

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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5			ORIGINAL STAMP BELOW
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11	Representative(s) Brummer and Lacasa offered the following:		
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13	Amendment (with title amendment)		
14	On page 1,		
15	remove: everything after the enacting clause		
16			
17	and insert:		
18	Section 1. <u>Subsection (6) of section 216.163, Florida</u>		
19	<u>Statutes, is repealed.</u>		
20	Section 2. Section 447.403, Florida Statutes, is		
21	amended to read:		
22	447.403 Resolution of impasses.--		
23	(1)(a) If, after a reasonable period of negotiation		
24	concerning the terms and conditions of employment to be		
25	incorporated in a collective bargaining agreement, a dispute		
26	exists between a public employer and a bargaining agent, an		
27	impasse shall be deemed to have occurred when one of the		
28	parties so declares in writing to the other party and to the		
29	commission. When an impasse occurs, the public employer or the		
30	bargaining agent, or both parties acting jointly, may appoint,		
31	or secure the appointment of, a mediator to assist in the		

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1 resolution of the impasse. Nothing in this section precludes
2 the parties from using the services of a mediator at any time
3 during the conduct of collective bargaining. However, if the
4 Legislature is the legislative body ~~if the Governor is the~~
5 ~~public employer~~, no mediator shall be appointed.

6 (b) The chief executive officer of the public employer
7 shall declare an impasse no later than the convening of the
8 Regular Session of the Legislature for any collective
9 bargaining negotiation for which the Legislature is the
10 legislative body and for which a collective bargaining
11 agreement has not been executed.

12 (2)~~(a)~~ If no mediator is appointed, or upon the
13 request of either party, the commission shall appoint, and
14 submit all unresolved issues to, a special master acceptable
15 to both parties. If the parties are unable to agree on the
16 appointment of a special master, the commission shall appoint,
17 in its discretion, a qualified special master. However, if
18 the parties agree in writing to waive the appointment of a
19 special master, the parties may proceed directly to resolution
20 of the impasse by the legislative body pursuant to paragraph
21 (4)(d). ~~Nothing in this section precludes the parties from~~
22 ~~using the services of a mediator at any time during the~~
23 ~~conduct of collective bargaining.~~

24 ~~(b)~~ If the Legislature is the legislative body ~~if the~~
25 ~~Governor is the public employer~~, no special master shall be
26 appointed. The parties may submit written explanation of their
27 positions on disputed impasse issues to the Legislature,
28 addressed to the President of the Senate and the Speaker of
29 the House of Representatives. The Legislature retains the
30 full discretion to investigate and otherwise address such
31 issues. ~~The parties may proceed directly to the Legislature~~

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1 ~~for resolution of the impasse pursuant to paragraph (4)(d).~~

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

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

25 (a) The chief executive officer of the governmental
26 entity involved shall, within 10 days after rejection of a
27 recommendation of the special master, submit to the
28 legislative body of the governmental entity involved a copy of
29 the findings of fact and recommended decision of the special
30 master, together with the chief executive officer's
31 recommendations for settling the disputed impasse issues. The

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1 chief executive officer shall also transmit his or her
2 recommendations to the employee organization. If the dispute
3 involves employees for whom the Board of Regents is the public
4 employer, the Governor may also submit recommendations to the
5 legislative body for settling the disputed impasse issues;

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

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

14 (d) Thereafter, the legislative body shall take such
15 action as it deems to be in the public interest, including the
16 interest of the public employees involved, to resolve all
17 disputed impasse issues; and

18 (e) Following the resolution of the disputed impasse
19 issues by the legislative body, the parties shall reduce to
20 writing an agreement which includes those issues agreed to by
21 the parties and those disputed impasse issues resolved by the
22 legislative body's action taken pursuant to paragraph (d). The
23 agreement shall be signed by the chief executive officer and
24 the bargaining agent and shall be submitted to the public
25 employer and to the public employees who are members of the
26 bargaining unit for ratification. If such agreement is not
27 ratified by all parties, pursuant to the provisions of s.
28 447.309, the legislative body's action taken pursuant to the
29 provisions of paragraph (d) shall take effect as of the date
30 of such legislative body's action for the remainder of the
31 first fiscal year which was the subject of negotiations;

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1 however, the legislative body's action shall not take effect
2 with respect to those disputed impasse issues which establish
3 the language of contractual provisions which could have no
4 effect in the absence of a ratified agreement, including, but
5 not limited to, preambles, recognition clauses, and duration
6 clauses.

7 (5)(a) If the Legislature is the legislative body, any
8 disputed impasse issues may be addressed by the Legislature
9 through legislation as it deems to be in the public interest.
10 Nothing in this section shall be interpreted as divesting the
11 Legislature of its authority to set conditions of employment
12 by law.~~Within 5 days after the beginning of the impasse~~
13 ~~period in accordance with s. 216.163(6), each party shall~~
14 ~~notify the President of the Senate and the Speaker of the~~
15 ~~House of Representatives as to all unresolved issues. Upon~~
16 ~~receipt of the notification, the presiding officers shall~~
17 ~~appoint a joint select committee to review the position of the~~
18 ~~parties and render a recommended resolution of all issues~~
19 ~~remaining at impasse. The recommended resolution shall be~~
20 ~~returned by the joint select committee to the presiding~~
21 ~~officers not later than 10 days prior to the date upon which~~
22 ~~the legislative session is scheduled to commence. During the~~
23 ~~legislative session, the Legislature shall take action in~~
24 ~~accordance with this section.~~

25 ~~(b)~~ Any actions taken by the Legislature to resolve
26 disputed impasse issues shall be binding on ~~bind~~ the parties
27 ~~in accordance with paragraph (4)(c).~~

28 (b) Following the resolution of any disputed impasse
29 issues by the Legislature, the parties shall reduce to writing
30 an agreement which includes those issues agreed to by the
31 parties and those disputed issues resolved by the

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

15 Section 3. This act shall take effect upon becoming a
 16 law.

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 19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1,
 22 remove: everything before the enacting clause

23
 24 and insert:

25 A bill to be entitled
 26 An act relating to the resolution of impasse;
 27 repealing s. 216.163(6), F.S., to remove a
 28 requirement that the Governor declare impasse
 29 of certain collective bargaining negotiations
 30 at the time the Governor's recommended budget
 31 is submitted to the legislature; amending s.

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1 447.403, F.S.; providing no mediator or special
2 master shall be appointed for disputed impasse
3 issues when the Legislature is the legislative
4 body; requiring impasse to be declared under
5 certain circumstances in which the Legislature
6 is the legislative body; eliminating certain
7 requirements of the Legislature regarding
8 resolution of impasse with respect to
9 collective bargaining; providing a statement to
10 the Legislature's discretionary authority to
11 address disputed impasse issues; specifying
12 requirements after the Legislature has
13 addressed disputed impasse issues; providing an
14 effective date.

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