The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL:	CS/SB 1296
INTRODUCER:	Governmental Oversight and Accountability Committee and Senator Martin
SUBJECT:	Public Employees Relations Commission
DATE:	February 27, 2026 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McVaney	GO	**Fav/CS**
2.	Harmsen	Siples	FP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1296 amends several provisions relating to ch. 447, F.S., which governs public employee unions in the state. Specifically, the bill:

- Updates the Public Employee Relations Commission's registration, certification, and recertification processes for employee organizations (unions).
- Requires a showing of interest form, signed by a bargaining unit employee within the last 12 months, to be submitted with an application for certification or recertification.
- Clarifies the bargaining unit process which allows determination of the unit after a change in case or statutory law.
- Institutes a two-tier voting threshold for the certification, recertification, and decertification of an employee organization where public safety employee organizations may be certified or recertified by a majority of the employees who vote in the election, and non-public safety employee organizations may be certified or recertified by a majority vote of the employees in the bargaining unit.
- Narrows paid union leave for non-public safety union members to only those situations where the union fully reimburses the public employer for the employee's time performing duties that are directly-related to the union, such as engaging in collective bargaining, participating in grievances, or representing other employees in disciplinary proceedings. This does not apply to unions for public safety field workers, whose members may still engage in paid union leave for these activities without the union having to fully reimburse the public employer.

- Requires a public employer to allow equal access to any employee organization or not-for-profit organization to access its communal spaces or communications systems that it allows other employee organizations or its affiliate.
- Institutes a fast-track impasse process for local government salary increases as specifically appropriated by the Legislature which require modification of a bargaining agreement. This does not apply to public safety units.
- Conforms various hearing procedures and timeframes to those in ss. 120.569 and 120.57, F.S., of the Administrative Procedures Act

The bill is not expected to affect state and local government revenues and expenditures.

The bill takes effect on July 1, 2026.

II. Present Situation:

Right-to-Work

The State Constitution provides that the "right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization."[1] Based on this constitutional right, Florida is regarded as a "right-to-work" state.

Collective Bargaining

The State Constitution also guarantees that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."[2] To implement this constitutional provision, the Legislature enacted ch. 447, F.S., which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.[3]

Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing or to refrain from forming, joining, participating in, or being represented by an employee organization.[4] Regardless of membership in an employee organization (union), each employee is subject to the negotiated collective bargaining agreement that is applicable to the employee's position. Through collective bargaining, public employees[5]

[1] FLA. CONST. art. 1, s. 6.
[2] *Id.*
[3] Section 447.201, F.S. *See also*, Gregg Morton, *Unfair Labor Practices in Florida's Public Sector Workplaces*, FLA. B. J., Sept./Oct. 2019, at 41, https://www.floridabar.org/the-florida-bar-journal/unfair-labor-practices-in-floridas-public-sector-workplaces/ (last visited Jan. 28, 2026).
[4] Section 447.301(1) and (2), F.S.
[5] Section 447.203(3), F.S., defines the term "public employee" to mean any person employed by a public employer except:

collectively negotiate with their public employer[6] in the determination of the terms and conditions of their employment.[7] The Public Employees Relations Commission (commission) is responsible for assisting in resolving disputes between public employees and public employers.[8] Employee organizations can be certified as a bargaining agent through a process overseen by the commission.

Registration of Employee Organization

An employee organization[9] that seeks to become a certified bargaining agent for public employees must register with the commission prior to (a) requesting recognition by a public employer for purposes of collective bargaining and (b) submitting a petition to the commission to request certification as an exclusive bargaining agent.[10] The application for registration must include:

- The name and address of the organization and of any parent organization or organization with which it is affiliated;
- The names and addresses of the principal officers and all representatives of the organization;
- The amount of the initiation fee, and the amount and collection frequency of the dues and uniform assessments that members must pay;
- The current annual financial statement of the organization as prepared by an independent certified public accountant who is licensed under ch. 473, F.S.;
- The name of its business agent and local agent for service of process, if any, and the addresses where such person or persons can be reached;
- A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin;

(a) Persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.
(b) Persons holding positions by appointment or employment in the organized militia.
(c) Individuals acting as negotiating representatives for employer authorities.
(d) Persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.
(e) Persons holding positions of employment with the Florida Legislature.
(f) Persons who have been convicted of a crime and are inmates confined to institutions within the state.
(g) Persons appointed to inspection positions in federal/state fruit and vegetable inspection service whose conditions of appointment are affected by the following:
    1. Federal license requirement.
    2. Federal autonomy regarding investigation and disciplining of appointees.
    3. Frequent transfers due to harvesting conditions.
(h) Persons employed by the Public Employees Relations Commission.
(i) Persons enrolled as undergraduate students in a state university who perform part-time work for the state university.

[6] The term "public employer" means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. Section 447.203(2), F.S.
[7] Section 447.301(2), F.S.
[8] Section 447.201(3), F.S.
[9] Section 447.203(11), F.S., defines employee organization as any "labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer."
[10] Section 447.305(1), F.S.

- A copy of the current constitution and bylaws of the employee organization; and
- A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.[11]

A registration granted to an employee organization is valid for one year from the date of issuance. A registration must be renewed annually by filing an application for renewal under oath with the commission. An application for renewal must reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal. Each application for renewal of registration must include a current annual financial statement with the following information:[12]

- Assets and liabilities at the beginning and end of the fiscal year;
- Receipts of any kind and the sources thereof;
- Disbursements by category;
- Salary, allowances, and other direct or indirect disbursements to each officer and to each employee who received during the fiscal year more than $10,000 in the aggregate from the employee organization and any affiliated employee organization;
- Direct and indirect loans made to any officer, employee, member which aggregated more than $250 during the fiscal year; and
- Direct and indirect loans to any business enterprise.

A registration fee of $15 must be submitted for each registration and renewal.[13]

In addition to the information above, certain employee organizations[14] must submit the following information for any renewal of registration:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization.
- The number of employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.
- The number of employees in the bargaining unit who paid dues to the employee organization.
- The number of employees in the bargaining unit who did not pay dues to the employee organization.
- Documentation provided by an independent certified public accountant retained by the employee organization which verifies the information provided.[15]

The commission may initiate an investigation to conform the validity of the information submitted in the registration or renewal of registration. The commission may revoke or deny an employee organization's registration or certification if it finds that the employee organization

[11] Section 447.305(1)(a-h), F.S.
[12] Section 447.305(2), F.S.
[13] Section 447.305(10), F.S.
[14] Employee organizations that have been certified as the bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, or firefighters are exempt from providing this information. Section 447.305(9), F.S.
[15] Section 447.305(3), F.S.

failed to cooperate with the investigation or intentionally misrepresented the submitted information.[16]

Certification of Employee Organization as Bargaining Agent

After registering with the commission, an employee organization may begin the certification process. Any employee organization that is selected by a majority of public employees in a designated unit as their representative for collective bargaining purposes can request recognition by the public employer.

The employer, if satisfied as to the majority status of the employee organization and the appropriateness of the unit, must recognize the employee organization as the collective bargaining representative of employees in the designated unit. Following recognition by the employer, the employee organization must immediately petition the commission for certification.[17] The commission will review only the appropriateness of the unit proposed by the employee organization. Appropriateness is defined as the history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer.[18] If the unit is appropriate, the commission will immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate, the commission may dismiss the petition.

If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the commission for certification as the bargaining agent. The petition has to be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit. Both the employee organization's petition and the interested employees' dated signed statements are confidential and exempt from disclosure pursuant to public records laws.[19] The commission will investigate the petition to determine its sufficiency, provide for an appropriate hearing upon notice, and may order an election by secret ballot. Any registered employee organization that desires to be placed on the ballot in any election may be permitted by the commission to intervene. If an employee organization is selected by the majority of the employees *who vote* in the election, the commission must certify the employee organization as the exclusive collective representative for all employees in the unit.[20]

Authority of the Certified Bargaining Agent

The certified bargaining agent and the chief executive of the public employer must bargain collectively and in good faith in the determination of wages, hours, and terms and conditions of employment of the employees.[21] Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining

[16] Section 447.305 (8), F.S.
[17] Section 447.307(1)(a), F.S.
[18] Section 447.307(4)(f), F.S.
[19] Section 447.307(2), F.S.
[20] Section 447.307(3)(a-d), F.S.
[21] Section 447.309(1), F.S.

agent.[22] Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.[23]

Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.[24] The bargaining agent also has the authority to process grievances to settle disputes between the employer and the employees in the bargaining unit.[25]

Revocation of Certification

An employee or group of employees who no longer desires to be represented by the certified bargaining agent may file with the commission a petition to revoke certification. The petition must be accompanied by dated statements signed by at least 30 percent of the employees in the unit, indicating that such employees no longer desire to be represented by the certified bargaining agent. If the commission finds the petition to be sufficient, it must immediately order an election by secret ballot.[26]

If a majority of voting employees vote against the continuation of representation by the certified bargaining agent, the organization's certification is revoked.[27] Otherwise, the employee organization is retained as the exclusive bargaining agent for the unit.[28]

Recertification

An employee organization that has applied for a renewal of its registration must petition for recertification as a bargaining unit if it had less than 60 percent of its unit members submit a membership authorization form without subsequent revocation and pay dues during the prior registration period. If the employee organization fails to petition the commission for recertification as the exclusive representative of the bargaining unit within one month of its application of renewal of registration, the certification is revoked.[29]

The commission may initiate an investigation to confirm the validity of the information submitted in the renewal of registration. The commission may revoke or deny an employee organizations registration or certification if the commission finds that the employee organization failed to cooperate with the investigation or intentionally misrepresented the information submitted on the registration or renewal.[30]

[22] *Id.*
[23] *Id.*
[24] Section 447.309(5), F.S.
[25] Section 447.401, F.S.
[26] Section 447.308(1), F.S.
[27] Section 447.308(2), F.S.
[28] Section 447.308(3), F.S.
[29] Section 447.305(6), F.S.
[30] Section 447.305(8), F.S.

Membership in an Employee Organization

Since July 1, 2023, employees eligible for representation must sign a membership authorization form in order to be a member of an employee organization. The form must be prescribed by the commission and contain certain information and statements. A member of an employee organization must be allowed to revoke membership at any time upon the employee organization's receipt of the written revocation. The commission is granted rulemaking authority to implement the requirements of the membership authorization form and the revocation of membership.[31] The commission has prescribed a membership authorization form,[32] which requires certain information regarding the employee organization and other information specific to the employee. The employee organization or another person may assist the employee in completing the form. The employee must sign and date the form.

The provisions requiring a signed membership form and the provisions relating to the revocation of membership do not apply to members of an employee organization certified as a bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, and firefighters.[33]

Impasse Resolution

Under current law, when a public employer and a bargaining agent are unable to reach an agreement after a reasonable period of negotiation, either party may declare that the negotiations are at impasse. An impasse is deemed to occur when one of the parties provides written notice of the impasse to the other party and the commission. Upon declaration of an impasse, the parties may seek the assistance of a mediator to facilitate a resolution.[34] If mediation is not used, or upon request of either party, the commission must appoint a special magistrate acceptable to both parties, or if the parties cannot agree, the commission must select a qualified special magistrate. The parties may also agree in writing to waive the appointment of a special magistrate and proceed directly to legislative resolution of the impasse.[35]

The special magistrate must conduct hearings to define the disputed issues, determine relevant facts, and render a recommended order. Recommended orders must be transmitted to the commission and the parties involved by certified mail, with return receipt requested. The recommended order is deemed approved unless a party files a written rejection within a specified timeframe. If either party rejects, the impasse proceeds to the legislative body of the public employer. The chief executive officer and the employee organization must submit their recommendations to the legislative body, which then conducts a public hearing and takes an action it deems to be in the public interest to resolve the disputed issues. The legislative body's action may become binding for the remainder of the fiscal year under certain circumstances.[36]

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[31] Section 447.301(1), F.S.
[32] PERC, *Employee Organization Membership Authorization Form*, https://perc.myflorida.com/forms/PERC%20FORM%202023-1.101%20WITH%20INSTRUCTIONS.pdf (last visited Jan. 28, 2026).
[33] Section 447.301(1)(b)6., F.S.
[34] Section 447.403(1), F.S.
[35] Section 447.403(2)(a), F.S.
[36] Section 447.403(3)-(4), F.S.

If the employer is the Governor, no mediator or special magistrate must be appointed.[37] Instead, the unresolved impasse issues must be presented to the Legislature during the regular session, where a joint committee appointed by the presiding officers conducts a public hearing and the Legislature takes action in accordance with law.[38]

Financial Urgency

In the event of a financial urgency requiring modification of a collective bargaining agreement, current law requires the public employer and bargaining agent to meet as soon as practicable to negotiate the impact of the financial urgency. If the parties are unable to reach an agreement within 14 days, an impasse is deemed to have occurred and must be declared in writing to the other party and the commission. The parties are prohibited from filing an unfair labor practice charge during the 14-day negotiation period.[39]

"Union Release Time" or "Paid Union Leave"

Release time is a negotiated benefit wherein a public employer releases an employee from duty work during work hours to tend to union activities or business while being compensated by the public employer. The provision of release time is a contractual benefit, not statutory, that may be found in the collective bargaining agreement, school board policy, personnel manual, or other procedures and practices.[40]

Florida law provides that "a public employer or their agent or representative is prohibited from […] contributing financial support to a union."[41] Therefore, release time cannot constitute a payment or benefit to the union in the form of salary paid to the employee for union work. Employer-funded release time does not violate the law if the paid release time is used for official union business,[42] such as the direct representation of employees in grievances, discipline meetings, or contract negotiations.[43] The commission has found other activities, such as attendance at a union-sponsored picnic, lobbying for political issues, coordinating with other unions, or the continued payment of a salary for unspecified union activities, to be an improper use of release time that constitutes an unfair labor violation prohibited by Florida law.[44]

Currently, collective bargaining agreements for public employee unions representing state employees provide for release time in the following manners:

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[37] Section 447.403(1)-(2), F.S.
[38] Sectio n447.403(5), F.S.
[39] Section 447.4095, F.S.
[40] School Board of Volusia County, Michael Dyer, *Avoiding Paid Union Leave Pitfalls After PERC's Decision in Allen v. United Faculty of Miami-Dade College*: A presentation to the Florida Education Negotiators, Volusia County Schools (Jan. 27, 2017), https://www.flfen.org/wp-content/uploads/2017/02/Paid-union-leave-presentation-to-FEN-2017.pdf.pdf (last visited Jan. 28 2026).
[41] Section 457.501(1)(e), F.S.
[42] *In re City of Jacksonville*, 13 FPER 1118250 (1987).
[43] United Faculty of Florida v. Florida A&M University Board of Trustees, 32 FPER 34 (2006).
[44] *Del Pino Allen v. Miami-Dade College*, CA-2015-070 (May 27, 2016), https://perc.myflorida.com/download.aspx?Prefix=CA&CaseYr=15&CaseNo=070&File=CA15070-Ord17-052716103809.pdf (Last visited Jan. 28, 2026).

- The Fraternal Order of Police provides administrative leave to union employees for the purposes of attending a consultation meeting with designated representatives of the state. Union representative employees may also use work hours to attend union negotiations with the State and use up to 8 hours of administrative leave to attend a negotiation preparatory meeting held during normal work hours.[45]
- The Florida State Fire Service Association (FSFSA) allows union representatives to be excused from their regular duties, "without loss of pay," for time used during a normal working hours spent to consult with the Secretary of the DMS on non-grievance matters. The agreement further provides administrative leave with pay for up to six employees in the bargaining unit to attend each single-day session as Negotiation Committee members. For negotiation preparation, the FSFSA President is permitted up to 16 hours of paid leave per fiscal year; the remaining five members of the negotiation committee are allowed to take up to 8 hours of leave with pay, not to exceed 40 hours per fiscal year.[46]
- The Florida Police Benevolent Association (FPBA) provides union members in its Highway Patrol unit up to 8 hours of administrative leave for time spent in consultation with the Secretary of the DMS regarding non-grievance union matters, and, for up to four employees, administrative leave to attend negotiating sessions and negotiation preparatory meetings.[47]
- The FPBA's Law Enforcement unit deems time spent during normal work hours in consultation with the Secretary of the DMS regarding non-grievance union matters work hours. It additionally grants administrative leave for up to eight employees to attend negotiation sessions with the State and up to a day of administrative leave for those employees who participate in a negotiation preparatory meeting.[48]
- The FBPA's Security Services unit members may use work hours to consult with the Secretary of DMS regarding non-grievance matters (limited for up to three union representatives), and to meet with the Step-1 Management Representative. The agreement further provides administrative leave to an unspecified number employees who serve on its Negotiation Committee for the purposes of attending negotiating sessions with the State and negotiation preparatory meetings (if the preparatory meetings occurs during normal work hours). The total number of hours, including the hours spent in negotiation preparatory meetings, paid to all employees on the FPBA's Negotiation Committee cannot exceed 1,000 hours. The agreement lastly permits any employee in the unit to request leave without pay,

[45] The Florida State Lodge Fraternal Order of Police, Inc., *Special Agent Bargaining 2023-2026 Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 9: Negotiations*, 6-7, https://dms-media.ccplatform.net/content/download/439818/file/FOP-Special%20Agent%20Unit%20-%20FY%202025-2026%20Reopener%20Agreement.pdf (last visited Jan. 30, 2026).

[46] Florida State Fire Service Association, *Fire Service Bargaining Unit 2025-2026 Imposed Agreement, Article 5: Representation Rights*, 5-7, https://dms-media.ccplatform.net/content/download/440458/file/FSFSA%20-%20Fire%20Service%20Unit%20-%20FY%202025-2026%20Imposed%20Agreement.pdf (last visited Jan. 30, 2026).

[47] Florida Police Benevolent Association, *Florida Highway Patrol Bargaining Unit 2023-2026 Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 5: Employee Representation and PBA Activities*, 5-7, https://dms-media.ccplatform.net/content/download/439817/file/FHP%20-%20Florida%20Police%20Benevolent%20Association%20FY%202025-2026%20Reopener%20Agreement.pdf (last visited Jan. 30, 2026).

[48] Florida Police Benevolent Association, *Law Enforcement Bargaining Unit 2023-2026 Successor Agreement, Reopener Agreement for Fiscal Year 2025-2026, Article 5: Employee Representation and PBA Activities*, 5-7, https://dms-media.ccplatform.net/content/download/439816/file/PBA-Law%20Enforcement%20Unit%202025-2026%20Reopener%20Agreement%20%2810-13-2025%29.pdf (last visited Jan. 30, 2026).

annual, or compensatory leave for the purpose of attending FPBA conventions, conferences, and meetings.[49]

III. Effect of Proposed Changes:

Membership Authorization and Dues Collection

Section 5 creates a definition of "membership dues" to include any amount a member is required to pay in exchange for membership in an employee organization, including, but not limited to employee organization dues; uniform assessments; and fees, including initiation fees. This section also amends the definition of a "membership dues deduction" to conform to this definition.

Section 8 amends s. 447.301, F.S., establish a 30-day period by which an employee organization must revoke the employee's membership and cease collection of his or her dues, if requested. This section also makes technical, non-substantive updates.

A public employee who wishes to become a member of a union must sign and date a membership authorization. Section 8 expands the information required on the membership authorization to include wages and fringe benefits paid or accruing to the employee organization's five highest compensated officers and employees, and clarifies that a membership form is valid if it meets the requirements in law at the time the employee signed it (and has not subsequently revoked his or her membership). Section 10 expands the registration renewal application to include this information.

Section 9 amends s. 447.303, F.S., to conform to the definition of "membership dues" created in the bill. It also requires a public safety unit employee—a law enforcement officer, correctional officer, correctional probation officer, firefighter, public safety telecommunicator, emergency medical technician, or paramedic—to request membership dues deduction directly of his or her employer. Previously, the bargaining unit for the public safety unit employee could request to start the deductions.

Employee Organization Registrations

Current law requires an employee organization to register before being certified as a bargaining agent and to annually renew its registration through a registration renewal application. The registration renewal application must include an annual financial statement prepared by an independent certified public accountant and a specified list of other information about the employee organization.

Section 120.60, F.S., provides timeframes for agency responses to applications for licensure and dictates that an application must be approved or denied within 90 days after receipt of a completed application. **Section 3** amends s. 120.80, F.S., to exempt the commission's

[49] Florida Police Benevolent Association, *Security Services Bargaining Unit Reopener Agreement for Fiscal Year 2025-2026, Article 5: PBA Activities and Employee Representation*, 5-7, https://dms-media.ccplatform.net/content/download/424901/file/PBA-Security%20Services%20Unit%20-%20FY%202025-2026%20Reopener%20Agreement%20CLEAN%20FINAL1%20%28CORR%208-21-25%29.pdf (last visited Jan. 30, 2026).

consideration of an application for *registration* from s. 120.60, F.S. Current law also exempts the *certification* of employee organizations from s. 120.60, F.S. The bill supplants the s. 120.60, F.S., response timeframes with a similar requirement that the commission notifies the bargaining agent when its registration submission is complete but does not allow for approval of an application under ch. 447, F.S., if it is not timely acted upon by the commission. (See section 10, which amends s. 447.305(6), F.S.)

Section 10 amends s. 447.305, F.S., to expand the registration renewal submission requirements to include:

- The wages and fringe benefits paid or accruing to its top five officers and employees.
- Reporting of any reimbursements paid by the employee organization to a public employer for moneys paid by the public employer to the employee organization's officers or employees.
- The amount of membership dues retained by or distributed to the employee organization, any parent organization of the employee organization, and any affiliate of either the employee or parent organization.

The bill separately requires a bargaining agent to include in its renewal registration application the following information on the 30th day immediately preceding the date of its current registration's expiration:

- The certification number for each bargaining unit for which the bargaining agent is certified. This number is assigned by the commission after the bargaining unit's certification.
- For each certification, the number of employees in the bargaining unit who paid full membership dues sufficient to maintain membership in good standing with the bargaining agent. This is distinct from current law, which requires the number of employees in the bargaining unit who did and did not pay dues to the employee organization. An agreed-upon procedures report performed by a CPA to assist with the commission's determination of the accuracy is provided as part of the renewal registration.

An agreed-upon procedures report is a standardized type of review established by the American Institute of Certified Public Accountants.

The bill clarifies that an employee organization must provide its financial report, included in its registration application, within 30 days of its filing with the commission. The bill also adds a requirement that the employee organization send a copy of the renewal registration application to the public employer (also within 30 days).

The bill extends the deadline for a bargaining agent to cure deficiencies in its registration renewal application from 10 to 30 days before the commission must dismiss the application. The commission must notify the bargaining agent once its renewal submission is deemed complete; the bill provides that a bargaining agent's failure to cure its registration renewal after this notification, must result in the application's dismissal by the commission within 30 days after its notice. The commission must notify the bargaining agent after it has met the required registration or registration renewal application requirements. Within 30 days thereafter, the bargaining agent must petition for recertification for any of its bargaining units for which less than 60 percent of the employees in the bargaining unit have submitted membership authorization forms and paid membership dues to the organization, as reported in its application.

If an employee organization fails to comply with any of the requirements in s. 447.305, F.S., as described above, the commission must revoke its certification and the employee organization is barred from seeking certification for that bargaining unit for 12 months. This provision does not apply to public safety units.

A public employer or employee may challenge a registration renewal application based on material inaccuracies only, whereas current law allows a challenge based on minor or technical errors. Such a challenge may only be brought while the application is pending, or if the registration renewal has been granted, before the bargaining agent's current registration is scheduled to end.

Certification, Recertification, and Decertification of Employee Organizations

Section 11 removes a public employer's option to recognize an employee organization as appropriate representative for the purposes of collective bargaining and instead routes all employee organization certifications and recertifications immediately through the commission, which conducts an election process. The commission still grants, by final order, the certification or recertification of the employee organization pursuant to the outcome of the election.

Initial Petition for Certification

Section 11 replaces the term "dated statements" with "showing of interest." This technical change is made throughout the bill.

A showing of interest is a written statement that is signed and dated by an appropriate employee who wishes to be, or to no longer be, represented by the bargaining agent for purposes of collective bargaining.[50] To become the certified bargaining agent for collective bargaining purposes for a particular group of employees (bargaining unit), all employee organizations must include a collection of showing of interest cards from at least 30 percent of the public employees in the proposed bargaining unit in its original certification petition.[51] **Section 11** institutes a new requirement that the showing of interest card must have been signed and dated by the public employee not more than 12 months before the employee organization filed its petition for certification—there is no expiration to the showing of interest required in current law.

The petition for certification ultimately prompts a certification election; the commission now sets the election's date with "due notice."

Certification or Recertification Election and Vote Thresholds

If the employees in the proposed bargaining unit that seeks certification are already represented by another bargaining agent, then the original bargaining unit may appear on the ballot for election without filing a motion to intervene or producing any required number of showings of interest. The original bargaining unit is also automatically added as a party to the case.

[50] This is a newly defined term in section 5 of the bill.
[51] This threshold mimics current law, which requires signed, dated statements from 30 percent of the bargaining unit.

The bill distinguishes the vote requirement for certification or recertification based on the type of employees that comprise the bargaining unit membership. Elections for certification or recertification of an employee organization in which a majority of the employees are public safety employees require a majority vote of the *employees voting in the election*. Elections for all other employee organizations require a majority vote of the *total employees in the bargaining unit*. This voting distinction applies to runoff elections in the same manner.

If the commission has verified the results of a certification or recertification election via order, then no other certification petition may be filed regarding that same proposed or existing bargaining unit for at least 12 months thereafter.

Recertification

Under current law, a bargaining agent must seek recertification if less than 60 percent of its unit members have submitted membership authorization forms and paid dues during the prior registration period. This process is mostly duplicative of the initial certification process described above, requiring a showing of interest from at least 30 percent of the total bargaining unit membership and an election by a majority of the bargaining unit's employees who voted in the recertification election.

Section 11 amends this process by requiring the certified bargaining agent to:

- Collect and submit showing of interest cards from at least 30 percent of its bargaining unit, with the cards signed no earlier than 12 months before submission.
- Proceed to an election, determined by a majority vote of the total bargaining unit employees (rather than a majority of the employees voting).

Decertification

Section 13 clarifies the re-titled "decertification" process of employee organizations, which replaces the "revocation of certification" terminology in s. 447.308, F.S. Like the certification process for certification, employees that wish to decertify their employee organization must file a petition for decertification with a collection of showings of interest of at least 30 percent of the bargaining unit's employees, which must have been signed and dated not more than 12 months before filing the petition.

The bill changes the threshold question for decertification—requiring a majority of the bargaining unit to vote to decertify, rather than a majority of the employees who vote in the election, as provided in current law. However, for employee organizations that represent a public safety unit, a majority of the employees voting in the election may determine the vote to decertify.

The bill also applies the blackout periods from the certification process to decertification, prohibiting a petition to decertify within 12 months after an employee organization is certified by the commission's order verifying the results of the certification, recertification, or decertification election. As in certification petitions, the bill limits the time during which a person may file a decertification petition—only 150-90 days before the expiration of a collective bargaining agreement, or after the expiration date, but before a new collective bargaining agreement has taken effect.

The bill permits an additional party—the employer—to contest and verify the showings of interest to decertify an employer. Current law allows an employee or employee organization to verify such showings of interest.

Lastly, this section specifies that an employee organization's revocation is effective upon the commission's issuance of a final order, or if the order is appealed, at the time the appeal is exhausted or any stay is vacated by the commission or a court.

Clarification of Bargaining Units

Section 12 creates s. 447.3076, F.S., which creates the clarification of a bargaining unit process. The bargaining agent of an affected bargaining unit, or the public employer of the public employees in that unit may file such a petition with the commission when a significant change in statutory or case law requires a clarification of the bargaining unit, or when a unit's classification was:

- Created or substantially changed after the unit was initially defined by the commission;
- Retitled with no substantial change in job duties; or
- Included or excluded through the commission's mistake or misunderstanding.

The bill establishes notice requirements for unit clarification petitions, including requiring service of the petition on (1) the public employer; and (2) any bargaining agent certified to represent employees or other employee classifications that may be substantially affected by the proposed clarification. If substantially affected employees are not represented by a bargaining agent, the public employer must provide notice of the petition to those employees within 10 days after the petition is filed.

The commission must dismiss a petition for clarification of a bargaining unit when such clarification would result in a 25 percent or more increase in the size of the bargaining unit because it raises a question concerning representation.

Collective Bargaining and Impasse

A "public employer" is the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer.

The Governor serves as the public employer for public employees who belong to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees. The Board of Governors of the State University System, or the board's designee, is the public employer for public employees at state university. The board of trustees of a community college is the public employer for community college employees. The district school board is the public employer for school district employees.

Section 18 amends s. 447.4095, F.S., to provide that appropriations to local governments by the Legislature which are specifically directed in law to be disbursed as salaries to employees of local governments are considered a financial urgency and provide for an expedited bargaining

and impasse resolution process for those salary dollars. This does not apply to public safety units.

Section 16 amends s. 447.403, F.S., to provide that a mediator cannot be used in impasses declared regarding legislatively-appropriated salary increases.

Additionally, this section creates fast-tracked timeframes for a hearing and related procedures under a special magistrate for such specified impasses. The parties must agree on a special magistrate and submit his or her name to the commission within 5 calendar days of the declared impasse. The commission must appoint this magistrate within 2 calendar days thereafter. If the parties cannot agree on a special magistrate, the commission must appoint one within 10 calendar days of the declared impasse.

Each party must give a list of its issues at impasse to the special magistrate and the other party within 5 calendar days after the special magistrate's appointment. A hearing must be held within 20 calendar days from the parties' submission of their list of issues at impasse (35 days after the declaration of impasse). The special magistrate must submit a recommended decision to the commission and the parties within 7 calendar days of the closing of the hearing. If a party wishes to reject the special magistrate's recommendation, it must do so in writing within 10 calendar days after receipt of the decision, and serve a copy of these rejections on the other party and the commission.

After a rejection of the special magistrate's recommendation, both parties must submit recommendations for settling the impasse to the Legislature. For these impasses, the Legislature must conduct a public hearing within 20 calendar days of its receipt of the recommendations and is required to take action within 10 days thereafter. An agreement that results from the legislative action must be reduced to writing by the parties within 10 calendar days of the legislative body's action. Thereafter, the chief executive officer and bargaining agent must sign the agreement within 7 calendar days and submit the agreement to the public employer and the bargaining unit for ratification within 10 calendar days from the agreement's signing. This issue cannot be signed, submitted, or ratified with other bargainable issues.

Paid Union Leave ("Release Time" or "Official Time")

Section 22 amends s. 447.509, F.S., to bar a public employer from providing any form of compensation or paid leave to a public employee for the purpose of engaging in employee organization activities.

Section 5 amends s. 447.203, F.S., to define "employee organization activities" as the following activities undertaken at the direction of, on behalf of, or to advance the purposes of an employee organization or any parent organization or affiliate of the employee organization:

- Supporting or opposing any candidate for federal, state, or local public office.
- Influencing the passage or defeat of state or federal legislation or regulation, local ordinance or resolution, or ballot measure.
- Promoting or soliciting membership or participation in, or financial support of, an employee organization of any parent organization or affiliate of the employee organization.
- Seeking certification as a bargaining agent.

- Participating in the administration, business, or internal governance of an employee organization or any parent organization or affiliate of the employee organization.
- Preparing, conducting, or attending employee organization events, conferences, conventions, meetings, or training, unless such training is directly related to the performance of public employees' job duties.
- Distributing communications of an employee organization or any parent organization or affiliate of the employee organization.
- Representing or speaking on behalf of an employee organization or any parent organization or affiliate of the employee organization in any setting, venue, or procedure in which the public employer is not a participant.

However, the bill provides exceptions to the general prohibition, the bill authorizes a public employee to:

- Use compensated personal leave, which may be his or her own or donated by employees in the bargaining unit, for employee organization activities.
- Take time off without pay or benefits to engage in employee organization activities, if agreed to by the employer and bargaining agent.
- If agreed to by the employer and bargaining agent, engage in *representational* employee organization activities on behalf of the bargaining agent while in a duty status without loss of pay or benefits, which includes:
  - Preparing, filing, or pursuing unfair labor practice charges or grievances.
  - Representing public employees in investigatory interviews, disciplinary proceedings or appeals, up to and including termination, or other administrative or legal proceedings.
  - Engaging in collective bargaining and any related mediation, factfinding, or arbitration.
  - Administering a collective bargaining agreement.
  - Participating in labor-management committees.

These limitations do not apply to public safety units.

Use of Public Employer Facilities

Section 19 amends s. 447.501, F.S., to require a public employer to allow any registered employee organization or any petitioning public employee who is seeking to support, oppose, or intervene in the certification, recertification, or decertification of a bargaining agent access to its facilities and internal means of communications. Failure to provide access is classified as an unfair labor practice.

Conforming Commission Hearing Timeframes and Procedures to the Administrative Procedures Act

The commission conducts hearings regarding the registration, certification, and election of employee organizations that represent public employees; collective bargaining impasses;[52] and

[52] Section 447.403, F.S. *See also*, PERC, *Mediation—Impasse Resolution*, https://myuff.org/wp-content/uploads/2021/09/PERC-Practical-Handbook-on-Collective-Bargaining-2020-edition.pdf (last visited Jan. 27, 2026).

employment cases, such as career service appeals,[53] certain age discrimination matters,[54] specified whistleblower act cases,[55] veteran's preference complaints,[56] and drug free workplace act cases.[57] The commission conducts these hearings in accordance with ss. 120.569 and 120.57, F.S.,[58] hearing procedure guidelines provided in the Administrative Procedures Act (APA). The commission may also designate a member of the commission or a designated commission employee who is a member of the Florida Bar to serve as a hearing officer in such matters.

The bill generally aligns the commission's hearing timeframes and procedures with the APA's.

Career Service Appeals

Section 1 amends s. 110.227, F.S., to require that, in an appeal of a work-related grievance made by a career service employee, the commission issue its final order in timeframes dictated by ss. 120.569 and 120.57, F.S. This generally extends the deadline for issuance of a final order from 45 days to 90 days.

Current law requires the commission to issue a final order within 45 days after the completion of the hearing, filing of exceptions, or date on which oral arguments is granted. The bill requires the commission to issue its final order in informal hearings conducted pursuant to s. 120.569, F.S., within 90 days after an informal hearing conducted by the commission; a recommended order is submitted to the agency if the hearing is conducted by an administrative law judge; or the commission received written and oral material it authorized to be submitted, if there was no hearing. If the commission refers the matter to a formal hearing involving disputed issues of material fact that is conducted by the Division of Administrative Hearings (DOAH) pursuant to s. 120.57, F.S., then the commission must issue its final order within 15 days of its receipt of a recommended order from the DOAH.

Additionally, this section substitutes current language that allows a party to file exceptions within 15 days of the hearing officer's issuance of a final order with a reference to the process for filing exceptions under ss. 120.569 and 120.57, F.S. The APA applies the same 15-day timeframe.

Drug Free Workplace Hearings

Section 2 amends s. 112.0455, F.S., to require that, in an appeal of a drug-free workplace complaint made by an executive branch employee or job applicant, the commission conduct an appeal hearing within 60 days of the employee or applicant's filing of the appeal (instead of 30 days) and issue its final order in timeframes dictated by ss. 120.569 and 120.57, F.S.

Veteran Preferences

Section 4 amends s. 295.14, F.S., to require that, in a hearing it conducts regarding an alleged unfair labor practice based on an agency's failure to provide special consideration or preference

[53] 110.227, F.S.
[54] Section 112.044(4), F.S.
[55] Section 112.31895, F.S.
[56] Sections 295.11 and 295.14, F.S.
[57] Section 112.0455, F.S.
[58] Section 447.205(10)-(11), F.S.

requirements for disabled veterans, veterans, current members of any reserve component of the U.S. Armed Forces or Florida National Guard, and the spouses, widows, mothers, fathers, or legal guardians of certain veterans, the commission must conduct the appeal within 60 days, rather than 30 days, after an appeal has been filed.

The section also requires the commission to issue its final order in such hearings in timeframes dictated by ss. 120.569 and 120.57, F.S.—generally within 90 days of the hearing.

Additionally, the bill deletes commission's duty to mail the final order by certified mail with a return receipt requested, and substitute's ss. 120.569 and 120.57, F.S.'s instruction to "deliver or mail" a copy of a final order to each party or the party's attorney of record.

General

Section 447.207(1), F.S., grants the commission general rulemaking authority to adopt rules as it deems necessary to carry out the provisions of part II of ch. 447, F.S., regarding public employees. **Section 7** amends s. 447.207, F.S., to:

- Delete the requirement that the commission send a hearing, other process, or notice to a recipient via personal service or certified mail. This generally conforms to the adoption of ss. 120.569 and 120.57, F.S., procedures for notice, which require mail service.
- Update the service requirements for any subpoena issued under Public Employees Relation Act (PERA) to align with Florida Rule of Civil Procedure 1.410's requirements, which dictate that personal service be performed by anyone specified by law to service process or by a person who is not a party and is 18 years of age or older. As is provided in current law, the commission may also serve a subpoena by certified mail, return receipt requested.
- Delete the requirement that the commission adopt rules to prescribe the qualifications of persons who may serve as mediators in hearings held under PERA, and maintain a list of qualified mediators.

Section 20 amends s. 447.503, F.S., to require public employers, unions, and public employees to have a substantial interest in litigation brought before the commission, which conforms with the standing requirements in the APA in ch. 120, F.S. This

Miscellaneous

Section 5 alphabetizes the defined terms provided in s. 447.203, F.S., and defines the new terms "employee organization activities," "representational employee organization activities," "membership dues," "public safety unit," and a "showing of interest" as described above.

Section 6 amends s. 447.207(8), F.S., to update the name of the commission to be used on its commission seal to be "State of Florida-*Public* Employees Relations Commission."

Section 7 amends s. 447.207(12), F.S., to maintain and expand the mass transit employee bargaining union exemption from Part II of ch. 447, F.S., rather than specific subsections of Part II, subject to approval by the commission.

Sections 14, 17, and 28 makes conforming, non-substantive amendments to ss. 447.309, 447.405, and 447.609, F.S., respectively.

Section 21 amends s. 447.507, F.S., to increase fines applicable to a public employee or union that strikes in violation of a court order from no more than $5,000 to no more than $30,000. The applicable fine for each officer, agent, or representative of an employee organization is increased from at least $300, but not more than $600 (as compared to no less than $50, and no more than $100).

Separately, the commission may penalize an organization that violates the no-strike requirement of s. 447.505, F.S., by fining the organization up to $40,000 per calendar day of the violation (up from $20,000).

Sections 23-27 and 29 make technical updates to cross-references to incorporate the renumbered definitions in section 5 of the bill.

Section 30 provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Right to Collectively Bargain

Article I, section 6 of the State Constitution states:

> The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike.

The Florida Supreme Court has recognized that this constitutional provision endows public employees with the same constitutional rights to bargain collectively as private employees, excluding the right to strike.[59] Moreover, as part of the State Constitution's declaration of rights, the right to collectively bargain is considered to be a fundamental right. Therefore, in order to survive a constitutional challenge, a statute that abridges public employee's right to bargain collectively "must serve that compelling state interest in the least intrusive means possible."[60]

The change to the voting threshold for the employees' decision to unionize and to bargain collectively from a majority vote of the *employees voting* to a majority of the *employees in the bargaining unit* may implicate the employee's right to collectively bargain. The state's compelling interest in such change may be to ensure that the majority of the employees actually want to be represented, but there may be a less intrusive means to achieve this, particularly when some bargaining agents remain subject to a majority vote of the employees voting and other bargaining agents are subject to the higher standard of a majority vote of the employees in the unit.

The commission recently decided that employees (not the employee organization or public employer reimbursing the commission) must pay for their stamp to cast their mail ballot (the general method of union election).[61] This ultimately implements a cost to employees who want to vote to elect or retain a bargaining agent, but no cost for employees who do not want to elect or retain a bargaining agent (because failure to return a ballot has the same effect as voting 'no' in an election that is based on the total membership of the unit.) This may dilute the effect of an employee's union membership by preventing him or her from counting as a union member among the employees that are recognized in an election unless the employee chooses to pay for the stamp to cast a ballot and be counted.[62] This may implicate the employee's right to collectively bargain.

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[59] *Dade County Classroom Teachers Ass'n. v. Ryan*, 225 So. 2d 903 (Fla. 1969).
[60] *Chiles v. State Emps. Att'ys Guild*, 714 So.2d 502 (Fla. Dist Ct. App. 1998), aff'd, 734 So.2d 1030 (Fla. 1999)., *quoting SEAG, FPD, NUHHCE, AFSCME, AFL-CIO v. State*, 653 So.2d 487 at 488 (Fla. 1st DCA 1995)
[61] *See*, *Petition from Florida Education Ass'n., Inc., Leon Classroom Teachers' Ass'n., Osceola County Educ. Ass'n., St. Johns Educ. Support Prof'l Ass'n. And Walton County Support Prof'ls*, case no. MS-2025, 002, (May 15, 2025), https://perc.myflorida.com/download.aspx?Prefix=MS&CaseYr=25&CaseNo=002&File=MS25002_Ord17_05152025_154002.pdf.
[62] *See*, *Alachua County Educ. Ass'n. V. Carpenter*, 741 F.Supp. 3d 1202, 1223-1224 (N.D. Fla. 2024).

In another instance, the bill requires the commission to revoke the certification of an employee organization that does not comply with the document submission requirements of the certification process (see section 12 of the bill at lines 810-898). The documentation required includes total membership, financial activity, and salary and benefits of highest paid employees, among other topics. If a certification revocation occurs for failure to timely submit the documents or otherwise comply with the requirements of this section, the employee organization is prohibited from petitioning to represent that same unit for at least 12 months. This provision does not apply to public safety units. This distinction may result in some employees being denied the right to be represented by his or her chosen registered employee organization for at least 1 year, and therefore this differential treatment may be subject to strict scrutiny.

No case directly on point has been identified to date. However, to the extent that a claim is raised, the strict scrutiny standard is likely to be applied, and the state must show a compelling state interest.

Freedom of Speech

The First Amendment to the U.S. Constitution guarantees that "Congress shall make no law ... abridging the freedom of speech."[63] Generally, a government cannot restrict speech on the basis of the message expressed;[64] content-based restrictions are presumptively invalid.[65] The rights guaranteed by the First Amendment apply with equal force to state governments through the due process clause of the Fourteenth Amendment.[66] While the text of the state and federal constitutions differs, the protection and freedom of speech under the state constitution "is the same as is required under the First Amendment."[67]

In general, there are two types of restrictions on speech – content-based and content-neutral. Content-based restrictions target speech based on its subject-matter and is viewed with disfavor by the courts. Such restrictions are presumptively invalid and evaluated under strict scrutiny.[68] Strict scrutiny requires the government to prove that the restriction is narrowly tailored to achieve a compelling government interest.[69] Content-neutral restrictions are subject to the more lenient requirement that the state identify a substantial interest that would not be furthered as effectively in the absence of the law.[70]

[63] U.S. CONST. amend. I.
[64] *Texas v. Johnson*, 491 U.S. 397 (1989); *State v. T.B.D.*, 656 So.2d 479 (Fla. 1995).
[65] *See, e.g.*, *Police Dept. of Chicago v. Mosely*, 408 U.S. 92 (1972).
[66] U.S. CONST. amend. XIV; *see also* FLA. CONST., art. I.
[67] *Dep't of Educ. v. Lewis*, 416 So.2d 455, 461 (Fla. 1982); *Scott v. State*, 368 So.3d 8, 10 (Fla. 4th DCA 2023), *review denied*, No. SC2023-1188 (Fla. Nov. 22, 2023), and *cert. denied sub nom.; Scott v. Fla.*, No. 23-7786 (U.S. Oct. 7, 2024).
[68] *Vidal v. Elster*, 602 U.S. 286, 292 (2024). In particular, the Supreme Court held that view-point discrimination, which targets not just the subject matter, "but particular views taken by the speakers," is considered "a particularly egregious form of content discrimination."
[69] *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 171 (2015).
[70] *Rumsfeld v. Forum for Acad. & Institutional Rts., Inc.*, 547 U.S. 47, 67 (2006).

The bill limits certain public employees' employee organization activities, including their influence of the passage or defeat of legislation and similar measures, and supporting or opposing a candidate for public office. These employees may only engage in such activity in a compensated or paid leave status if their public employer and bargaining agent agree. However, public safety unit employees are not subject to this limitation. A public safety employee may be deemed to have greater leeway to engage in certain speech than other union employees, which may be viewed as a restriction on a union member's right to freedom of speech.

Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides, "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."[71] Florida's Equal Protection Clause guarantees that "all natural persons, female and male alike, are equal before the law and have inalienable rights."[72] Equal protection claims against government actors allege unconstitutionally unequal treatment between groups, which can be based on any form of classification. However, "equal protection is not violated merely because some persons are treated differently than other persons. It only requires that persons similarly situated be treated similarly."[73] Unless a statute provokes "strict judicial scrutiny" because it interferes with a "fundamental right" or discriminates against a "suspect class," it will ordinarily survive an equal protection claim so long as the challenged classification is rationally related to a legitimate governmental purpose.[74] To withstand strict scrutiny, a law must be necessary to promote a compelling governmental interest and must be narrowly tailored to advance that interest.[75]

This bill appears to create two distinct classes of public employees. These groups experience differently their right to associate freely and collectively bargain (in virtue of the higher threshold to certify and decertify an employee organization and thus be a member of a union), and to freedom of speech to speak on behalf of the union to seek certification as a bargaining agent and similar union activities (in virtue of the limit on use of time off without pay or benefits for the use of employee organizational activities for one group but not the other).

These rights of free speech and freedom of association are fundamental rights guaranteed by the State Constitution. The right to collectively bargain is a right guaranteed in the state constitution's declaration of rights. As discussed above, these rights are treated differently between the two distinct classes of public employees created by the bill. In effect, the bill risks violating those fundamental constitutional rights (speech and

[71] U.S. CONST. amend. XIV, s. 1.
[72] FLA. CONST. art. I, s. 2.
[73] *Fraternal Order of Police, Miami Lodge 20, v. Miami*, 243 So.3d 894, 899 (Fla. 2018), *quoting Duncan v. Moore*, 754 So.2d 708, 712 (Fla. 2000).
[74] *Kardmas v. Dickinson Public Schools*, 487 U.S. 450, 457-458 (1988); *Fla. High Sch. Activities Ass'n v. Thomas By & Through Thomas*, 434 So.2d 306, 308 (Fla. 1983).
[75] *Westerheide v. State*, 831 So.2d 93, 110 (Fla. 2002). *See also*, *Fraternal Order of Police, Miami Lodge 20, v. Miami*, 243 So.3d 894, 899 (Fla. 2018).

collective bargaining) while imposing unequal treatment that may itself constitute a separate constitutional infringement.

Single Subject

Article III, section 6 of the State Constitution requires every law to "embrace but one subject and matter properly connected therewith." The purpose of this requirement is to prevent logrolling, which combines multiple unrelated measures in one bill in order to secure passage of a measure that is unlikely to pass on its own merits.[76] The Florida Supreme Court has held that the single subject clause contains three requirements: first, each law must embrace only one subject; second, the law may include any matter that properly connected with the subject; and third, the subject must be briefly expressed in the title.[77] The subject matter to consider when determining whether a bill embraces a single subject is the bill title's subject, and the test is whether the bill is designed to accomplish separate objectives with no natural or logical connection to each other.[78]

It is unclear whether the current state of the bill violates the single subject rule. The title of the present bill indicates that it is an act relating to "the Public Employees Relations Commission." While all of the matters involved in the bill may touch on the commission, their nexus is tenuous. For example, several parts of the bill deal with hearing procedures relating to unfair labor practices alleged by a public employee under part II of ch. 447, F.S., others deal with the Governor's (or chief executive's) and Legislature's (or legislative body's) authority and duties in resolving issues at impasse. Additionally, section 21 increases fines that a circuit court may assess against a public employee for violations of anti-strike provisions—entirely outside of the scope of the commission; section 22 deals with relations between a public employer and public employee (limiting approval of leave to specific instances.).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None identified.

B. Private Sector Impact:

The increase in threshold to recertify an employee organization may result in fewer unions maintaining their certification to represent public employee bargaining units.

Additionally, based on the commission practice of requiring employees to pay postage on a mail ballot for a certification (or decertification) election, individuals who wish to vote in such elections will see an added cost related to casting a vote.

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[76] *Santos v. State*, 380 So.2d 1284 (Fla. 1980).
[77] *Franklin v. State*, 887 So. 1063, 1072 (Fla. 2004).
[78] *See Ex parte Knight*, 41 So. 786 (Fla. 1906); *Brd. of Public Instruction of Broward Cnty. v. Doran*, 224 So.2d 693 (Fla. 1969).

C. Government Sector Impact:

The commission may see an increase in elections it must administer as a result of the new provisions for recertification and decertification. This may increase the commission's workload.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 12 creates a clarification of bargaining units petition, and provides standards for submission of a petition to clarify the composition of a bargaining unit, but does not provide standards for the commission's decision on that unit clarification. The commission may benefit from rulemaking authority and some legislative standards regarding the commission's determination on petitions to clarify a bargaining unit.

The Legislature "may not delegate the power to enact a law or the right to exercise unrestricted discretion in applying the law."[79] The Florida Supreme Court has found that "statutes granting power to the executive branch 'must clearly announce adequate standards to guide ... in the execution of the powers delegated. The statute must so clearly define the power delegated that the [executive] is precluded from acting through whim, showing favoritism, or exercising unbridled discretion.'"[80]

Administrative commissions, unless specifically created in the Constitution, are creatures of statute and derive only the powers specified therein.[81] Thus, the APA expressly states that statutory language delegating authority to executive agencies must be construed to extend no further than the powers and duties conferred by that statute.[82] Even when an agency is pursuing the policy objectives that underlie the statutory scheme it is charged with enforcing, the agency may not disregard or expand upon the terms of the statutes themselves.[83] Agency action is derived from legislative delegation, it follows that the Legislature may oversee and alter that delegation.[84]

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes:110.227, 112.0455, 120.80, 295.14, 447.203, 447.205, 447.207, 447.301, 447.303, 447.305, 447.307, 447.308, 447.403, 447.405, 447.4095, 447.501, 447.503, 447.507, 447.509, 110.114, 110.205, 112.3187, 121.031, 447.02, 447.609, and 1011.60.

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[79] *Bush v. Schiavo,* 885 So. 2d 321 (Fla. 2004).
[80] *Id*.
[81] *Grove Isle, Ltd. v. State Dept of Environmental Regulation*, 454 So. 2d 571 (Fla. 1st DCA 1984). *See also*, *WHS Trucking LLC v. Reemployment Assistance Appeals Comm'n*, 183 So. 3d 460 (Fla. 1st DCA 2016).
[82] Sections 120.52(8) and 120.536(1), F.S. *See also*, *Tampa Bay Downs, Inc. v. Dep't of Bus. And Prof. Reg.*, 293 So. 3d 38 (Fla. 2d DCA 2020).
[83] *Tampa Bay Downs, Inc.*, 293 So. 3d 38.
[84] *City of Cape Coral v. GAC Utilities, Inc. of Fla.*, 281 So. 2d 493 (Fla. 1973).

This bill creates the following sections of the Florida Statutes: 447.3076, 447.309, 447.401, 447.403, 447.405, 447.4095, 447.501, 447.503, 447.507, 447.509, and 110.114.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Governmental Oversight and Accountability on February 11, 2026:

- Clarifies that membership dues must be paid in exchange for membership in an employee organization.
- Retains current law by deleting language which specified that "additional grants of rulemaking authority contained in [part II of ch. 447, F.S.,] do not limit the grant of rulemaking authority in [section 447.207, F.S.]".
- Retains current law in s. 447.207(6), F.S., to specify that commission statements of general applicability that implement, interpret, or prescribe law or policy made in the course of its adjudication of a case under s. 447.307 or s. 447.503, F.S. only are not a rule as defined in s. 120.52, F.S.
- Clarifies that a membership authorization form remains valid if it met the requirements in law at the time the employee signed it, and that employee has not subsequently revoked his or her union membership.
- Retains a public employee's express authority to pay membership dues directly to an employee organization, a parent organization, and an affiliate of the employee organization or the parent organization.
- Requires that information provided as part of an application for renewal be accompanied by an agreed-upon procedures report by an independent CPA to assist in determining the information's accuracy.
- Clarifies that any decision issued by the commission under s. 447.305, F.S., relating to registrations and certifications of employee organizations and bargaining units is a final agency action that may be reviewed by a district court of appeal, pursuant to s. 447.504, F.S.
- Retains current law in s. 447.309(3), F.S., which requires the chief executive officer to propose an amendment to a law that conflicts with a provision of a collective bargaining agreement to which the chief executive officer agreed.
- Retains current law in s. 447.309(5), which requires all of the terms of employment to be included in the collective bargaining agreement—not just those negotiated or resolved by impasse.
- Specifies that the service used in special magistrate impasse hearings may be any method *agreed to by the parties*.
- Narrows the scope of the financial urgency provision to appropriations to local governments by the Legislature which are specifically directed in law to be disbursed as salaries to local government employees.
- Limits access to a public employer's facilities and internal means of communication to only a *registered* employee organization and public employee for the purpose of intervening in, supporting, or opposing a certification, recertification, or

decertification of a bargaining agent. This ensures that the commission has regulatory authority over the entity.

- Increases the amount that the commission can fine an organization that engaged in an illegal strike to from $20,000 per day to $40,000 per day, or the cost incurred by the public as a result of the strike.
- Clarifies that a bargaining agent and employer are not required to agree for the employee to use his or her compensated personal leave for employee organization activities. An agreement is still required for the employee to use time off without pay or benefits to engage in employee organization activities, or for the employee to engage in representational employee organization activities while in a duty status.

B. Amendments:

None.