

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 revising the seal of the Public Employees Relations
17 Commission; amending s. 447.207, F.S.; authorizing
18 subpoenas, notices, and other documents to be served
19 by any method of service that establishes proof of
20 delivery, rather than by certified mail; authorizing
21 the commission, under certain circumstances, to waive
22 the application of any provision of part II of ch.
23 447, F.S., rather than only specified provisions;
24 amending s. 447.301, F.S.; revising a specified
25 statement in a membership authorization form;

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

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

76 F.S.; conforming provisions to changes made by the
 77 act; amending s. 447.503, F.S.; authorizing certain
 78 public employers, public employees, and employee
 79 organizations, or combinations thereof, to file
 80 certain charges with the commission; amending s.
 81 447.507, F.S.; increasing fines for certain
 82 violations; amending s. 447.509, F.S.; prohibiting
 83 public employers, their agents or representatives, and
 84 any persons acting on their behalf from taking certain
 85 actions; authorizing certain actions by public
 86 employees under certain circumstances; providing
 87 exceptions; amending s. 447.609, F.S.; conforming
 88 provisions to changes made by the act; amending ss.
 89 110.114, 110.205, 112.3187, 121.031, 447.02, and
 90 1011.60, F.S.; conforming cross-references and
 91 provisions to changes made by the act; providing an
 92 effective date.

93
 94 Be It Enacted by the Legislature of the State of Florida:

95
 96 **Section 1. Paragraph (d) of subsection (6) of section**
 97 **110.227, Florida Statutes, is amended to read:**

98 110.227 Suspensions, dismissals, reductions in pay,
 99 demotions, layoffs, transfers, and grievances.—

100 (6) The following procedures shall apply to appeals filed

101 pursuant to subsection (5) with the Public Employees Relations
 102 Commission, hereinafter referred to as the commission:

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

111 **Section 2. Paragraph (a) of subsection (14) of section**
 112 **112.0455, Florida Statutes, is amended to read:**

113 112.0455 Drug-Free Workplace Act.—

114 (14) DISCIPLINE REMEDIES.—

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

126 the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the
 127 filing of the appeal, unless an extension is requested by the
 128 employee or job applicant and granted by the commission or an
 129 arbitrator. The final order must be issued by the commission in
 130 accordance with ss. 120.569 and 120.57.

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

133 120.80 Exceptions and special requirements; agencies.—

134 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

139 295.14 Penalties.—

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

151 hours worked, and costs of all work, including litigation,
152 incurred as a result of such violation, which order shall be
153 conclusive on the agency, employee, or officer concerned. The
154 attorney's fees and costs may not exceed \$10,000. The final
155 order must be issued by the commission in accordance with ss.
156 120.569 and 120.57 ~~The action of the commission shall be in~~
157 ~~writing and shall be served on the parties concerned by~~
158 ~~certified mail with return receipt requested.~~

159 **Section 5. Section 447.203, Florida Statutes, is amended**
160 **to read:**

161 447.203 Definitions.—As used in this part:

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

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

176 (3)~~(9)~~ "Chief executive officer" for the state shall mean
 177 the Governor and for other public employers shall mean the
 178 person, whether elected or appointed, who is responsible to the
 179 legislative body of the public employer for the administration
 180 of the governmental affairs of the public employer.

181 (4)~~(16)~~ "Civil service" means any career, civil, or merit
 182 system used by any public employer.

183 (5)~~(14)~~ "Collective bargaining" means the performance of
 184 the mutual obligations of the public employer and the bargaining
 185 agent of the employee organization to meet at reasonable times,
 186 to negotiate in good faith, and to execute a written contract
 187 with respect to agreements reached concerning the terms and
 188 conditions of employment, except that neither party shall be
 189 compelled to agree to a proposal or be required to make a
 190 concession unless otherwise provided in this part.

191 (6)~~(1)~~ "Commission" means the Public Employees Relations
 192 Commission created by s. 447.205.

193 (7)~~(5)~~ "Confidential employees" are persons who act in a
 194 confidential capacity to assist or aid managerial employees as
 195 defined in subsection (12) ~~(4)~~.

196 (8)~~(11)~~ "Employee organization" or "organization" means
 197 any labor organization, union, association, fraternal order,
 198 occupational or professional society, or group, however
 199 organized or constituted, which represents, or seeks to
 200 represent, any public employee or group of public employees

201 concerning any matters relating to their employment relationship
 202 with a public employer.

203 (9) "Employee organization activities" means activities
 204 undertaken at the direction of, on behalf of, or to advance the
 205 purposes of an employee organization or any parent organization
 206 or affiliate of the employee organization by:

207 (a) Supporting or opposing a candidate for federal, state,
 208 or local public office.

209 (b) Influencing the passage or defeat of any federal or
 210 state legislation or regulation, local ordinance or resolution,
 211 or ballot measure.

212 (c) Promoting or soliciting membership or participation
 213 in, or financial support of, an employee organization or any
 214 parent organization or affiliate of the employee organization.

215 (d) Seeking certification as a bargaining agent.

216 (e) Participating in the administration, business, or
 217 internal governance of an employee organization or any parent
 218 organization or affiliate of the employee organization.

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

223 (g) Distributing communications of an employee
 224 organization or any parent organization or affiliate of the
 225 employee organization.

226 (h) Representing or speaking on behalf of an employee
 227 organization or any parent organization or affiliate of the
 228 employee organization in any setting, venue, or procedure in
 229 which the public employer is not a participant.

230 (i) Preparing, filing, or pursuing unfair labor practice
 231 charges or grievances.

232 (j) Representing public employees in investigatory
 233 interviews; disciplinary proceedings or appeals, including
 234 termination; or other administrative or legal proceedings.

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

237 (l) Administering a collective bargaining agreement.

238 (m) Participating in labor-management committees.

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

251 indicative of bad faith shall include, but not be limited to,
252 the following occurrences:

253 (a) Failure to meet at reasonable times and places with
254 representatives of the other party for the purpose of
255 negotiations.

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

258 (c) Failure to discuss proper subjects of bargaining
259 ~~bargainable issues~~.

260 (d) Refusing, upon reasonable written request, to provide
261 public information, excluding work products as defined in s.
262 447.605.

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

265 (f) Negotiating directly with employees rather than with
266 their ~~certified~~ bargaining agent.

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

268 (11)-(10) "Legislative body" means the State Legislature,
269 the board of county commissioners, the district school board,
270 the governing body of a municipality, or the governing body of
271 an instrumentality or unit of government having authority to
272 appropriate funds and establish policy governing the terms and
273 conditions of employment and which, as the case may be, is the
274 appropriate legislative body for the bargaining unit. For
275 purposes of s. 447.403, the Board of Governors of the State

276 University System, or the board's designee, shall be deemed to
277 be the legislative body with respect to all employees of each
278 constituent state university. For purposes of s. 447.403, the
279 board of trustees of a community college shall be deemed to be
280 the legislative body with respect to all employees of the
281 community college.

282 (12)~~(4)~~ "Managerial employees" means ~~are~~ those employees
283 who:

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

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

290 2. They may reasonably be required on behalf of the
291 employer to assist in the preparation for the conduct of
292 collective bargaining negotiations.

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

295 4. They have a significant role in personnel
296 administration.

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

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

300 7. They have a significant role in the preparation or

301 administration of budgets for any public agency or institution
302 or subdivision thereof.

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

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

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

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

326 organization on behalf of the public employee.

327 ~~(15)(13)~~ "Professional employee" means:

328 (a) Any employee engaged in work in any two or more of the
329 following categories:

330 1. Work predominantly intellectual and varied in character
331 as opposed to routine mental, manual, mechanical, or physical
332 work.;

333 2. Work involving the consistent exercise of discretion
334 and judgment in its performance.;

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

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

344 (b) Any employee who:

345 1. Has completed the course of specialized intellectual
346 instruction and study described in subparagraph (a) 4. ~~4. of~~
347 ~~paragraph (a);~~ and

348 2. Is performing related work under supervision of a
349 professional person to qualify to become a professional employee
350 as defined in paragraph (a).

351 (16) ~~(3)~~ "Public employee" means any person employed by a
 352 public employer except:

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

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

357 (c) Those individuals acting as negotiating
 358 representatives for employer authorities.

359 (d) Those persons who are designated by the commission as
 360 managerial or confidential employees pursuant to criteria
 361 contained herein.

362 (e) Those persons holding positions of employment with the
 363 Florida Legislature.

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

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

- 369 1. Federal license requirement.
- 370 2. Federal autonomy regarding investigation and
 371 disciplining of appointees.
- 372 3. Frequent transfers due to harvesting conditions.

373 (h) Those persons employed by the Public Employees
 374 Relations Commission.

375 (i) Those persons enrolled as undergraduate students in a

376 state university who perform part-time work for the state
377 university.

378 (17)~~(2)~~ "Public employer" or "employer" means the state or
379 any county, municipality, or special district or any subdivision
380 or agency thereof which the commission determines has sufficient
381 legal distinctiveness properly to carry out the functions of a
382 public employer. With respect to all public employees determined
383 by the commission as properly belonging to a statewide
384 bargaining unit composed of State Career Service System
385 employees or Selected Professional Service employees, the
386 Governor is deemed to be the public employer; and the Board of
387 Governors of the State University System, or the board's
388 designee, is deemed to be the public employer with respect to
389 all public employees of each constituent state university. The
390 board of trustees of a community college is deemed to be the
391 public employer with respect to all employees of the community
392 college. The district school board is deemed to be the public
393 employer with respect to all employees of the school district.
394 The Board of Trustees of the Florida School for the Deaf and the
395 Blind is deemed to be the public employer with respect to the
396 academic and academic administrative personnel of the Florida
397 School for the Deaf and the Blind. The Board of Trustees of the
398 Florida School for Competitive Academics is deemed to be the
399 public employer with respect to the academic and academic
400 administrative personnel of the Florida School for Competitive

401 Academics. The Governor is deemed to be the public employer with
402 respect to all employees in the Correctional Education Program
403 of the Department of Corrections established pursuant to s.
404 944.801.

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

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

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

417 (b) Was signed and dated by the public employee not more
418 than 12 months before the filing of the petition under s.
419 447.307.

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

425 (20)-(6) "Strike" means the concerted failure of employees

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

443 (21)-(7) "Strike funds" are any appropriations by an
444 employee organization which are established to directly or
445 indirectly aid any employee or employee organization to
446 participate in a strike in the state.

447 (22)-(18) "Student representative" means the representative
448 selected by each community college or university student
449 government association. Each representative may be present at
450 all negotiating sessions that take place between the appropriate

451 public employer and a ~~an~~ exclusive bargaining agent. The
452 representative must be enrolled as a student with at least 8
453 credit hours in the respective community college or university
454 during his or her term as student representative.

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

457 447.205 Public Employees Relations Commission.—

458 (8) The commission shall have a seal for authentication of
459 its orders and proceedings, upon which shall be inscribed the
460 words "State of Florida-Public Employees Relations Commission-
461 Seal," ~~"State of Florida-Employees Relations Commission and~~
462 which shall be judicially noticed.

463 **Section 7. Subsections (4), (6), and (12) of section**
464 **447.207, Florida Statutes, are amended to read:**

465 447.207 Commission; powers and duties.—

466 (4) Any subpoena, notice of hearing, or other process or
467 notice of the commission issued under ~~the provisions of this~~
468 part must shall be served personally or by any method of service
469 that establishes proof of delivery ~~certified mail. A return made~~
470 ~~and verified by the individual making such service and setting~~
471 ~~forth the manner of such service is proof of service, and a~~
472 ~~returned post office receipt, when certified mail is used, is~~
473 ~~proof of service. All process of any court to which application~~
474 ~~may be made under the provisions of this part shall be served in~~
475 ~~the county wherein the persons required to be served reside or~~

476 ~~may be found.~~

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

492 (12) Upon a petition by a public employer after it has
493 been notified by the Department of Labor that the public
494 employer's protective arrangement covering mass transit
495 employees does not meet the requirements of 49 U.S.C. s. 5333(b)
496 and would jeopardize the public employer's continued eligibility
497 to receive Federal Transit Administration funding, the
498 commission may waive the application of this part, but only to
499 the extent necessary for the public employer to comply with ~~the~~
500 ~~requirements of 49 U.S.C. s. 5333(b), any of the following for~~

501 ~~an employee organization that has been certified as a bargaining~~
502 ~~agent to represent mass transit employees:~~

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

508 ~~(b) The requirement to petition the commission for~~
509 ~~recertification.~~

510 ~~(c) The revocation of certification provided in s.~~
511 ~~447.305(6) and (7).~~

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

514 447.301 Public employees' rights; organization and
515 representation.—

516 (1)

517 (b)1. A public employee who desires to be a member of an
518 employee organization must sign and date a membership
519 authorization form, as prescribed by the commission, and submit
520 the executed form to the bargaining agent.

521 2. The membership authorization form must identify the
522 name of the bargaining agent; the name of the employee; the
523 class code and class title of the employee; the name of the
524 public employer and employing agency, if applicable; the amount
525 of the membership initiation fee and of the monthly dues which

526 | the public employee member must pay; and the names and amounts
527 | disclosed under s. 447.305(2)(d) for the name and total amount
528 | of salary, allowances, and other direct or indirect
529 | disbursements, including reimbursements, paid to each of the
530 | five highest compensated officers and employees receiving the
531 | five highest total dollar amounts of the employee organization
532 | disclosed under s. 447.305(2)(d).

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

535 |
536 | As a public employee in the State of Florida, ~~is a right-to-work~~
537 | ~~state.~~ membership or nonmembership ~~non-membership~~ in a labor
538 | union is not required as a condition of employment., ~~and~~ Union
539 | membership and payment of membership ~~union~~ dues ~~and assessments~~
540 | are voluntary. A public employee's ~~Each person has the right to~~
541 | join and pay membership dues to a labor union or to refrain from
542 | joining and paying membership dues to a labor union is protected
543 | by both Florida's right-to-work law and the First Amendment of
544 | the United States Constitution. A public employer may not
545 | discriminate against a public. ~~No employee may be discriminated~~
546 | ~~against in any manner~~ for joining and financially supporting, or
547 | refusing to join and financially support, a labor union ~~or for~~
548 | ~~refusing to join or financially support a labor union.~~

549 | 4. A public employee may revoke membership in the employee
550 | organization at any time ~~of the year.~~ Within 30 days after ~~Upon~~

551 receipt of the public employee's written revocation of
552 membership, the employee organization must revoke the a public
553 employee's membership and cease collection of membership dues
554 from such public employee. The employee organization may not
555 limit a public ~~an~~ employee's right to revoke membership to
556 certain dates. If a public employee must complete a form to
557 revoke membership in the employee organization, the form may not
558 require a reason for the public employee's decision to revoke
559 his or her membership.

560 5. An employee organization must retain for inspection by
561 the commission such membership authorization forms and any
562 revocations.

563 6. This paragraph does not apply to public employees in
564 ~~members of~~ a bargaining unit in which the majority of the public
565 ~~whose employees~~ are public safety employees ~~eligible for~~
566 ~~representation are employed as law enforcement officers,~~
567 ~~correctional officers, or correctional probation officers as~~
568 ~~those terms are defined in s. 943.10(1), (2), or (3),~~
569 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
570 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
571 ~~emergency medical technicians or paramedics as defined in s.~~
572 ~~401.23.~~

573 7. The commission may adopt rules to implement this
574 paragraph.

575 (2) Public employees ~~shall~~ have the right to be

576 represented by any employee organization of their own choosing
577 and to negotiate collectively, through a ~~certified~~ bargaining
578 agent, with their public employer in the determination of the
579 terms and conditions of their employment. Public employees ~~shall~~
580 have the right to be represented in the determination of
581 grievances on all terms and conditions of their employment.
582 Public employees ~~shall~~ have the right to refrain from exercising
583 the right to be represented.

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

586 447.303 Membership dues; deduction and collection.—

587 (1) Except as authorized in subsection (2) or subject to a
588 waiver of the prohibition on membership dues deduction granted
589 pursuant to s. 447.207(12), a public employer may not engage in
590 membership dues deduction on behalf of s. 447.207(12)(a), an
591 employee organization ~~that has been certified as a bargaining~~
592 ~~agent may not have its dues and uniform assessments deducted and~~
593 ~~collected by the employer from the salaries of those employees~~
594 ~~in the unit.~~ A public employee may pay membership dues and
595 ~~uniform assessments~~ directly to an the employee organization
596 ~~that has been certified as the bargaining agent.~~

597 (2) (a) Upon the written authorization of a public employee
598 in a bargaining unit in which the majority of the public
599 employees are public safety employees, the public employer must
600 engage in membership dues deduction for such public employee. A

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

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

623 (c) The requirement to engage in membership dues
624 deductions ~~Such right to deduction,~~ unless revoked under s.
625 447.507, is in force as ~~for so~~ long as the ~~employee organization~~

626 ~~remains the certified~~ bargaining agent remains certified to
627 represent ~~for~~ the public employees in the bargaining unit.

628 **Section 10. Section 447.305, Florida Statutes, is amended**
629 **to read:**

630 447.305 Registration of employee organizations
631 ~~organization.~~

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

646 (a) The name and address of the organization and ~~of~~ any
647 parent organization or affiliate of the employee organization
648 ~~with which it is affiliated.~~

649 (b) The names and addresses of the principal officers and
650 all representatives of the organization.

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

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

657 (e) The name of its business agent, if any; if different
658 from the business agent, the name of its local agent for service
659 of process; and the addresses where such person or persons can
660 be reached.

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

665 (g) A copy of the current constitution and bylaws of the
666 employee organization.

667 (h) A copy of the current constitution and bylaws of the
668 state and national groups with which the employee organization
669 is affiliated or associated. In lieu of this provision, and upon
670 adoption of a rule by the commission, a state or national
671 affiliate or parent organization of any registering employee
672 ~~labor~~ organization may annually submit a copy of its current
673 constitution and bylaws.

674 (2) A registration granted to an employee organization
675 pursuant to this section runs for 1 year after ~~from~~ the date of

676 issuance. A registration must be renewed annually by filing an
677 application for renewal under oath with the commission, which
678 application must reflect any changes in the information provided
679 to the commission in conjunction with the employee
680 organization's preceding application for registration or
681 previous renewal, whichever is applicable. Each application for
682 renewal of registration must include a current annual financial
683 statement, prepared by an independent certified public
684 accountant licensed under chapter 473 and signed by the employee
685 organization's president and treasurer or corresponding
686 principal officers, containing the following information in such
687 detail as may be necessary to accurately ~~to~~ disclose its
688 financial condition and operations for its preceding fiscal year
689 and in all of the following ~~such~~ categories as prescribed by the
690 commission ~~may prescribe~~:

691 (a) Assets and liabilities at the beginning and end of the
692 fiscal year.†

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

694 (c) Disbursements by category.†

695 (d) Salary, wages, fringe benefits, allowances, and other
696 direct or indirect disbursements, including reimbursed expenses,
697 paid or accruing to each officer and also to each employee who,
698 during such fiscal year, received more than \$10,000 in the
699 aggregate from such employee organization and any parent
700 organization of the ~~other~~ employee organization or any affiliate

701 of either the employee organization or the parent organization.
702 This paragraph requires reporting of any reimbursements paid by
703 the employee organization to a public employer for monies paid
704 by the public employer to an officer or an employee. ~~affiliated~~
705 ~~with it or with which it is affiliated or which is affiliated~~
706 ~~with the same national or international employee organization;~~

707 (e) Direct and indirect loans made to any officer,
708 employee, or member which aggregated more than \$250 during the
709 fiscal year, together with a statement of the purpose, security,
710 if any, and arrangements for repayment. ~~and~~

711 (f) Direct and indirect loans to any business enterprise,
712 together with a statement of the purpose, security, if any, and
713 arrangements for repayment.

714 (3) As part of its application for renewal of
715 registration, a ~~In addition to subsection (2), an employee~~
716 ~~organization that has been certified as the bargaining agent for~~
717 ~~public employees must include all of for each such certified~~
718 ~~bargaining unit~~ the following additional information and
719 ~~documentation as of the 30th day immediately preceding the date~~
720 ~~upon which its current registration is scheduled to end for any~~
721 ~~renewal of registration on or after October 1, 2023:~~

722 (a) For each bargaining unit for which the bargaining
723 agent is certified, the certification number assigned to the
724 bargaining unit by the commission.

725 (b) For each certification, the number of public employees

726 in the bargaining unit as of the last business day of the second
727 full calendar month preceding the date upon which the bargaining
728 agent's current registration is scheduled to end.

729 (c) For each certification, the number of public employees
730 in the bargaining unit who paid full membership dues sufficient
731 to maintain membership in good standing with the bargaining
732 agent as of the last business day of the second full calendar
733 month preceding the date upon which the bargaining agent's
734 current registration is scheduled to end.

735 (d) For each certification, ~~who are eligible for~~
736 ~~representation by the employee organization.~~

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

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

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

744 (e) Documentation from ~~provided by~~ an independent
745 certified public accountant ~~retained by the employee~~
746 ~~organization~~ which verifies the information provided in
747 paragraphs (b), (c), and (d) ~~paragraphs (a)-(d).~~

748 (4) Within 30 days after filing an application for renewal
749 of registration with the commission, the employee organization
750 must provide a copy of its application ~~for renewal of~~

751 ~~registration relating to a public employer's employees to the~~
752 ~~public employer and public employees of each bargaining unit for~~
753 ~~which the employee organization is the bargaining agent ~~on the~~~~
754 ~~same day the application is submitted to the commission.~~

755 (5) ~~An application for renewal of registration is~~
756 ~~incomplete and is not eligible for consideration by The~~
757 ~~commission must notify the bargaining agent if it does not~~
758 ~~include all of the information and documentation required in~~
759 ~~subsection (3) is incomplete. Upon notification that the~~
760 ~~required information or documentation is incomplete, the~~
761 ~~bargaining agent must provide the missing information or~~
762 ~~documentation to the commission within 30 days after such~~
763 ~~notification. If the bargaining agent fails to provide the~~
764 ~~missing information or documentation within 30 days after~~
765 ~~notification, the commission must dismiss the application. The~~
766 ~~commission shall notify the employee organization if the~~
767 ~~application is incomplete. An incomplete application must be~~
768 ~~dismissed if the required information and documentation are not~~
769 ~~provided within 10 days after the employee organization receives~~
770 ~~such notice.~~

771 (6) ~~The commission must notify the bargaining agent if the~~
772 ~~information and documentation required in subsection (3) is~~
773 ~~complete. Within 30 days after such notification, the bargaining~~
774 ~~agent must petition for recertification pursuant to s. 447.307~~
775 ~~for each of its bargaining units Notwithstanding the provisions~~

776 ~~of this chapter relating to collective bargaining, an employee~~
777 ~~organization certified as a bargaining agent to represent a~~
778 ~~bargaining unit~~ for which less than 60 percent of the public
779 ~~unit~~ employees in the bargaining unit have submitted membership
780 authorization forms without subsequent revocation and paid
781 membership dues to the organization, as reported in subsection
782 (3) during its last registration period must petition the
783 ~~commission pursuant to s. 447.307(2) and (3) for recertification~~
784 ~~as the exclusive representative of all employees in the~~
785 ~~bargaining unit within 30 days after the date on which the~~
786 ~~employee organization applies for renewal of registration~~
787 ~~pursuant to subsection (2). The certification of an employee~~
788 ~~organization that does not comply with this section is revoked.~~

789 (7) If a ~~The~~ public employer or a public employee of a
790 bargaining unit represented by a bargaining agent believes that
791 the bargaining agent's ~~employee may challenge an employee~~
792 ~~organization's~~ application for renewal of registration is
793 materially inaccurate, if the public employer or public
794 ~~bargaining unit~~ employee may challenge ~~believes that~~ the
795 application as materially ~~is~~ inaccurate during the pendency of
796 the application or, if the registration renewal has been
797 granted, before the date upon which the bargaining agent's
798 current registration is scheduled to end. If a challenge is
799 filed, ~~the~~ commission or one of its designated agents shall
800 conduct an investigation pursuant to subsection (8) ~~review the~~

801 ~~application to determine its accuracy and compliance with this~~
802 ~~section. If the commission finds that the application is~~
803 ~~inaccurate or does not comply with this section, the commission~~
804 ~~shall revoke the registration and certification of the employee~~
805 ~~organization.~~

806 (8) The commission or one of its designated agents may
807 conduct an investigation to confirm the validity of any
808 information submitted pursuant to this section. The commission
809 may revoke or deny an employee organization's registration or
810 certification if it finds that the employee organization:

811 (a) Failed to cooperate with the investigation conducted
812 pursuant to this subsection, including refusal to permit the
813 commission or one of its designated agents to inspect membership
814 authorization forms or revocations pursuant to s.
815 447.301(1)(b)5.; or

816 (b) Intentionally misrepresented the information it
817 submitted pursuant to this section.

818
819 ~~A decision issued by the commission pursuant to this subsection~~
820 ~~is a final agency action that is reviewable pursuant to s.~~
821 ~~447.504.~~

822 (9) An employee organization is exempt from the
823 requirements of subsections (3)-(8) and subsection (12) for each
824 bargaining unit in which the majority of the public employees
825 are public safety employees ~~only with respect to the~~

826 ~~circumstances of each bargaining unit the majority of whose~~
827 ~~employees eligible for representation are employed as law~~
828 ~~enforcement officers, correctional officers, or correctional~~
829 ~~probation officers as those terms are defined in s. 943.10(1),~~
830 ~~(2), or (3), respectively; firefighters as defined in s.~~
831 ~~633.102; 911 public safety telecommunicators as defined in s.~~
832 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
833 ~~defined in s. 401.23.~~

834 (10) A registration fee must ~~shall~~ accompany each
835 application for registration or renewal of registration filed
836 with the commission. The registration fee may amount charged for
837 ~~an application for registration or renewal of registration shall~~
838 not exceed \$15. All such money collected by the commission shall
839 be deposited in the General Revenue Fund.

840 (11) Every employee organization shall keep accurate
841 accounts of its income and expenses, which accounts must ~~shall~~
842 be open for inspection at a reasonable time and place ~~all~~
843 ~~reasonable times~~ by any member of the organization or by the
844 commission.

845 (12) The certification of an employee organization that
846 does not comply with this section is revoked. An employee
847 organization that has its certification revoked under this
848 subsection may not file a petition for certification under s.
849 447.307 that covers any of the public employees in the
850 bargaining unit described in the revoked certification for at

851 least 12 months after the date the certification was revoked.

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

865 **Section 11. Section 447.307, Florida Statutes, is amended**
866 **to read:**

867 447.307 Certification, recertification, and
868 decertification of employee organizations ~~organization.-~~

869 (1) An employee organization seeking certification as a
870 bargaining agent, an employee organization seeking
871 recertification as a bargaining agent, or a public employee or
872 group of public employees seeking to decertify a bargaining
873 agent must file a petition with the commission accompanied by a
874 showing of interest from at least 30 percent of the public
875 employees in the proposed or existing bargaining unit. A

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

894 ~~(b) Whenever a public employer recognizes an employee~~
895 ~~organization on the basis of majority status and on the basis of~~
896 ~~appropriateness in accordance with subparagraph (4) (f) 5. of this~~
897 ~~section, the commission shall, in the absence of inclusion of a~~
898 ~~prohibited category of employees or violation of s. 447.501,~~
899 ~~certify the proposed unit.~~

900 ~~(2) If the public employer refuses to recognize the~~

901 ~~employee organization, the employee organization may file a~~
902 ~~petition with the commission for certification as the bargaining~~
903 ~~agent for a proposed bargaining unit. The petition shall be~~
904 ~~accompanied by dated statements signed by at least 30 percent of~~
905 ~~the employees in the proposed unit, indicating that such~~
906 ~~employees desire to be represented for purposes of collective~~
907 ~~bargaining by the petitioning employee organization. Once a~~
908 ~~petition for certification has been filed by an employee~~
909 ~~organization, any registered employee organization desiring~~
910 placement on the ballot in any certification or recertification
911 election to be conducted pursuant to this section may be
912 permitted by the commission to intervene in the proceeding upon
913 a motion accompanied by a showing of interest from dated
914 ~~statements signed by~~ at least 10 percent of the public employees
915 in the proposed or existing bargaining unit. The showing of
916 interest is, ~~indicating that such employees desire to be~~
917 ~~represented for the purposes of collective bargaining by the~~
918 ~~moving employee organization. The petitions and dated statements~~
919 ~~signed by the employees are~~ confidential and exempt from ~~the~~
920 ~~provisions of s. 119.07(1), except that any employee, employer,~~
921 or employee organization having sufficient reason to believe ~~any~~
922 ~~of the~~ showing of interest was ~~employee signatures were~~ obtained
923 by collusion, coercion, intimidation, or misrepresentation or is
924 ~~are~~ otherwise invalid shall be given a reasonable opportunity to
925 verify and challenge the showing of interest signatures

926 ~~appearing on the petition.~~

927 (2) (a) A petition for certification or decertification may
928 not be filed regarding any proposed or existing bargaining unit
929 within 12 months after the date the commission issues an order
930 that verifies the results of a certification or decertification
931 election covering any of the public employees in the proposed or
932 existing bargaining unit.

933 (b) If a valid collective bargaining agreement covering
934 any of the public employees in a proposed or an existing
935 bargaining unit is in effect, a petition for certification or
936 decertification may only be filed with the commission at least
937 90 but not more than 150 days immediately preceding the
938 expiration date of the collective bargaining agreement, or at
939 any time subsequent to such agreement's expiration date but
940 before the effective date of a new collective bargaining
941 agreement. The effective date of a collective bargaining
942 agreement means the date of ratification of such agreement by
943 both parties, if such agreement becomes effective immediately or
944 retroactively, or the collective bargaining agreement's actual
945 effective date, if such agreement becomes effective after its
946 ratification date.

947 ~~(3) (a)~~ The commission or one of its designated agents
948 shall investigate a certification, recertification, or
949 decertification ~~the petition to determine its sufficiency.;~~ ~~if~~
950 ~~it has reasonable cause to believe that the petition is~~

951 ~~sufficient, the commission shall provide for an appropriate~~
952 ~~hearing upon due notice. Such a hearing may be conducted by an~~
953 ~~agent of the commission.~~ If the commission finds that the
954 petition ~~is to be~~ insufficient, the commission must ~~it may~~
955 dismiss the petition. If the commission finds ~~upon the record of~~
956 ~~the hearing~~ that the petition is sufficient, the commission must
957 ~~it shall immediately:~~

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

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

964 (c)3. Order an election by secret ballot, the cost of said
965 election and any required runoff election to be borne equally by
966 the parties, except as the commission may provide by rule. The
967 commission's order assessing costs of an election may be
968 enforced pursuant to ~~the provisions of~~ this part.

969 (4) (a) Except as provided in paragraph (b), elections are
970 determined as follows for all petitions for certification,
971 recertification, or decertification filed on or after July 1,
972 2025:

973 1. In certification elections, if

974 ~~(b) When~~ an employee organization is selected by a
975 majority vote of the public employees in the bargaining unit

976 ~~voting in an election,~~ the commission shall certify the employee
977 organization as the ~~exclusive collective bargaining agent for~~
978 the public representative of all employees in the bargaining
979 unit. If there is more than one employee organization on the
980 ballot and Certification is effective upon the issuance of the
981 final order by the commission or, if the final order is
982 appealed, at the time the appeal is exhausted or any stay is
983 vacated by the commission or the court.

984 ~~(c) In any election in which~~ none of the choices on the
985 ballot receives ~~the vote of~~ a majority vote of the public
986 employees in the bargaining unit voting, a runoff election shall
987 be held according to rules adopted ~~promulgated~~ by the
988 commission.

989 2. In decertification elections, if a majority of the
990 public employees in the bargaining unit votes in favor of
991 decertification, the commission shall revoke the bargaining
992 agent's certification for that bargaining unit. If a majority of
993 the public employees in the bargaining unit does not vote in
994 favor of decertification, the bargaining agent shall retain its
995 certification for that bargaining unit.

996 3. In recertification elections, if a majority of the
997 public employees in the bargaining unit votes in favor of
998 recertification, the bargaining agent shall retain its
999 certification for that bargaining unit. If a majority of the
1000 public employees in the bargaining unit does not vote in favor

1001 of recertification, the commission shall revoke the bargaining
1002 agent's certification for that bargaining unit. If a majority of
1003 the public employees in the bargaining unit votes in favor of an
1004 employee organization that has intervened in the proceeding
1005 pursuant to this section, the commission shall certify such
1006 employee organization as the bargaining agent for the public
1007 employees in the bargaining unit. If there is more than one
1008 employee organization on the ballot and none of the choices on
1009 the ballot receives a majority vote of the public employees in
1010 the bargaining unit, a runoff election shall be held according
1011 to rules adopted by the commission. An employee organization
1012 that has its certification revoked under this subparagraph may
1013 not file a petition for certification that covers any of the
1014 public employees in the bargaining unit described in the revoked
1015 certification for at least 12 months after the date the
1016 certification was revoked.

1017 (b) With respect to bargaining units in which the majority
1018 of the public employees are public safety employees, elections
1019 are determined as follows for all petitions for certification or
1020 decertification:

1021 1. In certification elections, if an employee organization
1022 is selected by a majority vote of the public employees voting in
1023 the election, the commission shall certify the employee
1024 organization as the bargaining agent for the public employees in
1025 the bargaining unit. If there is more than one employee

1026 organization on the ballot and none of the choices on the ballot
1027 receives a majority vote of the public employees voting in the
1028 election, a runoff election shall be held according to rules
1029 adopted by the commission.

1030 2. In decertification elections, if a majority of the
1031 public employees voting in the election votes in favor of
1032 decertification, the commission shall revoke the bargaining
1033 agent's certification for that bargaining unit. If a majority of
1034 the public employees does not vote in favor of decertification,
1035 the bargaining agent shall retain its certification for that
1036 bargaining unit.

1037 (c) Certification, recertification, or revocation under
1038 this section is effective upon the commission issuing a final
1039 order or, if the final order is appealed, at the time the appeal
1040 is exhausted or any stay is vacated by the commission or a court

1041 ~~(d) No petition may be filed seeking an election in any~~
1042 ~~proposed or existing appropriate bargaining unit to determine~~
1043 ~~the exclusive bargaining agent within 12 months after the date~~
1044 ~~of a commission order verifying a representation election or, if~~
1045 ~~an employee organization prevails, within 12 months after the~~
1046 ~~date of an effective certification covering any of the employees~~
1047 ~~in the proposed or existing bargaining unit. Furthermore, if a~~
1048 ~~valid collective bargaining agreement covering any of the~~
1049 ~~employees in a proposed unit is in effect, a petition for~~
1050 ~~certification may be filed with the commission only during the~~

1051 ~~period extending from 150 days to 90 days immediately preceding~~
1052 ~~the expiration date of that agreement, or at any time subsequent~~
1053 ~~to its expiration date but prior to the effective date of any~~
1054 ~~new agreement. The effective date of a collective bargaining~~
1055 ~~agreement means the date of ratification by both parties, if the~~
1056 ~~agreement becomes effective immediately or retroactively; or its~~
1057 ~~actual effective date, if the agreement becomes effective after~~
1058 ~~its ratification date.~~

1059 (5)~~(4)~~ In defining a proposed bargaining unit, the
1060 commission shall take into consideration:

1061 (a) The principles of efficient administration of
1062 government.

1063 (b) The number of employee organizations with which the
1064 employer might have to negotiate.

1065 (c) The compatibility of the unit with the joint
1066 responsibilities of the public employer and public employees to
1067 represent the public.

1068 (d) The power of the officials of government at the level
1069 of the unit to agree, or make effective recommendations to
1070 another administrative authority or to a legislative body, with
1071 respect to matters of employment upon which the employee desires
1072 to negotiate.

1073 (e) The organizational structure of the public employer.

1074 (f) Community of interest among the employees to be
1075 included in the unit, considering:

1076 1. The manner in which wages and other terms of employment
1077 are determined.

1078 2. The method by which jobs and salary classifications are
1079 determined.

1080 3. The interdependence of jobs and interchange of
1081 employees.

1082 4. The desires of the employees.

1083 5. The history of employee relations within the
1084 organization of the public employer concerning organization and
1085 negotiation and the interest of the employees and the employer
1086 in the continuation of a traditional, workable, and accepted
1087 negotiation relationship.

1088 (g) The statutory authority of the public employer to
1089 administer a classification and pay plan.

1090 (h) Such other factors and policies as the commission may
1091 deem appropriate.

1092
1093 However, a bargaining ~~no~~ unit may not shall be established or
1094 approved for purposes of collective bargaining which includes
1095 both professional and nonprofessional employees unless a
1096 majority of each group votes for inclusion in such bargaining
1097 unit.

1098 **Section 12.** Section 447.308, Florida Statutes, is
1099 repealed.

1100 **Section 13.** **Section 447.309, Florida Statutes, is amended**

1101 **to read:**

1102 447.309 Collective bargaining; approval or rejection.—

1103 (1) After an employee organization has been certified as
1104 the bargaining agent of a bargaining unit pursuant to ~~the~~
1105 ~~provisions of this part~~, the bargaining agent ~~for the~~
1106 ~~organization~~ and the chief executive officer of the appropriate
1107 public employer or employers, jointly, shall bargain
1108 collectively in the determination of the wages, hours, and terms
1109 and conditions of employment of the public employees within the
1110 bargaining unit. The chief executive officer or his or her
1111 representative and the bargaining agent or its representative
1112 shall meet at reasonable times and bargain in good faith. In
1113 conducting negotiations with the bargaining agent, the chief
1114 executive officer or his or her representative shall consult
1115 with, and attempt to represent the views of, the legislative
1116 body of the public employer. Any collective bargaining agreement
1117 reached by the negotiators shall be reduced to writing, and such
1118 agreement shall be signed by the chief executive officer and the
1119 bargaining agent. Any agreement signed by the chief executive
1120 officer and the bargaining agent is ~~shall~~ not ~~be~~ binding on the
1121 public employer until such agreement has been ratified by the
1122 public employer and the ~~by~~ public employees in ~~who are members~~
1123 ~~of~~ the bargaining unit, subject to subsection (2) ~~the provisions~~
1124 ~~of subsections (2) and (3)~~. However, with respect to statewide
1125 bargaining units, any agreement signed by the Governor and the

1126 bargaining agent for such a bargaining unit ~~is shall~~ not be
 1127 binding until approved by the public employees in ~~who are~~
 1128 ~~members of~~ the bargaining unit, subject to subsection (2) ~~the~~
 1129 ~~provisions of subsections (2) and (3).~~

1130 (2) (a) Upon execution of the collective bargaining
 1131 agreement, the chief executive shall, in his or her annual
 1132 budget request or by other appropriate means, request the
 1133 legislative body to appropriate such amounts as shall be
 1134 sufficient to fund the provisions of the collective bargaining
 1135 agreement.

1136 (b) If the state is a party to a collective bargaining
 1137 agreement in which less than the requested amount is
 1138 appropriated by the Legislature, the collective bargaining
 1139 agreement shall be administered on the basis of the amounts
 1140 appropriated by the Legislature. The failure of the Legislature
 1141 to appropriate funds sufficient to fund the collective
 1142 bargaining agreement shall not constitute, or be evidence of,
 1143 any unfair labor practice. All collective bargaining agreements
 1144 entered into by the state are subject to the appropriations
 1145 powers of the Legislature, and the provisions of this section
 1146 shall not conflict with the exclusive authority of the
 1147 Legislature to appropriate funds.

1148 ~~(3) If any provision of a collective bargaining agreement~~
 1149 ~~is in conflict with any law, ordinance, rule, or regulation over~~
 1150 ~~which the chief executive officer has no amendatory power, the~~

1151 ~~chief executive officer shall submit to the appropriate~~
1152 ~~governmental body having amendatory power a proposed amendment~~
1153 ~~to such law, ordinance, rule, or regulation. Unless and until~~
1154 ~~such amendment is enacted or adopted and becomes effective, the~~
1155 ~~conflicting provision of the collective bargaining agreement~~
1156 ~~shall not become effective.~~

1157 (3)~~(4)~~ If the agreement is not ratified by the public
1158 employer or is not approved by a majority ~~vote~~ of the public
1159 employees voting ~~in the unit~~, in accordance with procedures
1160 adopted by the commission, the agreement shall be returned to
1161 the chief executive officer and the bargaining agent ~~employee~~
1162 ~~organization~~ for further negotiations.

1163 (4)~~(5)~~ A ~~Any~~ collective bargaining agreement may ~~shall~~ not
1164 provide for a term of existence of more than 3 years and must
1165 ~~shall~~ contain all of the terms and conditions of employment
1166 negotiated by the bargaining agent and the public employer and
1167 all of the disputed impasse issues resolved by the legislative
1168 body's action taken pursuant to s. 447.403 ~~of the employees in~~
1169 ~~the bargaining unit during such term except those terms and~~
1170 ~~conditions provided for in applicable merit and civil service~~
1171 ~~rules and regulations.~~

1172 **Section 14. Section 447.401, Florida Statutes, is amended**
1173 **to read:**

1174 447.401 Grievance procedures.—Each public employer and
1175 bargaining agent shall negotiate a grievance procedure to be

1176 used for the settlement of disputes between a public employer
1177 and a public employee, or a group of public employees, involving
1178 the interpretation or application of a collective bargaining
1179 agreement. ~~The~~ Such grievance procedure must ~~shall~~ have as its
1180 terminal step a final and binding disposition by an impartial
1181 neutral, mutually selected by the parties; however, when the
1182 issue under appeal is an allegation of abuse, abandonment, or
1183 neglect of a child by a public ~~an~~ employee under s. 39.201 or an
1184 allegation of abuse, neglect, or exploitation of a vulnerable
1185 adult by a public employee under s. 415.1034, the grievance may
1186 not be decided until such allegation ~~the abuse, abandonment, or~~
1187 ~~neglect of a child~~ has been judicially determined. However, an
1188 arbitrator ~~arbiter~~ or other neutral may ~~shall~~ not ~~have the power~~
1189 ~~to~~ add to, subtract from, modify, or alter the terms of a
1190 collective bargaining agreement. If an employee organization is
1191 certified as the bargaining agent of a bargaining unit, the
1192 grievance procedure then in existence may be the subject of
1193 collective bargaining, and any agreement which is reached shall
1194 supersede the previously existing procedure. All public
1195 employees ~~shall~~ have the right to a fair and equitable grievance
1196 procedure administered without regard to membership or
1197 nonmembership in any employee organization, except that
1198 bargaining agents may ~~certified employee organizations shall~~ not
1199 be required to process grievances for public employees who are
1200 not members of the employee organization. A public ~~career~~

1201 ~~service~~ employee may utilize ~~shall have the option of utilizing~~
1202 the civil service appeal procedure, an unfair labor practice
1203 procedure, or a grievance procedure established under this
1204 section, but may not avail ~~such employee is precluded from~~
1205 ~~availing~~ himself or herself of ~~to~~ more than one of these
1206 procedures.

1207 **Section 15. Subsections (1), (3), and (4) of section**
1208 **447.403, Florida Statutes, are amended to read:**

1209 447.403 Resolution of impasses.—

1210 (1) If, after a reasonable period of negotiation
1211 concerning the terms and conditions of employment to be
1212 incorporated in a collective bargaining agreement, a dispute
1213 exists between a public employer and a bargaining agent, either
1214 party may declare an impasse by providing written notification
1215 ~~shall be deemed to have occurred when one of the parties so~~
1216 ~~declares in writing~~ to the other party and to the commission.
1217 When an impasse occurs, the public employer or the bargaining
1218 agent, or both parties acting jointly, may appoint, or secure
1219 the appointment of, a mediator to assist in the resolution of
1220 the impasse. If the Governor is the public employer, a ~~no~~
1221 mediator may not ~~shall~~ be appointed.

1222 (3) The special magistrate shall hold hearings in order to
1223 define the area or areas of dispute, to determine facts relating
1224 to the dispute, and to render a decision on any and all
1225 unresolved contract issues. The hearings must ~~shall~~ be held at

1226 times, dates, and places to be established by the special
1227 magistrate in accordance with rules adopted ~~promulgated~~ by the
1228 commission. The special magistrate may ~~shall be empowered to~~
1229 administer oaths and issue subpoenas on behalf of the parties to
1230 the dispute or on his or her own behalf. Within 15 calendar days
1231 after the close of the final hearing, the special magistrate
1232 shall transmit his or her recommended decision to the commission
1233 and to the representatives of both parties by any method of
1234 service that establishes proof of delivery ~~registered mail,~~
1235 ~~return receipt requested~~. Such recommended decision must ~~shall~~
1236 be discussed by the parties, and each recommendation of the
1237 special magistrate is ~~shall be~~ deemed approved by both parties
1238 unless specifically rejected by either party by written notice
1239 filed with the commission within 20 calendar days after the date
1240 the party received the special magistrate's recommended
1241 decision. The written notice must ~~shall~~ include a statement of
1242 the cause for each rejection and ~~shall~~ be served upon the other
1243 party.

1244 (4) If either the public employer or the bargaining agent
1245 ~~employee organization~~ does not accept, in whole or in part, the
1246 recommended decision of the special magistrate, all of the
1247 following procedures apply:

1248 (a) The chief executive officer of the governmental entity
1249 involved shall, within 10 days after rejection of a
1250 recommendation of the special magistrate, submit to the

1251 legislative body of the governmental entity involved a copy of
1252 the findings of fact and recommended decision of the special
1253 magistrate, together with the chief executive officer's
1254 recommendations for settling the disputed impasse issues. The
1255 chief executive officer shall also transmit his or her
1256 recommendations to the bargaining agent. ~~employee organization,~~

1257 (b) The bargaining agent ~~employee organization~~ shall
1258 submit its recommendations for settling the disputed impasse
1259 issues to such legislative body and to the chief executive
1260 officer. ~~†~~

1261 (c) The legislative body or its ~~a~~ duly authorized
1262 committee must ~~thereof shall forthwith~~ conduct a public hearing
1263 at which the parties must ~~shall be required to~~ explain their
1264 positions with respect to the rejected recommendations of the
1265 special magistrate. ~~†~~

1266 (d) Thereafter, the legislative body shall take such
1267 action as it deems to be in the public interest, including the
1268 interest of the public employees involved, to resolve all
1269 disputed impasse issues. ~~† and~~

1270 (e) Following the resolution of the disputed impasse
1271 issues by the legislative body, the parties shall reduce to
1272 writing an agreement which includes those issues agreed to by
1273 the parties and those disputed impasse issues resolved by the
1274 legislative body's action taken pursuant to paragraph (d). The
1275 agreement must ~~shall~~ be signed by the chief executive officer

1276 and the bargaining agent and ~~shall be~~ submitted to the public
 1277 employer and ~~to~~ the public employees in ~~who are members of~~ the
 1278 bargaining unit for ratification. If such agreement is not
 1279 ratified by all parties, pursuant to ~~the provisions of~~ s.
 1280 447.309, the legislative body's action taken pursuant to ~~the~~
 1281 ~~provisions of~~ paragraph (d) shall take effect as of the date of
 1282 such legislative body's action for the remainder of the first
 1283 fiscal year which was the subject of negotiations; however, the
 1284 legislative body's action may ~~shall~~ not take effect with respect
 1285 to those disputed impasse issues which establish the language of
 1286 contractual provisions which could have no effect in the absence
 1287 of a ratified agreement, including, but not limited to,
 1288 preambles, recognition clauses, and duration clauses.

1289 **Section 16. Section 447.405, Florida Statutes, is amended**
 1290 **to read:**

1291 447.405 Factors to be considered by the special
 1292 magistrate.—The special magistrate shall conduct the hearings
 1293 and render recommended decisions with the objective of achieving
 1294 a prompt, peaceful, and just settlement of disputes between the
 1295 bargaining agents ~~public employee organizations~~ and the public
 1296 employers. The factors, among others, to be given weight by the
 1297 special magistrate in arriving at a recommended decision must
 1298 ~~shall~~ include:

- 1299 (1) Comparison of the annual income of employment of the
 1300 public employees in question with the annual income of

1301 employment maintained for the same or similar work of employees
 1302 exhibiting like or similar skills under the same or similar
 1303 working conditions in the local operating area involved.

1304 (2) Comparison of the annual income of employment of the
 1305 public employees in question with the annual income of
 1306 employment of public employees in similar public employee
 1307 governmental bodies of comparable size within this ~~the~~ state.

1308 (3) The interest and welfare of the public.

1309 (4) Comparison of peculiarities of employment in regard to
 1310 other trades or professions, specifically with respect to:

- 1311 (a) Hazards of employment.
- 1312 (b) Physical qualifications.
- 1313 (c) Educational qualifications.
- 1314 (d) Intellectual qualifications.
- 1315 (e) Job training and skills.
- 1316 (f) Retirement plans.
- 1317 (g) Sick leave.
- 1318 (h) Job security.
- 1319 (5) Availability of funds.

1320 **Section 17. Paragraphs (c) and (f) of subsection (1) and**
 1321 **subsection (2) of section 447.501, Florida Statutes, are amended**
 1322 **to read:**

1323 447.501 Unfair labor practices.—

1324 (1) Public employers or their agents or representatives
 1325 are prohibited from:

1326 (c) Refusing to bargain collectively, failing to bargain
 1327 collectively in good faith, or refusing to sign a final
 1328 agreement agreed upon with the ~~certified~~ bargaining agent for
 1329 the public employees in the bargaining unit.

1330 (f) Refusing to discuss grievances in good faith pursuant
 1331 to the terms of the collective bargaining agreement with either
 1332 the ~~certified~~ bargaining agent for the public employee or the
 1333 employee involved.

1334 (2) An ~~A~~ public employee organization or anyone acting on
 1335 ~~in~~ its behalf or its officers, representatives, agents, or
 1336 members are prohibited from:

1337 (a) Interfering with, restraining, or coercing public
 1338 employees in the exercise of any rights guaranteed them under
 1339 this part or interfering with, restraining, or coercing
 1340 managerial employees by reason of their performance of job
 1341 duties or other activities undertaken in the interests of the
 1342 public employer.

1343 (b) Causing or attempting to cause a public employer to
 1344 discriminate against a public ~~an~~ employee because of such ~~the~~
 1345 employee's membership or nonmembership in an employee
 1346 organization or attempting to cause the public employer to
 1347 violate ~~any of the provisions of~~ this part.

1348 (c) Refusing to bargain collectively or failing to bargain
 1349 collectively in good faith with a public employer.

1350 (d) Discriminating against a public ~~an~~ employee because he

1351 or she has signed or filed an affidavit, a petition, or a
 1352 complaint or given any information or testimony in any
 1353 proceedings provided for in this part.

1354 (e) Participating in a strike against the public employer
 1355 by instigating or supporting, in any positive manner, a strike.
 1356 A person who violates ~~Any violation of~~ this paragraph is ~~shall~~
 1357 subject ~~the violator~~ to the penalties provided in this part.

1358 (f) Instigating or advocating support, in any positive
 1359 manner, for an employee organization's activities from high
 1360 school or grade school students or students in institutions of
 1361 higher learning.

1362 **Section 18. Subsection (1) of section 447.503, Florida**
 1363 **Statutes, is amended to read:**

1364 447.503 Charges of unfair labor practices.—It is the
 1365 intent of the Legislature that the commission act as
 1366 expeditiously as possible to settle disputes regarding alleged
 1367 unfair labor practices. To this end, violations of the
 1368 provisions of s. 447.501 shall be remedied by the commission in
 1369 accordance with the following procedures and in accordance with
 1370 chapter 120; however, to the extent that chapter 120 is
 1371 inconsistent with the provisions of this section, the procedures
 1372 contained in this section shall govern:

1373 (1) A proceeding to remedy a violation of ~~the provisions~~
 1374 ~~of~~ s. 447.501 must ~~shall~~ be initiated by the filing of a charge
 1375 with the commission by a public employer, a public ~~an employer,~~

1376 employee, or an employee organization, or any combination
1377 thereof, whose substantial interests will be affected as
1378 provided in chapter 120. Such a charge must ~~shall~~ contain a
1379 clear and concise statement of facts constituting the alleged
1380 unfair labor practice, including the names of all individuals
1381 involved in the alleged unfair labor practice, specific
1382 reference to ~~the provisions of~~ s. 447.501 alleged to have been
1383 violated, and such other relevant information as the commission
1384 may by rule require or allow. Service of the charge must ~~shall~~
1385 be made upon each named respondent at the time of filing with
1386 the commission. The charge must be accompanied by sworn
1387 statements and documentary evidence sufficient to establish a
1388 prima facie violation of the applicable unfair labor practice
1389 provision. Such supporting evidence is not to be attached to the
1390 charge and is to be furnished only to the commission.

1391 **Section 19. Subsections (2) through (5) and paragraph (a)**
1392 **of subsection (6) of section 447.507, Florida Statutes, are**
1393 **amended to read:**

1394 447.507 Violation of strike prohibition; penalties.—

1395 (2) If a public employee, a group of public employees, an
1396 employee organization, or any officer, agent, or representative
1397 of any employee organization engages in a strike in violation of
1398 s. 447.505, either the commission or any public employer whose
1399 public employees are involved or whose public employees may be
1400 affected by the strike may file suit to enjoin the strike in the

1401 circuit court having proper jurisdiction and proper venue of
1402 such actions under the Florida Rules of Civil Procedure and
1403 Florida Statutes. The circuit court shall conduct a hearing,
1404 with notice to the commission and to all interested parties, at
1405 the earliest practicable time. If the plaintiff makes a prima
1406 facie showing that a violation of s. 447.505 is in progress or
1407 that there is a clear, real, and present danger that such a
1408 strike is about to commence, the circuit court must ~~shall~~ issue
1409 a temporary injunction enjoining the strike. Upon final hearing,
1410 the circuit court shall either make the injunction permanent or
1411 dissolve it.

1412 (3) If an injunction to enjoin a strike issued pursuant to
1413 this section is not promptly complied with, on the application
1414 of the plaintiff, the circuit court shall immediately initiate
1415 contempt proceedings against those who appear to be in
1416 violation. An employee organization found to be in contempt of
1417 court for violating an injunction against a strike shall be
1418 fined an amount deemed appropriate by the court. In determining
1419 the appropriate fine, the court shall objectively consider the
1420 extent of lost services and the particular nature and position
1421 of the public employee group in violation. A ~~In no event shall~~
1422 ~~the fine~~ may not exceed \$30,000 ~~\$5,000~~. Each officer, agent, or
1423 representative of an employee organization found to be in
1424 contempt of court for violating an injunction against a strike
1425 shall be fined at least \$300, but not more than \$600, ~~not less~~

1426 ~~than \$50 nor more than \$100~~ for each calendar day that the
1427 violation is in progress.

1428 (4) An employee organization is ~~shall be~~ liable for any
1429 damages which might be suffered by a public employer as a result
1430 of a violation of ~~the provisions of~~ s. 447.505 by the employee
1431 organization or its representatives, officers, or agents. The
1432 circuit court having jurisdiction over such actions may is
1433 ~~empowered to~~ enforce judgments against employee organizations in
1434 the amount deemed appropriate by the court in accordance with
1435 this section. An action may not, as defined in this part, by
1436 ~~attachment or garnishment of union initiation fees or dues which~~
1437 ~~are to be deducted or checked off by public employers. No action~~
1438 ~~shall~~ be maintained pursuant to this subsection until all
1439 proceedings which were pending before the commission at the time
1440 of the strike or which were initiated within 30 days after ~~of~~
1441 the strike have been finally adjudicated or otherwise disposed
1442 of. In determining the amount of damages, if any, to be awarded
1443 to the public employer, the trier of fact shall take into
1444 consideration any action or inaction by the public employer or
1445 its agents that provoked or tended to provoke the strike by the
1446 public employees. The trier of fact shall also take into
1447 consideration any damages that might have been recovered by the
1448 public employer under subparagraph (6) (a)4.

1449 (5) If the commission, after a hearing on notice conducted
1450 according to rules adopted ~~promulgated~~ by the commission,

1451 determines that a public ~~an~~ employee has violated s. 447.505, it
1452 may order the termination of such employee's ~~his or her~~
1453 employment by the public employer. Notwithstanding any other
1454 provision of law, a person knowingly violating s. 447.505 ~~the~~
1455 ~~provision of said section~~ may, subsequent to such violation, be
1456 appointed, reappointed, employed, or reemployed as a public
1457 employee, but only upon the following conditions:

1458 (a) Such person shall be on probation for a period of 18
1459 months after ~~following~~ his or her appointment, reappointment,
1460 employment, or reemployment, during which period he or she shall
1461 serve without permanent status and at the pleasure of the agency
1462 head.

1463 (b) His or her compensation may not ~~in no event~~ exceed the
1464 compensation ~~that~~ received immediately before ~~prior to~~ the time
1465 of the violation.

1466 (c) The compensation of the person may not be increased
1467 until at least ~~after the expiration of 1 year~~ after ~~from~~ such
1468 appointment, reappointment, employment, or reemployment.

1469 (6) (a) If the commission determines that an employee
1470 organization has violated s. 447.505, it may:

1471 1. Issue cease and desist orders as necessary to ensure
1472 compliance with its order.

1473 2. Suspend or revoke the certification of the ~~employee~~
1474 ~~organization as the~~ bargaining agent of such bargaining ~~employee~~
1475 unit.

1476 3. Revoke any requirement of the public employer to engage
 1477 in membership ~~the right of~~ dues deduction for ~~and collection~~
 1478 ~~previously granted to~~ said employee organization pursuant to s.
 1479 447.303.

1480 4. Fine the organization up to \$120,000 ~~\$20,000~~ for each
 1481 calendar day of such violation or determine the approximate cost
 1482 to the public due to each calendar day of the strike and fine
 1483 the organization an amount equal to such cost, even if the fine
 1484 exceeds \$120,000 ~~notwithstanding the fact that the fine may~~
 1485 ~~exceed \$20,000~~ for each such calendar day. The fines so
 1486 collected ~~shall~~ immediately accrue to the public employer and
 1487 must ~~shall~~ be used by the public employer ~~him or her~~ to replace
 1488 those services denied the public as a result of the strike. In
 1489 determining the amount of damages, if any, to be awarded to the
 1490 public employer, the commission must consider ~~shall take into~~
 1491 ~~consideration~~ any action or inaction by the public employer or
 1492 its agents that provoked, or tended to provoke, the strike by
 1493 the public employees.

1494 **Section 20. Subsection (3) of section 447.509, Florida**
 1495 **Statutes, is renumbered as subsection (6), and a new subsection**
 1496 **(3) and subsections (4) and (5) are added to that section to**
 1497 **read:**

1498 447.509 Other unlawful acts; exceptions.-

1499 (3) Public employers, their agents or representatives, or
 1500 any persons acting on their behalf may not do any of the

1501 following:

1502 (a) With regard to an election held pursuant to s. 447.307
1503 or a campaign leading up to such an election, discriminate among
1504 employee organizations or public employees regarding access to
1505 or use of the public employer's meetings, events, facilities,
1506 communications systems, mailboxes, computer systems, equipment,
1507 supplies, or other resources for the purpose of supporting or
1508 opposing the certification, recertification, or decertification
1509 of a bargaining agent.

1510 (b) Provide any form of compensation or paid leave to a
1511 public employee, directly or indirectly, for the purpose of
1512 engaging in employee organization activities.

1513 (4) Notwithstanding subsection (3), if the public employer
1514 and the bargaining agent agree, a public employee may do all of
1515 the following:

1516 (a) Be granted time off without pay or benefits to engage
1517 in employee organization activities. An employee organization
1518 may compensate a public employee for engaging in employee
1519 organization activities.

1520 (b) Use compensated personal leave, whether the leave is
1521 the public employee's or is voluntarily donated by other public
1522 employees in the bargaining unit, to engage in employee
1523 organization activities if:

1524 1. The leave is accrued at the same rate by similarly
1525 situated public employees in the bargaining unit without regard

1526 to membership in or participation with an employee organization.

1527 2. The public employee may freely choose how to use the
1528 leave.

1529 (c) Engage in employee organization activities on behalf
1530 of a bargaining agent while in a duty status without loss of pay
1531 or benefits if:

1532 1. The bargaining agent reports to the public employer at
1533 least biannually the amount of time, in increments rounded to
1534 the nearest quarter of an hour, each public employee in the
1535 bargaining unit engaged in employee organization activities each
1536 day.

1537 2. The public employer calculates the pro rata value of
1538 compensation, including wages and fringe benefits, paid to or
1539 accrued by a public employee for time spent engaged in employee
1540 organization activities and provides an invoice for such amounts
1541 to the bargaining agent at least biannually.

1542 3. The bargaining agent remits full payment to the public
1543 employer within 30 days after receipt of an invoice.

1544 (5) Subsections (3) and (4) do not apply to public
1545 employees in a bargaining unit in which the majority of the
1546 public employees are public safety employees.

1547 **Section 21. Section 447.609, Florida Statutes, is amended**
1548 **to read:**

1549 447.609 Representation in proceedings.—Any full-time
1550 employee or officer of any public employer or employee

1551 organization may represent his or her employer or any public
1552 employee in ~~member of~~ a bargaining unit in any proceeding
1553 authorized in this part, excluding the representation of any
1554 person or public employer in a court of law by a person who is
1555 not a licensed attorney.

1556 **Section 22. Subsection (3) of section 110.114, Florida**
1557 **Statutes, is amended to read:**

1558 110.114 Employee wage deductions.—

1559 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
1560 (2), ~~the deduction of an employee's~~ membership dues deductions
1561 as defined in s. 447.203 ~~s. 447.203(15) for an employee~~
1562 ~~organization as defined in s. 447.203(11)~~ shall be authorized or
1563 permitted only for an organization that has been certified
1564 pursuant to chapter 447 as the ~~exclusive~~ bargaining agent
1565 ~~pursuant to chapter 447~~ for a unit of public state employees in
1566 ~~which the employee is included~~. Such deductions shall be subject
1567 to ~~the provisions of~~ s. 447.303.

1568 **Section 23. Paragraph (w) of subsection (2) of section**
1569 **110.205, Florida Statutes, is amended to read:**

1570 110.205 Career service; exemptions.—

1571 (2) EXEMPT POSITIONS.—The exempt positions that are not
1572 covered by this part include the following:

1573 (w) Managerial employees and, ~~as defined in s. 447.203(4),~~
1574 confidential employees, as those terms are defined in s. 447.203
1575 ~~s. 447.203(5)~~, and supervisory employees who spend the majority

1576 of their time communicating with, motivating, training, and
1577 evaluating employees, and planning and directing employees'
1578 work, and who have the authority to hire, transfer, suspend, lay
1579 off, recall, promote, discharge, assign, reward, or discipline
1580 subordinate employees or effectively recommend such action,
1581 including all employees serving as supervisors, administrators,
1582 and directors. Excluded are employees also designated as special
1583 risk or special risk administrative support and attorneys who
1584 serve as administrative law judges pursuant to s. 120.65 or for
1585 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1586 registered nurses licensed under chapter 464, dentists licensed
1587 under chapter 466, psychologists licensed under chapter 490 or
1588 chapter 491, nutritionists or dietitians licensed under part X
1589 of chapter 468, pharmacists licensed under chapter 465,
1590 psychological specialists licensed under chapter 491, physical
1591 therapists licensed under chapter 486, and speech therapists
1592 licensed under part I of chapter 468 are excluded, unless
1593 otherwise collectively bargained.

1594 **Section 24. Subsection (6) of section 112.3187, Florida**
1595 **Statutes, is amended to read:**

1596 112.3187 Adverse action against employee for disclosing
1597 information of specified nature prohibited; employee remedy and
1598 relief.—

1599 (6) TO WHOM INFORMATION DISCLOSED.—The information
1600 disclosed under this section must be disclosed to any agency or

1601 federal government entity having the authority to investigate,
 1602 police, manage, or otherwise remedy the violation or act,
 1603 including, but not limited to, the Office of the Chief Inspector
 1604 General, an agency inspector general or the employee designated
 1605 as agency inspector general under s. 112.3189(1) or inspectors
 1606 general under s. 20.055, the Florida Commission on Human
 1607 Relations, and the whistle-blower's hotline created under s.
 1608 112.3189. However, for disclosures concerning a local
 1609 governmental entity, including any regional, county, or
 1610 municipal entity, special district, community college district,
 1611 or school district or any political subdivision of any of the
 1612 foregoing, the information must be disclosed to a chief
 1613 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
 1614 other appropriate local official.

1615 **Section 25. Subsection (5) of section 121.031, Florida**
 1616 **Statutes, is amended to read:**

1617 121.031 Administration of system; appropriation; oaths;
 1618 actuarial studies; public records.—

1619 (5) The names and addresses of retirees are confidential
 1620 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
 1621 that no state or local governmental agency may provide the names
 1622 or addresses of such persons in aggregate, compiled, or list
 1623 form to any person except to a public agency engaged in official
 1624 business. However, a state or local government agency may
 1625 provide the names and addresses of retirees from that agency to

1626 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1627 a retiree organization for official business use. Lists of names
1628 or addresses of retirees may be exchanged by public agencies,
1629 but such lists shall not be provided to, or open for inspection
1630 by, the public. Any person may view or copy any individual's
1631 retirement records at the Department of Management Services, one
1632 record at a time, or may obtain information by a separate
1633 written request for a named individual for which information is
1634 desired.

1635 **Section 26. Subsection (1) of section 447.02, Florida**
1636 **Statutes, is amended to read:**

1637 447.02 Definitions.—The following terms, when used in this
1638 chapter, shall have the meanings ascribed to them in this
1639 section:

1640 (1) The term "labor organization" means any organization
1641 of employees or local or subdivision thereof, having within its
1642 membership residents of the state, whether incorporated or not,
1643 organized for the purpose of dealing with employers concerning
1644 hours of employment, rate of pay, working conditions, or
1645 grievances of any kind relating to employment and recognized as
1646 a unit of bargaining by one or more employers doing business in
1647 this state, except that an "employee organization," as defined
1648 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1649 definition at such time as it seeks to register pursuant to s.
1650 447.305.

1651 **Section 27. Subsection (2) of section 1011.60, Florida**
1652 **Statutes, is amended to read:**

1653 1011.60 Minimum requirements of the Florida Education
1654 Finance Program.—Each district which participates in the state
1655 appropriations for the Florida Education Finance Program shall
1656 provide evidence of its effort to maintain an adequate school
1657 program throughout the district and shall meet at least the
1658 following requirements:

1659 (2) MINIMUM TERM.—Operate all schools for a term of 180
1660 actual teaching days or the equivalent on an hourly basis as
1661 specified by rules of the State Board of Education each school
1662 year. The State Board of Education may prescribe procedures for
1663 altering, and, upon written application, may alter, this
1664 requirement during a national, state, or local emergency as it
1665 may apply to an individual school or schools in any district or
1666 districts if, in the opinion of the board, it is not feasible to
1667 make up lost days or hours, and the apportionment may, at the
1668 discretion of the Commissioner of Education and if the board
1669 determines that the reduction of school days or hours is caused
1670 by the existence of a bona fide emergency, be reduced for such
1671 district or districts in proportion to the decrease in the
1672 length of term in any such school or schools. A strike, as
1673 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1674 district may not be considered an emergency.

1675 **Section 28.** This act shall take effect July 1, 2025.