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LEGISLATIVE ACTION

Senate

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House

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Senator Berman moved the following:

**Senate Amendment**

Delete lines 116 - 295

and insert:

943.10(1), (2), or (3), respectively, firefighters as defined in s. 633.102, or persons employed in any profession described in s. 420.503(19), relating to essential services.

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

Section 2. Effective July 1, 2023, section 447.303, Florida Statutes, is amended to read:



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12 447.303 Dues; deduction and collection.—

13 (1) Except as authorized in subsection (2), an employee  
14 organization that has been certified as a bargaining agent may  
15 not have its dues and uniform assessments deducted and collected  
16 by the employer from the salaries of those employees in the  
17 unit. A public employee may pay dues and uniform assessments  
18 directly to the employee organization that has been certified as  
19 the bargaining agent.

20 (2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been  
21 certified as a bargaining agent to represent law enforcement  
22 officers, correctional officers, or correctional probation  
23 officers as those terms are defined in s. 943.10(1), (2), or  
24 (3), respectively, firefighters as defined in s. 633.102, or  
25 persons employed in any profession described in s. 420.503(19),  
26 relating to essential services, ~~has~~ ~~shall have~~ the right to have  
27 its dues and uniform assessments deducted and collected by the  
28 employer from the salaries of those employees who authorize the  
29 deduction and collection of said dues and uniform assessments.  
30 However, such authorization is revocable at the employee's  
31 request upon 30 days' written notice to the employer and  
32 employee organization. Said deductions shall commence upon the  
33 bargaining agent's written request to the employer.

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

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

40 (3) The public employer is expressly prohibited from any



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41 involvement in the collection of fines, penalties, or special  
42 assessments.

43 Section 3. Effective October 1, 2023, section 447.305,  
44 Florida Statutes, is amended to read:

45 447.305 Registration of employee organization.—

46 (1) Every employee organization seeking to become a  
47 certified bargaining agent for public employees shall register  
48 with the commission pursuant to the procedures set forth in s.  
49 120.60 prior to requesting recognition by a public employer for  
50 purposes of collective bargaining and prior to submitting a  
51 petition to the commission requesting certification as an  
52 exclusive bargaining agent. Further, if such employee  
53 organization is not registered, it may not participate in a  
54 representation hearing, participate in a representation  
55 election, or be certified as an exclusive bargaining agent. The  
56 application for registration required by this section shall be  
57 under oath and in such form as the commission may prescribe and  
58 shall include:

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

61 (b) The names and addresses of the principal officers and  
62 all representatives of the organization.

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

65 (d) The current annual audited financial statement of the  
66 organization.

67 (e) The name of its business agent, if any; if different  
68 from the business agent, the name of its local agent for service  
69 of process; and the addresses where such person or persons can



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70 be reached.

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

75 (g) A copy of the current constitution and bylaws of the  
76 employee organization.

77 (h) A copy of the current constitution and bylaws of the  
78 state and national groups with which the employee organization  
79 is affiliated or associated. In lieu of this provision, and upon  
80 adoption of a rule by the commission, a state or national  
81 affiliate or parent organization of any registering labor  
82 organization may annually submit a copy of its current  
83 constitution and bylaws.

84 (2) A registration granted to an employee organization  
85 pursuant to the provisions of this section shall run for 1 year  
86 from the date of issuance. A registration shall be renewed  
87 annually by filing application for renewal under oath with the  
88 commission, which application shall reflect any changes in the  
89 information provided to the commission in conjunction with the  
90 employee organization's preceding application for registration  
91 or previous renewal, whichever is applicable. Each application  
92 for renewal of registration shall include a current annual  
93 audited financial statement, certified by an independent  
94 certified public accountant licensed under chapter 473 and  
95 ~~report,~~ signed by the employee organization's ~~its~~ president and  
96 treasurer or corresponding principal officers, containing the  
97 following information in such detail as may be necessary  
98 accurately to disclose its financial condition and operations



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99 for its preceding fiscal year and in such categories as the  
100 commission may prescribe:

101 (a) Assets and liabilities at the beginning and end of the  
102 fiscal year;

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

104 (c) Salary, allowances, and other direct or indirect  
105 disbursements, including reimbursed expenses, to each officer  
106 and also to each employee who, during such fiscal year, received  
107 more than \$10,000 in the aggregate from such employee  
108 organization and any other employee organization affiliated with  
109 it or with which it is affiliated or which is affiliated with  
110 the same national or international employee organization;

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

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

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

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

126 (b) The number of employees in the bargaining unit who have  
127 submitted signed membership authorization forms without a



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128 subsequent revocation of such membership.  
129 (c) The number of employees in the bargaining unit who paid  
130 dues to the employee organization.  
131 (d) The number of employees in the bargaining unit who did  
132 not pay dues to the employee organization.  
133 (e) Documentation provided by an independent certified  
134 public accountant retained by the employee organization which  
135 verifies the information provided in paragraphs (a)-(d).  
136 (4) The employee organization must provide a copy of its  
137 application for renewal of registration relating to a public  
138 employer's employees to the public employer on the same day the  
139 application is submitted to the commission.  
140 (5) An application for renewal of registration is  
141 incomplete and is not eligible for consideration by the  
142 commission if it does not include all of the information and  
143 documentation required in subsection (3). The commission shall  
144 notify the employee organization if the application is  
145 incomplete. An incomplete application must be dismissed if the  
146 required information and documentation are not provided within  
147 10 days after the employee organization receives such notice.  
148 (6) Notwithstanding the provisions of this chapter relating  
149 to collective bargaining, an employee organization that had less  
150 than 60 percent of the employees eligible for representation in  
151 the bargaining unit pay dues during its last registration period  
152 must petition the commission pursuant to s. 447.307(2) and (3)  
153 for recertification as the exclusive representative of all  
154 employees in the bargaining unit within 1 month after the date  
155 on which the employee organization applies for renewal of  
156 registration pursuant to subsection (2). The certification of an



157 employee organization that does not comply with this section is  
158 revoked.

159 (7) The public employer or a bargaining unit employee may  
160 challenge an employee organization's application for renewal of  
161 registration if the public employer or bargaining unit employee  
162 believes that the application is inaccurate. The commission or  
163 one of its designated agents shall review the application to  
164 determine its accuracy and compliance with this section. If the  
165 commission finds that the application is inaccurate or does not  
166 comply with this section, the commission shall revoke the  
167 registration and certification of the employee organization.

168 (8) The commission may conduct an investigation to confirm  
169 the validity of any information submitted pursuant to this  
170 section. The commission may revoke or deny an employee  
171 organization's registration or certification if it finds that  
172 the employee organization:

173 (a) Failed to cooperate with the investigation conducted  
174 pursuant to this subsection; or

175 (b) Intentionally misrepresented the information it  
176 submitted pursuant to subsection (3).

177  
178 A decision issued by the commission pursuant to this subsection  
179 is a final agency action that is reviewable pursuant to s.  
180 447.504.

181 (9) Subsections (3)-(8) do not apply to an employee  
182 organization that has been certified as the bargaining agent to  
183 represent law enforcement officers, correctional officers, or  
184 correctional probation officers as those terms are defined in s.  
185 943.10(1), (2), or (3), respectively, firefighters as defined in



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186 s. 633.102, or persons employed in any profession described in  
187 s. 420.503(19), relating to essential services.