

By the Committee on Rules; and 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 certain
21 bargaining agents must submit specified information
22 and documentation; requiring certain employee
23 organizations to petition the Public Employees
24 Relations Commission for recertification; revising
25 applicability; authorizing the commission to, and in a
26 specified circumstance requiring the commission to,
27 investigate an employee organization's application for
28 registration renewal; requiring the commission to deny
29 such applications under specified circumstances;

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30 circumstances; exempting certain employee
31 organizations from specified provisions; revising
32 requirements for a specified annual financial report;
33 making technical changes; conforming changes made by
34 the act; providing transitional provisions regarding
35 the renewal of registration of employee organizations
36 during a specified timeframe; prohibiting the
37 commission from taking certain action on a renewal
38 application; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Paragraph (a) of subsection (12) of section
43 447.207, Florida Statutes, is amended to read:

44 447.207 Commission; powers and duties.—

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

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

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59 of dues deduction under a waiver.

60 Section 2. Section 447.301, Florida Statutes, is amended to
61 read:

62 447.301 Public employees' rights; organization and
63 representation.—

64 (1) (a) Public employees shall have the right to form, join,
65 and participate in, or to refrain from forming, joining, or
66 participating in, any employee organization of their own
67 choosing.

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

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

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

84
85 The State of Florida is a right-to-work state.

86 Membership or non-membership in a labor union is not
87 required as a condition of employment, and union

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88 membership and payment of union dues and assessments
89 are voluntary. Each person has the right to join and
90 pay dues to a labor union or to refrain from joining
91 and paying dues to a labor union. No employee may be
92 discriminated against in any manner for joining and
93 financially supporting a labor union or for refusing
94 to join or financially support a labor union.

95

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

105 5. An employee organization must retain for inspection by
106 the commission such membership authorization forms and any
107 revocations.

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

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117 ~~officers, correctional officers, or correctional probation~~
118 ~~officers as those terms are defined in s. 943.10(1), (2), or~~
119 ~~(3), respectively, or firefighters as defined in s. 633.102.~~

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

122 (2) Public employees shall have the right to be represented
123 by any employee organization of their own choosing and to
124 negotiate collectively, through a certified bargaining agent,
125 with their public employer in the determination of the terms and
126 conditions of their employment. Public employees shall have the
127 right to be represented in the determination of grievances on
128 all terms and conditions of their employment. Public employees
129 shall have the right to refrain from exercising the right to be
130 represented.

131 (3) Public employees shall have the right to engage in
132 concerted activities not prohibited by law, for the purpose of
133 collective bargaining or other mutual aid or protection. Public
134 employees shall also have the right to refrain from engaging in
135 such activities.

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

145 (5) In the case of community colleges and universities, the

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

173 Section 3. Section 447.303, Florida Statutes, is amended to
174 read:

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175 447.303 Dues; deduction and collection.—

176 (1) Except as authorized in subsection (2) or subject to a
177 waiver granted pursuant to s. 447.207(12)(a), an employee
178 organization that has been certified as a bargaining agent may
179 not have its dues and uniform assessments deducted and collected
180 by the employer from the salaries of those employees in the
181 unit. A public employee may pay dues and uniform assessments
182 directly to the employee organization that has been certified as
183 the bargaining agent.

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

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

202 (c) Such right to deduction, unless revoked under s.
203 447.507, is in force for so long as the employee organization

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204 remains the certified bargaining agent for the employees in the
205 unit.

206 (3) The public employer is expressly prohibited from any
207 involvement in the collection of fines, penalties, or special
208 assessments.

209 Section 4. Section 447.305, Florida Statutes, is amended to
210 read:

211 447.305 Registration of employee organization.—

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

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

227 (b) The names and addresses of the principal officers and
228 all representatives of the organization.

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

232 (d) The current annual ~~audited~~ financial statement of the

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233 organization, prepared by an independent certified public
234 accountant licensed under chapter 473.

235 (e) The name of its business agent, if any; if different
236 from the business agent, the name of its local agent for service
237 of process; and the addresses where such person or persons can
238 be reached.

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

243 (g) A copy of the current constitution and bylaws of the
244 employee organization.

245 (h) A copy of the current constitution and bylaws of the
246 state and national groups with which the employee organization
247 is affiliated or associated. In lieu of this provision, and upon
248 adoption of a rule by the commission, a state or national
249 affiliate or parent organization of any registering labor
250 organization may annually submit a copy of its current
251 constitution and bylaws.

252 (2) A registration granted to an employee organization
253 pursuant to the provisions of this section shall run for 1 year
254 from the date of issuance. A registration shall be renewed
255 annually by filing an application for renewal under oath with
256 the commission, which application shall reflect any changes in
257 the information provided to the commission in conjunction with
258 the employee organization's preceding application for
259 registration or previous renewal, whichever is applicable. Each
260 application for renewal of registration shall include a current
261 annual ~~audited~~ financial statement, prepared ~~certified~~ by an

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262 independent certified public accountant licensed under chapter
263 473 and signed by the employee organization's president and
264 treasurer or corresponding principal officers, containing the
265 following information in such detail as may be necessary
266 accurately to disclose its financial condition and operations
267 for its preceding fiscal year and in such categories as the
268 commission may prescribe:

269 (a) Assets and liabilities at the beginning and end of the
270 fiscal year;

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

272 (c) Disbursements by category;

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

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

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

287 (3) In addition to subsection (2), an employee organization
288 that has been certified as the bargaining agent for public
289 employees must include for each such certified bargaining unit
290 the following information and documentation as of the 30th day

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291 immediately preceding the date upon which its current
292 registration is scheduled to end ~~of renewal in its application~~
293 for any renewal of registration on or after October 1, 2023:

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

296 (b) The number of employees in the bargaining unit who have
297 submitted signed membership authorization forms without a
298 subsequent revocation of such membership.

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

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

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

306 (4) The employee organization must provide a copy of its
307 application for renewal of registration relating to a public
308 employer's employees to the public employer on the same day the
309 application is submitted to the commission.

310 (5) An application for renewal of registration is
311 incomplete and is not eligible for consideration by the
312 commission if it does not include all of the information and
313 documentation required in subsection (3). The commission shall
314 notify the employee organization if the application is
315 incomplete. An incomplete application must be dismissed if the
316 required information and documentation are not provided within
317 10 days after the employee organization receives such notice.

318 (6) Notwithstanding the provisions of this chapter relating
319 to collective bargaining, an employee organization certified as

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320 a bargaining agent to represent a bargaining unit for which ~~that~~
321 ~~had~~ less than 60 percent of the unit employees have submitted
322 membership authorization forms without subsequent revocation and
323 paid dues to the organization eligible for representation in the
324 ~~bargaining unit pay dues~~ during its last registration period
325 must petition the commission pursuant to s. 447.307(2) and (3)
326 for recertification as the exclusive representative of all
327 employees in the bargaining unit within 30 days ~~1 month~~ after
328 the date on which the employee organization applies for renewal
329 of registration pursuant to subsection (2). The certification of
330 an employee organization that does not comply with this section
331 is revoked.

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

341 (8) The commission may conduct an investigation to confirm
342 the validity of any information submitted pursuant to this
343 section. The commission may revoke or deny an employee
344 organization's registration or certification if it finds that
345 the employee organization:

346 (a) Failed to cooperate with the investigation conducted
347 pursuant to this subsection, including refusal to permit the
348 commission to inspect membership authorization forms or

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349 revocations pursuant to s. 447.301(1)(b)5.; or

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

352
353 A decision issued by the commission pursuant to this subsection
354 is a final agency action that is reviewable pursuant to s.
355 447.504.

356 (9) An employee organization is exempt from the
357 requirements of subsections (3)-(8) only with respect to the
358 circumstances of each bargaining unit the majority of whose
359 employees eligible for representation are employed as ~~do not~~
360 ~~apply to an employee organization that has been certified as the~~
361 ~~bargaining agent to represent law enforcement officers,~~
362 ~~correctional officers, or correctional probation officers as~~
363 ~~those terms are defined in s. 943.10(1), (2), or (3),~~
364 ~~respectively, or~~ firefighters as defined in s. 633.102, 911
365 public safety telecommunicators as defined in s. 401.465(1)(a),
366 or emergency medical technicians or paramedics as defined in s.
367 401.23.

368 (10) A registration fee shall accompany each application
369 filed with the commission. The amount charged for an application
370 for registration or renewal of registration shall not exceed
371 \$15. All such money collected by the commission shall be
372 deposited in the General Revenue Fund.

373 (11) Every employee organization shall keep accurate
374 accounts of its income and expenses, which accounts shall be
375 open for inspection at all reasonable times by any member of the
376 organization or by the commission. In addition, each employee
377 organization that has been certified as a bargaining agent must

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378 provide to its members an annual ~~audited~~ financial report
379 prepared by an independent certified public accountant licensed
380 under chapter 473 that includes a detailed breakdown of revenues
381 and expenditures in such categories as the commission may
382 prescribe, and an accounting of membership dues and assessments.
383 The employee organization must notify its members annually of
384 all costs of membership.

385 Section 5. (1) For an application for renewal of
386 registration as an employee organization filed pursuant to s.
387 447.305(2), Florida Statutes, between July 1, 2023, and the
388 effective date of this act, an employee organization may submit
389 a current annual financial statement containing the information
390 required by s. 447.305(2), Florida Statutes, prepared by an
391 independent certified accountant licensed under chapter 473,
392 Florida Statutes, and signed by the employee organization's
393 president and treasurer or corresponding principal officers in
394 lieu of an annual audited financial statement certified by an
395 independent certified public account licensed under chapter 473,
396 Florida Statutes.

397 (2) For applications of renewal of registration of employee
398 organizations filed pursuant to s. 447.305, Florida Statutes,
399 between July 1, 2023, and the effective date of this act, the
400 Public Employees Relations Commission may not deny the renewal
401 or revoke the registration of an employee organization based
402 solely upon the employee organization's failure to submit a
403 current annual audited financial statement certified by an
404 independent certified public accountant licensed under chapter
405 473, Florida Statutes.

406 Section 6. This act shall take effect upon becoming law.