

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HJR 1735 Public School Teachers/Salaries
SPONSOR(S): Brummer
TIED BILLS: **IDEN./SIM. BILLS:** SJR 2512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Judiciary		Havlicak	Havlicak
2) Education K-20			
3)			
4)			
5)			

SUMMARY ANALYSIS

This joint resolution proposes to amend the Florida Constitution which allows public school teachers in kindergarten through grade 12 to choose between a statewide, legislative-set salary or to join a union that establishes salaries through collective bargaining.

Pursuant to s. 1, Article XI of the state constitution, amendment of the constitution may be proposed by joint resolution agreed to by three-fifths of the membership of each house of the legislature.

This joint resolution has a minimal fiscal impact to the state for publication of the amendment language in a newspaper of general circulation in each county twice prior to the 2004 general election.

This joint resolution becomes effective, if passed by a 3/5 vote of each house and approved by the voters, in January 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Collective Bargaining

The right of employees to collective bargaining is expressly provided for in the Florida Constitution.¹ The Florida Supreme Court held in 1969 that "with the exception of the right to strike, public employees have the same rights of collective bargaining as are granted private employees."² Chapter 447, Part II, F.S., governs the collective bargaining process for public employees in Florida. Section 447.301(2), F.S., gives public employees the right to negotiate collectively with their public employer in the determination of the terms and conditions of their employment. The opportunity to bargain for wages falls within this right.³

Effect of Proposed Changes:

The joint resolution creates Article IX, Section 8 of the Florida Constitution to authorize public school teachers in grades K through 12 to choose a statewide salary or have their salary established through the collective bargaining process with union membership.

C. SECTION DIRECTORY:

N/A

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The state constitution requires that a proposed amendment to the constitution be published in one newspaper of general circulation in each county in which a newspaper is published, once in the tenth week and once in the sixth week immediately preceding the week in which the election is

¹ See Art. I, s. 6, Fla. Const.

² *Dade County Classroom Teachers' Ass'n, Inc. v. Ryan*, 225 So.2d 903, 905 (Fla.1969).

³ See *United Teachers of Dade, FEA/United AFT Local 1974, AFL-CIO v. Dade County School Board*, 500 So.2d 508 (Fla. 1986).

held.⁴ The Division of Elections estimates that the cost of compliance would be approximately \$35,000.⁵

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This joint resolution does not appear to increase or decrease revenues to local governments.

2. Expenditures:

This joint resolution does not appear to require expenditures by local governments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

A mandates analysis is unnecessary for a proposed constitutional amendment.

2. Other:

Joint Resolutions

Article XI, section 1, of the Florida Constitution, provides that a constitutional amendment may be proposed by joint resolution of the Legislature. Final passage in the House and Senate requires a three-fifths vote in each house;⁶ passage in a committee requires a simple majority vote. If the joint resolution is passed during the 2003 session, the proposed amendment would be placed before the electorate at the 2004 general election.⁷ Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, must be published in one newspaper of general circulation in each county in which a newspaper is published.⁸ If the proposed amendment or revision is approved by vote of the electors, it will be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election.⁹

B. RULE-MAKING AUTHORITY:

N/A

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

⁴ See Article XI, section (5)(c) of the State Constitution.

⁵ Estimate based on 2002 advertising rates.

⁶ See Art. XI, s. 1, Fla. Const.

⁷ See Art. XI, s. 5(a), Fla. Const.

⁸ See Art. XI, s. 5(c), Fla. Const.

⁹ See Art. XI, s. 5(d), Fla. Const.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A