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1 A bill to be entitled
2 An act relating to the Public Employees Relations
3 Commission; amending s. 110.227, F.S.; conforming
4 final order requirements to ch. 120, F.S.; deleting a
5 provision requiring exceptions to a recommended order
6 to be filed within a specified timeframe; amending s.
7 112.0455, F.S.; revising the timeframe in which an
8 appeal hearing must be conducted; conforming final
9 order requirements to ch. 120, F.S.; amending s.
10 120.80, F.S.; providing applicability; amending s.
11 295.14, F.S.; conforming final order requirements to
12 ch. 120, F.S.; reordering and amending s. 447.203,
13 F.S.; revising and defining terms; amending s.
14 447.205, F.S.; revising the seal of the Public
15 Employees Relations Commission; amending s. 447.207,
16 F.S.; authorizing subpoenas to be served by certified
17 mail, return receipt requested, or by personal
18 service; revising requirements for proof of service;
19 deleting the requirement that the commission adopt
20 rules for the qualifications of persons who may serve
21 as mediators; authorizing the commission, under
22 certain circumstances, to waive the application of
23 part II of ch. 447, F.S., rather than only specified
24 provisions; amending s. 447.301, F.S.; revising
25 requirements for an employee organization membership
26 authorization form; requiring an employee
27 organization, within a specified timeframe, to revoke
28 the membership of and cease the collection of
29 membership dues from a public employee; providing that

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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 any
58 member of the organization or by the commission at a

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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; requiring the commission to conduct
67 elections by specified methods; specifying the
68 criteria by which the commission determines the method
69 and timing of elections; requiring the commission to
70 conduct election by mail if requested by one of the
71 parties; providing the timeframe for when an election
72 by mail must be conducted; requiring the commission to
73 provide notice of such election to certain parties
74 within a specified timeframe; requiring an election
75 conducted by mail ballot to include return envelopes
76 with prepaid postage affixed, subject to
77 appropriation; creating s. 447.3076, F.S.; providing
78 that a petition to clarify the composition of a
79 bargaining unit may be filed with the commission under
80 certain circumstances; requiring that a copy of the
81 petition be served on certain persons; requiring the
82 public employer to provide a copy of the petition to
83 certain affected employees within a specified
84 timeframe; requiring that a petition be dismissed
85 under certain circumstances; amending s. 447.308,
86 F.S.; revising requirements for the decertification of
87 an employee organization; requiring an election

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88 conducted by mail ballot to include return envelopes
89 with prepaid postage affixed, subject to
90 appropriation; amending s. 447.309, F.S.; requiring
91 that certain agreements be returned to the bargaining
92 agent, rather than the employee organization; amending
93 s. 447.401, F.S.; conforming provisions to changes
94 made by the act; amending s. 447.403, F.S.; specifying
95 requirements for when an impasse occurs; requiring a
96 hearing within a specified timeframe; authorizing the
97 recommended decision of a special magistrate from an
98 impasse hearing to be transmitted by any method of
99 service agreed to by the parties which establishes
100 proof of delivery; amending s. 447.405, F.S.;

101 conforming provisions to changes made by the act;
102 amending s. 447.4095, F.S.; providing that
103 implementation of appropriations from the Legislature
104 which are specifically directed to be disbursed as
105 salaries for employees of local governments are
106 considered a financial urgency; requiring the chief
107 executive officer or his or her representative to meet
108 with the bargaining agent or its representative within
109 a specified timeframe if the use of such funds
110 requires modification of an agreement; providing
111 meeting and dispute requirements; prohibiting the
112 filing of unfair labor charges during specified time
113 periods; providing applicability; amending s. 447.501,
114 F.S.; requiring a public employer to provide to all
115 registered employee organizations or petitioning
116 employees equal access to the employer's facilities

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117 and communication systems for a specified time period;
118 amending s. 447.503, F.S.; authorizing certain public
119 employers, public employees, and employee
120 organizations, or combinations thereof, to file
121 certain charges with the commission; amending s.
122 447.507, F.S.; increasing fines for certain
123 violations; amending s. 447.509, F.S.; prohibiting
124 public employers, their agents or representatives, and
125 any persons acting on their behalf from taking certain
126 actions; authorizing certain actions by public
127 employees under certain circumstances; providing
128 applicability; amending ss. 110.114, 110.205,
129 112.3187, 121.031, 447.02, 447.609, and 1011.60, F.S.;
130 conforming cross-references and provisions to changes
131 made by the act; providing an effective date.

132
133 Be It Enacted by the Legislature of the State of Florida:

134
135 Section 1. Paragraph (d) of subsection (6) of section
136 110.227, Florida Statutes, is amended to read:

137 110.227 Suspensions, dismissals, reductions in pay,
138 demotions, layoffs, transfers, and grievances.—

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

142 (d) A recommended order must ~~shall~~ be issued by the hearing
143 officer within 30 days after ~~following~~ the hearing. ~~Exceptions~~
144 ~~to the recommended order shall be filed within 15 days after the~~
145 ~~recommended order is issued.~~ The final order must be issued

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146 ~~shall be filed by the commission in accordance with ss. 120.569~~
147 ~~and 120.57 no later than 45 calendar days after the hearing or~~
148 ~~after the filing of exceptions or oral arguments if granted.~~

149 Section 2. Paragraph (a) of subsection (14) of section
150 112.0455, Florida Statutes, is amended to read:

151 112.0455 Drug-Free Workplace Act.—

152 (14) DISCIPLINE REMEDIES.—

153 (a) An executive branch employee who is disciplined or who
154 is a job applicant for another position and is not hired
155 pursuant to this section, may file an appeal with the Public
156 Employees Relations Commission. Any appeal must be filed within
157 30 calendar days after ~~of~~ receipt by the employee or job
158 applicant of notice of discipline or refusal to hire. The notice
159 shall inform the employee or job applicant of the right to file
160 an appeal, or if available, the right to file a collective
161 bargaining grievance pursuant to s. 447.401. Such appeals shall
162 be resolved pursuant to the procedures established in ss.
163 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on
164 the appeal must ~~shall~~ be conducted within 60 ~~30~~ days after ~~of~~
165 the filing of the appeal, unless an extension is requested by
166 the employee or job applicant and granted by the commission or
167 an arbitrator. The final order must be issued by the commission
168 in accordance with ss. 120.569 and 120.57.

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

171 120.80 Exceptions and special requirements; agencies.—

172 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

177 295.14 Penalties.—

178 (1) When the Public Employees Relations Commission, after a
179 hearing on notice conducted according to rules adopted by the
180 commission, determines that a violation of s. 295.07, s. 295.08,
181 s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains
182 the veteran seeking redress, the commission shall order the
183 offending agency, employee, or officer of the state to comply
184 with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s.
185 295.09(1)(a) or (b); and, in the event of a violation of s.
186 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the
187 commission may issue an order to compensate the veteran for the
188 loss of any wages and reasonable attorney ~~attorney's~~ fees for
189 actual hours worked, and costs of all work, including
190 litigation, incurred as a result of such violation, which order
191 shall be conclusive on the agency, employee, or officer
192 concerned. The attorney ~~attorney's~~ fees and costs may not exceed
193 \$10,000. The final order must be issued by action of the
194 commission in accordance with ss. 120.569 and 120.57 ~~shall be in~~
195 ~~writing and shall be served on the parties concerned by~~
196 ~~certified mail with return receipt requested.~~

197 Section 5. Section 447.203, Florida Statutes, is reordered
198 and amended to read:

199 447.203 Definitions.—As used in this part:

200 (6) ~~(1)~~ "Commission" means the Public Employees Relations
201 Commission created by s. 447.205.

202 (17) ~~(2)~~ "Public employer" or "employer" means the state or
203 any county, municipality, or special district or any subdivision

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204 or agency thereof which the commission determines has sufficient
205 legal distinctiveness properly to carry out the functions of a
206 public employer. With respect to all public employees determined
207 by the commission as properly belonging to a statewide
208 bargaining unit composed of State Career Service System
209 employees or Selected Professional Service employees, the
210 Governor is deemed to be the public employer; and the Board of
211 Governors of the State University System, or the board's
212 designee, is deemed to be the public employer with respect to
213 all public employees of each constituent state university. The
214 board of trustees of a community college is deemed to be the
215 public employer with respect to all employees of the community
216 college. The district school board is deemed to be the public
217 employer with respect to all employees of the school district.
218 The Board of Trustees of the Florida School for the Deaf and the
219 Blind is deemed to be the public employer with respect to the
220 academic and academic administrative personnel of the Florida
221 School for the Deaf and the Blind. The Governor is deemed to be
222 the public employer with respect to all employees in the
223 Correctional Education Program of the Department of Corrections
224 established pursuant to s. 944.801.

225 (16)~~(3)~~ "Public employee" means any person employed by a
226 public employer except:

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

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

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

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

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

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

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

243 1. Federal license requirement.

244 2. Federal autonomy regarding investigation and
245 disciplining of appointees.

246 3. Frequent transfers due to harvesting conditions.

247 (h) Those persons employed by the Public Employees
248 Relations Commission.

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

252 (12)~~(4)~~ "Managerial employees" means ~~are~~ those employees
253 who:

254 (a) Perform jobs that are not of a routine, clerical, or
255 ministerial nature and require the exercise of independent
256 judgment in the performance of such jobs and to whom one or more
257 of the following applies:

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

260 2. They may reasonably be required on behalf of the
261 employer to assist in the preparation for the conduct of

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262 collective bargaining negotiations.

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

265 4. They have a significant role in personnel
266 administration.

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

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

270 7. They have a significant role in the preparation or
271 administration of budgets for any public agency or institution
272 or subdivision thereof.

273 (b) Serve as police chiefs, fire chiefs, or directors of
274 public safety of any police, fire, or public safety department.
275 Other police officers, as defined in s. 943.10(1), and
276 firefighters, as defined in s. 633.102, may be determined by the
277 commission to be managerial employees of such departments. In
278 making such determinations, the commission shall consider, in
279 addition to the criteria established in paragraph (a), the
280 paramilitary organizational structure of the department
281 involved.

282

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

287 (7)~~(5)~~ "Confidential employees" means ~~are~~ persons who act
288 in a confidential capacity to assist or aid managerial employees
289 as defined in subsection (12) ~~(4)~~.

290 (21)~~(6)~~ "Strike" means the concerted failure of employees

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291 to report for duty; the concerted absence of employees from
292 their positions; the concerted stoppage of work by employees;
293 the concerted submission of resignations by employees; the
294 concerted abstinence in whole or in part by any group of
295 employees from the full and faithful performance of the duties
296 of employment with a public employer for the purpose of
297 inducing, influencing, condoning, or coercing a change in the
298 terms and conditions of employment or the rights, privileges, or
299 obligations of public employment, or participating in a
300 deliberate and concerted course of conduct which adversely
301 affects the services of the public employer; the concerted
302 failure of employees to report for work after the expiration of
303 a collective bargaining agreement; and picketing in furtherance
304 of a work stoppage. The term includes ~~"strike"~~ shall also mean
305 any overt preparation, including, but not limited to, the
306 establishment of strike funds with regard to the ~~above-listed~~
307 activities listed in this subsection.

308 ~~(22)(7)~~ "Strike funds" means ~~are~~ any appropriations by an
309 employee organization which are established to directly or
310 indirectly aid any employee or employee organization to
311 participate in a strike in the state.

312 ~~(2)(8)~~ "Bargaining unit" means either that unit determined
313 by the commission, that unit determined through local
314 regulations adopted ~~promulgated~~ pursuant to s. 447.603, or that
315 unit determined by the public employer and the public employee
316 organization and approved by the commission to be appropriate
317 for the purposes of collective bargaining. However, no
318 bargaining unit shall be defined as appropriate which includes
319 employees of two employers that are not departments or divisions

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320 of the state, a county, a municipality, or other political
321 entity.

322 (3)~~(9)~~ "Chief executive officer" for the state means ~~shall~~
323 ~~mean~~ the Governor and for other public employers means ~~shall~~
324 ~~mean~~ the person, whether elected or appointed, who is
325 responsible to the legislative body of the public employer for
326 the administration of the governmental affairs of the public
327 employer.

328 (11)~~(10)~~ "Legislative body" means the State Legislature,
329 the board of county commissioners, the district school board,
330 the governing body of a municipality, or the governing body of
331 an instrumentality or unit of government having authority to
332 appropriate funds and establish policy governing the terms and
333 conditions of employment and which, as the case may be, is the
334 appropriate legislative body for the bargaining unit. For
335 purposes of s. 447.403, the Board of Governors of the State
336 University System, or the board's designee, shall be deemed to
337 be the legislative body with respect to all employees of each
338 constituent state university. For purposes of s. 447.403, the
339 board of trustees of a community college shall be deemed to be
340 the legislative body with respect to all employees of the
341 community college.

342 (8)~~(11)~~ "Employee organization" or "organization" means any
343 labor organization, union, association, fraternal order,
344 occupational or professional society, or group, however
345 organized or constituted, which represents, or seeks to
346 represent, any public employee or group of public employees
347 concerning any matters relating to their employment relationship
348 with a public employer.

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349 (9) "Employee organization activities" means activities
350 undertaken at the direction of, on behalf of, or to advance the
351 purposes of an employee organization or any parent organization
352 or affiliate of the employee organization by doing any of the
353 following:

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

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

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

362 (d) Seeking certification as a bargaining agent.

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

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

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

373 (h) Representing or speaking on behalf of an employee
374 organization or any parent organization or affiliate of the
375 employee organization in any setting, venue, or procedure in
376 which the public employer is not a participant.

377 (i) Preparing, filing, or pursuing unfair labor practice

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378 charges or grievances.

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

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

384 (l) Administering a collective bargaining agreement.

385 (m) Participating in labor-management committees.

386 (1)-(12) "Bargaining agent" means the employee organization
387 that ~~which~~ has been certified by the commission as representing
388 the employees in the bargaining unit, as provided in s. 447.307,
389 or its representative.

390 (13) "Membership dues" means any amount a member is
391 required to pay in exchange for membership in an employee
392 organization, including, but not limited to, employee
393 organization dues; uniform assessments; or fees, including
394 initiation fees.

395 (15)-(13) "Professional employee" means:

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

398 1. Work predominantly intellectual and varied in character
399 as opposed to routine mental, manual, mechanical, or physical
400 work.~~†~~

401 2. Work involving the consistent exercise of discretion and
402 judgment in its performance.~~†~~

403 3. Work of such a character that the output produced or the
404 result accomplished cannot be standardized in relation to a
405 given period of time.~~†~~ ~~and~~

406 4. Work requiring advanced knowledge in a field of science

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407 or learning customarily acquired by a prolonged course of
408 specialized intellectual instruction and study in an institution
409 of higher learning or a hospital, as distinguished from a
410 general academic education, an apprenticeship, or training in
411 the performance of routine mental or physical processes.

412 (b) Any employee who:

413 1. Has completed the course of specialized intellectual
414 instruction and study described in subparagraph (a)4. ~~4. of~~
415 ~~paragraph (a); and~~

416 2. Is performing related work under supervision of a
417 professional person to qualify to become a professional employee
418 as defined in paragraph (a).

419 (5) ~~(14)~~ "Collective bargaining" means the performance of
420 the mutual obligations of the public employer and the bargaining
421 agent of the employee organization to meet at reasonable times,
422 to negotiate in good faith, and to execute a written contract
423 with respect to agreements reached concerning the terms and
424 conditions of employment, except that neither party shall be
425 compelled to agree to a proposal or be required to make a
426 concession unless otherwise provided in this part.

427 (14) ~~(15)~~ "Membership dues deduction" means the practice by
428 ~~of~~ a public employer of deducting membership dues ~~and uniform~~
429 ~~assessments~~ from the salary or wages of a public employee and.
430 ~~Such term also means the practice of a public employer of~~
431 ~~transmitting the sums so deducted to an such employee~~
432 ~~organization on behalf of the public employee.~~

433 (4) ~~(16)~~ "Civil service" means any career, civil, or merit
434 system used by any public employer.

435 (10) ~~(17)~~ "Good faith bargaining" means ~~shall mean~~, but is

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436 not ~~be~~ limited to, the willingness of both parties to meet at
437 reasonable times and places, as mutually agreed upon, in order
438 to discuss issues that ~~which~~ are proper subjects of bargaining,
439 with the intent of reaching a common accord. The term includes
440 ~~It shall include~~ an obligation for both parties to participate
441 actively in the negotiations with an open mind and a sincere
442 desire, as well as making a sincere effort, to resolve
443 differences and come to an agreement. In determining whether a
444 party failed to bargain in good faith, the commission shall
445 consider the total conduct of the parties during negotiations as
446 well as the specific incidents of alleged bad faith. Incidents
447 indicative of bad faith ~~shall~~ include, but not be limited to,
448 the following occurrences:

449 (a) Failure to meet at reasonable times and places with
450 representatives of the other party for the purpose of
451 negotiations.

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

454 (c) Failure to discuss proper subjects of bargaining
455 ~~bargainable issues~~.

456 (d) Refusing, upon reasonable written request, to provide
457 public information, excluding work products as defined in s.
458 447.605.

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

461 (f) Negotiating directly with employees rather than with
462 their ~~certified~~ bargaining agent.

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

464 (18) "Public safety unit" means a bargaining unit in which

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465 the majority of the public employees are employed as a law
466 enforcement officer, correctional officer, or correctional
467 probation officer, as those terms are defined in s. 943.10(1),
468 (2), or (3), respectively; a firefighter as defined in s.
469 633.102(9); a 911 public safety telecommunicator as defined in
470 s. 401.465(1); or an emergency medical technician or a
471 paramedic, as those terms are defined in s. 401.23.

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

474 (20) "Showing of interest" means written statements signed
475 and dated by public employees in a proposed or existing
476 bargaining unit indicating the desire of the public employees
477 either to be represented by the employee organization for
478 purposes of collective bargaining or to no longer be represented
479 by the bargaining agent for purposes of collective bargaining.

480 (23)~~(18)~~ "Student representative" means the representative
481 selected by each community college or university student
482 government association. Each representative may be present at
483 all negotiating sessions that take place between the appropriate
484 public employer and a an-exclusive bargaining agent. The
485 representative must be enrolled as a student with at least 8
486 credit hours in the respective community college or university
487 during his or her term as student representative.

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

490 447.205 Public Employees Relations Commission.—

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

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494 ~~"State of Florida Employees Relations Commission and which shall~~
495 be judicially noticed.

496 Section 7. Subsections (4), (5), (6), and (12) of section
497 447.207, Florida Statutes, are amended to read:

498 447.207 Commission; powers and duties.—

499 (4) Any subpoena, ~~notice of hearing, or other process or~~
500 ~~notice of the commission~~ issued under the provisions of this
501 part must either shall be served personally or by certified
502 mail, return receipt requested, or be served personally by any
503 person specified by law to serve process or by any person who is
504 not a party and who is 18 years of age or older. When certified
505 mail is used, a returned post office receipt constitutes proof
506 of service. When personal service is used, if the subpoena is
507 not served by a person specified by law to serve process, an
508 affidavit of the person making service constitutes proof of
509 service. A return made and verified by the individual making
510 such service and setting forth the manner of such service is
511 proof of service, and a returned post office receipt, when
512 certified mail is used, is proof of service. All process of any
513 court to which application may be made under the provisions of
514 this part shall be served in the county wherein the persons
515 required to be served reside or may be found.

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

522 (6) Pursuant to its established procedures, the commission

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523 shall resolve questions and controversies concerning claims for
524 recognition as the bargaining agent for a bargaining unit,
525 determine or approve units appropriate for purposes of
526 collective bargaining, expeditiously process charges of unfair
527 labor practices and violations of s. 447.505 by public
528 employees, and resolve such other questions and controversies as
529 it may be authorized herein to undertake. The petitioner,
530 charging party, respondent, and any intervenors shall be the
531 adversary parties before the commission in any adjudicatory
532 proceeding conducted pursuant to this part. Any commission
533 statement of general applicability that implements, interprets,
534 or prescribes law or policy, made in the course of adjudicating
535 a case pursuant to s. 447.307 or s. 447.503 does ~~shall~~ not
536 constitute a rule within the meaning of s. 120.52.

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

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

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552 ~~of dues deduction under a waiver.~~

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

555 ~~(c) The revocation of certification provided in s.~~
556 ~~447.305 (6) and (7).~~

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

559 447.301 Public employees' rights; organization and
560 representation.—

561 (1)

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

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

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

579
580 As a public employee in the State of Florida, is a

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

595
596 4. A public employee may revoke membership in the employee
597 organization at any time ~~of the year.~~ Within 30 days after ~~Upon~~
598 receipt of the public employee's written revocation of
599 membership, the employee organization must revoke the a public
600 employee's membership and cease collection of membership dues
601 for such public employee. The employee organization may not
602 limit a public ~~an~~ employee's right to revoke membership to
603 certain dates. If a public employee must complete a form to
604 revoke membership in the employee organization, the form may not
605 require a reason for the public employee's decision to revoke
606 his or her membership.

607 5. An employee organization must retain for inspection by
608 the commission such membership authorization forms and any
609 revocations. A membership authorization form is valid if it

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610 meets the requirements in law at the time it was signed by the
611 employee and if the employee's membership has not been
612 subsequently revoked.

613 6. This paragraph does not apply to public employees in
614 public safety units ~~members of a bargaining unit the majority of~~
615 ~~whose employees eligible for representation are employed as law~~
616 ~~enforcement officers, correctional officers, or correctional~~
617 ~~probation officers as those terms are defined in s. 943.10(1),~~
618 ~~(2), or (3), respectively; firefighters as defined in s.~~
619 ~~633.102; 911 public safety telecommunicators as defined in s.~~
620 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
621 ~~defined in s. 401.23.~~

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

624 (2) Public employees ~~shall~~ have the right to be represented
625 by any employee organization of their own choosing and to
626 negotiate collectively, through a ~~certified~~ bargaining agent,
627 with their public employer in the determination of the terms and
628 conditions of their employment. Public employees ~~shall~~ have the
629 right to be represented in the determination of grievances on
630 all terms and conditions of their employment. Public employees
631 ~~shall~~ have the right to refrain from exercising the right to be
632 represented.

633 Section 9. Section 447.303, Florida Statutes, is amended to
634 read:

635 447.303 Membership dues; deduction and collection.—

636 (1) Except as authorized in subsection (2) or subject to a
637 waiver of the prohibition on membership dues deduction granted
638 pursuant to s. 447.207(12), a public employer may not engage in

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639 membership dues deduction on behalf of s. 447.207(12)(a), an
640 employee organization that has been certified as a bargaining
641 agent may not have its dues and uniform assessments deducted and
642 collected by the employer from the salaries of those employees
643 in the unit. A public employee may pay membership dues and
644 uniform assessments directly to the employee organization, any
645 parent organization of the employee organization, or any
646 affiliate of either the employee organization or the parent
647 organization that has been certified as the bargaining agent.

648 (2) (a) Upon the written authorization of a public employee
649 in a public safety unit, the public employer must engage in
650 membership dues deduction for such public employee. A public
651 employee may revoke his or her authorization for membership dues
652 deduction upon providing 30 days' written notice to the public
653 employer and bargaining agent ~~An employee organization that has~~
654 ~~been certified as a bargaining agent to represent a bargaining~~
655 ~~unit the majority of whose employees eligible for representation~~
656 ~~are employed as law enforcement officers, correctional officers,~~
657 ~~or correctional probation officers as those terms are defined in~~
658 ~~s. 943.10(1), (2), or (3), respectively; firefighters as defined~~
659 ~~in s. 633.102; 911 public safety telecommunicators as defined in~~
660 ~~s. 401.465(1)(a); or emergency medical technicians or paramedics~~
661 ~~as defined in s. 401.23 has the right to have its dues and~~
662 ~~uniform assessments for that bargaining unit deducted and~~
663 ~~collected by the employer from the salaries of those employees~~
664 ~~who authorize the deduction and collection of said dues and~~
665 ~~uniform assessments. However, such authorization is revocable at~~
666 ~~the employee's request upon 30 days' written notice to the~~
667 ~~employer and employee organization. Said deductions shall~~

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668 ~~commence upon the bargaining agent's written request to the~~
669 ~~employer.~~

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

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

678 (3) The public employer is expressly prohibited from any
679 involvement in the collection of fines, penalties, or special
680 assessments.

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

683 447.305 Registration of employee organizations
684 ~~organization.~~

685 (1) Every employee organization seeking to become a
686 ~~certified~~ bargaining agent for public employees shall register
687 with the commission before ~~pursuant to the procedures set forth~~
688 ~~in s. 120.60 prior to requesting recognition by a public~~
689 ~~employer for purposes of collective bargaining and prior to~~
690 submitting a certification, recertification, or unit
691 clarification petition ~~to the commission requesting~~
692 ~~certification as an exclusive bargaining agent. Further, If an~~
693 ~~such~~ employee organization is not registered, it may not
694 participate in a certification, recertification, or unit
695 clarification ~~representation~~ hearing;; participate in a
696 certification or recertification ~~representation~~ election;; or be

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697 certified as a ~~an exclusive~~ bargaining agent. The application
698 for registration required by this section must ~~shall~~ be under
699 oath and in such form as the commission may prescribe, and must
700 ~~shall~~ include all of the following:

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

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

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

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

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

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

720 (g) A copy of the current constitution and bylaws of the
721 employee organization.

722 (h) A copy of the current constitution and bylaws of the
723 state and national groups with which the employee organization
724 is affiliated or associated. In lieu of this provision, and upon
725 adoption of a rule by the commission, a state or national

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726 affiliate or parent organization of any registering employee
727 ~~labor~~ organization may annually submit a copy of its current
728 constitution and bylaws.

729 (2) A registration granted to an employee organization
730 pursuant to this section runs for 1 year after ~~from~~ the date of
731 issuance. A registration must be renewed annually by filing an
732 application for renewal under oath with the commission, which
733 application must reflect any changes in the information provided
734 to the commission in conjunction with the employee
735 organization's preceding application for registration or
736 previous renewal, whichever is applicable. Each application for
737 renewal of registration must include a current annual financial
738 statement, prepared by an independent certified public
739 accountant licensed under chapter 473 and signed by the employee
740 organization's president and treasurer or corresponding
741 principal officers, containing the following information in such
742 detail as may be necessary to accurately ~~to~~ disclose its
743 financial condition and operations for its preceding fiscal year
744 and in all of the following ~~such~~ categories as prescribed by the
745 commission ~~may prescribe~~:

746 (a) Assets and liabilities at the beginning and end of the
747 fiscal year. ~~†~~

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

749 (c) Disbursements by category. ~~†~~

750 (d) Salary, wages, fringe benefits, allowances, and other
751 direct or indirect disbursements, including reimbursed expenses,
752 paid or accruing to each of its officers ~~officer~~ and also to
753 each of its employees ~~employee~~ who, during such fiscal year,
754 received more than \$10,000 in the aggregate from such employee

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755 organization and any parent organization of the ~~other~~ employee
756 organization or any affiliate of either the employee
757 organization or the parent organization. This paragraph requires
758 reporting of any reimbursements paid by the employee
759 organization to a public employer for moneys paid by the public
760 employer to the employee organization's officers or employees.
761 ~~affiliated with it or with which it is affiliated or which is~~
762 ~~affiliated with the same national or international employee~~
763 ~~organization;~~

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

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

772 (g) The amount of membership dues retained by or
773 distributed to the employee organization, any parent
774 organization of the employee organization, and any affiliate of
775 either the employee organization or the parent organization.

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

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

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

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

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

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

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

801 (e) An agreed-upon procedures report performed
802 Documentation provided by an independent certified public
803 accountant retained by the employee organization ~~which verifies~~
804 to assist in determining the accuracy of the information
805 provided in paragraphs (b), (c), and (d) (a)-(d). The agreed-
806 upon procedures must be conducted in accordance with attestation
807 standards established by the American Institute of Certified
808 Public Accountants.

809 (4) Within 30 days after filing an application for renewal
810 of registration with the commission, the employee organization
811 must provide a copy of its application ~~for renewal of~~
812 ~~registration relating to a public employer's employees to the~~

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813 public employer and public employees of each bargaining unit for
814 which the employee organization is the bargaining agent ~~on the~~
815 ~~same day the application is submitted to the commission.~~

816 ~~(5) An application for renewal of registration is~~
817 ~~incomplete and is not eligible for consideration by The~~
818 commission must notify the bargaining agent ~~if it does not~~
819 ~~include all of the information and documentation required in~~
820 subsection (3) is incomplete. The bargaining agent must provide
821 the missing information to the commission within 30 days after
822 such notification. If the bargaining agent fails to provide the
823 missing information within 30 days after notification, the
824 commission must dismiss the application ~~The commission shall~~
825 ~~notify the employee organization if the application is~~
826 ~~incomplete. An incomplete application must be dismissed if the~~
827 ~~required information and documentation are not provided within~~
828 ~~10 days after the employee organization receives such notice.~~

829 ~~(6) The commission must notify the bargaining agent when~~
830 the information required in subsection (3) is complete. Within
831 30 days after such notification, the bargaining agent must
832 petition for recertification pursuant to s. 447.307 for each of
833 its bargaining units ~~Notwithstanding the provisions of this~~
834 ~~chapter relating to collective bargaining, an employee~~
835 ~~organization certified as a bargaining agent to represent a~~
836 ~~bargaining unit for which less than 60 percent of the public~~
837 unit employees in the bargaining unit ~~have submitted membership~~
838 ~~authorization forms without subsequent revocation and paid~~
839 membership dues to the organization, as reported under
840 subsection (3) during its last registration period must petition
841 ~~the commission pursuant to s. 447.307(2) and (3) for~~

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842 ~~recertification as the exclusive representative of all employees~~
843 ~~in the bargaining unit within 30 days after the date on which~~
844 ~~the employee organization applies for renewal of registration~~
845 ~~pursuant to subsection (2). The certification of an employee~~
846 ~~organization that does not comply with this section is revoked.~~

847 (7) If the public employer or a public employee of a
848 bargaining unit represented by a bargaining agent believes that
849 the bargaining agent's employee may challenge an employee
850 organization's application for renewal of registration is
851 materially inaccurate, if the public employer or public
852 bargaining unit employee may challenge believes that the
853 application as materially is inaccurate during the pendency of
854 the application or, if the registration renewal has been
855 granted, before the date upon which the bargaining agent's
856 current registration is scheduled to end. If a challenge is
857 filed, the commission or one of its designated agents must
858 conduct an investigation pursuant to subsection (8) shall review
859 the application to determine its accuracy and compliance with
860 this section. If the commission finds that the application is
861 inaccurate or does not comply with this section, the commission
862 shall revoke the registration and certification of the employee
863 organization.

864 (8) The commission or one of its designated agents may
865 conduct an investigation to confirm the validity of any
866 information submitted pursuant to this section. The commission
867 may revoke or deny an employee organization's registration or
868 certification if it finds that the employee organization:

869 (a) Failed to cooperate with the investigation conducted
870 pursuant to this subsection, including refusal to permit the

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871 commission or one of its designated agents to inspect membership
872 authorization forms or revocations pursuant to s.
873 447.301(1)(b)5.; or

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

876
877 ~~A decision issued by the commission pursuant to this subsection~~
878 ~~is a final agency action that is reviewable pursuant to s.~~
879 ~~447.504.~~

880 (9) An employee organization is exempt from the
881 requirements of subsections (3)-(8) and (12) for each public
882 safety unit it represents ~~only with respect to the circumstances~~
883 ~~of each bargaining unit the majority of whose employees eligible~~
884 ~~for representation are employed as law enforcement officers,~~
885 ~~correctional officers, or correctional probation officers as~~
886 ~~those terms are defined in s. 943.10(1), (2), or (3),~~
887 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
888 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
889 ~~emergency medical technicians or paramedics as defined in s.~~
890 ~~401.23.~~

891 (10) A registration fee must ~~shall~~ accompany each
892 application for registration or renewal of registration filed
893 with the commission. The registration fee may ~~amount charged for~~
894 ~~an application for registration or renewal of registration shall~~
895 not exceed \$15. All such money collected by the commission shall
896 be deposited in the General Revenue Fund.

897 (11) Every employee organization shall keep accurate
898 accounts of its income and expenses, which accounts must ~~shall~~
899 be open for inspection at a ~~all~~ reasonable time and place ~~times~~

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900 by any member of the organization or by the commission. ~~In~~
901 ~~addition, each employee organization that has been certified as~~
902 ~~a bargaining agent must provide to its members an annual~~
903 ~~financial report prepared by an independent certified public~~
904 ~~accountant licensed under chapter 473 that includes a detailed~~
905 ~~breakdown of revenues and expenditures in such categories as the~~
906 ~~commission may prescribe, and an accounting of membership dues~~
907 ~~and assessments. The employee organization must notify its~~
908 ~~members annually of all costs of membership.~~

909 (12) The certification of an employee organization that
910 does not comply with this section is revoked. An employee
911 organization that has its certification revoked under this
912 subsection may not file a petition for certification under s.
913 447.307 which covers any of the public employees in the
914 bargaining unit described in the revoked certification for at
915 least 12 months after the date the certification was revoked.

916 (13) A decision issued by the commission under this section
917 is a final agency action that is reviewable pursuant to s.
918 447.504.

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

921 447.307 Certification and recertification of employee
922 organizations ~~organization.~~-

923 (1) (a) An Any employee organization seeking certification
924 or recertification as a bargaining agent must file a petition
925 with the commission accompanied by a showing of interest from at
926 least 30 percent of the public employees in the proposed or
927 existing bargaining unit. The showing of interest statements
928 must be signed and dated by the public employees not more than

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929 ~~12 months before the filing of which is designated or selected~~
930 ~~by a majority of public employees in an appropriate unit as~~
931 ~~their representative for purposes of collective bargaining shall~~
932 ~~request recognition by the public employer. The public employer~~
933 ~~shall, if satisfied as to the majority status of the employee~~
934 ~~organization and the appropriateness of the proposed unit,~~
935 ~~recognize the employee organization as the collective bargaining~~
936 ~~representative of employees in the designated unit. Upon~~
937 ~~recognition by a public employer, the employee organization~~
938 ~~shall immediately petition the commission for certification. The~~
939 ~~commission shall review only the appropriateness of the unit~~
940 ~~proposed by the employee organization. If the unit is~~
941 ~~appropriate according to the criteria used in this part, the~~
942 ~~commission shall immediately certify the employee organization~~
943 ~~as the exclusive representative of all employees in the unit. If~~
944 ~~the unit is inappropriate according to the criteria used in this~~
945 ~~part, the commission may dismiss the petition.~~

946 ~~(b) Whenever a public employer recognizes an employee~~
947 ~~organization on the basis of majority status and on the basis of~~
948 ~~appropriateness in accordance with subparagraph (4)(f)5., the~~
949 ~~commission shall, in the absence of inclusion of a prohibited~~
950 ~~category of employees or violation of s. 447.501, certify the~~
951 ~~proposed unit.~~

952 ~~(b)(2) A If the public employer refuses to recognize the~~
953 ~~employee organization, the employee organization may file a~~
954 ~~petition with the commission for certification as the bargaining~~
955 ~~agent for a proposed bargaining unit. The petition shall be~~
956 ~~accompanied by dated statements signed by at least 30 percent of~~
957 ~~the employees in the proposed unit, indicating that such~~

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958 ~~employees desire to be represented for purposes of collective~~
959 ~~bargaining by the petitioning employee organization. Once a~~
960 ~~petition for certification has been filed by an employee~~
961 ~~organization, any~~ registered employee organization desiring
962 placement on the ballot in any certification or recertification
963 election to be conducted pursuant to this section may be
964 permitted by the commission to intervene in the proceeding upon
965 a motion accompanied by a showing of interest from dated
966 ~~statements signed by~~ at least 10 percent of the public employees
967 in the proposed or existing bargaining unit, ~~indicating that~~
968 ~~such employees desire to be represented for the purposes of~~
969 ~~collective bargaining by the moving employee organization.~~ The
970 showing of interest ~~petitions and dated statements~~ must be
971 signed and dated by the public employees not more than 12 months
972 before the filing of the petition.

973 (c) The showing of interest is ~~are~~ confidential and exempt
974 from ~~the provisions of~~ s. 119.07(1), except that any public
975 employee, public employer, or employee organization having
976 sufficient reason to believe that the showing of interest was
977 ~~any of the employee signatures were~~ obtained by collusion,
978 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise
979 invalid shall be given a reasonable opportunity to verify and
980 challenge the showing of interest ~~signatures appearing on the~~
981 ~~petition.~~

982 (d) Notwithstanding paragraph (b), if any employees in the
983 proposed unit are included in a bargaining unit for which there
984 is a bargaining agent currently certified by the commission,
985 such bargaining agent will be automatically added as a party to
986 the case and may appear on the ballot without being required to

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987 file a motion to intervene or a showing of interest.

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

994 (b) If a valid collective bargaining agreement covering any
995 of the public employees in a proposed or existing bargaining
996 unit is in effect, a certification petition may only be filed
997 with the commission at least 90 but not more than 150 days
998 immediately preceding the expiration date of the collective
999 bargaining agreement, or at any time subsequent to such
1000 agreement's expiration date but before the effective date of a
1001 new collective bargaining agreement. The effective date of a
1002 collective bargaining agreement is the date of ratification of
1003 such agreement by both parties if such agreement becomes
1004 effective immediately or retroactively, or the collective
1005 bargaining agreement's actual effective date if such agreement
1006 becomes effective after its ratification date.

1007 (3) (a) The commission or one of its designated agents shall
1008 investigate a certification or recertification ~~the~~ petition to
1009 determine its sufficiency; ~~if it has reasonable cause to believe~~
1010 ~~that the petition is sufficient, the commission shall provide~~
1011 ~~for an appropriate hearing upon due notice. Such a hearing may~~
1012 ~~be conducted by an agent of the commission. If the commission~~
1013 ~~finds that the petition is to be insufficient, the commission~~
1014 ~~must~~ it may dismiss the petition. If the commission finds upon
1015 ~~the record of the hearing~~ that the petition is sufficient, the

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1016 commission must ~~it shall immediately:~~

1017 (a)1. Define the proposed or existing bargaining unit and
1018 determine which public employees are ~~shall be~~ qualified and
1019 entitled to vote at any election held by the commission. Upon
1020 providing due notice, the commission may provide for a hearing.

1021 (b) Conduct elections by mail, on site, or by any combined
1022 method ordered or approved by the commission.

1023 1. In determining the method of election and timing, the
1024 commission shall consider all of the following factors:

1025 a. The number of eligible voters in the bargaining unit.

1026 b. The number of work locations and availability of polling
1027 locations.

1028 c. The size of the public employer's operations.

1029 d. The cost to the commission and parties to conduct the
1030 election.

1031 e. The commission's workload and election schedule.

1032 f. The work schedules and shifts of the eligible voters.

1033 g. Whether the parties agree on a time to hold the election
1034 and the method of election to be used.

1035 h. Any other factors that might impact the integrity of the
1036 election.

1037 2. Notwithstanding subparagraph 1., if one of the parties
1038 to the election requests an election by mail, the commission
1039 must conduct the election by mail. An election by mail must be
1040 conducted no earlier than 4 weeks after the postmark date on the
1041 ballot mailed by the commission. Notice of an election by mail
1042 must be provided by the commission to the bargaining agent, the
1043 public employer, and the public employees in the bargaining unit
1044 at least 4 weeks before the date of the election.

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1045 (c)2- Identify the public employer or employers for
1046 purposes of collective bargaining ~~with the bargaining agent.~~

1047 (d)3- Order an election by secret ballot, the cost of said
1048 election and any required runoff election to be borne equally by
1049 the parties, except as the commission may provide by rule. An
1050 election conducted by mail ballot must include, subject to
1051 appropriation, return envelopes with prepaid postage affixed.
1052 The commission's order assessing costs of an election may be
1053 enforced pursuant to ~~the provisions of~~ this part.

1054 (4) (a) Except as provided in paragraph (b), elections are
1055 determined as follows for all certification or recertification
1056 petitions filed on or after July 1, 2026:

1057 1.(b) If at least 50 percent of the public employees in the
1058 bargaining unit as of the date set by the commission participate
1059 in the election, and at least 50 percent of the public employees
1060 voting in the election select an employee organization ~~When an~~
1061 ~~employee organization is selected by a majority of the employees~~
1062 ~~voting in an election,~~ the commission must ~~shall~~ certify or
1063 recertify the employee organization as the ~~exclusive collective~~
1064 bargaining agent for the public representative of all employees
1065 in the unit.

1066 2. A runoff election must be held according to rules
1067 adopted by the commission if, in the election conducted under
1068 subparagraph 1., there was more than one employee organization
1069 on the ballot, at least 50 percent of the employees in the
1070 bargaining unit participated in the election, and none of the
1071 choices on the ballot received a vote of 50 percent of the
1072 public employees who voted in the election.

1073 (b) Certification elections involving public safety units

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1074 are determined as follows:

1075 1. If an employee organization is selected by a majority
1076 vote of the public employees voting in the election, the
1077 commission must certify the employee organization as the
1078 bargaining agent for the public employees in the bargaining
1079 unit.

1080 2. A runoff election must be held according to rules
1081 adopted by the commission if, in the election conducted under
1082 subparagraph 1., there was more than one employee organization
1083 on the ballot and none of the choices on the ballot received a
1084 majority vote of the public employees voting in the election.

1085 (c) Certification, recertification, or revocation under
1086 this section is effective upon the issuance of a the final order
1087 by the commission or, if the final order is appealed, at the
1088 time the appeal is exhausted or any stay is vacated by the
1089 commission or a the court.

1090 ~~(c) In any election in which none of the choices on the~~
1091 ~~ballot receives the vote of a majority of the employees voting,~~
1092 ~~a runoff election shall be held according to rules promulgated~~
1093 ~~by the commission.~~

1094 ~~(d) No petition may be filed seeking an election in any~~
1095 ~~proposed or existing appropriate bargaining unit to determine~~
1096 ~~the exclusive bargaining agent within 12 months after the date~~
1097 ~~of a commission order verifying a representation election or, if~~
1098 ~~an employee organization prevails, within 12 months after the~~
1099 ~~date of an effective certification covering any of the employees~~
1100 ~~in the proposed or existing bargaining unit. Furthermore, if a~~
1101 ~~valid collective bargaining agreement covering any of the~~
1102 ~~employees in a proposed unit is in effect, a petition for~~

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1103 ~~certification may be filed with the commission only during the~~
1104 ~~period extending from 150 days to 90 days immediately preceding~~
1105 ~~the expiration date of that agreement, or at any time subsequent~~
1106 ~~to its expiration date but prior to the effective date of any~~
1107 ~~new agreement. The effective date of a collective bargaining~~
1108 ~~agreement means the date of ratification by both parties, if the~~
1109 ~~agreement becomes effective immediately or retroactively; or its~~
1110 ~~actual effective date, if the agreement becomes effective after~~
1111 ~~its ratification date.~~

1112 (5)~~(4)~~ In defining a proposed bargaining unit, the
1113 commission shall take into consideration:

1114 (a) The principles of efficient administration of
1115 government.

1116 (b) The number of employee organizations with which the
1117 employer might have to negotiate.

1118 (c) The compatibility of the unit with the joint
1119 responsibilities of the public employer and public employees to
1120 represent the public.

1121 (d) The power of the officials of government at the level
1122 of the unit to agree, or make effective recommendations to
1123 another administrative authority or to a legislative body, with
1124 respect to matters of employment upon which the employee desires
1125 to negotiate.

1126 (e) The organizational structure of the public employer.

1127 (f) Community of interest among the employees to be
1128 included in the unit, considering:

1129 1. The manner in which wages and other terms of employment
1130 are determined.

1131 2. The method by which jobs and salary classifications are

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1132 determined.

1133 3. The interdependence of jobs and interchange of
1134 employees.

1135 4. The desires of the employees.

1136 5. The history of employee relations within the
1137 organization of the public employer concerning organization and
1138 negotiation and the interest of the employees and the employer
1139 in the continuation of a traditional, workable, and accepted
1140 negotiation relationship.

1141 (g) The statutory authority of the public employer to
1142 administer a classification and pay plan.

1143 (h) Such other factors and policies as the commission may
1144 deem appropriate.

1145

1146 However, a bargaining ~~no~~ unit may not shall be established or
1147 approved for purposes of collective bargaining which includes
1148 both professional and nonprofessional employees unless a
1149 majority of each group votes for inclusion in such bargaining
1150 unit.

1151 Section 12. Section 447.3076, Florida Statutes, is created
1152 to read:

1153 447.3076 Clarification of bargaining units.-

1154 (1) A petition to clarify the composition of a bargaining
1155 unit may be filed with the commission when significant changes
1156 in statutory law or case law require clarification of the
1157 bargaining unit or when a classification was:

1158 (a) Created or substantially changed after the unit was
1159 initially defined by the commission;

1160 (b) Retitled with no substantial change in job duties; or

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1161 (c) Included or excluded through inadvertence or
1162 misunderstanding by the commission.

1163 (2) A bargaining unit clarification petition may be filed
1164 by the bargaining agent for the bargaining unit or by the public
1165 employer of the public employees in the unit.

1166 (3) A copy of the petition must be served on the public
1167 employer and any bargaining agent that is certified to represent
1168 any employee or classification which may be substantially
1169 affected by the proposed bargaining unit clarification.

1170 (4) If any substantially affected employees are not
1171 represented by a bargaining agent, the public employer must
1172 provide a copy of the petition to those employees within 10 days
1173 after the filing of the petition.

1174 (5) When the clarification of a bargaining unit would
1175 result in an increase in the size of the bargaining unit by more
1176 than 25 percent, the unit clarification petition raises a
1177 question concerning representation and must be dismissed.

1178 Section 13. Section 447.308, Florida Statutes, is amended
1179 to read:

1180 447.308 Decertification ~~Revocation of certification of~~
1181 ~~employee organizations organization.~~

1182 (1) A public ~~Any~~ employee or group of public employees
1183 which no longer desires to be represented by a ~~the certified~~
1184 bargaining agent may file with the commission a petition to
1185 decertify the bargaining agent ~~revoke certification~~. The
1186 petition must ~~shall~~ be accompanied by a showing of interest from
1187 ~~dated statements signed by~~ at least 30 percent of the public
1188 employees in the bargaining unit, ~~indicating that such employees~~
1189 ~~no longer desire to be represented for purposes of collective~~

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1190 ~~bargaining by the certified bargaining agent. The time of filing~~
1191 ~~said petition shall be governed by the provisions of s.~~
1192 ~~447.307(3) (d) relating to petitions for certification. The~~
1193 showing of interest statements must be signed and dated by the
1194 public employees not more than 12 months before the filing of
1195 the petition. Any employee, employer, or employee organization
1196 having sufficient reason to believe that the showing of interest
1197 was any of the employee signatures were obtained by collusion,
1198 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise
1199 invalid shall be given a reasonable opportunity to verify and
1200 challenge the showing of interest signatures appearing on the
1201 petition.

1202 (2) (a) A decertification petition may not be filed
1203 regarding the bargaining unit within 12 months after the date
1204 the commission issues an order that verifies the results of a
1205 certification, recertification, or decertification election
1206 covering any of the public employees in the unit.

1207 (b) If a valid collective bargaining agreement covering any
1208 of the public employees in the bargaining unit is in effect, a
1209 decertification petition may only be filed with the commission
1210 at least 90 but not more than 150 days immediately preceding the
1211 expiration date of the collective bargaining agreement, or at
1212 any time after such agreement's expiration date but before the
1213 effective date of a new collective bargaining agreement. The
1214 effective date of a collective bargaining agreement is the date
1215 of ratification of such agreement by both parties if such
1216 agreement becomes effective immediately or retroactively, or the
1217 collective bargaining agreement's actual effective date if such
1218 agreement becomes effective after its ratification date.

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1219 (3) The commission or one of its designated agents shall
1220 investigate the decertification petition to determine its
1221 sufficiency. If the commission finds that the petition is ~~to be~~
1222 insufficient, the commission must ~~it may~~ dismiss the petition.
1223 If the commission finds that the petition is sufficient, the
1224 commission must ~~it shall immediately~~:

1225 (a) Identify the bargaining unit and determine which public
1226 employees shall be qualified and entitled to vote in the
1227 election held by the commission.

1228 (b) Identify the public employer or employers of the
1229 bargaining unit.

1230 (c) Order an election by secret ballot, the cost of said
1231 election to be borne equally by the parties, except as the
1232 commission may provide by rule. An election conducted by mail
1233 ballot must include, subject to appropriation, return envelopes
1234 with prepaid postage affixed. The commission's order assessing
1235 costs of an election may be enforced pursuant to ~~the provisions~~
1236 ~~of~~ this part.

1237 (4) (a) Except as provided in paragraph (b), elections are
1238 determined as follows for all decertification petitions filed on
1239 or after July 1, 2026:

1240 1. If at least 50 percent of the public employees in the
1241 bargaining unit as of the date set by the commission participate
1242 in the election, and at least 50 percent of the public employees
1243 voting in the election vote to decertify an employee
1244 organization, the commission must revoke the bargaining agent's
1245 certification for that bargaining unit.

1246 2. If decertification is not selected by at least 50
1247 percent of the public employees voting in the election, and at

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1248 least 50 percent of the employees who are in the bargaining unit
1249 as of the date set by the commission participate in the
1250 election, the bargaining agent must retain its certification for
1251 that bargaining unit.

1252 (b) Decertification elections involving public safety units
1253 are determined as follows:

1254 1.(2) If decertification is selected by a majority vote of
1255 the public employees voting in the such election vote against
1256 the continuation of representation by the certified bargaining
1257 agent, the commission must revoke the certification of the
1258 employee organization as the exclusive bargaining agent's
1259 certification for that agent for the employees in the bargaining
1260 unit shall be revoked.

1261 2.(3) If decertification is not selected by a majority vote
1262 of the public employees voting in the such election do not vote
1263 against the continuation of representation by the certified
1264 bargaining agent, the bargaining agent must retain its
1265 certification for that bargaining of the employee organization
1266 as the exclusive bargaining agent for the employees in the unit
1267 shall be retained by the organization.

1268 (c) Revocation under this section is effective upon the
1269 issuance of a final order by the commission or, if the final
1270 order is appealed, at the time the appeal is exhausted or any
1271 stay is vacated by the commission or a court.

1272 Section 14. Section 447.309, Florida Statutes, is amended
1273 to read:

1274 447.309 Collective bargaining; approval or rejection.—

1275 (1) After an employee organization has been certified as
1276 the bargaining agent of a bargaining unit pursuant to the

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1277 ~~provisions of this part, the bargaining agent for the~~
1278 ~~organization~~ and the chief executive officer of the appropriate
1279 public employer or employers, jointly, shall bargain
1280 collectively in the determination of the wages, hours, and terms
1281 and conditions of employment of the public employees within the
1282 bargaining unit. The chief executive officer or his or her
1283 representative and the bargaining agent or its representative
1284 shall meet at reasonable times and bargain in good faith. In
1285 conducting negotiations with the bargaining agent, the chief
1286 executive officer or his or her representative shall consult
1287 with, and attempt to represent the views of, the legislative
1288 body of the public employer. Any collective bargaining agreement
1289 reached by the negotiators must ~~shall~~ be reduced to writing, and
1290 such agreement must ~~shall~~ be signed by the chief executive
1291 officer and the bargaining agent. Any agreement signed by the
1292 chief executive officer and the bargaining agent is ~~shall~~ not ~~be~~
1293 binding on the public employer until such agreement has been
1294 ratified by the public employer and the ~~by~~ public employees in
1295 ~~who are members of the bargaining unit, subject to the~~
1296 ~~provisions of~~ subsections (2) and (3). However, with respect to
1297 statewide bargaining units, any agreement signed by the Governor
1298 and the bargaining agent for such a bargaining unit is ~~shall~~ not
1299 ~~be~~ binding until approved by the public employees in ~~who are~~
1300 ~~members of the bargaining unit, subject to the provisions of~~
1301 subsections (2) and (3).

1302 (2) (a) Upon execution of the collective bargaining
1303 agreement, the chief executive shall, in his or her annual
1304 budget request or by other appropriate means, request the
1305 legislative body to appropriate such amounts as shall be

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1306 sufficient to fund the provisions of the collective bargaining
1307 agreement.

1308 (b) If the state is a party to a collective bargaining
1309 agreement in which less than the requested amount is
1310 appropriated by the Legislature, the collective bargaining
1311 agreement shall be administered on the basis of the amounts
1312 appropriated by the Legislature. The failure of the Legislature
1313 to appropriate funds sufficient to fund the collective
1314 bargaining agreement does ~~shall~~ not constitute, or be evidence
1315 of, any unfair labor practice. All collective bargaining
1316 agreements entered into by the state are subject to the
1317 appropriations powers of the Legislature, and ~~the provisions of~~
1318 this section may ~~shall~~ not conflict with the exclusive authority
1319 of the Legislature to appropriate funds.

1320 (3) If any provision of a collective bargaining agreement
1321 is in conflict with any law, ordinance, rule, or regulation over
1322 which the chief executive officer has no amendatory power, the
1323 chief executive officer shall submit to the appropriate
1324 governmental body having amendatory power a proposed amendment
1325 to such law, ordinance, rule, or regulation. Unless and until
1326 such amendment is enacted or adopted and becomes effective, the
1327 conflicting provision of the collective bargaining agreement may
1328 ~~shall~~ not become effective.

1329 (4) If the agreement is not ratified by the public employer
1330 or is not approved by a majority ~~vote~~ of the public employees
1331 voting ~~in the unit~~, in accordance with procedures adopted by the
1332 commission, the agreement must ~~shall~~ be returned to the chief
1333 executive officer and the bargaining agent ~~employee organization~~
1334 for further negotiations.

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1335 (5) ~~A~~ Any collective bargaining agreement ~~may~~ shall not
1336 provide for a term of existence of more than 3 years and must
1337 ~~shall~~ contain all of the terms and conditions of employment of
1338 the employees in the bargaining unit during such term except
1339 those terms and conditions provided for in applicable merit and
1340 civil service rules and regulations.

1341 Section 15. Section 447.401, Florida Statutes, is amended
1342 to read:

1343 447.401 Grievance procedures.—Each public employer and
1344 bargaining agent shall negotiate a grievance procedure to be
1345 used for the settlement of disputes between a public employer
1346 and a public employee, or a group of public employees, involving
1347 the interpretation or application of a collective bargaining
1348 agreement. ~~The~~ Such grievance procedure must ~~shall~~ have as its
1349 terminal step a final and binding disposition by an impartial
1350 neutral arbitrator, mutually selected by the parties; however,
1351 when the issue under appeal is an allegation of abuse,
1352 abandonment, or neglect of a child by a public ~~an~~ employee under
1353 s. 39.201 or an allegation of abuse, neglect, or exploitation of
1354 a vulnerable adult by a public employee under s. 415.1034, the
1355 grievance may not be decided until such allegation ~~the abuse,~~
1356 ~~abandonment, or neglect of a child~~ has been judicially
1357 determined. However, an arbitrator ~~arbitrator~~ or other neutral
1358 party may ~~shall not have the power to~~ add to, subtract from,
1359 modify, or alter the terms of a collective bargaining agreement.
1360 If an employee organization is certified as the bargaining agent
1361 of a bargaining unit, the grievance procedure then in existence
1362 may be the subject of collective bargaining, and any agreement
1363 that ~~which~~ is reached shall supersede the previously existing

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1364 procedure. All public employees ~~shall~~ have the right to a fair
1365 and equitable grievance procedure administered without regard to
1366 membership or nonmembership in any employee organization, except
1367 that bargaining agents may ~~certified employee organizations~~
1368 ~~shall~~ not be required to process grievances for public employees
1369 who are not members of the employee organization. A public
1370 ~~career service employee may use~~ ~~shall have the option of~~
1371 ~~utilizing~~ the civil service appeal procedure, an unfair labor
1372 practice procedure, or a grievance procedure established under
1373 this section, but may not avail ~~such employee is precluded from~~
1374 ~~availing~~ himself or herself of ~~to~~ more than one of these
1375 procedures.

1376 Section 16. Subsections (1) through (4) of section 447.403,
1377 Florida Statutes, are amended to read:

1378 447.403 Resolution of impasses.—

1379 (1) If, after a reasonable period of negotiation concerning
1380 the terms and conditions of employment to be incorporated in a
1381 collective bargaining agreement, a dispute exists between a
1382 public employer and a bargaining agent, either party may declare
1383 an impasse by providing written notification ~~shall be deemed to~~
1384 ~~have occurred when one of the parties so declares in writing to~~
1385 the other party and to the commission. When an impasse occurs,
1386 the public employer or the bargaining agent, or both parties
1387 acting jointly, may use ~~appoint~~, or secure the services
1388 ~~appointment~~ of, a mediator to assist in the resolution of the
1389 impasse. If the Governor is the public employer or for an
1390 impasse declared pursuant to s. 447.4095, a ~~no~~ mediator may not
1391 ~~shall~~ be appointed.

1392 (2) (a) If a ~~no~~ mediator is not used under subsection (1)

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1393 ~~appointed~~, or upon the request of either party, the commission
1394 must ~~shall~~ appoint, and submit all unresolved issues to, a
1395 special magistrate acceptable to both parties. If the parties
1396 are unable to agree on the appointment of a special magistrate,
1397 the commission must ~~shall~~ appoint, in its discretion, a
1398 qualified special magistrate. However, if the parties agree in
1399 writing to waive the appointment of a special magistrate, the
1400 parties may proceed directly to resolution of the impasse by the
1401 legislative body pursuant to paragraph (4) (d). Nothing in this
1402 section precludes the parties from using the services of a
1403 mediator at any time during the conduct of collective
1404 bargaining.

1405 (b) If the Governor is the public employer, a ~~no~~ special
1406 magistrate may not ~~shall~~ be appointed. The parties must ~~may~~
1407 proceed directly to the Legislature for resolution of the
1408 impasse pursuant to paragraph (4) (d).

1409 (c) For an impasse declared pursuant to s. 447.4095(2), the
1410 parties must agree on a special magistrate and submit the
1411 agreed-upon name to the commission within 5 calendar days after
1412 the declaration of impasse. Within 2 business days after the
1413 submission of the special magistrate's name, the commission must
1414 appoint the agreed-upon special magistrate. If the parties do
1415 not submit the name of an agreed-upon special magistrate to the
1416 commission within 5 calendar days after the declaration of
1417 impasse, the commission must appoint a special magistrate of its
1418 choosing within 5 calendar days after the parties' deadline to
1419 submit the name of the agreed-upon special magistrate. Within 5
1420 calendar days after the special magistrate is appointed, each
1421 party must submit a list of issues at impasse to the special

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1422 magistrate and serve a copy of the list on the other party at
1423 the same time.

1424 (3) The special magistrate shall hold a hearing ~~hearings~~ in
1425 order to define the area or areas of dispute, to determine facts
1426 relating to the dispute, and to render a decision on any and all
1427 unresolved contract issues. The hearing must ~~hearings shall~~ be
1428 held at a time, date, and place ~~times, dates, and places~~ to be
1429 established by the special magistrate in accordance with rules
1430 adopted promulgated by the commission. For an impasse declared
1431 pursuant to s. 447.4095(2), a hearing must be held within 20
1432 calendar days after the parties submit the list of issues at
1433 impasse to the special magistrate. The special magistrate may
1434 ~~shall be empowered to~~ administer oaths and issue subpoenas on
1435 behalf of the parties to the dispute or on his or her own
1436 behalf. Within 15 calendar days after the close of the ~~final~~
1437 hearing, or 7 calendar days after the close of the hearing for
1438 an impasse declared pursuant to s. 447.4095(2), the special
1439 magistrate shall submit transmit his or her recommended decision
1440 to the commission and to the representatives of both parties by
1441 any method of service agreed to by the parties which establishes
1442 proof of delivery registered mail, return receipt requested.
1443 Such recommended decision must ~~shall~~ be discussed by the
1444 parties, and each recommendation of the special magistrate is
1445 ~~shall be~~ deemed approved by both parties unless specifically
1446 rejected by either party by written notice filed with the
1447 commission within 20 calendar days, or 10 calendar days for an
1448 impasse declared pursuant to s. 447.4095(2), after the date the
1449 party received the special magistrate's recommended decision.
1450 The written notice must ~~shall~~ include a statement of the cause

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1451 for each rejection and ~~shall~~ be served upon the other party at
1452 the same time as it is filed with the commission.

1453 (4) If either the public employer or the bargaining agent
1454 ~~employee organization~~ does not accept, in whole or in part, the
1455 recommended decision of the special magistrate, all of the
1456 following procedures apply:

1457 (a) The chief executive officer of the governmental entity
1458 involved must ~~shall~~, within 10 calendar days after rejection of
1459 a recommendation of the special magistrate, submit to the
1460 legislative body of the governmental entity involved a copy of
1461 the findings of fact and recommended decision of the special
1462 magistrate, together with the chief executive officer's
1463 recommendations for settling the disputed impasse issues. The
1464 chief executive officer must ~~shall~~ also submit ~~transmit~~ his or
1465 her recommendations to the bargaining agent at the same time as
1466 the recommendations are submitted to the legislative body.
1467 ~~employee organization;~~

1468 (b) Within 10 calendar days after rejection of a
1469 recommendation of the special magistrate, the bargaining agent
1470 must ~~employee organization shall~~ submit its recommendations for
1471 settling the disputed impasse issues to such legislative body
1472 and to the chief executive officer. ;

1473 (c) The legislative body or its ~~a~~ duly authorized committee
1474 must ~~thereof shall forthwith~~ conduct a public hearing at which
1475 the parties must ~~shall be required to~~ explain their positions
1476 with respect to the rejected recommendations of the special
1477 magistrate. For an impasse declared pursuant to s. 447.4095(2),
1478 the legislative body must conduct the public hearing within 20
1479 calendar days after the parties submit their recommendations to

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1480 the legislative body.

1481 (d) Thereafter, the legislative body must ~~shall~~ take such
1482 action as it deems to be in the public interest, including the
1483 interest of the public employees involved, to resolve all
1484 disputed impasse issues. For an impasse declared pursuant to s.
1485 447.4095(2), the legislative body must take action within 10
1486 calendar days after the close of the public hearing. ~~and~~

1487 (e) 1. Following the resolution of the disputed impasse
1488 issues by the legislative body, the parties must ~~shall~~ reduce to
1489 writing an agreement which includes those issues agreed to by
1490 the parties and those disputed impasse issues resolved by the
1491 legislative body's action taken pursuant to paragraph (d). For
1492 an impasse declared pursuant to s. 447.4095(2), the parties must
1493 reduce the agreement to writing within 10 calendar days after
1494 the resolution of the disputed impasse issues by the legislative
1495 body.

1496 2. The agreement must ~~shall~~ be signed by the chief
1497 executive officer and the bargaining agent and ~~shall~~ be
1498 submitted to the public employer and ~~to~~ the public employees in
1499 who are members of the bargaining unit for ratification. For an
1500 impasse declared pursuant to s. 447.4095(2), the chief executive
1501 officer and the bargaining agent must sign the agreement within
1502 7 calendar days after the agreement is reduced to writing and
1503 must submit the agreement to the public employer and the
1504 bargaining unit for ratification within 10 calendar days after
1505 the agreement is signed. For an impasse declared pursuant to s.
1506 447.4095(2), the agreement must be signed, submitted, and
1507 ratified separately from other bargainable issues.

1508 3. If the ~~such~~ agreement is not ratified by all parties,

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1509 pursuant to ~~the provisions of~~ s. 447.309, the legislative body's
1510 action taken pursuant to ~~the provisions of~~ paragraph (d) shall
1511 take effect as of the date of such legislative body's action for
1512 the remainder of the first fiscal year which was the subject of
1513 negotiations; however, the legislative body's action may ~~shall~~
1514 not take effect with respect to those disputed impasse issues
1515 that ~~which~~ establish the language of contractual provisions that
1516 ~~which~~ could have no effect in the absence of a ratified
1517 agreement, including, but not limited to, preambles, recognition
1518 clauses, and duration clauses.

1519 Section 17. Section 447.405, Florida Statutes, is amended
1520 to read:

1521 447.405 Factors to be considered by the special
1522 magistrate.—The special magistrate shall conduct the hearings
1523 and render recommended decisions with the objective of achieving
1524 a prompt, peaceful, and just settlement of disputes between the
1525 bargaining agents ~~public employee organizations~~ and the public
1526 employers. The factors, ~~among others,~~ to be given weight by the
1527 special magistrate in arriving at a recommended decision must
1528 ~~shall~~ include:

1529 (1) Comparison of the annual income of employment of the
1530 public employees in question with the annual income of
1531 employment maintained for the same or similar work of employees
1532 exhibiting like or similar skills under the same or similar
1533 working conditions in the local operating area involved.

1534 (2) Comparison of the annual income of employment of the
1535 public employees in question with the annual income of
1536 employment of public employees in similar public employee
1537 governmental bodies of comparable size within this ~~the~~ state.

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- 1538 (3) The interest and welfare of the public.
- 1539 (4) Comparison of peculiarities of employment in regard to
1540 other trades or professions, specifically with respect to:
- 1541 (a) Hazards of employment.
- 1542 (b) Physical qualifications.
- 1543 (c) Educational qualifications.
- 1544 (d) Intellectual qualifications.
- 1545 (e) Job training and skills.
- 1546 (f) Retirement plans.
- 1547 (g) Sick leave.
- 1548 (h) Job security.
- 1549 (5) Availability of funds.

1550 Section 18. Section 447.4095, Florida Statutes, is amended
1551 to read:

1552 447.4095 Financial urgency.—

1553 (1) In the event of a financial urgency requiring
1554 modification of an agreement, the chief executive officer or his
1555 or her representative and the bargaining agent or its
1556 representative shall meet as soon as possible to negotiate the
1557 impact of the financial urgency. If after a reasonable period of
1558 negotiation, which may ~~shall~~ not exceed 14 calendar days, a
1559 dispute exists between the public employer and the bargaining
1560 agent, an impasse is ~~shall be~~ deemed to have occurred, and one
1561 of the parties must ~~shall~~ so declare in writing to the other
1562 party and to the commission. The parties must ~~shall~~ then proceed
1563 to follow the requirements under ~~pursuant to the provisions of~~
1564 s. 447.403. An unfair labor practice charge may ~~shall~~ not be
1565 filed during the 14 calendar days during which negotiations are
1566 occurring under ~~pursuant to~~ this section.

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1567 (2) For the purposes of this section, the implementation of
1568 appropriations to local governments by the Legislature which are
1569 specifically directed in law to be disbursed as salaries to
1570 employees of local governments is considered a financial
1571 urgency. If the use of funding appropriated by the Legislature
1572 to local governments is restricted to salaries and associated
1573 costs of such salaries and the implementation of such
1574 appropriations will require modification of an agreement, the
1575 chief executive officer or his or her representative and the
1576 bargaining agent or its representative must meet within 15
1577 calendar days after the effective date of the appropriation to
1578 negotiate the impact of the financial urgency. If, 30 calendar
1579 days after the effective date of the appropriation, a dispute
1580 exists between the public employer and the bargaining agent as
1581 to the impact of the financial urgency, one of the parties must,
1582 within 2 business days, declare an impasse in writing to the
1583 other party and to the commission. The parties must then proceed
1584 to follow the requirements under s. 447.403. An unfair labor
1585 practice charge may not be filed during the 30-day period of
1586 negotiations or while the parties are proceeding through the
1587 resulting impasse process. This subsection does not apply to
1588 public employees in public safety units.

1589 Section 19. Paragraphs (c) and (f) of subsection (1) and
1590 subsection (2) of section 447.501, Florida Statutes, are
1591 amended, and paragraph (g) is added to subsection (1) of that
1592 section, to read:

1593 447.501 Unfair labor practices.—

1594 (1) Public employers or their agents or representatives are
1595 prohibited from:

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1596 (c) Refusing to bargain collectively, failing to bargain
1597 collectively in good faith, or refusing to sign a final
1598 agreement agreed upon with the ~~certified~~ bargaining agent for
1599 the public employees in the bargaining unit.

1600 (f) Refusing to discuss grievances in good faith pursuant
1601 to the terms of the collective bargaining agreement with either
1602 the ~~certified~~ bargaining agent for the public employee or the
1603 employee involved.

1604 (g) Failing to provide to any registered employee
1605 organization or any petitioning public employee who is seeking
1606 to support, oppose, or intervene in the certification,
1607 recertification, or decertification of a bargaining agent equal
1608 access to the public employer's facilities and its internal
1609 means of communication for those purposes. The public employer
1610 must provide such equal access from the date of the filing of a
1611 petition pursuant to s. 447.307 or s. 447.308 until the final
1612 resolution of the petition.

1613 (2) An A ~~public~~ employee organization or anyone acting on
1614 ~~in~~ its behalf or its officers, representatives, agents, or
1615 members are prohibited from:

1616 (a) Interfering with, restraining, or coercing public
1617 employees in the exercise of any rights guaranteed them under
1618 this part or interfering with, restraining, or coercing
1619 managerial employees by reason of their performance of job
1620 duties or other activities undertaken in the interests of the
1621 public employer.

1622 (b) Causing or attempting to cause a public employer to
1623 discriminate against a public ~~an~~ employee because of such ~~the~~
1624 employee's membership or nonmembership in an employee

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1625 organization or attempting to cause the public employer to
1626 violate ~~any of the provisions of~~ this part.

1627 (c) Refusing to bargain collectively or failing to bargain
1628 collectively in good faith with a public employer.

1629 (d) Discriminating against a public ~~an~~ employee because he
1630 or she has signed or filed an affidavit, a petition, or a
1631 complaint or given any information or testimony in any
1632 proceedings provided for in this part.

1633 (e) Participating in a strike against the public employer
1634 by instigating or supporting, in any positive manner, a strike.
1635 A person who violates ~~Any violation of~~ this paragraph is ~~shall~~
1636 subject ~~the violator~~ to the penalties provided in this part.

1637 (f) Instigating or advocating support, in any positive
1638 manner, for an employee organization's activities from high
1639 school or grade school students or students in institutions of
1640 higher learning.

1641 Section 20. Subsection (1) of section 447.503, Florida
1642 Statutes, is amended to read:

1643 447.503 Charges of unfair labor practices.—It is the intent
1644 of the Legislature that the commission act as expeditiously as
1645 possible to settle disputes regarding alleged unfair labor
1646 practices. To this end, violations of the provisions of s.
1647 447.501 shall be remedied by the commission in accordance with
1648 the following procedures and in accordance with chapter 120;
1649 however, to the extent that chapter 120 is inconsistent with the
1650 provisions of this section, the procedures contained in this
1651 section shall govern:

1652 (1) A proceeding to remedy a violation of ~~the provisions of~~
1653 s. 447.501 must ~~shall~~ be initiated by the filing of a charge

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1654 with the commission by a public ~~an~~ employer, a public employee,
1655 or an employee organization, or any combination thereof, whose
1656 substantial interests will be affected as referenced in chapter
1657 120. Such a charge must ~~shall~~ contain a clear and concise
1658 statement of facts constituting the alleged unfair labor
1659 practice, including the names of all individuals involved in the
1660 alleged unfair labor practice, and include specific reference to
1661 the provisions of s. 447.501 alleged to have been violated, and
1662 such other relevant information as the commission may by rule
1663 require or allow. Service of the charge must ~~shall~~ be made upon
1664 each named respondent at the time of filing with the commission.
1665 The charge must be accompanied by sworn statements and
1666 documentary evidence sufficient to establish a prima facie
1667 violation of the applicable unfair labor practice provision.
1668 Such supporting evidence is not to be attached to the charge and
1669 is to be furnished only to the commission.

1670 Section 21. Subsections (2) through (5) and paragraph (a)
1671 of subsection (6) of section 447.507, Florida Statutes, are
1672 amended to read:

1673 447.507 Violation of strike prohibition; penalties.—

1674 (2) If a public employee, a group of public employees, an
1675 employee organization, or any officer, agent, or representative
1676 of any employee organization engages in a strike in violation of
1677 s. 447.505, either the commission or any public employer whose
1678 public employees are involved or whose public employees may be
1679 affected by the strike may file suit to enjoin the strike in the
1680 circuit court having proper jurisdiction and proper venue of
1681 such actions under the Florida Rules of Civil Procedure and
1682 Florida Statutes. The circuit court shall conduct a hearing,

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1683 with notice to the commission and to all interested parties, at
1684 the earliest practicable time. If the plaintiff makes a prima
1685 facie showing that a violation of s. 447.505 is in progress or
1686 that there is a clear, real, and present danger that such a
1687 strike is about to commence, the circuit court must ~~shall~~ issue
1688 a temporary injunction enjoining the strike. Upon final hearing,
1689 the circuit court shall either make the injunction permanent or
1690 dissolve it.

1691 (3) If an injunction to enjoin a strike issued pursuant to
1692 this section is not promptly complied with, on the application
1693 of the plaintiff, the circuit court must ~~shall~~ immediately
1694 initiate contempt proceedings against those who appear to be in
1695 violation. An employee organization found to be in contempt of
1696 court for violating an injunction against a strike shall be
1697 fined an amount deemed appropriate by the court. In determining
1698 the appropriate fine, the court shall objectively consider the
1699 extent of lost services and the particular nature and position
1700 of the public employee group in violation. ~~A In no event shall~~
1701 ~~the fine~~ may not exceed \$30,000 ~~\$5,000~~. Each officer, agent, or
1702 representative of an employee organization found to be in
1703 contempt of court for violating an injunction against a strike
1704 shall be fined at least \$300, but not more than \$600, ~~not less~~
1705 ~~than \$50 nor more than \$100~~ for each calendar day that the
1706 violation is in progress.

1707 (4) An employee organization is ~~shall be~~ liable for any
1708 damages that ~~which~~ might be suffered by a public employer as a
1709 result of a violation of ~~the provisions of~~ s. 447.505 by the
1710 employee organization or its representatives, officers, or
1711 agents. The circuit court having jurisdiction over such actions

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1712 ~~may is empowered to~~ enforce judgments against employee
1713 organizations in the amount deemed appropriate by the court in
1714 accordance with this section. An action may not, ~~as defined in~~
1715 ~~this part, by attachment or garnishment of union initiation fees~~
1716 ~~or dues which are to be deducted or checked off by public~~
1717 ~~employers. No action shall~~ be maintained pursuant to this
1718 subsection until all proceedings that ~~which~~ were pending before
1719 the commission at the time of the strike or that ~~which~~ were
1720 initiated within 30 days after ~~of~~ the strike have been finally
1721 adjudicated or otherwise disposed of. In determining the amount
1722 of damages, if any, to be awarded to the public employer, the
1723 trier of fact shall take into consideration any action or
1724 inaction by the public employer or its agents that provoked or
1725 tended to provoke the strike by the public employees. The trier
1726 of fact shall also take into consideration any damages that
1727 might have been recovered by the public employer under
1728 subparagraph (6) (a) 4.

1729 (5) If the commission, after a hearing on notice conducted
1730 according to rules adopted ~~promulgated~~ by the commission,
1731 determines that a public ~~an~~ employee has violated s. 447.505, it
1732 may order the termination of such employee's ~~his or her~~
1733 employment by the public employer. Notwithstanding any other
1734 provision of law, a person knowingly violating s. 447.505 ~~the~~
1735 ~~provision of said section~~ may, subsequent to such violation, be
1736 appointed, reappointed, employed, or reemployed as a public
1737 employee, but only upon the following conditions:

1738 (a) Such person shall be on probation for ~~a period of~~ 18
1739 months after ~~following~~ his or her appointment, reappointment,
1740 employment, or reemployment, during which period he or she shall

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1741 serve without permanent status and at the pleasure of the agency
1742 head.

1743 (b) His or her compensation may not ~~in no event~~ exceed the
1744 compensation ~~that~~ received immediately before ~~prior to~~ the time
1745 of the violation.

1746 (c) The compensation of the person may not be increased
1747 until at least ~~after the expiration of 1 year after from~~ such
1748 appointment, reappointment, employment, or reemployment.

1749 (6) (a) If the commission determines that an employee
1750 organization has violated s. 447.505, it may:

1751 1. Issue cease and desist orders as necessary to ensure
1752 compliance with its order.

1753 2. Suspend or revoke the certification of the ~~employee~~
1754 ~~organization as the~~ bargaining agent of such bargaining ~~employee~~
1755 unit.

1756 3. Revoke any requirement of the public employer to engage
1757 in membership the right of dues deduction for the and collection
1758 ~~previously granted to said~~ employee organization pursuant to s.
1759 447.303.

1760 4. Fine the organization up to \$40,000 ~~\$20,000~~ for each
1761 calendar day of such violation or determine the approximate cost
1762 to the public due to each calendar day of the strike and fine
1763 the organization an amount equal to such cost, regardless of
1764 whether the fine exceeds \$40,000, ~~notwithstanding the fact that~~
1765 ~~the fine may exceed \$20,000~~ for each such calendar day. The
1766 fines so collected ~~shall~~ immediately accrue to the public
1767 employer and must ~~shall~~ be used by the public employer ~~him or~~
1768 ~~her~~ to replace those services denied the public as a result of
1769 the strike. In determining the amount of damages, if any, to be

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1770 awarded to the public employer, the commission must consider
1771 ~~shall take into consideration~~ any action or inaction by the
1772 public employer or its agents that provoked, or tended to
1773 provoke, the strike by the public employees.

1774 Section 22. Section 447.509, Florida Statutes, is amended
1775 to read:

1776 447.509 Other unlawful acts; exceptions.—

1777 (1) Employee organizations, their members, agents, or
1778 representatives, or any persons acting on their behalf are
1779 hereby prohibited from:

1780 (a) Soliciting public employees during working hours of any
1781 employee who is involved in the solicitation.

1782 (b) Distributing literature during working hours in areas
1783 where the actual work of public employees is performed, such as
1784 offices, warehouses, schools, police stations, fire stations,
1785 and any similar public installations. This section may ~~shall~~ not
1786 be construed to prohibit the distribution of literature during
1787 the employee's lunch hour or in such areas not specifically
1788 devoted to the performance of the employee's official duties.

1789 (c) Instigating or advocating support, in any positive
1790 manner, for an employee organization's activities from high
1791 school or grade school students during classroom time.

1792 (d) Offering anything of value to a public officer as
1793 defined in s. 112.313(1) which the public officer is prohibited
1794 from accepting under s. 112.313(2).

1795 (e) Offering any compensation, payment, or thing of value
1796 to a public officer as defined in s. 112.313(1) which the public
1797 officer is prohibited from accepting under s. 112.313(4).

1798 (2) An ~~No~~ employee organization may not ~~shall~~ directly or

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1799 indirectly pay any fines or penalties assessed against
1800 individuals pursuant to ~~the provisions of~~ this part.

1801 (3) Public employers, their agents or representatives, or
1802 persons acting on their behalf may not provide any form of
1803 compensation or paid leave to a public employee, directly or
1804 indirectly, for the purpose of engaging in employee organization
1805 activities.

1806 (4) Notwithstanding subsection (3), a public employee may
1807 do any of the following:

1808 (a) Be granted time off without pay or benefits to engage
1809 in employee organization activities, provided that the public
1810 employer and the bargaining agent agree. An employee
1811 organization may compensate a public employee for engaging in
1812 employee organization activities.

1813 (b) Use compensated personal leave, whether the leave is
1814 the public employee's or is voluntarily donated by other public
1815 employees in the bargaining unit, to engage in employee
1816 organization activities if:

1817 1. The leave is accrued at the same rate by similarly
1818 situated public employees in the bargaining unit without regard
1819 to membership in or participation with an employee organization.

1820 2. The public employee may freely choose the manner in
1821 which to use the leave.

1822 (c) Engage in representational employee organization
1823 activities on behalf of the bargaining agent while in a duty
1824 status without loss of pay or benefits, provided that the public
1825 employer and the bargaining agent agree.

1826 (5) Notwithstanding subsection (3), a public employer may
1827 provide compensation and benefits to a public employee for the

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1828 purpose of engaging in employee organization activities if
1829 agreed to in the collective bargaining agreement and if the
1830 public employer is fully reimbursed by the employee organization
1831 for such compensation and benefits.

1832 (6) Subsections (3) and (4) do not apply to public
1833 employees in public safety units.

1834 (7) The circuit courts of this state shall have
1835 jurisdiction to enforce the provisions of this section by
1836 injunction and contempt proceedings, if necessary. A public
1837 employee who is convicted of a violation of any provision of
1838 this section may be discharged or otherwise disciplined by his
1839 or her public employer, notwithstanding further provisions of
1840 law, and notwithstanding the provisions of any collective
1841 bargaining agreement.

1842 Section 23. Subsection (3) of section 110.114, Florida
1843 Statutes, is amended to read:

1844 110.114 Employee wage deductions.—

1845 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
1846 (2), ~~the deduction of an employee's membership dues deductions~~
1847 ~~as defined in s. 447.203 s. 447.203(15) for an employee~~
1848 ~~organization as defined in s. 447.203(11)~~ shall be authorized or
1849 permitted only for an organization that has been certified
1850 pursuant to chapter 447 as the ~~exclusive~~ bargaining agent
1851 ~~pursuant to chapter 447~~ for a unit of public state employees in
1852 ~~which the employee is included~~. Such deductions are ~~shall be~~
1853 subject to ~~the provisions of~~ s. 447.303.

1854 Section 24. Paragraph (w) of subsection (2) of section
1855 110.205, Florida Statutes, is amended to read:

1856 110.205 Career service; exemptions.—

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1857 (2) EXEMPT POSITIONS.—The exempt positions that are not
1858 covered by this part include the following:

1859 (w) Managerial employees and, ~~as defined in s. 447.203(4),~~
1860 confidential employees, as those terms defined in s. 447.203
1861 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1862 of their time communicating with, motivating, training, and
1863 evaluating employees, and planning and directing employees'
1864 work, and who have the authority to hire, transfer, suspend, lay
1865 off, recall, promote, discharge, assign, reward, or discipline
1866 subordinate employees or effectively recommend such action,
1867 including all employees serving as supervisors, administrators,
1868 and directors. Excluded are employees also designated as special
1869 risk or special risk administrative support and attorneys who
1870 serve as administrative law judges pursuant to s. 120.65 or for
1871 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1872 registered nurses licensed under chapter 464, dentists licensed
1873 under chapter 466, psychologists licensed under chapter 490 or
1874 chapter 491, nutritionists or dietitians licensed under part X
1875 of chapter 468, pharmacists licensed under chapter 465,
1876 psychological specialists licensed under chapter 491, physical
1877 therapists licensed under chapter 486, and speech therapists
1878 licensed under part I of chapter 468 are excluded, unless
1879 otherwise collectively bargained.

1880 Section 25. Subsection (6) of section 112.3187, Florida
1881 Statutes, is amended to read:

1882 112.3187 Adverse action against employee for disclosing
1883 information of specified nature prohibited; employee remedy and
1884 relief.—

1885 (6) TO WHOM INFORMATION DISCLOSED.—The information

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1886 disclosed under this section must be disclosed to any agency or
1887 federal government entity having the authority to investigate,
1888 police, manage, or otherwise remedy the violation or act,
1889 including, but not limited to, the Office of the Chief Inspector
1890 General, an agency inspector general or the employee designated
1891 as agency inspector general under s. 112.3189(1) or inspectors
1892 general under s. 20.055, the Florida Commission on Human
1893 Relations, and the whistle-blower's hotline created under s.
1894 112.3189. However, for disclosures concerning a local
1895 governmental entity, including any regional, county, or
1896 municipal entity, special district, community college district,
1897 or school district or any political subdivision of any of the
1898 foregoing, the information must be disclosed to a chief
1899 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
1900 other appropriate local official.

1901 Section 26. Subsection (5) of section 121.031, Florida
1902 Statutes, is amended to read:

1903 121.031 Administration of system; appropriation; oaths;
1904 actuarial studies; public records.—

1905 (5) The names and addresses of retirees are confidential
1906 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1907 that no state or local governmental agency may provide the names
1908 or addresses of such persons in aggregate, compiled, or list
1909 form to any person except to a public agency engaged in official
1910 business. However, a state or local government agency may
1911 provide the names and addresses of retirees from that agency to
1912 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1913 a retiree organization for official business use. Lists of names
1914 or addresses of retirees may be exchanged by public agencies,

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1915 but such lists may ~~shall~~ not be provided to, or open for
1916 inspection by, the public. Any person may view or copy any
1917 individual's retirement records at the Department of Management
1918 Services, one record at a time, or may obtain information by a
1919 separate written request for a named individual for which
1920 information is desired.

1921 Section 27. Subsection (1) of section 447.02, Florida
1922 Statutes, is amended to read:

1923 447.02 Definitions.—The following terms, when used in this
1924 chapter, shall have the meanings ascribed to them in this
1925 section:

1926 (1) The term "labor organization" means any organization of
1927 employees or local or subdivision thereof, having within its
1928 membership residents of the state, whether incorporated or not,
1929 organized for the purpose of dealing with employers concerning
1930 hours of employment, rate of pay, working conditions, or
1931 grievances of any kind relating to employment and recognized as
1932 a unit of bargaining by one or more employers doing business in
1933 this state, except that an "employee organization," as defined
1934 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1935 definition at such time as it seeks to register pursuant to s.
1936 447.305.

1937 Section 28. Section 447.609, Florida Statutes, is amended
1938 to read:

1939 447.609 Representation in proceedings.—Any full-time
1940 employee or officer of any public employer or employee
1941 organization may represent his or her employer or any public
1942 employee in ~~member of~~ a bargaining unit in any proceeding
1943 authorized in this part, excluding the representation of any

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1944 person or public employer in a court of law by a person who is
1945 not a licensed attorney.

1946 Section 29. Subsection (2) of section 1011.60, Florida
1947 Statutes, is amended to read:

1948 1011.60 Minimum requirements of the Florida Education
1949 Finance Program.—Each district which participates in the state
1950 appropriations for the Florida Education Finance Program shall
1951 provide evidence of its effort to maintain an adequate school
1952 program throughout the district and shall meet at least the
1953 following requirements:

1954 (2) MINIMUM TERM.—Operate all schools for a term of 180
1955 actual teaching days or the equivalent on an hourly basis as
1956 specified by rules of the State Board of Education each school
1957 year. The State Board of Education may prescribe procedures for
1958 altering, and, upon written application, may alter, this
1959 requirement during a national, state, or local emergency as it
1960 may apply to an individual school or schools in any district or
1961 districts if, in the opinion of the board, it is not feasible to
1962 make up lost days or hours, and the apportionment may, at the
1963 discretion of the Commissioner of Education and if the board
1964 determines that the reduction of school days or hours is caused
1965 by the existence of a bona fide emergency, be reduced for such
1966 district or districts in proportion to the decrease in the
1967 length of term in any such school or schools. A strike, as
1968 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1969 district may not be considered an emergency.

1970 Section 30. This act shall take effect July 1, 2026.