

1 A bill to be entitled
2 An act relating to the Public Employees Relations
3 Commission; amending s. 110.227, F.S.; conforming
4 final order requirements to ch. 120, F.S.; removing a
5 provision requiring exceptions to a recommended order
6 to be filed within a specified timeframe; amending s.
7 112.0455, F.S.; conforming final order requirements to
8 ch. 120, F.S.; revising the timeframe in which an
9 appeal hearing must be conducted; amending s. 120.80,
10 F.S.; providing applicability; amending s. 295.14,
11 F.S.; conforming final order requirements to ch. 120,
12 F.S.; removing provisions that an action by the
13 commission must be in writing and served in a
14 specified manner; amending s. 447.203, F.S.; revising
15 and providing definitions; amending s. 447.205, F.S.;
16 specifying the annual salaries of the chair and other
17 commissioners of the Public Employees Relations
18 Commission; amending s. 447.207, F.S.; authorizing
19 subpoenas, notices, and other documents to be served
20 by any method of service that establishes proof of
21 delivery, rather than by certified mail; authorizing
22 the commission, under certain circumstances, to waive
23 the application of any provision of part II of ch.
24 447, F.S., rather than only specified provisions;
25 amending s. 447.301, F.S.; revising a specified

26 | statement in a membership authorization form;
27 | requiring an employee organization, within a specified
28 | timeframe, to revoke the membership of and cease the
29 | collection of membership dues from a public employee;
30 | amending s. 447.303, F.S.; conforming provisions to
31 | changes made by the act; amending s. 447.305, F.S.;
32 | revising the application for employee organization
33 | registration; revising certain information required
34 | for an application for renewal of registration;
35 | requiring an employee organization to provide an
36 | application for renewal of registration to certain
37 | persons within a specified timeframe; requiring a
38 | bargaining agent to provide missing information to the
39 | commission within a specified timeframe; requiring the
40 | commission to dismiss an application for renewal of
41 | registration under certain circumstances; requiring a
42 | bargaining agent to petition for recertification
43 | within a specified timeframe after submission of
44 | certain information; authorizing a public employer or
45 | public employee of a bargaining unit to challenge an
46 | application for renewal of registration as materially
47 | inaccurate during specified timeframes; requiring the
48 | commission or one of its designated agents to conduct
49 | an investigation if a challenge is filed; exempting
50 | certain employee organizations from a specified

51 requirement; requiring a registration fee for
52 applications for registration and renewal of
53 registration; requiring certain employee organization
54 accounts to be open for inspection at a reasonable
55 time and place; providing for the revocation of an
56 employee organization's certification under certain
57 circumstances; providing that certain decisions issued
58 by the commission are final agency actions; amending
59 s. 447.307, F.S.; revising requirements for the
60 certification, recertification, and decertification of
61 an employee organization; repealing s. 447.308, F.S.,
62 relating to revocation of certification of an employee
63 organization; amending s. 447.309, F.S.; removing
64 provisions relating to conflicts between any
65 collective bargaining agreement provision and any law,
66 ordinance, rule, or regulation; requiring collective
67 bargaining agreements to contain specified terms and
68 conditions; amending s. 447.401, F.S.; conforming
69 provisions to changes made by the act; amending s.
70 447.403, F.S.; authorizing the recommended decision of
71 a special magistrate from an impasse hearing to be
72 transmitted by any method of service that establishes
73 proof of delivery, rather than a specified method;
74 amending ss. 447.405 and 447.501, F.S.; conforming
75 provisions to changes made by the act; amending s.

76 447.503, F.S.; authorizing certain public employers,
 77 public employees, and employee organizations, or
 78 combinations thereof, to file certain charges with the
 79 commission; amending s. 447.507, F.S.; increasing
 80 fines for certain violations; amending s. 447.509,
 81 F.S.; prohibiting public employers, their agents or
 82 representatives, and any persons acting on their
 83 behalf from taking certain actions; authorizing
 84 certain actions by public employees under certain
 85 circumstances; providing exceptions; amending s.
 86 447.609, F.S.; conforming provisions to changes made
 87 by the act; amending ss. 110.114, 110.205, 112.3187,
 88 121.031, 447.02, and 1011.60, F.S.; conforming cross-
 89 references; providing an effective date.

90
 91 Be It Enacted by the Legislature of the State of Florida:

92
 93 **Section 1. Paragraph (d) of subsection (6) of section**
 94 **110.227, Florida Statutes, is amended to read:**

95 110.227 Suspensions, dismissals, reductions in pay,
 96 demotions, layoffs, transfers, and grievances.—

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

100 (d) A recommended order must ~~shall~~ be issued by the

101 hearing officer within 30 days after ~~following~~ the hearing.
 102 ~~Exceptions to the recommended order shall be filed within 15~~
 103 ~~days after the recommended order is issued.~~ The final order must
 104 be issued ~~shall be filed~~ by the commission in accordance with
 105 ss. 120.569 and 120.57 ~~no later than 45 calendar days after the~~
 106 ~~hearing or after the filing of exceptions or oral arguments if~~
 107 ~~granted.~~

108 **Section 2. Paragraph (a) of subsection (14) of section**
 109 **112.0455, Florida Statutes, is amended to read:**

110 112.0455 Drug-Free Workplace Act.—

111 (14) DISCIPLINE REMEDIES.—

112 (a) An executive branch employee who is disciplined or who
 113 is a job applicant for another position and is not hired
 114 pursuant to this section, may file an appeal with the Public
 115 Employees Relations Commission. Any appeal must be filed within
 116 30 calendar days after ~~of~~ receipt by the employee or job
 117 applicant of notice of discipline or refusal to hire. The notice
 118 shall inform the employee or job applicant of the right to file
 119 an appeal, or if available, the right to file a collective
 120 bargaining grievance pursuant to s. 447.401. Such appeals shall
 121 be resolved pursuant to the procedures established in ss.
 122 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on
 123 the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the
 124 filing of the appeal, unless an extension is requested by the
 125 employee or job applicant and granted by the commission or an

126 arbitrator. The final order must be issued by the commission in
 127 accordance with ss. 120.569 and 120.57.

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

130 120.80 Exceptions and special requirements; agencies.—

131 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

136 295.14 Penalties.—

137 (1) When the Public Employees Relations Commission, after
 138 a hearing on notice conducted according to rules adopted by the
 139 commission, determines that a violation of s. 295.07, s. 295.08,
 140 s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains
 141 the veteran seeking redress, the commission shall order the
 142 offending agency, employee, or officer of the state to comply
 143 with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s.
 144 295.09(1)(a) or (b); and, in the event of a violation of s.
 145 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the
 146 commission may issue an order to compensate the veteran for the
 147 loss of any wages and reasonable attorney's fees for actual
 148 hours worked, and costs of all work, including litigation,
 149 incurred as a result of such violation, which order shall be
 150 conclusive on the agency, employee, or officer concerned. The

151 attorney's fees and costs may not exceed \$10,000. The final
152 order must be issued by the commission in accordance with ss.
153 120.569 and 120.57 ~~The action of the commission shall be in~~
154 ~~writing and shall be served on the parties concerned by~~
155 ~~certified mail with return receipt requested.~~

156 **Section 5. Section 447.203, Florida Statutes, is amended**
157 **to read:**

158 447.203 Definitions.—As used in this part:

159 (1)~~(12)~~ "Bargaining agent" means the employee organization
160 that ~~which~~ has been certified by the commission as representing
161 the employees in the bargaining unit, as provided in s. 447.307,
162 or its representative.

163 (2)~~(8)~~ "Bargaining unit" means either that unit determined
164 by the commission, that unit determined through local
165 regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that
166 unit determined by the public employer and the public employee
167 organization and approved by the commission to be appropriate
168 for the purposes of collective bargaining. However, no
169 bargaining unit shall be defined as appropriate which includes
170 employees of two employers that are not departments or divisions
171 of the state, a county, a municipality, or other political
172 entity.

173 (3)~~(9)~~ "Chief executive officer" for the state shall mean
174 the Governor and for other public employers shall mean the
175 person, whether elected or appointed, who is responsible to the

176 legislative body of the public employer for the administration
177 of the governmental affairs of the public employer.

178 (4)~~(16)~~ "Civil service" means any career, civil, or merit
179 system used by any public employer.

180 (5)~~(14)~~ "Collective bargaining" means the performance of
181 the 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 (6)~~(1)~~ "Commission" means the Public Employees Relations
189 Commission created by s. 447.205.

190 (7)~~(5)~~ "Confidential employees" are persons who act in a
191 confidential capacity to assist or aid managerial employees as
192 defined in subsection (12) ~~(4)~~.

193 (8)~~(11)~~ "Employee organization" or "organization" means
194 any labor organization, union, association, fraternal order,
195 occupational or professional society, or group, however
196 organized or constituted, which represents, or seeks to
197 represent, any public employee or group of public employees
198 concerning any matters relating to their employment relationship
199 with a public employer.

200 (9) "Employee organization activities" means activities

201 undertaken at the direction of, on behalf of, or to advance the
202 purposes of an employee organization or any parent organization
203 or affiliate of the employee organization by:

204 (a) Supporting or opposing a candidate for federal, state,
205 or local public office.

206 (b) Influencing the passage or defeat of any federal or
207 state legislation or regulation, local ordinance or resolution,
208 or ballot measure.

209 (c) Promoting or soliciting membership or participation
210 in, or financial support of, an employee organization or any
211 parent organization or affiliate of the employee organization.

212 (d) Seeking certification as a bargaining agent.

213 (e) Participating in the administration, business, or
214 internal governance of an employee organization or any parent
215 organization or affiliate of the employee organization.

216 (f) Preparing, conducting, or attending employee
217 organization events, conferences, conventions, meetings, or
218 training, unless such training is directly related to the
219 performance of a public employee's job duties.

220 (g) Distributing communications of an employee
221 organization or any parent organization or affiliate of the
222 employee organization.

223 (h) Representing or speaking on behalf of an employee
224 organization or any parent organization or affiliate of the
225 employee organization in any setting, venue, or procedure in

226 which the public employer is not a participant.

227 (i) Preparing, filing, or pursuing unfair labor practice
228 charges or grievances.

229 (j) Representing public employees in investigatory
230 interviews; disciplinary proceedings or appeals, including
231 termination; or other administrative or legal proceedings.

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

234 (l) Administering a collective bargaining agreement.

235 (m) Participating in labor-management committees.

236 (10)~~(17)~~ "Good faith bargaining" means, but is not shall
237 mean, but not be limited to, the willingness of both parties to
238 meet at reasonable times and places, as mutually agreed upon, in
239 order to discuss issues which are proper subjects of bargaining,
240 with the intent of reaching a common accord. The term includes
241 ~~It shall include~~ an obligation for both parties to participate
242 actively in the negotiations with an open mind and a sincere
243 desire, as well as making a sincere effort, to resolve
244 differences and come to an agreement. In determining whether a
245 party failed to bargain in good faith, the commission shall
246 consider the total conduct of the parties during negotiations as
247 well as the specific incidents of alleged bad faith. Incidents
248 indicative of bad faith shall include, but not be limited to,
249 the following occurrences:

250 (a) Failure to meet at reasonable times and places with

251 representatives of the other party for the purpose of
252 negotiations.

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

255 (c) Failure to discuss proper subjects of bargaining
256 ~~bargainable issues~~.

257 (d) Refusing, upon reasonable written request, to provide
258 public information, excluding work products as defined in s.
259 447.605.

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

262 (f) Negotiating directly with employees rather than with
263 their ~~certified~~ bargaining agent.

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

265 (11)~~(10)~~ "Legislative body" means the State Legislature,
266 the board of county commissioners, the district school board,
267 the governing body of a municipality, or the governing body of
268 an instrumentality or unit of government having authority to
269 appropriate funds and establish policy governing the terms and
270 conditions of employment and which, as the case may be, is the
271 appropriate legislative body for the bargaining unit. For
272 purposes of s. 447.403, the Board of Governors of the State
273 University System, or the board's designee, shall be deemed to
274 be the legislative body with respect to all employees of each
275 constituent state university. For purposes of s. 447.403 the

276 board of trustees of a community college shall be deemed to be
 277 the legislative body with respect to all employees of the
 278 community college.

279 (12)~~(4)~~ "Managerial employees" means ~~are~~ those employees
 280 who:

281 (a) Perform jobs that are not of a routine, clerical, or
 282 ministerial nature and require the exercise of independent
 283 judgment in the performance of such jobs and to whom one or more
 284 of the following applies:

285 1. They formulate or assist in formulating policies which
 286 are applicable to bargaining unit employees.

287 2. They may reasonably be required on behalf of the
 288 employer to assist in the preparation for the conduct of
 289 collective bargaining negotiations.

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

292 4. They have a significant role in personnel
 293 administration.

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

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

297 7. They have a significant role in the preparation or
 298 administration of budgets for any public agency or institution
 299 or subdivision thereof.

300 (b) Serve as police chiefs, fire chiefs, or directors of

301 public safety of any police, fire, or public safety department.
 302 Other police officers, as defined in s. 943.10(1), and
 303 firefighters, as defined in s. 633.102, may be determined by the
 304 commission to be managerial employees of such departments. In
 305 making such determinations, the commission shall consider, in
 306 addition to the criteria established in paragraph (a), the
 307 paramilitary organizational structure of the department
 308 involved.

309
 310 However, in determining whether an individual is a managerial
 311 employee pursuant to paragraph (a) or paragraph (b), ~~above~~, the
 312 commission may consider historic relationships of the employee
 313 to the public employer and to coemployees.

314 (13) "Membership dues" means employee organization dues;
 315 uniform assessments; fees, including initiation fees; or
 316 voluntary contributions made by a public employee to an employee
 317 organization.

318 ~~(14)-(15)~~ "Membership dues deduction" means the practice of
 319 a public employer ~~of~~ deducting membership dues ~~and uniform~~
 320 ~~assessments~~ from the salary or wages of a public employee ~~and~~.
 321 ~~Such term also means the practice of a public employer of~~
 322 transmitting the sums so deducted to an ~~such~~ employee
 323 organization on behalf of the public employee.

324 ~~(15)-(13)~~ "Professional employee" means:

325 (a) Any employee engaged in work in any two or more of the

326 following categories:

327 1. Work predominantly intellectual and varied in character
 328 as opposed to routine mental, manual, mechanical, or physical
 329 work.~~;~~

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

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

335 4. Work requiring advanced knowledge in a field of science
 336 or learning customarily acquired by a prolonged course of
 337 specialized intellectual instruction and study in an institution
 338 of higher learning or a hospital, as distinguished from a
 339 general academic education, an apprenticeship, or training in
 340 the performance of routine mental or physical processes.

341 (b) Any employee who:

342 1. Has completed the course of specialized intellectual
 343 instruction and study described in subparagraph (a)4. ~~4. of~~
 344 ~~paragraph (a);~~ and

345 2. Is performing related work under supervision of a
 346 professional person to qualify to become a professional employee
 347 as defined in paragraph (a).

348 (16)~~(3)~~ "Public employee" means any person employed by a
 349 public employer except:

350 (a) Those persons appointed by the Governor or elected by

351 the people, agency heads, and members of boards and commissions.

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

354 (c) Those individuals acting as negotiating
 355 representatives for employer authorities.

356 (d) Those persons who are designated by the commission as
 357 managerial or confidential employees pursuant to criteria
 358 contained herein.

359 (e) Those persons holding positions of employment with the
 360 Florida Legislature.

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

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

- 366 1. Federal license requirement.
- 367 2. Federal autonomy regarding investigation and
 368 disciplining of appointees.
- 369 3. Frequent transfers due to harvesting conditions.

370 (h) Those persons employed by the Public Employees
 371 Relations Commission.

372 (i) Those persons enrolled as undergraduate students in a
 373 state university who perform part-time work for the state
 374 university.

375 (17)~~(2)~~ "Public employer" or "employer" means the state or

376 any county, municipality, or special district or any subdivision
377 or agency thereof which the commission determines has sufficient
378 legal distinctiveness properly to carry out the functions of a
379 public employer. With respect to all public employees determined
380 by the commission as properly belonging to a statewide
381 bargaining unit composed of State Career Service System
382 employees or Selected Professional Service employees, the
383 Governor is deemed to be the public employer; and the Board of
384 Governors of the State University System, or the board's
385 designee, is deemed to be the public employer with respect to
386 all public employees of each constituent state university. The
387 board of trustees of a community college is deemed to be the
388 public employer with respect to all employees of the community
389 college. The district school board is deemed to be the public
390 employer with respect to all employees of the school district.
391 The Board of Trustees of the Florida School for the Deaf and the
392 Blind is deemed to be the public employer with respect to the
393 academic and academic administrative personnel of the Florida
394 School for the Deaf and the Blind. The Board of Trustees of the
395 Florida School for Competitive Academics is deemed to be the
396 public employer with respect to the academic and academic
397 administrative personnel of the Florida School for Competitive
398 Academics. The Governor is deemed to be the public employer with
399 respect to all employees in the Correctional Education Program
400 of the Department of Corrections established pursuant to s.

401 944.801.

402 (18) "Public safety employee" means a public employee
 403 employed as a law enforcement officer, correctional officer, or
 404 correctional probation officer, as those terms are defined in s.
 405 943.10(1), (2), or (3), respectively; a firefighter as defined
 406 in s. 633.102(9); a 911 public safety telecommunicator as
 407 defined in s. 401.465(1)(a); or an emergency medical technician
 408 or paramedic, as those terms are defined in s. 401.23.

409 (19) "Representational employee organization activities"
 410 means those activities specified in paragraphs (9)(i)-(m).

411 (20) "Signature card" means a written statement by a
 412 public employee in a bargaining unit or proposed bargaining unit
 413 which does all of the following:

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

416 (b) Was signed and dated by the public employee not more
 417 than 12 months before the filing of the petition under s.
 418 447.307.

419 (c) Indicates the public employee's desire to be
 420 represented by the employee organization for purposes of
 421 collective bargaining or the public employee's desire to no
 422 longer be represented by the bargaining agent for purposes of
 423 collective bargaining.

424 (21)~~(6)~~ "Strike" means the concerted failure of employees
 425 to report for duty; the concerted absence of employees from

426 | their positions; the concerted stoppage of work by employees;
427 | the concerted submission of resignations by employees; the
428 | concerted abstinence in whole or in part by any group of
429 | employees from the full and faithful performance of the duties
430 | of employment with a public employer for the purpose of
431 | inducing, influencing, condoning, or coercing a change in the
432 | terms and conditions of employment or the rights, privileges, or
433 | obligations of public employment, or participating in a
434 | deliberate and concerted course of conduct which adversely
435 | affects the services of the public employer; the concerted
436 | failure of employees to report for work after the expiration of
437 | a collective bargaining agreement; and picketing in furtherance
438 | of a work stoppage. The term includes ~~"strike"~~ shall also mean
439 | any overt preparation, including, but not limited to, the
440 | establishment of strike funds with regard to the ~~above-listed~~
441 | activities listed in this subsection.

442 | (22) ~~(7)~~ "Strike funds" are any appropriations by an
443 | employee organization which are established to directly or
444 | indirectly aid any employee or employee organization to
445 | participate in a strike in the state.

446 | (23) ~~(18)~~ "Student representative" means the representative
447 | selected by each community college or university student
448 | government association. Each representative may be present at
449 | all negotiating sessions that take place between the appropriate
450 | public employer and a ~~an~~ exclusive bargaining agent. The

451 representative must be enrolled as a student with at least 8
 452 credit hours in the respective community college or university
 453 during his or her term as student representative.

454 **Section 6. Subsections (2) and (8) of section 447.205,**
 455 **Florida Statutes, are amended to read:**

456 447.205 Public Employees Relations Commission.—

457 (2) Notwithstanding any other provision of law, the chair
 458 must be paid an annual salary equal to the annual salary paid
 459 under state law to a circuit court judge. ~~and~~ The other
 460 commissioners must ~~shall~~ be paid annual salaries equal to 50
 461 percent of the annual salary paid to the chair ~~to be fixed by~~
 462 ~~law.~~ Such salaries must ~~shall~~ be paid in equal monthly
 463 installments. All commissioners must ~~shall~~ be reimbursed for
 464 expenses, as provided in s. 112.061.

465 (8) The commission shall have a seal for authentication of
 466 its orders and proceedings, upon which shall be inscribed the
 467 words "State of Florida-Public Employees Relations Commission-
 468 Seal," ~~"State of Florida-Employees Relations Commission-and~~
 469 which shall be judicially noticed.

470 **Section 7. Subsections (4), (6), and (12) of section**
 471 **447.207, Florida Statutes, are amended to read:**

472 447.207 Commission; powers and duties.—

473 (4) Any subpoena, notice of hearing, or other process or
 474 notice of the commission issued under ~~the provisions of this~~
 475 part must ~~shall~~ be served personally or by any method of service

476 that establishes proof of delivery ~~by certified mail. A return~~
477 ~~made and verified by the individual making such service and~~
478 ~~setting forth the manner of such service is proof of service,~~
479 ~~and a returned post office receipt, when certified mail is used,~~
480 ~~is proof of service. All process of any court to which~~
481 ~~application may be made under the provisions of this part shall~~
482 ~~be served in the county wherein the persons required to be~~
483 ~~served reside or may be found.~~

484 (6) Pursuant to its established procedures, the commission
485 shall resolve questions and controversies concerning claims for
486 recognition as the bargaining agent for a bargaining unit,
487 determine or approve units appropriate for purposes of
488 collective bargaining, expeditiously process charges of unfair
489 labor practices and violations of s. 447.505 by public
490 employees, and resolve such other questions and controversies as
491 it may be authorized herein to undertake. The petitioner,
492 charging party, respondent, and any intervenors shall be the
493 adversary parties before the commission in any adjudicatory
494 proceeding conducted pursuant to this part. Any commission
495 statement of general applicability that implements, interprets,
496 or prescribes law or policy, made in the course of adjudicating
497 a case ~~pursuant to s. 447.307 or s. 447.503~~ shall not constitute
498 a rule within the meaning of s. 120.52.

499 (12) Upon a petition by a public employer after it has
500 been notified by the Department of Labor that the public

501 employer's protective arrangement covering mass transit
502 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
503 and would jeopardize the public employer's continued eligibility
504 to receive Federal Transit Administration funding, the
505 commission may waive the application of this part, but only to
506 the extent necessary for the public employer to comply with ~~the~~
507 ~~requirements of 49 U.S.C. s. 5333(b), any of the following for~~
508 ~~an employee organization that has been certified as a bargaining~~
509 ~~agent to represent mass transit employees:~~

510 ~~(a) The prohibition on dues and assessment deductions~~
511 ~~provided in s. 447.303(1) as it applies to a mass transit~~
512 ~~employee who has provided a copy of his or her membership~~
513 ~~authorization form to the employer as part of the authorization~~
514 ~~of dues deduction under a waiver.~~

515 ~~(b) The requirement to petition the commission for~~
516 ~~recertification.~~

517 ~~(c) The revocation of certification provided in s.~~
518 ~~447.305(6) and (7).~~

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

521 447.301 Public employees' rights; organization and
522 representation.—

523 (1)

524 (b)1. A public employee who desires to be a member of an
525 employee organization must sign and date a membership

526 authorization form, as prescribed by the commission, and submit
527 the executed form to the bargaining agent.

528 2. The membership authorization form must identify the
529 name of the bargaining agent; the name of the employee; the
530 class code and class title of the employee; the name of the
531 public employer and employing agency, if applicable; the amount
532 of the membership initiation fee and of the monthly dues which
533 the public employee member must pay; and the names and amounts
534 disclosed under s. 447.305(2)(d) for the name and total amount
535 of salary, allowances, and other direct or indirect
536 disbursements, including reimbursements, paid to each of the
537 five highest compensated officers and employees receiving the
538 five highest total dollar amounts of the employee organization
539 disclosed under s. 447.305(2)(d).

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

542
543 As a public employee in the State of Florida, ~~is a right-to-work~~
544 ~~state.~~ membership or nonmembership non-membership in a labor
545 union is not required as a condition of employment., ~~and~~ Union
546 membership and payment of membership union dues and assessments
547 are voluntary. A public employee's ~~Each person has the right to~~
548 join and pay membership dues to a labor union or to refrain from
549 joining and paying membership dues to a labor union is protected
550 by both Florida's right-to-work law and the First Amendment of

551 the United States Constitution. A public employer may not
552 discriminate against a public. ~~No employee may be discriminated~~
553 ~~against in any manner~~ for joining and financially supporting, or
554 refusing to join and financially support, a labor union ~~or for~~
555 ~~refusing to join or financially support a labor union.~~

556 4. A public employee may revoke membership in the employee
557 organization at any time ~~of the year.~~ Within 30 days after ~~Upon~~
558 receipt of the public employee's written revocation of
559 membership, the employee organization must revoke the a public
560 employee's membership and cease collection of membership dues
561 from such public employee. The employee organization may not
562 limit a public ~~an~~ employee's right to revoke membership to
563 certain dates. If a public employee must complete a form to
564 revoke membership in the employee organization, the form may not
565 require a reason for the public employee's decision to revoke
566 his or her membership.

567 5. An employee organization must retain for inspection by
568 the commission such membership authorization forms and any
569 revocations.

570 6. This paragraph does not apply to public employees in
571 ~~members of~~ a bargaining unit in which the majority of the public
572 ~~whose employees~~ are public safety employees ~~eligible for~~
573 ~~representation are employed as law enforcement officers,~~
574 ~~correctional officers, or correctional probation officers as~~
575 ~~those terms are defined in s. 943.10(1), (2), or (3),~~

576 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
577 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
578 ~~emergency medical technicians or paramedics as defined in s.~~
579 ~~401.23.~~

580 7. The commission may adopt rules to implement this
581 paragraph.

582 (2) Public employees ~~shall~~ have the right to be
583 represented by any employee organization of their own choosing
584 and to negotiate collectively, through a ~~certified~~ bargaining
585 agent, with their public employer in the determination of the
586 terms and conditions of their employment. Public employees ~~shall~~
587 have the right to be represented in the determination of
588 grievances on all terms and conditions of their employment.
589 Public employees ~~shall~~ have the right to refrain from exercising
590 the right to be represented.

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

593 447.303 Membership dues; deduction and collection.—

594 (1) Except as authorized in subsection (2) or subject to a
595 waiver of the prohibition on membership dues deduction granted
596 pursuant to s. 447.207(12), a public employer may not engage in
597 membership dues deduction on behalf of s. 447.207(12)(a), an
598 employee organization ~~that has been certified as a bargaining~~
599 ~~agent may not have its dues and uniform assessments deducted and~~
600 ~~collected by the employer from the salaries of those employees~~

601 ~~in the unit.~~ A public employee may pay membership dues and
602 ~~uniform assessments~~ directly to an the employee organization
603 ~~that has been certified as the bargaining agent.~~

604 (2) (a) Upon the written authorization of a public employee
605 in a bargaining unit in which the majority of the public
606 employees are public safety employees, the public employer must
607 engage in membership dues deduction for such public employee. A
608 public employee may revoke his or her authorization for
609 membership dues deduction upon providing 30 days' written notice
610 to the public employer and bargaining agent ~~An employee~~
611 ~~organization that has been certified as a bargaining agent to~~
612 ~~represent a bargaining unit the majority of whose employees~~
613 ~~eligible for representation are employed as law enforcement~~
614 ~~officers, correctional officers, or correctional probation~~
615 ~~officers as those terms are defined in s. 943.10(1), (2), or~~
616 ~~(3), respectively; firefighters as defined in s. 633.102; 911~~
617 ~~public safety telecommunicators as defined in s. 401.465(1)(a);~~
618 ~~or emergency medical technicians or paramedics as defined in s.~~
619 ~~401.23 has the right to have its dues and uniform assessments~~
620 ~~for that bargaining unit deducted and collected by the employer~~
621 ~~from the salaries of those employees who authorize the deduction~~
622 ~~and collection of said dues and uniform assessments. However,~~
623 ~~such authorization is revocable at the employee's request upon~~
624 ~~30 days' written notice to the employer and employee~~
625 ~~organization. Said deductions shall commence upon the bargaining~~

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626 ~~agent's written request to the employer.~~

627 (b) Reasonable costs to the public employer of engaging in
628 membership dues ~~said~~ deductions is a proper subject of
629 collective bargaining.

630 (c) The requirement to engage in membership dues
631 deductions ~~Such right to deduction~~, unless revoked under s.
632 447.507, is in force as ~~for so~~ long as the ~~employee organization~~
633 ~~remains the certified~~ bargaining agent remains certified to
634 represent ~~for~~ the public employees in the bargaining unit.

635 **Section 10. Section 447.305, Florida Statutes, is amended**
636 **to read:**

637 447.305 Registration of employee organizations
638 ~~organization.~~-

639 (1) Every employee organization seeking to become a
640 ~~certified~~ bargaining agent for public employees shall register
641 with the commission before ~~pursuant to the procedures set forth~~
642 ~~in s. 120.60 prior to requesting recognition by a public~~
643 ~~employer for purposes of collective bargaining and prior to~~
644 ~~submitting a~~ representation petition ~~to the commission~~
645 ~~requesting certification as an exclusive bargaining agent.~~
646 ~~Further,~~ If an ~~such~~ employee organization is not registered, it
647 may not participate in a representation hearing, participate in
648 a certification or recertification ~~representation~~ election, or
649 be certified as a ~~an~~ exclusive bargaining agent. The application
650 for registration required by this section must ~~shall~~ be under

651 oath, ~~and~~ in such form as the commission may prescribe, and
652 ~~shall~~ include all of the following:

653 (a) The name and address of the organization and ~~of any~~
654 parent organization or affiliate of the employee organization
655 ~~with which it is affiliated~~.

656 (b) The names and addresses of the principal officers and
657 all representatives of the organization.

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

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

664 (e) The name of its business agent, if any; if different
665 from the business agent, the name of its local agent for service
666 of process; and the addresses where such person or persons can
667 be reached.

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

672 (g) A copy of the current constitution and bylaws of the
673 employee organization.

674 (h) A copy of the current constitution and bylaws of the
675 state and national groups with which the employee organization

676 is affiliated or associated. In lieu of this provision, and upon
677 adoption of a rule by the commission, a state or national
678 affiliate or parent organization of any registering employee
679 ~~labor~~ organization may annually submit a copy of its current
680 constitution and bylaws.

681 (2) A registration granted to an employee organization
682 pursuant to this section runs for 1 year after ~~from~~ the date of
683 issuance. A registration must be renewed annually by filing an
684 application for renewal under oath with the commission, which
685 application must reflect any changes in the information provided
686 to the commission in conjunction with the employee
687 organization's preceding application for registration or
688 previous renewal, whichever is applicable. Each application for
689 renewal of registration must include a current annual financial
690 statement, prepared by an independent certified public
691 accountant licensed under chapter 473 and signed by the employee
692 organization's president and treasurer or corresponding
693 principal officers, containing the following information in such
694 detail as may be necessary to accurately ~~to~~ disclose its
695 financial condition and operations for its preceding fiscal year
696 and in all of the following ~~such~~ categories as prescribed by the
697 commission ~~may prescribe~~:

698 (a) Assets and liabilities at the beginning and end of the
699 fiscal year.†

700 (b) Receipts of any kind and the sources thereof.†

701 (c) Disbursements by category.~~†~~

702 (d) Salary, wages, fringe benefits, allowances, and other

703 direct or indirect disbursements, including reimbursed expenses,

704 paid or accruing to each officer and also to each employee who,

705 during such fiscal year, received more than \$10,000 in the

706 aggregate from such employee organization and any parent

707 organization of the ~~other~~ employee organization or any affiliate

708 of either the employee organization or the parent organization.

709 This paragraph requires reporting of any reimbursements paid by

710 the employee organization to a public employer for monies paid

711 by the public employer to an officer or an employee. affiliated

712 ~~with it or with which it is affiliated or which is affiliated~~

713 ~~with the same national or international employee organization;~~

714 (e) Direct and indirect loans made to any officer,

715 employee, or member which aggregated more than \$250 during the

716 fiscal year, together with a statement of the purpose, security,

717 if any, and arrangements for repayment.~~†~~ and

718 (f) Direct and indirect loans to any business enterprise,

719 together with a statement of the purpose, security, if any, and

720 arrangements for repayment.

721 (3) As part of its application for renewal of

722 registration, a ~~In addition to subsection (2), an employee~~

723 ~~organization that has been certified as the bargaining agent for~~

724 ~~public employees~~ must include all of ~~for each such certified~~

725 ~~bargaining unit~~ the following additional information and

726 | ~~documentation as of the 30th day immediately preceding the date~~
727 | ~~upon which its current registration is scheduled to end for any~~
728 | ~~renewal of registration on or after October 1, 2023:~~

729 | (a) For each bargaining unit for which the bargaining
730 | agent is certified, the certification number assigned to the
731 | bargaining unit by the commission.

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

736 | (c) For each certification, the number of public employees
737 | in the bargaining unit who paid full membership dues sufficient
738 | to maintain membership in good standing in the bargaining unit
739 | as of the last business day of the second full calendar month
740 | preceding the date upon which the bargaining agent's current
741 | registration is scheduled to end.

742 | (d) For each certification, who are eligible for
743 | representation by the employee organization.

744 | ~~(b)~~ the number of public employees in the bargaining unit
745 | who have submitted signed membership authorization forms without
746 | a subsequent revocation of such membership.

747 | ~~(c)~~ The number of employees in the bargaining unit who
748 | ~~paid dues to the employee organization.~~

749 | ~~(d)~~ The number of employees in the bargaining unit who did
750 | ~~not pay dues to the employee organization.~~

751 (e) Documentation from ~~provided by~~ an independent
752 certified public accountant ~~retained by the employee~~
753 ~~organization~~ which verifies the information provided in
754 paragraphs (b), (c), and (d) ~~paragraphs (a)-(d)~~.

755 (4) Within 30 days after filing an application for renewal
756 of registration with the commission, the employee organization
757 must provide a copy of its application ~~for renewal of~~
758 ~~registration relating to a public employer's employees~~ to the
759 public employer and public employees of each bargaining unit for
760 which the employee organization is the bargaining agent ~~on the~~
761 ~~same day the application is submitted to the commission.~~

762 (5) ~~An application for renewal of registration is~~
763 ~~incomplete and is not eligible for consideration by~~ The
764 commission must notify the bargaining agent ~~if it does not~~
765 ~~include all of the information and documentation required in~~
766 subsection (3) is incomplete. Upon notification that the
767 required information or documentation is incomplete, the
768 bargaining agent must provide the missing information or
769 documentation to the commission within 30 days after such
770 notification. If the bargaining agent fails to provide the
771 missing information or documentation within 30 days after
772 notification, the commission must dismiss the application. ~~The~~
773 ~~commission shall notify the employee organization if the~~
774 ~~application is incomplete. An incomplete application must be~~
775 ~~dismissed if the required information and documentation are not~~

776 ~~provided within 10 days after the employee organization receives~~
777 ~~such notice.~~

778 (6) The commission must notify the bargaining agent if the
779 information and documentation required in subsection (3) is
780 complete. Within 30 days after such notification, the bargaining
781 agent must petition for recertification pursuant to s. 447.307
782 for each of its bargaining units ~~Notwithstanding the provisions~~
783 ~~of this chapter relating to collective bargaining, an employee~~
784 ~~organization certified as a bargaining agent to represent a~~
785 ~~bargaining unit~~ for which less than 60 percent of the public
786 unit employees in the bargaining unit have submitted membership
787 authorization forms without subsequent revocation and paid
788 membership dues to the organization, as reported in subsection
789 (3) during its last registration period must petition the
790 commission pursuant to s. 447.307(2) and (3) for recertification
791 ~~as the exclusive representative of all employees in the~~
792 ~~bargaining unit within 30 days after the date on which the~~
793 ~~employee organization applies for renewal of registration~~
794 ~~pursuant to subsection (2). The certification of an employee~~
795 ~~organization that does not comply with this section is revoked.~~

796 (7) If a ~~The~~ public employer or a public employee of a
797 bargaining unit represented by a bargaining agent believes that
798 the bargaining agent's ~~employee may challenge an employee~~
799 ~~organization's~~ application for renewal of registration is
800 materially inaccurate, if the public employer or public

801 ~~bargaining unit~~ employee may challenge ~~believes that~~ the
802 application as materially is inaccurate during the pendency of
803 the application or, if the registration renewal has been
804 granted, before the date upon which the bargaining agent's
805 current registration is scheduled to end. If a challenge is
806 filed, ~~the~~ commission or one of its designated agents shall
807 conduct an investigation pursuant to subsection (8) ~~review the~~
808 ~~application to determine its accuracy and compliance with this~~
809 ~~section. If the commission finds that the application is~~
810 ~~inaccurate or does not comply with this section, the commission~~
811 ~~shall revoke the registration and certification of the employee~~
812 ~~organization.~~

813 (8) The commission or one of its designated agents may
814 conduct an investigation to confirm the validity of any
815 information submitted pursuant to this section. The commission
816 may revoke or deny an employee organization's registration or
817 certification if it finds that the employee organization:

818 (a) Failed to cooperate with the investigation conducted
819 pursuant to this subsection, including refusal to permit the
820 commission or one of its designated agents to inspect membership
821 authorization forms or revocations pursuant to s.
822 447.301(1)(b)5.; or

823 (b) Intentionally misrepresented the information it
824 submitted pursuant to this section.

825

826 ~~A decision issued by the commission pursuant to this subsection~~
827 ~~is a final agency action that is reviewable pursuant to s.~~
828 ~~447.504.~~

829 (9) An employee organization is exempt from the
830 requirements of subsections (3)-(8) and subsection (12) for each
831 bargaining unit in which the majority of the public employees
832 are public safety employees only with respect to the
833 ~~circumstances of each bargaining unit the majority of whose~~
834 ~~employees eligible for representation are employed as law~~
835 ~~enforcement officers, correctional officers, or correctional~~
836 ~~probation officers as those terms are defined in s. 943.10(1),~~
837 ~~(2), or (3), respectively; firefighters as defined in s.~~
838 ~~633.102; 911 public safety telecommunicators as defined in s.~~
839 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
840 ~~defined in s. 401.23.~~

841 (10) A registration fee must ~~shall~~ accompany each
842 application for registration or renewal of registration filed
843 with the commission. The registration fee may amount charged for
844 ~~an application for registration or renewal of registration shall~~
845 not exceed \$15. All such money collected by the commission shall
846 be deposited in the General Revenue Fund.

847 (11) Every employee organization shall keep accurate
848 accounts of its income and expenses, which accounts must ~~shall~~
849 be open for inspection at a reasonable time and place ~~all~~
850 ~~reasonable times~~ by any member of the organization or by the

851 commission.

852 (12) The certification of an employee organization that
853 does not comply with this section is revoked. An employee
854 organization that has its certification revoked under this
855 subsection may not file a petition for certification under s.
856 447.307 that covers any of the public employees in the
857 bargaining unit described in the revoked certification for at
858 least 12 months after the date the certification was revoked.

859 (13) A decision issued by the commission under this
860 section that revokes a certification, revokes a registration, or
861 grants, denies, or dismisses an application for registration or
862 renewal of registration is a final agency action that is
863 reviewable pursuant to s. 447.504 ~~In addition, each employee~~
864 ~~organization that has been certified as a bargaining agent must~~
865 ~~provide to its members an annual financial report prepared by an~~
866 ~~independent certified public accountant licensed under chapter~~
867 ~~473 that includes a detailed breakdown of revenues and~~
868 ~~expenditures in such categories as the commission may prescribe,~~
869 ~~and an accounting of membership dues and assessments. The~~
870 ~~employee organization must notify its members annually of all~~
871 ~~costs of membership.~~

872 **Section 11. Section 447.307, Florida Statutes, is amended**
873 **to read:**

874 447.307 Certification, recertification, and
875 decertification of employee organizations ~~organization.~~

876 (1) An employee organization seeking certification as a
877 bargaining agent, an employee organization seeking
878 recertification as a bargaining agent, or a public employee or
879 group of public employees seeking to decertify a bargaining
880 agent must file a petition with the commission accompanied by
881 signature cards from at least 30 percent of the public employees
882 in the proposed or existing bargaining unit. A

883 ~~(1) (a) Any employee organization which is designated or~~
884 ~~selected by a majority of public employees in an appropriate~~
885 ~~unit as their representative for purposes of collective~~
886 ~~bargaining shall request recognition by the public employer. The~~
887 ~~public employer shall, if satisfied as to the majority status of~~
888 ~~the employee organization and the appropriateness of the~~
889 ~~proposed unit, recognize the employee organization as the~~
890 ~~collective bargaining representative of employees in the~~
891 ~~designated unit. Upon recognition by a public employer, the~~
892 ~~employee organization shall immediately petition the commission~~
893 ~~for certification. The commission shall review only the~~
894 ~~appropriateness of the unit proposed by the employee~~
895 ~~organization. If the unit is appropriate according to the~~
896 ~~criteria used in this part, the commission shall immediately~~
897 ~~certify the employee organization as the exclusive~~
898 ~~representative of all employees in the unit. If the unit is~~
899 ~~inappropriate according to the criteria used in this part, the~~
900 ~~commission may dismiss the petition.~~

901 ~~(b) Whenever a public employer recognizes an employee~~
902 ~~organization on the basis of majority status and on the basis of~~
903 ~~appropriateness in accordance with subparagraph (4)(f)5. of this~~
904 ~~section, the commission shall, in the absence of inclusion of a~~
905 ~~prohibited category of employees or violation of s. 447.501,~~
906 ~~certify the proposed unit.~~

907 ~~(2) If the public employer refuses to recognize the~~
908 ~~employee organization, the employee organization may file a~~
909 ~~petition with the commission for certification as the bargaining~~
910 ~~agent for a proposed bargaining unit. The petition shall be~~
911 ~~accompanied by dated statements signed by at least 30 percent of~~
912 ~~the employees in the proposed unit, indicating that such~~
913 ~~employees desire to be represented for purposes of collective~~
914 ~~bargaining by the petitioning employee organization. Once a~~
915 ~~petition for certification has been filed by an employee~~
916 ~~organization, any registered employee organization desiring~~
917 ~~placement on the ballot in any certification or recertification~~
918 ~~election to be conducted pursuant to this section may be~~
919 ~~permitted by the commission to intervene in the proceeding upon~~
920 ~~a motion accompanied by signature cards from dated statements~~
921 ~~signed by at least 10 percent of the employees in the proposed~~
922 ~~or existing bargaining unit. Signature cards, indicating that~~
923 ~~such employees desire to be represented for the purposes of~~
924 ~~collective bargaining by the moving employee organization. The~~
925 ~~petitions and dated statements signed by the employees are~~

926 confidential and exempt from ~~the provisions of~~ s. 119.07(1),
927 except that any employee, employer, or employee organization
928 having sufficient reason to believe any of the signature cards
929 ~~employee signatures~~ were obtained by collusion, coercion,
930 intimidation, or misrepresentation or are otherwise invalid
931 shall be given a reasonable opportunity to verify and challenge
932 the signature card ~~signatures appearing on the petition.~~

933 (2) (a) A petition for certification seeking to represent
934 any proposed or existing bargaining unit may not be filed within
935 12 months after the date the commission issues an order that
936 verifies the results of a certification election covering any of
937 the public employees of the proposed or existing bargaining
938 unit.

939 (b) A petition for decertification seeking to decertify
940 the bargaining agent for an existing bargaining unit may not be
941 filed within 12 months after the date the commission issues an
942 order that verifies the results of a decertification election
943 for that bargaining unit.

944 (c) If a valid collective bargaining agreement covering
945 any of the public employees in a proposed or existing bargaining
946 unit is in effect, a petition for certification or
947 decertification may only be filed with the commission at least
948 90 but not more than 150 days immediately preceding the
949 expiration date of the collective bargaining agreement, or at
950 any time subsequent to such agreement's expiration date but

951 before the effective date of a new collective bargaining
952 agreement. The effective date of a collective bargaining
953 agreement means the date of ratification of such agreement by
954 both parties, if such agreement becomes effective immediately or
955 retroactively, or the collective bargaining agreement's actual
956 effective date, if such agreement becomes effective after its
957 ratification date.

958 (3)~~(a)~~ The commission or one of its designated agents
959 shall investigate a certification, recertification, or
960 decertification ~~the~~ petition to determine its sufficiency. ~~If~~
961 ~~it has reasonable cause to believe that the petition is~~
962 ~~sufficient, the commission shall provide for an appropriate~~
963 ~~hearing upon due notice. Such a hearing may be conducted by an~~
964 ~~agent of the commission. If the commission finds that the~~
965 ~~petition is to be insufficient, the commission must it may~~
966 ~~dismiss the petition. If the commission finds upon the record of~~
967 ~~the hearing that the petition is sufficient, the commission must~~
968 ~~it shall immediately:~~

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

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

975 (c)3. Order an election by secret ballot, the cost of said

976 election and any required runoff election to be borne equally by
977 the parties, except as the commission may provide by rule. The
978 commission's order assessing costs of an election may be
979 enforced pursuant to ~~the provisions of~~ this part.

980 (4) (a) Except as provided in paragraph (b), elections are
981 determined as follows for all petitions for certification,
982 recertification, or decertification filed on or after July 1,
983 2025:

984 1. In certification elections, if

985 ~~(b) When~~ an employee organization is selected by a
986 majority vote of the public employees in the bargaining unit
987 ~~voting in an election~~, the commission shall certify the employee
988 organization as the ~~exclusive collective~~ bargaining agent for
989 the public representative of all employees in the bargaining
990 unit. If there is more than one employee organization on the
991 ballot and Certification is effective upon the issuance of the
992 final order by the commission or, if the final order is
993 appealed, at the time the appeal is exhausted or any stay is
994 vacated by the commission or the court.

995 ~~(c) In any election in which~~ none of the choices on the
996 ballot receives ~~the vote of~~ a majority vote of the public
997 employees in the bargaining unit voting, a runoff election shall
998 be held according to rules adopted ~~promulgated~~ by the
999 commission.

1000 2. In decertification elections, if a majority of the

1001 public employees in the bargaining unit votes in favor of
1002 decertification, the commission shall revoke the bargaining
1003 agent's certification for that bargaining unit. If a majority of
1004 the public employees in the bargaining unit does not vote in
1005 favor of decertification, the bargaining agent shall retain its
1006 certification for that bargaining unit.

1007 3. In recertification elections, if a majority of the
1008 public employees in the bargaining unit votes in favor of
1009 recertification, the bargaining agent shall retain its
1010 certification for that bargaining unit. If a majority of the
1011 public employees in the bargaining unit does not vote in favor
1012 of recertification, the commission shall revoke the bargaining
1013 agent's certification for that bargaining unit. If a majority of
1014 the public employees in the bargaining unit votes in favor of an
1015 employee organization that has intervened in the proceeding
1016 pursuant to this section, the commission shall certify such
1017 employee organization as the bargaining agent for the public
1018 employees in the bargaining unit. If there is more than one
1019 employee organization on the ballot and none of the choices on
1020 the ballot receives a majority vote of the public employees in
1021 the bargaining unit, a runoff election shall be held according
1022 to rules adopted by the commission. An employee organization
1023 that has its certification revoked under this subparagraph may
1024 not file a petition for certification that covers any of the
1025 public employees in the bargaining unit described in the revoked

1026 certification for at least 12 months after the date the
1027 certification was revoked.

1028 (b) With respect to bargaining units in which the majority
1029 of the public employees are public safety employees, elections
1030 are determined as follows for all petitions for certification or
1031 decertification:

1032 1. In certification elections, if an employee organization
1033 is selected by a majority vote of the public employees voting in
1034 the election, the commission shall certify the employee
1035 organization as the bargaining agent for the public employees in
1036 the bargaining unit. If there is more than one employee
1037 organization on the ballot and none of the choices on the ballot
1038 receives a majority vote of the public employees voting in the
1039 election, a runoff election shall be held according to rules
1040 adopted by the commission.

1041 2. In decertification elections, if a majority of the
1042 public employees voting in the election votes in favor of
1043 decertification, the commission shall revoke the bargaining
1044 agent's certification for that bargaining unit. If a majority of
1045 the public employees does not vote in favor of decertification,
1046 the bargaining agent shall retain its certification for that
1047 bargaining unit.

1048 (c) Certification, recertification, or revocation under
1049 this section is effective upon the commission issuing a final
1050 order or, if the final order is appealed, at the time the appeal

1051 is exhausted or any stay is vacated by the commission or a
1052 court.

1053 ~~(d) No petition may be filed seeking an election in any~~
1054 ~~proposed or existing appropriate bargaining unit to determine~~
1055 ~~the exclusive bargaining agent within 12 months after the date~~
1056 ~~of a commission order verifying a representation election or, if~~
1057 ~~an employee organization prevails, within 12 months after the~~
1058 ~~date of an effective certification covering any of the employees~~
1059 ~~in the proposed or existing bargaining unit. Furthermore, if a~~
1060 ~~valid collective bargaining agreement covering any of the~~
1061 ~~employees in a proposed unit is in effect, a petition for~~
1062 ~~certification may be filed with the commission only during the~~
1063 ~~period extending from 150 days to 90 days immediately preceding~~
1064 ~~the expiration date of that agreement, or at any time subsequent~~
1065 ~~to its expiration date but prior to the effective date of any~~
1066 ~~new agreement. The effective date of a collective bargaining~~
1067 ~~agreement means the date of ratification by both parties, if the~~
1068 ~~agreement becomes effective immediately or retroactively; or its~~
1069 ~~actual effective date, if the agreement becomes effective after~~
1070 ~~its ratification date.~~

1071 (5)(4) In defining a proposed bargaining unit, the
1072 commission shall take into consideration:

1073 (a) The principles of efficient administration of
1074 government.

1075 (b) The number of employee organizations with which the

1076 | employer might have to negotiate.

1077 | (c) The compatibility of the unit with the joint
1078 | responsibilities of the public employer and public employees to
1079 | represent the public.

1080 | (d) The power of the officials of government at the level
1081 | of the unit to agree, or make effective recommendations to
1082 | another administrative authority or to a legislative body, with
1083 | respect to matters of employment upon which the employee desires
1084 | to negotiate.

1085 | (e) The organizational structure of the public employer.

1086 | (f) Community of interest among the employees to be
1087 | included in the unit, considering:

1088 | 1. The manner in which wages and other terms of employment
1089 | are determined.

1090 | 2. The method by which jobs and salary classifications are
1091 | determined.

1092 | 3. The interdependence of jobs and interchange of
1093 | employees.

1094 | 4. The desires of the employees.

1095 | 5. The history of employee relations within the
1096 | organization of the public employer concerning organization and
1097 | negotiation and the interest of the employees and the employer
1098 | in the continuation of a traditional, workable, and accepted
1099 | negotiation relationship.

1100 | (g) The statutory authority of the public employer to

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1101 administer a classification and pay plan.

1102 (h) Such other factors and policies as the commission may
1103 deem appropriate.

1104

1105 However, a bargaining ~~ne~~ unit may not ~~shall~~ be established or
1106 approved for purposes of collective bargaining which includes
1107 both professional and nonprofessional employees unless a
1108 majority of each group votes for inclusion in such bargaining
1109 unit.

1110 **Section 12.** Section 447.308, Florida Statutes, is
1111 repealed.

1112 **Section 13. Subsections (4) and (5) of section 447.309,**
1113 **Florida Statutes, are renumbered as subsections (3) and (4),**
1114 **respectively, and present subsections (1), (3), and (5) of that**
1115 **section are amended to read:**

1116 447.309 Collective bargaining; approval or rejection.—

1117 (1) After an employee organization has been certified as
1118 the bargaining agent of a bargaining unit pursuant to ~~the~~
1119 ~~provisions of~~ this part, the bargaining agent ~~for the~~
1120 ~~organization~~ and the chief executive officer of the appropriate
1121 public employer or employers, jointly, shall bargain
1122 collectively in the determination of the wages, hours, and terms
1123 and conditions of employment of the public employees within the
1124 bargaining unit. The chief executive officer or his or her
1125 representative and the bargaining agent or its representative

1126 shall meet at reasonable times and bargain in good faith. In
1127 conducting negotiations with the bargaining agent, the chief
1128 executive officer or his or her representative shall consult
1129 with, and attempt to represent the views of, the legislative
1130 body of the public employer. Any collective bargaining agreement
1131 reached by the negotiators shall be reduced to writing, and such
1132 agreement shall be signed by the chief executive officer and the
1133 bargaining agent. Any agreement signed by the chief executive
1134 officer and the bargaining agent is ~~shall~~ not be binding on the
1135 public employer until such agreement has been ratified by the
1136 public employer and the ~~by~~ public employees in ~~who are members~~
1137 ~~of~~ the bargaining unit, subject to subsection (2) ~~the provisions~~
1138 ~~of subsections (2) and (3)~~. However, with respect to statewide
1139 bargaining units, any agreement signed by the Governor and the
1140 bargaining agent for such a bargaining unit is ~~shall~~ not be
1141 binding until approved by the public employees in ~~who are~~
1142 ~~members of~~ the bargaining unit, subject to subsection (2) ~~the~~
1143 ~~provisions of subsections (2) and (3)~~.

1144 ~~(3) If any provision of a collective bargaining agreement~~
1145 ~~is in conflict with any law, ordinance, rule, or regulation over~~
1146 ~~which the chief executive officer has no amendatory power, the~~
1147 ~~chief executive officer shall submit to the appropriate~~
1148 ~~governmental body having amendatory power a proposed amendment~~
1149 ~~to such law, ordinance, rule, or regulation. Unless and until~~
1150 ~~such amendment is enacted or adopted and becomes effective, the~~

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1151 ~~conflicting provision of the collective bargaining agreement~~
1152 ~~shall not become effective.~~

1153 ~~(4)-(5) A~~ Any collective bargaining agreement may ~~shall~~ not
1154 provide for a term of existence of more than 3 years and must
1155 ~~shall~~ contain all of the terms and conditions of employment
1156 negotiated by the bargaining agent and the public employer and
1157 all of the disputed impasse issues resolved by the legislative
1158 body's action taken pursuant to s. 447.403 of the employees in
1159 ~~the bargaining unit during such term except those terms and~~
1160 ~~conditions provided for in applicable merit and civil service~~
1161 ~~rules and regulations.~~

1162 **Section 14. Section 447.401, Florida Statutes, is amended**
1163 **to read:**

1164 447.401 Grievance procedures.—Each public employer and
1165 bargaining agent shall negotiate a grievance procedure to be
1166 used for the settlement of disputes between a public employer
1167 and a public employee, or a group of public employees, involving
1168 the interpretation or application of a collective bargaining
1169 agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its
1170 terminal step a final and binding disposition by an impartial
1171 neutral, mutually selected by the parties; however, when the
1172 issue under appeal is an allegation of abuse, abandonment, or
1173 neglect of a child by a public ~~an~~ employee under s. 39.201 or an
1174 allegation of abuse, neglect, or exploitation of a vulnerable
1175 adult by a public employee under s. 415.1034, the grievance may

1176 not be decided until such allegation ~~the abuse, abandonment, or~~
 1177 ~~neglect of a child~~ has been judicially determined. However, an
 1178 arbitrator ~~arbiter~~ or other neutral may ~~shall~~ not have the power
 1179 ~~to~~ add to, subtract from, modify, or alter the terms of a
 1180 collective bargaining agreement. If an employee organization is
 1181 certified as the bargaining agent of a bargaining unit, the
 1182 grievance procedure then in existence may be the subject of
 1183 collective bargaining, and any agreement which is reached shall
 1184 supersede the previously existing procedure. All public
 1185 employees ~~shall~~ have the right to a fair and equitable grievance
 1186 procedure administered without regard to membership or
 1187 nonmembership in any employee organization, except that
 1188 bargaining agents may ~~certified employee organizations shall~~ not
 1189 be required to process grievances for public employees who are
 1190 not members of the employee organization. A public career
 1191 ~~service~~ employee may utilize ~~shall have the option of utilizing~~
 1192 the civil service appeal procedure, an unfair labor practice
 1193 procedure, or a grievance procedure established under this
 1194 section, but may not avail ~~such employee is precluded from~~
 1195 ~~availing~~ himself or herself of ~~to~~ more than one of these
 1196 procedures.

1197 **Section 15. Subsections (1), (3), and (4) of section**
 1198 **447.403, Florida Statutes, are amended to read:**

1199 447.403 Resolution of impasses.—

1200 (1) If, after a reasonable period of negotiation

1201 concerning the terms and conditions of employment to be
 1202 incorporated in a collective bargaining agreement, a dispute
 1203 exists between a public employer and a bargaining agent, either
 1204 party may declare an impasse by providing written notification
 1205 ~~shall be deemed to have occurred when one of the parties so~~
 1206 ~~declares in writing~~ to the other party and to the commission.
 1207 When an impasse occurs, the public employer or the bargaining
 1208 agent, or both parties acting jointly, may appoint, or secure
 1209 the appointment of, a mediator to assist in the resolution of
 1210 the impasse. If the Governor is the public employer, a ~~ne~~
 1211 mediator may not ~~shall~~ be appointed.

1212 (3) The special magistrate shall hold hearings in order to
 1213 define the area or areas of dispute, to determine facts relating
 1214 to the dispute, and to render a decision on any and all
 1215 unresolved contract issues. The hearings must ~~shall~~ be held at
 1216 times, dates, and places to be established by the special
 1217 magistrate in accordance with rules adopted ~~promulgated~~ by the
 1218 commission. The special magistrate may ~~shall be empowered to~~
 1219 administer oaths and issue subpoenas on behalf of the parties to
 1220 the dispute or on his or her own behalf. Within 15 calendar days
 1221 after the close of the final hearing, the special magistrate
 1222 shall transmit his or her recommended decision to the commission
 1223 and to the representatives of both parties by any method of
 1224 service that establishes proof of delivery ~~registered mail,~~
 1225 ~~return receipt requested~~. Such recommended decision must ~~shall~~

1226 be discussed by the parties, and each recommendation of the
1227 special magistrate is ~~shall be~~ deemed approved by both parties
1228 unless specifically rejected by either party by written notice
1229 filed with the commission within 20 calendar days after the date
1230 the party received the special magistrate's recommended
1231 decision. The written notice must ~~shall~~ include a statement of
1232 the cause for each rejection and ~~shall~~ be served upon the other
1233 party.

1234 (4) If either the public employer or the bargaining agent
1235 ~~employee organization~~ does not accept, in whole or in part, the
1236 recommended decision of the special magistrate, all of the
1237 following procedures apply:

1238 (a) The chief executive officer of the governmental entity
1239 involved shall, within 10 days after rejection of a
1240 recommendation of the special magistrate, submit to the
1241 legislative body of the governmental entity involved a copy of
1242 the findings of fact and recommended decision of the special
1243 magistrate, together with the chief executive officer's
1244 recommendations for settling the disputed impasse issues. The
1245 chief executive officer shall also transmit his or her
1246 recommendations to the bargaining agent. ~~employee organization;~~

1247 (b) The bargaining agent ~~employee organization~~ shall
1248 submit its recommendations for settling the disputed impasse
1249 issues to such legislative body and to the chief executive
1250 officer. ~~†~~

1251 (c) The legislative body or its a duly authorized
 1252 committee ~~thereof~~ shall ~~forthwith~~ conduct a public hearing at
 1253 which the parties must ~~shall be required to~~ explain their
 1254 positions with respect to the rejected recommendations of the
 1255 special magistrate.~~†~~

1256 (d) Thereafter, the legislative body shall take such
 1257 action as it deems to be in the public interest, including the
 1258 interest of the public employees involved, to resolve all
 1259 disputed impasse issues.~~†~~ ~~and~~

1260 (e) Following the resolution of the disputed impasse
 1261 issues by the legislative body, the parties shall reduce to
 1262 writing an agreement which includes those issues agreed to by
 1263 the parties and those disputed impasse issues resolved by the
 1264 legislative body's action taken pursuant to paragraph (d). The
 1265 agreement must ~~shall~~ be signed by the chief executive officer
 1266 and the bargaining agent and ~~shall be~~ submitted to the public
 1267 employer and ~~to~~ the public employees in ~~who are members of~~ the
 1268 bargaining unit for ratification. If such agreement is not
 1269 ratified by all parties, pursuant to ~~the provisions of~~ s.
 1270 447.309, the legislative body's action taken pursuant to ~~the~~
 1271 ~~provisions of~~ paragraph (d) shall take effect as of the date of
 1272 such legislative body's action for the remainder of the first
 1273 fiscal year which was the subject of negotiations; however, the
 1274 legislative body's action may ~~shall~~ not take effect with respect
 1275 to those disputed impasse issues which establish the language of

1276 contractual provisions which could have no effect in the absence
 1277 of a ratified agreement, including, but not limited to,
 1278 preambles, recognition clauses, and duration clauses.

1279 **Section 16. Section 447.405, Florida Statutes, is amended**
 1280 **to read:**

1281 447.405 Factors to be considered by the special
 1282 magistrate.—The special magistrate shall conduct the hearings
 1283 and render recommended decisions with the objective of achieving
 1284 a prompt, peaceful, and just settlement of disputes between the
 1285 bargaining agents ~~public employee organizations~~ and the public
 1286 employers. The factors, among others, to be given weight by the
 1287 special magistrate in arriving at a recommended decision must
 1288 ~~shall~~ include:

1289 (1) Comparison of the annual income of employment of the
 1290 public employees in question with the annual income of
 1291 employment maintained for the same or similar work of employees
 1292 exhibiting like or similar skills under the same or similar
 1293 working conditions in the local operating area involved.

1294 (2) Comparison of the annual income of employment of the
 1295 public employees in question with the annual income of
 1296 employment of public employees in similar public employee
 1297 governmental bodies of comparable size within this ~~the~~ state.

1298 (3) The interest and welfare of the public.

1299 (4) Comparison of peculiarities of employment in regard to
 1300 other trades or professions, specifically with respect to:

- 1301 (a) Hazards of employment.
- 1302 (b) Physical qualifications.
- 1303 (c) Educational qualifications.
- 1304 (d) Intellectual qualifications.
- 1305 (e) Job training and skills.
- 1306 (f) Retirement plans.
- 1307 (g) Sick leave.
- 1308 (h) Job security.
- 1309 (5) Availability of funds.

1310 **Section 17. Paragraphs (c) and (f) of subsection (1) and**
 1311 **subsection (2) of section 447.501, Florida Statutes, are amended**
 1312 **to read:**

1313 447.501 Unfair labor practices.—

1314 (1) Public employers or their agents or representatives
 1315 are prohibited from:

1316 (c) Refusing to bargain collectively, failing to bargain
 1317 collectively in good faith, or refusing to sign a final
 1318 agreement agreed upon with the ~~certified~~ bargaining agent for
 1319 the public employees in the bargaining unit.

1320 (f) Refusing to discuss grievances in good faith pursuant
 1321 to the terms of the collective bargaining agreement with either
 1322 the ~~certified~~ bargaining agent for the public employee or the
 1323 employee involved.

1324 (2) An ~~A~~ ~~public~~ employee organization or anyone acting on
 1325 ~~in~~ its behalf or its officers, representatives, agents, or

1326 members are prohibited from:

1327 (a) Interfering with, restraining, or coercing public
 1328 employees in the exercise of any rights guaranteed them under
 1329 this part or interfering with, restraining, or coercing
 1330 managerial employees by reason of their performance of job
 1331 duties or other activities undertaken in the interests of the
 1332 public employer.

1333 (b) Causing or attempting to cause a public employer to
 1334 discriminate against a public ~~an~~ employee because of such ~~the~~
 1335 employee's membership or nonmembership in an employee
 1336 organization or attempting to cause the public employer to
 1337 violate ~~any of the provisions of~~ this part.

1338 (c) Refusing to bargain collectively or failing to bargain
 1339 collectively in good faith with a public employer.

1340 (d) Discriminating against a public ~~an~~ employee because he
 1341 or she has signed or filed an affidavit, a petition, or a
 1342 complaint or given any information or testimony in any
 1343 proceedings provided for in this part.

1344 (e) Participating in a strike against the public employer
 1345 by instigating or supporting, in any positive manner, a strike.
 1346 A person who violates ~~Any violation of~~ this paragraph is ~~shall~~
 1347 subject ~~the violator~~ to the penalties provided in this part.

1348 (f) Instigating or advocating support, in any positive
 1349 manner, for an employee organization's activities from high
 1350 school or grade school students or students in institutions of

1351 higher learning.

1352 **Section 18. Subsection (1) of section 447.503, Florida**
 1353 **Statutes, is amended to read:**

1354 447.503 Charges of unfair labor practices.—It is the
 1355 intent of the Legislature that the commission act as
 1356 expeditiously as possible to settle disputes regarding alleged
 1357 unfair labor practices. To this end, violations of the
 1358 provisions of s. 447.501 shall be remedied by the commission in
 1359 accordance with the following procedures and in accordance with
 1360 chapter 120; however, to the extent that chapter 120 is
 1361 inconsistent with the provisions of this section, the procedures
 1362 contained in this section shall govern:

1363 (1) A proceeding to remedy a violation of ~~the provisions~~
 1364 ~~of~~ s. 447.501 must ~~shall~~ be initiated by the filing of a charge
 1365 with the commission by a public employer, a public an employer,
 1366 employee, or an employee organization, or any combination
 1367 thereof, whose substantial interests will be affected as
 1368 provided in chapter 120. Such a charge must ~~shall~~ contain a
 1369 clear and concise statement of facts constituting the alleged
 1370 unfair labor practice, including the names of all individuals
 1371 involved in the alleged unfair labor practice, specific
 1372 reference to ~~the provisions of~~ s. 447.501 alleged to have been
 1373 violated, and such other relevant information as the commission
 1374 may by rule require or allow. Service of the charge must ~~shall~~
 1375 be made upon each named respondent at the time of filing with

1376 the commission. The charge must be accompanied by sworn
1377 statements and documentary evidence sufficient to establish a
1378 prima facie violation of the applicable unfair labor practice
1379 provision. Such supporting evidence is not to be attached to the
1380 charge and is to be furnished only to the commission.

1381 **Section 19. Subsections (2) through (5) and paragraph (a)**
1382 **of subsection (6) of section 447.507, Florida Statutes, are**
1383 **amended to read:**

1384 447.507 Violation of strike prohibition; penalties.—

1385 (2) If a public employee, a group of public employees, an
1386 employee organization, or any officer, agent, or representative
1387 of any employee organization engages in a strike in violation of
1388 s. 447.505, either the commission or any public employer whose
1389 public employees are involved or whose public employees may be
1390 affected by the strike may file suit to enjoin the strike in the
1391 circuit court having proper jurisdiction and proper venue of
1392 such actions under the Florida Rules of Civil Procedure and
1393 Florida Statutes. The circuit court shall conduct a hearing,
1394 with notice to the commission and to all interested parties, at
1395 the earliest practicable time. If the plaintiff makes a prima
1396 facie showing that a violation of s. 447.505 is in progress or
1397 that there is a clear, real, and present danger that such a
1398 strike is about to commence, the circuit court must ~~shall~~ issue
1399 a temporary injunction enjoining the strike. Upon final hearing,
1400 the circuit court shall either make the injunction permanent or

1401 dissolve it.

1402 (3) If an injunction to enjoin a strike issued pursuant to
1403 this section is not promptly complied with, on the application
1404 of the plaintiff, the circuit court shall immediately initiate
1405 contempt proceedings against those who appear to be in
1406 violation. An employee organization found to be in contempt of
1407 court for violating an injunction against a strike shall be
1408 fined an amount deemed appropriate by the court. In determining
1409 the appropriate fine, the court shall objectively consider the
1410 extent of lost services and the particular nature and position
1411 of the public employee group in violation. ~~A In no event shall~~
1412 ~~the fine~~ may not exceed \$30,000 ~~\$5,000~~. Each officer, agent, or
1413 representative of an employee organization found to be in
1414 contempt of court for violating an injunction against a strike
1415 shall be fined at least \$300, but not more than \$600, ~~not less~~
1416 ~~than \$50 nor more than \$100~~ for each calendar day that the
1417 violation is in progress.

1418 (4) An employee organization is ~~shall be~~ liable for any
1419 damages which might be suffered by a public employer as a result
1420 of a violation of ~~the provisions of~~ s. 447.505 by the employee
1421 organization or its representatives, officers, or agents. The
1422 circuit court having jurisdiction over such actions may ~~is~~
1423 ~~empowered to~~ enforce judgments against employee organizations in
1424 the amount deemed appropriate by the court in accordance with
1425 this section. An action may not, ~~as defined in this part, by~~

1426 ~~attachment or garnishment of union initiation fees or dues which~~
 1427 ~~are to be deducted or checked off by public employers. No action~~
 1428 ~~shall~~ be maintained pursuant to this subsection until all
 1429 proceedings which were pending before the commission at the time
 1430 of the strike or which were initiated within 30 days after ~~of~~
 1431 the strike have been finally adjudicated or otherwise disposed
 1432 of. In determining the amount of damages, if any, to be awarded
 1433 to the public employer, the trier of fact shall take into
 1434 consideration any action or inaction by the public employer or
 1435 its agents that provoked or tended to provoke the strike by the
 1436 public employees. The trier of fact shall also take into
 1437 consideration any damages that might have been recovered by the
 1438 public employer under subparagraph (6) (a)4.

1439 (5) If the commission, after a hearing on notice conducted
 1440 according to rules adopted ~~promulgated~~ by the commission,
 1441 determines that a public ~~an~~ employee has violated s. 447.505, it
 1442 may order the termination of such employee's ~~his or her~~
 1443 employment by the public employer. Notwithstanding any other
 1444 provision of law, a person knowingly violating s. 447.505 ~~the~~
 1445 ~~provision of said section~~ may, subsequent to such violation, be
 1446 appointed, reappointed, employed, or reemployed as a public
 1447 employee, but only upon the following conditions:

1448 (a) Such person shall be on probation for a period of 18
 1449 months after ~~following~~ his or her appointment, reappointment,
 1450 employment, or reemployment, during which period he or she shall

1451 | serve without permanent status and at the pleasure of the agency
 1452 | head.

1453 | (b) His or her compensation may not ~~in no event~~ exceed the
 1454 | compensation ~~that~~ received immediately before ~~prior to~~ the time
 1455 | of the violation.

1456 | (c) The compensation of the person may not be increased
 1457 | until at least ~~after the expiration of 1 year after~~ from such
 1458 | appointment, reappointment, employment, or reemployment.

1459 | (6) (a) If the commission determines that an employee
 1460 | organization has violated s. 447.505, it may:

1461 | 1. Issue cease and desist orders as necessary to ensure
 1462 | compliance with its order.

1463 | 2. Suspend or revoke the certification of the ~~employee~~
 1464 | ~~organization as the~~ bargaining agent of such bargaining ~~employee~~
 1465 | unit.

1466 | 3. Revoke any requirement of the public employer to engage
 1467 | in membership ~~the right of~~ dues deduction for ~~and collection~~
 1468 | ~~previously granted to~~ said employee organization pursuant to s.
 1469 | 447.303.

1470 | 4. Fine the organization up to \$120,000 ~~\$20,000~~ for each
 1471 | calendar day of such violation or determine the approximate cost
 1472 | to the public due to each calendar day of the strike and fine
 1473 | the organization an amount equal to such cost, even if the fine
 1474 | exceeds \$120,000 ~~notwithstanding the fact that the fine may~~
 1475 | ~~exceed \$20,000~~ for each such calendar day. The fines so

1476 collected ~~shall~~ immediately accrue to the public employer and
1477 must ~~shall~~ be used by the public employer ~~him or her~~ to replace
1478 those services denied the public as a result of the strike. In
1479 determining the amount of damages, if any, to be awarded to the
1480 public employer, the commission must consider ~~shall take into~~
1481 ~~consideration~~ any action or inaction by the public employer or
1482 its agents that provoked, or tended to provoke, the strike by
1483 the public employees.

1484 **Section 20. Subsection (3) of section 447.509, Florida**
1485 **Statutes, is renumbered as subsection (6), and new subsections**
1486 **(3), (4), and (5) are added to that section to read:**

1487 447.509 Other unlawful acts; exceptions.—

1488 (3) Public employers, their agents or representatives, or
1489 any persons acting on their behalf may not provide any form of
1490 compensation or paid leave to a public employee, directly or
1491 indirectly, for the purpose of engaging in employee organization
1492 activities.

1493 (4) Notwithstanding subsection (3), if the public employer
1494 and the bargaining agent agree, a public employee may do all of
1495 the following:

1496 (a) Be granted time off without pay or benefits to engage
1497 in employee organization activities. An employee organization
1498 may compensate a public employee for engaging in employee
1499 organization activities.

1500 (b) Use compensated personal leave, whether the leave is

1501 the public employee's or is voluntarily donated by other public
1502 employees in the bargaining unit, to engage in employee
1503 organization activities if:

1504 1. The leave is accrued at the same rate by similarly
1505 situated public employees in the bargaining unit without regard
1506 to membership in or participation with an employee organization.

1507 2. The public employee may freely choose how to use such
1508 leave.

1509 (c) Engage in representational employee organization
1510 activities on behalf of a bargaining agent while in a duty
1511 status without loss of pay or benefits if:

1512 1. The bargaining agent reports to the public employer at
1513 least biannually the amount of time, in increments rounded to
1514 the nearest quarter of an hour, each public employee in the
1515 bargaining unit engaged in representational employee
1516 organization activities each day.

1517 2. The public employer calculates the pro rata value of
1518 compensation, including wages and fringe benefits, paid to or
1519 accrued by a public employee for time spent engaged in
1520 representational employee organization activities and provides
1521 an invoice for such amounts to the bargaining agent at least
1522 biannually.

1523 3. The bargaining agent remits full payment to the public
1524 employer within 30 days after receipt of an invoice.

1525 (5) Subsections (3) and (4) do not apply to public

1526 employees in a bargaining unit in which the majority of the
 1527 public employees are public safety employees.

1528 **Section 21. Section 447.609, Florida Statutes, is amended**
 1529 **to read:**

1530 447.609 Representation in proceedings.—Any full-time
 1531 employee or officer of any public employer or employee
 1532 organization may represent his or her employer or any public
 1533 employee in ~~member of~~ a bargaining unit in any proceeding
 1534 authorized in this part, excluding the representation of any
 1535 person or public employer in a court of law by a person who is
 1536 not a licensed attorney.

1537 **Section 22. Subsection (3) of section 110.114, Florida**
 1538 **Statutes, is amended to read:**

1539 110.114 Employee wage deductions.—
 1540 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
 1541 (2), the deduction of an employee's membership dues deductions
 1542 as defined in s. 447.203 ~~s. 447.203(15)~~ for an employee
 1543 organization as defined in s. 447.203 ~~s. 447.203(11)~~ shall be
 1544 authorized or permitted only for an organization that has been
 1545 certified as the ~~exclusive~~ bargaining agent pursuant to chapter
 1546 447 for a unit of state employees in which the employee is
 1547 included. Such deductions shall be subject to ~~the provisions of~~
 1548 s. 447.303.

1549 **Section 23. Paragraph (w) of subsection (2) of section**
 1550 **110.205, Florida Statutes, is amended to read:**

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1551 110.205 Career service; exemptions.—

1552 (2) EXEMPT POSITIONS.—The exempt positions that are not
1553 covered by this part include the following:

1554 (w) Managerial employees and, ~~as defined in s. 447.203(4),~~
1555 confidential employees, as those terms are defined in s. 447.203
1556 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1557 of their time communicating with, motivating, training, and
1558 evaluating employees, and planning and directing employees'
1559 work, and who have the authority to hire, transfer, suspend, lay
1560 off, recall, promote, discharge, assign, reward, or discipline
1561 subordinate employees or effectively recommend such action,
1562 including all employees serving as supervisors, administrators,
1563 and directors. Excluded are employees also designated as special
1564 risk or special risk administrative support and attorneys who
1565 serve as administrative law judges pursuant to s. 120.65 or for
1566 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1567 registered nurses licensed under chapter 464, dentists licensed
1568 under chapter 466, psychologists licensed under chapter 490 or
1569 chapter 491, nutritionists or dietitians licensed under part X
1570 of chapter 468, pharmacists licensed under chapter 465,
1571 psychological specialists licensed under chapter 491, physical
1572 therapists licensed under chapter 486, and speech therapists
1573 licensed under part I of chapter 468 are excluded, unless
1574 otherwise collectively bargained.

1575 **Section 24. Subsection (6) of section 112.3187, Florida**

1576 **Statutes, is amended to read:**

1577 112.3187 Adverse action against employee for disclosing
 1578 information of specified nature prohibited; employee remedy and
 1579 relief.—

1580 (6) TO WHOM INFORMATION DISCLOSED.—The information
 1581 disclosed under this section must be disclosed to any agency or
 1582 federal government entity having the authority to investigate,
 1583 police, manage, or otherwise remedy the violation or act,
 1584 including, but not limited to, the Office of the Chief Inspector
 1585 General, an agency inspector general or the employee designated
 1586 as agency inspector general under s. 112.3189(1) or inspectors
 1587 general under s. 20.055, the Florida Commission on Human
 1588 Relations, and the whistle-blower's hotline created under s.
 1589 112.3189. However, for disclosures concerning a local
 1590 governmental entity, including any regional, county, or
 1591 municipal entity, special district, community college district,
 1592 or school district or any political subdivision of any of the
 1593 foregoing, the information must be disclosed to a chief
 1594 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
 1595 other appropriate local official.

1596 **Section 25. Subsection (5) of section 121.031, Florida**
 1597 **Statutes, is amended to read:**

1598 121.031 Administration of system; appropriation; oaths;
 1599 actuarial studies; public records.—

1600 (5) The names and addresses of retirees are confidential

1601 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1602 that no state or local governmental agency may provide the names
1603 or addresses of such persons in aggregate, compiled, or list
1604 form to any person except to a public agency engaged in official
1605 business. However, a state or local government agency may
1606 provide the names and addresses of retirees from that agency to
1607 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1608 a retiree organization for official business use. Lists of names
1609 or addresses of retirees may be exchanged by public agencies,
1610 but such lists shall not be provided to, or open for inspection
1611 by, the public. Any person may view or copy any individual's
1612 retirement records at the Department of Management Services, one
1613 record at a time, or may obtain information by a separate
1614 written request for a named individual for which information is
1615 desired.

1616 **Section 26. Subsection (1) of section 447.02, Florida**
1617 **Statutes, is amended to read:**

1618 447.02 Definitions.—The following terms, when used in this
1619 chapter, shall have the meanings ascribed to them in this
1620 section:

1621 (1) The term "labor organization" means any organization
1622 of employees or local or subdivision thereof, having within its
1623 membership residents of the state, whether incorporated or not,
1624 organized for the purpose of dealing with employers concerning
1625 hours of employment, rate of pay, working conditions, or

1626 | grievances of any kind relating to employment and recognized as
 1627 | a unit of bargaining by one or more employers doing business in
 1628 | this state, except that an "employee organization," as defined
 1629 | in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
 1630 | definition at such time as it seeks to register pursuant to s.
 1631 | 447.305.

1632 | **Section 27. Subsection (2) of section 1011.60, Florida**
 1633 | **Statutes, is amended to read:**

1634 | 1011.60 Minimum requirements of the Florida Education
 1635 | Finance Program.—Each district which participates in the state
 1636 | appropriations for the Florida Education Finance Program shall
 1637 | provide evidence of its effort to maintain an adequate school
 1638 | program throughout the district and shall meet at least the
 1639 | following requirements:

1640 | (2) MINIMUM TERM.—Operate all schools for a term of 180
 1641 | actual teaching days or the equivalent on an hourly basis as
 1642 | specified by rules of the State Board of Education each school
 1643 | year. The State Board of Education may prescribe procedures for
 1644 | altering, and, upon written application, may alter, this
 1645 | requirement during a national, state, or local emergency as it
 1646 | may apply to an individual school or schools in any district or
 1647 | districts if, in the opinion of the board, it is not feasible to
 1648 | make up lost days or hours, and the apportionment may, at the
 1649 | discretion of the Commissioner of Education and if the board
 1650 | determines that the reduction of school days or hours is caused

1651 | by the existence of a bona fide emergency, be reduced for such
1652 | district or districts in proportion to the decrease in the
1653 | length of term in any such school or schools. A strike, as
1654 | defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1655 | district may not be considered an emergency.

1656 | **Section 28.** This act shall take effect July 1, 2025.