

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Prepared By: Ways and Means Committee

BILL: CS/SB 424

SPONSOR: Ways and Means Committee and Senator Carlton

SUBJECT: Employee Benefits

DATE: March 31, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McVaney</u>	<u>Coburn</u>	<u>WM</u>	<u>Fav/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill directs the resolution of the collective bargaining issues at impasse for the 2005-2006 fiscal year regarding state employees. The economic issues will be resolved based on the spending decisions included in the General Appropriations Act for FY 2005-2006. The noneconomic issues will be resolved consistent with the current personnel rules and any legislation modifying the terms and conditions of state employment.

This bill creates two unnumbered sections of law that are effective until June 30, 2006, under the application of current law.

II. Present Situation:

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 5 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 10 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

III. Effect of Proposed Changes:

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.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None. 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

VIII. Summary of Amendments:

None.

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