50 percent of the employees



156 eligible for representation in the bargaining unit must petition
157 the commission pursuant to s. 447.307(2) and (3) for
158 recertification as the exclusive representative of all employees
159 in the bargaining unit within 1 month after the date on which
160 the employee organization applies for renewal of registration
161 pursuant to s. 447.305(2). The certification of an employee
162 organization that does not comply with this section is revoked.

163 (4) A State University System institution may challenge an
164 employee organization's application for renewal of registration
165 if the institution believes that the application is inaccurate.
166 The commission or one of its designated agents shall review the
167 application to determine its accuracy and compliance with this
168 section. If the commission finds that the application is
169 inaccurate or does not comply with this section, the commission
170 shall revoke the registration and certification of the employee
171 organization.

172 Section 4. This act shall take effect July 1, 2021.

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:

176 Delete everything before the enacting clause
177 and insert:

178 A bill to be entitled
179 An act relating to employee organizations; amending s.
180 1012.2315, F.S.; revising the information that
181 employee organizations that have been certified as the
182 bargaining agent for a unit of instructional personnel
183 must report in applications for renewal of
184 registration; requiring certain employee organizations



565898

185 to petition the Public Employees Relations Commission
186 for recertification; authorizing the commission to
187 conduct an investigation to confirm the validity of
188 certain information; authorizing the commission to
189 require an employee organization to submit certain
190 information as part of such investigation; providing
191 for the revocation of an employee organization's
192 certification if it fails to meet certain
193 requirements; requiring the commission to adopt rules;
194 prohibiting an employee organization from having its
195 dues and uniform assessments deducted and collected by
196 a district school board; requiring certain
197 instructional personnel to sign and submit a specified
198 form to the employee organization by a certain date
199 and annually thereafter before the employee
200 organization may collect dues or uniform assessments
201 for the upcoming school year; creating s. 1012.8552,
202 F.S.; requiring an employee organization certified as
203 the bargaining agent for a unit of Florida College
204 System institution instructional personnel to include
205 specified information and documentation in an
206 application for registration renewal; providing that
207 certain applications are incomplete; providing
208 procedures for incomplete applications; requiring
209 certain employee organizations to petition the
210 commission for recertification; authorizing a Florida
211 College System institution to challenge an employee
212 organization's application; requiring the commission
213 to review a challenged application and revoke an



565898

214 employee organization's registration and certification
215 in certain circumstances; creating s. 1012.916, F.S.;
216 requiring an employee organization certified as the
217 bargaining agent for a unit of State University System
218 institution instructional personnel to include
219 specified information and documentation in an
220 application for registration renewal; providing that
221 certain applications are incomplete; providing
222 procedures for incomplete applications; requiring
223 certain employee organizations to petition the
224 commission for recertification; authorizing a State
225 University System institution to challenge an employee
226 organization's application; requiring the commission
227 to review a challenged application and revoke an
228 employee organization's registration and certification
229 in certain circumstances; providing an effective date.