

By Senator Ingoglia

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

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30 amending s. 447.303, F.S.; conforming provisions to
31 changes made by the act; amending s. 447.305, F.S.;
32 revising the application for employee organization
33 registration; revising certain information required
34 for an application for renewal of registration;
35 requiring an employee organization to provide an
36 application for renewal of registration to certain
37 persons within a specified timeframe; requiring a
38 bargaining agent to provide missing information to the
39 commission within a specified timeframe; requiring the
40 commission to dismiss an application for renewal of
41 registration under certain circumstances; requiring a
42 bargaining agent to petition for recertification
43 within a specified timeframe after submission of
44 certain information; authorizing a public employer or
45 public employee of a bargaining unit to challenge an
46 application for renewal of registration as materially
47 inaccurate during specified timeframes; requiring the
48 commission or one of its designated agents to conduct
49 an investigation if a challenge is filed; exempting
50 certain employee organizations from a specified
51 requirement; requiring a registration fee for
52 applications for registration and renewal of
53 registration; requiring certain employee organization
54 accounts to be open for inspection at a reasonable
55 time and place; providing for the revocation of an
56 employee organization's certification under certain
57 circumstances; providing that certain decisions issued
58 by the commission are final agency actions; amending

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59 s. 447.307, F.S.; revising requirements for the
60 certification, recertification, and decertification of
61 an employee organization; repealing s. 447.308, F.S.,
62 relating to revocation of certification of an employee
63 organization; amending s. 447.309, F.S.; removing
64 provisions relating to conflicts between any
65 collective bargaining agreement provision and any law,
66 ordinance, rule, or regulation; requiring collective
67 bargaining agreements to contain specified terms and
68 conditions; amending s. 447.401, F.S.; conforming
69 provisions to changes made by the act; amending s.
70 447.403, F.S.; authorizing the recommended decision of
71 a special magistrate from an impasse hearing to be
72 transmitted by any method of service that establishes
73 proof of delivery, rather than a specified method;
74 amending ss. 447.405 and 447.501, F.S.; conforming
75 provisions to changes made by the act; amending s.
76 447.503, F.S.; authorizing certain public employers,
77 public employees, and employee organizations, or
78 combinations thereof, to file certain charges with the
79 commission; amending s. 447.507, F.S.; increasing
80 fines for certain violations; amending s. 447.509,
81 F.S.; prohibiting public employers, their agents or
82 representatives, and any persons acting on their
83 behalf from taking certain actions; authorizing
84 certain actions by public employees under certain
85 circumstances; providing exceptions; amending s.
86 447.609, F.S.; conforming provisions to changes made
87 by the act; amending ss. 110.114, 110.205, 112.3187,

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88 121.031, 447.02, and 1011.60, F.S.; conforming cross-
89 references; providing an effective date.

90

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

92

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

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

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

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

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

109 112.0455 Drug-Free Workplace Act.—

110 (14) DISCIPLINE REMEDIES.—

111 (a) An executive branch employee who is disciplined or who
112 is a job applicant for another position and is not hired
113 pursuant to this section, may file an appeal with the Public
114 Employees Relations Commission. Any appeal must be filed within
115 30 calendar days after ~~of~~ receipt by the employee or job
116 applicant of notice of discipline or refusal to hire. The notice

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117 shall inform the employee or job applicant of the right to file
118 an appeal, or if available, the right to file a collective
119 bargaining grievance pursuant to s. 447.401. Such appeals shall
120 be resolved pursuant to the procedures established in ss.
121 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on
122 the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the
123 filing of the appeal, unless an extension is requested by the
124 employee or job applicant and granted by the commission or an
125 arbitrator. The final order must be issued by the commission in
126 accordance with ss. 120.569 and 120.57.

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

129 120.80 Exceptions and special requirements; agencies.—

130 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

135 295.14 Penalties.—

136 (1) When the Public Employees Relations Commission, after a
137 hearing on notice conducted according to rules adopted by the
138 commission, determines that a violation of s. 295.07, s. 295.08,
139 s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains
140 the veteran seeking redress, the commission shall order the
141 offending agency, employee, or officer of the state to comply
142 with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s.
143 295.09(1)(a) or (b); and, in the event of a violation of s.
144 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the
145 commission may issue an order to compensate the veteran for the

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

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

157 447.203 Definitions.—As used in this part:

158 (1) ~~(12)~~ "Bargaining agent" means the employee organization
159 that ~~which~~ has been certified by the commission as representing
160 the employees in the bargaining unit, as provided in s. 447.307,
161 or its representative.

162 (2) ~~(8)~~ "Bargaining unit" means either that unit determined
163 by the commission, that unit determined through local
164 regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that
165 unit determined by the public employer and the public employee
166 organization and approved by the commission to be appropriate
167 for the purposes of collective bargaining. However, no
168 bargaining unit shall be defined as appropriate which includes
169 employees of two employers that are not departments or divisions
170 of the state, a county, a municipality, or other political
171 entity.

172 (3) ~~(9)~~ "Chief executive officer" for the state shall mean
173 the Governor and for other public employers shall mean the
174 person, whether elected or appointed, who is responsible to the

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

177 ~~(4)(16)~~ "Civil service" means any career, civil, or merit
178 system used by any public employer.

179 ~~(5)(14)~~ "Collective bargaining" means the performance of
180 the mutual obligations of the public employer and the bargaining
181 agent of the employee organization to meet at reasonable times,
182 to negotiate in good faith, and to execute a written contract
183 with respect to agreements reached concerning the terms and
184 conditions of employment, except that neither party shall be
185 compelled to agree to a proposal or be required to make a
186 concession unless otherwise provided in this part.

187 ~~(6)(1)~~ "Commission" means the Public Employees Relations
188 Commission created by s. 447.205.

189 ~~(7)(5)~~ "Confidential employees" are persons who act in a
190 confidential capacity to assist or aid managerial employees as
191 defined in subsection (12) ~~(4)~~.

192 ~~(8)(11)~~ "Employee organization" or "organization" means any
193 labor organization, union, association, fraternal order,
194 occupational or professional society, or group, however
195 organized or constituted, which represents, or seeks to
196 represent, any public employee or group of public employees
197 concerning any matters relating to their employment relationship
198 with a public employer.

199 (9) "Employee organization activities" means activities
200 undertaken at the direction of, on behalf of, or to advance the
201 purposes of an employee organization or any parent organization
202 or affiliate of the employee organization by:

203 (a) Supporting or opposing a candidate for federal, state,

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204 or local public office.

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

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

211 (d) Seeking certification as a bargaining agent.

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

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

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

222 (h) Representing or speaking on behalf of an employee
223 organization or any parent organization or affiliate of the
224 employee organization in any setting, venue, or procedure in
225 which the public employer is not a participant.

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

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

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

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- 233 (l) Administering a collective bargaining agreement.
- 234 (m) Participating in labor-management committees.
- 235 ~~(10)-(17)~~ "Good faith bargaining" means, but is not shall
236 ~~mean, but not be~~ limited to, the willingness of both parties to
237 meet at reasonable times and places, as mutually agreed upon, in
238 order to discuss issues which are proper subjects of bargaining,
239 with the intent of reaching a common accord. The term includes
240 ~~It shall include~~ an obligation for both parties to participate
241 actively in the negotiations with an open mind and a sincere
242 desire, as well as making a sincere effort, to resolve
243 differences and come to an agreement. In determining whether a
244 party failed to bargain in good faith, the commission shall
245 consider the total conduct of the parties during negotiations as
246 well as the specific incidents of alleged bad faith. Incidents
247 indicative of bad faith shall include, but not be limited to,
248 the following occurrences:
- 249 (a) Failure to meet at reasonable times and places with
250 representatives of the other party for the purpose of
251 negotiations.
- 252 (b) Placing unreasonable restrictions on the other party as
253 a prerequisite to meeting.
- 254 (c) Failure to discuss proper subjects of bargaining
255 ~~bargainable issues~~.
- 256 (d) Refusing, upon reasonable written request, to provide
257 public information, excluding work products as defined in s.
258 447.605.
- 259 (e) Refusing to negotiate because of an unwanted person on
260 the opposing negotiating team.
- 261 (f) Negotiating directly with employees rather than with

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262 their ~~certified~~ bargaining agent.

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

264 (11)~~(10)~~ "Legislative body" means the State Legislature,
265 the board of county commissioners, the district school board,
266 the governing body of a municipality, or the governing body of
267 an instrumentality or unit of government having authority to
268 appropriate funds and establish policy governing the terms and
269 conditions of employment and which, as the case may be, is the
270 appropriate legislative body for the bargaining unit. For
271 purposes of s. 447.403, the Board of Governors of the State
272 University System, or the board's designee, shall be deemed to
273 be the legislative body with respect to all employees of each
274 constituent state university. For purposes of s. 447.403 the
275 board of trustees of a community college shall be deemed to be
276 the legislative body with respect to all employees of the
277 community college.

278 (12)~~(4)~~ "Managerial employees" means ~~are~~ those employees
279 who:

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

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

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

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

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

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

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

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

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

308
309 However, in determining whether an individual is a managerial
310 employee pursuant to paragraph (a) or paragraph (b), ~~above~~, the
311 commission may consider historic relationships of the employee
312 to the public employer and to coemployees.

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

317 (14)~~(15)~~ "Membership dues deduction" means the practice of
318 a public employer ~~of~~ deducting membership dues ~~and uniform~~
319 ~~assessments~~ from the salary or wages of a public employee and.

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320 ~~Such term also means the practice of a public employer of~~
321 ~~transmitting the sums so deducted to an ~~such~~ employee~~
322 ~~organization on behalf of the public employee.~~

323 ~~(15)(13)~~ "Professional employee" means:

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

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

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

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

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

340 (b) Any employee who:

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

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

347 ~~(16)(3)~~ "Public employee" means any person employed by a
348 public employer except:

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

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

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

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

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

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

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

365 1. Federal license requirement.

366 2. Federal autonomy regarding investigation and
367 disciplining of appointees.

368 3. Frequent transfers due to harvesting conditions.

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

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

374 (17)~~(2)~~ "Public employer" or "employer" means the state or
375 any county, municipality, or special district or any subdivision
376 or agency thereof which the commission determines has sufficient
377 legal distinctiveness properly to carry out the functions of a

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378 public employer. With respect to all public employees determined
379 by the commission as properly belonging to a statewide
380 bargaining unit composed of State Career Service System
381 employees or Selected Professional Service employees, the
382 Governor is deemed to be the public employer; and the Board of
383 Governors of the State University System, or the board's
384 designee, is deemed to be the public employer with respect to
385 all public employees of each constituent state university. The
386 board of trustees of a community college is deemed to be the
387 public employer with respect to all employees of the community
388 college. The district school board is deemed to be the public
389 employer with respect to all employees of the school district.
390 The Board of Trustees of the Florida School for the Deaf and the
391 Blind is deemed to be the public employer with respect to the
392 academic and academic administrative personnel of the Florida
393 School for the Deaf and the Blind. The Board of Trustees of the
394 Florida School for Competitive Academics is deemed to be the
395 public employer with respect to the academic and academic
396 administrative personnel of the Florida School for Competitive
397 Academics. The Governor is deemed to be the public employer with
398 respect to all employees in the Correctional Education Program
399 of the Department of Corrections established pursuant to s.
400 944.801.

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

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407 or paramedic, as those terms are defined in s. 401.23.

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

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

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

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

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

423 (21)~~(6)~~ "Strike" means the concerted failure of employees
424 to report for duty; the concerted absence of employees from
425 their positions; the concerted stoppage of work by employees;
426 the concerted submission of resignations by employees; the
427 concerted abstinence in whole or in part by any group of
428 employees from the full and faithful performance of the duties
429 of employment with a public employer for the purpose of
430 inducing, influencing, condoning, or coercing a change in the
431 terms and conditions of employment or the rights, privileges, or
432 obligations of public employment, or participating in a
433 deliberate and concerted course of conduct which adversely
434 affects the services of the public employer; the concerted
435 failure of employees to report for work after the expiration of

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436 a collective bargaining agreement; and picketing in furtherance
 437 of a work stoppage. The term includes ~~“strike” shall also mean~~
 438 any overt preparation, including, but not limited to, the
 439 establishment of strike funds with regard to the ~~above-listed~~
 440 activities listed in this subsection.

441 ~~(22)(7)~~ “Strike funds” are any appropriations by an
 442 employee organization which are established to directly or
 443 indirectly aid any employee or employee organization to
 444 participate in a strike in the state.

445 ~~(23)(18)~~ “Student representative” means the representative
 446 selected by each community college or university student
 447 government association. Each representative may be present at
 448 all negotiating sessions that take place between the appropriate
 449 public employer and a ~~an exclusive~~ bargaining agent. The
 450 representative must be enrolled as a student with at least 8
 451 credit hours in the respective community college or university
 452 during his or her term as student representative.

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

455 447.205 Public Employees Relations Commission.—

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

464 (8) The commission shall have a seal for authentication of

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465 its orders and proceedings, upon which shall be inscribed the
466 words "State of Florida-Public Employees Relations Commission-
467 Seal," ~~"State of Florida-Employees Relations Commission-and~~
468 which shall be judicially noticed.

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

471 447.207 Commission; powers and duties.-

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

483 (6) Pursuant to its established procedures, the commission
484 shall resolve questions and controversies concerning claims for
485 recognition as the bargaining agent for a bargaining unit,
486 determine or approve units appropriate for purposes of
487 collective bargaining, expeditiously process charges of unfair
488 labor practices and violations of s. 447.505 by public
489 employees, and resolve such other questions and controversies as
490 it may be authorized herein to undertake. The petitioner,
491 charging party, respondent, and any intervenors shall be the
492 adversary parties before the commission in any adjudicatory
493 proceeding conducted pursuant to this part. Any commission

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494 statement of general applicability that implements, interprets,
495 or prescribes law or policy, made in the course of adjudicating
496 a case pursuant to ~~s. 447.307 or s. 447.503~~ shall not constitute
497 a rule within the meaning of s. 120.52.

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

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

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

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

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

520 447.301 Public employees' rights; organization and
521 representation.—

522 (1)

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

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

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

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

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552 ~~against in any manner for joining and financially supporting, or~~
553 ~~refusing to join and financially support, a labor union or for~~
554 ~~refusing to join or financially support a labor union.~~

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

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

569 6. This paragraph does not apply to public employees in
570 ~~members of a bargaining unit in which~~ the majority of the public
571 ~~whose employees~~ are public safety employees ~~eligible for~~
572 ~~representation are employed as law enforcement officers,~~
573 ~~correctional officers, or correctional probation officers as~~
574 ~~those terms are defined in s. 943.10(1), (2), or (3),~~
575 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
576 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
577 ~~emergency medical technicians or paramedics as defined in s.~~
578 ~~401.23.~~

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

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

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

592 447.303 Membership dues; deduction and collection.—

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

603 (2) (a) Upon the written authorization of a public employee
604 in a bargaining unit in which the majority of the public
605 employees are public safety employees, the public employer must
606 engage in membership dues deduction for such public employee. A
607 public employee may revoke his or her authorization for
608 membership dues deduction upon providing 30 days' written notice
609 to the public employer and bargaining agent ~~An employee~~

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

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

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

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

636 447.305 Registration of employee organizations
637 ~~organization.~~—

638 (1) Every employee organization seeking to become a

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

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

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

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

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

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

667 (f) A pledge, in a form prescribed by the commission, that

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668 the employee organization will conform to the laws of this ~~the~~
669 state and that it will accept members without regard to age,
670 race, sex, religion, or national origin.

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

673 (h) A copy of the current constitution and bylaws of the
674 state and national groups with which the employee organization
675 is affiliated or associated. In lieu of this provision, and upon
676 adoption of a rule by the commission, a state or national
677 affiliate or parent organization of any registering employee
678 ~~labor~~ organization may annually submit a copy of its current
679 constitution and bylaws.

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

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

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

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

701 (d) Salary, wages, fringe benefits, allowances, and other
702 direct or indirect disbursements, including reimbursed expenses,
703 paid or accruing to each officer and also to each employee who,
704 during such fiscal year, received more than \$10,000 in the
705 aggregate from such employee organization and any parent
706 organization of the ~~other~~ employee organization or any affiliate
707 of either the employee organization or the parent organization.

708 This paragraph requires reporting of any reimbursements paid by
709 the employee organization to a public employer for monies paid
710 by the public employer to an officer or an employee. ~~affiliated~~
711 ~~with it or with which it is affiliated or which is affiliated~~
712 ~~with the same national or international employee organization;~~

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

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

720 (3) As part of its application for renewal of registration,
721 ~~a In addition to subsection (2), an employee organization that~~
722 ~~has been certified as the bargaining agent for public employees~~
723 ~~must include all of for each such certified bargaining unit the~~
724 ~~following additional information and documentation as of the~~
725 ~~30th day immediately preceding the date upon which its current~~

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726 ~~registration is scheduled to end for any renewal of registration~~
727 ~~on or after October 1, 2023:~~

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

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

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

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

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

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

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

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

754 (4) Within 30 days after filing an application for renewal

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

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

777 (6) The commission must notify the bargaining agent if the
778 information and documentation required in subsection (3) is
779 complete. Within 30 days after such notification, the bargaining
780 agent must petition for recertification pursuant to s. 447.307
781 for each of its bargaining units ~~Notwithstanding the provisions~~
782 ~~of this chapter relating to collective bargaining, an employee~~
783 ~~organization certified as a bargaining agent to represent a~~

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784 ~~bargaining unit~~ for which less than 60 percent of the public
785 ~~unit~~ employees in the bargaining unit have submitted membership
786 authorization forms without subsequent revocation and paid
787 membership dues to the organization, as reported in subsection
788 (3) during its last registration period must petition the
789 commission pursuant to s. 447.307(2) and (3) for recertification
790 as the exclusive representative of all employees in the
791 bargaining unit within 30 days after the date on which the
792 employee organization applies for renewal of registration
793 pursuant to subsection (2). The certification of an employee
794 organization that does not comply with this section is revoked.

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

812 (8) The commission or one of its designated agents may

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

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

821 447.301(1)(b)5.; or

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

824

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

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

840 (10) A registration fee must ~~shall~~ accompany each
841 application for registration or renewal of registration filed

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842 with the commission. The registration fee may amount charged for
843 an application for registration or renewal of registration shall
844 not exceed \$15. All such money collected by the commission shall
845 be deposited in the General Revenue Fund.

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

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

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

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

873 447.307 Certification, recertification, and decertification
874 of employee organizations ~~organization~~.

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

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

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

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

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929 intimidation, or misrepresentation or are otherwise invalid
930 shall be given a reasonable opportunity to verify and challenge
931 the signature card ~~signatures appearing on the petition.~~

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

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

943 (c) If a valid collective bargaining agreement covering any
944 of the public employees in a proposed or existing bargaining
945 unit is in effect, a petition for certification or
946 decertification may only be filed with the commission at least
947 90 but not more than 150 days immediately preceding the
948 expiration date of the collective bargaining agreement, or at
949 any time subsequent to such agreement's expiration date but
950 before the effective date of a new collective bargaining
951 agreement. The effective date of a collective bargaining
952 agreement means the date of ratification of such agreement by
953 both parties, if such agreement becomes effective immediately or
954 retroactively, or the collective bargaining agreement's actual
955 effective date, if such agreement becomes effective after its
956 ratification date.

957 (3) ~~(a)~~ The commission or one of its designated agents shall

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

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

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

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

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

982 1. In certification elections, if

983 ~~(b) When~~ an employee organization is selected by a majority
 984 vote of the public employees in the bargaining unit ~~voting in an~~
 985 ~~election,~~ the commission shall certify the employee organization
 986 as the ~~exclusive collective~~ bargaining agent for the public

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987 ~~representative of all employees in the bargaining unit. If there~~
988 ~~is more than one employee organization on the ballot and~~
989 ~~Certification is effective upon the issuance of the final order~~
990 ~~by the commission or, if the final order is appealed, at the~~
991 ~~time the appeal is exhausted or any stay is vacated by the~~
992 ~~commission or the court.~~

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

998 2. In decertification elections, if a majority of the
999 public employees in the bargaining unit votes in favor of
1000 decertification, the commission shall revoke the bargaining
1001 agent's certification for that bargaining unit. If a majority of
1002 the public employees in the bargaining unit does not vote in
1003 favor of decertification, the bargaining agent shall retain its
1004 certification for that bargaining unit.

1005 3. In recertification elections, if a majority of the
1006 public employees in the bargaining unit votes in favor of
1007 recertification, the bargaining agent shall retain its
1008 certification for that bargaining unit. If a majority of the
1009 public employees in the bargaining unit does not vote in favor
1010 of recertification, the commission shall revoke the bargaining
1011 agent's certification for that bargaining unit. If a majority of
1012 the public employees in the bargaining unit votes in favor of an
1013 employee organization that has intervened in the proceeding
1014 pursuant to this section, the commission shall certify such
1015 employee organization as the bargaining agent for the public

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1016 employees in the bargaining unit. If there is more than one
1017 employee organization on the ballot and none of the choices on
1018 the ballot receives a majority vote of the public employees in
1019 the bargaining unit, a runoff election shall be held according
1020 to rules adopted by the commission. An employee organization
1021 that has its certification revoked under this subparagraph may
1022 not file a petition for certification that covers any of the
1023 public employees in the bargaining unit described in the revoked
1024 certification for at least 12 months after the date the
1025 certification was revoked.

1026 (b) With respect to bargaining units in which the majority
1027 of the public employees are public safety employees, elections
1028 are determined as follows for all petitions for certification or
1029 decertification:

1030 1. In certification elections, if an employee organization
1031 is selected by a majority vote of the public employees voting in
1032 the election, the commission shall certify the employee
1033 organization as the bargaining agent for the public employees in
1034 the bargaining unit. If there is more than one employee
1035 organization on the ballot and none of the choices on the ballot
1036 receives a majority vote of the public employees voting in the
1037 election, a runoff election shall be held according to rules
1038 adopted by the commission.

1039 2. In decertification elections, if a majority of the
1040 public employees voting in the election votes in favor of
1041 decertification, the commission shall revoke the bargaining
1042 agent's certification for that bargaining unit. If a majority of
1043 the public employees does not vote in favor of decertification,
1044 the bargaining agent shall retain its certification for that

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1045 bargaining unit.

1046 (c) Certification, recertification, or revocation under
1047 this section is effective upon the commission issuing a final
1048 order or, if the final order is appealed, at the time the appeal
1049 is exhausted or any stay is vacated by the commission or a
1050 court.

1051 ~~(d) No petition may be filed seeking an election in any~~
1052 ~~proposed or existing appropriate bargaining unit to determine~~
1053 ~~the exclusive bargaining agent within 12 months after the date~~
1054 ~~of a commission order verifying a representation election or, if~~
1055 ~~an employee organization prevails, within 12 months after the~~
1056 ~~date of an effective certification covering any of the employees~~
1057 ~~in the proposed or existing bargaining unit. Furthermore, if a~~
1058 ~~valid collective bargaining agreement covering any of the~~
1059 ~~employees in a proposed unit is in effect, a petition for~~
1060 ~~certification may be filed with the commission only during the~~
1061 ~~period extending from 150 days to 90 days immediately preceding~~
1062 ~~the expiration date of that agreement, or at any time subsequent~~
1063 ~~to its expiration date but prior to the effective date of any~~
1064 ~~new agreement. The effective date of a collective bargaining~~
1065 ~~agreement means the date of ratification by both parties, if the~~
1066 ~~agreement becomes effective immediately or retroactively; or its~~
1067 ~~actual effective date, if the agreement becomes effective after~~
1068 ~~its ratification date.~~

1069 (5)(4) In defining a proposed bargaining unit, the
1070 commission shall take into consideration:

1071 (a) The principles of efficient administration of
1072 government.

1073 (b) The number of employee organizations with which the

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1074 employer might have to negotiate.

1075 (c) The compatibility of the unit with the joint
1076 responsibilities of the public employer and public employees to
1077 represent the public.

1078 (d) The power of the officials of government at the level
1079 of the unit to agree, or make effective recommendations to
1080 another administrative authority or to a legislative body, with
1081 respect to matters of employment upon which the employee desires
1082 to negotiate.

1083 (e) The organizational structure of the public employer.

1084 (f) Community of interest among the employees to be
1085 included in the unit, considering:

1086 1. The manner in which wages and other terms of employment
1087 are determined.

1088 2. The method by which jobs and salary classifications are
1089 determined.

1090 3. The interdependence of jobs and interchange of
1091 employees.

1092 4. The desires of the employees.

1093 5. The history of employee relations within the
1094 organization of the public employer concerning organization and
1095 negotiation and the interest of the employees and the employer
1096 in the continuation of a traditional, workable, and accepted
1097 negotiation relationship.

1098 (g) The statutory authority of the public employer to
1099 administer a classification and pay plan.

1100 (h) Such other factors and policies as the commission may
1101 deem appropriate.

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1103 However, a bargaining ~~ne~~ unit may not ~~shall~~ be established or
1104 approved for purposes of collective bargaining which includes
1105 both professional and nonprofessional employees unless a
1106 majority of each group votes for inclusion in such bargaining
1107 unit.

1108 Section 12. Section 447.308, Florida Statutes, is repealed.

1109 Section 13. Subsections (4) and (5) of section 447.309,
1110 Florida Statutes, are renumbered as subsections (3) and (4),
1111 respectively, and present subsections (1), (3), and (5) of that
1112 section are amended to read:

1113 447.309 Collective bargaining; approval or rejection.—

1114 (1) After an employee organization has been certified as
1115 the bargaining agent of a bargaining unit pursuant to ~~the~~
1116 ~~provisions of~~ this part, the bargaining agent ~~for the~~
1117 ~~organization~~ and the chief executive officer of the appropriate
1118 public employer or employers, jointly, shall bargain
1119 collectively in the determination of the wages, hours, and terms
1120 and conditions of employment of the public employees within the
1121 bargaining unit. The chief executive officer or his or her
1122 representative and the bargaining agent or its representative
1123 shall meet at reasonable times and bargain in good faith. In
1124 conducting negotiations with the bargaining agent, the chief
1125 executive officer or his or her representative shall consult
1126 with, and attempt to represent the views of, the legislative
1127 body of the public employer. Any collective bargaining agreement
1128 reached by the negotiators shall be reduced to writing, and such
1129 agreement shall be signed by the chief executive officer and the
1130 bargaining agent. Any agreement signed by the chief executive
1131 officer and the bargaining agent is ~~shall~~ not ~~be~~ binding on the

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1132 public employer until such agreement has been ratified by the
1133 public employer and the ~~by~~ public employees in ~~who are members~~
1134 ~~of~~ the bargaining unit, subject to subsection (2) ~~the provisions~~
1135 ~~of subsections (2) and (3)~~. However, with respect to statewide
1136 bargaining units, any agreement signed by the Governor and the
1137 bargaining agent for such a bargaining unit is ~~shall~~ not be
1138 binding until approved by the public employees in ~~who are~~
1139 ~~members of~~ the bargaining unit, subject to subsection (2) ~~the~~
1140 ~~provisions of subsections (2) and (3)~~.

1141 ~~(3) If any provision of a collective bargaining agreement~~
1142 ~~is in conflict with any law, ordinance, rule, or regulation over~~
1143 ~~which the chief executive officer has no amendatory power, the~~
1144 ~~chief executive officer shall submit to the appropriate~~
1145 ~~governmental body having amendatory power a proposed amendment~~
1146 ~~to such law, ordinance, rule, or regulation. Unless and until~~
1147 ~~such amendment is enacted or adopted and becomes effective, the~~
1148 ~~conflicting provision of the collective bargaining agreement~~
1149 ~~shall not become effective.~~

1150 ~~(4)(5)~~ A Any collective bargaining agreement may ~~shall~~ not
1151 provide for a term of existence of more than 3 years and must
1152 ~~shall~~ contain all of the terms and conditions of employment
1153 negotiated by the bargaining agent and the public employer and
1154 all of the disputed impasse issues resolved by the legislative
1155 body's action taken pursuant to s. 447.403 ~~of the employees in~~
1156 ~~the bargaining unit during such term except those terms and~~
1157 ~~conditions provided for in applicable merit and civil service~~
1158 ~~rules and regulations.~~

1159 Section 14. Section 447.401, Florida Statutes, is amended
1160 to read:

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1161 447.401 Grievance procedures.—Each public employer and
1162 bargaining agent shall negotiate a grievance procedure to be
1163 used for the settlement of disputes between a public employer
1164 and a public employee, or a group of public employees, involving
1165 the interpretation or application of a collective bargaining
1166 agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its
1167 terminal step a final and binding disposition by an impartial
1168 neutral, mutually selected by the parties; however, when the
1169 issue under appeal is an allegation of abuse, abandonment, or
1170 neglect of a child by a public ~~an~~ employee under s. 39.201 or an
1171 allegation of abuse, neglect, or exploitation of a vulnerable
1172 adult by a public employee under s. 415.1034, the grievance may
1173 not be decided until such allegation ~~the abuse, abandonment, or~~
1174 ~~neglect of a child~~ has been judicially determined. However, an
1175 arbitrator ~~arbitrer~~ or other neutral may ~~shall~~ not have the power
1176 ~~to~~ add to, subtract from, modify, or alter the terms of a
1177 collective bargaining agreement. If an employee organization is
1178 certified as the bargaining agent of a bargaining unit, the
1179 grievance procedure then in existence may be the subject of
1180 collective bargaining, and any agreement which is reached shall
1181 supersede the previously existing procedure. All public
1182 employees ~~shall~~ have the right to a fair and equitable grievance
1183 procedure administered without regard to membership or
1184 nonmembership in any employee organization, except that
1185 bargaining agents may ~~certified employee organizations~~ shall not
1186 be required to process grievances for public employees who are
1187 not members of the employee organization. A public ~~career~~
1188 ~~service~~ employee may utilize ~~shall have the option of utilizing~~
1189 the civil service appeal procedure, an unfair labor practice

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1190 procedure, or a grievance procedure established under this
1191 section, but may not avail ~~such employee is precluded from~~
1192 ~~availing~~ himself or herself of ~~to~~ more than one of these
1193 procedures.

1194 Section 15. Subsections (1), (3), and (4) of section
1195 447.403, Florida Statutes, are amended to read:

1196 447.403 Resolution of impasses.—

1197 (1) If, after a reasonable period of negotiation concerning
1198 the terms and conditions of employment to be incorporated in a
1199 collective bargaining agreement, a dispute exists between a
1200 public employer and a bargaining agent, either party may declare
1201 an impasse by providing written notification ~~shall be deemed to~~
1202 ~~have occurred when one of the parties so declares in writing to~~
1203 the other party and to the commission. When an impasse occurs,
1204 the public employer or the bargaining agent, or both parties
1205 acting jointly, may appoint, or secure the appointment of, a
1206 mediator to assist in the resolution of the impasse. If the
1207 Governor is the public employer, a ~~no~~ mediator may not ~~shall~~ be
1208 appointed.

1209 (3) The special magistrate shall hold hearings in order to
1210 define the area or areas of dispute, to determine facts relating
1211 to the dispute, and to render a decision on any and all
1212 unresolved contract issues. The hearings must ~~shall~~ be held at
1213 times, dates, and places to be established by the special
1214 magistrate in accordance with rules adopted ~~promulgated~~ by the
1215 commission. The special magistrate may ~~shall be empowered to~~
1216 administer oaths and issue subpoenas on behalf of the parties to
1217 the dispute or on his or her own behalf. Within 15 calendar days
1218 after the close of the final hearing, the special magistrate

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1219 shall transmit his or her recommended decision to the commission
1220 and to the representatives of both parties by any method of
1221 service that establishes proof of delivery ~~registered mail,~~
1222 ~~return receipt requested~~. Such recommended decision must ~~shall~~
1223 be discussed by the parties, and each recommendation of the
1224 special magistrate is ~~shall be~~ deemed approved by both parties
1225 unless specifically rejected by either party by written notice
1226 filed with the commission within 20 calendar days after the date
1227 the party received the special magistrate's recommended
1228 decision. The written notice must ~~shall~~ include a statement of
1229 the cause for each rejection and ~~shall~~ be served upon the other
1230 party.

1231 (4) If either the public employer or the bargaining agent
1232 ~~employee organization~~ does not accept, in whole or in part, the
1233 recommended decision of the special magistrate, all of the
1234 following procedures apply:

1235 (a) The chief executive officer of the governmental entity
1236 involved shall, within 10 days after rejection of a
1237 recommendation of the special magistrate, submit to the
1238 legislative body of the governmental entity involved a copy of
1239 the findings of fact and recommended decision of the special
1240 magistrate, together with the chief executive officer's
1241 recommendations for settling the disputed impasse issues. The
1242 chief executive officer shall also transmit his or her
1243 recommendations to the bargaining agent. ~~employee organization;~~

1244 (b) The bargaining agent ~~employee organization~~ shall submit
1245 its recommendations for settling the disputed impasse issues to
1246 such legislative body and to the chief executive officer. ~~†~~

1247 (c) The legislative body or its ~~a~~ duly authorized committee

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1248 ~~thereof shall forthwith~~ conduct a public hearing at which the
1249 parties must ~~shall be required to~~ explain their positions with
1250 respect to the rejected recommendations of the special
1251 magistrate. ~~†~~

1252 (d) Thereafter, the legislative body shall take such action
1253 as it deems to be in the public interest, including the interest
1254 of the public employees involved, to resolve all disputed
1255 impasse issues. ~~† and~~

1256 (e) Following the resolution of the disputed impasse issues
1257 by the legislative body, the parties shall reduce to writing an
1258 agreement which includes those issues agreed to by the parties
1259 and those disputed impasse issues resolved by the legislative
1260 body's action taken pursuant to paragraph (d). The agreement
1261 must ~~shall~~ be signed by the chief executive officer and the
1262 bargaining agent and ~~shall be~~ submitted to the public employer
1263 and ~~to~~ the public employees in ~~who are members of~~ the bargaining
1264 unit for ratification. If such agreement is not ratified by all
1265 parties, pursuant to ~~the provisions of~~ s. 447.309, the
1266 legislative body's action taken pursuant to ~~the provisions of~~
1267 paragraph (d) shall take effect as of the date of such
1268 legislative body's action for the remainder of the first fiscal
1269 year which was the subject of negotiations; however, the
1270 legislative body's action may ~~shall~~ not take effect with respect
1271 to those disputed impasse issues which establish the language of
1272 contractual provisions which could have no effect in the absence
1273 of a ratified agreement, including, but not limited to,
1274 preambles, recognition clauses, and duration clauses.

1275 Section 16. Section 447.405, Florida Statutes, is amended
1276 to read:

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1277 447.405 Factors to be considered by the special
1278 magistrate.—The special magistrate shall conduct the hearings
1279 and render recommended decisions with the objective of achieving
1280 a prompt, peaceful, and just settlement of disputes between the
1281 bargaining agents ~~public employee organizations~~ and the public
1282 employers. The factors, among others, to be given weight by the
1283 special magistrate in arriving at a recommended decision must
1284 ~~shall~~ include:

1285 (1) Comparison of the annual income of employment of the
1286 public employees in question with the annual income of
1287 employment maintained for the same or similar work of employees
1288 exhibiting like or similar skills under the same or similar
1289 working conditions in the local operating area involved.

1290 (2) Comparison of the annual income of employment of the
1291 public employees in question with the annual income of
1292 employment of public employees in similar public employee
1293 governmental bodies of comparable size within this ~~the~~ state.

1294 (3) The interest and welfare of the public.

1295 (4) Comparison of peculiarities of employment in regard to
1296 other trades or professions, specifically with respect to:

- 1297 (a) Hazards of employment.
1298 (b) Physical qualifications.
1299 (c) Educational qualifications.
1300 (d) Intellectual qualifications.
1301 (e) Job training and skills.
1302 (f) Retirement plans.
1303 (g) Sick leave.
1304 (h) Job security.
1305 (5) Availability of funds.

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1306 Section 17. Paragraphs (c) and (f) of subsection (1) and
1307 subsection (2) of section 447.501, Florida Statutes, are amended
1308 to read:

1309 447.501 Unfair labor practices.—

1310 (1) Public employers or their agents or representatives are
1311 prohibited from:

1312 (c) Refusing to bargain collectively, failing to bargain
1313 collectively in good faith, or refusing to sign a final
1314 agreement agreed upon with the ~~certified~~ bargaining agent for
1315 the public employees in the bargaining unit.

1316 (f) Refusing to discuss grievances in good faith pursuant
1317 to the terms of the collective bargaining agreement with either
1318 the ~~certified~~ bargaining agent for the public employee or the
1319 employee involved.

1320 (2) An A-~~public~~ employee organization or anyone acting on
1321 ~~in~~ its behalf or its officers, representatives, agents, or
1322 members are prohibited from:

1323 (a) Interfering with, restraining, or coercing public
1324 employees in the exercise of any rights guaranteed them under
1325 this part or interfering with, restraining, or coercing
1326 managerial employees by reason of their performance of job
1327 duties or other activities undertaken in the interests of the
1328 public employer.

1329 (b) Causing or attempting to cause a public employer to
1330 discriminate against a public ~~an~~ employee because of such ~~the~~
1331 employee's membership or nonmembership in an employee
1332 organization or attempting to cause the public employer to
1333 violate ~~any of the provisions of~~ this part.

1334 (c) Refusing to bargain collectively or failing to bargain

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1335 collectively in good faith with a public employer.

1336 (d) Discriminating against a public ~~an~~ employee because he
1337 or she has signed or filed an affidavit, a petition, or a
1338 complaint or given any information or testimony in any
1339 proceedings provided for in this part.

1340 (e) Participating in a strike against the public employer
1341 by instigating or supporting, in any positive manner, a strike.
1342 A person who violates ~~Any violation of~~ this paragraph is shall
1343 ~~subject the violator~~ to the penalties provided in this part.

1344 (f) Instigating or advocating support, in any positive
1345 manner, for an employee organization's activities from high
1346 school or grade school students or students in institutions of
1347 higher learning.

1348 Section 18. Subsection (1) of section 447.503, Florida
1349 Statutes, is amended to read:

1350 447.503 Charges of unfair labor practices.—It is the intent
1351 of the Legislature that the commission act as expeditiously as
1352 possible to settle disputes regarding alleged unfair labor
1353 practices. To this end, violations of the provisions of s.
1354 447.501 shall be remedied by the commission in accordance with
1355 the following procedures and in accordance with chapter 120;
1356 however, to the extent that chapter 120 is inconsistent with the
1357 provisions of this section, the procedures contained in this
1358 section shall govern:

1359 (1) A proceeding to remedy a violation of ~~the provisions of~~
1360 s. 447.501 must ~~shall~~ be initiated by the filing of a charge
1361 with the commission by a public employer, a public ~~an employer,~~
1362 employee, or an employee organization, or any combination
1363 thereof, whose substantial interests will be affected as

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1364 provided in chapter 120. Such a charge must ~~shall~~ contain a
1365 clear and concise statement of facts constituting the alleged
1366 unfair labor practice, including the names of all individuals
1367 involved in the alleged unfair labor practice, specific
1368 reference to ~~the provisions of~~ s. 447.501 alleged to have been
1369 violated, and such other relevant information as the commission
1370 may by rule require or allow. Service of the charge must ~~shall~~
1371 be made upon each named respondent at the time of filing with
1372 the commission. The charge must be accompanied by sworn
1373 statements and documentary evidence sufficient to establish a
1374 prima facie violation of the applicable unfair labor practice
1375 provision. Such supporting evidence is not to be attached to the
1376 charge and is to be furnished only to the commission.

1377 Section 19. Subsections (2) through (5) and paragraph (a)
1378 of subsection (6) of section 447.507, Florida Statutes, are
1379 amended to read:

1380 447.507 Violation of strike prohibition; penalties.—

1381 (2) If a public employee, a group of public employees, an
1382 employee organization, or any officer, agent, or representative
1383 of any employee organization engages in a strike in violation of
1384 s. 447.505, either the commission or any public employer whose
1385 public employees are involved or whose public employees may be
1386 affected by the strike may file suit to enjoin the strike in the
1387 circuit court having proper jurisdiction and proper venue of
1388 such actions under the Florida Rules of Civil Procedure and
1389 Florida Statutes. The circuit court shall conduct a hearing,
1390 with notice to the commission and to all interested parties, at
1391 the earliest practicable time. If the plaintiff makes a prima
1392 facie showing that a violation of s. 447.505 is in progress or

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1393 that there is a clear, real, and present danger that such a
1394 strike is about to commence, the circuit court must ~~shall~~ issue
1395 a temporary injunction enjoining the strike. Upon final hearing,
1396 the circuit court shall either make the injunction permanent or
1397 dissolve it.

1398 (3) If an injunction to enjoin a strike issued pursuant to
1399 this section is not promptly complied with, on the application
1400 of the plaintiff, the circuit court shall immediately initiate
1401 contempt proceedings against those who appear to be in
1402 violation. An employee organization found to be in contempt of
1403 court for violating an injunction against a strike shall be
1404 fined an amount deemed appropriate by the court. In determining
1405 the appropriate fine, the court shall objectively consider the
1406 extent of lost services and the particular nature and position
1407 of the public employee group in violation. ~~A In no event shall~~
1408 ~~the fine may not exceed \$30,000 \$5,000.~~ Each officer, agent, or
1409 representative of an employee organization found to be in
1410 contempt of court for violating an injunction against a strike
1411 shall be fined at least \$300, but not more than \$600, ~~not less~~
1412 ~~than \$50 nor more than \$100~~ for each calendar day that the
1413 violation is in progress.

1414 (4) An employee organization is ~~shall be~~ liable for any
1415 damages which might be suffered by a public employer as a result
1416 of a violation of ~~the provisions of~~ s. 447.505 by the employee
1417 organization or its representatives, officers, or agents. The
1418 circuit court having jurisdiction over such actions may ~~is~~
1419 ~~empowered to~~ enforce judgments against employee organizations in
1420 the amount deemed appropriate by the court in accordance with
1421 this section. An action may not, ~~as defined in this part, by~~

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1422 ~~attachment or garnishment of union initiation fees or dues which~~
1423 ~~are to be deducted or checked off by public employers. No action~~
1424 ~~shall~~ be maintained pursuant to this subsection until all
1425 proceedings which were pending before the commission at the time
1426 of the strike or which were initiated within 30 days after ~~of~~
1427 the strike have been finally adjudicated or otherwise disposed
1428 of. In determining the amount of damages, if any, to be awarded
1429 to the public employer, the trier of fact shall take into
1430 consideration any action or inaction by the public employer or
1431 its agents that provoked or tended to provoke the strike by the
1432 public employees. The trier of fact shall also take into
1433 consideration any damages that might have been recovered by the
1434 public employer under subparagraph (6) (a)4.

1435 (5) If the commission, after a hearing on notice conducted
1436 according to rules adopted ~~promulgated~~ by the commission,
1437 determines that a public ~~an~~ employee has violated s. 447.505, it
1438 may order the termination of such employee's ~~his or her~~
1439 employment by the public employer. Notwithstanding any other
1440 provision of law, a person knowingly violating s. 447.505 ~~the~~
1441 ~~provision of said section~~ may, subsequent to such violation, be
1442 appointed, reappointed, employed, or reemployed as a public
1443 employee, but only upon the following conditions:

1444 (a) Such person shall be on probation for a period of 18
1445 months after ~~following~~ his or her appointment, reappointment,
1446 employment, or reemployment, during which period he or she shall
1447 serve without permanent status and at the pleasure of the agency
1448 head.

1449 (b) His or her compensation may not ~~in no event~~ exceed the
1450 compensation ~~that~~ received immediately before ~~prior to~~ the time

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1451 of the violation.

1452 (c) The compensation of the person may not be increased
1453 until at least ~~after the expiration of~~ 1 year after ~~from~~ such
1454 appointment, reappointment, employment, or reemployment.

1455 (6) (a) If the commission determines that an employee
1456 organization has violated s. 447.505, it may:

1457 1. Issue cease and desist orders as necessary to ensure
1458 compliance with its order.

1459 2. Suspend or revoke the certification of the ~~employee~~
1460 ~~organization as the~~ bargaining agent of such bargaining ~~employee~~
1461 unit.

1462 3. Revoke any requirement of the public employer to engage
1463 in membership ~~the right of~~ dues deduction for ~~and collection~~
1464 ~~previously granted to~~ said employee organization pursuant to s.
1465 447.303.

1466 4. Fine the organization up to \$120,000 ~~\$20,000~~ for each
1467 calendar day of such violation or determine the approximate cost
1468 to the public due to each calendar day of the strike and fine
1469 the organization an amount equal to such cost, even if the fine
1470 exceeds \$120,000 ~~notwithstanding the fact that the fine may~~
1471 ~~exceed \$20,000~~ for each such calendar day. The fines so
1472 collected ~~shall~~ immediately accrue to the public employer and
1473 must ~~shall~~ be used by the public employer ~~him or her~~ to replace
1474 those services denied the public as a result of the strike. In
1475 determining the amount of damages, if any, to be awarded to the
1476 public employer, the commission must consider ~~shall take into~~
1477 ~~consideration~~ any action or inaction by the public employer or
1478 its agents that provoked, or tended to provoke, the strike by
1479 the public employees.

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1480 Section 20. Subsection (3) of section 447.509, Florida
1481 Statutes, is renumbered as subsection (6), and new subsections
1482 (3), (4), and (5) are added to that section to read:

1483 447.509 Other unlawful acts; exceptions.—

1484 (3) Public employers, their agents or representatives, or
1485 any persons acting on their behalf may not provide any form of
1486 compensation or paid leave to a public employee, directly or
1487 indirectly, for the purpose of engaging in employee organization
1488 activities.

1489 (4) Notwithstanding subsection (3), if the public employer
1490 and the bargaining agent agree, a public employee may do all of
1491 the following:

1492 (a) Be granted time off without pay or benefits to engage
1493 in employee organization activities. An employee organization
1494 may compensate a public employee for engaging in employee
1495 organization activities.

1496 (b) Use compensated personal leave, whether the leave is
1497 the public employee's or is voluntarily donated by other public
1498 employees in the bargaining unit, to engage in employee
1499 organization activities if:

1500 1. The leave is accrued at the same rate by similarly
1501 situated public employees in the bargaining unit without regard
1502 to membership in or participation with an employee organization.

1503 2. The public employee may freely choose how to use such
1504 leave.

1505 (c) Engage in representational employee organization
1506 activities on behalf of a bargaining agent while in a duty
1507 status without loss of pay or benefits if:

1508 1. The bargaining agent reports to the public employer at

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1509 least biannually the amount of time, in increments rounded to
1510 the nearest quarter of an hour, each public employee in the
1511 bargaining unit engaged in representational employee
1512 organization activities each day.

1513 2. The public employer calculates the pro rata value of
1514 compensation, including wages and fringe benefits, paid to or
1515 accrued by a public employee for time spent engaged in
1516 representational employee organization activities and provides
1517 an invoice for such amounts to the bargaining agent at least
1518 biannually.

1519 3. The bargaining agent remits full payment to the public
1520 employer within 30 days after receipt of an invoice.

1521 (5) Subsections (3) and (4) do not apply to public
1522 employees in a bargaining unit in which the majority of the
1523 public employees are public safety employees.

1524 Section 21. Section 447.609, Florida Statutes, is amended
1525 to read:

1526 447.609 Representation in proceedings.—Any full-time
1527 employee or officer of any public employer or employee
1528 organization may represent his or her employer or any public
1529 employee in ~~member of~~ a bargaining unit in any proceeding
1530 authorized in this part, excluding the representation of any
1531 person or public employer in a court of law by a person who is
1532 not a licensed attorney.

1533 Section 22. Subsection (3) of section 110.114, Florida
1534 Statutes, is amended to read:

1535 110.114 Employee wage deductions.—

1536 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
1537 (2), the deduction of an employee's membership dues deductions

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1538 as defined in s. 447.203 ~~s. 447.203(15)~~ for an employee
1539 organization as defined in s. 447.203 ~~s. 447.203(11)~~ shall be
1540 authorized or permitted only for an organization that has been
1541 certified as the ~~exclusive~~ bargaining agent pursuant to chapter
1542 447 for a unit of state employees in which the employee is
1543 included. Such deductions shall be subject to ~~the provisions of~~
1544 s. 447.303.

1545 Section 23. Paragraph (w) of subsection (2) of section
1546 110.205, Florida Statutes, is amended to read:

1547 110.205 Career service; exemptions.—

1548 (2) EXEMPT POSITIONS.—The exempt positions that are not
1549 covered by this part include the following:

1550 (w) Managerial employees ~~and, as defined in s. 447.203(4),~~
1551 confidential employees, as those terms are defined in s. 447.203
1552 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1553 of their time communicating with, motivating, training, and
1554 evaluating employees, and planning and directing employees'
1555 work, and who have the authority to hire, transfer, suspend, lay
1556 off, recall, promote, discharge, assign, reward, or discipline
1557 subordinate employees or effectively recommend such action,
1558 including all employees serving as supervisors, administrators,
1559 and directors. Excluded are employees also designated as special
1560 risk or special risk administrative support and attorneys who
1561 serve as administrative law judges pursuant to s. 120.65 or for
1562 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1563 registered nurses licensed under chapter 464, dentists licensed
1564 under chapter 466, psychologists licensed under chapter 490 or
1565 chapter 491, nutritionists or dietitians licensed under part X
1566 of chapter 468, pharmacists licensed under chapter 465,

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1567 psychological specialists licensed under chapter 491, physical
1568 therapists licensed under chapter 486, and speech therapists
1569 licensed under part I of chapter 468 are excluded, unless
1570 otherwise collectively bargained.

1571 Section 24. Subsection (6) of section 112.3187, Florida
1572 Statutes, is amended to read:

1573 112.3187 Adverse action against employee for disclosing
1574 information of specified nature prohibited; employee remedy and
1575 relief.—

1576 (6) TO WHOM INFORMATION DISCLOSED.—The information
1577 disclosed under this section must be disclosed to any agency or
1578 federal government entity having the authority to investigate,
1579 police, manage, or otherwise remedy the violation or act,
1580 including, but not limited to, the Office of the Chief Inspector
1581 General, an agency inspector general or the employee designated
1582 as agency inspector general under s. 112.3189(1) or inspectors
1583 general under s. 20.055, the Florida Commission on Human
1584 Relations, and the whistle-blower's hotline created under s.
1585 112.3189. However, for disclosures concerning a local
1586 governmental entity, including any regional, county, or
1587 municipal entity, special district, community college district,
1588 or school district or any political subdivision of any of the
1589 foregoing, the information must be disclosed to a chief
1590 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
1591 other appropriate local official.

1592 Section 25. Subsection (5) of section 121.031, Florida
1593 Statutes, is amended to read:

1594 121.031 Administration of system; appropriation; oaths;
1595 actuarial studies; public records.—

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1596 (5) The names and addresses of retirees are confidential
1597 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1598 that no state or local governmental agency may provide the names
1599 or addresses of such persons in aggregate, compiled, or list
1600 form to any person except to a public agency engaged in official
1601 business. However, a state or local government agency may
1602 provide the names and addresses of retirees from that agency to
1603 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1604 a retiree organization for official business use. Lists of names
1605 or addresses of retirees may be exchanged by public agencies,
1606 but such lists shall not be provided to, or open for inspection
1607 by, the public. Any person may view or copy any individual's
1608 retirement records at the Department of Management Services, one
1609 record at a time, or may obtain information by a separate
1610 written request for a named individual for which information is
1611 desired.

1612 Section 26. Subsection (1) of section 447.02, Florida
1613 Statutes, is amended to read:

1614 447.02 Definitions.—The following terms, when used in this
1615 chapter, shall have the meanings ascribed to them in this
1616 section:

1617 (1) The term "labor organization" means any organization of
1618 employees or local or subdivision thereof, having within its
1619 membership residents of the state, whether incorporated or not,
1620 organized for the purpose of dealing with employers concerning
1621 hours of employment, rate of pay, working conditions, or
1622 grievances of any kind relating to employment and recognized as
1623 a unit of bargaining by one or more employers doing business in
1624 this state, except that an "employee organization," as defined

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1625 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1626 definition at such time as it seeks to register pursuant to s.
1627 447.305.

1628 Section 27. Subsection (2) of section 1011.60, Florida
1629 Statutes, is amended to read:

1630 1011.60 Minimum requirements of the Florida Education
1631 Finance Program.—Each district which participates in the state
1632 appropriations for the Florida Education Finance Program shall
1633 provide evidence of its effort to maintain an adequate school
1634 program throughout the district and shall meet at least the
1635 following requirements:

1636 (2) MINIMUM TERM.—Operate all schools for a term of 180
1637 actual teaching days or the equivalent on an hourly basis as
1638 specified by rules of the State Board of Education each school
1639 year. The State Board of Education may prescribe procedures for
1640 altering, and, upon written application, may alter, this
1641 requirement during a national, state, or local emergency as it
1642 may apply to an individual school or schools in any district or
1643 districts if, in the opinion of the board, it is not feasible to
1644 make up lost days or hours, and the apportionment may, at the
1645 discretion of the Commissioner of Education and if the board
1646 determines that the reduction of school days or hours is caused
1647 by the existence of a bona fide emergency, be reduced for such
1648 district or districts in proportion to the decrease in the
1649 length of term in any such school or schools. A strike, as
1650 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1651 district may not be considered an emergency.

1652 Section 28. This act shall take effect July 1, 2025.