

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Bartleman offered the following:

Amendment (with title amendment)

Remove lines 78-418 and insert:

(b)1. Beginning July 1, 2024, a public employee who desires to be a member of an employee organization must sign and date a membership authorization form, as prescribed by the commission, with the bargaining agent.

2. The membership authorization form must identify the name of the bargaining agent, the name of the employee, the class code and class title of the employee, the name of the public employer and employing agency, if applicable, the amount of the initiation fee and of the monthly dues which the member

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14 must pay, and the name and total amount of salary, allowances,
15 and other direct or indirect disbursements, including
16 reimbursements, paid to each of the five highest compensated
17 officers and employees of the employee organization disclosed
18 under s. 447.305(2)(c).

19 3. The membership authorization form must contain the
20 following statement in 14-point type:

21
22 The State of Florida is a right-to-work state.
23 Membership or non-membership in a labor union is not
24 required as a condition of employment, and union
25 membership and payment of union dues and assessments
26 are voluntary. Each person has the right to join and
27 pay dues to a labor union or to refrain from joining
28 and paying dues to a labor union. No employee may be
29 discriminated against in any manner for joining and
30 financially supporting a labor union or for refusing
31 to join or financially support a labor union.

32
33 4. A public employee may revoke membership in the employee
34 organization at any time of the year. Upon receipt of the
35 employee's written revocation of membership, the employee
36 organization must revoke a public employee's membership. The
37 employee organization may not limit an employee's right to
38 revoke membership to certain dates. If a public employee must

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39 complete a form to revoke membership in the employee
40 organization, the form may not require a reason for the public
41 employee's decision to revoke his or her membership.

42 5. An employee organization must retain for inspection by
43 the commission such membership authorization forms and any
44 revocations.

45 6. This paragraph does not apply to members of an employee
46 organization that has been certified as a bargaining agent to
47 represent law enforcement officers, correctional officers, or
48 correctional probation officers as those terms are defined in s.
49 943.10(1), (2), or (3), respectively, or firefighters as defined
50 in s. 633.102.

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

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

55 447.207 Commission; powers and duties.—

56 (12) Upon a petition by a public employer after it has
57 been notified by the Department of Labor that the public
58 employer's protective arrangement covering mass transit
59 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
60 and would jeopardize the employer's continued eligibility to
61 receive Federal Transit Administration funding, the commission
62 may waive, to the extent necessary for the public employer to
63 comply with the requirements of 49 U.S.C. s. 5333(b), any of the

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64 following for an employee organization that has been certified
65 as a bargaining agent to represent mass transit employees:

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

68 (b) The requirement to petition the commission for
69 recertification.

70 (c) The revocation of certification provided in s.
71 447.305(6) and (7).

72 Section 3. Section 447.303, Florida Statutes, is amended
73 to read:

74 447.303 Dues; deduction and collection.—

75 (1) Except as authorized in subsection (2) or subject to a
76 waiver granted pursuant to s. 447.207(12)(a), an employee
77 organization that has been certified as a bargaining agent may
78 not have its dues and uniform assessments deducted and collected
79 by the employer from the salaries of those employees in the
80 unit. A public employee may pay dues and uniform assessments
81 directly to the employee organization that has been certified as
82 the bargaining agent.

83 (2)(a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been
84 certified as a bargaining agent to represent law enforcement
85 officers, correctional officers, or correctional probation
86 officers as those terms are defined in s. 943.10(1), (2), or
87 (3), respectively, or firefighters as defined in s. 633.102 has
88 ~~shall have~~ the right to have its dues and uniform assessments

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89 deducted and collected by the employer from the salaries of
90 those employees who authorize the deduction and collection of
91 said dues and uniform assessments. However, such authorization
92 is revocable at the employee's request upon 30 days' written
93 notice to the employer and employee organization. Said
94 deductions shall commence upon the bargaining agent's written
95 request to the employer.

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

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

102 (3) The public employer is expressly prohibited from any
103 involvement in the collection of fines, penalties, or special
104 assessments.

105 Section 4. Section 447.305, Florida Statutes, is amended
106 to read:

107 447.305 Registration of employee organization.—

108 (1) Every employee organization seeking to become a
109 certified bargaining agent for public employees shall register
110 with the commission pursuant to the procedures set forth in s.
111 120.60 prior to requesting recognition by a public employer for
112 purposes of collective bargaining and prior to submitting a
113 petition to the commission requesting certification as an

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114 exclusive bargaining agent. Further, if such employee
115 organization is not registered, it may not participate in a
116 representation hearing, participate in a representation
117 election, or be certified as an exclusive bargaining agent. The
118 application for registration required by this section shall be
119 under oath and in such form as the commission may prescribe and
120 shall include:

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

123 (b) The names and addresses of the principal officers and
124 all representatives of the organization.

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

127 (d) The current annual audited financial statement of the
128 organization.

129 (e) The name of its business agent, if any; if different
130 from the business agent, the name of its local agent for service
131 of process; and the addresses where such person or persons can
132 be reached.

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

137 (g) A copy of the current constitution and bylaws of the
138 employee organization.

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139 (h) A copy of the current constitution and bylaws of the
140 state and national groups with which the employee organization
141 is affiliated or associated. In lieu of this provision, and upon
142 adoption of a rule by the commission, a state or national
143 affiliate or parent organization of any registering labor
144 organization may annually submit a copy of its current
145 constitution and bylaws.

146 (2) A registration granted to an employee organization
147 pursuant to the provisions of this section shall run for 1 year
148 from the date of issuance. A registration shall be renewed
149 annually by filing application for renewal under oath with the
150 commission, which application shall reflect any changes in the
151 information provided to the commission in conjunction with the
152 employee organization's preceding application for registration
153 or previous renewal, whichever is applicable. Each application
154 for renewal of registration shall include a current annual
155 audited financial statement, certified by an independent
156 certified public accountant licensed under chapter 473 and
157 ~~report,~~ signed by the employee organization's ~~its~~ president and
158 treasurer or corresponding principal officers, containing the
159 following information in such detail as may be necessary
160 accurately to disclose its financial condition and operations
161 for its preceding fiscal year and in such categories as the
162 commission may prescribe:

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163 (a) Assets and liabilities at the beginning and end of the
164 fiscal year;

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

166 (c) Salary, allowances, and other direct or indirect
167 disbursements, including reimbursed expenses, to each officer
168 and also to each employee who, during such fiscal year, received
169 more than \$10,000 in the aggregate from such employee
170 organization and any other employee organization affiliated with
171 it or with which it is affiliated or which is affiliated with
172 the same national or international employee organization;

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

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

180 (3) In addition to subsection (2), an employee
181 organization that has been certified as the bargaining agent for
182 public employees must include for each such certified bargaining
183 unit the following information and documentation as of the 30th
184 day immediately preceding the date of renewal in its application
185 for any renewal of registration on or after October 1, 2024:

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

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

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

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

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

198 (4) The employee organization must provide a copy of its
199 application for renewal of registration relating to a public
200 employer's employees to the public employer on the same day the
201 application is submitted to the commission.

202 (5) An application for renewal of registration is
203 incomplete and is not eligible for consideration by the
204 commission if it does not include all of the information and
205 documentation required in subsection (3). The commission shall
206 notify the employee organization if the application is
207 incomplete. An incomplete application must be dismissed if the
208 required information and documentation are not provided within
209 10 days after the employee organization receives such notice.

210 (6) Notwithstanding the provisions of this chapter
211 relating to collective bargaining, an employee organization that
212 had less than 60 percent of the employees eligible for

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213 representation in the bargaining unit pay dues during its last
214 registration period must petition the commission pursuant to s.
215 447.307(2) and (3) for recertification as the exclusive
216 representative of all employees in the bargaining unit within 1
217 month after the date on which the employee organization applies
218 for renewal of registration pursuant to subsection (2). The
219 certification of an employee organization that does not comply
220 with this section is revoked.

221 (7) The public employer or a bargaining unit employee may
222 challenge an employee organization's application for renewal of
223 registration if the public employer or bargaining unit employee
224 believes that the application is inaccurate. The commission or
225 one of its designated agents shall review the application to
226 determine its accuracy and compliance with this section. If the
227 commission finds that the application is inaccurate or does not
228 comply with this section, the commission shall revoke the
229 registration and certification of the employee organization.

230 (8) The commission may conduct an investigation to confirm
231 the validity of any information submitted pursuant to this
232 section. The commission may revoke or deny an employee
233 organization's registration or certification if it finds that
234 the employee organization:

235 (a) Failed to cooperate with the investigation conducted
236 pursuant to this subsection; or

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237 (b) Intentionally misrepresented the information it
238 submitted pursuant to subsection (3).

239
240 A decision issued by the commission pursuant to this subsection
241 is a final agency action that is reviewable pursuant to s.
242 447.504.

243 (9) Subsections (3)-(8) do not apply to an employee
244 organization that has been certified as the bargaining agent to
245 represent law enforcement officers, correctional officers, or
246 correctional probation officers as those terms are defined in s.
247 943.10(1), (2), or (3), respectively, or firefighters as defined
248 in s. 633.102.

249 (10)-(3) A registration fee shall accompany each
250 application filed with the commission. The amount charged for an
251 application for registration or renewal of registration shall
252 not exceed \$15. All such money collected by the commission shall
253 be deposited in the General Revenue Fund.

254 (11)-(4) Every employee organization shall keep accurate
255 accounts of its income and expenses, which accounts shall be
256 open for inspection at all reasonable times by any member of the
257 organization or by the commission. In addition, each employee
258 organization that has been certified as a bargaining agent must
259 provide to its members an annual audited financial report that
260 includes a detailed breakdown of revenues and expenditures, and
261 an accounting of membership dues and assessments. The employee

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262 organization must notify its members annually of all costs of
263 membership.

264 Section 5. Paragraphs (d) and (e) are added to subsection
265 (1) of section 447.509, Florida Statutes, to read:

266 447.509 Other unlawful acts.—

267 (1) Employee organizations, their members, agents, or
268 representatives, or any persons acting on their behalf are
269 hereby prohibited from:

270 (d) Offering anything of value to a public officer as
271 defined in s. 112.313(1) which the public officer is prohibited
272 from accepting under s. 112.313(2).

273 (e) Offering any compensation, payment, or thing of value
274 to a public officer as defined in s. 112.313(1) which the public
275 officer is prohibited from accepting under s. 112.313(4).

276 Section 6. Paragraph (c) of subsection (4) of section
277 1012.2315, Florida Statutes, is amended to read:

278 1012.2315 Assignment of teachers.—

279 (4) COLLECTIVE BARGAINING.—

280 ~~(c)1. In addition to the provisions under s. 447.305(2),~~
281 ~~an employee organization that has been certified as the~~
282 ~~bargaining agent for a unit of instructional personnel as~~
283 ~~defined in s. 1012.01(2) must include for each such certified~~
284 ~~bargaining unit the following information in its application for~~
285 ~~renewal of registration:~~

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286 ~~a. The number of employees in the bargaining unit who are~~
287 ~~eligible for representation by the employee organization.~~

288 ~~b. The number of employees who are represented by the~~
289 ~~employee organization, specifying the number of members who pay~~
290 ~~dues and the number of members who do not pay dues.~~

291 ~~2. Notwithstanding the provisions of chapter 447 relating~~
292 ~~to collective bargaining, an employee organization whose dues~~
293 ~~paying membership is less than 50 percent of the employees~~
294 ~~eligible for representation in the unit, as identified in~~
295 ~~subparagraph 1., must petition the Public Employees Relations~~
296 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
297 ~~as the exclusive representative of all employees in the unit~~
298 ~~within 1 month after the date on which the organization applies~~
299 ~~for renewal of registration pursuant to s. 447.305(2). The~~
300 ~~certification of an employee organization that does not comply~~
301 ~~with this paragraph is revoked.~~

302 Section 7. For the purpose of incorporating the amendment
303 made by this act to section 447.303, Florida Statutes, in a
304 reference thereto, subsection (3) of section 110.114, Florida
305 Statutes, is reenacted to read:

306 110.114 Employee wage deductions.—

307 (3) Notwithstanding the provisions of subsections (1) and
308 (2), the deduction of an employee's membership dues deductions
309 as defined in s. 447.203(15) for an employee organization as
310 defined in s. 447.203(11) shall be authorized or permitted only

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311 for an organization that has been certified as the exclusive
312 bargaining agent pursuant to chapter 447 for a unit of state
313 employees in which the employee is included. Such deductions
314 shall be subject to the provisions of s. 447.303.

315 Section 8. For the purpose of incorporating the amendment
316 made by this act to section 447.303, Florida Statutes, in a
317 reference thereto, paragraph (a) of subsection (6) of section
318 447.507, Florida Statutes, is reenacted to read:

319 447.507 Violation of strike prohibition; penalties.—

320 (6)(a) If the commission determines that an employee
321 organization has violated s. 447.505, it may:

322 1. Issue cease and desist orders as necessary to ensure
323 compliance with its order.

324 2. Suspend or revoke the certification of the employee
325 organization as the bargaining agent of such employee unit.

326 3. Revoke the right of dues deduction and collection
327 previously granted to said employee organization pursuant to s.
328 447.303.

329 4. Fine the organization up to \$20,000 for each calendar
330 day of such violation or determine the approximate cost to the
331 public due to each calendar day of the strike and fine the
332 organization an amount equal to such cost, notwithstanding the
333 fact that the fine may exceed \$20,000 for each such calendar
334 day. The fines so collected shall immediately accrue to the
335 public employer and shall be used by him or her to replace those

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336 services denied the public as a result of the strike. In
337 determining the amount of damages, if any, to be awarded to the
338 public employer, the commission shall take into consideration
339 any action or inaction by the public employer or its agents that
340 provoked, or tended to provoke, the strike by the public
341 employees.

342 Section 9. This act shall take effect July 1, 2024.

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T I T L E A M E N D M E N T

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Remove line 66 and insert:

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references thereto; providing an effective date.