



# Amalgamated Transit Union

10000 New Hampshire Avenue, Silver Spring, MD 20903-1706  
(301) 431-7100 Fax (301) 431-7117

---

Office of the International President

---

March 7, 2023

Dear Senator/Representative:

On behalf of the Amalgamated Transit Union (ATU), representing nearly 6,000 workers throughout Broward County, Fort Lauderdale, Gainesville, Jacksonville, Orlando, Pensacola, Sarasota, Tampa, and West Palm Beach, we urge you to oppose SB 256/HB 1445, revising provisions related to organizations for public employees including forms, dues and uniform assessments, applications for renewal of registration, recertification and revocation of registration and certification.

This ill-conceived legislation would have the unintended consequence of preventing the flow of billions of dollars in federal infrastructure funds to your state. SB 256/HB 1445 **would render the public transit systems in Florida ineligible for more than \$542 million<sup>1</sup> in federal transit funds in Fiscal Year 2023 alone, and billions of dollars through the life of the new federal bipartisan infrastructure bill.**

By requiring recertification elections and prohibiting bargaining over and enforcement of existing dues deductions provisions in existing collective bargaining agreements, SB 256/HB 1445 would void existing employee protection agreements required as a condition for federal transit grant funding and prevent compliance to obtain future grant funds.

Under 49 U.S.C. 5333(b), for a public transit agency to receive federal transit funding, the U.S. Department of Labor must certify that arrangements are in place for the “continuation of collective bargaining rights” for employees affected by the assistance. If Florida state law stripped transit employees of their right to bargain over dues deduction and require recertification elections jeopardizing their representation rights and labor contracts, the U.S. Department of Labor would be unable to make such a certification, preventing Florida transit authorities’ ability to receive federal transit funding. *See Amalgamated Transit Union v. Donovan*, 767 F.2d 939 (D.C.Cir.1985).

Further, these authorities are now receiving federal funding based on having the lawful authority to comply with all statutory requirements, including 49 U.S.C. 5333(b). Undermining the employees’ collective bargaining rights will further subject the authority to litigation over previously certified funding. Similar issues were raised in Iowa where ATU objected to grants on the same basis.

---

<sup>1</sup> <https://www.transit.dot.gov/funding/apportionments/fy-2023-full-year-apportionments-state-totals>

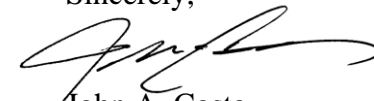
Attached please find a letter from the U.S Department of Labor's Office of Labor-Management Standards (sent in response to an inquiry on a very similar bill introduced in 2021 and later in 2022), confirming that such legislation indeed jeopardizes federal transit funding.

In addition to the transit issues above, this bill violates Floridians' fundamental rights. Banning leafletting at places such as bus stops and government offices is an obvious violation of the First Amendment, which protects our freedom of speech and assembly. **It is the type of law that we would expect to come out of Moscow, not Tallahassee.**

In summary, SB 256/HB 1445 would strip Florida's working families of their transportation options, cripple the state transit budget, and rob union members of their fundamental American rights. We urge you to reject these thoughtless and harmful public policies.

Thank you for your consideration of our views. If you have any questions regarding this information, please contact Dwight Mattingly, President of the ATU Florida Legislative Conference Board, at (561) 523-0525 or [atu1577@bellsouth.net](mailto:atu1577@bellsouth.net).

Sincerely,



John A. Costa  
International President

c: Clinton Forbes, Board Chair, Florida Public Transit Association  
Dwight Mattingly, President, ATU Florida Legislative Conference Board

attachment