A bill to be entitled

An act relating to the Public Employees Relations Commission; amending s. 110.227, F.S.; conforming final order requirements to ch. 120, F.S.; removing a provision requiring exceptions to a recommended order to be filed within a specified timeframe; amending s. 112.0455, F.S.; conforming final order requirements to ch. 120, F.S.; revising the timeframe in which an appeal hearing must be conducted; amending s. 120.80, F.S.; providing applicability; amending s. 295.14, F.S.; conforming final order requirements to ch. 120, F.S.; amending s. 447.203, F.S.; providing and revising definitions; amending s. 447.205, F.S.; revising the seal of the Public Employees Relations Commission; amending s. 447.207, F.S.; providing construction relating to the rulemaking authority of the commission; authorizing subpoenas to be served by certified mail, return receipt requested, or by personal service; revising requirements for proof of service; removing the requirement that the commission adopt rules for the qualifications of persons who may serve as mediators; authorizing the commission, under certain circumstances, to waive the application of any provision of part II of ch. 447, F.S., rather than only specified provisions; amending s. 447.301, F.S.;

revising requirements for an employee organization membership authorization form; requiring an employee organization, within a specified timeframe, to revoke the membership of and cease the collection of membership dues from a public employee; amending s. 447.303, F.S.; authorizing public employees to pay membership dues directly to an employee organization, a parent organization of the employee organization, and any affiliate of such organizations; amending s. 447.305, F.S.; revising application requirements for employee organization registration and renewal of registration; requiring an employee organization to provide an application for renewal of registration to certain persons within a specified timeframe; requiring a bargaining agent to provide missing application information to the commission within a specified timeframe; requiring the commission to dismiss an application for renewal of registration under certain circumstances; requiring the commission to notify the bargaining agent when such application information is complete; requiring the bargaining agent to petition for recertification within a specified timeframe thereafter; requiring the commission or one of its designated agents to conduct an investigation if a challenge to an application for

renewal of registration is filed; authorizing a designated agent of the commission to conduct an investigation to confirm validity of submitted information; exempting certain employee organizations from a specified requirement; requiring a registration fee for applications for registration and renewal of registration; requiring certain employee organization accounts to be open for inspection by the commission and certain public employees at a reasonable time and place; providing for the revocation of an employee organization's certification under certain circumstances; providing that certain decisions issued by the commission are final agency actions; amending s. 447.307, F.S.; revising requirements for the certification and recertification of an employee organization; creating s. 447.3076, F.S.; authorizing a petition to clarify the composition of a bargaining unit to be filed with the commission under certain circumstances; requiring a copy of the petition to be served on certain persons; requiring the public employer to provide a copy of the petition to certain affected employees within a specified timeframe; requiring a petition to be dismissed under certain circumstances; amending s. 447.308, F.S.; revising requirements for the decertification of an employee

organization; amending s. 447.309, F.S.; removing provisions relating to conflicts between any collective bargaining agreement provision and certain laws, ordinances, rules, or regulations; requiring certain agreements to be returned to the bargaining agent, rather than the employee organization; requiring collective bargaining agreements to contain specified terms and conditions; amending s. 447.401, F.S.; conforming provisions to changes made by the act; amending s. 447.403, F.S.; providing requirements for when an impasse occurs; requiring a hearing within a specified timeframe; authorizing the recommended decision of a special magistrate from an impasse hearing to be transmitted by any method of service that establishes proof of delivery; amending s. 447.405, F.S.; conforming provisions to changes made by the act; amending s. 447.4095, F.S.; providing that salary increases appropriated by the Legislature are considered a financial urgency; providing meeting and dispute requirements; prohibiting unfair labor charges to be filed during specified time periods; amending s. 447.501, F.S.; requiring a public employer to provide to all employee organizations or petitioning employees equal access to the employer's facilities and communication systems for a specified time period;

amending s. 447.503, F.S.; authorizing certain public employers, public employees, and employee organizations, or combinations thereof, to file certain charges with the commission; amending s. 447.507, F.S.; increasing fines for certain violations; amending s. 447.509, F.S.; prohibiting public employers, their agents or representatives, and any persons acting on their behalf from taking certain actions; authorizing certain actions by public employees under certain circumstances; providing exceptions; amending ss. 110.114, 110.205, 112.3187, 121.031, 447.02, 447.609, and 1011.60, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

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

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

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

(d) A recommended order must ~~shall~~ be issued by the

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

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

112.0455 Drug-Free Workplace Act.—

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days after ~~of~~ receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on the appeal shall be conducted within 60 ~~30~~ days after ~~of~~ the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an

arbitrator. The final order must be issued by the commission in accordance with ss. 120.569 and 120.57.

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

120.80 Exceptions and special requirements; agencies.—

(12) PUBLIC EMPLOYEES RELATIONS COMMISSION.—

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

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

295.14 Penalties.—

(1) When the Public Employees Relations Commission, after a hearing on notice conducted according to rules adopted by the commission, determines that a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b) has occurred and sustains the veteran seeking redress, the commission shall order the offending agency, employee, or officer of the state to comply with ~~the provisions of~~ s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b); and, in the event of a violation of s. 295.07, s. 295.08, s. 295.085, or s. 295.09(1)(a) or (b), the commission may issue an order to compensate the veteran for the loss of any wages and reasonable attorney ~~attorney's~~ fees for actual hours worked, and costs of all work, including litigation, incurred as a result of such violation, which order shall be conclusive on the agency, employee, or officer

concerned. The attorney ~~attorney's~~ fees and costs may not exceed $10,000. The final order must be issued by ~~action of~~ the commission in accordance with ss. 120.569 and 120.57 ~~shall be in writing and shall be served on the parties concerned by certified mail with return receipt requested~~.

Section 5. Section 447.203, Florida Statutes, is amended to read:

447.203 Definitions.—As used in this part:

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

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

(3)~~(9)~~ "Chief executive officer" for the state means ~~shall mean~~ the Governor and for other public employers means ~~shall mean~~ the person, whether elected or appointed, who is

responsible to the legislative body of the public employer for the administration of the governmental affairs of the public employer.

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

(5) ~~(14)~~ "Collective bargaining" means the performance of the mutual obligations of the public employer and the bargaining agent of the employee organization to meet at reasonable times, to negotiate in good faith, and to execute a written contract with respect to agreements reached concerning the terms and conditions of employment, except that neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this part.

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

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

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

(9) "Employee organization activities" means activities undertaken at the direction of, on behalf of, or to advance the purposes of an employee organization or any parent organization or affiliate of the employee organization by:

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

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

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

(d) Seeking certification as a bargaining agent.

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

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

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

(h) Representing or speaking on behalf of an employee organization or any parent organization or affiliate of the

employee organization in any setting, venue, or procedure in which the public employer is not a participant.

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

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

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

(l) Administering a collective bargaining agreement.

(m) Participating in labor-management committees.

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

(a) Failure to meet at reasonable times and places with representatives of the other party for the purpose of negotiations.

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

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

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

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

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

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

(11) ~~(10)~~ "Legislative body" means the State Legislature, the board of county commissioners, the district school board, the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403, the Board of Governors of the State University System, or the board's designee, shall be deemed to be the legislative body with respect to all employees of each

constituent state university. For purposes of s. 447.403, the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

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

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

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

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

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

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

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

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

(b) Serve as police chiefs, fire chiefs, or directors of public safety of any police, fire, or public safety department. Other police officers, as defined in s. 943.10(1), and firefighters, as defined in s. 633.102, may be determined by the commission to be managerial employees of such departments. In making such determinations, the commission shall consider, in addition to the criteria established in paragraph (a), the paramilitary organizational structure of the department involved.

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

(13) "Membership dues" means employee organization dues; uniform assessments; fees, including initiation fees; or voluntary contributions paid in exchange for membership in an employee organization or as a member of the employee organization.

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

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

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

1. Work predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work.~~;~~

2. Work involving the consistent exercise of discretion and judgment in its performance.~~;~~

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

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

(b) Any employee who:

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

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

(16)~~(3)~~ "Public employee" means any person employed by a

public employer except:

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

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

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

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

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

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

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

1. Federal license requirement.

2. Federal autonomy regarding investigation and disciplining of appointees.

3. Frequent transfers due to harvesting conditions.

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

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

university.

(17) ~~(2)~~ "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor is deemed to be the public employer; and the Board of Governors of the State University System, or the board's designee, is deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college is deemed to be the public employer with respect to all employees of the community college. The district school board is deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind is deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor is deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

(18) "Public safety unit" means a bargaining unit in which

the majority of the public employees are employed as a law enforcement officer, correctional officer, or correctional probation officer, as those terms are defined in s. 943.10(1), (2), or (3), respectively; a firefighter as defined in s. 633.102(9); a 911 public safety telecommunicator as defined in s. 401.465(1); or an emergency medical technician or a paramedic, as those terms are defined in s. 401.23.

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

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

(21) ~~(6)~~ "Strike" means the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any group of employees from the full and faithful performance of the duties of employment with a public employer for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges, or obligations of public employment, or participating in a

deliberate and concerted course of conduct which adversely affects the services of the public employer; the concerted failure of employees to report for work after the expiration of a collective bargaining agreement; and picketing in furtherance of a work stoppage. The term includes ~~"strike" shall also mean~~ any overt preparation, including, but not limited to, the establishment of strike funds with regard to the ~~above-listed~~ activities listed in this subsection.

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

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

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

447.205 Public Employees Relations Commission.—

(8) The commission shall have a seal for authentication of its orders and proceedings, upon which shall be inscribed the

words "State of Florida—Public Employees Relations Commission" ~~"State of Florida—Employees Relations Commission—~~and which shall be judicially noticed.

Section 7. Subsections (1), (4), (5), (6), and (12) of section 447.207, Florida Statutes, are amended to read:

447.207 Commission; powers and duties.—

(1) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules and regulations as it deems necessary and administratively feasible to carry out the provisions of this part. Any additional grants of rulemaking authority contained in this part do not limit the grant of rulemaking authority in this section.

(4) Any subpoena~~, notice of hearing, or other process or notice of the commission~~ issued under ~~the provisions of~~ this part must either ~~shall~~ be served ~~personally or~~ by certified mail, return receipt requested, or be served personally by any person specified by law to serve process or by any person who is not a party and who is 18 years of age or older. When certified mail is used, a returned post office receipt constitutes proof of service. When personal service is used, if the subpoena is not served by a person specified by law to serve process, an affidavit of the person making service constitutes proof of service. ~~A return made and verified by the individual making such service and setting forth the manner of such service is proof of service, and a returned post office receipt, when~~

~~certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this part shall be served in the county wherein the persons required to be served reside or may be found.~~

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

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

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

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

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

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

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

447.301 Public employees' rights; organization and representation.—

(1)

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

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

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

As a public employee in the State of Florida, ~~is a right-to-work state.~~ membership or nonmembership ~~non-membership~~ in a labor union is not required as a condition of employment.~~, and~~ Union membership and payment of membership ~~union~~ dues ~~and assessments~~ are voluntary. A public employee's ~~Each person has the~~ right to join and pay membership dues to a labor union or to refrain from

joining and paying membership dues to a labor union is protected by both Florida's right-to-work law and the First Amendment of the United States Constitution. A public employer may not discriminate against a public ~~No~~ employee ~~may be discriminated against in any manner~~ for joining and financially supporting, ~~a labor union~~ or ~~for~~ refusing to join and ~~or~~ financially support, a labor union.

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

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

6. This paragraph does not apply to public employees in public safety units ~~members of a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional~~

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

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

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

Section 9. Subsections (1) and (2) of section 447.303, Florida Statutes, are amended to read:

447.303 Membership dues; deduction and collection.—

(1) Except as authorized in subsection (2) or subject to a waiver of the prohibition on membership dues deduction granted pursuant to s. 447.207(12), a public employer may not engage in membership dues deduction on behalf of ~~s. 447.207(12)(a),~~ 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 membership dues ~~and uniform assessments~~ directly to the employee organization, any parent organization of the employee organization, and any affiliate of either the employee organization or the parent organization ~~that has been certified as the bargaining agent~~.

(2)(a) Upon the written authorization of a public employee in a public safety unit, the public employer must engage in membership dues deduction for such public employee. A public employee may revoke his or her authorization for membership dues deduction upon providing 30 days' written notice to the public employer and bargaining agent ~~An employee organization that has been certified as a bargaining agent to represent a bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23 has the right to have its dues and uniform assessments for that bargaining unit 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 request to the employer~~.

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

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

Section 10. Section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organizations ~~organization~~.—

(1) Every employee organization seeking to become a ~~certified~~ bargaining agent for public employees shall register with the commission before ~~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 certification, recertification, or unit clarification petition ~~to the commission requesting certification as an exclusive bargaining agent~~. ~~Further,~~ If an ~~such~~ employee organization is not registered, it may not do any of the following: participate in a certification,

recertification, or unit clarification ~~representation~~ hearing~~;~~, participate in a certification or recertification ~~representation~~ election~~;~~ or be certified as a ~~an exclusive~~ bargaining agent. The application for registration required by this section must ~~shall~~ be under oath, ~~and~~ in such form as the commission may prescribe, and ~~shall~~ include all of the following:

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

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

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

(d) The current annual financial statement of the organization, prepared by an independent certified public accountant licensed under chapter 473.

(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 this ~~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 employee ~~labor~~ organization may annually submit a copy of its current constitution and bylaws.

(2) A registration granted to an employee organization pursuant to this section runs for 1 year after ~~from~~ the date of issuance. A registration must be renewed annually by filing an application for renewal under oath with the commission, which application must 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 must include a current annual financial statement, prepared by an independent certified public accountant licensed under chapter 473 and signed by the employee organization's president and treasurer or corresponding principal officers, containing the following information in such detail as may be necessary to accurately ~~to~~ disclose its financial condition and operations for its preceding fiscal year and in all of the following ~~such~~ categories as prescribed by 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) Disbursements by category.~~;~~

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

(e) Direct and indirect loans made to any of its officers ~~officer~~, employees ~~employee~~, or members ~~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~~

(f) Direct and indirect loans to any business enterprise,

together with a statement of the purpose, security, if any, and arrangements for repayment.

(g) The amount of membership dues retained by or distributed to each of the following: the employee organization, any parent organization of the employee organization, and any affiliate of either the employee organization or the parent organization.

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

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

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

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

(d) ~~(b)~~ For each certification, the number of public 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) Verification ~~Documentation provided~~ by an independent certified public accountant of ~~retained by the employee organization which verifies~~ the information provided in paragraphs (b), (c), and (d) ~~(a)-(d)~~.

(4) Within 30 days after filing an application for renewal of registration with the commission, 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 and public employees of each bargaining unit for which the employee organization is the bargaining agent ~~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 must notify the bargaining agent if ~~it does not include all of~~ the information or verification ~~and documentation~~ required in subsection (3) is incomplete. The bargaining agent must provide the missing information or verification to the

commission within 30 days after such notification. If the bargaining agent fails to provide the missing information or verification within 30 days after notification, the commission must dismiss the application ~~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) The commission must notify the bargaining agent when the information and verification required in subsection (3) is complete. Within 30 days after such notification, the bargaining agent must petition for recertification pursuant to s. 447.307 for each of its bargaining units ~~Notwithstanding the provisions of this chapter relating to collective bargaining, an employee organization certified as a bargaining agent to represent a bargaining unit~~ for which less than 60 percent of the public ~~unit~~ employees in the bargaining unit have submitted membership authorization forms without subsequent revocation and paid membership dues to the organization, as reported under subsection (3) ~~during its last registration period must petition the commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the bargaining unit within 30 days 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) If a ~~The~~ public employer or a public employee of a bargaining unit represented by a bargaining agent believes that the bargaining agent's ~~employee may challenge an employee organization's~~ application for renewal of registration is materially inaccurate, ~~if~~ the public employer or public ~~bargaining unit~~ employee may challenge ~~believes that~~ the application as materially ~~is~~ inaccurate during the pendency of the application or, if the registration renewal has been granted, before the date upon which the bargaining agent's current registration is scheduled to end. If a challenge is filed, the commission or one of its designated agents must conduct an investigation pursuant to subsection (8) ~~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 or one of its designated agents 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, including refusal to permit the

commission or one of its designated agents to inspect membership authorization forms or revocations pursuant to s. 447.301(1)(b)5.; or

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

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

(9) An employee organization is exempt from the requirements of subsections (3)-(8) and (12) for each public safety unit it represents ~~only with respect to the circumstances of each bargaining unit the majority of whose employees eligible for representation are employed as law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively; firefighters as defined in s. 633.102; 911 public safety telecommunicators as defined in s. 401.465(1)(a); or emergency medical technicians or paramedics as defined in s. 401.23~~.

(10) A registration fee must ~~shall~~ accompany each application for registration or renewal of registration filed with the commission. The registration fee may ~~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) Every employee organization shall keep accurate accounts of its income and expenses, which accounts must ~~shall~~ be open for inspection at a ~~all~~ reasonable time and place ~~times~~ by ~~any member of the organization or by~~ the commission or a public employee in a bargaining unit for which the employee organization is the bargaining agent. ~~In addition, each employee organization that has been certified as a bargaining agent must provide to its members an annual financial report prepared by an independent certified public accountant licensed under chapter 473 that includes a detailed breakdown of revenues and expenditures in such categories as the commission may prescribe, and an accounting of membership dues and assessments. The employee organization must notify its members annually of all costs of membership.~~

(12) The certification of an employee organization that does not comply with this section is revoked. An employee organization that has its certification revoked under this subsection may not file a petition for certification under s. 447.307 which covers any of the public employees in the bargaining unit described in the revoked certification for at least 12 months after the date the certification was revoked.

(13) A decision issued by the commission under this section which revokes a certification, revokes a registration, or grants, denies, or dismisses an application for registration

or renewal of registration is a final agency action that is reviewable pursuant to s. 447.504.

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

447.307 Certification and recertification of employee organizations ~~organization~~.—

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

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

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

(b) ~~(2)~~ A ~~If the public employer refuses to recognize the employee organization, the employee organization may file a petition with the commission for certification as the bargaining agent for a proposed bargaining unit. The petition shall be accompanied by dated statements signed by at least 30 percent of the employees in the proposed unit, indicating that such employees desire to be represented for purposes of collective bargaining by the petitioning employee organization. Once a petition for certification has been filed by an employee organization, any~~ registered employee organization desiring placement on the ballot in any certification or recertification election to be conducted pursuant to this section may be permitted by the commission to intervene in the proceeding upon a motion accompanied by a showing of interest from ~~dated~~

~~statements signed by~~ at least 10 percent of the public employees in the proposed or existing bargaining unit~~, indicating that such employees desire to be represented for the purposes of collective bargaining by the moving employee organization~~. The showing of interest ~~petitions and dated~~ statements must be signed and dated by the public employees not more than 12 months before the filing of the petition.

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

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

(2)(a) A certification petition may not be filed regarding any proposed or existing bargaining unit within 12 months after the date the commission issues an order that verifies the

results of a certification, recertification, or decertification election covering any of the public employees in the proposed or existing bargaining unit.

(b) If a valid collective bargaining agreement covering any of the public employees in a proposed or existing bargaining unit is in effect, a certification petition may only be filed with the commission at least 90 but not more than 150 days immediately preceding the expiration date of the collective bargaining agreement, or at any time subsequent to such agreement's expiration date but before the effective date of a new collective bargaining agreement. The effective date of a collective bargaining agreement is the date of ratification of such agreement by both parties if such agreement becomes effective immediately or retroactively, or the collective bargaining agreement's actual effective date if such agreement becomes effective after its ratification date.

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

sufficient, the commission must ~~it shall immediately~~:

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

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

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

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

1.~~(b)~~ If ~~When~~ an employee organization is selected by a majority vote of the public employees who are in the bargaining unit as of the date set by the commission ~~voting in an election~~, the commission shall certify or recertify the employee organization as the ~~exclusive collective~~ bargaining agent for the public ~~representative of all~~ employees in the unit.

2. A runoff election shall be held according to rules adopted by the commission if, in the election conducted under subparagraph 1., there was more than one employee organization on the ballot, a majority of the public employees who are in the

bargaining unit as of the date set by the commission voted in the election, and none of the choices on the ballot received a majority vote of the public employees who are in the bargaining unit as of the date set by the commission.

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

1. If an employee organization is selected by a majority vote of the public employees voting in the election, the commission shall certify the employee organization as the bargaining agent for the public employees in the bargaining unit.

2. A runoff election shall be held according to rules adopted by the commission if, in the election conducted under subparagraph 1., there was more than one employee organization on the ballot and none of the choices on the ballot received a majority vote of the public employees voting in the election.

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

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

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

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

(a) The principles of efficient administration of government.

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

(c) The compatibility of the unit with the joint

responsibilities of the public employer and public employees to represent the public.

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

(e) The organizational structure of the public employer.

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

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

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

3. The interdependence of jobs and interchange of employees.

4. The desires of the employees.

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

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

(h) Such other factors and policies as the commission may

deem appropriate.

However, a bargaining ~~no~~ unit may not ~~shall~~ be established or approved for purposes of collective bargaining which includes both professional and nonprofessional employees unless a majority of each group votes for inclusion in such bargaining unit.

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

447.3076 Clarification of bargaining units.—

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

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

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

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

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

(3) A copy of the petition must be served on the public employer and any bargaining agent that is certified to represent any employee or classification which may be substantially

affected by the proposed bargaining unit clarification.

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

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

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

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

(1) A public ~~Any~~ employee or group of public employees that ~~which~~ no longer desires to be represented by a ~~the certified~~ bargaining agent may file with the commission a petition to decertify the bargaining agent ~~revoke certification~~. The petition must ~~shall~~ be accompanied by a showing of interest from ~~dated statements signed by~~ at least 30 percent of the public employees in the bargaining unit~~, indicating that such employees no longer desire to be represented for purposes of collective bargaining by the certified bargaining agent. The time of filing said petition shall be governed by the provisions of s. 447.307(3)(d) relating to petitions for certification~~. The showing of interest statements must be signed and dated by the

public employees not more than 12 months before the filing of the petition. Any employee, employer, or employee organization having sufficient reason to believe that the showing of interest was ~~any of the employee signatures were~~ obtained by collusion, coercion, intimidation, or misrepresentation or is ~~are~~ otherwise invalid shall be given a reasonable opportunity to verify and challenge the showing of interest ~~signatures appearing on the petition~~.

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

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

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

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

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

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

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

1. If decertification of the bargaining agent is selected by a majority vote of the public employees who are in the bargaining unit as of the date set by the commission, the commission shall revoke the bargaining agent's certification for that bargaining unit.

2. If decertification is not selected by a majority vote

of the public employees who are in the bargaining unit as of the date set by the commission, the bargaining agent shall retain its certification for that bargaining unit.

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

1.~~(2)~~ If decertification is selected by a majority vote of the public employees voting in the ~~such~~ election ~~vote against the continuation of representation by the certified bargaining agent~~, the commission shall revoke the ~~certification of the employee organization as the exclusive~~ bargaining agent's certification for that ~~agent for the employees in the~~ bargaining unit ~~shall be revoked~~.

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

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

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

447.309 Collective bargaining; approval or rejection.—

(1) After an employee organization has been certified as the bargaining agent of a bargaining unit pursuant to ~~the provisions of~~ this part, the bargaining agent ~~for the organization~~ and the chief executive officer of the appropriate public employer or employers, jointly, shall bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the public employees within the bargaining unit. The chief executive officer or his or her representative and the bargaining agent or its representative shall meet at reasonable times and bargain in good faith. In conducting negotiations with the bargaining agent, the chief executive officer or his or her representative shall consult with, and attempt to represent the views of, the legislative body of the public employer. Any collective bargaining agreement reached by the negotiators shall be reduced to writing, and such agreement shall be signed by the chief executive officer and the bargaining agent. Any agreement signed by the chief executive officer and the bargaining agent is ~~shall~~ not ~~be~~ binding on the public employer until such agreement has been ratified by the public employer and the ~~by~~ public employees in ~~who are members of~~ the bargaining unit, subject to subsection ~~the provisions of subsections~~ (2) ~~and (3)~~. However, with respect to statewide bargaining units, any agreement signed by the Governor and the bargaining agent for such a bargaining unit is ~~shall~~ not ~~be~~

binding until approved by the public employees in ~~who are members of~~ the bargaining unit, subject to subsection ~~the provisions of subsections~~ (2) ~~and (3)~~.

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

(b) If the state is a party to a collective bargaining agreement in which less than the requested amount is appropriated by the Legislature, the collective bargaining agreement shall be administered on the basis of the amounts appropriated by the Legislature. The failure of the Legislature to appropriate funds sufficient to fund the collective bargaining agreement shall not constitute, or be evidence of, any unfair labor practice. All collective bargaining agreements entered into by the state are subject to the appropriations powers of the Legislature, and the provisions of this section shall not conflict with the exclusive authority of the Legislature to appropriate funds.

~~(3) If any provision of a collective bargaining agreement is in conflict with any law, ordinance, rule, or regulation over which the chief executive officer has no amendatory power, the chief executive officer shall submit to the appropriate~~

~~governmental body having amendatory power a proposed amendment to such law, ordinance, rule, or regulation. Unless and until such amendment is enacted or adopted and becomes effective, the conflicting provision of the collective bargaining agreement shall not become effective.~~

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

(4)~~(5)~~ A ~~Any~~ collective bargaining agreement may ~~shall~~ not provide for a term of existence of more than 3 years and must ~~shall~~ contain all of the terms and conditions of employment negotiated by the bargaining agent and the public employer and all of the disputed impasse issues resolved by the legislative body's action taken pursuant to s. 447.403 ~~of the employees in the bargaining unit during such term except those terms and conditions provided for in applicable merit and civil service rules and regulations~~.

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

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

and a public employee, or a group of public employees, involving the interpretation or application of a collective bargaining agreement. The ~~Such~~ grievance procedure must ~~shall~~ have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse, abandonment, or neglect of a child by a public ~~an~~ employee under s. 39.201 or an allegation of abuse, neglect, or exploitation of a vulnerable adult by a public employee under s. 415.1034, the grievance may not be decided until such allegation ~~the abuse, abandonment, or neglect of a child~~ has been judicially determined. However, an arbitrator ~~arbiter~~ or other neutral may ~~shall~~ not ~~have the power to~~ add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a bargaining unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement that ~~which~~ is reached shall supersede the previously existing procedure. All public employees ~~shall~~ have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any employee organization, except that bargaining agents may ~~certified employee organizations shall~~ not be required to process grievances for public employees who are not members of the employee organization. A public ~~career service~~ employee may use ~~shall have the option of utilizing~~ the

civil service appeal procedure, an unfair labor practice procedure, or a grievance procedure established under this section~~,~~ but may not avail ~~such employee is precluded from availing~~ himself or herself of ~~to~~ more than one of these procedures.

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

447.403 Resolution of impasses.—

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

(2)(a) If a ~~no~~ mediator is not used under subsection (1) ~~appointed~~, or upon the request of either party, the commission must ~~shall~~ appoint, and submit all unresolved issues to, a special magistrate acceptable to both parties. If the parties

are unable to agree on the appointment of a special magistrate, the commission must ~~shall~~ appoint, in its discretion, a qualified special magistrate. However, if the parties agree in writing to waive the appointment of a special magistrate, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

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

(c) For an impasse declared pursuant to s. 447.4095(2), the parties must agree on a special magistrate and submit the agreed-upon name to the commission within 5 calendar days after the declaration of impasse. Within 2 business days after the submission of the special magistrate's name, the commission must appoint the agreed-upon special magistrate. If the parties do not submit the name of an agreed-upon special magistrate to the commission within 5 calendar days after the declaration of impasse, the commission must appoint a special magistrate of its choosing within 5 calendar days after the parties' deadline to submit the name of the agreed-upon special magistrate. Within 5 calendar days after the special magistrate is appointed, each

party must submit a list of issues at impasse to the special magistrate and serve a copy of the list on the other party at the same time.

(3) The special magistrate must ~~shall~~ hold a hearing ~~hearings~~ in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a decision on any and all unresolved contract issues. The hearing must ~~hearings shall~~ be held at a time, date, and place ~~times, dates, and places~~ to be established by the special magistrate in accordance with rules adopted ~~promulgated~~ by the commission. For an impasse declared pursuant to s. 447.4095(2), a hearing must be held within 20 calendar days after the parties submit the list of issues at impasse to the special magistrate. The special magistrate may ~~shall be empowered to~~ administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. Within 15 calendar days after the close of the ~~final~~ hearing, or 7 calendar days after the close of the hearing for an impasse declared pursuant to s. 447.4095(2), the special magistrate must submit ~~shall transmit~~ his or her recommended decision to the commission and to the representatives of both parties by any method of service that establishes proof of delivery ~~registered mail, return receipt requested~~. Such recommended decision must ~~shall~~ be discussed by the parties, and each recommendation of the special magistrate is ~~shall be~~ deemed approved by both parties unless specifically rejected by either

party by written notice filed with the commission within 20 calendar days, or 10 calendar days for an impasse declared pursuant to s. 447.4095(2), after the date the party received the special magistrate's recommended decision. The written notice must ~~shall~~ include a statement of the cause for each rejection and ~~shall~~ be served upon the other party at the same time as it is filed with the commission.

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

(a) The chief executive officer of the governmental entity involved shall, within 10 calendar days after rejection of a recommendation of the special magistrate, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special magistrate, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also submit ~~transmit~~ his or her recommendations to the bargaining agent at the same time as the recommendations are submitted to the legislative body. ~~employee organization;~~

(b) Within 10 calendar days after rejection of a recommendation of the special magistrate, the bargaining agent ~~employee organization~~ shall submit its recommendations for

settling the disputed impasse issues to such legislative body and to the chief executive officer.~~;~~

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

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

(e)1. Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). For an impasse declared pursuant to s. 447.4095(2), the parties must reduce the agreement to writing within 10 calendar days after the resolution of the disputed impasse issues by the legislative body.

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

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

Section 17. Section 447.405, Florida Statutes, is amended to read:

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

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

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

(3) The interest and welfare of the public.

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

(a) Hazards of employment.

(b) Physical qualifications.

(c) Educational qualifications.

(d) Intellectual qualifications.

(e) Job training and skills.

(f) Retirement plans.

(g) Sick leave.

(h) Job security.

(5) Availability of funds.

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

447.4095 Financial urgency.—

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

(2) Salary increases appropriated by the Legislature are, for purposes of this section, considered a financial urgency. In the event of salary increases appropriated by the Legislature

which require modification of an agreement, the chief executive officer or his or her representative and the bargaining agent or its representative must meet within 15 calendar days after the effective date of the appropriation to negotiate the impact of the financial urgency. If 30 calendar days after the effective date of the appropriation, a dispute exists between the public employer and the bargaining agent as to the impact of the financial urgency, one of the parties must, within 2 business days, declare an impasse in writing to the other party and to the commission. The parties must then proceed to follow the requirements under s. 447.403. An unfair labor practice charge may not be filed during the 30-day period of negotiations or while the parties are proceeding through the resulting impasse process. This subsection does not apply to public employees in public safety units, as defined in s. 447.203.

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

447.501 Unfair labor practices.—

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

(c) Refusing to bargain collectively, failing to bargain collectively in good faith, or refusing to sign a final agreement agreed upon with the ~~certified~~ bargaining agent for

the public employees in the bargaining unit.

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

(g) Failing to provide to any employee organization or any petitioning public employee who is seeking to support, oppose, or intervene in the certification, recertification, or decertification of a bargaining agent equal access to the public employer's facilities and its internal means of communication for those purposes. The public employer must provide such equal access from the date of the filing of a petition pursuant to s. 447.307 or s. 447.308 until the final resolution of the petition.

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

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

(b) Causing or attempting to cause a public employer to discriminate against a public ~~an~~ employee because of such ~~the~~

employee's membership or nonmembership in an employee organization or attempting to cause the public employer to violate ~~any of the provisions of~~ this part.

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

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

(e) Participating in a strike against the public employer by instigating or supporting, in any positive manner, a strike. A person who violates ~~Any violation of~~ this paragraph is ~~shall~~ subject ~~the violator~~ to the penalties provided in this part.

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

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

447.503 Charges of unfair labor practices.—It is the intent of the Legislature that the commission act as expeditiously as possible to settle disputes regarding alleged unfair labor practices. To this end, violations of the provisions of s. 447.501 shall be remedied by the commission in accordance with the following procedures and in accordance with

chapter 120; however, to the extent that chapter 120 is inconsistent with the provisions of this section, the procedures contained in this section shall govern:

(1) A proceeding to remedy a violation of ~~the provisions of~~ s. 447.501 must ~~shall~~ be initiated by the filing of a charge with the commission by a public ~~an~~ employer, a public employee, or an employee organization, or any combination thereof, whose substantial interests will be affected as referenced in chapter 120. Such a charge must ~~shall~~ contain a clear and concise statement of facts constituting the alleged unfair labor practice, including the names of all individuals involved in the alleged unfair labor practice, and include specific reference to the provisions of s. 447.501 alleged to have been violated, and such other relevant information as the commission may by rule require or allow. Service of the charge must ~~shall~~ be made upon each named respondent at the time of filing with the commission. The charge must be accompanied by sworn statements and documentary evidence sufficient to establish a prima facie violation of the applicable unfair labor practice provision. Such supporting evidence is not to be attached to the charge and is to be furnished only to the commission.

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

447.507 Violation of strike prohibition; penalties.—

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

(3) If an injunction to enjoin a strike issued pursuant to this section is not promptly complied with, on the application of the plaintiff, the circuit court shall immediately initiate contempt proceedings against those who appear to be in violation. An employee organization found to be in contempt of court for violating an injunction against a strike shall be fined an amount deemed appropriate by the court. In determining the appropriate fine, the court shall objectively consider the

extent of lost services and the particular nature and position of the public employee group in violation. A ~~In no event shall the~~ fine may not exceed $30,000 ~~$5,000~~. Each officer, agent, or representative of an employee organization found to be in contempt of court for violating an injunction against a strike shall be fined at least $300, but not more than $600, ~~not less than $50 nor more than $100~~ for each calendar day that the violation is in progress.

(4) An employee organization is ~~shall be~~ liable for any damages that ~~which~~ might be suffered by a public employer as a result of a violation of ~~the provisions of~~ s. 447.505 by the employee organization or its representatives, officers, or agents. The circuit court having jurisdiction over such actions may ~~is empowered to~~ enforce judgments against employee organizations in the amount deemed appropriate by the court in accordance with this section. An action may not~~, as defined in this part, by attachment or garnishment of union initiation fees or dues which are to be deducted or checked off by public employers. No action shall~~ be maintained pursuant to this subsection until all proceedings that ~~which~~ were pending before the commission at the time of the strike or that ~~which~~ were initiated within 30 days after ~~of~~ the strike have been finally adjudicated or otherwise disposed of. In determining the amount of damages, if any, to be awarded to the public employer, the trier of fact 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. The trier of fact shall also take into consideration any damages that might have been recovered by the public employer under subparagraph (6)(a)4.

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

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

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

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

(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 bargaining ~~employee~~ unit.

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

4. Fine the organization up to $120,000 ~~$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, regardless of whether the fine exceeds $120,000 ~~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 must ~~shall~~ be used by the public employer ~~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 must consider ~~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 22. Subsection (3) of section 447.509, Florida Statutes, is renumbered as subsection (6), and new subsections (3), (4), and (5) are added to that section, to read:

447.509 Other unlawful acts; exceptions.—

(3) Public employers, their agents or representatives, or any persons acting on their behalf may not provide any form of compensation or paid leave to a public employee, directly or indirectly, for the purpose of engaging in employee organization activities.

(4) Notwithstanding subsection (3), if the public employer and the bargaining agent agree, a public employee may do any of the following:

(a) Be granted time off without pay or benefits to engage in employee organization activities. An employee organization may compensate a public employee for engaging in employee organization activities.

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

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

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

(c) Engage in representational employee organization activities on behalf of the bargaining agent while in a duty status without loss of pay or benefits.

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

Section 23. Subsection (3) of section 110.114, Florida Statutes, is amended 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 ~~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 pursuant to chapter 447 as the ~~exclusive~~ bargaining agent ~~pursuant to chapter 447~~ for a unit of public ~~state~~ employees ~~in which the employee is included~~. Such deductions shall be subject to ~~the provisions of~~ s. 447.303.

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

110.205 Career service; exemptions.—

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

(w) Managerial employees and~~, as defined in s. 447.203(4),~~ confidential employees, as those terms are defined in s. 447.203 ~~s. 447.203(5)~~, and supervisory employees who spend the majority

of their time communicating with, motivating, training, and evaluating employees, and planning and directing employees' work, and who have the authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline subordinate employees or effectively recommend such action, including all employees serving as supervisors, administrators, and directors. Excluded are employees also designated as special risk or special risk administrative support and attorneys who serve as administrative law judges pursuant to s. 120.65 or for hearings conducted pursuant to s. 120.57(1)(a). Additionally, registered nurses licensed under chapter 464, dentists licensed under chapter 466, psychologists licensed under chapter 490 or chapter 491, nutritionists or dietitians licensed under part X of chapter 468, pharmacists licensed under chapter 465, psychological specialists licensed under chapter 491, physical therapists licensed under chapter 486, and speech therapists licensed under part I of chapter 468 are excluded, unless otherwise collectively bargained.

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

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

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or

federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistle-blower's hotline created under s. 112.3189. However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. 447.203 ~~s. 447.203(9)~~ or other appropriate local official.

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

121.031 Administration of system; appropriation; oaths; actuarial studies; public records.—

(5) The names and addresses of retirees are confidential and exempt from ~~the provisions of~~ s. 119.07(1) to the extent that no state or local governmental agency may provide the names or addresses of such persons in aggregate, compiled, or list form to any person except to a public agency engaged in official business. However, a state or local government agency may provide the names and addresses of retirees from that agency to

a bargaining agent as defined in s. 447.203 ~~s. 447.203(12)~~ or to a retiree organization for official business use. Lists of names or addresses of retirees may be exchanged by public agencies, but such lists shall not be provided to, or open for inspection by, the public. Any person may view or copy any individual's retirement records at the Department of Management Services, one record at a time, or may obtain information by a separate written request for a named individual for which information is desired.

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

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

(1) The term "labor organization" means any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state, except that an "employee organization," as defined in s. 447.203 ~~s. 447.203(11)~~, shall be included in this definition at such time as it seeks to register pursuant to s. 447.305.

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

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

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

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

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

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

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