

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; requiring the commission to be
24 the custodian of certain records; requiring
25 public access to such records; providing an
26 exception; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Subsection (12) is added to section
31 447.207, Florida Statutes, to read:

1 447.207 Commission; powers and duties.--

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

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

12 447.305 Registration of employee organization.--

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

26 (a) The name and address of the organization and of
27 any parent organization or any state organization with which
28 it is affiliated.

29 (b) The names, titles, telephone numbers, and
30 addresses of the principal officers and all representatives of
31 the organization and the names, titles, and telephone numbers

1 of the officers of any state organization with which it is
2 affiliated.

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

6 (d) The current annual financial statement of the
7 organization.

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

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

16 (g) A copy of the current constitution and bylaws of
17 the employee organization.

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

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

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

10 (a) Assets and liabilities at the beginning and end of
11 the fiscal year;

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

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

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

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

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

- 1 1. Health, major medical, vision, or dental insurance;
- 2 2. Life insurance;
- 3 3. Retirement plans; and
- 4 4. Automobile allowances;

5 (g) The amount of the salary of any officer of the
6 organization that was paid by a public employer and any
7 amounts paid as total or partial reimbursement to the public
8 employer by the employee organization seeking renewal of
9 registration;

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

14 (i) Separately, the per-member amount of annual dues
15 sent from the employee organization seeking renewal of
16 registration to each state, national, or international
17 affiliate.

18 (3) All applications for renewal of registration shall
19 be filed with the commission by June 30 of each year. Within
20 20 days after the date an application for renewal must be
21 filed, the commission shall notify by certified mail any
22 employee organization that failed to file by the June 30
23 deadline advising that the application is overdue and that the
24 organization shall be subject to a fine in the amount of \$50
25 per day until the application is received. The fine shall be
26 assessed from the date the notice is received by the employee
27 organization. The commission shall determine the amount of
28 fine due based upon the earliest of the following:

29 (a) When the application is actually received by the
30 commission;

31 (b) When the application is postmarked;

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

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

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

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

29 (a) When the application is actually received by the
30 commission;

31 (b) When the application is postmarked;

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

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

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

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

22 (6)(3) A registration fee shall accompany each
23 application filed with the commission. The amount charged for
24 an application for registration or renewal of registration
25 shall not exceed \$15. All such money collected by the
26 commission shall be deposited in the Public Employees
27 Relations Commission Trust ~~General Revenue~~ Fund.

28 (7)(4) Notification of registrations and renewals of
29 registration shall be furnished at regular intervals by the
30 commission to the Department of Labor and Employment Security.

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1 ~~(8)(5)~~ Every employee organization shall keep accurate
2 accounts of its income and expenses, which accounts shall be
3 open for inspection at all reasonable times by any member of
4 the organization or by the commission.

5 (9) The commission shall be the custodian of all
6 records required under this section and shall make such
7 records available for public inspection. However, the
8 commission shall not release to the public any personally
9 identifying information required to be filed under paragraph
10 (1)(b) in the case of information relating to any individual
11 who is a sworn law enforcement officer or a correctional
12 officer if such information is exempt under s. 119.07(3)(i).

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