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LEGISLATIVE ACTION

Senate

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House

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Senator Pizzo moved the following:

1 **Senate Substitute for Amendment (690590) (with title**
2 **amendment)**

3
4 Delete lines 120 - 299

5 and insert:

6 943.10(1), (2), or (3), respectively; firefighters as defined in
7 s. 633.102; or emergency medical technicians as defined in s.
8 401.23.

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

11 Section 2. Subsection (12) is added to section 447.207,



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12 Florida Statutes, to read:

13 447.207 Commission; powers and duties.—

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

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

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

28 (c) The revocation of certification provided in s.
29 447.305(6) and (7).

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

32 447.303 Dues; deduction and collection.—

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



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41 (2) (a) An ~~Any~~ employee organization ~~that which~~ has been
42 certified as a bargaining agent to represent law enforcement
43 officers, correctional officers, or correctional probation
44 officers as those terms are defined in s. 943.10(1), (2), or
45 (3), respectively; firefighters as defined in s. 633.102; or
46 emergency medical technicians as defined in s. 401.23 has ~~shall~~
47 ~~have~~ the right to have its dues and uniform assessments deducted
48 and collected by the employer from the salaries of those
49 employees who authorize the deduction and collection of said
50 dues and uniform assessments. However, such authorization is
51 revocable at the employee's request upon 30 days' written notice
52 to the employer and employee organization. Said deductions shall
53 commence upon the bargaining agent's written request to the
54 employer.

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

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

61 (3) The public employer is expressly prohibited from any
62 involvement in the collection of fines, penalties, or special
63 assessments.

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

66 447.305 Registration of employee organization.—

67 (1) Every employee organization seeking to become a
68 certified bargaining agent for public employees shall register
69 with the commission pursuant to the procedures set forth in s.



70 120.60 prior to requesting recognition by a public employer for
71 purposes of collective bargaining and prior to submitting a
72 petition to the commission requesting certification as an
73 exclusive bargaining agent. Further, if such employee
74 organization is not registered, it may not participate in a
75 representation hearing, participate in a representation
76 election, or be certified as an exclusive bargaining agent. The
77 application for registration required by this section shall be
78 under oath and in such form as the commission may prescribe and
79 shall include:

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

82 (b) The names and addresses of the principal officers and
83 all representatives of the organization.

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

86 (d) The current annual audited financial statement of the
87 organization.

88 (e) The name of its business agent, if any; if different
89 from the business agent, the name of its local agent for service
90 of process; and the addresses where such person or persons can
91 be reached.

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

96 (g) A copy of the current constitution and bylaws of the
97 employee organization.

98 (h) A copy of the current constitution and bylaws of the



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99 state and national groups with which the employee organization
100 is affiliated or associated. In lieu of this provision, and upon
101 adoption of a rule by the commission, a state or national
102 affiliate or parent organization of any registering labor
103 organization may annually submit a copy of its current
104 constitution and bylaws.

105 (2) A registration granted to an employee organization
106 pursuant to the provisions of this section shall run for 1 year
107 from the date of issuance. A registration shall be renewed
108 annually by filing application for renewal under oath with the
109 commission, which application shall reflect any changes in the
110 information provided to the commission in conjunction with the
111 employee organization's preceding application for registration
112 or previous renewal, whichever is applicable. Each application
113 for renewal of registration shall include a current annual
114 audited financial statement, certified by an independent
115 certified public accountant licensed under chapter 473 and
116 report, signed by the employee organization's its president and
117 treasurer or corresponding principal officers, containing the
118 following information in such detail as may be necessary
119 accurately to disclose its financial condition and operations
120 for its preceding fiscal year and in such categories as the
121 commission may prescribe:

122 (a) Assets and liabilities at the beginning and end of the
123 fiscal year;

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

125 (c) Salary, allowances, and other direct or indirect
126 disbursements, including reimbursed expenses, to each officer
127 and also to each employee who, during such fiscal year, received



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128 more than \$10,000 in the aggregate from such employee
129 organization and any other employee organization affiliated with
130 it or with which it is affiliated or which is affiliated with
131 the same national or international employee organization;

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

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

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

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

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

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

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

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



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

161 (5) An application for renewal of registration is
162 incomplete and is not eligible for consideration by the
163 commission if it does not include all of the information and
164 documentation required in subsection (3). The commission shall
165 notify the employee organization if the application is
166 incomplete. An incomplete application must be dismissed if the
167 required information and documentation are not provided within
168 10 days after the employee organization receives such notice.

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

180 (7) The public employer or a bargaining unit employee may
181 challenge an employee organization's application for renewal of
182 registration if the public employer or bargaining unit employee
183 believes that the application is inaccurate. The commission or
184 one of its designated agents shall review the application to
185 determine its accuracy and compliance with this section. If the



186 commission finds that the application is inaccurate or does not
187 comply with this section, the commission shall revoke the
188 registration and certification of the employee organization.

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

194 (a) Failed to cooperate with the investigation conducted
195 pursuant to this subsection; or

196 (b) Intentionally misrepresented the information it
197 submitted pursuant to subsection (3).

198
199 A decision issued by the commission pursuant to this subsection
200 is a final agency action that is reviewable pursuant to s.
201 447.504.

202 (9) Subsections (3)-(8) do not apply to an employee
203 organization that has been certified as the bargaining agent to
204 represent law enforcement officers, correctional officers, or
205 correctional probation officers as those terms are defined in s.
206 943.10(1), (2), or (3), respectively; firefighters as defined in
207 s. 633.102; or emergency medical technicians as defined in s.
208 401.23.

209
210 ===== T I T L E A M E N D M E N T =====

211 And the title is amended as follows:

212 Delete line 22

213 and insert:

214 the commission to adopt rules; amending s. 447.207,



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215 F.S.; authorizing the commission to waive certain
216 provisions for specified employee organizations under
217 certain circumstances; amending s. 447.303,