

Amendment No. 03 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Stabins offered the following:

13 **Amendment (with title amendment)**

14 Remove from the bill: Everything after the enacting clause  
15  
16 and insert in lieu thereof:

17 Section 1. Section 295.15, Florida Statutes, is  
18 transferred and renumbered as section 295.065, Florida  
19 Statutes.

20 Section 2. Section 295.07, Florida Statutes, is  
21 amended to read:

22 295.07 Preference in appointment and retention.--

23 (1) The state and ~~its~~ political subdivisions in the  
24 state shall give preference in appointment and retention in  
25 positions of employment to:

26 (a) Those disabled veterans:

27 1. Who have served on active duty in any branch of the  
28 Armed Forces of the United States, have been separated  
29 therefrom under honorable conditions, and have established the  
30 present existence of a service-connected disability which is  
31 compensable under public laws administered by the U.S.

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1 Department of Veterans' Affairs, or

2 2. Who are receiving compensation, disability  
3 retirement benefits, or pension by reason of public laws  
4 administered by the U.S. Department of Veterans' Affairs and  
5 the Department of Defense.

6 (b) The spouse of any person who has a total  
7 disability, permanent in nature, resulting from a  
8 service-connected disability and who, because of this  
9 disability, cannot qualify for employment, and the spouse of  
10 any person missing in action, captured in line of duty by a  
11 hostile force, or forcibly detained or interned in line of  
12 duty by a foreign government or power.

13 (c) A veteran of any war as defined in s. 1.01(14).

14 (d) The unremarried widow or widower of a veteran who  
15 died of a service-connected disability.

16 (2) The Department of Veterans' Affairs shall adopt  
17 rules to ensure that veterans are given special consideration  
18 in the employing agency's selection and retention processes.  
19 The rules must include the award of point values as  
20 articulated in s. 295.08, if applicable, or, where point  
21 values are not relevant, must include procedures to ensure  
22 that veterans are given special consideration at each step of  
23 the employment selection process, unless the sponsoring  
24 governmental entity is a party to a collective bargaining  
25 agreement, in which case the plan must comply within 90 days  
26 following ratification of a successor collective bargaining  
27 agreement or extension of any existing collective bargaining  
28 agreement.

29 (3) Preference in employment and retention may be  
30 given only to eligible persons who are described in subsection  
31 (1) and who are residents of this state.

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1           ~~(4)(2)~~ The following positions are ~~shall be~~ exempt  
2 from ~~the provisions of~~ this section:

3           (a) Those positions that are exempt from the state  
4 Career Service System under s. 110.205(2); however, all  
5 positions under the University Support Personnel System of the  
6 State University System as well as all Career Service System  
7 positions under the State Community College System and the  
8 School for the Deaf and the Blind are ~~shall be~~ included.

9           (b) ~~Those~~ Positions in political subdivisions of the  
10 state which ~~that~~ are filled by officers elected by popular  
11 vote or persons appointed to fill vacancies in such offices  
12 and the personal secretary of each such officer, members of  
13 boards and commissions, persons employed on a temporary basis  
14 without benefits, city managers and county managers, heads of  
15 departments, management positions, policymaking positions,  
16 positions that ~~which~~ require licensure as a physician,  
17 licensure as an osteopathic physician, licensure as a  
18 chiropractic physician, and positions that ~~which~~ require that  
19 the employee be a member of The Florida Bar.

20           Section 3. Section 295.08, Florida Statutes, is  
21 amended to read:

22           295.08 Positions for which a numerically based  
23 selection process is used ~~Competitive examination systems~~  
24 ~~preference points; professional and scientific services.~~ --For  
25 those positions for which an examination is used to determine  
26 the qualifications for entrance into employment with the state  
27 or ~~its~~ political subdivisions in the state, 10 points shall be  
28 added to the earned ratings of any person included under s.  
29 295.07(1)(a) or (b), and 5 points shall be added to the earned  
30 rating of any person included under s. 295.07(1)(c) and (d),  
31 if the ~~provided that such~~ person has obtained a qualifying

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1 score on the examination for the position. The names of  
2 persons eligible for preference shall be entered on an  
3 appropriate register or list in accordance with their  
4 respective augmented ratings. However, except for classes of  
5 positions with Federal Government designations of professional  
6 or technician ~~for which the lowest range of the salary is over~~  
7 ~~\$9,000 per annum~~, the names of all persons qualified to  
8 receive a 10-point preference whose service-connected  
9 disabilities have been rated by the United States Department  
10 of Veterans Affairs or its predecessor or the Department of  
11 Defense to be 30 percent or more shall be placed at the top of  
12 the appropriate register or employment list, in accordance  
13 with their respective augmented ratings. The respective  
14 augmented rating is the examination score or evaluated score  
15 in addition to the applicable veteran's preference points.

16 Section 4. Section 295.085, Florida Statutes, is  
17 amended to read:

18 295.085 Positions for which a numerically based  
19 selection process where an examination is not used utilized;  
20 ~~preferences.--~~

21 (1) In all positions in which the appointment or  
22 employment of persons is not subject to a written examination,  
23 with the exception of ~~those~~ positions that which are exempt  
24 under pursuant to s. 295.07(2), first preference in  
25 appointment, and employment, and retention shall be given by  
26 the state and ~~its~~ political subdivisions in the state first to  
27 ~~those~~ persons included under s. 295.07(1)(a) and (b), and  
28 second preference shall be given to those persons included  
29 under s. 295.07(1)(c) and (d) ~~who, provided such persons~~  
30 possess the minimum qualifications necessary to ~~the~~ discharge  
31 ~~of~~ the duties of the position involved.

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1           ~~(2) The Department of Veterans' Affairs shall be~~  
2 ~~responsible for promulgating such rules or procedures as to~~  
3 ~~ensure that those persons defined in s. 295.07 are given~~  
4 ~~special consideration in the employing agency's selection and~~  
5 ~~retention processes. These procedures shall include the award~~  
6 ~~of point values as articulated in s. 295.08 if applicable, or~~  
7 ~~where such point values are not relevant, shall include~~  
8 ~~procedures to ensure those persons defined in s. 295.07 are~~  
9 ~~given special consideration at each step of the employment~~  
10 ~~selection process and are given special consideration in the~~  
11 ~~retention of employees where layoffs are necessitated.~~

12           Section 5. Section 295.101, Florida Statutes, is  
13 amended to read:

14           295.101 Employment preference; expiration.--A  
15 veteran's employment preference ~~shall expires be deemed to~~  
16 ~~have expired~~ after a person eligible pursuant to s. 295.07 has  
17 applied and been employed by the any state or any agency of a  
18 political subdivision in of the state.

19           Section 6. Section 295.11, Florida Statutes, is  
20 amended to read:

21           295.11 Investigation; administrative hearing for not  
22 employing preferred applicant.--

23           (1) The Department of Veterans' Affairs or its  
24 designee shall, upon the written request of any person  
25 specified in s. 295.07, investigate any complaint filed with  
26 the department by such person when the person has applied to  
27 ~~made application with~~ any state agency or any agency of a  
28 political subdivision in of the state for a position of  
29 employment which was awarded to a nonveteran and the person  
30 feels aggrieved under this chapter. The Department of  
31 Veterans' Affairs shall review each case and may issue an

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1 opinion to the Public Employees Relations Commission as to the  
2 merit or lack of merit in each case. The ~~Such~~ investigation  
3 must ~~shall~~ be accomplished within existing amounts  
4 appropriated to the department.

5 (3) When a satisfactory resolution to the complaint is  
6 not forthcoming, any the department of the state or political  
7 subdivision in the state may ~~its designee shall, upon written~~  
8 request of the complainant and with advisory assistance from  
9 the Department of Management Services, testify telephonically  
10 or in person at the discretion of the Public Employees  
11 Employee Relations Commission ~~hearing as to the investigative~~  
12 findings. The complainant, however, may be represented at the  
13 hearing by counsel of his or her choice at his or her expense.

14 (4) Jurisdiction to effectuate the purposes of ss.  
15 295.07-295.09 shall vest with the Public Employees Relations  
16 Commission for appropriate administrative determination. If,  
17 upon preliminary review of the Public Employees Relations  
18 Commission, the commission agrees with the department's  
19 determination that a case lacks merit and finds, in its  
20 discretion, that there was a complete absence of justiciable  
21 issues of either law or fact raised by the  
22 veterans'-preference complaint, the Public Employees Relations  
23 Commission shall dismiss the complaint without the necessity  
24 of holding a hearing.

25 Section 7. Subsection (1) of section 295.14, Florida  
26 Statutes, is amended to read:

27 295.14 Penalties.--

28 (1) When the Public Employees Relations Commission,  
29 after a hearing on notice conducted according to rules adopted  
30 promulgated by the commission, determines that a violation of  
31 s. 295.07, s. 295.08, s. 295.085(1), or s. 295.09(1)(a) or (b)

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1 has occurred and sustains the veteran seeking redress, the  
2 commission shall order the offending agency, employee, or  
3 officer of the state to comply with the provisions of s.  
4 295.07, s. 295.08, s. 295.085(1), or s. 295.09(1)(a) or (b);  
5 and, in the event of a violation of s. 295.07, s. 295.08, s.  
6 295.085(1) or s. 295.09(1)(a) or (b),the commission may issue  
7 an order to compensate the ~~such~~ veteran for the loss of any  
8 wages and reasonable attorney's fees for actual hours worked,  
9 and costs of all work, including litigation,incurred as a  
10 result of such violation, which order shall be conclusive on  
11 the agency, employee, or officer concerned. The attorney's  
12 fees and costs may not exceed \$10,000.The action of the  
13 commission shall be in writing and shall be served on the  
14 parties concerned by certified mail with return receipt  
15 requested.

16 Section 8. Section 295.151, Florida Statutes, is  
17 repealed.

18 Section 9. Section 295.155, Florida Statutes, is  
19 created to read:

20 295.155 Military retirement based on  
21 longevity.--Military retirement on the basis of longevity does  
22 not disqualify a person eligible under s. 295.07 from  
23 veterans' employment preference.

24 Section 10. This act shall take effect upon becoming a  
25 law.

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27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, line 2 through page 2, line 20  
31 remove from the title of the bill:

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1 and insert in lieu thereof:

2 An act relating to veterans' preference in  
3 employment; transferring and renumbering s.  
4 295.15, F.S., relating to legislative intent;  
5 amending s. 295.07, F.S.; clarifying  
6 provisions; providing for rules; amending s.  
7 295.08, F.S.; revising provisions with respect  
8 to positions for which a numerically based  
9 selection process is used; removing a monetary  
10 limitation with respect to certain classes of  
11 positions; amending s. 295.085, F.S.; revising  
12 provisions with respect to positions for which  
13 a numerically based selection process is not  
14 used; providing for preference for certain  
15 veterans with service-connected disabilities;  
16 deleting provisions for rules; amending s.  
17 295.101, F.S.; revising provisions with respect  
18 to the expiration of employment preference;  
19 amending s. 295.11, F.S.; revising provisions  
20 with respect to investigative findings;  
21 providing for the dismissal of a complaint;  
22 deleting reference to the Department of  
23 Management Services and providing reference to  
24 the Department of Veterans Affairs; amending s.  
25 295.14, F.S.; revising provisions with respect  
26 to penalties; repealing s. 295.151, F.S.,  
27 relating to the application of ch. 78-372, Laws  
28 of Florida, with respect to point preference to  
29 certain persons in applying for employment;  
30 creating s. 295.155, F.S.; providing that  
31 military retirement on the basis of longevity



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1           does not disqualify a person from veterans'  
2           employment preference; providing an effective  
3           date.  
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5           WHEREAS, it is the policy of the State of Florida that  
6           in appreciation for their service to this state and the  
7           country, and in recognition of the time and advantage lost  
8           toward the pursuit of a civilian career, veterans as defined  
9           in section 295.07, Florida Statutes, shall be granted  
10          preference in employment with the state and political  
11          subdivisions of or in the state, and

12          WHEREAS, except for a veteran who has an absolute  
13          preference for employment by virtue of a 30 percent or more  
14          service-connected disability, a veteran applying for a  
15          position using veterans' preference must be equally or better  
16          qualified for the position than the nonveteran applicant, and

17          WHEREAS, veterans' preference alone does not assure the  
18          employment of a veteran who is not fully qualified by  
19          experience or training to fulfill the requirements of the  
20          position, NOW, THEREFORE,  
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