

1 A bill to be entitled

2 An act relating to employee organizations representing
3 public employees; amending s. 447.301, F.S.; requiring
4 that a public employee who desires to join an employee
5 organization sign a membership authorization form;
6 requiring that such form include a specified
7 acknowledgement; requiring an employee organization to
8 revoke a public employee's membership upon receipt of
9 his or her written request for revocation; prohibiting
10 a revocation form from requiring a reason for the
11 public employee's decision to revoke his or her
12 membership; providing nonapplicability with respect to
13 certain employee organizations; amending s. 447.303,
14 F.S.; prohibiting certain employee organizations from
15 having their dues and uniform assessments deducted and
16 collected by the employer from certain salaries;
17 authorizing public employees to pay their dues and
18 uniform assessments directly to the employee
19 organization; authorizing certain employee
20 organizations to have their dues and uniform
21 assessments deducted and collected by the employer
22 from certain salaries; amending s. 447.305, F.S.;
23 revising requirements for applications for renewal of
24 registration of an employee organization; providing
25 procedures for incomplete applications; requiring

26 certain employee organizations to petition the Public
 27 Employees Relations Commission for recertification as
 28 bargaining agents; authorizing a public employer or
 29 bargaining unit employee to challenge an employee
 30 organization's application for renewal of
 31 registration; requiring the commission or its
 32 designated agent to review the application; requiring
 33 the commission to revoke the registration and
 34 certification of the employee organization in certain
 35 circumstances; providing nonapplicability with respect
 36 to certain employee organizations; amending s.
 37 1012.2315, F.S.; removing duplicate provisions;
 38 reenacting ss. 110.114(3) and 447.507(6)(a), F.S.,
 39 relating to employee wage deductions and violation of
 40 strike prohibition and penalties, respectively, to
 41 incorporate the amendment made to s. 447.303, F.S., in
 42 references thereto; providing an effective date.

43
 44 Be It Enacted by the Legislature of the State of Florida:

45
 46 Section 1. Subsection (1) of section 447.301, Florida
 47 Statutes, is amended to read:

48 447.301 Public employees' rights; organization and
 49 representation.—

50 (1) (a) Public employees ~~shall~~ have the right to form,

51 | join, and participate in, or to refrain from forming, joining,
52 | or participating in, any employee organization of their own
53 | choosing.

54 | (b)1. A public employee who desires to join an employee
55 | organization must sign a membership authorization form with the
56 | bargaining agent. The membership authorization form must contain
57 | the following acknowledgment in bold letters and in at least a
58 | 14-point type:

59 |
60 | I acknowledge and understand that Florida is a right-
61 | to-work state and that union membership is not
62 | required as a condition of employment. I understand
63 | that union membership and payment of union dues and
64 | assessments is voluntary and that I may not be
65 | discriminated against in any manner if I refuse to
66 | join or financially support a union.

67 |
68 | 2. An employee organization must revoke a public
69 | employee's membership upon receipt of his or her written request
70 | for revocation. If a public employee must complete a form to
71 | request revocation of membership from the employee organization,
72 | the form may not require a reason for the public employee's
73 | decision to revoke his or her membership.

74 | 3. This paragraph does not apply to members of an employee
75 | organization that has been certified as a bargaining agent to

76 represent law enforcement officers, correctional officers, or
 77 correctional probation officers as those terms are defined in s.
 78 943.10(1), (2), or (3), respectively, or firefighters as defined
 79 in s. 633.102.

80 Section 2. Section 447.303, Florida Statutes, is amended
 81 to read:

82 447.303 Dues; deduction and collection.—

83 (1) Except as authorized in subsection (2), an employee
 84 organization that has been certified as a bargaining agent may
 85 not have its dues and uniform assessments deducted and collected
 86 by the employer from the salaries of those employees in the
 87 unit. Public employees may pay their dues and uniform
 88 assessments directly to the employee organization that has been
 89 certified as their bargaining agent.

90 (2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been
 91 certified as a bargaining agent to represent law enforcement
 92 officers, correctional officers, or correctional probation
 93 officers as those terms are defined in s. 943.10(1), (2), or
 94 (3), respectively, or firefighters as defined in s. 633.102 has
 95 ~~shall have~~ the right to have its dues and uniform assessments
 96 deducted and collected by the employer from the salaries of
 97 those employees who authorize the deduction and collection of
 98 said dues and uniform assessments. However, such authorization
 99 is revocable at the employee's request upon 30 days' written
 100 notice to the employer and employee organization. Said

101 deductions shall commence upon the bargaining agent's written
 102 request to the employer.

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

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

109 (3) The public employer is expressly prohibited from any
 110 involvement in the collection of fines, penalties, or special
 111 assessments.

112 Section 3. Subsections (3) and (4) of section 447.305,
 113 Florida Statutes, are renumbered as subsections (8) and (9),
 114 respectively, and new subsections (3) through (7) are added to
 115 that section to read:

116 447.305 Registration of employee organization.—

117 (3) In addition to subsection (2), an employee
 118 organization that has been certified as the bargaining agent for
 119 public employees must include for each such certified bargaining
 120 unit the following information and documentation in its
 121 application for renewal of registration:

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

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

126 employee organization as of December 31 of that renewal period,
127 specifying the number of members who pay dues and the number of
128 members who do not pay dues.

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

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

134 (4) An application for renewal of registration is
135 incomplete and is not eligible for consideration by the
136 commission if it does not include all of the information and
137 documentation required in subsection (3). The commission shall
138 notify the employee organization if the application is
139 incomplete. An incomplete application must be dismissed if the
140 required information and documentation are not provided within
141 10 days after the employee organization receives such notice.

142 (5) Notwithstanding the provisions of this chapter
143 relating to collective bargaining, an employee organization
144 whose dues-paying membership is less than 50 percent of the
145 employees eligible for representation in the bargaining unit
146 must petition the commission pursuant to s. 447.307(2) and (3)
147 for recertification as the bargaining agent within 1 month after
148 the date on which the employee organization applies for renewal
149 of registration pursuant to subsection (2). The certification of
150 an employee organization that does not comply with this section

151 is revoked.

152 (6) A public employer or bargaining unit employee may
 153 challenge an employee organization's application for renewal of
 154 registration if the public employer or bargaining unit employee
 155 believes that the application is inaccurate. The commission or
 156 its designated agent shall review the application to determine
 157 its accuracy and compliance with this section. If the commission
 158 finds that the application is inaccurate or does not comply with
 159 this section, the commission shall revoke the registration and
 160 certification of the employee organization.

161 (7) Subsections (3)-(6) do not apply to an employee
 162 organization that has been certified as the bargaining agent to
 163 represent law enforcement officers, correctional officers, or
 164 correctional probation officers as those terms are defined in s.
 165 943.10(1), (2), or (3), respectively, or firefighters as defined
 166 in s. 633.102.

167 Section 4. Paragraph (c) of subsection (4) of section
 168 1012.2315, Florida Statutes, is amended to read:

169 1012.2315 Assignment of teachers.—

170 (4) COLLECTIVE BARGAINING.—

171 ~~(c)1. In addition to the provisions under s. 447.305(2),~~
 172 ~~an employee organization that has been certified as the~~
 173 ~~bargaining agent for a unit of instructional personnel as~~
 174 ~~defined in s. 1012.01(2) must include for each such certified~~
 175 ~~bargaining unit the following information in its application for~~

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176 ~~renewal of registration:~~

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

179 ~~b. The number of employees who are represented by the~~
180 ~~employee organization, specifying the number of members who pay~~
181 ~~dues and the number of members who do not pay dues.~~

182 ~~2. Notwithstanding the provisions of chapter 447 relating~~
183 ~~to collective bargaining, an employee organization whose dues~~
184 ~~paying membership is less than 50 percent of the employees~~
185 ~~eligible for representation in the unit, as identified in~~
186 ~~subparagraph 1., must petition the Public Employees Relations~~
187 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
188 ~~as the exclusive representative of all employees in the unit~~
189 ~~within 1 month after the date on which the organization applies~~
190 ~~for renewal of registration pursuant to s. 447.305(2). The~~
191 ~~certification of an employee organization that does not comply~~
192 ~~with this paragraph is revoked.~~

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

197 110.114 Employee wage deductions.—

198 (3) Notwithstanding the provisions of subsections (1) and
199 (2), the deduction of an employee's membership dues deductions
200 as defined in s. 447.203(15) for an employee organization as

201 defined in s. 447.203(11) shall be authorized or permitted only
 202 for an organization that has been certified as the exclusive
 203 bargaining agent pursuant to chapter 447 for a unit of state
 204 employees in which the employee is included. Such deductions
 205 shall be subject to the provisions of s. 447.303.

206 Section 6. For the purpose of incorporating the amendment
 207 made by this act to section 447.303, Florida Statutes, in a
 208 reference thereto, paragraph (a) of subsection (6) of section
 209 447.507, Florida Statutes, is reenacted to read:

210 447.507 Violation of strike prohibition; penalties.—

211 (6)(a) If the commission determines that an employee
 212 organization has violated s. 447.505, it may:

213 1. Issue cease and desist orders as necessary to ensure
 214 compliance with its order.

215 2. Suspend or revoke the certification of the employee
 216 organization as the bargaining agent of such employee unit.

217 3. Revoke the right of dues deduction and collection
 218 previously granted to said employee organization pursuant to s.
 219 447.303.

220 4. Fine the organization up to \$20,000 for each calendar
 221 day of such violation or determine the approximate cost to the
 222 public due to each calendar day of the strike and fine the
 223 organization an amount equal to such cost, notwithstanding the
 224 fact that the fine may exceed \$20,000 for each such calendar
 225 day. The fines so collected shall immediately accrue to the

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226 public employer and shall be used by him or her to replace those
227 services denied the public as a result of the strike. In
228 determining the amount of damages, if any, to be awarded to the
229 public employer, the commission shall take into consideration
230 any action or inaction by the public employer or its agents that
231 provoked, or tended to provoke, the strike by the public
232 employees.

233 Section 7. This act shall take effect July 1, 2022.