

573-155AXC-32

Bill No. CS/HB 1129

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Betancourt offered the following:

**Amendment (with title amendment)**

remove: everything after the enacting clause,

and insert:

Section 1. Subsection (12) is added to section 447.207, Florida Statutes, to read:

447.207 Commission; powers and duties.--

(12) The commission shall file a report with the President of the Senate and the Speaker of the House of Representatives by January 1 of each year identifying the employee organizations currently registered or certified by the commission, employee organizations that renewed registration with the commission, and any employee organization whose registration or certification has been revoked by the commission during the previous calendar year.

Section 2. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.--

(1) Every employee organization seeking to become a

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1 certified bargaining agent for public employees shall register  
2 with the commission pursuant to the procedures set forth in s.  
3 120.60 prior to requesting recognition by a public employer  
4 for purposes of collective bargaining and prior to submitting  
5 a petition to the commission requesting certification as an  
6 exclusive bargaining agent. Further, if such employee  
7 organization is not registered, it may not participate in a  
8 representation hearing, participate in a representation  
9 election, or be certified as an exclusive bargaining agent.  
10 The application for registration required by this section  
11 shall be under oath and in such form as the commission may  
12 prescribe and shall include:

13 (a) The name and address of the organization and of  
14 any parent organization or any state organization with which  
15 it is affiliated.

16 (b) The names, titles, telephone numbers, and  
17 addresses of the principal officers and all representatives of  
18 the organization and the names, titles, and telephone numbers  
19 of the officers of any state organization with which it is  
20 affiliated.

21 (c) The amount of the initiation fee, if any, and of  
22 the annual ~~monthly~~ dues that which members of each employee  
23 organization must pay.

24 (d) The current annual financial statement of the  
25 organization.

26 (e) The name of its business agent, if any; if  
27 different from the business agent, the name of its local agent  
28 for service of process; and the addresses where such person or  
29 persons can be reached.

30 (f) A pledge, in a form prescribed by the commission,  
31 that the employee organization will conform to the laws of the

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1 state and that it will accept members without regard to age,  
2 race, sex, religion, or national origin.

3 (g) A copy of the current constitution and bylaws of  
4 the employee organization.

5 (h) A copy of the current constitution and bylaws of  
6 the state and national groups with which the employee  
7 organization is affiliated or associated. In lieu of this  
8 provision, and upon adoption of a rule by the commission, a  
9 state or national affiliate or parent organization of any  
10 registering labor organization may annually submit a copy of  
11 its current constitution and bylaws.

12 (2) A registration granted to an employee organization  
13 pursuant to the provisions of this section shall run until  
14 June 30 following for 1 year from the date of issuance. A  
15 registration shall be renewed each year by July 1 ~~annually~~ by  
16 filing an application for renewal under oath with the  
17 commission, which application shall reflect any changes in the  
18 information provided to the commission in conjunction with the  
19 employee organization's preceding application for registration  
20 or previous renewal, whichever is applicable. Each  
21 application for renewal of registration shall include a  
22 current annual financial report, signed by its president and  
23 treasurer or corresponding principal officers, containing the  
24 following information in such detail as may be necessary  
25 accurately to disclose its financial condition and operations  
26 for its preceding fiscal year and in such categories as the  
27 commission may prescribe:

28 (a) Assets and liabilities at the beginning and end of  
29 the fiscal year;

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

31 (c) Salary, allowances, and other direct or indirect

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1 disbursements, including reimbursed expenses, to each officer  
2 and also to each employee who, during such fiscal year,  
3 received more than \$10,000 in the aggregate from such employee  
4 organization and any other employee organization affiliated  
5 with it or with which it is affiliated or which is affiliated  
6 with the same national or international employee organization  
7 and list the annual salaries of each of the principal officers  
8 of all state affiliates;

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

13 (e) Direct and indirect loans to any business  
14 enterprise, together with a statement of the purpose,  
15 security, if any, and arrangements for repayment; -

16 (f) The annual dollar amount of the following benefit  
17 packages paid to each of the principal officers of the  
18 organization that is seeking renewal of registration:

19 1. Health, major medical, vision, or dental insurance;

20 2. Life insurance;

21 3. Retirement plans; and

22 4. Automobile allowances;

23 (g) The amount of the salary of any officer of the  
24 organization that was paid by a public employer and any  
25 amounts paid as total or partial reimbursement to the public  
26 employer by the employee organization seeking renewal of  
27 registration;

28 (h) Separately, each of the different bargaining units  
29 and the number of dues-paying members of each bargaining unit  
30 to be represented by the employee organization as of June 30  
31 immediately preceding the filing; and

1           (i) Separately, the per-member amount of annual dues  
2 sent from the employee organization seeking renewal of  
3 registration to each state, national, or international  
4 affiliate.

5           (3) All applications for renewal of registration shall  
6 be filed with the commission by June 30 of each year. Within  
7 20 days after the date an application for renewal must be  
8 filed, the commission shall notify by certified mail any  
9 employee organization that failed to file by the June 30  
10 deadline advising that the application is overdue and that the  
11 organization shall be subject to a fine in the amount of \$50  
12 per day until the application is received. The fine shall be  
13 assessed from the date the notice is received by the employee  
14 organization. The commission shall determine the amount of  
15 fine due based upon the earliest of the following:

16           (a) When the application is actually received by the  
17 commission;

18           (b) When the application is postmarked;

19           (c) When the certificate of mailing is dated, if sent  
20 by certified mail; or

21           (d) When the receipt for an established courier  
22 company is dated, if sent by courier.

23  
24 If the overdue application is not received within 60 days  
25 after the date the commission's notice is received by the  
26 organization, any application for renewal received after the  
27 60-day period shall be denied. If the application for renewal  
28 is received within the 60-day period but the fine has not been  
29 paid, the application for renewal shall be denied. Any fine  
30 imposed under this subsection shall not exceed \$1,000, and all  
31 moneys collected under this subsection shall be deposited in

1 the Public Employees Relations Commission Trust Fund.  
2 (4) Upon receipt of an application for renewal of  
3 registration, the commission shall examine the application  
4 and, within 30 days after such receipt, shall notify the  
5 employee organization by certified mail that the application  
6 is complete or that additional information is necessary. If  
7 the employee organization fails to provide the additional  
8 information within 20 days after the date notice is received  
9 by the employee organization, the organization shall be  
10 subject to a fine in the amount of \$50 per day until the  
11 information is provided. The fine shall be assessed from the  
12 day following the 20-day period in which the organization was  
13 to provide the additional information. The commission shall  
14 determine the amount of fine due based upon the earliest of  
15 the following:  
16 (a) When the application is actually received by the  
17 commission;  
18 (b) When the application is postmarked;  
19 (c) When the certificate of mailing is dated, if sent  
20 by certified mail; or  
21 (d) When the receipt for an established courier  
22 company is dated, if sent by a courier.  
23  
24 If the employee organization fails to provide the additional  
25 information within 60 days after the date the commission's  
26 notice is received by the organization and the fine is not  
27 paid, the renewal of registration shall be denied. Any fine  
28 imposed under this subsection shall not exceed \$1,000, and all  
29 moneys collected under this subsection shall be deposited in  
30 the Public Employees Relations Commission Trust Fund.  
31 (5) Any employee organization may appeal or dispute a

1 fine imposed under subsection (3) or subsection (4) based upon  
2 unusual circumstances surrounding the failure to file the  
3 application by June 30 or the failure to provide additional  
4 information to the commission. The employee organization may  
5 request and shall be entitled to a hearing before the  
6 commission, which shall have the authority to waive the fine  
7 in whole or in part. Any such request must be made within 20  
8 days after the receipt of the notice of payment due.

9 (6)(3) A registration fee shall accompany each  
10 application filed with the commission. The amount charged for  
11 an application for registration or renewal of registration is  
12 \$50 shall not exceed \$15. All such money collected by the  
13 commission shall be deposited in the Public Employees  
14 Relations Commission Trust ~~General Revenue~~ Fund.

15 (7)(4) Notification of registrations and renewals of  
16 registration shall be furnished at regular intervals by the  
17 commission to the Department of Labor and Employment Security.

18 (8)(5) Every employee organization shall keep accurate  
19 accounts of its income and expenses, which accounts shall be  
20 open for inspection at all reasonable times by any member of  
21 the organization or by the commission.

22 (9) The commission shall be the custodian of all  
23 records required under this section and shall make such  
24 records available for public inspection. However, the  
25 commission shall not release to the public any personally  
26 identifying information required to be filed under paragraph  
27 (1)(b) in the case of information relating to any individual  
28 who is a sworn law enforcement officer or a correctional  
29 officer if such information is exempt under s. 119.07(3)(i).

30 Section 3. This act shall take effect August 1, 2002.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 23, after the semicolon,  
4 remove:

5

6 and insert:

7 requiring the commission to be the custodian of  
8 certain records; requiring public access to  
9 such records; providing an exception;

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