

1 A bill to be entitled
2 An act relating to state employment; amending s.
3 110.105, F.S.; revising the employment policy of the
4 state system of personnel management; amending s.
5 110.1127, F.S.; revising provisions relating to
6 employee background screening; amending s. 110.119,
7 F.S.; revising provisions relating to administrative
8 leave for a service-connected disability; amending s.
9 110.1225, F.S.; revising provisions relating to agency
10 furloughs; amending s. 110.126, F.S.; revising
11 provisions relating to the authority of the Department
12 of Management Services to administer oaths; amending
13 s. 110.131, F.S.; revising the duties of state
14 agencies with respect to the employment of other-
15 personal-services employees; providing reporting
16 requirements; amending s. 110.171, F.S.; revising
17 provisions relating to state employee telecommuting;
18 providing for a telework program; providing program
19 requirements for agencies and employees; amending s.
20 110.181, F.S.; revising provisions relating to the
21 Florida State Employees' Charitable Campaign;
22 requiring state officers and employees to designate a
23 charitable organization to receive certain charitable
24 contributions; deleting provisions relating to the
25 establishment of local steering committees and the
26 distribution of funds; amending s. 110.217, F.S.;
27 revising provisions relating to a change in an
28 employee's position status; amending s. 110.227, F.S.;

29 deleting requirements for an agency that removes from
 30 a promotional position a career service employee who
 31 is serving a probationary period in such position to
 32 return such employee to the employee's former position
 33 or a comparable position, if such a position is
 34 vacant; amending ss. 255.249, 402.3057, 409.1757,
 35 413.20, 943.0585, and 943.059, F.S.; conforming
 36 provisions and cross-references; providing an
 37 effective date.

38

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

40

41 Section 1. Section 110.105, Florida Statutes, is amended
 42 to read:

43 110.105 Employment policy of the state.—

44 (1) It is the purpose of this chapter to establish a
 45 System of personnel management. This system shall provide means
 46 to recruit, select, train, develop, and maintain an effective
 47 and responsible workforce and shall include policies and
 48 procedures for employee hiring and advancement, training and
 49 career development, position classification, salary
 50 administration, benefits, discipline, discharge, employee
 51 performance evaluations, affirmative action, and other related
 52 activities.

53 (2) It is the policy of the state:

54 (a) That all appointments, terminations, assignments, and
 55 maintenance of status, compensation, privileges, and other terms
 56 and conditions of employment in state government shall be made

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57 without regard to age, sex, race, color, religion, national
58 origin, political affiliation, marital status, or disability,
59 unless handicap, ~~except when a specific sex, age, or physical~~
60 requirement constitutes a bona fide occupational qualification
61 necessary to proper and efficient administration.

62 (b) To support employees in balancing their personal needs
63 and work responsibilities. This policy is designed to enhance
64 the employee's ability to blend the competing demands of work
65 and personal life and produce a more skilled, accountable, and
66 committed workforce for the system. Provisions may include, but
67 need not be limited to, flexible work schedules, telework, part-
68 time employment, and leaves of absence with or without pay.

69 (3) Except as expressly provided by law, Florida residency
70 is not required ~~there shall be no Florida residence requirement~~
71 for any person as a condition precedent to employment ~~by the~~
72 ~~state~~; however, preference in hiring may be given to state
73 ~~Florida~~ residents ~~in hiring~~.

74 (4) This chapter contains the requirements ~~and guides~~ for
75 establishing and maintaining a system of personnel management
76 ~~administration~~ on a merit basis. The system of personnel
77 management administration shall be implemented so as to ensure
78 that the permit state agencies participating in the system are
79 ~~to be eligible for to receive~~ federal funds.

80 (5) ~~Nothing in~~ This chapter may not ~~shall~~ be construed
81 either to infringe upon or to supersede the rights guaranteed
82 public employees under chapter 447.

83 Section 2. Section 110.1127, Florida Statutes, is amended
84 to read:

85 110.1127 Employee background screening and investigations
 86 security checks.—

87 (1) Except as provided in subsection (2), each agency
 88 shall designate those positions that, based on the position
 89 duties, require background screening. All persons and employees
 90 in such positions must undergo employment screening in
 91 accordance with chapter 435, using level 1 screening standards,
 92 as a condition of employment and continued employment.

93 (2) (a) (1) Each ~~employing~~ agency shall designate those
 94 ~~employee~~ positions that, because of the special trust or
 95 responsibility or sensitive location, require security
 96 background investigations. All persons and employees in such
 97 positions must undergo employment screening in accordance with
 98 chapter 435, using level 2 screening standards ~~of those~~
 99 ~~positions, require that persons occupying those positions be~~
 100 ~~subject to a security background check, including~~
 101 ~~fingerprinting, as a condition of employment and continued~~
 102 ~~employment.~~

103 (b) (2) (a) All positions within the Division of Treasury of
 104 the Department of Financial Services are deemed to be positions
 105 of special trust or responsibility. Individuals seeking or
 106 holding such positions, ~~and a person~~ may be disqualified for
 107 employment ~~in any such position~~ by reason of:

108 1. The conviction or prior conviction of a crime that
 109 ~~which~~ is reasonably related to the nature of the position sought
 110 or held by the individual; or

111 2. The entering of a plea of nolo contendere, or ~~when~~ a
 112 jury verdict of guilty is rendered but adjudication of guilt is

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113 withheld, with respect to a crime that ~~which~~ is reasonably
114 related to the nature of the position sought or held by the
115 individual.

116 ~~(b) All employees of the division shall be required to~~
117 ~~undergo security background investigations, including~~
118 ~~fingerprinting, as a condition of employment and continued~~
119 ~~employment.~~

120 (c) 1. ~~(3) (a)~~ All positions in programs providing care to
121 children, the developmentally disabled, or vulnerable adults for
122 15 hours or more per week; all permanent and temporary employee
123 positions of the central abuse hotline; and all persons working
124 under contract who have access to abuse records are deemed to be
125 persons and positions of special trust or responsibility, ~~and~~
126 ~~require employment screening pursuant to chapter 435, using the~~
127 ~~level 2 standards set forth in that chapter.~~

128 2. ~~(b)~~ The ~~employing~~ agency may grant exemptions from
129 disqualification from working with children, the developmentally
130 disabled, or vulnerable adults as provided in s. 435.07.

131 ~~(c) All persons and employees in such positions of trust~~
132 ~~or responsibility shall be required to undergo security~~
133 ~~background investigations as a condition of employment and~~
134 ~~continued employment. For the purposes of this subsection,~~
135 ~~security background investigations shall be conducted as~~
136 ~~provided in chapter 435, using the level 2 standards for~~
137 ~~screening set forth in that chapter.~~

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

141 1. Fail, by false statement, misrepresentation,
 142 impersonation, or other fraudulent means, to disclose in any
 143 application for voluntary or paid employment a material fact
 144 used in making a determination as to such person's
 145 qualifications for a position of special trust;

146 2. Use ~~records~~ information contained in records for
 147 purposes other than background screening or investigation for
 148 employment, or release such records information to other persons
 149 for purposes other than preemployment screening or investigation
 150 ~~for employment.~~

151 (e) It is a felony of the third degree, punishable as
 152 provided in s. 775.082, s. 775.083, or s. 775.084, for any
 153 person willfully, knowingly, or intentionally to use juvenile
 154 records information for any purposes other than those specified
 155 in this section or to release such information to other persons
 156 for purposes other than those specified in this section.

157 ~~(3)(4)~~ Any person who is required to undergo such a
 158 security background screening or investigation and who refuses
 159 to cooperate in such screening or investigation or refuses to
 160 submit fingerprints shall be disqualified for employment in such
 161 position or, if employed, shall be dismissed.

162 ~~(4)(5)~~ ~~Such~~ Background screening and investigations shall
 163 be conducted at the expense of the employing agency. If ~~When~~
 164 fingerprinting is required, the fingerprints ~~of the employee or~~
 165 ~~applicant for employment~~ shall be taken by the employing agency,
 166 a law enforcement agency, or a vendor as authorized pursuant to
 167 s. 435.04, ~~or by an authorized law enforcement officer and~~
 168 submitted to the Department of Law Enforcement for state

169 processing, and forwarded by the Department of Law Enforcement
 170 ~~forwarding, when requested by the employing agency, to the~~
 171 Federal Bureau of Investigation United States Department of
 172 ~~Justice~~ for national processing. The employing agency or vendor
 173 shall remit the processing fees required by s. 943.053 to
 174 ~~reimburse~~ the Department of Law Enforcement ~~for any costs~~
 175 ~~incurred by it in the processing of the fingerprints.~~

176 Section 3. Subsection (1) of section 110.119, Florida
 177 Statutes, is amended to read:

178 110.119 Administrative leave for military-service-
 179 connected ~~reexamination or treatment with respect to service-~~
 180 ~~connected~~ disability.-

181 (1) An ~~Any~~ employee ~~of the state~~ who has been rated by the
 182 United States Department of Veterans Affairs or its predecessor
 183 to have incurred a military-service-connected ~~service-connected~~
 184 disability and has been scheduled by the United States
 185 Department of Veterans Affairs to be reexamined or treated for
 186 the disability shall be granted administrative leave for such
 187 reexamination or treatment without loss of pay or benefits.
 188 However, such ~~In no event shall the paid leave may not under~~
 189 ~~this section~~ exceed 48 hours per ~~6~~ calendar ~~days~~ a year.

190 Section 4. Section 110.1225, Florida Statutes, is amended
 191 to read:

192 110.1225 Furloughs.—When a deficit is certified or
 193 projected by the Revenue Estimating Conference pursuant to s.
 194 216.136(3), in any fund that supports salary and benefit
 195 appropriations, the Governor or the Chief Justice of the Supreme
 196 Court, as appropriate, ~~Administration Commission~~ may propose a

197 | furlough plan for consideration by the Legislative Budget
 198 | Commission ~~to the Legislature, which must approve or disapprove~~
 199 | ~~such plan~~. The plan must identify all affected positions and
 200 | ensure that all affected employees are subject to the same
 201 | reduction of hours for the same number of pay periods with a
 202 | commensurate reduction in pay.

203 | Section 5. Section 110.126, Florida Statutes, is amended
 204 | to read:

205 | 110.126 Oaths, testimony, records; penalties.—The
 206 | department may ~~shall have power to~~ administer oaths, subpoena
 207 | witnesses, and compel the production of books, and papers, or
 208 | other records, in written or electronic form, relevant ~~pertinent~~
 209 | to any investigation of personnel practices or hearing
 210 | authorized by this chapter. Any person who fails ~~shall fail~~ to
 211 | appear in response to a subpoena or to answer any question or
 212 | produce any books, ~~or~~ papers, or other records relevant
 213 | ~~pertinent~~ to any such investigation or hearing or who ~~shall~~
 214 | knowingly gives ~~give~~ false testimony commits ~~therein shall be~~
 215 | ~~guilty of~~ a misdemeanor of the first degree, punishable as
 216 | provided in s. 775.082 or s. 775.083.

217 | Section 6. Section 110.131, Florida Statutes, is amended
 218 | to read:

219 | 110.131 Other-personal-services ~~temporary~~ employment.—

220 | (1) As used in this section, the term "agency" means any
 221 | official, officer, commission, board, authority, council,
 222 | committee, or department of the executive branch of state
 223 | government and means any officer, court, commission, or other
 224 | unit of the judicial branch of state government supported in

225 whole or in part by appropriations made by the Legislature.

226 (2) An agency may employ any qualified individual in
 227 other-personal-services ~~temporary employment for 1,040 hours~~
 228 ~~within any 12-month period.~~ For each other-personal-services
 229 employee, the agency shall:

230 (a) Maintain employee records identifying, at a minimum,
 231 the person employed, the hire date, the type of other-personal-
 232 services employment, and the number of hours worked.

233 (b) Determine the appropriate rate of pay and ensure that
 234 all payments are in compliance with the federal Fair Labor
 235 Standards Act and state law.

236 (c) Review, determine, and document by June 30 of each
 237 year whether the continuation of each other-personal-services
 238 employment position is necessary to the mission of the agency.
 239 This review process ~~An extension beyond a total of 1,040 hours~~
 240 ~~within an agency for any individual requires a recommendation by~~
 241 ~~the agency head and approval by the Executive Office of the~~
 242 ~~Governor. Approval of extensions shall be made in accordance~~
 243 ~~with criteria established by the department. Each agency shall~~
 244 ~~maintain employee information as specified by the department~~
 245 ~~regarding each extension of other-personal-services temporary~~
 246 ~~employment. The time limitation established by this subsection~~
 247 ~~does not apply to board members; consultants; seasonal~~
 248 ~~employees; institutional clients employed as part of their~~
 249 ~~rehabilitation; bona fide, degree-seeking students in accredited~~
 250 ~~secondary or postsecondary educational programs; employees hired~~
 251 ~~to deal with an emergency situation that affects the public~~
 252 ~~health, safety, or welfare; or employees hired for a project~~

253 that is identified by a specific appropriation or time-limited
254 grant.

255 (3) Unless specifically provided by law, other-personal-
256 services employees are not eligible for any form of paid leave,
257 paid holidays, a paid personal day, participation in state group
258 insurance or retirement benefits, or any other state employee
259 benefit. Other-personal-services employees may be included in
260 that part of an agency's recognition and reward program that
261 recognizes and rewards employees who submit innovative ideas
262 that increase productivity, eliminate or reduce state
263 expenditures, improve operations, or generate additional revenue
264 or who meet or exceed the agency's established criteria for a
265 project or goal.

266 (4) Beginning August 15, 2012, and each August 15
267 thereafter, each agency employing an individual in other-
268 personal-services employment shall submit a report to the
269 Executive Office of the Governor and to the chairs of the
270 legislative appropriations committees containing the following
271 information for the previous fiscal year ending June 30, 2012,
272 and each June 30 thereafter:

273 (a) The total number of individuals serving in other-
274 personal-services employment.

275 (b) The type of employment, average pay, and total number
276 of hours worked for each individual serving in other-personal-
277 services employment.

278 ~~(3) The department shall adopt rules providing that other-~~
279 ~~personal-services temporary employment in an employer-employee~~
280 ~~relationship shall be used for short-term tasks. Such rules~~

281 ~~shall specify the employment categories, terms, conditions, rate~~
 282 ~~of pay, and frequency of other personal services temporary~~
 283 ~~employment and the duration for which such employment may last;~~
 284 ~~specify criteria for approving extensions beyond the time~~
 285 ~~limitation provided in subsection (2); and prescribe~~
 286 ~~recordkeeping and reporting requirements for other personal-~~
 287 ~~services employment.~~

288 ~~(4) The department shall prepare written material~~
 289 ~~explaining the terms and conditions of other personal services~~
 290 ~~employment and shall provide master copies to each agency. Each~~
 291 ~~agency shall provide each of its applicants for such employment~~
 292 ~~with a copy thereof at the time of application and shall discuss~~
 293 ~~the information contained thereon with each applicant at the~~
 294 ~~time of interview or employment commencement, whichever occurs~~
 295 ~~sooner.~~

296 ~~(5) The department shall maintain information relating to~~
 297 ~~other personal services employment for each agency. Such~~
 298 ~~information shall include:~~

299 ~~(a) The total amount of compensation for other personal-~~
 300 ~~services personnel, by employment category, for the preceding~~
 301 ~~fiscal year.~~

302 ~~(b) The name, social security number, employment category,~~
 303 ~~employment commencement date, and number of hours worked for~~
 304 ~~each individual whose initial other personal services temporary~~
 305 ~~employment began before the start of the preceding fiscal year~~
 306 ~~and who was still employed as an other personal services~~
 307 ~~temporary employee at the end of the preceding fiscal year.~~

308 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~

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309 ~~not apply to any employee for whom the Board of Governors of the~~
310 ~~State University System, or the board's designee, or the Board~~
311 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
312 ~~the employer as defined in s. 447.203(2); except that, for~~
313 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
314 ~~School for the Deaf and the Blind shall comply with the~~
315 ~~recordkeeping and reporting requirements adopted by the~~
316 ~~department pursuant to subsection (3) with respect to those~~
317 ~~other personal services employees exempted by this subsection.~~

318 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
319 ~~apply to any employee of the Division of Blind Services Library~~
320 ~~for the Blind and Physically Handicapped for whom the Division~~
321 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
322 ~~except that, for purposes of subsection (5), the Division of~~
323 ~~Blind Services shall comply with the recordkeeping and reporting~~
324 ~~requirements adopted by the department pursuant to subsection~~
325 ~~(3) with respect to those other personal services employees~~
326 ~~exempted by this subsection.~~

327 ~~(c) Notwithstanding the provisions of this section, the~~
328 ~~agency head or his or her designee may extend the other-~~
329 ~~personal services employment of a health care practitioner~~
330 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
331 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
332 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
333 ~~2,080 hours and may employ such practitioner on an hourly or~~
334 ~~other basis.~~

335 ~~(7) The Department of Management Services shall annually~~
336 ~~assess agencies for the regulation of other personal services on~~

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337 ~~a pro rata share basis not to exceed an amount as provided in~~
338 ~~the General Appropriations Act.~~

339 Section 7. Section 110.171, Florida Statutes, is amended
340 to read:

341 110.171 State employee telework ~~telecommuting~~ program.—

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

343 (a) "Agency" means any official, officer, commission,
344 board, authority, council, committee, or department of state
345 government.

346 (b) "Department" means the Department of Management
347 Services.

348 (c) "Telework" ~~"Telecommuting"~~ means a work arrangement
349 that allows a whereby selected state employee employees are
350 allowed to conduct all or some of his or her work away from the
351 official worksite during all or a portion of the state
352 employee's established work hours on a regular basis. The term
353 does not include, and a telework agreement is not required for:

354 1. Performance of required work duties away from the
355 official worksite and outside of established work hours on an
356 occasional basis and sporadically working away from the official
357 worksite during all or some portion of the established work
358 hours. These arrangements may be used by an agency to
359 accommodate extenuating circumstances by allowing an employee to
360 maintain productivity away from the official worksite.

361 2. Duties and responsibilities that, by their nature, are
362 performed routinely in the field away from the official worksite
363 ~~perform the normal duties and responsibilities of their~~
364 ~~positions, through the use of computers or telecommunications,~~

365 ~~at home or another place apart from the employees' usual place~~
366 ~~of work.~~

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

370 Telework may also be used as part of an agency's continuity of
371 operations plan where appropriate. An agency shall provide
372 telework as an optional alternative work arrangement to support
373 employee needs and implement telework arrangements where deemed
374 appropriate.

375 (3) Each agency shall review all established positions and
376 designate those positions that the agency deems appropriate for
377 telework. The agency shall ensure that this information is
378 current and available to its employees and managers. In
379 addition, each agency shall identify all currently participating
380 employees and their respective positions in the human resource
381 information system used by that agency.

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

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

387 (b) Establish performance standards that ensure that
388 teleworkers maintain satisfactory performance levels.

389 (c) Ensure that teleworkers are subject to the same rules
390 and disciplinary actions as other employees.

391 (d) Establish the reasonable conditions that the agency
392 plans to impose in order to ensure appropriate use and

393 maintenance of any equipment issued by the agency.

394 (e) Establish a system for monitoring the productivity of
395 teleworkers that ensures that the work output remains at a
396 satisfactory level and that the duties and responsibilities of
397 the position remain suitable for a telework arrangement.

398 (f) Establish the appropriate physical and electronic
399 information security controls to be maintained by a teleworker
400 at the telework site.

401 (g) Prohibit a teleworker from conducting face-to-face
402 state business at his or her residence.

403 (5) At the discretion of the agency, if an employee is
404 approved by the agency to use telework as an optional
405 alternative work arrangement, the agency shall require a written
406 agreement between the teleworker and the agency that specifies
407 the terms and conditions of the telework arrangement and
408 provides for the termination of an employee's participation in
409 the program if the employee's continued participation is not in
410 the best interest of the agency.

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

413 (a) Include the requirement to telework and the associated
414 terms and conditions as part of the position description,
415 specifying the minimum amount of telework required.

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

419 (c) Provide at least 15 calendar days' written notice to
420 affected employees of intent to revise the terms and conditions

421 of the current telework arrangement.

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

424 (e) Specify the telework requirement in any recruitment
425 activities.

426 (7) Agencies that have a telework program shall establish
427 and track performance measures that support telework program
428 analysis and report data annually to the department in
429 accordance with s. 255.249(3) (d). Such measures must include,
430 but need not be limited to, those that quantify financial
431 impacts associated with changes in office space requirements
432 resulting from the telework program. Agencies operating in
433 office space owned or managed by the department shall consult
434 the department to ensure consistency with the strategic leasing
435 plan required under s. 255.249(3) (b).

436 ~~(2) The department shall:~~

437 ~~(a) Establish and coordinate the state employee~~
438 ~~telecommuting program and administer this section.~~

439 ~~(b) Appoint a statewide telecommuting coordinator to~~
440 ~~provide technical assistance to state agencies and to promote~~
441 ~~telecommuting in state government.~~

442 ~~(c) Identify state employees who are participating in a~~
443 ~~telecommuting program and their job classifications through the~~
444 ~~state personnel payroll information subsystem created under s.~~
445 ~~110.116.~~

446 ~~(3) By September 30, 2009, each state agency shall~~
447 ~~identify and maintain a current listing of the job~~
448 ~~classifications and positions that the agency considers~~

449 ~~appropriate for telecommuting. Agencies that adopt a state~~
450 ~~employee telecommuting program must:~~

451 ~~(a) Give equal consideration to career service and exempt~~
452 ~~positions in their selection of employees to participate in the~~
453 ~~telecommuting program.~~

454 ~~(b) Provide that an employee's participation in a~~
455 ~~telecommuting program will not adversely affect eligibility for~~
456 ~~advancement or any other employment rights or benefits.~~

457 ~~(c) Provide that participation by an employee in a~~
458 ~~telecommuting program is voluntary, and that the employee may~~
459 ~~elect to cease to participate in a telecommuting program at any~~
460 ~~time.~~

461 ~~(d) Adopt provisions to allow for the termination of an~~
462 ~~employee's participation in the program if the employee's~~
463 ~~continued participation would not be in the best interests of~~
464 ~~the agency.~~

465 ~~(e) Provide that an employee is not currently under a~~
466 ~~performance improvement plan in order to participate in the~~
467 ~~program.~~

468 ~~(f) Ensure that employees participating in the program are~~
469 ~~subject to the same rules regarding attendance, leave,~~
470 ~~performance reviews, and separation action as are other~~
471 ~~employees.~~

472 ~~(g) Establish the reasonable conditions that the agency~~
473 ~~plans to impose in order to ensure the appropriate use and~~
474 ~~maintenance of any equipment or items provided for use at a~~
475 ~~participating employee's home or other place apart from the~~
476 ~~employee's usual place of work, including the installation and~~

477 ~~maintenance of any telephone equipment and ongoing~~
 478 ~~communications costs at the telecommuting site which is to be~~
 479 ~~used for official use only.~~

480 ~~(h) Prohibit state maintenance of an employee's personal~~
 481 ~~equipment used in telecommuting, including any liability for~~
 482 ~~personal equipment and costs for personal utility expenses~~
 483 ~~associated with telecommuting.~~

484 ~~(i) Describe the security controls that the agency~~
 485 ~~considers appropriate.~~

486 ~~(j) Provide that employees are covered by workers'~~
 487 ~~compensation under chapter 440, when performing official duties~~
 488 ~~at an alternate worksite, such as the home.~~

489 ~~(k) Prohibit employees engaged in a telecommuting program~~
 490 ~~from conducting face-to-face state business at the homesite.~~

491 ~~(l) Require a written agreement that specifies the terms~~
 492 ~~and conditions of telecommuting, which includes verification by~~
 493 ~~the employee that the home office provides work space that is~~
 494 ~~free of safety and fire hazards, together with an agreement~~
 495 ~~which holds the state harmless against any and all claims,~~
 496 ~~excluding workers' compensation claims, resulting from an~~
 497 ~~employee working in the home office, and which must be signed~~
 498 ~~and agreed to by the telecommuter and the supervisor.~~

499 ~~(m) Provide measurable financial benefits associated with~~
 500 ~~reduced office space requirements, reductions in energy~~
 501 ~~consumption, and reductions in associated emissions of~~
 502 ~~greenhouse gases resulting from telecommuting. State agencies~~
 503 ~~operating in office space owned or managed by the department~~
 504 ~~shall consult the facilities program to ensure its consistency~~

505 ~~with the strategic leasing plan required under s. 255.249(3)(b).~~

506 (8)(4) Agencies that have a telework ~~The telecommuting~~
 507 ~~program for each state agency and pertinent supporting documents~~
 508 shall post the agency telework plan and any pertinent supporting
 509 documents ~~be posted~~ on the agency's Internet website to allow
 510 access by employees and the public.

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

513 Section 8. Paragraph (b) of subsection (1) and paragraphs
 514 (d) and (e) of subsection (2) of section 110.181, Florida
 515 Statutes, are amended to read:

516 110.181 Florida State Employees' Charitable Campaign.—

517 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

518 (b) State officers' and employees' contributions toward
 519 the Florida State Employees' Charitable Campaign must be
 520 entirely voluntary. State officers and employees must designate
 521 a charitable organization to receive such contributions.

522 (2) SELECTION OF FISCAL AGENTS; COST.—

523 ~~(d) A local steering committee shall be established in~~
 524 ~~each fiscal agent area to assist in conducting the campaign and~~
 525 ~~to direct the distribution of undesignated funds remaining after~~
 526 ~~partial distribution pursuant to paragraph (c). The committee~~
 527 ~~shall be composed of state employees selected by the fiscal~~
 528 ~~agent from among recommendations provided by interested~~
 529 ~~participating organizations, if any, and approved by the~~
 530 ~~Statewide Steering Committee.~~

531 ~~(e) Participating charitable organizations that provide~~
 532 ~~direct services in a local fiscal agent's area shall receive the~~

533 ~~same percentage of undesignated funds as the percentage of~~
534 ~~designated funds they receive. The undesignated funds remaining~~
535 ~~following allocation to these charitable organizations shall be~~
536 ~~distributed by the local steering committee.~~

537 Section 9. Section 110.217, Florida Statutes, is amended
538 to read:

539 110.217 Appointment actions and status ~~Appointments and~~
540 ~~promotion.~~—

541 (1) ~~(a)~~ The department, ~~in consultation with agencies that~~
542 ~~must comply with these rules,~~ shall develop uniform rules
543 regarding original appointment, promotion, demotion,
544 reassignment, lateral action, separation, and status that ~~which~~
545 must be used by state ~~employing~~ agencies. ~~Such rules must be~~
546 ~~approved by the Administration Commission before their adoption~~
547 ~~by the department.~~

548 (2) An employee appointed on probationary status shall
549 attain permanent status in his or her current position upon
550 successful completion of at least a 1-year probationary period.
551 The length of the probationary period may not exceed 18 months.
552 An employee who has not attained permanent status in his or her
553 current position serves at the pleasure of the agency head and
554 may be dismissed at the discretion of the agency head.

555 (3) If an employee who has received an internal agency
556 promotion from a position in which the employee held permanent
557 status is to be dismissed from the promotional position for
558 failure to meet the established performance standards of the
559 promotional position while in probationary status, the agency,
560 before dismissal, shall return the employee to his or her former

561 position, or to a position with substantially similar duties and
562 responsibilities as the former position, if such a position is
563 vacant. Such determinations by an agency are not appealable, and
564 this subsection does not apply to dismissals for any other
565 reason.

566 ~~(b) Employing agencies may seek exceptions to these~~
567 ~~uniform rules by filing a petition with the Administration~~
568 ~~Commission. The Administration Commission shall approve an~~
569 ~~exception when the exception is necessary to conform to any~~
570 ~~requirement imposed as a condition precedent to receipt of~~
571 ~~federal funds or to permit persons in this state to receive tax~~
572 ~~benefits under federal law, or as required for the most~~
573 ~~efficient operation of the agency as determined by the~~
574 ~~Administration Commission. The reasons for the exception must be~~
575 ~~published in the Florida Administrative Weekly.~~

576 ~~(c) Agency rules that provide exceptions to the uniform~~
577 ~~rules may not be filed with the Department of State unless the~~
578 ~~Administration Commission has approved the exceptions. Each~~
579 ~~agency that adopts rules that provide exceptions to the uniform~~
580 ~~rules or that must comply with statutory requirements that~~
581 ~~conflict with the uniform rules must have a separate chapter~~
582 ~~published in the Florida Administrative Code that delineates~~
583 ~~clearly the provisions of the agency's rules which provide~~
584 ~~exceptions or are based upon a conflicting statutory~~
585 ~~requirement. Each alternative chosen from those authorized by~~
586 ~~the uniform rules must be specified. Each chapter must be~~
587 ~~organized in the same manner as the uniform rules.~~

588 ~~(2) Each employing agency shall have the responsibility~~

589 ~~for the establishment and maintenance of rules and guidelines~~
 590 ~~for determining eligibility of applicants for appointment to~~
 591 ~~positions in the career service.~~

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

596 ~~(4) The employing agency shall be responsible for~~
 597 ~~developing an employee career advancement program which shall~~
 598 ~~assure consideration of qualified permanent employees in the~~
 599 ~~agency or career service who apply. However, such program shall~~
 600 ~~also include provisions to bring persons into the career service~~
 601 ~~through open competition. Promotion appointments shall be~~
 602 ~~subject to postaudit by the department.~~

603 ~~(5) The department shall adopt any rules necessary to~~
 604 ~~implement the provisions of this section. The rules must be~~
 605 ~~approved by a majority vote of the Administration Commission~~
 606 ~~prior to their adoption by the department.~~

607 Section 10. Subsection (8) of section 110.227, Florida
 608 Statutes, is amended to read:

609 110.227 Suspensions, dismissals, reductions in pay,
 610 demotions, layoffs, transfers, and grievances.—

611 ~~(8) A career service employee who is serving a~~
 612 ~~probationary period in a position to which he or she has been~~
 613 ~~promoted may be removed from that promotional position at any~~
 614 ~~time during the probationary period but must be returned to his~~
 615 ~~or her former position, or a comparable position, if such a~~
 616 ~~position is vacant. If such a position is not available, before~~

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617 ~~dismissal, the agency shall make a reasonable effort to retain~~
618 ~~the employee in another vacant position. This subsection does~~
619 ~~not apply to terminations for cause as described in subsection~~
620 ~~(1), nor does it create a right to "bump" an employee from an~~
621 ~~occupied position as described in paragraph (2)(a).~~

622 Section 11. Paragraph (d) of subsection (3) of section
623 255.249, Florida Statutes, is amended to read:

624 255.249 Department of Management Services; responsibility;
625 department rules.—

626 (3)

627 (d) By June 30 of each year, each state agency shall
628 annually provide to the department all information regarding
629 agency programs affecting the need for or use of space by that
630 agency, reviews of lease-expiration schedules for each
631 geographic area, active and planned full-time equivalent data,
632 business case analyses related to consolidation plans by an
633 agency, a telework ~~telecommuting~~ program, and current occupancy
634 and relocation costs, inclusive of furnishings, fixtures and
635 equipment, data, and communications.

636 Section 12. Section 402.3057, Florida Statutes, is amended
637 to read:

638 402.3057 Persons not required to be refingerprinted or
639 rescreened.—Any provision of law to the contrary
640 notwithstanding, human resource personnel who have been
641 fingerprinted or screened pursuant to chapters 393, 394, 397,
642 402, and 409, and teachers and noninstructional personnel who
643 have been fingerprinted pursuant to chapter 1012, who have not
644 been unemployed for more than 90 days thereafter, and who under

645 the penalty of perjury attest to the completion of such
 646 fingerprinting or screening and to compliance with the
 647 provisions of this section and the standards for good moral
 648 character as contained in such provisions as ss. 110.1127(2)(c)
 649 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and
 650 409.175(6), shall not be required to be refingerprinted or
 651 rescreened in order to comply with any caretaker screening or
 652 fingerprinting requirements.

653 Section 13. Section 409.1757, Florida Statutes, is amended
 654 to read:

655 409.1757 Persons not required to be refingerprinted or
 656 rescreened.—Any provision of law to the contrary
 657 notwithstanding, human resource personnel who have been
 658 fingerprinted or screened pursuant to chapters 393, 394, 397,
 659 402, and this chapter, and teachers who have been fingerprinted
 660 pursuant to chapter 1012, who have not been unemployed for more
 661 than 90 days thereafter, and who under the penalty of perjury
 662 attest to the completion of such fingerprinting or screening and
 663 to compliance with the provisions of this section and the
 664 standards for good moral character as contained in such
 665 provisions as ss. 110.1127(2)(c) ~~110.1127(3)~~, 393.0655(1),
 666 394.457(6), 397.451, 402.305(2), and 409.175(6), shall not be
 667 required to be refingerprinted or rescreened in order to comply
 668 with any caretaker screening or fingerprinting requirements.

669 Section 14. Subsection (9) of section 413.20, Florida
 670 Statutes, is amended to read:

671 413.20 Definitions.—As used in this part, the term:
 672 (9) "Employment outcome" means, with respect to an

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673 individual, entering or retaining full-time or, if appropriate,
674 part-time competitive employment in the integrated labor market
675 to the greatest extent practicable, supported employment, or any
676 other type of employment, including self-employment, telework
677 ~~telecommuting~~, or business ownership, that is consistent with an
678 individual's strengths, resources, priorities, concerns,
679 abilities, capabilities, interests, and informed choice.

680 Section 15. Paragraph (a) of subsection (4) of section
681 943.0585, Florida Statutes, is amended to read:

682 943.0585 Court-ordered expunction of criminal history
683 records.—The courts of this state have jurisdiction over their
684 own procedures, including the maintenance, expunction, and
685 correction of judicial records containing criminal history
686 information to the extent such procedures are not inconsistent
687 with the conditions, responsibilities, and duties established by
688 this section. Any court of competent jurisdiction may order a
689 criminal justice agency to expunge the criminal history record
690 of a minor or an adult who complies with the requirements of
691 this section. The court shall not order a criminal justice
692 agency to expunge a criminal history record until the person
693 seeking to expunge a criminal history record has applied for and
694 received a certificate of eligibility for expunction pursuant to
695 subsection (2). A criminal history record that relates to a
696 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
697 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
698 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
699 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
700 any violation specified as a predicate offense for registration

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701 as a sexual predator pursuant to s. 775.21, without regard to
702 whether that offense alone is sufficient to require such
703 registration, or for registration as a sexual offender pursuant
704 to s. 943.0435, may not be expunged, without regard to whether
705 adjudication was withheld, if the defendant was found guilty of
706 or pled guilty or nolo contendere to the offense, or if the
707 defendant, as a minor, was found to have committed, or pled
708 guilty or nolo contendere to committing, the offense as a
709 delinquent act. The court may only order expunction of a
710 criminal history record pertaining to one arrest or one incident
711 of alleged criminal activity, except as provided in this
712 section. The court may, at its sole discretion, order the
713 expunction of a criminal history record pertaining to more than
714 one arrest if the additional arrests directly relate to the
715 original arrest. If the court intends to order the expunction of
716 records pertaining to such additional arrests, such intent must
717 be specified in the order. A criminal justice agency may not
718 expunge any record pertaining to such additional arrests if the
719 order to expunge does not articulate the intention of the court
720 to expunge a record pertaining to more than one arrest. This
721 section does not prevent the court from ordering the expunction
722 of only a portion of a criminal history record pertaining to one
723 arrest or one incident of alleged criminal activity.
724 Notwithstanding any law to the contrary, a criminal justice
725 agency may comply with laws, court orders, and official requests
726 of other jurisdictions relating to expunction, correction, or
727 confidential handling of criminal history records or information
728 derived therefrom. This section does not confer any right to the

729 expunction of any criminal history record, and any request for
730 expunction of a criminal history record may be denied at the
731 sole discretion of the court.

732 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
733 criminal history record of a minor or an adult which is ordered
734 expunged by a court of competent jurisdiction pursuant to this
735 section must be physically destroyed or obliterated by any
736 criminal justice agency having custody of such record; except
737 that any criminal history record in the custody of the
738 department must be retained in all cases. A criminal history
739 record ordered expunged that is retained by the department is
740 confidential and exempt from the provisions of s. 119.07(1) and
741 s. 24(a), Art. I of the State Constitution and not available to
742 any person or entity except upon order of a court of competent
743 jurisdiction. A criminal justice agency may retain a notation
744 indicating compliance with an order to expunge.

745 (a) The person who is the subject of a criminal history
746 record that is expunged under this section or under other
747 provisions of law, including former s. 893.14, former s. 901.33,
748 and former s. 943.058, may lawfully deny or fail to acknowledge
749 the arrests covered by the expunged record, except when the
750 subject of the record:

- 751 1. Is a candidate for employment with a criminal justice
752 agency;
- 753 2. Is a defendant in a criminal prosecution;
- 754 3. Concurrently or subsequently petitions for relief under
755 this section or s. 943.059;
- 756 4. Is a candidate for admission to The Florida Bar;

757 5. Is seeking to be employed or licensed by or to contract
758 with the Department of Children and Family Services, the Agency
759 for Health Care Administration, the Agency for Persons with
760 Disabilities, or the Department of Juvenile Justice or to be
761 employed or used by such contractor or licensee in a sensitive
762 position having direct contact with children, the
763 developmentally disabled, the aged, or the elderly as provided
764 in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
765 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
766 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter
767 429;

768 6. Is seeking to be employed or licensed by the Department
769 of Education, any district school board, any university
770 laboratory school, any charter school, any private or parochial
771 school, or any local governmental entity that licenses child
772 care facilities; or

773 7. Is seeking authorization from a seaport listed in s.
774 311.09 for employment within or access to one or more of such
775 seaports pursuant to s. 311.12.

776 Section 16. Paragraph (a) of subsection (4) of section
777 943.059, Florida Statutes, is amended to read:

778 943.059 Court-ordered sealing of criminal history
779 records.—The courts of this state shall continue to have
780 jurisdiction over their own procedures, including the
781 maintenance, sealing, and correction of judicial records
782 containing criminal history information to the extent such
783 procedures are not inconsistent with the conditions,
784 responsibilities, and duties established by this section. Any

785 court of competent jurisdiction may order a criminal justice
786 agency to seal the criminal history record of a minor or an
787 adult who complies with the requirements of this section. The
788 court shall not order a criminal justice agency to seal a
789 criminal history record until the person seeking to seal a
790 criminal history record has applied for and received a
791 certificate of eligibility for sealing pursuant to subsection
792 (2). A criminal history record that relates to a violation of s.
793 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
794 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
795 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
796 916.1075, a violation enumerated in s. 907.041, or any violation
797 specified as a predicate offense for registration as a sexual
798 predator pursuant to s. 775.21, without regard to whether that
799 offense alone is sufficient to require such registration, or for
800 registration as a sexual offender pursuant to s. 943.0435, may
801 not be sealed, without regard to whether adjudication was
802 withheld, if the defendant was found guilty of or pled guilty or
803 nolo contendere to the offense, or if the defendant, as a minor,
804 was found to have committed or pled guilty or nolo contendere to
805 committing the offense as a delinquent act. The court may only
806 order sealing of a criminal history record pertaining to one
807 arrest or one incident of alleged criminal activity, except as
808 provided in this section. The court may, at its sole discretion,
809 order the sealing of a criminal history record pertaining to
810 more than one arrest if the additional arrests directly relate
811 to the original arrest. If the court intends to order the
812 sealing of records pertaining to such additional arrests, such

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813 intent must be specified in the order. A criminal justice agency
814 may not seal any record pertaining to such additional arrests if
815 the order to seal does not articulate the intention of the court
816 to seal records pertaining to more than one arrest. This section
817 does not prevent the court from ordering the sealing of only a
818 portion of a criminal history record pertaining to one arrest or
819 one incident of alleged criminal activity. Notwithstanding any
820 law to the contrary, a criminal justice agency may comply with
821 laws, court orders, and official requests of other jurisdictions
822 relating to sealing, correction, or confidential handling of
823 criminal history records or information derived therefrom. This
824 section does not confer any right to the sealing of any criminal
825 history record, and any request for sealing a criminal history
826 record may be denied at the sole discretion of the court.

827 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
828 history record of a minor or an adult which is ordered sealed by
829 a court of competent jurisdiction pursuant to this section is
830 confidential and exempt from the provisions of s. 119.07(1) and
831 s. 24(a), Art. I of the State Constitution and is available only
832 to the person who is the subject of the record, to the subject's
833 attorney, to criminal justice agencies for their respective
834 criminal justice purposes, which include conducting a criminal
835 history background check for approval of firearms purchases or
836 transfers as authorized by state or federal law, to judges in
837 the state courts system for the purpose of assisting them in
838 their case-related decisionmaking responsibilities, as set forth
839 in s. 943.053(5), or to those entities set forth in
840 subparagraphs (a)1., 4., 5., 6., and 8. for their respective

841 licensing, access authorization, and employment purposes.

842 (a) The subject of a criminal history record sealed under
843 this section or under other provisions of law, including former
844 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
845 deny or fail to acknowledge the arrests covered by the sealed
846 record, except when the subject of the record:

847 1. Is a candidate for employment with a criminal justice
848 agency;

849 2. Is a defendant in a criminal prosecution;

850 3. Concurrently or subsequently petitions for relief under
851 this section or s. 943.0585;

852 4. Is a candidate for admission to The Florida Bar;

853 5. Is seeking to be employed or licensed by or to contract
854 with the Department of Children and Family Services, the Agency
855 for Health Care Administration, the Agency for Persons with
856 Disabilities, or the Department of Juvenile Justice or to be
857 employed or used by such contractor or licensee in a sensitive
858 position having direct contact with children, the
859 developmentally disabled, the aged, or the elderly as provided
860 in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
861 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
862 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or
863 chapter 429;

864 6. Is seeking to be employed or licensed by the Department
865 of Education, any district school board, any university
866 laboratory school, any charter school, any private or parochial
867 school, or any local governmental entity that licenses child
868 care facilities;

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869 7. Is attempting to purchase a firearm from a licensed
870 importer, licensed manufacturer, or licensed dealer and is
871 subject to a criminal history check under state or federal law;
872 or

873 8. Is seeking authorization from a Florida seaport
874 identified in s. 311.09 for employment within or access to one
875 or more of such seaports pursuant to s. 311.12.

876 Section 17. This act shall take effect July 1, 2012.