

1                   A bill to be entitled  
2           An act relating to state employment; renaming ch. 110,  
3           F.S.; renaming part I of ch. 110, F.S.; amending s.  
4           110.105, F.S.; revising provisions relating to the  
5           establishment of the State Personnel System;  
6           transferring, renumbering, reordering, and amending s.  
7           110.107, F.S.; revising definitions relating to ch.  
8           110, F.S.; amending s. 110.1055, F.S.; revising the  
9           rulemaking authority of the Department of Management  
10          Services; creating s. 110.1056, F.S.; providing for  
11          agency audits to determine compliance with laws and  
12          rules; transferring, renumbering, and amending s.  
13          110.405, F.S.; revising provisions relating to the  
14          appointment of ad hoc advisory committees; creating s.  
15          110.1065, F.S.; providing the employment policies of  
16          the State Personnel System; transferring, renumbering,  
17          and amending s. 110.233, F.S.; conforming provisions  
18          to changes made by the act; amending s. 110.1099,  
19          F.S.; revising provisions relating to educational  
20          opportunities for employees; transferring,  
21          renumbering, and amending s. 110.235, F.S.; revising  
22          provisions relating to training employees; amending s.  
23          110.112, F.S.; revising provisions relating to equal  
24          employment opportunities; creating s. 110.1135, F.S.;  
25          requiring state agencies to keep accurate records of  
26          work performed and leave; amending s. 110.116, F.S.;  
27          revising provisions relating to maintaining human  
28          resource information; amending s. 110.1245, F.S.;

29 | revising provisions relating to bonuses and other  
30 | awards; amending s. 110.125, F.S.; revising provisions  
31 | relating to payment for the administrative costs of  
32 | operating the personnel program; amending s. 110.126,  
33 | F.S.; revising provisions relating to the department's  
34 | authority to administer oaths; amending s. 110.127,  
35 | F.S.; revising provisions relating to penalties;  
36 | transferring, renumbering, and amending s. 110.2037,  
37 | F.S.; revising provisions relating to tax-sheltered  
38 | and special compensation benefits; transferring,  
39 | renumbering, and amending s. 110.201, F.S., relating  
40 | to personnel rules, records, and reports; deleting  
41 | provisions requiring the department, in consultation  
42 | with affected agencies, to develop certain personnel  
43 | rules, guidelines, records, and reports relating to  
44 | employees and positions in the career service;  
45 | creating s. 110.184, F.S.; revising provisions  
46 | relating to the department's annual workforce report;  
47 | renaming part II of ch. 110, F.S.; creating s.  
48 | 110.202, F.S.; providing a declaration of policy with  
49 | respect to the establishment of the Civil Service;  
50 | amending s. 110.205, F.S.; revising provisions  
51 | relating to the list of positions that are exempted  
52 | from the Civil Service; creating s. 110.208, F.S.;  
53 | providing for a uniform classification system for  
54 | civil service positions; creating s. 110.2085, F.S.;  
55 | providing a pay plan for civil service positions;  
56 | directing the department to adopt rules; amending s.

57 | 110.211, F.S.; revising provisions relating to  
58 | recruitment; amending s. 110.213, F.S.; revising  
59 | provisions relating to selecting a candidate for  
60 | employment; amending s. 110.2135, F.S.; revising  
61 | provisions relating to veterans' preference; amending  
62 | s. 110.215, F.S.; revising provisions relating to  
63 | employing persons with disabilities; amending s.  
64 | 110.217, F.S.; revising provisions relating to a  
65 | change in an employee's position status; amending s.  
66 | 110.219, F.S.; revising provisions relating to  
67 | attendance and leave policies; amending s. 110.221,  
68 | F.S.; conforming provisions to changes made by the  
69 | act; amending s. 110.224, F.S.; revising provisions  
70 | relating to employee evaluation; amending s. 110.227,  
71 | F.S.; revising provisions relating to employee  
72 | grievances; renumbering and renaming part V of ch.  
73 | 110, F.S.; transferring, renumbering, and amending s.  
74 | 110.601, F.S.; revising provisions relating to  
75 | selected exempt service policy; transferring,  
76 | renumbering, and amending s. 110.602, F.S.; revising  
77 | provisions relating to the creation of the Selected  
78 | Exempt Service; transferring, renumbering, and  
79 | amending s. 110.605, F.S.; revising provisions  
80 | relating to the powers and duties of the department;  
81 | creating s. 110.3023, F.S.; providing for the  
82 | recruitment of selected exempt service staff;  
83 | renumbering and renaming part III of ch. 110, F.S.;  
84 | amending s. 110.401, F.S.; revising provisions

85 relating to policies for senior management employees;  
 86 amending s. 110.402, F.S.; revising provisions  
 87 relating to the establishment of the Senior Management  
 88 Service; amending s. 110.403, F.S.; revising  
 89 provisions relating to the duties of the department  
 90 with respect to the Senior Management Service;  
 91 creating s. 110.4035, F.S.; providing recruitment  
 92 requirements for senior management service employees;  
 93 creating part IX of ch. 112, F.S.; creating s.  
 94 112.906, F.S.; providing definitions for part IX of  
 95 ch. 112, F.S., relating to state employment;  
 96 transferring, renumbering, and amending s. 110.131,  
 97 F.S.; revising the duties of state agencies with  
 98 respect to the employment of other-personal-services  
 99 employees; authorizing state agencies having  
 100 rulemaking authority with respect to the conditions of  
 101 employment to adopt rules; transferring, renumbering,  
 102 and amending s. 110.1315, F.S.; revising a provision  
 103 relating to other-personal-services employment;  
 104 authorizing the Department of Financial Services to  
 105 adopt rules; transferring and renumbering s. 110.1128,  
 106 F.S., relating to selective service registration;  
 107 creating s. 112.910, F.S.; providing for equal  
 108 employment opportunity; creating s. 112.911, F.S.;  
 109 providing for nondiscrimination in employment;  
 110 transferring, renumbering, and amending s. 110.1221,  
 111 F.S.; revising provisions relating to the state sexual  
 112 harassment policy; transferring, renumbering, and

113 | amending s. 110.122, F.S.; revising provisions  
114 | relating to payment for sick leave; transferring,  
115 | renumbering, and amending s. 110.121, F.S.; revising  
116 | provisions relating to the sick leave pool;  
117 | transferring, renumbering, and amending s. 110.119,  
118 | F.S.; revising provisions relating to administrative  
119 | leave for a service-connected disability;  
120 | transferring, renumbering, and amending ss. 110.120  
121 | and 110.1091, F.S.; conforming provisions to changes  
122 | made by the act; transferring, renumbering, and  
123 | amending s. 110.151, F.S.; revising provisions  
124 | relating to child care services provided by a state  
125 | agency; transferring, renumbering, and amending s.  
126 | 110.181, F.S.; revising provisions relating to the  
127 | Florida State Employees' Charitable Campaign;  
128 | requiring state officers and employees to designate a  
129 | charitable organization to receive certain charitable  
130 | contributions; deleting provisions relating to the  
131 | establishment of local steering committees and the  
132 | distribution of funds; transferring, renumbering, and  
133 | amending s. 110.1225, F.S.; revising provisions  
134 | relating to agency furloughs; transferring and  
135 | renumbering s. 110.1155, F.S., relating to travel to  
136 | certain countries lacking diplomatic relations with  
137 | the United States; transferring, renumbering, and  
138 | amending s. 110.191, F.S.; revising provisions  
139 | relating to state employee leasing; transferring,  
140 | renumbering, and amending s. 110.1082, F.S.; revising

141 provisions related to telephone use; transferring,  
142 renumbering, and amending s. 110.1165, F.S.; revising  
143 provisions relating to executive branch personnel  
144 errors; transferring, renumbering, and amending s.  
145 110.113, F.S.; revising provisions relating to pay  
146 periods; requiring state employees to participate in  
147 the direct deposit program; transferring and  
148 renumbering s. 110.114, F.S., relating to employee  
149 wage deductions; creating s. 112.927, F.S.;  
150 authorizing the Department of Management Services to  
151 use its human resource information system for resource  
152 functionality; transferring, renumbering, and amending  
153 s. 110.1127, F.S.; revising provisions relating to  
154 background screening; transferring, renumbering, and  
155 amending s. 110.117, F.S.; revising provisions  
156 relating to an employee's personal holiday; creating  
157 s. 112.930, F.S.; providing a telework program;  
158 creating s. 112.931, F.S.; providing requirements for  
159 the savings sharing program; transferring and  
160 renumbering s. 110.1156, F.S., relating to the export  
161 of goods to countries that support terrorism; creating  
162 s. 112.933, F.S.; providing penalties for violations  
163 relating to state employment; creating s. 112.934,  
164 F.S.; providing state agencies and the department with  
165 certain rulemaking authority; creating part X of ch.  
166 112, F.S.; transferring, renumbering, and amending ss.  
167 110.1227 and 110.1228, F.S.; conforming cross-  
168 references; transferring, renumbering, and amending s.

169 110.123, F.S., relating to the state group insurance  
170 program; conforming terminology and making editorial  
171 changes; transferring, renumbering, and amending s.  
172 110.12301, F.S.; conforming a cross-reference;  
173 transferring and renumbering s. 110.12302, F.S.,  
174 relating to costing options for state group insurance  
175 plans; transferring, renumbering, and amending s.  
176 110.12312, F.S.; conforming cross-references;  
177 transferring and renumbering s. 110.12315, F.S.,  
178 relating to the state employees' prescription drug  
179 program; transferring, renumbering, and amending s.  
180 110.1232, F.S.; conforming cross-references;  
181 transferring and renumbering s. 110.1234, F.S.,  
182 relating to health insurance for retirees under the  
183 Florida Retirement System; transferring and  
184 renumbering s. 110.1238, F.S., relating to state group  
185 health insurance plans; transferring and renumbering  
186 s. 110.1239, F.S., relating to funding for the state  
187 group health insurance program; transferring,  
188 renumbering, and amending s. 110.161, F.S.; conforming  
189 a cross-reference; creating s. 112.952, F.S.;  
190 providing for penalties; creating s. 112.953, F.S.;  
191 providing a definition; providing the department with  
192 certain rulemaking authority; transferring and  
193 renumbering part IV of ch. 110, F.S.; transferring,  
194 renumbering, reordering, and amending s. 110.501,  
195 F.S.; revising definitions relating to state volunteer  
196 services; transferring, renumbering, and amending s.

197 110.502, F.S.; revising provisions relating to  
198 volunteer status; transferring, renumbering, and  
199 amending s. 110.503, F.S.; revising provisions  
200 relating to state agency responsibilities;  
201 transferring, renumbering, and amending s. 110.504,  
202 F.S.; revising provisions relating to volunteer  
203 benefits; creating s. 112.965, F.S.; providing for  
204 penalties; creating s. 112.966, F.S.; providing state  
205 agencies with certain rulemaking authority; repealing  
206 s. 110.115, F.S., relating to employees of historical  
207 commissions; repealing s. 110.118, F.S., relating to  
208 administrative leave for athletic competitions;  
209 repealing s. 110.124, F.S., relating to the  
210 termination or transfer of employees 65 years of age  
211 or older; repealing s. 110.129, F.S., relating to  
212 technical personnel assistance to political  
213 subdivisions; repealing s. 110.1521, F.S., relating to  
214 a short title; repealing s. 110.1522, F.S., relating  
215 to a model rule establishing family support personnel  
216 policies; repealing s. 110.1523, F.S., relating to the  
217 adoption of the model rule; repealing s. 110.171,  
218 F.S., relating to telecommuting; repealing s.  
219 110.2035, F.S., relating to the classification and  
220 compensation program for employment positions;  
221 repealing s. 110.21, F.S., relating to shared  
222 employment; repealing s. 110.406, F.S., relating to  
223 senior management service data collection; repealing  
224 s. 110.603, F.S., relating to a classification plan



225 | and pay bands for selected exempt service positions;  
 226 | repealing s. 110.604, F.S., relating to certain  
 227 | personnel actions for selected exempt service  
 228 | employees; repealing s. 110.606, F.S., relating to  
 229 | selected exempt service data collection; amending ss.  
 230 | 11.13, 20.055, 20.21, 20.23, 20.255, 24.105, 24.122,  
 231 | 30.071, 43.16, 104.31, 106.24, 112.044, 112.0805,  
 232 | 112.313, 112.3145, 112.363, 121.021, 121.051, 121.055,  
 233 | 121.35, 145.19, 216.011, 216.181, 260.0125, 287.175,  
 234 | 295.07, 295.09, 296.04, 296.34, 381.00315, 381.85,  
 235 | 394.47865, 402.3057, 402.55, 402.7305, 402.731,  
 236 | 409.1757, 409.9205, 414.37, 427.012, 440.102, 447.203,  
 237 | 447.207, 447.209, 447.401, 456.048, 551.116, 570.07,  
 238 | 601.10, 624.307, 624.437, 627.6488, 627.649, 627.6498,  
 239 | 627.6617, 627.6686, 849.086, 943.0585, 943.059,  
 240 | 945.043, 946.525, 985.045, 1001.705, 1001.706,  
 241 | 1002.36, 1012.62, 1012.79, 1012.88, and 1012.96, F.S.;  
 242 | conforming provisions to changes made by the act;  
 243 | requiring the department to provide a proposal to  
 244 | restructure and modernize the leave benefits of the  
 245 | State Personnel System to the Executive Office of the  
 246 | Governor, the President of the Senate, and the Speaker  
 247 | of the House of Representatives; providing an  
 248 | effective date.

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

252 | Section 1. Chapter 110, Florida Statutes, is renamed

253 "State Personnel System."

254 Section 2. Part I of chapter 110, Florida Statutes, is  
 255 renamed "General Provisions."

256 Section 3. Section 110.105, Florida Statutes, is amended  
 257 to read:

258 110.105 Establishment of the State Personnel System  
 259 ~~Employment policy of the state.-~~

260 (1) ~~It is~~ The purpose of this chapter is to establish the  
 261 State Personnel a System of personnel management. ~~The This~~  
 262 system shall provide a means for maintaining ~~to recruit, select,~~  
 263 ~~train, develop, and maintain~~ an effective and responsible  
 264 workforce and ~~shall~~ include policies, and procedures, and  
 265 guidelines for employee hiring and advancement, training and  
 266 career development, position classification, salary  
 267 administration, benefits, attendance and leave, discipline,  
 268 dismissal ~~discharge,~~ employee performance evaluations,  
 269 affirmative action, and other related activities.

270 ~~(2) All appointments, terminations, assignments and~~  
 271 ~~maintenance of status, compensation, privileges, and other terms~~  
 272 ~~and conditions of employment in state government shall be made~~  
 273 ~~without regard to age, sex, race, religion, national origin,~~  
 274 ~~political affiliation, marital status, or handicap, except when~~  
 275 ~~a specific sex, age, or physical requirement constitutes a bona~~  
 276 ~~fide occupational qualification necessary to proper and~~  
 277 ~~efficient administration.~~

278 ~~(3) Except as expressly provided by law, there shall be no~~  
 279 ~~Florida residence requirement for any person as a condition~~  
 280 ~~precedent to employment by the state; however, preference may be~~

281 ~~given to Florida residents in hiring.~~

282 (2)~~(4)~~ This chapter contains the requirements ~~and guides~~  
 283 for establishing and maintaining a system of personnel  
 284 administration on a merit basis. The system ~~of personnel~~  
 285 ~~administration~~ shall be implemented so as to ensure that the  
 286 permit state agencies participating in the State Personnel  
 287 System are to be eligible for to receive federal funds.

288 (3)~~(5)~~ Nothing in this chapter shall be construed either  
 289 to infringe upon or to supersede the rights guaranteed public  
 290 employees under chapter 447.

291 Section 4. Section 110.107, Florida Statutes, is  
 292 transferred, renumbered as section 110.1054, Florida Statutes,  
 293 reordered, and amended to read:

294 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the  
 295 term:

296 (5)~~(1)~~ "Department" means the Department of Management  
 297 Services.

298 (30)~~(2)~~ "Secretary" means the Secretary of Management  
 299 Services.

300 ~~(3) "Furlough" means a temporary reduction in the regular~~  
 301 ~~hours of employment in a pay period, or temporary leave without~~  
 302 ~~pay for one or more pay periods, with a commensurate reduction~~  
 303 ~~in pay, necessitated by a projected deficit in any fund that~~  
 304 ~~supports salary and benefit appropriations. The deficit must be~~  
 305 ~~projected by the Revenue Estimating Conference pursuant to s.~~  
 306 ~~216.136(3).~~

307 (31)~~(4)~~ "State agency" or "agency" means any entity within  
 308 the State Personnel System ~~official, officer, commission, board,~~

309 ~~authority, council, committee, or department of the executive~~  
 310 ~~branch or the judicial branch of state government as defined in~~  
 311 ~~chapter 216.~~

312 (32) "State employee" or "employee" means an employee of a  
 313 state agency.

314 (33) "State Personnel System" means the system of  
 315 personnel administration for authorized civil service, selected  
 316 exempt service, and senior management service positions and  
 317 other personal services employment within the following state  
 318 agencies and organizational units of such agencies as specified  
 319 by law:

- 320 (a) Agency for Enterprise Information Technology.
- 321 (b) Agency for Health Care Administration.
- 322 (c) Agency for Persons with Disabilities.
- 323 (d) Department of Agriculture and Consumer Services.
- 324 (e) Department of Business and Professional Regulation.
- 325 (f) Department of Children and Family Services.
- 326 (g) Department of Citrus.
- 327 (h) Department of Corrections.
- 328 (i) Department of Economic Opportunity.
- 329 (j) Department of Education.
- 330 (k) Department of Elderly Affairs.
- 331 (l) Department of Environmental Protection.
- 332 (m) Department of Financial Services.
- 333 (n) Department of Health.
- 334 (o) Department of Highway Safety and Motor Vehicles.
- 335 (p) Department of Juvenile Justice.
- 336 (q) Department of Law Enforcement.

- 337        (r) Department of Legal Affairs.
- 338        (s) Department of Management Services.
- 339        (t) Department of Military Affairs.
- 340        (u) Department of Revenue.
- 341        (v) Department of State.
- 342        (w) Department of Transportation.
- 343        (x) Department of Veterans' Affairs.
- 344        (y) Executive Office of the Governor.
- 345        (z) Fish and Wildlife Conservation Commission.
- 346        (aa) Florida Public Service Commission.
- 347        (bb) Florida School for the Deaf and the Blind.
- 348        (cc) Parole Commission.
- 349        (22)-(5) "Position" means the work, consisting of duties
- 350        and responsibilities, ~~assigned to be~~ performed by an officer or
- 351        employee.
- 352        (23) "Position description" means the document that
- 353        accurately describes the assigned duties, responsibilities, and
- 354        other pertinent information, including licensure, certification,
- 355        or registration requirements, of a position and that serves as
- 356        the official record of the work and other requirements of the
- 357        position.
- 358        (10)-(6) "Full-time position" means a position authorized
- 359        for the entire normally established work period, whether daily,
- 360        weekly, monthly, or annually.
- 361        (19)-(7) "Part-time position" means a position authorized
- 362        for less than the entire normally established work period,
- 363        whether daily, weekly, monthly, or annually.
- 364        (16)-(8) "Occupation" means all positions that ~~which~~ are

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365 sufficiently similar in knowledge, skills, and abilities~~7~~ and  
 366 sufficiently similar as to kind or subject matter of work.

367 ~~(17)-(9)~~ "Occupational group" means a group of occupations  
 368 which are sufficiently similar in the kind of work performed to  
 369 warrant the use of the same performance factors in determining  
 370 the level of complexity for all occupations in that occupational  
 371 group.

372 (18) "Other personal services" means temporary employment  
 373 as provided in s. 112.907.

374 ~~(3)-(10)~~ "Classification system plan" means a formal  
 375 description of the concepts, rules, job family definitions,  
 376 occupational group characteristics, ~~and~~ occupational profiles,  
 377 and broadband levels used to classify in the classification of  
 378 positions.

379 ~~(21)-(11)~~ "Pay plan" means a formal description of the  
 380 philosophy, methods, procedures, and salary schedules for  
 381 competitively compensating employees at market-based rates for  
 382 work performed.

383 ~~(29)-(12)~~ "Salary schedule" means an official document that  
 384 ~~which~~ contains a complete list of occupation titles, broadband  
 385 level codes, ~~and~~ pay bands, and other related information.

386 ~~(1)-(13)~~ "Authorized position" means a position included in  
 387 an approved budget. In counting the number of authorized  
 388 positions, part-time positions may be converted to full-time  
 389 equivalents.

390 ~~(8)-(14)~~ "Established position" means an authorized  
 391 position that ~~which~~ has been classified in accordance with a  
 392 classification system and pay plan as provided by law.

393        ~~(24)-(15)~~ "Position number" means the identification number  
 394 assigned to an established position or other-personal-services  
 395 employment position.

396        ~~(28)-(16)~~ "Reclassification" means changing an established  
 397 position ~~in one broadband level in an occupational group~~ to a  
 398 higher or lower broadband level within in the same occupation or  
 399 changing an established position to a different occupation,  
 400 either of which is the result of a change in the duties and  
 401 responsibilities of the position ~~occupational group or to a~~  
 402 ~~broadband level in a different occupational group.~~

403        ~~(26)-(17)~~ "Promotion" means moving a civil service employee  
 404 to a higher broadband level within an occupation, or moving an  
 405 employee to an occupation that has a broadband level having  
 406 ~~changing the classification of an employee to a broadband level~~  
 407 ~~having a higher maximum salary; or the changing of the~~  
 408 ~~classification of an employee to a broadband level having the~~  
 409 ~~same or a lower maximum salary but a higher level of~~  
 410 ~~responsibility.~~

411        ~~(4)-(18)~~ "Demotion" means moving a civil service ~~changing~~  
 412 ~~the classification of an employee to a lower~~ broadband level  
 413 within an occupation, or moving an employee to an occupation  
 414 that has a broadband level having a lower maximum salary; ~~or the~~  
 415 ~~changing of the classification of an employee to a broadband~~  
 416 ~~level having the same or a higher maximum salary but a lower~~  
 417 ~~level of responsibility.~~

418        ~~(35)-(19)~~ "Transfer" means moving a civil service ~~an~~  
 419 employee from one geographic location of the state to a  
 420 different geographic location that is more than ~~in excess of~~ 50

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421 highway miles from the employee's current work location. The  
 422 mileage shall be calculated using an official Department of  
 423 Transportation map.

424 ~~(27)-(20)~~ "Reassignment" means moving a civil service an  
 425 employee from a position in an occupation to a position in the  
 426 same occupation and one broadband level which has different  
 427 duties; or to a different position in a different occupation  
 428 that has a the same broadband level with the same maximum  
 429 salary; or to a position in the same occupation and different  
 430 broadband level regardless of the duties, but in a different  
 431 agency having the same maximum salary.

432 ~~(6)-(21)~~ "Dismissal" means a disciplinary action taken by  
 433 an agency pursuant to s. 110.227 against a civil service an  
 434 employee which results resulting in the termination of his or  
 435 her employment.

436 ~~(34)-(22)~~ "Suspension" means a disciplinary action taken by  
 437 an agency against a civil service employee pursuant to s.  
 438 110.227 which against an employee to temporarily relieves  
 439 ~~relieve~~ the employee of his or her duties and places place him  
 440 or her on leave without pay.

441 ~~(14)-(23)~~ "Layoff" means termination of employment due to a  
 442 shortage of funds or work, or a material change in the duties or  
 443 organization of an agency, including the outsourcing or  
 444 privatization of an activity or function previously performed by  
 445 civil career service employees.

446 ~~(15)~~ "Merit status" means the status attained by a civil  
 447 service employee in his or her current position upon  
 448 successfully completing the required probationary period by



449 demonstrating competency in performing the duties and  
450 responsibilities of that position.

451 ~~(7)(24)~~ "Employing agency" means any agency authorized to  
452 employ personnel to carry out the responsibilities of the agency  
453 pursuant to ~~under the provisions of~~ chapter 20 or other law  
454 ~~statutory authority.~~

455 ~~(25)~~ ~~"Shared employment" means part-time career employment~~  
456 ~~whereby the duties and responsibilities of a full-time position~~  
457 ~~in the career service are divided among part-time employees who~~  
458 ~~are eligible for the position and who receive career service~~  
459 ~~benefits and wages pro rata. In no case shall "shared~~  
460 ~~employment" include the employment of persons paid from other-~~  
461 ~~personal-services funds.~~

462 ~~(9)(26)~~ "Firefighter" means a firefighter certified under  
463 chapter 633.

464 ~~(13)(27)~~ "Law enforcement or correctional officer" means a  
465 law enforcement officer, special agent, correctional officer,  
466 correctional probation officer, or institutional security  
467 specialist ~~required to be~~ certified under chapter 943.

468 ~~(25)(28)~~ "Professional health care provider" means  
469 registered nurses, physician's assistants, dentists,  
470 psychologists, nutritionists or dietitians, pharmacists,  
471 psychological specialists, physical therapists, and speech and  
472 hearing therapists.

473 ~~(11)(29)~~ "Job family" means a defined grouping of one or  
474 more similar occupational groups.

475 (12) "Lateral" means moving a civil service employee  
476 within an agency to a different position that is in the same

477 occupation, that is at the same broadband level with the same  
 478 maximum salary, and that has substantially the same duties and  
 479 responsibilities.

480 ~~(20)(30)~~ "Pay band" means the minimum salary, the maximum  
 481 salary, and intermediate rates that ~~which~~ are payable for work  
 482 in a specific broadband level.

483 ~~(2)(31)~~ "Broadband level" means all positions that ~~which~~  
 484 are sufficiently similar in knowledge, skills, and abilities;  
 485 ~~the, and sufficiently similar as to~~ kind or subject matter of  
 486 work; ~~the,~~ level of difficulty or responsibility;  
 487 ~~responsibilities,~~ and qualification requirements ~~of the work so~~  
 488 as to warrant the same treatment with respect ~~as~~ to title, pay  
 489 band, and other personnel transactions.

490 Section 5. Section 110.1055, Florida Statutes, is amended  
 491 to read:

492 110.1055 Rules and rulemaking authority.-

493 (1) The department ~~of Management Services~~ shall adopt  
 494 rules as necessary to effectuate the provisions of this chapter,  
 495 ~~as amended by this act, and in accordance with the authority~~  
 496 ~~granted to the department in this chapter. All existing rules~~  
 497 ~~relating to this chapter are statutorily repealed January 1,~~  
 498 ~~2002, unless otherwise readopted.~~

499 (2) In consultation with the state agencies, the  
 500 department shall develop uniform personnel rules, guidelines,  
 501 records, and reports relating to employees in the State  
 502 Personnel System. The department may adopt rules that provide  
 503 alternative requirements.

504 (3) Upon adoption, the uniform personnel rules constitute

505 the personnel rules for each state agency.

506 (a) Each agency must comply with the uniform rules unless:

507 1. The Administration Commission has granted an exception  
508 to a specific rule. An agency may request an exception to the  
509 uniform personnel rules by filing a petition with the  
510 commission. The commission shall approve an exception if the  
511 exception is necessary to conform to any requirement imposed as  
512 a condition precedent to receipt of federal funds or to permit  
513 persons in this state to receive tax benefits under federal law,  
514 or if required for the most efficient operation of the agency as  
515 determined by the commission. The reasons for the exception must  
516 be published in the Florida Administrative Weekly. Agency rules  
517 that provide exceptions to the uniform rules may not be adopted  
518 unless approved by the commission.

519 2. The agency must comply with a statutory provision that  
520 conflicts with the uniform rules. In such case, the agency shall  
521 notify the department, the Administration Commission, the  
522 Administrative Procedures Committee, and the appropriate  
523 standing committees of the Legislature and advise the standing  
524 committees if the agency recommends revision of the statute to  
525 conform it to the uniform rules. Agencies are encouraged to  
526 propose methods for conforming statutory provisions to the  
527 uniform rules.

528 (b) An agency that adopts rules that provide an exception  
529 to the uniform rules or that comply with statutory requirements  
530 that conflict with the uniform rules must have a separate  
531 chapter published in the Florida Administrative Code. The  
532 chapter must clearly delineate the provisions of the agency's

533 rules which provide an exception or which are based on a  
534 conflicting statutory requirement. Each alternative chosen from  
535 those authorized by the uniform rules must be specified. Each  
536 chapter must be organized in the same manner as the uniform  
537 rules.

538 (c) Any rule adopted by an agency which is an exception to  
539 the uniform rules or which is based upon a conflicting statutory  
540 provision may not prescribe personnel policies inconsistent with  
541 the provisions of this chapter. Such rules may not include any  
542 benefits for State Personnel System employees which are in  
543 addition to, or exceed, those authorized by this chapter and  
544 must comply with all federal regulations necessary to allow the  
545 agency to receive federal funds.

546 (4) The department may develop uniform forms and  
547 instructions relating to personnel transactions as the  
548 department determines necessary.

549 (5) The agency is responsible for maintaining up-to-date  
550 personnel records and reports in accordance with applicable  
551 rules and laws.

552 Section 6. Section 110.1056, Florida Statutes, is created  
553 to read:

554 110.1056 Agency audits.—The department may periodically  
555 audit agency records to determine compliance with this chapter  
556 and department rules.

557 Section 7. Section 110.405, Florida Statutes, is  
558 transferred, renumbered as section 110.106, Florida Statutes,  
559 and amended to read:

560 110.106 ~~110.405~~ Advisory committees.—The secretary of

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561 ~~Management Services~~ may at any time appoint an ad hoc or  
562 continuing advisory committee consisting of members of the  
563 Senior Management Service or other persons knowledgeable in the  
564 field of personnel management. Advisory committees ~~Any Such~~  
565 ~~committee shall consist of not more than nine members, who shall~~  
566 ~~serve at the pleasure of and meet at the call of the secretary~~  
567 and, at the request of the secretary, provide consultation and  
568 advice, ~~to advise and consult with the secretary on such matters~~  
569 affecting the State Personnel System ~~Senior Management Service~~  
570 ~~as the secretary requests.~~ Members shall serve without  
571 compensation, ~~but are~~ shall be entitled to ~~receive~~ reimbursement  
572 for travel expenses as provided in s. 112.061. The secretary may  
573 periodically hire a consultant who has ~~with~~ expertise in  
574 personnel administration ~~management~~ to advise him or her with  
575 respect to the administration of the State Personnel System  
576 ~~Senior Management Service.~~

577 Section 8. Section 110.1065, Florida Statutes, is created  
578 to read:

579 110.1065 General employment policies and requirements.-

580 (1) It is the policy of the State Personnel System:

581 (a) That all appointments, terminations, assignments, and  
582 maintenance of status, compensation, privileges, and other terms  
583 and conditions of employment in the State Personnel System be  
584 made without regard to age, sex, race, color, religion, national  
585 origin, political affiliation, marital status, disability, or  
586 genetic information, unless a specific requirement constitutes a  
587 bona fide occupational qualification.

588 (b) That sexual harassment is a form of discrimination

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589 and, therefore, is prohibited and shall be defined in a manner  
590 consistent with federal law.

591 (c) To support employees in balancing their personal needs  
592 and work responsibilities. This policy is designed to enhance  
593 the employee's ability to blend the competing demands of work  
594 and personal life and produce a more skilled, accountable, and  
595 committed workforce for the State Personnel System. Provisions  
596 may include, but need not be limited to, flexible work  
597 schedules, telework, part-time employment, and leaves of absence  
598 with or without pay.

599 (d) To adopt and comply with the federal Family and  
600 Medical Leave Act, except for those provisions that do not  
601 specifically apply to state government employers. With regard to  
602 those provisions, the sovereign immunity of the state is not  
603 waived and the rules of the department relating to leave  
604 control.

605 (2) Except as expressly provided by law, Florida residency  
606 may not be required for any person as a condition precedent to  
607 employment; however, preference in hiring may be given to state  
608 residents.

609 (3) State agencies that use other personal services  
610 employment must comply with s. 112.907.

611 (4) Employees of the State Personnel System may be  
612 furloughed pursuant to s. 112.920.

613 Section 9. Section 110.233, Florida Statutes, is  
614 transferred, renumbered as section 110.1075, Florida Statutes,  
615 and amended to read:

616 110.1075 ~~110.233~~ Political activities and unlawful acts

617 prohibited.-

618 (1) No person shall be appointed to, demoted, or dismissed  
 619 from any position in the Civil ~~career~~ Service, or in any way  
 620 favored or discriminated against with respect to employment in  
 621 the Civil ~~career~~ Service, because of ~~race, color, national~~  
 622 ~~origin, sex, handicap, religious creed, or~~ political opinion or  
 623 affiliation.

624 (2) No person may ~~shall~~ use or promise to use, directly or  
 625 indirectly, any official authority or influence, whether  
 626 possessed or anticipated, to secure or attempt to secure for any  
 627 person an appointment or advantage in appointment to a position  
 628 in the Civil ~~career~~ Service, or an increase in pay or other  
 629 advantage in employment in any such position, for the purpose of  
 630 influencing the vote or political action of any person or for  
 631 any consideration. + However, letters of inquiry,  
 632 recommendations, and references by public employees or public  
 633 officials are ~~shall~~ not ~~be~~ considered political pressure unless  
 634 they contain ~~any such letter contains~~ a threat, intimidation, or  
 635 irrelevant, derogatory, or false information. For the purposes  
 636 of this section, the term "political pressure," in addition to  
 637 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by  
 638 lawful authority, includes the use of official authority or  
 639 influence in any manner prohibited by this chapter.

640 (3) No person may ~~shall~~, directly or indirectly, give,  
 641 render, pay, offer, solicit, or accept any money, service, or  
 642 other valuable consideration for or on account of any  
 643 appointment, proposed appointment, promotion or proposed  
 644 promotion to, or any advantage in, a position in the Civil

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645 ~~career~~ Service. ~~The provisions of~~ This subsection does ~~do~~ not  
646 apply to a private employment agency if ~~licensed pursuant to the~~  
647 ~~provisions of chapter 449 when~~ the services of the ~~such~~ private  
648 employment agency are requested by a state agency, ~~board,~~  
649 ~~department, or commission~~ and neither the state nor any  
650 political subdivision pays the private employment agency for  
651 such services.

652 (4) As an individual, each employee retains all rights and  
653 obligations of citizenship provided in the Constitution and laws  
654 of the state and the Constitution and laws of the United States.  
655 However, an ~~no~~ employee in the Civil ~~career~~ Service may not  
656 ~~shall~~:

657 (a) Hold, or be a candidate for, public office while in  
658 the employment of the state or take an ~~any~~ active part in a  
659 political campaign while on duty or within any period of time  
660 during which the employee is expected to perform services for  
661 which he or she receives compensation from the state. However,  
662 if ~~when~~ authorized by his or her agency head and approved by the  
663 department as not involving an ~~no~~ interest that ~~which~~ conflicts  
664 or activity that ~~which~~ interferes with his or her state  
665 employment, an employee in the Civil ~~career~~ Service may be a  
666 candidate for or hold local public office. The department shall  
667 prepare and make available to all affected personnel who make  
668 such request a definite set of rules and procedures consistent  
669 with this paragraph ~~the provisions herein~~.

670 (b) Use the authority of his or her position to secure  
671 support for, or oppose, any candidate, party, or issue in a  
672 partisan election or affect the results thereof.



673 (5) No State Personnel System employee or official may  
 674 ~~shall~~ use any promise of reward or threat of loss to encourage  
 675 or coerce any employee to support or contribute to any political  
 676 issue, candidate, or party.

677 (6) The department shall adopt by rule procedures for  
 678 State Personnel Career Service System employees which that  
 679 require disclosure to the agency head of any application for or  
 680 offer of employment, gift, contractual relationship, or  
 681 financial interest with any individual, partnership,  
 682 association, corporation, utility, or other organization,  
 683 whether public or private, doing business with or subject to  
 684 regulation by the agency.

685 Section 10. Section 110.1099, Florida Statutes, is amended  
 686 to read:

687 110.1099 Elective education and professional development  
 688 ~~and training~~ opportunities for ~~state~~ employees.-

689 (1) The education and professional development of  
 690 employees training are ~~an~~ integral components ~~component~~ in  
 691 improving the delivery of services to the public. Recognizing  
 692 that the application of productivity-enhancing technology and  
 693 practice demands continuous educational and professional  
 694 development training opportunities, an a-state employee may ~~be~~  
 695 ~~authorized to~~ receive a voucher, ~~or~~ grant, or tuition  
 696 reimbursement for matriculation fees, to attend work-related  
 697 courses at public community colleges, public career centers, ~~or~~  
 698 public universities, or other accredited postsecondary  
 699 educational institutions. ~~The department may implement the~~  
 700 ~~provisions of this section from funds appropriated to the~~

701 ~~department for this purpose. In the event insufficient funds are~~  
 702 ~~appropriated to the department,~~ Each state agency may supplement  
 703 ~~these funds to~~ support the educational and professional  
 704 development ~~training and education~~ needs of its employees from  
 705 funds appropriated to the agency.

706 ~~(2) The department, in conjunction with the agencies,~~  
 707 ~~shall request that public universities provide evening and~~  
 708 ~~weekend programs for state employees. When evening and weekend~~  
 709 ~~training and educational programs are not available, an employee~~  
 710 ~~may be authorized to take paid time off during his or her~~  
 711 ~~regular working hours for training and career development, as~~  
 712 ~~provided in s. 110.105(1), if such training benefits the~~  
 713 ~~employer as determined by that employee's agency head.~~

714 ~~(2)(3)~~ An employee who exhibits superior aptitude and  
 715 performance may be authorized by his or her ~~that employee's~~  
 716 agency head to take a paid educational leave of absence for up  
 717 to 1 academic year at a time, for specific approved work-related  
 718 education and professional development ~~training~~. The ~~That~~  
 719 employee must enter into a contract to return to the agency  
 720 granting the leave ~~state employment~~ for a period of time equal  
 721 to the length of the leave of absence or refund the salary and  
 722 benefits paid during the ~~his or her educational~~ leave of  
 723 absence.

724 ~~(3)(4)~~ As a precondition to approving an employee's  
 725 ~~training request~~ for an educational, professional development,  
 726 or training program, an agency ~~or the judicial branch~~ may  
 727 require the ~~an~~ employee to enter into an agreement which  
 728 provides that, if the employee voluntarily terminates employment

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729 or is dismissed from the agency within a specified period of  
730 time, not to exceed 2 years after the conclusion of the program,  
731 ~~requires the employee must to reimburse the agency or judicial~~  
732 ~~branch for up to the total cost of fees and associated expenses~~  
733 ~~for the program if the registration fee or similar expense for~~  
734 ~~any training or training series when the total cost of the fee~~  
735 ~~or similar expense exceeds \$1,000 if the employee voluntarily~~  
736 ~~terminates employment or is discharged for cause from the agency~~  
737 ~~or judicial branch within a specified period of time not to~~  
738 ~~exceed 4 years after the conclusion of the training. This~~  
739 subsection does not apply to any ~~training~~ program or course that  
740 an agency ~~or the judicial branch~~ requires an employee to attend.  
741 An agency ~~or the judicial branch~~ may pay the outstanding balance  
742 then due and owing on behalf of an ~~a~~ state employee under this  
743 subsection in connection with the recruitment and hiring of such  
744 state employee.

745 ~~(5) The Department of Management Services, in consultation~~  
746 ~~with the agencies and, to the extent applicable, with Florida's~~  
747 ~~public community colleges, public career centers, and public~~  
748 ~~universities, shall adopt rules to administer this section.~~

749 Section 11. Section 110.235, Florida Statutes, is  
750 transferred, renumbered as section 110.1115, Florida Statutes,  
751 and amended to read:

752 110.1115 ~~110.235~~ Training and professional development of  
753 employees.—

754 (1) State agencies shall implement training and  
755 professional development programs that encompass modern  
756 management principles, and that provide the framework to develop

757 human resources, ~~through empowerment, training, and rewards for~~  
758 ~~productivity enhancement;~~ to continuously improve the quality of  
759 services, ~~+~~ and to satisfy the expectations of the public.

760 (2) Each state ~~employing~~ agency shall provide the  
761 department with training information as requested for the  
762 purpose of analyzing statewide training needs annually evaluate  
763 and report to the department the training it has implemented and  
764 the progress it has made in the area of training.

765 (3) ~~As approved by the Legislature by law,~~ Each state  
766 ~~employing~~ agency may use a portion specified percentage of its  
767 salary budget to implement training programs.

768 (4) In order to promote the development of managerial,  
769 executive, or administrative skills among employees, each agency  
770 may establish and administer a training program that may  
771 include, but need not be limited to:

772 (a) Improving the performance of individuals and groups of  
773 employees.

774 (b) Relating the efforts of employees to the goals of the  
775 agency.

776 (c) Strategic planning.

777 (d) Team leadership.

778 (5) The department is responsible for ensuring that  
779 appropriate state agency personnel are adequately trained in the  
780 proper administration of State Personnel System policies and  
781 procedures, compliance with all applicable federal and state  
782 workforce regulations, and the promotion of efficient and  
783 equitable employment practices. The department may host  
784 workshops, conferences, and other professional development

785 activities that focus on the training needs of agency staff who  
 786 are responsible for human resource management, training and  
 787 development, and benefits administration.

788 (a) The department may coordinate with the appropriate  
 789 business units of the state universities or community colleges  
 790 for the purpose of sponsoring conferences and expositions that  
 791 provide continuing professional development to the agencies in  
 792 the areas of human resource management, payroll and benefits  
 793 administration, and other topics critical to the proper  
 794 administration of the state workforce.

795 (b) For the purposes of leveraging resources and promoting  
 796 best practices, the department may open such conferences to all  
 797 state and local public employers who have shared interests in  
 798 public-sector human resource management and related topics.

799 Section 12. Section 110.112, Florida Statutes, is amended  
 800 to read:

801 110.112 ~~Affirmative action;~~ Equal employment opportunity.—

802 (1) It is ~~shall be~~ the policy of the State Personnel  
 803 System to assist in ensuring ~~providing the assurance of~~ equal  
 804 employment opportunity through programs of affirmative and  
 805 positive action that ~~will~~ allow full utilization of women and  
 806 minorities.

807 (2) ~~(a)~~ The head of each state ~~executive~~ agency shall  
 808 develop and implement an affirmative action plan in accordance  
 809 with this section and applicable state and federal laws ~~rules~~  
 810 ~~adopted by the department and approved by a majority vote of the~~  
 811 ~~Administration Commission before their adoption.~~

812 (a) ~~(b)~~ Each ~~executive~~ agency shall establish annual goals

813 for ensuring the full utilization of groups underrepresented in  
814 its workforce as compared to the relevant labor market, as  
815 defined by the agency. Each ~~executive~~ agency shall design its  
816 affirmative action plan to meet its established goals.

817 ~~(b)(e)~~ An equal ~~affirmative action~~ ~~equal~~ employment  
818 opportunity officer shall be appointed by the head of each  
819 ~~executive~~ agency. ~~The affirmative action equal employment~~  
820 ~~opportunity officer's responsibilities must include determining~~  
821 ~~annual goals, monitoring agency compliance, and providing~~  
822 ~~consultation to managers regarding progress, deficiencies, and~~  
823 ~~appropriate corrective action.~~

824 ~~(c)(d)~~ The department shall report information in its  
825 annual workforce report relating to the demographic composition  
826 of the workforce of the State Personnel System as compared to  
827 the relevant state labor market ~~implementation, continuance,~~  
828 ~~updating, and results of each executive agency's affirmative~~  
829 ~~action plan for the previous fiscal year. The agencies shall~~  
830 provide the department with the information necessary to comply  
831 with this paragraph.

832 ~~(e)~~ ~~The department shall provide to all supervisory~~  
833 ~~personnel of the executive agencies training in the principles~~  
834 ~~of equal employment opportunity and affirmative action, the~~  
835 ~~development and implementation of affirmative action plans, and~~  
836 ~~the establishment of annual affirmative action goals. The~~  
837 ~~department may contract for training services, and each~~  
838 ~~participating agency shall reimburse the department for costs~~  
839 ~~incurred through such contract. After the department approves~~  
840 ~~the contents of the training program for the agencies, the~~

841 ~~department may delegate this training to the executive agencies.~~

842 ~~(3) Each state attorney and public defender shall:~~

843 ~~(a) Develop and implement an affirmative action plan.~~

844 ~~(b) Establish annual goals for ensuring full utilization~~  
 845 ~~of groups underrepresented in its workforce as compared to the~~  
 846 ~~relevant labor market in this state. The state attorneys' and~~  
 847 ~~public defenders' affirmative action plans must be designed to~~  
 848 ~~meet the established goals.~~

849 ~~(c) Appoint an affirmative action-equal employment~~  
 850 ~~opportunity officer.~~

851 ~~(d) Report annually to the Justice Administrative~~  
 852 ~~Commission on the implementation, continuance, updating, and~~  
 853 ~~results of his or her affirmative action program for the~~  
 854 ~~previous fiscal year.~~

855 ~~(3)(4) Each~~ The state agency, ~~its agencies and officers~~  
 856 ~~shall ensure freedom from discrimination in employment in~~  
 857 ~~accordance with applicable state and federal laws as provided by~~  
 858 ~~the Florida Civil Rights Act of 1992, by s. 112.044, and by this~~  
 859 ~~chapter.~~

860 ~~(4)~~ All recruitment literature that references State  
 861 Personnel System position vacancies must contain the phrase "An  
 862 Equal Opportunity Employer."

863 ~~(5)~~ An ~~Any~~ individual claiming to be aggrieved by an  
 864 unlawful employment practice may file a complaint with the  
 865 Florida Commission on Human Relations as provided by s. 760.11.

866 ~~(6) The department shall review and monitor executive~~  
 867 ~~agency actions in carrying out the rules adopted by the~~  
 868 ~~department pursuant to this section.~~

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869 Section 13. Section 110.1135, Florida Statutes, is created  
870 to read:

871 110.1135 Attendance and leave records.—Each state agency  
872 shall keep an accurate record of all hours of work performed by  
873 each employee, as well as a complete and accurate record of all  
874 authorized leave. The ultimate responsibility for the accuracy  
875 and proper maintenance of all attendance and leave records is  
876 with the agency head.

877 Section 14. Section 110.116, Florida Statutes, is amended  
878 to read:

879 110.116 Human resource ~~Personnel~~ information system;  
880 payroll procedures.—The department of ~~Management Services~~ shall  
881 establish and maintain, in coordination with the payroll system  
882 of the Department of Financial Services, a complete human  
883 resource ~~personnel~~ information system for all authorized and  
884 established positions in the State Personnel System ~~service,~~  
885 ~~with the exception of employees of the Legislature, unless the~~  
886 ~~Legislature chooses to participate.~~ The department may contract  
887 with a vendor to provide the human resource ~~personnel~~  
888 information system. The specifications shall be developed in  
889 conjunction with the payroll system of the Department of  
890 Financial Services and in coordination with the Auditor General.  
891 The Department of Financial Services shall determine that the  
892 position occupied by each employee has been authorized and  
893 established in accordance with ~~the provisions of s. 216.251.~~ The  
894 human resource information system must include ~~Department of~~  
895 ~~Management Services shall develop and maintain a position~~  
896 numbering system that identifies ~~will identify~~ each established



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897 position, and such information shall be a part of the payroll  
 898 system of the Department of Financial Services. The ~~With the~~  
 899 ~~exception of employees of the Legislature, unless the~~  
 900 ~~Legislature chooses to participate, this system~~ must shall  
 901 include all civil ~~career~~ service positions and those positions  
 902 exempted from the Civil ~~career~~ Service provisions,  
 903 notwithstanding the funding source of the salary payments, and  
 904 information regarding persons receiving salary payments from  
 905 other sources. Necessary revisions shall be made in the  
 906 personnel and payroll procedures of the state to avoid  
 907 duplication insofar as is feasible to do so. The information in  
 908 the system must ~~A list shall~~ be organized by budget entity to  
 909 show the employees or vacant positions within each budget  
 910 entity. The information ~~This list~~ shall be made available to the  
 911 Speaker of the House of Representatives and the President of the  
 912 Senate upon request.

913 Section 15. Section 110.1245, Florida Statutes, is amended  
 914 to read:

915 110.1245 ~~Savings sharing program;~~ Bonus payments; other  
 916 awards.-

917 ~~(1) (a) The Department of Management Services shall adopt~~  
 918 ~~rules that prescribe procedures and promote a savings sharing~~  
 919 ~~program for an individual or group of employees who propose~~  
 920 ~~procedures or ideas that are adopted and that result in~~  
 921 ~~eliminating or reducing state expenditures, if such proposals~~  
 922 ~~are placed in effect and may be implemented under current~~  
 923 ~~statutory authority.~~

924 ~~(b) Each agency head shall recommend employees~~

925 ~~individually or by group to be awarded an amount of money, which~~  
 926 ~~amount shall be directly related to the cost savings realized.~~  
 927 ~~Each proposed award and amount of money must be approved by the~~  
 928 ~~Legislative Budget Commission.~~

929 ~~(c) Each state agency, unless otherwise provided by law,~~  
 930 ~~may participate in the program. The Chief Justice shall have the~~  
 931 ~~authority to establish a savings sharing program for employees~~  
 932 ~~of the judicial branch within the parameters established in this~~  
 933 ~~section. The program shall apply to all employees within the~~  
 934 ~~Career Service, the Selected Exempt Service, and comparable~~  
 935 ~~employees within the judicial branch.~~

936 ~~(d) The department and the judicial branch shall submit~~  
 937 ~~annually to the President of the Senate and the Speaker of the~~  
 938 ~~House of Representatives information that outlines each agency's~~  
 939 ~~level of participation in the savings sharing program. The~~  
 940 ~~information shall include, but is not limited to:~~

- 941 ~~1. The number of proposals made.~~
- 942 ~~2. The number of dollars and awards made to employees or~~  
 943 ~~groups for adopted proposals.~~
- 944 ~~3. The actual cost savings realized as a result of~~  
 945 ~~implementing employee or group proposals.~~

946 ~~(1)(2) State agencies may pay In June of each year,~~  
 947 ~~bonuses shall be paid to employees from funds authorized by the~~  
 948 ~~Legislature in an appropriation specifically for bonuses.~~  
 949 ~~Bonuses shall be distributed in accordance with the criteria and~~  
 950 ~~instructions provided in the General Appropriations Act. Each~~  
 951 ~~agency shall develop a plan for awarding lump sum bonuses, which~~  
 952 ~~plan shall be submitted no later than September 15 of each year~~

953 ~~and approved by the Office of Policy and Budget in the Executive~~  
 954 ~~Office of the Governor. Such plan shall include, at a minimum,~~  
 955 ~~but is not limited to:~~

956 ~~(a) A statement that bonuses are subject to specific~~  
 957 ~~appropriation by the Legislature.~~

958 ~~(b) Eligibility criteria as follows:~~

959 ~~1. The employee must have been employed prior to July 1 of~~  
 960 ~~that fiscal year and have been continuously employed through the~~  
 961 ~~date of distribution.~~

962 ~~2. The employee must not have been on leave without pay~~  
 963 ~~consecutively for more than 6 months during the fiscal year.~~

964 ~~3. The employee must have had no sustained disciplinary~~  
 965 ~~action during the period beginning July 1 through the date the~~  
 966 ~~bonus checks are distributed. Disciplinary actions include~~  
 967 ~~written reprimands, suspensions, dismissals, and involuntary or~~  
 968 ~~voluntary demotions that were associated with a disciplinary~~  
 969 ~~action.~~

970 ~~4. The employee must have demonstrated a commitment to the~~  
 971 ~~agency mission by reducing the burden on those served,~~  
 972 ~~continually improving the way business is conducted, producing~~  
 973 ~~results in the form of increased outputs, and working to improve~~  
 974 ~~processes.~~

975 ~~5. The employee must have demonstrated initiative in work~~  
 976 ~~and have exceeded normal job expectations.~~

977 ~~6. The employee must have modeled the way for others by~~  
 978 ~~displaying agency values of fairness, cooperation, respect,~~  
 979 ~~commitment, honesty, excellence, and teamwork.~~

980 ~~(c) A periodic evaluation process of the employee's~~

981 ~~performance.~~

982 ~~(d) A process for peer input that is fair, respectful of~~  
 983 ~~employees, and affects the outcome of the bonus distribution.~~

984 ~~(e) A division of the agency by work unit for purposes of~~  
 985 ~~peer input and bonus distribution.~~

986 ~~(f) A limitation on bonus distributions equal to 35~~  
 987 ~~percent of the agency's total authorized positions. This~~  
 988 ~~requirement may be waived by the Office of Policy and Budget in~~  
 989 ~~the Executive Office of the Governor upon a showing of~~  
 990 ~~exceptional circumstances.~~

991 (2) (3) Consistent with the requirements of s. 215.425(3),  
 992 and limited to the funds provided in the agency's approved  
 993 operating budget for salaries and benefits, each agency head may  
 994 provide bonus awards to department head is authorized to incur  
 995 expenditures to award suitable framed certificates, pins, and  
 996 other tokens of recognition to retiring state employees based on  
 997 exemplary performance or whose service with the state has been  
 998 satisfactory, in appreciation of their role in the achievement  
 999 of the agency's mission, values, or goals and recognition of  
 1000 such service.

1001 (a) Each award ~~Such awards~~ may not exceed \$1,000 ~~cost in~~  
 1002 ~~excess of \$100 each~~ plus applicable taxes. No employee may  
 1003 receive awards totaling more than \$1,000 plus applicable taxes  
 1004 per fiscal year.

1005 (b) By September 1, agencies shall report to the Governor,  
 1006 the President of the Senate, and the Speaker of the House of  
 1007 Representatives the dollar value and number of such bonus awards  
 1008 given in the previous fiscal year.

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1009 ~~(3)-(4)~~ Each agency department head ~~may is authorized to~~  
 1010 incur expenditures to award suitable framed certificates, pins,  
 1011 ~~and or~~ other noncash tokens of recognition. Each token to state  
 1012 ~~employees who demonstrate satisfactory service in the agency or~~  
 1013 ~~to the state, in appreciation and recognition of such service.~~  
 1014 ~~Such awards may not cost more than \$150 in excess of \$100 each~~  
 1015 plus applicable taxes. Such tokens may be awarded to:

1016 (a) Current employees, in appreciation and recognition of  
 1017 their service to the state.

1018 (b) Retiring employees, in appreciation and recognition of  
 1019 their service to the state.

1020 (c) An appointed member of a state board or commission, in  
 1021 appreciation and recognition of his or her service to the state  
 1022 upon the expiration of the member's final term in such position.

1023 ~~(5) Each department head is authorized to incur~~  
 1024 ~~expenditures not to exceed \$100 each plus applicable taxes for~~  
 1025 ~~suitable framed certificates, plaques, or other tokens of~~  
 1026 ~~recognition to any appointed member of a state board or~~  
 1027 ~~commission whose service to the state has been satisfactory, in~~  
 1028 ~~appreciation and recognition of such service upon the expiration~~  
 1029 ~~of such board or commission member's final term in such~~  
 1030 ~~position.~~

1031 Section 16. Section 110.125, Florida Statutes, is amended  
 1032 to read:

1033 110.125 Administrative costs.—

1034 (1) The administrative expenses and costs of operating the  
 1035 State Personnel System program established by this chapter shall  
 1036 be paid by the state ~~various agencies of the state government,~~

1037 and each such agency shall include in its budget estimates its  
 1038 pro rata share of such cost as determined by the department of  
 1039 ~~Management Services.~~

1040 (a) To establish an equitable division of ~~the~~ costs, the  
 1041 amount to be paid by each agency shall be based on the number of  
 1042 authorized full-time equivalent positions appropriated to the  
 1043 agency, the average number of other-personal-services employees  
 1044 paid by the agency, and the total administrative expenses and  
 1045 costs of operating the State Personnel System ~~determined in such~~  
 1046 ~~proportion as the service rendered to each agency bears to the~~  
 1047 ~~total service rendered under the provisions of this chapter. The~~  
 1048 ~~amounts paid to the Department of Management Services which are~~  
 1049 ~~attributable to positions within the Senior Management Service~~  
 1050 ~~and the Selected Professional Service shall be used for the~~  
 1051 ~~administration of such services, training activities for~~  
 1052 ~~positions within those services, and the development and~~  
 1053 ~~implementation of a database of pertinent historical information~~  
 1054 ~~on exempt positions.~~

1055 (b) ~~If a~~ Should any state agency is ~~become~~ more than 90  
 1056 days delinquent in paying ~~payment of~~ this obligation, the  
 1057 department shall certify to the Chief Financial Officer the  
 1058 amount due and the Chief Financial Officer shall transfer that  
 1059 ~~the amount due to the department~~ from any available debtor  
 1060 agency funds ~~available~~.

1061 (2) A governmental entity outside the State Personnel  
 1062 System which receives or uses services of more than a de minimis  
 1063 value from the personnel system shall pay the department for the  
 1064 administrative expenses and costs associated with those services

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1065 as determined by the department. Each such entity shall include  
 1066 such cost in its budget estimates. If a governmental entity  
 1067 becomes more than 90 days delinquent in paying this obligation,  
 1068 the department shall certify to the Chief Financial Officer the  
 1069 amount due and the Chief Financial Officer shall transfer that  
 1070 amount from any available debtor entity funds.

1071 Section 17. Section 110.126, Florida Statutes, is amended  
 1072 to read:

1073 110.126 Oaths, testimony, records; penalties.—The  
 1074 department may ~~shall have power to~~ administer oaths, subpoena  
 1075 witnesses, and compel the production of books, ~~and~~ papers, or  
 1076 other records, in written or electronic form, relevant ~~pertinent~~  
 1077 to any investigation of personnel practices or hearing  
 1078 authorized by this chapter. Any person who fails ~~shall fail~~ to  
 1079 appear in response to a subpoena or to answer any question or  
 1080 produce any books, ~~or~~ papers, or other records relevant  
 1081 ~~pertinent~~ to any such investigation or hearing or who ~~shall~~  
 1082 knowingly gives ~~give~~ false testimony commits ~~therein shall be~~  
 1083 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
 1084 provided in s. 775.082 or s. 775.083.

1085 Section 18. Section 110.127, Florida Statutes, is amended  
 1086 to read:

1087 110.127 Penalties.—

1088 (1) Any person who willfully violates any provision of  
 1089 this chapter or ~~of any~~ rules adopted pursuant to this chapter  
 1090 commits ~~the authority herein granted is guilty of~~ a misdemeanor  
 1091 of the second degree, punishable as provided in s. 775.082 or s.  
 1092 775.083.

1093           (2) ~~The provisions of s. 112.011 to the contrary~~  
 1094 Notwithstanding s. 112.011, any person who is convicted of a  
 1095 misdemeanor under this chapter ~~is shall be, for a period of 5~~  
 1096 ~~years,~~ ineligible for appointment to or employment in a state  
 1097 position for 5 years ~~in the state service~~ and, if an employee of  
 1098 the state, must ~~shall~~ forfeit his or her position.

1099           (3) Imposition of the penalties provided in this section  
 1100 may ~~shall~~ not be in lieu of any action that ~~which~~ may be taken  
 1101 or penalties that ~~which~~ may be imposed pursuant to part III of  
 1102 chapter 112.

1103           Section 19. Section 110.2037, Florida Statutes, is  
 1104 transferred, renumbered as section 110.182, Florida Statutes,  
 1105 and amended to read:

1106           110.182 ~~110.2037~~ ~~Alternative benefits;~~ Tax-sheltered  
 1107 annual leave and sick leave payments and special compensation  
 1108 payments.—

1109           (1) The department may ~~of Management Services~~ has  
 1110 ~~authority to~~ adopt tax-sheltered plans under s. 401(a) of the  
 1111 Internal Revenue Code for ~~state~~ employees who are eligible for  
 1112 payment for accumulated leave. ~~The department,~~ Upon adoption of  
 1113 the plans, the department shall contract for a private vendor or  
 1114 vendors to administer the plans.

1115           (a) These plans are ~~shall be~~ limited to ~~state~~ employees  
 1116 who are over age 55 and who ~~are~~ eligible for accumulated leave  
 1117 and special compensation payments and separating from employment  
 1118 with 10 years of service in accordance with the Internal Revenue  
 1119 Code, or who are participating in the Deferred Retirement Option  
 1120 Program on or after July 1, 2001.



1121           (b) The plans must provide benefits in a manner that  
 1122 minimizes the tax liability of the state and participants.

1123           (c) The plans must be funded by employer contributions of  
 1124 payments for accumulated leave or special compensation payments,  
 1125 or both, as specified by the department.

1126           (d) The plans must have received all necessary federal and  
 1127 state approval as required by law, must not adversely impact the  
 1128 qualified status of the Florida Retirement System defined  
 1129 benefit or defined contribution plans or the pretax benefits  
 1130 program, and must comply with ~~the provisions of~~ s. 112.65.  
 1131 Adoption of any plan is contingent on: the department receiving  
 1132 appropriate favorable rulings from the Internal Revenue Service;  
 1133 the department negotiating under the provisions of chapter 447,  
 1134 where applicable; and the Chief Financial Officer making  
 1135 appropriate changes to the state payroll system.

1136           (e) The department's request for proposals by vendors for  
 1137 such plans may require that ~~the~~ vendors provide market-risk or  
 1138 volatility ratings from recognized rating agencies for each of  
 1139 their investment products.

1140           (f) The department shall provide ~~for~~ a system of  
 1141 continuous quality assurance oversight to ensure that the  
 1142 program objectives are achieved and that the program is  
 1143 prudently managed.

1144           (2) Within 30 days after termination of employment, an  
 1145 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty  
 1146 may be assessed by the plan administrator. If an ~~any~~ employee is  
 1147 adversely affected by payment of an excise tax or an ~~any~~  
 1148 Internal Revenue Service penalty by withdrawing ~~electing to~~

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1149 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a  
 1150 provision that provides ~~which will provide~~ the employee with no  
 1151 less cash than if the employee had not participated in the plan.

1152 (3) These contracts may be used by any other pay plans or  
 1153 personnel systems in the executive, legislative, or judicial  
 1154 branches of government upon approval of the appropriate  
 1155 administrative authority.

1156 (4) Notwithstanding the terminal pay provisions of s.  
 1157 112.913 ~~110.122~~, the department may contract for a tax-sheltered  
 1158 plan for leave and special compensation pay for employees who  
 1159 are terminating over age 55 and have ~~with~~ 10 years of service,  
 1160 and for employees participating in the Deferred Retirement  
 1161 Option Program on or after July 1, 2001, ~~and~~ who are over age  
 1162 55. The frequency of payments into the plan shall be determined  
 1163 by the department or as provided in the General Appropriations  
 1164 Act. This plan must ~~or plans shall~~ provide the greatest tax  
 1165 benefits to the employees and maximize the savings to the state.

1166 (5) The department shall determine by rule the design of  
 1167 the plans and the eligibility of participants.

1168 (6) ~~Nothing in~~ This section does not ~~shall be construed to~~  
 1169 remove plan participants from the scope of s. 112.913(5)  
 1170 ~~110.122(5)~~.

1171 Section 20. Section 110.201, Florida Statutes, is  
 1172 transferred, renumbered as section 110.183, Florida Statutes,  
 1173 and amended to read:

1174 110.183 ~~110.201~~ Collective bargaining Personnel rules,  
 1175 ~~records, and reports.-~~

1176 ~~(1)(a) The department, in consultation with agencies that~~

1177 ~~must comply with these rules, shall develop uniform personnel~~  
 1178 ~~rules, guidelines, records, and reports relating to employees~~  
 1179 ~~and positions in the career service. Agencies must comply with~~  
 1180 ~~the uniform rules, except as provided in this section. The~~  
 1181 ~~department may adopt rules that provide alternative~~  
 1182 ~~requirements. Upon filing with the Department of State, the~~  
 1183 ~~appropriate uniform rules will constitute the personnel rules~~  
 1184 ~~for each agency subject to this act unless the Administration~~  
 1185 ~~Commission grants an exception to a specific rule to an agency~~  
 1186 ~~upon the agency's request or unless the agency must comply with~~  
 1187 ~~a statutory provision that conflicts with the uniform rules. If~~  
 1188 ~~an agency must comply with a statutory provision that conflicts~~  
 1189 ~~with the uniform rules, the agency must notify the~~  
 1190 ~~Administration Commission, the Administrative Procedures~~  
 1191 ~~Committee, and the appropriate standing committees of the~~  
 1192 ~~Legislature and advise the standing committees whether the~~  
 1193 ~~agency recommends revision of the statute to conform it to the~~  
 1194 ~~uniform rules. Agencies are encouraged to propose methods of~~  
 1195 ~~conforming statutory provisions to the uniform personnel rules.~~

1196 ~~(b) An agency may request an exception to the uniform~~  
 1197 ~~personnel rules by filing a petition with the Administration~~  
 1198 ~~Commission. The Administration Commission shall approve an~~  
 1199 ~~exception when the exception is necessary to conform to any~~  
 1200 ~~requirement imposed as a condition precedent to receipt of~~  
 1201 ~~federal funds or to permit persons in this state to receive tax~~  
 1202 ~~benefits under federal law, or as required for the most~~  
 1203 ~~efficient operation of the agency as determined by the~~  
 1204 ~~Administration Commission. The reasons for the exception must be~~

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1205 ~~published in the Florida Administrative Weekly.~~

1206 ~~(c) Agency rules that provide exceptions to the uniform~~  
1207 ~~personnel rules may not be filed with the Department of State~~  
1208 ~~unless the Administration Commission has approved the~~  
1209 ~~exceptions. Each agency that adopts rules that provide~~  
1210 ~~exceptions to the uniform rules or that must comply with~~  
1211 ~~statutory requirements that conflict with the uniform rules must~~  
1212 ~~have a separate chapter published in the Florida Administrative~~  
1213 ~~Code which clearly delineates the provisions of the agency's~~  
1214 ~~rules which provide exceptions or are based upon a conflicting~~  
1215 ~~statutory requirement. Each alternative chosen from those~~  
1216 ~~authorized by the uniform rules must be specified. Each chapter~~  
1217 ~~must be organized in the same manner as the uniform rules.~~

1218 ~~(d) The department shall develop uniform forms and~~  
1219 ~~instructions to be used in reporting transactions which involve~~  
1220 ~~changes in an employee's salary, status, performance, leave,~~  
1221 ~~fingerprint record, loyalty oath, payroll change, appointment~~  
1222 ~~action, or any additional transactions as the department may~~  
1223 ~~determine appropriate.~~

1224 ~~(e) It is the responsibility of the employing agency to~~  
1225 ~~maintain these records and all other records and reports~~  
1226 ~~prescribed in applicable rules on a current basis.~~

1227 ~~(2) Each employing agency shall operate within the uniform~~  
1228 ~~personnel rules promulgated by the department under this~~  
1229 ~~chapter. Any rule adopted by an employing agency that is an~~  
1230 ~~exception to the uniform personnel rules or that is based upon a~~  
1231 ~~statutory provision that an agency must follow but which~~  
1232 ~~conflicts with the uniform personnel rules may not prescribe any~~

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1233 ~~personnel policies inconsistent with the provisions of this~~  
 1234 ~~chapter. Neither the rules of the department nor the rules of an~~  
 1235 ~~employing agency may include any benefits for career service~~  
 1236 ~~employees which are in excess of, or in addition to, those~~  
 1237 ~~authorized by this chapter.~~

1238 ~~(3) The rules adopted by the department and each employing~~  
 1239 ~~agency under this part shall comply with all federal regulations~~  
 1240 ~~necessary to permit the state agencies to be eligible to receive~~  
 1241 ~~federal funds.~~

1242 ~~(4) The department shall coordinate with the Governor and~~  
 1243 ~~the state agencies consult with the Administration Commission on~~  
 1244 ~~personnel matters falling within the scope of collective~~  
 1245 ~~bargaining and shall represent the Governor in collective~~  
 1246 ~~bargaining negotiations and other collective bargaining matters~~  
 1247 ~~as may be necessary. All discussions relative to collective~~  
 1248 ~~bargaining between the department and the Governor, and between~~  
 1249 ~~the department and the Administration Commission or agency~~  
 1250 ~~heads, or between any of their respective representatives are,~~  
 1251 ~~relative to collective bargaining, shall be exempt from the~~  
 1252 ~~provisions of s. 286.011, and all work products relative to~~  
 1253 ~~collective bargaining developed in conjunction with such~~  
 1254 ~~discussions are shall be confidential and exempt from the~~  
 1255 ~~provisions of s. 119.07(1).~~

1256 ~~(5) The department shall develop a workforce report that~~  
 1257 ~~contains data representative of the state's human resources. The~~  
 1258 ~~report should identify trends for planning and improving the~~  
 1259 ~~management of the state's human resources. The department shall~~  
 1260 ~~submit this report annually to the Governor, the President of~~

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1261 ~~the Senate, and the Speaker of the House of Representatives.~~

1262 Section 21. Section 110.184, Florida Statutes, is created  
1263 to read:

1264 110.184 Workforce report.—The department shall prepare a  
1265 workforce report on human resources in the State Personnel  
1266 System. The report shall provide data and identify trends for  
1267 planning and improving the management of the State Personnel  
1268 System. The department shall annually submit the report to the  
1269 Governor, the President of the Senate, and the Speaker of the  
1270 House of Representatives.

1271 Section 22. Part II of chapter 110, Florida Statutes, is  
1272 renamed "Civil Service."

1273 Section 23. Section 110.202, Florida Statutes, is created  
1274 to read:

1275 110.202 Declaration of policy.—This part creates the Civil  
1276 Service System within the State Personnel System as required by  
1277 s. 14, Art. III of the State Constitution.

1278 Section 24. Section 110.205, Florida Statutes, is amended  
1279 to read:

1280 110.205 Civil Career Service; exemptions.—

1281 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career  
1282 Service to which this part applies includes all positions within  
1283 the State Personnel System not specifically exempted by this  
1284 section part, notwithstanding any other provisions of law ~~the~~  
1285 ~~Florida Statutes to the contrary notwithstanding.~~

1286 (2) EXEMPT POSITIONS.—The ~~exempt positions that are not~~  
1287 ~~covered by this part~~ include the following positions are  
1288 exempted from the Civil Service:

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1289           (a) Elected officers.—All officers of the executive branch  
 1290 elected by popular vote and persons appointed to fill vacancies  
 1291 in such offices. Unless otherwise fixed by law, the salary and  
 1292 benefits for an ~~any such~~ officer who serves as the head of an  
 1293 agency ~~a department~~ shall be set by the department in accordance  
 1294 with the rules of the Senior Management Service.

1295           (b) Legislative branch.—All members, officers, and  
 1296 employees of the legislative branch, except for the members,  
 1297 officers, and employees of the Florida Public Service  
 1298 Commission.

1299           (c) Judicial branch.—All members, officers, and employees  
 1300 of the judicial branch.

1301           (d) State universities.—All officers and employees of the  
 1302 state universities ~~and the academic personnel and academic~~  
 1303 ~~administrative personnel of the Florida School for the Deaf and~~  
 1304 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~  
 1305 ~~salaries for academic personnel and academic administrative~~  
 1306 ~~personnel of the Florida School for the Deaf and the Blind shall~~  
 1307 ~~be set by the board of trustees for the school, subject only to~~  
 1308 ~~the approval of the State Board of Education.~~

1309           ~~(e) The Chief Information Officer in the Agency for~~  
 1310 ~~Enterprise Information Technology. Unless otherwise fixed by~~  
 1311 ~~law, the Agency for Enterprise Information Technology shall set~~  
 1312 ~~the salary and benefits of this position in accordance with the~~  
 1313 ~~rules of the Senior Management Service.~~

1314           (e)-(f) Members of boards and commissions.—All members of  
 1315 state boards and commissions, however selected. Unless otherwise  
 1316 fixed by law, the salary and benefits for any full-time board or

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1317 commission member shall be set by the department in accordance  
 1318 with the rules of the Senior Management Service.

1319 ~~(g) Judges, referees, and receivers.~~

1320 ~~(h) Patients or inmates in state institutions.~~

1321 (f)(i) Time-limited positions.—All positions that are  
 1322 established for a limited period of time for the purpose of  
 1323 conducting a special study, project, or investigation and any  
 1324 person paid from an other-personal-services appropriation.  
 1325 Unless otherwise fixed by law, the salaries for such positions  
 1326 and persons shall be set in accordance with rules established by  
 1327 the employing agency for other-personal-services payments  
 1328 pursuant to s. 112.907 ~~110.131~~.

1329 (g)(j) Executive-level positions.—The appointed  
 1330 secretaries and the State Surgeon General, assistant  
 1331 secretaries, deputy secretaries, and deputy assistant  
 1332 secretaries of all agencies ~~departments~~; the executive  
 1333 directors, assistant executive directors, deputy executive  
 1334 directors, and deputy assistant executive directors of all  
 1335 agencies ~~departments~~; the directors of all divisions and those  
 1336 positions determined by the department to have managerial  
 1337 responsibilities comparable to such positions, including ~~which~~  
 1338 ~~positions include~~, but are not limited to, program directors,  
 1339 assistant program directors, district administrators, deputy  
 1340 district administrators, general counsels, chief cabinet aides,  
 1341 public information administrators or comparable positions for a  
 1342 cabinet officer, inspectors general, or legislative affairs  
 1343 directors; and ~~the Director of Central Operations Services of~~  
 1344 ~~the Department of Children and Family Services,~~ the State



1345 Transportation Development Administrator, the State Public  
 1346 Transportation and Modal Administrator, district secretaries,  
 1347 district directors of transportation development, transportation  
 1348 operations, and transportation support, ~~and~~ the managers of the  
 1349 Department of Transportation offices specified in s.  
 1350 20.23(4) (b), the county health department directors and county  
 1351 health department administrators of the Department of Health,  
 1352 and the one additional position that may be designated by each  
 1353 agency and that reports directly to the agency head or to a  
 1354 position in the Senior Management Service and whose additional  
 1355 costs are absorbed from the existing budget of that agency ~~of~~  
 1356 ~~the Department of Transportation~~. Unless otherwise fixed by law,  
 1357 the department shall set the salary and benefits of these  
 1358 positions in accordance with the rules of the Senior Management  
 1359 Service; ~~and the county health department directors and county~~  
 1360 ~~health department administrators of the Department of Health.~~

1361 ~~(k) The personal secretary to the incumbent of each~~  
 1362 ~~position exempted in paragraphs (a), (e), and (j). Unless~~  
 1363 ~~otherwise fixed by law, the department shall set the salary and~~  
 1364 ~~benefits of these positions in accordance with the rules of the~~  
 1365 ~~Selected Exempt Service.~~

1366 (h)(1) Executive Office of the Governor.—All officers and  
 1367 employees in the office of the Governor, including all employees  
 1368 at the Governor's mansion, and employees within each separate  
 1369 budget entity, as defined in chapter 216, assigned to the  
 1370 Governor. Unless otherwise fixed by law, the salary and benefits  
 1371 of these positions shall be set by the department as follows:

1372 1. The chief of staff, ~~the~~ assistant or deputy chief of

1373 staff, general counsel, Director of Legislative Affairs, chief  
 1374 inspector general, Director of Cabinet Affairs, Director of  
 1375 Press Relations, Director of Planning and Budgeting, Director of  
 1376 Administration, director of state-federal relations, Director of  
 1377 Appointments, Director of External Affairs, Deputy General  
 1378 Counsel, Governor's liaison for community development, chief of  
 1379 staff for the Lieutenant Governor, deputy director of planning  
 1380 and budgeting, policy coordinators, and ~~the~~ director of each  
 1381 separate budget entity shall have their salaries and benefits  
 1382 set established by the department in accordance with the rules  
 1383 of the Senior Management Service.

1384 2. The salaries and benefits of positions not established  
 1385 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the  
 1386 employing agency. Salaries and benefits of employees whose  
 1387 professional training is comparable to that of licensed  
 1388 professionals under paragraph (n) ~~(r)~~, or whose administrative  
 1389 responsibility is comparable to a bureau chief shall be set by  
 1390 the rules of the Selected Exempt Service. The department shall  
 1391 make the comparability determinations. Other employees shall  
 1392 have benefits set comparable to legislative staff, except leave  
 1393 shall be comparable to civil ~~career~~ service ~~as if career service~~  
 1394 employees.

1395 (i) ~~(m)~~ Upper-management positions.—All assistant division  
 1396 director, deputy division director, and bureau chief positions  
 1397 in any agency ~~department~~, and those positions determined by the  
 1398 department to have managerial responsibilities comparable to  
 1399 such positions. Unless otherwise fixed by law, the salaries of  
 1400 benefits of these positions shall be set by the department in

1401 accordance with the rules of the Selected Exempt Service. These  
 1402 positions, ~~which~~ include, but are not limited to:

1403 1. Positions in the Department of Health and the  
 1404 Department of Children and Family Services which ~~that~~ are  
 1405 assigned primary duties of serving as the superintendent or  
 1406 assistant superintendent of an institution.

1407 2. Positions in the Department of Corrections which ~~that~~  
 1408 are assigned primary duties of serving as the warden, assistant  
 1409 warden, colonel, or major of an institution or which ~~that~~ are  
 1410 assigned primary duties of serving as the circuit administrator  
 1411 or deputy circuit administrator.

1412 3. Positions in the Department of Transportation which  
 1413 ~~that~~ are assigned primary duties of serving as regional toll  
 1414 managers and managers of offices, as defined in s. 20.23(4) (b)  
 1415 and (5) (c).

1416 4. Positions in the Department of Environmental Protection  
 1417 which ~~that~~ are assigned the duty of an environmental  
 1418 administrator or program administrator.

1419 5. Positions in the Department of Health which ~~that~~ are  
 1420 assigned the duties of environmental administrator, assistant  
 1421 county health department director, and county health department  
 1422 financial administrator.

1423 6. Positions in the Department of Children and Family  
 1424 Services which are assigned the duties of staff director,  
 1425 assistant staff director, district program manager, district  
 1426 program coordinator, district administrator, district  
 1427 administrative services director, district attorney, and deputy  
 1428 director of central operations services.

1429  
 1430 ~~Unless otherwise fixed by law, the department shall set the~~  
 1431 ~~salary and benefits of the positions listed in this paragraph in~~  
 1432 ~~accordance with the rules established for the Selected Exempt~~  
 1433 ~~Service.~~

1434 ~~(j)(n)~~ Other managerial or policymaking positions.-

1435 ~~1.a.~~ In addition to those positions exempted by other  
 1436 paragraphs of this subsection, each agency ~~department~~ head may  
 1437 designate a maximum of 20 policymaking or managerial positions,  
 1438 as defined by the department and approved by the Administration  
 1439 Commission, as being exempt from the Civil Career ~~Service~~  
 1440 ~~System.~~ Civil Career service employees who occupy a position  
 1441 designated as a position in the Selected Exempt Service under  
 1442 this paragraph ~~may shall have the right to~~ remain in the Civil  
 1443 ~~Career Service System~~ by opting to serve in a position not  
 1444 exempted by the employing agency. Unless otherwise fixed by law,  
 1445 the department shall set the salary and benefits of these  
 1446 positions in accordance with the rules of the Selected Exempt  
 1447 ~~Service; provided, however, that if the agency head determines~~  
 1448 ~~that the general counsel, chief Cabinet aide, public information~~  
 1449 ~~administrator or comparable position for a Cabinet officer,~~  
 1450 ~~inspector general, or legislative affairs director has both~~  
 1451 ~~policymaking and managerial responsibilities and if the~~  
 1452 ~~department determines that any such position has both~~  
 1453 ~~policymaking and managerial responsibilities, the salary and~~  
 1454 ~~benefits for each such position shall be established by the~~  
 1455 ~~department in accordance with the rules of the Senior Management~~  
 1456 ~~Service.~~

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1457 ~~b. In addition, each department may designate one~~  
1458 ~~additional position in the Senior Management Service if that~~  
1459 ~~position reports directly to the agency head or to a position in~~  
1460 ~~the Senior Management Service and if any additional costs are~~  
1461 ~~absorbed from the existing budget of that department.~~

1462 2. If otherwise exempt from the Civil Service, employees  
1463 of the Public Employees Relations Commission, the Commission on  
1464 Human Relations, and the Unemployment Appeals Commission, upon  
1465 the certification of their respective commission heads, may, if  
1466 otherwise qualified, be provided for ~~under this paragraph~~ as  
1467 members of the Senior Management Service, ~~if otherwise~~  
1468 ~~qualified~~. However, the deputy general counsel of the Public  
1469 Employees Relations Commission shall be compensated in  
1470 accordance with the rules ~~as members~~ of the Selected Exempt  
1471 Service.

1472 (k) Specialized managerial positions.-

1473 1. The department shall set the salary and benefits for  
1474 the following positions in accordance with the rules of the  
1475 Selected Exempt Service:

1476 a. Pursuant to s. 447.203(4), managerial employees who  
1477 perform jobs that are not of a routine, clerical, or ministerial  
1478 nature and require the exercise of independent judgment in the  
1479 performance of such jobs and to whom one or more of the  
1480 following applies: formulate or assist in formulating policies  
1481 applicable to bargaining unit employees; assist in the  
1482 preparation for the conduct of collective bargaining  
1483 negotiations; administer agreements resulting from collective  
1484 bargaining negotiations; have a significant role in personnel

1485 administration; have a significant role in employee relations;  
1486 or have a significant role in the preparation or administration  
1487 of the final budget for any public agency or institution or  
1488 subdivision, including having the authority to select and  
1489 approve among alternative expenditures when necessary.

1490 b. Pursuant to s. 447.203(5), employees who act in a  
1491 confidential capacity to assist or aid managerial employees who  
1492 are performing work and who have access to information that  
1493 would provide an employee labor organization with an advantage  
1494 at the bargaining table or in the administration of collective  
1495 bargaining agreements.

1496 c. All supervisory employees, including supervisors,  
1497 administrators, and directors, who customarily and regularly  
1498 plan and direct the work of two or more full-time employees or  
1499 the equivalent, and who communicate with, motivate, train, and  
1500 evaluate employees, and who have the authority to hire,  
1501 transfer, suspend, lay off, recall, promote, discharge, assign,  
1502 reward, or discipline subordinate employees or, effectively, to  
1503 recommend such action.

1504 2. The exemptions provided in this paragraph are not  
1505 applicable to the following:

1506 a. Managerial and supervisory employees who are designated  
1507 as special risk or special risk administrative support;

1508 b. Attorneys who serve as administrative law judges  
1509 pursuant to s. 120.65 or for hearings conducted pursuant to s.  
1510 120.57(1)(a); or

1511 c. Professional health care providers as defined in s.  
1512 110.1054, unless otherwise collectively bargained.

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1513            (l)-(o) Public Service Commission.—The executive director,  
 1514 deputy executive director, general counsel, inspector general,  
 1515 official reporters, and division directors within the Public  
 1516 Service Commission and the personal secretary and personal  
 1517 assistant to each member of the Public Service Commission.  
 1518 Unless otherwise fixed by law, the salary and benefits of the  
 1519 executive director, deputy executive directors, general counsel,  
 1520 inspector general, and directors of all divisions and those  
 1521 positions determined to have managerial responsibilities  
 1522 comparable to such positions ~~Director of Administration,~~  
 1523 ~~Director of Appeals, Director of Auditing and Financial~~  
 1524 ~~Analysis, Director of Communications, Director of Consumer~~  
 1525 ~~Affairs, Director of Electric and Gas, Director of Information~~  
 1526 ~~Processing, Director of Legal Services, Director of Records and~~  
 1527 ~~Reporting, Director of Research, and Director of Water and Sewer~~  
 1528 shall be set ~~by the department~~ in accordance with the rules of  
 1529 the Senior Management Service. The salary and benefits of the  
 1530 personal secretary and the personal assistant of each member of  
 1531 the commission and the official reporters shall be set ~~by the~~  
 1532 ~~department~~ in accordance with the rules of the Selected Exempt  
 1533 Service, ~~notwithstanding any salary limitations imposed by law~~  
 1534 ~~for the official reporters.~~

1535            (m)-(p) Department of Military Affairs.—

1536            1. All military personnel of the Department of Military  
 1537 Affairs. Unless otherwise fixed by law, the salary and benefits  
 1538 for ~~such~~ military personnel shall be set by the Department of  
 1539 Military Affairs in accordance with the appropriate military pay  
 1540 schedule.

1541           2. The salary and benefits of military police chiefs,  
 1542 military police officers, firefighter trainers, firefighter-  
 1543 rescuers, and electronic security system technicians shall be  
 1544 ~~have salary and benefits~~ the same as civil ~~career~~ service  
 1545 employees.

1546           ~~(g) The staff directors, assistant staff directors,~~  
 1547 ~~district program managers, district program coordinators,~~  
 1548 ~~district subdistrict administrators, district administrative~~  
 1549 ~~services directors, district attorneys, and the Deputy Director~~  
 1550 ~~of Central Operations Services of the Department of Children and~~  
 1551 ~~Family Services. Unless otherwise fixed by law, the Department~~  
 1552 ~~shall establish the pay band and benefits for these positions in~~  
 1553 ~~accordance with the rules of the Selected Exempt Service.~~

1554           (n) ~~(r)~~ Professional licensure.—All positions not otherwise  
 1555 exempt under this subsection which require as a prerequisite to  
 1556 employment: licensure as a physician pursuant to chapter 458;ir  
 1557 licensure as an osteopathic physician pursuant to chapter 459;ir  
 1558 licensure as a chiropractic physician pursuant to chapter 460,  
 1559 including those positions that ~~which~~ are occupied by employees  
 1560 who are exempted from licensure pursuant to s. 409.352;  
 1561 licensure as an engineer pursuant to chapter 471, which are  
 1562 supervisory positions; or for 12 calendar months, which require  
 1563 as a prerequisite to employment that the employee have received  
 1564 the degree of Bachelor of Laws or Juris Doctor from a law school  
 1565 accredited by the American Bar Association and thereafter  
 1566 membership in The Florida Bar, except for any attorney who  
 1567 serves as an administrative law judge pursuant to s. 120.65 or  
 1568 for hearings conducted pursuant to s. 120.57(1)(a). Unless



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1569 otherwise fixed by law, the department shall set the salary and  
 1570 benefits for these positions in accordance with the rules of  
 1571 ~~established for~~ the Selected Exempt Service.

1572 (o) ~~(s)~~ Statewide prosecutor.—The statewide prosecutor in  
 1573 charge of the Office of Statewide Prosecution of the Department  
 1574 of Legal Affairs and all employees in the office. The Department  
 1575 of Legal Affairs shall set the salary of these positions.

1576 (p) ~~(t)~~ Executive directors of regulatory boards and  
 1577 commissions.—The executive director of each board or commission  
 1578 established within the Department of Business and Professional  
 1579 Regulation or the Department of Health. Unless otherwise fixed  
 1580 by law, the Department of Management Services shall set  
 1581 ~~establish~~ the salary and benefits for these positions in  
 1582 accordance with the rules of ~~established for~~ the Selected Exempt  
 1583 Service.

1584 (q) ~~(u)~~ State Board of Administration.—All officers and  
 1585 employees of the State Board of Administration. The State Board  
 1586 of Administration shall set the salary ~~salaries~~ and benefits of  
 1587 these positions.

1588 ~~(v) Positions that are leased pursuant to a state employee~~  
 1589 ~~lease agreement expressly authorized by the Legislature pursuant~~  
 1590 ~~to s. 110.191.~~

1591 ~~(w) Managerial employees, as defined in s. 447.203(4),~~  
 1592 ~~confidential employees, as defined in s. 447.203(5), and~~  
 1593 ~~supervisory employees who spend the majority of their time~~  
 1594 ~~communicating with, motivating, training, and evaluating~~  
 1595 ~~employees, and planning and directing employees' work, and who~~  
 1596 ~~have the authority to hire, transfer, suspend, lay off, recall,~~

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1597 ~~promote, discharge, assign, reward, or discipline subordinate~~  
 1598 ~~employees or effectively recommend such action, including all~~  
 1599 ~~employees serving as supervisors, administrators, and directors.~~  
 1600 ~~Excluded are employees also designated as special risk or~~  
 1601 ~~special risk administrative support and attorneys who serve as~~  
 1602 ~~administrative law judges pursuant to s. 120.65 or for hearings~~  
 1603 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~  
 1604 ~~nurses licensed under chapter 464, dentists licensed under~~  
 1605 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~  
 1606 ~~491, nutritionists or dietitians licensed under part X of~~  
 1607 ~~chapter 468, pharmacists licensed under chapter 465,~~  
 1608 ~~psychological specialists licensed under chapter 491, physical~~  
 1609 ~~therapists licensed under chapter 486, and speech therapists~~  
 1610 ~~licensed under part I of chapter 468 are excluded, unless~~  
 1611 ~~otherwise collectively bargained.~~

1612 (r) ~~(\*)~~ Justice Administration Commission and similar  
 1613 entities.—All officers and employees of the Justice  
 1614 Administrative Commission, Office of the State Attorney, Office  
 1615 of the Public Defender, regional offices of capital collateral  
 1616 counsel, offices of criminal conflict and civil regional  
 1617 counsel, and Statewide Guardian Ad Litem Office, including the  
 1618 circuit guardian ad litem programs and the Florida Clerks of  
 1619 Court Operations Corporation.

1620 (s) Florida School for the Deaf and the Blind.—In  
 1621 accordance with s. 1002.36, the salaries for academic personnel  
 1622 and academic administrative personnel of the Florida School for  
 1623 the Deaf and the Blind shall be set by the board of trustees for  
 1624 the school, subject only to the approval of the State Board of

1625 Education.  
 1626 (t) Miscellaneous positions.—  
 1627 1. The Chief Information Officer in the Agency for  
 1628 Enterprise Information Technology. Unless otherwise fixed by  
 1629 law, the agency shall set the salary and benefits of this  
 1630 position in accordance with the rules of the Senior Management  
 1631 Service.  
 1632 2. The chief inspector of the boiler inspection program of  
 1633 the Department of Financial Services. The pay band of this  
 1634 position shall be set by the Department of Management Services  
 1635 in accordance with the classification and pay plan established  
 1636 for the Selected Exempt Service.  
 1637 3. The personal assistant to the incumbent of each  
 1638 position exempted in subparagraph 1., paragraph (a), or  
 1639 paragraph (g). Unless otherwise fixed by law, the department  
 1640 shall set the salary and benefits of these positions in  
 1641 accordance with the rules of the Selected Exempt Service.  
 1642 4. Positions that are leased pursuant to a state employee  
 1643 lease agreement expressly authorized by the Legislature pursuant  
 1644 to s. 112.922.  
 1645 5. Judges, referees, and receivers of the executive  
 1646 branch.  
 1647 6. Positions held by patients or inmates in state  
 1648 institutions.  
 1649 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~  
 1650 ~~Employees of the Department of Law Enforcement shall be subject~~  
 1651 ~~to the provisions of s. 110.227, except in matters relating to~~  
 1652 ~~transfer.~~

1653           ~~(4) DEFINITION OF DEPARTMENT. When used in this section,~~  
 1654 ~~the term "department" shall mean all departments and commissions~~  
 1655 ~~of the executive branch, whether created by the State~~  
 1656 ~~Constitution or chapter 20; the office of the Governor; and the~~  
 1657 ~~Public Service Commission; however, the term "department" shall~~  
 1658 ~~mean the Department of Management Services when used in the~~  
 1659 ~~context of the authority to establish pay bands and benefits.~~

1660           (3)~~(5)~~ POSITIONS EXEMPTED BY OTHER STATUTES.—If any  
 1661 position is exempted from the Civil ~~career~~ Service by any other  
 1662 statute and the personnel system to which that position is  
 1663 assigned is not specifically included in the statute, the  
 1664 position shall be placed in the Selected Exempt Service, and the  
 1665 department shall set ~~establish~~ the pay band and benefits for  
 1666 that position in accordance with the rules of the Selected  
 1667 Exempt Service.

1668           ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~  
 1669 ~~DEPARTMENT OF FINANCIAL SERVICES. In addition to those positions~~  
 1670 ~~exempted from this part, there is hereby exempted from the~~  
 1671 ~~Career Service System the chief inspector of the boiler~~  
 1672 ~~inspection program of the Department of Financial Services. The~~  
 1673 ~~pay band of this position shall be established by the Department~~  
 1674 ~~of Management Services in accordance with the classification and~~  
 1675 ~~pay plan established for the Selected Exempt Service.~~

1676           ~~(7) CARRYING LEAVE FORWARD. If an employee is transferred~~  
 1677 ~~or otherwise moves from the Career Service System into the~~  
 1678 ~~Selected Exempt Service, all of the employee's unused annual~~  
 1679 ~~leave, unused sick leave, and unused compensatory leave shall~~  
 1680 ~~carry forward with the employee.~~

1681 Section 25. Section 110.208, Florida Statutes, is created  
1682 to read:

1683 110.208 Classification system.—The department shall  
1684 establish and maintain a uniform classification system  
1685 applicable to all positions in the Civil Service and shall be  
1686 responsible for the overall coordination, review, and  
1687 maintenance of the system. A position may not be filled until it  
1688 has been classified in accordance with the system.

1689 (1) The system must include:

1690 (a) A position classification system using job families,  
1691 occupational groups, and a broadband level structure for each  
1692 occupation within an occupational group.

1693 (b) A pay plan that provides broad-based pay bands for  
1694 each occupational group.

1695 (2) In establishing and administering the system, the  
1696 department:

1697 (a) Shall develop occupation profiles necessary for the  
1698 establishment of new occupations or for the revision of existing  
1699 occupations and shall establish the appropriate occupation title  
1700 and broadband level code for each occupation. The occupation  
1701 profiles, titles, and codes are not rules as defined in s.  
1702 120.52.

1703 (b) Shall be responsible for conducting periodic studies  
1704 and surveys to ensure that the classification system is  
1705 maintained on a current basis.

1706 (c) May review in a postaudit capacity the action taken by  
1707 an agency in classifying or reclassifying a position.

1708 (d) Shall effect a classification change on any

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1709 classification or reclassification action taken by an agency if  
1710 the action taken by the agency was not based on the duties and  
1711 responsibilities officially assigned the position as they relate  
1712 to the concepts and description contained in the official  
1713 occupation profile and the level definition provided in the  
1714 occupational group characteristics adopted by the department.

1715 (3) Each state agency is responsible for the day-to-day  
1716 application of the classification system established by the  
1717 department. The agency:

1718 (a) Shall maintain an up-to-date position description for  
1719 each authorized and established position assigned to the agency.  
1720 The position description must include an accurate description of  
1721 assigned duties and responsibilities and other pertinent  
1722 information relating to a position and serves as a record of the  
1723 official assignment of duties to the position. The description  
1724 shall be used to compare positions in order to ensure the  
1725 uniformity of classifications.

1726 (b) May classify positions authorized by the Legislature  
1727 or pursuant to s. 216.262, classify positions that are added in  
1728 lieu of positions deleted pursuant to s. 216.262, and reclassify  
1729 established positions. Classification and reclassification  
1730 actions taken by an agency must be within the classification  
1731 system occupations established by the department, shall be  
1732 funded within the limits of currently authorized appropriations,  
1733 and must be in accordance with the uniform procedures  
1734 established by the department.

1735 Section 26. Section 110.2085, Florida Statutes, is created  
1736 to read:

1737 110.2085 Pay plan.—

1738 (1) The department shall establish and maintain an  
 1739 equitable pay plan that applies to all positions in the Civil  
 1740 Service and shall be responsible for the overall review,  
 1741 coordination, and administration of the pay plan.

1742 (2) The department shall provide market-based pay bands  
 1743 for occupational groups and establish guidelines for state  
 1744 agencies to use when moving employees through such pay bands.

1745 (a) The agencies may determine the appropriate salary  
 1746 within the pay bands using the guidelines developed by the  
 1747 department. Such pay bands, and the assignment of broadband  
 1748 levels to positions, are not rules as defined in s. 120.52.

1749 (b) The department, in consultation with the Executive  
 1750 Office of the Governor and the legislative appropriations  
 1751 committees, shall conduct compensation surveys as necessary for  
 1752 the purpose of achieving an equitable, competitive, market-based  
 1753 pay policy.

1754 (3) The department shall establish rules for the  
 1755 administration of pay additives and shall delegate to the state  
 1756 agencies, where appropriate, the authority to implement pay  
 1757 additives. The agency must use pay additives, as appropriate,  
 1758 within the guidelines established by the department and  
 1759 consistent with directions contained in the General  
 1760 Appropriations Act.

1761 (a) The following pay additives are authorized:

1762 1. Shift differentials.

1763 2. On call.

1764 3. Hazardous duty.

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1765        4. Lead-worker duty.  
 1766        5. Temporary special duties, general.  
 1767        6. Temporary special duties, absent coworker.  
 1768        7. Trainer duties.  
 1769        8. Competitive area differentials.  
 1770        9. Critical market pay.  
 1771        (b) Each state agency shall include in its annual  
 1772 legislative budget request a proposed written plan for  
 1773 implementing general temporary special duty pay additives during  
 1774 the next fiscal year. Proposed revisions to an approved plan  
 1775 which become necessary during the fiscal year must be submitted  
 1776 by the agency to the department for review and recommendation to  
 1777 the Executive Office of the Governor. Such revisions may be  
 1778 implemented only after approval by the Executive Office of the  
 1779 Governor. A proposed revision is deemed to be action subject to  
 1780 s. 216.177.  
 1781        (c) A new competitive area differential or a new critical  
 1782 market pay additive may not be implemented unless the department  
 1783 has reviewed and recommended such action and the Legislature has  
 1784 provided express authority to implement such action. This  
 1785 applies to an increase in the level of competitive area  
 1786 differentials and critical market pay additives and to the  
 1787 initial establishment and implementation of a competitive area  
 1788 differential or critical market pay additive not in effect as of  
 1789 January 1, 2012.  
 1790        (d) An agency may implement the pay additives set forth in  
 1791 subparagraphs (a)1., 2., 3., 4., 6., and 7. as necessary to  
 1792 accomplish the mission of the agency and in accordance with



1793 department rules, instructions contained in the General  
 1794 Appropriations Act, and applicable collective bargaining  
 1795 agreements.

1796 (e) The department shall annually provide to the Executive  
 1797 Office of the Governor and the Legislature a summary report of  
 1798 the pay additives implemented pursuant to this section.

1799 (4) A state agency may implement salary increase and  
 1800 decrease corrections due to administrative errors.

1801 Section 27. Section 110.211, Florida Statutes, is amended  
 1802 to read:

1803 110.211 Recruitment.—

1804 (1) Recruiting shall be planned and carried out to ensure  
 1805 ~~in a manner that assures~~ open competition based upon current and  
 1806 projected ~~employing~~ agency needs, taking into consideration the  
 1807 number and types of positions to be filled and the labor market  
 1808 conditions, with special emphasis placed on recruiting efforts  
 1809 that ~~to~~ attract minorities, women, or other groups ~~that are~~  
 1810 underrepresented in the workforce of a state ~~the employing~~  
 1811 agency.

1812 (2) Recruiting efforts to fill current or projected  
 1813 vacancies shall be carried out in the sound discretion of the  
 1814 agency head.

1815 (3) Recruiting ~~shall seek efficiency in advertising and~~  
 1816 may be assisted by a contracted vendor ~~responsible for~~  
 1817 ~~maintenance of the personnel data.~~

1818 ~~(4) All recruitment literature involving state position~~  
 1819 ~~vacancies shall contain the phrase "An Equal Opportunity~~  
 1820 ~~Employer/Affirmative Action Employer."~~

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1821 Section 28. Section 110.213, Florida Statutes, is amended  
 1822 to read:

1823 110.213 Selection.—

1824 (1) Selection for appointment from among the ~~most~~  
 1825 qualified candidates is ~~shall be~~ the sole responsibility of the  
 1826 state ~~employing~~ agency. ~~All new employees must successfully~~  
 1827 ~~complete at least a 1-year probationary period before attainment~~  
 1828 ~~of permanent status.~~

1829 (2) ~~Selection shall reflect efficiency and simplicity in~~  
 1830 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee  
 1831 shall ~~be required to~~ document the qualifications of the selected  
 1832 candidate to ensure that the candidate meets the position  
 1833 ~~minimum~~ requirements ~~as~~ specified by the ~~employing~~ agency;  
 1834 meets the licensure, certification, or registration  
 1835 requirements, if any, ~~as~~ specified by statute;  
 1836 the requisite knowledge, skills, and abilities for the position.  
 1837 No other documentation or justification is ~~shall be~~ required  
 1838 before ~~prior to~~ selecting a candidate for a position.

1839 Section 29. Section 110.2135, Florida Statutes, is amended  
 1840 to read:

1841 110.2135 Veterans' preference ~~in employment, reemployment,~~  
 1842 ~~promotion, and retention.~~—

1843 (1) Preference in employment, reemployment, promotion, and  
 1844 retention shall be given to an eligible veteran pursuant to ss.  
 1845 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran  
 1846 meets the minimum eligibility requirements and has the  
 1847 knowledge, skills, and abilities required for the particular  
 1848 position.

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1849 (2) A disabled veteran employed as the result of being  
 1850 placed at the top of the appropriate employment list under ~~the~~  
 1851 ~~provisions of s. 295.08 or s. 295.085~~ shall be appointed for a  
 1852 probationary period of 1 year. At the end of such period, if the  
 1853 work of the veteran has been satisfactorily performed, the  
 1854 veteran will acquire merit permanent employment status in his or  
 1855 her position and ~~will~~ be subject to the employment rules of the  
 1856 department ~~of Management Services~~ and the agency employing the  
 1857 veteran ~~veteran's employing agency~~.

1858 Section 30. Section 110.215, Florida Statutes, is amended  
 1859 to read:

1860 110.215 Examinations and other employment qualification  
 1861 assessments administered to persons having disabilities.—

1862 (1) The purpose of this section is to further the policy  
 1863 of the State Personnel System to encourage and assist persons  
 1864 having disabilities to achieve maximum personal and vocational  
 1865 independence through useful and productive gainful employment by  
 1866 eliminating unwarranted barriers to their qualifying  
 1867 competitively for civil ~~state career~~ service jobs.

1868 (2) As used in this section, the term:

1869 ~~(a) "Agency" includes each department and agency of the~~  
 1870 ~~state.~~

1871 ~~(a)-(b)~~ (b) "Disability" means, with respect to an individual,  
 1872 a physical or mental impairment that substantially limits one or  
 1873 more of the major life activities of the individual, or a record  
 1874 of having such an impairment, or being regarded as having such  
 1875 an impairment.

1876 ~~(b)-(e)~~ (b) "Examination" includes employment tests and other

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1877 structured, systematic instruments used to assess the essential  
 1878 knowledge, skills, abilities, minimum qualifications, and other  
 1879 job-related requirements possessed by an applicant as a basis  
 1880 for any employment decision by an agency.

1881 (3) An applicant for employment within the Civil State  
 1882 ~~Career Service System~~ who has a disability that impairs sensory,  
 1883 speaking, or manual skills may require an agency to administer  
 1884 an any examination to him or her in a format and manner that  
 1885 does not require use of an impaired skill, unless the test is  
 1886 designed to measure that skill. An applicant may request a  
 1887 reasonable accommodation in a test format on the basis of a  
 1888 disability.

1889 Section 31. Section 110.217, Florida Statutes, is amended  
 1890 to read:

1891 110.217 Appointment actions and status ~~Appointments and~~  
 1892 ~~promotion.~~

1893 (1)(a) ~~The department, in consultation with agencies that~~  
 1894 ~~must comply with these rules,~~ shall develop uniform rules  
 1895 regarding original appointment, promotion, demotion,  
 1896 reassignment, lateral action, separation, and status which must  
 1897 be used by state ~~employing~~ agencies. ~~Such rules must be approved~~  
 1898 ~~by the Administration Commission before their adoption by the~~  
 1899 ~~department.~~

1900 ~~(b) Employing agencies may seek exceptions to these~~  
 1901 ~~uniform rules by filing a petition with the Administration~~  
 1902 ~~Commission. The Administration Commission shall approve an~~  
 1903 ~~exception when the exception is necessary to conform to any~~  
 1904 ~~requirement imposed as a condition precedent to receipt of~~

1905 ~~federal funds or to permit persons in this state to receive tax~~  
 1906 ~~benefits under federal law, or as required for the most~~  
 1907 ~~efficient operation of the agency as determined by the~~  
 1908 ~~Administration Commission. The reasons for the exception must be~~  
 1909 ~~published in the Florida Administrative Weekly.~~

1910 ~~(c) Agency rules that provide exceptions to the uniform~~  
 1911 ~~rules may not be filed with the Department of State unless the~~  
 1912 ~~Administration Commission has approved the exceptions. Each~~  
 1913 ~~agency that adopts rules that provide exceptions to the uniform~~  
 1914 ~~rules or that must comply with statutory requirements that~~  
 1915 ~~conflict with the uniform rules must have a separate chapter~~  
 1916 ~~published in the Florida Administrative Code that delineates~~  
 1917 ~~clearly the provisions of the agency's rules which provide~~  
 1918 ~~exceptions or are based upon a conflicting statutory~~  
 1919 ~~requirement. Each alternative chosen from those authorized by~~  
 1920 ~~the uniform rules must be specified. Each chapter must be~~  
 1921 ~~organized in the same manner as the uniform rules.~~

1922 (2) An employee appointed on probationary status shall  
 1923 attain merit status in his or her current position upon  
 1924 successful completion of at least a 1-year probationary period.  
 1925 The length of the probationary period may not exceed 18 months.  
 1926 An employee who has not attained merit status in his or her  
 1927 current position serves at the pleasure of the agency head and  
 1928 may be dismissed at the discretion of the agency head.

1929 (3) If an employee who has received an internal agency  
 1930 promotion from a position in which the employee held merit  
 1931 status is to be dismissed from the promotional position for  
 1932 failure to meet the established performance standards of the

1933 promotional position while in probationary status, the agency,  
 1934 before dismissal, shall return the employee to his or her former  
 1935 position, or to a position with substantially similar duties and  
 1936 responsibilities as the former position, if such a position is  
 1937 vacant. Such determinations by an agency are not appealable and  
 1938 this subsection does not apply to dismissals for any other  
 1939 reason.

1940 ~~(2) Each employing agency shall have the responsibility~~  
 1941 ~~for the establishment and maintenance of rules and guidelines~~  
 1942 ~~for determining eligibility of applicants for appointment to~~  
 1943 ~~positions in the career service.~~

1944 ~~(3) Eligibility shall be based on possession of required~~  
 1945 ~~minimum qualifications for the job class and any required entry-~~  
 1946 ~~level knowledge, skills, and abilities, and any certification~~  
 1947 ~~and licensure required for a particular position.~~

1948 ~~(4) The employing agency shall be responsible for~~  
 1949 ~~developing an employee career advancement program which shall~~  
 1950 ~~assure consideration of qualified permanent employees in the~~  
 1951 ~~agency or career service who apply. However, such program shall~~  
 1952 ~~also include provisions to bring persons into the career service~~  
 1953 ~~through open competition. Promotion appointments shall be~~  
 1954 ~~subject to postaudit by the department.~~

1955 ~~(5) The department shall adopt any rules necessary to~~  
 1956 ~~implement the provisions of this section. The rules must be~~  
 1957 ~~approved by a majority vote of the Administration Commission~~  
 1958 ~~prior to their adoption by the department.~~

1959 Section 32. Section 110.219, Florida Statutes, is amended  
 1960 to read:

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1961           110.219 Attendance and leave; general policies.—  
 1962           (1) The workday for each full-time ~~state~~ employee shall be  
 1963 8 hours or as otherwise authorized ~~justified~~ by the agency head.  
 1964           (2) Overtime may be required for any employee.  
 1965           (3) The granting of any leave of absence, with or without  
 1966 pay, shall be in accordance with applicable state or federal  
 1967 laws and the rules of the State Personnel System ~~writing and~~  
 1968 ~~shall be approved by the agency head. Those employees who, at~~  
 1969 ~~the discretion of the agency, are~~ An employee who is granted a  
 1970 leave of absence remain employees of the agency ~~with or without~~  
 1971 ~~pay shall be an employee of the state while on such leave and~~  
 1972 ~~shall be returned to the same~~ or comparable ~~position or a~~  
 1973 ~~different position in the same class and same work location upon~~  
 1974 ~~termination of the approved leave of absence~~ in accordance with  
 1975 the rules of the State Personnel System. ~~The agency head and the~~  
 1976 ~~employee may agree in writing to other conditions and terms~~  
 1977 ~~under which the leave is to be granted.~~  
 1978           ~~(4) Each agency shall keep an accurate record of all hours~~  
 1979 ~~of work performed by each employee, as well as a complete and~~  
 1980 ~~accurate record of all authorized leave which is approved. The~~  
 1981 ~~ultimate responsibility for the accuracy and proper maintenance~~  
 1982 ~~of all attendance and leave records shall be with the agency~~  
 1983 ~~head.~~  
 1984           ~~(4) (5) Rules shall be adopted by~~ The department shall  
 1985 adopt rules necessary to administer ~~in cooperation and~~  
 1986 ~~consultation with the agencies to implement the provisions of~~  
 1987 ~~this section; however, such rules must be approved by the~~  
 1988 ~~Administration Commission prior to their adoption. Such rules~~

1989 must provide for, but need not be limited to:

1990 (a) The maximum responsibility and authority resting with

1991 each agency head to administer attendance and leave matters in

1992 the agency within the parameters of the rules ~~adopted by the~~

1993 ~~department.~~

1994 (b) ~~Creditable service in which 1 month of Service credit~~

1995 ~~as it relates to the accrual and payment of leave is awarded for~~

1996 ~~each calendar month that the employee is on the payroll of a~~

1997 ~~state agency or during which the employee is on authorized leave~~

1998 ~~without pay.~~

1999 (c) Holidays as provided in s. 112.929 ~~110.117.~~

2000 (d) Overtime provisions.

2001 (e) Annual leave provisions.

2002 (f) Sick leave provisions.

2003 (g) Parental leave provisions.

2004 (h) Family medical leave provisions.

2005 (i) Disability leave provisions.

2006 (j) Compulsory disability leave provisions.

2007 (k) Administrative leave provisions.

2008 (l) Military leave provisions.

2009 (m) Educational leave with pay provisions.

2010 (n) Leave of absence without pay provisions.

2011 ~~(6) The leave benefits provided to Senior Management~~

2012 ~~Service employees shall not exceed those provided to employees~~

2013 ~~in the Selected Exempt Service.~~

2014 (5) ~~(7)~~ Subject to available funds, each December, a civil

2015 permanent career service employee who has merit status or who

2016 currently has probationary status due to a promotion that was



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2017 preceded by the attainment of merit status is entitled ~~shall be~~  
 2018 ~~entitled, subject to available funds,~~ to a payout of up to 24  
 2019 hours of unused annual leave if the ~~as follows:~~

2020 ~~(a) A permanent career service employee~~ has ~~must~~ have an  
 2021 annual leave balance of at least ~~no less than~~ 24 hours, after  
 2022 the payout, ~~in order to qualify for this benefit.~~

2023 ~~(6)(b) A civil~~ No permanent career service employee may  
 2024 not ~~shall~~ receive a payout of greater than 240 hours over the  
 2025 course of the employee's career within ~~with~~ the Civil Service  
 2026 state, including any leave received at the time of separation.

2027 Section 33. Section 110.221, Florida Statutes, is amended  
 2028 to read:

2029 110.221 Parental or family medical leave.-

2030 (1) As used in this section, the term:

2031 (a) "Family" means a child, parent, or spouse., ~~and the~~  
 2032 ~~term~~

2033 (b) "Family medical leave" means leave requested by an  
 2034 employee for a serious family illness including an accident,  
 2035 disease, or condition that poses imminent danger of death,  
 2036 requires hospitalization involving an organ transplant, limb  
 2037 amputation, or other procedure of similar severity, or any  
 2038 mental or physical condition that requires constant in-home  
 2039 care. ~~The term~~

2040 (c) "Parental leave" means leave for the father or mother  
 2041 of a child who is born to or adopted by that parent.

2042 (2) The state may ~~shall~~ not:

2043 (a) Terminate the employment of a civil service ~~any~~  
 2044 employee ~~in the career service~~ because of the pregnancy of the

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2045 employee or the employee's spouse or the adoption of a child by  
 2046 that employee.

2047 (b) Refuse to grant to a civil ~~career~~ service employee  
 2048 parental or family medical leave without pay for a period not to  
 2049 exceed 6 months. Such leave commences ~~shall commence~~ on a date  
 2050 that is determined by the employee in consultation with the  
 2051 attending physician following notification to the employer in  
 2052 writing, and that is approved by the employer.

2053 (c) Deny a civil ~~career~~ service employee the use of and  
 2054 payment for annual leave credits for parental or family medical  
 2055 leave. Such leave commences ~~shall commence~~ on a date determined  
 2056 by the employee in consultation with the attending physician  
 2057 following notification to the employer in writing.

2058 (d) Deny a civil ~~career~~ service employee the use of and  
 2059 payment for accrued sick leave or family sick leave for any  
 2060 reason deemed necessary by a physician or as established by  
 2061 policy.

2062 (e) Require that a civil ~~career~~ service employee take a  
 2063 mandatory parental or family medical leave.

2064 (3) Upon returning at the end of parental or family  
 2065 medical leave of absence, such employee shall be reinstated to  
 2066 the same job or ~~to~~ an equivalent position that has with  
 2067 equivalent pay and ~~with~~ seniority, retirement, fringe benefits,  
 2068 and other service credits accumulated before ~~prior to~~ the leave  
 2069 period. If any portion of the parental or family medical leave  
 2070 is paid leave, the employee is ~~shall be~~ entitled to accumulate  
 2071 all benefits granted under paid leave status.

2072 Section 34. Section 110.224, Florida Statutes, is amended

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2073 to read:  
 2074 110.224 ~~Public~~ Public Employee performance evaluation system.—An  
 2075 ~~A public~~ employee performance evaluation system shall be  
 2076 established as a basis for evaluating and improving the  
 2077 performance of the state's workforce, to inform employees of  
 2078 strong and weak points in the employee's performance, to  
 2079 identify training needs, and to award ~~lump-sum~~ bonuses and other  
 2080 performance-based incentives in accordance with s. 110.1245 or  
 2081 other provisions of law 110.1245(2).

2082 (1) Upon original appointment, promotion, demotion, or  
 2083 reassignment, a job description of the assigned position  
 2084 ~~assigned~~ must be made available to the civil ~~career~~ service  
 2085 employee. The job description may be made available in an  
 2086 electronic format.

2087 (2) Each employee shall ~~must~~ have a performance evaluation  
 2088 conducted at least annually which involves both, ~~and the~~  
 2089 ~~employee must receive~~ an oral and written assessment of his or  
 2090 her performance ~~evaluation~~. The performance evaluation may  
 2091 include a plan of action for improvement of the employee's  
 2092 performance based on the work expectations or performance  
 2093 standards applicable to the position as determined by the agency  
 2094 head.

2095 ~~(3) The department may adopt rules to administer the~~  
 2096 ~~public employee performance evaluation system which establish~~  
 2097 ~~procedures for performance evaluation, review periods, and~~  
 2098 ~~forms.~~

2099 Section 35. Section 110.227, Florida Statutes, is amended  
 2100 to read:

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2101 110.227 Suspensions, dismissals, reductions in pay,  
 2102 demotions, layoffs, transfers, and grievances.—

2103 (1) An ~~Any~~ employee who has satisfactorily completed at  
 2104 least a 1-year probationary period in his or her current  
 2105 position may be suspended or dismissed only for cause. Cause  
 2106 includes ~~shall include~~, but is not limited to, poor performance,  
 2107 negligence, inefficiency or inability to perform assigned  
 2108 duties, insubordination, violation of ~~the provisions of~~ law or  
 2109 agency rules, conduct unbecoming a public employee, misconduct,  
 2110 habitual drug abuse, or conviction of any crime. The agency head  
 2111 shall ensure that all employees of the agency have reasonable  
 2112 access to the agency's personnel policies and procedures ~~manual~~.

2113 (2) ~~(a)~~ The department shall establish rules and procedures  
 2114 for the suspension, reduction in pay, transfer, layoff,  
 2115 demotion, and dismissal of employees in the Civil ~~career~~  
 2116 Service.

2117 (a) Except with regard to law enforcement or correctional  
 2118 officers, firefighters, or professional health care providers,  
 2119 rules regarding layoff procedures may ~~shall~~ not include any  
 2120 provision ~~system~~ whereby a civil ~~career~~ service employee with  
 2121 greater seniority has the option of selecting a different  
 2122 position not being eliminated, but either vacant or already  
 2123 occupied by an employee who has ~~of~~ less seniority, and taking  
 2124 that position, commonly referred to as "bumping."

2125 (b) For the implementation of layoffs as defined in s.  
 2126 110.1054 ~~110.107~~, the department shall develop rules requiring  
 2127 retention of the agency's employees based upon objective  
 2128 measures that give consideration to comparative merit,

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2129 demonstrated skills, the employee's experience, and the  
 2130 employee's length of service in the Civil Service. ~~Such rules~~  
 2131 ~~shall be approved by the Administration Commission before their~~  
 2132 ~~adoption by the department.~~

2133 (3) ~~(a)~~ With regard to law enforcement or correctional  
 2134 officers, firefighters, or professional health care providers: 7  
 2135 ~~when~~

2136 (a) If a layoff becomes necessary, such layoff shall be  
 2137 conducted within the competitive area identified by the agency  
 2138 head and approved by the department ~~of Management Services~~. Such  
 2139 competitive area shall be established taking into consideration  
 2140 the similarity of work; the organizational unit, which may be by  
 2141 agency, department, division, bureau, or other organizational  
 2142 unit; and the commuting area for the affected work ~~affected~~.

2143 ~~(b) With regard to law enforcement or correctional~~  
 2144 ~~officers, firefighters, or professional health care providers,~~  
 2145 Layoff procedures shall be developed to establish the relative  
 2146 merit and fitness of employees and must ~~shall~~ include a formula  
 2147 for uniform application among all employees in the competitive  
 2148 area, taking into consideration the type of appointment, the  
 2149 length of service, and the evaluations of the employee's  
 2150 performance within the last 5 years of employment.

2151 (4) A grievance process shall be available to civil career  
 2152 service employees who have satisfactorily completed at least a  
 2153 1-year probationary period in their current positions. A  
 2154 grievance ~~is defined as the dissatisfaction that~~ occurs when an  
 2155 employee believes that any condition affecting the employee is  
 2156 unjust, inequitable, or a hindrance to the effective performance

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2157 of his or her job duties ~~operation~~. Claims of discrimination and  
 2158 sexual harassment or claims related to suspensions, reductions  
 2159 in pay, demotions, and dismissals are not subject to the civil  
 2160 ~~career~~ service grievance process. The following procedures ~~shall~~  
 2161 apply to any grievance filed pursuant to this subsection, except  
 2162 that all timeframes may be extended in writing by mutual  
 2163 agreement:

2164 (a) *Step One.*—The employee must ~~may~~ submit a signed,  
 2165 written grievance on a form provided by the agency to his or her  
 2166 supervisor within 14 calendar days following the occurrence of  
 2167 the event giving rise to the grievance. The supervisor must meet  
 2168 with the employee to discuss the grievance and provide a written  
 2169 response to the employee within 7 business days following  
 2170 receipt of the grievance.

2171 (b) *Step Two.*—If the employee is dissatisfied with the  
 2172 response of his or her supervisor, the employee must ~~may~~ submit  
 2173 the written grievance to the agency head or ~~his or her~~ designee  
 2174 within 7 business days following receipt of the supervisor's  
 2175 written response. The agency head's ~~head or his or her~~ designee  
 2176 may ~~must~~ meet with the employee to discuss the grievance within  
 2177 5 business days following receipt of the grievance. The agency  
 2178 head or his or her designee must respond in writing to the  
 2179 employee within 5 business days following receipt of the  
 2180 grievance or the meeting. The written decision of the agency  
 2181 head or designee is ~~shall be the~~ final and binding authority for  
 2182 all grievances filed pursuant to this subsection. Such  
 2183 grievances may not be appealed beyond Step Two.

2184 (5)(a) A civil ~~career~~ service employee who has

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2185 satisfactorily completed at least a 1-year probationary period  
 2186 and attained merit status in his or her current position and who  
 2187 is subject to a suspension, reduction in pay, demotion,  
 2188 involuntary transfer of more than 50 miles by highway, or  
 2189 dismissal shall receive written notice of such action at least  
 2190 10 calendar days before ~~prior to~~ the date such action is ~~to be~~  
 2191 taken.

2192 (a) Subsequent to such notice, and before ~~prior to~~ the  
 2193 date the action is ~~to be~~ taken, the affected employee shall be  
 2194 given an opportunity to appear before a designated agency  
 2195 official to rebut ~~the agency or official taking the action to~~  
 2196 ~~answer orally and in writing~~ the charges against him or her  
 2197 orally or in writing. The notice ~~to the employee required by~~  
 2198 ~~this paragraph~~ may be delivered to the employee personally or  
 2199 may be sent by certified mail with return receipt requested.  
 2200 Such actions are ~~shall be~~ appealable to the Public Employees  
 2201 Relations Commission as provided in subsection (6). Written  
 2202 notice of ~~any~~ such appeal shall be filed by the employee with  
 2203 the commission within 21 calendar days after the date on which  
 2204 the notice of suspension, reduction in pay, demotion,  
 2205 involuntary transfer of more than 50 miles by highway, or  
 2206 dismissal is received by the employee.

2207 (b) In extraordinary situations such as when the retention  
 2208 of a civil ~~career~~ service employee who has satisfactorily  
 2209 completed at least a 1-year probationary period in his or her  
 2210 current position may ~~would~~ result in damage to state property,  
 2211 may ~~would~~ be detrimental to the best interest of the state, or  
 2212 may ~~would~~ result in harm ~~injury~~ to the employee, a fellow

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2213 employee, or some other person, such employee may be suspended  
 2214 or dismissed without 10 calendar days' prior notice ~~if, provided~~  
 2215 ~~that~~ written or oral notice of such action, including evidence  
 2216 ~~of~~ the reasons therefor, and an opportunity to rebut the charges  
 2217 are furnished to the employee before ~~prior to~~ such dismissal or  
 2218 suspension. Such notice may be delivered to the employee  
 2219 personally or may be sent by certified mail with return receipt  
 2220 requested. ~~Agency compliance with the foregoing procedure~~  
 2221 ~~requiring notice, evidence, and an opportunity for rebuttal must~~  
 2222 ~~be substantiated.~~ Any employee who is suspended or dismissed  
 2223 pursuant to ~~the provisions of~~ this paragraph may appeal to the  
 2224 Public Employees Relations Commission as provided in subsection  
 2225 (6). Written notice of ~~any~~ such appeal shall be filed with the  
 2226 commission by the employee within 21 calendar days after the  
 2227 date on which the notice of suspension, ~~reduction in pay,~~  
 2228 ~~demotion,~~ or dismissal is received by the employee.

2229 (c) Merit status that was attained in a previous position  
 2230 does not give rise to appeal rights under this section.

2231 (6) The following procedures ~~shall~~ apply to appeals filed  
 2232 pursuant to subsection (5) with the Public Employees Relations  
 2233 Commission, ~~hereinafter referred to as the commission:~~

2234 (a) The commission must conduct a hearing within 60  
 2235 calendar days following the filing of a notice of appeal. An ~~No~~  
 2236 extension of time for the hearing may not exceed 30 calendar  
 2237 days, absent exceptional circumstances, and ~~no extension of time~~  
 2238 may not be granted without the consent of all parties. Discovery  
 2239 may be granted only upon the showing of extraordinary  
 2240 circumstances. A party requesting discovery must ~~shall~~



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2241 demonstrate a substantial need for the information requested and  
 2242 an inability to obtain relevant information by other means.  
 2243 Except where inconsistent with the requirements of this  
 2244 subsection, ~~the provisions of~~ s. 447.503(4) and (5) and chapter  
 2245 120 apply to proceedings held pursuant to this subsection.

2246 (b) A person may represent himself or herself in  
 2247 proceedings before the commission or may be represented by legal  
 2248 counsel or by an ~~any~~ individual who qualifies as a  
 2249 representative pursuant to rules adopted by the commission.

2250 (c) If the commission finds that cause did not exist for  
 2251 the agency action, the commission shall reverse the decision of  
 2252 the agency head and the employee shall be reinstated with or  
 2253 without back pay. If the commission finds that cause existed for  
 2254 the agency action, the commission shall affirm the decision of  
 2255 the agency head. The commission may not reduce the penalty  
 2256 imposed by the agency head, except in the case of law  
 2257 enforcement or correctional officers, firefighters, and  
 2258 professional health care providers, if the commission makes  
 2259 specific written findings of mitigation.

2260 (d) A recommended order shall be issued by the hearing  
 2261 officer within 30 days following the hearing. Exceptions to the  
 2262 recommended order must ~~shall~~ be filed within 15 days after the  
 2263 recommended order is issued. The final order shall be filed by  
 2264 the commission within ~~no later than~~ 45 calendar days after the  
 2265 hearing or after the filing of exceptions or oral arguments if  
 2266 granted.

2267 (e) Final orders issued by the commission pursuant to  
 2268 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2269 (7) Other than for law enforcement or correctional  
 2270 officers, firefighters, and professional health care providers,  
 2271 each suspension, dismissal, demotion, or reduction in pay must  
 2272 be reviewed without consideration of any other case or set of  
 2273 facts.

2274 (8) Employees of the Department of Law Enforcement are  
 2275 subject to this section, except in matters relating to transfer.  
 2276 ~~A career service employee who is serving a probationary period~~  
 2277 ~~in a position to which he or she has been promoted may be~~  
 2278 ~~removed from that promotional position at any time during the~~  
 2279 ~~probationary period but must be returned to his or her former~~  
 2280 ~~position, or a comparable position, if such a position is~~  
 2281 ~~vacant. If such a position is not available, before dismissal,~~  
 2282 ~~the agency shall make a reasonable effort to retain the employee~~  
 2283 ~~in another vacant position. This subsection does not apply to~~  
 2284 ~~terminations for cause as described in subsection (1), nor does~~  
 2285 ~~it create a right to "bump" an employee from an occupied~~  
 2286 ~~position as described in paragraph (2)(a).~~

2287 Section 36. Part V of chapter 110, Florida Statutes, is  
 2288 renumbered as part III of that chapter, consisting of ss.  
 2289 110.302-110.3023, Florida Statutes, and is renamed "Selected  
 2290 Exempt Service."

2291 Section 37. Section 110.601, Florida Statutes, is  
 2292 transferred, renumbered as section 110.302, Florida Statutes,  
 2293 and amended to read:

2294 110.302 ~~110.601~~ Declaration of policy.—This part creates a  
 2295 system of personnel administration for ~~management~~ the purpose of  
 2296 delivering ~~which is to deliver~~ high-quality performance by

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2297 selected exempt service ~~these~~ employees in the State Personnel  
 2298 System ~~select exempt classifications~~ by facilitating the ~~state's~~  
 2299 ability to attract and retain qualified personnel in these  
 2300 positions, while also providing sufficient management  
 2301 flexibility to ensure that the workforce is responsive to agency  
 2302 needs. The Legislature recognizes that the public interest is  
 2303 best served by developing and refining the technical and  
 2304 managerial skills of these ~~its selected exempt service~~  
 2305 employees, ~~and, to this end, technical training and management~~  
 2306 ~~development programs are regarded as a major administrative~~  
 2307 ~~function within agencies.~~

2308 Section 38. Section 110.602, Florida Statutes, is  
 2309 transferred, renumbered as section 110.3021, Florida Statutes,  
 2310 and amended to read:

2311 110.3021 ~~110.602~~ Selected Exempt Service; creation,  
 2312 coverage.-

2313 (1) The Selected Exempt Service is created as a separate  
 2314 system of personnel administration for ~~select exempt~~ positions  
 2315 in the State Personnel System. ~~Such positions shall include, and~~  
 2316 ~~shall be limited to, those positions~~ which are exempt from the  
 2317 Civil Career Service System pursuant to s. 110.205(2) ~~and (5)~~  
 2318 and for which the salaries and benefits are set by the  
 2319 department in accordance with the rules of the Selected Exempt  
 2320 Service. ~~The department shall designate all positions included~~  
 2321 ~~in the Selected Exempt Service as either~~  
 2322 ~~managerial/policymaking, professional, or~~  
 2323 ~~nonmanagerial/nonpolicymaking.~~

2324 (2) Employees in the Selected Exempt Service shall serve

2325 at the pleasure of the agency head and are subject to personnel  
 2326 actions at the discretion of the agency head. Personnel actions  
 2327 that are tantamount to suspension, dismissal, reduction in pay,  
 2328 demotion, or transfer are exempt from chapter 120.

2329 Section 39. Section 110.605, Florida Statutes, is  
 2330 transferred, renumbered as section 110.3022, Florida Statutes,  
 2331 and amended to read:

2332 110.3022 ~~110.605~~ Powers and duties; personnel rules,  
 2333 ~~records, reports, and performance appraisal.~~ The department is  
 2334 responsible for the policy administration of the Selected Exempt  
 2335 Service. In carrying out that function, the department shall:

2336 (1) Provide broad, market-based pay bands for occupations  
 2337 within the Selected Exempt Service and establish guidelines that  
 2338 allow state agencies flexibility to move employees through the  
 2339 pay bands. The agencies may determine the appropriate salary  
 2340 within the bands using the guidelines adopted by the department.  
 2341 The pay bands, and the assignment of bands to positions, do not  
 2342 constitute rules as defined in s. 120.52.

2343 (2) Establish a classification system and a salary and  
 2344 benefit plan for the Selected Exempt Service which provide for  
 2345 greater pay and benefits overall than are provided for the Civil  
 2346 Service and less pay and benefits overall than are provided for  
 2347 the Senior Management Service.

2348 (3) In consultation with the Executive Office of the  
 2349 Governor and the appropriations committees of the Legislature,  
 2350 conduct compensation surveys as necessary for achieving an  
 2351 equitable, competitive, market-based compensation policy for  
 2352 selected exempt service employees.

2353           (4) Establish a performance evaluation system for selected  
 2354 exempt service employees which takes into consideration  
 2355 individual and organizational efficiency, productivity, and  
 2356 effectiveness.

2357           (5) Establish a system for documenting department actions  
 2358 taken on agency requests for the approval of position exemptions  
 2359 and pay increases for selected exempt service employees.

2360           ~~(6)(1) The department shall~~ Adopt and administer uniform  
 2361 personnel rules, records, and reports relating to employees and  
 2362 positions in the Selected Exempt Service, as well as any other  
 2363 rules and procedures relating to personnel administration which  
 2364 are necessary to carry out the purposes of this part.

2365           (a) The rules adopted by the department must comply with  
 2366 all federal regulations necessary to permit the agencies to  
 2367 receive federal funds.

2368           (b) Each agency shall operate within the uniform personnel  
 2369 rules adopted by the department pursuant to this part.

2370           (c) Each agency shall maintain up-to-date records and  
 2371 reports required by applicable rules.

2372           ~~(d)(a)~~ The department may ~~shall~~ develop uniform forms and  
 2373 instructions to be used for personnel ~~in reporting~~ transactions  
 2374 ~~which involve changes in an employee's salary, status,~~  
 2375 ~~performance, leave, fingerprint record, loyalty oath, payroll~~  
 2376 ~~change, or appointment action or any additional transactions as~~  
 2377 the department deems ~~may deem~~ appropriate.

2378           ~~(b) The department shall develop a uniform performance~~  
 2379 ~~appraisal system for employees and positions in the Selected~~  
 2380 ~~Exempt Service covered by a collective bargaining agreement.~~

2381 ~~Each employing agency shall develop a performance appraisal~~  
2382 ~~system for all other employees and positions in the Selected~~  
2383 ~~Exempt System. Such agency system shall take into consideration~~  
2384 ~~individual and organizational efficiency, productivity, and~~  
2385 ~~effectiveness.~~

2386 ~~(c) The employing agency must maintain, on a current~~  
2387 ~~basis, all records and reports required by applicable rules. The~~  
2388 ~~department shall periodically audit employing agency records to~~  
2389 ~~determine compliance with the provisions of this part and the~~  
2390 ~~rules of the department.~~

2391 ~~(d) The department shall develop a program of affirmative~~  
2392 ~~and positive actions that will ensure full utilization of women~~  
2393 ~~and minorities in Selected Exempt Service positions.~~

2394 ~~(2) Each employing agency shall operate within the uniform~~  
2395 ~~personnel rules adopted by the department pursuant to the~~  
2396 ~~provisions of this part. Each employing agency may adopt rules~~  
2397 ~~as necessary to implement the provisions of this part, but such~~  
2398 ~~rules shall not prescribe any personnel policies inconsistent~~  
2399 ~~with the provisions of this part or the rules of the department.~~

2400 ~~(3) The rules adopted by the department and each employing~~  
2401 ~~agency under this part shall comply with all federal regulations~~  
2402 ~~necessary to permit the state agencies to be eligible to receive~~  
2403 ~~federal funds.~~

2404 ~~(4) The department shall adopt by rule procedures for~~  
2405 ~~Selected Exempt Service employees that require disclosure to the~~  
2406 ~~agency head of any application for or offer of employment, gift,~~  
2407 ~~contractual relationship, or financial interest with any~~  
2408 ~~individual, partnership, association, corporation, utility, or~~

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2409 ~~other organization, whether public or private, doing business~~  
2410 ~~with or subject to regulation by the agency.~~

2411 ~~(5) The secretary may periodically hire a consultant with~~  
2412 ~~expertise in personnel management to advise him or her with~~  
2413 ~~respect to the administration of the Selected Exempt Service.~~

2414 Section 40. Section 110.3023, Florida Statutes, is created  
2415 to read:

2416 110.3023 Recruitment.-

2417 (1) Each state agency is responsible for establishing a  
2418 process for employing, advancing, and deploying selected exempt  
2419 service staff to meet agency needs.

2420 (2) If normal recruitment efforts of the agency through  
2421 the use of the department's designated human resource  
2422 information system, trade journals, or magazines are  
2423 unsuccessful, the agency may contract with a person or firm to  
2424 conduct a multistate search for hard-to-fill professional  
2425 positions. The contracted search person or firm must satisfy the  
2426 following criteria:

2427 (a) Willingness to accept contingency contracts with fees  
2428 of up to 30 percent of the annual salary of the applicant, to be  
2429 paid upon employment of an applicant produced by the search.

2430 (b) Demonstrated capacity to perform effectively at  
2431 competitive industry prices.

2432 (c) Evidence of successful placements in the public sector  
2433 by level and type of placement.

2434 (d) Agreement for the delivery of services within 90  
2435 calendar days after the date of the requested search by the  
2436 agency, unless an extension is granted by the agency.

2437 (e) Ability to attract minorities and women as evidenced  
 2438 by applicant pools generated for previous clients.

2439 Section 41. Part III of chapter 110, Florida Statutes, is  
 2440 renumbered as part IV of that chapter, consisting of ss.  
 2441 110.401-110.4035, Florida Statutes, and is renamed "Senior  
 2442 Management Service."

2443 Section 42. Section 110.401, Florida Statutes, is amended  
 2444 to read:

2445 110.401 Declaration of policy.—This part creates a ~~uniform~~  
 2446 system of personnel administration for attracting, retaining,  
 2447 and developing highly competent, executive-level ~~senior-level~~  
 2448 managers within the State Personnel System ~~at the highest~~  
 2449 ~~executive-management-level agency positions in order for the~~  
 2450 ~~highly complex programs and agencies of state government to~~  
 2451 ~~function effectively, efficiently, and productively.~~ The  
 2452 Legislature recognizes that executive-level ~~senior-level~~  
 2453 management is an established profession and that the public  
 2454 interest is best served by developing and refining the  
 2455 management skills of its senior management service employees.  
 2456 ~~Accordingly, training and management development programs are~~  
 2457 ~~regarded as a major administrative function within agencies.~~

2458 Section 43. Section 110.402, Florida Statutes, is amended  
 2459 to read:

2460 110.402 Senior Management Service; creation, ~~coverage.~~—

2461 (1) The Senior Management Service is created as a separate  
 2462 system of personnel administration for positions in the State  
 2463 Personnel System which perform ~~executive branch the~~ duties and  
 2464 responsibilities that ~~of which~~ are primarily and essentially



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2465 policymaking or managerial in nature.

2466 ~~(2) Such positions are The Senior Management Service shall~~  
 2467 ~~be limited to those positions that which~~ are exempt from the  
 2468 Civil Career Service under System by s. 110.205(2) and for which  
 2469 the salaries and benefits are set by the department in  
 2470 accordance with the rules of the Senior Management Service.

2471 (2) Employees in the Senior Management Service shall serve  
 2472 at the pleasure of the agency head and are subject to personnel  
 2473 actions at the discretion of the agency head. Personnel actions  
 2474 that are tantamount to suspension, dismissal, reduction in pay,  
 2475 demotion, or transfer are exempt from chapter 120.

2476 Section 44. Section 110.403, Florida Statutes, is amended  
 2477 to read:

2478 110.403 Powers and duties of the department.—The  
 2479 department is responsible for the policy administration of the  
 2480 Senior Management Service. In carrying out that function, the  
 2481 department shall:

2482 ~~(1) In order to implement the purposes of this part, the~~  
 2483 ~~Department of Management Services, after approval by the~~  
 2484 ~~Administration Commission, shall adopt and amend rules providing~~  
 2485 ~~for:~~

2486 (1)(a) Establish a system for employing, advancing, and  
 2487 deploying senior management service employees which promoting,  
 2488 ~~or reassigning managers that~~ is responsive to organizational or  
 2489 program needs. ~~In no event shall~~ The number of positions  
 2490 included in the Senior Management Service may not exceed 1.0  
 2491 percent of the total full-time equivalent positions in the Civil  
 2492 ~~career~~ Service. The department may not approve the establishment

2493 ~~of shall deny approval to establish~~ any position within the  
 2494 Senior Management Service which exceeds ~~would exceed~~ the  
 2495 limitation established in this subsection ~~paragraph~~. The  
 2496 department shall report that the limitation has been reached to  
 2497 the Governor, the President of the Senate, and the Speaker of  
 2498 the House of Representatives, as soon as practicable after it  
 2499 ~~such event~~ occurs. ~~Employees in the Senior Management Service~~  
 2500 ~~shall serve at the pleasure of the agency head and shall be~~  
 2501 ~~subject to suspension, dismissal, reduction in pay, demotion,~~  
 2502 ~~transfer, or other personnel action at the discretion of the~~  
 2503 ~~agency head. Such personnel actions are exempt from the~~  
 2504 ~~provisions of chapter 120.~~

2505 (2) Provide broad, market-based pay bands for occupations  
 2506 within the Senior Management Service and establish guidelines  
 2507 that allow state agencies flexibility to move employees through  
 2508 the pay bands. The agencies may determine the appropriate salary  
 2509 within the bands using the guidelines established by the  
 2510 department. Such pay bands and the assignment of bands to  
 2511 positions do not constitute rules as defined in s. 120.52.

2512 ~~(b) A performance appraisal system which shall take into~~  
 2513 ~~consideration individual and organizational efficiency,~~  
 2514 ~~productivity, and effectiveness.~~

2515 (3)(e) Establish a classification system plan and a salary  
 2516 and benefit plan for senior management service employees which  
 2517 provide that provides appropriate incentives for the recruitment  
 2518 and retention of outstanding management personnel and provide  
 2519 ~~provides~~ for salary increases based on performance.

2520 (4) In consultation with the Executive Office of the

2521 Governor and the appropriations committees of the Legislature,  
 2522 conduct compensation surveys as necessary for the purpose of  
 2523 achieving an equitable, competitive, market-based compensation  
 2524 policy for senior management service employees.

2525 (5) Establish a performance evaluation system for senior  
 2526 management service employees which takes into consideration  
 2527 individual and organizational efficiency, productivity, and  
 2528 effectiveness.

2529 ~~(d) A system of rating duties and responsibilities for~~  
 2530 ~~positions within the Senior Management Service and the~~  
 2531 ~~qualifications of candidates for those positions.~~

2532 (6)(e) Establish a system for documenting actions taken on  
 2533 agency requests for approval of position exemptions and special  
 2534 pay increases for senior management service employees.

2535 (7) Adopt and administer personnel rules, records, and  
 2536 reports relating to employees and positions in the Senior  
 2537 Management Service, as well as any other rules or procedures  
 2538 relating to personnel administration which are necessary for  
 2539 carrying out the purposes of this part.

2540 (a) The rules adopted by the department must comply with  
 2541 all federal regulations necessary for state agencies to receive  
 2542 federal funds.

2543 (b) Each agency shall operate within the personnel rules  
 2544 adopted by the department pursuant to this part.

2545 (c) Each agency shall maintain up-to-date records and  
 2546 reports required by applicable rules.

2547 (d) The department may develop uniform forms and  
 2548 instructions to be used in connection with personnel

2549 transactions as the department deems appropriate.

2550 ~~(f) Requirements regarding recordkeeping by agencies with~~  
 2551 ~~respect to Senior Management Service positions. Such records~~  
 2552 ~~shall be audited periodically by the Department of Management~~  
 2553 ~~Services to determine agency compliance with the provisions of~~  
 2554 ~~this part and the rules of the Department of Management~~  
 2555 ~~Services.~~

2556 ~~(g) Other procedures relating to personnel administration~~  
 2557 ~~to carry out the purposes of this part.~~

2558 ~~(h) A program of affirmative and positive action that will~~  
 2559 ~~ensure full utilization of women and minorities in Senior~~  
 2560 ~~Management Service positions.~~

2561 ~~(2) The powers, duties, and functions of the department of~~  
 2562 ~~Management Services shall include responsibility for the policy~~  
 2563 ~~administration of the Senior Management Service.~~

2564 ~~(3) The department shall have the following additional~~  
 2565 ~~responsibilities:~~

2566 ~~(a) To establish and administer a professional development~~  
 2567 ~~program that shall provide for the systematic development of~~  
 2568 ~~managerial, executive, or administrative skills. Such a program~~  
 2569 ~~shall include the following topics:~~

2570 ~~1. Improving the performance of individual employees. This~~  
 2571 ~~topic provides skills in understanding and motivating individual~~  
 2572 ~~performance, providing effective and timely evaluations of~~  
 2573 ~~employees, and making recommendations on performance incentives~~  
 2574 ~~and disincentives.~~

2575 ~~2. Improving the performance of groups of employees. This~~  
 2576 ~~topic provides skills in creating and maintaining productive~~

2577 ~~workgroups and making recommendations on performance incentives~~  
2578 ~~and disincentives.~~

2579 ~~3. Relating the efforts of employees to the goals of the~~  
2580 ~~organization. This topic provides skills in linking the work of~~  
2581 ~~individual employees to the goals of the agency program,~~  
2582 ~~service, or activity.~~

2583 ~~4. Strategic planning. This topic provides the skills for~~  
2584 ~~defining agency business processes, measuring performance of~~  
2585 ~~such processes, and reengineering such processes for improved~~  
2586 ~~efficiency and effectiveness.~~

2587 ~~5. Team leadership. This topic provides skills in~~  
2588 ~~effective group processes for organizational motivation and~~  
2589 ~~productivity based on proven business and military applications~~  
2590 ~~that emphasize respect for and courtesy to the public.~~

2591 ~~(b) To promote public understanding of the purposes,~~  
2592 ~~policies, and programs of the Senior Management Service.~~

2593 ~~(c) To approve contracts of employing agencies with~~  
2594 ~~persons engaged in the business of conducting multistate~~  
2595 ~~executive searches to identify qualified and available~~  
2596 ~~applicants for Senior Management Service positions for which the~~  
2597 ~~department sets salaries in accordance with the classification~~  
2598 ~~and pay plan. Such contracts may be entered by the agency head~~  
2599 ~~only after completion of an unsuccessful in-house search. The~~  
2600 ~~department shall establish, by rule, the minimum qualifications~~  
2601 ~~for persons desiring to conduct executive searches, including a~~  
2602 ~~requirement for the use of contingency contracts. These rules~~  
2603 ~~shall ensure that such persons possess the requisite capacities~~  
2604 ~~to perform effectively at competitive industry prices. These~~

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2605 ~~rules shall also comply with state and federal laws and~~  
 2606 ~~regulations governing equal opportunity employment.~~

2607 ~~(4) All policies and procedures adopted by the department~~  
 2608 ~~regarding the Senior Management Service shall comply with all~~  
 2609 ~~federal regulations necessary to permit the state agencies to be~~  
 2610 ~~eligible to receive federal funds.~~

2611 ~~(5) The department shall adopt, by rule, procedures for~~  
 2612 ~~Senior Management Service employees that require disclosure to~~  
 2613 ~~the agency head of any application for or offer of employment,~~  
 2614 ~~gift, contractual relationship, or financial interest with any~~  
 2615 ~~individual, partnership, association, corporation, utility, or~~  
 2616 ~~other organization, whether public or private, doing business~~  
 2617 ~~with or subject to regulation by the agency.~~

2618 Section 45. Section 110.4035, Florida Statutes, is created  
 2619 to read:

2620 110.4035 Recruitment.-

2621 (1) Each state agency is responsible for establishing a  
 2622 process for employing, advancing, and deploying executive-level  
 2623 managers to meet agency needs.

2624 (2) If normal recruitment efforts are unsuccessful, the  
 2625 agency may contract with a person or firm to conduct a  
 2626 multistate search for executive-level managers. The contracted  
 2627 search person or firm must satisfy the following criteria:

2628 (a) Willingness to accept contingency contracts with fees  
 2629 that do not exceed 30 percent of the annual salary of the  
 2630 applicant, to be paid upon employment of the applicant produced  
 2631 by the search.

2632 (b) Demonstrated capacity to perform effectively at

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2633 competitive industry prices.

2634 (c) Evidence of successful placements in the public sector  
 2635 by level and type of placement.

2636 (d) Agreement for the delivery of services within 90  
 2637 calendar days after the date of the requested search by the  
 2638 agency, unless an extension is granted by the agency.

2639 (e) Ability to attract minorities and women as evidenced  
 2640 by applicant pools generated for previous clients.

2641 Section 46. Part IX of chapter 112, Florida Statutes,  
 2642 consisting of ss. 112.906-112.934, Florida Statutes, is created  
 2643 and entitled "State Employment."

2644 Section 47. Section 112.906, Florida Statutes, is created  
 2645 to read:

2646 112.906 Definitions.—As used in this part, the term:

2647 (1) "Department" means the Department of Management  
 2648 Services.

2649 (2) "Other personal services" has the same meaning as in  
 2650 s. 216.011(1).

2651 (3) "State agency" or "agency" means any official,  
 2652 officer, commission, board, authority, council, committee, or  
 2653 department of the executive branch or judicial branch of state  
 2654 government as defined in chapter 216, unless otherwise exempted  
 2655 by law.

2656 (4) "State employee" or "employee" means an employee of a  
 2657 state agency.

2658 Section 48. Section 110.131, Florida Statutes, is  
 2659 transferred, renumbered as section 112.907, Florida Statutes,  
 2660 and amended to read:

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2661            112.907 ~~110.131~~ Other-personal-services temporary  
 2662 employment.-  
 2663            ~~(1) As used in this section, the term "agency" means any~~  
 2664 ~~official, officer, commission, board, authority, council,~~  
 2665 ~~committee, or department of the executive branch of state~~  
 2666 ~~government and means any officer, court, commission, or other~~  
 2667 ~~unit of the judicial branch of state government supported in~~  
 2668 ~~whole or in part by appropriations made by the Legislature.~~  
 2669            (1)(2) An agency may employ any qualified individual in  
 2670 other-personal-services temporary employment for 1,040 hours  
 2671 within any 12-month period. For each other-personal-services  
 2672 employee, the agency shall:  
 2673            (a) Maintain employee records identifying, at a minimum,  
 2674 the person employed, the hire date, the type of other-personal-  
 2675 services employment, and the number of hours worked.  
 2676            (b) Determine the appropriate rate of pay and ensure that  
 2677 all payments are in compliance with the federal Fair Labor  
 2678 Standards Act and state law.  
 2679            (c) Review, determine, and document by June 30 of each  
 2680 year whether the continuation of each other-personal-services  
 2681 employment position is necessary to the mission of the agency.  
 2682 This review process ~~An extension beyond a total of 1,040 hours~~  
 2683 ~~within an agency for any individual requires a recommendation by~~  
 2684 ~~the agency head and approval by the Executive Office of the~~  
 2685 ~~Governor. Approval of extensions shall be made in accordance~~  
 2686 ~~with criteria established by the department. Each agency shall~~  
 2687 ~~maintain employee information as specified by the department~~  
 2688 ~~regarding each extension of other-personal-services temporary~~



2689 ~~employment. The time limitation established by this subsection~~  
2690 ~~does not apply to board members; consultants; seasonal~~  
2691 ~~employees; institutional clients employed as part of their~~  
2692 ~~rehabilitation; bona fide, degree-seeking students in accredited~~  
2693 ~~secondary or postsecondary educational programs; employees hired~~  
2694 ~~to deal with an emergency situation that affects the public~~  
2695 ~~health, safety, or welfare; or employees hired for a project~~  
2696 ~~that is identified by a specific appropriation or time-limited~~  
2697 ~~grant.~~

2698 (2) Unless specifically provided by law, other-personal-  
2699 services employees are not eligible for any form of paid leave,  
2700 paid holidays, a paid personal day, participation in state group  
2701 insurance or retirement benefits, or any other state employee  
2702 benefit. Other-personal-services employees may be included in  
2703 that part of an agency's recognition and reward program that  
2704 recognizes and rewards employees who submit innovative ideas  
2705 that increase productivity, eliminate or reduce state  
2706 expenditures, improve operations, or generate additional revenue  
2707 or who meet or exceed the agency's established criteria for a  
2708 project or goal.

2709 (3) Each agency that is authorized to adopt rules  
2710 governing the terms and conditions of employment may adopt rules  
2711 necessary to administer this section. ~~The department shall adopt~~  
2712 ~~rules providing that other-personal-services temporary~~  
2713 ~~employment in an employer-employee relationship shall be used~~  
2714 ~~for short-term tasks. Such rules shall specify the employment~~  
2715 ~~categories, terms, conditions, rate of pay, and frequency of~~  
2716 ~~other-personal-services temporary employment and the duration~~

2717 ~~for which such employment may last; specify criteria for~~  
2718 ~~approving extensions beyond the time limitation provided in~~  
2719 ~~subsection (2); and prescribe recordkeeping and reporting~~  
2720 ~~requirements for other personal services employment.~~

2721 ~~(4) The department shall prepare written material~~  
2722 ~~explaining the terms and conditions of other personal services~~  
2723 ~~employment and shall provide master copies to each agency. Each~~  
2724 ~~agency shall provide each of its applicants for such employment~~  
2725 ~~with a copy thereof at the time of application and shall discuss~~  
2726 ~~the information contained thereon with each applicant at the~~  
2727 ~~time of interview or employment commencement, whichever occurs~~  
2728 ~~sooner.~~

2729 ~~(5) The department shall maintain information relating to~~  
2730 ~~other personal services employment for each agency. Such~~  
2731 ~~information shall include:~~

2732 ~~(a) The total amount of compensation for other personal~~  
2733 ~~services personnel, by employment category, for the preceding~~  
2734 ~~fiscal year.~~

2735 ~~(b) The name, social security number, employment category,~~  
2736 ~~employment commencement date, and number of hours worked for~~  
2737 ~~each individual whose initial other personal services temporary~~  
2738 ~~employment began before the start of the preceding fiscal year~~  
2739 ~~and who was still employed as an other personal services~~  
2740 ~~temporary employee at the end of the preceding fiscal year.~~

2741 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~  
2742 ~~not apply to any employee for whom the Board of Governors of the~~  
2743 ~~State University System, or the board's designee, or the Board~~  
2744 ~~of Trustees of the Florida School for the Deaf and the Blind is~~

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2745 ~~the employer as defined in s. 447.203(2); except that, for~~  
 2746 ~~purposes of subsection (5), the Board of Trustees of the Florida~~  
 2747 ~~School for the Deaf and the Blind shall comply with the~~  
 2748 ~~recordkeeping and reporting requirements adopted by the~~  
 2749 ~~department pursuant to subsection (3) with respect to those~~  
 2750 ~~other personal services employees exempted by this subsection.~~

2751 ~~(b) The provisions of subsections (2), (3), and (4) do not~~  
 2752 ~~apply to any employee of the Division of Blind Services Library~~  
 2753 ~~for the Blind and Physically Handicapped for whom the Division~~  
 2754 ~~of Blind Services is the employer as defined in s. 447.203(2);~~  
 2755 ~~except that, for purposes of subsection (5), the Division of~~  
 2756 ~~Blind Services shall comply with the recordkeeping and reporting~~  
 2757 ~~requirements adopted by the department pursuant to subsection~~  
 2758 ~~(3) with respect to those other personal services employees~~  
 2759 ~~exempted by this subsection.~~

2760 ~~(c) Notwithstanding the provisions of this section, the~~  
 2761 ~~agency head or his or her designee may extend the other-~~  
 2762 ~~personal services employment of a health care practitioner~~  
 2763 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~  
 2764 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~  
 2765 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~  
 2766 ~~2,080 hours and may employ such practitioner on an hourly or~~  
 2767 ~~other basis.~~

2768 ~~(7) The Department of Management Services shall annually~~  
 2769 ~~assess agencies for the regulation of other personal services on~~  
 2770 ~~a pro rata share basis not to exceed an amount as provided in~~  
 2771 ~~the General Appropriations Act.~~

2772 Section 49. Section 110.1315, Florida Statutes, is

2773 transferred, renumbered as section 112.908, Florida Statutes,  
 2774 and amended to read:

2775 112.908 ~~110.1315~~ Alternative retirement benefits; other-  
 2776 personal-services employees.—

2777 (1) Upon review and ~~recommendation of the department and~~  
 2778 approval of the Executive Office of the Governor, the Department  
 2779 of Financial Services shall provide ~~may contract for the~~  
 2780 ~~implementation of~~ an alternative retirement income security  
 2781 program for eligible temporary and seasonal employees of the  
 2782 state who are compensated from appropriations for other personal  
 2783 services. The Department of Financial Services may contract with  
 2784 ~~may provide for~~ a private vendor or vendors to administer the  
 2785 program under a defined-contribution plan under ss. 401(a) and  
 2786 403(b) or s. 457 of the Internal Revenue Code, and the program  
 2787 must provide retirement benefits as required under s.  
 2788 3121(b) (7) (F) of the Internal Revenue Code. The Department of  
 2789 Financial Services may develop a request for proposals and  
 2790 solicit qualified vendors to compete for the award of the  
 2791 contract. A vendor shall be selected on the basis of the plan  
 2792 that best serves the interest of the participating employees and  
 2793 the state. The proposal must comply with all necessary federal  
 2794 and state laws and rules.

2795 (2) The Department of Financial Services may adopt rules  
 2796 necessary to administer this section.

2797 Section 50. Section 110.1128, Florida Statutes, is  
 2798 transferred and renumbered as section 112.909, Florida Statutes.

2799 Section 51. Section 112.910, Florida Statutes, is created  
 2800 to read:

2801 112.910 Equal employment opportunity.-

2802 (1) It is the policy of this state to assist in ensuring  
 2803 equal employment opportunity through programs of affirmative and  
 2804 positive action which allow full utilization of women and  
 2805 minorities.

2806 (2) The head of each executive agency shall develop and  
 2807 implement an affirmative action plan in accordance with this  
 2808 section and applicable state and federal laws.

2809 (a) Each executive agency shall establish annual goals for  
 2810 ensuring the full utilization of groups underrepresented in its  
 2811 workforce as compared to the relevant labor market as defined by  
 2812 the agency and shall design its affirmative action plan to meet  
 2813 those goals.

2814 (b) The head of each executive agency shall appoint an  
 2815 equal employment opportunity officer.

2816 (c) By October 1 of each year, each executive agency that  
 2817 is not part of the State Personnel System shall report to the  
 2818 Executive Office of the Governor information relating to the  
 2819 implementation, continuance, updating, and results of the  
 2820 agency's affirmative action plan for the previous fiscal year.

2821 (3) Each state attorney and public defender shall:

2822 (a) Develop and implement an affirmative action plan.

2823 (b) Establish annual goals for ensuring the full  
 2824 utilization of groups underrepresented in its workforce as  
 2825 compared to the relevant labor market in this state and design  
 2826 its affirmative action plan to meet those goals.

2827 (c) Appoint an affirmative action equal employment  
 2828 opportunity officer.

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2829           (d) Report annually to the Justice Administrative  
 2830 Commission on the implementation, continuance, updating, and  
 2831 results of his or her affirmative action program for the  
 2832 previous fiscal year.

2833           (4) An individual claiming to be aggrieved by an unlawful  
 2834 employment practice may file a complaint with the Florida  
 2835 Commission on Human Relations as provided under s. 760.11.

2836           Section 52. Section 112.911, Florida Statutes, is created  
 2837 to read:

2838           112.911 Nondiscrimination in employment.—

2839           (1) It is the policy of the state that all appointments,  
 2840 terminations, assignments, and maintenance of status,  
 2841 compensation, privileges, and other terms and conditions of  
 2842 employment be made without regard to age, sex, race, color,  
 2843 religion, national origin, political affiliation, marital  
 2844 status, disability, or genetic information unless a specific  
 2845 requirement constitutes a bona fide occupational qualification.

2846           (2) The state, its agencies, and its officers shall ensure  
 2847 freedom from discrimination in employment as provided by the  
 2848 Florida Civil Rights Act of 1992, s. 112.044, and this chapter.

2849           Section 53. Section 110.1221, Florida Statutes, is  
 2850 transferred, renumbered as section 112.912, Florida Statutes,  
 2851 and amended to read:

2852           112.912 ~~110.1221~~ Sexual harassment policy; ~~executive~~  
 2853 agency rules.—It is the policy of the state that sexual  
 2854 harassment is a form of discrimination. Each state agency with  
 2855 authority to govern the terms and conditions of employment for  
 2856 its employees ~~The department~~ shall adopt uniform sexual

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2857 harassment rules ~~applicable to all executive agencies~~. Such the  
 2858 rules must define the term "sexual harassment" in a manner  
 2859 consistent with the federal definition.

2860 Section 54. Section 110.122, Florida Statutes, is  
 2861 transferred, renumbered as section 112.913, Florida Statutes,  
 2862 and amended to read:

2863 112.913 ~~110.122~~ Terminal payment for accumulated sick  
 2864 leave.—

2865 (1) All state branches, ~~departments,~~ and agencies that are  
 2866 authorized ~~which have the authority~~ to establish or approve  
 2867 personnel policies for employees and to employ personnel and  
 2868 establish the conditions of their employment shall establish  
 2869 policies that ~~to~~ provide terminal "incentive" pay for  
 2870 accumulated and unused sick leave to each employee upon ~~normal~~  
 2871 ~~or regular~~ retirement ~~for reason other than disability~~ or upon  
 2872 termination of employment, or to the employee's beneficiary if  
 2873 service is terminated by death, if provided such retirement,  
 2874 termination, or death occurs after 10 years of creditable state  
 2875 employment.

2876 (2) Each state agency with authority to govern the terms  
 2877 and conditions of employment for its employees ~~The employing~~  
 2878 ~~entity~~ shall establish and publish rules governing the  
 2879 accumulation and use of sick leave. The employing entity shall  
 2880 ~~and~~ maintain accurate and reliable records showing the amount of  
 2881 sick leave that ~~which~~ has accumulated and is unused by the  
 2882 employee at the time of retirement, death, or termination.

2883 (3) The payments authorized by this section shall be  
 2884 determined by using the rate of pay received by the employee at

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2885 the time of retirement, termination, or death, applied to the  
 2886 sick leave time for which the employee is qualified to receive  
 2887 terminal "incentive" pay under the rules adopted ~~by the~~  
 2888 ~~department pursuant to the provisions of this section. The~~ rules  
 2889 and policies must provide ~~adopted pursuant to this section shall~~  
 2890 ~~permit~~ terminal pay for sick leave equal to one-fourth ~~one-~~  
 2891 ~~eighth~~ of all unused sick leave credit ~~accumulated prior to~~  
 2892 ~~October 1, 1973, plus one-fourth of all unused sick leave~~  
 2893 ~~accumulated on or after October 1, 1973.~~ However, terminal pay  
 2894 allowable for unused sick leave may ~~accumulated on or after~~  
 2895 ~~October 1, 1973, shall~~ not exceed a ~~maximum~~ of 480 hours of  
 2896 actual payment. ~~Employees shall be required to use all sick~~  
 2897 ~~leave accumulated prior to October 1, 1973, before using sick~~  
 2898 ~~leave accumulated on or after October 1, 1973.~~

2899 (4) The payments made pursuant to this section are ~~shall~~  
 2900 not salary payments ~~be considered~~ in any state-administered  
 2901 retirement system ~~as salary payments~~ and may ~~shall~~ not be used  
 2902 in determining the average final compensation of an employee in  
 2903 any state-administered retirement system.

2904 (5) All rights and benefits provided under this section  
 2905 shall be forfeited by an ~~any~~ employee:

2906 (a) Who is found guilty in a court of competent  
 2907 jurisdiction of committing, aiding, or abetting any embezzlement  
 2908 or theft from the employee's employer or bribery in connection  
 2909 with the employment, committed before ~~prior to~~ retirement or 10  
 2910 years of ~~10-year normal~~ creditable state employment ~~termination;~~

2911 (b) Whose employment is terminated by reason of the  
 2912 employee having admitted committing, aiding, or abetting an



2913 embezzlement or theft from his or her employer or by reason of  
 2914 bribery;

2915 (c) Who, prior to 10 years of ~~10-year normal~~ creditable  
 2916 state employment ~~termination~~ or retirement, is adjudged by a  
 2917 court of competent jurisdiction to have violated any state law  
 2918 against strikes by public employees; or

2919 (d) Who has been found guilty by a court of competent  
 2920 jurisdiction of violating any state law prohibiting strikes by  
 2921 public employees, ~~shall forfeit all rights and benefits under~~  
 2922 ~~this section.~~

2923 (6) An employee whose employment terminates as a result of  
 2924 an act committed subject to ~~this~~ subsection (5) ~~may~~ shall not be  
 2925 given credit for unused sick leave accumulated before ~~prior to~~  
 2926 termination if ~~should~~ the employee is ~~be~~ reemployed at a later  
 2927 date.

2928 Section 55. Section 110.121, Florida Statutes, is  
 2929 transferred, renumbered as section 112.914, Florida Statutes,  
 2930 and amended to read:

2931 112.914 ~~110.121~~ Sick leave pool.—Each entity that  
 2932 ~~department or agency of the state which~~ has authority to adopt  
 2933 rules governing the accumulation and use of sick leave for  
 2934 employees, and that ~~which~~ maintains accurate and reliable  
 2935 records showing the amount of sick leave that ~~which~~ has been  
 2936 accumulated and is unused by employees, may, ~~in accordance with~~  
 2937 ~~guidelines which shall be established by the Department of~~  
 2938 ~~Management Services,~~ adopt rules establishing for the  
 2939 ~~establishment of a plan that allows~~ allowing participating  
 2940 employees to pool and use sick leave ~~and allowing any sick leave~~

2941 ~~thus pooled to be used by any participating employee who has~~  
 2942 ~~used all of the sick leave that has been personally accrued by~~  
 2943 ~~him or her. Although not limited to the following,~~ Such rules  
 2944 must shall provide, but need not be limited to:

2945 (1) Minimum eligibility criteria ~~That employees shall be~~  
 2946 ~~eligible~~ for participation in the sick leave pool ~~after 1 year~~  
 2947 ~~of employment with the state or agency of the state; provided~~  
 2948 ~~that such employee has accrued a minimum amount of unused sick~~  
 2949 ~~leave, which minimum shall be established by rule.~~

2950 (2) That participation in the sick leave pool is shall, ~~at~~  
 2951 ~~all times,~~ be voluntary on the part of the employees.

2952 (3) That any sick leave pooled shall be removed from the  
 2953 personally accumulated sick leave balance of the employee  
 2954 contributing such leave.

2955 (4) That any sick leave in the pool which ~~leave~~ is used by  
 2956 a participating employee is shall be used only for the  
 2957 employee's personal illness, accident, or injury.

2958 (5) That a participating employee may shall not ~~be~~  
 2959 ~~eligible to~~ use sick leave accumulated in the pool until all of  
 2960 his or her personally accrued sick, annual, and compensatory  
 2961 leave and personal day have ~~has~~ been used.

2962 (6) The A maximum number of hours ~~days~~ of sick leave in  
 2963 the pool which any one employee may use.

2964 (7) That a participating employee who uses sick leave from  
 2965 the pool is shall not ~~be~~ required to recontribute such sick  
 2966 leave to the pool, except as otherwise provided in this section.

2967 (8) That an employee who cancels his or her membership in  
 2968 the sick leave pool may shall not ~~be eligible to~~ withdraw the

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2969 hours ~~days~~ of sick leave contributed by that employee to the  
 2970 pool.

2971 (9) That an employee who moves ~~transfers~~ from a ~~one~~  
 2972 position in one agency state government to a ~~another~~ position in  
 2973 another agency state government may transfer from one pool to  
 2974 another if ~~the eligibility criteria of the pools are comparable~~  
 2975 ~~or~~ the administrators of the pools have agreed on the ~~a formula~~  
 2976 ~~for~~ transfer of credits.

2977 (10) That alleged abuse of the use of the sick leave pool  
 2978 shall be investigated, and, on a finding of wrongdoing, the  
 2979 employee must ~~shall~~ repay all of the sick leave credits drawn  
 2980 from the sick leave pool and is ~~shall be~~ subject to such other  
 2981 disciplinary action as is determined by the agency head.

2982 (11) That sick leave credits may be drawn from the sick  
 2983 leave pool by a part-time employee on a pro rata basis.

2984 Section 56. Section 110.119, Florida Statutes, is  
 2985 transferred, renumbered as section 112.915, Florida Statutes,  
 2986 and amended to read:

2987 112.915 ~~110.119~~ Administrative leave for military-service-  
 2988 connected ~~reexamination or treatment with respect to service-~~  
 2989 ~~connected~~ disability.-

2990 ~~(1)~~ An ~~Any~~ employee ~~of the state~~ who has been rated by the  
 2991 United States Department of Veterans Affairs or its predecessor  
 2992 to have incurred a service-connected disability and has been  
 2993 scheduled by the United States Department of Veterans Affairs to  
 2994 be reexamined or treated for the disability shall be granted  
 2995 administrative leave for such reexamination or treatment without  
 2996 loss of pay or benefits. However, such ~~In no event shall the~~

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2997 | paid leave may not ~~under this section~~ exceed 48 hours per 6  
 2998 | calendar ~~days~~ a year.

2999 | ~~(2) The department may adopt any rule necessary to carry~~  
 3000 | ~~out the purpose of this section.~~

3001 | Section 57. Section 110.120, Florida Statutes, is  
 3002 | transferred, renumbered as section 112.916, Florida Statutes,  
 3003 | and amended to read:

3004 | 112.916 ~~110.120~~ Administrative leave for disaster service  
 3005 | volunteers.—

3006 | (1) SHORT TITLE.—This section ~~shall be known and~~ may be  
 3007 | cited as the "Florida Disaster Volunteer Leave Act."

3008 | (2) DEFINITIONS.—As used in this section, the following  
 3009 | terms shall apply:

3010 | (a) "State agency" means any official, officer,  
 3011 | commission, board, authority, council, committee, or department  
 3012 | of the executive branch of state government.

3013 | (b) "Disaster" includes disasters designated at level II  
 3014 | and above in the American National Red Cross regulations and  
 3015 | procedures.

3016 | (3) LEAVE OF ABSENCE.—An employee of a state agency who is  
 3017 | a certified disaster service volunteer of the American Red Cross  
 3018 | may be granted a leave of absence with pay for up to ~~not more~~  
 3019 | ~~than~~ 15 working days in any 12-month period to participate in  
 3020 | specialized disaster relief services for the American Red Cross.  
 3021 | Such leave of absence may be granted upon the request of the  
 3022 | American Red Cross and upon the approval of the employer  
 3023 | ~~employee's employing agency~~. An employee granted leave under  
 3024 | this section may ~~shall~~ not be deemed ~~to be~~ an employee of the

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3025 state for purposes of workers' compensation. Leave under this  
 3026 section ~~act~~ may be granted only for services related to a  
 3027 disaster occurring within the boundaries of the State of  
 3028 Florida, except that, with the approval of the Governor and  
 3029 Cabinet, leave may be granted for services in response to a  
 3030 disaster occurring within the boundaries of the United States.

3031 Section 58. Section 110.1091, Florida Statutes, is  
 3032 transferred, renumbered as section 112.917, Florida Statutes,  
 3033 and amended to read:

3034 112.917 ~~110.1091~~ Employee assistance programs; public  
 3035 records exemption.—

3036 (1) A ~~An employing~~ state agency may provide a counseling,  
 3037 therapeutic, or other professional treatment program to assist a  
 3038 ~~any~~ state employee who has a behavioral disorder, medical  
 3039 disorder, or substance abuse problem or who has an emotional  
 3040 difficulty that affects the employee's job performance. The ~~Each~~  
 3041 ~~employing state~~ agency may designate community diagnostic and  
 3042 referral resources as necessary to implement ~~the provisions of~~  
 3043 this subsection.

3044 (2) A state employee's personal identifying information  
 3045 contained in records held by a ~~an employing~~ state agency  
 3046 relating to an employee's participation in an employee  
 3047 assistance program is confidential and exempt from ~~the~~  
 3048 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 3049 Constitution.

3050 Section 59. Section 110.151, Florida Statutes, is  
 3051 transferred, renumbered as section 112.918, Florida Statutes,  
 3052 and amended to read:

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3053            112.918 ~~110.151~~ ~~State officers' and employees'~~ Child care  
 3054 services.—

3055            (1) A state agency may establish ~~The Department of~~  
 3056 ~~Management Services~~ shall approve, administer, and coordinate  
 3057 child care services for ~~state officers' and employees'~~ children  
 3058 or dependents. ~~Duties shall include, but not be limited to,~~  
 3059 ~~reviewing and approving requests from state agencies for child~~  
 3060 ~~care services; providing technical assistance on child care~~  
 3061 ~~program startup and operation; and assisting other agencies in~~  
 3062 ~~conducting needs assessments, designing centers, and selecting~~  
 3063 ~~service providers.~~ Primary emphasis for child care services  
 3064 shall be given to children who are not subject to compulsory  
 3065 school attendance pursuant to part II of chapter 1003, and, to  
 3066 the extent possible, emphasis shall be placed on child care for  
 3067 children aged 2 and under.

3068            (2) Child care programs may be located in state-owned  
 3069 office buildings, educational facilities and institutions,  
 3070 custodial facilities and institutions, and, with the consent of  
 3071 the President of the Senate and the Speaker of the House of  
 3072 Representatives, ~~in~~ buildings or spaces used for legislative  
 3073 activities. In addition, centers may be located in privately  
 3074 owned buildings conveniently located to the place of employment  
 3075 of those ~~officers and~~ employees to be served by the centers. If  
 3076 a child care program is located in a state-owned office  
 3077 building, educational facility or institution, or custodial  
 3078 facility or institution, or in a privately owned building leased  
 3079 by the state, a portion of the service provider's rental fees  
 3080 for child care space may be waived by the sponsoring agency in

3081 accordance with the rules of the department's Facilities Program  
 3082 ~~Department of Management Services~~. Additionally, the sponsoring  
 3083 state agency may be responsible for the maintenance, utilities,  
 3084 and other operating costs associated with the child care center.

3085 (3) Except as otherwise provided in this section, the cost  
 3086 of child care services shall be offset by fees charged to  
 3087 employees who use the ~~child care~~ services. Requests for  
 3088 proposals may provide for a sliding fee schedule based on, ~~with~~  
 3089 ~~fees charged on the basis of~~ the employee's household income.

3090 (4) The provider of proposed child care services shall be  
 3091 selected by competitive contract. ~~Requests for proposals shall~~  
 3092 ~~be developed with the assistance of, and subject to the approval~~  
 3093 ~~of, the Department of Management Services~~. Management of the  
 3094 contract with the service provider is ~~shall be~~ the  
 3095 responsibility of the sponsoring state agency.

3096 (5) An operator selected to provide services must comply  
 3097 with all state and local standards for the licensure and  
 3098 operation of child care facilities, maintain adequate liability  
 3099 insurance coverage, and assume financial and legal  
 3100 responsibility for the operation of the program. ~~Neither~~ The  
 3101 operator of and ~~nor~~ any personnel employed by or at a child care  
 3102 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
 3103 However, the sponsoring state agency may be responsible for the  
 3104 operation of the child care center if ~~when~~:

3105 (a) A second request for proposals fails to procure a  
 3106 qualified service provider; or

3107 (b) The service provider's contract is canceled and  
 3108 attempts to procure another qualified service provider are

3109 | unsuccessful~~r~~

3110 |

3111 | ~~and plans for direct operation are approved by the Department of~~  
 3112 | ~~Management Services.~~

3113 | (6) In the areas where the state has an insufficient  
 3114 | number of employees to justify a worksite center, a state agency  
 3115 | may join in a consortium arrangement using ~~utilizing~~ available  
 3116 | state facilities with not-for-profit corporations or other  
 3117 | public employers to provide child care services to ~~both~~ public  
 3118 | employees and employees of private sector employers. The  
 3119 | consortium agreement must first address the unmet child care  
 3120 | needs of the children of the public employees whose employers  
 3121 | are members of the consortium~~r~~, and then address the child care  
 3122 | needs of private-sector ~~private sector~~ employees.

3123 | ~~(7) The Department of Management Services may adopt any~~  
 3124 | ~~rules necessary to achieve the purposes of this section.~~

3125 | Section 60. Section 110.181, Florida Statutes, is  
 3126 | transferred and renumbered as section 112.919, Florida Statutes,  
 3127 | and paragraph (b) of subsection (1) and paragraphs (d) and (e)  
 3128 | of subsection (2) of that section are amended to read:

3129 | 112.919 ~~110.181~~ Florida State Employees' Charitable  
 3130 | Campaign.—

3131 | (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

3132 | (b) State officers' and employees' contributions toward  
 3133 | the Florida State Employees' Charitable Campaign must be  
 3134 | entirely voluntary. State officers and employees must designate  
 3135 | a charitable organization to receive such contributions.

3136 | (2) SELECTION OF FISCAL AGENTS; COST.—



3137 ~~(d) A local steering committee shall be established in~~  
 3138 ~~each fiscal agent area to assist in conducting the campaign and~~  
 3139 ~~to direct the distribution of undesignated funds remaining after~~  
 3140 ~~partial distribution pursuant to paragraph (c). The committee~~  
 3141 ~~shall be composed of state employees selected by the fiscal~~  
 3142 ~~agent from among recommendations provided by interested~~  
 3143 ~~participating organizations, if any, and approved by the~~  
 3144 ~~Statewide Steering Committee.~~

3145 ~~(e) Participating charitable organizations that provide~~  
 3146 ~~direct services in a local fiscal agent's area shall receive the~~  
 3147 ~~same percentage of undesignated funds as the percentage of~~  
 3148 ~~designated funds they receive. The undesignated funds remaining~~  
 3149 ~~following allocation to these charitable organizations shall be~~  
 3150 ~~distributed by the local steering committee.~~

3151 Section 61. Section 110.1225, Florida Statutes, is  
 3152 transferred, renumbered as section 112.920, Florida Statutes,  
 3153 and amended to read:

3154 112.920 ~~110.1225~~ Furloughs.—

3155 (1) If ~~When~~ a deficit is certified or projected to occur  
 3156 ~~by the Revenue Estimating Conference pursuant to s. 216.221~~  
 3157 ~~216.136(3)~~, in any state fund that supports salary and benefit  
 3158 appropriations for state employees, the affected state agency or  
 3159 the judicial branch may propose, upon approval by the Governor  
 3160 or the Chief Justice of the Supreme Court, as appropriate, a  
 3161 furlough plan and related budget amendments for consideration by  
 3162 the Legislative Budget Commission. The Legislative Budget  
 3163 Commission, after consultation with the Revenue Estimating  
 3164 Conference regarding the projected deficit, may approve or

3165 disapprove the plan and budget amendments in total. This  
 3166 subsection is subject to the notice and review procedures set  
 3167 forth in s. 216.177 Administration Commission may propose a  
 3168 furlough plan to the Legislature, which must approve or  
 3169 disapprove such plan. The plan must identify all affected  
 3170 positions and ensure that all affected employees within a budget  
 3171 entity are subject to the same reduction of hours for the same  
 3172 number of pay periods with a commensurate reduction in pay.

3173 (2) If authorized by the Legislature as a cost-savings  
 3174 measure to address anticipated short-term shortfalls to funds  
 3175 that support salary and benefit appropriations for state  
 3176 employees for a specified fiscal year, a state agency or the  
 3177 judicial branch may also impose furloughs as directed by the  
 3178 Legislature in the General Appropriations Act.

3179 (3) For the purposes of this section, the term "furlough"  
 3180 means a temporary reduction in the regular hours of employment  
 3181 administered as leave without pay.

3182 Section 62. Section 110.1155, Florida Statutes, is  
 3183 transferred and renumbered as section 112.921, Florida Statutes.

3184 Section 63. Section 110.191, Florida Statutes, is  
 3185 transferred, renumbered as section 112.922, Florida Statutes,  
 3186 and amended to read:

3187 112.922 110.191 State employee leasing.-

3188 (1) If in situations where the Legislature has expressly  
 3189 authorized a the state, an agency, or the judicial branch as  
 3190 defined in s. 110.107 to lease employees, the Executive Office  
 3191 of the Governor for the executive branch or the Chief Justice  
 3192 for the judicial branch may authorize any of the following

3193 actions related to such state employee leasing activities,  
 3194 provided that the direct cost of such actions is to be paid or  
 3195 reimbursed within 30 days after payment by the entity or person  
 3196 to whom the employees are leased:

3197 (a) Creation of ~~Create~~ a separate budget entity from which  
 3198 leased employees are ~~shall be~~ paid and the transfer of the  
 3199 positions authorized to be leased to that budget entity.

3200 (b) ~~Provide~~ Increases in the operating budget entity.

3201 (c) ~~Authorized~~ Lump-sum salary bonuses to leased  
 3202 employees. + However, any lump-sum salary bonus above the  
 3203 automatic salary increases which may be contained in the General  
 3204 Appropriations Act must be funded from private sources.

3205 (d) ~~Approve~~ Increases in salary rate for positions that  
 3206 ~~which~~ are leased. + However, any salary rate above the automatic  
 3207 salary increases which may be contained in the General  
 3208 Appropriations Act must be funded from private sources.

3209 (e) The waiver of ~~Waive~~ any requirement for automatic  
 3210 salary increases which may be contained in the General  
 3211 Appropriations Act.

3212 (2) Positions that ~~which~~ are in the Senior Management  
 3213 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day  
 3214 before the state employee lease agreement takes effect ~~shall~~  
 3215 remain in the respective system if the duties performed by the  
 3216 position during the assignment of the state employee lease  
 3217 agreement are comparable as determined by the department. Those  
 3218 senior management service ~~system~~ or selected exempt service  
 3219 ~~system~~ positions that ~~which~~ are not determined comparable by the  
 3220 department,  and positions that ~~which~~ are in other pay plans on

3221 the day before the lease agreement takes effect, ~~shall~~ have the  
 3222 same salaries and benefits provided to employees of the Office  
 3223 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3224 Section 64. Section 110.1082, Florida Statutes, is  
 3225 transferred, renumbered as section 112.923, Florida Statutes,  
 3226 and amended to read:

3227 112.923 ~~110.1082~~ Telephone ~~voice mail systems and~~  
 3228 ~~telephone menu options~~ systems.—

3229 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice  
 3230 mail system when the employee is at his or her regularly  
 3231 assigned work station where his or her telephone is functional  
 3232 and available for use, unless:

3233 (a) The telephone device ~~is in use, and/or;~~

3234 (b) The ~~Such~~ voice mail system alerts the caller to, and  
 3235 provides the caller with access to, a nonelectronic attendant;  
 3236 or

3237 (c) The ~~Such~~ voice mail system automatically transfers the  
 3238 caller to a nonelectronic attendant.

3239 (2) Telephone menu options systems used by state agencies  
 3240 must, ~~departments, or other state government units will alert~~  
 3241 the caller to, and provide the caller with access to, a  
 3242 nonelectronic attendant.

3243 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~  
 3244 ~~provisions of~~ this section.

3245 Section 65. Section 110.1165, Florida Statutes, is  
 3246 transferred and renumbered as section 112.924, Florida Statutes,  
 3247 and subsections (1) and (2) of that section are amended to read:

3248 112.924 ~~110.1165~~ Executive branch personnel errors;

3249 limitation of actions for compensation.—

3250 (1) An agency of the executive branch, including the State  
 3251 University System, shall establish procedures for the receipt,  
 3252 consideration, and disposition of a claim regarding pay or  
 3253 benefits brought by an employee if the ~~when that~~ employee is  
 3254 damaged as a result of being provided with erroneous written  
 3255 information by the ~~employing~~ agency regarding his or her pay or  
 3256 benefits, and the employee detrimentally relies upon such  
 3257 written information. In order to qualify for ~~the relief provided~~  
 3258 ~~by this section~~, the employee's reliance on the representation  
 3259 must have been reasonable and based ~~only~~ upon only the written  
 3260 representations made by those persons authorized by the agency  
 3261 head to make such representations. ~~Furthermore,~~ The erroneous  
 3262 calculation and payment of an employee's salary, wages, or  
 3263 benefits is not among the written representations that ~~which~~  
 3264 ~~will~~ trigger relief under this section.

3265 (2) An agency of the executive branch, including the State  
 3266 University System, may ~~is authorized to~~ take appropriate ~~such~~  
 3267 action ~~as may be appropriate~~ to provide a remedy for an employee  
 3268 concerning his or her claim regarding detrimental reliance on  
 3269 erroneous written information provided by the ~~employing~~ agency  
 3270 relating to pay and benefits if, ~~provided~~ such remedy is within  
 3271 the purview of the agency's authority. The agency may not ~~has no~~  
 3272 ~~authority whatsoever~~ to modify the state retirement system or  
 3273 the state insurance program. Any monetary remedy afforded by the  
 3274 agency must fall within the agency's budgetary authority. Any  
 3275 person dissatisfied with the outcome of this process may file  
 3276 ~~either~~ a grievance pursuant to the agency's internal grievance

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3277 process or an appeal to the Division of Administrative Hearings  
 3278 pursuant to chapter 120, but not both.

3279 Section 66. Section 110.113, Florida Statutes, is  
 3280 transferred, renumbered as section 112.925, Florida Statutes,  
 3281 and amended to read:

3282 112.925 ~~110.113~~ Pay periods for state officers and  
 3283 employees; salary payments by direct deposit.—

3284 (1) ~~The normal pay period for salaries of state officers~~  
 3285 ~~and employees shall be 1 month.~~ The Department of Financial  
 3286 Services shall issue ~~either~~ monthly or biweekly salary payments  
 3287 to state officers and employees by state warrants or by direct  
 3288 deposit pursuant to s. 17.076 ~~or make semimonthly salary~~  
 3289 ~~payments by direct deposit pursuant to s. 17.076,~~ as requested  
 3290 by each state employment system and the head of each state  
 3291 ~~agency and approved by the Executive Office of the Governor and~~  
 3292 ~~the~~ Department of Financial Services.

3293 (2) As a condition of employment, a ~~person appointed to a~~  
 3294 ~~position in state~~ employee must ~~government is required to~~  
 3295 participate in the direct deposit program pursuant to s. 17.076.  
 3296 An employee may request an exemption from ~~the provisions of this~~  
 3297 subsection if the ~~when such~~ employee can demonstrate a hardship  
 3298 or if the ~~when such~~ employee is in an other-personal-services  
 3299 position.

3300 Section 67. Section 110.114, Florida Statutes, is  
 3301 transferred and renumbered as section 112.926, Florida Statutes.

3302 Section 68. Section 112.927, Florida Statutes, is created  
 3303 to read:

3304 112.927 Human resource information system.—The department

3305 may contract with other agencies or state governmental entities  
 3306 outside the State Personnel System to establish and maintain  
 3307 positions and use the human resource information system  
 3308 established under s. 110.116 for its human resource  
 3309 functionality as well as benefits administration. The use and  
 3310 operation of the human resource information system shall be  
 3311 based upon the design rules set forth by the department, and  
 3312 such agencies and state governmental entities may be required to  
 3313 conform their respective human resource business rules and  
 3314 practices to the business rules and practices existing within  
 3315 the human resource information system in order to minimize  
 3316 additional system customization and to maximize system  
 3317 efficiencies. Payment for usage shall be in accordance with s.  
 3318 110.125(2).

3319 Section 69. Section 110.1127, Florida Statutes, is  
 3320 transferred, renumbered as section 112.928, Florida Statutes,  
 3321 and amended to read:

3322 112.928 ~~110.1127~~ Employee background screening and  
 3323 investigations ~~security checks.~~

3324 (1) Except as provided in subsection (2), each state  
 3325 agency shall designate those positions that, based on the  
 3326 position duties, require security background screening. All  
 3327 persons and employees in such positions must undergo employment  
 3328 screening in accordance with chapter 435, using level 1  
 3329 screening standards, as a condition of employment and continued  
 3330 employment.

3331 (2) ~~(1)~~ Each state ~~employing~~ agency shall designate those  
 3332 ~~employee~~ positions that, because of the special trust or

3333 | responsibility or sensitive location, require security  
 3334 | background investigations. All persons and employees in such  
 3335 | positions must undergo employment screening in accordance with  
 3336 | chapter 435, using level 2 screening standards ~~of those~~  
 3337 | ~~positions, require that persons occupying those positions be~~  
 3338 | ~~subject to a security background check, including~~  
 3339 | ~~fingerprinting, as a condition of employment and continued~~  
 3340 | employment.

3341 |       ~~(2)~~(a) All positions within the Division of Treasury of  
 3342 | the Department of Financial Services are deemed to be positions  
 3343 | of special trust or responsibility. Individuals seeking or  
 3344 | holding such positions, ~~and a person~~ may be disqualified for  
 3345 | employment ~~in any such position~~ by reason of:

3346 |       1. The conviction or prior conviction of a crime that  
 3347 | ~~which~~ is reasonably related to the nature of the position sought  
 3348 | or held by the individual; or

3349 |       2. The entering of a plea of nolo contendere, or, ~~when~~ a  
 3350 | jury verdict of guilty is rendered but adjudication of guilt is  
 3351 | withheld, with respect to a crime that ~~which~~ is reasonably  
 3352 | related to the nature of the position sought or held by the  
 3353 | individual.

3354 |       ~~(b) All employees of the division shall be required to~~  
 3355 | ~~undergo security background investigations, including~~  
 3356 | ~~fingerprinting, as a condition of employment and continued~~  
 3357 | ~~employment.~~

3358 |       (b)~~(3)~~(a) All positions in programs providing care to  
 3359 | children, the developmentally disabled, or vulnerable adults for  
 3360 | 15 hours or more per week; all permanent and temporary employee



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3361 positions of the central abuse hotline; and all persons working  
3362 under contract who have access to abuse records are deemed to be  
3363 persons and positions of special trust or responsibility, ~~and~~  
3364 ~~require employment screening pursuant to chapter 435, using the~~  
3365 ~~level 2 standards set forth in that chapter.~~

3366 1.(b) The ~~employing~~ agency may grant exemptions from  
3367 disqualification from working with children, the developmentally  
3368 disabled, or vulnerable adults as provided in s. 435.07.

3369 ~~(c) All persons and employees in such positions of trust~~  
3370 ~~or responsibility shall be required to undergo security~~  
3371 ~~background investigations as a condition of employment and~~  
3372 ~~continued employment. For the purposes of this subsection,~~  
3373 ~~security background investigations shall be conducted as~~  
3374 ~~provided in chapter 435, using the level 2 standards for~~  
3375 ~~screening set forth in that chapter.~~

3376 2.(d) It is a misdemeanor of the first degree, punishable  
3377 as provided in s. 775.082 or s. 775.083, for any person  
3378 willfully, knowingly, or intentionally to:

3379 a.1. Fail, by false statement, misrepresentation,  
3380 impersonation, or other fraudulent means, to disclose in any  
3381 application for voluntary or paid employment a material fact  
3382 used in making a determination as to such person's  
3383 qualifications for a position of special trust;

3384 b.2. Use ~~records~~ information contained in records for  
3385 purposes other than background screening or investigation for  
3386 employment, or release such records information to other persons  
3387 for purposes other than preemployment screening or investigation  
3388 ~~for employment.~~

3389            3.~~(e)~~ It is a felony of the third degree, punishable as  
 3390 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
 3391 person willfully, knowingly, or intentionally to use juvenile  
 3392 records information for any purposes other than those specified  
 3393 in this section or to release such information to other persons  
 3394 for purposes other than those specified in this section.

3395            (3)~~(4)~~ Any person who is required to undergo such a  
 3396 security background screening or investigation and who refuses  
 3397 to cooperate in such screening or investigation or refuses to  
 3398 submit fingerprints shall be disqualified for employment in such  
 3399 position or, if employed, shall be dismissed.

3400            (4)~~(5)~~ ~~Such~~ Background screening and investigations shall  
 3401 be conducted at the expense of the employing agency. If ~~When~~  
 3402 fingerprinting is required, the fingerprints ~~of the employee or~~  
 3403 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency  
 3404 or by an authorized law enforcement officer, ~~and~~ submitted to  
 3405 the Department of Law Enforcement for processing, and, if  
 3406 ~~forwarding, when~~ requested by the employing agency, forwarded to  
 3407 the United States Department of Justice for processing. The  
 3408 ~~employing~~ agency shall reimburse the Department of Law  
 3409 Enforcement for any costs incurred for ~~by it in the~~ processing  
 3410 ~~of~~ the fingerprints.

3411            Section 70. Section 110.117, Florida Statutes, is  
 3412 transferred, renumbered as section 112.929, Florida Statutes,  
 3413 and amended to read:

3414            112.929 ~~110.117~~ Paid holidays and personal day.-

3415            (1) The following holidays are ~~shall be~~ paid holidays  
 3416 observed by all state branches and agencies:

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- 3417 (a) New Year's Day.
- 3418 (b) Birthday of Martin Luther King, Jr., third Monday in  
3419 January.
- 3420 (c) Memorial Day.
- 3421 (d) Independence Day.
- 3422 (e) Labor Day.
- 3423 (f) Veterans' Day, November 11.
- 3424 (g) Thanksgiving Day.
- 3425 (h) Friday after Thanksgiving.
- 3426 (i) Christmas Day.
- 3427 (j) If any of these holidays falls on Saturday, the  
3428 preceding Friday shall be observed as a holiday. If any of these  
3429 holidays falls on Sunday, the following Monday shall be observed  
3430 as a holiday.
- 3431 (2) The Governor may declare, if ~~when~~ appropriate, a state  
3432 day of mourning in observance of the death of a person in  
3433 recognition of service rendered to the state or nation.
- 3434 (3) Each full-time employee in an authorized and  
3435 established position is entitled to one personal day holiday  
3436 each year. Each part-time employee is entitled to a personal day  
3437 ~~holiday~~ each year, which shall be calculated based on the full-  
3438 time equivalency of the position proportionately to the personal  
3439 ~~holiday allowed to a full-time employee.~~ The Such personal day  
3440 ~~holiday~~ shall be credited to eligible employees on July 1 of  
3441 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the  
3442 following year or forfeited. The personal day must be taken as a  
3443 whole day and may not be used incrementally. Members of the  
3444 teaching and research faculty of the State University System and

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3445 administrative and professional positions exempted under s.  
3446 110.205(2)(d) are not eligible for this benefit.

3447 (4) Other-personal-services employees are not eligible for  
3448 paid holidays or a personal day.

3449 Section 71. Section 112.930, Florida Statutes, is created  
3450 to read:

3451 112.930 Telework program.—

3452 (1) For the purposes of this section, the term "telework"  
3453 means an alternative work arrangement that allows an employee to  
3454 conduct all or some of his or her work away from the official  
3455 worksite during all or a portion of the employee's established  
3456 work hours on a regular basis. The term does not include, and a  
3457 telework agreement is not required for:

3458 (a) Performance of required work duties away from the  
3459 official worksite and outside of established work hours on an  
3460 occasional basis and sporadically working away from the official  
3461 worksite during all or some portion of the established work  
3462 hours. These arrangements may be used by an agency to  
3463 accommodate extenuating circumstances by allowing an employee to  
3464 maintain productivity away from the official worksite.

3465 (b) Duties and responsibilities that, by their nature, are  
3466 performed routinely in the field away from the official  
3467 worksite.

3468 (2) An agency may establish telework as an integral part  
3469 of the normal business operations of the agency and require that  
3470 specific work be performed through telework arrangements.

3471 Telework may also be used as part of an agency's continuity of  
3472 operations plan where appropriate. An agency shall provide

3473 telework as an optional alternative work arrangement to support  
3474 employee needs and implement telework arrangements where deemed  
3475 appropriate.

3476 (3) Each agency shall review all established positions and  
3477 designate those positions that the agency deems appropriate for  
3478 telework. The agency shall ensure this information is current  
3479 and available to its employees and managers. In addition, each  
3480 agency shall identify all currently participating employees and  
3481 their respective positions in the human resource information  
3482 system used by that agency.

3483 (4) Agencies that have a telework program shall develop an  
3484 agency plan that addresses the agency's telework policies and  
3485 procedures. At a minimum, an agency telework plan must:

3486 (a) Establish criteria for evaluating the ability of  
3487 employees to satisfactorily perform in a telework arrangement.

3488 (b) Establish performance standards that ensure that  
3489 employees participating in the program maintain satisfactory  
3490 performance levels.

3491 (c) Ensure teleworkers are subject to the same rules and  
3492 disciplinary actions as other employees.

3493 (d) Establish the reasonable conditions that the agency  
3494 plans to impose in order to ensure appropriate use and  
3495 maintenance of any equipment issued by the agency.

3496 (e) Establish a system for monitoring the productivity of  
3497 teleworking employees which ensures that the work output remains  
3498 at a satisfactory level and that the duties and responsibilities  
3499 of the position remain suitable for a telework arrangement.

3500 (f) Establish the appropriate physical and electronic

3501 information security controls to be maintained by a teleworker  
3502 at the telework site.

3503 (g) Prohibit employees engaged in telework from conducting  
3504 face-to-face state business at their residence.

3505 (5) Agencies that approve employees to use telework as an  
3506 optional alternative work arrangement shall:

3507 (a) Require a written agreement between the teleworker and  
3508 the agency which specifies the terms and conditions of the  
3509 telework arrangement and provides for the termination of an  
3510 employee's participation in the program if the employee's  
3511 continued participation is not in the best interest of the  
3512 agency.

3513 (b) Ensure that participation by an employee is voluntary  
3514 and that the employee may discontinue participation after  
3515 providing reasonable notice to the agency.

3516 (6) Agencies that require certain employees to telework as  
3517 a part of normal business operations shall:

3518 (a) Include the requirement to telework and the associated  
3519 terms and conditions as part of the position description,  
3520 specifying the minimum amount of telework time required.

3521 (b) Provide at least 30 calendar days' written notice to  
3522 affected employees of intent to impose or remove a requirement  
3523 to telework.

3524 (c) Provide at least 15 calendar days' written notice to  
3525 affected employees of intent to revise the terms and conditions  
3526 of their current telework arrangement.

3527 (d) Provide equipment and supplies to an employee  
3528 necessary to carry out job functions from the telework site.

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3529 (e) Specify the telework requirement in any recruitment  
3530 activities.

3531 (7) Agencies that have a telework program shall establish  
3532 and track performance measures that support telework program  
3533 analysis and report data annually to the department's Facilities  
3534 Program in accordance with s. 255.249(3)(d). Such measures must  
3535 include, but need not be limited to, those that quantify:

3536 (a) Financial impacts associated with changes in office  
3537 space requirements resulting from the telework program. State  
3538 agencies operating in office space owned or managed by the  
3539 department shall consult the Facilities Program to ensure  
3540 consistency with the strategic leasing plan required under s.  
3541 255.249(3)(b).

3542 (b) Energy consumption changes resulting from the telework  
3543 program.

3544 (c) Greenhouse gas emission changes resulting from the  
3545 telework program.

3546 (8) Agencies that have a telework program shall post the  
3547 agency telework plan and any pertinent supporting documents on  
3548 the agency website to allow access by employees and the public.

3549 (9) Agencies may approve other-personal-services employees  
3550 to participate in telework programs.

3551 Section 72. Section 112.931, Florida Statutes, is created  
3552 to read:

3553 112.931 Savings sharing program.—Each state agency that is  
3554 authorized to adopt rules governing the terms and conditions of  
3555 employment may adopt rules that prescribe procedures and promote  
3556 a savings sharing program for an individual or group of

3557 employees who propose procedures or ideas that are adopted and  
3558 that result in eliminating or reducing state expenditures if  
3559 such proposals are placed in effect and may be implemented under  
3560 current statutory authority.

3561 (1) The agency head shall recommend employees individually  
3562 or by group for a monetary award that is directly related to the  
3563 cost savings realized. Each proposed award and the amount of the  
3564 award must be approved by the Legislative Budget Commission.

3565 (2) Unless otherwise provided by law, all state agencies  
3566 may participate in the program. The Chief Justice may establish  
3567 a savings sharing program for employees of the judicial branch  
3568 within the parameters established under this section. The  
3569 program applies to all employees within the Civil Service and  
3570 the Selected Exempt Service and comparable employees within the  
3571 judicial branch.

3572 (3) The department and the judicial branch shall annually  
3573 submit information to the President of the Senate and the  
3574 Speaker of the House of Representatives which outlines each  
3575 agency's level of participation in the program. At a minimum,  
3576 the information must include:

3577 (a) The number of proposals made.

3578 (b) The number of awards and amount of money awarded to  
3579 employees or groups for adopted proposals.

3580 (c) The actual cost savings realized as a result of  
3581 implementing the proposals.

3582 Section 73. Section 110.1156, Florida Statutes, is  
3583 transferred and renumbered as section 112.932, Florida Statutes.

3584 Section 74. Section 112.933, Florida Statutes, is created



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3585 to read:

3586 112.933 Penalties.—

3587 (1) Any person who willfully violates any provision of  
 3588 this part or any rules adopted pursuant to this part commits a  
 3589 misdemeanor of the second degree, punishable as provided in s.  
 3590 775.082 or s. 775.083.

3591 (2) Notwithstanding s. 112.011, any person who is  
 3592 convicted of a misdemeanor under this part is ineligible for  
 3593 appointment to or employment in a state position for 5 years. If  
 3594 such person is an employee of the state, he or she must forfeit  
 3595 his or her position.

3596 (3) Imposition of the penalties provided in this section  
 3597 may not be in lieu of any action that may be taken or penalties  
 3598 that may be imposed pursuant to part III of this chapter.

3599 Section 75. Section 112.934, Florida Statutes, is created  
 3600 to read:

3601 112.934 Rulemaking authority.—

3602 (1) Except as provided in subsections (2) and (3), each  
 3603 state agency with authority to govern the terms and conditions  
 3604 of employment for its employees is authorized to adopt rules as  
 3605 necessary to implement the provisions of this part.

3606 (2) The department is authorized to adopt rules as  
 3607 necessary to implement ss. 112.915, 112.916, 112.919, 112.922,  
 3608 112.926, 112.927, and 112.929.

3609 (3) Except as may be specifically provided therein, no  
 3610 rulemaking is authorized for ss. 112.908, 112.917, 112.920,  
 3611 112.921, and 112.925.

3612           (4) Any rule adopted by the department before July 1,  
 3613 2012, that implements a statute incorporated into this part  
 3614 shall remain in force, and may be followed by any agency  
 3615 authorized to adopt rules under this section, until that agency  
 3616 adopts a replacement rule.

3617           Section 76. Part X of chapter 112, Florida Statutes,  
 3618 consisting of ss. 112.940-112.953, Florida Statutes, is created  
 3619 and entitled "State Administered Benefits."

3620           Section 77. Section 110.1227, Florida Statutes, is  
 3621 transferred, renumbered as section 112.940, Florida Statutes,  
 3622 and paragraph (c) of subsection (1) of that section is amended  
 3623 to read:

3624           112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan  
 3625 Act.—

3626           (1) The Legislature finds that state expenditures for  
 3627 long-term-care services continue to increase at a rapid rate and  
 3628 that the state faces increasing pressure in its efforts to meet  
 3629 the long-term-care needs of the public.

3630           (c) This section does not affect ~~act in no way affects~~ the  
 3631 authority of the Department of Management Services ~~Services'~~  
 3632 ~~authority~~ pursuant to s. 112.942 ~~110.123~~.

3633           Section 78. Section 110.1228, Florida Statutes, is  
 3634 transferred and renumbered as section 112.941, Florida Statutes,  
 3635 and subsection (2) of that section is amended to read:

3636           112.941 ~~110.1228~~ Participation by small counties, small  
 3637 municipalities, and district school boards located in small  
 3638 counties.—

3639           (2) The governing body of a small county or small

3640 municipality or a district school board may apply for  
 3641 participation in the state group health insurance program  
 3642 authorized in s. 112.942 ~~110.123~~ and the prescription drug  
 3643 coverage program authorized by s. 112.946 ~~110.12315~~ by  
 3644 submitting an application along with a \$500 nonrefundable fee to  
 3645 the department.

3646 Section 79. Section 110.123, Florida Statutes, is  
 3647 transferred and renumbered as section 112.942, Florida Statutes,  
 3648 and paragraphs (f) and (h) of subsection (3) and paragraph (c)  
 3649 of subsection (4) of that section are amended to read:

3650 112.942 ~~110.123~~ State group insurance program.—

3651 (3) STATE GROUP INSURANCE PROGRAM.—

3652 (f) Except as provided for in subparagraph (h)2., the  
 3653 state contribution toward the cost of any plan in the state  
 3654 group insurance program shall be uniform with respect to all  
 3655 state employees in a state collective bargaining unit  
 3656 participating in the same coverage tier in the same plan. This  
 3657 section does not prohibit the development of separate benefit  
 3658 plans for officers and employees exempt from the Civil ~~career~~  
 3659 Service or the development of separate benefit plans for each  
 3660 collective bargaining unit.

3661 (h)1. In lieu of participating in the state group health  
 3662 insurance plan, a person eligible to participate in the state  
 3663 group insurance program may be authorized by department rules  
 3664 ~~adopted by the department, in lieu of participating in the state~~  
 3665 ~~group health insurance plan, to exercise an option to elect~~  
 3666 membership in a health maintenance organization (HMO) plan ~~which~~  
 3667 ~~is~~ under contract with the state in accordance with criteria

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3668 established by this section and adopted ~~by said~~ rules. The offer  
 3669 of optional membership in an HMO ~~a health maintenance~~  
 3670 ~~organization~~ plan ~~permitted by this paragraph~~ may be limited or  
 3671 conditioned by rule as ~~may be~~ necessary to meet the requirements  
 3672 of state and federal laws.

3673 2. The department shall contract with HMOs ~~health~~  
 3674 ~~maintenance organizations~~ seeking to participate in the state  
 3675 group insurance program through a request for proposal or other  
 3676 procurement process, as developed by the Department of  
 3677 Management Services and determined to be appropriate.

3678 a. The department shall establish a schedule of minimum  
 3679 benefits for HMO ~~health maintenance organization~~ coverage which  
 3680 includes, ~~and that schedule shall include:~~ physician services;  
 3681 inpatient and outpatient hospital services; emergency medical  
 3682 services, including out-of-area emergency coverage; diagnostic  
 3683 laboratory and diagnostic and therapeutic radiologic services;  
 3684 mental health, alcohol, and chemical dependency treatment  
 3685 services meeting the minimum requirements of state and federal  
 3686 law; skilled nursing facilities and services; prescription  
 3687 drugs; age-based and gender-based wellness benefits; and other  
 3688 benefits as may be required by the department. Additional  
 3689 services may be provided subject to the contract between the  
 3690 department and the HMO. As used in this paragraph, the term  
 3691 "age-based and gender-based wellness benefits" includes aerobic  
 3692 exercise, education in alcohol and substance abuse prevention,  
 3693 blood cholesterol screening, health risk appraisals, blood  
 3694 pressure screening and education, nutrition education, program  
 3695 planning, safety belt education, smoking cessation, stress

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3696 management, weight management, and women's health education.

3697 b. The department may establish uniform deductibles,  
 3698 copayments, coverage tiers, or coinsurance schedules for all  
 3699 participating HMO plans.

3700 c. The department may require detailed information from  
 3701 each HMO ~~health maintenance organization~~ participating in the  
 3702 procurement process, including information pertaining to  
 3703 organizational status, experience in providing prepaid health  
 3704 benefits, accessibility of services, financial stability of the  
 3705 plan, quality of management services, accreditation status,  
 3706 quality of medical services, network access and adequacy,  
 3707 performance measurement, ability to meet the department's  
 3708 reporting requirements, and the actuarial basis of the proposed  
 3709 rates and other data determined by the director to be necessary  
 3710 for the evaluation and selection of HMO ~~health maintenance~~  
 3711 ~~organization~~ plans and negotiation of appropriate rates for  
 3712 these plans. Upon receipt of proposals by HMO ~~health maintenance~~  
 3713 ~~organization~~ plans and the evaluation of those proposals, the  
 3714 department may enter into negotiations with all ~~of the plans~~ or  
 3715 a subset of the plans, as the department determines appropriate.  
 3716 ~~Nothing shall preclude~~ The department may negotiate ~~from~~  
 3717 ~~negotiating~~ regional or statewide contracts with HMO ~~health~~  
 3718 ~~maintenance organization~~ plans if ~~when this is~~ cost-effective  
 3719 and if ~~when~~ the department determines that the plan offers high  
 3720 value to enrollees.

3721 d. The department may limit the number of HMOs that it  
 3722 contracts with in each service area based on the nature of the  
 3723 bids the department receives, the number of state employees in

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3724 the service area, or any unique geographical characteristics of  
3725 the service area. The department shall establish by rule service  
3726 areas throughout the state.

3727 e. All persons participating in the state group insurance  
3728 program may be required to contribute toward ~~towards~~ a total  
3729 state group health premium that may vary depending upon the plan  
3730 and coverage tier selected by the enrollee and the level of  
3731 state contribution authorized by the Legislature.

3732 3. The department may ~~is authorized to~~ negotiate and ~~to~~  
3733 contract with specialty psychiatric hospitals for mental health  
3734 benefits, on a regional basis, for alcohol, drug abuse, and  
3735 mental and nervous disorders. ~~The department may establish,~~  
3736 Subject to the approval of the Legislature pursuant to  
3737 subsection (5), the department may establish ~~any~~ such regional  
3738 plan upon completion of an actuarial study to determine any  
3739 impact on plan benefits and premiums.

3740 ~~4. In addition to contracting pursuant to subparagraph 2.,~~  
3741 ~~the department may enter into contract with any HMO to~~  
3742 ~~participate in the state group insurance program which:~~

3743 ~~a. Serves greater than 5,000 recipients on a prepaid basis~~  
3744 ~~under the Medicaid program;~~

3745 ~~b. Does not currently meet the 25-percent non-~~  
3746 ~~Medicare/non-Medicaid enrollment composition requirement~~  
3747 ~~established by the Department of Health excluding participants~~  
3748 ~~enrolled in the state group insurance program;~~

3749 ~~c. Meets the minimum benefit package and copayments and~~  
3750 ~~deductibles contained in sub-subparagraphs 2.a. and b.;~~

3751 ~~d. Is willing to participate in the state group insurance~~

3752 ~~program at a cost of premiums that is not greater than 95~~  
3753 ~~percent of the cost of HMO premiums accepted by the department~~  
3754 ~~in each service area; and~~

3755 ~~e. Meets the minimum surplus requirements of s. 641.225.~~

3756  
3757 ~~The department is authorized to contract with HMOs that meet the~~  
3758 ~~requirements of sub-subparagraphs a. d. prior to the open~~  
3759 ~~enrollment period for state employees. The department is not~~  
3760 ~~required to renew the contract with the HMOs as set forth in~~  
3761 ~~this paragraph more than twice. Thereafter, the HMOs shall be~~  
3762 ~~eligible to participate in the state group insurance program~~  
3763 ~~only through the request for proposal or invitation to negotiate~~  
3764 ~~process described in subparagraph 2.~~

3765 ~~4.5.~~ All enrollees in a state group health insurance plan,  
3766 a TRICARE supplemental insurance plan, or an HMO ~~any health~~  
3767 ~~maintenance organization~~ plan have the option of changing to  
3768 another ~~any other~~ health plan ~~that is~~ offered by the state  
3769 within an ~~any~~ open enrollment period designated by the  
3770 department. Open enrollment shall be held at least once each  
3771 calendar year.

3772 ~~5.6.~~ If ~~When~~ a contract between a treating provider and  
3773 the state-contracted HMO ~~health maintenance organization~~ is  
3774 terminated for any reason other than for cause, each party must  
3775 ~~shall~~ allow an ~~any~~ enrollee for whom treatment was active to  
3776 continue coverage and care when medically necessary, through  
3777 completion of treatment of a condition for which the enrollee  
3778 was receiving care at the time of the termination, until the  
3779 enrollee selects another treating provider, or until the next

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3780 open enrollment period ~~offered~~, whichever is later ~~longer~~, but  
3781 no later ~~longer~~ than 6 months after termination of the contract.  
3782 Each party to the terminated contract must ~~shall~~ allow an  
3783 enrollee who has initiated a course of prenatal care, regardless  
3784 of the trimester in which care was initiated, to continue care  
3785 and coverage until completion of postpartum care. This does not  
3786 prevent a provider from refusing to continue to provide care to  
3787 an enrollee who is abusive, noncompliant, or in arrears in  
3788 payments for services provided. For care continued under this  
3789 subparagraph, the program and the provider ~~shall~~ continue to be  
3790 bound by the terms of the terminated contract. Changes made  
3791 within 30 days before termination of a contract are effective  
3792 only if agreed to by both parties.

3793 ~~6.7.~~ Any HMO participating in the state group insurance  
3794 program shall submit health care utilization and cost data to  
3795 the department, in such form and ~~in such~~ manner as the  
3796 department requires ~~shall require~~, as a condition of  
3797 participating in the program. The department shall enter into  
3798 negotiations with its contracting HMOs to determine the nature  
3799 and scope of the data submission and the final requirements,  
3800 format, penalties associated with noncompliance, and timetables  
3801 for submission. These determinations shall be adopted by rule.

3802 ~~7.8.~~ The department may establish and direct, with respect  
3803 to collective bargaining issues, a comprehensive package of  
3804 insurance benefits that may include supplemental health and life  
3805 coverage, dental care, long-term care, vision care, and other  
3806 benefits it determines necessary to enable state employees to  
3807 select from among benefit options that best suit their



3808 individual and family needs.

3809 a. Based upon a desired benefit package, the department

3810 shall issue a request for proposal or invitation to negotiate

3811 for health insurance providers interested in participating in

3812 the state group insurance program, ~~and the department shall~~

3813 issue a request for proposal or invitation to negotiate for

3814 insurance providers interested in participating in the non-

3815 health-related components of the state group insurance program.

3816 Upon receipt of all proposals, the department may enter into

3817 contract negotiations with insurance providers submitting bids

3818 or negotiate a specially designed benefit package. Insurance

3819 providers offering or providing supplemental coverage as of May

3820 30, 1991, which qualify for pretax benefit treatment pursuant to

3821 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more

3822 state employees currently enrolled may be included ~~by the~~

3823 ~~department~~ in the supplemental insurance benefit plan

3824 established by the department without participating in a request

3825 for proposal, submitting bids, negotiating contracts, or

3826 negotiating a specially designed benefit package. These

3827 contracts must ~~shall~~ provide state employees with the most cost-

3828 effective and comprehensive coverage available; however, ~~no~~

3829 state or agency funds may not ~~shall~~ be contributed toward the

3830 cost of any part of the premium of such supplemental benefit

3831 plans. With respect to dental coverage, the division shall

3832 include in any solicitation or contract for any state group

3833 dental program ~~made after July 1, 2001,~~ a comprehensive

3834 indemnity dental plan option that ~~which~~ offers enrollees a

3835 completely unrestricted choice of dentists. If a dental plan is

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3836 endorsed, or in some manner recognized as the preferred product,  
 3837 such plan must ~~shall~~ include a comprehensive indemnity dental  
 3838 plan option that ~~which~~ provides enrollees with a completely  
 3839 unrestricted choice of dentists.

3840 b. Pursuant to ~~the applicable provisions of s. 112.951~~  
 3841 ~~110.161,~~ and s. 125 of the Internal Revenue Code of 1986, the  
 3842 department shall enroll in the pretax benefit program those  
 3843 state employees who voluntarily elect coverage in any of the  
 3844 supplemental insurance benefit plans as provided by sub-  
 3845 subparagraph a.

3846 c. This subparagraph does not ~~Nothing herein contained~~  
 3847 ~~shall be construed to~~ prohibit insurance providers from  
 3848 continuing to provide or offer supplemental benefit coverage to  
 3849 state employees as provided under existing agency plans.

3850 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION  
 3851 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3852 (c) During each policy or budget year, no state agency  
 3853 shall contribute a greater dollar amount of the premium cost for  
 3854 its officers or employees for any plan option under the state  
 3855 group insurance program than any other agency for similar  
 3856 officers and employees, nor shall any greater dollar amount of  
 3857 premium cost be made for employees in one state collective  
 3858 bargaining unit than for those in any other state collective  
 3859 bargaining unit. Nothing in this section prohibits the use of  
 3860 different levels of state contributions for positions exempt  
 3861 from Civil ~~career~~ Service.

3862 Section 80. Section 110.12301, Florida Statutes is  
 3863 transferred and renumbered as section 112.943, Florida Statutes,

3864 and subsection (1) of that section is amended to read:

3865 112.943 ~~110.12301~~ Competitive procurement of postpayment  
 3866 claims review services.—The Division of State Group Insurance is  
 3867 directed to competitively procure:

3868 (1) Postpayment claims review services for the state group  
 3869 health insurance plans established pursuant to s. 112.942  
 3870 ~~110.123~~. Compensation under the contract shall be paid from  
 3871 amounts identified as claim overpayments that are made by or on  
 3872 behalf of the health plans and that are recovered by the vendor.  
 3873 The vendor may retain that portion of the amount recovered as  
 3874 provided in the contract. The contract must require the vendor  
 3875 to maintain all necessary documentation supporting the amounts  
 3876 recovered, retained, and remitted to the division; and

3877 Section 81. Section 110.12302, Florida Statutes is  
 3878 transferred and renumbered as section 112.944, Florida Statutes.

3879 Section 82. Section 110.12312, Florida Statutes, is  
 3880 transferred, renumbered as section 112.945, Florida Statutes,  
 3881 and amended to read:

3882 112.945 ~~110.12312~~ Open enrollment period for retirees.—On  
 3883 or after July 1, 1997, the Department of Management Services  
 3884 shall provide for an open enrollment period for retired state  
 3885 employees who want to obtain health insurance coverage under ss.  
 3886 112.942 and 112.946 ~~110.123 and 110.12315~~. The options offered  
 3887 during the open enrollment period must provide the same health  
 3888 insurance coverage as the coverage provided to active employees  
 3889 under the same premium payment conditions in effect for covered  
 3890 retirees, including eligibility for health insurance subsidy  
 3891 payments under s. 112.363. A person who separates from

3892 employment subsequent to May 1, 1988, but whose date of  
 3893 retirement occurs on or after August 1, 1995, is eligible as of  
 3894 the first open enrollment period occurring after July 1, 1997,  
 3895 with an effective date of January 1, 1998, as long as the  
 3896 retiree's enrollment remains in effect.

3897 Section 83. Section 110.12315, Florida Statutes, is  
 3898 transferred and renumbered as section 112.946, Florida Statutes.

3899 Section 84. Section 110.1232, Florida Statutes, is  
 3900 transferred, renumbered as section 112.947, Florida Statutes,  
 3901 and amended to read:

3902 112.947 ~~110.1232~~ Health insurance coverage for persons  
 3903 retired under state-administered retirement systems before  
 3904 January 1, 1976, and for spouses.—Notwithstanding any provisions  
 3905 of law to the contrary, the Department of Management Services  
 3906 shall provide health insurance coverage under the state group  
 3907 insurance program for persons who retired before January 1,  
 3908 1976, under any of the state-administered retirement systems and  
 3909 who are not covered by social security and for the spouses and  
 3910 surviving spouses of such retirees who are also not covered by  
 3911 social security. Such health insurance coverage shall provide  
 3912 the same benefits as provided to other retirees who are entitled  
 3913 to participate under s. 112.942 ~~110.123~~. The claims experience  
 3914 of this group shall be commingled with the claims experience of  
 3915 other members covered under s. 112.942 ~~110.123~~.

3916 Section 85. Section 110.1234, Florida Statutes, is  
 3917 transferred and renumbered as section 112.948, Florida Statutes.

3918 Section 86. Section 110.1238, Florida Statutes, is  
 3919 transferred and renumbered as section 112.949, Florida Statutes.

3920 Section 87. Section 110.1239, Florida Statutes, is  
 3921 transferred and renumbered as section 112.950, Florida Statutes.

3922 Section 88. Section 110.161, Florida Statutes, is  
 3923 transferred and renumbered as section 112.951, Florida Statutes,  
 3924 and paragraph (a) of subsection (6) of that section is amended  
 3925 to read:

3926 112.951 ~~110.161~~ State employees; pretax benefits program.—

3927 (6) The Department of Management Services is authorized to  
 3928 administer the pretax benefits program established for all  
 3929 employees so that employees may receive benefits that are not  
 3930 includable in gross income under the Internal Revenue Code of  
 3931 1986. The pretax benefits program:

3932 (a) Shall allow employee contributions to premiums for the  
 3933 state group insurance program administered under s. 112.942  
 3934 ~~110.123~~ to be paid on a pretax basis unless an employee elects  
 3935 not to participate.

3936 Section 89. Section 112.952, Florida Statutes, is created  
 3937 to read:

3938 112.952 Penalties.—

3939 (1) Any person who willfully violates any provision of  
 3940 this part or any rules adopted pursuant to this part commits a  
 3941 misdemeanor of the second degree, punishable as provided in s.  
 3942 775.082 or s. 775.083.

3943 (2) Notwithstanding s. 112.011, any person who is  
 3944 convicted of a misdemeanor under this part is ineligible for  
 3945 appointment to or employment in a state position for 5 years  
 3946 and, if an employee of the state, must forfeit his or her  
 3947 position.

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3948 (3) Imposition of the penalties provided in this section  
 3949 may not be in lieu of any action that may be taken or penalties  
 3950 that may be imposed pursuant to part III of this chapter.

3951 Section 90. Section 112.953, Florida Statutes, is created  
 3952 to read:

3953 112.953 Definition; rulemaking authority.-

3954 (1) For purposes of this part, the term "department" means  
 3955 the Department of Management Services.

3956 (2) The department is authorized to adopt rules as  
 3957 necessary to implement the provisions of this part.

3958 Section 91. Part IV of chapter 110, Florida Statutes, is  
 3959 renumbered as part XI of chapter 112, Florida Statutes,  
 3960 consisting of ss. 112.961-112.966, Florida Statutes, and is  
 3961 renamed "State Volunteer Services."

3962 Section 92. Section 110.501, Florida Statutes, is  
 3963 transferred, renumbered as section 112.961, Florida Statutes,  
 3964 reordered, and amended to read:

3965 112.961 ~~110.501~~ Definitions.-As used in this part, the  
 3966 term ~~act~~:

3967 (3)~~(1)~~ "Volunteer" means any person who, of his or her own  
 3968 free will, provides goods or services, or conveys an interest in  
 3969 or otherwise consents to the use of real property pursuant to  
 3970 chapter 260, to any ~~state department or agency,~~ or nonprofit  
 3971 organization, with no monetary or material compensation. A  
 3972 person registered and serving in Older American Volunteer  
 3973 Programs authorized by the Domestic Volunteer Service Act of  
 3974 1973, as amended (Pub. L. No. 93-113), shall also be defined as  
 3975 a volunteer and shall incur no civil liability as provided by s.

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3976 768.1355. A volunteer shall be eligible for payment of volunteer  
 3977 benefits as specified in Pub. L. No. 93-113, this section, and  
 3978 s. 430.204.

3979 ~~(2) "Regular service volunteer" means any person engaged~~  
 3980 ~~in specific voluntary service activities on an ongoing or~~  
 3981 ~~continuous basis.~~

3982 ~~(3) "Occasional service volunteer" means any person who~~  
 3983 ~~offers to provide a one-time or occasional voluntary service.~~

3984 (1)-(4) "Material donor" means any person who provides  
 3985 funds, materials, employment, or opportunities for clients of  
 3986 state ~~departments or~~ agencies, without monetary or material  
 3987 compensation.

3988 (2) "State agency" or "agency" means any official,  
 3989 officer, commission, board, authority, council, committee, or  
 3990 department of the executive branch or judicial branch of state  
 3991 government as defined in chapter 216, unless otherwise exempted  
 3992 by law.

3993 Section 93. Section 110.502, Florida Statutes, is  
 3994 transferred, renumbered as section 112.962, Florida Statutes,  
 3995 and amended to read:

3996 112.962 ~~110.502~~ Scope of act; status of volunteers.-

3997 (1) Every ~~state department or~~ state agency may, with the  
 3998 approval of the agency head, through the head of the department  
 3999 ~~or agency, secretary of the department, or executive director of~~  
 4000 ~~the department, is authorized to recruit, train, and accept,~~  
 4001 without regard to the requirements of the Civil State Career  
 4002 ~~Service System as set forth in part II of this chapter, the~~  
 4003 ~~services of volunteers, including regular service volunteers,~~

4004 ~~occasional service volunteers,~~ or material donors, to assist in  
 4005 programs administered by the ~~department or~~ agency.

4006 (2) Volunteers recruited, trained, or accepted by a ~~any~~  
 4007 state ~~department or~~ agency are ~~shall not be~~ subject to any  
 4008 provisions of law relating to state employment, a ~~to any~~  
 4009 collective bargaining agreement between the state and an ~~any~~  
 4010 employees' association or union, or ~~to any~~ laws relating to  
 4011 hours of work, rates of compensation, leave time, and employee  
 4012 benefits, except those consistent with s. 112.964 ~~110.504~~.  
 4013 However, all volunteers shall comply with applicable ~~department~~  
 4014 ~~or~~ agency rules. Volunteers may be required by the agency to  
 4015 submit to security background screenings.

4016 (3) Every state department or agency using ~~utilizing~~ the  
 4017 services of volunteers is ~~hereby~~ authorized to provide ~~such~~  
 4018 incidental reimbursement or benefit consistent with s. 112.964  
 4019 ~~the provisions of s. 110.504,~~ including transportation costs,  
 4020 lodging, ~~and~~ subsistence, identification and safety apparel,  
 4021 recognition, and other accommodations as the ~~department or~~  
 4022 agency deems necessary to assist, recognize, reward, or  
 4023 encourage volunteers in performing their functions. An ~~No~~  
 4024 ~~department or~~ agency may not ~~shall~~ expend or authorize an  
 4025 expenditure greater than ~~therefor in excess of~~ the amount  
 4026 provided for to the ~~department or~~ agency by appropriation in any  
 4027 fiscal year.

4028 (4) Persons working with state agencies pursuant to this  
 4029 part are ~~shall be~~ considered as unpaid independent volunteers  
 4030 and are ~~shall not be~~ entitled to unemployment compensation.

4031 Section 94. Section 110.503, Florida Statutes, is



4032 transferred, renumbered as section 112.963, Florida Statutes,  
 4033 and amended to read:

4034 112.963 ~~110.503~~ Responsibilities of state departments and  
 4035 agencies.—Each state department or agency using utilizing the  
 4036 services of volunteers shall take such actions as are:

4037 (1) ~~Take such actions as are~~ Necessary and appropriate to  
 4038 develop meaningful opportunities for volunteers involved in  
 4039 state-administered programs.

4040 (2) Necessary to ensure that volunteers are provided with  
 4041 the state agency's policies and procedures applicable to their  
 4042 volunteer activities. ~~Comply with the uniform rules adopted by~~  
 4043 ~~the Department of Management Services governing the recruitment,~~  
 4044 ~~screening, training, responsibility, use, and supervision of~~  
 4045 ~~volunteers.~~

4046 (3) ~~Take such actions as are~~ Necessary to ensure that  
 4047 volunteers understand their duties and responsibilities.

4048 (4) Necessary to ensure that a state employee whose  
 4049 primary employment consists of duties and responsibilities  
 4050 similar to those associated with volunteer activities is not  
 4051 considered for volunteer work if such work would require payment  
 4052 for overtime in accordance with the Fair Labor Standards Act.

4053 (4) ~~Take such actions as are necessary and appropriate to~~  
 4054 ~~ensure a receptive climate for citizen volunteers.~~

4055 (5) ~~Provide for the recognition of volunteers who have~~  
 4056 ~~offered continuous and outstanding service to state-administered~~  
 4057 ~~programs. Each department or agency using the services of~~  
 4058 ~~volunteers is authorized to incur expenditures not to exceed~~  
 4059 ~~\$100 each plus applicable taxes for suitable framed~~

4060 ~~certificates, plaques, or other tokens of recognition to honor,~~  
 4061 ~~reward, or encourage volunteers for their service.~~

4062 ~~(6) Recognize prior volunteer service as partial~~  
 4063 ~~fulfillment of state employment requirements for training and~~  
 4064 ~~experience pursuant to rules adopted by the Department of~~  
 4065 ~~Management Services.~~

4066 Section 95. Section 110.504, Florida Statutes, is  
 4067 transferred, renumbered as section 112.964, Florida Statutes,  
 4068 and amended to read:

4069 112.964 ~~110.504~~ Volunteer benefits.—

4070 (1) Meals may be furnished without charge to ~~regular-~~  
 4071 ~~service~~ volunteers serving state agencies if departments,  
 4072 ~~provided~~ the scheduled assignment extends over an established  
 4073 meal period, ~~and to occasional-service volunteers at the~~  
 4074 ~~discretion of the department head. An agency may not~~ No  
 4075 ~~department shall~~ expend or authorize any expenditure greater  
 4076 than in excess of the amount provided for by appropriation in  
 4077 any fiscal year.

4078 (2) Lodging, if available, may be furnished temporarily,  
 4079 in case of an agency ~~a department~~ emergency, at no charge to  
 4080 ~~regular-service~~ volunteers.

4081 (3) Transportation reimbursement may be furnished to those  
 4082 volunteers whose presence is determined to be necessary to the  
 4083 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in  
 4084 the performance of agency-related ~~department-related~~ duties. An  
 4085 agency may not ~~No department shall~~ expend or authorize an  
 4086 expenditure greater than in excess of the amount appropriated in  
 4087 any fiscal year.

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4088 (4) Volunteers are ~~shall be~~ covered by state liability  
 4089 protection in accordance with the definition of a volunteer and  
 4090 ~~the provisions of~~ s. 768.28.

4091 (5) Volunteers are ~~shall be~~ covered by workers'  
 4092 compensation in accordance with chapter 440.

4093 (6) Incidental recognition benefits or incidental  
 4094 nonmonetary awards may be furnished to volunteers serving in  
 4095 state agencies ~~departments~~ to award, recognize, or encourage  
 4096 volunteers for their service. The awards may not cost more than  
 4097 \$150 ~~in excess of \$100~~ each plus applicable taxes.

4098 (7) Volunteers, including volunteers receiving a stipend  
 4099 as provided by the Domestic Service Volunteer Act of 1973, as  
 4100 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.  
 4101 768.1355, the Florida Volunteer Protection Act.

4102 Section 96. Section 112.965, Florida Statutes, is created  
 4103 to read:

4104 112.965 Penalties.—

4105 (1) Any person who willfully violates any provision of  
 4106 this part or any rules adopted pursuant to this part commits a  
 4107 misdemeanor of the second degree, punishable as provided in s.  
 4108 775.082 or s. 775.083.

4109 (2) Notwithstanding s. 112.011, any person who is  
 4110 convicted of a misdemeanor under this part is ineligible for  
 4111 appointment to or employment in a state position for 5 years  
 4112 and, if an employee of the state, must forfeit his or her  
 4113 position.

4114 (3) Imposition of the penalties provided in this section  
 4115 may not be in lieu of any action that may be taken or penalties

4116 that may be imposed pursuant to part III of this chapter.

4117 Section 97. Section 112.966, Florida Statutes, is created  
4118 to read:

4119 112.966 Rulemaking authority.—Each state agency with  
4120 authority to govern the terms and conditions of employment for  
4121 its employees is authorized to adopt rules as necessary to  
4122 implement the provisions of this part. Any rule adopted by the  
4123 department before July 1, 2012, that implements a statute  
4124 incorporated into this part shall remain in force, and may be  
4125 followed by any agency authorized to adopt rules under this  
4126 section, until that agency adopts a replacement rule.

4127 Section 98. Sections 110.115, 110.118, 110.124, 110.129,  
4128 110.1521, 110.1522, 110.1523, 110.171, 110.2035, 110.21,  
4129 110.406, 110.603, 110.604, and 110.606, Florida Statutes, are  
4130 repealed.

4131 Section 99. Paragraph (b) of subsection (1) of section  
4132 11.13, Florida Statutes, is amended to read:

4133 11.13 Compensation of members.—

4134 (1)

4135 (b) On Effective July 1, 1986, and each July 1 of each  
4136 year thereafter, the annual salaries of members of the Senate  
4137 and House of Representatives shall be adjusted by the average  
4138 percentage increase in the salaries of civil state-career  
4139 service employees for the fiscal year just concluded. The  
4140 Appropriations Committee of each house shall certify to the  
4141 Office of Legislative Services the average percentage increase  
4142 in the salaries of civil state-career service employees before  
4143 July 1 of each year. The Office of Legislative Services shall,

4144 as of July 1 of each year, determine the adjusted annual  
 4145 salaries as provided in this paragraph herein.

4146 Section 100. Paragraph (c) of subsection (1) of section  
 4147 20.055, Florida Statutes, is amended to read:

4148 20.055 Agency inspectors general.—

4149 (1) For the purposes of this section:

4150 (c) "Individuals substantially affected" means natural  
 4151 persons who have established a real and sufficiently immediate  
 4152 injury in fact due to the findings, conclusions, or  
 4153 recommendations of a final report of a state agency inspector  
 4154 general, who are the subject of the audit or investigation, and  
 4155 who do not have or are not currently afforded an existing right  
 4156 to an independent review process. The term does not include:

4157 1. Employees of the state, including civil ~~career~~ service,  
 4158 probationary, other personal service, selected exempt service,  
 4159 and senior management service employees, ~~are not covered by this~~  
 4160 ~~definition. This definition also does not cover~~

4161 2. Former employees of the state if the final report of  
 4162 the state agency inspector general relates to matters arising  
 4163 during a former employee's term of state employment. ~~This~~  
 4164 ~~definition does not apply to~~

4165 3. Persons who are the subject of audits or investigations  
 4166 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
 4167 which are otherwise confidential and exempt under s. 119.07.

4168 Section 101. Subsection (6) of section 20.21, Florida  
 4169 Statutes, is amended to read:

4170 20.21 Department of Revenue.—There is created a Department  
 4171 of Revenue.

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4172 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~  
 4173 ~~110.123~~, relating to the state group insurance program, the  
 4174 department may pay, or participate in the payment of, premiums  
 4175 for health, accident, and life insurance for its full-time out-  
 4176 of-state employees, pursuant to such rules as it may adopt,  
 4177 which and such payments are shall be in addition to the  
 4178 employees' regular salaries ~~of such full-time out-of-state~~  
 4179 ~~employees.~~

4180 Section 102. Paragraph (e) of subsection (1) and  
 4181 subsection (6) of section 20.23, Florida Statutes, are amended  
 4182 to read:

4183 20.23 Department of Transportation.—There is created a  
 4184 Department of Transportation which shall be a decentralized  
 4185 agency.

4186 (1)

4187 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and  
 4188 ~~the~~ assistant secretaries are shall be exempt from part IV ~~the~~  
 4189 ~~provisions of part III~~ of chapter 110 and shall receive  
 4190 compensation commensurate with their qualifications and  
 4191 competitive with compensation for comparable responsibility in  
 4192 the private sector.

4193 (6) Notwithstanding ~~the provisions of s. 110.205,~~ the  
 4194 Department of Management Services may is ~~authorized to~~ exempt  
 4195 positions within the Department of Transportation that ~~which~~ are  
 4196 comparable to positions within the Senior Management Service  
 4197 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that  
 4198 ~~which~~ are comparable to positions in the Selected Exempt Service  
 4199 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

4200 Section 103. Subsection (2) of section 20.255, Florida  
 4201 Statutes, is amended to read:

4202 20.255 Department of Environmental Protection.—There is  
 4203 created a Department of Environmental Protection.

4204 (2) (a) There shall be three deputy secretaries who are to  
 4205 be appointed by and shall serve at the pleasure of the  
 4206 secretary. The secretary may assign any deputy secretary the  
 4207 responsibility to supervise, coordinate, and formulate policy  
 4208 for any division, office, or district. The following special  
 4209 offices are established and headed by managers, each of whom is  
 4210 to be appointed by and serve at the pleasure of the secretary:

- 4211 1. Office of Chief of Staff;
- 4212 2. Office of General Counsel;
- 4213 3. Office of Inspector General;
- 4214 4. Office of External Affairs;
- 4215 5. Office of Legislative Affairs;
- 4216 6. Office of Intergovernmental Programs; and
- 4217 7. Office of Greenways and Trails.

4218 (b) There shall be six administrative districts involved  
 4219 in regulatory matters of waste management, water resource  
 4220 management, wetlands, and air resources, which shall be headed  
 4221 by managers, each of whom is to be appointed by and serve at the  
 4222 pleasure of the secretary. Divisions of the department may have  
 4223 one assistant or two deputy division directors, as required to  
 4224 facilitate effective operation.

4225  
 4226 The managers of all divisions and offices specifically named in  
 4227 this section and the directors of the six administrative

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4228 districts are exempt from part II of chapter 110 and are  
 4229 included in the Senior Management Service in accordance with s.  
 4230 110.205(2)(g) ~~110.205(2)(j)~~.

4231 Section 104. Paragraph (d) of subsection (19) of section  
 4232 24.105, Florida Statutes, is amended to read:

4233 24.105 Powers and duties of department.—The department  
 4234 shall:

4235 (19) Employ division directors and other staff as may be  
 4236 necessary to carry out the provisions of this act; however:

4237 (d) The department shall establish and maintain a  
 4238 personnel program for its employees, including a personnel  
 4239 classification and pay plan that ~~which~~ may provide ~~any or all of~~  
 4240 the benefits provided in the Senior Management Service or  
 4241 Selected Exempt Service. Each officer or employee of the  
 4242 department is ~~shall be~~ a member of the Florida Retirement  
 4243 System. The retirement class of each officer or employee is  
 4244 ~~shall be~~ the same as other persons performing comparable  
 4245 functions for other agencies. Employees of the department shall  
 4246 serve at the pleasure of the secretary and are ~~shall be~~ subject  
 4247 to suspension, dismissal, reduction in pay, demotion, transfer,  
 4248 or other personnel action at the discretion of the secretary.  
 4249 Such personnel actions are exempt from ~~the provisions of~~ chapter  
 4250 120. All employees of the department are exempt from the Civil  
 4251 ~~Career Service System~~ provided in chapter 110 and,  
 4252 notwithstanding ~~the provisions of~~ s. 110.205(3) ~~110.205(5)~~, are  
 4253 not included in ~~either~~ the Senior Management Service or the  
 4254 Selected Exempt Service. However, all employees of the  
 4255 department are subject to all standards of conduct adopted by



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4256 rule for civil ~~career~~ service and senior management employees  
 4257 pursuant to chapter 110. In the event of a conflict between  
 4258 standards of conduct applicable to employees of the Department  
 4259 of the Lottery, the more restrictive standard applies ~~shall~~  
 4260 ~~apply~~. Interpretations as to the more restrictive standard may  
 4261 be provided by the Commission on Ethics upon request of an  
 4262 advisory opinion pursuant to s. 112.322(3)(a), and for purposes  
 4263 of this subsection, the opinion shall be considered final  
 4264 action.

4265 Section 105. Paragraph (d) of subsection (4) of section  
 4266 24.122, Florida Statutes, is amended to read:

4267 24.122 Exemption from taxation; state preemption;  
 4268 inapplicability of other laws.—

4269 (4) Any state or local law providing any penalty,  
 4270 disability, restriction, or prohibition for the possession,  
 4271 manufacture, transportation, distribution, advertising, or sale  
 4272 of any lottery ticket, including chapter 849, shall not apply to  
 4273 the tickets of the state lottery operated pursuant to this act;  
 4274 nor shall any such law apply to the possession of a ticket  
 4275 issued by any other government-operated lottery. In addition,  
 4276 activities of the department under this act are exempt from the  
 4277 provisions of:

4278 (d) Section 112.907 ~~110.131~~, relating to other personal  
 4279 services.

4280 Section 106. Paragraph (b) of subsection (1) of section  
 4281 30.071, Florida Statutes, is amended to read:

4282 30.071 Applicability and scope of act.—

4283 (1) This act applies to all deputy sheriffs, with the

4284 following exceptions:

4285 (b) Deputy sheriffs in a county that, by special act of  
 4286 the Legislature, local charter, ordinance, or otherwise, has  
 4287 established a civil ~~or career~~ service system that ~~which~~ grants  
 4288 collective bargaining rights for deputy sheriffs, including, but  
 4289 not limited to, deputy sheriffs in the following counties:  
 4290 Broward, Miami-Dade, Duval, Escambia, and Volusia.

4291 Section 107. Subsection (4) of section 43.16, Florida  
 4292 Statutes, is amended to read:

4293 43.16 Justice Administrative Commission; membership,  
 4294 powers and duties.—

4295 (4) (a) The Justice Administrative Commission shall employ  
 4296 an executive director and fix his or her salary. The executive  
 4297 director shall employ any necessary personnel for the efficient  
 4298 performance of the commission according to a classification and  
 4299 pay plan annually approved by the commission.

4300 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~  
 4301 ~~within~~ the commission are exempt from the Civil ~~Career~~ Service  
 4302 ~~System provided in chapter 110~~ and, notwithstanding s.  
 4303 110.205(3) ~~110.205(5)~~, are not included in the Senior Management  
 4304 Service or the Selected Exempt Service. The commission shall  
 4305 annually approve a classification plan and salary and benefits  
 4306 plan.

4307 (c) Employees in permanent positions must be offered  
 4308 benefits comparable to those offered under the Civil ~~Career~~  
 4309 ~~Service System~~.

4310 (d) The commission may offer benefits greater than ~~in~~  
 4311 ~~excess of~~ those offered under the Civil ~~Career~~ Service ~~System~~

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4312 only to employees who are appointed to positions designated as  
 4313 having managerial or policymaking duties or positions requiring  
 4314 membership in The Florida Bar.

4315 (e) By January 15 ~~15th~~ of each year, the commission shall  
 4316 submit to the Executive Office of the Governor, the President of  
 4317 the Senate, and the Speaker of the House of Representatives a  
 4318 listing of all positions receiving benefits greater than those  
 4319 ~~benefits~~ offered under the Civil Career Service System. Any  
 4320 change in the positions that are offered greater benefits or any  
 4321 change in the level of benefits is subject to the notice and  
 4322 objection procedures of s. 216.177.

4323 Section 108. Subsection (4) of section 104.31, Florida  
 4324 Statutes, is amended to read:

4325 104.31 Political activities of state, county, and  
 4326 municipal officers and employees.—

4327 (4) Nothing contained in this section or in any county or  
 4328 municipal charter shall be deemed to prohibit any public  
 4329 employee from expressing his or her opinions on any candidate or  
 4330 issue or from participating in any political campaign during the  
 4331 employee's off-duty hours, so long as such activities are not in  
 4332 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075  
 4333 ~~110.233~~.

4334 Section 109. Subsection (4) of section 106.24, Florida  
 4335 Statutes, is amended to read:

4336 106.24 Florida Elections Commission; membership; powers;  
 4337 duties.—

4338 (4) The commission shall appoint an executive director,  
 4339 who shall serve under the direction, supervision, and control of

4340 the commission. The executive director, with the consent of the  
 4341 commission, shall employ such staff as are necessary to  
 4342 adequately perform the functions of the commission, within  
 4343 budgetary limitations. All employees, except the executive  
 4344 director and attorneys, are subject to part II of chapter 110.  
 4345 The executive director shall serve at the pleasure of the  
 4346 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,  
 4347 except that the commission shall have complete authority for  
 4348 setting the executive director's salary. Attorneys employed by  
 4349 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter  
 4350 110.

4351 Section 110. Subsection (4) of section 112.044, Florida  
 4352 Statutes, is amended to read:

4353 112.044 Public employers, employment agencies, labor  
 4354 organizations; discrimination based on age prohibited;  
 4355 exceptions; remedy.—

4356 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the  
 4357 state ~~who is~~ within the Civil Career Service System established  
 4358 by chapter 110 ~~and~~ who is aggrieved by a violation of this act  
 4359 may appeal to the Public Employees Relations Commission under  
 4360 the conditions and following the procedures prescribed in part  
 4361 II of chapter 447. Any person other than an employee ~~who is~~  
 4362 within the Civil Career Service System ~~established by chapter~~  
 4363 ~~110~~, or any person employed by the Public Employees Relations  
 4364 Commission, who is aggrieved by a violation of this act may  
 4365 bring a civil action ~~in any court of competent jurisdiction~~ for  
 4366 such legal or equitable relief as will effectuate the purposes  
 4367 of this act.

4368 Section 111. Section 112.0805, Florida Statutes, is  
 4369 amended to read:

4370 112.0805 Employer notice of insurance eligibility to  
 4371 employees who retire.—An ~~Any~~ employer who provides insurance  
 4372 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify  
 4373 those employees who retire of their eligibility to participate  
 4374 in ~~either~~ the same group insurance plan or self-insurance plan  
 4375 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the  
 4376 insurance coverage ~~as~~ provided by this law.

4377 Section 112. Paragraph (a) of subsection (9) of section  
 4378 112.313, Florida Statutes, is amended to read:

4379 112.313 Standards of conduct for public officers,  
 4380 employees of agencies, and local government attorneys.—

4381 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
 4382 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

4383 (a)1. It is the intent of the Legislature to implement by  
 4384 statute the provisions of s. 8(e), Art. II of the State  
 4385 Constitution relating to legislators, statewide elected  
 4386 officers, appointed state officers, and designated public  
 4387 employees.

4388 2. As used in this paragraph:

4389 a. "Employee" means:

4390 (I) Any person employed in the executive or legislative  
 4391 branch of government holding a position in the Senior Management  
 4392 Service as defined in s. 110.402 or any person holding a  
 4393 position in the Selected Exempt Service as defined in s.  
 4394 110.3021 ~~110.602~~ or any person having authority over policy or  
 4395 procurement employed by the Department of the Lottery.

4396 (II) The Auditor General, the director of the Office of  
 4397 Program Policy Analysis and Government Accountability, the  
 4398 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
 4399 at Arms and Clerk of the House of Representatives.

4400 (III) The executive director and deputy executive director  
 4401 of the Commission on Ethics.

4402 (IV) An executive director, staff director, or deputy  
 4403 staff director of each joint committee, standing committee, or  
 4404 select committee of the Legislature; an executive director,  
 4405 staff director, executive assistant, analyst, or attorney of the  
 4406 Office of the President of the Senate, the Office of the Speaker  
 4407 of the House of Representatives, the Senate Majority Party  
 4408 Office, Senate Minority Party Office, House Majority Party  
 4409 Office, or House Minority Party Office; or any person, hired on  
 4410 a contractual basis, having the power normally conferred upon  
 4411 such persons, by whatever title.

4412 (V) The Chancellor and Vice Chancellors of the State  
 4413 University System; the general counsel to the Board of Governors  
 4414 of the State University System; and the president, provost, vice  
 4415 presidents, and deans of each state university.

4416 (VI) Any person, including an other-personal-services  
 4417 employee, having the power normally conferred upon the positions  
 4418 referenced in this sub-subparagraph.

4419 b. "Appointed state officer" means any member of an  
 4420 appointive board, commission, committee, council, or authority  
 4421 of the executive or legislative branch of state government whose  
 4422 powers, jurisdiction, and authority are not solely advisory and  
 4423 include the final determination or adjudication of any personal

4424 or property rights, duties, or obligations, other than those  
 4425 relative to its internal operations.

4426 c. "State agency" means an entity of the legislative,  
 4427 executive, or judicial branch of state government over which the  
 4428 Legislature exercises plenary budgetary and statutory control.

4429 3. A ~~No~~ member of the Legislature, appointed state  
 4430 officer, or statewide elected officer may not ~~shall~~ personally  
 4431 represent another person or entity for compensation before the  
 4432 government body or agency of which the individual was an officer  
 4433 or member for ~~a period of~~ 2 years following vacation of office.

4434 A ~~No~~ member of the Legislature may not ~~shall~~ personally  
 4435 represent another person or entity for compensation during his  
 4436 or her term of office before any state agency other than  
 4437 judicial tribunals or in settlement negotiations after the  
 4438 filing of a lawsuit.

4439 4. An agency employee, including an agency employee who  
 4440 was employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~  
 4441 position that was transferred to the Selected Exempt Service  
 4442 ~~System~~ under chapter 2001-43, Laws of Florida, may not  
 4443 personally represent another person or entity for compensation  
 4444 before the agency with which he or she was employed for ~~a period~~  
 4445 ~~of~~ 2 years following vacation of position, unless employed by  
 4446 another agency of state government.

4447 5. Any person violating this paragraph is ~~shall be~~ subject  
 4448 to the penalties provided in s. 112.317 and a civil penalty ~~of~~  
 4449 ~~an amount~~ equal to the compensation that ~~which~~ the person  
 4450 receives for the prohibited conduct.

4451 6. This paragraph is not applicable to:

- 4452           a. A person employed by the Legislature or other agency  
 4453 before ~~prior to~~ July 1, 1989;
- 4454           b. A person who was employed by the Legislature or other  
 4455 agency on July 1, 1989, whether or not the person was a defined  
 4456 employee on July 1, 1989;
- 4457           c. A person who was a defined employee of the State  
 4458 University System or the Public Service Commission who held such  
 4459 employment on December 31, 1994;
- 4460           d. A person who has reached normal retirement age as  
 4461 defined in s. 121.021(29), and who has retired under ~~the~~  
 4462 ~~provisions of~~ chapter 121 by July 1, 1991; or
- 4463           e. Any appointed state officer whose term of office began  
 4464 before January 1, 1995, unless reappointed to that office on or  
 4465 after January 1, 1995.

4466           Section 113. Paragraph (b) of subsection (1) of section  
 4467 112.3145, Florida Statutes, is amended to read:

4468           112.3145 Disclosure of financial interests and clients  
 4469 represented before agencies.—

4470           (1) For purposes of this section, unless the context  
 4471 otherwise requires, the term:

4472           (b) "Specified state employee" means:

4473           1. Public counsel created by chapter 350, an assistant  
 4474 state attorney, an assistant public defender, a full-time state  
 4475 employee who serves as counsel or assistant counsel to any state  
 4476 agency, the Deputy Chief Judge of Compensation Claims, a judge  
 4477 of compensation claims, an administrative law judge, or a  
 4478 hearing officer.

4479           2. Any person employed in the office of the Governor or in



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4480 the office of any member of the Cabinet if that person is exempt  
 4481 from the Civil Career Service System, except persons employed in  
 4482 clerical, secretarial, or similar positions.

4483 3. The State Surgeon General or each appointed secretary,  
 4484 assistant secretary, deputy secretary, executive director,  
 4485 assistant executive director, or deputy executive director of  
 4486 each state department, commission, board, or council; unless  
 4487 otherwise provided, the division director, assistant division  
 4488 director, deputy director, bureau chief, and assistant bureau  
 4489 chief of any state department or division; or any person having  
 4490 the power normally conferred upon such persons, by whatever  
 4491 title.

4492 4. The superintendent or institute director of a state  
 4493 mental health institute established for training and research in  
 4494 the mental health field or the warden or director of any major  
 4495 state institution or facility established for corrections,  
 4496 training, treatment, or rehabilitation.

4497 5. Business managers, purchasing agents having the power  
 4498 to make any purchase exceeding the threshold amount provided for  
 4499 in s. 287.017 for CATEGORY ONE, finance and accounting  
 4500 directors, personnel officers, or grants coordinators for any  
 4501 state agency.

4502 6. Any person, other than a legislative assistant exempted  
 4503 by the presiding officer of the house that employs ~~by which~~ the  
 4504 legislative assistant ~~is employed~~, who is employed in the  
 4505 legislative branch of government, except persons employed in  
 4506 maintenance, clerical, secretarial, or similar positions.

4507 7. Each employee of the Commission on Ethics.

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4508 Section 114. Paragraph (a) of subsection (2) of section  
 4509 112.363, Florida Statutes, is amended to read:

4510 112.363 Retiree health insurance subsidy.—

4511 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4512 (a) A person who is retired under a state-administered  
 4513 retirement system, or a beneficiary who is a spouse or financial  
 4514 dependent entitled to receive benefits under a state-  
 4515 administered retirement system, is eligible for health insurance  
 4516 subsidy payments ~~provided~~ under this section; except that  
 4517 pension recipients under ss. 121.40, 238.07(18) (a), and 250.22,  
 4518 recipients of health insurance coverage under s. 112.947  
 4519 ~~110.1232~~, or recipients of any other special pension or relief  
 4520 act ~~are shall~~ not be eligible for such payments.

4521 Section 115. Subsections (11) and (38) of section 121.021,  
 4522 Florida Statutes, are amended to read:

4523 121.021 Definitions.—The following words and phrases as  
 4524 used in this chapter have the respective meanings set forth  
 4525 unless a different meaning is plainly required by the context:

4526 (11) "Officer or employee" means any person receiving  
 4527 salary payments for work performed in a regularly established  
 4528 position and, if employed by a municipality, a metropolitan  
 4529 planning organization, or a special district, employed in a  
 4530 covered group. The term does not apply to state employees  
 4531 covered by a leasing agreement under s. 112.922 ~~110.191~~, other  
 4532 public employees covered by a leasing agreement, or a coemployer  
 4533 relationship.

4534 (38) "Continuous service" means creditable service as a  
 4535 member, beginning with the first day of employment with an

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4536 employer covered under a state-administered retirement system  
 4537 consolidated herein and continuing for as long as the member  
 4538 remains in an employer-employee relationship with the an  
 4539 employer ~~covered under this chapter~~. An absence of 1 calendar  
 4540 month or more from an employer's payroll is ~~shall be~~ considered  
 4541 a break in continuous service, except for periods of absence  
 4542 during which an employer-employee relationship continues to  
 4543 exist and such period of absence is creditable under this  
 4544 chapter or under one of the existing systems consolidated  
 4545 herein. However, a law enforcement officer as defined in s.  
 4546 121.0515(3) (a) who was a member of a state-administered  
 4547 retirement system under chapter 122 or chapter 321 and who  
 4548 resigned and was subsequently reemployed in a law enforcement  
 4549 position within 12 calendar months after ~~of~~ such resignation by  
 4550 an employer under a ~~such~~ state-administered retirement system is  
 4551 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.  
 4552 Further, with respect to a state-employed law enforcement  
 4553 officer who meets the criteria specified in s. 121.0515(3) (a),  
 4554 if the absence from the employer's payroll is the result of a  
 4555 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to  
 4556 run for an elected office that meets the criteria specified in  
 4557 s. 121.0515(3) (a), no break in continuous service shall be  
 4558 deemed to have occurred if the member is reemployed as a state  
 4559 law enforcement officer or is elected to an office that ~~which~~  
 4560 meets the criteria specified in s. 121.0515(3) (a) within 12  
 4561 calendar months after the date of the layoff or resignation,  
 4562 notwithstanding the fact that such period of layoff or  
 4563 resignation is not creditable service under this chapter. A

4564 withdrawal of contributions constitutes ~~will constitute~~ a break  
 4565 in service. Continuous service also includes past service  
 4566 purchased under this chapter if, ~~provided such~~ service is  
 4567 continuous within ~~this definition and~~ the rules established by  
 4568 the administrator. The administrator may establish  
 4569 administrative rules and procedures for applying this definition  
 4570 to creditable service authorized under this chapter. Any  
 4571 correctional officer, as defined in s. 943.10, whose  
 4572 participation in the state-administered retirement system is  
 4573 terminated due to the transfer of a county detention facility  
 4574 through a contractual agreement with a private entity pursuant  
 4575 to s. 951.062 is, ~~shall be~~ deemed an employee with continuous  
 4576 service in the Special Risk Class if, ~~provided~~ return to  
 4577 employment with the former employer takes place within 3 years  
 4578 due to contract termination or the officer is employed by a  
 4579 covered employer in a special risk position within 1 year after  
 4580 his or her initial termination of employment by such transfer of  
 4581 its detention facilities to the private entity.

4582 Section 116. Paragraph (f) of subsection (2) of section  
 4583 121.051, Florida Statutes, is amended to read:

4584 121.051 Participation in the system.—

4585 (2) OPTIONAL PARTICIPATION.—

4586 (f)1. If an employer that participates in the Florida  
 4587 Retirement System undertakes the transfer, merger, or  
 4588 consolidation of governmental services or assumes the functions  
 4589 and activities of an employing governmental entity that was not  
 4590 an employer under the system, the employer must notify the  
 4591 department at least 60 days before such action and provide

4592 documentation as required by the department. Such ~~The~~ transfer,  
 4593 merger, ~~or consolidation,~~ of governmental services or assumption  
 4594 ~~of governmental functions and activities~~ must occur between  
 4595 public employers. The current or former employer may pay the  
 4596 employees' past service cost, unless prohibited under this  
 4597 chapter. This subparagraph does not apply to the transfer,  
 4598 merger, or consolidation of governmental services or assumption  
 4599 of functions and activities of a public entity under a leasing  
 4600 agreement having a coemployer relationship. Employers and  
 4601 employees of a public governmental employer whose service is  
 4602 covered by a leasing agreement under s. 112.922 ~~110.191~~, any  
 4603 other leasing agreement, or a coemployer relationship may not  
 4604 ~~are not eligible to~~ participate in the Florida Retirement  
 4605 System.

4606 2. If the agency to which a member's employing unit is  
 4607 transferred, merged, or consolidated does not participate in the  
 4608 Florida Retirement System, a member may elect in writing to  
 4609 remain in the ~~Florida Retirement~~ system or to transfer to the  
 4610 local retirement system operated by the agency. If the agency  
 4611 does not participate in a local retirement system, the member  
 4612 shall continue membership in the Florida Retirement System. In  
 4613 either case, membership continues for as long as the member is  
 4614 employed by the agency to which his or her unit was transferred,  
 4615 merged, or consolidated.

4616 Section 117. Paragraph (a) of subsection (1) of section  
 4617 121.055, Florida Statutes, is amended to read:

4618 121.055 Senior Management Service Class.—There is hereby  
 4619 established a separate class of membership within the Florida

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4620 Retirement System to be known as the "Senior Management Service  
4621 Class," which shall become effective February 1, 1987.

4622 (1) (a) Participation in the Senior Management Service  
4623 Class is ~~shall be~~ limited to and compulsory for any member of  
4624 the Florida Retirement System who holds a position in the Senior  
4625 Management Service ~~of the State of Florida,~~ established under ~~by~~  
4626 part IV ~~III~~ of chapter 110, unless such member elects, within  
4627 the time specified herein, to participate in the Senior  
4628 Management Service Optional Annuity Program as established in  
4629 subsection (6).

4630 Section 118. Paragraph (a) of subsection (2) of section  
4631 121.35, Florida Statutes, is amended to read:

4632 121.35 Optional retirement program for the State  
4633 University System.—

4634 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4635 (a) Participation in the optional retirement program is  
4636 ~~provided by this section shall be~~ limited to persons who are  
4637 otherwise eligible for membership or renewed membership in the  
4638 Florida Retirement System and who are employed in one of the  
4639 following State University System positions:

4640 1. Positions classified as instructional and research  
4641 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~  
4642 ~~provisions of~~ s. 110.205(2) (d).

4643 2. Positions classified as administrative and professional  
4644 which are exempt from the Civil ~~career~~ Service under ~~the~~  
4645 ~~provisions of~~ s. 110.205(2) (d).

4646 3. The Chancellor and the university presidents.

4647 Section 119. Section 145.19, Florida Statutes, is amended

4648 to read:

4649 145.19 Annual percentage increases based on increase for

4650 civil state~~career~~ service employees; limitation.—

4651 (1) As used in this section, the term:

4652 (a) "Annual factor" means 1 plus the lesser of:

4653 1. The average percentage increase in the salaries of

4654 civil state~~career~~ service employees for the current fiscal year

4655 as determined by the Department of Management Services or as

4656 provided in the General Appropriations Act; or

4657 2. Seven percent.

4658 (b) "Cumulative annual factor" means the product of all

4659 annual factors certified under this act before ~~prior to~~ the

4660 fiscal year for which salaries are being calculated.

4661 (c) "Initial factor" means a factor of 1.292, which is a

4662 product, rounded to the nearest thousandth, of an earlier cost-

4663 of-living increase factor authorized by chapter 73-173, Laws of

4664 Florida, and intended by the Legislature to be preserved in

4665 adjustments to salaries made before the ~~prior to~~ enactment of

4666 chapter 76-80, Laws of Florida, multiplied by the annual

4667 increase factor authorized by chapter 79-327, Laws of Florida.

4668 (2) Each fiscal year, the salaries of all officials listed

4669 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.

4670 The adjusted salary rate is ~~shall be~~ the product, rounded to the

4671 nearest dollar, of the salary rate granted by the appropriate

4672 section of this chapter, s. 1001.395, or s. 1001.47 multiplied

4673 first by the initial factor, then by the cumulative annual

4674 factor, and finally by the annual factor. The Department of

4675 Management Services shall certify the annual factor and the

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4676 cumulative annual factors. Any special qualification salary  
 4677 received under this chapter, s. 1001.47, or the annual  
 4678 performance salary incentive available to elected  
 4679 superintendents under s. 1001.47 shall be added to the ~~such~~  
 4680 adjusted salary rate. The special qualification salary is ~~shall~~  
 4681 ~~be \$2,000, but shall not exceed \$2,000.~~

4682 Section 120. Subsection (2) of section 216.011, Florida  
 4683 Statutes, is amended to read:

4684 216.011 Definitions.—

4685 (2) For purposes of this chapter, terms related to the  
 4686 State Personnel System ~~are personnel affairs of the state shall~~  
 4687 ~~be~~ defined as set forth in s. 110.1054 ~~110.107.~~

4688 Section 121. Paragraph (b) of subsection (10) of section  
 4689 216.181, Florida Statutes, is amended to read:

4690 216.181 Approved budgets for operations and fixed capital  
 4691 outlay.—

4692 (10)

4693 (b) Lump-sum salary bonuses may be provided only if  
 4694 specifically appropriated or provided pursuant to ~~s. 110.1245 or~~  
 4695 s. 216.1815.

4696 Section 122. Subsection (2) of section 260.0125, Florida  
 4697 Statutes, is amended to read:

4698 260.0125 Limitation on liability of private landowners  
 4699 whose property is designated as part of the statewide system of  
 4700 greenways and trails.—

4701 (2) A ~~Any~~ private landowner who consents to designation of  
 4702 his or her land as part of the statewide system of greenways and  
 4703 trails pursuant to s. 260.016(2)(d) without compensation is



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4704 ~~shall be~~ considered a volunteer, as defined in s. 112.961  
 4705 ~~110.501~~, and is ~~shall be~~ covered by state liability protection  
 4706 pursuant to s. 768.28, ~~including s. 768.28(9)~~.

4707 Section 123. Section 287.175, Florida Statutes, is amended  
 4708 to read:

4709 287.175 Penalties.—A violation of this part or a rule  
 4710 adopted hereunder, pursuant to applicable constitutional and  
 4711 statutory procedures, constitutes misuse of public position as  
 4712 defined in s. 112.313(6) ~~7~~ and is punishable as provided in s.  
 4713 112.317. The Chief Financial Officer shall report incidents of  
 4714 suspected misuse to the Commission on Ethics, and the commission  
 4715 shall investigate possible violations of this part or rules  
 4716 adopted hereunder when reported by the Chief Financial Officer,  
 4717 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of  
 4718 this part or a rule is ~~adopted hereunder shall be~~ presumed to  
 4719 have been committed with wrongful intent, but such presumption  
 4720 is rebuttable. ~~Nothing in~~ This section is not intended to deny  
 4721 rights provided to civil ~~career~~ service employees by s. 110.227.

4722 Section 124. Paragraph (a) of subsection (4) of section  
 4723 295.07, Florida Statutes, is amended to read:

4724 295.07 Preference in appointment and retention.—

4725 (4) The following positions are exempt from this section:

4726 (a) Those positions that are exempt from the Civil ~~state~~  
 4727 ~~Career~~ Service ~~System~~ under s. 110.205 ~~.(2)~~; However, all  
 4728 positions under the University Support Personnel System of the  
 4729 State University System as well as all civil ~~Career~~ service  
 4730 ~~System~~ positions under the Florida Community College System and  
 4731 the School for the Deaf and the Blind, or the equivalent of such

4732 positions at state universities, community colleges, or the  
 4733 School for the Deaf and the Blind, are included.

4734 Section 125. Paragraph (a) of subsection (1) of section  
 4735 295.09, Florida Statutes, is amended to read:

4736 295.09 Reinstatement or reemployment; promotion  
 4737 preference.—

4738 (1) (a) If ~~When~~ an employee of the state or any of its  
 4739 political subdivisions employed in a position subject or not  
 4740 subject to a civil ~~career~~ service ~~system~~ or other merit-type  
 4741 system, with the exception of those positions that ~~which~~ are  
 4742 exempt pursuant to s. 295.07(4), has served in the Armed Forces  
 4743 of the United States and is discharged or separated ~~therefrom~~  
 4744 with an honorable discharge, the state or its political  
 4745 subdivision shall reemploy or reinstate such person to the same  
 4746 position that he or she held before ~~prior to~~ such service in the  
 4747 armed forces, or to an equivalent position, if ~~provided~~ such  
 4748 person returns to the position within 1 year after ~~of~~ his or her  
 4749 date of separation or, in cases of extended active duty, within  
 4750 1 year after ~~of~~ the date of discharge or separation subsequent  
 4751 to the extension. Such person shall also be awarded preference  
 4752 in promotion and shall be promoted ahead of all others who are  
 4753 as well qualified or less qualified for the position. If ~~When~~ an  
 4754 examination for promotion is used ~~utilized~~, such person shall be  
 4755 awarded preference points, as provided in s. 295.08, and shall  
 4756 be promoted ahead of all those who appear in an equal or lesser  
 4757 position on the promotional register if, ~~provided~~ he or she  
 4758 first successfully passes the examination for the promotional  
 4759 position.

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4760 Section 126. Subsection (3) of section 296.04, Florida  
 4761 Statutes, is amended to read:

4762 296.04 Administrator; duties and qualifications;  
 4763 responsibilities.—

4764 (3) The administrator position shall be assigned to the  
 4765 Selected Exempt Service under part III ~~IV~~ of chapter 110. The  
 4766 director shall give veterans' preference in selecting an  
 4767 administrator, as provided in ss. 295.07 and 295.085. In  
 4768 addition, the administrator must have at least a 4-year degree  
 4769 from an accredited university or college and 3 years of  
 4770 administrative experience in a health care facility, or any  
 4771 equivalent combination of experience, training, and education  
 4772 totaling 7 years in work relating to administration of a health  
 4773 care facility.

4774 Section 127. Subsection (2) of section 296.34, Florida  
 4775 Statutes, is amended to read:

4776 296.34 Administrator; qualifications, duties, and  
 4777 responsibilities.—

4778 (2) The position shall be assigned to the Selected Exempt  
 4779 Service under part III ~~IV~~ of chapter 110. The director shall give  
 4780 veterans' ~~veterans~~ preference in selecting an administrator, as  
 4781 provided in ss. 295.07 and 295.085. The administrator, at the  
 4782 time of entering employment and at all times while employed as  
 4783 the administrator, must hold a current valid license as a  
 4784 nursing home administrator under part II of chapter 468.

4785 Section 128. Subsection (2) of section 381.00315, Florida  
 4786 Statutes, is amended to read:

4787 381.00315 Public health advisories; public health

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4788 emergencies.—The State Health Officer is responsible for  
 4789 declaring public health emergencies and issuing public health  
 4790 advisories.

4791 (2) Individuals who assist the State Health Officer at his  
 4792 or her request on a volunteer basis during a public health  
 4793 emergency are entitled to the benefits specified in s.  
 4794 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4795 Section 129. Paragraph (e) of subsection (3) of section  
 4796 381.85, Florida Statutes, is amended to read:

4797 381.85 Biomedical and social research.—

4798 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4799 (e) The council shall be staffed by an executive director  
 4800 and a secretary who shall be appointed by the council and who  
 4801 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter  
 4802 110 relating to the Civil Career Service System.

4803 Section 130. Paragraph (a) of subsection (3) of section  
 4804 394.47865, Florida Statutes, is amended to read:

4805 394.47865 South Florida State Hospital; privatization.—

4806 (3) (a) Current South Florida State Hospital employees who  
 4807 are affected by the privatization shall be given first  
 4808 preference for continued employment by the contractor. The  
 4809 department shall make reasonable efforts to find suitable job  
 4810 placements for employees who wish to remain within the state  
 4811 Civil Career Service System.

4812 Section 131. Section 402.3057, Florida Statutes, is  
 4813 amended to read:

4814 402.3057 Persons not required to be refingerprinted or  
 4815 rescreened.—~~Notwithstanding any other provision of law to the~~

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4816 ~~contrary notwithstanding~~, human resource personnel who have been  
 4817 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 4818 402, and 409, and teachers and noninstructional personnel who  
 4819 have been fingerprinted pursuant to chapter 1012, who have not  
 4820 been unemployed for more than 90 days thereafter, and who under  
 4821 the penalty of perjury attest to the completion of such  
 4822 fingerprinting or screening and to compliance with ~~the~~  
 4823 ~~provisions of this~~ section and the standards for good moral  
 4824 character as contained in ~~such provisions as~~ ss. 112.928  
 4825 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and  
 4826 409.175(6), are ~~shall~~ not be required to be refingerprinted or  
 4827 rescreened in order to comply with any caretaker screening or  
 4828 fingerprinting requirements.

4829 Section 132. Paragraph (a) of subsection (2) of section  
 4830 402.55, Florida Statutes, is amended to read:

4831 402.55 Management fellows program.—

4832 (2) The departments are authorized to establish a  
 4833 management fellows program in order to provide highly qualified  
 4834 career candidates for key administrative and managerial  
 4835 positions in the departments. Such program shall include, but is  
 4836 not limited to:

4837 (a) The identification annually by the secretaries, the  
 4838 assistant secretaries, and the district administrator in each  
 4839 district of one high-potential civil ~~career~~ service employee  
 4840 each, to be designated and appointed to serve as a full-time  
 4841 health and rehabilitative services management fellow for a  
 4842 ~~period of~~ 1 year.

4843 Section 133. Subsection (4) of section 402.7305, Florida

4844 Statutes, is amended to read:

4845 402.7305 Department of Children and Family Services;  
 4846 procurement of contractual services; contract management.—

4847 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The  
 4848 department shall establish contract monitoring units staffed by  
 4849 civil ~~career~~ service employees who report to a member of the  
 4850 Selected Exempt Service or Senior Management Service and who  
 4851 have been properly trained to perform contract monitoring. At  
 4852 least one member of the contract monitoring unit must possess  
 4853 specific knowledge and experience in the contract's program  
 4854 area. The department shall establish a contract monitoring  
 4855 process that includes, but is not limited to, the following  
 4856 requirements:

4857 (a) Performing a risk assessment at the start of each  
 4858 fiscal year and preparing an annual contract monitoring schedule  
 4859 that considers the level of risk assigned. The department may  
 4860 monitor any contract at any time regardless of whether such  
 4861 monitoring was originally included in the annual contract  
 4862 monitoring schedule.

4863 (b) Preparing a contract monitoring plan, including  
 4864 sampling procedures, before performing onsite monitoring at  
 4865 external locations of a service provider. The plan must include  
 4866 a description of the programmatic, fiscal, and administrative  
 4867 components that will be monitored on site. If appropriate,  
 4868 clinical and therapeutic components may be included.

4869 (c) Conducting analyses of the performance and compliance  
 4870 of an external service provider by means of desk reviews if the  
 4871 external service provider will not be monitored on site during a

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4872 | fiscal year.

4873 |         (d) Unless the department sets forth in writing the need  
 4874 | for an extension, providing a written report presenting the  
 4875 | results of the monitoring within 30 days after the completion of  
 4876 | the onsite monitoring or desk review.

4877 |         (e) Developing and maintaining a set of procedures  
 4878 | describing the contract monitoring process.

4879 |

4880 | Notwithstanding any other provision of this section, the  
 4881 | department shall limit monitoring of a child-caring or child-  
 4882 | placing services provider under this subsection to only once per  
 4883 | year. Such monitoring may not duplicate administrative  
 4884 | monitoring that is included in the survey of a child welfare  
 4885 | provider conducted by a national accreditation organization  
 4886 | specified under s. 402.7306(1).

4887 |         Section 134. Subsection (2) of section 402.731, Florida  
 4888 | Statutes, is amended to read:

4889 |         402.731 Department of Children and Family Services  
 4890 | certification programs for employees and service providers;  
 4891 | employment provisions for transition to community-based care.—

4892 |         (2) The department shall develop and implement employment  
 4893 | programs to attract and retain competent staff to support and  
 4894 | facilitate the transition to privatized community-based care.  
 4895 | Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,  
 4896 | salary incentives, relocation allowances, or severance pay. The  
 4897 | department shall also contract for the delivery or  
 4898 | administration of outplacement services. The department shall  
 4899 | establish time-limited exempt positions as provided in s.

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4900 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority  
 4901 provided in s. 216.262(1)(c)1. Employees appointed to fill such  
 4902 exempt positions shall have the same salaries and benefits as  
 4903 civil ~~career~~ service employees.

4904 Section 135. Section 409.1757, Florida Statutes, is  
 4905 amended to read:

4906 409.1757 Persons not required to be refingerprinted or  
 4907 rescreened. Notwithstanding any other provision of law to the  
 4908 ~~contrary notwithstanding~~, human resource personnel who have been  
 4909 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 4910 402, and this chapter, and teachers who have been fingerprinted  
 4911 pursuant to chapter 1012, who have not been unemployed for more  
 4912 than 90 days thereafter, and who under the penalty of perjury  
 4913 attest to the completion of such fingerprinting or screening and  
 4914 to compliance with ~~the provisions of~~ this section and the  
 4915 standards for good moral character as contained in ~~such~~  
 4916 ~~provisions as~~ ss. 112.928 ~~110.1127(3)~~, 393.0655(1), 394.457(6),  
 4917 397.451, 402.305(2), and 409.175(6), are ~~shall~~ not be required  
 4918 to be refingerprinted or rescreened in order to comply with any  
 4919 caretaker screening or fingerprinting requirements.

4920 Section 136. Subsection (1) of section 409.9205, Florida  
 4921 Statutes, is amended to read:

4922 409.9205 Medicaid Fraud Control Unit.—

4923 (1) Except as provided in s. 110.205, all positions in the  
 4924 Medicaid Fraud Control Unit of the Department of Legal Affairs  
 4925 are ~~hereby~~ transferred to the Civil Career ~~Service System~~.

4926 Section 137. Section 414.37, Florida Statutes, is amended  
 4927 to read:



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4928 |           414.37 Public assistance overpayment recovery  
 4929 | privatization; reemployment of laid-off ~~career service~~  
 4930 | employees.—Should civil ~~career~~ service employees of the  
 4931 | Department of Children and Family Services be subject to layoff  
 4932 | after July 1, 1995, due to the privatization of public  
 4933 | assistance overpayment recovery functions, the privatization  
 4934 | contract must ~~shall~~ require the contracting firm to give  
 4935 | priority consideration to employment of such employees. In  
 4936 | addition, a task force composed of representatives from the  
 4937 | Department of Children and Family Services and the Department of  
 4938 | Management Services shall be established to provide reemployment  
 4939 | assistance to such employees.

4940 |           Section 138. Subsection (7) of section 427.012, Florida  
 4941 | Statutes, is amended to read:

4942 |           427.012 The Commission for the Transportation  
 4943 | Disadvantaged.—There is created the Commission for the  
 4944 | Transportation Disadvantaged in the Department of  
 4945 | Transportation.

4946 |           (7) The commission shall appoint an executive director who  
 4947 | shall serve under the direction, supervision, and control of the  
 4948 | commission. The executive director, with the consent of the  
 4949 | commission, shall employ such personnel as ~~may be~~ necessary to  
 4950 | perform adequately the functions of the commission within  
 4951 | budgetary limitations. Employees of the commission are exempt  
 4952 | from the Civil Career Service System.

4953 |           Section 139. Paragraph (o) of subsection (1) of section  
 4954 | 440.102, Florida Statutes, is amended to read:

4955 |           440.102 Drug-free workplace program requirements.—The

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4956 following provisions apply to a drug-free workplace program  
 4957 implemented pursuant to law or to rules adopted by the Agency  
 4958 for Health Care Administration:

4959 (1) DEFINITIONS.—Except where the context otherwise  
 4960 requires, as used in this act:

4961 (o) "Safety-sensitive position" means, with respect to a  
 4962 public employer, a position in which a drug impairment  
 4963 constitutes an immediate and direct threat to public health or  
 4964 safety, such as a position that requires the employee to carry a  
 4965 firearm, perform life-threatening procedures, work with  
 4966 confidential information or documents pertaining to criminal  
 4967 investigations, or work with controlled substances; a position  
 4968 subject to s. 112.928 ~~110.1127~~; or a position in which a  
 4969 momentary lapse in attention could result in injury or death to  
 4970 another person.

4971 Section 140. Subsection (2) of section 447.203, Florida  
 4972 Statutes, is amended to read:

4973 447.203 Definitions.—As used in this part:

4974 (2) "Public employer" or "employer" means the state or any  
 4975 county, municipality, or special district, or any subdivision or  
 4976 agency thereof, which the commission determines has sufficient  
 4977 legal distinctiveness ~~properly~~ to properly carry out the  
 4978 functions of a public employer. With respect to all public  
 4979 employees determined by the commission as properly belonging to  
 4980 a statewide bargaining unit composed of state civil ~~Career~~  
 4981 ~~service System~~ employees or selected exempt ~~Professional~~ service  
 4982 employees, the Governor is ~~shall be deemed to be~~ the public  
 4983 employer; and the Board of Governors of the State University

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4984 System, or the board's designee, ~~is shall be deemed to be~~ the  
 4985 public employer with respect to all public employees of each  
 4986 constituent state university. The board of trustees of a  
 4987 community college ~~is shall be deemed to be~~ the public employer  
 4988 with respect to all employees of the community college. The  
 4989 district school board ~~is shall be deemed to be~~ the public  
 4990 employer with respect to all employees of the school district.  
 4991 The Board of Trustees of the Florida School for the Deaf and the  
 4992 Blind ~~is shall be deemed to be~~ the public employer with respect  
 4993 to the academic and academic administrative personnel of the  
 4994 Florida School for the Deaf and the Blind. The Governor ~~is shall~~  
 4995 ~~be deemed to be~~ the public employer with respect to all  
 4996 employees in the Correctional Education Program of the  
 4997 Department of Corrections established pursuant to s. 944.801.

4998 Section 141. Subsections (8) and (9) of section 447.207,  
 4999 Florida Statutes, are amended to read:

5000 447.207 Commission; powers and duties.—

5001 (8) The commission or its designated agent shall hear  
 5002 appeals arising out of any suspension, reduction in pay,  
 5003 demotion, or dismissal of any permanent employee in the Civil  
 5004 ~~State Career Service System~~ in the manner provided in s.  
 5005 110.227.

5006 (9) Pursuant to s. 447.208, the commission or its  
 5007 designated agent shall hear appeals, and enter such orders as it  
 5008 deems appropriate, arising out of:

5009 ~~(a) Section 110.124, relating to termination or transfer~~  
 5010 ~~of State Career Service System employees aged 65 or older.~~

5011 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

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5012            (b) ~~(e)~~ Section 295.11, relating to reasons for not  
 5013 employing a preferred veteran applicant.

5014            Section 142. Section 447.209, Florida Statutes, is amended  
 5015 to read:

5016            447.209 Public employer's rights.—It is the right of the  
 5017 public employer to determine unilaterally the purpose of each of  
 5018 its constituent agencies, set standards of services to be  
 5019 offered to the public, and exercise control and discretion over  
 5020 its organization and operations. It is also the right of the  
 5021 public employer to direct its employees, take disciplinary  
 5022 action for proper cause, and relieve its employees from duty  
 5023 because of lack of work or for other legitimate reasons.  
 5024 However, the exercise of such rights does ~~shall~~ not preclude  
 5025 employees or their representatives from raising grievances,  
 5026 should decisions on the above matters have the practical  
 5027 consequence of violating the terms and conditions of any  
 5028 collective bargaining agreement in force or any civil ~~or career~~  
 5029 service rule ~~regulation~~.

5030            Section 143. Section 447.401, Florida Statutes, is amended  
 5031 to read:

5032            447.401 Grievance procedures.—Each public employer and  
 5033 bargaining agent shall negotiate a grievance procedure to be  
 5034 used for the settlement of disputes between employer and  
 5035 employee, or group of employees, involving the interpretation or  
 5036 application of a collective bargaining agreement. Such grievance  
 5037 procedure shall have as its terminal step a final and binding  
 5038 disposition by an impartial neutral, mutually selected by the  
 5039 parties; however, if ~~when~~ the issue under appeal is an

5040 allegation of abuse, abandonment, or neglect by an employee  
 5041 under s. 39.201 or s. 415.1034, the grievance may not be decided  
 5042 until the abuse, abandonment, or neglect of a child has been  
 5043 judicially determined. However, an arbiter or other neutral may  
 5044 ~~shall not have the power to~~ add to, subtract from, modify, or  
 5045 alter the terms of a collective bargaining agreement. If an  
 5046 employee organization is certified as the bargaining agent of a  
 5047 unit, the grievance procedure ~~then~~ in existence may be the  
 5048 subject of collective bargaining, and any agreement that ~~which~~  
 5049 is reached supersedes ~~shall supersede~~ the previously existing  
 5050 procedure. All public employees shall have the right to a fair  
 5051 and equitable grievance procedure administered without regard to  
 5052 membership or nonmembership in any organization, except that  
 5053 certified employee organizations may ~~shall~~ not be required to  
 5054 process grievances for employees who are not members of the  
 5055 organization. A civil ~~career~~ service employee may use ~~shall have~~  
 5056 ~~the option of utilizing~~ the civil service appeal procedure, an  
 5057 unfair labor practice procedure, or a grievance procedure  
 5058 established under this section, but such employee may not avail  
 5059 ~~is precluded from availing~~ himself or herself of ~~to~~ more than  
 5060 one of these procedures.

5061 Section 144. Paragraph (a) of subsection (2) of section  
 5062 456.048, Florida Statutes, is amended to read:

5063 456.048 Financial responsibility requirements for certain  
 5064 health care practitioners.—

5065 (2) The board or department may grant exemptions upon  
 5066 application by practitioners meeting any of the following  
 5067 criteria:

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5068 (a) Any person licensed under chapter 457, s. 458.3475, s.  
 5069 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or  
 5070 chapter 467 who practices exclusively as an officer, employee,  
 5071 or agent of the Federal Government or of the state or its  
 5072 agencies or its subdivisions. For the purposes of this  
 5073 subsection, an agent of the state, its agencies, or its  
 5074 subdivisions is a person who is eligible for coverage under any  
 5075 self-insurance or insurance program authorized by ~~the provisions~~  
 5076 ~~of~~ s. 768.28(16) or who is a volunteer as defined in s. 112.961  
 5077 ~~under s. 110.501(1).~~

5078 Section 145. Section 551.116, Florida Statutes, is amended  
 5079 to read:

5080 551.116 Days and hours of operation.—Slot machine gaming  
 5081 areas may be open daily throughout the year. The slot machine  
 5082 gaming areas may be open a total ~~cumulative amount~~ of 18 hours  
 5083 per day on Monday through Friday, and 24 hours per day on  
 5084 Saturday and Sunday, and on those holidays specified in s.  
 5085 112.929 ~~110.117(1).~~

5086 Section 146. Subsection (29) of section 570.07, Florida  
 5087 Statutes, is amended to read:

5088 570.07 Department of Agriculture and Consumer Services;  
 5089 functions, powers, and duties.—The department shall have and  
 5090 exercise the following functions, powers, and duties:

5091 (29) To advance funds monthly to civil ~~career~~ service  
 5092 employees to be used for the purchase of official state samples  
 5093 for state examination. Each monthly advance shall be ~~in an~~  
 5094 ~~amount~~ equal to one-twelfth of the actual expenses paid the  
 5095 position for samples in the previous fiscal year or, in the case

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5096 of a new position, one-twelfth of the expenses paid for samples  
 5097 of a similar classification in the previous fiscal year;  
 5098 however, in the event of unusual circumstances, such advances  
 5099 may be increased for up to ~~a period not to exceed~~ 60 days.  
 5100 Advances shall be granted only to civil ~~career~~ service employees  
 5101 who have executed a proper power of attorney with the department  
 5102 to ensure the collection of such advances if not timely repaid.

5103 Section 147. Paragraph (b) of subsection (3) of section  
 5104 601.10, Florida Statutes, is amended to read:

5105 601.10 Powers of the Department of Citrus.—The Department  
 5106 of Citrus shall have and shall exercise such general and  
 5107 specific powers as are delegated to it by this chapter and other  
 5108 statutes of the state, which powers shall include, but shall not  
 5109 be confined to, the following:

5110 (3) To employ and, at its pleasure, discharge an executive  
 5111 director as it deems necessary and to outline his or her powers  
 5112 and duties and fix his or her compensation.

5113 (b) The Department of Citrus may pay, or participate in  
 5114 the payment of, premiums for health, accident, and life  
 5115 insurance for its full-time employees, pursuant to such rules ~~or~~  
 5116 ~~regulations~~ as it may adopt; and such payments are in addition  
 5117 to the regular salaries of such full-time employees. The payment  
 5118 of such or similar benefits to its employees in foreign  
 5119 countries, including, but not limited to, social security,  
 5120 retirement, and other similar fringe benefit costs, may be in  
 5121 accordance with laws in effect in the country of employment,  
 5122 except that ~~no~~ benefits ~~will be payable to employees~~ not  
 5123 authorized for other state employees are not payable to its

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5124 employees, as provided in the Civil Career Service System.

5125 Section 148. Subsection (6) of section 624.307, Florida  
5126 Statutes, is amended to read:

5127 624.307 General powers; duties.—

5128 (6) The department and office may each employ actuaries  
5129 who shall be at-will employees and who shall serve at the  
5130 pleasure of the Chief Financial Officer, in the case of  
5131 department employees, or at the pleasure of the director of the  
5132 office, in the case of office employees. Actuaries employed  
5133 pursuant to this paragraph must ~~shall~~ be members of the Society  
5134 of Actuaries or the Casualty Actuarial Society and are ~~shall be~~  
5135 exempt from the Civil Career Service System established under  
5136 chapter 110. The salaries of the actuaries employed pursuant to  
5137 this paragraph ~~shall be set in accordance with s.~~  
5138 ~~216.251(2)(a)5.~~ and shall be set at levels ~~which are~~  
5139 commensurate with those ~~salary levels~~ paid to actuaries by the  
5140 insurance industry.

5141 Section 149. Subsection (3) of section 624.437, Florida  
5142 Statutes, is amended to read:

5143 624.437 "Multiple-employer welfare arrangement" defined;  
5144 certificate of authority required; penalty.—

5145 (3) This section does not apply to a multiple-employer  
5146 welfare arrangement that ~~which~~ offers or provides benefits that  
5147 ~~which~~ are fully insured by an authorized insurer, to an  
5148 arrangement that ~~which~~ is exempt from state insurance regulation  
5149 in accordance with Pub. L. No. 93-406, the Employee Retirement  
5150 Income Security Act, or to the state group health insurance  
5151 program administered under s. 112.942 ~~pursuant to s. 110.123.~~



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5152 Section 150. Paragraph (h) of subsection (4) of section  
 5153 627.6488, Florida Statutes, is amended to read:  
 5154 627.6488 Florida Comprehensive Health Association.—  
 5155 (4) The association shall:  
 5156 (h) Contract with preferred provider organizations and  
 5157 health maintenance organizations giving due consideration to  
 5158 those ~~the preferred provider organizations and health~~  
 5159 ~~maintenance~~ organizations that ~~which~~ have contracted with the  
 5160 state group health insurance program pursuant to s. 112.942  
 5161 ~~110.123~~. If cost-effective and available in the county where the  
 5162 policyholder resides, the board, upon application or renewal of  
 5163 a policy, shall place a high-risk individual, as established  
 5164 under s. 627.6498(4)(a)4., with the plan case manager who shall  
 5165 determine the most cost-effective quality care system or health  
 5166 care provider and shall place the individual in such system or  
 5167 with such health care provider. If cost-effective and available  
 5168 in the county where the policyholder resides, the board, with  
 5169 the consent of the policyholder, may place a low-risk or medium-  
 5170 risk individual, as established under s. 627.6498(4)(a)4., with  
 5171 the plan case manager who may determine the most cost-effective  
 5172 quality care system or health care provider and shall place the  
 5173 individual in such system or with such health care provider.  
 5174 Before ~~Prior to~~ and during the implementation of case  
 5175 management, the plan case manager shall obtain input from the  
 5176 policyholder, parent, or guardian.  
 5177 Section 151. Paragraph (a) of subsection (1) of section  
 5178 627.649, Florida Statutes, is amended to read:  
 5179 627.649 Administrator.—

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5180 (1) The board shall select an administrator, through a  
 5181 competitive bidding process, to administer the plan. The board  
 5182 shall evaluate bids submitted under this subsection based on  
 5183 criteria established by the board, which criteria shall include:

5184 (a) The administrator's proven ability to handle large  
 5185 group accident and health insurance, ~~and~~ Due consideration  
 5186 shall be given to an ~~any~~ administrator who has acted as a third-  
 5187 party administrator for the state group health insurance program  
 5188 pursuant to s. 112.942 ~~110.123~~.

5189 Section 152. Paragraph (a) of subsection (2) and  
 5190 subsection (3) of section 627.6498, Florida Statutes, are  
 5191 amended to read:

5192 627.6498 Minimum benefits coverage; exclusions; premiums;  
 5193 deductibles.—

5194 (2) BENEFITS.—

5195 (a) The plan shall offer major medical expense coverage  
 5196 similar to that provided by the state group health insurance  
 5197 program under s. 112.942, ~~as defined in s. 110.123~~ except as  
 5198 specified in subsection (3), to every eligible person who is not  
 5199 eligible for Medicare. Major medical expense coverage offered  
 5200 under the plan must ~~shall~~ pay an eligible person's covered  
 5201 expenses, subject to limits on the deductible and coinsurance  
 5202 payments authorized under subsection (4), up to a lifetime limit  
 5203 of \$500,000 per covered individual. The maximum limit may ~~under~~  
 5204 ~~this paragraph shall~~ not be altered by the board, and an ~~no~~  
 5205 actuarially equivalent benefit may not be substituted by the  
 5206 board.

5207 (3) COVERED EXPENSES.—The coverage ~~to be~~ issued by the

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5208 association must ~~shall~~ be patterned after the state group health  
 5209 insurance program as provided in s. 112.942 ~~defined in s.~~  
 5210 ~~110.123~~, including its benefits, exclusions, and other  
 5211 limitations, except as otherwise provided in this act. The plan  
 5212 may cover the cost of experimental drugs that ~~which~~ have been  
 5213 approved for use by the Food and Drug Administration on an  
 5214 experimental basis if the cost is less than the usual and  
 5215 customary treatment. Such coverage applies ~~shall~~ ~~only apply~~ to  
 5216 those insureds who are in the case management system upon the  
 5217 approval of the insured, the case manager, and the board.

5218 Section 153. Subsection (4) of section 627.6617, Florida  
 5219 Statutes, is amended to read:

5220 627.6617 Coverage for home health care services.—

5221 (4) ~~The provisions of~~ This section does ~~shall~~ not apply to  
 5222 a multiple-employer welfare arrangement as defined in s.  
 5223 624.437(1) and in the State Health Plan as provided in s.  
 5224 112.942 ~~110.123~~.

5225 Section 154. Paragraph (d) of subsection (2) of section  
 5226 627.6686, Florida Statutes, is amended to read:

5227 627.6686 Coverage for individuals with autism spectrum  
 5228 disorder required; exception.—

5229 (2) As used in this section, the term:

5230 (d) "Health insurance plan" means a group health insurance  
 5231 policy or group health benefit plan offered by an insurer which  
 5232 includes the state group insurance program provided under s.  
 5233 112.942 ~~110.123~~. The term does not include a ~~any~~ health  
 5234 insurance plan offered in the individual market which, ~~any~~  
 5235 ~~health insurance plan that~~ is individually underwritten, ~~or any~~

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5236 ~~health insurance plan~~ provided to a small employer.

5237 Section 155. Paragraph (b) of subsection (7) of section  
5238 849.086, Florida Statutes, is amended to read:

5239 849.086 Cardrooms authorized.—

5240 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5241 (b) A ~~Any~~ cardroom operator may operate a cardroom at the  
5242 pari-mutuel facility daily throughout the year, if the  
5243 permitholder meets the requirements under paragraph (5) (b). The  
5244 cardroom may be open a total ~~cumulative amount~~ of 18 hours per  
5245 day on Monday through Friday, and 24 hours per day on Saturday  
5246 and Sunday, and on the holidays specified in s. 112.929  
5247 ~~110.117(1)~~.

5248 Section 156. Paragraph (a) of subsection (4) of section  
5249 943.0585, Florida Statutes, is amended to read:

5250 943.0585 Court-ordered expunction of criminal history  
5251 records.—The courts of this state have jurisdiction over their  
5252 own procedures, including the maintenance, expunction, and  
5253 correction of judicial records containing criminal history  
5254 information to the extent such procedures are not inconsistent  
5255 with the conditions, responsibilities, and duties established by  
5256 this section. Any court of competent jurisdiction may order a  
5257 criminal justice agency to expunge the criminal history record  
5258 of a minor or an adult who complies with the requirements of  
5259 this section. The court shall not order a criminal justice  
5260 agency to expunge a criminal history record until the person  
5261 seeking to expunge a criminal history record has applied for and  
5262 received a certificate of eligibility for expunction pursuant to  
5263 subsection (2). A criminal history record that relates to a

5264 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
5265 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
5266 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
5267 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
5268 any violation specified as a predicate offense for registration  
5269 as a sexual predator pursuant to s. 775.21, without regard to  
5270 whether that offense alone is sufficient to require such  
5271 registration, or for registration as a sexual offender pursuant  
5272 to s. 943.0435, may not be expunged, without regard to whether  
5273 adjudication was withheld, if the defendant was found guilty of  
5274 or pled guilty or nolo contendere to the offense, or if the  
5275 defendant, as a minor, was found to have committed, or pled  
5276 guilty or nolo contendere to committing, the offense as a  
5277 delinquent act. The court may only order expunction of a  
5278 criminal history record pertaining to one arrest or one incident  
5279 of alleged criminal activity, except as provided in this  
5280 section. The court may, at its sole discretion, order the  
5281 expunction of a criminal history record pertaining to more than  
5282 one arrest if the additional arrests directly relate to the  
5283 original arrest. If the court intends to order the expunction of  
5284 records pertaining to such additional arrests, such intent must  
5285 be specified in the order. A criminal justice agency may not  
5286 expunge any record pertaining to such additional arrests if the  
5287 order to expunge does not articulate the intention of the court  
5288 to expunge a record pertaining to more than one arrest. This  
5289 section does not prevent the court from ordering the expunction  
5290 of only a portion of a criminal history record pertaining to one  
5291 arrest or one incident of alleged criminal activity.

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5292 Notwithstanding any law to the contrary, a criminal justice  
 5293 agency may comply with laws, court orders, and official requests  
 5294 of other jurisdictions relating to expunction, correction, or  
 5295 confidential handling of criminal history records or information  
 5296 derived therefrom. This section does not confer any right to the  
 5297 expunction of any criminal history record, and any request for  
 5298 expunction of a criminal history record may be denied at the  
 5299 sole discretion of the court.

5300 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
 5301 criminal history record of a minor or an adult which is ordered  
 5302 expunged by a court of competent jurisdiction pursuant to this  
 5303 section must be physically destroyed or obliterated by any  
 5304 criminal justice agency having custody of such record; except  
 5305 that any criminal history record in the custody of the  
 5306 department must be retained in all cases. A criminal history  
 5307 record ordered expunged that is retained by the department is  
 5308 confidential and exempt from the provisions of s. 119.07(1) and  
 5309 s. 24(a), Art. I of the State Constitution and not available to  
 5310 any person or entity except upon order of a court of competent  
 5311 jurisdiction. A criminal justice agency may retain a notation  
 5312 indicating compliance with an order to expunge.

5313 (a) The person who is the subject of a criminal history  
 5314 record that is expunged under this section or under other  
 5315 provisions of law, including former s. 893.14, former s. 901.33,  
 5316 and former s. 943.058, may lawfully deny or fail to acknowledge  
 5317 the arrests covered by the expunged record, unless ~~except when~~  
 5318 the subject of the record:

5319 1. Is a candidate for employment with a criminal justice

- 5320 agency;
- 5321 2. Is a defendant in a criminal prosecution;
- 5322 3. Concurrently or subsequently petitions for relief under  
5323 this section or s. 943.059;
- 5324 4. Is a candidate for admission to The Florida Bar;
- 5325 5. Is seeking to be employed or licensed by or to contract  
5326 with the Department of Children and Family Services, the Agency  
5327 for Health Care Administration, the Agency for Persons with  
5328 Disabilities, or the Department of Juvenile Justice or to be  
5329 employed or used by such contractor or licensee in a sensitive  
5330 position having direct contact with children, the  
5331 developmentally disabled, the aged, or the elderly as provided  
5332 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
5333 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
5334 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter  
5335 429;
- 5336 6. Is seeking to be employed or licensed by the Department  
5337 of Education, any district school board, any university  
5338 laboratory school, any charter school, any private or parochial  
5339 school, or any local governmental entity that licenses child  
5340 care facilities; or
- 5341 7. Is seeking authorization from a seaport listed in s.  
5342 311.09 for employment within or access to one or more of such  
5343 seaports pursuant to s. 311.12.

5344 Section 157. Paragraph (a) of subsection (4) of section  
5345 943.059, Florida Statutes, is amended to read:

5346 943.059 Court-ordered sealing of criminal history  
5347 records.—The courts of this state shall continue to have

5348 jurisdiction over their own procedures, including the  
 5349 maintenance, sealing, and correction of judicial records  
 5350 containing criminal history information to the extent such  
 5351 procedures are not inconsistent with the conditions,  
 5352 responsibilities, and duties established by this section. Any  
 5353 court of competent jurisdiction may order a criminal justice  
 5354 agency to seal the criminal history record of a minor or an  
 5355 adult who complies with the requirements of this section. The  
 5356 court shall not order a criminal justice agency to seal a  
 5357 criminal history record until the person seeking to seal a  
 5358 criminal history record has applied for and received a  
 5359 certificate of eligibility for sealing pursuant to subsection  
 5360 (2). A criminal history record that relates to a violation of s.  
 5361 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
 5362 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
 5363 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
 5364 916.1075, a violation enumerated in s. 907.041, or any violation  
 5365 specified as a predicate offense for registration as a sexual  
 5366 predator pursuant to s. 775.21, without regard to whether that  
 5367 offense alone is sufficient to require such registration, or for  
 5368 registration as a sexual offender pursuant to s. 943.0435, may  
 5369 not be sealed, without regard to whether adjudication was  
 5370 withheld, if the defendant was found guilty of or pled guilty or  
 5371 nolo contendere to the offense, or if the defendant, as a minor,  
 5372 was found to have committed or pled guilty or nolo contendere to  
 5373 committing the offense as a delinquent act. The court may only  
 5374 order sealing of a criminal history record pertaining to one  
 5375 arrest or one incident of alleged criminal activity, except as



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5376 provided in this section. The court may, at its sole discretion,  
5377 order the sealing of a criminal history record pertaining to  
5378 more than one arrest if the additional arrests directly relate  
5379 to the original arrest. If the court intends to order the  
5380 sealing of records pertaining to such additional arrests, such  
5381 intent must be specified in the order. A criminal justice agency  
5382 may not seal any record pertaining to such additional arrests if  
5383 the order to seal does not articulate the intention of the court  
5384 to seal records pertaining to more than one arrest. This section  
5385 does not prevent the court from ordering the sealing of only a  
5386 portion of a criminal history record pertaining to one arrest or  
5387 one incident of alleged criminal activity. Notwithstanding any  
5388 law to the contrary, a criminal justice agency may comply with  
5389 laws, court orders, and official requests of other jurisdictions  
5390 relating to sealing, correction, or confidential handling of  
5391 criminal history records or information derived therefrom. This  
5392 section does not confer any right to the sealing of any criminal  
5393 history record, and any request for sealing a criminal history  
5394 record may be denied at the sole discretion of the court.

5395 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
5396 history record of a minor or an adult which is ordered sealed by  
5397 a court of competent jurisdiction pursuant to this section is  
5398 confidential and exempt from the provisions of s. 119.07(1) and  
5399 s. 24(a), Art. I of the State Constitution and is available only  
5400 to the person who is the subject of the record, to the subject's  
5401 attorney, to criminal justice agencies for their respective  
5402 criminal justice purposes, which include conducting a criminal  
5403 history background check for approval of firearms purchases or

5404 transfers as authorized by state or federal law, to judges in  
 5405 the state courts system for the purpose of assisting them in  
 5406 their case-related decisionmaking responsibilities, as set forth  
 5407 in s. 943.053(5), or to those entities set forth in  
 5408 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
 5409 licensing, access authorization, and employment purposes.

5410 (a) The subject of a criminal history record sealed under  
 5411 this section or under other provisions of law, including former  
 5412 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 5413 deny or fail to acknowledge the arrests covered by the sealed  
 5414 record, unless ~~except when~~ the subject of the record:

- 5415 1. Is a candidate for employment with a criminal justice  
 5416 agency;
- 5417 2. Is a defendant in a criminal prosecution;
- 5418 3. Concurrently or subsequently petitions for relief under  
 5419 this section or s. 943.0585;
- 5420 4. Is a candidate for admission to The Florida Bar;
- 5421 5. Is seeking to be employed or licensed by or to contract  
 5422 with the Department of Children and Family Services, the Agency  
 5423 for Health Care Administration, the Agency for Persons with  
 5424 Disabilities, or the Department of Juvenile Justice or to be  
 5425 employed or used by such contractor or licensee in a sensitive  
 5426 position having direct contact with children, the  
 5427 developmentally disabled, the aged, or the elderly as provided  
 5428 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
 5429 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
 5430 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or  
 5431 chapter 429;

5432           6. Is seeking to be employed or licensed by the Department  
 5433 of Education, any district school board, any university  
 5434 laboratory school, any charter school, any private or parochial  
 5435 school, or any local governmental entity that licenses child  
 5436 care facilities;

5437           7. Is attempting to purchase a firearm from a licensed  
 5438 importer, licensed manufacturer, or licensed dealer and is  
 5439 subject to a criminal history check under state or federal law;  
 5440 or

5441           8. Is seeking authorization from a Florida seaport  
 5442 identified in s. 311.09 for employment within or access to one  
 5443 or more of such seaports pursuant to s. 311.12.

5444           Section 158. Subsection (2) of section 945.043, Florida  
 5445 Statutes, is amended to read:

5446           945.043 Department-operated day care services.—

5447           (2) The department is exempt from s. 112.918 ~~the~~  
 5448 ~~requirements of s. 110.151.~~

5449           Section 159. Subsection (1) of section 946.525, Florida  
 5450 Statutes, is amended to read:

5451           946.525 Participation by the corporation in the state  
 5452 group health insurance and prescription drug programs.—

5453           (1) The board of directors of the corporation established  
 5454 under this part may apply for participation in the state group  
 5455 health insurance program authorized under s. 112.942 ~~in s.~~  
 5456 ~~110.123~~ and the prescription drug coverage program authorized  
 5457 under s. 112.946 ~~by s. 110.12315~~ by submitting an application  
 5458 along with a \$500 nonrefundable fee to the Department of  
 5459 Management Services.

5460 Section 160. Paragraph (e) of subsection (4) of section  
 5461 985.045, Florida Statutes, is amended to read:

5462 985.045 Court records.—

5463 (4) A court record of proceedings under this chapter is  
 5464 not admissible in evidence in any other civil or criminal  
 5465 proceeding, except that:

5466 (e) Records of proceedings under this chapter may be used  
 5467 to prove disqualification under ss. 112.928 ~~110.1127~~, 393.0655,  
 5468 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and  
 5469 985.644.

5470 Section 161. Paragraph (k) of subsection (2) of section  
 5471 1001.705, Florida Statutes, is amended to read:

5472 1001.705 Responsibility for the State University System  
 5473 under s. 7, Art. IX of the State Constitution.—

5474 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE  
 5475 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the  
 5476 State Constitution, the Board of Governors of the State  
 5477 University System has the duty to operate, regulate, control,  
 5478 and be fully responsible for the management of the whole  
 5479 publicly funded State University System and the board, or the  
 5480 board's designee, has responsibility for:

5481 (k) Establishing a personnel system for all state  
 5482 university employees; however, the Department of Management  
 5483 Services shall retain authority over state university employees  
 5484 for programs established in ss. 112.942 ~~110.123~~, 112.947  
 5485 ~~110.1232~~, 112.948 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951  
 5486 ~~110.161~~, and in chapters 121, 122, and 238.

5487 Section 162. Paragraph (b) of subsection (6) of section

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5488 1001.706, Florida Statutes, is amended to read:  
 5489 1001.706 Powers and duties of the Board of Governors.—  
 5490 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—  
 5491 (b) The Department of Management Services shall retain  
 5492 authority over state university employees for programs  
 5493 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948  
 5494 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters  
 5495 121, 122, and 238. Unless specifically authorized by law,  
 5496 neither the Board of Governors nor a state university may offer  
 5497 group insurance programs for employees as a substitute for or as  
 5498 an alternative to the health insurance programs offered pursuant  
 5499 to chapter 112 ~~110~~.

5500 Section 163. Paragraph (f) of subsection (4) and paragraph  
 5501 (f) of subsection (8) of section 1002.36, Florida Statutes, are  
 5502 amended to read:

5503 1002.36 Florida School for the Deaf and the Blind.—  
 5504 (4) BOARD OF TRUSTEES.—  
 5505 (f) The board of trustees shall:  
 5506 1. Prepare and submit legislative budget requests for  
 5507 operations and fixed capital outlay, in accordance with chapter  
 5508 216 and ss. 1011.56 and 1013.60, to the Department of Education  
 5509 for review and approval. The department must analyze the amount  
 5510 requested for fixed capital outlay to determine if the request  
 5511 is consistent with the school's campus master plan, educational  
 5512 plant survey, and facilities master plan. Projections of  
 5513 facility space needs may exceed the norm space and occupant  
 5514 design criteria established in the State Requirements for  
 5515 Educational Facilities.

5516           2. Approve and administer an annual operating budget in  
5517 accordance with ss. 1011.56 and 1011.57.

5518           3. Require all funds received other than gifts, donations,  
5519 bequests, funds raised by or belonging to student clubs or  
5520 student organizations, and funds held for specific students or  
5521 in accounts for individual students to be deposited in the State  
5522 Treasury and expended as authorized in the General  
5523 Appropriations Act.

5524           4. Require all purchases to be in accordance with ~~the~~  
5525 ~~provisions of~~ chapter 287 except for purchases made with funds  
5526 received as gifts, donations, or bequests; funds raised by or  
5527 belonging to student clubs or student organizations; or funds  
5528 held for specific students or in accounts for individual  
5529 students.

5530           5. Administer and maintain personnel programs for all  
5531 employees of the board of trustees and the Florida School for  
5532 the Deaf and the Blind who shall be state employees, including  
5533 the personnel classification and pay plan established in  
5534 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and  
5535 216.251(2)(a)2. for academic and academic administrative  
5536 personnel, the provisions of chapter 110, and the provisions of  
5537 law that grant authority to the Department of Management  
5538 Services over such programs for state employees.

5539           6. Give preference in appointment and retention in  
5540 positions of employment as provided within s. 295.07(1).

5541           7. Ensure that the Florida School for the Deaf and the  
5542 Blind complies with s. 1013.351 concerning the coordination of  
5543 planning between the Florida School for the Deaf and the Blind

5544 and local governing bodies.

5545 8. Ensure that the Florida School for the Deaf and the  
 5546 Blind complies with s. 112.061 concerning per diem and travel  
 5547 expenses of public officers, employees, and authorized persons  
 5548 with respect to all funds other than funds received as gifts,  
 5549 donations, or bequests; funds raised by or belonging to student  
 5550 clubs or student organizations; or funds held for specific  
 5551 students or in accounts for individual students.

5552 9. Adopt a master plan that ~~which~~ specifies the mission  
 5553 and objectives of the Florida School for the Deaf and the Blind.  
 5554 The plan shall include, but not be limited to, procedures for  
 5555 systematically measuring the school's progress toward meeting  
 5556 its objectives, analyzing changes in the student population, and  
 5557 modifying school programs and services to respond to such  
 5558 changes. The plan shall be for a period of 5 years and shall be  
 5559 reviewed for needed modifications every 2 years. The board of  
 5560 trustees shall submit the initial plan and subsequent  
 5561 modifications to the Speaker of the House of Representatives and  
 5562 the President of the Senate.

5563 10. Designate a portion of the school as "The Verle Allyn  
 5564 Pope Complex for the Deaf," in tribute to the late Senator Verle  
 5565 Allyn Pope.

5566 (8) CAMPUS POLICE.—

5567 (f) The board of trustees shall adopt rules, including,  
 5568 without limitation, rules for the appointment, employment, and  
 5569 removal of campus police in accordance with the Civil State  
 5570 ~~Career~~ Service under chapter 110, System and shall establish in  
 5571 writing a policy manual, that includes, without limitation,

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5572 | procedures for managing routine law enforcement situations and  
 5573 | emergency law enforcement situations. The board of trustees  
 5574 | shall furnish a copy of the policy manual to each of the campus  
 5575 | police officers it employs. A campus police officer appointed by  
 5576 | the board of trustees must have completed the training required  
 5577 | by the school in the special needs and proper procedures for  
 5578 | dealing with students served by the school.

5579 |       Section 164. Section 1012.62, Florida Statutes, is amended  
 5580 | to read:

5581 |       1012.62 Transfer of sick leave and annual leave.—In  
 5582 | implementing ~~the provisions of~~ ss. 402.22(1)(d) and  
 5583 | 1001.42(4)(m), educational personnel in Department of Children  
 5584 | and Family Services residential care facilities who are employed  
 5585 | by a district school board may request, and the district school  
 5586 | board shall accept, a lump-sum transfer of accumulated sick  
 5587 | leave for such personnel to the maximum allowed by policies of  
 5588 | the district school board, notwithstanding ~~the provisions of s.~~  
 5589 | 112.913 ~~110.122~~. Educational personnel in Department of Children  
 5590 | and Family Services residential care facilities who are employed  
 5591 | by a district school board under ~~the provisions of s.~~  
 5592 | 402.22(1)(d) may request, and the district school board shall  
 5593 | accept, a lump-sum transfer of accumulated annual leave for each  
 5594 | person employed by the district school board in a position in  
 5595 | the district eligible to accrue vacation leave under the  
 5596 | policies of the district school board.

5597 |       Section 165. Subsection (5) of section 1012.79, Florida  
 5598 | Statutes, is amended to read:

5599 |       1012.79 Education Practices Commission; organization.—



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5600 (5) The commission, by a vote of three-fourths of the  
 5601 membership, shall employ an executive director, who shall be  
 5602 exempt from the Civil ~~career~~ Service. The executive director may  
 5603 be dismissed by a majority vote of the membership.

5604 Section 166. Subsection (6) of section 1012.88, Florida  
 5605 Statutes, is amended to read:

5606 1012.88 Florida College System institution police.—

5607 (6) The Florida College System institution, with the  
 5608 approval of the Department of Law Enforcement, shall adopt  
 5609 rules, including, without limitation, rules for the appointment,  
 5610 employment, and removal of Florida College System institution  
 5611 police in accordance with the Civil ~~state~~ ~~Career~~ Service under  
 5612 chapter 110, System and shall establish in writing a policy  
 5613 manual, that includes, without limitation, procedures for  
 5614 managing routine law enforcement situations and emergency law  
 5615 enforcement situations. The Florida College System institution  
 5616 shall furnish a copy of the policy manual to each of the police  
 5617 officers it employs.

5618 Section 167. Section 1012.96, Florida Statutes, is amended  
 5619 to read:

5620 1012.96 IFAS extension personnel; federal health insurance  
 5621 ~~programs notwithstanding the provisions of s. 110.123.—~~

5622 Notwithstanding s. 112.942, the Institute of Food and  
 5623 Agricultural Sciences at the University of Florida may pay the  
 5624 employer's share of premiums to the Federal Health Benefits  
 5625 Insurance Program from its appropriated budget for any  
 5626 cooperative extension employee of the institute having both  
 5627 state and federal appointments and participating in the Federal

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5628 Civil Service Retirement System.

5629       Section 168. On or before December 31, 2012, the  
5630 Department of Management Services shall provide to the Executive  
5631 Office of the Governor, the President of the Senate, and the  
5632 Speaker of the House of Representatives a proposal to  
5633 restructure and modernize the leave benefits of the State  
5634 Personnel System. The proposal shall consider current leave  
5635 policies of the state's private-sector employers and provide  
5636 recommendations that will more closely align the state's leave  
5637 benefits with those of the private sector, ensure better  
5638 management of benefits, and leverage leave benefit expenditures  
5639 to maximize the state's return on investment to competitively  
5640 recruit and retain a high-performing workforce.

5641       Section 169. This act shall take effect July 1, 2012.