



230280

LEGISLATIVE ACTION

Senate

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House

Floor: WD/2R

03/05/2026 02:44 PM

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Senator Calatayud moved the following:

**Senate Amendment to Substitute Amendment (851520)**

Delete lines 42 - 233

and insert:

1           1. ~~(b)~~ If at least 30 percent of the public employees in the  
2  
3           bargaining unit as of the date set by the commission participate  
4           in the election, and at least 67 percent of the public employees  
5           voting in the election select an employee organization, ~~When an~~  
6           employee organization is selected by a majority of the employees  
7           voting in an election, the commission must ~~shall~~ certify or  
8           recertify the employee organization as the ~~exclusive collective~~  
9  
10  
11



12 bargaining agent for the public ~~representative of all~~ employees  
13 in the unit.

14 2. A runoff election must be held according to rules  
15 adopted by the commission if, in the election conducted under  
16 subparagraph 1., there was more than one employee organization  
17 on the ballot, at least 30 percent of the employees in the  
18 bargaining unit participated in the election, and none of the  
19 choices on the ballot received a vote of 67 percent of the  
20 public employees who voted in the election.

21 (b) Certification elections involving public safety units  
22 are determined as follows:

23 1. If an employee organization is selected by a majority  
24 vote of the public employees voting in the election, the  
25 commission must certify the employee organization as the  
26 bargaining agent for the public employees in the bargaining  
27 unit.

28 2. A runoff election must be held according to rules  
29 adopted by the commission if, in the election conducted under  
30 subparagraph 1., there was more than one employee organization  
31 on the ballot and none of the choices on the ballot received a  
32 majority vote of the public employees voting in the election.

33 (c) Certification, recertification, or revocation under  
34 this section is effective upon the issuance of a the final order  
35 by the commission or, if the final order is appealed, at the  
36 time the appeal is exhausted or any stay is vacated by the  
37 commission or a the court.

38 ~~(e) In any election in which none of the choices on the~~  
39 ~~ballot receives the vote of a majority of the employees voting,~~  
40 ~~a runoff election shall be held according to rules promulgated~~



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41 ~~by the commission.~~

42 ~~(d) No petition may be filed seeking an election in any~~  
43 ~~proposed or existing appropriate bargaining unit to determine~~  
44 ~~the exclusive bargaining agent within 12 months after the date~~  
45 ~~of a commission order verifying a representation election or, if~~  
46 ~~an employee organization prevails, within 12 months after the~~  
47 ~~date of an effective certification covering any of the employees~~  
48 ~~in the proposed or existing bargaining unit. Furthermore, if a~~  
49 ~~valid collective bargaining agreement covering any of the~~  
50 ~~employees in a proposed unit is in effect, a petition for~~  
51 ~~certification may be filed with the commission only during the~~  
52 ~~period extending from 150 days to 90 days immediately preceding~~  
53 ~~the expiration date of that agreement, or at any time subsequent~~  
54 ~~to its expiration date but prior to the effective date of any~~  
55 ~~new agreement. The effective date of a collective bargaining~~  
56 ~~agreement means the date of ratification by both parties, if the~~  
57 ~~agreement becomes effective immediately or retroactively; or its~~  
58 ~~actual effective date, if the agreement becomes effective after~~  
59 ~~its ratification date.~~

60 ~~(5)(4)~~ In defining a proposed bargaining unit, the  
61 commission shall take into consideration:

62 (a) The principles of efficient administration of  
63 government.

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

66 (c) The compatibility of the unit with the joint  
67 responsibilities of the public employer and public employees to  
68 represent the public.

69 (d) The power of the officials of government at the level



70 of the unit to agree, or make effective recommendations to  
71 another administrative authority or to a legislative body, with  
72 respect to matters of employment upon which the employee desires  
73 to negotiate.

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

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

77 1. The manner in which wages and other terms of employment  
78 are determined.

79 2. The method by which jobs and salary classifications are  
80 determined.

81 3. The interdependence of jobs and interchange of  
82 employees.

83 4. The desires of the employees.

84 5. The history of employee relations within the  
85 organization of the public employer concerning organization and  
86 negotiation and the interest of the employees and the employer  
87 in the continuation of a traditional, workable, and accepted  
88 negotiation relationship.

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

91 (h) Such other factors and policies as the commission may  
92 deem appropriate.

93

94 However, a bargaining ~~no~~ unit may not shall be established or  
95 approved for purposes of collective bargaining which includes  
96 both professional and nonprofessional employees unless a  
97 majority of each group votes for inclusion in such bargaining  
98 unit.



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99 Section 12. Section 447.3076, Florida Statutes, is created  
100 to read:

101 447.3076 Clarification of bargaining units.-

102 (1) A petition to clarify the composition of a bargaining  
103 unit may be filed with the commission when significant changes  
104 in statutory law or case law require clarification of the  
105 bargaining unit or when a classification was:

106 (a) Created or substantially changed after the unit was  
107 initially defined by the commission;

108 (b) Retitled with no substantial change in job duties; or

109 (c) Included or excluded through inadvertence or  
110 misunderstanding by the commission.

111 (2) A bargaining unit clarification petition may be filed  
112 by the bargaining agent for the bargaining unit or by the public  
113 employer of the public employees in the unit.

114 (3) A copy of the petition must be served on the public  
115 employer and any bargaining agent that is certified to represent  
116 any employee or classification which may be substantially  
117 affected by the proposed bargaining unit clarification.

118 (4) If any substantially affected employees are not  
119 represented by a bargaining agent, the public employer must  
120 provide a copy of the petition to those employees within 10 days  
121 after the filing of the petition.

122 (5) When the clarification of a bargaining unit would  
123 result in an increase in the size of the bargaining unit by more  
124 than 25 percent, the unit clarification petition raises a  
125 question concerning representation and must be dismissed.

126 Section 13. Section 447.308, Florida Statutes, is amended  
127 to read:



128           447.308 Decertification ~~Revocation of certification~~ of  
129 employee organizations ~~organization~~.—

130           (1) A public ~~Any~~ employee or group of public employees  
131 which no longer desires to be represented by a ~~the certified~~  
132 bargaining agent may file with the commission a petition to  
133 decertify the bargaining agent ~~revoke certification~~. The  
134 petition must ~~shall~~ be accompanied by a showing of interest from  
135 ~~dated statements signed by~~ at least 30 percent of the public  
136 employees in the bargaining unit, ~~indicating that such employees~~  
137 ~~no longer desire to be represented for purposes of collective~~  
138 ~~bargaining by the certified bargaining agent. The time of filing~~  
139 ~~said petition shall be governed by the provisions of s.~~  
140 ~~447.307(3)(d) relating to petitions for certification. The~~  
141 showing of interest statements must be signed and dated by the  
142 public employees not more than 12 months before the filing of  
143 the petition. Any employee, employer, or employee organization  
144 having sufficient reason to believe that the showing of interest  
145 was any of the employee signatures were obtained by collusion,  
146 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise  
147 invalid shall be given a reasonable opportunity to verify and  
148 challenge the showing of interest signatures ~~appearing on the~~  
149 ~~petition~~.

150           (2)(a) A decertification petition may not be filed  
151 regarding the bargaining unit within 12 months after the date  
152 the commission issues an order that verifies the results of a  
153 certification, recertification, or decertification election  
154 covering any of the public employees in the unit.

155           (b) If a valid collective bargaining agreement covering any  
156 of the public employees in the bargaining unit is in effect, a



157 decertification petition may only be filed with the commission  
158 at least 90 but not more than 150 days immediately preceding the  
159 expiration date of the collective bargaining agreement, or at  
160 any time after such agreement's expiration date but before the  
161 effective date of a new collective bargaining agreement. The  
162 effective date of a collective bargaining agreement is the date  
163 of ratification of such agreement by both parties if such  
164 agreement becomes effective immediately or retroactively, or the  
165 collective bargaining agreement's actual effective date if such  
166 agreement becomes effective after its ratification date.

167 (3) The commission or one of its designated agents shall  
168 investigate the decertification petition to determine its  
169 sufficiency. If the commission finds that the petition is to be  
170 insufficient, the commission must ~~it may~~ dismiss the petition.  
171 If the commission finds that the petition is sufficient, the  
172 commission must ~~it shall immediately~~:

173 (a) Identify the bargaining unit and determine which public  
174 employees shall be qualified and entitled to vote in the  
175 election held by the commission.

176 (b) Identify the public employer or employers of the  
177 bargaining unit.

178 (c) Order an election by secret ballot, the cost of said  
179 election to be borne equally by the parties, except as the  
180 commission may provide by rule. An election conducted by mail  
181 ballot must include, subject to appropriation, return envelopes  
182 with prepaid postage affixed. The commission's order assessing  
183 costs of an election may be enforced pursuant to ~~the provisions~~  
184 ~~of~~ this part.

185 (4) (a) Except as provided in paragraph (b), elections are



186 determined as follows for all decertification petitions filed on  
187 or after July 1, 2026:

188 1. If at least 30 percent of the public employees in the  
189 bargaining unit as of the date set by the commission participate  
190 in the election, and at least 67 percent of the public employees  
191 voting in the election vote to decertify an employee  
192 organization, the commission must revoke the bargaining agent's  
193 certification for that bargaining unit.

194 2. If decertification is not selected by at least 30  
195 percent of the public employees voting in the election, and at  
196 least 67 percent of the employees who are in the bargaining unit