



# *PERC Update*

*Ch. 2023-35, Laws of Florida*

*Florida Educational Negotiators Meeting*

*January 26, 2024*

*Don Rubottom, Commission Chair*

# Standard Disclaimer & Other Logistics

- The views set forth in these materials and any spoken remarks do not necessarily represent the views of the Commission.
- I am unable to answer questions on issues or cases that are before the Commission or that may come before the Commission.
- I am unable to comment on any pending litigation.
- If you are interested in following rulemaking to implement new legislation, notices are posted on our website.
- If you would like to be added to our list of Stakeholders, please contact me – we welcome your comments, input, and questions!



# Implementation Ch. 2023-35, L.O.F.

# Ch. 2023-35, Laws of Florida

- Membership Authorization Form
- Dues Deduction
- New Registration Requirements
- Audit Requirements
- Exemptions
- Mass Transit Exceptions

# Membership Authorization Form

- PERC adopted mandatory Form – 2023-1.101 (Rule 60CC-1.101, F.A.C.)
- Required beginning July 1, 2023
- Public employees fill out form, union retains form
- Required to include
  - Name of employee organization
  - Name of employee
  - Class code (if applicable), class title
  - Name of public employer, employing agency (if applicable)
  - Amount of Initiation fee
  - Amount of monthly dues
  - Salary and other financial information for union officials

**Employee Organization Membership Authorization Form**  
(PERC FORM 2023-1.101, Incorporated in R. 60CC-1.101, Effective July 1, 2023)

Exemptions from this form are provided in section 447.301(1)(b)6, Florida Statutes, as amended by chapter 2023-35, section 1, Laws of Florida.  
Please type or print legibly.

**PART A – EMPLOYEE ORGANIZATION INFORMATION**

NAME OF EMPLOYEE ORGANIZATION: \_\_\_\_\_

PERC REGISTRATION NUMBER: OR- \_\_\_\_\_ - \_\_\_\_\_

DATE OF LAST ORDER GRANTING REGISTRATION (mo/day/year): \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

INITIATION FEE (if none, state zero): \$ \_\_\_\_\_

DUES (write amount in applicable blank): WEEKLY: \_\_\_\_\_ BIWEEKLY: \_\_\_\_\_  
MONTHLY: \_\_\_\_\_ ANNUALLY: \_\_\_\_\_

**OFFICER/EMPLOYEE COMPENSATION:** List the salaries, allowances, and other direct or indirect disbursements, exceeding \$10,000.00 in the aggregate, paid by the employee organization and any affiliates to the five highest compensated individuals, as reported on the last PERC registration or renewal application. If fewer than five individuals are reported, indicate "N/A" on any remaining blank lines.

Name of Officer or Employee	Salary	Allowances	Other direct or indirect disbursements (incl. reimbursed expenses)
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____

**PART B – EMPLOYEE INFORMATION**

\*\*\*THE EMPLOYEE MUST PERSONALLY SIGN AND COMPLETE THE DATE OF SIGNATURE\*\*\*

NAME OF EMPLOYEE (First Name Middle Name Last Name): \_\_\_\_\_

NAME OF PUBLIC EMPLOYER: \_\_\_\_\_

NAME OF AGENCY:  If the Agency is the same as the Public Employer, check here:

CLASS TITLE: \_\_\_\_\_

CLASS CODE: \_\_\_\_\_ If not applicable, check here:

By my signature below, I represent that I desire to be a member of the above-named employee organization.

Signature of Employee \_\_\_\_\_ Date of Signature \_\_\_\_\_

**THE STATE OF FLORIDA WANTS YOU TO KNOW THE FOLLOWING:**

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

**INSTRUCTIONS FOR COMPLETING FORM 2023-1.101**

**INTRODUCTION:** Every line must be completed. The employee organization, public employee, or another person assisting the employee may complete any portion of the form with accurate information as reflected in the organization's most recent registration or renewal application filed with the Public Employees Relations Commission (PERC). The employee must personally sign and date the form after all other blanks are completed. The completed form must be delivered to the employee organization identified on the form. Exemptions from this form are provided in section 447.301(1)(b)6., Florida Statutes, as amended by chapter 2023-35, section 1, Laws of Florida.

**PART A – EMPLOYEE ORGANIZATION INFORMATION:**

**Name of Employee Organization:** The official name of the employee organization as it is registered with PERC.

**PERC Registration Number:** The registration number (also referred to as "case number") assigned to the employee organization by PERC upon the granting of a registration application.

**Date of Last Order Granting Registration:** The date of PERC's most recent order granting or renewing the registration of the employee organization.

**Initiation Fee:** The actual amount of any initiation fee as it is required to be paid, as of the date the public employee signs the form. If none, state zero.

**Dues:** In the appropriate blank, provide the monthly, bi-weekly, weekly, or annual dues, as of the date the public employee signs the form.

**Officer/Employee Compensation:** This information must be the same as what is reported in the employee organization's most recent annual registration or renewal application filed with PERC. Only provide information on the five highest compensated individuals listed on that application, if any. Insert "N/A" on any empty line if fewer than five individuals are listed.

- **Allowances:** Regular compensation to an officer or employee of the organization to cover expenses related to service to the organization.
- **Other direct or indirect disbursements:** All other amounts paid to the organization's officer or employee, including reimbursed expenses, from the organization and any other employee organization affiliated with it, or with which it is affiliated, or which is affiliated with the same national or international employee organization.

**PART B – EMPLOYEE INFORMATION:**

**Name of Employee:** The name of the "public employee," as defined in section 447.203(3), Florida Statutes, who desires to be a member of an employee organization that is either (1) certified to represent a bargaining unit that includes the public employee, or (2) seeking to become a certified bargaining agent for a prospective bargaining unit that includes the public employee.

**Name of Public Employer:** The public employer is one of the following, depending upon the type of public employment:

Public Employer	Type of Employment
Governor	State agency employee belonging to a statewide bargaining unit, and Correctional Education Program employees
Board of Trustees (specify university)	State University employee (includes New College)
Board of Trustees (specify college)	Community College employee
District School Board (specify county)	School District employee
Board of Trustees of the Florida School for the Deaf and the Blind	Florida School for the Deaf and the Blind academic and academic administrative personnel
Political Subdivision or Agency thereof (specify subdivision)	County, Municipality, Special District, or other political subdivision employee

**Name of Agency:** The state agency, or the political subdivision's agency, department, or other sub-unit that actually employs the public employee, if different from the listed "public employer." If the agency is the same as the "public employer," check the box to indicate this.

**Class Title:** The classification applicable to the employee appearing in the bargaining unit definition in PERC's most recent Certification Order, if any. If there is not an active bargaining unit certification applicable to the employee, the employee should list the class title assigned by the employer.

**Class Code:** The code, if any, assigned by the employer to the employee's classification. If there is no class code, check the box next to "Not Applicable."

Linked at PERC's Website

# Section 3 – Ch. 2023-35, L.O.F. Dues and Uniform Deduction

- Effective July 1<sup>st</sup>.
- Unless exempt or subject to a granted waiver, public employers prohibited from deducting dues and uniform assessments from public employee salaries.
- Public employees may pay directly to employee organization.

# Section 4 – Ch. 2023-35, L.O.F. New Registration Requirements

- Effective October 1, 2023.
- Employee organizations required to provide on renewal applications:
  - The number of employees in the bargaining unit who are eligible for representation by the employee organization.
  - The number of employees in the bargaining unit who have submitted membership authorization forms.
  - The number of dues paying members in the bargaining unit.
  - The number of non-dues paying members in the unit.
  - Documentation from a CPA verifying the information.



# Section 4 (continued)

- Employee organizations with less than 60% dues paying members in any bargaining unit must petition for recertification of the unit under s. 447.302(2) and (3), F.S. within one month of renewal application. CPA must verify information used to calculate 60% threshold.
- Public employer or employee in the bargaining unit can file a challenge.
- The Commission can revoke or deny certifications or registration renewal if it finds that the employee organization:
  - Failed to cooperate with an investigation into the validity of information.
  - Intentionally misrepresented information.

# Section 4 - Audit Requirements

- Audited Financial Statements required for all employee organizations.
- The Commission planned additional rulemaking on auditing requirements and involving CPAs for input.

# Results so Far:

- A number of organizations have disclaimed interest in some units.
- A number of units have been abolished or are under an order to show cause for failure to file for recertification.
- Organizations that have failed to renew registrations will be subject to revocation of bargaining units for failure to comply with the law.
- Despite many organizations' initial concerns, our staff's patient assistance is helping them comply.
- More than half so far will be proceeding with recertification elections.
- We have had one challenge (January 22).

# Exemptions

Sections 1, 3, and 4 of bill provide exemptions for certain unions that are the certified bargaining agents for units having:

- Law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), F.S.
- Firefighters as defined in s. 633.102, F.S.

*PERC adopted Rules clarifying that exemptions apply on a bargaining unit by unit basis. Rules 60CC-1.104, -6.401, -5.101, F.A.C.*

**KNOW YOUR BARGAINING UNITS**

# Section 2 – Mass Transit Waiver

- Public employer can file a petition requesting that the Commission waive the dues deduction prohibition, requirement to petition for recertification, and the risk of revocation.
- Ability to seek waiver is triggered by notification 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 employer's continued eligibility to receive Federal Transit Administration Funding."
- The Commission has issued every waiver requested
- The process has triggered an Attorney General challenge to the policy.

# Pending Legislation

- SB 1746; similar HB 1471.
- Would eliminate audit requirement.
- Would revise exemption language:
  - Codify PERC's interpretation that exemptions apply to bargaining units (placed in Rules);
  - Add majority standard for exemption to apply;
  - Expand to include 911 operators, paramedics, and EMTs.
- Adds a minimum 60% membership authorization forms along with dues payment in order to avoid recertification.
- Adds disbursements to mandatory financial reporting and authorizes PERC to prescribe reporting categories.
- Would clarify some verbiage without substantive change.

# Information at [perc.myflorida.com](http://perc.myflorida.com)

## Public Employees Relations Commission

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\*\*\*\*\* IMPORTANT NOTICE \*\*\*\*\*

[Frequently Asked Questions regarding implementation of SB 256 \(Chapter 2023-35, Laws of Florida\)](#)

### CURRENT RULEMAKING NOTICES

[PERC Notice of Rule Development Workshop August 31, 2023 \(.pdf\)](#)

[60CC-6.101 et seq Notice of Development of Rulemaking \(.pdf\)](#)

[60CC-1.102 et seq Notice of Development of Rulemaking \(.pdf\)](#)

[60CC-5.101 Notice of Development of Rulemaking \(.pdf\)](#)

**RULE 60CC-1.101 HAS BEEN FILED FOR ADOPTION**

**Click PERC Forms on left for new PERC Form 2023-1.101**

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### The Commission

Pursuant to [Chapter 447, Part II](#), Florida Statutes, the Public Employees Relations Commission (PERC) consists of three commissioners appointed by the governor for overlapping terms of four years, subject to Senate confirmation. One of the commissioner positions is designated as Chair. The Chair of PERC serves as chief executive and administrative officer of the agency.

### Members of the Commission

[Chair: Donald J. Rubottom \(Don\)](#)

[Commissioner: Jeff Aaron](#)

[Commissioner: Michael Sasso](#)

# Thank You!

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**Don Rubottom, Chair**

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## **Public Employees Relations Commission**

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