

Memorandum

To: Mayor Moore, Town Council Members, and Town Manager Blouin
From: Joanne M. O'Connor, Town Attorney
Date: July 1, 2024
Re: SB 1746 and Amendments to Town's Mini-PERC Ordinance
Ordinance No. 026-2024

GENERAL INFORMATION

This ordinance amends the Town's Public Employee Relations Commission ("mini-PERC") ordinance found at Appendix A to the Town's Code of Ordinances to bring it into compliance with recent changes to the corollary state statute, Chapter 447, Part II, Florida Statutes, as required by state law. The state law changes include those found in Senate Bill 1746, which was recently signed into law by the Governor.

Public employees have the right to join through a union for collective bargaining, and the right to refrain from doing so. The Public Employees Relations Commission of the State of Florida (PERC) was created by the Florida legislature to regulate the rights of employees and employers regarding collective bargaining and related matters. Florida law permitted local governmental entities to establish their own local mini-PERCs, if the local agency was governed by the same set of rules and procedures as the state PERC. The Town of Palm Beach decided to create its own mini-PERC to handle these matters within the Town.

Inasmuch as the Florida legislature from time to time amends the state law, the Town's mini-PERC ordinance needs to have corollary amendments which bring the Town's ordinance into conformity with the amended state law. This proposed ordinance seeks to bring the Town's mini-PERC ordinance into conformity with recent changes to the state PERC law.

The changes set forth in this proposed amendment to the Town's ordinance include: the process for deducting union dues from employee payroll, union financial disclosure requirements and new



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prohibitions on unions or their representatives offering compensation or things of value to public officers, as defined by Florida Ethics Law.

The amendment ensures the Town's mini-PERC ordinance complies with state law but has no material operational effect on the Town's operations as most of the dispositive provisions expressly do not apply to unionized firefighters and the only bargaining unit certified by the Town is its certified fire department personnel.

FUNDING/FISCAL IMPACT

There is no funding/fiscal impact.

TOWN ATTORNEY REVIEW

This Ordinance was prepared by the Town's special counsel, Jeffrey Pheterson at Ward Damon, with revisions and comment by the Town Attorney.

Attachment

cc: Sean Baker, Fire-Rescue Chief & Director of Emergency Management
Jeffrey Pheterson, Esq.