

1 A bill to be entitled
2 An act relating to the resolution of impasse;
3 repealing s. 216.163(6), F.S., to remove a
4 requirement that the Governor declare impasse
5 of certain collective bargaining negotiations
6 at the time the Governor's recommended budget
7 is submitted to the legislature; amending s.
8 447.403, F.S.; providing no mediator or special
9 master shall be appointed for disputed impasse
10 issues when the Legislature is the legislative
11 body; requiring impasse to be declared under
12 certain circumstances in which the Legislature
13 is the legislative body; eliminating certain
14 requirements of the Legislature regarding
15 resolution of impasse with respect to
16 collective bargaining; providing a statement to
17 the Legislature's discretionary authority to
18 address disputed impasse issues; specifying
19 requirements after the Legislature has
20 addressed disputed impasse issues; providing an
21 effective date.

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

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25 Section 1. Subsection (6) of section 216.163, Florida
26 Statutes, is repealed.

27 Section 2. Section 447.403, Florida Statutes, is
28 amended to read:

29 447.403 Resolution of impasses.--

30 (1)(a) If, after a reasonable period of negotiation
31 concerning the terms and conditions of employment to be

1 incorporated in a collective bargaining agreement, a dispute
 2 exists between a public employer and a bargaining agent, an
 3 impasse shall be deemed to have occurred when one of the
 4 parties so declares in writing to the other party and to the
 5 commission. When an impasse occurs, the public employer or the
 6 bargaining agent, or both parties acting jointly, may appoint,
 7 or secure the appointment of, a mediator to assist in the
 8 resolution of the impasse. Nothing in this section precludes
 9 the parties from using the services of a mediator at any time
 10 during the conduct of collective bargaining. However, if the
 11 Legislature is the legislative body if the Governor is the
 12 public employer, no mediator shall be appointed.

13 (b) The chief executive officer of the public employer
 14 shall declare an impasse no later than the convening of the
 15 Regular Session of the Legislature for any collective
 16 bargaining negotiation for which the Legislature is the
 17 legislative body and for which a collective bargaining
 18 agreement has not been executed.

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

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1 ~~(b) If the Legislature is the legislative body~~If the
2 ~~Governor is the public employer,~~ no special master shall be
3 appointed. The parties may submit written explanation of their
4 positions on disputed impasse issues to the Legislature,
5 addressed to the President of the Senate and the Speaker of
6 the House of Representatives. The Legislature retains the
7 full discretion to investigate and otherwise address such
8 issues.~~The parties may proceed directly to the Legislature~~
9 ~~for resolution of the impasse pursuant to paragraph (4)(d).~~

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

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

4 (a) The chief executive officer of the governmental
5 entity involved shall, within 10 days after rejection of a
6 recommendation of the special master, submit to the
7 legislative body of the governmental entity involved a copy of
8 the findings of fact and recommended decision of the special
9 master, together with the chief executive officer's
10 recommendations for settling the disputed impasse issues. The
11 chief executive officer shall also transmit his or her
12 recommendations to the employee organization. If the dispute
13 involves employees for whom the Board of Regents is the public
14 employer, the Governor may also submit recommendations to the
15 legislative body for settling the disputed impasse issues;

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

19 (c) The legislative body or a duly authorized
20 committee thereof shall forthwith conduct a public hearing at
21 which the parties shall be required to explain their positions
22 with respect to the rejected recommendations of the special
23 master;

24 (d) Thereafter, the legislative body shall take such
25 action as it deems to be in the public interest, including the
26 interest of the public employees involved, to resolve all
27 disputed impasse issues; and

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

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

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

1 ~~the legislative session is scheduled to commence. During the~~
2 ~~legislative session, the Legislature shall take action in~~
3 ~~accordance with this section.~~

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

7 (b) Following the resolution of any disputed impasse
8 issues by the Legislature, the parties shall reduce to writing
9 an agreement which includes those issues agreed to by the
10 parties and those disputed issues resolved by the
11 Legislature's action. The agreement shall be signed by the
12 chief executive officer and the bargaining agent and shall be
13 submitted to the public employer and to the public employees
14 who are members of the bargaining unit for ratification. If
15 such agreement is not ratified by all parties, pursuant to the
16 provisions of s. 447.309, the Legislature's action taken
17 pursuant to this subsection shall take effect as of the date
18 of such action for the remainder of the first fiscal year
19 which was the subject of negotiations; however, the
20 Legislature's action shall not take effect with respect to
21 those disputed impasse issues which establish the language of
22 contractual provisions which could have no effect in the
23 absence of a ratified agreement, including, but not limited
24 to, preambles, recognition clauses, and duration clauses.

25 Section 3. This act shall take effect upon becoming a
26 law.