

**ORDINANCE NO. 026-2024**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 6-80, APPENDIX A – PUBLIC EMPLOYEE RELATIONS TO THE TOWN CODE PURSUANT TO THE PROVISIONS OF SECTION 447.603 FLORIDA STATUTES, CHAPTER 77-343, BY AMENDING SECTION 1.006 TO PROVIDE FOR THE COMPLETION AND RETENTION OF MEMBERSHIP AUTHORIZATION FORMS, THE REVOCATION OF MEMBERSHIP IN EMPLOYEE ORGANIZATIONS AND PROVIDING FOR CERTAIN EXEMPTIONS THERETO; BY AMENDING SECTION 1.007 TO EXPAND THE DEFINITION OF PUBLIC SAFETY EMPLOYEES; BY AMENDING SECTION 1.008 TO MODIFY THE REQUIRED FINANCIAL STATEMENTS FROM AUDITED STATEMENTS TO THOSE PREPARED BY A LICENSED INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT; AND BY AMENDING SECTION 1.021 TO PROVIDE NEW PROHIBITIONS ON UNIONS OR THEIR REPRESENTATIVES OFFERING COMPENSATION OR THINGS OF VALUE TO PUBLIC OFFICERS, AS DEFINED BY FLORIDA ETHICS LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Palm Beach, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, Section 447.022 of the Public Employment Relations Act, a part of chapter 74-100, Laws of Florida [Laws of Fla., Ch. 74-100, § 447.002] authorizes municipalities to adopt a local ordinance, resolution or Charter amendment, in lieu of the requirements of the state Public Employment Relations Act; and

**WHEREAS**, the Florida Legislature has recently amended Chapter 447, Part II, Florida Statutes, including but not limited to by SB 1746 of the 2024 Session of the Florida Legislature; and

**WHEREAS**, the Town Council deems it desirable to amend Ordinance No. 6-80, Appendix A – Public Employee Relations to the Town Code of Ordinances to ensure consistency with the recent amendments to Chapter 447, Part II, Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH AS FOLLOWS:**

**Section 1** – Ordinance No. 6-80, Appendix A – Public Employee Relations to the Town Code of Ordinances is hereby amended as follows:

**Section 1.006. Public employees’ rights; organization and representation.**

- (1) (a) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.
- (b) 1. ~~Beginning July 1, 2023, a~~ 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 ~~with~~ 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 initiation fee and of the monthly dues which the member must pay, and the name and 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) ~~447.305(2)(e)~~ and this Section.
3. The membership authorization form must contain the following statement in 14-point type:
- 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.
4. A public employee may revoke membership in the employee organization at any time of the year. Upon receipt of the employee's written revocation of membership, the employee organization must revoke a public employee's membership. The employee

organization may not limit 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 section does not apply to 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. ~~**an employee organization that has been certified as a bargaining agent to represent law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102.**~~

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

8. 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 employer's continued eligibility to receive Federal Transit Administration funding, the commission may waive, 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).
- (2) Public employees shall have the right to be represented by any employee organization of their own choosing, 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.
- (3) Public employees shall have the right to engage in concerted activities not prohibited by law, for the purpose of collective bargaining or other mutual aid or protection. Public employees shall also have the right to refrain from engaging in such activities.
- (4) Nothing in this ordinance shall be construed to prevent any public employee from presenting, at any time, his own grievances, in person or by legal counsel, to his public employer, and having such grievances adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and if the bargaining agent has been given reasonable opportunity to be present at any meeting called for the resolution of such grievance.

## **Section 1.007. - Dues; deduction and collection**

(1) Except as authorized in subsection (2) or subject to a waiver granted pursuant to 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 dues and uniform assessments directly to the employee organization that has been certified as the bargaining agent.

(2) (a) An employee organization that which 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, or 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 employer of said deductions is a proper subject of collective bargaining.

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

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

**Section 1.008. Registration of employee organization.**

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

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

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

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

(d) The current annual ~~audited~~ 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 the state and that it will accept members without regard to age, race, sex, religion, or national origin.

(g) A copy of the current constitution and bylaws of the employee organization.

(h) A copy of the current constitution and bylaws of the state and national groups with which the employee organization is affiliated or associated. In lieu of this provision, and upon adoption of a rule by the commission, a state or national affiliate or parent organization of any registering labor organization may annually submit a copy of its current constitution and bylaws.

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

(a) Assets and liabilities at the beginning and end of the fiscal year;

(b) Receipts of any kind and the sources thereof;

(c) Disbursements by category;

~~(d)~~ ~~(e)~~ Salary, allowances, and other direct or indirect disbursements, including reimbursed expenses, to each officer and also to each employee who, during such fiscal year, received more than \$10,000 in the aggregate from such employee organization and any other employee organization affiliated with it or with which it is affiliated or which is affiliated with the same national or international employee organization;

~~(e)~~ ~~(d)~~ Direct and indirect loans made to any officer, employee, or member which aggregated more than \$250 during the fiscal year, together with a statement of the purpose, security, if any, and arrangements for repayment; and

~~(f)~~ ~~(e)~~ Direct and indirect loans to any business enterprise, together with a statement of the purpose, security, if any, and arrangements for repayment.

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

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

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

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

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



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

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

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

(6) Notwithstanding the provisions of this chapter relating to collective bargaining, an employee organization certified as a bargaining agent to represent a bargaining unit for which ~~that had~~ less than 60 percent of the unit employees have submitted membership authorization forms without subsequent revocation and have paid dues to the organization ~~eligible for representation in the bargaining unit pay dues~~ 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 ~~1 month~~ 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) The public employer or a bargaining unit employee may challenge an employee organization's application for renewal of registration if the public employer or bargaining unit

employee believes that the application is inaccurate. The commission or one of its designated agents 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 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 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 subsection (3).

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 Ssubsections (3)-(8) only with respect to the circumstances of each bargaining unit the majority of whose employees eligible for representation are employed as~~do not apply to an employee organization that has been certified as the bargaining agent to represent~~ law enforcement officers, correctional officers, or correctional probation officers as those terms are defined in s. 943.10(1), (2), or (3), respectively, or firefighters as defined in s. 633.102 , 911 public safety telecommunicators as defined in s. 401.465(1)(a), or emergency medical technicians or paramedics as defined in s. 367 401.23.

(10) A registration fee shall accompany each application filed with the Public Employees Relations Commission. The amount charged for an application for registration or renewal of registration shall not exceed \$15. All such money collected by the commission shall be deposited in the General Revenue Fund.

(11) Every employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the commission. In addition, each employee organization that has been certified as a bargaining agent must provide to its members an annual **audited** financial report 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) For an application for renewal of registration as an employee organization filed pursuant to s. 447.305(2), Florida Statutes, between July 1, 2023, and the effective date of this act, an employee organization may submit a current annual financial statement containing the information required by s. 447.305(2), Florida Statutes, prepared by an independent certified accountant licensed under chapter 473, Florida Statutes, and signed by the employee organization's president and treasurer or corresponding principal officers in lieu of an annual audited financial statement certified by an independent certified public accountant licensed under chapter 473, Florida Statutes. For applications of renewal of registration of employee organizations filed pursuant to s. 447.305, Florida Statutes, between July 1, 2023, and the effective date of this act, the commission may not deny the renewal or revoke the registration of an employee organization based solely upon the employee organization's failure to submit a

current annual audited financial statement certified by an independent certified public accountant licensed under chapter 473, Florida Statutes.

**Section 1.021. – Other unlawful acts:**

(1) Employee organizations, their members, agents, or representatives, or any persons acting on their behalf are hereby prohibited from:

....

(d) Offering anything of value to a public officer as defined in s. 112.313(1), Florida Statutes, which the public officer is prohibited from accepting under s. 112.313(2).

(e) Offering any compensation, payment, or thing of value to a public officer as defined in s. 112.313(1), Florida Statutes, which the public officer is prohibited from accepting under s. 112.313(4)

**Section 2 – Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

**Section 3 - Repeal Of Ordinances Or Parts Of Ordinances In Conflict.**

All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

**Section 4 - Codification.**

This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach.

**Section 5 – Effective Date.**

This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

**PASSED AND ADOPTED** in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 9th day of July, 2024 and for second and final reading on this 13th day of August, 2024.

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Danielle H. Moore, Mayor

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Bobbie D. Lindsay, Town Council President

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Lewis S.W. Crampton, Council President Pro Tem

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Julie Araskog, Town Council Member

ATTEST:

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Edward A. Cooney, Town Council Member

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member

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