

By the Committee on Governmental Oversight and Accountability;
and Senator Baxley

585-02994-21

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1 A bill to be entitled
2 An act relating to employee organizations; amending s.
3 1012.2315, F.S.; revising the information that
4 employee organizations that have been certified as the
5 bargaining agent for a unit of instructional personnel
6 must report in applications for renewal of
7 registration; requiring certain employee organizations
8 to petition the Public Employees Relations Commission
9 for recertification; authorizing the commission to
10 conduct an investigation to confirm the validity of
11 certain information; authorizing the commission to
12 require an employee organization to submit certain
13 information as part of such investigation; providing
14 for the revocation of an employee organization's
15 certification if it fails to meet certain
16 requirements; requiring the commission to adopt rules;
17 prohibiting an employee organization from having its
18 dues and uniform assessments deducted and collected by
19 a district school board; requiring certain
20 instructional personnel to sign and submit a specified
21 form to the employee organization by a certain date
22 and annually thereafter before the employee
23 organization may collect dues or uniform assessments
24 for the upcoming school year; creating s. 1012.8552,
25 F.S.; requiring an employee organization certified as
26 the bargaining agent for a unit of Florida College
27 System institution instructional personnel to include
28 specified information and documentation in an
29 application for registration renewal; providing that

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30 certain applications are incomplete; providing
31 procedures for incomplete applications; requiring
32 certain employee organizations to petition the
33 commission for recertification; authorizing a Florida
34 College System institution to challenge an employee
35 organization's application; requiring the commission
36 to review a challenged application and revoke an
37 employee organization's registration and certification
38 in certain circumstances; creating s. 1012.916, F.S.;
39 requiring an employee organization certified as the
40 bargaining agent for a unit of State University System
41 institution instructional personnel to include
42 specified information and documentation in an
43 application for registration renewal; providing that
44 certain applications are incomplete; providing
45 procedures for incomplete applications; requiring
46 certain employee organizations to petition the
47 commission for recertification; authorizing a State
48 University System institution to challenge an employee
49 organization's application; requiring the commission
50 to review a challenged application and revoke an
51 employee organization's registration and certification
52 in certain circumstances; providing an effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Paragraph (c) of subsection (4) of section
57 1012.2315, Florida Statutes, is amended, and paragraphs (d) and
58 (e) are added to that subsection, to read:

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59 1012.2315 Assignment of teachers.—

60 (4) COLLECTIVE BARGAINING.—

61 (c)1. In addition to the provisions under s. 447.305(2), an
62 employee organization that has been certified as the bargaining
63 agent for a unit of instructional personnel as defined in s.
64 1012.01(2) must include for each such certified bargaining unit
65 the following information in its application for renewal of
66 registration:

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

70 b. The number of employees who are represented by the
71 employee organization as of December 31 of that renewal period,
72 specifying the number of members who pay dues and the number of
73 members who do not pay dues.

74 2. Notwithstanding the provisions of chapter 447 relating
75 to collective bargaining, an employee organization whose dues-
76 paying ~~dues paying~~ membership as of December 31 of that renewal
77 period is less than 50 percent of the employees eligible for
78 representation in the unit, as identified in subparagraph 1.,
79 must petition the Public Employees Relations Commission pursuant
80 to s. 447.307(2) and (3) for recertification as the exclusive
81 representative of all employees in the unit within 1 month after
82 the date on which the organization applies for renewal of
83 registration pursuant to s. 447.305(2). The certification of an
84 employee organization that does not comply with this paragraph
85 is revoked.

86 3. The commission may conduct an investigation to confirm
87 the validity of any information submitted pursuant to this

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88 paragraph.

89 a. If the commission has reason to believe a registered
90 employee organization has reported inaccurate figures pursuant
91 to this paragraph, it can require the employee organization to
92 submit its membership roll in order to verify the accuracy of
93 the reported figures. If the employee organization fails to
94 submit its membership roll within 30 days of receiving a written
95 request from the commission, the employee organization's
96 certification will be revoked.

97 b. If a registered employee organization does not submit or
98 intentionally misstates the information required in this
99 paragraph for a certified bargaining unit it represents, the
100 employee organization's certification for that unit will be
101 revoked.

102 4. The commission shall adopt rules to carry out this
103 paragraph.

104 (d) Notwithstanding the provisions of s. 447.303 relating
105 to dues deduction and collection, an employee organization that
106 has been certified as the bargaining agent for instructional
107 personnel may not have its dues and uniform assessments deducted
108 and collected by a district school board from the salaries of
109 instructional personnel. Instructional personnel who are
110 represented by an employee organization must pay their dues and
111 uniform assessments directly to the employee organization that
112 has been certified as their bargaining agent.

113 (e) Beginning August 1, 2021, and each August 1 thereafter,
114 before the employee organization can collect dues or uniform
115 assessments from any instructional personnel for the upcoming
116 school year, the employee must sign and submit a form to the

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117 employee organization acknowledging Florida is a right-to-work
118 state. The form must contain the following acknowledgement in
119 bold letters and in at least 14-point type:

120
121 I acknowledge and understand that Florida is a right-to-work
122 state and that union membership is not required as a condition
123 of employment. I understand that union membership and payment of
124 union dues and uniform assessments is voluntary and that I may
125 not be discriminated against in any manner if I refuse to join
126 or financially support a union.

127 Section 2. Section 1012.8552, Florida Statutes, is created
128 to read:

129 1012.8552 Collective bargaining.-

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

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

139 (b) The number of employees who are represented by the
140 employee organization, specifying the number of members who pay
141 dues and the number of members who do not pay dues.

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

144 (d) Documentation provided by the institution verifying
145 that it was provided a copy of the employee organization's

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146 application for renewal of registration.

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

156 (3) Notwithstanding the provisions of chapter 447 relating
157 to collective bargaining, an employee organization whose dues-
158 paying membership is less than 50 percent of the employees
159 eligible for representation in the bargaining unit must petition
160 the commission pursuant to s. 447.307(2) and (3) for
161 recertification as the exclusive representative of all employees
162 in the bargaining unit within 1 month after the date on which
163 the employee organization applies for renewal of registration
164 pursuant to s. 447.305(2). The certification of an employee
165 organization that does not comply with this section is revoked.

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

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175 Section 3. Section 1012.916, Florida Statutes, is created
176 to read:

177 1012.916 Collective bargaining.—

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

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

187 (b) The number of employees who are represented by the
188 employee organization, specifying the number of members who pay
189 dues and the number of members who do not pay dues.

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

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

195 (2) An application for renewal of registration is
196 incomplete and is not eligible for consideration by the Public
197 Employees Relations Commission if it does not include all of the
198 information and documentation required in subsection (1). The
199 commission shall notify the employee organization if the
200 application is incomplete. Any incomplete application must be
201 dismissed if the required information and documentation are not
202 provided within 10 days after the employee organization receives
203 such notice.

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204 (3) Notwithstanding the provisions of chapter 447 relating
205 to collective bargaining, an employee organization whose dues-
206 paying membership is less than 50 percent of the employees
207 eligible for representation in the bargaining unit must petition
208 the commission pursuant to s. 447.307(2) and (3) for
209 recertification as the exclusive representative of all employees
210 in the bargaining unit within 1 month after the date on which
211 the employee organization applies for renewal of registration
212 pursuant to s. 447.305(2). The certification of an employee
213 organization that does not comply with this section is revoked.

214 (4) A State University System institution may challenge an
215 employee organization's application for renewal of registration
216 if the institution believes that the application is inaccurate.
217 The commission or one of its designated agents shall review the
218 application to determine its accuracy and compliance with this
219 section. If the commission finds that the application is
220 inaccurate or does not comply with this section, the commission
221 shall revoke the registration and certification of the employee
222 organization.

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