

1                                   A bill to be entitled  
2           An act relating to public employees; amending s.  
3           447.207, F.S.; revising a requirement that the Public  
4           Employees Relations Commission may waive relating to  
5           employee organizations certified as a bargaining agent  
6           to represent mass transit employees; amending s.  
7           447.301, F.S.; requiring certain public employees to  
8           submit executed membership authorization forms to the  
9           bargaining agent; removing obsolete language;  
10          conforming a cross-reference; revising applicability;  
11          amending s. 447.303, F.S.; revising the employee  
12          organizations that have the right to have dues and  
13          uniform assessments deducted and collected by the  
14          employer; amending s. 447.305, F.S.; revising the  
15          information employee organizations must provide in  
16          applications for registration; deleting requirement  
17          that an employee organization's annual financial  
18          statement be audited and certified; revising the  
19          information required in an employee organization's  
20          annual financial statement; revising the date upon  
21          which an employee organization must submit certain  
22          information for a renewal of registration; revising  
23          the employee organizations that must petition the  
24          commission for recertification; revising the timeframe  
25          by which an employee organization must submit such

26 petition; revising the actions for which the  
 27 commission may revoke or deny an employee  
 28 organization's registration or certification; revising  
 29 applicability; conforming provisions to changes made  
 30 by the act; providing provisions for renewals of  
 31 registration of employee organizations during a  
 32 specified timeframe; prohibiting the commission from  
 33 taking certain actions during a specified timeframe  
 34 regarding a renewal of registration application;  
 35 providing an effective date.

36  
 37 Be It Enacted by the Legislature of the State of Florida:

38  
 39 Section 1. Paragraph (a) of subsection (12) of section  
 40 447.207, Florida Statutes, is amended to read:

41 447.207 Commission; powers and duties.—

42 (12) Upon a petition by a public employer after it has  
 43 been notified by the Department of Labor that the public  
 44 employer's protective arrangement covering mass transit  
 45 employees does not meet the requirements of 49 U.S.C. s. 5333(b)  
 46 and would jeopardize the employer's continued eligibility to  
 47 receive Federal Transit Administration funding, the commission  
 48 may waive, to the extent necessary for the public employer to  
 49 comply with the requirements of 49 U.S.C. s. 5333(b), any of the  
 50 following for an employee organization that has been certified

51 as a bargaining agent to represent mass transit employees:

52 (a) The prohibition on dues and assessment deductions  
 53 provided in s. 447.303(1) as it applies to a mass transit  
 54 employee who has provided a copy of his or her membership  
 55 authorization form to the employer as part of the authorization  
 56 of dues and assessment deductions under a waiver.

57 Section 2. Paragraph (b) of subsection (1) of section  
 58 447.301, Florida Statutes, is amended to read:

59 447.301 Public employees' rights; organization and  
 60 representation.—

61 (1)

62 (b)1. ~~Beginning July 1, 2023,~~ A public employee who  
 63 desires to be a member of an employee organization must sign and  
 64 date a membership authorization form, as prescribed by the  
 65 commission, and submit the executed form to ~~with~~ the bargaining  
 66 agent.

67 2. The membership authorization form must identify the  
 68 name of the bargaining agent; the name of the employee; the  
 69 class code and class title of the employee; the name of the  
 70 public employer and employing agency, if applicable; the amount  
 71 of the initiation fee and of the monthly dues which the member  
 72 must pay; and the name and total amount of salary, allowances,  
 73 and other direct or indirect disbursements, including  
 74 reimbursements, paid to each of the five highest compensated  
 75 officers and employees of the employee organization disclosed

76 | under s. 447.305(2)(d) ~~s. 447.305(2)(c)~~.

77 |         3. The membership authorization form must contain the  
78 | following statement in 14-point type:

79 |  
80 |             The State of Florida is a right-to-work state.  
81 |             Membership or non-membership in a labor union is not  
82 |             required as a condition of employment, and union  
83 |             membership and payment of union dues and assessments  
84 |             are voluntary. Each person has the right to join and  
85 |             pay dues to a labor union or to refrain from joining  
86 |             and paying dues to a labor union. No employee may be  
87 |             discriminated against in any manner for joining and  
88 |             financially supporting a labor union or for refusing  
89 |             to join or financially support a labor union.

90 |  
91 |         4. A public employee may revoke membership in the employee  
92 |         organization at any time of the year. Upon receipt of the  
93 |         employee's written revocation of membership, the employee  
94 |         organization must revoke a public employee's membership. The  
95 |         employee organization may not limit an employee's right to  
96 |         revoke membership to certain dates. If a public employee must  
97 |         complete a form to revoke membership in the employee  
98 |         organization, the form may not require a reason for the public  
99 |         employee's decision to revoke his or her membership.

100 |         5. An employee organization must retain for inspection by

101 the commission such membership authorization forms and any  
 102 revocations.

103 6. This paragraph does not apply to members of ~~an employee~~  
 104 ~~organization that has been certified as~~ a bargaining unit the  
 105 majority of whose employees eligible for representation are  
 106 employed as agent to represent law enforcement officers,  
 107 correctional officers, or correctional probation officers as  
 108 those terms are defined in s. 943.10(1), (2), or (3),  
 109 respectively; ~~or~~ firefighters as defined in s. 633.102; 911  
 110 public safety telecommunicators as defined in s. 401.465(1); or  
 111 emergency medical technicians or paramedics as defined in s.  
 112 401.23.

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

115 Section 3. Paragraph (a) of subsection (2) of section  
 116 447.303, Florida Statutes, is amended to read:

117 447.303 Dues; deduction and collection.—

118 (2)(a) An employee organization that has been certified as  
 119 a bargaining agent to represent a bargaining unit the majority  
 120 of whose employees eligible for representation are employed as  
 121 law enforcement officers, correctional officers, or correctional  
 122 probation officers as those terms are defined in s. 943.10(1),  
 123 (2), or (3), respectively; ~~or~~ firefighters as defined in s.  
 124 633.102; 911 public safety telecommunicators as defined in s.  
 125 401.465(1); or emergency medical technicians or paramedics as

126 defined in s. 401.23 has the right to have its dues and uniform  
127 assessments for the bargaining unit deducted and collected by  
128 the employer from the salaries of those employees who authorize  
129 the deduction and collection of said dues and uniform  
130 assessments. However, such authorization is revocable at the  
131 employee's request upon 30 days' written notice to the employer  
132 and employee organization. Said deductions shall commence upon  
133 the bargaining agent's written request to the employer.

134 Section 4. Paragraphs (c) and (d) of subsection (1) and  
135 subsections (2), (3), (6), (8), (9), and (11) of section  
136 447.305, Florida Statutes, are amended to read:

137 447.305 Registration of employee organization.—

138 (1) Every employee organization seeking to become a  
139 certified bargaining agent for public employees shall register  
140 with the commission pursuant to the procedures set forth in s.  
141 120.60 prior to requesting recognition by a public employer for  
142 purposes of collective bargaining and prior to submitting a  
143 petition to the commission requesting certification as an  
144 exclusive bargaining agent. Further, if such employee  
145 organization is not registered, it may not participate in a  
146 representation hearing, participate in a representation  
147 election, or be certified as an exclusive bargaining agent. The  
148 application for registration required by this section shall be  
149 under oath and in such form as the commission may prescribe and  
150 shall include:

151 (c) The amount of the initiation fee and the amount and  
 152 collection frequency of the ~~monthly~~ dues and uniform assessments  
 153 that a member ~~which members~~ must pay.

154 (d) The current annual ~~audited~~ financial statement of the  
 155 organization, prepared by an independent certified public  
 156 accountant licensed under chapter 473.

157 (2) A registration granted to an employee organization  
 158 pursuant to ~~the provisions of~~ this section runs ~~shall run~~ for 1  
 159 year after ~~from~~ the date of issuance. A registration must ~~shall~~  
 160 be renewed annually by filing an application for renewal under  
 161 oath with the commission, which application must ~~shall~~ reflect  
 162 any changes in the information provided to the commission in  
 163 conjunction with the employee organization's preceding  
 164 application for registration or previous renewal, whichever is  
 165 applicable. Each application for renewal of registration must  
 166 ~~shall~~ include a current annual ~~audited~~ financial statement,  
 167 prepared ~~certified~~ by an independent certified public accountant  
 168 licensed under chapter 473 and signed by the employee  
 169 organization's president and treasurer or corresponding  
 170 principal officers, containing all of the following information  
 171 in such detail as may be necessary accurately to disclose its  
 172 financial condition and operations for its preceding fiscal year  
 173 and in such categories as the commission may prescribe:

174 (a) Assets and liabilities at the beginning and end of the  
 175 fiscal year.†

176 (b) Receipts of any kind and the sources thereof.~~†~~  
 177 (c) Disbursements by category.  
 178 ~~(d)-(e)~~ Salary, allowances, and other direct or indirect  
 179 disbursements, including reimbursed expenses, to each officer  
 180 and also to each employee who, during such fiscal year, received  
 181 more than \$10,000 in the aggregate from such employee  
 182 organization and any other employee organization affiliated with  
 183 it or with which it is affiliated or which is affiliated with  
 184 the same national or international employee organization.~~†~~  
 185 ~~(e)-(d)~~ Direct and indirect loans made to any officer,  
 186 employee, or member which aggregated more than \$250 during the  
 187 fiscal year, together with a statement of the purpose, security,  
 188 if any, and arrangements for repayment.~~†~~ ~~and~~  
 189 ~~(f)-(e)~~ Direct and indirect loans to any business  
 190 enterprise, together with a statement of the purpose, security,  
 191 if any, and arrangements for repayment.  
 192 (3) In addition to subsection (2), an employee  
 193 organization that has been certified as the bargaining agent for  
 194 public employees must include for each such certified bargaining  
 195 unit all of the following information and documentation as of  
 196 the 30th day immediately preceding the date upon which its  
 197 current registration is scheduled to end ~~of renewal in its~~  
 198 ~~application~~ for any renewal of registration on or after October  
 199 1, 2023:  
 200 (a) The number of employees in the bargaining unit who are



201 eligible for representation by the employee organization.

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

203 have submitted signed membership authorization forms without a

204 subsequent revocation of such membership.

205 (c) The number of employees in the bargaining unit who

206 paid dues to the employee organization.

207 (d) The number of employees in the bargaining unit who did

208 not pay dues to the employee organization.

209 (e) Documentation provided by an independent certified

210 public accountant retained by the employee organization which

211 verifies the information provided in paragraphs (a)-(d).

212 (6) Notwithstanding the provisions of this chapter

213 relating to collective bargaining, an employee organization

214 certified as a bargaining agent to represent a bargaining unit

215 for which ~~that had~~ less than 60 percent of the employees in the

216 unit have submitted membership authorization forms without

217 subsequent revocation and paid dues to the employee organization

218 eligible for representation in the bargaining unit pay dues

219 during its last registration period must petition the commission

220 pursuant to s. 447.307(2) and (3) for recertification as the

221 exclusive representative of all employees in the bargaining unit

222 within 30 days ~~1 month~~ after the date on which the employee

223 organization applies for renewal of registration pursuant to

224 subsection (2). The certification of an employee organization

225 that does not comply with this section is revoked.

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

231 (a) Failed to cooperate with the investigation conducted  
 232 pursuant to this subsection, including a refusal to permit the  
 233 commission to inspect membership authorization forms or  
 234 revocations pursuant to s. 447.301(1)(b)5.; or

235 (b) Intentionally misrepresented the information it  
 236 submitted pursuant to this section ~~subsection (3)~~.

237  
 238 A decision issued by the commission pursuant to this subsection  
 239 is a final agency action that is reviewable pursuant to s.  
 240 447.504.

241 (9) An employee organization is exempt from the  
 242 requirements of subsections (3)-(8) only with respect to the  
 243 circumstances of each bargaining unit the majority of whose  
 244 employees eligible for representation are employed as ~~do not~~  
 245 ~~apply to an employee organization that has been certified as the~~  
 246 ~~bargaining agent to represent~~ law enforcement officers,  
 247 correctional officers, or correctional probation officers as  
 248 those terms are defined in s. 943.10(1), (2), or (3),  
 249 respectively; ~~or~~ firefighters as defined in s. 633.102; 911  
 250 public safety telecommunicators as defined in s. 401.465(1); or

251 emergency medical technicians or paramedics as defined in s.  
252 401.23.

253 (11) Every employee organization shall keep accurate  
254 accounts of its income and expenses, which accounts shall be  
255 open for inspection at all reasonable times by any member of the  
256 organization or by the commission. In addition, each employee  
257 organization that has been certified as a bargaining agent must  
258 provide to its members an annual ~~audited~~ financial report  
259 prepared by an independent certified public accountant licensed  
260 under chapter 473 that includes a detailed breakdown of revenues  
261 and expenditures in such categories as the commission may  
262 prescribe, and an accounting of membership dues and assessments.  
263 The employee organization must notify its members annually of  
264 all costs of membership.

265 Section 5. (1) For an application for renewal of  
266 registration of an employee organization filed pursuant to s.  
267 447.305(2), Florida Statutes, between July 1, 2023, and the  
268 effective date of this act, an employee organization may submit  
269 a current annual financial statement containing the information  
270 required by s. 447.305(2), Florida Statutes, prepared by an  
271 independent certified public accountant licensed under chapter  
272 473, Florida Statutes, and signed by the employee organization's  
273 president and treasurer or corresponding principal officers in  
274 lieu of an annual audited financial statement certified by an  
275 independent certified public accountant licensed under chapter

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276 473, Florida Statutes.

277 (2) For an application for renewal of registration of an  
278 employee organization filed pursuant to s. 447.305, Florida  
279 Statutes, between July 1, 2023, and the effective date of this  
280 act, the Public Employees Relations Commission may not deny the  
281 renewal or revoke the registration of an employee organization  
282 based solely on the employee organization's failure to submit a  
283 current annual audited financial statement certified by an  
284 independent certified public accountant licensed under chapter  
285 473, Florida Statutes.

286 Section 6. This act shall take effect upon becoming a law.