

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 a public employee who desires to be a member of an
5 employee organization to sign a membership
6 authorization form beginning on a specified date;
7 requiring that such form include certain information
8 and a specified statement; authorizing a public
9 employee to revoke membership in an employee
10 organization at any time of the year; requiring an
11 employee organization to revoke a public employee's
12 membership upon receipt of his or her written request
13 for revocation; prohibiting an employee organization
14 from limiting an employee's right to revoke membership
15 to certain dates; prohibiting a revocation form from
16 requiring a reason for the public employee's decision
17 to revoke his or her membership; requiring employee
18 organizations to retain such authorization forms and
19 requests for revocation for inspection by the Public
20 Employees Relations Commission; providing
21 applicability with respect to certain employee
22 organizations; authorizing the commission to adopt
23 rules; amending s. 447.207, F.S.; authorizing the
24 commission to waive certain provisions for specified
25 employee organizations under certain circumstances;

26 | amending s. 447.303, F.S.; prohibiting certain
27 | employee organizations from having dues and uniform
28 | assessments deducted and collected by the employer
29 | from certain salaries; authorizing public employees to
30 | pay dues and uniform assessments directly to the
31 | employee organization; authorizing certain employee
32 | organizations to have dues and uniform assessments
33 | deducted and collected by the employer from certain
34 | salaries; amending s. 447.305, F.S.; revising
35 | requirements for applications for initial
36 | registrations and renewals of registration of employee
37 | organizations; providing procedures for incomplete
38 | applications; requiring certain employee organizations
39 | to petition the commission for recertification as
40 | bargaining agents; authorizing a public employer or
41 | bargaining unit employee to challenge an employee
42 | organization's application for renewal of
43 | registration; requiring the commission or one of its
44 | designated agents to review the application for
45 | renewal of registration; requiring the commission to
46 | revoke the registration and certification of the
47 | employee organization under certain circumstances;
48 | authorizing the commission to conduct investigations
49 | for specified purposes; authorizing the commission to
50 | revoke or deny an employee organization's registration

51 or certification under certain circumstances;
 52 specifying that certain decisions issued by the
 53 commission are reviewable final agency actions;
 54 providing applicability with respect to certain
 55 employee organizations; requiring certain employee
 56 organizations to provide their members with an annual
 57 audited financial report; requiring employee
 58 organizations to notify their members annually of all
 59 costs of membership; amending s. 447.509, F.S.;

60 revising prohibitions for employee organizations and
 61 certain persons acting on their behalf; amending s.
 62 1012.2315, F.S.; removing duplicative provisions;
 63 reenacting ss. 110.114(3) and 447.507(6)(a), F.S.,
 64 relating to employee wage deductions and violation of
 65 strike prohibition and penalties, respectively, to
 66 incorporate the amendment made to s. 447.303, F.S., in
 67 references thereto; providing effective dates.

68
 69 Be It Enacted by the Legislature of the State of Florida:

70
 71 Section 1. Subsection (1) of section 447.301, Florida
 72 Statutes, is amended to read:

73 447.301 Public employees' rights; organization and
 74 representation.—

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

76 | join, and participate in, or to refrain from forming, joining,
 77 | or participating in, any employee organization of their own
 78 | choosing.

79 | (b)1. Beginning July 1, 2023, a public employee who
 80 | desires to be a member of an employee organization must sign and
 81 | date a membership authorization form, as prescribed by the
 82 | commission, with the bargaining agent.

83 | 2. The membership authorization form must identify the
 84 | name of the bargaining agent, the name of the employee, the
 85 | class code and class title of the employee, the name of the
 86 | public employer and employing agency, if applicable, the amount
 87 | of the initiation fee and of the monthly dues which the member
 88 | must pay, and the name and total amount of salary, allowances,
 89 | and other direct or indirect disbursements, including
 90 | reimbursements, paid to each of the five highest compensated
 91 | officers and employees of the employee organization disclosed
 92 | under s. 447.305(2)(c).

93 | 3. The membership authorization form must contain the
 94 | following statement in 14-point type:

95 |
 96 | The State of Florida is a right-to-work state.
 97 | Membership or non-membership in a labor union is not
 98 | required as a condition of employment, and union
 99 | membership and payment of union dues and assessments
 100 | are voluntary. Each person has the right to join and

101 pay dues to a labor union or to refrain from joining
102 and paying dues to a labor union. No employee may be
103 discriminated against in any manner for joining and
104 financially supporting a labor union or for refusing
105 to join or financially support a labor union.

106
107 4. A public employee may revoke membership in the employee
108 organization at any time of the year. Upon receipt of the
109 employee's written revocation of membership, the employee
110 organization must revoke a public employee's membership. The
111 employee organization may not limit an employee's right to
112 revoke membership to certain dates. If a public employee must
113 complete a form to revoke membership in the employee
114 organization, the form may not require a reason for the public
115 employee's decision to revoke his or her membership.

116 5. An employee organization must retain for inspection by
117 the commission such membership authorization forms and any
118 revocations.

119 6. This paragraph does not apply to members of an employee
120 organization that has been certified as a bargaining agent to
121 represent law enforcement officers, correctional officers, or
122 correctional probation officers as those terms are defined in s.
123 943.10(1), (2), or (3), respectively, or firefighters as defined
124 in s. 633.102.

125 7. The commission may adopt rules to implement this

126 paragraph.

127 Section 2. Subsection (12) is added to section 447.207,
128 Florida Statutes, to read:

129 447.207 Commission; powers and duties.—

130 (12) Upon a petition by a public employer after it has
131 been notified by the Department of Labor that the public
132 employer's protective arrangement covering mass transit
133 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
134 and would jeopardize the employer's continued eligibility to
135 receive Federal Transit Administration funding, the commission
136 may waive, to the extent necessary for the public employer to
137 comply with the requirements of 49 U.S.C. s. 5333(b), any of the
138 following for an employee organization that has been certified
139 as a bargaining agent to represent mass transit employees:

140 (a) The prohibition on dues and assessment deductions
141 provided in s. 447.303(1).

142 (b) The requirement to petition the commission for
143 recertification.

144 (c) The revocation of certification provided in s.
145 447.305(6) and (7).

146 Section 3. Effective July 1, 2023, section 447.303,
147 Florida Statutes, is amended to read:

148 447.303 Dues; deduction and collection.—

149 (1) Except as authorized in subsection (2) or subject to a
150 waiver granted pursuant to s. 447.207(12)(a), an employee

151 organization that has been certified as a bargaining agent may
 152 not have its dues and uniform assessments deducted and collected
 153 by the employer from the salaries of those employees in the
 154 unit. A public employee may pay dues and uniform assessments
 155 directly to the employee organization that has been certified as
 156 the bargaining agent.

157 (2)(a) An Any employee organization that ~~which~~ has been
 158 certified as a bargaining agent to represent law enforcement
 159 officers, correctional officers, or correctional probation
 160 officers as those terms are defined in s. 943.10(1), (2), or
 161 (3), respectively, or firefighters as defined in s. 633.102 has
 162 ~~shall have~~ the right to have its dues and uniform assessments
 163 deducted and collected by the employer from the salaries of
 164 those employees who authorize the deduction and collection of
 165 said dues and uniform assessments. However, such authorization
 166 is revocable at the employee's request upon 30 days' written
 167 notice to the employer and employee organization. Said
 168 deductions shall commence upon the bargaining agent's written
 169 request to the employer.

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

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

176 (3) The public employer is expressly prohibited from any
 177 involvement in the collection of fines, penalties, or special
 178 assessments.

179 Section 4. Effective October 1, 2023, section 447.305,
 180 Florida Statutes, is amended to read:

181 447.305 Registration of employee organization.—

182 (1) Every employee organization seeking to become a
 183 certified bargaining agent for public employees shall register
 184 with the commission pursuant to the procedures set forth in s.
 185 120.60 prior to requesting recognition by a public employer for
 186 purposes of collective bargaining and prior to submitting a
 187 petition to the commission requesting certification as an
 188 exclusive bargaining agent. Further, if such employee
 189 organization is not registered, it may not participate in a
 190 representation hearing, participate in a representation
 191 election, or be certified as an exclusive bargaining agent. The
 192 application for registration required by this section shall be
 193 under oath and in such form as the commission may prescribe and
 194 shall include:

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

197 (b) The names and addresses of the principal officers and
 198 all representatives of the organization.

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

201 (d) The current annual audited financial statement of the
 202 organization.

203 (e) The name of its business agent, if any; if different
 204 from the business agent, the name of its local agent for service
 205 of process; and the addresses where such person or persons can
 206 be reached.

207 (f) A pledge, in a form prescribed by the commission, that
 208 the employee organization will conform to the laws of the state
 209 and that it will accept members without regard to age, race,
 210 sex, religion, or national origin.

211 (g) A copy of the current constitution and bylaws of the
 212 employee organization.

213 (h) A copy of the current constitution and bylaws of the
 214 state and national groups with which the employee organization
 215 is affiliated or associated. In lieu of this provision, and upon
 216 adoption of a rule by the commission, a state or national
 217 affiliate or parent organization of any registering labor
 218 organization may annually submit a copy of its current
 219 constitution and bylaws.

220 (2) A registration granted to an employee organization
 221 pursuant to the provisions of this section shall run for 1 year
 222 from the date of issuance. A registration shall be renewed
 223 annually by filing application for renewal under oath with the
 224 commission, which application shall reflect any changes in the
 225 information provided to the commission in conjunction with the

226 employee organization's preceding application for registration
227 or previous renewal, whichever is applicable. Each application
228 for renewal of registration shall include a current annual
229 audited financial statement, certified by an independent
230 certified public accountant licensed under chapter 473 and
231 ~~report,~~ signed by the employee organization's ~~its~~ president and
232 treasurer or corresponding principal officers, containing the
233 following information in such detail as may be necessary
234 accurately to disclose its financial condition and operations
235 for its preceding fiscal year and in such categories as the
236 commission may prescribe:

237 (a) Assets and liabilities at the beginning and end of the
238 fiscal year;

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

240 (c) Salary, allowances, and other direct or indirect
241 disbursements, including reimbursed expenses, to each officer
242 and also to each employee who, during such fiscal year, received
243 more than \$10,000 in the aggregate from such employee
244 organization and any other employee organization affiliated with
245 it or with which it is affiliated or which is affiliated with
246 the same national or international employee organization;

247 (d) Direct and indirect loans made to any officer,
248 employee, or member which aggregated more than \$250 during the
249 fiscal year, together with a statement of the purpose, security,
250 if any, and arrangements for repayment; and

251 (e) Direct and indirect loans to any business enterprise,
252 together with a statement of the purpose, security, if any, and
253 arrangements for repayment.

254 (3) In addition to subsection (2), an employee
255 organization that has been certified as the bargaining agent for
256 public employees must include for each such certified bargaining
257 unit the following information and documentation as of the 30th
258 day immediately preceding the date of renewal in its application
259 for any renewal of registration on or after October 1, 2023:

260 (a) The number of employees in the bargaining unit who are
261 eligible for representation by the employee organization.

262 (b) The number of employees in the bargaining unit who
263 have submitted signed membership authorization forms without a
264 subsequent revocation of such membership.

265 (c) The number of employees in the bargaining unit who
266 paid dues to the employee organization.

267 (d) The number of employees in the bargaining unit who did
268 not pay dues to the employee organization.

269 (e) Documentation provided by an independent certified
270 public accountant retained by the employee organization which
271 verifies the information provided in paragraphs (a)-(d).

272 (4) The employee organization must provide a copy of its
273 application for renewal of registration relating to a public
274 employer's employees to the public employer on the same day the
275 application is submitted to the commission.

276 (5) An application for renewal of registration is
277 incomplete and is not eligible for consideration by the
278 commission if it does not include all of the information and
279 documentation required in subsection (3). The commission shall
280 notify the employee organization if the application is
281 incomplete. An incomplete application must be dismissed if the
282 required information and documentation are not provided within
283 10 days after the employee organization receives such notice.

284 (6) Notwithstanding the provisions of this chapter
285 relating to collective bargaining, an employee organization that
286 had less than 60 percent of the employees eligible for
287 representation in the bargaining unit pay dues during its last
288 registration period must petition the commission pursuant to s.
289 447.307(2) and (3) for recertification as the exclusive
290 representative of all employees in the bargaining unit within 1
291 month after the date on which the employee organization applies
292 for renewal of registration pursuant to subsection (2). The
293 certification of an employee organization that does not comply
294 with this section is revoked.

295 (7) The public employer or a bargaining unit employee may
296 challenge an employee organization's application for renewal of
297 registration if the public employer or bargaining unit employee
298 believes that the application is inaccurate. The commission or
299 one of its designated agents shall review the application to
300 determine its accuracy and compliance with this section. If the

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

304 (8) The commission may conduct an investigation to confirm
 305 the validity of any information submitted pursuant to this
 306 section. The commission may revoke or deny an employee
 307 organization's registration or certification if it finds that
 308 the employee organization:

309 (a) Failed to cooperate with the investigation conducted
 310 pursuant to this subsection; or

311 (b) Intentionally misrepresented the information it
 312 submitted pursuant to subsection (3).

313
 314 A decision issued by the commission pursuant to this subsection
 315 is a final agency action that is reviewable pursuant to s.
 316 447.504.

317 (9) Subsections (3)-(8) do not apply to an employee
 318 organization that has been certified as the bargaining agent to
 319 represent law enforcement officers, correctional officers, or
 320 correctional probation officers as those terms are defined in s.
 321 943.10(1), (2), or (3), respectively, or firefighters as defined
 322 in s. 633.102.

323 (10)~~(3)~~ A registration fee shall accompany each
 324 application filed with the commission. The amount charged for an
 325 application for registration or renewal of registration shall

326 not exceed \$15. All such money collected by the commission shall
327 be deposited in the General Revenue Fund.

328 ~~(11)-(4)~~ Every employee organization shall keep accurate
329 accounts of its income and expenses, which accounts shall be
330 open for inspection at all reasonable times by any member of the
331 organization or by the commission. In addition, each employee
332 organization that has been certified as a bargaining agent must
333 provide to its members an annual audited financial report that
334 includes a detailed breakdown of revenues and expenditures, and
335 an accounting of membership dues and assessments. The employee
336 organization must notify its members annually of all costs of
337 membership.

338 Section 5. Paragraphs (d) and (e) are added to subsection
339 (1) of section 447.509, Florida Statutes, to read:

340 447.509 Other unlawful acts.—

341 (1) Employee organizations, their members, agents, or
342 representatives, or any persons acting on their behalf are
343 hereby prohibited from:

344 (d) Offering anything of value to a public officer as
345 defined in s. 112.313(1) which the public officer is prohibited
346 from accepting under s. 112.313(2).

347 (e) Offering any compensation, payment, or thing of value
348 to a public officer as defined in s. 112.313(1) which the public
349 officer is prohibited from accepting under s. 112.313(4).

350 Section 6. Effective October 1, 2023, paragraph (c) of

351 subsection (4) of section 1012.2315, Florida Statutes, is
352 amended to read:

353 1012.2315 Assignment of teachers.—

354 (4) COLLECTIVE BARGAINING.—

355 ~~(c)1. In addition to the provisions under s. 447.305(2),~~
356 ~~an employee organization that has been certified as the~~
357 ~~bargaining agent for a unit of instructional personnel as~~
358 ~~defined in s. 1012.01(2) must include for each such certified~~
359 ~~bargaining unit the following information in its application for~~
360 ~~renewal of registration:~~

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

363 ~~b. The number of employees who are represented by the~~
364 ~~employee organization, specifying the number of members who pay~~
365 ~~dues and the number of members who do not pay dues.~~

366 ~~2. Notwithstanding the provisions of chapter 447 relating~~
367 ~~to collective bargaining, an employee organization whose dues~~
368 ~~paying membership is less than 50 percent of the employees~~
369 ~~eligible for representation in the unit, as identified in~~
370 ~~subparagraph 1., must petition the Public Employees Relations~~
371 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
372 ~~as the exclusive representative of all employees in the unit~~
373 ~~within 1 month after the date on which the organization applies~~
374 ~~for renewal of registration pursuant to s. 447.305(2). The~~
375 ~~certification of an employee organization that does not comply~~

376 | ~~with this paragraph is revoked.~~

377 | Section 7. Effective July 1, 2023, for the purpose of
 378 | incorporating the amendment made by this act to section 447.303,
 379 | Florida Statutes, in a reference thereto, subsection (3) of
 380 | section 110.114, Florida Statutes, is reenacted to read:

381 | 110.114 Employee wage deductions.—

382 | (3) Notwithstanding the provisions of subsections (1) and
 383 | (2), the deduction of an employee's membership dues deductions
 384 | as defined in s. 447.203(15) for an employee organization as
 385 | defined in s. 447.203(11) shall be authorized or permitted only
 386 | for an organization that has been certified as the exclusive
 387 | bargaining agent pursuant to chapter 447 for a unit of state
 388 | employees in which the employee is included. Such deductions
 389 | shall be subject to the provisions of s. 447.303.

390 | Section 8. Effective July 1, 2023, for the purpose of
 391 | incorporating the amendment made by this act to section 447.303,
 392 | Florida Statutes, in a reference thereto, paragraph (a) of
 393 | subsection (6) of section 447.507, Florida Statutes, is
 394 | reenacted to read:

395 | 447.507 Violation of strike prohibition; penalties.—

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

398 | 1. Issue cease and desist orders as necessary to ensure
 399 | compliance with its order.

400 | 2. Suspend or revoke the certification of the employee

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401 organization as the bargaining agent of such employee unit.

402 3. Revoke the right of dues deduction and collection
403 previously granted to said employee organization pursuant to s.
404 447.303.

405 4. Fine the organization up to \$20,000 for each calendar
406 day of such violation or determine the approximate cost to the
407 public due to each calendar day of the strike and fine the
408 organization an amount equal to such cost, notwithstanding the
409 fact that the fine may exceed \$20,000 for each such calendar
410 day. The fines so collected shall immediately accrue to the
411 public employer and shall be used by him or her to replace those
412 services denied the public as a result of the strike. In
413 determining the amount of damages, if any, to be awarded to the
414 public employer, the commission shall take into consideration
415 any action or inaction by the public employer or its agents that
416 provoked, or tended to provoke, the strike by the public
417 employees.

418 Section 9. Except as otherwise expressly provided in this
419 act, this act shall take effect upon becoming a law.