

2023256e1

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 a specified
8 statement; authorizing a public employee to revoke
9 membership in an employee organization at any time of
10 the year; requiring an employee organization to revoke
11 a public employee's membership upon receipt of his or
12 her written request for revocation; prohibiting an
13 employee organization from limiting an employee's
14 right to revoke membership to certain dates;
15 prohibiting a revocation form from requiring a reason
16 for the public employee's decision to revoke his or
17 her membership; requiring employee organizations to
18 retain such authorization forms and requests for
19 revocation for inspection by the Public Employees
20 Relations Commission; providing applicability with
21 respect to certain employee organizations; authorizing
22 the commission to adopt rules; amending s. 447.303,
23 F.S.; prohibiting certain employee organizations from
24 having dues and uniform assessments deducted and
25 collected by the employer from certain salaries;
26 authorizing public employees to pay dues and uniform
27 assessments directly to the employee organization;
28 authorizing certain employee organizations to have
29 dues and uniform assessments deducted and collected by

2023256e1

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 their members with an annual audited financial report; requiring employee organizations to notify their 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

2023256e1

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, the amount of the
84 initiation fee and of the monthly dues which the member must
85 pay, and the name and total amount of salary, allowances, and
86 other direct or indirect disbursements, including
87 reimbursements, paid to each of the five highest compensated

2023256e1

88 officers and employees of the employee organization disclosed
89 under s. 447.305(2)(c).

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

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

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

113 5. An employee organization must retain for inspection by
114 the commission such membership authorization forms and any
115 revocations.

116 6. This paragraph does not apply to members of an employee

2023256e1

organization that has been certified as a 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.

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

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

447.303 Dues; deduction and collection.—

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

(2) (a) An ~~Any~~ employee organization ~~that~~ ~~which~~ has been certified as a 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 ~~has~~ ~~shall have~~ the right to have its dues and uniform assessments deducted and collected by the employer from the salaries of those employees who authorize the deduction and collection of said dues and uniform assessments. However, such authorization is revocable at the employee's request upon 30 days' written notice to the employer and employee organization. Said deductions shall commence upon the bargaining agent's written

2023256e1

request to the employer.

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

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

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

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

447.305 Registration of employee organization.—

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

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

(b) The names and addresses of the principal officers and

2023256e1

all representatives of the organization.

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

(d) The current annual audited financial statement of the 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

2023256e1

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 ~~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

2023256e1

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:

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

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

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

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

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

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

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

(6) Notwithstanding the provisions of this chapter relating

2023256e1

262 to collective bargaining, an employee organization that had less
263 than 60 percent of the employees eligible for representation in
264 the bargaining unit pay dues during its last registration period
265 must petition the commission pursuant to s. 447.307(2) and (3)
266 for recertification as the exclusive representative of all
267 employees in the bargaining unit within 1 month after the date
268 on which the employee organization applies for renewal of
269 registration pursuant to subsection (2). The certification of an
270 employee organization that does not comply with this section is
271 revoked.

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

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

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

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

2023256e1

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 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

2023256e1

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).

(e) Offering any compensation, payment, or thing 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(4).

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

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

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

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

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

~~2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification~~

2023256e1

349 ~~as the exclusive representative of all employees in the unit~~
350 ~~within 1 month after the date on which the organization applies~~
351 ~~for renewal of registration pursuant to s. 447.305(2). The~~
352 ~~certification of an employee organization that does not comply~~
353 ~~with this paragraph is revoked.~~

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

358 110.114 Employee wage deductions.—

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

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

372 447.507 Violation of strike prohibition; penalties.—

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

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

377 2. Suspend or revoke the certification of the employee

2023256e1

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.

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

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