

**By** Senator Massullo

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30 defining the term "agreement"; providing an effective  
31 date.

32  
33 WHEREAS, the state, as part of its economic development  
34 policy, has the right to set terms and conditions in connection  
35 with the awarding of economic development incentives, and

36 WHEREAS, the state, as part of its economic development  
37 policy, seeks to play an integral role in the formation of  
38 economic opportunities, conditions of grants, and general  
39 management of compliance with such awards for moneys, and

40 WHEREAS, the state will frequent, as part of awarding  
41 economic development incentives, require a private business to  
42 hire a certain number of new full-time employees, require a  
43 specific amount of company investment, and ensure workers obtain  
44 certain skills and knowledge, and

45 WHEREAS, the state, as part of its economic development  
46 policy, has a vested interest in seeking to advance and preserve  
47 its own interest in projects receiving economic development  
48 incentives as a financer of projects contributing to this  
49 state's overall economic health, and

50 WHEREAS, it is the intent of the Legislature, as part of  
51 its economic development policy, that whenever state funds or  
52 benefits are sought by a private business, such benefits are  
53 conditioned on the private business ensuring its employees'  
54 right to a secret ballot election when recognizing a labor  
55 organization as a bargaining unit, or requiring subcontractors  
56 to waive their employees' right to a secret ballot election, and

57 WHEREAS, it is the intent of the Legislature that whenever  
58 state funds or benefits are provided or awarded to a private

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59 business, the private business working on a project receiving  
60 state funds or benefits may not voluntarily disclose an  
61 employee's personal contact information to a labor organization  
62 without the employee's consent, waive its right to speak to its  
63 employees or require subcontractors to voluntarily disclose an  
64 employee's personal contact information to a labor organization  
65 without the employee's consent, or waive the subcontractor's  
66 right to speak to the subcontractor's employees, NOW, THEREFORE,  
67

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

70 Section 1. Section 447.18, Florida Statutes, is created and  
71 incorporated into part I of chapter 447, Florida Statutes, to  
72 read:

73 447.18 Employers receiving state-awarded economic  
74 development incentives; prohibited acts related to labor  
75 organizations.—

76 (1) As used in this section, the term:

77 (a) "Contract" means an agreement:

78 1. Between an employer and the state; or

79 2. Between an employer and a labor organization.

80 (b) "Economic development incentive" means a state economic  
81 development incentive program or an economic development grant  
82 authorized by any state agency for the purpose of economic  
83 development, the purpose of which is to attract or retain an  
84 employer's physical presence in this state.

85 (c) "Employee" means an individual who performs services  
86 for an employer for wages that are subject to withholding  
87 requirements under 26 U.S.C. s. 3402.

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88        (d) "Employer" means a business entity that voluntarily  
89        pursues economic development incentives authorized under this  
90        section or enters into an agreement with a state agency for the  
91        purpose of receiving economic development incentives.

92        (e) "Labor organization" has the same meaning as in s.  
93        447.02(1).

94        (f) "Neutrality agreement" means an agreement signed by an  
95        employer and a union in which the employer agrees to conditions  
96        including, but not limited to, committing not to speak to  
97        employees about union issues.

98        (g) "Personal contact information" means an employee's home  
99        address, personal phone number, or personal e-mail address.

100       (h) "Secret ballot election" means a process conducted by  
101       the National Labor Relations Board in which an employee casts a  
102       secret ballot for or against labor organization representation.

103       (i) "Subcontractor" has the same meaning as in s. 448.095.

104       (2) (a) To be eligible for an economic development  
105       incentive, an employer must sign an agreement with the state  
106       agency awarding the economic development incentive stating that  
107       it will not do any of the following:

108       1. Grant union recognition rights for employees solely on  
109       the basis of signed union authorization cards if the selection  
110       of a bargaining representative may instead be conducted through  
111       a secret ballot election conducted by the National Labor  
112       Relations Board.

113       2. Voluntarily disclose an employee's personal contact  
114       information to a labor organization, or third party acting on  
115       behalf of a labor organization, without the employee's written  
116       consent, unless otherwise required by state or federal law.

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117       3. Sign a neutrality agreement with a labor organization.  
118       4. Require a subcontractor performing work for or providing  
119       services to the employer to engage in activities prohibited in  
120       this paragraph.

121       (b) The prohibitions in paragraph (a) apply to any work or  
122       service provided to the employer on the project for which the  
123       economic development incentive is awarded.

124       (3) (a) A person or an entity may report, based upon a  
125       reasonable belief, a violation of paragraph (2) (a) to the  
126       Attorney General, provided that such report is made during the  
127       term of the separate agreement entered into by and between the  
128       government agency awarding the economic development incentive  
129       and the employer in subsection (5).

130       (b) Upon receiving the report, the Attorney General shall  
131       determine whether a violation has occurred. The Attorney General  
132       shall request from the employer a copy of the written agreement  
133       signed pursuant to paragraph (2) (a). If the employer refuses to  
134       provide the Attorney General with the written agreement, the  
135       employer is in violation of the agreement entered into between  
136       the employer and the state agency that awarded the economic  
137       development incentive. The Attorney General must deliver in  
138       writing his or her findings to the employer alleged to be in  
139       violation within 60 days. If the Attorney General finds that an  
140       employer has violated the written agreement signed pursuant to  
141       paragraph (2) (a), he or she shall initiate proceedings to  
142       recover funds awarded to the employer. The Attorney General's  
143       findings are final.

144       (4) Notwithstanding any other law to the contrary, before  
145       contracting to award an economic development incentive, the

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146 state agency must execute a separate written agreement with the  
147 recipient of the economic development incentive which reserves  
148 the right of the state agency to recover the amount of money,  
149 grants, funds, or other incentives disbursed by the state agency  
150 if the recipient benefiting from such money, grants, funds, or  
151 other incentives fails to comply with this section. This  
152 agreement is effective for either:

153 (a) The duration of the project, to be determined by the  
154 state agency, for an economic development incentive award of  
155 less than \$5 million; or

156 (b) No longer than 20 years, for an economic development  
157 incentive award of \$5 million or more.

158 (5) This section applies to any agreement entered into,  
159 renewed, or modified after July 1, 2026. As used in this  
160 subsection, the term "agreement" includes a memorandum of  
161 understanding mutually accepted by the state agency awarding  
162 economic development incentives and an employer before July 1,  
163 2026, including a legally binding agreement subsequent and  
164 subject to the memorandum of understanding.

165 Section 2. This act shall take effect July 1, 2026.