



436266

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 wave, 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.



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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



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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,





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