

By Senator Thrasher

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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  
4           deducting from employee wages the dues, uniform  
5           assessments, fines, penalties, or special assessments  
6           of an employee organization or contributions made for  
7           purposes of political activity; amending s. 112.171,  
8           F.S.; prohibiting a county, municipality, or other  
9           local governmental entity from deducting from employee  
10          wages the dues, uniform assessments, fines, penalties,  
11          or special assessments of an employee organization or  
12          contributions made for purposes of political activity;  
13          creating s. 447.18, F.S.; requiring that a labor  
14          organization refund any dues, uniform assessments,  
15          fines, penalties, or special assessments paid by an  
16          employee which were used for political contributions  
17          or expenditures unless the employee has provided prior  
18          authorization; 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  
23          condition of membership in the organization; amending  
24          s. 447.303, F.S.; prohibiting a public employer from  
25          deducting or collecting from employee wages the dues,  
26          uniform assessments, fines, penalties, or special  
27          assessments of an employee organization; amending s.  
28          447.507, F.S., relating to violation of the strike  
29          prohibition; conforming provisions to changes made by

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30 the act; providing for severability; providing an  
31 effective date.

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

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

37 110.114 Employee wage deductions.—

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

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

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

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

68 112.171 Employee wage deductions.—

69 (1) The counties, municipalities, and special districts of  
70 the state and the departments, agencies, bureaus, commissions,  
71 and officers thereof are authorized and permitted in their sole  
72 discretion to make deductions from the salary or wage of any  
73 employee or employees in such amount as shall be authorized and  
74 requested by such employee or employees and for such purpose as  
75 shall be authorized and requested by such employee or employees  
76 and shall pay such sums so deducted as directed by such employee  
77 or employees. However, deductions may not be made for the dues,  
78 uniform assessments, fines, penalties, or special assessments of  
79 an employee organization, and deductions may not be made for  
80 purposes of political activity, including contributions to a  
81 candidate, political party, political committee, committee of  
82 continuous existence, electioneering communications  
83 organization, or organization exempt from taxation under s.  
84 501(c)(4) or s. 527 of the Internal Revenue Code.

85 Section 3. Section 447.18, Florida Statutes, is created to  
86 read:

87 447.18 Refund of certain employee dues, assessments, fines,

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88 or penalties.

89 (1) Unless an employee has executed a written  
90 authorization, the employee is entitled to a pro rata refund of  
91 any dues, uniform assessments, fines, penalties, or special  
92 assessments paid by the employee and used by the labor  
93 organization of which the employee is a member to make  
94 contributions or expenditures, as defined in s. 106.011. The  
95 written authorization must be executed by the employee  
96 separately for each fiscal year of the labor organization and  
97 shall be accompanied with a detailed account, provided by the  
98 labor organization, of all contributions and expenditures made  
99 by the labor organization in the preceding 24 months.

100 (2) The employee may revoke the authorization described in  
101 subsection (1) at any time. If an employee revokes the  
102 authorization, the pro rata refund of the employee for such  
103 fiscal year shall be in the same proportion as the proportion of  
104 the fiscal year for which the authorization was not in effect.

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

108 Section 4. Section 447.303, Florida Statutes, is amended to  
109 read:

110 447.303 ~~Dues,~~ Deduction and collection of dues or uniform  
111 assessments prohibited. A public employer may not deduct or  
112 collect the dues, uniform assessments, fines, penalties, or  
113 special assessments of an employee organization from the  
114 compensation of any person employed by the public employer. ~~Any~~  
115 employee organization which has been certified as a bargaining  
116 agent shall have the right to have its dues and uniform

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117 ~~assessments deducted and collected by the employer from the~~  
118 ~~salaries of those employees who authorize the deduction of said~~  
119 ~~dues and uniform assessments. However, such authorization is~~  
120 ~~revocable at the employee's request upon 30 days' written notice~~  
121 ~~to the employer and employee organization. Said deductions shall~~  
122 ~~commence upon the bargaining agent's written request to the~~  
123 ~~employer. Reasonable costs to the employer of said deductions~~  
124 ~~shall be a proper subject of collective bargaining. Such right~~  
125 ~~to deduction, unless revoked pursuant to s. 447.507, shall be in~~  
126 ~~force for so long as the employee organization remains the~~  
127 ~~certified bargaining agent for the employees in the unit. The~~  
128 ~~public employer is expressly prohibited from any involvement in~~  
129 ~~the collection of fines, penalties, or special assessments.~~

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

132 447.507 Violation of strike prohibition; penalties.—

133 (4) An employee organization shall be liable for any  
134 damages which might be suffered by a public employer as a result  
135 of a violation of the provisions of s. 447.505 by the employee  
136 organization or its representatives, officers, or agents. ~~The~~  
137 ~~circuit court having jurisdiction over such actions is empowered~~  
138 ~~to enforce judgments against employee organizations, as defined~~  
139 ~~in this part, by attachment or garnishment of union initiation~~  
140 ~~fees or dues which are to be deducted or checked off by public~~  
141 ~~employers. No action shall be maintained pursuant to this~~  
142 ~~subsection until all proceedings which were pending before the~~  
143 ~~commission at the time of the strike or which were initiated~~  
144 ~~within 30 days of the strike have been finally adjudicated or~~  
145 ~~otherwise disposed of. In determining the amount of damages, if~~

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146 any, to be awarded to the public employer, the trier of fact  
147 shall take into consideration any action or inaction by the  
148 public employer or its agents that provoked or tended to provoke  
149 the strike by the public employees. The trier of fact shall also  
150 take into consideration any damages that might have been  
151 recovered by the public employer under subparagraph (6) (a)4.

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

154 1. Issue cease and desist orders as necessary to ensure  
155 compliance with its order.

156 2. Suspend or revoke the certification of the employee  
157 organization as the bargaining agent of such employee unit.

158 ~~3. Revoke the right of dues deduction and collection~~  
159 ~~previously granted to said employee organization pursuant to s.~~  
160 ~~447.303.~~

161 3.4. Fine the organization up to \$20,000 for each calendar  
162 day of such violation or determine the approximate cost to the  
163 public due to each calendar day of the strike and fine the  
164 organization an amount equal to such cost, notwithstanding the  
165 fact that the fine may exceed \$20,000 for each such calendar  
166 day. The fines so collected shall immediately accrue to the  
167 public employer and shall be used by him or her to replace those  
168 services denied the public as a result of the strike. In  
169 determining the amount of damages, if any, to be awarded to the  
170 public employer, the commission shall take into consideration  
171 any action or inaction by the public employer or its agents that  
172 provoked, or tended to provoke, the strike by the public  
173 employees.

174 Section 6. If any provision of this act or its application

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175 to any person or circumstance is held invalid, the invalidity  
176 does not affect other provisions or applications of this act  
177 which can be given effect without the invalid provision or  
178 application, and to this end the provisions of this act are  
179 severable.

180 Section 7. This act shall take effect July 1, 2011.