

# FLORIDA HOUSE OF REPRESENTATIVES

## BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/HB 995](#)

**TITLE:** Public Employees Relations Commission

**SPONSOR(S):** Persons-Mulicka

**COMPANION BILL:** [SB 1296](#) (Martin)

**LINKED BILLS:** [HB 997](#) Persons-Mulicka

**RELATED BILLS:** None

### Committee References

[Government Operations](#)

12 Y, 5 N, As CS



[State Administration Budget](#)



[State Affairs](#)

## SUMMARY

### Effect of the Bill:

The bill:

- Prohibits public employers from funding certain employee organization activities, but authorizes unpaid leave (that employee organizations may compensate), accrued personal leave, and employer-approved paid time for representational activities.
- Aligns the certification, recertification, and decertification processes.
- Removes voluntary certification, authorizes the Public Employees Relations Commission to deny insufficient petitions without a hearing, and modifies election standards for non-public safety units to require majority support among all employees, rather than only a majority of those voting.
- Specifies that only those members who have paid full membership dues may be counted towards the 60 percent threshold for recertification purposes.
- Requires equal access to employer facilities and internal communications during representation proceedings and establishes a procedure for bargaining unit clarification hearings.
- Provides an expedited impasse-resolution process for legislatively appropriated salary increases, elevates penalties for unlawful strikes, and establishes a substantial interest standing requirement for filing unfair labor practice charges.
- Standardizes the issuance of final orders across several employment-related appeals.

### Fiscal or Economic Impact:

The bill will likely have a negative, indeterminate fiscal impact on the state that is anticipated to be absorbed within existing resources.

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## ANALYSIS

### EFFECT OF THE BILL:

#### Registration

Currently, employee organizations—commonly referred to as unions—are required to annually renew their registration through a [registration](#) renewal application with the Public Employees Relation Commission (PERC). The bill requires the renewal application to include the certification number, which is assigned to the bargaining unit by PERC after certification, and expands financial disclosures to include reporting of membership dues retained by or distributed to the employee organization and affiliates. The bill also requires a copy of the renewal application to be provided to both the public employer and the public employees in the unit within 30 days. It extends the deadline for an employee organization to cure deficiencies in a renewal application from 10 days to 30 days before PERC must dismiss the application. In addition, the bill requires PERC to notify the employee organization once its renewal submission is complete. If an employee organization fails to comply with any registration renewal requirement, PERC must revoke its certification, and the organization is barred from seeking certification for that bargaining unit for 12 months. (Section [10](#))

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**DATE:** 2/3/2026

The bill provides that public employer or employee challenges to registration renewal applications must be based on material inaccuracies, rather than minor or technical errors. It also clarifies that the challenge applies to only the submitted renewal application and aligns the challenge process with PERC's existing investigative authority. The bill also authorizes a designated agent of PERC to conduct such investigations. In addition, it clarifies that any PERC decision revoking certification or registration, or granting, denying, or dismissing a registration or renewal application, constitutes final agency action subject to judicial review. The bill also exempts employee organization registrations from the licensing provisions of the Administrative Procedure Act. (Sections [3](#) and [10](#))

These provisions do not apply to public safety bargaining units. (Section [10](#))

### **Certification, Recertification, and Decertification**

Once registered, under current law, an employee organization must become [certified](#) before it may represent the individuals in a particular bargaining unit. An employee organization must [recertify](#) under current law if less than 60 percent of the unit employees have submitted membership authorization forms and paid dues to the organization. The bill aligns the provisions that govern the certification, recertification, and the revocation of certification of employee organizations. Revocation of an employee organization's certification is renamed "decertification" under the bill. (Sections [11](#) and [13](#))

The bill eliminates the ability of public employers and employee organizations to voluntarily agree to certification, and, instead, requires all certification, recertification, and [decertification](#) efforts to be initiated by petition. The petition must be supported by showing-of-interest statements, signed and dated within the previous 12 months, from at least 30 percent of the employees in the proposed or existing bargaining unit. In all employee organization elections—initial certification, annual recertification, or decertification—the bill requires that a vote of the majority of *all* employees in the bargaining unit, rather than the majority of those voting, is needed for certification, recertification, or decertification. A runoff election may be held only if a majority of employees in the unit voted. The election threshold for public safety bargaining units remains a majority of those voting for initial certification and decertification (public safety bargaining units are not subject to annual recertification). Moreover, the bill provides for the automatic placement of incumbent bargaining agents on the ballot in all representation elections. (Sections [11](#) and [13](#))

The bill authorizes PERC to deny a petition for certification as a bargaining unit without holding a hearing, and clarifies that a hearing may be held at PERC's discretion upon due notice. Additionally, the bill clarifies timing restrictions for filing certification and decertification petitions, specifying that such petitions may not be filed within 12 months of a prior election. When a valid collective bargaining agreement is in effect, a petition for certification or decertification must be filed at least 90 but no more than 150 days before the agreement's expiration or before the date of ratification or effect, whichever is later. Certifications, recertifications, and decertifications are effective upon the issuance of a final order by PERC, or, if appealed, at the time the appeal is exhausted or any stay is lifted. (Sections [11](#) and [13](#))

The bill specifies that, for purposes of meeting the 60 percent dues-paying-membership threshold to determine whether recertification is necessary, only those employees who have paid full membership dues sufficient to maintain good standing with the bargaining agent may be counted. The bill starts the timeline for filing a recertification petition on the date of the notification that the employee's organization application is complete. If an employee organization fails to timely petition for recertification, PERC must revoke its certification, and the organization is barred from seeking certification for that bargaining unit for 12 months. (Section [10](#))

The bill removes a provision requiring bargaining agents to provide members with a detailed annual financial report prepared by a certified public accountant. (Section [10](#))

### **Unfair Labor Practice**

The bill creates a new [unfair labor practice](#) prohibiting a public employer from failing to provide equal access to its facilities and internal means of communication to any employee organization or petitioning public employee that is

seeking to support, oppose, or intervene in the certification, recertification, or decertification of a bargaining agent. The bill requires such equal access to be provided beginning on the date a petition is filed and continuing through its final resolution. (Section [19](#))

### Employee Organization Activities

The bill generally prohibits public employers from providing compensation or paid leave (colloquially known as “release time”) to public employees for the purpose of engaging in “employee organization activities.” The bill defines “employee organization activities” to include:

- Supporting or opposing a candidate for federal, state, or local public office.
- Influencing the passage or defeat of any federal or state legislation or regulation, local ordinance or resolution, or ballot measure.
- Promoting or soliciting membership or participation in, or financial support of, an employee organization or any parent organization or affiliate of the employee organization.
- Seeking certification as a bargaining agent.
- Participating in the administration, business, or internal governance of an employee organization (or any parent organization or affiliate).
- Preparing, conducting, or attending employee organization events, conferences, conventions, meetings, or training (except for training that is directly related to job performance).
- Distributing communications of an employee organization (or any parent organization or affiliate).
- Representing or speaking on behalf of an employee organization (or any parent organization or affiliate) in any setting, venue, or procedure in which the public employer is not a participant.
- Preparing, filing, or pursuing unfair labor practice charges or grievances.
- Representing public employees in investigatory interviews; disciplinary proceedings or appeals, including termination; or other administrative or legal proceedings.
- Engaging in collective bargaining and any related mediation, factfinding, or arbitration.
- Administering a collective bargaining agreement.
- Participating in labor-management committees. (Sections [5](#) and [22](#))

However, the bill provides exceptions to the general prohibition, if agreed to by the public employer and bargaining agent. Specifically, the bill authorizes a public employee to:

- Take time off without pay or benefits in order to engage in employee organization activities, and provides that an employee organization may compensate a public employee for such activities.
- Use compensated personal leave time, including leave voluntarily donated by other public employees in the bargaining unit, provided that the leave accrues at the same rate for similarly situated employees without regard to employee organization membership and that the employee may freely choose how to use the leave.
- Engage in representational employee organization activities<sup>1</sup> on behalf of the bargaining agent while in a duty status without loss of pay or benefits. (Section [22](#))

The bill provides that these provisions do not apply to public safety bargaining units. (Section [22](#))

### Membership Authorization and Dues Collection

The bill amends various provisions relating to [membership authorization procedures](#). It revises the disclaimer language required on membership authorization forms, establishes a 30-day timeframe for employee organizations to revoke membership and cease dues collection following a revocation request, and replaces lengthy descriptive language with the newly defined term “public safety units.” It also updates the required content

<sup>1</sup> The bill provides that “representational employee organization activities” are a subset of “employee organization activities” and are limited to those activities directly related to the employee organization’s role as a bargaining agent, including pursuing grievances or unfair labor practice charges, representing employees in disciplinary or investigatory proceedings, engaging in collective bargaining and related dispute resolution, administering a collective bargaining agreement, and participating in labor-management committees. (Section [5](#))

of membership authorization forms to align with expanded financial disclosure requirements under the registration renewal process. The financial reporting requirements are expanded under the bill to include additional types of compensation, such as wages and fringe benefits, and to clarify that payments from parent organizations and affiliates must also be reported. Additionally, the bill requires reporting of any compensation paid by the employee organization to a public employer to reimburse the employer for paying the organization's officers or employees. (Sections [8](#) and [10](#))

The bill provides that a public employer must deduct membership dues from the paycheck of a public safety unit employee after the employee's written authorization, rather than after the bargaining agent's written request as currently provided in law. The bill also authorizes employees to pay membership dues directly to an employee organization, the parent organization, and any affiliate of either the employee organization or parent organization. (Section [9](#))

### **Unit Clarification**

The bill creates a new process for clarifying the composition of bargaining units, which begins through a petition filed with PERC. The bill authorizes a bargaining unit clarification petition to be filed when significant changes in statutory or case law require clarification of an existing unit, or when a job classification was created or substantially changed after the unit was initially defined, retitled without a substantial change in job duties, or inadvertently included in or excluded from the bargaining unit. The bill authorizes such petitions to be filed by either the bargaining agent or the public employer; however, an employee organization must be registered with PERC before being able to submit a unit clarification petition or participate in a unit clarification election. (Sections [10](#) and [12](#))

The bill establishes notice requirements for unit clarification petitions, including requiring service of the petition on the public employer and any bargaining agent certified to represent employees or classifications that may be substantially affected by the proposed clarification. If substantially affected employees are not represented by a bargaining agent, the public employer must provide notice of the petition to those employees within 10 days after the petition is filed. (Section [12](#))

The bill provides that a bargaining unit clarification petition that would result in an increase in the size of the bargaining unit by more than 25 percent raises a question concerning representation and must be dismissed, thereby requiring such changes to be addressed through a representation election rather than a unit clarification proceeding. (Section [12](#))

### **Administrative Procedure Act Alignment**

The bill standardizes the issuance of final orders across various employment-related statutes by aligning them with the procedures outlined in the [Administrative Procedure Act](#) (APA). This change is applied to final orders issued in career service appeals, Drug-Free Workplace Act appeals, and veteran's preference claims. The bill amends the timeframe to hold an appeal hearing under the Drug-Free Workplace Act from 30 days to 60 days, aligning with the timeframe provided for career service appeals. The bill provides that any statement of general applicability issued by PERC in the course of adjudicating a case that interprets law or policy does not constitute a rule under the APA. (Sections [1](#), [2](#), [4](#), and [7](#))

### **Impasse Resolution and Financial Urgency**

The bill provides that salary increases appropriated by the Legislature constitutes a [financial urgency](#)—which requires that the public employer and bargaining agent meet on an expedited timeframe to negotiate its impact. If the legislatively appropriated salary increase requires modification of an existing collective bargaining agreement, the chief executive officer and the bargaining agent (or their designees) must meet within 15 calendar days to negotiate the impact. If a dispute exists 30 calendar days after the date of the appropriation, the bill requires one of the parties, within two business days, to declare an [impasse](#) in writing to the other party and to PERC. Upon declaration of impasse, the parties must proceed in accordance with the impasse resolution procedure. The bill prohibits the filing of an unfair labor practice charge during the 30-day negotiation period or while the parties are proceeding through the impasse process. (Sections [16](#) and [18](#))

The bill prohibits the appointment of a mediator to resolve these types of impasses, and instead requires the parties to agree on a special magistrate. The parties must submit the name of the agreed-upon special magistrate to PERC within five calendar days after the declaration of impasse, and PERC must then appoint that special magistrate within two business days. If the parties fail to agree upon a special magistrate, the bill requires PERC to appoint a special magistrate of its choosing. (Section [18](#))

The bill establishes shortened timelines governing hearings, special magistrate recommendations, rejection of recommendations, submission of recommendations to the legislative body, legislative hearings, legislative action, and execution and ratification of the resulting agreement. The bill requires these impasse proceedings and resulting agreements to be conducted and resolved separately from other bargainable issues. (Section [18](#))

These provisions do not apply to public employees in public safety bargaining units. (Section [18](#))

### **Miscellaneous Changes**

The bill makes the following additional changes:

- Clarifies that PERC's general grant of rulemaking authority to implement the Public Employees Relations Act (PERA) is not limited by any other specific grants of rulemaking authority. (Section [7](#))
- The bill removes the requirement that PERC adopt rules governing mediator qualifications and maintain a list of qualified mediators. (Section [7](#))
- Revises service provisions to require personal service or service by certified mail for only subpoenas and specifies what constitutes adequate service. As a result, statutory service requirements under PERA will apply to only subpoenas, not to other process or notices, including notices of hearing. (Section [7](#))
- Expands an existing waiver provision allowing PERC to waive specified provisions of law if necessary to preserve a public employer's eligibility for [federal transit funding](#). The bill allows PERC to waive any provision of the PERA as necessary to comply with federal law. (Section [7](#))
- Clarifies the legal status of collective bargaining agreements that conflict with binding law. Specifically, it removes language requiring the chief executive officer of a public employer to submit a proposed amendment to law or ordinance when a conflict exists between the law or ordinance and a CBA. The bill also requires collective bargaining agreements to fully incorporate all negotiated or impasse-resolved terms and conditions of employment, and removes language suggesting that references to merit or civil service rules may be excluded. (Section [14](#))
- Revises the method of serving special magistrate recommended decisions by removing the requirement that they be sent by registered mail, return receipt requested, and instead authorizes any method of service that establishes proof of delivery. (Section [18](#))
- Establishes a 10-day deadline for bargaining agents to submit impasse recommendations to the relevant legislative body and chief executive officer following the rejection of a special magistrate's recommended order. (Section [18](#))
- Increases the monetary penalty for unlawful strikes by employee organizations from \$20,000 to \$120,000 per day. In cases where an injunction is not complied with, the bill raises the penalty on employee organizations from \$5,000 to \$30,000, and increases the daily fine for officers, agents, or representatives of the employee organization from \$50-\$100 to \$300-\$600. (Section [21](#))
- Establishes that only parties with a substantial interest may bring unfair labor practice charges before PERC. (Section [20](#))
- Adds definitions for "employee organization activities," "membership dues," "public safety unit," "representational employee organization activities," and "showing of interest" to PERA. (Section [5](#))
- Makes various organizational and technical changes. (Multiple Sections)

### **Effective Date**

The effective date of the bill is July 1, 2026. (Section [30](#))

### **FISCAL OR ECONOMIC IMPACT:**

**STATE GOVERNMENT:**

The bill will likely have an indeterminate, negative fiscal impact on the state. The bill expands PERC's administrative responsibilities, which may increase staffing or operation costs; however, any associated costs can be absorbed within existing resources.<sup>2</sup>

**RELEVANT INFORMATION****SUBJECT OVERVIEW:****Right-to-Work**

The State Constitution provides that the "right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization."<sup>3</sup> Based on this constitutional right, Florida is regarded as a "right-to-work" state.

**Public Employees Relations Act**

The State Constitution also guarantees that "the right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."<sup>4</sup> To implement this constitutional provision, the Legislature enacted the Public Employees Relations Act (PERA), which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.<sup>5</sup> Public employees have the right to form, join, participate in, and be represented by an employee organization of their own choosing, or to refrain from forming, joining, participating in, or being represented by an employee organization.<sup>6</sup> Regardless of union membership, each employee is subject to the applicable collective bargaining agreement. Through collective bargaining, public employees<sup>7</sup> collectively negotiate with their public employer<sup>8</sup> on the terms and conditions of their employment.<sup>9</sup> The Public Employees Relations Commission (PERC) is responsible for assisting in resolving disputes between public employees and public employers.<sup>10</sup>

*Registration of Employee Organization*

An employee organization<sup>11</sup> that seeks to become a certified bargaining agent for public employees must register with PERC before requesting recognition by a public employer for purposes of collective bargaining and submitting a petition to PERC to request certification as an exclusive bargaining agent.<sup>12</sup> The application for registration must include:

- The name and address of the organization and of any parent or affiliate organization.
- The names and addresses of the principal officers and all representatives of the organization.
- The amount of the initiation fee, and the amount and collection frequency of the monthly dues and uniform assessments that members must pay.

<sup>2</sup> See PERC, Agency Analysis of 2026 SB 1296 (January 13, 2026) (on file with the Government Operations Subcommittee).

<sup>3</sup> [Art. I, s. 6., FLA. CONST.](#)

<sup>4</sup> *Id.*

<sup>5</sup> S. [447.201, F.S.](#)

<sup>6</sup> S. [447.301\(1\)-\(2\), F.S.](#)

<sup>7</sup> See s. [447.203\(3\), F.S.](#)

<sup>8</sup> The term "public employer" means the state or any county, municipality, or special district or any subdivision or agency thereof that the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. S. [447.203\(2\), F.S.](#)

<sup>9</sup> S. [447.301\(2\), F.S.](#)

<sup>10</sup> S. [447.201\(3\), F.S.](#)

<sup>11</sup> S. [447.203\(11\), F.S.](#), defines employee organization as any "labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer."

<sup>12</sup> S. [447.305\(1\), F.S.](#)

- The current annual financial statement of the organization as prepared by an independent certified public accountant.
- The name of its business agent, if any; the name of its local agent for service of process, if different from the business agent; and the addresses where such person or persons can be reached.
- A pledge, in a form prescribed by the commission, that the employee organization will conform to the laws of the state and that it will accept members without regard to age, race, sex, religion, or national origin.
- A copy of the current constitution and bylaws of the employee organization.
- A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.<sup>13</sup>

A registration granted to an employee organization is valid for one year from the date of issuance. A registration must be renewed annually by filing an application for renewal under oath with PERC. An application for renewal must reflect any changes in the information provided to PERC in conjunction with the employee organization's preceding application for registration or previous renewal. Each application for renewal of registration must include a current annual financial statement with the following information:<sup>14</sup>

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

A registration fee of \$15 must be submitted for each registration and renewal.<sup>15</sup>

In addition, certain employee organizations<sup>16</sup> must submit the following information for any renewal of registration:

- The number of employees in the bargaining unit who are eligible for representation by the employee organization.
- The number of employees in the bargaining unit who have submitted signed membership authorization forms without a subsequent revocation of such membership.
- The number of employees in the bargaining unit who paid dues to the employee organization.
- The number of employees in the bargaining unit who did not pay dues to the employee organization.
- Documentation provided by an independent certified public accountant retained by the employee organization which verifies the information provided.<sup>17</sup>

PERC may initiate an investigation to confirm the validity of the information submitted in the registration or renewal of registration. PERC may revoke or deny an employee organizations registration or certification if it finds that the employee organization failed to cooperate with the investigation or intentionally misrepresented the submitted information.<sup>18</sup>

<sup>13</sup> S. [447.305\(1\)\(a\)-\(h\), F.S.](#)

<sup>14</sup> S. [447.305\(2\), F.S.](#)

<sup>15</sup> S. [447.305\(10\), F.S.](#)

<sup>16</sup> Employee organizations that have been certified as the bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, or firefighters are exempt from providing this information. S. [447.305\(9\), F.S.](#)

<sup>17</sup> S. [447.305\(3\), F.S.](#)

<sup>18</sup> S. [447.305\(8\), F.S.](#)

### *Certification of Employee Organization as Bargaining Agent*

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

The employer, if satisfied as to the majority status of the employee organization and the appropriateness of the [bargaining unit](#), must recognize the employee organization as the collective bargaining representative of employees in the designated unit. Following recognition by the employer, the employee organization must immediately petition the commission for certification.<sup>19</sup> PERC will review only the appropriateness of the unit proposed by the employee organization. Appropriateness is defined as the history of employee relations within the organization of the public employer concerning organization and negotiation and the interest of the employees and the employer.<sup>20</sup> If the unit is appropriate, PERC will immediately certify the employee organization as the exclusive representative of all employees in the unit. If the unit is inappropriate, PERC may dismiss the petition.

If the public employer refuses to recognize the employee organization, the employee organization may file a petition with PERC for certification as the bargaining agent. The petition has to be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit. Both the employee organization's petition and the interested employees' statements are confidential and exempt from disclosure pursuant to public records laws.<sup>21</sup> PERC will investigate the petition to determine its sufficiency, and provide for an appropriate hearing upon notice, and may order an election by secret ballot. Any registered employee organization that desires to be placed on the ballot in any election may be permitted by PERC to intervene. If an employee organization is selected by the majority of the employees *who vote* in the election, the commission must certify the employee organization as the exclusive collective representative for all employees in the unit.<sup>22</sup>

### *Authority of the Certified Bargaining Agent*

The certified bargaining agent and the chief executive of the public employer must, in good faith, bargain collectively regarding wages, hours, terms, and conditions of employment of the employees.<sup>23</sup> Any collective bargaining agreement reached between the parties must be put in writing and signed by the chief executive officer and the bargaining agent.<sup>24</sup> Such agreement is not binding on the employer until the agreement has been ratified by the employer and the employees in the bargaining unit.<sup>25</sup> If any provision of an agreement is in conflict with any law, ordinance, rule, or regulation over which the chief executive officer has no amendatory power, he or she must submit to the governmental body having the amendatory power a proposed amendment, and the conflicting provision is unenforceable unless and until an amendment takes effect.<sup>26</sup>

Current law prohibits a collective bargaining agreement from providing for a term of existence of more than three years and requires the agreement to contain all of the terms and conditions of employment of the employees during such term.<sup>27</sup> The bargaining agent also has the authority to process grievances to settle disputes between the employer and the employees in the bargaining unit.<sup>28</sup>

### *Decertification*

An employee or group of employees who no longer desires to be represented by the certified bargaining agent may file with PERC a petition to revoke certification. The petition must be accompanied by dated statements signed by at least 30 percent of the employees in the unit, indicating that such employees no longer desire to be represented

<sup>19</sup> S. [447.307\(1\)\(a\), F.S.](#)

<sup>20</sup> S. [447.307\(4\)\(f\), F.S.](#)

<sup>21</sup> S. [447.307\(2\), F.S.](#)

<sup>22</sup> S. [447.307\(3\)\(a\)-\(d\), F.S.](#)

<sup>23</sup> S. [447.309\(1\), F.S.](#)

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> S. [447.309\(3\), F.S.](#)

<sup>27</sup> S. [447.309\(5\), F.S.](#)

<sup>28</sup> S. [447.401, F.S.](#)

by the certified bargaining agent. If PERC finds the petition to be sufficient, it must immediately order an election by secret ballot.<sup>29</sup>

If a majority of voting employees vote against representation by the certified bargaining agent, the organization's certification is revoked.<sup>30</sup> Otherwise, the employee organization is retained as the exclusive bargaining agent for the unit.<sup>31</sup>

### *Recertification*

An employee organization that has applied for a renewal of its registration must petition for recertification as a bargaining unit if less than 60 percent of its unit comprises due-paying members during the previous 12 months. If the employee organization fails to petition PERC for recertification as the exclusive representative of the bargaining unit within one month of its application of renewal of registration, the certification is revoked.<sup>32</sup>

### *Membership Authorization Procedures*

Employees eligible for union representation must sign membership authorization forms to be members of an employee organization. The form is prescribed by PERC<sup>33</sup> and contains certain information regarding the employee organization and other information specific to the employee. A member of an employee organization must be allowed to revoke membership at any time upon the employee organization's receipt of the written revocation. PERC is granted rulemaking authority to implement the requirements of the membership authorization form and the revocation of membership.<sup>34</sup> The employee organization or another person may assist the employee in completing the form; however, the employee must sign and date the form.

The requirement for a signed membership form, and the provisions relating to the revocation of membership do not apply to members of an employee organization certified as a bargaining agent to represent law enforcement officers, correctional officers, correctional probation officers, and firefighters.<sup>35</sup>

### **Unfair Labor Practices**

Current law establishes certain actions by public employers, public employees, and employee organizations as unfair labor practices, including:

- Interfering with protected employee rights.
- Discriminating based on employee organization membership.
- Refusing to bargain collectively in good faith.
- Retaliating for filing charges or participating in proceedings.
- Participating in strikes.<sup>36</sup>

Alleged unfair labor practices are enforced by PERC. A public employer, public employee, or employee organization may initiate proceedings by filing a charge with PERC.<sup>37</sup> The charging party must submit a clear and concise

<sup>29</sup> S. [447.308\(1\), F.S.](#)

<sup>30</sup> S. [447.308\(2\), F.S.](#)

<sup>31</sup> S. [447.308\(3\), F.S.](#)

<sup>32</sup> S. [447.305\(6\), F.S.](#)

<sup>33</sup> PERC, [Employee Organization Membership Authorization Form](#) (last visited January 24, 2026).

<sup>34</sup> S. [447.301\(1\), F.S.](#)

<sup>35</sup> S. [447.301\(1\)\(b\)6., F.S.](#)

<sup>36</sup> S. [447.501, F.S.](#)

<sup>37</sup> A party is not required to separately allege that its substantial interests are affected in order to file an unfair labor practice charge when the party is expressly authorized by statute to participate in the proceeding. *See Dep't of Mgmt. Servs. v. AFSCME Fla. Council 79*, 353 So. 3d (Fla. 1st DCA 2022). In that case, the court held the Department of Management Services, as a public employer, was authorized by statute to file an unfair labor practice charge and had standing to bring the charge without independently demonstrating that its substantial interests were affected.

statement of facts, identify the provisions alleged to have been violated, and provide sworn statements and documentary evidence sufficient to establish a prima facie<sup>38</sup> violation.<sup>39</sup>

Upon receipt of a charge, PERC or its designated agent reviews the charge for legal sufficiency and may summarily dismiss insufficient charges.<sup>40</sup> If a charge is sufficient, PERC notifies the parties and conducts further proceedings.<sup>41</sup> Following review of the record, PERC may issue a final order requiring a party to cease and desist from an unfair labor practice or take remedial action.<sup>42</sup> Final orders are subject to judicial enforcement and review.<sup>43</sup>

### Federal Transit Act

As a precondition to a grant of federal assistance by the United States Department of Transportation's Federal Transit Administration (FTA), the Federal Transit Act<sup>44</sup> requires fair and equitable protective arrangements be made to protect the labor rights of transit employees affected by such assistance. Specifically, the statute requires the following matters be included in such protective arrangements:

- The preservation of rights, privileges, and benefits under existing collective bargaining agreements.
- The continuation of collective bargaining rights.
- The protection of employees against a worsening of their positions with respect to their employment.
- Assurances of employment to employees of acquired mass transportation systems and priority of reemployment for employees terminated or laid off.
- Paid training or retraining programs.<sup>45</sup>

The U.S. Department of Labor must certify that protective arrangements are in place and meet the above requirements before the FTA can release grant funds. Accordingly, states and local governments that violate the provisions of this law risk losing access to federal funding for public transportation projects. In 2022, Florida received approximately \$529 million to improve public transportation options throughout the state.<sup>46</sup>

### Impasse Resolution

Under current law, when a public employer and a bargaining agent are unable to reach agreement after a reasonable period of negotiation, either party may declare that the negotiations are at an impasse. An impasse is deemed to occur when one of the parties provides written notice of the impasse to the other party and to PERC. Upon declaration of an impasse, the parties may seek the assistance of a mediator to facilitate resolution of the dispute.<sup>47</sup> If mediation is not used, or upon request of either party, PERC must appoint a special magistrate acceptable to both parties, or, if the parties cannot agree, a qualified special magistrate will be selected by PERC. The parties may also agree in writing to waive the appointment of a special magistrate and proceed directly to legislative resolution of the impasse.<sup>48</sup>

The special magistrate is required to conduct hearings to define the disputed issues, determine relevant facts, and render recommended orders. Recommended orders must be transmitted to PERC and the parties involved by certified mail, with a return receipt requested. The recommended order is deemed approved unless a party files a written rejection within a specified timeframe. If either party files a rejection, the impasse proceeds to the legislative body of the public employer. The chief executive officer and the employee organization must submit their respective recommendations to the legislative body, which is required to conduct a public hearing and then

<sup>38</sup> Prima facie means "sufficient to establish a fact or raise a presumption unless disproved or rebutted; based on what seems to be true on first examination, even though it may later be proved to be untrue." Black's Law Dictionary 1442 (12th ed. 2024).

<sup>39</sup> [S. 447.503\(1\), F.S.](#)

<sup>40</sup> [S. 447.503\(2\)\(a\), F.S.](#)

<sup>41</sup> [S. 447.503\(2\)-\(5\), F.S.](#)

<sup>42</sup> [S. 447.503\(6\), F.S.](#)

<sup>43</sup> [S. 447.503\(6\)\(d\), F.S.](#); see also [ss. 447.5035 and 447.504, F.S.](#)

<sup>44</sup> 49 U.S.C. ch. 53.

<sup>45</sup> 49 U.S.C. s. 5333(b).

<sup>46</sup> The National Archives, [Building a Better America](#) (last visited January 24, 2026).

<sup>47</sup> [S. 447.403\(1\), F.S.](#)

<sup>48</sup> [S. 447.403\(2\)\(a\), F.S.](#)

take action it deems to be in the public interest to resolve the disputed issues. The legislative body's action may become binding for the remainder of the fiscal year under certain circumstances.<sup>49</sup>

If the public employer is the Governor, no mediator or special magistrate may be appointed.<sup>50</sup> Instead, the unresolved impasse issues must be presented to the Legislature during the regular session, where a joint committee appointed by the presiding officers conducts a public hearing and the Legislature takes action in accordance with law.<sup>51</sup>

### Financial Urgency

In the event of a financial urgency requiring modification of a collective bargaining agreement, current law requires the public employer and bargaining agent to meet as soon as practicable to negotiate the impact of the financial urgency. If the parties are unable to reach an agreement within 14 days, an impasse is deemed to have occurred and must then be declared in writing to the other party and PERC. The parties are prohibited from filing unfair labor practice charges during the 14-day negotiation period.<sup>52</sup>

### "Release Time" or "Paid Union Leave"

Release time is a negotiated benefit wherein a public employer releases an employee from duty work during work hours to tend to union activities or business while being compensated by the public employer. The provision of release time is a contractual benefit, not statutory, that may be found in the collective bargaining agreement, school board policy, personnel manual, or other procedures and practices.<sup>53</sup>

Current law prohibits "public employers or their agents or representatives...[from]contributing financial support to an [employee organization]."<sup>54</sup> Accordingly, release time cannot constitute a payment or benefit to the union in the form of salary paid to the employee for union work without violating the law. Employer-funded release time does not violate the law if the paid release time is used for official union business, such as the direct representation of employees in grievances, discipline meetings, or contract negotiations.<sup>55</sup> PERC has found other activities—attendance at a union-sponsored picnic, lobbying for political issues, coordinating with other unions, the continued payment of a salary for unspecified union activities—to be an improper use of release time. Improper use of release time constitutes an unfair labor violation prohibited by Florida law.<sup>56</sup>

### Administrative Procedure Act

The Administrative Procedure Act (APA) establishes a uniform procedure governing actions of the executive branch of state government that affect the substantial interests of a party.<sup>57</sup> Under the APA, final orders must be issued in writing, and include findings of fact and conclusions of law.<sup>58</sup> If a proceeding involves a disputed issue of material fact, the APA generally requires a de novo evidentiary hearing<sup>59</sup> before an administrative law judge.<sup>60</sup> In such proceedings, parties are afforded the opportunity to present evidence and argument, conduct cross-examination, submit proposed findings of fact and conclusions of law, file exceptions to a recommended order, and

<sup>49</sup> [S. 447.403\(3\)-\(4\), F.S.](#)

<sup>50</sup> [S. 447.403\(1\)-\(2\), F.S.](#)

<sup>51</sup> [S. 447.403\(5\), F.S.](#)

<sup>52</sup> [S. 447.4095, F.S.](#)

<sup>53</sup> School Board of Volusia County, Michael Dyer, [Avoiding Paid Union Leave Pitfalls After PERC's Decision in Allen v. United Faculty of Miami-Dade College](#) (last visited January 24, 2026).

<sup>54</sup> [S. 447.501\(1\)\(e\), F.S.](#)

<sup>55</sup> See *United Faculty of Fla. v. Fla. A&M Univ. Bd. of Trs.*, 32 FPER 34 (2006).

<sup>56</sup> See [Del Pino Allen v. Miami-Dade College](#), CA-2015-070 (last visited January 24, 2026).

<sup>57</sup> [S. 120.569\(1\), F.S.](#)

<sup>58</sup> [S. 120.569\(2\)\(f\), F.S.](#)

<sup>59</sup> De novo means "anew, afresh, or over again." Black's Law Dictionary 548 (12th ed. 2024). When used in the context of a hearing it means to make "an independent determination without deference to any earlier analysis about the matter." *Id.*

<sup>60</sup> Hearings within the jurisdiction of PERC are not required to be conducted by an administrative law judge. [S. 120.80\(12\)\(a\), F.S.](#)

be represented by counsel.<sup>61</sup> The administrative law judge issues a recommended order, which the agency may adopt, modify, or reject, under certain conditions. Proceedings that do not involve disputed issues of material fact are conducted through informal proceedings based on written submissions or oral presentations.<sup>62</sup>

The APA also establishes uniform procedures governing state agency licensing actions.<sup>63</sup> These provisions generally apply when an agency issues, renews, suspends, revokes, or denies a license. Certain agency actions are expressly exempt from the APA's licensing provisions, including employer organization certifications issued by PERC.<sup>64</sup>

#### RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2023	<a href="#">CS/CS/SB 256</a> - Employee Organizations Representing Public Employees	Black/ <i>Ingoglia</i>	The bill became law on May 9, 2023.
2024	<a href="#">CS/SB 1746</a> - Public Employees	Black/ <i>Ingoglia</i>	The bill became law on March 22, 2024.
2025	SB 1766 – Public Employees Relations Commission	<i>Ingoglia</i>	Withdrawn
2025	CS/HB 1387– Public Employees Relations Commission	Persons-Mulicka	Withdrawn
2025	HB 1217 – Public Employee Collective Bargaining	Black	Withdrawn
2025	SB 1328 – Public Employee Collective Bargaining	<i>Fine</i>	Withdrawn

<sup>61</sup> See [s. 120.57\(1\), F.S.](#)

<sup>62</sup> See [s. 120.57\(2\), F.S.](#)

<sup>63</sup> See [s. 120.60, F.S.](#)

<sup>64</sup> [S. 120.80\(12\)\(b\), F.S.](#)

**BILL HISTORY**

<b>COMMITTEE REFERENCE</b>	<b>ACTION</b>	<b>DATE</b>	<b>STAFF DIRECTOR/ POLICY CHIEF</b>	<b>ANALYSIS PREPARED BY</b>
<a href="#">Government Operations Subcommittee</a>	12 Y, 5 N, As CS	1/29/2026	Toliver	Villa
THE CHANGES ADOPTED BY THE COMMITTEE:	Authorized public employees to pay membership dues directly to an employee organization or any parent organization or affiliate.			
<a href="#">State Administration Budget Subcommittee</a>			Topp	Mullins
<a href="#">State Affairs Committee</a>				

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**THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.**  
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