



CYPEN & CYPEN
NEWSLETTER
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Never Forget September 11, 2001
and
Always Remember May 2, 2011

SUPREME COURT OF FLORIDA DECIDES

IMPORTANT “FINANCIAL URGENCY” CASE

The Supreme Court of Florida has decided *Walter E. Headley, Jr., Miami Lodge No. 20, Fraternal Order of Police v. City of Miami, Florida*, Case No. SC13-1882 (Fla. March 2, 2017).

We wanted to get this decision in the hands of our readers as soon as possible, so we have attached a copy of the opinion.

<http://www.floridasupremecourt.org/decisions/2017/sc13-1882.pdf>.

The union sought review of a decision of the First District Court of Appeal on the ground that it expressly and directly conflicted with the decision of the Fourth District Court of Appeal in the *Hollywood Fire Fighters* case from 2014, regarding whether an employer must demonstrate that funds are available from no other possible reasonable source before unilaterally modifying a collective bargaining agreement.

The Court approved the decision of the Fourth District and quashed the decision of the First District. This scholarly 19-page opinion contains lots of good language, which will be discussed in greater detail in the future.

Suffice it to say, the interpretation set forth by Public Employees Relations Commission and the First District Court of Appeal would

allow a local government, once it has declared a financial urgency, the ability to exercise a management right unilaterally to alter the terms and conditions of a contract before completing the procedures set forth by the Legislature in §447.4095, Florida Statutes. This interpretation does not comport with the Court's acknowledgment of and respect for the constitutional right of collective bargaining and prohibition of the impairment to contract.

Congratulations to our colleague Bob Klausner for a big win.