

By the Committee on Governmental Oversight and Accountability; and Senator Martin

585-02789-26

20261296c1

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.; revising the timeframe in which an appeal hearing must be conducted; conforming final order requirements to ch. 120, F.S.; 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.; 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 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 collection of membership dues from a public employee; providing that

585-02789-26

20261296c1

30 a membership authorization form is valid if it meets
31 certain requirements; revising applicability; amending
32 s. 447.303, F.S.; conforming provisions to changes
33 made by the act; amending s. 447.305, F.S.; revising
34 application requirements for employee organization
35 registration and renewal of registration; requiring an
36 employee organization to provide an application for
37 renewal of registration to certain persons within a
38 specified timeframe; requiring a bargaining agent to
39 provide a remedy for incomplete application
40 information to the commission within a specified
41 timeframe; requiring the commission to dismiss an
42 application for renewal of registration under certain
43 circumstances; requiring the commission to notify the
44 bargaining agent when such application information is
45 complete; requiring the bargaining agent to petition
46 for recertification within a specified timeframe
47 thereafter; requiring the commission or one of its
48 designated agents to conduct an investigation if a
49 challenge to an application for renewal of
50 registration is filed; authorizing a designated agent
51 of the commission to conduct an investigation to
52 confirm validity of submitted information; exempting
53 certain employee organizations from a specified
54 requirement; requiring a registration fee for
55 applications for registration and renewal of
56 registration; requiring that certain employee
57 organization accounts be open for inspection by the
58 commission and certain public employees at a

585-02789-26

20261296c1

59 reasonable time and place; providing for the
60 revocation of an employee organization's certification
61 under certain circumstances; providing that decisions
62 issued by the commission in accordance with certain
63 provisions are final agency actions; amending s.
64 447.307, F.S.; revising requirements for the
65 certification and recertification of an employee
66 organization; creating s. 447.3076, F.S.; providing
67 that a petition to clarify the composition of a
68 bargaining unit may be filed with the commission under
69 certain circumstances; requiring that a copy of the
70 petition be served on certain persons; requiring the
71 public employer to provide a copy of the petition to
72 certain affected employees within a specified
73 timeframe; requiring that a petition be dismissed
74 under certain circumstances; amending s. 447.308,
75 F.S.; revising requirements for the decertification of
76 an employee organization; amending s. 447.309, F.S.;
77 requiring that certain agreements be returned to the
78 bargaining agent, rather than the employee
79 organization; amending s. 447.401, F.S.; conforming
80 provisions to changes made by the act; amending s.
81 447.403, F.S.; specifying requirements for when an
82 impasse occurs; requiring a hearing within a specified
83 timeframe; authorizing the recommended decision of a
84 special magistrate from an impasse hearing to be
85 transmitted by any method of service agreed to by the
86 parties which establishes proof of delivery; amending
87 s. 447.405, F.S.; conforming provisions to changes

585-02789-26

20261296c1

made by the act; amending s. 447.4095, F.S.; providing that implementation of appropriations from the Legislature which are specifically directed to be disbursed as salaries for employees of local governments are considered a financial urgency; requiring the chief executive officer or his or her representative to meet with the bargaining agent or its representative within a specified timeframe if the use of such funds requires modification of an agreement; providing meeting and dispute requirements; prohibiting the filing of unfair labor charges during specified time periods; providing applicability; amending s. 447.501, F.S.; requiring a public employer to provide to all registered 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

585-02789-26

20261296c1

117 made by the act; providing an effective date.

118

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

120

121 Section 1. Paragraph (d) of subsection (6) of section

122 110.227, Florida Statutes, is amended to read:

123 110.227 Suspensions, dismissals, reductions in pay,

124 demotions, layoffs, transfers, and grievances.—

125 (6) The following procedures shall apply to appeals filed

126 pursuant to subsection (5) with the Public Employees Relations

127 Commission, hereinafter referred to as the commission:

128 (d) A recommended order must ~~shall~~ be issued by the hearing

129 officer within 30 days after ~~following~~ the hearing. ~~Exceptions~~

130 ~~to the recommended order shall be filed within 15 days after the~~

131 ~~recommended order is issued.~~ The final order must be issued

132 ~~shall be filed by the commission in accordance with ss. 120.569~~

133 ~~and 120.57 no later than 45 calendar days after the hearing or~~

134 ~~after the filing of exceptions or oral arguments if granted.~~

135 Section 2. Paragraph (a) of subsection (14) of section

136 112.0455, Florida Statutes, is amended to read:

137 112.0455 Drug-Free Workplace Act.—

138 (14) DISCIPLINE REMEDIES.—

139 (a) An executive branch employee who is disciplined or who

140 is a job applicant for another position and is not hired

141 pursuant to this section, may file an appeal with the Public

142 Employees Relations Commission. Any appeal must be filed within

143 30 calendar days after ~~of~~ receipt by the employee or job

144 applicant of notice of discipline or refusal to hire. The notice

145 shall inform the employee or job applicant of the right to file

585-02789-26

20261296c1

146 an appeal, or if available, the right to file a collective
147 bargaining grievance pursuant to s. 447.401. Such appeals shall
148 be resolved pursuant to the procedures established in ss.
149 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on
150 the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the
151 filing of the appeal, unless an extension is requested by the
152 employee or job applicant and granted by the commission or an
153 arbitrator. The final order must be issued by the commission in
154 accordance with ss. 120.569 and 120.57.

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

157 120.80 Exceptions and special requirements; agencies.—

158 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

163 295.14 Penalties.—

164 (1) When the Public Employees Relations Commission, after a
165 hearing on notice conducted according to rules adopted by the
166 commission, determines that a violation of s. 295.07, s. 295.08,
167 s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains
168 the veteran seeking redress, the commission shall order the
169 offending agency, employee, or officer of the state to comply
170 with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s.
171 295.09(1)(a) or (b); and, in the event of a violation of s.
172 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the
173 commission may issue an order to compensate the veteran for the
174 loss of any wages and reasonable attorney attorney's fees for

585-02789-26

20261296c1

175 actual hours worked, and costs of all work, including
176 litigation, incurred as a result of such violation, which order
177 shall be conclusive on the agency, employee, or officer
178 concerned. The attorney attorney's fees and costs may not exceed
179 \$10,000. The final order must be issued by action of the
180 commission in accordance with ss. 120.569 and 120.57 shall be in
181 writing and shall be served on the parties concerned by
182 certified mail with return receipt requested.

183 Section 5. Section 447.203, Florida Statutes, is reordered
184 and amended to read:

185 447.203 Definitions.—As used in this part:

186 (6)(1) "Commission" means the Public Employees Relations
187 Commission created by s. 447.205.

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

585-02789-26

20261296c1

204 The Board of Trustees of the Florida School for the Deaf and the
205 Blind is deemed to be the public employer with respect to the
206 academic and academic administrative personnel of the Florida
207 School for the Deaf and the Blind. The Governor is deemed to be
208 the public employer with respect to all employees in the
209 Correctional Education Program of the Department of Corrections
210 established pursuant to s. 944.801.

211 (16) ~~(3)~~ "Public employee" means any person employed by a
212 public employer except:

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

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

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

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

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

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

226 (g) Those persons appointed to inspection positions in
227 federal/state fruit and vegetable inspection service whose
228 conditions of appointment are affected by the following:

229 1. Federal license requirement.

230 2. Federal autonomy regarding investigation and
231 disciplining of appointees.

232 3. Frequent transfers due to harvesting conditions.

585-02789-26

20261296c1

233 (h) Those persons employed by the Public Employees
234 Relations Commission.

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

238 (12)(4) "Managerial employees" means are those employees
239 who:

240 (a) Perform jobs that are not of a routine, clerical, or
241 ministerial nature and require the exercise of independent
242 judgment in the performance of such jobs and to whom one or more
243 of the following applies:

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

246 2. They may reasonably be required on behalf of the
247 employer to assist in the preparation for the conduct of
248 collective bargaining negotiations.

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

251 4. They have a significant role in personnel
252 administration.

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

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

256 7. They have a significant role in the preparation or
257 administration of budgets for any public agency or institution
258 or subdivision thereof.

259 (b) Serve as police chiefs, fire chiefs, or directors of
260 public safety of any police, fire, or public safety department.
261 Other police officers, as defined in s. 943.10(1), and

585-02789-26

20261296c1

262 firefighters, as defined in s. 633.102, may be determined by the
263 commission to be managerial employees of such departments. In
264 making such determinations, the commission shall consider, in
265 addition to the criteria established in paragraph (a), the
266 paramilitary organizational structure of the department
267 involved.

268
269 However, in determining whether an individual is a managerial
270 employee pursuant to paragraph (a) or paragraph (b), ~~above~~, the
271 commission may consider historic relationships of the employee
272 to the public employer and to coemployees.

273 (7)-(5) "Confidential employees" ~~means~~ are persons who act
274 in a confidential capacity to assist or aid managerial employees
275 as defined in subsection (12) -(4).

276 (21)-(6) "Strike" means the concerted failure of employees
277 to report for duty; the concerted absence of employees from
278 their positions; the concerted stoppage of work by employees;
279 the concerted submission of resignations by employees; the
280 concerted abstinence in whole or in part by any group of
281 employees from the full and faithful performance of the duties
282 of employment with a public employer for the purpose of
283 inducing, influencing, condoning, or coercing a change in the
284 terms and conditions of employment or the rights, privileges, or
285 obligations of public employment, or participating in a
286 deliberate and concerted course of conduct which adversely
287 affects the services of the public employer; the concerted
288 failure of employees to report for work after the expiration of
289 a collective bargaining agreement; and picketing in furtherance
290 of a work stoppage. The term includes "strike" shall also mean

585-02789-26

20261296c1

291 any overt preparation, including, but not limited to, the
292 establishment of strike funds with regard to the ~~above-listed~~
293 activities listed in this subsection.

294 (22)~~(7)~~ "Strike funds" means are any appropriations by an
295 employee organization which are established to directly or
296 indirectly aid any employee or employee organization to
297 participate in a strike in the state.

298 (2)~~(8)~~ "Bargaining unit" means either that unit determined
299 by the commission, that unit determined through local
300 regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that
301 unit determined by the public employer and the public employee
302 organization and approved by the commission to be appropriate
303 for the purposes of collective bargaining. However, no
304 bargaining unit shall be defined as appropriate which includes
305 employees of two employers that are not departments or divisions
306 of the state, a county, a municipality, or other political
307 entity.

308 (3)~~(9)~~ "Chief executive officer" for the state means shall
309 ~~mean~~ the Governor and for other public employers means shall
310 ~~mean~~ the person, whether elected or appointed, who is
311 responsible to the legislative body of the public employer for
312 the administration of the governmental affairs of the public
313 employer.

314 (11)~~(10)~~ "Legislative body" means the State Legislature,
315 the board of county commissioners, the district school board,
316 the governing body of a municipality, or the governing body of
317 an instrumentality or unit of government having authority to
318 appropriate funds and establish policy governing the terms and
319 conditions of employment and which, as the case may be, is the

585-02789-26

20261296c1

320 appropriate legislative body for the bargaining unit. For
321 purposes of s. 447.403, the Board of Governors of the State
322 University System, or the board's designee, shall be deemed to
323 be the legislative body with respect to all employees of each
324 constituent state university. For purposes of s. 447.403, the
325 board of trustees of a community college shall be deemed to be
326 the legislative body with respect to all employees of the
327 community college.

328 (8) ~~(11)~~ "Employee organization" or "organization" means any
329 labor organization, union, association, fraternal order,
330 occupational or professional society, or group, however
331 organized or constituted, which represents, or seeks to
332 represent, any public employee or group of public employees
333 concerning any matters relating to their employment relationship
334 with a public employer.

335 (9) "Employee organization activities" means activities
336 undertaken at the direction of, on behalf of, or to advance the
337 purposes of an employee organization or any parent organization
338 or affiliate of the employee organization by doing any of the
339 following:

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

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

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

348 (d) Seeking certification as a bargaining agent.

585-02789-26

20261296c1

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

352 (f) Preparing, conducting, or attending employee
353 organization events, conferences, conventions, meetings, or
354 trainings, unless such training is directly related to the
355 performance of a public employee's job duties.

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

359 (h) Representing or speaking on behalf of an employee
360 organization or any parent organization or affiliate of the
361 employee organization in any setting, venue, or procedure in
362 which the public employer is not a participant.

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

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

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

370 (l) Administering a collective bargaining agreement.

371 (m) Participating in labor-management committees.

372 (1)-(12) "Bargaining agent" means the employee organization
373 that which has been certified by the commission as representing
374 the employees in the bargaining unit, as provided in s. 447.307,
375 or its representative.

376 (13) "Membership dues" means any amount a member is
377 required to pay in exchange for membership in an employee

585-02789-26

20261296c1

378 organization, including, but not limited to, employee
379 organization dues; uniform assessments; or fees, including
380 initiation fees.

381 (15) (13) "Professional employee" means:

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

384 1. Work predominantly intellectual and varied in character
385 as opposed to routine mental, manual, mechanical, or physical
386 work.~~;~~

387 2. Work involving the consistent exercise of discretion and
388 judgment in its performance.~~;~~

389 3. Work of such a character that the output produced or the
390 result accomplished cannot be standardized in relation to a
391 given period of time.~~;~~ and

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

398 (b) Any employee who:

399 1. Has completed the course of specialized intellectual
400 instruction and study described in subparagraph (a) 4. ~~4.~~ of
401 paragraph (a); and

402 2. Is performing related work under supervision of a
403 professional person to qualify to become a professional employee
404 as defined in paragraph (a).

405 (5) (14) "Collective bargaining" means the performance of
406 the mutual obligations of the public employer and the bargaining

585-02789-26

20261296c1

407 agent of the employee organization to meet at reasonable times,
408 to negotiate in good faith, and to execute a written contract
409 with respect to agreements reached concerning the terms and
410 conditions of employment, except that neither party shall be
411 compelled to agree to a proposal or be required to make a
412 concession unless otherwise provided in this part.

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

419 (4) ~~(16)~~ "Civil service" means any career, civil, or merit
420 system used by any public employer.

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

435 (a) Failure to meet at reasonable times and places with

585-02789-26

20261296c1

436 representatives of the other party for the purpose of
437 negotiations.

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

440 (c) Failure to discuss proper subjects of bargaining
441 bargainable issues.

442 (d) Refusing, upon reasonable written request, to provide
443 public information, excluding work products as defined in s.

444 447.605.

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

447 (f) Negotiating directly with employees rather than with
448 their ~~certified~~ bargaining agent.

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

450 (18) "Public safety unit" means a bargaining unit in which
451 the majority of the public employees are employed as a law
452 enforcement officer, correctional officer, or correctional
453 probation officer, as those terms are defined in s. 943.10(1),
454 (2), or (3), respectively; a firefighter as defined in s.
455 633.102(9); a 911 public safety telecommunicator as defined in
456 s. 401.465(1); or an emergency medical technician or a
457 paramedic, as those terms are defined in s. 401.23.

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

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

585-02789-26

20261296c1

465 by the bargaining agent for purposes of collective bargaining.

466 (23) ~~(18)~~ "Student representative" means the representative
467 selected by each community college or university student
468 government association. Each representative may be present at
469 all negotiating sessions that take place between the appropriate
470 public employer and a ~~an~~ exclusive bargaining agent. The
471 representative must be enrolled as a student with at least 8
472 credit hours in the respective community college or university
473 during his or her term as student representative.

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

476 447.205 Public Employees Relations Commission.—

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

482 Section 7. Subsections (4), (5), (6), and (12) of section
483 447.207, Florida Statutes, are amended to read:

484 447.207 Commission; powers and duties.—

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

585-02789-26

20261296c1

494 affidavit of the person making service constitutes proof of
495 service. A return made and verified by the individual making
496 such service and setting forth the manner of such service is
497 proof of service, and a returned post office receipt, when
498 certified mail is used, is proof of service. All process of any
499 court to which application may be made under the provisions of
500 this part shall be served in the county wherein the persons
501 required to be served reside or may be found.

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

508 (6) Pursuant to its established procedures, the commission
509 shall resolve questions and controversies concerning claims for
510 recognition as the bargaining agent for a bargaining unit,
511 determine or approve units appropriate for purposes of
512 collective bargaining, expeditiously process charges of unfair
513 labor practices and violations of s. 447.505 by public
514 employees, and resolve such other questions and controversies as
515 it may be authorized herein to undertake. The petitioner,
516 charging party, respondent, and any intervenors shall be the
517 adversary parties before the commission in any adjudicatory
518 proceeding conducted pursuant to this part. Any commission
519 statement of general applicability that implements, interprets,
520 or prescribes law or policy, made in the course of adjudicating
521 a case pursuant to s. 447.307 or s. 447.503 does ~~shall~~ not
522 constitute a rule within the meaning of s. 120.52.

585-02789-26

20261296c1

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

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

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

541 ~~(c) The revocation of certification provided in s.~~
542 ~~447.305(6) and (7).~~

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

545 447.301 Public employees' rights; organization and
546 representation.—

547 (1)

548 (b)1. A public employee who desires to be a member of an
549 employee organization must sign and date a membership
550 authorization form, as prescribed by the commission, and submit
551 the executed form to the bargaining agent.

585-02789-26

20261296c1

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

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

565
566 As a public employee in the State of Florida, is a right to work
567 state. membership or nonmembership non-membership in a labor
568 union is not required as a condition of employment, and Union
569 membership and payment of membership union dues and assessments
570 are voluntary. A public employee's Each person has the right to
571 join and pay membership dues to a labor union or to refrain from
572 joining and paying membership dues to a labor union is protected
573 by both Florida's right-to-work law and the First Amendment of
574 the United States Constitution. A public employer may not
575 discriminate against a public No employee may be discriminated
576 against in any manner for joining and financially supporting, a
577 labor union or for refusing to join and or financially support,
578 a labor union.

579
580 4. A public employee may revoke membership in the employee

585-02789-26

20261296c1

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

591 5. An employee organization must retain for inspection by
592 the commission such membership authorization forms and any
593 revocations. A membership authorization form is valid if it
594 meets the requirements in law at the time it was signed by the
595 employee and if the employee's membership has not been
596 subsequently revoked.

597 6. This paragraph does not apply to public employees in
598 public safety units ~~members of a bargaining unit the majority of~~
599 ~~whose employees eligible for representation are employed as law~~
600 ~~enforcement officers, correctional officers, or correctional~~
601 ~~probation officers as those terms are defined in s. 943.10(1),~~
602 ~~(2), or (3), respectively; firefighters as defined in s.~~
603 ~~633.102; 911 public safety telecommunicators as defined in s.~~
604 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
605 ~~defined in s. 401.23.~~

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

608 (2) Public employees ~~shall~~ have the right to be represented
609 by any employee organization of their own choosing and to

585-02789-26

20261296c1

610 negotiate collectively, through a ~~certified~~ bargaining agent,
611 with their public employer in the determination of the terms and
612 conditions of their employment. Public employees ~~shall~~ have the
613 right to be represented in the determination of grievances on
614 all terms and conditions of their employment. Public employees
615 ~~shall~~ have the right to refrain from exercising the right to be
616 represented.

617 Section 9. Section 447.303, Florida Statutes, is amended to
618 read:

619 447.303 Membership dues; deduction and collection.—

620 (1) Except as authorized in subsection (2) or subject to a
621 waiver of the prohibition on membership dues deduction granted
622 pursuant to s. 447.207(12), a public employer may not engage in
623 membership dues deduction on behalf of s. 447.207(12)(a), an
624 employee organization ~~that has been certified as a bargaining~~
625 ~~agent may not have its dues and uniform assessments deducted and~~
626 ~~collected by the employer from the salaries of those employees~~
627 ~~in the unit~~. A public employee may pay membership dues and
628 uniform assessments directly to the employee organization, any
629 parent organization of the employee organization, or any
630 affiliate of either the employee organization or the parent
631 organization that has been certified as the bargaining agent.

632 (2) (a) Upon the written authorization of a public employee
633 in a public safety unit, the public employer must engage in
634 membership dues deduction for such public employee. A public
635 employee may revoke his or her authorization for membership dues
636 deduction upon providing 30 days' written notice to the public
637 employer and bargaining agent. An employee organization that has
638 been certified as a bargaining agent to represent a bargaining

585-02789-26

20261296c1

639 ~~unit the majority of whose employees eligible for representation~~
640 ~~are employed as law enforcement officers, correctional officers,~~
641 ~~or correctional probation officers as those terms are defined in~~
642 ~~s. 943.10(1), (2), or (3), respectively; firefighters as defined~~
643 ~~in s. 633.102; 911 public safety telecommunicators as defined in~~
644 ~~s. 401.465(1)(a); or emergency medical technicians or paramedics~~
645 ~~as defined in s. 401.23 has the right to have its dues and~~
646 ~~uniform assessments for that bargaining unit deducted and~~
647 ~~collected by the employer from the salaries of those employees~~
648 ~~who authorize the deduction and collection of said dues and~~
649 ~~uniform assessments. However, such authorization is revocable at~~
650 ~~the employee's request upon 30 days' written notice to the~~
651 ~~employer and employee organization. Said deductions shall~~
652 ~~commence upon the bargaining agent's written request to the~~
653 ~~employer.~~

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

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

662 (3) The public employer is expressly prohibited from any
663 involvement in the collection of fines, penalties, or special
664 assessments.

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

667 447.305 Registration of employee organizations

585-02789-26

20261296c1

668 organization.-

669 (1) Every employee organization seeking to become a
670 ~~certified~~ bargaining agent for public employees shall register
671 with the commission before ~~pursuant to the procedures set forth~~
672 ~~in s. 120.60 prior to requesting recognition by a public~~
673 ~~employer for purposes of collective bargaining and prior to~~
674 ~~submitting a certification, recertification, or unit~~
675 ~~clarification petition to the commission requesting~~
676 ~~certification as an exclusive bargaining agent. Further, If an~~
677 ~~such~~ employee organization is not registered, it may not
678 participate in a certification, recertification, or unit
679 ~~clarification representation hearing; or~~ participate in a
680 ~~certification or recertification representation election; or~~ be
681 certified as a ~~an exclusive~~ bargaining agent. The application
682 for registration required by this section must ~~shall~~ be under
683 oath and in such form as the commission may prescribe, and must
684 ~~shall~~ include all of the following:

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

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

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

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

696 (e) The name of its business agent, if any; if different

585-02789-26

20261296c1

697 from the business agent, the name of its local agent for service
698 of process; and the addresses where such person or persons can
699 be reached.

700 (f) A pledge, in a form prescribed by the commission, that
701 the employee organization will conform to the laws of this ~~the~~
702 state and that it will accept members without regard to age,
703 race, sex, religion, or national origin.

704 (g) A copy of the current constitution and bylaws of the
705 employee organization.

706 (h) A copy of the current constitution and bylaws of the
707 state and national groups with which the employee organization
708 is affiliated or associated. In lieu of this provision, and upon
709 adoption of a rule by the commission, a state or national
710 affiliate or parent organization of any registering employee
711 ~~labor~~ organization may annually submit a copy of its current
712 constitution and bylaws.

713 (2) A registration granted to an employee organization
714 pursuant to this section runs for 1 year after ~~from~~ the date of
715 issuance. A registration must be renewed annually by filing an
716 application for renewal under oath with the commission, which
717 application must reflect any changes in the information provided
718 to the commission in conjunction with the employee
719 organization's preceding application for registration or
720 previous renewal, whichever is applicable. Each application for
721 renewal of registration must include a current annual financial
722 statement, prepared by an independent certified public
723 accountant licensed under chapter 473 and signed by the employee
724 organization's president and treasurer or corresponding
725 principal officers, containing the following information in such

585-02789-26

20261296c1

726 detail as may be necessary to accurately ~~to~~ disclose its
727 financial condition and operations for its preceding fiscal year
728 and in all of the following ~~such~~ categories as prescribed by the
729 commission ~~may prescribe~~:

730 (a) Assets and liabilities at the beginning and end of the
731 fiscal year.~~r~~

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

733 (c) Disbursements by category.~~r~~

734 (d) Salary, wages, fringe benefits, allowances, and other
735 direct or indirect disbursements, including reimbursed expenses,
736 paid or accruing to each of its officers ~~officer~~ and also to
737 each of its employees ~~employee~~ who, during such fiscal year,
738 received more than \$10,000 in the aggregate from such employee
739 organization and any parent organization of the other employee
740 organization or any affiliate of either the employee
741 organization or the parent organization. This paragraph requires
742 reporting of any reimbursements paid by the employee
743 organization to a public employer for moneys paid by the public
744 employer to the employee organization's officers or employees.
745 ~~affiliated with it or with which it is affiliated or which is~~
746 ~~affiliated with the same national or international employee~~
747 ~~organization;~~

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

753 (f) Direct and indirect loans to any business enterprise,
754 together with a statement of the purpose, security, if any, and

585-02789-26

20261296c1

755 arrangements for repayment.

756 (g) The amount of membership dues retained by or
757 distributed to the employee organization, any parent
758 organization of the employee organization, and any affiliate of
759 either the employee organization or the parent organization.760 (3) As part of its application for renewal of registration,
761 a ~~In addition to subsection (2), an employee organization that~~
762 ~~has been certified as the bargaining agent for public employees~~
763 ~~must include all of~~ ~~for each such certified bargaining unit~~ the
764 following information ~~and documentation~~ as of the 30th day
765 immediately preceding the date upon which its current
766 registration is scheduled to end ~~for any renewal of registration~~
767 ~~on or after October 1, 2023:~~768 (a) For each bargaining unit for which the bargaining agent
769 is certified, the certification number assigned to the
770 bargaining unit by the commission.771 (b) (a) For each certification, the number of public
772 ~~employees in the bargaining unit who are eligible for~~
773 ~~representation by the employee organization.~~774 (c) For each certification, the number of public employees
775 in the bargaining unit who paid full membership dues sufficient
776 to maintain membership in good standing in the bargaining agent.777 (d) (b) For each certification, the number of public
778 ~~employees in the bargaining unit who have submitted signed~~
779 ~~membership authorization forms without a subsequent revocation~~
780 ~~of such membership.~~781 (e) The number of employees in the bargaining unit who paid
782 ~~dues to the employee organization.~~783 (d) The number of employees in the bargaining unit who did

585-02789-26

20261296c1

784 ~~not pay dues to the employee organization.~~

785 (e) An agreed-upon procedures report performed
786 ~~Documentation provided by an independent certified public~~
787 ~~accountant retained by the employee organization which verifies~~
788 ~~to assist in determining the accuracy of the information~~
789 ~~provided in paragraphs (b), (c), and (d) (a)-(d). The agreed-~~
790 ~~upon procedures must be conducted in accordance with attestation~~
791 ~~standards established by the American Institute of Certified~~
792 ~~Public Accountants.~~

793 (4) Within 30 days after filing an application for renewal
794 ~~of registration with the commission, the employee organization~~
795 ~~must provide a copy of its application for renewal of~~
796 ~~registration relating to a public employer's employees to the~~
797 ~~public employer and public employees of each bargaining unit for~~
798 ~~which the employee organization is the bargaining agent on the~~
799 ~~same day the application is submitted to the commission.~~

800 (5) ~~An application for renewal of registration is~~
801 ~~incomplete and is not eligible for consideration by The~~
802 ~~commission must notify the bargaining agent if it does not~~
803 ~~include all of the information and documentation required in~~
804 ~~subsection (3) is incomplete. The bargaining agent must provide~~
805 ~~the missing information to the commission within 30 days after~~
806 ~~such notification. If the bargaining agent fails to provide the~~
807 ~~missing information within 30 days after notification, the~~
808 ~~commission must dismiss the application The commission shall~~
809 ~~notify the employee organization if the application is~~
810 ~~incomplete. An incomplete application must be dismissed if the~~
811 ~~required information and documentation are not provided within~~
812 ~~10 days after the employee organization receives such notice.~~

585-02789-26

20261296c1

813 (6) The commission must notify the bargaining agent when
814 the information required in subsection (3) is complete. Within
815 30 days after such notification, the bargaining agent must
816 petition for recertification pursuant to s. 447.307 for each of
817 its bargaining units Notwithstanding the provisions of this
818 chapter relating to collective bargaining, an employee
819 organization certified as a bargaining agent to represent a
820 bargaining unit for which less than 60 percent of the public
821 unit employees in the bargaining unit have submitted membership
822 authorization forms without subsequent revocation and paid
823 membership dues to the organization, as reported under
824 subsection (3) during its last registration period must petition
825 the commission pursuant to s. 447.307(2) and (3) for
826 recertification as the exclusive representative of all employees
827 in the bargaining unit within 30 days after the date on which
828 the employee organization applies for renewal of registration
829 pursuant to subsection (2). The certification of an employee
830 organization that does not comply with this section is revoked.

831 (7) If the public employer or a public employee of a
832 bargaining unit represented by a bargaining agent believes that
833 the bargaining agent's employee may challenge an employee
834 organization's application for renewal of registration is
835 materially inaccurate, if the public employer or public
836 bargaining unit employee may challenge believes that the
837 application as materially is inaccurate during the pendency of
838 the application or, if the registration renewal has been
839 granted, before the date upon which the bargaining agent's
840 current registration is scheduled to end. If a challenge is
841 filed, the commission or one of its designated agents must

585-02789-26

20261296c1

842 ~~conduct an investigation pursuant to subsection (8) shall review~~
843 ~~the application to determine its accuracy and compliance with~~
844 ~~this section. If the commission finds that the application is~~
845 ~~inaccurate or does not comply with this section, the commission~~
846 ~~shall revoke the registration and certification of the employee~~
847 ~~organization.~~

848 (8) The commission or one of its designated agents may
849 conduct an investigation to confirm the validity of any
850 information submitted pursuant to this section. The commission
851 may revoke or deny an employee organization's registration or
852 certification if it finds that the employee organization:

853 (a) Failed to cooperate with the investigation conducted
854 pursuant to this subsection, including refusal to permit the
855 commission or one of its designated agents to inspect membership
856 authorization forms or revocations pursuant to s.
857 447.301(1)(b)5.; or

858 (b) Intentionally misrepresented the information it
859 submitted pursuant to this section.
860

861 ~~A decision issued by the commission pursuant to this subsection~~
862 ~~is a final agency action that is reviewable pursuant to s.~~
863 447.504.

864 (9) An employee organization is exempt from the
865 requirements of subsections (3)-(8) and (12) for each public
866 safety unit it represents only with respect to the circumstances
867 of each bargaining unit the majority of whose employees eligible
868 for representation are employed as law enforcement officers,
869 correctional officers, or correctional probation officers as
870 those terms are defined in s. 943.10(1), (2), or (3),

585-02789-26

20261296c1

871 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
872 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
873 ~~emergency medical technicians or paramedics as defined in s.~~
874 ~~401.23.~~

875 (10) A registration fee must ~~shall~~ accompany each
876 application for registration or renewal of registration filed
877 with the commission. The registration fee may ~~amount charged for~~
878 ~~an application for registration or renewal of registration~~ shall
879 not exceed \$15. All such money collected by the commission shall
880 be deposited in the General Revenue Fund.

881 (11) Every employee organization shall keep accurate
882 accounts of its income and expenses, which accounts must ~~shall~~
883 be open for inspection at a ~~all~~ reasonable time and place ~~times~~
884 by any member of the organization or ~~by~~ the commission or ~~a~~
885 public employee in a bargaining unit for which the employee
886 organization is the bargaining agent. ~~In addition, each employee~~
887 ~~organization that has been certified as a bargaining agent must~~
888 ~~provide to its members an annual financial report prepared by an~~
889 ~~independent certified public accountant licensed under chapter~~
890 ~~473 that includes a detailed breakdown of revenues and~~
891 ~~expenditures in such categories as the commission may prescribe,~~
892 ~~and an accounting of membership dues and assessments. The~~
893 ~~employee organization must notify its members annually of all~~
894 ~~costs of membership.~~

895 (12) The certification of an employee organization that
896 does not comply with this section is revoked. An employee
897 organization that has its certification revoked under this
898 subsection may not file a petition for certification under s.
899 447.307 which covers any of the public employees in the

585-02789-26

20261296c1

900 bargaining unit described in the revoked certification for at
901 least 12 months after the date the certification was revoked.

902 (13) A decision issued by the commission under this section
903 is a final agency action that is reviewable pursuant to s.
904 447.504.

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

907 447.307 Certification and recertification of employee
908 organizations organization.-

909 (1) (a) An Any employee organization seeking certification
910 or recertification as a bargaining agent must file a petition
911 with the commission accompanied by a showing of interest from at
912 least 30 percent of the public employees in the proposed or
913 existing bargaining unit. The showing of interest statements
914 must be signed and dated by the public employees not more than
915 12 months before the filing of which is designated or selected
916 by a majority of public employees in an appropriate unit as
917 their representative for purposes of collective bargaining shall
918 request recognition by the public employer. The public employer
919 shall, if satisfied as to the majority status of the employee
920 organization and the appropriateness of the proposed unit,
921 recognize the employee organization as the collective bargaining
922 representative of employees in the designated unit. Upon
923 recognition by a public employer, the employee organization
924 shall immediately petition the commission for certification. The
925 commission shall review only the appropriateness of the unit
926 proposed by the employee organization. If the unit is
927 appropriate according to the criteria used in this part, the
928 commission shall immediately certify the employee organization

585-02789-26

20261296c1

929 as the exclusive representative of all employees in the unit. If
930 the unit is inappropriate according to the criteria used in this
931 part, the commission may dismiss the petition.

932 (b) Whenever a public employer recognizes an employee
933 organization on the basis of majority status and on the basis of
934 appropriateness in accordance with subparagraph (4)(f)5., the
935 commission shall, in the absence of inclusion of a prohibited
936 category of employees or violation of s. 447.501, certify the
937 proposed unit.

938 (b) (2) A If the public employer refuses to recognize the
939 employee organization, the employee organization may file a
940 petition with the commission for certification as the bargaining
941 agent for a proposed bargaining unit. The petition shall be
942 accompanied by dated statements signed by at least 30 percent of
943 the employees in the proposed unit, indicating that such
944 employees desire to be represented for purposes of collective
945 bargaining by the petitioning employee organization. Once a
946 petition for certification has been filed by an employee
947 organization, any registered employee organization desiring
948 placement on the ballot in any certification or recertification
949 election to be conducted pursuant to this section may be
950 permitted by the commission to intervene in the proceeding upon
951 a motion accompanied by a showing of interest from dated
952 statements signed by at least 10 percent of the public employees
953 in the proposed or existing bargaining unit, indicating that
954 such employees desire to be represented for the purposes of
955 collective bargaining by the moving employee organization. The
956 showing of interest petitions and dated statements must be
957 signed and dated by the public employees not more than 12 months

585-02789-26

20261296c1

958 before the filing of the petition.

959 (c) The showing of interest is are confidential and exempt
960 from the provisions of s. 119.07(1), except that any public
961 employee, public employer, or employee organization having
962 sufficient reason to believe that the showing of interest was
963 any of the employee signatures were obtained by collusion,
964 coercion, intimidation, or misrepresentation or is are otherwise
965 invalid shall be given a reasonable opportunity to verify and
966 challenge the showing of interest signatures appearing on the
967 petition.

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

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

980 (b) If a valid collective bargaining agreement covering any
981 of the public employees in a proposed or existing bargaining
982 unit is in effect, a certification petition may only be filed
983 with the commission at least 90 but not more than 150 days
984 immediately preceding the expiration date of the collective
985 bargaining agreement, or at any time subsequent to such
986 agreement's expiration date but before the effective date of a

585-02789-26

20261296c1

987 new collective bargaining agreement. The effective date of a
988 collective bargaining agreement is the date of ratification of
989 such agreement by both parties if such agreement becomes
990 effective immediately or retroactively, or the collective
991 bargaining agreement's actual effective date if such agreement
992 becomes effective after its ratification date.

993 (3) (a) The commission or one of its designated agents shall
994 investigate a certification or recertification ~~the~~ petition to
995 determine its sufficiency; if it has reasonable cause to believe
996 that the petition is sufficient, the commission shall provide
997 for an appropriate hearing upon due notice. Such a hearing may
998 be conducted by an agent of the commission. If the commission
999 finds that the petition is to be insufficient, the commission
1000 must it may dismiss the petition. If the commission finds upon
1001 the record of the hearing that the petition is sufficient, the
1002 commission must it shall immediately:

1003 (a) 1. Define the proposed or existing bargaining unit and
1004 determine which public employees are shall be qualified and
1005 entitled to vote at any election held by the commission. Upon
1006 providing due notice, the commission may provide for a hearing.

1007 (b) 2. Identify the public employer or employers for
1008 purposes of collective bargaining ~~with the bargaining agent~~.

1009 (c) 3. Order an election by secret ballot, the cost of said
1010 election and any required runoff election to be borne equally by
1011 the parties, except as the commission may provide by rule. The
1012 commission's order assessing costs of an election may be
1013 enforced pursuant to ~~the provisions of~~ this part.

1014 (4) (a) Except as provided in paragraph (b), elections are
1015 determined as follows for all certification or recertification

585-02789-26

20261296c1

1016 petitions filed on or after July 1, 2026:

1017 1. (b) If ~~When~~ an employee organization is selected by a
1018 majority vote of the public employees who are in the bargaining
1019 unit as of the date set by the commission voting in an election,
1020 the commission shall certify or recertify the employee
1021 organization as the ~~exclusive~~ collective bargaining agent for
1022 ~~the public~~ representative of all employees in the unit.

1023 2. A runoff election shall be held according to rules
1024 adopted by the commission if, in the election conducted under
1025 subparagraph 1., there was more than one employee organization
1026 on the ballot, a majority of the public employees who are in the
1027 bargaining unit as of the date set by the commission voted in
1028 the election, and none of the choices on the ballot received a
1029 majority vote of the public employees who are in the bargaining
1030 unit as of the date set by the commission.

1031 (b) Certification elections involving public safety units
1032 are determined as follows:

1033 1. If an employee organization is selected by a majority
1034 vote of the public employees voting in the election, the
1035 commission shall certify the employee organization as the
1036 bargaining agent for the public employees in the bargaining
1037 unit.

1038 2. A runoff election shall be held according to rules
1039 adopted by the commission if, in the election conducted under
1040 subparagraph 1., there was more than one employee organization
1041 on the ballot and none of the choices on the ballot received a
1042 majority vote of the public employees voting in the election.

1043 (c) Certification, recertification, or revocation under
1044 this section is effective upon the issuance of a the final order

585-02789-26

20261296c1

1045 by the commission or, if the final order is appealed, at the
1046 time the appeal is exhausted or any stay is vacated by the
1047 commission or a the court.

1048 ~~(e) In any election in which none of the choices on the
1049 ballot receives the vote of a majority of the employees voting,
1050 a runoff election shall be held according to rules promulgated
1051 by the commission.~~

1052 ~~(d) No petition may be filed seeking an election in any
1053 proposed or existing appropriate bargaining unit to determine
1054 the exclusive bargaining agent within 12 months after the date
1055 of a commission order verifying a representation election or, if
1056 an employee organization prevails, within 12 months after the
1057 date of an effective certification covering any of the employees
1058 in the proposed or existing bargaining unit. Furthermore, if a
1059 valid collective bargaining agreement covering any of the
1060 employees in a proposed unit is in effect, a petition for
1061 certification may be filed with the commission only during the
1062 period extending from 150 days to 90 days immediately preceding
1063 the expiration date of that agreement, or at any time subsequent
1064 to its expiration date but prior to the effective date of any
1065 new agreement. The effective date of a collective bargaining
1066 agreement means the date of ratification by both parties, if the
1067 agreement becomes effective immediately or retroactively; or its
1068 actual effective date, if the agreement becomes effective after
1069 its ratification date.~~

1070 ~~(5)(4) In defining a proposed bargaining unit, the
1071 commission shall take into consideration:~~

1072 ~~(a) The principles of efficient administration of
1073 government.~~

585-02789-26

20261296c1

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

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

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

585-02789-26

20261296c1

1103

1104 However, a bargaining ~~no~~ unit may not ~~shall~~ be established or
1105 approved for purposes of collective bargaining which includes
1106 both professional and nonprofessional employees unless a
1107 majority of each group votes for inclusion in such bargaining
1108 unit.

1109 Section 12. Section 447.3076, Florida Statutes, is created
1110 to read:

1111 447.3076 Clarification of bargaining units.—

1112 (1) A petition to clarify the composition of a bargaining
1113 unit may be filed with the commission when significant changes
1114 in statutory law or case law require clarification of the
1115 bargaining unit or when a classification was:

1116 (a) Created or substantially changed after the unit was
1117 initially defined by the commission;

1118 (b) Retitled with no substantial change in job duties; or

1119 (c) Included or excluded through inadvertence or
1120 misunderstanding by the commission.

1121 (2) A bargaining unit clarification petition may be filed
1122 by the bargaining agent for the bargaining unit or by the public
1123 employer of the public employees in the unit.

1124 (3) A copy of the petition must be served on the public
1125 employer and any bargaining agent that is certified to represent
1126 any employee or classification which may be substantially
1127 affected by the proposed bargaining unit clarification.

1128 (4) If any substantially affected employees are not
1129 represented by a bargaining agent, the public employer must
1130 provide a copy of the petition to those employees within 10 days
1131 after the filing of the petition.

585-02789-26

20261296c1

1132 (5) When the clarification of a bargaining unit would
1133 result in an increase in the size of the bargaining unit by more
1134 than 25 percent, the unit clarification petition raises a
1135 question concerning representation and must be dismissed.

1136 Section 13. Section 447.308, Florida Statutes, is amended
1137 to read:

1138 447.308 ~~Decertification Revocation of certification of~~
1139 employee organizations organization.—

1140 (1) A public Any employee or group of public employees
1141 which no longer desires to be represented by a ~~the~~ certified
1142 bargaining agent may file with the commission a petition to
1143 decertify the bargaining agent ~~revoke certification~~. The
1144 petition must ~~shall~~ be accompanied by a ~~showing of interest from~~
1145 ~~dated statements signed by~~ at least 30 percent of the public
1146 employees in the bargaining unit, ~~indicating that such employees~~
1147 ~~no longer desire to be represented for purposes of collective~~
1148 ~~bargaining by the certified bargaining agent. The time of filing~~
1149 ~~said petition shall be governed by the provisions of s.~~

1150 447.307(3)(d) relating to petitions for certification. The
1151 showing of interest statements must be signed and dated by the
1152 public employees not more than 12 months before the filing of
1153 the petition. Any employee, employer, or employee organization
1154 having sufficient reason to believe that the showing of interest
1155 ~~was any of the employee signatures were~~ obtained by collusion,
1156 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise
1157 invalid shall be given a reasonable opportunity to verify and
1158 challenge the showing of interest ~~signatures appearing on the~~
1159 petition.

1160 (2) (a) A decertification petition may not be filed

585-02789-26

20261296c1

1161 regarding the bargaining unit within 12 months after the date
1162 the commission issues an order that verifies the results of a
1163 certification, recertification, or decertification election
1164 covering any of the public employees in the unit.

1165 (b) If a valid collective bargaining agreement covering any
1166 of the public employees in the bargaining unit is in effect, a
1167 decertification petition may only be filed with the commission
1168 at least 90 but not more than 150 days immediately preceding the
1169 expiration date of the collective bargaining agreement, or at
1170 any time after such agreement's expiration date but before the
1171 effective date of a new collective bargaining agreement. The
1172 effective date of a collective bargaining agreement is the date
1173 of ratification of such agreement by both parties if such
1174 agreement becomes effective immediately or retroactively, or the
1175 collective bargaining agreement's actual effective date if such
1176 agreement becomes effective after its ratification date.

1177 (3) The commission or one of its designated agents shall
1178 investigate the decertification petition to determine its
1179 sufficiency. If the commission finds that the petition is to be
1180 insufficient, the commission must it may dismiss the petition.
1181 If the commission finds that the petition is sufficient, the
1182 commission must it shall immediately:

1183 (a) Identify the bargaining unit and determine which public
1184 employees shall be qualified and entitled to vote in the
1185 election held by the commission.

1186 (b) Identify the public employer or employers of the
1187 bargaining unit.

1188 (c) Order an election by secret ballot, the cost of said
1189 election to be borne equally by the parties, except as the

585-02789-26

20261296c1

1190 commission may provide by rule. The commission's order assessing
1191 costs of an election may be enforced pursuant to ~~the provisions~~
1192 ~~of~~ this part.

1193 (4) (a) Except as provided in paragraph (b), elections are
1194 determined as follows for all decertification petitions filed on
1195 or after July 1, 2026:

1196 1. If decertification of the bargaining agent is selected
1197 by a majority vote of the public employees who are in the
1198 bargaining unit as of the date set by the commission, the
1199 commission shall revoke the bargaining agent's certification for
1200 that bargaining unit.

1201 2. If decertification is not selected by a majority vote of
1202 the public employees who are in the bargaining unit as of the
1203 date set by the commission, the bargaining agent shall retain
1204 its certification for that bargaining unit.

1205 (b) Decertification elections involving public safety units
1206 are determined as follows:

1207 1.(2) If decertification is selected by a majority vote of
1208 the public employees voting in the such election vote against
1209 the continuation of representation by the certified bargaining
1210 agent, the commission shall revoke the certification of the
1211 employee organization as the exclusive bargaining agent's
1212 certification for that agent for the employees in the bargaining
1213 unit shall be revoked.

1214 2.(3) If decertification is not selected by a majority vote
1215 of the public employees voting in the such election do not vote
1216 against the continuation of representation by the certified
1217 bargaining agent, the bargaining agent shall retain its
1218 certification for that bargaining of the employee organization

585-02789-26

20261296c1

1219 as the exclusive bargaining agent for the employees in the unit
1220 shall be retained by the organization.

1221 (c) Revocation under this section is effective upon the
1222 issuance of a final order by the commission or, if the final
1223 order is appealed, at the time the appeal is exhausted or any
1224 stay is vacated by the commission or a court.

1225 Section 14. Section 447.309, Florida Statutes, is amended
1226 to read:

1227 447.309 Collective bargaining; approval or rejection.—

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

585-02789-26

20261296c1

1248 ~~who are members of~~ the bargaining unit, subject to ~~the~~
1249 ~~provisions of~~ subsections (2) and (3). However, with respect to
1250 statewide bargaining units, any agreement signed by the Governor
1251 and the bargaining agent for such a bargaining unit ~~is~~ shall not
1252 be binding until approved by the public employees in ~~who are~~
1253 ~~members of~~ the bargaining unit, subject to ~~the provisions of~~
1254 subsections (2) and (3).

1255 (2) (a) Upon execution of the collective bargaining
1256 agreement, the chief executive shall, in his or her annual
1257 budget request or by other appropriate means, request the
1258 legislative body to appropriate such amounts as shall be
1259 sufficient to fund the provisions of the collective bargaining
1260 agreement.

1261 (b) If the state is a party to a collective bargaining
1262 agreement in which less than the requested amount is
1263 appropriated by the Legislature, the collective bargaining
1264 agreement shall be administered on the basis of the amounts
1265 appropriated by the Legislature. The failure of the Legislature
1266 to appropriate funds sufficient to fund the collective
1267 bargaining agreement ~~does~~ shall not constitute, or be evidence
1268 of, any unfair labor practice. All collective bargaining
1269 agreements entered into by the state are subject to the
1270 appropriations powers of the Legislature, and ~~the provisions of~~
1271 this section may shall not conflict with the exclusive authority
1272 of the Legislature to appropriate funds.

1273 (3) If any provision of a collective bargaining agreement
1274 is in conflict with any law, ordinance, rule, or regulation over
1275 which the chief executive officer has no amendatory power, the
1276 chief executive officer shall submit to the appropriate

585-02789-26

20261296c1

1277 governmental body having amendatory power a proposed amendment
1278 to such law, ordinance, rule, or regulation. Unless and until
1279 such amendment is enacted or adopted and becomes effective, the
1280 conflicting provision of the collective bargaining agreement may
1281 ~~shall~~ not become effective.

1282 (4) If the agreement is not ratified by the public employer
1283 or is not approved by a majority ~~vote~~ of the public employees
1284 voting ~~in the unit~~, in accordance with procedures adopted by the
1285 commission, the agreement shall be returned to the chief
1286 executive officer and the bargaining agent ~~employee organization~~
1287 for further negotiations.

1288 (5) A ~~Any~~ collective bargaining agreement may ~~shall~~ not
1289 provide for a term of existence of more than 3 years and must
1290 ~~shall~~ contain all of the terms and conditions of employment of
1291 the employees in the bargaining unit during such term except
1292 those terms and conditions provided for in applicable merit and
1293 civil service rules and regulations.

1294 Section 15. Section 447.401, Florida Statutes, is amended
1295 to read:

1296 447.401 Grievance procedures.—Each public employer and
1297 bargaining agent shall negotiate a grievance procedure to be
1298 used for the settlement of disputes between a public employer
1299 and a public employee, or a group of public employees, involving
1300 the interpretation or application of a collective bargaining
1301 agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its
1302 terminal step a final and binding disposition by an impartial
1303 neutral arbitrator, mutually selected by the parties; however,
1304 when the issue under appeal is an allegation of abuse,
1305 abandonment, or neglect of a child by a public ~~an~~ employee under

585-02789-26

20261296c1

1306 s. 39.201 or an allegation of abuse, neglect, or exploitation of
1307 a vulnerable adult by a public employee under s. 415.1034, the
1308 grievance may not be decided until such allegation the abuse,
1309 abandonment, or neglect of a child has been judicially
1310 determined. However, an arbitrator arbiter or other neutral
1311 party may shall not have the power to add to, subtract from,
1312 modify, or alter the terms of a collective bargaining agreement.
1313 If an employee organization is certified as the bargaining agent
1314 of a bargaining unit, the grievance procedure then in existence
1315 may be the subject of collective bargaining, and any agreement
1316 that which is reached shall supersede the previously existing
1317 procedure. All public employees shall have the right to a fair
1318 and equitable grievance procedure administered without regard to
1319 membership or nonmembership in any employee organization, except
1320 that bargaining agents may certified employee organizations
1321 shall not be required to process grievances for public employees
1322 who are not members of the employee organization. A public
1323 career service employee may use shall have the option of
1324 utilizing the civil service appeal procedure, an unfair labor
1325 practice procedure, or a grievance procedure established under
1326 this section, but may not avail such employee is precluded from
1327 availing himself or herself of to more than one of these
1328 procedures.

1329 Section 16. Subsections (1) through (4) of section 447.403,
1330 Florida Statutes, are amended to read:

1331 447.403 Resolution of impasses.—

1332 (1) If, after a reasonable period of negotiation concerning
1333 the terms and conditions of employment to be incorporated in a
1334 collective bargaining agreement, a dispute exists between a

585-02789-26

20261296c1

1335 public employer and a bargaining agent, either party may declare
1336 ~~an impasse by providing written notification shall be deemed to~~
1337 ~~have occurred when one of the parties so declares in writing to~~
1338 the other party and to the commission. When an impasse occurs,
1339 the public employer or the bargaining agent, or both parties
1340 acting jointly, may use appoint, or secure the services
1341 ~~appointment of~~, a mediator to assist in the resolution of the
1342 impasse. If the Governor is the public employer or for an
1343 impasse declared pursuant to s. 447.4095, a no mediator may not
1344 ~~shall~~ be appointed.

1345 (2) (a) If a no mediator is not used under subsection (1)
1346 ~~appointed~~, or upon the request of either party, the commission
1347 must shall appoint, and submit all unresolved issues to, a
1348 special magistrate acceptable to both parties. If the parties
1349 are unable to agree on the appointment of a special magistrate,
1350 the commission must shall appoint, in its discretion, a
1351 qualified special magistrate. However, if the parties agree in
1352 writing to waive the appointment of a special magistrate, the
1353 parties may proceed directly to resolution of the impasse by the
1354 legislative body pursuant to paragraph (4) (d). Nothing in this
1355 section precludes the parties from using the services of a
1356 mediator at any time during the conduct of collective
1357 bargaining.

1358 (b) If the Governor is the public employer, a no special
1359 magistrate may not shall be appointed. The parties must may
1360 proceed directly to the Legislature for resolution of the
1361 impasse pursuant to paragraph (4) (d).

1362 (c) For an impasse declared pursuant to s. 447.4095(2), the
1363 parties must agree on a special magistrate and submit the

585-02789-26

20261296c1

1364 agreed-upon name to the commission within 5 calendar days after
1365 the declaration of impasse. Within 2 business days after the
1366 submission of the special magistrate's name, the commission must
1367 appoint the agreed-upon special magistrate. If the parties do
1368 not submit the name of an agreed-upon special magistrate to the
1369 commission within 5 calendar days after the declaration of
1370 impasse, the commission must appoint a special magistrate of its
1371 choosing within 5 calendar days after the parties' deadline to
1372 submit the name of the agreed-upon special magistrate. Within 5
1373 calendar days after the special magistrate is appointed, each
1374 party must submit a list of issues at impasse to the special
1375 magistrate and serve a copy of the list on the other party at
1376 the same time.

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

585-02789-26

20261296c1

1393 to the commission and to the representatives of both parties by
1394 any method of service agreed to by the parties which establishes
1395 proof of delivery registered mail, return receipt requested.
1396 Such recommended decision must shall be discussed by the
1397 parties, and each recommendation of the special magistrate is
1398 shall be deemed approved by both parties unless specifically
1399 rejected by either party by written notice filed with the
1400 commission within 20 calendar days, or 10 calendar days for an
1401 impasse declared pursuant to s. 447.4095(2), after the date the
1402 party received the special magistrate's recommended decision.
1403 The written notice must shall include a statement of the cause
1404 for each rejection and shall be served upon the other party at
1405 the same time as it is filed with the commission.

1406 (4) If either the public employer or the bargaining agent
1407 ~~employee organization~~ does not accept, in whole or in part, the
1408 recommended decision of the special magistrate, all of the
1409 following procedures apply:

1410 (a) The chief executive officer of the governmental entity
1411 involved shall, within 10 calendar days after rejection of a
1412 recommendation of the special magistrate, submit to the
1413 legislative body of the governmental entity involved a copy of
1414 the findings of fact and recommended decision of the special
1415 magistrate, together with the chief executive officer's
1416 recommendations for settling the disputed impasse issues. The
1417 chief executive officer shall also submit ~~transmit~~ his or her
1418 recommendations to the bargaining agent at the same time as the
1419 recommendations are submitted to the legislative body. ~~employee~~
1420 ~~organization;~~

1421 (b) Within 10 calendar days after rejection of a

585-02789-26

20261296c1

1422 recommendation of the special magistrate, the bargaining agent
1423 ~~employee organization~~ shall submit its recommendations for
1424 settling the disputed impasse issues to such legislative body
1425 and to the chief executive officer.†

1426 (c) The legislative body or its a duly authorized committee
1427 ~~thereof~~ shall forthwith conduct a public hearing at which the
1428 parties shall ~~be required to~~ explain their positions with
1429 respect to the rejected recommendations of the special
1430 magistrate. For an impasse declared pursuant to s. 447.4095(2),
1431 the legislative body must conduct the public hearing within 20
1432 calendar days after the parties submit their recommendations to
1433 the legislative body.†

1434 (d) Thereafter, the legislative body shall take such action
1435 as it deems to be in the public interest, including the interest
1436 of the public employees involved, to resolve all disputed
1437 impasse issues. For an impasse declared pursuant to s.
1438 447.4095(2), the legislative body must take action within 10
1439 calendar days after the close of the public hearing.; and

1440 (e) 1. Following the resolution of the disputed impasse
1441 issues by the legislative body, the parties shall reduce to
1442 writing an agreement which includes those issues agreed to by
1443 the parties and those disputed impasse issues resolved by the
1444 legislative body's action taken pursuant to paragraph (d). For
1445 an impasse declared pursuant to s. 447.4095(2), the parties must
1446 reduce the agreement to writing within 10 calendar days after
1447 the resolution of the disputed impasse issues by the legislative
1448 body.

1449 2. The agreement must ~~shall~~ be signed by the chief
1450 executive officer and the bargaining agent and ~~shall~~ be

585-02789-26

20261296c1

1451 submitted to the public employer and ~~to~~ the public employees in
1452 ~~who are members of~~ the bargaining unit for ratification. For an
1453 impasse declared pursuant to s. 447.4095(2), the chief executive
1454 officer and the bargaining agent must sign the agreement within
1455 7 calendar days after the agreement is reduced to writing and
1456 must submit the agreement to the public employer and the
1457 bargaining unit for ratification within 10 calendar days after
1458 the agreement is signed. For an impasse declared pursuant to s.
1459 447.4095(2), the agreement must be signed, submitted, and
1460 ratified separately from other bargainable issues.

1461 3. If the such agreement is not ratified by all parties,
1462 ~~provisions of~~ s. 447.309, the legislative body's
1463 action taken pursuant to ~~the provisions of~~ paragraph (d) shall
1464 take effect as of the date of such legislative body's action for
1465 the remainder of the first fiscal year which was the subject of
1466 negotiations; however, the legislative body's action may ~~shall~~
1467 not take effect with respect to those disputed impasse issues
1468 ~~that which~~ establish the language of contractual provisions that
1469 ~~which~~ could have no effect in the absence of a ratified
1470 agreement, including, but not limited to, preambles, recognition
1471 clauses, and duration clauses.

1472 Section 17. Section 447.405, Florida Statutes, is amended
1473 to read:

1474 447.405 Factors to be considered by the special
1475 magistrate.—The special magistrate shall conduct the hearings
1476 and render recommended decisions with the objective of achieving
1477 a prompt, peaceful, and just settlement of disputes between the
1478 bargaining agents ~~public employee organizations~~ and the public
1479 employers. The factors, ~~among others~~, to be given weight by the

585-02789-26

20261296c1

1480 special magistrate in arriving at a recommended decision must
1481 ~~shall~~ include:

1482 (1) Comparison of the annual income of employment of the
1483 public employees in question with the annual income of
1484 employment maintained for the same or similar work of employees
1485 exhibiting like or similar skills under the same or similar
1486 working conditions in the local operating area involved.

1487 (2) Comparison of the annual income of employment of the
1488 public employees in question with the annual income of
1489 employment of public employees in similar public employee
1490 governmental bodies of comparable size within this ~~the~~ state.

1491 (3) The interest and welfare of the public.

1492 (4) Comparison of peculiarities of employment in regard to
1493 other trades or professions, specifically with respect to:

1494 (a) Hazards of employment.

1495 (b) Physical qualifications.

1496 (c) Educational qualifications.

1497 (d) Intellectual qualifications.

1498 (e) Job training and skills.

1499 (f) Retirement plans.

1500 (g) Sick leave.

1501 (h) Job security.

1502 (5) Availability of funds.

1503 Section 18. Section 447.4095, Florida Statutes, is amended
1504 to read:

1505 447.4095 Financial urgency.—

1506 (1) In the event of a financial urgency requiring
1507 modification of an agreement, the chief executive officer or his
1508 or her representative and the bargaining agent or its

585-02789-26

20261296c1

1509 representative shall meet as soon as possible to negotiate the
1510 impact of the financial urgency. If after a reasonable period of
1511 negotiation, which may ~~shall~~ not exceed 14 calendar days, a
1512 dispute exists between the public employer and the bargaining
1513 agent, an impasse is ~~shall be~~ deemed to have occurred, and one
1514 of the parties must ~~shall~~ so declare in writing to the other
1515 party and to the commission. The parties must ~~shall~~ then proceed
1516 to follow the requirements under ~~pursuant to the provisions of~~
1517 s. 447.403. An unfair labor practice charge may ~~shall~~ not be
1518 filed during the 14 calendar days during which negotiations are
1519 occurring under pursuant to this section.

1520 (2) For the purposes of this section, the implementation of
1521 appropriations to local governments by the Legislature which are
1522 specifically directed in law to be disbursed as salaries to
1523 employees of local governments is considered a financial
1524 urgency. If the use of funding appropriated by the Legislature
1525 to local governments is restricted to salaries and associated
1526 costs of such salaries and the implementation of such
1527 appropriations will require modification of an agreement, the
1528 chief executive officer or his or her representative and the
1529 bargaining agent or its representative must meet within 15
1530 calendar days after the effective date of the appropriation to
1531 negotiate the impact of the financial urgency. If, 30 calendar
1532 days after the effective date of the appropriation, a dispute
1533 exists between the public employer and the bargaining agent as
1534 to the impact of the financial urgency, one of the parties must,
1535 within 2 business days, declare an impasse in writing to the
1536 other party and to the commission. The parties must then proceed
1537 to follow the requirements under s. 447.403. An unfair labor

585-02789-26

20261296c1

1538 practice charge may not be filed during the 30-day period of
1539 negotiations or while the parties are proceeding through the
1540 resulting impasse process. This subsection does not apply to
1541 public employees in public safety units.

1542 Section 19. Paragraphs (c) and (f) of subsection (1) and
1543 subsection (2) of section 447.501, Florida Statutes, are
1544 amended, and paragraph (g) is added to subsection (1) of that
1545 section, to read:

1546 447.501 Unfair labor practices.—

1547 (1) Public employers or their agents or representatives are
1548 prohibited from:

1549 (c) Refusing to bargain collectively, failing to bargain
1550 collectively in good faith, or refusing to sign a final
1551 agreement agreed upon with the ~~certified~~ bargaining agent for
1552 the public employees in the bargaining unit.

1553 (f) Refusing to discuss grievances in good faith pursuant
1554 to the terms of the collective bargaining agreement with either
1555 the ~~certified~~ bargaining agent for the public employee or the
1556 employee involved.

1557 (g) Failing to provide to any registered employee
1558 organization or any petitioning public employee who is seeking
1559 to support, oppose, or intervene in the certification,
1560 recertification, or decertification of a bargaining agent equal
1561 access to the public employer's facilities and its internal
1562 means of communication for those purposes. The public employer
1563 must provide such equal access from the date of the filing of a
1564 petition pursuant to s. 447.307 or s. 447.308 until the final
1565 resolution of the petition.

1566 (2) An A public employee organization or anyone acting on

585-02789-26

20261296c1

1567 in its behalf or its officers, representatives, agents, or
1568 members are prohibited from:

1569 (a) Interfering with, restraining, or coercing public
1570 employees in the exercise of any rights guaranteed them under
1571 this part or interfering with, restraining, or coercing
1572 managerial employees by reason of their performance of job
1573 duties or other activities undertaken in the interests of the
1574 public employer.

1575 (b) Causing or attempting to cause a public employer to
1576 discriminate against a public ~~an~~ employee because of such the
1577 employee's membership or nonmembership in an employee
1578 organization or attempting to cause the public employer to
1579 violate ~~any of the provisions of~~ this part.

1580 (c) Refusing to bargain collectively or failing to bargain
1581 collectively in good faith with a public employer.

1582 (d) Discriminating against a public ~~an~~ employee because he
1583 or she has signed or filed an affidavit, a petition, or a
1584 complaint or given any information or testimony in any
1585 proceedings provided for in this part.

1586 (e) Participating in a strike against the public employer
1587 by instigating or supporting, in any positive manner, a strike.
1588 A person who violates Any violation of this paragraph is shall
1589 subject ~~the violator~~ to the penalties provided in this part.

1590 (f) Instigating or advocating support, in any positive
1591 manner, for an employee organization's activities from high
1592 school or grade school students or students in institutions of
1593 higher learning.

1594 Section 20. Subsection (1) of section 447.503, Florida
1595 Statutes, is amended to read:

585-02789-26

20261296c1

1596 447.503 Charges of unfair labor practices.—It is the intent
1597 of the Legislature that the commission act as expeditiously as
1598 possible to settle disputes regarding alleged unfair labor
1599 practices. To this end, violations of the provisions of s.
1600 447.501 shall be remedied by the commission in accordance with
1601 the following procedures and in accordance with chapter 120;
1602 however, to the extent that chapter 120 is inconsistent with the
1603 provisions of this section, the procedures contained in this
1604 section shall govern:

1605 (1) A proceeding to remedy a violation of ~~the provisions of~~
1606 s. 447.501 must ~~shall~~ be initiated by the filing of a charge
1607 with the commission by a public an employer, a public employee,
1608 or an employee organization, or any combination thereof, whose
1609 substantial interests will be affected as referenced in chapter
1610 120. Such a charge must ~~shall~~ contain a clear and concise
1611 statement of facts constituting the alleged unfair labor
1612 practice, including the names of all individuals involved in the
1613 alleged unfair labor practice, and include specific reference to
1614 the provisions of s. 447.501 alleged to have been violated, and
1615 such other relevant information as the commission may by rule
1616 require or allow. Service of the charge must ~~shall~~ be made upon
1617 each named respondent at the time of filing with the commission.
1618 The charge must be accompanied by sworn statements and
1619 documentary evidence sufficient to establish a prima facie
1620 violation of the applicable unfair labor practice provision.
1621 Such supporting evidence is not to be attached to the charge and
1622 is to be furnished only to the commission.

1623 Section 21. Subsections (2) through (5) and paragraph (a)
1624 of subsection (6) of section 447.507, Florida Statutes, are

585-02789-26

20261296c1

1625 amended to read:

1626 447.507 Violation of strike prohibition; penalties.—
1627 (2) If a public employee, a group of public employees, an
1628 employee organization, or any officer, agent, or representative
1629 of any employee organization engages in a strike in violation of
1630 s. 447.505, either the commission or any public employer whose
1631 public employees are involved or whose public employees may be
1632 affected by the strike may file suit to enjoin the strike in the
1633 circuit court having proper jurisdiction and proper venue of
1634 such actions under the Florida Rules of Civil Procedure and
1635 Florida Statutes. The circuit court shall conduct a hearing,
1636 with notice to the commission and to all interested parties, at
1637 the earliest practicable time. If the plaintiff makes a prima
1638 facie showing that a violation of s. 447.505 is in progress or
1639 that there is a clear, real, and present danger that such a
1640 strike is about to commence, the circuit court must issue
1641 a temporary injunction enjoining the strike. Upon final hearing,
1642 the circuit court shall either make the injunction permanent or
1643 dissolve it.

1644 (3) If an injunction to enjoin a strike issued pursuant to
1645 this section is not promptly complied with, on the application
1646 of the plaintiff, the circuit court shall immediately initiate
1647 contempt proceedings against those who appear to be in
1648 violation. An employee organization found to be in contempt of
1649 court for violating an injunction against a strike shall be
1650 fined an amount deemed appropriate by the court. In determining
1651 the appropriate fine, the court shall objectively consider the
1652 extent of lost services and the particular nature and position
1653 of the public employee group in violation. A ~~In no event shall~~

585-02789-26

20261296c1

1654 the fine may not exceed \$30,000 \$5,000. Each officer, agent, or
1655 representative of an employee organization found to be in
1656 contempt of court for violating an injunction against a strike
1657 shall be fined at least \$300, but not more than \$600, not less
1658 ~~than \$50 nor more than \$100~~ for each calendar day that the
1659 violation is in progress.

1660 (4) An employee organization is shall be liable for any
1661 damages that which might be suffered by a public employer as a
1662 result of a violation of ~~the provisions of~~ s. 447.505 by the
1663 employee organization or its representatives, officers, or
1664 agents. The circuit court having jurisdiction over such actions
1665 may is empowered to enforce judgments against employee
1666 organizations in the amount deemed appropriate by the court in
1667 accordance with this section. An action may not, as defined in
1668 ~~this part, by attachment or garnishment of union initiation fees~~
1669 ~~or dues which are to be deducted or checked off by public~~
1670 ~~employers. No action shall~~ be maintained pursuant to this
1671 subsection until all proceedings that which were pending before
1672 the commission at the time of the strike or that which were
1673 initiated within 30 days after ~~of~~ the strike have been finally
1674 adjudicated or otherwise disposed of. In determining the amount
1675 of damages, if any, to be awarded to the public employer, the
1676 trier of fact shall take into consideration any action or
1677 inaction by the public employer or its agents that provoked or
1678 tended to provoke the strike by the public employees. The trier
1679 of fact shall also take into consideration any damages that
1680 might have been recovered by the public employer under
1681 subparagraph (6)(a)4.

1682 (5) If the commission, after a hearing on notice conducted

585-02789-26

20261296c1

1683 according to rules adopted ~~promulgated~~ by the commission,
1684 determines that a public ~~an~~ employee has violated s. 447.505, it
1685 may order the termination of such employee's ~~his or her~~
1686 employment by the public employer. Notwithstanding any other
1687 provision of law, a person knowingly violating s. 447.505 ~~the~~
1688 ~~provision of said section~~ may, subsequent to such violation, be
1689 appointed, reappointed, employed, or reemployed as a public
1690 employee, but only upon the following conditions:

1691 (a) Such person shall be on probation for ~~a period of~~ 18
1692 months after ~~following~~ his or her appointment, reappointment,
1693 employment, or reemployment, during which period he or she shall
1694 serve without permanent status and at the pleasure of the agency
1695 head.

1696 (b) His or her compensation may not ~~in no event~~ exceed the
1697 ~~compensation that~~ received immediately before ~~prior to~~ the time
1698 of the violation.

1699 (c) The compensation of the person may not be increased
1700 until at least ~~after the expiration of~~ 1 year after ~~from~~ such
1701 appointment, reappointment, employment, or reemployment.

1702 (6) (a) If the commission determines that an employee
1703 organization has violated s. 447.505, it may:

1704 1. Issue cease and desist orders as necessary to ensure
1705 compliance with its order.

1706 2. Suspend or revoke the certification of the ~~employee~~
1707 ~~organization as the~~ bargaining agent of such bargaining employee
1708 unit.

1709 3. Revoke any requirement of the public employer to engage
1710 in membership ~~the right of~~ dues deduction for the ~~and collection~~
1711 ~~previously granted to said~~ employee organization pursuant to s.

585-02789-26

20261296c1

1712 447.303.

1713 4. Fine the organization up to \$40,000 ~~\$20,000~~ for each
1714 calendar day of such violation or determine the approximate cost
1715 to the public due to each calendar day of the strike and fine
1716 the organization an amount equal to such cost, regardless of
1717 whether the fine exceeds \$40,000, notwithstanding the fact that
1718 ~~the fine may exceed \$20,000~~ for each such calendar day. The
1719 fines so collected ~~shall~~ immediately accrue to the public
1720 employer and must ~~shall~~ be used by the public employer him or
1721 ~~her~~ to replace those services denied the public as a result of
1722 the strike. In determining the amount of damages, if any, to be
1723 awarded to the public employer, the commission must consider
1724 ~~shall take into consideration~~ any action or inaction by the
1725 public employer or its agents that provoked, or tended to
1726 provoke, the strike by the public employees.

1727 Section 22. Present subsection (3) of section 447.509,
1728 Florida Statutes, is redesignated as subsection (6), and a new
1729 subsection (3) and subsections (4) and (5) are added to that
1730 section, to read:

1731 447.509 Other unlawful acts; exceptions.—

1732 (3) Public employers, their agents or representatives, or
1733 any persons acting on their behalf may not provide any form of
1734 compensation or paid leave to a public employee, directly or
1735 indirectly, for the purpose of engaging in employee organization
1736 activities.

1737 (4) Notwithstanding subsection (3), a public employee may
1738 do any of the following:

1739 (a) Be granted time off without pay or benefits to engage
1740 in employee organization activities, provided that the public

585-02789-26

20261296c1

1741 employer and the bargaining agent agree. An employee
1742 organization may compensate a public employee for engaging in
1743 employee organization activities.

1744 (b) Use compensated personal leave, whether the leave is
1745 the public employee's or is voluntarily donated by other public
1746 employees in the bargaining unit, to engage in employee
1747 organization activities if:

1748 1. The leave is accrued at the same rate by similarly
1749 situated public employees in the bargaining unit without regard
1750 to membership in or participation with an employee organization.

1751 2. The public employee may freely choose how to use the
1752 leave.

1753 (c) Engage in representational employee organization
1754 activities on behalf of the bargaining agent while in a duty
1755 status without loss of pay or benefits, provided that the public
1756 employer and the bargaining agent agree.

1757 (5) Subsections (3) and (4) do not apply to public
1758 employees in public safety units.

1759 Section 23. Subsection (3) of section 110.114, Florida
1760 Statutes, is amended to read:

1761 110.114 Employee wage deductions.—

1762 (3) Notwithstanding the provisions of subsections (1) and
1763 (2), the deduction of an employee's membership dues deductions
1764 as defined in s. 447.203 s. 447.203(15) for an employee
1765 organization as defined in s. 447.203(11) shall be authorized or
1766 permitted only for an organization that has been certified
1767 pursuant to chapter 447 as the exclusive bargaining agent
1768 pursuant to chapter 447 for a unit of public state employees in
1769 which the employee is included. Such deductions shall be subject

585-02789-26

20261296c1

1770 to ~~the provisions of~~ s. 447.303.

1771 Section 24. Paragraph (w) of subsection (2) of section
1772 110.205, Florida Statutes, is amended to read:

1773 110.205 Career service; exemptions.—

1774 (2) EXEMPT POSITIONS.—The exempt positions that are not
1775 covered by this part include the following:

1776 (w) Managerial employees ~~and, as defined in s. 447.203(4),~~
1777 confidential employees, as those terms are defined in s. 447.203
1778 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1779 of their time communicating with, motivating, training, and
1780 evaluating employees, and planning and directing employees'
1781 work, and who have the authority to hire, transfer, suspend, lay
1782 off, recall, promote, discharge, assign, reward, or discipline
1783 subordinate employees or effectively recommend such action,
1784 including all employees serving as supervisors, administrators,
1785 and directors. Excluded are employees also designated as special
1786 risk or special risk administrative support and attorneys who
1787 serve as administrative law judges pursuant to s. 120.65 or for
1788 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1789 registered nurses licensed under chapter 464, dentists licensed
1790 under chapter 466, psychologists licensed under chapter 490 or
1791 chapter 491, nutritionists or dietitians licensed under part X
1792 of chapter 468, pharmacists licensed under chapter 465,
1793 psychological specialists licensed under chapter 491, physical
1794 therapists licensed under chapter 486, and speech therapists
1795 licensed under part I of chapter 468 are excluded, unless
1796 otherwise collectively bargained.

1797 Section 25. Subsection (6) of section 112.3187, Florida
1798 Statutes, is amended to read:

585-02789-26

20261296c1

1799 112.3187 Adverse action against employee for disclosing
1800 information of specified nature prohibited; employee remedy and
1801 relief.—

1802 (6) TO WHOM INFORMATION DISCLOSED.—The information
1803 disclosed under this section must be disclosed to any agency or
1804 federal government entity having the authority to investigate,
1805 police, manage, or otherwise remedy the violation or act,
1806 including, but not limited to, the Office of the Chief Inspector
1807 General, an agency inspector general or the employee designated
1808 as agency inspector general under s. 112.3189(1) or inspectors
1809 general under s. 20.055, the Florida Commission on Human
1810 Relations, and the whistle-blower's hotline created under s.
1811 112.3189. However, for disclosures concerning a local
1812 governmental entity, including any regional, county, or
1813 municipal entity, special district, community college district,
1814 or school district or any political subdivision of any of the
1815 foregoing, the information must be disclosed to a chief
1816 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
1817 other appropriate local official.

1818 Section 26. Subsection (5) of section 121.031, Florida
1819 Statutes, is amended to read:

1820 121.031 Administration of system; appropriation; oaths;
1821 actuarial studies; public records.—

1822 (5) The names and addresses of retirees are confidential
1823 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1824 that no state or local governmental agency may provide the names
1825 or addresses of such persons in aggregate, compiled, or list
1826 form to any person except to a public agency engaged in official
1827 business. However, a state or local government agency may

585-02789-26

20261296c1

1828 provide the names and addresses of retirees from that agency to
1829 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1830 a retiree organization for official business use. Lists of names
1831 or addresses of retirees may be exchanged by public agencies,
1832 but such lists may ~~shall~~ not be provided to, or open for
1833 inspection by, the public. Any person may view or copy any
1834 individual's retirement records at the Department of Management
1835 Services, one record at a time, or may obtain information by a
1836 separate written request for a named individual for which
1837 information is desired.

1838 Section 27. Subsection (1) of section 447.02, Florida
1839 Statutes, is amended to read:

1840 447.02 Definitions.—The following terms, when used in this
1841 chapter, shall have the meanings ascribed to them in this
1842 section:

1843 (1) The term "labor organization" means any organization of
1844 employees or local or subdivision thereof, having within its
1845 membership residents of the state, whether incorporated or not,
1846 organized for the purpose of dealing with employers concerning
1847 hours of employment, rate of pay, working conditions, or
1848 grievances of any kind relating to employment and recognized as
1849 a unit of bargaining by one or more employers doing business in
1850 this state, except that an "employee organization," as defined
1851 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1852 definition at such time as it seeks to register pursuant to s.
1853 447.305.

1854 Section 28. Section 447.609, Florida Statutes, is amended
1855 to read:

1856 447.609 Representation in proceedings.—Any full-time

585-02789-26

20261296c1

1857 employee or officer of any public employer or employee
1858 organization may represent his or her employer or any public
1859 employee in member of a bargaining unit in any proceeding
1860 authorized in this part, excluding the representation of any
1861 person or public employer in a court of law by a person who is
1862 not a licensed attorney.

1863 Section 29. Subsection (2) of section 1011.60, Florida
1864 Statutes, is amended to read:

1865 1011.60 Minimum requirements of the Florida Education
1866 Finance Program.—Each district which participates in the state
1867 appropriations for the Florida Education Finance Program shall
1868 provide evidence of its effort to maintain an adequate school
1869 program throughout the district and shall meet at least the
1870 following requirements:

1871 (2) MINIMUM TERM.—Operate all schools for a term of 180
1872 actual teaching days or the equivalent on an hourly basis as
1873 specified by rules of the State Board of Education each school
1874 year. The State Board of Education may prescribe procedures for
1875 altering, and, upon written application, may alter, this
1876 requirement during a national, state, or local emergency as it
1877 may apply to an individual school or schools in any district or
1878 districts if, in the opinion of the board, it is not feasible to
1879 make up lost days or hours, and the apportionment may, at the
1880 discretion of the Commissioner of Education and if the board
1881 determines that the reduction of school days or hours is caused
1882 by the existence of a bona fide emergency, be reduced for such
1883 district or districts in proportion to the decrease in the
1884 length of term in any such school or schools. A strike, as
1885 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school

585-02789-26

20261296c1

1886 district may not be considered an emergency.

1887 Section 30. This act shall take effect July 1, 2026.