

By Representative Rubio

1 A bill to be entitled
2 An act relating to collective bargaining
3 agreement disputes involving public employees;
4 amending s. 447.403, F.S.; limiting the action
5 of the legislative body to resolve specified
6 disputed impasse issues; providing an effective
7 date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 447.403, Florida Statutes, is
12 amended to read:

13 447.403 Resolution of impasses.--

14 (1) If, after a reasonable period of negotiation
15 concerning the terms and conditions of employment to be
16 incorporated in a collective bargaining agreement, a dispute
17 exists between a public employer and a bargaining agent, an
18 impasse shall be deemed to have occurred when one of the
19 parties so declares in writing to the other party and to the
20 commission. When an impasse occurs, the public employer or the
21 bargaining agent, or both parties acting jointly, may appoint,
22 or secure the appointment of, a mediator to assist in the
23 resolution of the impasse.

24 (2) If no mediator is appointed, or upon the request
25 of either party, the commission shall appoint, and submit all
26 unresolved issues to, a special master acceptable to both
27 parties. If the parties are unable to agree on the appointment
28 of a special master, the commission shall appoint, in its
29 discretion, a qualified special master. However, in the case
30 of disputed impasse issues which have a financial impact on
31 the public employer, if the parties agree in writing to waive

1 the appointment of a special master, the parties may proceed
2 directly to resolution of the impasse by the legislative body
3 pursuant to paragraph (4)(d). Nothing in this section
4 precludes the parties from using the services of a mediator at
5 any time during the conduct of collective bargaining.

6 (3) The special master shall hold hearings in order to
7 define the area or areas of dispute, to determine facts
8 relating to the dispute, and to render a decision on any and
9 all unresolved contract issues. The hearings shall be held at
10 times, dates, and places to be established by the special
11 master in accordance with rules promulgated by the commission.
12 The special master shall be empowered to administer oaths and
13 issue subpoenas on behalf of the parties to the dispute or on
14 his or her own behalf. Within 15 calendar days after the
15 close of the final hearing, the special master shall transmit
16 his or her recommended decision to the commission and to the
17 representatives of both parties by registered mail, return
18 receipt requested. Such recommended decision shall be
19 discussed by the parties, and each recommendation of the
20 special master shall be deemed approved by both parties unless
21 specifically rejected by either party by written notice filed
22 with the commission within 20 calendar days after the date the
23 party received the special master's recommended decision. The
24 written notice shall include a statement of the cause for each
25 rejection and shall be served upon the other party.

26 (4) In the event that either the public employer or
27 the employee organization does not accept, in whole or in
28 part, the recommended decision of the special master:

29 (a) The chief executive officer of the governmental
30 entity involved shall, within 10 days after rejection of a
31 recommendation of the special master, submit to the

1 legislative body of the governmental entity involved a copy of
2 the findings of fact and recommended decision of the special
3 master, together with the chief executive officer's
4 recommendations for settling the disputed impasse issues. The
5 chief executive officer shall also transmit his or her
6 recommendations to the employee organization. If the dispute
7 involves employees for whom the Board of Regents is the public
8 employer, the Governor may also submit recommendations to the
9 legislative body for settling the disputed impasse issues;

10 (b) The employee organization shall submit its
11 recommendations for settling the disputed impasse issues to
12 such legislative body and to the chief executive officer;

13 (c) The legislative body or a duly authorized
14 committee thereof shall forthwith conduct a public hearing at
15 which the parties shall be required to explain their positions
16 with respect to the rejected recommendations of the special
17 master;

18 (d) Thereafter, the legislative body shall take such
19 action as it deems to be in the public interest, including the
20 interest of the public employees involved, to resolve all
21 disputed impasse issues which have any financial impact on the
22 public employer. The legislative body shall have no authority
23 to resolve disputed impasse issues which have no financial
24 impact on the public employer, and the special master's
25 recommendation shall be accepted by both parties with respect
26 to such issues; and

27 (e) Following the resolution of the disputed impasse
28 issues by the legislative body, the parties shall reduce to
29 writing an agreement which includes those issues agreed to by
30 the parties and those disputed impasse issues resolved by the
31 legislative body's action taken pursuant to paragraph (d).

1 The agreement shall be signed by the chief executive officer
2 and the bargaining agent and shall be submitted to the public
3 employer and to the public employees who are members of the
4 bargaining unit for ratification. If such agreement is not
5 ratified by all parties, pursuant to the provisions of s.
6 447.309, the legislative body's action taken pursuant to the
7 provisions of paragraph (d) shall take effect as of the date
8 of such legislative body's action for the remainder of the
9 first fiscal year which was the subject of negotiations;
10 however, the legislative body's action shall not take effect
11 with respect to those disputed impasse issues which establish
12 the language of contractual provisions which could have no
13 effect in the absence of a ratified agreement, including, but
14 not limited to, preambles, recognition clauses, and duration
15 clauses.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 HOUSE SUMMARY

21 With respect to the resolution of an impasse in a
22 collective bargaining agreement involving public
23 employees in which the recommended decision of an
24 appointed special master is rejected, provides that the
25 legislative body of the governmental entity shall take
26 such actions as it deems to be in the public interest to
27 resolve only those disputed impasse issues which have a
28 financial impact on the public employer. Provides that,
29 with respect to disputed impasse issues which have no
30 financial impact on the public employer, the special
31 master's recommendation shall be accepted by both
parties.