

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

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A bill to be entitled

An act relating to employee organizations representing public employees; amending s. 447.301, F.S.; requiring a public employee who desires to be a member of an employee organization to sign a membership authorization form beginning on a specified date; requiring that such form include a specified statement; authorizing a public employee to revoke membership in an employee organization at any time of the year; requiring an employee organization to revoke a public employee's membership upon receipt of his or her written request for revocation; prohibiting an employee organization from limiting an employee's right to revoke membership to certain dates; prohibiting a revocation form from requiring a reason for the public employee's decision to revoke his or her membership; requiring employee organizations to retain such authorization forms and requests for revocation for inspection by the Public Employees Relations Commission; providing applicability with respect to certain employee organizations; authorizing the commission to adopt rules; amending s. 447.303, F.S.; prohibiting certain employee organizations from having dues and uniform assessments deducted and collected by the employer from certain salaries; authorizing public employees to pay dues and uniform assessments directly to the employee organization; authorizing certain employee organizations to have dues and uniform assessments deducted and collected by

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the employer from certain salaries; amending s.
447.305, F.S.; revising requirements for applications
for initial registrations and renewals of registration
of employee organizations; providing procedures for
incomplete applications; requiring certain employee
organizations to petition the commission for
recertification as bargaining agents; authorizing a
public employer or bargaining unit employee to
challenge an employee organization's application for
renewal of registration; requiring the commission or
one of its designated agents to review the
application; requiring the commission to revoke the
registration and certification of the employee
organization in certain circumstances; authorizing the
commission to conduct investigations for specified
purposes; authorizing the commission to revoke or deny
an employee organization's registration or
certification under certain circumstances; specifying
that certain decisions issued by the commission are
reviewable final agency actions; providing
applicability with respect to certain employee
organizations; requiring certain employee
organizations to provide its members with an annual
audited financial report; requiring employee
organizations to notify its members annually of all
costs of membership; amending s. 447.509, F.S.;
revising prohibitions for employee organizations and
certain persons and entities relating to employee
organizations; amending s. 1012.2315, F.S.; removing

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59 duplicative provisions; reenacting ss. 110.114(3) and
60 447.507(6) (a), F.S., relating to employee wage
61 deductions and violation of strike prohibition and
62 penalties, respectively, to incorporate the amendment
63 made to s. 447.303, F.S., in references thereto;
64 providing effective dates.

65
66 Be It Enacted by the Legislature of the State of Florida:

67
68 Section 1. Subsection (1) of section 447.301, Florida
69 Statutes, is amended to read:

70 447.301 Public employees' rights; organization and
71 representation.—

72 (1) (a) Public employees shall have the right to form, join,
73 and participate in, or to refrain from forming, joining, or
74 participating in, any employee organization of their own
75 choosing.

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

80 2. The membership authorization form must identify the name
81 of the bargaining agent, the name of the employee, the class
82 code and class title of the employee, the name of the public
83 employer and employing agency, if applicable, and the amount of
84 the initiation fee and of the monthly dues which the member must
85 pay.

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

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88
89 The State of Florida is a right-to-work state.
90 Membership or non-membership in a labor union is not
91 required as a condition of employment, and union
92 membership and payment of union dues and assessments
93 are voluntary. Each person has the right to join and
94 pay dues to a labor union or to refrain from joining
95 and paying dues to a labor union. No employee may be
96 discriminated against in any manner for joining and
97 financially supporting a labor union or for refusing
98 to join or financially support a labor union.
99

100 4. A public employee may revoke membership in the employee
101 organization at any time of the year. Upon receipt of the
102 employee's written revocation of membership, the employee
103 organization must revoke a public employee's membership. The
104 employee organization may not limit an employee's right to
105 revoke membership to certain dates. If a public employee must
106 complete a form to revoke membership in the employee
107 organization, the form may not require a reason for the public
108 employee's decision to revoke his or her membership.

109 5. An employee organization must retain for inspection by
110 the commission such membership authorization forms and any
111 revocations.

112 6. This paragraph does not apply to members of an employee
113 organization that has been certified as a bargaining agent to
114 represent law enforcement officers, correctional officers, or
115 correctional probation officers as those terms are defined in s.
116 943.10(1), (2), or (3), respectively, or firefighters as defined

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117 in s. 633.102.

118 7. The commission may adopt rules to implement this
119 paragraph.

120 Section 2. Effective July 1, 2023, section 447.303, Florida
121 Statutes, is amended to read:

122 447.303 Dues; deduction and collection.—

123 (1) Except as authorized in subsection (2), an employee
124 organization that has been certified as a bargaining agent may
125 not have its dues and uniform assessments deducted and collected
126 by the employer from the salaries of those employees in the
127 unit. A public employee may pay dues and uniform assessments
128 directly to the employee organization that has been certified as
129 the bargaining agent.

130 (2) (a) An ~~Any~~ employee organization ~~that~~ which has been
131 certified as a bargaining agent to represent law enforcement
132 officers, correctional officers, or correctional probation
133 officers as those terms are defined in s. 943.10(1), (2), or
134 (3), respectively, or firefighters as defined in s. 633.102 has
135 ~~shall have~~ the right to have its dues and uniform assessments
136 deducted and collected by the employer from the salaries of
137 those employees who authorize the deduction and collection of
138 said dues and uniform assessments. However, such authorization
139 is revocable at the employee's request upon 30 days' written
140 notice to the employer and employee organization. Said
141 deductions shall commence upon the bargaining agent's written
142 request to the employer.

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

145 (c) Such right to deduction, unless revoked under ~~pursuant~~

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146 ~~to~~ s. 447.507, ~~is shall be~~ in force for so long as the employee
147 organization remains the certified bargaining agent for the
148 employees in the unit.

149 (3) The public employer is expressly prohibited from any
150 involvement in the collection of fines, penalties, or special
151 assessments.

152 Section 3. Effective October 1, 2023, section 447.305,
153 Florida Statutes, is amended to read:

154 447.305 Registration of employee organization.—

155 (1) Every employee organization seeking to become a
156 certified bargaining agent for public employees shall register
157 with the commission pursuant to the procedures set forth in s.
158 120.60 prior to requesting recognition by a public employer for
159 purposes of collective bargaining and prior to submitting a
160 petition to the commission requesting certification as an
161 exclusive bargaining agent. Further, if such employee
162 organization is not registered, it may not participate in a
163 representation hearing, participate in a representation
164 election, or be certified as an exclusive bargaining agent. The
165 application for registration required by this section shall be
166 under oath and in such form as the commission may prescribe and
167 shall include:

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

170 (b) The names and addresses of the principal officers and
171 all representatives of the organization.

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

174 (d) The current annual audited financial statement of the

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organization.

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

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

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

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

(2) A registration granted to an employee organization pursuant to the provisions of this section shall run for 1 year from the date of issuance. A registration shall be renewed annually by filing application for renewal under oath with the commission, which application shall reflect any changes in the information provided to the commission in conjunction with the employee organization's preceding application for registration or previous renewal, whichever is applicable. Each application for renewal of registration shall include a current annual audited financial statement, certified by an independent certified public accountant licensed under chapter 473 and

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~~report,~~ signed by the employee organization's ~~its~~ president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year and in such categories as the commission may prescribe:

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

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

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

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

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

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

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

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

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

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

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

245 (4) The employee organization must provide a copy of its
246 application for renewal of registration relating to a public
247 employer's employees to the public employer on the same day the
248 application is submitted to the commission.

249 (5) An application for renewal of registration is
250 incomplete and is not eligible for consideration by the
251 commission if it does not include all of the information and
252 documentation required in subsection (3). The commission shall
253 notify the employee organization if the application is
254 incomplete. An incomplete application must be dismissed if the
255 required information and documentation are not provided within
256 10 days after the employee organization receives such notice.

257 (6) Notwithstanding the provisions of this chapter relating
258 to collective bargaining, an employee organization that had less
259 than 60 percent of the employees eligible for representation in
260 the bargaining unit pay dues during its last registration period
261 must petition the commission pursuant to s. 447.307(2) and (3)

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for recertification as the exclusive representative of all
employees in the bargaining unit within 1 month after the date
on which the employee organization applies for renewal of
registration pursuant to subsection (2). The certification of an
employee organization that does not comply with this section is
revoked.

(7) The public employer or a bargaining unit employee may
challenge an employee organization's application for renewal of
registration if the public employer or bargaining unit employee
believes that the application is inaccurate. The commission or
one of its designated agents shall review the application to
determine its accuracy and compliance with this section. If the
commission finds that the application is inaccurate or does not
comply with this section, the commission shall revoke the
registration and certification of the employee organization.

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

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

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

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

(9) Subsections (3)-(8) do not apply to an employee

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organization that has been certified as the bargaining agent to represent law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102.

~~(10)(3)~~ A registration fee shall accompany each application filed with the commission. The amount charged for an application for registration or renewal of registration shall not exceed \$15. All such money collected by the commission shall be deposited in the General Revenue Fund.

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

Section 4. Paragraphs (d) and (e) are added to subsection (1) of section 447.509, Florida Statutes, to read:

447.509 Other unlawful acts.—

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

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

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

323 Section 5. Effective October 1, 2023, paragraph (c) of
324 subsection (4) of section 1012.2315, Florida Statutes, is
325 amended to read:

326 1012.2315 Assignment of teachers.—

327 (4) COLLECTIVE BARGAINING.—

328 ~~(c)1. In addition to the provisions under s. 447.305(2), an~~
329 ~~employee organization that has been certified as the bargaining~~
330 ~~agent for a unit of instructional personnel as defined in s.~~
331 ~~1012.01(2) must include for each such certified bargaining unit~~
332 ~~the following information in its application for renewal of~~
333 ~~registration:~~

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

336 ~~b. The number of employees who are represented by the~~
337 ~~employee organization, specifying the number of members who pay~~
338 ~~dues and the number of members who do not pay dues.~~

339 ~~2. Notwithstanding the provisions of chapter 447 relating~~
340 ~~to collective bargaining, an employee organization whose dues~~
341 ~~paying membership is less than 50 percent of the employees~~
342 ~~eligible for representation in the unit, as identified in~~
343 ~~subparagraph 1., must petition the Public Employees Relations~~
344 ~~Commission pursuant to s. 447.307(2) and (3) for recertification~~
345 ~~as the exclusive representative of all employees in the unit~~
346 ~~within 1 month after the date on which the organization applies~~
347 ~~for renewal of registration pursuant to s. 447.305(2). The~~
348 ~~certification of an employee organization that does not comply~~

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~~with this paragraph is revoked.~~

Section 6. Effective July 1, 2023, for the purpose of incorporating the amendment made by this act to section 447.303, Florida Statutes, in a reference thereto, subsection (3) of section 110.114, Florida Statutes, is reenacted to read:

110.114 Employee wage deductions.—

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

Section 7. Effective July 1, 2023, for the purpose of incorporating the amendment made by this act to section 447.303, Florida Statutes, in a reference thereto, paragraph (a) of subsection (6) of section 447.507, Florida Statutes, is reenacted to read:

447.507 Violation of strike prohibition; penalties.—

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

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

2. Suspend or revoke the certification of the employee organization as the bargaining agent of such employee unit.

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

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378 4. Fine the organization up to \$20,000 for each calendar
379 day of such violation or determine the approximate cost to the
380 public due to each calendar day of the strike and fine the
381 organization an amount equal to such cost, notwithstanding the
382 fact that the fine may exceed \$20,000 for each such calendar
383 day. The fines so collected shall immediately accrue to the
384 public employer and shall be used by him or her to replace those
385 services denied the public as a result of the strike. In
386 determining the amount of damages, if any, to be awarded to the
387 public employer, the commission shall take into consideration
388 any action or inaction by the public employer or its agents that
389 provoked, or tended to provoke, the strike by the public
390 employees.

391 Section 8. Except as otherwise expressly provided in this
392 act, this act shall take effect upon becoming a law.