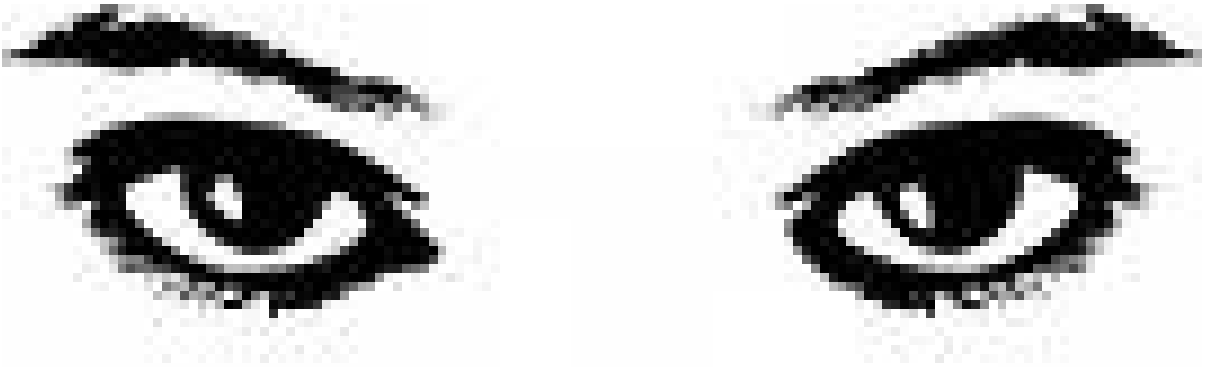


# ***Watching HB 417***



***Contact these Legislators  
and Tell Them To Vote No!  
"The Legislative Body Bill"***

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Representative Hukill

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Representative Hukill:

As the Chair of the House Military Affairs Committee you have the ability to protect the law enforcement officers constitutional rights. House Bill 417 will make the rights of the deputies in this state completely meaningless. Please do not hear this very bad bill, and do not take this highly controversial bill to floor. We would also ask that you not waive this bill from your committee.

(She has received a lot information from the state lodge, but we now need her to know that we are aware of how the process works ..... She has the ability to protect our deputies, and we need to really email her....)



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Representative Galvano:

In your position of leadership it would require your signature to approval the highly controversial bill 417, the legislative body issue to be waived from it's committee's of reference. Please help protect our constitutional rights and not allow this bill to waived from any committee's, and that you do not waive the rules to take up the companion bill 610 from the Senate.



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- 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).