



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

Chapter 447, Florida Statutes, specifies the process for collective bargaining for public employees. The bargaining agent and the negotiator for the state must bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. Any collective bargaining agreement reached must be reduced to writing, signed by the chief executive officer for the state and the bargaining agent for the union, and submitted to the members of the bargaining unit for ratification.

Upon execution of the collective bargaining agreement, the Governor must request the legislative body to appropriate amounts sufficient to fund the provisions of the agreement. If the Legislature appropriates funds that are not sufficient to fund the agreement, the agreement must be administered on the basis of the amounts actually appropriated.

Typically, at the state level, an agreement is not reached. In that instance, and pursuant to s. 216.163(6), F.S., an impasse is declared on all unresolved issues when the Governor's budget recommendations are released to the Legislature. Within five days of the start of the impasse period, each party is required to notify the presiding officers of the Legislature of the unresolved issues. A joint select committee of members of the Florida House of Representatives and the Senate is appointed to review the positions of the parties. The committee's recommendation to the Legislature regarding the resolution of those issues is presented to the presiding officers no later than ten days before the start of the regular legislative session. During the session, the Legislature may take action to address the issues. Any actions taken by the Legislature are binding upon the parties.

Following the resolution of the impasse issues, the parties are required to reduce to writing an agreement that includes those issues agreed to by the parties as well as those issues resolved by the Legislature. The agreement must be signed by the chief executive officer and the bargaining agent and then presented to the members of the bargaining unit for ratification.

If the members ratify the agreement, all the provisions of the agreement take effect. If the members do not ratify the agreement, the issues resolved by the Legislature take effect for the first fiscal year which was subject of the negotiations.

The certified bargaining units for state employees and the respective bargaining agents include:

American Federation of State, County and Municipal Employees, Council 79

Administrative and Clerical Unit

Operational Services Unit

Human Services Unit

Professional Unit

Florida Nurses Association

Professional Health Care Unit

International Union of Police Association

Law Enforcement Unit

Police Benevolent Association  
Security Services Unit  
Special Agent Unit  
Lottery Law Enforcement Unit

Florida State Fire Service Association  
Fire Service Unit

Federation of Physicians and Dentists  
Supervisory Nonprofessional Unit  
Physicians Unit  
State Employees Attorneys Guild

Federation of Public Employees  
Lottery Administrative and Support Unit

The bill provides that all economic collective bargaining issues at impasse for the 2005-2006 fiscal year regarding state employees will be resolved pursuant to the spending decisions contained in the General Appropriations Act for the 2005-2006 fiscal year.

The bill also provides that all noneconomic collective bargaining issues at impasse for the 2005-2006 fiscal year regarding state employees will be resolved consistent with the current personnel rules and any legislation passed during the 2005 session.

C. SECTION DIRECTORY:

Section 1. Provides that all economic collective bargaining issues at impasse for the 2005-2006 fiscal year regarding state employees will be resolved pursuant to the spending decisions contained in the General Appropriations Act for the 2005-2006 fiscal year.

Section 2. Provides that all noneconomic collective bargaining issues at impasse for the 2005-2006 fiscal year regarding state employees will be resolved consistent with the current personnel rules and any legislation passed during the 2005 session.

Section 3. Provides that the bill takes effect upon becoming a law.

## 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:

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

Under the provisions of this legislation, the terms and conditions of employment for state employees do not change. However, terms and conditions may change based on the passage of other legislation including the General Appropriations Act for FY 2005-2006.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES