

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 requiring that a labor organization refund any dues,
14 uniform assessments, fines, penalties, or special
15 assessments paid by an employee which were used for
16 political contributions or expenditures unless the
17 employee has provided prior authorization; requiring that
18 the labor organization provide notice of such
19 contributions and expenditures; prohibiting a labor
20 organization from requiring an employee to authorize the
21 collection of funds for political contributions and
22 expenditures as a condition of membership in the
23 organization; amending s. 447.303, F.S.; prohibiting a
24 public employer from deducting or collecting from employee
25 wages the dues, uniform assessments, fines, penalties, or
26 special assessments of an employee organization; amending
27 s. 447.507, F.S., relating to violation of the strike
28 prohibition; conforming provisions to changes made by the

HB 1021

2011

29 act; providing for severability; providing an effective
30 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

HB 1021

2011

85 read:

86 447.18 Refund of certain employee dues, assessments,
 87 finances, or penalties.-

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

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

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

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

109 447.303 ~~Dues.~~ Deduction and collection of dues or uniform
 110 assessments prohibited.-A public employer may not deduct or
 111 collect the dues, uniform assessments, fines, penalties, or
 112 special assessments of an employee organization from the

HB 1021

2011

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

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

131 447.507 Violation of strike prohibition; penalties.—

132 (4) An employee organization shall be liable for any
133 damages which might be suffered by a public employer as a result
134 of a violation of the provisions of s. 447.505 by the employee
135 organization or its representatives, officers, or agents. ~~The~~
136 ~~circuit court having jurisdiction over such actions is empowered~~
137 ~~to enforce judgments against employee organizations, as defined~~
138 ~~in this part, by attachment or garnishment of union initiation~~
139 ~~fees or dues which are to be deducted or checked off by public~~
140 ~~employers.~~ No action shall be maintained pursuant to this

141 subsection until all proceedings which were pending before the
 142 commission at the time of the strike or which were initiated
 143 within 30 days of the strike have been finally adjudicated or
 144 otherwise disposed of. In determining the amount of damages, if
 145 any, to be awarded to the public employer, the trier of fact
 146 shall take into consideration any action or inaction by the
 147 public employer or its agents that provoked or tended to provoke
 148 the strike by the public employees. The trier of fact shall also
 149 take into consideration any damages that might have been
 150 recovered by the public employer under subparagraph (6) (a) 4.

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

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

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

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

160 3.4. Fine the organization up to \$20,000 for each calendar
 161 day of such violation or determine the approximate cost to the
 162 public due to each calendar day of the strike and fine the
 163 organization an amount equal to such cost, notwithstanding the
 164 fact that the fine may exceed \$20,000 for each such calendar
 165 day. The fines so collected shall immediately accrue to the
 166 public employer and shall be used by him or her to replace those
 167 services denied the public as a result of the strike. In
 168 determining the amount of damages, if any, to be awarded to the

HB 1021

2011

169 public employer, the commission shall take into consideration
170 any action or inaction by the public employer or its agents that
171 provoked, or tended to provoke, the strike by the public
172 employees.

173 Section 6. If any provision of this act or its application
174 to any person or circumstance is held invalid, the invalidity
175 does not affect other provisions or applications of this act
176 which can be given effect without the invalid provision or
177 application, and to this end the provisions of this act are
178 severable.

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