

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Education Pre-K - 12 Committee

BILL: CS/SB 1698

INTRODUCER: Education Pre-K - 12 Committee and Senator Wise

SUBJECT: Teacher Protection

DATE: February 21, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	deMarsh-Mathues	ED	<b>Fav/CS</b>
2.	_____	_____	JU	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

The bill modifies the definition of the term "employee organization" in s. 447.203, F.S., relating to labor organizations, to exclude professional teacher associations that do not register as collective bargaining organizations.

The bill substantially amends section 447.203 of the Florida Statutes.

**II. Present Situation**

An employee organization is any labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, that represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.<sup>1</sup> Recent decisions by the Florida Public Employees Relations Commission, however, have expanded the scope of that definition to include professional teacher associations<sup>2</sup> that do not perform collective bargaining<sup>3</sup>

<sup>1</sup> s. 447.203(11), F.S.

<sup>2</sup> Professional teacher associations are defined in s. 1001.03(4), F.S., as not-for-profit associations that offer membership to all teachers and offer teacher training and staff development at no fee to the district. Such organizations are allowed equal

functions, allowing unions to challenge non-collective bargaining teacher associations for unfair labor practices.<sup>4</sup>

### III. Effect of Proposed Changes:

Current law establishes the registration requirements for employee organizations that seek to become a certified bargaining agent for public employees.<sup>5</sup> An organization must register with the Public Employees Relations Commission prior to requesting recognition by a public employer to collectively bargain and prior to requesting certification as an exclusive bargaining agent.<sup>6</sup> An employee organization that is not registered may not participate in a representation hearing, participate in a representation election, or be certified as an exclusive bargaining agent.<sup>7</sup>

This bill amends the definition of an employee organization in s. 447.203, F.S., to specifically exclude any professional teacher association, as defined in s. 1001.03(4), F.S., until the organization applies for registration pursuant to chapter 447, F.S.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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access to voluntary teacher meetings, access to teacher mailboxes, and may collect voluntary membership fees through payroll deductions.

<sup>3</sup> Collective bargaining is defined in s. 447.203(14), F.S. as the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times, to negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment, except that neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this part.

<sup>4</sup> See, e.g., *Osceola Classroom Teachers Assoc. v. School District of Osceola County*, Case No. CA-2009-068 (PERC Final Order, Oct. 29, 2010) and *Duval Teachers United v. School District of Duval County*, Case No. CA-2010-134 (Hearing Officer's Recommended Order).

<sup>5</sup> s. 447.305(1), F.S.

<sup>6</sup>*Id.*

<sup>7</sup>*Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K - 12 Committee on February 21, 2012:**

The committee substitute removes the provisions of the bill that allowed a teacher to request that the Office of the Attorney General represent the teacher in a civil lawsuit arising out of disciplinary issues.

B. Amendments:

None.