

UFF PROPOSAL #1

November 2020

Article 28

Severability

In the event that any provision or a portion thereof of this Agreement (a) is found to be invalid or unenforceable by final decision of a tribunal court of competent jurisdiction, or ~~(b) is rendered invalid by reason of subsequently enacted legislation,~~ (b) is modified or rendered invalid by subsequently enacted legislation pursuant solely to the powers of the legislature to appropriate for the expenditure of funds or (c) shall have the effect of a loss to the State University System or University of funds, property, or services made available through federal law, ~~or (d) pursuant to Section 447.309(3), Florida Statutes, can take effect only upon the amendment of a law, rule, or regulation and the governmental body having such amendatory powers fails to take appropriate legislative action~~ then that provision or that portion thereof shall be of no force or effect, but the remainder of the Agreement shall continue in full force and effect. If a provision of this Agreement fails for a reason (a), (b) or (c) above, the parties shall enter into immediate negotiations for the purpose of arriving at a mutually satisfactory replacement for such provision. This Article is not intended to cede authority to any party to invalidate or modify any provision of this Agreement. UFF does not concede to the constitutionality of any subsequently enacted legislation that invalidates or modifies a term of this Agreement. The University or the UFF may choose, but neither is obligated, to challenge said legislation.