

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Policy and Steering Committee on Ways and Means

BILL: CS/SB 2384

INTRODUCER: Senator Alexander

SUBJECT: State Employee/Collective Bargaining

DATE: March 26, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	Coburn	WPSC	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill directs the resolution of the collective bargaining issues at impasse for the 2010-2011 fiscal year regarding state employees. These issues will be resolved based on the spending decisions included in the General Appropriations Act for the 2010-2011 fiscal year.

This bill creates an unnumbered section of law that is effective July 1, 2010.

II. Present Situation:

Chapter 447, F.S., 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 the 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

Police Benevolent Association

- Security Services Unit
- Special Agent Unit
- Law Enforcement Unit
- Lottery Law Enforcement Unit
- Florida Highway Patrol 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

III. Effect of Proposed Changes:

Section 1 provides that all collective bargaining issues at impasse for the 2010-2011 fiscal year regarding state employees will be resolved pursuant to the spending decisions contained in the General Appropriations Act for the 2010-2011 fiscal year.

Section 2 provides that the bill takes effect July 1, 2010.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Policy and Steering Committee on Ways and Means on March 26, 2010:

This committee substitute provides that all collective bargaining issues (not just economic issues) will be resolved by the legislature.

- B. **Amendments:**

None.