

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HB 5005 PCB APC 21-03 Collective Bargaining

SPONSOR(S): Appropriations Committee, Trumbull

TIED BILLS: **IDEN./SIM. BILLS:** SB 2504

FINAL HOUSE FLOOR ACTION: 118 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

HB 5005 passed the House on April 30, 2021, as SB 2504, as amended by the conference committee.

The bill directs the resolution of collective bargaining issues at impasse not relating to salary and benefit issues for the 2021-2022 fiscal year regarding state employees. Salary and benefit issues were resolved by the spending decisions in the Fiscal Year 2021-2022 General Appropriations Act (GAA).

The bill was approved by the Governor on June 2, 2021, ch. 2021-38, L.O.F., and will become effective on July 1, 2021.

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.

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 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. By the first day of the regular legislative session, each party must notify the presiding officers of the Legislature of any unresolved issues.¹ A joint select committee of members of the Florida House of Representatives and the Senate is appointed to review the positions of the parties relating to the unresolved issues. No later than the 14th day of the regular session, the committee must hold a public meeting and take public testimony regarding the issues at impasse.² During the session, the Legislature must take action to resolve all issues remaining at impasse. Any actions taken by the Legislature are binding on the parties.³

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 that 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

Florida State Lodge Fraternal Order of Police

- Special Agent Unit

¹ Section 447.403(5)(a), F.S.

² *Id.*

³ Section 447.403(5)(b), F.S.

Federation of Physicians and Dentists and State Employees Attorneys Guild

- Supervisory Non-professional Unit
- Physicians Unit
- Attorneys Unit

Florida State Fire Service Association

- Fire Service Unit

Police Benevolent Association

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

Federation of Public Employees

- Lottery Administrative and Support Unit

Effect of the Bill

The bill directs the resolution of collective bargaining issues at impasse not relating to salary and benefit issues for the 2021-2022 fiscal year regarding state employees. Salary and benefit issues were resolved by the spending decisions in the Fiscal Year 2021-2022 General Appropriations Act (GAA).

Specifically, the bill provides:

- Collective bargaining issues at impasse between the state and the Federation of Physicians and Dentists – Supervisory Non-Professional Unit regarding Article 7 “Employee Standards of Conduct and Performance” shall be resolved by the state’s proposals dated February 18, 2021.
- Collective bargaining issues at impasse between the state and the Federation of Physicians and Dentists – Physicians Unit regarding Article 7 “Employee Standards of Conduct and Performance” shall be resolved by the state’s proposals dated February 18, 2021.
- Collective bargaining issues at impasse between the state and the Police Benevolent Association, Security Services Unit, regarding Article 23 “Hours of Work/Overtime” shall be resolved as provided in the GAA and by maintaining the status quo under the language of the collective bargaining agreement.

All other collective bargaining issues at impasse which are not addressed by this bill or the GAA shall be resolved in accordance with the personnel rules in effect on April 29, 2021, and by otherwise maintaining the status quo under the language of the current collective bargaining agreements.

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.