

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS
FINAL BILL ANALYSIS**

BILL #: HB 5005 PCB APC 19-03 Collective Bargaining
SPONSOR(S): Appropriations Committee, Cummings
TIED BILLS: **IDEN./SIM. BILLS:** SB 2504

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Appropriations Committee	23 Y, 0 N	Delaney	Pridgeon
FINAL HOUSE FLOOR ACTION:			
106	Y's 0	N's	GOVERNOR'S ACTION: Approved

SUMMARY ANALYSIS

House Bill 5005 passed both chambers as Senate Bill 2504. SB 2504 passed the Senate on May 3, 2019, as amended by the conference committee. The House concurred in the conference committee amendment to the Senate bill and subsequently passed the bill as amended on May 4, 2019.

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. Upon the issuance of the Governor's Budget Recommendations, any articles that have not been agreed to are declared at impasse. It is the Legislature's responsibility to resolve all of the issues at impasse between the parties in the General Appropriations Act or substantive legislation. Ultimately, the decisions made by the Legislature, as well as those agreed to by the parties, are reduced to writing, signed by the chief executive officer of the state and the bargaining agent for the union, and are submitted to members of the bargaining unit for ratification. If the agreement is not ratified by all parties, the actions taken by the Legislature shall take effect for the remainder of the first fiscal year subject to negotiations.

The bill directs the resolution of collective bargaining issues at impasse not relating to salary and benefit issues for the 2019-2020 fiscal year regarding state employees. Salary and benefit issues were resolved by the spending decisions included in the Fiscal Year 2019-2020 General Appropriations Act (GAA).

Generally, most issues are resolved by the state and unions and do not require legislative action (approximately 88 agreed to articles.) For the Fiscal Year 2019-2020, there were 20 articles remaining at impasse, 15 were economic in nature and were resolved in the GAA or conforming legislation. The remaining 5 articles were resolved in this bill by maintaining the status quo language under the current contract or the State's proposal.

The bill was approved by the Governor on June 21, 2019 as ch. 2019-117, L.O.F., and will become effective July 1, 2019.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background:

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.

Typically, at the state level, an agreement is not reached on all issues. 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. 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 provide a public hearing to take testimony regarding the issues remaining at impasse. During the session, the Legislature shall take action to resolve all issues remaining at impasse. Any actions taken by the Legislature are binding on 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. As noted above, the agreement must be signed by the chief executive officer and the bargaining agent and 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 next fiscal year which was the subject of the negotiations.

Provisions of the bill:

For the Fiscal Year 2019-2020, there were 20 articles remaining at impasse between the parties, 15 were economic in nature and were resolved in the GAA (SB 2500). This bill resolves the 5 articles remaining at impasse by imposing status quo language of the current contract or the State's proposal, as illustrated in the following table:

Article	State's Last Proposal	Union's Last Proposal	CR/SB 2504
Florida State Fire Service Association - Fire Service Unit			
13 - Health and Welfare	State Proposals of February 1, 2019 and March 4, 2019: State Employee Health Insurance Plan remains unchanged for 2020 and Status Quo for the rest of the Article.	Union Proposal of January 31, 2019: Shower and laundry facilities for unit members.	GAA/Status Quo
Police Benevolent Association:			
Law Enforcement Unit			
18 - Hours of Work, Leave and Job-Connected Disability	State Proposals of March 4, 2019 and April 3, 2019: Remove language providing a 40-hour workweek during a declared emergency for overtime calculation. Revise the methodology to be reimburse for Special Compensatory Leave.	Union Proposal of April 16, 2019: Alternative language to the state's 40-hour workweek proposal.	Status Quo/State's Proposal
Florida Highway Patrol Unit			
18 - Hours of Work, Leave and Job-Connected Disability	State Proposals of March 4, 2019 and April 3, 2019: Remove language providing a 40-hour workweek during a declared emergency for overtime calculation. Revise the methodology to be reimburse for Special Compensatory Leave.	Union Proposal of April 16, 2019: Alternative language to the state's 40-hour workweek proposal.	Status Quo/State's Proposal
Special Agent Unit			
23 - Workday, Workweek and Overtime	State Proposal of March 4, 2019: Remove language provided a 40-hour workweek during a declared emergency for overtime calculation.	No proposal	Status quo
Florida Nurses Association			
23 - Hours of Work/Compensatory Time	State's Proposal of March 1, 2019: Status Quo.	Union's proposal of November 19, 2018: Provide additional compensation for work during emergency conditions and holidays beyond the current levels.	Status quo

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: None.