

***NEW RULES, NEW
REALITIES***
**LABOR RELATIONS
UNDER SB 1296 AND
THE 2026-27 GAA.**

**FLORIDA SCHOOL
LABOR RELATIONS SERVICE &
FLORIDA EDUCATIONAL NEGOTIATORS**



OBJECTIVES

1. Context and Legal Challenges

2. New Thresholds

3. Employer Responsibilities

4. Legislative Appropriations and Financial Urgency

5. Paid Union Leave

6. Summary & Questions



CONSTITUTION AND STATUTORY FOUNDATION

Article I, Section 6, Florida Constitution

- Florida public employees have the constitutional right to bargain.
- Right-to-work state.
- No striking by public employees.

Chapter 447, Part II, Florida Statutes (sections 447.201-.609, F.S.)

- Statutes describing public sector bargaining process and related issues.



STATEMENT OF POLICY

The public policy of this state...with respect to public employees; to **promote harmonious and cooperative relationships** between government and its employees, both collectively and individually; and **to protect the public by assuring...**the orderly and uninterrupted operations and functions of government.

Neutrality Principle - Nothing herein shall be construed either to encourage or discourage organization of public employees.

[see 447.201, FS]



SB 1296 - Effective when?

Approved by Governor, 05/01/26; Chapter No. 2026-58,
Effective Date: 7/1/2026.

- SB 1296 has been signed by the Governor, is now a Law of Florida and is largely self-executing, with an ***operative date*** of July 1, 2026.
- PERC may issue rulemaking to address implementation details, but the statutory language appears to be effective.





(Potential) Legal Challenges, SB 1296

- **Collective bargaining rights.** That the higher certification, recertification, and decertification thresholds.
- **Equal protection.** Concerning the different treatment of public safety and non-public-safety bargaining units.
- **Free speech.** To the limits on paid leave for certain union-related activities.
- **Single subject.** That the bill includes multiple subjects or provisions that may not be sufficiently connected.
- **Delegation / standards.** That the bargaining-unit clarification process does not provide enough standards to guide the commission's decisions.
- **Implementation.** That some provisions may require rulemaking or further administrative action before they can be fully implemented. [see [Senate Staff Analysis](#)]

The New Thresholds

Under the previous law, elections were decided by a majority of participating employees. The new language creates a two-part test:

At least 50% of all eligible employees in the unit must participate in the election (a turnout threshold), and at least 50% of those voting must support the union (a support threshold).

These requirements come into play upon failure to achieve the 60% dues-paying membership requirement which then requires a 30% showing of interest to trigger an election. Public safety units retain the simple majority-of-voters standard.



Employers - Recertification

For each certification, you provide the number of public employees in the bargaining unit.

- **Registration Renewal Notification to Employer.** Within 30 days of filing its renewal application with the commission, the bargaining agent must provide a copy to the public employer. The employer receives this as a passive recipient but should review it for accuracy.
- **Challenging Inaccurate Renewal Applications** The public employer may challenge an employee organization's application for renewal of registration if it believes the application is materially inaccurate.
- **Cooperation with Commission Investigation.** If the commission investigates the validity of submitted registration information, the employer is an implicit participant in confirming accuracy of bargaining unit membership data.



Employers - Decertification

- **Equal Access to Facilities and Communications.** The public employer must provide equal access to its facilities and internal means of communication to any registered employee organization or petitioning public employee in the decertification proceeding.
- **Participation in Commission Investigation.** The employer is identified as a party and must cooperate with that process.
- **Election Cost Sharing.** The public employer typically shares an equal cost of a decertification election ordered by the commission.
- **New Participation Threshold (July 1, 2026).** Decertification now requires at least 50% of bargaining unit employees to participate in the election AND at least 50% of those voting to select decertification .
- Public safety units retain the simple majority-of-voters standard.



Employers – Unit Clarification

- **Receiving Service of Petition.** The public employer must be served a copy of the petition.
- **Notifying Unrepresented Affected Employees.** The public employer must provide a copy of the petition to those employees not represented by a bargaining agent within 10 days after the petition is filed.
- **Filing Eligibility.** The public employer itself may file a unit clarification petition.
- **25% Growth Cap.** Any clarification that would increase bargaining unit size by more than 25% converts the matter into a representation question and the petition must be dismissed — relevant when the employer is assessing whether to file or oppose a clarification.

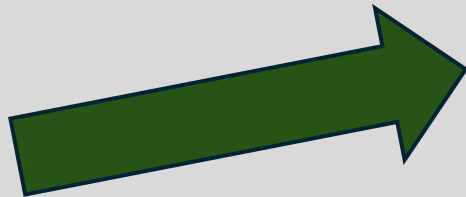


Salary Appropriations and Financial Urgency



Impasse and Financial Urgency

Funds the Legislature designated for salaries are deemed **a statutory financial urgency.**



The employer and bargaining agent must meet **within 15 calendar days of the effective date of the appropriation – July 1**

- **Impasse Declaration Deadline Under Financial Urgency.** If a dispute still exists 30 calendar days after the effective date of a salary appropriation, either party must declare impasse within two business days- August 2.
- **Prohibition on Unfair Labor Practice Charges.** Neither party may file an unfair labor practice charge during the negotiation period or during the resulting impasse process.

Options

**Settle the entire
contract**

Or

**Settle an MOU
specific to the
appropriated
salary**

Or

**Expedited
Impasse under ss.
447.4095, FS**



Expedited Timeframe - 447.4095(2) Impasse

- The overall timeline from the July 1 appropriation to the calculated December 5 ratification submission spans approximately five months, assuming every step takes the maximum time allowed, includes a one-day hearing, and has no delays.
- In practice, the steps could be completed sooner if the parties move faster than the statutory deadlines require.



What does TSIA Proviso say?

(the Classroom Teacher and Other Instructional Personnel Salary Increase)

From the funds in Specific Appropriations 5 and 88, **\$201,388,752** is provided for school districts and charter schools to provide salary increases **to full-time classroom teachers and certified prekindergarten teachers** funded in the Florida Education Finance Program **with at least ten years of full-time teaching experience in a Florida public school**. The amount of such an increase may not exceed \$3,000. **If a school district has any funds remaining after providing the salary increases, the school district must use these funds to provide salary increases to instructional personnel or for increased costs related to personnel compensation** and provide a report to the department by January 1, 2027, on the expenditure of such funds. Each school district and charter school shall use 1.06 percent of its base FEFP funding amount as provided in HB 5001E.



Implementing and other directions

- School districts and charter schools shall provide the salary increases as described in proviso, and the requirements of section 1012.22, Florida Statutes including provisions related to performance-based pay distinctions (e.g., “highly effective” versus “effective”) and any associated longevity calculations do not apply to these salaries.
- Initial analysis indicates that the proviso language provides sufficient flexibility to allow districts, subject to collective bargaining, to allocate less than the full \$3,000 per teacher; any remaining funds may be used for other purposes authorized in the proviso, including compensation-related expenses.



Public Employer Payments for Employee Organization Activities

- This language limits when a public employer may pay public employees for time spent on employee organization activities, and it broadly prohibits using public funds to compensate employees for union-related activities unless a specific exception applies.
- A public employer, or anyone acting on its behalf, may not provide compensation or paid leave to a public employee for the purpose of engaging in employee organization activities. The prohibition applies to direct and indirect payments and is aimed at preventing the use of public funds to support union-related activity.

What Counts as Employee Organization Activities

- Supporting or opposing candidates.
- Influencing legislation, regulations, or ballot measures.
- Promoting union membership or financial support.
- Seeking certification as a bargaining agent.
- Participating in union governance or administration.
- Attending union events, conferences, meetings, or trainings, unless the training is directly related to the employee's job duties.

- Distributing union communications.
- Speaking on behalf of the union where the public employer is not a participant.
- Preparing or pursuing grievances or unfair labor practice charges.
- Representing employees in investigatory, disciplinary, or legal proceedings.
- Bargaining, mediation, factfinding, arbitration, administering contracts, and labor-management committee work.

What Employers May Do

- A public employee may take unpaid time off to engage in employee organization activities if the public employer and bargaining agent agree. In addition, an employee organization may pay the employee for that time itself.
- The bill also allows a public employee to use accrued leave, including donated leave, for employee organization activities.
- Public employees can perform **representational employee organization** activities while in duty status without loss of pay or benefits if the public employer and bargaining agent agree.

What Public Employers Cannot Do

- Pay employees for union-related activities.
- Give paid leave for those activities.
- Provide indirect compensation for those activities.
- Use public resources to finance employee organization activity unless a statutory exception applies.

A major exception applies where the collective bargaining agreement authorizes the payment and the employee organization fully reimburses the public employer. In that case, compensation and benefits may be provided for the purpose of employee organization activities.

Employer Responsibilities

- Receiving the Renewal Application
- Challenging Inaccurate Renewal Applications
- Cooperation with Commission Investigation
- Equal Access to Facilities and Communications Once a Petition is Filed
- Participation as a Named Party in the Commission Investigation of the Petition
- Notifying Unrepresented Employees in a Unit Clarification
- Election Cost Sharing
- Collective Bargaining Continues Until Final Order

- Declaration of Impasse if Negotiations Break Down
- Legislative Salary Appropriation — Mandatory Meeting
- Formal Impasse Declaration Under Salary Appropriation
- Submission of Recommendations to the Legislative Body
- Legislative Body Public Hearing and Action Deadlines
- Reducing the Agreement to Writing and Ratification
- Prohibition on Unfair Labor Practice Charges During the Process



QUESTIONS

