

By the Committees on Fiscal Policy; and Governmental Oversight and Accountability; and Senator Martin

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

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88 made by the act; amending s. 447.4095, F.S.; providing
89 that implementation of appropriations from the
90 Legislature which are specifically directed to be
91 disbursed as salaries for employees of local
92 governments are considered a financial urgency;
93 requiring the chief executive officer or his or her
94 representative to meet with the bargaining agent or
95 its representative within a specified timeframe if the
96 use of such funds requires modification of an
97 agreement; providing meeting and dispute requirements;
98 prohibiting the filing of unfair labor charges during
99 specified time periods; providing applicability;
100 amending s. 447.501, F.S.; requiring a public employer
101 to provide to all registered employee organizations or
102 petitioning employees equal access to the employer's
103 facilities and communication systems for a specified
104 time period; amending s. 447.503, F.S.; authorizing
105 certain public employers, public employees, and
106 employee organizations, or combinations thereof, to
107 file certain charges with the commission; amending s.
108 447.507, F.S.; increasing fines for certain
109 violations; amending s. 447.509, F.S.; prohibiting
110 public employers, their agents or representatives, and
111 any persons acting on their behalf from taking certain
112 actions; authorizing certain actions by public
113 employees under certain circumstances; providing
114 applicability; amending ss. 110.114, 110.205,
115 112.3187, 121.031, 447.02, 447.609, and 1011.60, F.S.;

116 conforming cross-references and provisions to changes

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117 made by the act; providing an effective date.

118
119 Be It Enacted by the Legislature of the State of Florida:

120
121 Section 1. Paragraph (d) of subsection (6) of section
122 110.227, Florida Statutes, is amended to read:

123 110.227 Suspensions, dismissals, reductions in pay,
124 demotions, layoffs, transfers, and grievances.—

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

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

135 Section 2. Paragraph (a) of subsection (14) of section
136 112.0455, Florida Statutes, is amended to read:

137 112.0455 Drug-Free Workplace Act.—

138 (14) DISCIPLINE REMEDIES.—

139 (a) An executive branch employee who is disciplined or who
140 is a job applicant for another position and is not hired
141 pursuant to this section, may file an appeal with the Public
142 Employees Relations Commission. Any appeal must be filed within
143 30 calendar days after ~~of~~ receipt by the employee or job
144 applicant of notice of discipline or refusal to hire. The notice
145 shall inform the employee or job applicant of the right to file

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

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

157 120.80 Exceptions and special requirements; agencies.—

158 (12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

163 295.14 Penalties.—

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

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

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

185 447.203 Definitions.—As used in this part:

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

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

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

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

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

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

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

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

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

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

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

- 229 1. Federal license requirement.
- 230 2. Federal autonomy regarding investigation and
231 disciplining of appointees.
- 232 3. Frequent transfers due to harvesting conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

268

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

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

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

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

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

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

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

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

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

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

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

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

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

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

348 (d) Seeking certification as a bargaining agent.

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

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

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

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

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

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

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

370 (l) Administering a collective bargaining agreement.

371 (m) Participating in labor-management committees.

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

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

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

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

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

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

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

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

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

398 (b) Any employee who:

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

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

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

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

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

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

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

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

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

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

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

442 (d) Refusing, upon reasonable written request, to provide
443 public information, excluding work products as defined in s.
444 447.605.

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

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

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

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

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

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

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465 by the bargaining agent for purposes of collective bargaining.

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

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

476 447.205 Public Employees Relations Commission.—

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

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

484 447.207 Commission; powers and duties.—

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

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

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

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

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

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

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

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

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

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

547 (1)

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

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

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

566 As a public employee in the State of Florida, is a
 567 right-to-work state. membership or nonmembership non-
 568 membership in a labor union is not required as a
 569 condition of employment.7 ~~and~~ Union membership and
 570 payment of membership union dues and assessments are
 571 voluntary. A public employee's ~~Each person has the~~
 572 right to join and pay membership dues to a labor union
 573 or to refrain from joining and paying membership dues
 574 to a labor union is protected by both Florida's right-
 575 to-work law and the First Amendment of the United
 576 States Constitution. A public employer may not
 577 discriminate against a public ~~No employee may be~~
 578 ~~discriminated against in any manner~~ for joining and
 579 financially supporting, a labor union or ~~for~~ refusing
 580 to join and or financially support, a labor union.

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581

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

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

599 6. This paragraph does not apply to public employees in
600 public safety units ~~members of a bargaining unit the majority of~~
601 ~~whose employees eligible for representation are employed as law~~
602 ~~enforcement officers, correctional officers, or correctional~~
603 ~~probation officers as those terms are defined in s. 943.10(1),~~
604 ~~(2), or (3), respectively; firefighters as defined in s.~~
605 ~~633.102; 911 public safety telecommunicators as defined in s.~~
606 ~~401.465(1)(a); or emergency medical technicians or paramedics as~~
607 ~~defined in s. 401.23.~~

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

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610 (2) Public employees ~~shall~~ have the right to be represented
611 by any employee organization of their own choosing and to
612 negotiate collectively, through a ~~certified~~ bargaining agent,
613 with their public employer in the determination of the terms and
614 conditions of their employment. Public employees ~~shall~~ have the
615 right to be represented in the determination of grievances on
616 all terms and conditions of their employment. Public employees
617 ~~shall~~ have the right to refrain from exercising the right to be
618 represented.

619 Section 9. Section 447.303, Florida Statutes, is amended to
620 read:

621 447.303 Membership dues; deduction and collection.—

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

634 (2) (a) Upon the written authorization of a public employee
635 in a public safety unit, the public employer must engage in
636 membership dues deduction for such public employee. A public
637 employee may revoke his or her authorization for membership dues
638 deduction upon providing 30 days' written notice to the public

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

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

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

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

667 Section 10. Section 447.305, Florida Statutes, is amended

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668 to read:

669 447.305 Registration of employee organizations
 670 ~~organization.~~

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

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

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

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

695 (d) The current annual financial statement of the
 696 organization, prepared by an independent certified public

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697 accountant licensed under chapter 473.

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

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

706 (g) A copy of the current constitution and bylaws of the
707 employee organization.

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

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

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726 organization's president and treasurer or corresponding
727 principal officers, containing the following information in such
728 detail as may be necessary to accurately ~~to~~ disclose its
729 financial condition and operations for its preceding fiscal year
730 and in all of the following ~~such~~ categories as prescribed by the
731 commission ~~may prescribe~~:

732 (a) Assets and liabilities at the beginning and end of the
733 fiscal year.~~;~~

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

735 (c) Disbursements by category.~~;~~

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

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

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

758 (g) The amount of membership dues retained by or
759 distributed to the employee organization, any parent
760 organization of the employee organization, and any affiliate of
761 either the employee organization or the parent organization.

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

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

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

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

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

783 ~~(e) The number of employees in the bargaining unit who paid~~

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784 ~~dues to the employee organization.~~

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

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

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

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

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813 ~~required information and documentation are not provided within~~
814 ~~10 days after the employee organization receives such notice.~~

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

833 (7) If the public employer or a public employee of a
834 bargaining unit represented by a bargaining agent believes that
835 the bargaining agent's employee may challenge an employee
836 organization's application for renewal of registration is
837 materially inaccurate, if the public employer or public
838 bargaining unit employee may challenge believes that the
839 application as materially is inaccurate during the pendency of
840 the application or, if the registration renewal has been
841 granted, before the date upon which the bargaining agent's

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842 current registration is scheduled to end. If a challenge is
843 filed, the commission or one of its designated agents must
844 conduct an investigation pursuant to subsection (8) ~~shall review~~
845 ~~the application to determine its accuracy and compliance with~~
846 ~~this section. If the commission finds that the application is~~
847 ~~inaccurate or does not comply with this section, the commission~~
848 ~~shall revoke the registration and certification of the employee~~
849 ~~organization.~~

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

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

859 447.301(1)(b)5.; or

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

862
863 ~~A decision issued by the commission pursuant to this subsection~~
864 ~~is a final agency action that is reviewable pursuant to s.~~
865 ~~447.504.~~

866 (9) An employee organization is exempt from the
867 requirements of subsections (3)-(8) and (12) for each public
868 safety unit it represents ~~only with respect to the circumstances~~
869 ~~of each bargaining unit the majority of whose employees eligible~~
870 ~~for representation are employed as law enforcement officers,~~

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871 ~~correctional officers, or correctional probation officers as~~
872 ~~those terms are defined in s. 943.10(1), (2), or (3),~~
873 ~~respectively; firefighters as defined in s. 633.102; 911 public~~
874 ~~safety telecommunicators as defined in s. 401.465(1)(a); or~~
875 ~~emergency medical technicians or paramedics as defined in s.~~
876 ~~401.23.~~

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

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

897 (12) The certification of an employee organization that
898 does not comply with this section is revoked. An employee
899 organization that has its certification revoked under this

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900 subsection may not file a petition for certification under s.
901 447.307 which covers any of the public employees in the
902 bargaining unit described in the revoked certification for at
903 least 12 months after the date the certification was revoked.

904 (13) A decision issued by the commission under this section
905 is a final agency action that is reviewable pursuant to s.
906 447.504.

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

909 447.307 Certification and recertification of employee
910 organizations ~~organization.~~-

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

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929 ~~appropriate according to the criteria used in this part, the~~
930 ~~commission shall immediately certify the employee organization~~
931 ~~as the exclusive representative of all employees in the unit. If~~
932 ~~the unit is inappropriate according to the criteria used in this~~
933 ~~part, the commission may dismiss the petition.~~

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

940 ~~(b)(2) A If the public employer refuses to recognize the~~
941 ~~employee organization, the employee organization may file a~~
942 ~~petition with the commission for certification as the bargaining~~
943 ~~agent for a proposed bargaining unit. The petition shall be~~
944 ~~accompanied by dated statements signed by at least 30 percent of~~
945 ~~the employees in the proposed unit, indicating that such~~
946 ~~employees desire to be represented for purposes of collective~~
947 ~~bargaining by the petitioning employee organization. Once a~~
948 ~~petition for certification has been filed by an employee~~
949 ~~organization, any registered employee organization desiring~~
950 ~~placement on the ballot in any certification or recertification~~
951 ~~election to be conducted pursuant to this section may be~~
952 ~~permitted by the commission to intervene in the proceeding upon~~
953 ~~a motion accompanied by a showing of interest from dated~~
954 ~~statements signed by at least 10 percent of the public employees~~
955 ~~in the proposed or existing bargaining unit, ~~indicating that~~~~
956 ~~such employees desire to be represented for the purposes of~~
957 ~~collective bargaining by the moving employee organization. The~~

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958 showing of interest ~~petitions and dated~~ statements must be
959 signed and dated by the public employees not more than 12 months
960 before the filing of the petition.

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

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

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

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

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987 bargaining agreement, or at any time subsequent to such
988 agreement's expiration date but before the effective date of a
989 new collective bargaining agreement. The effective date of a
990 collective bargaining agreement is the date of ratification of
991 such agreement by both parties if such agreement becomes
992 effective immediately or retroactively, or the collective
993 bargaining agreement's actual effective date if such agreement
994 becomes effective after its ratification date.

995 (3)(a) The commission or one of its designated agents shall
996 investigate a certification or recertification ~~the~~ petition to
997 determine its sufficiency; ~~if it has reasonable cause to believe~~
998 ~~that the petition is sufficient, the commission shall provide~~
999 ~~for an appropriate hearing upon due notice. Such a hearing may~~
1000 ~~be conducted by an agent of the commission. If the commission~~
1001 ~~finds that the petition is to be insufficient, the commission~~
1002 must ~~it may~~ dismiss the petition. If the commission finds ~~upon~~
1003 ~~the record of the hearing~~ that the petition is sufficient, the
1004 commission must ~~it shall immediately:~~

1005 (a)1. Define the proposed or existing bargaining unit and
1006 determine which public employees are ~~shall be~~ qualified and
1007 entitled to vote at any election held by the commission. Upon
1008 providing due notice, the commission may provide for a hearing.

1009 (b)2. Identify the public employer or employers for
1010 purposes of collective bargaining ~~with the bargaining agent.~~

1011 (c)3. Order an election by secret ballot, the cost of said
1012 election and any required runoff election to be borne equally by
1013 the parties, except as the commission may provide by rule. The
1014 commission's order assessing costs of an election may be
1015 enforced pursuant to ~~the provisions of~~ this part.

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1016 (4) (a) Except as provided in paragraph (b), elections are
1017 determined as follows for all certification or recertification
1018 petitions filed on or after July 1, 2026:

1019 1. ~~(b)~~ If at least 25 percent of the public employees in the
1020 bargaining unit as of the date set by the commission participate
1021 in the election, and at least 60 percent of the public employees
1022 voting in the election select an employee organization, ~~When an~~
1023 employee organization is selected by a majority of the employees
1024 voting in an election, the commission ~~must shall~~ certify or
1025 recertify the employee organization as the ~~exclusive collective~~
1026 bargaining agent for the public ~~representative of all~~ employees
1027 in the unit.

1028 2. A runoff election must be held according to rules
1029 adopted by the commission if, in the election conducted under
1030 subparagraph 1., there was more than one employee organization
1031 on the ballot, at least 25 percent of the employees in the
1032 bargaining unit participated in the election, and none of the
1033 choices on the ballot received a vote of 60 percent of the
1034 public employees who voted in the election.

1035 (b) Certification elections involving public safety units
1036 are determined as follows:

1037 1. If an employee organization is selected by a majority
1038 vote of the public employees voting in the election, the
1039 commission must certify the employee organization as the
1040 bargaining agent for the public employees in the bargaining
1041 unit.

1042 2. A runoff election must be held according to rules
1043 adopted by the commission if, in the election conducted under
1044 subparagraph 1., there was more than one employee organization

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1045 on the ballot and none of the choices on the ballot received a
1046 majority vote of the public employees voting in the election.

1047 (c) Certification, recertification, or revocation under
1048 this section is effective upon the issuance of a ~~the~~ final order
1049 by the commission or, if the final order is appealed, at the
1050 time the appeal is exhausted or any stay is vacated by the
1051 commission or a ~~the~~ court.

1052 ~~(e) In any election in which none of the choices on the~~
1053 ~~ballot receives the vote of a majority of the employees voting,~~
1054 ~~a runoff election shall be held according to rules promulgated~~
1055 ~~by the commission.~~

1056 ~~(d) No petition may be filed seeking an election in any~~
1057 ~~proposed or existing appropriate bargaining unit to determine~~
1058 ~~the exclusive bargaining agent within 12 months after the date~~
1059 ~~of a commission order verifying a representation election or, if~~
1060 ~~an employee organization prevails, within 12 months after the~~
1061 ~~date of an effective certification covering any of the employees~~
1062 ~~in the proposed or existing bargaining unit. Furthermore, if a~~
1063 ~~valid collective bargaining agreement covering any of the~~
1064 ~~employees in a proposed unit is in effect, a petition for~~
1065 ~~certification may be filed with the commission only during the~~
1066 ~~period extending from 150 days to 90 days immediately preceding~~
1067 ~~the expiration date of that agreement, or at any time subsequent~~
1068 ~~to its expiration date but prior to the effective date of any~~
1069 ~~new agreement. The effective date of a collective bargaining~~
1070 ~~agreement means the date of ratification by both parties, if the~~
1071 ~~agreement becomes effective immediately or retroactively; or its~~
1072 ~~actual effective date, if the agreement becomes effective after~~
1073 ~~its ratification date.~~

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1074 (5)~~(4)~~ In defining a proposed bargaining unit, the
1075 commission shall take into consideration:

1076 (a) The principles of efficient administration of
1077 government.

1078 (b) The number of employee organizations with which the
1079 employer might have to negotiate.

1080 (c) The compatibility of the unit with the joint
1081 responsibilities of the public employer and public employees to
1082 represent the public.

1083 (d) The power of the officials of government at the level
1084 of the unit to agree, or make effective recommendations to
1085 another administrative authority or to a legislative body, with
1086 respect to matters of employment upon which the employee desires
1087 to negotiate.

1088 (e) The organizational structure of the public employer.

1089 (f) Community of interest among the employees to be
1090 included in the unit, considering:

1091 1. The manner in which wages and other terms of employment
1092 are determined.

1093 2. The method by which jobs and salary classifications are
1094 determined.

1095 3. The interdependence of jobs and interchange of
1096 employees.

1097 4. The desires of the employees.

1098 5. The history of employee relations within the
1099 organization of the public employer concerning organization and
1100 negotiation and the interest of the employees and the employer
1101 in the continuation of a traditional, workable, and accepted
1102 negotiation relationship.

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1103 (g) The statutory authority of the public employer to
1104 administer a classification and pay plan.

1105 (h) Such other factors and policies as the commission may
1106 deem appropriate.

1107

1108 However, a bargaining ~~ne~~ unit may not ~~shall~~ be established or
1109 approved for purposes of collective bargaining which includes
1110 both professional and nonprofessional employees unless a
1111 majority of each group votes for inclusion in such bargaining
1112 unit.

1113 Section 12. Section 447.3076, Florida Statutes, is created
1114 to read:

1115 447.3076 Clarification of bargaining units.-

1116 (1) A petition to clarify the composition of a bargaining
1117 unit may be filed with the commission when significant changes
1118 in statutory law or case law require clarification of the
1119 bargaining unit or when a classification was:

1120 (a) Created or substantially changed after the unit was
1121 initially defined by the commission;

1122 (b) Retitled with no substantial change in job duties; or

1123 (c) Included or excluded through inadvertence or
1124 misunderstanding by the commission.

1125 (2) A bargaining unit clarification petition may be filed
1126 by the bargaining agent for the bargaining unit or by the public
1127 employer of the public employees in the unit.

1128 (3) A copy of the petition must be served on the public
1129 employer and any bargaining agent that is certified to represent
1130 any employee or classification which may be substantially
1131 affected by the proposed bargaining unit clarification.

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1132 (4) If any substantially affected employees are not
1133 represented by a bargaining agent, the public employer must
1134 provide a copy of the petition to those employees within 10 days
1135 after the filing of the petition.

1136 (5) When the clarification of a bargaining unit would
1137 result in an increase in the size of the bargaining unit by more
1138 than 25 percent, the unit clarification petition raises a
1139 question concerning representation and must be dismissed.

1140 Section 13. Section 447.308, Florida Statutes, is amended
1141 to read:

1142 447.308 Decertification ~~Revocation of certification~~ of
1143 employee organizations ~~organization~~.—

1144 (1) A public ~~Any~~ employee or group of public employees
1145 which no longer desires to be represented by a ~~the certified~~
1146 bargaining agent may file with the commission a petition to
1147 decertify the bargaining agent ~~revoke certification~~. The
1148 petition must ~~shall~~ be accompanied by a showing of interest from
1149 ~~dated statements signed by~~ at least 30 percent of the public
1150 employees in the bargaining unit, ~~indicating that such employees~~
1151 ~~no longer desire to be represented for purposes of collective~~
1152 ~~bargaining by the certified bargaining agent. The time of filing~~
1153 ~~said petition shall be governed by the provisions of s.~~

1154 ~~447.307(3)(d) relating to petitions for certification. The~~
1155 showing of interest statements must be signed and dated by the
1156 public employees not more than 12 months before the filing of
1157 the petition. Any employee, employer, or employee organization
1158 having sufficient reason to believe that the showing of interest
1159 ~~was any of the employee signatures were~~ obtained by collusion,
1160 coercion, intimidation, or misrepresentation or is ~~are~~ otherwise

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1161 invalid shall be given a reasonable opportunity to verify and
1162 challenge the showing of interest ~~signatures appearing on the~~
1163 ~~petition.~~

1164 (2) (a) A decertification petition may not be filed
1165 regarding the bargaining unit within 12 months after the date
1166 the commission issues an order that verifies the results of a
1167 certification, recertification, or decertification election
1168 covering any of the public employees in the unit.

1169 (b) If a valid collective bargaining agreement covering any
1170 of the public employees in the bargaining unit is in effect, a
1171 decertification petition may only be filed with the commission
1172 at least 90 but not more than 150 days immediately preceding the
1173 expiration date of the collective bargaining agreement, or at
1174 any time after such agreement's expiration date but before the
1175 effective date of a new collective bargaining agreement. The
1176 effective date of a collective bargaining agreement is the date
1177 of ratification of such agreement by both parties if such
1178 agreement becomes effective immediately or retroactively, or the
1179 collective bargaining agreement's actual effective date if such
1180 agreement becomes effective after its ratification date.

1181 (3) The commission or one of its designated agents shall
1182 investigate the decertification petition to determine its
1183 sufficiency. If the commission finds that the petition is to be
1184 insufficient, the commission must ~~it may~~ dismiss the petition.
1185 If the commission finds that the petition is sufficient, the
1186 commission must ~~it shall immediately~~:

1187 (a) Identify the bargaining unit and determine which public
1188 employees shall be qualified and entitled to vote in the
1189 election held by the commission.

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1190 (b) Identify the public employer or employers of the
1191 bargaining unit.

1192 (c) Order an election by secret ballot, the cost of said
1193 election to be borne equally by the parties, except as the
1194 commission may provide by rule. The commission's order assessing
1195 costs of an election may be enforced pursuant to ~~the provisions~~
1196 ~~of~~ this part.

1197 (4) (a) Except as provided in paragraph (b), elections are
1198 determined as follows for all decertification petitions filed on
1199 or after July 1, 2026:

1200 1. If at least 25 percent of the public employees in the
1201 bargaining unit as of the date set by the commission participate
1202 in the election, and at least 60 percent of the public employees
1203 voting in the election vote to decertify an employee
1204 organization, the commission must revoke the bargaining agent's
1205 certification for that bargaining unit.

1206 2. If decertification is not selected by at least 60
1207 percent of the public employees voting in the election, and at
1208 least 25 percent of the employees who are in the bargaining unit
1209 as of the date set by the commission participate in the
1210 election, the bargaining agent must retain its certification for
1211 that bargaining unit.

1212 (b) Decertification elections involving public safety units
1213 are determined as follows:

1214 1.(2) If decertification is selected by a majority vote of
1215 the public employees voting in the such election ~~vote against~~
1216 ~~the continuation of representation by the certified bargaining~~
1217 ~~agent, the commission must revoke the certification of the~~
1218 ~~employee organization as the exclusive bargaining agent's~~

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1219 ~~certification for that agent for the employees in the bargaining~~
1220 ~~unit shall be revoked.~~

1221 2.(3) If decertification is not selected by a majority vote
1222 of the public employees voting in the ~~such~~ election ~~do not vote~~
1223 ~~against the continuation of representation by the certified~~
1224 ~~bargaining agent~~, the bargaining agent must retain its
1225 certification for that bargaining of the employee organization
1226 ~~as the exclusive bargaining agent for the employees in the unit~~
1227 ~~shall be retained by the organization.~~

1228 (c) Revocation under this section is effective upon the
1229 issuance of a final order by the commission or, if the final
1230 order is appealed, at the time the appeal is exhausted or any
1231 stay is vacated by the commission or a court.

1232 Section 14. Section 447.309, Florida Statutes, is amended
1233 to read:

1234 447.309 Collective bargaining; approval or rejection.-

1235 (1) After an employee organization has been certified as
1236 the bargaining agent of a bargaining unit pursuant to ~~the~~
1237 ~~provisions of this part~~, the bargaining agent ~~for the~~
1238 ~~organization~~ and the chief executive officer of the appropriate
1239 public employer or employers, jointly, shall bargain
1240 collectively in the determination of the wages, hours, and terms
1241 and conditions of employment of the public employees within the
1242 bargaining unit. The chief executive officer or his or her
1243 representative and the bargaining agent or its representative
1244 shall meet at reasonable times and bargain in good faith. In
1245 conducting negotiations with the bargaining agent, the chief
1246 executive officer or his or her representative shall consult
1247 with, and attempt to represent the views of, the legislative

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1248 body of the public employer. Any collective bargaining agreement
1249 reached by the negotiators must ~~shall~~ be reduced to writing, and
1250 such agreement must ~~shall~~ be signed by the chief executive
1251 officer and the bargaining agent. Any agreement signed by the
1252 chief executive officer and the bargaining agent is ~~shall~~ not be
1253 binding on the public employer until such agreement has been
1254 ratified by the public employer and the ~~by~~ public employees in
1255 ~~who are members of~~ the bargaining unit, subject to ~~the~~
1256 ~~provisions of~~ subsections (2) and (3). However, with respect to
1257 statewide bargaining units, any agreement signed by the Governor
1258 and the bargaining agent for such a bargaining unit is ~~shall~~ not
1259 be binding until approved by the public employees in ~~who are~~
1260 ~~members of~~ the bargaining unit, subject to ~~the provisions of~~
1261 subsections (2) and (3).

1262 (2) (a) Upon execution of the collective bargaining
1263 agreement, the chief executive shall, in his or her annual
1264 budget request or by other appropriate means, request the
1265 legislative body to appropriate such amounts as shall be
1266 sufficient to fund the provisions of the collective bargaining
1267 agreement.

1268 (b) If the state is a party to a collective bargaining
1269 agreement in which less than the requested amount is
1270 appropriated by the Legislature, the collective bargaining
1271 agreement shall be administered on the basis of the amounts
1272 appropriated by the Legislature. The failure of the Legislature
1273 to appropriate funds sufficient to fund the collective
1274 bargaining agreement does ~~shall~~ not constitute, or be evidence
1275 of, any unfair labor practice. All collective bargaining
1276 agreements entered into by the state are subject to the

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1277 appropriations powers of the Legislature, and ~~the provisions of~~
1278 this section may ~~shall~~ not conflict with the exclusive authority
1279 of the Legislature to appropriate funds.

1280 (3) If any provision of a collective bargaining agreement
1281 is in conflict with any law, ordinance, rule, or regulation over
1282 which the chief executive officer has no amendatory power, the
1283 chief executive officer shall submit to the appropriate
1284 governmental body having amendatory power a proposed amendment
1285 to such law, ordinance, rule, or regulation. Unless and until
1286 such amendment is enacted or adopted and becomes effective, the
1287 conflicting provision of the collective bargaining agreement may
1288 ~~shall~~ not become effective.

1289 (4) If the agreement is not ratified by the public employer
1290 or is not approved by a majority ~~vote~~ of the public employees
1291 voting ~~in the unit~~, in accordance with procedures adopted by the
1292 commission, the agreement must ~~shall~~ be returned to the chief
1293 executive officer and the bargaining agent ~~employee organization~~
1294 for further negotiations.

1295 (5) A ~~Any~~ collective bargaining agreement may ~~shall~~ not
1296 provide for a term of existence of more than 3 years and must
1297 ~~shall~~ contain all of the terms and conditions of employment of
1298 the employees in the bargaining unit during such term except
1299 those terms and conditions provided for in applicable merit and
1300 civil service rules and regulations.

1301 Section 15. Section 447.401, Florida Statutes, is amended
1302 to read:

1303 447.401 Grievance procedures.—Each public employer and
1304 bargaining agent shall negotiate a grievance procedure to be
1305 used for the settlement of disputes between a public employer

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1306 and a public employee, or a group of public employees, involving
1307 the interpretation or application of a collective bargaining
1308 agreement. ~~The Such~~ grievance procedure must ~~shall~~ have as its
1309 terminal step a final and binding disposition by an impartial
1310 neutral arbitrator, mutually selected by the parties; however,
1311 when the issue under appeal is an allegation of abuse,
1312 abandonment, or neglect of a child by a public ~~an~~ employee under
1313 s. 39.201 or an allegation of abuse, neglect, or exploitation of
1314 a vulnerable adult by a public employee under s. 415.1034, the
1315 grievance may not be decided until such allegation ~~the abuse,~~
1316 ~~abandonment, or neglect of a child~~ has been judicially
1317 determined. However, an arbitrator ~~arbitrator~~ or other neutral
1318 party may ~~shall~~ not have the power to add to, subtract from,
1319 modify, or alter the terms of a collective bargaining agreement.
1320 If an employee organization is certified as the bargaining agent
1321 of a bargaining unit, the grievance procedure then in existence
1322 may be the subject of collective bargaining, and any agreement
1323 that ~~which~~ is reached shall supersede the previously existing
1324 procedure. All public employees ~~shall~~ have the right to a fair
1325 and equitable grievance procedure administered without regard to
1326 membership or nonmembership in any employee organization, except
1327 that bargaining agents may ~~certified employee organizations~~
1328 ~~shall~~ not be required to process grievances for public employees
1329 who are not members of the employee organization. A public
1330 ~~career service~~ employee may use ~~shall have the option of~~
1331 ~~utilizing~~ the civil service appeal procedure, an unfair labor
1332 practice procedure, or a grievance procedure established under
1333 this section, but may not avail ~~such employee is precluded from~~
1334 ~~availing~~ himself or herself of ~~to~~ more than one of these

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1335 procedures.

1336 Section 16. Subsections (1) through (4) of section 447.403,
1337 Florida Statutes, are amended to read:

1338 447.403 Resolution of impasses.—

1339 (1) If, after a reasonable period of negotiation concerning
1340 the terms and conditions of employment to be incorporated in a
1341 collective bargaining agreement, a dispute exists between a
1342 public employer and a bargaining agent, either party may declare
1343 an impasse by providing written notification ~~shall be deemed to~~
1344 ~~have occurred when one of the parties so declares in writing to~~
1345 the other party and to the commission. When an impasse occurs,
1346 the public employer or the bargaining agent, or both parties
1347 acting jointly, may use ~~appoint~~, or secure the services
1348 ~~appointment~~ of, a mediator to assist in the resolution of the
1349 impasse. If the Governor is the public employer or for an
1350 impasse declared pursuant to s. 447.4095, a ~~no~~ mediator may not
1351 ~~shall~~ be appointed.

1352 (2) (a) If a ~~no~~ mediator is not used under subsection (1)
1353 ~~appointed~~, or upon the request of either party, the commission
1354 must ~~shall~~ appoint, and submit all unresolved issues to, a
1355 special magistrate acceptable to both parties. If the parties
1356 are unable to agree on the appointment of a special magistrate,
1357 the commission must ~~shall~~ appoint, in its discretion, a
1358 qualified special magistrate. However, if the parties agree in
1359 writing to waive the appointment of a special magistrate, the
1360 parties may proceed directly to resolution of the impasse by the
1361 legislative body pursuant to paragraph (4) (d). Nothing in this
1362 section precludes the parties from using the services of a
1363 mediator at any time during the conduct of collective

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1364 bargaining.

1365 (b) If the Governor is the public employer, a ~~no~~ special
1366 magistrate may not shall be appointed. The parties must may
1367 proceed directly to the Legislature for resolution of the
1368 impasse pursuant to paragraph (4) (d).

1369 (c) For an impasse declared pursuant to s. 447.4095(2), the
1370 parties must agree on a special magistrate and submit the
1371 agreed-upon name to the commission within 5 calendar days after
1372 the declaration of impasse. Within 2 business days after the
1373 submission of the special magistrate's name, the commission must
1374 appoint the agreed-upon special magistrate. If the parties do
1375 not submit the name of an agreed-upon special magistrate to the
1376 commission within 5 calendar days after the declaration of
1377 impasse, the commission must appoint a special magistrate of its
1378 choosing within 5 calendar days after the parties' deadline to
1379 submit the name of the agreed-upon special magistrate. Within 5
1380 calendar days after the special magistrate is appointed, each
1381 party must submit a list of issues at impasse to the special
1382 magistrate and serve a copy of the list on the other party at
1383 the same time.

1384 (3) The special magistrate shall hold a hearing ~~hearings~~ in
1385 order to define the area or areas of dispute, to determine facts
1386 relating to the dispute, and to render a decision on any and all
1387 unresolved contract issues. The hearing must ~~hearings shall~~ be
1388 held at a time, date, and place ~~times, dates, and places~~ to be
1389 established by the special magistrate in accordance with rules
1390 adopted promulgated by the commission. For an impasse declared
1391 pursuant to s. 447.4095(2), a hearing must be held within 20
1392 calendar days after the parties submit the list of issues at

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1393 impasse to the special magistrate. The special magistrate may
1394 ~~shall be empowered to~~ administer oaths and issue subpoenas on
1395 behalf of the parties to the dispute or on his or her own
1396 behalf. Within 15 calendar days after the close of the ~~final~~
1397 hearing, or 7 calendar days after the close of the hearing for
1398 an impasse declared pursuant to s. 447.4095(2), the special
1399 magistrate shall submit ~~transmit~~ his or her recommended decision
1400 to the commission and to the representatives of both parties by
1401 any method of service agreed to by the parties which establishes
1402 proof of delivery ~~registered mail, return receipt requested.~~
1403 Such recommended decision must ~~shall~~ be discussed by the
1404 parties, and each recommendation of the special magistrate is
1405 ~~shall be~~ deemed approved by both parties unless specifically
1406 rejected by either party by written notice filed with the
1407 commission within 20 calendar days, or 10 calendar days for an
1408 impasse declared pursuant to s. 447.4095(2), after the date the
1409 party received the special magistrate's recommended decision.
1410 The written notice must ~~shall~~ include a statement of the cause
1411 for each rejection and ~~shall~~ be served upon the other party at
1412 the same time as it is filed with the commission.

1413 (4) If either the public employer or the bargaining agent
1414 ~~employee organization~~ does not accept, in whole or in part, the
1415 recommended decision of the special magistrate, all of the
1416 following procedures apply:

1417 (a) The chief executive officer of the governmental entity
1418 involved must ~~shall~~, within 10 calendar days after rejection of
1419 a recommendation of the special magistrate, submit to the
1420 legislative body of the governmental entity involved a copy of
1421 the findings of fact and recommended decision of the special

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1422 magistrate, together with the chief executive officer's
1423 recommendations for settling the disputed impasse issues. The
1424 chief executive officer must ~~shall~~ also submit ~~transmit~~ his or
1425 her recommendations to the bargaining agent at the same time as
1426 the recommendations are submitted to the legislative body.

1427 ~~employee organization;~~

1428 (b) Within 10 calendar days after rejection of a
1429 recommendation of the special magistrate, the bargaining agent
1430 must ~~employee organization shall~~ submit its recommendations for
1431 settling the disputed impasse issues to such legislative body
1432 and to the chief executive officer.†

1433 (c) The legislative body or its a duly authorized committee
1434 must ~~thereof shall forthwith~~ conduct a public hearing at which
1435 the parties must ~~shall be required to~~ explain their positions
1436 with respect to the rejected recommendations of the special
1437 magistrate. For an impasse declared pursuant to s. 447.4095(2),
1438 the legislative body must conduct the public hearing within 20
1439 calendar days after the parties submit their recommendations to
1440 the legislative body.†

1441 (d) Thereafter, the legislative body must ~~shall~~ take such
1442 action as it deems to be in the public interest, including the
1443 interest of the public employees involved, to resolve all
1444 disputed impasse issues. For an impasse declared pursuant to s.
1445 447.4095(2), the legislative body must take action within 10
1446 calendar days after the close of the public hearing.† ~~and~~

1447 (e) 1. Following the resolution of the disputed impasse
1448 issues by the legislative body, the parties must ~~shall~~ reduce to
1449 writing an agreement which includes those issues agreed to by
1450 the parties and those disputed impasse issues resolved by the

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1451 legislative body's action taken pursuant to paragraph (d). For
1452 an impasse declared pursuant to s. 447.4095(2), the parties must
1453 reduce the agreement to writing within 10 calendar days after
1454 the resolution of the disputed impasse issues by the legislative
1455 body.

1456 2. The agreement must ~~shall~~ be signed by the chief
1457 executive officer and the bargaining agent and ~~shall~~ be
1458 submitted to the public employer and ~~to~~ the public employees in
1459 who are members of the bargaining unit for ratification. For an
1460 impasse declared pursuant to s. 447.4095(2), the chief executive
1461 officer and the bargaining agent must sign the agreement within
1462 7 calendar days after the agreement is reduced to writing and
1463 must submit the agreement to the public employer and the
1464 bargaining unit for ratification within 10 calendar days after
1465 the agreement is signed. For an impasse declared pursuant to s.
1466 447.4095(2), the agreement must be signed, submitted, and
1467 ratified separately from other bargainable issues.

1468 3. If the ~~such~~ agreement is not ratified by all parties,
1469 pursuant to ~~the provisions of~~ s. 447.309, the legislative body's
1470 action taken pursuant to ~~the provisions of~~ paragraph (d) shall
1471 take effect as of the date of such legislative body's action for
1472 the remainder of the first fiscal year which was the subject of
1473 negotiations; however, the legislative body's action may ~~shall~~
1474 not take effect with respect to those disputed impasse issues
1475 that ~~which~~ establish the language of contractual provisions that
1476 ~~which~~ could have no effect in the absence of a ratified
1477 agreement, including, but not limited to, preambles, recognition
1478 clauses, and duration clauses.

1479 Section 17. Section 447.405, Florida Statutes, is amended

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1480 to read:

1481 447.405 Factors to be considered by the special
1482 magistrate.—The special magistrate shall conduct the hearings
1483 and render recommended decisions with the objective of achieving
1484 a prompt, peaceful, and just settlement of disputes between the
1485 bargaining agents ~~public employee organizations~~ and the public
1486 employers. The factors, ~~among others,~~ to be given weight by the
1487 special magistrate in arriving at a recommended decision must
1488 ~~shall~~ include:

1489 (1) Comparison of the annual income of employment of the
1490 public employees in question with the annual income of
1491 employment maintained for the same or similar work of employees
1492 exhibiting like or similar skills under the same or similar
1493 working conditions in the local operating area involved.

1494 (2) Comparison of the annual income of employment of the
1495 public employees in question with the annual income of
1496 employment of public employees in similar public employee
1497 governmental bodies of comparable size within this ~~the~~ state.

1498 (3) The interest and welfare of the public.

1499 (4) Comparison of peculiarities of employment in regard to
1500 other trades or professions, specifically with respect to:

- 1501 (a) Hazards of employment.
1502 (b) Physical qualifications.
1503 (c) Educational qualifications.
1504 (d) Intellectual qualifications.
1505 (e) Job training and skills.
1506 (f) Retirement plans.
1507 (g) Sick leave.
1508 (h) Job security.

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1509 (5) Availability of funds.

1510 Section 18. Section 447.4095, Florida Statutes, is amended
1511 to read:

1512 447.4095 Financial urgency.—

1513 (1) In the event of a financial urgency requiring
1514 modification of an agreement, the chief executive officer or his
1515 or her representative and the bargaining agent or its
1516 representative shall meet as soon as possible to negotiate the
1517 impact of the financial urgency. If after a reasonable period of
1518 negotiation, which may ~~shall~~ not exceed 14 calendar days, a
1519 dispute exists between the public employer and the bargaining
1520 agent, an impasse is ~~shall be~~ deemed to have occurred, and one
1521 of the parties must ~~shall~~ so declare in writing to the other
1522 party and to the commission. The parties must ~~shall~~ then proceed
1523 to follow the requirements under ~~pursuant to the provisions of~~
1524 s. 447.403. An unfair labor practice charge may ~~shall~~ not be
1525 filed during the 14 calendar days during which negotiations are
1526 occurring under ~~pursuant to~~ this section.

1527 (2) For the purposes of this section, the implementation of
1528 appropriations to local governments by the Legislature which are
1529 specifically directed in law to be disbursed as salaries to
1530 employees of local governments is considered a financial
1531 urgency. If the use of funding appropriated by the Legislature
1532 to local governments is restricted to salaries and associated
1533 costs of such salaries and the implementation of such
1534 appropriations will require modification of an agreement, the
1535 chief executive officer or his or her representative and the
1536 bargaining agent or its representative must meet within 15
1537 calendar days after the effective date of the appropriation to

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1538 negotiate the impact of the financial urgency. If, 30 calendar
 1539 days after the effective date of the appropriation, a dispute
 1540 exists between the public employer and the bargaining agent as
 1541 to the impact of the financial urgency, one of the parties must,
 1542 within 2 business days, declare an impasse in writing to the
 1543 other party and to the commission. The parties must then proceed
 1544 to follow the requirements under s. 447.403. An unfair labor
 1545 practice charge may not be filed during the 30-day period of
 1546 negotiations or while the parties are proceeding through the
 1547 resulting impasse process. This subsection does not apply to
 1548 public employees in public safety units.

1549 Section 19. Paragraphs (c) and (f) of subsection (1) and
 1550 subsection (2) of section 447.501, Florida Statutes, are
 1551 amended, and paragraph (g) is added to subsection (1) of that
 1552 section, to read:

1553 447.501 Unfair labor practices.—

1554 (1) Public employers or their agents or representatives are
 1555 prohibited from:

1556 (c) Refusing to bargain collectively, failing to bargain
 1557 collectively in good faith, or refusing to sign a final
 1558 agreement agreed upon with the ~~certified~~ bargaining agent for
 1559 the public employees in the bargaining unit.

1560 (f) Refusing to discuss grievances in good faith pursuant
 1561 to the terms of the collective bargaining agreement with either
 1562 the ~~certified~~ bargaining agent for the public employee or the
 1563 employee involved.

1564 (g) Failing to provide to any registered employee
 1565 organization or any petitioning public employee who is seeking
 1566 to support, oppose, or intervene in the certification,

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1567 recertification, or decertification of a bargaining agent equal
1568 access to the public employer's facilities and its internal
1569 means of communication for those purposes. The public employer
1570 must provide such equal access from the date of the filing of a
1571 petition pursuant to s. 447.307 or s. 447.308 until the final
1572 resolution of the petition.

1573 (2) An ~~A public~~ employee organization or anyone acting on
1574 ~~in~~ its behalf or its officers, representatives, agents, or
1575 members are prohibited from:

1576 (a) Interfering with, restraining, or coercing public
1577 employees in the exercise of any rights guaranteed them under
1578 this part or interfering with, restraining, or coercing
1579 managerial employees by reason of their performance of job
1580 duties or other activities undertaken in the interests of the
1581 public employer.

1582 (b) Causing or attempting to cause a public employer to
1583 discriminate against a public ~~an~~ employee because of such ~~the~~
1584 employee's membership or nonmembership in an employee
1585 organization or attempting to cause the public employer to
1586 violate ~~any of the provisions of~~ this part.

1587 (c) Refusing to bargain collectively or failing to bargain
1588 collectively in good faith with a public employer.

1589 (d) Discriminating against a public ~~an~~ employee because he
1590 or she has signed or filed an affidavit, a petition, or a
1591 complaint or given any information or testimony in any
1592 proceedings provided for in this part.

1593 (e) Participating in a strike against the public employer
1594 by instigating or supporting, in any positive manner, a strike.
1595 A person who violates ~~Any violation of~~ this paragraph is ~~shall~~

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1596 subject ~~the violator~~ to the penalties provided in this part.

1597 (f) Instigating or advocating support, in any positive
1598 manner, for an employee organization's activities from high
1599 school or grade school students or students in institutions of
1600 higher learning.

1601 Section 20. Subsection (1) of section 447.503, Florida
1602 Statutes, is amended to read:

1603 447.503 Charges of unfair labor practices.—It is the intent
1604 of the Legislature that the commission act as expeditiously as
1605 possible to settle disputes regarding alleged unfair labor
1606 practices. To this end, violations of the provisions of s.
1607 447.501 shall be remedied by the commission in accordance with
1608 the following procedures and in accordance with chapter 120;
1609 however, to the extent that chapter 120 is inconsistent with the
1610 provisions of this section, the procedures contained in this
1611 section shall govern:

1612 (1) A proceeding to remedy a violation of ~~the provisions of~~
1613 s. 447.501 must ~~shall~~ be initiated by the filing of a charge
1614 with the commission by a public ~~an~~ employer, a public employee,
1615 or an employee organization, or any combination thereof, whose
1616 substantial interests will be affected as referenced in chapter
1617 120. Such a charge must ~~shall~~ contain a clear and concise
1618 statement of facts constituting the alleged unfair labor
1619 practice, including the names of all individuals involved in the
1620 alleged unfair labor practice, and include specific reference to
1621 the provisions of s. 447.501 alleged to have been violated, and
1622 such other relevant information as the commission may by rule
1623 require or allow. Service of the charge must ~~shall~~ be made upon
1624 each named respondent at the time of filing with the commission.

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1625 The charge must be accompanied by sworn statements and
1626 documentary evidence sufficient to establish a prima facie
1627 violation of the applicable unfair labor practice provision.
1628 Such supporting evidence is not to be attached to the charge and
1629 is to be furnished only to the commission.

1630 Section 21. Subsections (2) through (5) and paragraph (a)
1631 of subsection (6) of section 447.507, Florida Statutes, are
1632 amended to read:

1633 447.507 Violation of strike prohibition; penalties.—

1634 (2) If a public employee, a group of public employees, an
1635 employee organization, or any officer, agent, or representative
1636 of any employee organization engages in a strike in violation of
1637 s. 447.505, either the commission or any public employer whose
1638 public employees are involved or whose public employees may be
1639 affected by the strike may file suit to enjoin the strike in the
1640 circuit court having proper jurisdiction and proper venue of
1641 such actions under the Florida Rules of Civil Procedure and
1642 Florida Statutes. The circuit court shall conduct a hearing,
1643 with notice to the commission and to all interested parties, at
1644 the earliest practicable time. If the plaintiff makes a prima
1645 facie showing that a violation of s. 447.505 is in progress or
1646 that there is a clear, real, and present danger that such a
1647 strike is about to commence, the circuit court must ~~shall~~ issue
1648 a temporary injunction enjoining the strike. Upon final hearing,
1649 the circuit court shall either make the injunction permanent or
1650 dissolve it.

1651 (3) If an injunction to enjoin a strike issued pursuant to
1652 this section is not promptly complied with, on the application
1653 of the plaintiff, the circuit court must ~~shall~~ immediately

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1654 initiate contempt proceedings against those who appear to be in
1655 violation. An employee organization found to be in contempt of
1656 court for violating an injunction against a strike shall be
1657 fined an amount deemed appropriate by the court. In determining
1658 the appropriate fine, the court shall objectively consider the
1659 extent of lost services and the particular nature and position
1660 of the public employee group in violation. ~~A In no event shall~~
1661 ~~the fine may not~~ exceed \$30,000 ~~\$5,000~~. Each officer, agent, or
1662 representative of an employee organization found to be in
1663 contempt of court for violating an injunction against a strike
1664 shall be fined at least \$300, but not more than \$600, ~~not less~~
1665 ~~than \$50 nor more than \$100~~ for each calendar day that the
1666 violation is in progress.

1667 (4) An employee organization is ~~shall be~~ liable for any
1668 damages that ~~which~~ might be suffered by a public employer as a
1669 result of a violation of ~~the provisions of~~ s. 447.505 by the
1670 employee organization or its representatives, officers, or
1671 agents. The circuit court having jurisdiction over such actions
1672 may ~~is empowered to~~ enforce judgments against employee
1673 organizations in the amount deemed appropriate by the court in
1674 accordance with this section. An action may not, ~~as defined in~~
1675 ~~this part, by attachment or garnishment of union initiation fees~~
1676 ~~or dues which are to be deducted or checked off by public~~
1677 ~~employers. No action shall~~ be maintained pursuant to this
1678 subsection until all proceedings that ~~which~~ were pending before
1679 the commission at the time of the strike or that ~~which~~ were
1680 initiated within 30 days after ~~of~~ the strike have been finally
1681 adjudicated or otherwise disposed of. In determining the amount
1682 of damages, if any, to be awarded to the public employer, the

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1683 trier of fact shall take into consideration any action or
1684 inaction by the public employer or its agents that provoked or
1685 tended to provoke the strike by the public employees. The trier
1686 of fact shall also take into consideration any damages that
1687 might have been recovered by the public employer under
1688 subparagraph (6) (a) 4.

1689 (5) If the commission, after a hearing on notice conducted
1690 according to rules adopted ~~promulgated~~ by the commission,
1691 determines that a public ~~an~~ employee has violated s. 447.505, it
1692 may order the termination of such employee's ~~his or her~~
1693 employment by the public employer. Notwithstanding any other
1694 provision of law, a person knowingly violating s. 447.505 ~~the~~
1695 ~~provision of said section~~ may, subsequent to such violation, be
1696 appointed, reappointed, employed, or reemployed as a public
1697 employee, but only upon the following conditions:

1698 (a) Such person shall be on probation for ~~a period of~~ 18
1699 months after ~~following~~ his or her appointment, reappointment,
1700 employment, or reemployment, during which period he or she shall
1701 serve without permanent status and at the pleasure of the agency
1702 head.

1703 (b) His or her compensation may not ~~in no event~~ exceed the
1704 compensation ~~that~~ received immediately before ~~prior to~~ the time
1705 of the violation.

1706 (c) The compensation of the person may not be increased
1707 until at least ~~after the expiration of~~ 1 year after ~~from~~ such
1708 appointment, reappointment, employment, or reemployment.

1709 (6) (a) If the commission determines that an employee
1710 organization has violated s. 447.505, it may:

1711 1. Issue cease and desist orders as necessary to ensure

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1712 compliance with its order.

1713 2. Suspend or revoke the certification of the ~~employee~~
1714 ~~organization as the~~ bargaining agent of such bargaining ~~employee~~
1715 unit.

1716 3. Revoke any requirement of the public employer to engage
1717 in membership the right of dues deduction for the and collection
1718 ~~previously granted to said~~ employee organization pursuant to s.
1719 447.303.

1720 4. Fine the organization up to \$40,000 ~~\$20,000~~ for each
1721 calendar day of such violation or determine the approximate cost
1722 to the public due to each calendar day of the strike and fine
1723 the organization an amount equal to such cost, regardless of
1724 whether the fine exceeds \$40,000, notwithstanding the fact that
1725 ~~the fine may exceed \$20,000~~ for each such calendar day. The
1726 fines so collected ~~shall~~ immediately accrue to the public
1727 employer and must ~~shall~~ be used by the public employer ~~him or~~
1728 ~~her~~ to replace those services denied the public as a result of
1729 the strike. In determining the amount of damages, if any, to be
1730 awarded to the public employer, the commission must consider
1731 ~~shall take into consideration~~ any action or inaction by the
1732 public employer or its agents that provoked, or tended to
1733 provoke, the strike by the public employees.

1734 Section 22. Present subsection (3) of section 447.509,
1735 Florida Statutes, is redesignated as subsection (6), and a new
1736 subsection (3) and subsections (4) and (5) are added to that
1737 section, to read:

1738 447.509 Other unlawful acts; exceptions.—

1739 (3) Public employers, their agents or representatives, or
1740 any persons acting on their behalf may not provide any form of

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1741 compensation or paid leave to a public employee, directly or
1742 indirectly, for the purpose of engaging in employee organization
1743 activities.

1744 (4) Notwithstanding subsection (3), a public employee may
1745 do any of the following:

1746 (a) Be granted time off without pay or benefits to engage
1747 in employee organization activities, provided that the public
1748 employer and the bargaining agent agree. An employee
1749 organization may compensate a public employee for engaging in
1750 employee organization activities.

1751 (b) Use compensated personal leave, whether the leave is
1752 the public employee's or is voluntarily donated by other public
1753 employees in the bargaining unit, to engage in employee
1754 organization activities if:

1755 1. The leave is accrued at the same rate by similarly
1756 situated public employees in the bargaining unit without regard
1757 to membership in or participation with an employee organization.

1758 2. The public employee may freely choose how to use the
1759 leave.

1760 (c) Engage in representational employee organization
1761 activities on behalf of the bargaining agent while in a duty
1762 status without loss of pay or benefits, provided that the public
1763 employer and the bargaining agent agree.

1764 (5) Subsections (3) and (4) do not apply to public
1765 employees in public safety units.

1766 Section 23. Subsection (3) of section 110.114, Florida
1767 Statutes, is amended to read:

1768 110.114 Employee wage deductions.—

1769 (3) Notwithstanding ~~the provisions of~~ subsections (1) and

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1770 (2), ~~the deduction of an employee's membership dues deductions~~
1771 ~~as defined in s. 447.203 s. 447.203(15) for an employee~~
1772 ~~organization as defined in s. 447.203(11)~~ shall be authorized or
1773 permitted only for an organization that has been certified
1774 pursuant to chapter 447 as the ~~exclusive~~ bargaining agent
1775 ~~pursuant to chapter 447~~ for a unit of public state employees ~~in~~
1776 ~~which the employee is included~~. Such deductions are ~~shall be~~
1777 subject to ~~the provisions of~~ s. 447.303.

1778 Section 24. Paragraph (w) of subsection (2) of section
1779 110.205, Florida Statutes, is amended to read:

1780 110.205 Career service; exemptions.—

1781 (2) EXEMPT POSITIONS.—The exempt positions that are not
1782 covered by this part include the following:

1783 (w) Managerial employees and, ~~as defined in s. 447.203(4),~~
1784 confidential employees, as those terms are defined in s. 447.203
1785 ~~s. 447.203(5)~~, and supervisory employees who spend the majority
1786 of their time communicating with, motivating, training, and
1787 evaluating employees, and planning and directing employees'
1788 work, and who have the authority to hire, transfer, suspend, lay
1789 off, recall, promote, discharge, assign, reward, or discipline
1790 subordinate employees or effectively recommend such action,
1791 including all employees serving as supervisors, administrators,
1792 and directors. Excluded are employees also designated as special
1793 risk or special risk administrative support and attorneys who
1794 serve as administrative law judges pursuant to s. 120.65 or for
1795 hearings conducted pursuant to s. 120.57(1)(a). Additionally,
1796 registered nurses licensed under chapter 464, dentists licensed
1797 under chapter 466, psychologists licensed under chapter 490 or
1798 chapter 491, nutritionists or dietitians licensed under part X

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1799 of chapter 468, pharmacists licensed under chapter 465,
1800 psychological specialists licensed under chapter 491, physical
1801 therapists licensed under chapter 486, and speech therapists
1802 licensed under part I of chapter 468 are excluded, unless
1803 otherwise collectively bargained.

1804 Section 25. Subsection (6) of section 112.3187, Florida
1805 Statutes, is amended to read:

1806 112.3187 Adverse action against employee for disclosing
1807 information of specified nature prohibited; employee remedy and
1808 relief.—

1809 (6) TO WHOM INFORMATION DISCLOSED.—The information
1810 disclosed under this section must be disclosed to any agency or
1811 federal government entity having the authority to investigate,
1812 police, manage, or otherwise remedy the violation or act,
1813 including, but not limited to, the Office of the Chief Inspector
1814 General, an agency inspector general or the employee designated
1815 as agency inspector general under s. 112.3189(1) or inspectors
1816 general under s. 20.055, the Florida Commission on Human
1817 Relations, and the whistle-blower's hotline created under s.
1818 112.3189. However, for disclosures concerning a local
1819 governmental entity, including any regional, county, or
1820 municipal entity, special district, community college district,
1821 or school district or any political subdivision of any of the
1822 foregoing, the information must be disclosed to a chief
1823 executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or
1824 other appropriate local official.

1825 Section 26. Subsection (5) of section 121.031, Florida
1826 Statutes, is amended to read:

1827 121.031 Administration of system; appropriation; oaths;

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1828 actuarial studies; public records.—

1829 (5) The names and addresses of retirees are confidential
1830 and exempt from ~~the provisions of~~ s. 119.07(1) to the extent
1831 that no state or local governmental agency may provide the names
1832 or addresses of such persons in aggregate, compiled, or list
1833 form to any person except to a public agency engaged in official
1834 business. However, a state or local government agency may
1835 provide the names and addresses of retirees from that agency to
1836 a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to
1837 a retiree organization for official business use. Lists of names
1838 or addresses of retirees may be exchanged by public agencies,
1839 but such lists may ~~shall~~ not be provided to, or open for
1840 inspection by, the public. Any person may view or copy any
1841 individual's retirement records at the Department of Management
1842 Services, one record at a time, or may obtain information by a
1843 separate written request for a named individual for which
1844 information is desired.

1845 Section 27. Subsection (1) of section 447.02, Florida
1846 Statutes, is amended to read:

1847 447.02 Definitions.—The following terms, when used in this
1848 chapter, shall have the meanings ascribed to them in this
1849 section:

1850 (1) The term "labor organization" means any organization of
1851 employees or local or subdivision thereof, having within its
1852 membership residents of the state, whether incorporated or not,
1853 organized for the purpose of dealing with employers concerning
1854 hours of employment, rate of pay, working conditions, or
1855 grievances of any kind relating to employment and recognized as
1856 a unit of bargaining by one or more employers doing business in

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1857 this state, except that an "employee organization," as defined
1858 in s. 447.203 ~~s. 447.203(11)~~, shall be included in this
1859 definition at such time as it seeks to register pursuant to s.
1860 447.305.

1861 Section 28. Section 447.609, Florida Statutes, is amended
1862 to read:

1863 447.609 Representation in proceedings.—Any full-time
1864 employee or officer of any public employer or employee
1865 organization may represent his or her employer or any public
1866 employee in ~~member of~~ a bargaining unit in any proceeding
1867 authorized in this part, excluding the representation of any
1868 person or public employer in a court of law by a person who is
1869 not a licensed attorney.

1870 Section 29. Subsection (2) of section 1011.60, Florida
1871 Statutes, is amended to read:

1872 1011.60 Minimum requirements of the Florida Education
1873 Finance Program.—Each district which participates in the state
1874 appropriations for the Florida Education Finance Program shall
1875 provide evidence of its effort to maintain an adequate school
1876 program throughout the district and shall meet at least the
1877 following requirements:

1878 (2) MINIMUM TERM.—Operate all schools for a term of 180
1879 actual teaching days or the equivalent on an hourly basis as
1880 specified by rules of the State Board of Education each school
1881 year. The State Board of Education may prescribe procedures for
1882 altering, and, upon written application, may alter, this
1883 requirement during a national, state, or local emergency as it
1884 may apply to an individual school or schools in any district or
1885 districts if, in the opinion of the board, it is not feasible to

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1886 make up lost days or hours, and the apportionment may, at the
1887 discretion of the Commissioner of Education and if the board
1888 determines that the reduction of school days or hours is caused
1889 by the existence of a bona fide emergency, be reduced for such
1890 district or districts in proportion to the decrease in the
1891 length of term in any such school or schools. A strike, as
1892 defined in s. 447.203 ~~s. 447.203(6)~~, by employees of the school
1893 district may not be considered an emergency.

1894 Section 30. This act shall take effect July 1, 2026.