By Senator Diaz de la Portilla

36-1687-07

A bill to be entitled 2 An act relating to resolution of collective bargaining impasses for public employees; 3 amending s. 447.203, F.S.; defining the board 4 5 of county commissioners as the "legislative 6 body" with respect to collective bargaining 7 involving employees of a sheriff; amending s. 8 447.403, F.S.; precluding the sheriff from 9 presiding over certain impasse proceedings; authorizing the sheriff to declare an impasse 10 or be a party in impasse proceedings; providing 11 12 an effective date. 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Subsection (10) of section 447.203, Florida 16 17 Statutes, is amended to read: 447.203 Definitions.--As used in this part: 18 (10) "Legislative body" means the State Legislature, 19 the board of county commissioners, the district school board, 20 21 the governing body of a municipality, or the governing body of 22 an instrumentality or unit of government having authority to 23 appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the 2.4 appropriate legislative body for the bargaining unit. For 25 purposes of s. 447.403, the state university board of trustees 26 27 shall be deemed to be the legislative body with respect to all 2.8 employees of the state university. For purposes of s. 447.403 the board of trustees of a community college shall be deemed 29 to be the legislative body with respect to all employees of 30 the community college. For the purposes of s. 447.403, if the

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public employer is the sheriff, the board of county 2 commissioners of the county served by the sheriff shall be 3 deemed to be the legislative body with respect to all 4 employees of the sheriff. 5 Section 2. Subsection (2) of section 447.403, Florida 6 Statutes, is amended to read: 7 447.403 Resolution of impasses.--8 (2)(a) If no mediator is appointed, or upon the 9 request of either party, the commission shall appoint, and 10 submit all unresolved issues to, a special magistrate acceptable to both parties. If the parties are unable to agree 11 12 on the appointment of a special magistrate, the commission 13 shall appoint, in its discretion, a qualified special magistrate. However, if the parties agree in writing to waive 14 the appointment of a special magistrate, the parties may 15 proceed directly to resolution of the impasse by the 16 legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a 18 mediator at any time during the conduct of collective 19 bargaining. 20 21 (b) If the Governor is the public employer, no special 22 magistrate shall be appointed. The parties may proceed 23 directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d). 2.4 25 (c) If the sheriff is a public employer, the sheriff may not preside over any stage of the impasse proceedings. 26 27 This does not preclude the sheriff, as a public employer, from 2.8 declaring an impasse or from being a party to an impasse 29 proceeding. 30 Section 3. This act shall take effect July 1, 2007.

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2	SENATE SUMMARY
3	Defines the board of county commissioners as the "legislative body" with respect to employees of a county
4	sheriff. Precludes the sheriff from presiding over certain impasse proceedings. Allows the sheriff to
5	declare an impasse or be a party in impasse proceedings.
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