



LEGISLATIVE ACTION

Senate

House

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Floor: 4/AD/2R

03/05/2026 02:47 PM

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Senator Martin moved the following:

1           **Senate Substitute for Amendment (351914) (with title**  
2 **amendment)**

3  
4           Delete lines 1009 - 1211

5 and insert:

6           (b) Conduct elections by mail, on site, or by any combined  
7 method ordered or approved by the commission.

8           1. In determining the method of election and timing, the  
9 commission shall consider all of the following factors:

10           a. The number of eligible voters in the bargaining unit.

11           b. The number of work locations and availability of polling



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12 locations.  
13 c. The size of the public employer's operations.  
14 d. The cost to the commission and parties to conduct the  
15 election.  
16 e. The commission's workload and election schedule.  
17 f. The work schedules and shifts of the eligible voters.  
18 g. Whether the parties agree on a time to hold the election  
19 and the method of election to be used.  
20 h. Any other factors that might impact the integrity of the  
21 election.  
22 2. Notwithstanding subparagraph 1., if one of the parties  
23 to the election requests an election by mail, the commission  
24 must conduct the election by mail. An election by mail must be  
25 conducted no earlier than 4 weeks after the postmark date on the  
26 ballot mailed by the commission. Notice of an election by mail  
27 must be provided by the commission to the bargaining agent, the  
28 public employer, and the public employees in the bargaining unit  
29 at least 4 weeks before the date of the election.  
30 (c)2. Identify the public employer or employers for  
31 purposes of collective bargaining ~~with the bargaining agent.~~  
32 (d)3. Order an election by secret ballot, the cost of said  
33 election and any required runoff election to be borne equally by  
34 the parties, except as the commission may provide by rule. An  
35 election conducted by mail ballot must include, subject to  
36 appropriation, return envelopes with prepaid postage affixed.  
37 The commission's order assessing costs of an election may be  
38 enforced pursuant to ~~the provisions of this part.~~  
39 (4) (a) Except as provided in paragraph (b), elections are  
40 determined as follows for all certification or recertification



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41 petitions filed on or after July 1, 2026:

42 1. ~~(b)~~ If at least 50 percent of the public employees in the  
43 bargaining unit as of the date set by the commission participate  
44 in the election, and at least 50 percent of the public employees  
45 voting in the election select an employee organization, ~~When an~~  
46 ~~employee organization is selected by a majority of the employees~~  
47 ~~voting in an election, the commission must shall~~ certify or  
48 recertify the employee organization as the ~~exclusive collective~~  
49 bargaining agent for the public ~~representative of all~~ employees  
50 in the unit.

51 2. A runoff election must be held according to rules  
52 adopted by the commission if, in the election conducted under  
53 subparagraph 1., there was more than one employee organization  
54 on the ballot, at least 50 percent of the employees in the  
55 bargaining unit participated in the election, and none of the  
56 choices on the ballot received a vote of 50 percent of the  
57 public employees who voted in the election.

58 (b) Certification elections involving public safety units  
59 are determined as follows:

60 1. If an employee organization is selected by a majority  
61 vote of the public employees voting in the election, the  
62 commission must certify the employee organization as the  
63 bargaining agent for the public employees in the bargaining  
64 unit.

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



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70           (c) Certification, recertification, or revocation under  
71 this section is effective upon the issuance of a the final order  
72 by the commission or, if the final order is appealed, at the  
73 time the appeal is exhausted or any stay is vacated by the  
74 commission or a the court.

75           ~~(c) In any election in which none of the choices on the~~  
76 ~~ballot receives the vote of a majority of the employees voting,~~  
77 ~~a runoff election shall be held according to rules promulgated~~  
78 ~~by the commission.~~

79           ~~(d) No petition may be filed seeking an election in any~~  
80 ~~proposed or existing appropriate bargaining unit to determine~~  
81 ~~the exclusive bargaining agent within 12 months after the date~~  
82 ~~of a commission order verifying a representation election or, if~~  
83 ~~an employee organization prevails, within 12 months after the~~  
84 ~~date of an effective certification covering any of the employees~~  
85 ~~in the proposed or existing bargaining unit. Furthermore, if a~~  
86 ~~valid collective bargaining agreement covering any of the~~  
87 ~~employees in a proposed unit is in effect, a petition for~~  
88 ~~certification may be filed with the commission only during the~~  
89 ~~period extending from 150 days to 90 days immediately preceding~~  
90 ~~the expiration date of that agreement, or at any time subsequent~~  
91 ~~to its expiration date but prior to the effective date of any~~  
92 ~~new agreement. The effective date of a collective bargaining~~  
93 ~~agreement means the date of ratification by both parties, if the~~  
94 ~~agreement becomes effective immediately or retroactively, or its~~  
95 ~~actual effective date, if the agreement becomes effective after~~  
96 ~~its ratification date.~~

97           (5)(4) In defining a proposed bargaining unit, the  
98 commission shall take into consideration:



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- 99           (a) The principles of efficient administration of  
100 government.
- 101           (b) The number of employee organizations with which the  
102 employer might have to negotiate.
- 103           (c) The compatibility of the unit with the joint  
104 responsibilities of the public employer and public employees to  
105 represent the public.
- 106           (d) The power of the officials of government at the level  
107 of the unit to agree, or make effective recommendations to  
108 another administrative authority or to a legislative body, with  
109 respect to matters of employment upon which the employee desires  
110 to negotiate.
- 111           (e) The organizational structure of the public employer.
- 112           (f) Community of interest among the employees to be  
113 included in the unit, considering:
- 114           1. The manner in which wages and other terms of employment  
115 are determined.
- 116           2. The method by which jobs and salary classifications are  
117 determined.
- 118           3. The interdependence of jobs and interchange of  
119 employees.
- 120           4. The desires of the employees.
- 121           5. The history of employee relations within the  
122 organization of the public employer concerning organization and  
123 negotiation and the interest of the employees and the employer  
124 in the continuation of a traditional, workable, and accepted  
125 negotiation relationship.
- 126           (g) The statutory authority of the public employer to  
127 administer a classification and pay plan.



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128           (h) Such other factors and policies as the commission may  
129 deem appropriate.

130  
131 However, a bargaining ~~no~~ unit may not ~~shall~~ be established or  
132 approved for purposes of collective bargaining which includes  
133 both professional and nonprofessional employees unless a  
134 majority of each group votes for inclusion in such bargaining  
135 unit.

136           Section 12. Section 447.3076, Florida Statutes, is created  
137 to read:

138           447.3076 Clarification of bargaining units.-

139           (1) A petition to clarify the composition of a bargaining  
140 unit may be filed with the commission when significant changes  
141 in statutory law or case law require clarification of the  
142 bargaining unit or when a classification was:

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

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

146           (c) Included or excluded through inadvertence or  
147 misunderstanding by the commission.

148           (2) A bargaining unit clarification petition may be filed  
149 by the bargaining agent for the bargaining unit or by the public  
150 employer of the public employees in the unit.

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

155           (4) If any substantially affected employees are not  
156 represented by a bargaining agent, the public employer must



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157 provide a copy of the petition to those employees within 10 days  
158 after the filing of the petition.

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

163 Section 13. Section 447.308, Florida Statutes, is amended  
164 to read:

165 447.308 Decertification ~~Revocation of certification~~ of  
166 employee organizations ~~organization~~.

167 (1) A public ~~Any~~ employee or group of public employees  
168 which no longer desires to be represented by a ~~the certified~~  
169 bargaining agent may file with the commission a petition to  
170 decertify the bargaining agent ~~revoke certification~~. The  
171 petition must ~~shall~~ be accompanied by a showing of interest from  
172 ~~dated statements signed by~~ at least 30 percent of the public  
173 employees in the bargaining unit, ~~indicating that such employees~~  
174 ~~no longer desire to be represented for purposes of collective~~  
175 ~~bargaining by the certified bargaining agent. The time of filing~~  
176 ~~said petition shall be governed by the provisions of s.~~  
177 ~~447.307(3)(d) relating to petitions for certification. The~~  
178 showing of interest statements must be signed and dated by the  
179 public employees not more than 12 months before the filing of  
180 the petition. Any employee, employer, or employee organization  
181 having sufficient reason to believe that the showing of interest  
182 was any of the employee signatures were obtained by collusion,  
183 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise  
184 invalid shall be given a reasonable opportunity to verify and  
185 challenge the showing of interest ~~signatures appearing on the~~



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186 petition.

187       (2) (a) A decertification petition may not be filed  
188 regarding the bargaining unit within 12 months after the date  
189 the commission issues an order that verifies the results of a  
190 certification, recertification, or decertification election  
191 covering any of the public employees in the unit.

192       (b) If a valid collective bargaining agreement covering any  
193 of the public employees in the bargaining unit is in effect, a  
194 decertification petition may only be filed with the commission  
195 at least 90 but not more than 150 days immediately preceding the  
196 expiration date of the collective bargaining agreement, or at  
197 any time after such agreement's expiration date but before the  
198 effective date of a new collective bargaining agreement. The  
199 effective date of a collective bargaining agreement is the date  
200 of ratification of such agreement by both parties if such  
201 agreement becomes effective immediately or retroactively, or the  
202 collective bargaining agreement's actual effective date if such  
203 agreement becomes effective after its ratification date.

204       (3) The commission or one of its designated agents shall  
205 investigate the decertification petition to determine its  
206 sufficiency. If the commission finds that the petition is ~~to be~~  
207 insufficient, the commission must ~~it may~~ dismiss the petition.  
208 If the commission finds that the petition is sufficient, the  
209 commission must ~~it shall immediately~~:

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

213       (b) Identify the public employer or employers of the  
214 bargaining unit.



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215           (c) Order an election by secret ballot, the cost of said  
216 election to be borne equally by the parties, except as the  
217 commission may provide by rule. An election conducted by mail  
218 ballot must include, subject to appropriation, return envelopes  
219 with prepaid postage affixed. The commission's order assessing  
220 costs of an election may be enforced pursuant to ~~the provisions~~  
221 ~~of~~ this part.

222           (4) (a) Except as provided in paragraph (b), elections are  
223 determined as follows for all decertification petitions filed on  
224 or after July 1, 2026:

225           1. If at least 50 percent of the public employees in the  
226 bargaining unit as of the date set by the commission participate  
227 in the election, and at least 50 percent of the public employees  
228 voting in the election vote to decertify an employee  
229 organization, the commission must revoke the bargaining agent's  
230 certification for that bargaining unit.

231           2. If decertification is not selected by at least 50  
232 percent of the public employees voting in the election, and at  
233 least 50 percent of the employees who are in the bargaining unit  
234 as of the date set by the commission participate in the  
235 election, the bargaining agent must retain its certification for  
236 that bargaining unit.

237  
238  
239 ===== T I T L E   A M E N D M E N T =====

240 And the title is amended as follows:

241           Delete lines 66 - 76

242 and insert:

243           organization; requiring the commission to conduct



244 elections by specified methods; specifying the  
245 criteria by which the commission determines the method  
246 and timing of elections; requiring the commission to  
247 conduct election by mail if requested by one of the  
248 parties; providing the timeframe for when an election  
249 by mail must be conducted; requiring the commission to  
250 provide notice of such election to certain parties  
251 within a specified timeframe; requiring an election  
252 conducted by mail ballot to include return envelopes  
253 with prepaid postage affixed, subject to  
254 appropriation; creating s. 447.3076, F.S.; providing  
255 that a petition to clarify the composition of a  
256 bargaining unit may be filed with the commission under  
257 certain circumstances; requiring that a copy of the  
258 petition be served on certain persons; requiring the  
259 public employer to provide a copy of the petition to  
260 certain affected employees within a specified  
261 timeframe; requiring that a petition be dismissed  
262 under certain circumstances; amending s. 447.308,  
263 F.S.; revising requirements for the decertification of  
264 an employee organization; requiring an election  
265 conducted by mail ballot to include return envelopes  
266 with prepaid postage affixed, subject to  
267 appropriation; amending s. 447.309, F.S.;