

By Senator Massullo

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A bill to be entitled

An act relating to employers receiving economic development incentives from state agencies; creating s. 447.18, F.S.; defining terms; requiring an employer to sign an agreement with a state agency that is awarding an economic development incentive before becoming eligible for the economic development incentive; specifying the provisions of the agreement; providing applicability; authorizing persons and entities to report a suspected violation to the Attorney General within a specified timeframe; requiring the Attorney General to determine whether a violation has occurred; requiring the Attorney General to request certain information from the employer alleged to be in violation; providing that refusal of such employer to provide such information is in violation of the agreement; requiring the Attorney General to deliver his or her findings to such employer within a specified timeframe; requiring the Attorney General to initiate proceedings to recover funds awarded to the employer if the employer is found to have violated the agreement; providing that the Attorney General's findings are final; requiring a state agency to execute a separate written agreement with the recipient of the economic development incentive before the state agency awards the economic development incentive; specifying the contents of the separate agreement; providing the effective periods of the separate agreement; providing applicability;

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

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

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

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

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

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

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

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

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

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

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

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

(a) "Contract" means an agreement:

1. Between an employer and the state; or

2. Between an employer and a labor organization.

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

(c) "Employee" means an individual who performs services for an employer for wages that are subject to withholding 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.