

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 913 Powers and Duties of District School Boards

SPONSOR(S): Daniels

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Quality Subcommittee		Sleap	Guy
2) Oversight, Transparency & Public Management Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill requires that when a school district enters into collective bargaining with its employees, the district make available on the school district website the list of items that the parties are negotiating through collective bargaining. The information must be published at least 10 days before the first collective bargaining meeting.

School districts may incur additional costs for publishing on their websites collective bargaining information, but the costs are indeterminate.

The bill has an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Collective bargaining is a constitutional right afforded to public employees in Florida.¹ To implement this constitutional provision, the Legislature enacted Chapter 447, Florida Statutes, which provides that the purpose of collective bargaining is to promote cooperative relationships between the government and its employees and to protect the public by assuring the orderly and uninterrupted operations and functions of government.² Through collective bargaining, public employees collectively negotiate with their public employer in the determination of the terms and conditions of their employment.³ Section 447.203, F.S. defines “public employer” as the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer.⁴ The Public Employees Relations Commission is responsible for assisting in resolving disputes between public employees and public employers.⁵

Chapter 447, F.S., specifies that public employees have the right to be represented in collective bargaining by any employee organization of their own choosing or to refrain from being represented.⁶ An employee organization is defined as a “labor organization, union, association, fraternal order, occupational or professional society, or group, however organized or constituted, which represents, or seeks to represent, any public employee or group of public employees concerning any matters relating to their employment relationship with a public employer.”⁷ An employee organization that is authorized to represent public employees in collective bargaining is known as a certified bargaining agent.⁸

Powers and Duties of District School Boards

Among other things as provided in Florida law, district school boards are given the authority to establish personnel policies for district employment and collectively bargain or negotiate for employment with instructional personnel.⁹ School districts that enter into a contract or employment agreement, or the renewal or renegotiation of an existing contract or agreement must follow statutory provisions on severance pay and extra compensation¹⁰ as well as the awarding of probationary or annual contracts with instructional personnel hired after July 1, 2011.¹¹

Effect of Proposed Changes

The bill requires that when a school district enters into collective bargaining with its employees, the district will make publicly available on its website the items that the parties are negotiating through collective bargaining. The bill requires the district to publish the information on the school district website at least 10 days before the first collective bargaining meeting.

¹ Art. I, s. 6, FLA. CONST.

² Section 447.201, F.S.

³ Section 447.301(2), F.S.

⁴ *Id.*

⁵ Section 447.201(3), F.S.

⁶ Section 447.301(2), F.S.

⁷ Section 447.203(11), F.S.

⁸ Section 447.203(12), F.S.

⁹ Section 1001.42(5) and (24), F.S.

¹⁰ *See* ss. 1001.42(24)(a), 215.425, F.S.

¹¹ *See* ss. 1001.42(24)(b), 1012.335, F.S.

B. SECTION DIRECTORY:

Section 1. Amends section 1001.42, F.S., directing that school districts shall make publicly available on its website the items under negotiation through collective bargaining.

Section 2. Provides for an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may incur additional costs for publishing on their websites collective bargaining information, but the costs are indeterminate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not Applicable.