

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**ALACHUA COUNTY EDUCATION  
ASSOCIATION, et al.,**

*Plaintiffs,*

v.

**Case No.: 1:23cv111-MW/HTC**

**DONALD J. RUBOTTOM, et al.,**

*Defendants.*

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**ORDER REGARDING BRIEFING**

In preparation for further briefing on Plaintiffs' motion for preliminary injunction, this Court directs the parties to address the following in their papers. Namely, Plaintiffs seek a preliminary injunction with respect to section 1 and section 3 of SB 256. Section 1 amends section 447.301, Florida Statutes, to require certain public employees to sign and date a prescribed form in the event they desire to be a member of an employee organization. The statute further states that "[t]he commission may adopt rules to implement this paragraph." § 447.301(1)(b)7., Fla. Stat. (2023). The plain language of the statute does not appear to impose any penalty for failure to comply with this mandate. Nor has the commission appeared to have adopted any rules to implement the new provision. The parties must address to what

extent the apparent lack of penalty or implementing regulations impacts, if at all, Plaintiffs' claim for relief, including Plaintiffs' standing to proceed.

Similarly, Plaintiffs challenge section 3, which amends section 447.303, Florida Statutes, to prohibit certain employee organizations that have been certified as bargaining agents from collecting dues and uniform assessments from their employee members' salaries. § 447.303(1), Fla. Stat. (2023). This section also does not impose any penalty for violation of the prohibition, nor does it appear to give the commission any role in enforcing the prohibition. Again, the parties must address to what extent, if any, the apparent lack of penalty or enforcement provision impacts Plaintiffs' claim for relief, including Plaintiffs' standing to proceed.

Defendants must address these issues in their response to Plaintiffs' motion. This Court anticipates permitting Plaintiffs to file a reply in support of their motion for preliminary injunction, and they must address these issues therein. As this Court noted by prior Order, this Court will set a briefing schedule for Plaintiffs' motion after the telephonic scheduling conference on Friday, May 19, 2023.

**SO ORDERED on May 17, 2023.**

**s/Mark E. Walker**  
**Chief United States District Judge**