

By Senator Baxley

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1 A bill to be entitled
2 An act relating to employee organizations; amending s.
3 447.301, F.S.; requiring employee organizations to
4 provide a notice of employees' rights form to
5 specified employees; requiring that such form include
6 a specified statement; requiring an employee
7 organization to revoke an employee's membership upon
8 receipt of the employee's written request for
9 revocation; prohibiting an employee organization from
10 requiring an employee to state a reason for the
11 revocation; providing nonapplicability with respect to
12 certain employee organizations; amending s. 447.303,
13 F.S.; prohibiting certain employee organizations from
14 having dues and uniform assessments deducted by the
15 employer from certain employees' salaries; providing
16 an exception; authorizing public employees to pay
17 their dues and uniform assessments directly to the
18 employee organization; amending s. 447.305, F.S.;
19 revising requirements for applications for renewal of
20 registration of an employee organization; specifying
21 that an incomplete application is not eligible for
22 consideration by the Public Employees Relations
23 Commission; providing requirements and procedures for
24 incomplete applications; requiring certain employee
25 organizations to petition the commission for
26 recertification as a bargaining agent; authorizing a
27 public employer or a bargaining unit employee to
28 challenge an employee organization's application for
29 renewal of registration; requiring the commission or

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30 its designated agent to review the application;
31 requiring the commission to revoke the registration
32 and certification under certain circumstances;
33 providing nonapplicability with respect to certain
34 employee organizations; amending s. 1012.2315, F.S.;
35 revising requirements for applications for renewals of
36 registration for employee organizations certified as
37 bargaining agents for units of instructional
38 personnel; requiring the commission to conduct
39 investigations and hold hearings under certain
40 circumstances; authorizing certain representatives to
41 participate in the commission's hearings; requiring
42 the commission to immediately revoke an employee
43 organization's certification as a bargaining agent if
44 a specified determination is made; authorizing the
45 commission to adopt rules; reenacting s. 110.114(3),
46 F.S., relating to employee wage deductions, to
47 incorporate the amendment made to s. 447.303, F.S., in
48 a reference thereto; providing severability; providing
49 applicability; providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Subsection (1) of section 447.301, Florida
54 Statutes, is amended to read:

55 447.301 Public employees' rights; organization and
56 representation.—

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

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59 participating in, any employee organization of their own
60 choosing.

61 (b)1. By August 1 of each year, an employee organization
62 must provide a notice of employees' rights form directly to the
63 employees of the public employer who are members of the
64 organization. Such form must contain the following statement in
65 bold letters and in at least a 14-point type:

66
67 The State of Florida is a right-to-work state and
68 union membership is not required as a condition of
69 employment. You have the right to refrain from joining
70 and paying dues to an employee organization (union) or
71 to join and pay dues to an employee organization.
72 Union membership and payment of union dues and
73 assessments is voluntary, and you may not be
74 discriminated against in any manner if you refuse to
75 join or financially support a union or if you join and
76 financially support a union.

77
78 2. An employee organization must revoke an employee's
79 membership within 30 days after receiving his or her written
80 request for revocation and no further debt to the employee
81 organization from the employee accrues after such revocation. An
82 employee organization may not require a reason for the
83 employee's decision to revoke his or her membership in a request
84 for revocation of membership.

85 3. This paragraph does not apply to members of an employee
86 organization that has been certified as a bargaining agent to
87 represent law enforcement officers, correctional officers, or

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88 correctional probation officers as those terms are defined in s.
89 943.10(1), (2), and (3), respectively, or firefighters as
90 defined in s. 633.102.

91 Section 2. Section 447.303, Florida Statutes, is amended to
92 read:

93 447.303 Dues; deduction and collection.—

94 (1) Except as authorized in subsection (2), an employee
95 organization that has been certified as a bargaining agent may
96 not have its dues and uniform assessments deducted by the
97 employer from the salaries of those employees in the unit.
98 Public employees may pay their dues and uniform assessments
99 directly to the employee organization that has been certified as
100 their bargaining agent.

101 (2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been
102 certified as a bargaining agent ~~to represent law enforcement~~
103 officers, correctional officers, or correctional probation
104 officers as those terms are defined in s. 943.10(1), (2), and
105 (3), respectively, or firefighters as defined in s. 633.102 has
106 ~~shall have~~ the right to have its dues and uniform assessments
107 deducted and collected by the employer from the salaries of
108 those employees who authorize the deduction of said dues and
109 uniform assessments. However, such authorization is revocable at
110 the employee's request upon 30 days' written notice to the
111 employer and employee organization. Said deductions shall
112 commence upon the bargaining agent's written request to the
113 employer.

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

116 (c) Such right to deduction, unless revoked ~~under~~ ~~pursuant~~

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117 ~~to~~ s. 447.507, ~~is shall be~~ in force for so long as the employee
118 organization remains the certified bargaining agent for the
119 employees in the unit.

120 (3) The public employer is expressly prohibited from any
121 involvement in the collection of fines, penalties, or special
122 assessments.

123 Section 3. Present subsections (3) and (4) of section
124 447.305, Florida Statutes, are redesignated as subsections (8)
125 and (9), respectively, and new subsections (3) and (4) and
126 subsections (5), (6), and (7) are added to that section, to
127 read:

128 447.305 Registration of employee organization.—

129 (3) In addition to subsection (2), an employee organization
130 that has been certified as the bargaining agent for public
131 employees must include for each such certified bargaining unit
132 the following information and documentation in its application
133 for renewal of registration:

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

137 (b) The number of employees who are represented by the
138 employee organization as of December 31 of that renewal period,
139 specifying the number of members who pay full membership dues
140 and the number of members who do not pay full membership dues.
141 To confirm such membership numbers, the employee organization
142 must provide a copy of each employee's dues authorization form,
143 if applicable, and a copy of each employee's employees' rights
144 form required under s. 447.301(1)(b) signed by the employee
145 within the previous 12 months.

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

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

151 (4) An application for renewal of registration is
152 incomplete and is not eligible for consideration by the
153 commission if it does not include all of the information and
154 documentation required in subsection (3). The commission shall
155 notify the employee organization if the application is
156 incomplete. An incomplete application must be dismissed if the
157 required information and documentation are not provided within
158 10 days after the employee organization receives such notice.

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

169 (6) The public employer or a bargaining unit employee may
170 challenge an employee organization's application for renewal of
171 registration if the public employer or bargaining unit employee
172 believes that the application is inaccurate. The commission or
173 one of its designated agents shall review the application to
174 determine its accuracy and compliance with this section. If the

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175 commission finds that the application is inaccurate or does not
176 comply with this section, the commission shall revoke the
177 registration and certification of the employee organization.

178 (7) Subsections (3)-(6) do not apply to an employee
179 organization that has been certified as the bargaining agent
180 representing law enforcement officers, correctional officers, or
181 correctional probation officers as those terms are defined in s.
182 943.10(1), (2), or (3), respectively, firefighters as defined in
183 s. 633.102, or instructional personnel as defined in s.
184 1012.01(2).

185 Section 4. Paragraph (c) of subsection (4) of section
186 1012.2315, Florida Statutes, is amended to read:

187 1012.2315 Assignment of teachers.—

188 (4) COLLECTIVE BARGAINING.—

189 (c)1. In addition to the provisions under s. 447.305(2), an
190 employee organization that has been certified as the bargaining
191 agent for a unit of instructional personnel as defined in s.
192 1012.01(2) must include for each such certified bargaining unit
193 the following information in its application for renewal of
194 registration:

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

197 b. The number of employees in the bargaining unit who are
198 full-dues-paying members of ~~represented by~~ the employee
199 organization as of December 31 of the previous year. To confirm
200 such membership numbers, the employee organization must provide
201 a copy of each employee's dues authorization form, if
202 applicable, and a copy of each employee's employees' rights form
203 required under s. 447.301(1)(b) signed by the employee within

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204 ~~the previous 12 months., specifying the number of members who~~
205 ~~pay dues and the number of members who do not pay dues.~~

206 2. Notwithstanding the provisions of chapter 447 relating
207 to collective bargaining, an employee organization whose full-
208 dues-paying ~~dues-paying~~ membership is less than 50 percent of
209 the employees represented ~~eligible for representation~~ in the
210 unit, as identified in subparagraph 1., must petition the Public
211 Employees Relations Commission pursuant to s. 447.307(2) and (3)
212 for recertification as the exclusive representative of all
213 employees in the unit within 1 month after the date on which the
214 organization applies for renewal of registration pursuant to s.
215 447.305(2). The certification of an employee organization that
216 does not comply with this paragraph is revoked.

217 3. Notwithstanding s. 447.305(6), if a petition is filed
218 with the Public Employees Relations Commission which is
219 supported by documentary evidence and which contests information
220 or assertions of an employee organization's application for
221 renewal of registration, the commission must conduct an
222 investigation and hold a hearing to determine the accuracy of
223 such application. Representatives of the petitioner, employee
224 organization, and employer may participate in the hearing. If,
225 by a majority vote of the commissioners, the commission
226 determines that the percentage of employees in the bargaining
227 unit who were full-dues-paying members of the employee
228 organization at the time the application was submitted was less
229 than 50 percent, the commission must immediately revoke the
230 employee organization's certification as a bargaining agent.

231 4. The Public Employees Relations Commission may adopt
232 rules to implement this paragraph.

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

237 110.114 Employee wage deductions.—

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

246 Section 6. If any provision of this act or its application
247 to any person or circumstance is held invalid, the invalidity
248 does not affect other provisions or applications of the act
249 which can be given effect without the invalid provision or
250 application, and to this end the provisions of this act are
251 severable.

252 Section 7. This act applies to collective bargaining
253 agreements or contracts entered into on or after July 1, 2022,
254 and to existing collective bargaining agreements or contracts
255 that are amended, modified, extended, or otherwise changed or
256 altered in any way on or after July 1, 2022.

257 Section 8. This act shall take effect July 1, 2022.