

By the Committee on Community Affairs; and Senators Thrasher and Gaetz

578-02426-11

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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.; prohibiting labor  
14          organizations from collecting dues, assessments,  
15          fines, or penalties without written authorization;  
16          providing for a refund to employees who have not given  
17          a written authorization in certain situations;  
18          requiring that the labor organization provide notice  
19          of such contributions and expenditures; prohibiting a  
20          labor organization from requiring an employee to  
21          authorize the collection of funds for political  
22          contributions and expenditures as a condition of  
23          membership in the organization; amending s. 447.303,  
24          F.S.; prohibiting a public employer from deducting or  
25          collecting from employee wages the dues, uniform  
26          assessments, fines, penalties, or special assessments  
27          of an employee organization; amending s. 447.507,  
28          F.S., relating to violation of the strike prohibition;  
29          conforming provisions to changes made by the act;

578-02426-11

2011830c1

30 providing for severability; providing for prospective  
31 application; providing an 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

578-02426-11

2011830c1

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 Written authorization required to expend certain

578-02426-11

2011830c1

88 employee dues, assessments, fines, or penalties.-

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

107 (2) The employee may revoke the authorization described in  
108 subsection (1) at any time. If an employee revokes the  
109 authorization, the employee is entitled to a pro rata reduction  
110 of such dues, uniform assessments, fines, penalties, or special  
111 assessments for the remainder of the fiscal year of the labor  
112 organization. The amount of the reduction shall be based upon  
113 the proportion of the contributions and expenditures, as defined  
114 in s. 106.011, in relation to the total annual contributions and  
115 expenditures of the labor organization for the preceding fiscal  
116 year.

578-02426-11

2011830c1

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

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

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

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

144 447.507 Violation of strike prohibition; penalties.—

145 (4) An employee organization shall be liable for any

578-02426-11

2011830c1

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

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

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

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

170 ~~3. Revoke the right of dues deduction and collection~~  
171 ~~previously granted to said employee organization pursuant to s.~~  
172 ~~447.303.~~

173 3.4. Fine the organization up to \$20,000 for each calendar  
174 day of such violation or determine the approximate cost to the

578-02426-11

2011830c1

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

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

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