A bill to be entitled
An act relating to labor and employment; amending s. 110.114, F.S.; prohibiting a state agency from deducting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; amending s. 112.171, F.S.; prohibiting a county, municipality, or other local governmental entity from deducting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization or contributions made for purposes of political activity; creating s. 447.18, F.S.; prohibiting labor organizations from using dues, uniform assessments, fines, penalties, or special assessments to make political contributions or expenditures without an employee's written authorization; providing for a refund to employees who have not given a written authorization in certain situations; requiring that the labor organization provide notice of such contributions and expenditures; prohibiting a labor organization from requiring an employee to authorize the collection of funds for political contributions and expenditures as a condition of membership in the organization; amending s. 447.303, F.S.; prohibiting a public employer from deducting or collecting from employee wages the dues, uniform assessments, fines, penalties, or special assessments of an employee organization; amending s. 447.507, F.S., relating to violation of the strike prohibition; conforming provisions
to changes made by the act; providing for severability; providing application; providing an effective date.

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

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

110.114 Employee wage deductions.—

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

(3) Notwithstanding the provisions of subsections (1) and (2), deductions may not be made for the deduction of an employee's membership dues, uniform assessments, fines, penalties, or special assessments of deductions as defined in s. 447.203(15) for an employee organization, and deductions may not be made for purposes of political activity, including contributions to a candidate, political party, political
committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 501(c)(4) or s. 527 of the Internal Revenue Code as defined in s. 447.203(11) shall be authorized or permitted only for an organization that has been certified as the exclusive bargaining agent pursuant to chapter 447 for a unit of state employees in which the employee is included. Such deductions shall be subject to the provisions of s. 447.303.

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

112.171 Employee wage deductions.—

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

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

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

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

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

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

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

447.303 Dues; deduction and collection of dues or uniform
assessments prohibited.—A public employer may not deduct or
collect the dues, uniform assessments, fines, penalties, or
special assessments of an employee organization from the
compensation of any person employed by the public employer. Any
employee organization which has been certified as a bargaining
agent shall have the right to have its dues and uniform
assessments deducted and collected by the employer from the
salaries of those employees who authorize the deduction of said
dues and uniform assessments. However, such authorization is
revocable at the employee's request upon 30 days' written notice
to the employer and employee organization. Said deductions shall
commence upon the bargaining agent's written request to the
employer. Reasonable costs to the employer of said deductions
shall be a proper subject of collective bargaining. Such right
to deduction, unless revoked pursuant to s. 447.507, shall be in
force for so long as the employee organization remains the
certified bargaining agent for the employees in the unit. The
public employer is expressly prohibited from any involvement in
the collection of fines, penalties, or special assessments.
Section 5. Subsection (4) and paragraph (a) of subsection (6) of section 447.507, Florida Statutes, are amended to read:

447.507 Violation of strike prohibition; penalties.—

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

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

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

2. Suspend or revoke the certification of the employee organization as the bargaining agent of such employee unit.
3. Revoke the right of dues deduction and collection previously granted to said employee organization pursuant to s. 447.303.

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

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

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