

By Senator Ingoglia

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1 A bill to be entitled
2 An act relating to public employees; amending s.
3 447.207, F.S.; revising a prohibition on dues to
4 certain mass transit employees; amending s. 447.301,
5 F.S.; deleting obsolete language; requiring certain
6 public employees of an employee organization to submit
7 executed forms to the bargaining agent; revising
8 applicability; amending s. 447.303, F.S.; providing
9 that specified employee organizations have the right
10 to have its dues and uniform assessments deducted and
11 collected by the employer from the salaries of those
12 employees who authorized such deduction and
13 collection; amending s. 447.305, F.S.; revising the
14 application employee organizations must submit to
15 register as certified bargaining agents; requiring
16 applications for renewal of registration to include
17 current annual financial statements prepared by an
18 independent certified public accountant; revising the
19 information that must be included in such
20 applications; revising the timeframe in which a
21 certain bargaining agents must submit specified
22 information and documentation; requiring certain
23 employee organizations to petition the Public
24 Employees Relations Commission for recertification;
25 revising applicability; authorizing the commission to,
26 and in a specified circumstance requiring the
27 commission to, investigate an employee organization's
28 application for registration renewal; requiring the
29 commission to deny such applications under specified

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30 circumstances; making technical changes; conforming
31 provisions to changes made by the act; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (a) of subsection (12) of section
37 447.207, Florida Statutes, is amended to read:

38 447.207 Commission; powers and duties.—

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

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

54 Section 2. Section 447.301, Florida Statutes, is amended to
55 read:

56 447.301 Public employees' rights; organization and
57 representation.—

58 (1) (a) Public employees shall have the right to form, join,

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59 and participate in, or to refrain from forming, joining, or
60 participating in, any employee organization of their own
61 choosing.

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

66 2. The membership authorization form must identify the name
67 of the bargaining agent; the name of the employee; the class
68 code and class title of the employee; the name of the public
69 employer and employing agency, if applicable; the amount of the
70 initiation fee and of the monthly dues which the member must
71 pay; and the name and total amount of salary, allowances, and
72 other direct or indirect disbursements, including
73 reimbursements, paid to each of the five highest compensated
74 officers and employees of the employee organization disclosed
75 under s. 447.305(2)(c).

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

78
79 The State of Florida is a right-to-work state.
80 Membership or non-membership in a labor union is not
81 required as a condition of employment, and union
82 membership and payment of union dues and assessments
83 are voluntary. Each person has the right to join and
84 pay dues to a labor union or to refrain from joining
85 and paying dues to a labor union. No employee may be
86 discriminated against in any manner for joining and
87 financially supporting a labor union or for refusing

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88 to join or financially support a labor union.

89
90 4. A public employee may revoke membership in the employee
91 organization at any time of the year. Upon receipt of the
92 employee's written revocation of membership, the employee
93 organization must revoke a public employee's membership. The
94 employee organization may not limit an employee's right to
95 revoke membership to certain dates. If a public employee must
96 complete a form to revoke membership in the employee
97 organization, the form may not require a reason for the public
98 employee's decision to revoke his or her membership.

99 5. An employee organization must retain for inspection by
100 the commission such membership authorization forms and any
101 revocations.

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

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

116 (2) Public employees shall have the right to be represented

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117 by any employee organization of their own choosing and to
118 negotiate collectively, through a certified bargaining agent,
119 with their public employer in the determination of the terms and
120 conditions of their employment. Public employees shall have the
121 right to be represented in the determination of grievances on
122 all terms and conditions of their employment. Public employees
123 shall have the right to refrain from exercising the right to be
124 represented.

125 (3) Public employees shall have the right to engage in
126 concerted activities not prohibited by law, for the purpose of
127 collective bargaining or other mutual aid or protection. Public
128 employees shall also have the right to refrain from engaging in
129 such activities.

130 (4) Nothing in this part shall be construed to prevent any
131 public employee from presenting, at any time, his or her own
132 grievances, in person or by legal counsel, to his or her public
133 employer and having such grievances adjusted without the
134 intervention of the bargaining agent, if the adjustment is not
135 inconsistent with the terms of the collective bargaining
136 agreement then in effect and if the bargaining agent has been
137 given reasonable opportunity to be present at any meeting called
138 for the resolution of such grievances.

139 (5) In the case of community colleges and universities, the
140 student government association of each community college or
141 university shall establish procedures for the selection of, and
142 shall select, a student representative to be present, at his or
143 her discretion, at negotiations between the bargaining agent of
144 the employees and the board of trustees. Each student
145 representative shall have access to all written draft agreements

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146 and all other written documents pertaining to negotiations
147 exchanged by the appropriate public employer and the bargaining
148 agent, including a copy of any prepared written transcripts of
149 any negotiating session. Each student representative shall have
150 the right at reasonable times during the negotiating session to
151 comment to the parties and to the public upon the impact of
152 proposed agreements on the educational environment of students.
153 Each student representative shall have the right to be
154 accompanied by alternates or aides, not to exceed a combined
155 total of two in number. Each student representative shall be
156 obligated to participate in good faith during all negotiations
157 and shall be subject to the rules and regulations of the Public
158 Employees Relations Commission. The student representatives
159 shall have neither voting nor veto power in any negotiation,
160 action, or agreement. The state or any branch, agency, division,
161 agent, or institution of the state, including community colleges
162 and universities, may not expend any moneys from any source for
163 the payment of reimbursement for travel expenses or per diem to
164 aides, alternates, or student representatives participating in,
165 observing, or contributing to any negotiating sessions between
166 the bargaining parties.

167 Section 3. Section 447.303, Florida Statutes, is amended to
168 read:

169 447.303 Dues; deduction and collection.—

170 (1) Except as authorized in subsection (2) or subject to a
171 waiver granted pursuant to s. 447.207(12)(a), an employee
172 organization that has been certified as a bargaining agent may
173 not have its dues and uniform assessments deducted and collected
174 by the employer from the salaries of those employees in the

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175 unit. A public employee may pay dues and uniform assessments
176 directly to the employee organization that has been certified as
177 the bargaining agent.

178 (2) (a) An employee organization that has been certified as
179 a bargaining agent to represent a bargaining unit the majority
180 of whose employees eligible for representation are employed as
181 law enforcement officers, correctional officers, or correctional
182 probation officers as those terms are defined in s. 943.10(1),
183 (2), or (3), respectively, ~~or~~ firefighters as defined in s.
184 633.102, 911 public safety telecommunicators as defined in s.
185 401.465(1) (a), or emergency medical technicians or paramedics as
186 defined in s. 401.23 has the right to have its dues and uniform
187 assessments for that bargaining unit deducted and collected by
188 the employer from the salaries of those employees who authorize
189 the deduction and collection of said dues and uniform
190 assessments. However, such authorization is revocable at the
191 employee's request upon 30 days' written notice to the employer
192 and employee organization. Said deductions shall commence upon
193 the bargaining agent's written request to the employer.

194 (b) Reasonable costs to the employer of said deductions is
195 a proper subject of collective bargaining.

196 (c) Such right to deduction, unless revoked under s.
197 447.507, is in force for so long as the employee organization
198 remains the certified bargaining agent for the employees in the
199 unit.

200 (3) The public employer is expressly prohibited from any
201 involvement in the collection of fines, penalties, or special
202 assessments.

203 Section 4. Section 447.305, Florida Statutes, is amended to

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204 read:

205 447.305 Registration of employee organization.—

206 (1) Every employee organization seeking to become a
207 certified bargaining agent for public employees shall register
208 with the commission pursuant to the procedures set forth in s.
209 120.60 prior to requesting recognition by a public employer for
210 purposes of collective bargaining and prior to submitting a
211 petition to the commission requesting certification as an
212 exclusive bargaining agent. Further, if such employee
213 organization is not registered, it may not participate in a
214 representation hearing, participate in a representation
215 election, or be certified as an exclusive bargaining agent. The
216 application for registration required by this section shall be
217 under oath and in such form as the commission may prescribe and
218 shall include:

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

221 (b) The names and addresses of the principal officers and
222 all representatives of the organization.

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

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

229 (e) The name of its business agent, if any; if different
230 from the business agent, the name of its local agent for service
231 of process; and the addresses where such person or persons can
232 be reached.

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

237 (g) A copy of the current constitution and bylaws of the
238 employee organization.

239 (h) A copy of the current constitution and bylaws of the
240 state and national groups with which the employee organization
241 is affiliated or associated. In lieu of this provision, and upon
242 adoption of a rule by the commission, a state or national
243 affiliate or parent organization of any registering labor
244 organization may annually submit a copy of its current
245 constitution and bylaws.

246 (2) A registration granted to an employee organization
247 pursuant to the provisions of this section shall run for 1 year
248 from the date of issuance. A registration shall be renewed
249 annually by filing an application for renewal under oath with
250 the commission, which application shall reflect any changes in
251 the information provided to the commission in conjunction with
252 the employee organization's preceding application for
253 registration or previous renewal, whichever is applicable. Each
254 application for renewal of registration shall include a current
255 annual ~~audited~~ financial statement, prepared ~~certified~~ by an
256 independent certified public accountant licensed under chapter
257 473 and signed by the employee organization's president and
258 treasurer or corresponding principal officers, containing the
259 following information in such detail as may be necessary
260 accurately to disclose its financial condition and operations
261 for its preceding fiscal year and in such categories as the

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262 commission may prescribe:

263 (a) Assets and liabilities at the beginning and end of the
264 fiscal year;

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

266 (c) Disbursements by category;

267 (d)~~(e)~~ Salary, allowances, and other direct or indirect
268 disbursements, including reimbursed expenses, to each officer
269 and also to each employee who, during such fiscal year, received
270 more than \$10,000 in the aggregate from such employee
271 organization and any other employee organization affiliated with
272 it or with which it is affiliated or which is affiliated with
273 the same national or international employee organization;

274 (e)~~(d)~~ Direct and indirect loans made to any officer,
275 employee, or member which aggregated more than \$250 during the
276 fiscal year, together with a statement of the purpose, security,
277 if any, and arrangements for repayment; and

278 (f)~~(e)~~ Direct and indirect loans to any business
279 enterprise, together with a statement of the purpose, security,
280 if any, and arrangements for repayment.

281 (3) In addition to subsection (2), an employee organization
282 that has been certified as the bargaining agent for public
283 employees must include for each such certified bargaining unit
284 the following information and documentation as of the 30th day
285 immediately preceding the date upon which its current
286 registration is scheduled to end ~~of renewal in its application~~
287 for any renewal of registration on or after October 1, 2023:

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

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

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291 submitted signed membership authorization forms without a
292 subsequent revocation of such membership.

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

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

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

300 (4) The employee organization must provide a copy of its
301 application for renewal of registration relating to a public
302 employer's employees to the public employer on the same day the
303 application is submitted to the commission.

304 (5) An application for renewal of registration is
305 incomplete and is not eligible for consideration by the
306 commission if it does not include all of the information and
307 documentation required in subsection (3). The commission shall
308 notify the employee organization if the application is
309 incomplete. An incomplete application must be dismissed if the
310 required information and documentation are not provided within
311 10 days after the employee organization receives such notice.

312 (6) Notwithstanding the provisions of this chapter relating
313 to collective bargaining, an employee organization certified as
314 a bargaining agent to represent a bargaining unit for which ~~that~~
315 ~~had~~ less than 60 percent of the unit employees have submitted
316 membership authorization forms without subsequent revocation and
317 paid dues to the organization eligible for representation in the
318 ~~bargaining unit pay dues~~ during its last registration period
319 must petition the commission pursuant to s. 447.307(2) and (3)

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320 for recertification as the exclusive representative of all
321 employees in the bargaining unit within 30 days ~~1 month~~ after
322 the date on which the employee organization applies for renewal
323 of registration pursuant to subsection (2). The certification of
324 an employee organization that does not comply with this section
325 is revoked.

326 (7) The public employer or a bargaining unit employee may
327 challenge an employee organization's application for renewal of
328 registration if the public employer or bargaining unit employee
329 believes that the application is inaccurate. The commission or
330 one of its designated agents shall review the application to
331 determine its accuracy and compliance with this section. If the
332 commission finds that the application is inaccurate or does not
333 comply with this section, the commission shall revoke the
334 registration and certification of the employee organization.

335 (8) The commission may conduct an investigation to confirm
336 the validity of any information submitted pursuant to this
337 section. The commission may revoke or deny an employee
338 organization's registration or certification if it finds that
339 the employee organization:

340 (a) Failed to cooperate with the investigation conducted
341 pursuant to this subsection, including refusal to permit the
342 commission to inspect membership authorization forms or
343 revocations pursuant to s. 447.301(1)(b)5.; or

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

346
347 A decision issued by the commission pursuant to this subsection
348 is a final agency action that is reviewable pursuant to s.

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349 447.504.

350 (9) Subsections (3)-(8) do not apply to a bargaining unit
351 the majority of whose employees eligible for representation are
352 employed as an employee organization that has been certified as
353 the bargaining agent to represent law enforcement officers,
354 correctional officers, or correctional probation officers as
355 those terms are defined in s. 943.10(1), (2), or (3),
356 respectively, or firefighters as defined in s. 633.102, 911
357 public safety telecommunicators as defined in s. 401.465(1)(a),
358 or emergency medical technicians or paramedics as defined in s.
359 401.23.

360 (10) A registration fee shall accompany each application
361 filed with the commission. The amount charged for an application
362 for registration or renewal of registration shall not exceed
363 \$15. All such money collected by the commission shall be
364 deposited in the General Revenue Fund.

365 (11) Every employee organization shall keep accurate
366 accounts of its income and expenses, which accounts shall be
367 open for inspection at all reasonable times by any member of the
368 organization or by the commission. In addition, each employee
369 organization that has been certified as a bargaining agent must
370 provide to its members an annual ~~audited~~ financial report
371 prepared by an independent certified public accountant licensed
372 under chapter 473 that includes a detailed breakdown of revenues
373 and expenditures in such categories as the commission may
374 prescribe, and an accounting of membership dues and assessments.
375 The employee organization must notify its members annually of
376 all costs of membership.

377 Section 5. This act shall take effect July 1, 2024.