

By the Committee on State Administration and  
Representatives Betancourt and Melvin

1                                   A bill to be entitled  
2           An act relating to the Public Employees  
3           Relations Commission; amending s. 447.207,  
4           F.S.; requiring the commission to report  
5           certain information each year to the President  
6           of the Senate and the Speaker of the House of  
7           Representatives; amending s. 447.305, F.S.;  
8           revising required information in applications  
9           for registration; specifying a uniform date for  
10          registrations; requiring additional information  
11          in applications for registration; specifying  
12          conditions for denial or revocation of  
13          registration by employee organizations;  
14          providing for denial of registration under  
15          certain circumstances; authorizing the  
16          commission to impose fines under certain  
17          circumstances; providing for appeal or dispute  
18          of such fines; providing for hearings before  
19          the commission; authorizing the commission to  
20          waive such fines under certain circumstances;  
21          revising a prescribed registration fee;  
22          providing for retention by the commission of  
23          certain funds; providing an effective date.

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25 Be It Enacted by the Legislature of the State of Florida:

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27           Section 1. Subsection (12) is added to section  
28   447.207, Florida Statutes, to read:

29           447.207 Commission; powers and duties.--

30           (12) The commission shall file a report with the  
31   President of the Senate and the Speaker of the House of

1 Representatives by January 1 of each year identifying the  
2 employee organizations currently registered or certified by  
3 the commission, employee organizations that renewed  
4 registration with the commission, and any employee  
5 organization whose registration or certification has been  
6 revoked by the commission during the previous calendar year.

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

9 447.305 Registration of employee organization.--

10 (1) Every employee organization seeking to become a  
11 certified bargaining agent for public employees shall register  
12 with the commission pursuant to the procedures set forth in s.  
13 120.60 prior to requesting recognition by a public employer  
14 for purposes of collective bargaining and prior to submitting  
15 a petition to the commission requesting certification as an  
16 exclusive bargaining agent. Further, if such employee  
17 organization is not registered, it may not participate in a  
18 representation hearing, participate in a representation  
19 election, or be certified as an exclusive bargaining agent.  
20 The application for registration required by this section  
21 shall be under oath and in such form as the commission may  
22 prescribe and shall include:

23 (a) The name and address of the organization and of  
24 any parent organization or any state organization with which  
25 it is affiliated.

26 (b) The names, titles, telephone numbers, and  
27 addresses of the principal officers and all representatives of  
28 the organization and the names, titles, and telephone numbers  
29 of the officers of any state organization with which it is  
30 affiliated.

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1 (c) The amount of the initiation fee, if any, and of  
2 the annual ~~monthly~~ dues that ~~which~~ members of each public  
3 sector bargaining unit must pay.

4 (d) The current annual financial statement of the  
5 organization.

6 (e) The name of its business agent, if any; if  
7 different from the business agent, the name of its local agent  
8 for service of process; and the addresses where such person or  
9 persons can be reached.

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

14 (g) A copy of the current constitution and bylaws of  
15 the employee organization.

16 (h) A copy of the current constitution and bylaws of  
17 the state and national groups with which the employee  
18 organization is affiliated or associated. In lieu of this  
19 provision, and upon adoption of a rule by the commission, a  
20 state or national affiliate or parent organization of any  
21 registering labor organization may annually submit a copy of  
22 its current constitution and bylaws.

23 (2) A registration granted to an employee organization  
24 pursuant to the provisions of this section shall run until  
25 June 30 following ~~for 1 year from~~ the date of issuance. A  
26 registration shall be renewed each year by July 1 ~~annually~~ by  
27 filing an application for renewal under oath with the  
28 commission, which application shall reflect any changes in the  
29 information provided to the commission in conjunction with the  
30 employee organization's preceding application for registration  
31 or previous renewal, whichever is applicable. Each

1 application for renewal of registration shall include a  
2 current annual financial report, signed by its president and  
3 treasurer or corresponding principal officers, containing the  
4 following information in such detail as may be necessary  
5 accurately to disclose its financial condition and operations  
6 for its preceding fiscal year and in such categories as the  
7 commission may prescribe:

8 (a) Assets and liabilities at the beginning and end of  
9 the fiscal year;

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

11 (c) Salary, allowances, and other direct or indirect  
12 disbursements, including reimbursed expenses, to each officer  
13 and also to each employee who, during such fiscal year,  
14 received more than \$10,000 in the aggregate from such employee  
15 organization and any other employee organization affiliated  
16 with it or with which it is affiliated or which is affiliated  
17 with the same national or international employee organization  
18 and list the annual salaries of each of the principal officers  
19 of all state affiliates;

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

24 (e) Direct and indirect loans to any business  
25 enterprise, together with a statement of the purpose,  
26 security, if any, and arrangements for repayment; ~~-~~

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

- 30 1. Health, major medical, vision, or dental insurance;  
31 2. Life insurance;

1           3. Retirement plans; and  
2           4. Automobile allowances;  
3           (g) The amount of the salary of any officers of the  
4 organization that was paid by a public employer but was all or  
5 partially reimbursed to the public employer from the employee  
6 organization seeking renewal of registration;  
7           (h) Separately, each of the different bargaining units  
8 and the number of dues-paying members of each bargaining unit  
9 to be represented by the employee organization as of June 30  
10 immediately preceding the filing; and  
11           (i) Separately, the per-member amount of annual dues  
12 sent from the employee organization seeking renewal of  
13 registration to each state, national, or international  
14 affiliate.  
15           (3) All applications for renewal of registration shall  
16 be filed with the commission by June 30 of each year. Within  
17 20 days after the date an application for renewal must be  
18 filed, the commission shall notify by certified mail any  
19 employee organization that failed to file by the June 30  
20 deadline advising that the application is overdue and that the  
21 organization shall be subject to a fine in the amount of \$50  
22 per day until the application is received. The fine shall be  
23 assessed from the date the notice is sent by the commission.  
24 The commission shall determine the amount of fine due based  
25 upon the earliest of the following:  
26           (a) When the application is actually received by the  
27 commission;  
28           (b) When the application is postmarked;  
29           (c) When the certificate of mailing is dated, if sent  
30 by certified mail; or  
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1           (d) When the receipt for an established courier  
2 company is dated, if sent by a courier.

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4 If the overdue application is not received within 60 days  
5 after the date notice is sent, any application for renewal  
6 received after the 60-day period shall be denied. If the  
7 application for renewal is received within the 60-day period  
8 but the fine has not been paid, the application for renewal  
9 shall be denied. Any fine imposed under this subsection shall  
10 not exceed \$1,000, and all moneys collected under this  
11 subsection shall be deposited in the Public Employees  
12 Relations Commission Trust Fund.

13           (4) Upon receipt of an application for renewal of  
14 registration, the commission shall examine the application  
15 and, within 30 days after such receipt, shall notify the  
16 employee organization by certified mail that the application  
17 is complete or that additional information is necessary. If  
18 the employee organization fails to provide the additional  
19 information within 20 days after the date notice is sent, the  
20 organization shall be subject to a fine in the amount of \$50  
21 per day until the information is provided. The fine shall be  
22 assessed from the day following the 20-day period in which the  
23 organization was to provide the additional information. The  
24 commission shall determine the amount of fine due based upon  
25 the earliest of the following:

26           (a) When the application is actually received by the  
27 commission;

28           (b) When the application is postmarked;

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

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1           (d) When the receipt for an established courier  
2 company is dated, if sent by a courier.

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4 If the employee organization fails to provide the additional  
5 information within 60 days after the date notice is sent and  
6 the fine is not paid, the renewal of registration shall be  
7 denied. Any fine imposed under this subsection shall not  
8 exceed \$1,000, and all moneys collected under this subsection  
9 shall be deposited in the Public Employees Relations  
10 Commission Trust Fund.

11           (5) Any employee organization may appeal or dispute a  
12 fine imposed under subsection (3) or subsection (4) based upon  
13 unusual circumstances surrounding the failure to file the  
14 application by June 30 or the failure to provide additional  
15 information to the commission. The employee organization may  
16 request and shall be entitled to a hearing before the  
17 commission, which shall have the authority to waive the fine  
18 in whole or in part. Any such request must be made within 20  
19 days after the receipt of the notice of payment due.

20           (6)(3) A registration fee shall accompany each  
21 application filed with the commission. The amount charged for  
22 an application for registration is \$50 or renewal of  
23 registration shall not exceed \$15. The fee charged for an  
24 application for renewal of registration shall be \$1 per member  
25 in the bargaining unit calculated based upon the number of  
26 members in such unit as of June 30 immediately preceding the  
27 filing, but in no case shall the amount exceed \$1,000. All  
28 such money collected by the commission shall be deposited in  
29 the Public Employees Relations Commission Trust ~~General~~  
30 Revenue Fund.

1           (7)~~(4)~~ Notification of registrations and renewals of  
2 registration shall be furnished at regular intervals by the  
3 commission to the Department of Labor and Employment Security.

4           (8)~~(5)~~ Every employee organization shall keep accurate  
5 accounts of its income and expenses, which accounts shall be  
6 open for inspection at all reasonable times by any member of  
7 the organization or by the commission.

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

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