

PAID UNION LEAVE IN FLORIDA

The 2026 rulebook for public-sector chief negotiators

EFFECTIVE JULY 1, 2026

Can do • Cannot do • Recommended CBA language

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The 2026 statutory architecture

For non-public-safety units, employer-paid union activity is prohibited unless a statutory exception applies.

DEFAULT RULE

No compensation or paid leave, directly or indirectly, for employee organization activities.

REPRESENTATIONAL

May remain in duty status without loss of pay or benefits if employer + bargaining agent agree.

PERSONAL / UNPAID

Qualifying personal leave or agreed unpaid leave may be used for other organization activity.

REIMBURSED PAID

CBA may authorize paid release if the employer is fully reimbursed for compensation + benefits.

Public safety units are exempt from the subsection (3) prohibition and subsection (4) exceptions.

[§ 447.509, Fla. Stat.](#)



GREEN LANE: representational activity can remain paid

Florida now defines “representational employee organization activities” as the five categories in § 447.203(9)(i)–(m).

- ✓ **Grievances / ULPs** Preparing, filing or pursuing
- ✓ **Employee representation** Investigations, discipline, appeals, proceedings
- ✓ **Collective bargaining** Bargaining, mediation, fact finding, arbitration
- ✓ **CBA administration** Administering a collective bargaining agreement.
- ✓ **Labor-management committees** Participating in labor-management committees.

[§§ 447.203\(19\) and 447.509\(4\)\(c\)](#)

KEY CONDITION

Representational activity may occur in duty status without loss of pay or benefits only when the employer and bargaining agent agree.

YELLOW LANE: other union activity has three lawful paths

For non-public-safety units, non-representational union activity is not automatically prohibited — but the way the time is treated matters.

1 UNPAID LEAVE

No employer pay or benefits.

Union may separately compensate employee.

Useful for conventions, internal governance, and similar activity.

2 PERSONAL LEAVE

Employee may use qualifying compensated personal leave if it accrues at the same rate for similarly situated employees and the employee may freely choose how to use it.

3 REIMBURSED PAID

The CBA may authorize paid release for employee-organization activities if the public employer is fully reimbursed for the employee's compensation and benefits.

[§ 447.509\(4\)\(a\)–\(b\), \(5\)](#)

RED LANE: what to stop doing

The biggest risk is broad employer-paid “union business” language that does not distinguish representational activity from other employee-organization activity.

DO NOT

- Maintain a generic bank of employer-funded union leave days with no activity distinction or reimbursement rule.
- Pay for conventions, internal governance, organizing/membership work, political or lobbying activity, or other non-representational activity unless a lawful leave path applies.
- Rely on ad hoc supervisor approval outside the CBA framework.

[§ 447.509, Fla. Stat.](#)

Recommended bargaining approach

1

Audit

Locate every CBA, MOU, TDE/union leave clause, release-time bank, officer leave provision, policy, and informal practice.

2

Classify

Separate representational activities from all other employee-organization activities using the statutory definitions.

3

Choose the lane

For each activity, specify duty status, qualifying personal leave, unpaid leave, or CBA-authorized reimbursed paid leave.

4

Establish the process

Set notice, designees, approval path, operational-needs language, coding, reimbursement calculation, invoicing, and reconciliation.

5

Address coverage

If the employer wants substitute/coverage or administrative costs reimbursed, bargain that obligation expressly rather than assuming the statute requires it.

6

Train + audit

Train labor relations, payroll, supervisors, and union designees; review codes and invoices periodically for consistent administration.

EMPLOYER-SIDE PRINCIPLE

Do not use one bucket called “union leave.” Use distinct categories tied to the statute and to the agreed contract language.

Palm Beach Proposed Language

The Board and the Superintendent shall grant Temporary Duty Elsewhere (TDE) Leave, upon designation by the Association President, for bargaining unit employees to conduct Association Business, consistent with applicable Florida law.

For TDE used for representational employee organization activities, as defined by applicable Florida law, the employee shall remain in duty status without loss of pay or benefits, and the Association shall not be responsible for reimbursing the Board for the employee's compensation or benefits. If a substitute is provided, the Association shall reimburse the Board for the cost of the substitute at the applicable substitute rate. If no substitute is provided, no charge shall be made to the Association.

For TDE used for Association Business that does not constitute representational employee organization activities, as defined by applicable Florida law, the Association shall fully reimburse the Board for any compensation and benefits paid or provided to the employee during the TDE period.

Language Recommended by Teachers Union

The Board and the Superintendent shall grant Temporary Duty Elsewhere (TDE) Leave, upon designation by the Association President, for bargaining unit employees to conduct Association Business, consistent with applicable Florida law.

For TDE used for representational employee organization activities, as defined in Fla. Stat. §447.203 (9) (i-m), and further referenced in Fla. Stat. §447.203 (19), the employee shall remain in duty status without loss of pay or benefits, and the Association shall not be responsible for reimbursing the Board for the employee's compensation or benefits. If a substitute is provided, the Association shall reimburse the Board for the cost of the substitute at the applicable substitute rate. If no substitute is provided, no charge shall be made to the Association.

For TDE used for Association Business that does not constitute representational employee organization activities, with such activities being defined in Fla.Stat. §447.203 (9) (a-h), the Association shall fully reimburse the Board for any compensation and benefits paid or provided to the employee during the TDE period.

Should relevant provisions of Fla Stat. §447.203 relating to employee organization activities be repealed or be found void by a court of competent jurisdiction, the language in this section (Article VI, D, 1) of this Collective Bargaining Agreement will automatically revert to the language that was in place on June 30, 2026.

Drafting note: add any negotiated substitute/coverage reimbursement obligation expressly.



Google Form to Quarterly Invoice

- 1 Request submitted**
CTA or the requesting employee submits a Google Form with the employee's name, dates/hours, and a description of the activity.
- 2 Activity classified**
The requester tags the activity as representational (§ 447.203(9)(i)–(m)) or organizational — this one field drives every step that follows.
- 3 Comp auto-calculated**
The form pulls salary and benefits data to calculate an hourly rate, a benefits rate, and total compensation for the hours requested.
- 4 Sub coverage & invoicing set**
Based on the classification, the form flags whether we bill for a substitute only or for full compensation — feeding the quarterly CTA invoice.

SUB COVERAGE PRINCIPLE

Representational leave: bill the Association for a substitute only, and only if one is used. Organizational leave: bill the Association for the employee's full compensation and benefits — never a separate substitute line.

Two Scenarios From Our Process

SCENARIO A — REPRESENTATIONAL

A building rep attends a colleague's disciplinary appeal hearing.

- Classified: Representational, § 447.203(9)(j)
- Employee remains in duty status, full pay and benefits
- A substitute is needed to cover the classroom
- Invoice to CTA: substitute cost only

SCENARIO B — ORGANIZATIONAL

A building rep attends the state FEA convention.

- Classified: Organizational Association Business
- Not representational — full reimbursement applies
- No substitute billed separately
- Invoice to CTA: full compensation and benefits for the day(s)

Both scenarios run through the same Google Form and calculation engine — only the classification field changes the outcome.

Participant Discussion

At your table, discuss how you approached this change, and consider the following questions:

- **What current CBA language or past practices create the most challenges?**
- **How will you distinguish representational activity from other union activity to prevent misuse or inconsistent application of the process?**
- **What reimbursement obligations have you or will you add to the CBA?**
- **How are you managing this process and who will approve, code, track, and reconcile union leave?**
- **What issue do you expect to be hardest to negotiate or implement in practice?**

Drafting note: add any negotiated substitute/coverage reimbursement obligation expressly.

Discussion & Sharing Your District's Approach / Questions

Thank You!