

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

act; providing for severability; 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

HB 1021

2011

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

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

HB 1021

2011

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.~~

3.4. 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

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.