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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. 447.207,  
23          F.S.; authorizing the commission to waive certain  
24          provisions for specified employee organizations under  
25          certain circumstances; amending s. 447.303, F.S.;  
26          prohibiting certain employee organizations from having  
27          dues and uniform assessments deducted and collected by  
28          the employer from certain salaries; authorizing public  
29          employees to pay dues and uniform assessments directly

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

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59 organizations and certain persons and entities  
60 relating to employee organizations; amending s.  
61 1012.2315, F.S.; removing duplicative provisions;  
62 reenacting ss. 110.114(3) and 447.507(6)(a), F.S.,  
63 relating to employee wage deductions and violation of  
64 strike prohibition and penalties, respectively, to  
65 incorporate the amendment made to s. 447.303, F.S., in  
66 references thereto; providing effective dates.

67  
68 Be It Enacted by the Legislature of the State of Florida:

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

72 447.301 Public employees' rights; organization and  
73 representation.—

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

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

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

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88 other direct or indirect disbursements, including  
89 reimbursements, paid to each of the five highest compensated  
90 officers and employees of the employee organization disclosed  
91 under s. 447.305(2)(c).

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

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

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

115 5. An employee organization must retain for inspection by  
116 the commission such membership authorization forms and any

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117 revocations.

118 6. This paragraph does not apply to members of an employee  
119 organization that has been certified as a bargaining agent to  
120 represent law enforcement officers, correctional officers, or  
121 correctional probation officers as those terms are defined in s.  
122 943.10(1), (2), or (3), respectively, or firefighters as defined  
123 in s. 633.102.

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

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

128 447.207 Commission; powers and duties.—

129 (12) Upon a petition by a public employer after it has been  
130 notified by the Department of Labor that the public employer's  
131 protective arrangement covering mass transit employees does not  
132 meet the requirements of 49 U.S.C. s. 5333(b) and would  
133 jeopardize the employer's continued eligibility to receive  
134 Federal Transit Administration funding, the commission may  
135 waive, to the extent necessary for the public employer to comply  
136 with the requirements of 49 U.S.C. s. 5333(b), any of the  
137 following for an employee organization that has been certified  
138 as a bargaining agent to represent mass transit employees:

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

141 (b) The requirement to petition the commission for  
142 recertification.

143 (c) The revocation of certification provided in s.  
144 447.305(6) and (7).

145 Section 3. Effective July 1, 2023, section 447.303, Florida

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146 Statutes, is amended to read:

147 447.303 Dues; deduction and collection.—

148 (1) Except as authorized in subsection (2) or subject to a  
149 waiver granted pursuant to s. 447.207(12) (a), an employee  
150 organization that has been certified as a bargaining agent may  
151 not have its dues and uniform assessments deducted and collected  
152 by the employer from the salaries of those employees in the  
153 unit. A public employee may pay dues and uniform assessments  
154 directly to the employee organization that has been certified as  
155 the bargaining agent.

156 (2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been  
157 certified as a bargaining agent to represent law enforcement  
158 officers, correctional officers, or correctional probation  
159 officers as those terms are defined in s. 943.10(1), (2), or  
160 (3), respectively, or firefighters as defined in s. 633.102 has  
161 ~~shall have~~ the right to have its dues and uniform assessments  
162 deducted and collected by the employer from the salaries of  
163 those employees who authorize the deduction and collection of  
164 said dues and uniform assessments. However, such authorization  
165 is revocable at the employee's request upon 30 days' written  
166 notice to the employer and employee organization. Said  
167 deductions shall commence upon the bargaining agent's written  
168 request to the employer.

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

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

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175       (3) The public employer is expressly prohibited from any  
176 involvement in the collection of fines, penalties, or special  
177 assessments.

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

180       447.305 Registration of employee organization.—

181       (1) Every employee organization seeking to become a  
182 certified bargaining agent for public employees shall register  
183 with the commission pursuant to the procedures set forth in s.  
184 120.60 prior to requesting recognition by a public employer for  
185 purposes of collective bargaining and prior to submitting a  
186 petition to the commission requesting certification as an  
187 exclusive bargaining agent. Further, if such employee  
188 organization is not registered, it may not participate in a  
189 representation hearing, participate in a representation  
190 election, or be certified as an exclusive bargaining agent. The  
191 application for registration required by this section shall be  
192 under oath and in such form as the commission may prescribe and  
193 shall include:

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

196       (b) The names and addresses of the principal officers and  
197 all representatives of the organization.

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

200       (d) The current annual audited financial statement of the  
201 organization.

202       (e) The name of its business agent, if any; if different  
203 from the business agent, the name of its local agent for service

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204 of process; and the addresses where such person or persons can  
205 be reached.

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

210 (g) A copy of the current constitution and bylaws of the  
211 employee organization.

212 (h) A copy of the current constitution and bylaws of the  
213 state and national groups with which the employee organization  
214 is affiliated or associated. In lieu of this provision, and upon  
215 adoption of a rule by the commission, a state or national  
216 affiliate or parent organization of any registering labor  
217 organization may annually submit a copy of its current  
218 constitution and bylaws.

219 (2) A registration granted to an employee organization  
220 pursuant to the provisions of this section shall run for 1 year  
221 from the date of issuance. A registration shall be renewed  
222 annually by filing application for renewal under oath with the  
223 commission, which application shall reflect any changes in the  
224 information provided to the commission in conjunction with the  
225 employee organization's preceding application for registration  
226 or previous renewal, whichever is applicable. Each application  
227 for renewal of registration shall include a current annual  
228 audited financial statement, certified by an independent  
229 certified public accountant licensed under chapter 473 and  
230 ~~report,~~ signed by the employee organization's ~~its~~ president and  
231 treasurer or corresponding principal officers, containing the  
232 following information in such detail as may be necessary



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233 accurately to disclose its financial condition and operations  
234 for its preceding fiscal year and in such categories as the  
235 commission may prescribe:

236 (a) Assets and liabilities at the beginning and end of the  
237 fiscal year;

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

239 (c) Salary, allowances, and other direct or indirect  
240 disbursements, including reimbursed expenses, to each officer  
241 and also to each employee who, during such fiscal year, received  
242 more than \$10,000 in the aggregate from such employee  
243 organization and any other employee organization affiliated with  
244 it or with which it is affiliated or which is affiliated with  
245 the same national or international employee organization;

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

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

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

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

261 (b) The number of employees in the bargaining unit who have

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262 submitted signed membership authorization forms without a  
263 subsequent revocation of such membership.

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

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

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

271 (4) The employee organization must provide a copy of its  
272 application for renewal of registration relating to a public  
273 employer's employees to the public employer on the same day the  
274 application is submitted to the commission.

275 (5) An application for renewal of registration is  
276 incomplete and is not eligible for consideration by the  
277 commission if it does not include all of the information and  
278 documentation required in subsection (3). The commission shall  
279 notify the employee organization if the application is  
280 incomplete. An incomplete application must be dismissed if the  
281 required information and documentation are not provided within  
282 10 days after the employee organization receives such notice.

283 (6) Notwithstanding the provisions of this chapter relating  
284 to collective bargaining, an employee organization that had less  
285 than 60 percent of the employees eligible for representation in  
286 the bargaining unit pay dues during its last registration period  
287 must petition the commission pursuant to s. 447.307(2) and (3)  
288 for recertification as the exclusive representative of all  
289 employees in the bargaining unit within 1 month after the date  
290 on which the employee organization applies for renewal of

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291 registration pursuant to subsection (2). The certification of an  
292 employee organization that does not comply with this section is  
293 revoked.

294 (7) The public employer or a bargaining unit employee may  
295 challenge an employee organization's application for renewal of  
296 registration if the public employer or bargaining unit employee  
297 believes that the application is inaccurate. The commission or  
298 one of its designated agents shall review the application to  
299 determine its accuracy and compliance with this section. If the  
300 commission finds that the application is inaccurate or does not  
301 comply with this section, the commission shall revoke the  
302 registration and certification of the employee organization.

303 (8) The commission may conduct an investigation to confirm  
304 the validity of any information submitted pursuant to this  
305 section. The commission may revoke or deny an employee  
306 organization's registration or certification if it finds that  
307 the employee organization:

308 (a) Failed to cooperate with the investigation conducted  
309 pursuant to this subsection; or

310 (b) Intentionally misrepresented the information it  
311 submitted pursuant to subsection (3).

312  
313 A decision issued by the commission pursuant to this subsection  
314 is a final agency action that is reviewable pursuant to s.  
315 447.504.

316 (9) Subsections (3)-(8) do not apply to an employee  
317 organization that has been certified as the bargaining agent to  
318 represent law enforcement officers, correctional officers, or  
319 correctional probation officers as those terms are defined in s.

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320 943.10(1), (2), or (3), respectively, or firefighters as defined  
321 in s. 633.102.

322 (10)~~(3)~~ A registration fee shall accompany each application  
323 filed with the commission. The amount charged for an application  
324 for registration or renewal of registration shall not exceed  
325 \$15. All such money collected by the commission shall be  
326 deposited in the General Revenue Fund.

327 (11)~~(4)~~ Every employee organization shall keep accurate  
328 accounts of its income and expenses, which accounts shall be  
329 open for inspection at all reasonable times by any member of the  
330 organization or by the commission. In addition, each employee  
331 organization that has been certified as a bargaining agent must  
332 provide to its members an annual audited financial report that  
333 includes a detailed breakdown of revenues and expenditures, and  
334 an accounting of membership dues and assessments. The employee  
335 organization must notify its members annually of all costs of  
336 membership.

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

339 447.509 Other unlawful acts.—

340 (1) Employee organizations, their members, agents, or  
341 representatives, or any persons acting on their behalf are  
342 hereby prohibited from:

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

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

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349 Section 6. Effective October 1, 2023, paragraph (c) of  
350 subsection (4) of section 1012.2315, Florida Statutes, is  
351 amended to read:

352 1012.2315 Assignment of teachers.—

353 (4) COLLECTIVE BARGAINING.—

354 ~~(c)1. In addition to the provisions under s. 447.305(2), an~~  
355 ~~employee organization that has been certified as the bargaining~~  
356 ~~agent for a unit of instructional personnel as defined in s.~~  
357 ~~1012.01(2) must include for each such certified bargaining unit~~  
358 ~~the following information in its application for renewal of~~  
359 ~~registration:~~

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

362 b. ~~The number of employees who are represented by the~~  
363 ~~employee organization, specifying the number of members who pay~~  
364 ~~dues and the number of members who do not pay dues.~~

365 2. ~~Notwithstanding the provisions of chapter 447 relating~~  
366 ~~to collective bargaining, an employee organization whose dues~~  
367 ~~paying membership is less than 50 percent of the employees~~  
368 ~~eligible for representation in the unit, as identified in~~  
369 ~~subparagraph 1., must petition the Public Employees Relations~~  
370 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~  
371 ~~as the exclusive representative of all employees in the unit~~  
372 ~~within 1 month after the date on which the organization applies~~  
373 ~~for renewal of registration pursuant to s. 447.305(2). The~~  
374 ~~certification of an employee organization that does not comply~~  
375 ~~with this paragraph is revoked.~~

376 Section 7. Effective July 1, 2023, for the purpose of  
377 incorporating the amendment made by this act to section 447.303,

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378 Florida Statutes, in a reference thereto, subsection (3) of  
379 section 110.114, Florida Statutes, is reenacted to read:

380 110.114 Employee wage deductions.—

381 (3) Notwithstanding the provisions of subsections (1) and  
382 (2), the deduction of an employee's membership dues deductions  
383 as defined in s. 447.203(15) for an employee organization as  
384 defined in s. 447.203(11) shall be authorized or permitted only  
385 for an organization that has been certified as the exclusive  
386 bargaining agent pursuant to chapter 447 for a unit of state  
387 employees in which the employee is included. Such deductions  
388 shall be subject to the provisions of s. 447.303.

389 Section 8. Effective July 1, 2023, for the purpose of  
390 incorporating the amendment made by this act to section 447.303,  
391 Florida Statutes, in a reference thereto, paragraph (a) of  
392 subsection (6) of section 447.507, Florida Statutes, is  
393 reenacted to read:

394 447.507 Violation of strike prohibition; penalties.—

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

397 1. Issue cease and desist orders as necessary to ensure  
398 compliance with its order.

399 2. Suspend or revoke the certification of the employee  
400 organization as the bargaining agent of such employee unit.

401 3. Revoke the right of dues deduction and collection  
402 previously granted to said employee organization pursuant to s.  
403 447.303.

404 4. Fine the organization up to \$20,000 for each calendar  
405 day of such violation or determine the approximate cost to the  
406 public due to each calendar day of the strike and fine the

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407 organization an amount equal to such cost, notwithstanding the  
408 fact that the fine may exceed \$20,000 for each such calendar  
409 day. The fines so collected shall immediately accrue to the  
410 public employer and shall be used by him or her to replace those  
411 services denied the public as a result of the strike. In  
412 determining the amount of damages, if any, to be awarded to the  
413 public employer, the commission shall take into consideration  
414 any action or inaction by the public employer or its agents that  
415 provoked, or tended to provoke, the strike by the public  
416 employees.

417 Section 9. Except as otherwise expressly provided in this  
418 act, this act shall take effect upon becoming a law.