

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Driskell offered the following:

Amendment

Remove lines 122-321 and insert:

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

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

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

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

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

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

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

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

65 447.305 Registration of employee organization.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

197
198 A decision issued by the commission pursuant to this subsection
199 is a final agency action that is reviewable pursuant to s.
200 447.504.

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

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