

By the Committees on Rules; and Community Affairs; and Senators Thrasher and Gaetz

595-04680-11

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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 funds for political
5 activity; amending s. 112.171, F.S.; prohibiting a
6 county, municipality, or other local governmental
7 entity from deducting from employee wages funds for
8 political activity; creating s. 447.18, F.S.;
9 prohibiting labor organizations from collecting dues,
10 assessments, fines, or penalties for the purposes of
11 political activity without written authorization;
12 requiring that the labor organization provide notice
13 of such contributions and expenditures; prohibiting a
14 labor organization from requiring an employee to
15 authorize the collection of funds for political
16 contributions and expenditures as a condition of
17 membership in the organization; amending s. 447.303,
18 F.S.; prohibiting a public employer from deducting or
19 collecting from employee wages the dues, uniform
20 assessments, fines, penalties, or special assessments
21 of an employee organization for the purposes of
22 political activity; providing for severability;
23 providing for prospective application; providing an
24 effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (1) and (3) of section 110.114,
29 Florida Statutes, are amended to read:

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30 110.114 Employee wage deductions.—

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

44 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
45 (2), deductions may not be made, directly or indirectly, for the
46 purposes of any political activity, including contributions to a
47 candidate, political party, political committee, committee of
48 continuous existence, electioneering communications
49 organization, or organization exempt from taxation under s.
50 501(c) (4) or s. 527 of the Internal Revenue Code. ~~deduction of~~
51 ~~an employee's membership dues deductions as defined in s.~~
52 ~~447.203(15) for an employee organization as defined in s.~~
53 ~~447.203(11) shall be authorized or permitted only for an~~
54 ~~organization that has been certified as the exclusive bargaining~~
55 ~~agent pursuant to chapter 447 for a unit of state employees in~~
56 ~~which the employee is included. Such deductions shall be subject~~
57 ~~to the provisions of s. 447.303.~~

58 Section 2. Subsection (1) of section 112.171, Florida

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59 Statutes, is amended to read:

60 112.171 Employee wage deductions.—

61 (1) The counties, municipalities, and special districts of
62 the state and the departments, agencies, bureaus, commissions,
63 and officers thereof are authorized and permitted in their sole
64 discretion to make deductions from the salary or wage of any
65 employee or employees in such amount as shall be authorized and
66 requested by such employee or employees and for such purpose as
67 shall be authorized and requested by such employee or employees
68 and shall pay such sums so deducted as directed by such employee
69 or employees. However, deductions may not be made, directly or
70 indirectly, for the purposes of any political activity,
71 including contributions to a candidate, political party,
72 political committee, committee of continuous existence,
73 electioneering communications organization, or organization
74 exempt from taxation under s. 501(c) (4) or s. 527 of the
75 Internal Revenue Code.

76 Section 3. Section 447.18, Florida Statutes, is created to
77 read:

78 447.18 Written authorization required to expend certain
79 employee dues, assessments, fines, or penalties.—

80 (1) A labor organization may not, directly or indirectly,
81 collect dues, uniform assessments, fines, penalties, or special
82 assessments or other funds paid by an employee to make
83 contributions or expenditures, as defined in s. 106.011, for the
84 purposes of political activity, including contributions to a
85 candidate, political party, political committee, committee of
86 continuous existence, electioneering communications
87 organization, or organization exempt from taxation under s.

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88 501(c)(4) or s. 527 of the Internal Revenue Code, without the
89 express written authorization of the employee. The written
90 authorization must be executed by the employee separately for
91 each fiscal year of the labor organization and shall be
92 accompanied with a detailed account, provided by the labor
93 organization, of all contributions and expenditures for
94 political activities made by the labor organization in the
95 preceding 24 months. The labor organization shall maintain
96 detailed records relating to any such collections of
97 contributions used, directly or indirectly, for political
98 activity. Such records are subject to review by the commission
99 upon 30 days' written request.

100 (2) The employee may revoke the authorization described in
101 subsection (1) at any time. If an employee revokes the
102 authorization, the employee is entitled to a pro rata reduction
103 of such dues, uniform assessments, fines, penalties, or special
104 assessments for the remainder of the fiscal year of the labor
105 organization.

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

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

111 447.303 ~~Dues;~~ Deduction of dues for political activity
112 prohibited and collection.-

113 (1) Any employee organization that ~~which~~ has been certified
114 as a bargaining agent shall have the right to have its dues and
115 uniform assessments deducted and collected by the employer from
116 the salaries of those employees who authorize the deduction of

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

129 (2) A public employer may not deduct or collect, directly
130 or indirectly, the dues, uniform assessments, fines, penalties,
131 or special assessments of an employee organization from the
132 compensation of any person employed by the public employer for
133 the purposes of any political activity, including contributions
134 to a candidate, political party, political committee, committee
135 of continuous existence, electioneering communications
136 organization, or organization exempt from taxation under s.
137 501(c)(4) or s. 527 of the Internal Revenue Code.

138 Section 5. If any provision of this act or its application
139 to any person or circumstance is held invalid, the invalidity
140 does not affect other provisions or applications of this act
141 which can be given effect without the invalid provision or
142 application, and to this end the provisions of this act are
143 severable.

144 Section 6. This act shall take effect July 1, 2011, and
145 applies to all collective bargaining agreements entered into on

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146 or after that date.