

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

CS/CS/CS/SB 88 — Public Employee Compensation

by Governmental Oversight and Accountability Committee; Judiciary Committee; Community Affairs Committee; and Senators Gaetz and Storms

This bill prohibits bonuses paid to public employees unless the bonus is awarded to the employee of a public hospital from private funds or is awarded to government employees based on statutorily specified bonus criteria. Specifically, under the bill, any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:

- Base the award of a bonus on work performance;
- Describe the performance standards and evaluation process by which a bonus will be awarded;
- Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
- Consider all employees for the bonus.

This bill prohibits severance pay unless the severance pay is:

- Paid to the employee of a public hospital from private funds;
- Paid in an amount not greater than 20 weeks of compensation; or
- Paid as the result of a settlement agreement in an amount not to exceed 6 weeks of compensation.

Contracts for severance pay must include a provision stating that severance pay is not paid in cases of employee misconduct.

The bill defines severance pay as actual or constructive compensation including salary, benefits, or perquisites for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for leave time, early retirement, or insurance subsidies.

The bill prohibits confidentiality clauses in agreements for extra compensation entered into after July 1, 2011.

The bill deletes provisions of law that are inconsistent with the provisions created in the bill.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 39-0; House 113-2