

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Government Operations
 2 Subcommittee

3 Representative Persons-Mulicka offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 **Section 1. Paragraph (d) of subsection (6) of section**
 8 **110.227, Florida Statutes, is amended to read:**

9 110.227 Suspensions, dismissals, reductions in pay,
 10 demotions, layoffs, transfers, and grievances.—

11 (6) The following procedures shall apply to appeals filed
 12 pursuant to subsection (5) with the Public Employees Relations
 13 Commission, hereinafter referred to as the commission:

14 (d) A recommended order must ~~shall~~ be issued by the
 15 hearing officer within 30 days after ~~following~~ the hearing.

16 ~~Exceptions to the recommended order shall be filed within 15~~

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17 ~~days after the recommended order is issued. The final order must~~
18 ~~be issued shall be filed by the commission in accordance with~~
19 ~~ss. 120.569 and 120.57 no later than 45 calendar days after the~~
20 ~~hearing or after the filing of exceptions or oral arguments if~~
21 ~~granted.~~

22 **Section 2. Paragraph (a) of subsection (14) of section**
23 **112.0455, Florida Statutes, is amended to read:**

24 112.0455 Drug-Free Workplace Act.—

25 (14) DISCIPLINE REMEDIES.—

26 (a) An executive branch employee who is disciplined or who
27 is a job applicant for another position and is not hired
28 pursuant to this section, may file an appeal with the Public
29 Employees Relations Commission. Any appeal must be filed within
30 30 calendar days after ~~of~~ receipt by the employee or job
31 applicant of notice of discipline or refusal to hire. The notice
32 shall inform the employee or job applicant of the right to file
33 an appeal, or if available, the right to file a collective
34 bargaining grievance pursuant to s. 447.401. Such appeals shall
35 be resolved pursuant to the procedures established in ss.
36 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on
37 the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the
38 filing of the appeal, unless an extension is requested by the
39 employee or job applicant and granted by the commission or an
40 arbitrator. The final order must be issued by the commission in
41 accordance with ss. 120.569 and 120.57.

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42 **Section 3. Paragraph (c) is added to subsection (12) of**
43 **section 120.80, Florida Statutes, to read:**

44 120.80 Exceptions and special requirements; agencies.—

45 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

46 (c) Section 120.60 does not apply to registration of
47 employee organizations under s. 447.305.

48 **Section 4. Subsection (1) of section 295.14, Florida**
49 **Statutes, is amended to read:**

50 295.14 Penalties.—

51 (1) When the Public Employees Relations Commission, after
52 a hearing on notice conducted according to rules adopted by the
53 commission, determines that a violation of s. 295.07, s. 295.08,
54 s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains
55 the veteran seeking redress, the commission shall order the
56 offending agency, employee, or officer of the state to comply
57 with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s.
58 295.09(1)(a) or (b); and, in the event of a violation of s.
59 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the
60 commission may issue an order to compensate the veteran for the
61 loss of any wages and reasonable attorney's fees for actual
62 hours worked, and costs of all work, including litigation,
63 incurred as a result of such violation, which order shall be
64 conclusive on the agency, employee, or officer concerned. The
65 attorney's fees and costs may not exceed \$10,000. The final
66 order must be issued by the commission in accordance with ss.

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67 ~~120.569 and 120.57 The action of the commission shall be in~~
68 ~~writing and shall be served on the parties concerned by~~
69 ~~certified mail with return receipt requested.~~

70 **Section 5. Section 447.203, Florida Statutes, is amended**
71 **to read:**

72 447.203 Definitions.—As used in this part:

73 (1) "Bargaining agent" means the employee organization
74 that has been certified by the commission as representing the
75 employees in the bargaining unit, as provided in s. 447.307, or
76 its representative. ~~"Commission" means the Public Employees~~
77 ~~Relations Commission created by s. 447.205.~~

78 (2) "Bargaining unit" means either that unit determined by
79 the commission, that unit determined through local regulations
80 adopted pursuant to s. 447.603, or that unit determined by the
81 public employer and the public employee organization and
82 approved by the commission to be appropriate for the purposes of
83 collective bargaining. However, no bargaining unit shall be
84 defined as appropriate which includes employees of two employers
85 that are not departments or divisions of the state, a county, a
86 municipality, or other political entity. ~~"Public employer" or~~
87 ~~"employer" means the state or any county, municipality, or~~
88 ~~special district or any subdivision or agency thereof which the~~
89 ~~commission determines has sufficient legal distinctiveness~~
90 ~~properly to carry out the functions of a public employer. With~~
91 ~~respect to all public employees determined by the commission as~~

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~~properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is deemed to be the public employer with respect to all employees of the community college. The district school board is deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Board of Trustees of the Florida School for Competitive Academics is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for Competitive Academics. The Governor is deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.~~

(3) "Chief executive officer" for the state shall mean the Governor and for other public employers shall mean the person, whether elected or appointed, who is responsible to the legislative body of the public employer for the administration

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117 ~~of the governmental affairs of the public employer. "Public~~
118 ~~employee" means any person employed by a public employer except:~~
119 ~~(a) Those persons appointed by the Governor or elected by~~
120 ~~the people, agency heads, and members of boards and commissions.~~
121 ~~(b) Those persons holding positions by appointment or~~
122 ~~employment in the organized militia.~~
123 ~~(c) Those individuals acting as negotiating~~
124 ~~representatives for employer authorities.~~
125 ~~(d) Those persons who are designated by the commission as~~
126 ~~managerial or confidential employees pursuant to criteria~~
127 ~~contained herein.~~
128 ~~(e) Those persons holding positions of employment with the~~
129 ~~Florida Legislature.~~
130 ~~(f) Those persons who have been convicted of a crime and~~
131 ~~are inmates confined to institutions within the state.~~
132 ~~(g) Those persons appointed to inspection positions in~~
133 ~~federal/state fruit and vegetable inspection service whose~~
134 ~~conditions of appointment are affected by the following:~~
135 ~~1. Federal license requirement.~~
136 ~~2. Federal autonomy regarding investigation and~~
137 ~~disciplining of appointees.~~
138 ~~3. Frequent transfers due to harvesting conditions.~~
139 ~~(h) Those persons employed by the Public Employees~~
140 ~~Relations Commission.~~

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141 ~~(i) Those persons enrolled as undergraduate students in a~~
142 ~~state university who perform part-time work for the state~~
143 ~~university.~~

144 (4) "Civil service" means any career, civil, or merit
145 system used by any public employer. ~~"Managerial employees" are~~
146 ~~those employees who:~~

147 ~~(a) Perform jobs that are not of a routine, clerical, or~~
148 ~~ministerial nature and require the exercise of independent~~
149 ~~judgment in the performance of such jobs and to whom one or more~~
150 ~~of the following applies:~~

151 ~~1. They formulate or assist in formulating policies which~~
152 ~~are applicable to bargaining unit employees.~~

153 ~~2. They may reasonably be required on behalf of the~~
154 ~~employer to assist in the preparation for the conduct of~~
155 ~~collective bargaining negotiations.~~

156 ~~3. They have a role in the administration of agreements~~
157 ~~resulting from collective bargaining negotiations.~~

158 ~~4. They have a significant role in personnel~~
159 ~~administration.~~

160 ~~5. They have a significant role in employee relations.~~

161 ~~6. They are included in the definition of administrative~~
162 ~~personnel contained in s. 1012.01(3).~~

163 ~~7. They have a significant role in the preparation or~~
164 ~~administration of budgets for any public agency or institution~~
165 ~~or subdivision thereof.~~

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166 ~~(b) Serve as police chiefs, fire chiefs, or directors of~~
167 ~~public safety of any police, fire, or public safety department.~~
168 ~~Other police officers, as defined in s. 943.10(1), and~~
169 ~~firefighters, as defined in s. 633.102, may be determined by the~~
170 ~~commission to be managerial employees of such departments. In~~
171 ~~making such determinations, the commission shall consider, in~~
172 ~~addition to the criteria established in paragraph (a), the~~
173 ~~paramilitary organizational structure of the department~~
174 ~~involved.~~

175
176 ~~However, in determining whether an individual is a managerial~~
177 ~~employee pursuant to paragraph (a) or paragraph (b), above, the~~
178 ~~commission may consider historic relationships of the employee~~
179 ~~to the public employer and to coemployees.~~

180 (5) "Collective bargaining" means the performance of the
181 mutual obligations of the public employer and the bargaining
182 agent of the employee organization to meet at reasonable times,
183 to negotiate in good faith, and to execute a written contract
184 with respect to agreements reached concerning the terms and
185 conditions of employment, except that neither party shall be
186 compelled to agree to a proposal or be required to make a
187 concession unless otherwise provided in this part.

188 "Confidential employees" are persons who act in a confidential
189 capacity to assist or aid managerial employees as defined in
190 subsection (4).

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191 (6) "Commission" means the Public Employees Relations
192 Commission created by s. 447.205. "Strike" means the concerted
193 ~~failure of employees to report for duty; the concerted absence~~
194 ~~of employees from their positions; the concerted stoppage of~~
195 ~~work by employees; the concerted submission of resignations by~~
196 ~~employees; the concerted abstinence in whole or in part by any~~
197 ~~group of employees from the full and faithful performance of the~~
198 ~~duties of employment with a public employer for the purpose of~~
199 ~~inducing, influencing, condoning, or coercing a change in the~~
200 ~~terms and conditions of employment or the rights, privileges, or~~
201 ~~obligations of public employment, or participating in a~~
202 ~~deliberate and concerted course of conduct which adversely~~
203 ~~affects the services of the public employer; the concerted~~
204 ~~failure of employees to report for work after the expiration of~~
205 ~~a collective bargaining agreement; and picketing in furtherance~~
206 ~~of a work stoppage. The term "strike" shall also mean any overt~~
207 ~~preparation, including, but not limited to, the establishment of~~
208 ~~strike funds with regard to the above-listed activities.~~

209 (7) "Confidential employees" are persons who act in a
210 confidential capacity to assist or aid managerial employees as
211 defined in subsection (12). "Strike funds" are any
212 ~~appropriations by an employee organization which are established~~
213 ~~to directly or indirectly aid any employee or employee~~
214 ~~organization to participate in a strike in the state.~~

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215 (8) "Employee organization" or "organization" means any
216 labor organization, union, association, fraternal order,
217 occupational or professional society, or group, however
218 organized or constituted, which represents, or seeks to
219 represent, any public employee or group of public employees
220 concerning any matters relating to their employment relationship
221 with a public employer. "Bargaining unit" means either that unit
222 determined by the commission, that unit determined through local
223 regulations promulgated pursuant to s. 447.603, or that unit
224 determined by the public employer and the public employee
225 organization and approved by the commission to be appropriate
226 for the purposes of collective bargaining. However, no
227 bargaining unit shall be defined as appropriate which includes
228 employees of two employers that are not departments or divisions
229 of the state, a county, a municipality, or other political
230 entity.

231 (9) "Employee organization activities" means activities
232 undertaken at the direction of, on behalf of, or to advance the
233 purposes of an employee organization or any parent organization
234 or affiliate of the employee organization by:

235 (a) Supporting or opposing a candidate for federal, state,
236 or local public office.

237 (b) Influencing the passage or defeat of any federal or
238 state legislation or regulation, local ordinance or resolution,
239 or ballot measure.

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240 (c) Promoting or soliciting membership or participation
241 in, or financial support of, an employee organization or any
242 parent organization or affiliate of the employee organization.

243 (d) Seeking certification as a bargaining agent.

244 (e) Participating in the administration, business, or
245 internal governance of an employee organization or any parent
246 organization or affiliate of the employee organization.

247 (f) Preparing, conducting, or attending employee
248 organization events, conferences, conventions, meetings, or
249 training, unless such training is directly related to the
250 performance of a public employee's job duties.

251 (g) Distributing communications of an employee
252 organization or any parent organization or affiliate of the
253 employee organization.

254 (h) Representing or speaking on behalf of an employee
255 organization or any parent organization or affiliate of the
256 employee organization in any setting, venue, or procedure in
257 which the public employer is not a participant.

258 (i) Preparing, filing, or pursuing unfair labor practice
259 charges or grievances.

260 (j) Representing public employees in investigatory
261 interviews; disciplinary proceedings or appeals, including
262 termination; or other administrative or legal proceedings.

263 (k) Engaging in collective bargaining and any related
264 mediation, factfinding, or arbitration.

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265 (l) Administering a collective bargaining agreement.
266 (m) Participating in labor-management committees. "Chief
267 ~~executive officer" for the state shall mean the Governor and for~~
268 ~~other public employers shall mean the person, whether elected or~~
269 ~~appointed, who is responsible to the legislative body of the~~
270 ~~public employer for the administration of the governmental~~
271 ~~affairs of the public employer.~~

272 (10) "Good faith bargaining" means, but is not limited to,
273 the willingness of both parties to meet at reasonable times and
274 places, as mutually agreed upon, in order to discuss issues
275 which are proper subjects of bargaining, with the intent of
276 reaching a common accord. The term includes an obligation for
277 both parties to participate actively in the negotiations with an
278 open mind and a sincere desire, as well as making a sincere
279 effort, to resolve differences and come to an agreement. In
280 determining whether a party failed to bargain in good faith, the
281 commission shall consider the total conduct of the parties
282 during negotiations as well as the specific incidents of alleged
283 bad faith. Incidents indicative of bad faith shall include, but
284 not be limited to, the following occurrences:

285 (a) Failure to meet at reasonable times and places with
286 representatives of the other party for the purpose of
287 negotiations.

288 (b) Placing unreasonable restrictions on the other party
289 as a prerequisite to meeting.

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290 (c) Failure to discuss proper subjects of bargaining.

291 (d) Refusing, upon reasonable written request, to provide
292 public information, excluding work products as defined in s.
293 447.605.

294 (e) Refusing to negotiate because of an unwanted person on
295 the opposing negotiating team.

296 (f) Negotiating directly with employees rather than with
297 their bargaining agent.

298 (g) Refusing to reduce a total agreement to writing.

299 ~~"Legislative body" means the State Legislature, the board of~~
300 ~~county commissioners, the district school board, the governing~~
301 ~~body of a municipality, or the governing body of an~~
302 ~~instrumentality or unit of government having authority to~~
303 ~~appropriate funds and establish policy governing the terms and~~
304 ~~conditions of employment and which, as the case may be, is the~~
305 ~~appropriate legislative body for the bargaining unit. For~~
306 ~~purposes of s. 447.403, the Board of Governors of the State~~
307 ~~University System, or the board's designee, shall be deemed to~~
308 ~~be the legislative body with respect to all employees of each~~
309 ~~constituent state university. For purposes of s. 447.403 the~~
310 ~~board of trustees of a community college shall be deemed to be~~
311 ~~the legislative body with respect to all employees of the~~
312 ~~community college.~~

313 (11) "Legislative body" means the State Legislature, the
314 board of county commissioners, the district school board, the

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315 governing body of a municipality, or the governing body of an
316 instrumentality or unit of government having authority to
317 appropriate funds and establish policy governing the terms and
318 conditions of employment and which, as the case may be, is the
319 appropriate legislative body for the bargaining unit. For
320 purposes of s. 447.403, the Board of Governors of the State
321 University System, or the board's designee, shall be deemed to
322 be the legislative body with respect to all employees of each
323 constituent state university. For purposes of s. 447.403 the
324 board of trustees of a community college shall be deemed to be
325 the legislative body with respect to all employees of the
326 community college. "Employee organization" or "organization"
327 ~~means any labor organization, union, association, fraternal~~
328 ~~order, occupational or professional society, or group, however~~
329 ~~organized or constituted, which represents, or seeks to~~
330 ~~represent, any public employee or group of public employees~~
331 ~~concerning any matters relating to their employment relationship~~
332 ~~with a public employer.~~

333 (12) "Managerial employees" means those employees who:
334 (a) Perform jobs that are not of a routine, clerical, or
335 ministerial nature and require the exercise of independent
336 judgment in the performance of such jobs and to whom one or more
337 of the following applies:
338 1. They formulate or assist in formulating policies which
339 are applicable to bargaining unit employees.

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340 2. They may reasonably be required on behalf of the
341 employer to assist in the preparation for the conduct of
342 collective bargaining negotiations.

343 3. They have a role in the administration of agreements
344 resulting from collective bargaining negotiations.

345 4. They have a significant role in personnel
346 administration.

347 5. They have a significant role in employee relations.

348 6. They are included in the definition of administrative
349 personnel contained in s. 1012.01(3).

350 7. They have a significant role in the preparation or
351 administration of budgets for any public agency or institution
352 or subdivision thereof.

353 (b) Serve as police chiefs, fire chiefs, or directors of
354 public safety of any police, fire, or public safety department.
355 Other police officers, as defined in s. 943.10(1), and
356 firefighters, as defined in s. 633.102, may be determined by the
357 commission to be managerial employees of such departments. In
358 making such determinations, the commission shall consider, in
359 addition to the criteria established in paragraph (a), the
360 paramilitary organizational structure of the department
361 involved.

362
363 However, in determining whether an individual is a managerial
364 employee pursuant to paragraph (a) or paragraph (b), the

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365 commission may consider historic relationships of the employee
366 to the public employer and to coemployees. "Bargaining agent"
367 ~~means the employee organization which has been certified by the~~
368 ~~commission as representing the employees in the bargaining unit,~~
369 ~~as provided in s. 447.307, or its representative.~~

370 (13) "Membership dues" means employee organization dues;
371 uniform assessments; fees, including initiation fees; or
372 voluntary contributions made by a public employee to an employee
373 organization. "Professional employee" means:

374 ~~(a) Any employee engaged in work in any two or more of the~~
375 ~~following categories:~~

376 ~~1. Work predominantly intellectual and varied in character~~
377 ~~as opposed to routine mental, manual, mechanical, or physical~~
378 ~~work;~~

379 ~~2. Work involving the consistent exercise of discretion~~
380 ~~and judgment in its performance;~~

381 ~~3. Work of such a character that the output produced or~~
382 ~~the result accomplished cannot be standardized in relation to a~~
383 ~~given period of time; and~~

384 ~~4. Work requiring advanced knowledge in a field of science~~
385 ~~or learning customarily acquired by a prolonged course of~~
386 ~~specialized intellectual instruction and study in an institution~~
387 ~~of higher learning or a hospital, as distinguished from a~~
388 ~~general academic education, an apprenticeship, or training in~~
389 ~~the performance of routine mental or physical processes.~~

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390 ~~(b) Any employee who:~~
391 ~~1. Has completed the course of specialized intellectual~~
392 ~~instruction and study described in subparagraph 4. of paragraph~~
393 ~~(a); and~~
394 ~~2. Is performing related work under supervision of a~~
395 ~~professional person to qualify to become a professional employee~~
396 ~~as defined in paragraph (a).~~

397 (14) "Membership dues deduction" means the practice of a
398 public employer deducting membership dues from the salary or
399 wages of a public employee and transmitting the sums so deducted
400 to an employee organization on behalf of the public employee.
401 ~~"Collective bargaining" means the performance of the mutual~~
402 ~~obligations of the public employer and the bargaining agent of~~
403 ~~the employee organization to meet at reasonable times, to~~
404 ~~negotiate in good faith, and to execute a written contract with~~
405 ~~respect to agreements reached concerning the terms and~~
406 ~~conditions of employment, except that neither party shall be~~
407 ~~compelled to agree to a proposal or be required to make a~~
408 ~~concession unless otherwise provided in this part.~~

409 (15) "Professional employee" means:
410 (a) Any employee engaged in work in any two or more of the
411 following categories:
412 1. Work predominantly intellectual and varied in character
413 as opposed to routine mental, manual, mechanical, or physical
414 work.

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415 2. Work involving the consistent exercise of discretion
416 and judgment in its performance.

417 3. Work of such a character that the output produced or
418 the result accomplished cannot be standardized in relation to a
419 given period of time.

420 4. Work requiring advanced knowledge in a field of science
421 or learning customarily acquired by a prolonged course of
422 specialized intellectual instruction and study in an institution
423 of higher learning or a hospital, as distinguished from a
424 general academic education, an apprenticeship, or training in
425 the performance of routine mental or physical processes.

426 (b) Any employee who:

427 1. Has completed the course of specialized intellectual
428 instruction and study described in subparagraph (a)4.

429 2. Is performing related work under supervision of a
430 professional person to qualify to become a professional employee
431 as defined in paragraph (a). ~~"Membership dues deduction" means~~
432 ~~the practice of a public employer of deducting dues and uniform~~
433 ~~assessments from the salary or wages of a public employee. Such~~
434 ~~term also means the practice of a public employer of~~
435 ~~transmitting the sums so deducted to such employee organization.~~

436 (16) "Public employee" means any person employed by a
437 public employer except:

438 (a) Those persons appointed by the Governor or elected by
439 the people, agency heads, and members of boards and commissions.

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440 (b) Those persons holding positions by appointment or
441 employment in the organized militia.

442 (c) Those individuals acting as negotiating
443 representatives for employer authorities.

444 (d) Those persons who are designated by the commission as
445 managerial or confidential employees pursuant to criteria
446 contained herein.

447 (e) Those persons holding positions of employment with the
448 Florida Legislature.

449 (f) Those persons who have been convicted of a crime and
450 are inmates confined to institutions within the state.

451 (g) Those persons appointed to inspection positions in
452 federal/state fruit and vegetable inspection service whose
453 conditions of appointment are affected by the following:

454 1. Federal license requirement.

455 2. Federal autonomy regarding investigation and
456 disciplining of appointees.

457 3. Frequent transfers due to harvesting conditions.

458 (h) Those persons employed by the Public Employees
459 Relations Commission.

460 (i) Those persons enrolled as undergraduate students in a
461 state university who perform part-time work for the state
462 university. ~~"Civil service" means any career, civil, or merit~~
463 ~~system used by any public employer.~~

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464 (17) "Public employer" or "employer" means the state or
465 any county, municipality, or special district or any subdivision
466 or agency thereof which the commission determines has sufficient
467 legal distinctiveness properly to carry out the functions of a
468 public employer. With respect to all public employees determined
469 by the commission as properly belonging to a statewide
470 bargaining unit composed of State Career Service System
471 employees or Selected Professional Service employees, the
472 Governor is deemed to be the public employer; and the Board of
473 Governors of the State University System, or the board's
474 designee, is deemed to be the public employer with respect to
475 all public employees of each constituent state university. The
476 board of trustees of a community college is deemed to be the
477 public employer with respect to all employees of the community
478 college. The district school board is deemed to be the public
479 employer with respect to all employees of the school district.
480 The Board of Trustees of the Florida School for the Deaf and the
481 Blind is deemed to be the public employer with respect to the
482 academic and academic administrative personnel of the Florida
483 School for the Deaf and the Blind. The Board of Trustees of the
484 Florida School for Competitive Academics is deemed to be the
485 public employer with respect to the academic and academic
486 administrative personnel of the Florida School for Competitive
487 Academics. The Governor is deemed to be the public employer with
488 respect to all employees in the Correctional Education Program

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489 of the Department of Corrections established pursuant to s.
490 944.801. "Good faith bargaining" shall mean, but not be limited
491 to, the willingness of both parties to meet at reasonable times
492 and places, as mutually agreed upon, in order to discuss issues
493 which are proper subjects of bargaining, with the intent of
494 reaching a common accord. It shall include an obligation for
495 both parties to participate actively in the negotiations with an
496 open mind and a sincere desire, as well as making a sincere
497 effort, to resolve differences and come to an agreement. In
498 determining whether a party failed to bargain in good faith, the
499 commission shall consider the total conduct of the parties
500 during negotiations as well as the specific incidents of alleged
501 bad faith. Incidents indicative of bad faith shall include, but
502 not be limited to, the following occurrences:

503 (a) Failure to meet at reasonable times and places with
504 representatives of the other party for the purpose of
505 negotiations.

506 (b) Placing unreasonable restrictions on the other party
507 as a prerequisite to meeting.

508 (c) Failure to discuss bargainable issues.

509 (d) Refusing, upon reasonable written request, to provide
510 public information, excluding work products as defined in s.
511 447.605.

512 (e) Refusing to negotiate because of an unwanted person on
513 the opposing negotiating team.

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514 ~~(f) Negotiating directly with employees rather than with~~
515 ~~their certified bargaining agent.~~

516 ~~(g) Refusing to reduce a total agreement to writing.~~

517 (18) "Public safety employee" means a public employee
518 employed as a law enforcement officer, correctional officer, or
519 correctional probation officer, as those terms are defined in s.
520 943.10(1), (2), or (3), respectively; a firefighter as defined
521 in s. 633.102(9); a 911 public safety telecommunicator as
522 defined in s. 401.465(1)(a); or an emergency medical technician
523 or paramedic, as those terms are defined in s. 401.23. "Student
524 representative" means the representative selected by each
525 community college or university student government association.
526 Each representative may be present at all negotiating sessions
527 that take place between the appropriate public employer and an
528 exclusive bargaining agent. The representative must be enrolled
529 as a student with at least 8 credit hours in the respective
530 community college or university during his or her term as
531 student representative.

532 (19) "Showing of interest" means a written statement by a
533 public employee in a bargaining unit or proposed bargaining unit
534 which does all of the following:

535 (a) Is submitted to the commission in support of a
536 petition filed under s. 447.307.

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537 (b) Was signed and dated by the public employee not more
538 than 12 months before the filing of the petition under s.
539 447.307.

540 (c) Indicates the public employee's desire to be
541 represented by the employee organization for purposes of
542 collective bargaining or the public employee's desire to no
543 longer be represented by the bargaining agent for purposes of
544 collective bargaining.

545 (20) "Strike" means the concerted failure of employees to
546 report for duty; the concerted absence of employees from their
547 positions; the concerted stoppage of work by employees; the
548 concerted submission of resignations by employees; the concerted
549 abstinence in whole or in part by any group of employees from
550 the full and faithful performance of the duties of employment
551 with a public employer for the purpose of inducing, influencing,
552 condoning, or coercing a change in the terms and conditions of
553 employment or the rights, privileges, or obligations of public
554 employment, or participating in a deliberate and concerted
555 course of conduct which adversely affects the services of the
556 public employer; the concerted failure of employees to report
557 for work after the expiration of a collective bargaining
558 agreement; and picketing in furtherance of a work stoppage. The
559 term includes any overt preparation, including, but not limited
560 to, the establishment of strike funds with regard to the
561 activities listed in this subsection.

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562 (21) "Strike funds" are any appropriations by an employee
563 organization which are established to directly or indirectly aid
564 any employee or employee organization to participate in a strike
565 in the state.

566 (22) "Student representative" means the representative
567 selected by each community college or university student
568 government association. Each representative may be present at
569 all negotiating sessions that take place between the appropriate
570 public employer and a bargaining agent. The representative must
571 be enrolled as a student with at least 8 credit hours in the
572 respective community college or university during his or her
573 term as student representative.

574 **Section 6. Subsection (8) of section 447.205, Florida**
575 **Statutes, is amended to read:**

576 447.205 Public Employees Relations Commission.—

577 (8) The commission shall have a seal for authentication of
578 its orders and proceedings, upon which shall be inscribed the
579 words "State of Florida-Public Employees Relations Commission-
580 Seal," ~~"State of Florida-Employees Relations Commission and~~
581 which shall be judicially noticed.

582 **Section 7. Subsections (4), (6), and (12) of section**
583 **447.207, Florida Statutes, are amended to read:**

584 447.207 Commission; powers and duties.—

585 (4) Any subpoena, notice of hearing, or other process or
586 notice of the commission issued under ~~the provisions of this~~

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587 | part ~~must shall~~ be served personally or by any method of service
588 | that establishes proof of delivery ~~by certified mail. A return~~
589 | ~~made and verified by the individual making such service and~~
590 | ~~setting forth the manner of such service is proof of service,~~
591 | ~~and a returned post office receipt, when certified mail is used,~~
592 | ~~is proof of service. All process of any court to which~~
593 | ~~application may be made under the provisions of this part shall~~
594 | ~~be served in the county wherein the persons required to be~~
595 | ~~served reside or may be found.~~

596 | (6) Pursuant to its established procedures, the commission
597 | shall resolve questions and controversies concerning claims for
598 | recognition as the bargaining agent for a bargaining unit,
599 | determine or approve units appropriate for purposes of
600 | collective bargaining, expeditiously process charges of unfair
601 | labor practices and violations of s. 447.505 by public
602 | employees, and resolve such other questions and controversies as
603 | it may be authorized herein to undertake. The petitioner,
604 | charging party, respondent, and any intervenors shall be the
605 | adversary parties before the commission in any adjudicatory
606 | proceeding conducted pursuant to this part. Any commission
607 | statement of general applicability that implements, interprets,
608 | or prescribes law or policy, made in the course of adjudicating
609 | a case ~~pursuant to s. 447.307 or s. 447.503~~ shall not constitute
610 | a rule within the meaning of s. 120.52.

611 | (12) Upon a petition by a public employer after it has

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612 | been notified by the Department of Labor that the public
613 | employer's protective arrangement covering mass transit
614 | employees does not meet the requirements of 49 U.S.C. s. 5333(b)
615 | and would jeopardize the public employer's continued eligibility
616 | to receive Federal Transit Administration funding, the
617 | commission may waive the application of this part, but only to
618 | the extent necessary for the public employer to comply with ~~the~~
619 | ~~requirements of 49 U.S.C. s. 5333(b), any of the following for~~
620 | ~~an employee organization that has been certified as a bargaining~~
621 | ~~agent to represent mass transit employees:~~

622 | ~~(a) The prohibition on dues and assessment deductions~~
623 | ~~provided in s. 447.303(1) as it applies to a mass transit~~
624 | ~~employee who has provided a copy of his or her membership~~
625 | ~~authorization form to the employer as part of the authorization~~
626 | ~~of dues deduction under a waiver.~~

627 | ~~(b) The requirement to petition the commission for~~
628 | ~~recertification.~~

629 | ~~(c) The revocation of certification provided in s.~~
630 | ~~447.305(6) and (7).~~

631 | **Section 8. Paragraph (b) of subsection (1) and subsection**
632 | **(2) of section 447.301, Florida Statutes, are amended to read:**

633 | 447.301 Public employees' rights; organization and
634 | representation.—

635 | (1)

636 | (b)1. A public employee who desires to be a member of an

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637 | employee organization must sign and date a membership
638 | authorization form, as prescribed by the commission, and submit
639 | the executed form to the bargaining agent.

640 | 2. The membership authorization form must identify the
641 | name of the bargaining agent; the name of the employee; the
642 | class code and class title of the employee; the name of the
643 | public employer and employing agency, if applicable; the amount
644 | of the membership initiation fee and of the monthly dues which
645 | the public employee member must pay; and the names and amounts
646 | disclosed under s. 447.305(2)(d) for the name and total amount
647 | of salary, allowances, and other direct or indirect
648 | disbursements, including reimbursements, paid to each of the
649 | five highest compensated officers and employees receiving the
650 | five highest total dollar amounts of the employee organization
651 | disclosed under s. 447.305(2)(d).

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

654 |
655 | As a public employee in the State of Florida, ~~is a right to work~~
656 | ~~state.~~ membership or nonmembership non-membership in a labor
657 | union is not required as a condition of employment, ~~and~~ Union
658 | membership and payment of membership union dues and assessments
659 | are voluntary. A public employee's ~~Each person has the right to~~
660 | join and pay membership dues to a labor union or to refrain from
661 | joining and paying membership dues to a labor union is protected

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662 by both Florida's right-to-work law and the First Amendment of
663 the United States Constitution. A public employer may not
664 discriminate against a public. ~~No employee may be discriminated~~
665 ~~against in any manner~~ for joining and financially supporting, or
666 refusing to join and financially support, a labor union ~~or for~~
667 ~~refusing to join or financially support a labor union.~~

668 4. A public employee may revoke membership in the employee
669 organization at any time ~~of the year.~~ Within 30 days after ~~Upon~~
670 receipt of the public employee's written revocation of
671 membership, the employee organization must revoke the a public
672 employee's membership and cease collection of membership dues
673 from such public employee. The employee organization may not
674 limit a public ~~an~~ employee's right to revoke membership to
675 certain dates. If a public employee must complete a form to
676 revoke membership in the employee organization, the form may not
677 require a reason for the public employee's decision to revoke
678 his or her membership.

679 5. An employee organization must retain for inspection by
680 the commission such membership authorization forms and any
681 revocations.

682 6. This paragraph does not apply to public employees in
683 ~~members of~~ a bargaining unit in which the majority of the public
684 ~~whose employees~~ are public safety employees eligible for
685 ~~representation are employed as law enforcement officers,~~
686 ~~correctional officers, or correctional probation officers as~~

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687 | ~~those terms are defined in s. 943.10(1), (2), or (3),~~
688 | ~~respectively; firefighters as defined in s. 633.102; 911 public~~
689 | ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
690 | ~~emergency medical technicians or paramedics as defined in s.~~
691 | ~~401.23.~~

692 | 7. The commission may adopt rules to implement this
693 | paragraph.

694 | (2) Public employees ~~shall~~ have the right to be
695 | represented by any employee organization of their own choosing
696 | and to negotiate collectively, through a ~~certified~~ bargaining
697 | agent, with their public employer in the determination of the
698 | terms and conditions of their employment. Public employees ~~shall~~
699 | have the right to be represented in the determination of
700 | grievances on all terms and conditions of their employment.
701 | Public employees ~~shall~~ have the right to refrain from exercising
702 | the right to be represented.

703 | **Section 9. Subsections (1) and (2) of section 447.303,**
704 | **Florida Statutes, are amended to read:**

705 | 447.303 Membership dues; deduction and collection.—

706 | (1) Except as authorized in subsection (2) or subject to a
707 | waiver of the prohibition on membership dues deduction granted
708 | pursuant to s. 447.207(12), a public employer may not engage in
709 | membership dues deduction on behalf of s. 447.207(12)(a), an
710 | employee organization ~~that has been certified as a bargaining~~
711 | ~~agent may not have its dues and uniform assessments deducted and~~

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712 ~~collected by the employer from the salaries of those employees~~
713 ~~in the unit. A public employee may pay membership dues and~~
714 ~~uniform assessments directly to an the employee organization~~
715 ~~that has been certified as the bargaining agent.~~

716 (2) (a) Upon the written authorization of a public employee
717 in a bargaining unit in which the majority of the public
718 employees are public safety employees, the public employer must
719 engage in membership dues deduction for such public employee. A
720 public employee may revoke his or her authorization for
721 membership dues deduction upon providing 30 days' written notice
722 to the public employer and bargaining agent ~~An employee~~
723 ~~organization that has been certified as a bargaining agent to~~
724 ~~represent a bargaining unit the majority of whose employees~~
725 ~~eligible for representation are employed as law enforcement~~
726 ~~officers, correctional officers, or correctional probation~~
727 ~~officers as those terms are defined in s. 943.10(1), (2), or~~
728 ~~(3), respectively; firefighters as defined in s. 633.102; 911~~
729 ~~public safety telecommunicators as defined in s. 401.465(1)(a);~~
730 ~~or emergency medical technicians or paramedics as defined in s.~~
731 ~~401.23 has the right to have its dues and uniform assessments~~
732 ~~for that bargaining unit deducted and collected by the employer~~
733 ~~from the salaries of those employees who authorize the deduction~~
734 ~~and collection of said dues and uniform assessments. However,~~
735 ~~such authorization is revocable at the employee's request upon~~
736 ~~30 days' written notice to the employer and employee~~

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737 | ~~organization. Said deductions shall commence upon the bargaining~~
738 | ~~agent's written request to the employer.~~

739 | (b) Reasonable costs to the public employer of engaging in
740 | membership dues ~~said~~ deductions is a proper subject of
741 | collective bargaining.

742 | (c) The requirement to engage in membership dues
743 | deductions ~~Such right to deduction~~, unless revoked under s.
744 | 447.507, is in force as for so long as the ~~employee organization~~
745 | ~~remains the certified~~ bargaining agent remains certified to
746 | represent ~~for~~ the public employees in the bargaining unit.

747 | **Section 10. Section 447.305, Florida Statutes, is amended**
748 | **to read:**

749 | 447.305 Registration of employee organizations
750 | ~~organization.~~

751 | (1) Every employee organization seeking to become a
752 | ~~certified~~ bargaining agent for public employees shall register
753 | with the commission before ~~pursuant to the procedures set forth~~
754 | ~~in s. 120.60 prior to requesting recognition by a public~~
755 | ~~employer for purposes of collective bargaining and prior to~~
756 | submitting a representation petition ~~to the commission~~
757 | ~~requesting certification as an exclusive bargaining agent.~~
758 | ~~Further,~~ If an ~~such~~ employee organization is not registered, it
759 | may not participate in a representation hearing, participate in
760 | a certification or recertification ~~representation~~ election, or
761 | be certified as a ~~an~~ exclusive bargaining agent. The application

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762 for registration required by this section must ~~shall~~ be under
763 oath, ~~and~~ in such form as the commission may prescribe, and
764 ~~shall~~ include all of the following:

765 (a) The name and address of the organization and ~~of~~ any
766 parent organization or affiliate of the employee organization
767 ~~with which it is affiliated.~~

768 (b) The names and addresses of the principal officers and
769 all representatives of the organization.

770 (c) The amount ~~of the initiation fee and the amount~~ and
771 collection frequency of the membership dues ~~and uniform~~
772 ~~assessments~~ that a member of the organization must pay.

773 (d) The current annual financial statement of the
774 organization, prepared by an independent certified public
775 accountant licensed under chapter 473.

776 (e) The name of its business agent, if any; if different
777 from the business agent, the name of its local agent for service
778 of process; and the addresses where such person or persons can
779 be reached.

780 (f) A pledge, in a form prescribed by the commission, that
781 the employee organization will conform to the laws of this ~~the~~
782 state and that it will accept members without regard to age,
783 race, sex, religion, or national origin.

784 (g) A copy of the current constitution and bylaws of the
785 employee organization.

786 (h) A copy of the current constitution and bylaws of the

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787 | state and national groups with which the employee organization
788 | is affiliated or associated. In lieu of this provision, and upon
789 | adoption of a rule by the commission, a state or national
790 | affiliate or parent organization of any registering employee
791 | ~~labor~~ organization may annually submit a copy of its current
792 | constitution and bylaws.

793 | (2) A registration granted to an employee organization
794 | pursuant to this section runs for 1 year after ~~from~~ the date of
795 | issuance. A registration must be renewed annually by filing an
796 | application for renewal under oath with the commission, which
797 | application must reflect any changes in the information provided
798 | to the commission in conjunction with the employee
799 | organization's preceding application for registration or
800 | previous renewal, whichever is applicable. Each application for
801 | renewal of registration must include a current annual financial
802 | statement, prepared by an independent certified public
803 | accountant licensed under chapter 473 and signed by the employee
804 | organization's president and treasurer or corresponding
805 | principal officers, containing the following information in such
806 | detail as may be necessary to accurately ~~to~~ disclose its
807 | financial condition and operations for its preceding fiscal year
808 | and in all of the following ~~such~~ categories as prescribed by the
809 | commission ~~may prescribe~~:

810 | (a) Assets and liabilities at the beginning and end of the
811 | fiscal year.~~†~~

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- 812 (b) Receipts of any kind and the sources thereof.~~†~~
- 813 (c) Disbursements by category.~~†~~
- 814 (d) Salary, wages, fringe benefits, allowances, and other
815 direct or indirect disbursements, including reimbursed expenses,
816 paid or accruing to each officer and also to each employee who,
817 during such fiscal year, received more than \$10,000 in the
818 aggregate from such employee organization and any parent
819 organization of the ~~other~~ employee organization or any affiliate
820 of either the employee organization or the parent organization.
821 This paragraph requires reporting of any reimbursements paid by
822 the employee organization to a public employer for monies paid
823 by the public employer to an officer or an employee. affiliated
824 ~~with it or with which it is affiliated or which is affiliated~~
825 ~~with the same national or international employee organization;~~
- 826 (e) Direct and indirect loans made to any officer,
827 employee, or member which aggregated more than \$250 during the
828 fiscal year, together with a statement of the purpose, security,
829 if any, and arrangements for repayment.~~†~~ ~~and~~
- 830 (f) Direct and indirect loans to any business enterprise,
831 together with a statement of the purpose, security, if any, and
832 arrangements for repayment.
- 833 (3) As part of its application for renewal of
834 registration, a ~~In addition to subsection (2), an employee~~
835 ~~organization that has been certified as the bargaining agent for~~
836 ~~public employees must include~~ all of ~~for each such certified~~

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837 ~~bargaining unit~~ the following additional information and
838 documentation ~~as of the 30th day immediately preceding the date~~
839 ~~upon which its current registration is scheduled to end for any~~
840 ~~renewal of registration on or after October 1, 2023:~~

841 (a) For each bargaining unit for which the bargaining
842 agent is certified, the certification number assigned to the
843 bargaining unit by the commission.

844 (b) For each certification, the number of public employees
845 in the bargaining unit as of the last business day of the second
846 full calendar month preceding the date upon which the bargaining
847 agent's current registration is scheduled to end.

848 (c) For each certification, the number of public employees
849 in the bargaining unit who paid full membership dues sufficient
850 to maintain membership in good standing with the bargaining
851 agent as of the last business day of the second full calendar
852 month preceding the date upon which the bargaining agent's
853 current registration is scheduled to end.

854 (d) For each certification, who are eligible for
855 representation by the employee organization.

856 ~~(b)~~ the number of public employees in the bargaining unit
857 who have submitted signed membership authorization forms without
858 a subsequent revocation of such membership.

859 ~~(c)~~ ~~The number of employees in the bargaining unit who~~
860 ~~paid dues to the employee organization.~~

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

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862 ~~not pay dues to the employee organization.~~

863 (e) Documentation from ~~provided by~~ an independent
864 certified public accountant ~~retained by the employee~~
865 ~~organization~~ which verifies the information provided in
866 paragraphs (b), (c), and (d) ~~paragraphs (a)-(d).~~

867 (4) Within 30 days after filing an application for renewal
868 of registration with the commission, the employee organization
869 must provide a copy of its application ~~for renewal of~~
870 ~~registration relating to a public employer's employees~~ to the
871 public employer and public employees of each bargaining unit for
872 which the employee organization is the bargaining agent on the
873 same day the application is submitted to the commission.

874 (5) ~~An application for renewal of registration is~~
875 ~~incomplete and is not eligible for consideration by~~ The
876 commission must notify the bargaining agent if ~~it does not~~
877 ~~include all of~~ the information and documentation required in
878 subsection (3) is incomplete. Upon notification that the
879 required information or documentation is incomplete, the
880 bargaining agent must provide the missing information or
881 documentation to the commission within 30 days after such
882 notification. If the bargaining agent fails to provide the
883 missing information or documentation within 30 days after
884 notification, the commission must dismiss the application. The
885 ~~commission shall notify the employee organization if the~~
886 ~~application is incomplete. An incomplete application must be~~

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887 ~~dismissed if the required information and documentation are not~~
888 ~~provided within 10 days after the employee organization receives~~
889 ~~such notice.~~

890 (6) The commission must notify the bargaining agent if the
891 information and documentation required in subsection (3) is
892 complete. Within 30 days after such notification, the bargaining
893 agent must petition for recertification pursuant to s. 447.307
894 for each of its bargaining units ~~Notwithstanding the provisions~~
895 ~~of this chapter relating to collective bargaining, an employee~~
896 ~~organization certified as a bargaining agent to represent a~~
897 ~~bargaining unit for which less than 60 percent of the public~~
898 ~~unit employees in the bargaining unit have submitted membership~~
899 ~~authorization forms without subsequent revocation and paid~~
900 ~~membership dues to the organization, as reported in subsection~~
901 ~~(3) during its last registration period must petition the~~
902 ~~commission pursuant to s. 447.307(2) and (3) for recertification~~
903 ~~as the exclusive representative of all employees in the~~
904 ~~bargaining unit within 30 days after the date on which the~~
905 ~~employee organization applies for renewal of registration~~
906 ~~pursuant to subsection (2). The certification of an employee~~
907 ~~organization that does not comply with this section is revoked.~~

908 (7) If a ~~The public employer or a public employee of a~~
909 ~~bargaining unit represented by a bargaining agent believes that~~
910 ~~the bargaining agent's employee may challenge an employee~~
911 ~~organization's application for renewal of registration is~~

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912 materially inaccurate, if the public employer or public
913 bargaining unit employee may challenge believes that the
914 application as materially is inaccurate during the pendency of
915 the application or, if the registration renewal has been
916 granted, before the date upon which the bargaining agent's
917 current registration is scheduled to end. If a challenge is
918 filed, the commission or one of its designated agents shall
919 conduct an investigation pursuant to subsection (8) review the
920 application to determine its accuracy and compliance with this
921 section. If the commission finds that the application is
922 inaccurate or does not comply with this section, the commission
923 shall revoke the registration and certification of the employee
924 organization.

925 (8) The commission or one of its designated agents may
926 conduct an investigation to confirm the validity of any
927 information submitted pursuant to this section. The commission
928 may revoke or deny an employee organization's registration or
929 certification if it finds that the employee organization:

930 (a) Failed to cooperate with the investigation conducted
931 pursuant to this subsection, including refusal to permit the
932 commission or one of its designated agents to inspect membership
933 authorization forms or revocations pursuant to s.

934 447.301(1)(b)5.; or

935 (b) Intentionally misrepresented the information it
936 submitted pursuant to this section.

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937
938 ~~A decision issued by the commission pursuant to this subsection~~
939 ~~is a final agency action that is reviewable pursuant to s.~~
940 ~~447.504.~~

941 (9) An employee organization is exempt from the
942 requirements of subsections (3)-(8) and subsection (12) for each
943 bargaining unit in which the majority of the public employees
944 are public safety employees only with respect to the
945 ~~circumstances of each bargaining unit the majority of whose~~
946 ~~employees eligible for representation are employed as law~~
947 ~~enforcement officers, correctional officers, or correctional~~
948 ~~probation officers as those terms are defined in s. 943.10(1),~~
949 ~~(2), or (3), respectively; firefighters as defined in s.~~
950 ~~633.102; 911 public safety telecommunicators as defined in s.~~
951 ~~401.465(1) (a); or emergency medical technicians or paramedics as~~
952 ~~defined in s. 401.23.~~

953 (10) A registration fee must ~~shall~~ accompany each
954 application for registration or renewal of registration filed
955 with the commission. The registration fee may ~~amount charged for~~
956 ~~an application for registration or renewal of registration shall~~
957 not exceed \$15. All such money collected by the commission shall
958 be deposited in the General Revenue Fund.

959 (11) Every employee organization shall keep accurate
960 accounts of its income and expenses, which accounts must ~~shall~~
961 be open for inspection at a reasonable time and place ~~all~~

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962 ~~reasonable times~~ by any member of the organization or by the
963 commission.

964 (12) The certification of an employee organization that
965 does not comply with this section is revoked. An employee
966 organization that has its certification revoked under this
967 subsection may not file a petition for certification under s.
968 447.307 that covers any of the public employees in the
969 bargaining unit described in the revoked certification for at
970 least 12 months after the date the certification was revoked.

971 (13) A decision issued by the commission under this
972 section that revokes a certification, revokes a registration, or
973 grants, denies, or dismisses an application for registration or
974 renewal of registration is a final agency action that is
975 reviewable pursuant to s. 447.504 ~~In addition, each employee~~
976 ~~organization that has been certified as a bargaining agent must~~
977 ~~provide to its members an annual financial report prepared by an~~
978 ~~independent certified public accountant licensed under chapter~~
979 ~~473 that includes a detailed breakdown of revenues and~~
980 ~~expenditures in such categories as the commission may prescribe,~~
981 ~~and an accounting of membership dues and assessments. The~~
982 ~~employee organization must notify its members annually of all~~
983 ~~costs of membership.~~

984 **Section 11. Section 447.307, Florida Statutes, is amended**
985 **to read:**

986 447.307 Certification, recertification, and

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987 decertification of employee organizations organization.-

988 (1) An employee organization seeking certification as a
989 bargaining agent, an employee organization seeking
990 recertification as a bargaining agent, or a public employee or
991 group of public employees seeking to decertify a bargaining
992 agent must file a petition with the commission accompanied by
993 showing of interest from at least 30 percent of the public
994 employees in the proposed or existing bargaining unit. A

995 ~~(1)(a) Any employee organization which is designated or~~
996 ~~selected by a majority of public employees in an appropriate~~
997 ~~unit as their representative for purposes of collective~~
998 ~~bargaining shall request recognition by the public employer. The~~
999 ~~public employer shall, if satisfied as to the majority status of~~
1000 ~~the employee organization and the appropriateness of the~~
1001 ~~proposed unit, recognize the employee organization as the~~
1002 ~~collective bargaining representative of employees in the~~
1003 ~~designated unit. Upon recognition by a public employer, the~~
1004 ~~employee organization shall immediately petition the commission~~
1005 ~~for certification. The commission shall review only the~~
1006 ~~appropriateness of the unit proposed by the employee~~
1007 ~~organization. If the unit is appropriate according to the~~
1008 ~~criteria used in this part, the commission shall immediately~~
1009 ~~certify the employee organization as the exclusive~~
1010 ~~representative of all employees in the unit. If the unit is~~
1011 ~~inappropriate according to the criteria used in this part, the~~

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1012 ~~commission may dismiss the petition.~~

1013 ~~(b) Whenever a public employer recognizes an employee~~
1014 ~~organization on the basis of majority status and on the basis of~~
1015 ~~appropriateness in accordance with subparagraph (4)(f)5. of this~~
1016 ~~section, the commission shall, in the absence of inclusion of a~~
1017 ~~prohibited category of employees or violation of s. 447.501,~~
1018 ~~certify the proposed unit.~~

1019 ~~(2) If the public employer refuses to recognize the~~
1020 ~~employee organization, the employee organization may file a~~
1021 ~~petition with the commission for certification as the bargaining~~
1022 ~~agent for a proposed bargaining unit. The petition shall be~~
1023 ~~accompanied by dated statements signed by at least 30 percent of~~
1024 ~~the employees in the proposed unit, indicating that such~~
1025 ~~employees desire to be represented for purposes of collective~~
1026 ~~bargaining by the petitioning employee organization. Once a~~
1027 ~~petition for certification has been filed by an employee~~
1028 ~~organization, any registered employee organization desiring~~
1029 ~~placement on the ballot in any certification or recertification~~
1030 ~~election to be conducted pursuant to this section may be~~
1031 ~~permitted by the commission to intervene in the proceeding upon~~
1032 ~~a motion accompanied by showing of interest from dated~~
1033 ~~statements signed by at least 10 percent of the public employees~~
1034 ~~in the proposed or existing bargaining unit. The showing of~~
1035 ~~interest is, indicating that such employees desire to be~~
1036 ~~represented for the purposes of collective bargaining by the~~

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1037 ~~moving employee organization. The petitions and dated statements~~
1038 ~~signed by the employees are confidential and exempt from the~~
1039 ~~provisions of s. 119.07(1), except that any employee, employer,~~
1040 ~~or employee organization having sufficient reason to believe the~~
1041 ~~showing of interest was any of the employee signatures were~~
1042 ~~obtained by collusion, coercion, intimidation, or~~
1043 ~~misrepresentation or are otherwise invalid shall be given a~~
1044 ~~reasonable opportunity to verify and challenge the showing of~~
1045 ~~interest signatures appearing on the petition.~~

1046 (2) (a) A petition for certification or decertification may
1047 not be filed regarding any proposed or existing bargaining unit
1048 within 12 months after the date the commission issues an order
1049 that verifies the results of a certification or decertification
1050 election covering any of the public employees in the proposed or
1051 existing bargaining unit.

1052 (b) If a valid collective bargaining agreement covering
1053 any of the public employees in a proposed or existing bargaining
1054 unit is in effect, a petition for certification or
1055 decertification may only be filed with the commission at least
1056 90 but not more than 150 days immediately preceding the
1057 expiration date of the collective bargaining agreement, or at
1058 any time subsequent to such agreement's expiration date but
1059 before the effective date of a new collective bargaining
1060 agreement. The effective date of a collective bargaining
1061 agreement means the date of ratification of such agreement by

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1062 both parties, if such agreement becomes effective immediately or
1063 retroactively, or the collective bargaining agreement's actual
1064 effective date, if such agreement becomes effective after its
1065 ratification date.

1066 (3)~~(a)~~ The commission or one of its designated agents
1067 shall investigate a certification, recertification, or
1068 decertification ~~the petition to determine its sufficiency;~~ ~~if~~
1069 ~~it has reasonable cause to believe that the petition is~~
1070 ~~sufficient, the commission shall provide for an appropriate~~
1071 ~~hearing upon due notice. Such a hearing may be conducted by an~~
1072 ~~agent of the commission. If the commission finds that the~~
1073 ~~petition is to be insufficient, the commission must it may~~
1074 ~~dismiss the petition. If the commission finds upon the record of~~
1075 ~~the hearing that the petition is sufficient, the commission must~~
1076 ~~it shall immediately:~~

1077 (a)1. Define the proposed or existing bargaining unit and
1078 determine which public employees are ~~shall be~~ qualified and
1079 entitled to vote at any election held by the commission. Upon
1080 providing due notice, the commission may provide for a hearing.

1081 (b)2. Identify the public employer or employers for
1082 purposes of collective bargaining ~~with the bargaining agent.~~

1083 (c)3. Order an election by secret ballot, the cost of said
1084 election and any required runoff election to be borne equally by
1085 the parties, except as the commission may provide by rule. The
1086 commission's order assessing costs of an election may be

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1087 | enforced pursuant to ~~the provisions of~~ this part.

1088 | (4) (a) Except as provided in paragraph (b), elections are
1089 | determined as follows for all petitions for certification,
1090 | recertification, or decertification filed on or after July 1,
1091 | 2025:

1092 | 1. In certification elections, if

1093 | ~~(b) When~~ an employee organization is selected by a
1094 | majority vote of the public employees in the bargaining unit
1095 | ~~voting in an election~~, the commission shall certify the employee
1096 | organization as the ~~exclusive collective bargaining agent for~~
1097 | the public representative of all employees in the bargaining
1098 | unit. If there is more than one employee organization on the
1099 | ballot and Certification is effective upon the issuance of the
1100 | final order by the commission or, if the final order is
1101 | appealed, at the time the appeal is exhausted or any stay is
1102 | vacated by the commission or the court.

1103 | ~~(c) In any election in which~~ none of the choices on the
1104 | ballot receives ~~the vote of~~ a majority vote of the public
1105 | employees in the bargaining unit voting, a runoff election shall
1106 | be held according to rules adopted ~~promulgated~~ by the
1107 | commission.

1108 | 2. In decertification elections, if a majority of the
1109 | public employees in the bargaining unit votes in favor of
1110 | decertification, the commission shall revoke the bargaining
1111 | agent's certification for that bargaining unit. If a majority of

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1112 the public employees in the bargaining unit does not vote in
1113 favor of decertification, the bargaining agent shall retain its
1114 certification for that bargaining unit.

1115 3. In recertification elections, if a majority of the
1116 public employees in the bargaining unit votes in favor of
1117 recertification, the bargaining agent shall retain its
1118 certification for that bargaining unit. If a majority of the
1119 public employees in the bargaining unit does not vote in favor
1120 of recertification, the commission shall revoke the bargaining
1121 agent's certification for that bargaining unit. If a majority of
1122 the public employees in the bargaining unit votes in favor of an
1123 employee organization that has intervened in the proceeding
1124 pursuant to this section, the commission shall certify such
1125 employee organization as the bargaining agent for the public
1126 employees in the bargaining unit. If there is more than one
1127 employee organization on the ballot and none of the choices on
1128 the ballot receives a majority vote of the public employees in
1129 the bargaining unit, a runoff election shall be held according
1130 to rules adopted by the commission. An employee organization
1131 that has its certification revoked under this subparagraph may
1132 not file a petition for certification that covers any of the
1133 public employees in the bargaining unit described in the revoked
1134 certification for at least 12 months after the date the
1135 certification was revoked.

1136 (b) With respect to bargaining units in which the majority

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1137 of the public employees are public safety employees, elections
1138 are determined as follows for all petitions for certification or
1139 decertification:

1140 1. In certification elections, if an employee organization
1141 is selected by a majority vote of the public employees voting in
1142 the election, the commission shall certify the employee
1143 organization as the bargaining agent for the public employees in
1144 the bargaining unit. If there is more than one employee
1145 organization on the ballot and none of the choices on the ballot
1146 receives a majority vote of the public employees voting in the
1147 election, a runoff election shall be held according to rules
1148 adopted by the commission.

1149 2. In decertification elections, if a majority of the
1150 public employees voting in the election votes in favor of
1151 decertification, the commission shall revoke the bargaining
1152 agent's certification for that bargaining unit. If a majority of
1153 the public employees does not vote in favor of decertification,
1154 the bargaining agent shall retain its certification for that
1155 bargaining unit.

1156 (c) Certification, recertification, or revocation under
1157 this section is effective upon the commission issuing a final
1158 order or, if the final order is appealed, at the time the appeal
1159 is exhausted or any stay is vacated by the commission or a
1160 court.

1161 ~~(d) No petition may be filed seeking an election in any~~

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~~proposed or existing appropriate bargaining unit to determine the exclusive bargaining agent within 12 months after the date of a commission order verifying a representation election or, if an employee organization prevails, within 12 months after the date of an effective certification covering any of the employees in the proposed or existing bargaining unit. Furthermore, if a valid collective bargaining agreement covering any of the employees in a proposed unit is in effect, a petition for certification may be filed with the commission only during the period extending from 150 days to 90 days immediately preceding the expiration date of that agreement, or at any time subsequent to its expiration date but prior to the effective date of any new agreement. The effective date of a collective bargaining agreement means the date of ratification by both parties, if the agreement becomes effective immediately or retroactively; or its actual effective date, if the agreement becomes effective after its ratification date.~~

~~(5)-(4)~~ In defining a proposed bargaining unit, the commission shall take into consideration:

(a) The principles of efficient administration of government.

(b) The number of employee organizations with which the employer might have to negotiate.

(c) The compatibility of the unit with the joint responsibilities of the public employer and public employees to

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1187 | represent the public.

1188 | (d) The power of the officials of government at the level
1189 | of the unit to agree, or make effective recommendations to
1190 | another administrative authority or to a legislative body, with
1191 | respect to matters of employment upon which the employee desires
1192 | to negotiate.

1193 | (e) The organizational structure of the public employer.

1194 | (f) Community of interest among the employees to be
1195 | included in the unit, considering:

1196 | 1. The manner in which wages and other terms of employment
1197 | are determined.

1198 | 2. The method by which jobs and salary classifications are
1199 | determined.

1200 | 3. The interdependence of jobs and interchange of
1201 | employees.

1202 | 4. The desires of the employees.

1203 | 5. The history of employee relations within the
1204 | organization of the public employer concerning organization and
1205 | negotiation and the interest of the employees and the employer
1206 | in the continuation of a traditional, workable, and accepted
1207 | negotiation relationship.

1208 | (g) The statutory authority of the public employer to
1209 | administer a classification and pay plan.

1210 | (h) Such other factors and policies as the commission may
1211 | deem appropriate.

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1213 | However, a bargaining ~~ne~~ unit may not ~~shall~~ be established or
1214 | approved for purposes of collective bargaining which includes
1215 | both professional and nonprofessional employees unless a
1216 | majority of each group votes for inclusion in such bargaining
1217 | unit.

1218 | **Section 12.** Section 447.308, Florida Statutes, is
1219 | repealed.

1220 | **Section 13. Subsections (4) and (5) of section 447.309,**
1221 | **Florida Statutes, are renumbered as subsections (3) and (4),**
1222 | **respectively, and present subsections (1), (3), and (5) of that**
1223 | **section are amended to read:**

1224 | 447.309 Collective bargaining; approval or rejection.—

1225 | (1) After an employee organization has been certified as
1226 | the bargaining agent of a bargaining unit pursuant to ~~the~~
1227 | ~~provisions of~~ this part, the bargaining agent ~~for the~~
1228 | ~~organization~~ and the chief executive officer of the appropriate
1229 | public employer or employers, jointly, shall bargain
1230 | collectively in the determination of the wages, hours, and terms
1231 | and conditions of employment of the public employees within the
1232 | bargaining unit. The chief executive officer or his or her
1233 | representative and the bargaining agent or its representative
1234 | shall meet at reasonable times and bargain in good faith. In
1235 | conducting negotiations with the bargaining agent, the chief
1236 | executive officer or his or her representative shall consult

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1237 with, and attempt to represent the views of, the legislative
1238 body of the public employer. Any collective bargaining agreement
1239 reached by the negotiators shall be reduced to writing, and such
1240 agreement shall be signed by the chief executive officer and the
1241 bargaining agent. Any agreement signed by the chief executive
1242 officer and the bargaining agent is ~~shall~~ not be binding on the
1243 public employer until such agreement has been ratified by the
1244 public employer and the ~~by~~ public employees in ~~who are members~~
1245 ~~of~~ the bargaining unit, subject to subsection (2) ~~the provisions~~
1246 ~~of subsections (2) and (3)~~. However, with respect to statewide
1247 bargaining units, any agreement signed by the Governor and the
1248 bargaining agent for such a bargaining unit is ~~shall~~ not be
1249 binding until approved by the public employees in ~~who are~~
1250 ~~members of~~ the bargaining unit, subject to subsection (2) ~~the~~
1251 ~~provisions of subsections (2) and (3)~~.

1252 ~~(3) If any provision of a collective bargaining agreement~~
1253 ~~is in conflict with any law, ordinance, rule, or regulation over~~
1254 ~~which the chief executive officer has no amendatory power, the~~
1255 ~~chief executive officer shall submit to the appropriate~~
1256 ~~governmental body having amendatory power a proposed amendment~~
1257 ~~to such law, ordinance, rule, or regulation. Unless and until~~
1258 ~~such amendment is enacted or adopted and becomes effective, the~~
1259 ~~conflicting provision of the collective bargaining agreement~~
1260 ~~shall not become effective.~~

1261 (3)(4) If the agreement is not ratified by the public

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1262 employer or is not approved by a majority ~~vote~~ of the public
1263 ~~employees voting in the unit~~, in accordance with procedures
1264 adopted by the commission, the agreement shall be returned to
1265 the chief executive officer and the bargaining agent ~~employee~~
1266 ~~organization~~ for further negotiations.

1267 ~~(4)-(5)~~ A ~~Any~~ collective bargaining agreement may ~~shall~~ not
1268 provide for a term of existence of more than 3 years and must
1269 ~~shall~~ contain all of the terms and conditions of employment
1270 negotiated by the bargaining agent and the public employer and
1271 all of the disputed impasse issues resolved by the legislative
1272 body's action taken pursuant to s. 447.403 ~~of the employees in~~
1273 ~~the bargaining unit during such term except those terms and~~
1274 ~~conditions provided for in applicable merit and civil service~~
1275 ~~rules and regulations.~~

1276 **Section 14. Section 447.401, Florida Statutes, is amended**
1277 **to read:**

1278 447.401 Grievance procedures.—Each public employer and
1279 bargaining agent shall negotiate a grievance procedure to be
1280 used for the settlement of disputes between a public employer
1281 and a public employee, or a group of public employees, involving
1282 the interpretation or application of a collective bargaining
1283 agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its
1284 terminal step a final and binding disposition by an impartial
1285 neutral, mutually selected by the parties; however, when the
1286 issue under appeal is an allegation of abuse, abandonment, or

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1287 neglect of a child by a public an employee under s.39.201 or an
1288 allegation of abuse, neglect, or exploitation of a vulnerable
1289 adult by a public employee under s. 415.1034, the grievance may
1290 not be decided until such allegation ~~the abuse, abandonment, or~~
1291 ~~neglect of a child~~ has been judicially determined. However, an
1292 arbitrator ~~arbiter~~ or other neutral may ~~shall~~ not ~~have the power~~
1293 ~~to~~ add to, subtract from, modify, or alter the terms of a
1294 collective bargaining agreement. If an employee organization is
1295 certified as the bargaining agent of a bargaining unit, the
1296 grievance procedure then in existence may be the subject of
1297 collective bargaining, and any agreement which is reached shall
1298 supersede the previously existing procedure. All public
1299 employees ~~shall~~ have the right to a fair and equitable grievance
1300 procedure administered without regard to membership or
1301 nonmembership in any employee organization, except that
1302 bargaining agents may ~~certified employee organizations shall~~ not
1303 be required to process grievances for public employees who are
1304 not members of the employee organization. A public career
1305 ~~service~~ employee may utilize ~~shall have the option of utilizing~~
1306 the civil service appeal procedure, an unfair labor practice
1307 procedure, or a grievance procedure established under this
1308 section, but may not avail ~~such employee is precluded from~~
1309 ~~availing~~ himself or herself of ~~to~~ more than one of these
1310 procedures.

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1311 **Section 15. Subsections (1), (3), and (4) of section**
1312 **447.403, Florida Statutes, are amended to read:**

1313 447.403 Resolution of impasses.—

1314 (1) If, after a reasonable period of negotiation
1315 concerning the terms and conditions of employment to be
1316 incorporated in a collective bargaining agreement, a dispute
1317 exists between a public employer and a bargaining agent, either
1318 party may declare an impasse by providing written notification
1319 ~~shall be deemed to have occurred when one of the parties so~~
1320 ~~declares in writing~~ to the other party and to the commission.
1321 When an impasse occurs, the public employer or the bargaining
1322 agent, or both parties acting jointly, may appoint, or secure
1323 the appointment of, a mediator to assist in the resolution of
1324 the impasse. If the Governor is the public employer, a ~~no~~
1325 mediator may not ~~shall~~ be appointed.

1326 (3) The special magistrate shall hold hearings in order to
1327 define the area or areas of dispute, to determine facts relating
1328 to the dispute, and to render a decision on any and all
1329 unresolved contract issues. The hearings must ~~shall~~ be held at
1330 times, dates, and places to be established by the special
1331 magistrate in accordance with rules adopted ~~promulgated~~ by the
1332 commission. The special magistrate may ~~shall be empowered to~~
1333 administer oaths and issue subpoenas on behalf of the parties to
1334 the dispute or on his or her own behalf. Within 15 calendar days
1335 after the close of the final hearing, the special magistrate

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1336 shall transmit his or her recommended decision to the commission
1337 and to the representatives of both parties by any method of
1338 service that establishes proof of delivery ~~registered mail,~~
1339 ~~return receipt requested~~. Such recommended decision must ~~shall~~
1340 be discussed by the parties, and each recommendation of the
1341 special magistrate is ~~shall be~~ deemed approved by both parties
1342 unless specifically rejected by either party by written notice
1343 filed with the commission within 20 calendar days after the date
1344 the party received the special magistrate's recommended
1345 decision. The written notice must ~~shall~~ include a statement of
1346 the cause for each rejection and ~~shall~~ be served upon the other
1347 party.

1348 (4) If either the public employer or the bargaining agent
1349 ~~employee organization~~ does not accept, in whole or in part, the
1350 recommended decision of the special magistrate, all of the
1351 following procedures apply:

1352 (a) The chief executive officer of the governmental entity
1353 involved shall, within 10 days after rejection of a
1354 recommendation of the special magistrate, submit to the
1355 legislative body of the governmental entity involved a copy of
1356 the findings of fact and recommended decision of the special
1357 magistrate, together with the chief executive officer's
1358 recommendations for settling the disputed impasse issues. The
1359 chief executive officer shall also transmit his or her
1360 recommendations to the bargaining agent. ~~employee organization,~~

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1361 (b) The bargaining agent ~~employee organization~~ shall
1362 submit its recommendations for settling the disputed impasse
1363 issues to such legislative body and to the chief executive
1364 officer. ~~†~~

1365 (c) The legislative body or its ~~a~~ duly authorized
1366 committee must ~~thereof shall forthwith~~ conduct a public hearing
1367 at which the parties must ~~shall be required to~~ explain their
1368 positions with respect to the rejected recommendations of the
1369 special magistrate. ~~†~~

1370 (d) Thereafter, the legislative body shall take such
1371 action as it deems to be in the public interest, including the
1372 interest of the public employees involved, to resolve all
1373 disputed impasse issues. ~~† and~~

1374 (e) Following the resolution of the disputed impasse
1375 issues by the legislative body, the parties shall reduce to
1376 writing an agreement which includes those issues agreed to by
1377 the parties and those disputed impasse issues resolved by the
1378 legislative body's action taken pursuant to paragraph (d). The
1379 agreement must ~~shall~~ be signed by the chief executive officer
1380 and the bargaining agent and ~~shall be~~ submitted to the public
1381 employer and ~~to~~ the public employees in ~~who are members of~~ the
1382 bargaining unit for ratification. If such agreement is not
1383 ratified by all parties, pursuant to ~~the provisions of~~ s.
1384 447.309, the legislative body's action taken pursuant to ~~the~~
1385 ~~provisions of~~ paragraph (d) shall take effect as of the date of

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1386 such legislative body's action for the remainder of the first
1387 fiscal year which was the subject of negotiations; however, the
1388 legislative body's action may ~~shall~~ not take effect with respect
1389 to those disputed impasse issues which establish the language of
1390 contractual provisions which could have no effect in the absence
1391 of a ratified agreement, including, but not limited to,
1392 preambles, recognition clauses, and duration clauses.

1393 **Section 16. Section 447.405, Florida Statutes, is amended**
1394 **to read:**

1395 447.405 Factors to be considered by the special
1396 magistrate.—The special magistrate shall conduct the hearings
1397 and render recommended decisions with the objective of achieving
1398 a prompt, peaceful, and just settlement of disputes between the
1399 bargaining agents ~~public employee organizations~~ and the public
1400 employers. The factors, among others, to be given weight by the
1401 special magistrate in arriving at a recommended decision must
1402 ~~shall~~ include:

1403 (1) Comparison of the annual income of employment of the
1404 public employees in question with the annual income of
1405 employment maintained for the same or similar work of employees
1406 exhibiting like or similar skills under the same or similar
1407 working conditions in the local operating area involved.

1408 (2) Comparison of the annual income of employment of the
1409 public employees in question with the annual income of
1410 employment of public employees in similar public employee

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1411 governmental bodies of comparable size within this ~~the~~ state.

1412 (3) The interest and welfare of the public.

1413 (4) Comparison of peculiarities of employment in regard to
1414 other trades or professions, specifically with respect to:

1415 (a) Hazards of employment.

1416 (b) Physical qualifications.

1417 (c) Educational qualifications.

1418 (d) Intellectual qualifications.

1419 (e) Job training and skills.

1420 (f) Retirement plans.

1421 (g) Sick leave.

1422 (h) Job security.

1423 (5) Availability of funds.

1424 **Section 17. Paragraphs (c) and (f) of subsection (1) and**
1425 **subsection (2) of section 447.501, Florida Statutes, are amended**
1426 **to read:**

1427 447.501 Unfair labor practices.—

1428 (1) Public employers or their agents or representatives
1429 are prohibited from:

1430 (c) Refusing to bargain collectively, failing to bargain
1431 collectively in good faith, or refusing to sign a final
1432 agreement agreed upon with the ~~certified~~ bargaining agent for
1433 the public employees in the bargaining unit.

1434 (f) Refusing to discuss grievances in good faith pursuant
1435 to the terms of the collective bargaining agreement with either

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1436 | the ~~certified~~ bargaining agent for the public employee or the
1437 | employee involved.

1438 | (2) An ~~A public~~ employee organization or anyone acting on
1439 | ~~in~~ its behalf or its officers, representatives, agents, or
1440 | members are prohibited from:

1441 | (a) Interfering with, restraining, or coercing public
1442 | employees in the exercise of any rights guaranteed them under
1443 | this part or interfering with, restraining, or coercing
1444 | managerial employees by reason of their performance of job
1445 | duties or other activities undertaken in the interests of the
1446 | public employer.

1447 | (b) Causing or attempting to cause a public employer to
1448 | discriminate against a public ~~an~~ employee because of such ~~the~~
1449 | employee's membership or nonmembership in an employee
1450 | organization or attempting to cause the public employer to
1451 | violate ~~any of the provisions of~~ this part.

1452 | (c) Refusing to bargain collectively or failing to bargain
1453 | collectively in good faith with a public employer.

1454 | (d) Discriminating against a public ~~an~~ employee because he
1455 | or she has signed or filed an affidavit, a petition, or a
1456 | complaint or given any information or testimony in any
1457 | proceedings provided for in this part.

1458 | (e) Participating in a strike against the public employer
1459 | by instigating or supporting, in any positive manner, a strike.
1460 | A person who violates ~~Any violation of~~ this paragraph is ~~shall~~

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1461 | subject ~~the violator~~ to the penalties provided in this part.

1462 | (f) Instigating or advocating support, in any positive
1463 | manner, for an employee organization's activities from high
1464 | school or grade school students or students in institutions of
1465 | higher learning.

1466 | **Section 18. Subsection (1) of section 447.503, Florida**
1467 | **Statutes, is amended to read:**

1468 | 447.503 Charges of unfair labor practices.—It is the
1469 | intent of the Legislature that the commission act as
1470 | expeditiously as possible to settle disputes regarding alleged
1471 | unfair labor practices. To this end, violations of the
1472 | provisions of s. 447.501 shall be remedied by the commission in
1473 | accordance with the following procedures and in accordance with
1474 | chapter 120; however, to the extent that chapter 120 is
1475 | inconsistent with the provisions of this section, the procedures
1476 | contained in this section shall govern:

1477 | (1) A proceeding to remedy a violation of ~~the provisions~~
1478 | ~~of~~ s. 447.501 must shall be initiated by the filing of a charge
1479 | with the commission by a public employer, a public an employer,
1480 | employee, or an employee organization, or any combination
1481 | thereof, whose substantial interests will be affected as
1482 | provided in chapter 120. Such a charge must shall contain a
1483 | clear and concise statement of facts constituting the alleged
1484 | unfair labor practice, including the names of all individuals
1485 | involved in the alleged unfair labor practice, specific

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1486 reference to ~~the provisions of~~ s. 447.501 alleged to have been
1487 violated, and such other relevant information as the commission
1488 may by rule require or allow. Service of the charge must ~~shall~~
1489 be made upon each named respondent at the time of filing with
1490 the commission. The charge must be accompanied by sworn
1491 statements and documentary evidence sufficient to establish a
1492 prima facie violation of the applicable unfair labor practice
1493 provision. Such supporting evidence is not to be attached to the
1494 charge and is to be furnished only to the commission.

1495 **Section 19. Subsections (2) through (5) and paragraph (a)**
1496 **of subsection (6) of section 447.507, Florida Statutes, are**
1497 **amended to read:**

1498 447.507 Violation of strike prohibition; penalties.—

1499 (2) If a public employee, a group of public employees, an
1500 employee organization, or any officer, agent, or representative
1501 of any employee organization engages in a strike in violation of
1502 s. 447.505, either the commission or any public employer whose
1503 public employees are involved or whose public employees may be
1504 affected by the strike may file suit to enjoin the strike in the
1505 circuit court having proper jurisdiction and proper venue of
1506 such actions under the Florida Rules of Civil Procedure and
1507 Florida Statutes. The circuit court shall conduct a hearing,
1508 with notice to the commission and to all interested parties, at
1509 the earliest practicable time. If the plaintiff makes a prima
1510 facie showing that a violation of s. 447.505 is in progress or

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1511 that there is a clear, real, and present danger that such a
1512 strike is about to commence, the circuit court must ~~shall~~ issue
1513 a temporary injunction enjoining the strike. Upon final hearing,
1514 the circuit court shall either make the injunction permanent or
1515 dissolve it.

1516 (3) If an injunction to enjoin a strike issued pursuant to
1517 this section is not promptly complied with, on the application
1518 of the plaintiff, the circuit court shall immediately initiate
1519 contempt proceedings against those who appear to be in
1520 violation. An employee organization found to be in contempt of
1521 court for violating an injunction against a strike shall be
1522 fined an amount deemed appropriate by the court. In determining
1523 the appropriate fine, the court shall objectively consider the
1524 extent of lost services and the particular nature and position
1525 of the public employee group in violation. A ~~In no event shall~~
1526 ~~the fine may not exceed \$30,000~~ \$5,000. Each officer, agent, or
1527 representative of an employee organization found to be in
1528 contempt of court for violating an injunction against a strike
1529 shall be fined at least \$300, but not more than \$600, ~~not less~~
1530 ~~than \$50 nor more than \$100~~ for each calendar day that the
1531 violation is in progress.

1532 (4) An employee organization is ~~shall be~~ liable for any
1533 damages which might be suffered by a public employer as a result
1534 of a violation of ~~the provisions of~~ s. 447.505 by the employee
1535 organization or its representatives, officers, or agents. The

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1536 circuit court having jurisdiction over such actions may is
1537 ~~empowered to~~ enforce judgments against employee organizations in
1538 the amount deemed appropriate by the court in accordance with
1539 this section. An action may not, as defined in this part, by
1540 ~~attachment or garnishment of union initiation fees or dues which~~
1541 ~~are to be deducted or checked off by public employers. No action~~
1542 ~~shall~~ be maintained pursuant to this subsection until all
1543 proceedings which were pending before the commission at the time
1544 of the strike or which were initiated within 30 days after of
1545 the strike have been finally adjudicated or otherwise disposed
1546 of. In determining the amount of damages, if any, to be awarded
1547 to the public employer, the trier of fact shall take into
1548 consideration any action or inaction by the public employer or
1549 its agents that provoked or tended to provoke the strike by the
1550 public employees. The trier of fact shall also take into
1551 consideration any damages that might have been recovered by the
1552 public employer under subparagraph (6) (a)4.

1553 (5) If the commission, after a hearing on notice conducted
1554 according to rules adopted promulgated by the commission,
1555 determines that a public an employee has violated s. 447.505, it
1556 may order the termination of such employee's his or her
1557 employment by the public employer. Notwithstanding any other
1558 provision of law, a person knowingly violating s. 447.505 the
1559 ~~provision of said section~~ may, subsequent to such violation, be
1560 appointed, reappointed, employed, or reemployed as a public

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1561 employee, but only upon the following conditions:

1562 (a) Such person shall be on probation for a period of 18
1563 months after ~~following~~ his or her appointment, reappointment,
1564 employment, or reemployment, during which period he or she shall
1565 serve without permanent status and at the pleasure of the agency
1566 head.

1567 (b) His or her compensation may not ~~in no event~~ exceed the
1568 compensation ~~that~~ received immediately before ~~prior to~~ the time
1569 of the violation.

1570 (c) The compensation of the person may not be increased
1571 until at least ~~after the expiration of~~ 1 year after ~~from~~ such
1572 appointment, reappointment, employment, or reemployment.

1573 (6) (a) If the commission determines that an employee
1574 organization has violated s. 447.505, it may:

1575 1. Issue cease and desist orders as necessary to ensure
1576 compliance with its order.

1577 2. Suspend or revoke the certification of the ~~employee~~
1578 ~~organization as the~~ bargaining agent of such bargaining employee
1579 unit.

1580 3. Revoke any requirement of the public employer to engage
1581 in membership ~~the right of~~ dues deduction for ~~and collection~~
1582 ~~previously granted to~~ said employee organization pursuant to s.
1583 447.303.

1584 4. Fine the organization up to \$120,000 ~~\$20,000~~ for each
1585 calendar day of such violation or determine the approximate cost

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1586 to the public due to each calendar day of the strike and fine
1587 the organization an amount equal to such cost, even if the fine
1588 exceeds \$120,000 notwithstanding the fact that the fine may
1589 ~~exceed \$20,000~~ for each such calendar day. The fines so
1590 collected ~~shall~~ immediately accrue to the public employer and
1591 must ~~shall~~ be used by the public employer ~~him or her~~ to replace
1592 those services denied the public as a result of the strike. In
1593 determining the amount of damages, if any, to be awarded to the
1594 public employer, the commission must consider ~~shall take into~~
1595 ~~consideration~~ any action or inaction by the public employer or
1596 its agents that provoked, or tended to provoke, the strike by
1597 the public employees.

1598 **Section 20. Subsection (3) of section 447.509, Florida**
1599 **Statutes, is renumbered as subsection (6), and new subsections**
1600 **(3), (4), and (5) are added to that section to read:**

1601 447.509 Other unlawful acts; exceptions.-

1602 (3) Public employers, their agents or representatives, or
1603 any persons acting on their behalf may not do any of the
1604 following:

1605 (a) With regard to an election or campaign leading up to
1606 an election held pursuant to s. 447.307, F.S., discriminate
1607 among employee organizations or public employees regarding
1608 access to or use of the public employer's meetings, events,
1609 facilities, communications systems, mailboxes, computer systems,
1610 equipment, supplies, or other resources for the purposes of

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1611 supporting or opposing the certification, recertification, or
1612 decertification of a bargaining agent.

1613 (b) Provide any form of compensation or paid leave to a
1614 public employee, directly or indirectly, for the purpose of
1615 engaging in employee organization activities.

1616 (4) Notwithstanding subsection (3), if the public employer
1617 and the bargaining agent agree, a public employee may do all of
1618 the following:

1619 (a) Be granted time off without pay or benefits to engage
1620 in employee organization activities. An employee organization
1621 may compensate a public employee for engaging in employee
1622 organization activities.

1623 (b) Use compensated personal leave, whether the leave is
1624 the public employee's or is voluntarily donated by other public
1625 employees in the bargaining unit, to engage in employee
1626 organization activities if:

1627 1. The leave is accrued at the same rate by similarly
1628 situated public employees in the bargaining unit without regard
1629 to membership in or participation with an employee organization.

1630 2. The public employee may freely choose how to use the
1631 leave.

1632 (c) Engage in employee organization activities on behalf
1633 of a bargaining agent while in a duty status without loss of pay
1634 or benefits if:

1635 1. The bargaining agent reports to the public employer at

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1636 least biannually the amount of time, in increments rounded to
1637 the nearest quarter of an hour, each public employee in the
1638 bargaining unit engaged in employee organization activities each
1639 day.

1640 2. The public employer calculates the pro rata value of
1641 compensation, including wages and fringe benefits, paid to or
1642 accrued by a public employee for time spent engaged in employee
1643 organization activities and provides an invoice for such amounts
1644 to the bargaining agent at least biannually.

1645 3. The bargaining agent remits full payment to the public
1646 employer within 30 days after receipt of an invoice.

1647 (5) Subsections (3) and (4) do not apply to public
1648 employees in a bargaining unit in which the majority of the
1649 public employees are public safety employees.

1650 **Section 21. Section 447.609, Florida Statutes, is amended**
1651 **to read:**

1652 447.609 Representation in proceedings.—Any full-time
1653 employee or officer of any public employer or employee
1654 organization may represent his or her employer or any public
1655 employee in ~~member of~~ a bargaining unit in any proceeding
1656 authorized in this part, excluding the representation of any
1657 person or public employer in a court of law by a person who is
1658 not a licensed attorney.

1659 **Section 22. Subsection (3) of section 110.114, Florida**
1660 **Statutes, is amended to read:**

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1661 110.114 Employee wage deductions.—

1662 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
1663 (2), ~~the deduction of an employee's~~ membership dues deductions
1664 as defined in s. 447.203 ~~s. 447.203(15)~~ for an employee
1665 organization as defined in s. 447.203 ~~s. 447.203(11)~~ shall be
1666 authorized or permitted only for an organization that has been
1667 certified pursuant to chapter 447 as the ~~exclusive~~ bargaining
1668 agent ~~pursuant to chapter 447~~ for a unit of public state
1669 employees ~~in which the employee is included~~. Such deductions
1670 shall be subject to ~~the provisions of~~ s. 447.303.

1671 **Section 23. Paragraph (w) of subsection (2) of section**
1672 **110.205, Florida Statutes, is amended to read:**

1673 110.205 Career service; exemptions.—

1674 (2) EXEMPT POSITIONS.—The exempt positions that are not
1675 covered by this part include the following:

1676 (w) Managerial employees ~~and, as defined in s. 447.203(4),~~
1677 confidential employees, as those terms are defined in s. 447.203
1678 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1679 of their time communicating with, motivating, training, and
1680 evaluating employees, and planning and directing employees'
1681 work, and who have the authority to hire, transfer, suspend, lay
1682 off, recall, promote, discharge, assign, reward, or discipline
1683 subordinate employees or effectively recommend such action,
1684 including all employees serving as supervisors, administrators,
1685 and directors. Excluded are employees also designated as special

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1686 risk or special risk administrative support and attorneys who
1687 serve as administrative law judges pursuant to s. 120.65 or for
1688 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1689 registered nurses licensed under chapter 464, dentists licensed
1690 under chapter 466, psychologists licensed under chapter 490 or
1691 chapter 491, nutritionists or dietitians licensed under part X
1692 of chapter 468, pharmacists licensed under chapter 465,
1693 psychological specialists licensed under chapter 491, physical
1694 therapists licensed under chapter 486, and speech therapists
1695 licensed under part I of chapter 468 are excluded, unless
1696 otherwise collectively bargained.

1697 **Section 24. Subsection (6) of section 112.3187, Florida**
1698 **Statutes, is amended to read:**

1699 112.3187 Adverse action against employee for disclosing
1700 information of specified nature prohibited; employee remedy and
1701 relief.—

1702 (6) TO WHOM INFORMATION DISCLOSED.—The information
1703 disclosed under this section must be disclosed to any agency or
1704 federal government entity having the authority to investigate,
1705 police, manage, or otherwise remedy the violation or act,
1706 including, but not limited to, the Office of the Chief Inspector
1707 General, an agency inspector general or the employee designated
1708 as agency inspector general under s. 112.3189(1) or inspectors
1709 general under s. 20.055, the Florida Commission on Human
1710 Relations, and the whistle-blower's hotline created under s.

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1711 112.3189. However, for disclosures concerning a local
1712 governmental entity, including any regional, county, or
1713 municipal entity, special district, community college district,
1714 or school district or any political subdivision of any of the
1715 foregoing, the information must be disclosed to a chief
1716 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
1717 other appropriate local official.

1718 **Section 25. Subsection (5) of section 121.031, Florida**
1719 **Statutes, is amended to read:**

1720 121.031 Administration of system; appropriation; oaths;
1721 actuarial studies; public records.—

1722 (5) The names and addresses of retirees are confidential
1723 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1724 that no state or local governmental agency may provide the names
1725 or addresses of such persons in aggregate, compiled, or list
1726 form to any person except to a public agency engaged in official
1727 business. However, a state or local government agency may
1728 provide the names and addresses of retirees from that agency to
1729 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1730 a retiree organization for official business use. Lists of names
1731 or addresses of retirees may be exchanged by public agencies,
1732 but such lists shall not be provided to, or open for inspection
1733 by, the public. Any person may view or copy any individual's
1734 retirement records at the Department of Management Services, one
1735 record at a time, or may obtain information by a separate

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1736 written request for a named individual for which information is
1737 desired.

1738 **Section 26. Subsection (1) of section 447.02, Florida**
1739 **Statutes, is amended to read:**

1740 447.02 Definitions.—The following terms, when used in this
1741 chapter, shall have the meanings ascribed to them in this
1742 section:

1743 (1) The term "labor organization" means any organization
1744 of employees or local or subdivision thereof, having within its
1745 membership residents of the state, whether incorporated or not,
1746 organized for the purpose of dealing with employers concerning
1747 hours of employment, rate of pay, working conditions, or
1748 grievances of any kind relating to employment and recognized as
1749 a unit of bargaining by one or more employers doing business in
1750 this state, except that an "employee organization," as defined
1751 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1752 definition at such time as it seeks to register pursuant to s.
1753 447.305.

1754 **Section 27. Subsection (2) of section 1011.60, Florida**
1755 **Statutes, is amended to read:**

1756 1011.60 Minimum requirements of the Florida Education
1757 Finance Program.—Each district which participates in the state
1758 appropriations for the Florida Education Finance Program shall
1759 provide evidence of its effort to maintain an adequate school

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1760 program throughout the district and shall meet at least the
1761 following requirements:

1762 (2) MINIMUM TERM.—Operate all schools for a term of 180
1763 actual teaching days or the equivalent on an hourly basis as
1764 specified by rules of the State Board of Education each school
1765 year. The State Board of Education may prescribe procedures for
1766 altering, and, upon written application, may alter, this
1767 requirement during a national, state, or local emergency as it
1768 may apply to an individual school or schools in any district or
1769 districts if, in the opinion of the board, it is not feasible to
1770 make up lost days or hours, and the apportionment may, at the
1771 discretion of the Commissioner of Education and if the board
1772 determines that the reduction of school days or hours is caused
1773 by the existence of a bona fide emergency, be reduced for such
1774 district or districts in proportion to the decrease in the
1775 length of term in any such school or schools. A strike, as
1776 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1777 district may not be considered an emergency.

1778 **Section 28.** This act shall take effect July 1, 2025.

1780 -----
1781 **T I T L E A M E N D M E N T**

1782 Remove everything before the enacting clause and insert:
1783 An act relating to the Public Employees Relations
1784 Commission; amending s. 110.227, F.S.; conforming

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1785 final order requirements to ch. 120, F.S.; removing a
1786 provision requiring exceptions to a recommended order
1787 to be filed within a specified timeframe; amending s.
1788 112.0455, F.S.; conforming final order requirements to
1789 ch. 120, F.S.; revising the timeframe in which an
1790 appeal hearing must be conducted; amending s. 120.80,
1791 F.S.; providing applicability; amending s. 295.14,
1792 F.S.; conforming final order requirements to ch. 120,
1793 F.S.; removing provisions that an action by the
1794 commission must be in writing and served in a
1795 specified manner; amending s. 447.203, F.S.; revising
1796 and providing definitions; amending s. 447.205, F.S.;

1797 revising language on the seal of the Public Employees
1798 Relations Commission; amending s. 447.207, F.S.;

1799 authorizing subpoenas, notices, and other documents to
1800 be served by any method of service that establishes
1801 proof of delivery, rather than by certified mail;

1802 authorizing the commission, under certain
1803 circumstances, to waive the application of any
1804 provision of part II of ch. 447, F.S., rather than
1805 only specified provisions; amending s. 447.301, F.S.;

1806 revising a specified statement in a membership
1807 authorization form; requiring an employee
1808 organization, within a specified timeframe, to revoke
1809 the membership of and cease the collection of

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1810 membership dues from a public employee; amending s.
1811 447.303, F.S.; conforming provisions to changes made
1812 by the act; amending s. 447.305, F.S.; revising the
1813 application for employee organization registration;
1814 revising certain information required for an
1815 application for renewal of registration; requiring an
1816 employee organization to provide an application for
1817 renewal of registration to certain persons within a
1818 specified timeframe; requiring a bargaining agent to
1819 provide missing information to the commission within a
1820 specified timeframe; requiring the commission to
1821 dismiss an application for renewal of registration
1822 under certain circumstances; requiring a bargaining
1823 agent to petition for recertification within a
1824 specified timeframe after submission of certain
1825 information; authorizing a public employer or public
1826 employee of a bargaining unit to challenge an
1827 application for renewal of registration as materially
1828 inaccurate during specified timeframes; requiring the
1829 commission or one of its designated agents to conduct
1830 an investigation if a challenge is filed; exempting
1831 certain employee organizations from a specified
1832 requirement; requiring a registration fee for
1833 applications for registration and renewal of
1834 registration; requiring certain employee organization

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1835 accounts to be open for inspection at a reasonable
1836 time and place; providing for the revocation of an
1837 employee organization's certification under certain
1838 circumstances; providing that certain decisions issued
1839 by the commission are final agency actions; amending
1840 s. 447.307, F.S.; revising requirements for the
1841 certification, recertification, and decertification of
1842 an employee organization; repealing s. 447.308, F.S.,
1843 relating to revocation of certification of an employee
1844 organization; amending s. 447.309, F.S.; removing
1845 provisions relating to conflicts between any
1846 collective bargaining agreement provision and any law,
1847 ordinance, rule, or regulation; requiring collective
1848 bargaining agreements to contain specified terms and
1849 conditions; amending s. 447.401, F.S.; conforming
1850 provisions to changes made by the act; amending s.
1851 447.403, F.S.; authorizing the recommended decision of
1852 a special magistrate from an impasse hearing to be
1853 transmitted by any method of service that establishes
1854 proof of delivery, rather than a specified method;
1855 amending ss. 447.405 and 447.501, F.S.; conforming
1856 provisions to changes made by the act; amending s.
1857 447.503, F.S.; authorizing certain public employers,
1858 public employees, and employee organizations, or
1859 combinations thereof, to file certain charges with the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1387 (2025)

Amendment No.

1860 commission; amending s. 447.507, F.S.; increasing
1861 fines for certain violations; amending s. 447.509,
1862 F.S.; prohibiting public employers, their agents or
1863 representatives, and any persons acting on their
1864 behalf from taking certain actions; authorizing
1865 certain actions by public employees under certain
1866 circumstances; providing exceptions; amending s.
1867 447.609, F.S.; conforming provisions to changes made
1868 by the act; amending ss. 110.114, 110.205, 112.3187,
1869 121.031, 447.02, and 1011.60, F.S.; conforming cross-
1870 references; providing an effective date.

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