

THIRD DISTRICT COURT OF APPEAL OF FLORIDA

Antonio Major v. Sheriff of Monroe County

No. 3D25-494 · No. 3D25-494 · Decided December 31, 2025

SUMMARY

The Florida Third District Court of Appeal affirmed the Public Employees Relations Commission’s summary dismissal of Antonio Major’s unfair labor practice charge against the Sheriff of Monroe County. The court held that the charge was legally insufficient because it failed to satisfy statutory and regulatory requirements for sworn statements and documentary evidence establishing a prima facie violation.

CASE DETAILS

COURT	Third District Court of Appeal of Florida
WRITING FOR THE COURT	EMAS; LOGUE; GORDO
JURISDICTION	Florida Third District Court of Appeal
DECIDED	December 31, 2025
DOCKET	3D25-494
DISPOSITION	affirmed
PROCEDURAL POSTURE	Antonio Major appealed a Public Employees Relations Commission final order summarily dismissing his unfair labor practice charge as legally insufficient.
STANDARD OF REVIEW	The court reviewed the PERC final order and the record and affirmed the Commission's determination that the charge was legally insufficient.
PRECEDENTIAL VALUE	published
PARTIES	Antonio Major v. Sheriff of Monroe County

TOPICS

- unfair labor practices
- agency adjudication
- administrative law
- judicial review of agency action
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether PERC properly summarily dismissed Major's unfair labor practice charge as legally insufficient under section 447.503, Florida Statutes.
2. Whether an unfair labor practice charge must be supported by sworn statements and, where applicable, documentary evidence sufficient to establish a prima facie violation.

HOLDINGS

1. PERC properly summarily dismissed the charge because it was legally insufficient.
2. An unfair labor practice charge must be supported by sworn statements and, where applicable, documentary evidence sufficient to establish a prima facie violation; a charge that does not meet that threshold may be summarily dismissed.

KEY QUOTATIONS

“In order to establish a prima facie violation, the charge must include the names of the individuals involved in the alleged unfair labor practice, and the time and place of occurrence of the particular acts giving rise to the dispute.” (at 2)

“A factually deficient charge cannot be cured by resorting to the supporting documents.” (at 2)

FACTUAL BACKGROUND

Antonio Major filed an unfair labor practice charge against the Sheriff of Monroe County with the Public Employees Relations Commission. The charge was summarily dismissed because the Commission determined it was legally insufficient. On appeal, the Third District reviewed the record and upheld the dismissal.

PROCEDURAL HISTORY

Major initiated an unfair labor practice charge under section 447.503, Florida Statutes. The Public Employees Relations Commission summarily dismissed the charge, determining that it was legally insufficient. The Third District Court of Appeal reviewed the record and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Gibbons v. State Pub. Emps. Rels. Comm'n*, 702 So. 2d 536, 536 (Fla. 2d DCA 1997)
- *Bertrand Simmons, Charging Party, v. Tampa Bay Area Transit Workers Union, Inc., Respondent*, 42 FPER ¶ 96 (2015)
- *Sch. Dist. of Indian River Cnty. v. Fla. Pub. Emps. Rels. Comm'n*, 64 So. 3d 723, 727 (Fla. 4th DCA 2011)

OPINION

PER CURIAM.

Third District Court of Appeal State of Florida Opinion filed December 31, 2025. Not final until disposition of timely filed motion for rehearing. _____ No. 3D25-494 Lower Tribunal No. CA-2024-041 _____ Antonio Major, Appellant, vs. Sheriff of Monroe County, Appellee. An Appeal from the State of Florida, Public Employees Relations Commission.

Antonio Michael Major, in proper person. Allen, Norton & Blue, P.A., and Liana De La Noval and Susan Potter Norton, for appellee. Before EMAS, LOGUE and GORDO, JJ. PER CURIAM. Antonio Major appeals a Final Order from the Public Employees Relations Commission (PERC) summarily dismissing an unfair labor practice charge initiated by Major pursuant to section 447.503, Florida Statutes (2024).¹ Upon our review of the record, we affirm the Commission's dismissal and its determination that the charge filed by Major was legally insufficient.

See *Gibbons v. State Pub. Emps. Rels. Comm'n*, 702 So. 2d 536, 536 (Fla. 2d DCA 1997) ("The charge, which was sworn to by Gibbons, stated that during the summer of 1995 Gibbons criticized the management staff in his office on several occasions and that he counseled colleagues regarding their union rights.") (emphasis added) (citing § 447.503(1), Fla. Stat. (1995), requiring the charge be accompanied by "sworn statements and documentary evidence sufficient to establish a prima facie violation" of the pertinent unfair labor practice provision); Fla. Admin.

Code Ann. R. 60CC- 5.001 (mirroring the statute and providing that a charge "must be accompanied by sworn statement(s) setting forth facts of which the affiant 1 Section 447.503, Florida Statutes (2024) governs the process for initiating and settling disputes regarding alleged unfair labor practices, and authorizes "the filing of a charge with the commission by an employer, employee, or employee organization, or any combination thereof." Subsection (1) details the requirements of a charge, including that the charge contain a "clear and concise statement of facts constituting the alleged unfair labor practice," and be "accompanied by sworn statements and documentary evidence sufficient to establish a prima facie violation of the applicable unfair labor practice provision." 2 has personal knowledge, and where applicable, documentary evidence sufficient to support a prima facie violation of the applicable unfair labor practice provision(s)."); *Bertrand Simmons, Charging Party, v. Tampa Bay Area Transit Workers Union, Inc., Respondent*, 42 FPER ¶ 96 (2015) ("Here, Simmons merely signed the amended unfair labor practice charge.

The amended charge was neither sworn to and signed before a notary public nor accompanied by sworn statements. Thus, the amended charge must be dismissed."); see also *Sch. Dist. of Indian River Cnty. v. Fla. Pub. Emps. Rels. Comm'n*, 64 So. 3d 723, 727 (Fla. 4th DCA 2011) ("In order to establish a prima facie violation, the charge must include the names of the individuals involved in the alleged unfair labor practice, and the time and place of occurrence of the particular acts giving rise to the dispute.

It also must identify specific impacts on wages, hours, or terms and conditions of employment resulting from the change at issue. A factually deficient charge cannot be cured by resorting to the supporting documents. If the charge is sufficient, a hearing will be held, but if it is insufficient, the commission may issue a summary dismissal of the charge.”) (internal quotations omitted).

Affirmed. 3

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