

By Senator Martin

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A bill to be entitled

An act relating to the Public Employees Relations Commission; amending s. 110.227, F.S.; conforming final order requirements to ch. 120, F.S.; deleting a provision requiring exceptions to a recommended order to be filed within a specified timeframe; amending s. 112.0455, F.S.; conforming final order requirements to ch. 120, F.S.; revising the timeframe in which an appeal hearing must be conducted; amending s. 120.80, F.S.; providing applicability; amending s. 295.14, F.S.; conforming final order requirements to ch. 120, F.S.; reordering and amending s. 447.203, F.S.; revising and defining terms; amending s. 447.205, F.S.; revising the seal of the Public Employees Relations Commission; amending s. 447.207, F.S.; providing construction relating to the rulemaking authority of the commission; authorizing subpoenas to be served by certified mail, return receipt requested, or by personal service; revising requirements for proof of service; deleting the requirement that the commission adopt rules for the qualifications of persons who may serve as mediators; authorizing the commission, under certain circumstances, to waive the application of any provision of part II of ch. 447, F.S., rather than only specified provisions; amending s. 447.301, F.S.; revising requirements for an employee organization membership authorization form; requiring an employee organization, within a specified timeframe, to revoke the membership of and cease the

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collection of membership dues from a public employee;  
amending s. 447.303, F.S.; conforming provisions to  
changes made by the act; amending s. 447.305, F.S.;  
revising application requirements for employee  
organization registration and renewal of registration;  
requiring an employee organization to provide an  
application for renewal of registration to certain  
persons within a specified timeframe; requiring a  
bargaining agent to provide missing application  
information to the commission within a specified  
timeframe; requiring the commission to dismiss an  
application for renewal of registration under certain  
circumstances; requiring the commission to notify the  
bargaining agent when such application information is  
complete; requiring the bargaining agent to petition  
for recertification within a specified timeframe  
thereafter; requiring the commission or one of its  
designated agents to conduct an investigation if a  
challenge to an application for renewal of  
registration is filed; authorizing a designated agent  
of the commission to conduct an investigation to  
confirm validity of submitted information; exempting  
certain employee organizations from a specified  
requirement; requiring a registration fee for  
applications for registration and renewal of  
registration; requiring certain employee organization  
accounts to be open for inspection by the commission  
and certain public employees at a reasonable time and  
place; providing for the revocation of an employee

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organization's certification under certain  
circumstances; providing that certain decisions issued  
by the commission are final agency actions; amending  
s. 447.307, F.S.; revising requirements for the  
certification and recertification of an employee  
organization; creating s. 447.3076, F.S.; providing  
that a petition to clarify the composition of a  
bargaining unit may be filed with the commission under  
certain circumstances; requiring that a copy of the  
petition be served on certain persons; requiring the  
public employer to provide a copy of the petition to  
certain affected employees within a specified  
timeframe; requiring a petition to be dismissed under  
certain circumstances; amending s. 447.308, F.S.;  
revising requirements for the decertification of an  
employee organization; amending s. 447.309, F.S.;  
deleting provisions relating to conflicts between any  
collective bargaining agreement provision and certain  
laws, ordinances, rules, or regulations; requiring  
certain agreements to be returned to the bargaining  
agent, rather than the employee organization;  
requiring collective bargaining agreements to contain  
specified terms and conditions; amending s. 447.401,  
F.S.; conforming provisions to changes made by the  
act; amending s. 447.403, F.S.; specifying  
requirements for when an impasse occurs; requiring a  
hearing within a specified timeframe; authorizing the  
recommended decision of a special magistrate from an  
impasse hearing to be transmitted by any method of

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service that establishes proof of delivery; amending s. 447.405, F.S.; conforming provisions to changes made by the act; amending s. 447.4095, F.S.; providing that salary increases appropriated by the Legislature are considered a financial urgency; providing meeting and dispute requirements; prohibiting unfair labor charges to be filed during specified time periods; providing applicability; amending s. 447.501, F.S.; requiring a public employer to provide to all employee organizations or petitioning employees equal access to the employer's facilities and communication systems for a specified time period; amending s. 447.503, F.S.; authorizing certain public employers, public employees, and employee organizations, or combinations thereof, to file certain charges with the commission; amending s. 447.507, F.S.; increasing fines for certain violations; amending s. 447.509, F.S.; prohibiting public employers, their agents or representatives, and any persons acting on their behalf from taking certain actions; authorizing certain actions by public employees under certain circumstances; providing applicability; amending ss. 110.114, 110.205, 112.3187, 121.031, 447.02, 447.609, and 1011.60, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

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Section 1. Paragraph (d) of subsection (6) of section 110.227, Florida Statutes, is amended to read:

110.227 Suspensions, dismissals, reductions in pay, demotions, layoffs, transfers, and grievances.—

(6) The following procedures shall apply to appeals filed pursuant to subsection (5) with the Public Employees Relations Commission, hereinafter referred to as the commission:

(d) A recommended order must ~~shall~~ be issued by the hearing officer within 30 days after ~~following~~ the hearing. ~~Exceptions to the recommended order shall be filed within 15 days after the recommended order is issued.~~ The final order must be issued ~~shall be filed~~ by the commission in accordance with ss. 120.569 and 120.57 ~~no later than 45 calendar days after the hearing or after the filing of exceptions or oral arguments if granted.~~

Section 2. Paragraph (a) of subsection (14) of section 112.0455, Florida Statutes, is amended to read:

112.0455 Drug-Free Workplace Act.—

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days after ~~of~~ receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on

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the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator. The final order must be issued by the commission in accordance with ss. 120.569 and 120.57.

Section 3. Paragraph (c) is added to subsection (12) of section 120.80, Florida Statutes, to read:

120.80 Exceptions and special requirements; agencies.—

(12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

(c) Section 120.60 does not apply to registration of employee organizations under s. 447.305.

Section 4. Subsection (1) of section 295.14, Florida Statutes, is amended to read:

295.14 Penalties.—

(1) When the Public Employees Relations Commission, after a hearing on notice conducted according to rules adopted by the commission, determines that a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains the veteran seeking redress, the commission shall order the offending agency, employee, or officer of the state to comply with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b); and, in the event of a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the commission may issue an order to compensate the veteran for the loss of any wages and reasonable attorney ~~attorney's~~ fees for actual hours worked, and costs of all work, including litigation, incurred as a result of such violation, which order shall be conclusive on the agency, employee, or officer concerned. The attorney ~~attorney's~~ fees and costs may not exceed

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175 \$10,000. The final order must be issued by action of the  
176 commission in accordance with ss. 120.569 and 120.57 ~~shall be in~~  
177 ~~writing and shall be served on the parties concerned by~~  
178 ~~certified mail with return receipt requested.~~

179 Section 5. Section 447.203, Florida Statutes, is reordered  
180 and amended to read:

181 447.203 Definitions.—As used in this part:

182 (6)~~(1)~~ "Commission" means the Public Employees Relations  
183 Commission created by s. 447.205.

184 (17)~~(2)~~ "Public employer" or "employer" means the state or  
185 any county, municipality, or special district or any subdivision  
186 or agency thereof which the commission determines has sufficient  
187 legal distinctiveness properly to carry out the functions of a  
188 public employer. With respect to all public employees determined  
189 by the commission as properly belonging to a statewide  
190 bargaining unit composed of State Career Service System  
191 employees or Selected Professional Service employees, the  
192 Governor is deemed to be the public employer; and the Board of  
193 Governors of the State University System, or the board's  
194 designee, is deemed to be the public employer with respect to  
195 all public employees of each constituent state university. The  
196 board of trustees of a community college is deemed to be the  
197 public employer with respect to all employees of the community  
198 college. The district school board is deemed to be the public  
199 employer with respect to all employees of the school district.  
200 The Board of Trustees of the Florida School for the Deaf and the  
201 Blind is deemed to be the public employer with respect to the  
202 academic and academic administrative personnel of the Florida  
203 School for the Deaf and the Blind. The Governor is deemed to be

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the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

(16)~~(3)~~ "Public employee" means any person employed by a public employer except:

(a) Those persons appointed by the Governor or elected by the people, agency heads, and members of boards and commissions.

(b) Those persons holding positions by appointment or employment in the organized militia.

(c) Those individuals acting as negotiating representatives for employer authorities.

(d) Those persons who are designated by the commission as managerial or confidential employees pursuant to criteria contained herein.

(e) Those persons holding positions of employment with the Florida Legislature.

(f) Those persons who have been convicted of a crime and are inmates confined to institutions within the state.

(g) Those 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) Those persons employed by the Public Employees Relations Commission.

(i) Those persons enrolled as undergraduate students in a state university who perform part-time work for the state



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233 university.

234 (12)~~(4)~~ "Managerial employees" means ~~are~~ those employees  
235 who:

236 (a) Perform jobs that are not of a routine, clerical, or  
237 ministerial nature and require the exercise of independent  
238 judgment in the performance of such jobs and to whom one or more  
239 of the following applies:

240 1. They formulate or assist in formulating policies which  
241 are applicable to bargaining unit employees.

242 2. They may reasonably be required on behalf of the  
243 employer to assist in the preparation for the conduct of  
244 collective bargaining negotiations.

245 3. They have a role in the administration of agreements  
246 resulting from collective bargaining negotiations.

247 4. They have a significant role in personnel  
248 administration.

249 5. They have a significant role in employee relations.

250 6. They are included in the definition of administrative  
251 personnel contained in s. 1012.01(3).

252 7. They have a significant role in the preparation or  
253 administration of budgets for any public agency or institution  
254 or subdivision thereof.

255 (b) Serve as police chiefs, fire chiefs, or directors of  
256 public safety of any police, fire, or public safety department.  
257 Other police officers, as defined in s. 943.10(1), and  
258 firefighters, as defined in s. 633.102, may be determined by the  
259 commission to be managerial employees of such departments. In  
260 making such determinations, the commission shall consider, in  
261 addition to the criteria established in paragraph (a), the

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paramilitary organizational structure of the department involved.

However, in determining whether an individual is a managerial employee pursuant to paragraph (a) or paragraph (b), ~~above~~, the commission may consider historic relationships of the employee to the public employer and to coemployees.

(7)~~(5)~~ "Confidential employees" means ~~are~~ persons who act in a confidential capacity to assist or aid managerial employees as defined in subsection (12) ~~(4)~~.

(21)~~(6)~~ "Strike" means the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term includes ~~"strike" shall also mean~~ any overt preparation, including, but not limited to, the establishment of strike funds with regard to the ~~above-listed~~ activities listed in this subsection.

(22)~~(7)~~ "Strike funds" means ~~are~~ any appropriations by an

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employee organization which are established to directly or indirectly aid any employee or employee organization to participate in a strike in the state.

(2)~~(8)~~ "Bargaining unit" means either that unit determined by the commission, that unit determined through local regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that unit determined by the public employer and the public employee organization and approved by the commission to be appropriate for the purposes of collective bargaining. However, no bargaining unit shall be defined as appropriate which includes employees of two employers that are not departments or divisions of the state, a county, a municipality, or other political entity.

(3)~~(9)~~ "Chief executive officer" for the state means ~~shall mean~~ the Governor and for other public employers means ~~shall mean~~ the person, whether elected or appointed, who is responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer.

(11)~~(10)~~ "Legislative body" means the State Legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403, the Board of Governors of the State University System, or the board's designee, shall be deemed to be the legislative body with respect to all employees of each

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constituent state university. For purposes of s. 447.403, the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

~~(8)(11)~~ "Employee organization" or "organization" means 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.

(9) "Employee organization activities" means 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 by doing any of the following:

(a) Supporting or opposing a candidate for federal, state, or local public office.

(b) Influencing the passage or defeat of any federal or state legislation or regulation, local ordinance or resolution, or ballot measure.

(c) Promoting or soliciting membership or participation in, or financial support of, an employee organization or any parent organization or affiliate of the employee organization.

(d) Seeking certification as a bargaining agent.

(e) Participating in the administration, business, or internal governance of an employee organization or any parent organization or affiliate of the employee organization.

(f) Preparing, conducting, or attending employee

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organization events, conferences, conventions, meetings, or trainings, unless such training is directly related to the performance of a public employee's job duties.

(g) Distributing communications of an employee organization or any parent organization or affiliate of the employee organization.

(h) 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.

(i) Preparing, filing, or pursuing unfair labor practice charges or grievances.

(j) Representing public employees in investigatory interviews; disciplinary proceedings or appeals, including termination; or other administrative or legal proceedings.

(k) Engaging in collective bargaining and any related mediation, factfinding, or arbitration.

(l) Administering a collective bargaining agreement.

(m) Participating in labor-management committees.

(1)(12) "Bargaining agent" means the employee organization that ~~which~~ has been certified by the commission as representing the employees in the bargaining unit, as provided in s. 447.307, or its representative.

(13) "Membership dues" means employee organization dues; uniform assessments; fees, including initiation fees; or voluntary contributions paid in exchange for membership in an employee organization or as a member of the employee organization.

(15)(13) "Professional employee" means:

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378 (a) Any employee engaged in work in any two or more of the  
379 following categories:

380 1. Work predominantly intellectual and varied in character  
381 as opposed to routine mental, manual, mechanical, or physical  
382 work.+

383 2. Work involving the consistent exercise of discretion and  
384 judgment in its performance.+

385 3. Work of such a character that the output produced or the  
386 result accomplished cannot be standardized in relation to a  
387 given period of time.+~~and~~

388 4. Work requiring advanced knowledge in a field of science  
389 or learning customarily acquired by a prolonged course of  
390 specialized intellectual instruction and study in an institution  
391 of higher learning or a hospital, as distinguished from a  
392 general academic education, an apprenticeship, or training in  
393 the performance of routine mental or physical processes.

394 (b) Any employee who:

395 1. Has completed the course of specialized intellectual  
396 instruction and study described in subparagraph (a)4. ~~4. of~~  
397 ~~paragraph (a); and~~

398 2. Is performing related work under supervision of a  
399 professional person to qualify to become a professional employee  
400 as defined in paragraph (a).

401 (5)~~(14)~~ "Collective bargaining" means the performance of  
402 the mutual obligations of the public employer and the bargaining  
403 agent of the employee organization to meet at reasonable times,  
404 to negotiate in good faith, and to execute a written contract  
405 with respect to agreements reached concerning the terms and  
406 conditions of employment, except that neither party shall be

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407 compelled to agree to a proposal or be required to make a  
408 concession unless otherwise provided in this part.

409 (14)~~(15)~~ "Membership dues deduction" means the practice by  
410 ~~of~~ a public employer of deducting membership dues ~~and uniform~~  
411 ~~assessments~~ from the salary or wages of a public employee and.  
412 ~~Such term also means the practice of a public employer of~~  
413 transmitting the sums so deducted to an ~~such~~ employee  
414 organization on behalf of the public employee.

415 (4)~~(16)~~ "Civil service" means any career, civil, or merit  
416 system used by any public employer.

417 (10)~~(17)~~ "Good faith bargaining" means ~~shall mean~~, but is  
418 not ~~be~~ limited to, the willingness of both parties to meet at  
419 reasonable times and places, as mutually agreed upon, in order  
420 to discuss issues that ~~which~~ are proper subjects of bargaining,  
421 with the intent of reaching a common accord. The term includes  
422 ~~It shall include~~ an obligation for both parties to participate  
423 actively in the negotiations with an open mind and a sincere  
424 desire, as well as making a sincere effort, to resolve  
425 differences and come to an agreement. In determining whether a  
426 party failed to bargain in good faith, the commission shall  
427 consider the total conduct of the parties during negotiations as  
428 well as the specific incidents of alleged bad faith. Incidents  
429 indicative of bad faith shall include, but not be limited to,  
430 the following occurrences:

431 (a) Failure to meet at reasonable times and places with  
432 representatives of the other party for the purpose of  
433 negotiations.

434 (b) Placing unreasonable restrictions on the other party as  
435 a prerequisite to meeting.

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436 (c) Failure to discuss proper subjects of bargaining  
437 ~~bargainable issues~~.

438 (d) Refusing, upon reasonable written request, to provide  
439 public information, excluding work products as defined in s.  
440 447.605.

441 (e) Refusing to negotiate because of an unwanted person on  
442 the opposing negotiating team.

443 (f) Negotiating directly with employees rather than with  
444 their ~~certified~~ bargaining agent.

445 (g) Refusing to reduce a total agreement to writing.

446 (18) "Public safety unit" means a bargaining unit in which  
447 the majority of the public employees are employed as a law  
448 enforcement officer, correctional officer, or correctional  
449 probation officer, as those terms are defined in s. 943.10(1),  
450 (2), or (3), respectively; a firefighter as defined in s.  
451 633.102(9); a 911 public safety telecommunicator as defined in  
452 s. 401.465(1); or an emergency medical technician or a  
453 paramedic, as those terms are defined in s. 401.23.

454 (19) "Representational employee organization activities"  
455 means those activities specified in paragraphs (9)(i)-(m).

456 (20) "Showing of interest" means written statements signed  
457 and dated by public employees in a proposed or existing  
458 bargaining unit indicating the desire of the public employees  
459 either to be represented by the employee organization for  
460 purposes of collective bargaining or to no longer be represented  
461 by the bargaining agent for purposes of collective bargaining.

462 (23)~~(18)~~ "Student representative" means the representative  
463 selected by each community college or university student  
464 government association. Each representative may be present at



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all negotiating sessions that take place between the appropriate public employer and ~~a an-exclusive~~ bargaining agent. The representative must be enrolled as a student with at least 8 credit hours in the respective community college or university during his or her term as student representative.

Section 6. Subsection (8) of section 447.205, Florida Statutes, is amended to read:

447.205 Public Employees Relations Commission.—

(8) The commission shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the words "State of Florida-Public Employees Relations Commission" ~~"State of Florida-Employees Relations Commission"~~ and which shall be judicially noticed.

Section 7. Subsections (1), (4), (5), (6), and (12) of section 447.207, Florida Statutes, are amended to read:

447.207 Commission; powers and duties.—

(1) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part. Any additional grants of rulemaking authority contained in this part do not limit the grant of rulemaking authority in this section.

(4) Any subpoena, ~~notice of hearing, or other process or notice of the commission~~ issued under ~~the provisions of this part~~ must either ~~shall~~ be served ~~personally or~~ by certified mail, return receipt requested, or be served personally by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. When certified mail is used, a returned post office receipt constitutes proof

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of service. When personal service is used, if the subpoena is not served by a person specified by law to serve process, an affidavit of the person making service constitutes proof of service. ~~A return made and verified by the individual making such service and setting forth the manner of such service is proof of service, and a returned post office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part shall be served in the county wherein the persons required to be served reside or may be found.~~

(5) The commission shall adopt rules as to the qualifications of persons who may serve as ~~mediators and~~ special magistrates and shall maintain a list ~~lists~~ of such qualified persons who are not employees of the commission. The commission may initiate dispute resolution procedures by special magistrates, pursuant to ~~the provisions of~~ this part.

(6) Pursuant to its established procedures, the commission shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining, expeditiously process charges of unfair labor practices and violations of s. 447.505 by public employees, and resolve such other questions and controversies as it may be authorized herein to undertake. The petitioner, charging party, respondent, and any intervenors shall be the adversary parties before the commission in any adjudicatory proceeding conducted pursuant to this part. Any commission statement of general applicability that implements, interprets, or prescribes law or policy, made in the course of adjudicating

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a case ~~pursuant to s. 447.307 or s. 447.503~~ shall not constitute a rule within the meaning of s. 120.52.

(12) Upon a petition by a public employer after it has been notified by the Department of Labor that the public employer's protective arrangement covering mass transit employees does not meet the requirements of 49 U.S.C. s. 5333(b) and would jeopardize the public employer's continued eligibility to receive Federal Transit Administration funding, the commission may waive the application of this part, but only to the extent necessary for the public employer to comply with ~~the requirements of 49 U.S.C. s. 5333(b), any of the following for an employee organization that has been certified as a bargaining agent to represent mass transit employees:~~

~~(a) The prohibition on dues and assessment deductions provided in s. 447.303(1) as it applies to a mass transit employee who has provided a copy of his or her membership authorization form to the employer as part of the authorization of dues deduction under a waiver.~~

~~(b) The requirement to petition the commission for recertification.~~

~~(c) The revocation of certification provided in s. 447.305(6) and (7).~~

Section 8. Paragraph (b) of subsection (1) and subsection (2) of section 447.301, Florida Statutes, are amended to read:

447.301 Public employees' rights; organization and representation.—

(1)

(b)1. A public employee who desires to be a member of an employee organization must sign and date a membership

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authorization form, as prescribed by the commission, and submit the executed form to the bargaining agent.

2. The membership authorization form must identify the name of the bargaining agent; the name of the employee; the class code and class title of the employee; the name of the public employer and employing agency, if applicable; the amount of the membership initiation fee and of the monthly dues which the public employee member must pay; and the names ~~name~~ and amounts ~~total amount of salary, allowances, and other direct or indirect disbursements, including reimbursements, paid to each of the five highest compensated officers and employees of the employee organization~~ disclosed under s. 447.305(2)(d) for the officers and employees receiving the five highest total dollar amounts.

3. The membership authorization form must contain the following statement in 14-point type:

As a public employee in the State of Florida, ~~is a right to work state.~~ membership or nonmembership ~~non-membership~~ in a labor union is not required as a condition of employment., ~~and~~ Union membership and payment of membership ~~union~~ dues ~~and assessments~~ are voluntary. A public employee's ~~Each person has the right to~~ join and pay membership dues to a labor union or to refrain from joining and paying membership dues to a labor union is protected by both Florida's right-to-work law and the First Amendment of the United States Constitution. A public employer may not discriminate against a public ~~No employee may be discriminated against in any manner~~ for joining and financially supporting, a ~~labor union~~ or ~~for~~ refusing to join and ~~or~~ financially support, a labor union.

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4. A public employee may revoke membership in the employee organization at any time ~~of the year~~. Within 30 days after ~~Upon~~ receipt of the public employee's written revocation of membership, the employee organization must revoke the ~~a~~ public employee's membership and cease collection of membership dues for such public employee. The employee organization may not limit a public ~~an~~ employee's right to revoke membership to certain dates. If a public employee must complete a form to revoke membership in the employee organization, the form may not require a reason for the public employee's decision to revoke his or her membership.

5. An employee organization must retain for inspection by the commission such membership authorization forms and any revocations.

6. This paragraph does not apply to public employees in public safety units ~~members of a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23.~~

7. The commission may adopt rules to implement this paragraph.

(2) Public employees ~~shall~~ have the right to be represented by any employee organization of their own choosing and to negotiate collectively, through a ~~certified~~ bargaining agent,

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with their public employer in the determination of the terms and conditions of their employment. Public employees ~~shall~~ have the right to be represented in the determination of grievances on all terms and conditions of their employment. Public employees ~~shall~~ have the right to refrain from exercising the right to be represented.

Section 9. Subsections (1) and (2) of section 447.303, Florida Statutes, are amended to read:

447.303 Membership dues; deduction and collection.—

(1) Except as authorized in subsection (2) or subject to a waiver of the prohibition on membership dues deduction granted pursuant to s. 447.207(12), a public employer may not engage in membership dues deduction on behalf of ~~s. 447.207(12)(a)~~, an employee organization ~~that has been certified as a bargaining agent may not have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees in the unit. A public employee may pay dues and uniform assessments directly to the employee organization that has been certified as the bargaining agent.~~

(2)(a) Upon the written authorization of a public employee in a public safety unit, the public employer must engage in membership dues deduction for such public employee. A public employee may revoke his or her authorization for membership dues deduction upon providing 30 days' written notice to the public employer and bargaining agent ~~An employee organization that has been certified as a bargaining agent to represent a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in~~

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~~s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23 has the right to have its dues and uniform assessments for that bargaining unit deducted and collected by the employer from the salaries of those employees who authorize the deduction and collection of said dues and uniform assessments. However, such authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. Said deductions shall commence upon the bargaining agent's written request to the employer.~~

(b) Reasonable costs to the public employer of engaging in membership dues ~~said~~ deductions is a proper subject of collective bargaining.

(c) The requirement to engage in membership dues deductions ~~Such right to deduction~~, unless revoked under s. 447.507, is in force as for so long as the employee organization remains the ~~certified~~ bargaining agent remains certified to represent for the public employees in the bargaining unit.

Section 10. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organizations ~~organization.~~

(1) Every employee organization seeking to become a ~~certified~~ bargaining agent for public employees shall register with the commission before ~~pursuant to the procedures set forth in s. 120.60 prior to requesting recognition by a public employer for purposes of collective bargaining and prior to~~

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submitting a certification, recertification, or unit clarification petition ~~to the commission requesting~~  
~~certification as an exclusive bargaining agent. Further, If an~~  
~~such~~ employee organization is not registered, it may not  
participate in a certification, recertification, or unit clarification ~~representation~~ hearing;  
~~7~~ participate in a certification or recertification ~~representation~~ election;  
~~7~~ or be certified as a ~~an~~ exclusive bargaining agent. The application  
for registration required by this section must ~~shall~~ be under  
oath, ~~and~~ in such form as the commission may prescribe, and  
~~shall~~ include all of the following:

(a) The name and address of the organization and ~~of~~ any  
parent organization or affiliate of the employee organization  
~~with which it is affiliated.~~

(b) The names and addresses of the principal officers and  
all representatives of the organization.

(c) The amount ~~of the initiation fee and the amount~~ and  
collection frequency of the membership dues ~~and uniform~~  
~~assessments~~ that a member of the organization must pay.

(d) The current annual financial statement of the  
organization, prepared by an independent certified public  
accountant licensed under chapter 473.

(e) The name of its business agent, if any; if different  
from the business agent, the name of its local agent for service  
of process; and the addresses where such person or persons can  
be reached.

(f) A pledge, in a form prescribed by the commission, that  
the employee organization will conform to the laws of this ~~the~~  
state and that it will accept members without regard to age,



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697 race, sex, religion, or national origin.

698 (g) A copy of the current constitution and bylaws of the  
699 employee organization.

700 (h) A copy of the current constitution and bylaws of the  
701 state and national groups with which the employee organization  
702 is affiliated or associated. In lieu of this provision, and upon  
703 adoption of a rule by the commission, a state or national  
704 affiliate or parent organization of any registering employee  
705 ~~labor~~ organization may annually submit a copy of its current  
706 constitution and bylaws.

707 (2) A registration granted to an employee organization  
708 pursuant to this section runs for 1 year after ~~from~~ the date of  
709 issuance. A registration must be renewed annually by filing an  
710 application for renewal under oath with the commission, which  
711 application must reflect any changes in the information provided  
712 to the commission in conjunction with the employee  
713 organization's preceding application for registration or  
714 previous renewal, whichever is applicable. Each application for  
715 renewal of registration must include a current annual financial  
716 statement, prepared by an independent certified public  
717 accountant licensed under chapter 473 and signed by the employee  
718 organization's president and treasurer or corresponding  
719 principal officers, containing the following information in such  
720 detail as may be necessary to accurately ~~to~~ disclose its  
721 financial condition and operations for its preceding fiscal year  
722 and in all of the following ~~such~~ categories as prescribed by the  
723 commission ~~may prescribe~~:

724 (a) Assets and liabilities at the beginning and end of the  
725 fiscal year. ~~+~~

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(b) Receipts of any kind and the sources thereof.~~†~~

(c) Disbursements by category.~~†~~

(d) Salary, wages, fringe benefits, allowances, and other direct or indirect disbursements, including reimbursed expenses, paid or accruing to each of its officers ~~officer~~ and also to each of its employees ~~employee~~ who, during such fiscal year, received more than \$10,000 in the aggregate from such employee organization and any parent organization of the ~~other~~ employee organization or any affiliate of either the employee organization or the parent organization. This paragraph requires 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. ~~affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization;†~~

(e) Direct and indirect loans made to any of its officers ~~officer,~~ employees ~~employee,~~ or members ~~member~~ which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment.~~†~~ ~~and~~

(f) Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment.

(g) 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 organization or the parent organization.

(3) As part of its application for renewal of registration,

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~~a In addition to subsection (2), an employee organization that has been certified as the bargaining agent for public employees must include all of for each such certified bargaining unit the following additional information and verification documentation as of the 30th day immediately preceding the date upon which its current registration is scheduled to end for any renewal of registration on or after October 1, 2023:~~

(a) For each bargaining unit for which the bargaining agent is certified, the certification number assigned to the bargaining unit by the commission.

~~(b)-(a) For each certification, the number of public employees in the bargaining unit who are eligible for representation by the employee organization.~~

(c) For each certification, the number of public employees in the bargaining unit who paid full membership dues sufficient to maintain membership in good standing in the bargaining agent.

~~(d)-(b) For each certification, the number of public employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.~~

~~(e) The number of employees in the bargaining unit who paid dues to the employee organization.~~

~~(d) The number of employees in the bargaining unit who did not pay dues to the employee organization.~~

(e) Verification Documentation provided by an independent certified public accountant of retained by the employee organization which verifies the information provided in paragraphs (b), (c), and (d) (a)-(d).

(4) Within 30 days after filing an application for renewal

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of registration with the commission, the employee organization must provide a copy of its application ~~for renewal of registration relating to a public employer's employees~~ to the public employer and public employees of each bargaining unit for which the employee organization is the bargaining agent ~~on the same day the application is submitted to the commission.~~

(5) ~~An application for renewal of registration is incomplete and is not eligible for consideration by The commission~~ must notify the bargaining agent if it does not include all of the information or verification and documentation required in subsection (3) is incomplete. The bargaining agent must provide the missing information or verification to the commission within 30 days after such notification. If the bargaining agent fails to provide the missing information or verification within 30 days after notification, the commission must dismiss the application ~~The commission shall notify the employee organization if the application is incomplete. An incomplete application must be dismissed if the required information and documentation are not provided within 10 days after the employee organization receives such notice.~~

(6) The commission must notify the bargaining agent when the information and verification required in subsection (3) is complete. Within 30 days after such notification, the bargaining agent must petition for recertification pursuant to s. 447.307 for each of its bargaining units ~~Notwithstanding the provisions of this chapter relating to collective bargaining, an employee organization certified as a bargaining agent to represent a bargaining unit for which less than 60 percent of the public unit employees in the bargaining unit have submitted membership~~

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813 authorization forms without subsequent revocation and paid  
814 membership dues to the organization, as reported under  
815 subsection (3) during its last registration period must petition  
816 the commission pursuant to s. 447.307(2) and (3) for  
817 recertification as the exclusive representative of all employees  
818 in the bargaining unit within 30 days after the date on which  
819 the employee organization applies for renewal of registration  
820 pursuant to subsection (2). The certification of an employee  
821 organization that does not comply with this section is revoked.

822 (7) If a ~~The~~ public employer or a public employee of a  
823 bargaining unit represented by a bargaining agent believes that  
824 the bargaining agent's ~~employee may challenge an employee~~  
825 ~~organization's~~ application for renewal of registration is  
826 materially inaccurate, if the public employer or public  
827 bargaining unit employee may challenge ~~believes that the~~  
828 application as materially is inaccurate during the pendency of  
829 the application or, if the registration renewal has been  
830 granted, before the date upon which the bargaining agent's  
831 current registration is scheduled to end. If a challenge is  
832 filed, the commission or one of its designated agents must  
833 conduct an investigation pursuant to subsection (8) shall review  
834 the application to determine its accuracy and compliance with  
835 this section. If the commission finds that the application is  
836 inaccurate or does not comply with this section, the commission  
837 shall revoke the registration and certification of the employee  
838 organization.

839 (8) The commission or one of its designated agents may  
840 conduct an investigation to confirm the validity of any  
841 information submitted pursuant to this section. The commission

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may revoke or deny an employee organization's registration or certification if it finds that the employee organization:

(a) Failed to cooperate with the investigation conducted pursuant to this subsection, including refusal to permit the commission or one of its designated agents to inspect membership authorization forms or revocations pursuant to s.

447.301(1)(b)5.; or

(b) Intentionally misrepresented the information it submitted pursuant to this section.

~~A decision issued by the commission pursuant to this subsection is a final agency action that is reviewable pursuant to s. 447.504.~~

(9) An employee organization is exempt from the requirements of subsections (3)-(8) and (12) for each public safety unit it represents ~~only with respect to the circumstances of each bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23.~~

(10) A registration fee must ~~shall~~ accompany each application for registration or renewal of registration filed with the commission. The registration fee may ~~amount charged for an application for registration or renewal of registration shall~~ not exceed \$15. All such money collected by the commission shall

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be deposited in the General Revenue Fund.

(11) Every employee organization shall keep accurate accounts of its income and expenses, which accounts must ~~shall~~ be open for inspection at a all reasonable time and place times by ~~any member of the organization or by~~ the commission or a public employee in a bargaining unit for which the employee organization is the bargaining agent. ~~In addition, each employee organization that has been certified as a bargaining agent must provide to its members an annual financial report prepared by an independent certified public accountant licensed under chapter 473 that includes a detailed breakdown of revenues and expenditures in such categories as the commission may prescribe, and an accounting of membership dues and assessments. The employee organization must notify its members annually of all costs of membership.~~

(12) The certification of an employee organization that does not comply with this section is revoked. An employee organization that has its certification revoked under this subsection may not file a petition for certification under s. 447.307 which covers any of the public employees in the bargaining unit described in the revoked certification for at least 12 months after the date the certification was revoked.

(13) A decision issued by the commission under this section which revokes a certification, revokes a registration, or grants, denies, or dismisses an application for registration or renewal of registration is a final agency action that is reviewable pursuant to s. 447.504.

Section 11. Section 447.307, Florida Statutes, is amended to read:

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447.307 Certification and recertification of employee  
organizations ~~organization.~~

(1) (a) ~~An~~ Any employee organization seeking certification  
or recertification as a bargaining agent must file a petition  
with the commission accompanied by a showing of interest from at  
least 30 percent of the public employees in the proposed or  
existing bargaining unit. The showing of interest statements  
must be signed and dated by the public employees not more than  
12 months before the filing of the petition ~~which is designated~~  
~~or selected by a majority of public employees in an appropriate~~  
~~unit as their representative for purposes of collective~~  
~~bargaining shall request recognition by the public employer. The~~  
~~public employer shall, if satisfied as to the majority status of~~  
~~the employee organization and the appropriateness of the~~  
~~proposed unit, recognize the employee organization as the~~  
~~collective bargaining representative of employees in the~~  
~~designated unit. Upon recognition by a public employer, the~~  
~~employee organization shall immediately petition the commission~~  
~~for certification. The commission shall review only the~~  
~~appropriateness of the unit proposed by the employee~~  
~~organization. If the unit is appropriate according to the~~  
~~criteria used in this part, the commission shall immediately~~  
~~certify the employee organization as the exclusive~~  
~~representative of all employees in the unit. If the unit is~~  
~~inappropriate according to the criteria used in this part, the~~  
~~commission may dismiss the petition.~~

~~(b) Whenever a public employer recognizes an employee~~  
~~organization on the basis of majority status and on the basis of~~  
~~appropriateness in accordance with subparagraph (4) (f) 5., the~~



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commission shall, in the absence of inclusion of a prohibited category of employees or violation of s. 447.501, certify the proposed unit.

(b)(2) ~~A~~ 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 for a proposed bargaining unit. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit, indicating that such employees desire to be represented for purposes of collective bargaining by the petitioning employee organization. Once a petition for certification has been filed by an employee organization, any registered employee organization desiring placement on the ballot in any certification or recertification election to be conducted pursuant to this section may be permitted by the commission to intervene in the proceeding upon a motion accompanied by a showing of interest from dated statements signed by at least 10 percent of the public employees in the proposed or existing bargaining unit, ~~indicating that such employees desire to be represented for the purposes of collective bargaining by the moving employee organization.~~ The showing of interest ~~petitions and dated statements~~ must be signed and dated by the public employees not more than 12 months before the filing of the petition.

(c) The showing of interest is ~~are~~ confidential and exempt from the provisions of s. 119.07(1), except that any public employee, public employer, or employee organization having sufficient reason to believe that the showing of interest was ~~any of the employee signatures were~~ obtained by collusion,

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coercion, intimidation, or misrepresentation or ~~is~~ are otherwise  
invalid shall be given a reasonable opportunity to verify and  
challenge the showing of interest ~~signatures appearing on the~~  
~~petition.~~

(d) Notwithstanding paragraph (b), if any employees in the  
proposed unit are represented by a bargaining agent other than  
the petitioning employee organization, such bargaining agent  
will be automatically added as a party to the case and may  
appear on the ballot without being required to file a motion to  
intervene or a showing of interest.

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

(b) If a valid collective bargaining agreement covering any  
of the public employees in a proposed or existing bargaining  
unit is in effect, a certification petition may only be filed  
with the commission at least 90 but not more than 150 days  
immediately preceding the expiration date of the collective  
bargaining agreement, or at any time subsequent to such  
agreement's expiration date but before the effective date of a  
new collective bargaining agreement. The effective date of a  
collective bargaining agreement is the date of ratification of  
such agreement by both parties if such agreement becomes  
effective immediately or retroactively, or the collective  
bargaining agreement's actual effective date if such agreement  
becomes effective after its ratification date.

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987       (3)~~(a)~~ The commission or one of its designated agents shall  
988 investigate a certification or recertification ~~the~~ petition to  
989 determine its sufficiency; ~~if it has reasonable cause to believe~~  
990 ~~that the petition is sufficient, the commission shall provide~~  
991 ~~for an appropriate hearing upon due notice. Such a hearing may~~  
992 ~~be conducted by an agent of the commission.~~ If the commission  
993 finds that the petition is ~~to be~~ insufficient, the commission  
994 must ~~it may~~ dismiss the petition. If the commission finds upon  
995 ~~the record of the hearing~~ that the petition is sufficient, the  
996 commission must ~~it shall immediately~~:

997       (a)1. Define the proposed or existing bargaining unit and  
998 determine which public employees are ~~shall be~~ qualified and  
999 entitled to vote at any election held by the commission. Upon  
1000 providing due notice, the commission may provide for a hearing.

1001       (b)2. Identify the public employer or employers for  
1002 purposes of collective bargaining ~~with the bargaining agent.~~

1003       (c)3. Order an election by secret ballot, the cost of said  
1004 election and any required runoff election to be borne equally by  
1005 the parties, except as the commission may provide by rule. The  
1006 commission's order assessing costs of an election may be  
1007 enforced pursuant to ~~the provisions of~~ this part.

1008       (4) (a) Except as provided in paragraph (b), elections are  
1009 determined as follows for all certification or recertification  
1010 petitions filed on or after July 1, 2026:

1011       1.(b) ~~If When~~ an employee organization is selected by a  
1012 majority vote of the public employees who are in the bargaining  
1013 unit as of the date set by the commission ~~voting in an election,~~  
1014 the commission shall certify or recertify the employee  
1015 organization as the ~~exclusive collective~~ bargaining agent for

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1016 ~~the public representative of all~~ employees in the unit.

1017 2. A runoff election shall be held according to rules  
1018 adopted by the commission if, in the election conducted under  
1019 subparagraph 1., there was more than one employee organization  
1020 on the ballot, a majority of the public employees who are in the  
1021 bargaining unit as of the date set by the commission voted in  
1022 the election, and none of the choices on the ballot received a  
1023 majority vote of the public employees who are in the bargaining  
1024 unit as of the date set by the commission.

1025 (b) Certification elections involving public safety units  
1026 are determined as follows:

1027 1. If an employee organization is selected by a majority  
1028 vote of the public employees voting in the election, the  
1029 commission shall certify the employee organization as the  
1030 bargaining agent for the public employees in the bargaining  
1031 unit.

1032 2. A runoff election shall be held according to rules  
1033 adopted by the commission if, in the election conducted under  
1034 subparagraph 1., there was more than one employee organization  
1035 on the ballot and none of the choices on the ballot received a  
1036 majority vote of the public employees voting in the election.

1037 (c) Certification, recertification, or revocation under  
1038 this section is effective upon the issuance of a ~~the~~ final order  
1039 by the commission or, if the final order is appealed, at the  
1040 time the appeal is exhausted or any stay is vacated by the  
1041 commission or a ~~the~~ court.

1042 ~~(e) In any election in which none of the choices on the~~  
1043 ~~ballot receives the vote of a majority of the employees voting,~~  
1044 ~~a runoff election shall be held according to rules promulgated~~

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1045 ~~by the commission.~~

1046 ~~(d) No petition may be filed seeking an election in any~~  
1047 ~~proposed or existing appropriate bargaining unit to determine~~  
1048 ~~the exclusive bargaining agent within 12 months after the date~~  
1049 ~~of a commission order verifying a representation election or, if~~  
1050 ~~an employee organization prevails, within 12 months after the~~  
1051 ~~date of an effective certification covering any of the employees~~  
1052 ~~in the proposed or existing bargaining unit. Furthermore, if a~~  
1053 ~~valid collective bargaining agreement covering any of the~~  
1054 ~~employees in a proposed unit is in effect, a petition for~~  
1055 ~~certification may be filed with the commission only during the~~  
1056 ~~period extending from 150 days to 90 days immediately preceding~~  
1057 ~~the expiration date of that agreement, or at any time subsequent~~  
1058 ~~to its expiration date but prior to the effective date of any~~  
1059 ~~new agreement. The effective date of a collective bargaining~~  
1060 ~~agreement means the date of ratification by both parties, if the~~  
1061 ~~agreement becomes effective immediately or retroactively; or its~~  
1062 ~~actual effective date, if the agreement becomes effective after~~  
1063 ~~its ratification date.~~

1064 (5)~~(4)~~ In defining a proposed bargaining unit, the  
1065 commission shall take into consideration:

1066 (a) The principles of efficient administration of  
1067 government.

1068 (b) The number of employee organizations with which the  
1069 employer might have to negotiate.

1070 (c) The compatibility of the unit with the joint  
1071 responsibilities of the public employer and public employees to  
1072 represent the public.

1073 (d) The power of the officials of government at the level

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

(e) The organizational structure of the public employer.

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

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

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

3. The interdependence of jobs and interchange of employees.

4. The desires of the employees.

5. 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 in the continuation of a traditional, workable, and accepted negotiation relationship.

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

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

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

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

447.3076 Clarification of bargaining units.-

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

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

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

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

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

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

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

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

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

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1132       447.308 Decertification ~~Revocation of certification~~ of  
1133 employee organizations ~~organization~~.—

1134       (1) A public ~~Any~~ employee or group of public employees that  
1135 ~~which~~ no longer desires to be represented by a ~~the~~ certified  
1136 bargaining agent may file with the commission a petition to  
1137 decertify the bargaining agent ~~revoke certification~~. The  
1138 petition must ~~shall~~ be accompanied by a showing of interest from  
1139 ~~dated statements signed by~~ at least 30 percent of the public  
1140 employees in the bargaining unit, ~~indicating that such employees~~  
1141 ~~no longer desire to be represented for purposes of collective~~  
1142 ~~bargaining by the certified bargaining agent. The time of filing~~  
1143 ~~said petition shall be governed by the provisions of s.~~  
1144 ~~447.307(3)(d) relating to petitions for certification. The~~  
1145 showing of interest statements must be signed and dated by the  
1146 public employees not more than 12 months before the filing of  
1147 the petition. Any employee, employer, or employee organization  
1148 having sufficient reason to believe that the showing of interest  
1149 ~~was any of the employee signatures were~~ obtained by collusion,  
1150 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise  
1151 invalid shall be given a reasonable opportunity to verify and  
1152 challenge the showing of interest ~~signatures appearing on the~~  
1153 ~~petition~~.

1154       (2)(a) A decertification petition may not be filed  
1155 regarding the bargaining unit within 12 months after the date  
1156 the commission issues an order that verifies the results of a  
1157 certification, recertification, or decertification election  
1158 covering any of the public employees in the unit.

1159       (b) If a valid collective bargaining agreement covering any  
1160 of the public employees in the bargaining unit is in effect, a



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

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

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

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

(c) Order an election by secret ballot, the cost of said election to be borne equally by the parties, except as the commission may provide by rule. The commission's order assessing costs of an election may be enforced pursuant to ~~the provisions of~~ this part.

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

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1190       1. If decertification of the bargaining agent is selected  
1191 by a majority vote of the public employees who are in the  
1192 bargaining unit as of the date set by the commission, the  
1193 commission shall revoke the bargaining agent's certification for  
1194 that bargaining unit.

1195       2. If decertification is not selected by a majority vote of  
1196 the public employees who are in the bargaining unit as of the  
1197 date set by the commission, the bargaining agent shall retain  
1198 its certification for that bargaining unit.

1199       (b) Decertification elections involving public safety units  
1200 are determined as follows:

1201       1.(2) If decertification is selected by a majority vote of  
1202 the public employees voting in the such election ~~vote against~~  
1203 ~~the continuation of representation by the certified bargaining~~  
1204 ~~agent, the commission shall revoke the certification of the~~  
1205 ~~employee organization as the exclusive bargaining agent's~~  
1206 certification for that agent for the employees in the bargaining  
1207 unit shall be revoked.

1208       2.(3) If decertification is not selected by a majority vote  
1209 of the public employees voting in the such election ~~do not vote~~  
1210 ~~against the continuation of representation by the certified~~  
1211 ~~bargaining agent, the bargaining agent shall retain its~~  
1212 certification for that bargaining ~~of the employee organization~~  
1213 ~~as the exclusive bargaining agent for the employees in the unit~~  
1214 shall be retained by the organization.

1215       (c) Revocation under this section is effective upon the  
1216 issuance of a final order by the commission or, if the final  
1217 order is appealed, at the time the appeal is exhausted or any  
1218 stay is vacated by the commission or a court.

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1219 Section 14. Section 447.309, Florida Statutes, is amended  
1220 to read:

1221 447.309 Collective bargaining; approval or rejection.—

1222 (1) After an employee organization has been certified as  
1223 the bargaining agent of a bargaining unit pursuant to the  
1224 ~~provisions of this part, the bargaining agent for the~~  
1225 ~~organization~~ and the chief executive officer of the appropriate  
1226 public employer or employers, jointly, shall bargain  
1227 collectively in the determination of the wages, hours, and terms  
1228 and conditions of employment of the public employees within the  
1229 bargaining unit. The chief executive officer or his or her  
1230 representative and the bargaining agent or its representative  
1231 shall meet at reasonable times and bargain in good faith. In  
1232 conducting negotiations with the bargaining agent, the chief  
1233 executive officer or his or her representative shall consult  
1234 with, and attempt to represent the views of, the legislative  
1235 body of the public employer. Any collective bargaining agreement  
1236 reached by the negotiators shall be reduced to writing, and such  
1237 agreement shall be signed by the chief executive officer and the  
1238 bargaining agent. Any agreement signed by the chief executive  
1239 officer and the bargaining agent is ~~shall~~ not be binding on the  
1240 public employer until such agreement has been ratified by the  
1241 public employer and the ~~by~~ public employees in ~~who are members~~  
1242 ~~of the bargaining unit, subject to subsection the provisions of~~  
1243 ~~subsections (2) and (3).~~ However, with respect to statewide  
1244 bargaining units, any agreement signed by the Governor and the  
1245 bargaining agent for such a bargaining unit is ~~shall~~ not be  
1246 binding until approved by the public employees in ~~who are~~  
1247 ~~members of~~ the bargaining unit, subject to subsection the

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1248 ~~provisions of subsections (2) and (3).~~

1249 (2)(a) Upon execution of the collective bargaining  
1250 agreement, the chief executive shall, in his or her annual  
1251 budget request or by other appropriate means, request the  
1252 legislative body to appropriate such amounts as shall be  
1253 sufficient to fund the provisions of the collective bargaining  
1254 agreement.

1255 (b) If the state is a party to a collective bargaining  
1256 agreement in which less than the requested amount is  
1257 appropriated by the Legislature, the collective bargaining  
1258 agreement shall be administered on the basis of the amounts  
1259 appropriated by the Legislature. The failure of the Legislature  
1260 to appropriate funds sufficient to fund the collective  
1261 bargaining agreement shall not constitute, or be evidence of,  
1262 any unfair labor practice. All collective bargaining agreements  
1263 entered into by the state are subject to the appropriations  
1264 powers of the Legislature, and the provisions of this section  
1265 shall not conflict with the exclusive authority of the  
1266 Legislature to appropriate funds.

1267 ~~(3) If any provision of a collective bargaining agreement~~  
1268 ~~is in conflict with any law, ordinance, rule, or regulation over~~  
1269 ~~which the chief executive officer has no amendatory power, the~~  
1270 ~~chief executive officer shall submit to the appropriate~~  
1271 ~~governmental body having amendatory power a proposed amendment~~  
1272 ~~to such law, ordinance, rule, or regulation. Unless and until~~  
1273 ~~such amendment is enacted or adopted and becomes effective, the~~  
1274 ~~conflicting provision of the collective bargaining agreement~~  
1275 ~~shall not become effective.~~

1276 (3)~~(4)~~ If the agreement is not ratified by the public

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1277 employer or is not approved by a majority ~~vote~~ of the public  
1278 employees voting ~~in the unit~~, in accordance with procedures  
1279 adopted by the commission, the agreement shall be returned to  
1280 the chief executive officer and the bargaining agent ~~employee~~  
1281 ~~organization~~ for further negotiations.

1282 ~~(4)-(5)~~ A ~~Any~~ collective bargaining agreement may ~~shall~~ not  
1283 provide for a term of existence of more than 3 years and must  
1284 ~~shall~~ contain all of the terms and conditions of employment  
1285 negotiated by the bargaining agent and the public employer and  
1286 all of the disputed impasse issues resolved by the legislative  
1287 body's action taken pursuant to s. 447.403 ~~of the employees in~~  
1288 ~~the bargaining unit during such term except those terms and~~  
1289 ~~conditions provided for in applicable merit and civil service~~  
1290 ~~rules and regulations.~~

1291 Section 15. Section 447.401, Florida Statutes, is amended  
1292 to read:

1293 447.401 Grievance procedures.—Each public employer and  
1294 bargaining agent shall negotiate a grievance procedure to be  
1295 used for the settlement of disputes between a public employer  
1296 and a public employee, or a group of public employees, involving  
1297 the interpretation or application of a collective bargaining  
1298 agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its  
1299 terminal step a final and binding disposition by an impartial  
1300 neutral arbitrator, mutually selected by the parties; however,  
1301 when the issue under appeal is an allegation of abuse,  
1302 abandonment, or neglect of a child by a public ~~an~~ employee under  
1303 s. 39.201 or an allegation of abuse, neglect, or exploitation of  
1304 a vulnerable adult by a public employee under s. 415.1034, the  
1305 grievance may not be decided until such allegation ~~the abuse~~,

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1306 ~~abandonment, or neglect of a child~~ has been judicially  
1307 determined. However, an arbitrator ~~arbiter~~ or other neutral  
1308 party may ~~shall not have the power to~~ add to, subtract from,  
1309 modify, or alter the terms of a collective bargaining agreement.  
1310 If an employee organization is certified as the bargaining agent  
1311 of a bargaining unit, the grievance procedure then in existence  
1312 may be the subject of collective bargaining, and any agreement  
1313 that ~~which~~ is reached shall supersede the previously existing  
1314 procedure. All public employees ~~shall~~ have the right to a fair  
1315 and equitable grievance procedure administered without regard to  
1316 membership or nonmembership in any employee organization, except  
1317 that bargaining agents may ~~certified employee organizations~~  
1318 ~~shall~~ not be required to process grievances for public employees  
1319 who are not members of the employee organization. A public  
1320 ~~career service~~ employee may use ~~shall have the option of~~  
1321 ~~utilizing~~ the civil service appeal procedure, an unfair labor  
1322 practice procedure, or a grievance procedure established under  
1323 this section, but may not avail ~~such employee is precluded from~~  
1324 ~~availing~~ himself or herself of ~~to~~ more than one of these  
1325 procedures.

1326 Section 16. Subsections (1) through (4) of section 447.403,  
1327 Florida Statutes, are amended to read:

1328 447.403 Resolution of impasses.—

1329 (1) If, after a reasonable period of negotiation concerning  
1330 the terms and conditions of employment to be incorporated in a  
1331 collective bargaining agreement, a dispute exists between a  
1332 public employer and a bargaining agent, either party may declare  
1333 an impasse by providing written notification ~~shall be deemed to~~  
1334 ~~have occurred when one of the parties so declares in writing to~~

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the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may use ~~appoint~~, or secure the services ~~appointment~~ of, a mediator to assist in the resolution of the impasse. If the Governor is the public employer or for an impasse declared pursuant to s. 447.4095, a ~~no~~ mediator may not ~~shall~~ be appointed.

(2)(a) If a ~~no~~ mediator is not used under subsection (1) ~~appointed~~, or upon the request of either party, the commission must ~~shall~~ appoint, and submit all unresolved issues to, a special magistrate acceptable to both parties. If the parties are unable to agree on the appointment of a special magistrate, the commission must ~~shall~~ appoint, in its discretion, a qualified special magistrate. However, if the parties agree in writing to waive the appointment of a special magistrate, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, a ~~no~~ special magistrate may not ~~shall~~ be appointed. The parties must ~~may~~ proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).

(c) For an impasse declared pursuant to s. 447.4095(2), the parties must agree on a special magistrate and submit the agreed-upon name to the commission within 5 calendar days after the declaration of impasse. Within 2 business days after the submission of the special magistrate's name, the commission must

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1364 appoint the agreed-upon special magistrate. If the parties do  
1365 not submit the name of an agreed-upon special magistrate to the  
1366 commission within 5 calendar days after the declaration of  
1367 impasse, the commission must appoint a special magistrate of its  
1368 choosing within 5 calendar days after the parties' deadline to  
1369 submit the name of the agreed-upon special magistrate. Within 5  
1370 calendar days after the special magistrate is appointed, each  
1371 party must submit a list of issues at impasse to the special  
1372 magistrate and serve a copy of the list on the other party at  
1373 the same time.

1374 (3) The special magistrate must ~~shall~~ hold a hearing  
1375 ~~hearings~~ in order to define the area or areas of dispute, to  
1376 determine facts relating to the dispute, and to render a  
1377 decision on any and all unresolved contract issues. The hearing  
1378 must ~~hearings shall~~ be held at a time, date, and place ~~times,~~  
1379 ~~dates, and places~~ to be established by the special magistrate in  
1380 accordance with rules adopted ~~promulgated~~ by the commission. For  
1381 an impasse declared pursuant to s. 447.4095(2), a hearing must  
1382 be held within 20 calendar days after the parties submit the  
1383 list of issues at impasse to the special magistrate. The special  
1384 magistrate may ~~shall be empowered to~~ administer oaths and issue  
1385 subpoenas on behalf of the parties to the dispute or on his or  
1386 her own behalf. Within 15 calendar days after the close of the  
1387 ~~final~~ hearing, or 7 calendar days after the close of the hearing  
1388 for an impasse declared pursuant to s. 447.4095(2), the special  
1389 magistrate must submit ~~shall transmit~~ his or her recommended  
1390 decision to the commission and to the representatives of both  
1391 parties by any method of service that establishes proof of  
1392 delivery ~~registered mail, return receipt requested~~. Such



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recommended decision must ~~shall~~ be discussed by the parties, and each recommendation of the special magistrate is ~~shall be~~ deemed approved by both parties unless specifically rejected by either party by written notice filed with the commission within 20 calendar days, or 10 calendar days for an impasse declared pursuant to s. 447.4095(2), after the date the party received the special magistrate's recommended decision. The written notice must ~~shall~~ include a statement of the cause for each rejection and ~~shall~~ be served upon the other party at the same time as it is filed with the commission.

(4) If either the public employer or the bargaining agent ~~employee organization~~ does not accept, in whole or in part, the recommended decision of the special magistrate, all of the following procedures apply:

(a) The chief executive officer of the governmental entity involved shall, within 10 calendar days after rejection of a recommendation of the special magistrate, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special magistrate, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also submit ~~transmit~~ his or her recommendations to the bargaining agent at the same time as the recommendations are submitted to the legislative body. ~~employee organization;~~

(b) Within 10 calendar days after rejection of a recommendation of the special magistrate, the bargaining agent ~~employee organization~~ shall submit its recommendations for settling the disputed impasse issues to such legislative body

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and to the chief executive officer.~~†~~

(c) The legislative body or its ~~a~~ duly authorized committee ~~thereof~~ shall ~~forthwith~~ conduct a public hearing at which the parties shall ~~be required to~~ explain their positions with respect to the rejected recommendations of the special magistrate. For an impasse declared pursuant to s. 447.4095(2), the legislative body must conduct the public hearing within 20 calendar days after the parties submit their recommendations to the legislative body.~~†~~

(d) Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues. For an impasse declared pursuant to s. 447.4095(2), the legislative body must take action within 10 calendar days after the close of the public hearing.~~† and~~

(e)1. Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). For an impasse declared pursuant to s. 447.4095(2), the parties must reduce the agreement to writing within 10 calendar days after the resolution of the disputed impasse issues by the legislative body.

2. The agreement must ~~shall~~ be signed by the chief executive officer and the bargaining agent and ~~shall~~ be submitted to the public employer and ~~to~~ the public employees in who are members of the bargaining unit for ratification. For an impasse declared pursuant to s. 447.4095(2), the chief executive

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officer and the bargaining agent must sign the agreement within 7 calendar days after the agreement is reduced to writing and must submit the agreement to the public employer and the bargaining unit for ratification within 10 calendar days after the agreement is signed. For an impasse declared pursuant to s. 447.4095(2), the agreement must be signed, submitted, and ratified separately from other bargainable issues.

3. If ~~the such~~ agreement is not ratified by all parties, pursuant to ~~the provisions of~~ s. 447.309, the legislative body's action taken pursuant to ~~the provisions of~~ paragraph (d) shall take effect as of the date of such legislative body's action for the remainder of the first fiscal year which was the subject of negotiations; however, the legislative body's action may ~~shall~~ not take effect with respect to those disputed impasse issues ~~that which~~ establish the language of contractual provisions that ~~which~~ could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

Section 17. Section 447.405, Florida Statutes, is amended to read:

447.405 Factors to be considered by the special magistrate.—The special magistrate shall conduct the hearings and render recommended decisions with the objective of achieving a prompt, peaceful, and just settlement of disputes between the bargaining agents ~~public employee organizations~~ and the public employers. The factors, ~~among others,~~ to be given weight by the special magistrate in arriving at a recommended decision must ~~shall~~ include:

(1) Comparison of the annual income of employment of the

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public employees in question with the annual income of employment maintained for the same or similar work of employees exhibiting like or similar skills under the same or similar working conditions in the local operating area involved.

(2) Comparison of the annual income of employment of the public employees in question with the annual income of employment of public employees in similar public employee governmental bodies of comparable size within this ~~the~~ state.

(3) The interest and welfare of the public.

(4) Comparison of peculiarities of employment in regard to other trades or professions, specifically with respect to:

(a) Hazards of employment.

(b) Physical qualifications.

(c) Educational qualifications.

(d) Intellectual qualifications.

(e) Job training and skills.

(f) Retirement plans.

(g) Sick leave.

(h) Job security.

(5) Availability of funds.

Section 18. Section 447.4095, Florida Statutes, is amended to read:

447.4095 Financial urgency.—

(1) In the event of a financial urgency requiring modification of an agreement, the chief executive officer or his or her representative and the bargaining agent or its representative must ~~shall~~ meet as soon as possible to negotiate the impact of the financial urgency. If after a reasonable period of negotiation, which may ~~shall~~ not exceed 14 calendar

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1509 days, a dispute exists between the public employer and the  
1510 bargaining agent, an impasse is ~~shall be~~ deemed to have  
1511 occurred, and one of the parties must ~~shall~~ so declare in  
1512 writing to the other party and to the commission. The parties  
1513 must ~~shall~~ then proceed to follow the requirements under  
1514 ~~pursuant to the provisions of~~ s. 447.403. An unfair labor  
1515 practice charge may ~~shall~~ not be filed during the 14 calendar  
1516 days during which negotiations are occurring under ~~pursuant to~~  
1517 this section.

1518 (2) Salary increases appropriated by the Legislature are,  
1519 for purposes of this section, considered a financial urgency. In  
1520 the event of salary increases appropriated by the Legislature  
1521 which require modification of an agreement, the chief executive  
1522 officer or his or her representative and the bargaining agent or  
1523 its representative must meet within 15 calendar days after the  
1524 effective date of the appropriation to negotiate the impact of  
1525 the financial urgency. If, 30 calendar days after the effective  
1526 date of the appropriation, a dispute exists between the public  
1527 employer and the bargaining agent as to the impact of the  
1528 financial urgency, one of the parties must, within 2 business  
1529 days, declare an impasse in writing to the other party and to  
1530 the commission. The parties must then proceed to follow the  
1531 requirements under s. 447.403. An unfair labor practice charge  
1532 may not be filed during the 30-day period of negotiations or  
1533 while the parties are proceeding through the resulting impasse  
1534 process. This subsection does not apply to public employees in  
1535 public safety units.

1536 Section 19. Paragraphs (c) and (f) of subsection (1) and  
1537 subsection (2) of section 447.501, Florida Statutes, are

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amended, and paragraph (g) is added to subsection (1) of that section, to read:

447.501 Unfair labor practices.—

(1) Public employers or their agents or representatives are prohibited from:

(c) Refusing to bargain collectively, failing to bargain collectively in good faith, or refusing to sign a final agreement agreed upon with the ~~certified~~ bargaining agent for the public employees in the bargaining unit.

(f) Refusing to discuss grievances in good faith pursuant to the terms of the collective bargaining agreement with either the ~~certified~~ bargaining agent for the public employee or the employee involved.

(g) Failing to provide to any 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 equal access to the public employer's facilities and its internal means of communication for those purposes. The public employer must provide such equal access from the date of the filing of a petition pursuant to s. 447.307 or s. 447.308 until the final resolution of the petition.

(2) An ~~A public~~ employee organization or anyone acting on ~~in~~ its behalf or its officers, representatives, agents, or members are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part or interfering with, restraining, or coercing managerial employees by reason of their performance of job

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1567 duties or other activities undertaken in the interests of the  
1568 public employer.

1569 (b) Causing or attempting to cause a public employer to  
1570 discriminate against a public ~~an~~ employee because of such ~~the~~  
1571 employee's membership or nonmembership in an employee  
1572 organization or attempting to cause the public employer to  
1573 violate ~~any of the provisions of~~ this part.

1574 (c) Refusing to bargain collectively or failing to bargain  
1575 collectively in good faith with a public employer.

1576 (d) Discriminating against a public ~~an~~ employee because he  
1577 or she has signed or filed an affidavit, a petition, or a  
1578 complaint or given any information or testimony in any  
1579 proceedings provided for in this part.

1580 (e) Participating in a strike against the public employer  
1581 by instigating or supporting, in any positive manner, a strike.  
1582 A person who violates ~~Any violation of~~ this paragraph is ~~shall~~  
1583 subject ~~the violator~~ to the penalties provided in this part.

1584 (f) Instigating or advocating support, in any positive  
1585 manner, for an employee organization's activities from high  
1586 school or grade school students or students in institutions of  
1587 higher learning.

1588 Section 20. Subsection (1) of section 447.503, Florida  
1589 Statutes, is amended to read:

1590 447.503 Charges of unfair labor practices.—It is the intent  
1591 of the Legislature that the commission act as expeditiously as  
1592 possible to settle disputes regarding alleged unfair labor  
1593 practices. To this end, violations of the provisions of s.  
1594 447.501 shall be remedied by the commission in accordance with  
1595 the following procedures and in accordance with chapter 120;

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1596 however, to the extent that chapter 120 is inconsistent with the  
1597 provisions of this section, the procedures contained in this  
1598 section shall govern:

1599 (1) A proceeding to remedy a violation of ~~the provisions of~~  
1600 s. 447.501 must ~~shall~~ be initiated by the filing of a charge  
1601 with the commission by a public ~~an~~ employer, a public employee,  
1602 or an employee organization, or any combination thereof, whose  
1603 substantial interests will be affected as referenced in chapter  
1604 120. Such a charge must ~~shall~~ contain a clear and concise  
1605 statement of facts constituting the alleged unfair labor  
1606 practice, including the names of all individuals involved in the  
1607 alleged unfair labor practice, and include specific reference to  
1608 the provisions of s. 447.501 alleged to have been violated, and  
1609 such other relevant information as the commission may by rule  
1610 require or allow. Service of the charge must ~~shall~~ be made upon  
1611 each named respondent at the time of filing with the commission.  
1612 The charge must be accompanied by sworn statements and  
1613 documentary evidence sufficient to establish a prima facie  
1614 violation of the applicable unfair labor practice provision.  
1615 Such supporting evidence is not to be attached to the charge and  
1616 is to be furnished only to the commission.

1617 Section 21. Subsections (2) through (5) and paragraph (a)  
1618 of subsection (6) of section 447.507, Florida Statutes, are  
1619 amended to read:

1620 447.507 Violation of strike prohibition; penalties.—

1621 (2) If a public employee, a group of public employees, an  
1622 employee organization, or any officer, agent, or representative  
1623 of any employee organization engages in a strike in violation of  
1624 s. 447.505, either the commission or any public employer whose



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public employees are involved or whose public employees may be affected by the strike may file suit to enjoin the strike in the circuit court having proper jurisdiction and proper venue of such actions under the Florida Rules of Civil Procedure and Florida Statutes. The circuit court shall conduct a hearing, with notice to the commission and to all interested parties, at the earliest practicable time. If the plaintiff makes a prima facie showing that a violation of s. 447.505 is in progress or that there is a clear, real, and present danger that such a strike is about to commence, the circuit court must ~~shall~~ issue a temporary injunction enjoining the strike. Upon final hearing, the circuit court shall either make the injunction permanent or dissolve it.

(3) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who appear to be in violation. An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the extent of lost services and the particular nature and position of the public employee group in violation. A ~~In no event shall~~ the fine may not exceed \$30,000 ~~\$5,000~~. Each officer, agent, or representative of an employee organization found to be in contempt of court for violating an injunction against a strike shall be fined at least \$300, but not more than \$600, ~~not less than \$50 nor more than \$100~~ for each calendar day that the violation is in progress.

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1654 (4) An employee organization is ~~shall be~~ liable for any  
1655 damages that ~~which~~ might be suffered by a public employer as a  
1656 result of a violation of ~~the provisions of~~ s. 447.505 by the  
1657 employee organization or its representatives, officers, or  
1658 agents. The circuit court having jurisdiction over such actions  
1659 may ~~is empowered to~~ enforce judgments against employee  
1660 organizations in the amount deemed appropriate by the court in  
1661 accordance with this section. An action may not, as defined in  
1662 this part, by attachment or garnishment of union initiation fees  
1663 or dues which are to be deducted or checked off by public  
1664 employers. No action shall be maintained pursuant to this  
1665 subsection until all proceedings that ~~which~~ were pending before  
1666 the commission at the time of the strike or that ~~which~~ were  
1667 initiated within 30 days after ~~of~~ the strike have been finally  
1668 adjudicated or otherwise disposed of. In determining the amount  
1669 of damages, if any, to be awarded to the public employer, the  
1670 trier of fact shall take into consideration any action or  
1671 inaction by the public employer or its agents that provoked or  
1672 tended to provoke the strike by the public employees. The trier  
1673 of fact shall also take into consideration any damages that  
1674 might have been recovered by the public employer under  
1675 subparagraph (6)(a)4.

1676 (5) If the commission, after a hearing on notice conducted  
1677 according to rules adopted ~~promulgated~~ by the commission,  
1678 determines that a public ~~an~~ employee has violated s. 447.505, it  
1679 may order the termination of such employee's ~~his or her~~  
1680 employment by the public employer. Notwithstanding any other  
1681 provision of law, a person knowingly violating s. 447.505 ~~the~~  
1682 ~~provision of said section~~ may, subsequent to such violation, be

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appointed, reappointed, employed, or reemployed as a public employee, but only upon the following conditions:

(a) Such person shall be on probation for ~~a period of~~ 18 months after ~~following~~ his or her appointment, reappointment, employment, or reemployment, during which period he or she shall serve without permanent status and at the pleasure of the agency head.

(b) His or her compensation may not ~~in no event~~ exceed the compensation ~~that~~ received immediately before ~~prior to~~ the time of the violation.

(c) The compensation of the person may not be increased until at least ~~after the expiration of~~ 1 year after ~~from~~ such appointment, reappointment, employment, or reemployment.

(6)(a) If the commission determines that an employee organization has violated s. 447.505, it may:

1. Issue cease and desist orders as necessary to ensure compliance with its order.

2. Suspend or revoke the certification of the ~~employee organization as the~~ bargaining agent of such bargaining employee unit.

3. Revoke any requirement of the public employer to engage in membership the right of dues deduction for the and collection ~~previously granted to said~~ employee organization pursuant to s. 447.303.

4. Fine the organization up to \$120,000 ~~\$20,000~~ for each calendar day of such violation or determine the approximate cost to the public due to each calendar day of the strike and fine the organization an amount equal to such cost, regardless of whether the fine exceeds \$120,000, ~~notwithstanding the fact that~~

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1712 ~~the fine may exceed \$20,000~~ for each such calendar day. The  
1713 fines so collected ~~shall~~ immediately accrue to the public  
1714 employer and must ~~shall~~ be used by the public employer ~~him or~~  
1715 ~~her~~ to replace those services denied the public as a result of  
1716 the strike. In determining the amount of damages, if any, to be  
1717 awarded to the public employer, the commission must consider  
1718 ~~shall take into consideration~~ any action or inaction by the  
1719 public employer or its agents that provoked, or tended to  
1720 provoke, the strike by the public employees.

1721 Section 22. Present subsection (3) of section 447.509,  
1722 Florida Statutes, is redesignated as subsection (6), and a new  
1723 subsection (3) and subsections (4) and (5) are added to that  
1724 section, to read:

1725 447.509 Other unlawful acts; exceptions.—

1726 (3) Public employers, their agents or representatives, or  
1727 any persons acting on their behalf may not provide any form of  
1728 compensation or paid leave to a public employee, directly or  
1729 indirectly, for the purpose of engaging in employee organization  
1730 activities.

1731 (4) Notwithstanding subsection (3), if the public employer  
1732 and the bargaining agent agree, a public employee may do any of  
1733 the following:

1734 (a) Be granted time off without pay or benefits to engage  
1735 in employee organization activities. An employee organization  
1736 may compensate a public employee for engaging in employee  
1737 organization activities.

1738 (b) Use compensated personal leave, whether the leave is  
1739 the public employee's or is voluntarily donated by other public  
1740 employees in the bargaining unit, to engage in employee

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organization activities if:

1. The leave is accrued at the same rate by similarly situated public employees in the bargaining unit without regard to membership in or participation with an employee organization.

2. The public employee may freely choose how to use the leave.

(c) Engage in representational employee organization activities on behalf of the bargaining agent while in a duty status without loss of pay or benefits.

(5) Subsections (3) and (4) do not apply to public employees in public safety units.

Section 23. Subsection (3) of section 110.114, Florida Statutes, is amended to read:

110.114 Employee wage deductions.—

(3) Notwithstanding ~~the provisions of~~ subsections (1) and (2), ~~the deduction of an employee's~~ membership dues deductions as defined in s. 447.203 ~~s. 447.203(15) for an employee organization as defined in s. 447.203(11)~~ shall be authorized or permitted only for an organization that has been certified pursuant to chapter 447 as the ~~exclusive~~ bargaining agent ~~pursuant to chapter 447~~ for a unit of public state employees in ~~which the employee is included~~. Such deductions shall be subject to ~~the provisions of~~ s. 447.303.

Section 24. Paragraph (w) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(w) Managerial employees and, ~~as defined in s. 447.203(4),~~

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confidential employees, as those terms are defined in s. 447.203  
~~s. 447.203(5)~~, and supervisory employees who spend the majority  
of their time communicating with, motivating, training, and  
evaluating employees, and planning and directing employees'  
work, and who have the authority to hire, transfer, suspend, lay  
off, recall, promote, discharge, assign, reward, or discipline  
subordinate employees or effectively recommend such action,  
including all employees serving as supervisors, administrators,  
and directors. Excluded are employees also designated as special  
risk or special risk administrative support and attorneys who  
serve as administrative law judges pursuant to s. 120.65 or for  
hearings conducted pursuant to s. 120.57(1)(a). Additionally,  
registered nurses licensed under chapter 464, dentists licensed  
under chapter 466, psychologists licensed under chapter 490 or  
chapter 491, nutritionists or dietitians licensed under part X  
of chapter 468, pharmacists licensed under chapter 465,  
psychological specialists licensed under chapter 491, physical  
therapists licensed under chapter 486, and speech therapists  
licensed under part I of chapter 468 are excluded, unless  
otherwise collectively bargained.

Section 25. Subsection (6) of section 112.3187, Florida  
Statutes, is amended to read:

112.3187 Adverse action against employee for disclosing  
information of specified nature prohibited; employee remedy and  
relief.—

(6) TO WHOM INFORMATION DISCLOSED.—The information  
disclosed under this section must be disclosed to any agency or  
federal government entity having the authority to investigate,  
police, manage, or otherwise remedy the violation or act,

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including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistle-blower's hotline created under s. 112.3189. However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or other appropriate local official.

Section 26. Subsection (5) of section 121.031, Florida Statutes, is amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(5) The names and addresses of retirees are confidential and exempt from ~~the provisions of~~ s. 119.07(1) to the extent that no state or local governmental agency may provide the names or addresses of such persons in aggregate, compiled, or list form to any person except to a public agency engaged in official business. However, a state or local government agency may provide the names and addresses of retirees from that agency to a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to a retiree organization for official business use. Lists of names or addresses of retirees may be exchanged by public agencies, but such lists shall not be provided to, or open for inspection by, the public. Any person may view or copy any individual's retirement records at the Department of Management Services, one

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record at a time, or may obtain information by a separate written request for a named individual for which information is desired.

Section 27. Subsection (1) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(1) The term "labor organization" means any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state, except that an "employee organization," as defined in s. 447.203 ~~s. 447.203(11)~~, shall be included in this definition at such time as it seeks to register pursuant to s. 447.305.

Section 28. Section 447.609, Florida Statutes, is amended to read:

447.609 Representation in proceedings.—Any full-time employee or officer of any public employer or employee organization may represent his or her employer or any public employee in ~~member of~~ a bargaining unit in any proceeding authorized in this part, excluding the representation of any person or public employer in a court of law by a person who is not a licensed attorney.

Section 29. Subsection (2) of section 1011.60, Florida



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Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(2) MINIMUM TERM.—Operate all schools for a term of 180 actual teaching days or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days or hours, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days or hours is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school district may not be considered an emergency.

Section 30. This act shall take effect July 1, 2026.