



Fraternal Order of Police

FLORIDA STATE LODGE



Please Help FOP defeat Senate Bill 610 on Special Order Calendar by calling as many Senators as you can..... This bill is a very bad bill and we need to not only request our members vote no, but ask for their help in defeating the bill.... Attached is a list of the Senate Members.....

If you have any questions, please call Lisa Henning at 850-766-8808.....

Questions You Should Ask:

- Since 1993 when the Deputies in Florida were recognized to have the ability to collectively bargain (supreme court ruling), how many BOCC's (board of county commissioners) have taken over the running of the Sheriff's Office?
- How will this bill impact the majority of the Sheriff's offices in the state, since the bill is narrowly drafted to statute 443.407 only, and deals only with procedures for impasse and the majority of the Sheriffs in this state do not have collective bargaining agreements?
- Since 1993 how many impasses have been declared?
- What are the issues that the impasses were declared over?(Just cause)
- The Sheriff's have implied that they need this change in law, so that the BOCC can not tell them how to spend their money. If the bill is not drafted toward budget procedures, how is this legislation going to help?
- After a Sheriff has declared impasse, what is the next step under current law? (unresolved issues are given to a Special Magistrate)
- What happens after the special magistrate gives their report? (It is sent to both parties and is accepted or denied)
- After these issues have gone thru negotiations, an impasse is declared, and thru a special magistrate- Under current law what would happen? (It would go to the legislative body-it is important to note that only the issues of impasse would go before legislative body-not the entire contract)
- If we change the law what will be the procedure during an impasse?(It would return to the Sheriff where he would rule on his own impasse)
- What incentive will there be for the Sheriff to negotiate in good faith?
- What rights or recourse will the deputies have if this bill passes?
- Do career deputies work for just one Sheriff?
- There has been a lot of concern placed on the fact that the BOCC does not have the experience to make law enforcement decisions, what are the background requirements for a Sheriff?
- Will this bill abridge the deputies constitutional right to collectively bargain?(PERC stated that it would render their right meaningless and the constitution says" denied or abridged")
- Why should a deputy sheriff have fewer rights and job protections than municipal or state law enforcement officers?

- Are there any pending court cases that this bill will impact?

If there has been no instance of a county commission taking over the running of a Sheriff's office, why would we circumvent the court ruling on these issues?

The Issue:

- Though the argument was that the County Commission should not have the authority to tell a Sheriff how to spend his budget, this bill will not do anything to the budgetary issue, it is specifically drafted to 447.403 which has nothing to do with budget, and deals with issues of impasse only.
- This bill will allow a Sheriff to negotiate, declare and rule on his own contract impasse.
- The Florida Constitution states *"The right of persons to work shall not be denied or abridged on the account of membership or non-membership in any labor union or organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged."* This bill will definitely abridge the rights of a public employee to collectively bargain, it will make this constitutional right meaningless.
- In case number CA-2008-026 PERC , in reference to the Sheriff as a legislative body ruled *"if we were to conclude otherwise the sheriff's employees would be left with no mechanism for resolving the impasse and their constitutional right to collectively bargain would be rendered meaningless. Article 1 section 6, Florida Constitution; S. S. 447. 201, 447. 301, and 447.403, Florida statute."*

It has also been stated from the legislators that they have to vote for the bill because they don't think it is right or safe for a county commission to tell the Sheriff what kind of weapons to buy. The Sheriffs have stated that the County Commission does not have the knowledge or experience to do so. You may not be aware of this but there are NO qualifications to run for Sheriff and we presently have sitting Sheriffs in this state that have NO law enforcement background and have never even written a parking ticket. Since the bill deals with contract negotiation only and not the purchase of weaponry, I think the members should familiarize themselves with the ACTUAL impasse process to which this bill is drafted toward. In a previous committee a Sheriff state that the entire contract would go before the County Commission and that the county commission would be able to itemize expenditures and policy of the Sheriff's Office, as you can see from the statute below that is incorrect.

The Process Of Impasse

1. **The contract is negotiated, and if no agreement is reached an impasse is declared by the Sheriff.**
2. **PERC is notified of the dispute and a Special Master is assigned.**
3. **The Special Master hears the dispute .**
4. **The Special Master makes a ruling on any unresolved contractual disputes.**
5. **He/she sends a ruling as to the disputed issues which the parties talk about and agree to what we can agree to based upon his recommendation.**
6. **What we dont agree to (KEY POINT WHAT WE DONT AGREE TO) The chief executive officer of the governmental entity involved shall, within 10 days after rejection**

of a recommendation of the special magistrate, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special magistrate, together with the chief executive officer's recommendations for settling the **disputed impasse issues**

7. **after that, and this is critical, the Legislative body SHALL (not may)**

Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all **disputed impasse issues**

The Full Statute 443.407

447.403 Resolution of impasses.--

(1) If, after a reasonable period of negotiation concerning the terms and conditions of employment to be incorporated in a collective bargaining agreement, a dispute exists between a public employer and a bargaining agent, an impasse shall be deemed to have occurred when one of the parties so declares in writing to the other party and to the commission. When an impasse occurs, the public employer or the bargaining agent, or both parties acting jointly, may appoint, or secure the appointment of, a mediator to assist in the resolution of the impasse. If the Governor is the public employer, no mediator shall be appointed.

(2)(a) If no mediator is appointed, or upon the request of either party, the commission shall appoint, and submit all unresolved issues to, a special magistrate acceptable to both parties. If the parties are unable to agree on the appointment of a special magistrate, the commission shall appoint, in its discretion, a qualified special magistrate. However, if the parties agree in writing to waive the appointment of a special magistrate, the parties may proceed directly to resolution of the impasse by the legislative body pursuant to paragraph (4)(d). Nothing in this section precludes the parties from using the services of a mediator at any time during the conduct of collective bargaining.

(b) If the Governor is the public employer, no special magistrate shall be appointed. The parties may proceed directly to the Legislature for resolution of the impasse pursuant to paragraph (4)(d).

(c) If the district school board is the public employer and an impasse is declared under subsection (1) involving a dispute of a Merit Award Program plan under s. [1012.225](#), the dispute is subject to an expedited impasse hearing. Notwithstanding subsections (3), (4), and (5), and the rules adopted by the commission, the following procedures shall apply:

1.a. The commission shall furnish the names of seven special magistrates within 5 days after receiving notice of impasse. If the parties are unable to agree upon a special magistrate within 5 days after the date of the letter transmitting the list of choices, the commission shall immediately appoint a special magistrate. The special magistrate shall set the hearing, which shall be held no later than 15 days after the date of appointment of the special magistrate. **Within 5 days after the date of appointment of a special magistrate, each party shall serve upon the special magistrate and upon each other party a written list of issues at impasse.**

b. At the close of the hearing, the parties shall summarize their arguments and may provide a written memorandum in support of their positions.

c. Within 10 days after the close of the hearing, the special magistrate shall transmit a recommended decision to the commission and the parties.

d. The recommended decision of the special magistrate shall be deemed accepted by the parties, except as to those recommendations that a party specifically rejects, by filing a written notice with the commission and serving a copy on the other party within 5 days after the date of the recommended decision.

2. If a party rejects any part of the recommended decision of the special magistrate, the parties shall proceed directly to resolution of the impasse by the district school board pursuant to paragraph (4)(d).

(3) **The special magistrate shall hold hearings in order to define the area or areas of dispute, to determine facts relating to the dispute, and to render a decision on any and all unresolved contract issues.** The hearings shall be held at times, dates, and places to be established by the special magistrate in accordance with rules promulgated by the commission. The special magistrate shall be empowered to administer oaths and issue subpoenas on behalf of the parties to the dispute or on his or her own behalf. **Within 15 calendar days after the close of the final hearing, the special magistrate shall transmit his or her recommended decision to the commission**

and to the representatives of both parties by registered mail, return receipt requested. Such recommended decision shall be discussed by the parties, and each recommendation of the special magistrate shall be deemed approved by both parties unless specifically rejected by either party by written notice filed with the commission within 20 calendar days after the date the party received the special magistrate's recommended decision. The written notice shall include a statement of the cause for each rejection and shall be served upon the other party.

(4) If either the public employer or the employee organization does not accept, in whole or in part, the recommended decision of the special magistrate:

(a) The chief executive officer of the governmental entity involved shall, within 10 days after rejection of a recommendation of the special magistrate, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special magistrate, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also transmit his or her recommendations to the employee organization;

(b) The employee organization shall submit its recommendations for settling the disputed impasse issues to such legislative body and to the chief executive officer;

(c) The legislative body or a duly authorized committee thereof shall forthwith conduct a public hearing at which the parties shall be required to explain their positions with respect to the rejected recommendations of the special magistrate;

(d) Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues; and

(e) Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). The agreement shall be signed by the chief executive officer and the bargaining agent and shall be submitted to the public employer and to the public employees who are members of the bargaining unit for ratification. If such agreement is not ratified by all parties, pursuant to the provisions of s. [447.309](#), the legislative body's action taken pursuant to the provisions of paragraph (d) shall take effect as of the date of such legislative body's action for the remainder of the first fiscal year which was the subject of negotiations; however, the legislative body's action shall not take effect with respect to those disputed impasse issues which establish the language of contractual provisions which could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

(5)(a) Within 5 days after the beginning of the impasse period in accordance with s. [216.163\(6\)](#), each party shall notify the President of the Senate and the Speaker of the House of Representatives as to all unresolved issues. Upon receipt of the notification, the presiding officers shall appoint a joint select committee to review the position of the parties and render a recommended resolution of all issues remaining at impasse. The recommended resolution shall be returned by the joint select committee to the presiding officers not later than 10 days prior to the date upon which the legislative session is scheduled to commence. During the legislative session, the Legislature shall take action in accordance with this section.

(b) Any actions taken by the Legislature shall bind the parties in accordance with paragraph (4)(c).

Senate Members List

Alexander	JD	(850) 487-5044 alexander.jd.web@flsenate.gov
Altman	Thad	(850) 487-5053 altman.thad.web@flsenate.gov
Aronberg	Dave	(850) 487-5356 aronberg.dave.web@flsenate.gov
Atwater	Jeff	(850) 487-5100 atwater.jeff.web@flsenate.gov
Baker	Carey	(850) 487-5014 baker.carey.web@flsenate.gov

Bennett	Michael 'Mike'	(850) 487-5078 bennett.mike.web@flsenate.gov
Bullard (L)	Larcenia J.	(850) 487-5127 bullard.larcenia.web@flsenate.gov
Constantine	Lee	(850) 487-5050 constantine.lee.web@flsenate.gov
Crist	Victor	(850) 487-5068 crist.victor.web@flsenate.gov
Dean	Charles S. 'Charlie'	(850) 487-5017 dean.charles.web@flsenate.gov
Detert	Nancy	(850) 487-5081 detert.nancy.web@flsenate.gov
Deutch	Ted	(850) 487-5091 deutch.ted.web@flsenate.gov
Diaz de la Portilla	Alex	(850) 487-5109 portilla.alex.web@flsenate.gov
Dockery	Paula	(850) 487-5040 dockery.paula.web@flsenate.gov
Fasano	Mike	(850) 487-5062 fasano.mike.web@flsenate.gov
Gaetz	Don	(850) 487-5009 gaetz.don.web@flsenate.gov
Garcia	Rudy	(850) 487-5106 garcia.rudy.web@flsenate.gov
Gardiner	Andy	(850) 487-5047 gardiner.andy.web@flsenate.gov
Gelber	Dan	(850) 487-5121 gelber.dan.web@flsenate.gov
Haridopolos	Mike	(850) 487-5056 haridopolos.mike.web@flsenate.gov
Hill	Anthony C. 'Tony'	(850) 487-5024 hill.tony.web@flsenate.gov
Jones (D)	Dennis	(850) 487-5065 jones.dennis.web@flsenate.gov
Joyner	Arthenia	(850) 487-5059 joyner.arthenia.web@flsenate.gov
Justice	Charlie	(850) 487-5075 justice.charlie.web@flsenate.gov
Lawson Jr.	Alfred 'Al'	(850) 487-5004 lawson.alfred.web@flsenate.gov
Lynn	Evelyn J.	(850) 487-5033 lynn.evelyn.web@flsenate.gov
Negron	Joe	(850) 487-5088 negron.joe.web@flsenate.gov
Oelrich	Steve	(850) 487-5020 oelrich.steve.web@flsenate.gov
Peaden, Jr.	Durell	(850) 487-5000 peaden.durell.web@flsenate.gov
Rich	Nan	(850) 487-5103 rich.nan.web@flsenate.gov
Richter	Garrett S.	(850) 487-5124 richter.garrett.web@flsenate.gov
Ring	Jeremy	(850) 487-5094 ring.jeremy.web@flsenate.gov
Siplin	Gary	(850) 487-5190 siplin.gary.web@flsenate.gov
Smith	Christopher 'Chris'	(850) 487-5112 smith.chris.web@flsenate.gov
Sobel	Eleanor	(850) 487-5097 sobel.eleanor.web@flsenate.gov
Storms	Ronda	(850) 487-5072 storms.ronda.web@flsenate.gov
Thrasher	John	(850) 487-5030 thrasher.john.web@flsenate.gov
Villalobos	J. Alex	(850) 487-5130 villalobos.alex.web@flsenate.gov
Wilson	Frederica S.	(850) 487-5116 wilson.frederica.web@flsenate.gov
Wise	Stephen R.	(850) 487-5027 wise.stephen.web@flsenate.gov