

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nixon offered the following:

2

3 **Amendment**

4 Remove lines 120-320 and insert:

5 represent correctional officers or correctional probation
6 officers as those terms are defined in s. 943.10((2) or (3),
7 respectively, or firefighters as defined in s. 633.102.

8 7. The commission may adopt rules to implement this
9 paragraph.

10 Section 2. Subsection (12) is added to section 447.207,
11 Florida Statutes, to read:

12 447.207 Commission; powers and duties.—

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13 (12) Upon a petition by a public employer after it has
14 been notified by the Department of Labor that the public
15 employer's protective arrangement covering mass transit
16 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
17 and would jeopardize the employer's continued eligibility to
18 receive Federal Transit Administration funding, the commission
19 may waive, to the extent necessary for the public employer to
20 comply with the requirements of 49 U.S.C. s. 5333(b), any of the
21 following for an employee organization that has been certified
22 as a bargaining agent to represent mass transit employees:

23 (a) The prohibition on dues and assessment deductions
24 provided in s. 447.303(1).

25 (b) The requirement to petition the commission for
26 recertification.

27 (c) The revocation of certification provided in s.
28 447.305(6) and (7).

29 Section 3. Effective July 1, 2023, section 447.303,
30 Florida Statutes, is amended to read:

31 447.303 Dues; deduction and collection.—

32 (1) Except as authorized in subsection (2) or subject to a
33 waiver granted pursuant to s. 447.207(12)(a), an employee
34 organization that has been certified as a bargaining agent may
35 not have its dues and uniform assessments deducted and collected
36 by the employer from the salaries of those employees in the
37 unit. A public employee may pay dues and uniform assessments

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38 directly to the employee organization that has been certified as
39 the bargaining agent.

40 (2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been
41 certified as a bargaining agent to represent correctional
42 officers or correctional probation officers as those terms are
43 defined in s. 943.10(2) or (3), respectively, or firefighters as
44 defined in s. 633.102 has ~~shall have~~ the right to have its dues
45 and uniform assessments deducted and collected by the employer
46 from the salaries of those employees who authorize the deduction
47 and collection of said dues and uniform assessments. However,
48 such authorization is revocable at the employee's request upon
49 30 days' written notice to the employer and employee
50 organization. Said deductions shall commence upon the bargaining
51 agent's written request to the employer.

52 (b) Reasonable costs to the employer of said deductions is
53 ~~shall be~~ a proper subject of collective bargaining.

54 (c) Such right to deduction, unless revoked under ~~pursuant~~
55 ~~to~~ s. 447.507, is ~~shall be~~ in force for so long as the employee
56 organization remains the certified bargaining agent for the
57 employees in the unit.

58 (3) The public employer is expressly prohibited from any
59 involvement in the collection of fines, penalties, or special
60 assessments.

61 Section 4. Effective October 1, 2023, section 447.305,
62 Florida Statutes, is amended to read:

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63 447.305 Registration of employee organization.—

64 (1) Every employee organization seeking to become a
65 certified bargaining agent for public employees shall register
66 with the commission pursuant to the procedures set forth in s.
67 120.60 prior to requesting recognition by a public employer for
68 purposes of collective bargaining and prior to submitting a
69 petition to the commission requesting certification as an
70 exclusive bargaining agent. Further, if such employee
71 organization is not registered, it may not participate in a
72 representation hearing, participate in a representation
73 election, or be certified as an exclusive bargaining agent. The
74 application for registration required by this section shall be
75 under oath and in such form as the commission may prescribe and
76 shall include:

77 (a) The name and address of the organization and of any
78 parent organization or organization with which it is affiliated.

79 (b) The names and addresses of the principal officers and
80 all representatives of the organization.

81 (c) The amount of the initiation fee and of the monthly
82 dues which members must pay.

83 (d) The current annual audited financial statement of the
84 organization.

85 (e) The name of its business agent, if any; if different
86 from the business agent, the name of its local agent for service

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87 of process; and the addresses where such person or persons can
88 be reached.

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

93 (g) A copy of the current constitution and bylaws of the
94 employee organization.

95 (h) A copy of the current constitution and bylaws of the
96 state and national groups with which the employee organization
97 is affiliated or associated. In lieu of this provision, and upon
98 adoption of a rule by the commission, a state or national
99 affiliate or parent organization of any registering labor
100 organization may annually submit a copy of its current
101 constitution and bylaws.

102 (2) A registration granted to an employee organization
103 pursuant to the provisions of this section shall run for 1 year
104 from the date of issuance. A registration shall be renewed
105 annually by filing application for renewal under oath with the
106 commission, which application shall reflect any changes in the
107 information provided to the commission in conjunction with the
108 employee organization's preceding application for registration
109 or previous renewal, whichever is applicable. Each application
110 for renewal of registration shall include a current annual
111 audited financial statement, certified by an independent

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112 certified public accountant licensed under chapter 473 and
113 ~~report,~~ signed by the employee organization's ~~its~~ president and
114 treasurer or corresponding principal officers, containing the
115 following information in such detail as may be necessary
116 accurately to disclose its financial condition and operations
117 for its preceding fiscal year and in such categories as the
118 commission may prescribe:

119 (a) Assets and liabilities at the beginning and end of the
120 fiscal year;

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

122 (c) Salary, allowances, and other direct or indirect
123 disbursements, including reimbursed expenses, to each officer
124 and also to each employee who, during such fiscal year, received
125 more than \$10,000 in the aggregate from such employee
126 organization and any other employee organization affiliated with
127 it or with which it is affiliated or which is affiliated with
128 the same national or international employee organization;

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

133 (e) Direct and indirect loans to any business enterprise,
134 together with a statement of the purpose, security, if any, and
135 arrangements for repayment.

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136 (3) In addition to subsection (2), an employee
137 organization that has been certified as the bargaining agent for
138 public employees must include for each such certified bargaining
139 unit the following information and documentation as of the 30th
140 day immediately preceding the date of renewal in its application
141 for any renewal of registration on or after October 1, 2023:

142 (a) The number of employees in the bargaining unit who are
143 eligible for representation by the employee organization.

144 (b) The number of employees in the bargaining unit who
145 have submitted signed membership authorization forms without a
146 subsequent revocation of such membership.

147 (c) The number of employees in the bargaining unit who
148 paid dues to the employee organization.

149 (d) The number of employees in the bargaining unit who did
150 not pay dues to the employee organization.

151 (e) Documentation provided by an independent certified
152 public accountant retained by the employee organization which
153 verifies the information provided in paragraphs (a)-(d).

154 (4) The employee organization must provide a copy of its
155 application for renewal of registration relating to a public
156 employer's employees to the public employer on the same day the
157 application is submitted to the commission.

158 (5) An application for renewal of registration is
159 incomplete and is not eligible for consideration by the
160 commission if it does not include all of the information and

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161 documentation required in subsection (3). The commission shall
162 notify the employee organization if the application is
163 incomplete. An incomplete application must be dismissed if the
164 required information and documentation are not provided within
165 10 days after the employee organization receives such notice.

166 (6) Notwithstanding the provisions of this chapter
167 relating to collective bargaining, an employee organization that
168 had less than 60 percent of the employees eligible for
169 representation in the bargaining unit pay dues during its last
170 registration period must petition the commission pursuant to s.
171 447.307(2) and (3) for recertification as the exclusive
172 representative of all employees in the bargaining unit within 1
173 month after the date on which the employee organization applies
174 for renewal of registration pursuant to subsection (2). The
175 certification of an employee organization that does not comply
176 with this section is revoked.

177 (7) The public employer or a bargaining unit employee may
178 challenge an employee organization's application for renewal of
179 registration if the public employer or bargaining unit employee
180 believes that the application is inaccurate. The commission or
181 one of its designated agents shall review the application to
182 determine its accuracy and compliance with this section. If the
183 commission finds that the application is inaccurate or does not
184 comply with this section, the commission shall revoke the
185 registration and certification of the employee organization.

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186 (8) The commission may conduct an investigation to confirm
187 the validity of any information submitted pursuant to this
188 section. The commission may revoke or deny an employee
189 organization's registration or certification if it finds that
190 the employee organization:

191 (a) Failed to cooperate with the investigation conducted
192 pursuant to this subsection; or

193 (b) Intentionally misrepresented the information it
194 submitted pursuant to subsection (3).

195
196 A decision issued by the commission pursuant to this subsection
197 is a final agency action that is reviewable pursuant to s.
198 447.504.

199 (9) Subsections (3)-(8) do not apply to an employee
200 organization that has been certified as the bargaining agent to
201 represent correctional officers or correctional probation
202 officers as those terms are defined in s. 943.10(2) or (3),
203 respectively, or firefighters as defined

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