

By the Committee on Governmental Oversight and Accountability;
and Senator Ingoglia

585-02363-23

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1 A bill to be entitled
2 An act relating to employee organizations representing
3 public employees; amending s. 447.301, F.S.; requiring
4 a public employee who desires to be a member of an
5 employee organization to sign a membership
6 authorization form beginning on a specified date;
7 requiring that such form include a specified
8 statement; authorizing a public employee to revoke
9 membership in an employee organization at any time of
10 the year; requiring an employee organization to revoke
11 a public employee's membership upon receipt of his or
12 her written request for revocation; prohibiting an
13 employee organization from limiting an employee's
14 right to revoke membership to certain dates;
15 prohibiting a revocation form from requiring a reason
16 for the public employee's decision to revoke his or
17 her membership; requiring employee organizations to
18 retain such authorization forms and requests for
19 revocation for inspection by the Public Employees
20 Relations Commission; providing applicability with
21 respect to certain employee organizations; authorizing
22 the commission to adopt rules; amending s. 447.303,
23 F.S.; prohibiting certain employee organizations from
24 having dues and uniform assessments deducted and
25 collected by the employer from certain salaries;
26 authorizing public employees to pay dues and uniform
27 assessments directly to the employee organization;
28 authorizing certain employee organizations to have
29 dues and uniform assessments deducted and collected by

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30 the employer from certain salaries; amending s.
31 447.305, F.S.; revising requirements for applications
32 for initial registrations and renewals of registration
33 of employee organizations; providing procedures for
34 incomplete applications; requiring certain employee
35 organizations to petition the commission for
36 recertification as bargaining agents; authorizing a
37 public employer or bargaining unit employee to
38 challenge an employee organization's application for
39 renewal of registration; requiring the commission or
40 one of its designated agents to review the
41 application; requiring the commission to revoke the
42 registration and certification of the employee
43 organization in certain circumstances; authorizing the
44 commission to conduct investigations for specified
45 purposes; authorizing the commission to revoke or deny
46 an employee organization's registration or
47 certification under certain circumstances; specifying
48 that certain decisions issued by the commission are
49 reviewable final agency actions; providing
50 applicability with respect to certain employee
51 organizations; requiring certain employee
52 organizations to provide its members with an annual
53 audited financial report; requiring employee
54 organizations to notify its members annually of all
55 costs of membership; amending s. 447.509, F.S.;
56 revising prohibitions for employee organizations and
57 certain persons and entities relating to employee
58 organizations; amending s. 1012.2315, F.S.; removing

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59 duplicative provisions; reenacting ss. 110.114(3) and
60 447.507(6) (a), F.S., relating to employee wage
61 deductions and violation of strike prohibition and
62 penalties, respectively, to incorporate the amendment
63 made to s. 447.303, F.S., in references thereto;
64 providing effective dates.

65

66 Be It Enacted by the Legislature of the State of Florida:

67

68 Section 1. Subsection (1) of section 447.301, Florida
69 Statutes, is amended to read:

70 447.301 Public employees' rights; organization and
71 representation.—

72 (1) (a) Public employees shall have the right to form, join,
73 and participate in, or to refrain from forming, joining, or
74 participating in, any employee organization of their own
75 choosing.

76 (b)1. Beginning July 1, 2023, a public employee who desires
77 to be a member of an employee organization must sign and date a
78 membership authorization form, as prescribed by the commission,
79 with the bargaining agent.

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

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

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89 The State of Florida is a right-to-work state.
90 Membership or non-membership in a labor union is not
91 required as a condition of employment, and union
92 membership and payment of union dues and assessments
93 are voluntary. Each person has the right to join and
94 pay dues to a labor union or to refrain from joining
95 and paying dues to a labor union. No employee may be
96 discriminated against in any manner for joining and
97 financially supporting a labor union or for refusing
98 to join or financially support a labor union.

99

100 4. A public employee may revoke membership in the employee
101 organization at any time of the year. Upon receipt of the
102 employee's written revocation of membership, the employee
103 organization must revoke a public employee's membership. The
104 employee organization may not limit an employee's right to
105 revoke membership to certain dates. If a public employee must
106 complete a form to revoke membership in the employee
107 organization, the form may not require a reason for the public
108 employee's decision to revoke his or her membership.

109

110 5. An employee organization must retain for inspection by
111 the commission such membership authorization forms and any
112 revocations.

112

113 6. This paragraph does not apply to members of an employee
114 organization that has been certified as a bargaining agent to
115 represent law enforcement officers, correctional officers, or
116 correctional probation officers as those terms are defined in s.
943.10(1), (2), or (3), respectively, or firefighters as defined

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117 in s. 633.102.

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

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

122 447.303 Dues; deduction and collection.—

123 (1) Except as authorized in subsection (2), an employee
124 organization that has been certified as a bargaining agent may
125 not have its dues and uniform assessments deducted and collected
126 by the employer from the salaries of those employees in the
127 unit. A public employee may pay dues and uniform assessments
128 directly to the employee organization that has been certified as
129 the bargaining agent.

130 (2) (a) An Any employee organization that which has been
131 certified as a bargaining agent to represent law enforcement
132 officers, correctional officers, or correctional probation
133 officers as those terms are defined in s. 943.10(1), (2), or
134 (3), respectively, or firefighters as defined in s. 633.102 has
135 ~~shall have~~ the right to have its dues and uniform assessments
136 deducted and collected by the employer from the salaries of
137 those employees who authorize the deduction and collection of
138 said dues and uniform assessments. However, such authorization
139 is revocable at the employee's request upon 30 days' written
140 notice to the employer and employee organization. Said
141 deductions shall commence upon the bargaining agent's written
142 request to the employer.

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

145 (c) Such right to deduction, unless revoked under pursuant

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146 ~~to~~ s. 447.507, is ~~shall be~~ in force for so long as the employee
147 organization remains the certified bargaining agent for the
148 employees in the unit.

149 (3) The public employer is expressly prohibited from any
150 involvement in the collection of fines, penalties, or special
151 assessments.

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

154 447.305 Registration of employee organization.—

155 (1) Every employee organization seeking to become a
156 certified bargaining agent for public employees shall register
157 with the commission pursuant to the procedures set forth in s.
158 120.60 prior to requesting recognition by a public employer for
159 purposes of collective bargaining and prior to submitting a
160 petition to the commission requesting certification as an
161 exclusive bargaining agent. Further, if such employee
162 organization is not registered, it may not participate in a
163 representation hearing, participate in a representation
164 election, or be certified as an exclusive bargaining agent. The
165 application for registration required by this section shall be
166 under oath and in such form as the commission may prescribe and
167 shall include:

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

170 (b) The names and addresses of the principal officers and
171 all representatives of the organization.

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

174 (d) The current annual audited financial statement of the

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175 organization.

176 (e) The name of its business agent, if any; if different
177 from the business agent, the name of its local agent for service
178 of process; and the addresses where such person or persons can
179 be reached.

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

184 (g) A copy of the current constitution and bylaws of the
185 employee organization.

186 (h) A copy of the current constitution and bylaws of the
187 state and national groups with which the employee organization
188 is affiliated or associated. In lieu of this provision, and upon
189 adoption of a rule by the commission, a state or national
190 affiliate or parent organization of any registering labor
191 organization may annually submit a copy of its current
192 constitution and bylaws.

193 (2) A registration granted to an employee organization
194 pursuant to the provisions of this section shall run for 1 year
195 from the date of issuance. A registration shall be renewed
196 annually by filing application for renewal under oath with the
197 commission, which application shall reflect any changes in the
198 information provided to the commission in conjunction with the
199 employee organization's preceding application for registration
200 or previous renewal, whichever is applicable. Each application
201 for renewal of registration shall include a current annual
202 audited financial statement, certified by an independent
203 certified public accountant licensed under chapter 473 and

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204 ~~report,~~ signed by the employee organization's ~~its~~ president and
205 treasurer or corresponding principal officers, containing the
206 following information in such detail as may be necessary
207 accurately to disclose its financial condition and operations
208 for its preceding fiscal year and in such categories as the
209 commission may prescribe:

210 (a) Assets and liabilities at the beginning and end of the
211 fiscal year;

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

213 (c) Salary, allowances, and other direct or indirect
214 disbursements, including reimbursed expenses, to each officer
215 and also to each employee who, during such fiscal year, received
216 more than \$10,000 in the aggregate from such employee
217 organization and any other employee organization affiliated with
218 it or with which it is affiliated or which is affiliated with
219 the same national or international employee organization;

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

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

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

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- 233 (a) The number of employees in the bargaining unit who are
234 eligible for representation by the employee organization.
- 235 (b) The number of employees in the bargaining unit who have
236 submitted signed membership authorization forms without a
237 subsequent revocation of such membership.
- 238 (c) The number of employees in the bargaining unit who paid
239 dues to the employee organization.
- 240 (d) The number of employees in the bargaining unit who did
241 not pay dues to the employee organization.
- 242 (e) Documentation provided by the public employer verifying
243 the information provided in paragraph (a).
- 244 (f) Documentation provided by an independent certified
245 public accountant retained by the employee organization which
246 verifies the information provided in paragraphs (b), (c), and
247 (d).
- 248 (4) The employee organization must provide a copy of its
249 application for renewal of registration relating to a public
250 employer's employees to the public employer on the same day the
251 application is submitted to the commission.
- 252 (5) An application for renewal of registration is
253 incomplete and is not eligible for consideration by the
254 commission if it does not include all of the information and
255 documentation required in subsection (3). The commission shall
256 notify the employee organization if the application is
257 incomplete. An incomplete application must be dismissed if the
258 required information and documentation are not provided within
259 10 days after the employee organization receives such notice.
- 260 (6) Notwithstanding the provisions of this chapter relating
261 to collective bargaining, an employee organization that had less

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262 than 60 percent of the employees eligible for representation in
263 the bargaining unit pay dues during its last registration period
264 must petition the commission pursuant to s. 447.307(2) and (3)
265 for recertification as the exclusive representative of all
266 employees in the bargaining unit within 1 month after the date
267 on which the employee organization applies for renewal of
268 registration pursuant to subsection (2). The certification of an
269 employee organization that does not comply with this section is
270 revoked.

271 (7) The public employer or a bargaining unit employee may
272 challenge an employee organization's application for renewal of
273 registration if the public employer or bargaining unit employee
274 believes that the application is inaccurate. The commission or
275 one of its designated agents shall review the application to
276 determine its accuracy and compliance with this section. If the
277 commission finds that the application is inaccurate or does not
278 comply with this section, the commission shall revoke the
279 registration and certification of the employee organization.

280 (8) The commission may conduct an investigation to confirm
281 the validity of any information submitted pursuant to this
282 section. The commission may revoke or deny an employee
283 organization's registration or certification if it finds that
284 the employee organization:

285 (a) Failed to cooperate with the investigation conducted
286 pursuant to this subsection; or

287 (b) Intentionally misrepresented the information it
288 submitted pursuant to subsection (3).

289
290 A decision issued by the commission pursuant to this subsection

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291 is a final agency action that is reviewable pursuant to s.
292 447.504.

293 (9) Subsections (3)-(8) do not apply to an employee
294 organization that has been certified as the bargaining agent to
295 represent law enforcement officers, correctional officers, or
296 correctional probation officers as those terms are defined in s.
297 943.10(1), (2), or (3), respectively, or firefighters as defined
298 in s. 633.102.

299 (10)~~(3)~~ A registration fee shall accompany each application
300 filed with the commission. The amount charged for an application
301 for registration or renewal of registration shall not exceed
302 \$15. All such money collected by the commission shall be
303 deposited in the General Revenue Fund.

304 (11)~~(4)~~ Every employee organization shall keep accurate
305 accounts of its income and expenses, which accounts shall be
306 open for inspection at all reasonable times by any member of the
307 organization or by the commission. In addition, each employee
308 organization that has been certified as a bargaining agent must
309 provide to its members an annual audited financial report that
310 includes a detailed breakdown of revenues and expenditures, and
311 an accounting of membership dues and assessments. The employee
312 organization must notify its members annually of all costs of
313 membership.

314 Section 4. Paragraphs (d) and (e) are added to subsection
315 (1) of section 447.509, Florida Statutes, to read:

316 447.509 Other unlawful acts.—

317 (1) Employee organizations, their members, agents, or
318 representatives, or any persons acting on their behalf are
319 hereby prohibited from:

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

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

326 Section 5. Effective October 1, 2023, paragraph (c) of
327 subsection (4) of section 1012.2315, Florida Statutes, is
328 amended to read:

329 1012.2315 Assignment of teachers.—

330 (4) COLLECTIVE BARGAINING.—

331 ~~(c)1. In addition to the provisions under s. 447.305(2), an~~
332 ~~employee organization that has been certified as the bargaining~~
333 ~~agent for a unit of instructional personnel as defined in s.~~
334 ~~1012.01(2) must include for each such certified bargaining unit~~
335 ~~the following information in its application for renewal of~~
336 ~~registration:~~

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

339 ~~b. The number of employees who are represented by the~~
340 ~~employee organization, specifying the number of members who pay~~
341 ~~dues and the number of members who do not pay dues.~~

342 ~~2. Notwithstanding the provisions of chapter 447 relating~~
343 ~~to collective bargaining, an employee organization whose dues~~
344 ~~paying membership is less than 50 percent of the employees~~
345 ~~eligible for representation in the unit, as identified in~~
346 ~~subparagraph 1., must petition the Public Employees Relations~~
347 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
348 ~~as the exclusive representative of all employees in the unit~~

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349 ~~within 1 month after the date on which the organization applies~~
350 ~~for renewal of registration pursuant to s. 447.305(2). The~~
351 ~~certification of an employee organization that does not comply~~
352 ~~with this paragraph is revoked.~~

353 Section 6. Effective July 1, 2023, for the purpose of
354 incorporating the amendment made by this act to section 447.303,
355 Florida Statutes, in a reference thereto, subsection (3) of
356 section 110.114, Florida Statutes, is reenacted to read:

357 110.114 Employee wage deductions.—

358 (3) Notwithstanding the provisions of subsections (1) and
359 (2), the deduction of an employee's membership dues deductions
360 as defined in s. 447.203(15) for an employee organization as
361 defined in s. 447.203(11) shall be authorized or permitted only
362 for an organization that has been certified as the exclusive
363 bargaining agent pursuant to chapter 447 for a unit of state
364 employees in which the employee is included. Such deductions
365 shall be subject to the provisions of s. 447.303.

366 Section 7. Effective July 1, 2023, for the purpose of
367 incorporating the amendment made by this act to section 447.303,
368 Florida Statutes, in a reference thereto, paragraph (a) of
369 subsection (6) of section 447.507, Florida Statutes, is
370 reenacted to read:

371 447.507 Violation of strike prohibition; penalties.—

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

374 1. Issue cease and desist orders as necessary to ensure
375 compliance with its order.

376 2. Suspend or revoke the certification of the employee
377 organization as the bargaining agent of such employee unit.

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378 3. Revoke the right of dues deduction and collection
379 previously granted to said employee organization pursuant to s.
380 447.303.

381 4. Fine the organization up to \$20,000 for each calendar
382 day of such violation or determine the approximate cost to the
383 public due to each calendar day of the strike and fine the
384 organization an amount equal to such cost, notwithstanding the
385 fact that the fine may exceed \$20,000 for each such calendar
386 day. The fines so collected shall immediately accrue to the
387 public employer and shall be used by him or her to replace those
388 services denied the public as a result of the strike. In
389 determining the amount of damages, if any, to be awarded to the
390 public employer, the commission shall take into consideration
391 any action or inaction by the public employer or its agents that
392 provoked, or tended to provoke, the strike by the public
393 employees.

394 Section 8. Except as otherwise expressly provided in this
395 act, this act shall take effect upon becoming a law.