

1                   A bill to be entitled  
2           An act relating to employee organizations representing  
3           public employees; amending s. 447.301, F.S.; requiring  
4           a public employee who desires to be a member of an  
5           employee organization to sign a membership  
6           authorization form beginning on a specified date;  
7           requiring that such form include certain information  
8           and a specified statement; authorizing a public  
9           employee to revoke membership in an employee  
10          organization at any time of the year; requiring an  
11          employee organization to revoke a public employee's  
12          membership upon receipt of his or her written request  
13          for revocation; prohibiting an employee organization  
14          from limiting an employee's right to revoke membership  
15          to certain dates; prohibiting a revocation form from  
16          requiring a reason for the public employee's decision  
17          to revoke his or her membership; requiring employee  
18          organizations to retain such authorization forms and  
19          requests for revocation for inspection by the Public  
20          Employees Relations Commission; providing  
21          applicability with respect to certain employee  
22          organizations; authorizing the commission to adopt  
23          rules; amending s. 447.207, F.S.; authorizing the  
24          commission to waive certain provisions for specified  
25          employee organizations under certain circumstances;

26 | amending s. 447.303, F.S.; prohibiting certain  
 27 | employee organizations from having dues and uniform  
 28 | assessments deducted and collected by the employer  
 29 | from certain salaries; authorizing public employees to  
 30 | pay dues and uniform assessments directly to the  
 31 | employee organization; authorizing certain employee  
 32 | organizations to have dues and uniform assessments  
 33 | deducted and collected by the employer from certain  
 34 | salaries; amending s. 447.305, F.S.; revising  
 35 | requirements for applications for initial  
 36 | registrations and renewals of registration of employee  
 37 | organizations; providing procedures for incomplete  
 38 | applications; requiring certain employee organizations  
 39 | to petition the commission for recertification as  
 40 | bargaining agents; authorizing a public employer or  
 41 | bargaining unit employee to challenge an employee  
 42 | organization's application for renewal of  
 43 | registration; requiring the commission or one of its  
 44 | designated agents to review the application for  
 45 | renewal of registration; requiring the commission to  
 46 | revoke the registration and certification of the  
 47 | employee organization under certain circumstances;  
 48 | authorizing the commission to conduct investigations  
 49 | for specified purposes; authorizing the commission to  
 50 | revoke or deny an employee organization's registration

51 or certification under certain circumstances;  
 52 specifying that certain decisions issued by the  
 53 commission are reviewable final agency actions;  
 54 providing applicability with respect to certain  
 55 employee organizations; requiring certain employee  
 56 organizations to provide their members with an annual  
 57 audited financial report; requiring employee  
 58 organizations to notify their members annually of all  
 59 costs of membership; amending s. 447.509, F.S.;  
 60 revising prohibitions for employee organizations and  
 61 certain persons acting on their behalf; amending s.  
 62 1012.2315, F.S.; removing duplicative provisions;  
 63 reenacting ss. 110.114(3) and 447.507(6)(a), F.S.,  
 64 relating to employee wage deductions and violation of  
 65 strike prohibition and penalties, respectively, to  
 66 incorporate the amendment made to s. 447.303, F.S., in  
 67 references thereto; providing effective dates.

68  
 69 Be It Enacted by the Legislature of the State of Florida:

70  
 71 Section 1. Subsection (1) of section 447.301, Florida  
 72 Statutes, is amended to read:

73 447.301 Public employees' rights; organization and  
 74 representation.—

75 (1) (a) Public employees shall have the right to form,

76 | join, and participate in, or to refrain from forming, joining,  
 77 | or participating in, any employee organization of their own  
 78 | choosing.

79 | (b)1. Beginning July 1, 2023, a public employee who  
 80 | desires to be a member of an employee organization must sign and  
 81 | date a membership authorization form, as prescribed by the  
 82 | commission, with the bargaining agent.

83 | 2. The membership authorization form must identify the  
 84 | name of the bargaining agent, the name of the employee, the  
 85 | class code and class title of the employee, the name of the  
 86 | public employer and employing agency, if applicable, the amount  
 87 | of the initiation fee and of the monthly dues which the member  
 88 | must pay, and the name and total amount of salary, allowances,  
 89 | and other direct or indirect disbursements, including  
 90 | reimbursements, paid to each of the five highest compensated  
 91 | officers and employees of the employee organization disclosed  
 92 | under s. 447.305(2)(c).

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

95 |  
 96 | The State of Florida is a right-to-work state.  
 97 | Membership or non-membership in a labor union is not  
 98 | required as a condition of employment, and union  
 99 | membership and payment of union dues and assessments  
 100 | are voluntary. Each person has the right to join and

101 pay dues to a labor union or to refrain from joining  
102 and paying dues to a labor union. No employee may be  
103 discriminated against in any manner for joining and  
104 financially supporting a labor union or for refusing  
105 to join or financially support a labor union.

106  
107 4. A public employee may revoke membership in the employee  
108 organization at any time of the year. Upon receipt of the  
109 employee's written revocation of membership, the employee  
110 organization must revoke a public employee's membership. The  
111 employee organization may not limit an employee's right to  
112 revoke membership to certain dates. If a public employee must  
113 complete a form to revoke membership in the employee  
114 organization, the form may not require a reason for the public  
115 employee's decision to revoke his or her membership.

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

119 6. This paragraph does not apply to members of an employee  
120 organization that has been certified as a bargaining agent to  
121 represent law enforcement officers, correctional officers, or  
122 correctional probation officers as those terms are defined in s.  
123 943.10(1), (2), or (3), respectively, or firefighters as defined  
124 in s. 633.102.

125 7. The commission may adopt rules to implement this

126 paragraph.

127 Section 2. Subsection (12) is added to section 447.207,  
 128 Florida Statutes, to read:

129 447.207 Commission; powers and duties.—

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

140 (a) The prohibition on dues and assessment deductions  
 141 provided in s. 447.303(1).

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

144 (c) The revocation of certification provided in s.  
 145 447.305(6) and (7).

146 Section 3. Effective July 1, 2023, section 447.303,  
 147 Florida Statutes, is amended to read:

148 447.303 Dues; deduction and collection.—

149 (1) Except as authorized in subsection (2) or subject to a  
 150 waiver granted pursuant to s. 447.207(12)(a), an employee

151 organization that has been certified as a bargaining agent may  
 152 not have its dues and uniform assessments deducted and collected  
 153 by the employer from the salaries of those employees in the  
 154 unit. A public employee may pay dues and uniform assessments  
 155 directly to the employee organization that has been certified as  
 156 the bargaining agent.

157       (2)(a) An Any employee organization that ~~which~~ has been  
 158 certified as a bargaining agent to represent law enforcement  
 159 officers, correctional officers, or correctional probation  
 160 officers as those terms are defined in s. 943.10(1), (2), or  
 161 (3), respectively, or firefighters as defined in s. 633.102 has  
 162 ~~shall have~~ the right to have its dues and uniform assessments  
 163 deducted and collected by the employer from the salaries of  
 164 those employees who authorize the deduction and collection of  
 165 said dues and uniform assessments. However, such authorization  
 166 is revocable at the employee's request upon 30 days' written  
 167 notice to the employer and employee organization. Said  
 168 deductions shall commence upon the bargaining agent's written  
 169 request to the employer.

170       (b) Reasonable costs to the employer of said deductions is  
 171 ~~shall be~~ a proper subject of collective bargaining.

172       (c) Such right to deduction, unless revoked under ~~pursuant~~  
 173 ~~to~~ s. 447.507, is ~~shall be~~ in force for so long as the employee  
 174 organization remains the certified bargaining agent for the  
 175 employees in the unit.

176        (3) The public employer is expressly prohibited from any  
 177 involvement in the collection of fines, penalties, or special  
 178 assessments.

179        Section 4. Effective October 1, 2023, section 447.305,  
 180 Florida Statutes, is amended to read:

181        447.305 Registration of employee organization.—

182        (1) Every employee organization seeking to become a  
 183 certified bargaining agent for public employees shall register  
 184 with the commission pursuant to the procedures set forth in s.  
 185 120.60 prior to requesting recognition by a public employer for  
 186 purposes of collective bargaining and prior to submitting a  
 187 petition to the commission requesting certification as an  
 188 exclusive bargaining agent. Further, if such employee  
 189 organization is not registered, it may not participate in a  
 190 representation hearing, participate in a representation  
 191 election, or be certified as an exclusive bargaining agent. The  
 192 application for registration required by this section shall be  
 193 under oath and in such form as the commission may prescribe and  
 194 shall include:

195        (a) The name and address of the organization and of any  
 196 parent organization or organization with which it is affiliated.

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

199        (c) The amount of the initiation fee and of the monthly  
 200 dues which members must pay.



201 (d) The current annual audited financial statement of the  
 202 organization.

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

207 (f) A pledge, in a form prescribed by the commission, that  
 208 the employee organization will conform to the laws of the state  
 209 and that it will accept members without regard to age, race,  
 210 sex, religion, or national origin.

211 (g) A copy of the current constitution and bylaws of the  
 212 employee organization.

213 (h) A copy of the current constitution and bylaws of the  
 214 state and national groups with which the employee organization  
 215 is affiliated or associated. In lieu of this provision, and upon  
 216 adoption of a rule by the commission, a state or national  
 217 affiliate or parent organization of any registering labor  
 218 organization may annually submit a copy of its current  
 219 constitution and bylaws.

220 (2) A registration granted to an employee organization  
 221 pursuant to the provisions of this section shall run for 1 year  
 222 from the date of issuance. A registration shall be renewed  
 223 annually by filing application for renewal under oath with the  
 224 commission, which application shall reflect any changes in the  
 225 information provided to the commission in conjunction with the

226 employee organization's preceding application for registration  
 227 or previous renewal, whichever is applicable. Each application  
 228 for renewal of registration shall include a current annual  
 229 audited financial statement, certified by an independent  
 230 certified public accountant licensed under chapter 473 and  
 231 ~~report,~~ signed by the employee organization's ~~its~~ president and  
 232 treasurer or corresponding principal officers, containing the  
 233 following information in such detail as may be necessary  
 234 accurately to disclose its financial condition and operations  
 235 for its preceding fiscal year and in such categories as the  
 236 commission may prescribe:

237 (a) Assets and liabilities at the beginning and end of the  
 238 fiscal year;

239 (b) Receipts of any kind and the sources thereof;

240 (c) Salary, allowances, and other direct or indirect  
 241 disbursements, including reimbursed expenses, to each officer  
 242 and also to each employee who, during such fiscal year, received  
 243 more than \$10,000 in the aggregate from such employee  
 244 organization and any other employee organization affiliated with  
 245 it or with which it is affiliated or which is affiliated with  
 246 the same national or international employee organization;

247 (d) Direct and indirect loans made to any officer,  
 248 employee, or member which aggregated more than \$250 during the  
 249 fiscal year, together with a statement of the purpose, security,  
 250 if any, and arrangements for repayment; and

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

254 (3) In addition to subsection (2), an employee  
 255 organization that has been certified as the bargaining agent for  
 256 public employees must include for each such certified bargaining  
 257 unit the following information and documentation as of the 30th  
 258 day immediately preceding the date of renewal in its application  
 259 for any renewal of registration on or after October 1, 2023:

260 (a) The number of employees in the bargaining unit who are  
 261 eligible for representation by the employee organization.

262 (b) The number of employees in the bargaining unit who  
 263 have submitted signed membership authorization forms without a  
 264 subsequent revocation of such membership.

265 (c) The number of employees in the bargaining unit who  
 266 paid dues to the employee organization.

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

269 (e) Documentation provided by an independent certified  
 270 public accountant retained by the employee organization which  
 271 verifies the information provided in paragraphs (a)-(d).

272 (4) The employee organization must provide a copy of its  
 273 application for renewal of registration relating to a public  
 274 employer's employees to the public employer on the same day the  
 275 application is submitted to the commission.

276       (5) An application for renewal of registration is  
277 incomplete and is not eligible for consideration by the  
278 commission if it does not include all of the information and  
279 documentation required in subsection (3). The commission shall  
280 notify the employee organization if the application is  
281 incomplete. An incomplete application must be dismissed if the  
282 required information and documentation are not provided within  
283 10 days after the employee organization receives such notice.

284       (6) Notwithstanding the provisions of this chapter  
285 relating to collective bargaining, an employee organization that  
286 had less than 60 percent of the employees eligible for  
287 representation in the bargaining unit pay dues during its last  
288 registration period must petition the commission pursuant to s.  
289 447.307(2) and (3) for recertification as the exclusive  
290 representative of all employees in the bargaining unit within 1  
291 month after the date on which the employee organization applies  
292 for renewal of registration pursuant to subsection (2). The  
293 certification of an employee organization that does not comply  
294 with this section is revoked.

295       (7) The public employer or a bargaining unit employee may  
296 challenge an employee organization's application for renewal of  
297 registration if the public employer or bargaining unit employee  
298 believes that the application is inaccurate. The commission or  
299 one of its designated agents shall review the application to  
300 determine its accuracy and compliance with this section. If the

301 commission finds that the application is inaccurate or does not  
 302 comply with this section, the commission shall revoke the  
 303 registration and certification of the employee organization.

304 (8) The commission may conduct an investigation to confirm  
 305 the validity of any information submitted pursuant to this  
 306 section. The commission may revoke or deny an employee  
 307 organization's registration or certification if it finds that  
 308 the employee organization:

309 (a) Failed to cooperate with the investigation conducted  
 310 pursuant to this subsection; or

311 (b) Intentionally misrepresented the information it  
 312 submitted pursuant to subsection (3).

313  
 314 A decision issued by the commission pursuant to this subsection  
 315 is a final agency action that is reviewable pursuant to s.  
 316 447.504.

317 (9) Subsections (3)-(8) do not apply to an employee  
 318 organization that has been certified as the bargaining agent to  
 319 represent law enforcement officers, correctional officers, or  
 320 correctional probation officers as those terms are defined in s.  
 321 943.10(1), (2), or (3), respectively, or firefighters as defined  
 322 in s. 633.102.

323 (10)~~(3)~~ A registration fee shall accompany each  
 324 application filed with the commission. The amount charged for an  
 325 application for registration or renewal of registration shall

326 not exceed \$15. All such money collected by the commission shall  
327 be deposited in the General Revenue Fund.

328 ~~(11)-(4)~~ Every employee organization shall keep accurate  
329 accounts of its income and expenses, which accounts shall be  
330 open for inspection at all reasonable times by any member of the  
331 organization or by the commission. In addition, each employee  
332 organization that has been certified as a bargaining agent must  
333 provide to its members an annual audited financial report that  
334 includes a detailed breakdown of revenues and expenditures, and  
335 an accounting of membership dues and assessments. The employee  
336 organization must notify its members annually of all costs of  
337 membership.

338 Section 5. Paragraphs (d) and (e) are added to subsection  
339 (1) of section 447.509, Florida Statutes, to read:

340 447.509 Other unlawful acts.—

341 (1) Employee organizations, their members, agents, or  
342 representatives, or any persons acting on their behalf are  
343 hereby prohibited from:

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

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

350 Section 6. Effective October 1, 2023, paragraph (c) of

351 subsection (4) of section 1012.2315, Florida Statutes, is  
 352 amended to read:

353 1012.2315 Assignment of teachers.—

354 (4) COLLECTIVE BARGAINING.—

355 ~~(c)1. In addition to the provisions under s. 447.305(2),~~  
 356 ~~an employee organization that has been certified as the~~  
 357 ~~bargaining agent for a unit of instructional personnel as~~  
 358 ~~defined in s. 1012.01(2) must include for each such certified~~  
 359 ~~bargaining unit the following information in its application for~~  
 360 ~~renewal of registration:~~

361 ~~a. The number of employees in the bargaining unit who are~~  
 362 ~~eligible for representation by the employee organization.~~

363 ~~b. The number of employees who are represented by the~~  
 364 ~~employee organization, specifying the number of members who pay~~  
 365 ~~dues and the number of members who do not pay dues.~~

366 ~~2. Notwithstanding the provisions of chapter 447 relating~~  
 367 ~~to collective bargaining, an employee organization whose dues~~  
 368 ~~paying membership is less than 50 percent of the employees~~  
 369 ~~eligible for representation in the unit, as identified in~~  
 370 ~~subparagraph 1., must petition the Public Employees Relations~~  
 371 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~  
 372 ~~as the exclusive representative of all employees in the unit~~  
 373 ~~within 1 month after the date on which the organization applies~~  
 374 ~~for renewal of registration pursuant to s. 447.305(2). The~~  
 375 ~~certification of an employee organization that does not comply~~

376 | ~~with this paragraph is revoked.~~

377 |       Section 7. Effective July 1, 2023, for the purpose of  
378 | incorporating the amendment made by this act to section 447.303,  
379 | Florida Statutes, in a reference thereto, subsection (3) of  
380 | section 110.114, Florida Statutes, is reenacted to read:

381 |       110.114 Employee wage deductions.—

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

390 |       Section 8. Effective July 1, 2023, for the purpose of  
391 | incorporating the amendment made by this act to section 447.303,  
392 | Florida Statutes, in a reference thereto, paragraph (a) of  
393 | subsection (6) of section 447.507, Florida Statutes, is  
394 | reenacted to read:

395 |       447.507 Violation of strike prohibition; penalties.—

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

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

400 |       2. Suspend or revoke the certification of the employee



401 organization as the bargaining agent of such employee unit.

402 3. Revoke the right of dues deduction and collection  
 403 previously granted to said employee organization pursuant to s.  
 404 447.303.

405 4. Fine the organization up to \$20,000 for each calendar  
 406 day of such violation or determine the approximate cost to the  
 407 public due to each calendar day of the strike and fine the  
 408 organization an amount equal to such cost, notwithstanding the  
 409 fact that the fine may exceed \$20,000 for each such calendar  
 410 day. The fines so collected shall immediately accrue to the  
 411 public employer and shall be used by him or her to replace those  
 412 services denied the public as a result of the strike. In  
 413 determining the amount of damages, if any, to be awarded to the  
 414 public employer, the commission shall take into consideration  
 415 any action or inaction by the public employer or its agents that  
 416 provoked, or tended to provoke, the strike by the public  
 417 employees.

418 Section 9. Except as otherwise expressly provided in this  
 419 act, this act shall take effect upon becoming a law.