

1                   A bill to be entitled  
2           An act relating to labor and employment; amending s.  
3           110.114, F.S.; prohibiting a state agency from deducting  
4           from employee wages the dues, uniform assessments, fines,  
5           penalties, or special assessments of an employee  
6           organization or contributions made for purposes of  
7           political activity; amending s. 112.171, F.S.; prohibiting  
8           a county, municipality, or other local governmental entity  
9           from deducting from employee wages the dues, uniform  
10          assessments, fines, penalties, or special assessments of  
11          an employee organization or contributions made for  
12          purposes of political activity; creating s. 447.18, F.S.;  
13          prohibiting labor organizations from using dues, uniform  
14          assessments, fines, penalties, or special assessments to  
15          make political contributions or expenditures without an  
16          employee's written authorization; providing for a refund  
17          to employees who have not given a written authorization in  
18          certain situations; requiring that the labor organization  
19          provide notice of such contributions and expenditures;  
20          prohibiting a labor organization from requiring an  
21          employee to authorize the collection of funds for  
22          political contributions and expenditures as a condition of  
23          membership in the organization; amending s. 447.303, F.S.;  
24          prohibiting a public employer from deducting or collecting  
25          from employee wages the dues, uniform assessments, fines,  
26          penalties, or special assessments of an employee  
27          organization; amending s. 447.507, F.S., relating to  
28          violation of the strike prohibition; conforming provisions

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29 to changes made by the act; providing for severability;  
 30 providing application; providing an effective date.

31

32 Be It Enacted by the Legislature of the State of Florida:

33

34 Section 1. Subsections (1) and (3) of section 110.114,  
 35 Florida Statutes, are amended to read:

36 110.114 Employee wage deductions.—

37 (1) The state or any of its departments, bureaus,  
 38 commissions, and officers are authorized and permitted, with the  
 39 concurrence of the Department of Financial Services, to make  
 40 deductions from the salary or wage of any employee or employees  
 41 in such amount as shall be authorized and requested by such  
 42 employee or employees and for such purpose as shall be  
 43 authorized and requested by such employee or employees and shall  
 44 pay such sums so deducted as directed by such employee or  
 45 employees. The concurrence of the Department of Financial  
 46 Services shall not be required for ~~the deduction of a certified~~  
 47 ~~bargaining agent's membership dues deductions pursuant to s.~~  
 48 ~~447.303 or any~~ deductions authorized by a collective bargaining  
 49 agreement.

50 (3) Notwithstanding ~~the provisions of~~ subsections (1) and  
 51 (2), deductions may not be made for the deduction of an  
 52 employee's membership dues, uniform assessments, fines,  
 53 penalties, or special assessments of deductions as defined in s.  
 54 447.203(15) for an employee organization, and deductions may not  
 55 be made for purposes of political activity, including  
 56 contributions to a candidate, political party, political

57 committee, committee of continuous existence, electioneering  
 58 communications organization, or organization exempt from  
 59 taxation under s. 501(c)(4) or s. 527 of the Internal Revenue  
 60 Code as defined in s. 447.203(11) shall be authorized or  
 61 permitted only for an organization that has been certified as  
 62 the exclusive bargaining agent pursuant to chapter 447 for a  
 63 unit of state employees in which the employee is included. Such  
 64 deductions shall be subject to the provisions of s. 447.303.

65 Section 2. Subsection (1) of section 112.171, Florida  
 66 Statutes, is amended to read:

67 112.171 Employee wage deductions.—

68 (1) The counties, municipalities, and special districts of  
 69 the state and the departments, agencies, bureaus, commissions,  
 70 and officers thereof are authorized and permitted in their sole  
 71 discretion to make deductions from the salary or wage of any  
 72 employee or employees in such amount as shall be authorized and  
 73 requested by such employee or employees and for such purpose as  
 74 shall be authorized and requested by such employee or employees  
 75 and shall pay such sums so deducted as directed by such employee  
 76 or employees. However, deductions may not be made for the dues,  
 77 uniform assessments, fines, penalties, or special assessments of  
 78 an employee organization, and deductions may not be made for  
 79 purposes of political activity, including contributions to a  
 80 candidate, political party, political committee, committee of  
 81 continuous existence, electioneering communications  
 82 organization, or organization exempt from taxation under s.  
 83 501(c)(4) or s. 527 of the Internal Revenue Code.

84 Section 3. Section 447.18, Florida Statutes, is created to

85 read:

86 447.18 Written authorization required to expend certain  
87 employee dues, assessments, fines, or penalties.-

88 (1) A labor organization may not use dues, uniform  
89 assessments, fines, penalties, or special assessments paid by an  
90 employee to make contributions or expenditures, as defined in s.  
91 106.011, without the express written authorization of the  
92 employee. The written authorization must be executed by the  
93 employee separately for each fiscal year of the labor  
94 organization and shall be accompanied by a detailed account,  
95 provided by the labor organization, of all contributions and  
96 expenditures made by the labor organization in the preceding 24  
97 months. The labor organization shall estimate its expected  
98 contributions and expenditures for the fiscal year and shall  
99 reduce the amount collected during the fiscal year from each  
100 employee who has not executed a written authorization. If the  
101 actual contributions and expenditures of the labor organization  
102 exceed its estimated contributions and expenditures, the labor  
103 organization shall provide a refund at the end of the fiscal  
104 year to each employee who has not executed a written  
105 authorization.

106 (2) The employee may revoke the authorization described in  
107 subsection (1) at any time. If an employee revokes the  
108 authorization, the employee is entitled to a pro rata reduction  
109 of such dues, uniform assessments, fines, penalties, or special  
110 assessments for the remainder of the fiscal year of the labor  
111 organization. The amount of the reduction shall be based on the  
112 proportion of the contributions and expenditures, as defined in

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113 s. 106.011, in relation to the total annual contributions and  
114 expenditures of the labor organization for the preceding fiscal  
115 year.

116 (3) A labor organization may not require an employee to  
117 provide the authorization described in subsection (1) as a  
118 condition of membership in the labor organization.

119 Section 4. Section 447.303, Florida Statutes, is amended  
120 to read:

121 447.303 ~~Dues;~~ Deduction and collection of dues or uniform  
122 assessments prohibited. A public employer may not deduct or  
123 collect the dues, uniform assessments, fines, penalties, or  
124 special assessments of an employee organization from the  
125 compensation of any person employed by the public employer. Any  
126 ~~employee organization which has been certified as a bargaining~~  
127 ~~agent shall have the right to have its dues and uniform~~  
128 ~~assessments deducted and collected by the employer from the~~  
129 ~~salaries of those employees who authorize the deduction of said~~  
130 ~~dues and uniform assessments. However, such authorization is~~  
131 ~~revocable at the employee's request upon 30 days' written notice~~  
132 ~~to the employer and employee organization. Said deductions shall~~  
133 ~~commence upon the bargaining agent's written request to the~~  
134 ~~employer. Reasonable costs to the employer of said deductions~~  
135 ~~shall be a proper subject of collective bargaining. Such right~~  
136 ~~to deduction, unless revoked pursuant to s. 447.507, shall be in~~  
137 ~~force for so long as the employee organization remains the~~  
138 ~~certified bargaining agent for the employees in the unit. The~~  
139 ~~public employer is expressly prohibited from any involvement in~~  
140 ~~the collection of fines, penalties, or special assessments.~~

141 Section 5. Subsection (4) and paragraph (a) of subsection  
 142 (6) of section 447.507, Florida Statutes, are amended to read:

143 447.507 Violation of strike prohibition; penalties.—

144 (4) An employee organization shall be liable for any  
 145 damages which might be suffered by a public employer as a result  
 146 of a violation of the provisions of s. 447.505 by the employee  
 147 organization or its representatives, officers, or agents. ~~The~~  
 148 ~~circuit court having jurisdiction over such actions is empowered~~  
 149 ~~to enforce judgments against employee organizations, as defined~~  
 150 ~~in this part, by attachment or garnishment of union initiation~~  
 151 ~~fees or dues which are to be deducted or checked off by public~~  
 152 ~~employers.~~ No action shall be maintained pursuant to this  
 153 subsection until all proceedings which were pending before the  
 154 commission at the time of the strike or which were initiated  
 155 within 30 days of the strike have been finally adjudicated or  
 156 otherwise disposed of. In determining the amount of damages, if  
 157 any, to be awarded to the public employer, the trier of fact  
 158 shall take into consideration any action or inaction by the  
 159 public employer or its agents that provoked or tended to provoke  
 160 the strike by the public employees. The trier of fact shall also  
 161 take into consideration any damages that might have been  
 162 recovered by the public employer under subparagraph (6) (a) 4.

163 (6) (a) If the commission determines that an employee  
 164 organization has violated s. 447.505, it may:

165 1. Issue cease and desist orders as necessary to ensure  
 166 compliance with its order.

167 2. Suspend or revoke the certification of the employee  
 168 organization as the bargaining agent of such employee unit.

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169           ~~3. Revoke the right of dues deduction and collection~~  
170 ~~previously granted to said employee organization pursuant to s.~~  
171 ~~447.303.~~

172           ~~3.4.~~ Fine the organization up to \$20,000 for each calendar  
173 day of such violation or determine the approximate cost to the  
174 public due to each calendar day of the strike and fine the  
175 organization an amount equal to such cost, notwithstanding the  
176 fact that the fine may exceed \$20,000 for each such calendar  
177 day. The fines so collected shall immediately accrue to the  
178 public employer and shall be used by him or her to replace those  
179 services denied the public as a result of the strike. In  
180 determining the amount of damages, if any, to be awarded to the  
181 public employer, the commission shall take into consideration  
182 any action or inaction by the public employer or its agents that  
183 provoked, or tended to provoke, the strike by the public  
184 employees.

185           Section 6. If any provision of this act or its application  
186 to any person or circumstance is held invalid, the invalidity  
187 does not affect other provisions or applications of this act  
188 which can be given effect without the invalid provision or  
189 application, and to this end the provisions of this act are  
190 severable.

191           Section 7. This act shall take effect July 1, 2011, and  
192 shall apply to all collective bargaining agreements entered into  
193 on or after that date.