



HB 1421

2003

A bill to be entitled

An act relating to collective bargaining; amending s. 447.309, F.S.; deleting language with respect to the duty of a chief executive officer to submit certain amendments to provisions in conflict with a collective bargaining agreement; increasing the maximum time period for which a collective bargaining agreement may exist; amending s. 447.401, F.S.; providing additional requirements with respect to grievance procedures; amending s. 447.403, F.S.; revising language with respect to resolution of impasses; providing time frames; amending s. 447.405, F.S.; including employer-paid benefits within factors to be considered by the special master; amending s. 447.4095, F.S.; revising language with respect to financial urgency; providing an effective date.

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

Section 1. Subsections (3) and (5) of section 447.309, Florida Statutes, are amended to read:

447.309 Collective bargaining; approval or rejection.--

(3) If any provision of a collective bargaining agreement is in conflict with any law, ordinance, rule, or regulation over which the chief executive officer has no amendatory power, ~~the chief executive officer shall submit to the appropriate governmental body having amendatory power a proposed amendment to such law, ordinance, rule, or regulation. Unless and until such amendment is enacted or adopted and becomes effective, the~~ conflicting provision of the collective bargaining agreement shall not become effective.



HB 1421

2003

31 (5) Any collective bargaining agreement shall not provide
32 for a term of existence of more than 5 ~~3~~ years and shall contain
33 all of the terms and conditions of employment of the employees
34 in the bargaining unit during such term except those terms and
35 conditions provided for in applicable merit and civil service
36 rules and regulations.

37 Section 2. Section 447.401, Florida Statutes, is amended
38 to read:

39 447.401 Grievance procedures.--Each public employer and
40 bargaining agent shall negotiate a grievance procedure to be
41 used for the settlement of disputes between employer and
42 employee, or group of employees, involving the interpretation or
43 application of a collective bargaining agreement. Such grievance
44 procedure shall have as its terminal step a final and binding
45 disposition by an impartial neutral, mutually selected by the
46 parties; however, when the issue under appeal is an allegation
47 of abuse, abandonment, or neglect by an employee under s. 39.201
48 or s. 415.1034, the grievance may not be decided until the
49 abuse, abandonment, or neglect of a child has been judicially
50 determined. However, an arbiter or other neutral shall not have
51 the power to add to, subtract from, modify, or alter the terms
52 of a collective bargaining agreement. If an employee
53 organization is certified as the bargaining agent of a unit, the
54 grievance procedure then in existence may be the subject of
55 collective bargaining, and any agreement which is reached shall
56 supersede the previously existing procedure. All public
57 employees shall have the right to a fair and equitable grievance
58 procedure administered without regard to membership or
59 nonmembership in any organization, except that certified
60 employee organizations shall not be required to process



HB 1421

2003

61 grievances for employees who are not members of the
62 organization. A career service employee shall have the option of
63 utilizing the civil service appeal procedure, an unfair labor
64 practice procedure, or a grievance procedure established under
65 this section, but such employee is precluded from availing
66 himself or herself to more than one of these procedures. Each
67 grievance must cite the specific contract language that is
68 alleged to be in conflict with the issue under appeal or the
69 grievance may be dismissed by the employer. Once a grievance has
70 been filed, the issue under appeal shall not be permitted to be
71 processed under the provisions of s. 447.501.

72 Section 3. Subsection (1), paragraph (a) of subsection
73 (2), and paragraph (e) of subsection (4) of section 447.403,
74 Florida Statutes, are amended to read:

75 447.403 Resolution of impasses.--

76 (1) If, after a reasonable period, of no less than 14
77 days, of negotiation concerning the terms and conditions of
78 employment to be incorporated in a collective bargaining
79 agreement, a dispute exists between a public employer and a
80 bargaining agent, an impasse shall be deemed to have occurred
81 when one of the parties so declares in writing to the other
82 party. Within 7 days, the party declaring impasse must inform
83 and to the commission in writing. When an impasse occurs, the
84 public employer or the bargaining agent, or both parties acting
85 jointly, may appoint, or secure the appointment of, a mediator
86 to assist in the resolution of the impasse. If the Governor is
87 the public employer, no mediator shall be appointed.

88 (2)(a) If no mediator is appointed, or upon the request of
89 either party, the commission shall appoint, and submit all
90 unresolved issues to, a special master acceptable to both



HB 1421

2003

91 parties. If within 30 days of written notification of impasse
 92 the parties are unable to agree on the appointment of a special
 93 master, the commission shall appoint, in its discretion, a
 94 qualified special master. However, if either of the parties
 95 declare agree in writing a request to waive the appointment of a
 96 special master, the parties shall ~~may~~ proceed directly to
 97 resolution of the impasse by the legislative body pursuant to
 98 paragraph (4)(d). Nothing in this section precludes the parties
 99 from using the services of a mediator at any time during the
 100 conduct of collective bargaining.

101 (4) If the public employer or the employee organization
 102 does not accept, in whole or in part, the recommended decision
 103 of the special master:

104 (e) Following the resolution of the disputed impasse
 105 issues by the legislative body, the parties shall reduce to
 106 writing an agreement which includes those issues agreed to by
 107 the parties and those disputed impasse issues resolved by the
 108 legislative body's action taken pursuant to paragraph (d).
 109 Within fifteen days of the legislative body's action, the
 110 agreement shall be signed by the chief executive officer and the
 111 bargaining agent and shall be submitted to the public employer
 112 and to the public employees who are members of the bargaining
 113 unit for ratification. If such agreement is not ratified by all
 114 parties, pursuant to the provisions of s. 447.309, the
 115 legislative body's action taken pursuant to the provisions of
 116 paragraph (d) shall take effect as of the date of such
 117 legislative body's action ~~for the remainder of the first fiscal~~
 118 ~~year which was the subject of negotiations; however, the~~
 119 ~~legislative body's action shall not take effect with respect to~~
 120 ~~those disputed impasse issues which establish the language of~~



HB 1421

2003

121 ~~contractual provisions which could have no effect in the absence~~
122 ~~of a ratified agreement, including, but not limited to,~~
123 ~~preambles, recognition clauses, and duration clauses.~~

124 Section 4. Subsections (1) and (2) of section 447.405,
125 Florida Statutes, are amended to read:

126 447.405 Factors to be considered by the special
127 master.--The special master shall conduct the hearings and
128 render recommended decisions with the objective of achieving a
129 prompt, peaceful, and just settlement of disputes between the
130 public employee organizations and the public employers. The
131 factors, among others, to be given weight by the special master
132 in arriving at a recommended decision shall include:

133 (1) Comparison of the annual income and employer-paid
134 benefits of employment of the public employees in question with
135 the annual income and employer-paid benefits of employment
136 maintained for the same or similar work of employees exhibiting
137 like or similar skills under the same or similar working
138 conditions in the local operating area involved.

139 (2) Comparison of the annual income and employer-paid
140 benefits of employment of the public employees in question with
141 the annual income and employer-paid benefits of employment of
142 public employees in similar public employee governmental bodies
143 of comparable size within the state.

144 Section 5. Section 447.4095, Florida Statutes, is amended
145 to read:

146 447.4095 Financial urgency.--In the event of a financial
147 urgency requiring modification of an agreement, the chief
148 executive officer or his or her representative and the
149 bargaining agent or its representative shall meet as soon as
150 possible to negotiate the impact of the financial urgency. If



HB 1421

2003

151 after a reasonable period of negotiation which shall not exceed
152 14 days, a dispute exists between the public employer and the
153 bargaining agent, an impasse shall be deemed to have occurred,
154 and one of the parties shall so declare in writing to the other
155 party and to the commission. The parties shall then proceed
156 directly to the legislative body pursuant to the provisions of
157 s. 447.403(4)(d) and (e). An unfair labor practice charge shall
158 not be filed on modifications of the agreement resulting from
159 the financial urgency ~~during the 14 days during which~~
160 ~~negotiations are occurring pursuant to this section.~~

161 Section 6. This act shall take effect upon becoming a law.