

By Senator Thrasher

8-00622D-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.; requiring that a labor
14 organization refund any dues, uniform assessments,
15 fines, penalties, or special assessments paid by an
16 employee which were used for political contributions
17 or expenditures unless the employee has provided prior
18 authorization; requiring that the labor organization
19 provide notice of such contributions and expenditures;
20 prohibiting a labor organization from requiring an
21 employee to authorize the collection of funds for
22 political contributions and expenditures as a
23 condition of membership in the organization; amending
24 s. 447.303, F.S.; prohibiting a public employer from
25 deducting or collecting from employee wages the dues,
26 uniform assessments, fines, penalties, or special
27 assessments of an employee organization; amending s.
28 447.507, F.S., relating to violation of the strike
29 prohibition; conforming provisions to changes made by

8-00622D-11

2011830__

the 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 committee, committee of continuous existence, electioneering

8-00622D-11

2011830__

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 Refund of certain employee dues, assessments, fines,

8-00622D-11

2011830__

88 or penalties.

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

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

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

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

110 447.303 ~~Dues,~~ Deduction and collection of dues or uniform
111 assessments prohibited. ~~A public employer may not deduct or~~
112 collect the dues, uniform assessments, fines, penalties, or
113 special assessments of an employee organization from the
114 compensation of any person employed by the public employer. Any
115 ~~employee organization which has been certified as a bargaining~~
116 ~~agent shall have the right to have its dues and uniform~~

8-00622D-11

2011830__

~~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

8-00622D-11

2011830__

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 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

8-00622D-11

2011830__

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

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