

By Senator Holzendorf

2-1238-99

1 A bill to be entitled
2 An act relating to collective bargaining;
3 amending s. 447.403, F.S.; revising procedures
4 for resolving certain impasses; providing
5 duties of parties; requiring a special master
6 to hold public hearings under certain
7 circumstances; requiring a legislative body to
8 hold a public hearing under certain
9 circumstances; providing duties of the Public
10 Employees Relations Commission; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 447.403, Florida Statutes, is
16 amended to read:

17 447.403 Resolution of impasses.--

18 (1) If, after a reasonable period of negotiation
19 concerning the terms and conditions of employment to be
20 incorporated in a collective bargaining agreement, a dispute
21 exists between a public employer and a bargaining agent, an
22 impasse shall be deemed to have occurred when one of the
23 parties so declares in writing to the other party and to the
24 commission. Upon receipt of the formal declaration of an
25 impasse, the commission shall require both parties to submit
26 to the commission, in writing, immediately, the last and best
27 offers made during collective bargaining with regard to each
28 unresolved issue. Upon receipt of such offers, the commission
29 shall transmit such offers to the respective opposing parties.
30 ~~When an impasse occurs, the public employer or the bargaining~~
31 ~~agent, or both parties acting jointly, may appoint, or secure~~

~~the appointment of, a mediator to assist in the resolution of~~

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3

~~(2) If no mediator is appointed, or upon the request of either party, The commission shall appoint _____~~

5

~~unresolved issues to,~~

6

parties, within 30 calendar days after receipt of both parties' last and best offers. If the parties are unable to

9

shall immediately

10

special master. The commission shall submit such last and best offers to the special master.

~~However, if the parties agree in writing to waive the appointment of a special master,~~

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14

~~by the legislative body pursuant to paragraph (4)(d).~~

(3) _____ This section does not preclude

~~precludes~~ the parties from using the services of a mediator at

18

(4) — The special master shall set the hearings within 30 calendar days after receiving such last and best

20

_____ hold _____ shall be held in order _____

21

~~the area or areas of dispute,~~

22

each unresolved issue, and the special master shall the

23

_____ render a decision on each unresolved issue by selecting the last and best offer of the employer or the

25

_____ any and all

~~unresolved contract issues.~~ The hearings shall be held at

28

master in accordance with rules adopted ~~promulgated~~ by the

30

administer oaths and issue subpoenas on behalf of the parties

31

to the dispute or on his or her own behalf. Within 15

CODING: Words _____ are deletions; words underlined

1 calendar days after the close of the final hearing, the
2 special master shall transmit his or her recommended decision
3 to the commission and to the representatives of both parties
4 by registered mail, return receipt requested. ~~Such~~
5 ~~recommended decision shall be discussed by the parties, and~~
6 ~~each recommendation of the special master shall be deemed~~
7 ~~approved by both parties unless specifically rejected by~~
8 ~~either party by written notice filed with the commission~~
9 ~~within 20 calendar days after the date the party received the~~
10 ~~special master's recommended decision. The written notice~~
11 ~~shall include a statement of the cause for each rejection and~~
12 ~~shall be served upon the other party.~~

13 (5)(a) Within 15 days after transmittal of the special
14 master's decision to the parties, issues resolved by the
15 special master, together with issues agreed to during
16 collective bargaining, shall be stated in writing and signed
17 by the chief executive officer and the representative for the
18 certified bargaining agent and submitted to the public
19 employer and to the public employees who are members of the
20 bargaining unit for ratification. If the agreement is not
21 ratified by all parties, issues resolved by the special master
22 and issues agreed to during collective bargaining shall be
23 imposed, effective the date of the special master's decision,
24 for the remainder of the fiscal year that was the subject of
25 negotiations. No effect shall be given to any impasse issues
26 that establish the language of contractual provisions that
27 could have no effect in the absence of a ratified agreement,
28 including, but not limited to, preambles, recognition clauses,
29 and duration clauses. During such time, the parties shall
30 continue to bargain until an agreement is reached and
31 ratified.

1 (b) If the special master selects the bargaining
2 agent's last and best offer regarding an issue and if funding
3 for selection would create a financial emergency such that the
4 public employer would have to raise ad valorem taxes or fees,
5 then, within 15 days after transmittal of the special master's
6 decision, the chief executive officer must certify in writing
7 to the representative for the certified bargaining agent and
8 the special master that enforcement of that selection would
9 create a financial emergency. The chief executive officer
10 must set forth his or her reasons supporting that conclusion.
11 The legislative body shall, within 30 days after the date of
12 the financial emergency certification, conduct a public
13 hearing. At that public hearing the parties shall explain
14 their respective positions regarding the financial emergency
15 certification and the issue triggering such certification.
16 Thereafter, the legislative body shall take such action as it
17 deems to be in the public interest, including the interest of
18 the public employees involved, to resolve the issue certified
19 as creating a financial emergency. The financial emergency
20 issue resolved by the legislative body must be stated in
21 writing and signed by the chief executive officer and the
22 representative for the certified bargaining agent and
23 submitted for ratification to the public employer and to the
24 public employees who are members of the bargaining unit. If
25 that agreement is not ratified by all parties pursuant to s.
26 447.309, the legislative body's action shall take effect as of
27 the date of such legislative body's action for the remainder
28 of the first fiscal year that was the subject of negotiations.
29 ~~(4) In the event that either the public employer or~~
30 ~~the employee organization does not accept, in whole or in~~
31 ~~part, the recommended decision of the special master:~~

1 ~~(a) The chief executive officer of the governmental~~
2 ~~entity involved shall, within 10 days after rejection of a~~
3 _____

4 ~~legislative body of the governmental entity involved a copy of~~
5 ~~the findings of fact and recommended decision of the special~~
6 _____

7 ~~recommendations for settling the disputed impasse issues. The~~
8 ~~chief executive officer shall also transmit his or her~~
9 _____

10 ~~involves employees for whom the Board of Regents is the public~~
11 ~~employer, the Governor may also submit recommendations to the~~
12 _____

13 ~~(b) The employee organization shall submit its~~
14 ~~recommendations for settling the disputed impasse issues to~~
15 _____

16 ~~(c) The legislative body or a duly authorized~~
17 ~~committee thereof shall forthwith conduct a public hearing at~~
18 _____

19 ~~with respect to the rejected recommendations of the special~~
20 ~~master;~~
21 _____

22 ~~action as it deems to be in the public interest, including the~~
23 ~~interest of the public employees involved, to resolve all~~
24 _____

25 ~~(e) Following the resolution of the disputed impasse~~
26 ~~issues by the legislative body, the parties shall reduce to~~
27 _____

28 ~~the parties and those disputed impasse issues resolved by the~~
29 ~~legislative body's action taken pursuant to paragraph (d).~~
30 _____

31 ~~and the bargaining agent and shall be submitted to the public~~

1 ~~employer and to the public employees who are members of the~~
2 ~~bargaining unit for ratification. If such agreement is not~~
3 _____
4 ~~447.309, the legislative body's action taken pursuant to the~~
5 ~~provisions of paragraph (d) shall take effect as of the date~~
6 _____
7 ~~first fiscal year which was the subject of negotiations;~~
8 ~~however, the legislative body's action shall not take effect~~
9 ~~with respect to those disputed impasse issues which establish~~
10 _____
11 ~~effect in the absence of a ratified agreement, including, but~~
12 ~~not limited to, preambles, recognition clauses, and duration~~
13 _____

14 Section 2. This act shall take effect October 1, 1999.
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17 SENATE SUMMARY

18 Revises procedures and duties of parties with respect to
19 bill for details.)
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