

By the Committee on Governmental Oversight and Productivity

302-573-99

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A bill to be entitled
An act relating to public employment; amending
s. 110.131, F.S.; authorizing the Department of
Management Services to contract with a private
entity to provide temporary and seasonal
employees for state agencies; requiring that
the entity provide health insurance and
retirement benefits for such employees;
providing an effective date.

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

Section 1. Section 110.131, Florida Statutes, 1998
Supplement, is amended to read:

110.131 Other-personal-services temporary
employment.--

(1) As used in this section, the term "agency" means
any official, officer, commission, board, authority, council,
committee, or department of the executive branch of state
government and means any officer, court, commission, or other
unit of the judicial branch of state government supported in
whole or in part by appropriations made by the Legislature.

(2) An agency may employ any individual in
other-personal-services temporary employment for 1,040 hours
within any 12-month period. An extension beyond a total of
1,040 hours within an agency for any individual requires the
approval of the agency head or a designee. Approval of
extensions shall be made in accordance with criteria
established by the department. Each agency shall maintain
employee information as specified by the department regarding
each extension of other-personal-services temporary

1 employment. The time limitation established by this
2 subsection does not apply to board members, consultants,
3 seasonal employees, institutional clients employed as part of
4 their rehabilitation, or bona fide, degree-seeking students in
5 accredited secondary or postsecondary educational programs.

6 (3) The department shall adopt rules providing that
7 other-personal-services temporary employment in an
8 employer-employee relationship shall be used for short-term
9 tasks. Such rules shall specify the employment categories,
10 terms, conditions, rate of pay, and frequency of
11 other-personal-services temporary employment and the duration
12 for which such employment may last; specify criteria for
13 approving extensions beyond the time limitation provided in
14 subsection (2); and prescribe recordkeeping and reporting
15 requirements for other-personal-services employment.

16 (4) The department shall prepare written material
17 explaining the terms and conditions of other-personal-services
18 employment and shall provide master copies to each agency.
19 Each agency shall provide each of its applicants for such
20 employment with a copy thereof at the time of application and
21 shall discuss the information contained thereon with each
22 applicant at the time of interview or employment commencement,
23 whichever occurs sooner.

24 (5) The department shall maintain information relating
25 to other-personal-services employment for each agency. Such
26 information shall include:

27 (a) The total amount of compensation for
28 other-personal-services personnel, by employment category, for
29 the preceding fiscal year.

30 (b) The name, social security number, employment
31 category, employment commencement date, and number of hours

1 worked for each individual whose initial
2 other-personal-services temporary employment began before the
3 start of the preceding fiscal year and who was still employed
4 as an other-personal-services temporary employee at the end of
5 the preceding fiscal year.

6 (6)(a) The provisions of subsections (2), (3), and (4)
7 do not apply to any employee for whom the Board of Regents or
8 the Board of Trustees of the Florida School for the Deaf and
9 the Blind is the employer as defined in s. 447.203(2); except
10 that, for purposes of subsection (5), the Board of Trustees of
11 the Florida School for the Deaf and the Blind shall comply
12 with the recordkeeping and reporting requirements adopted by
13 the department pursuant to subsection (3) with respect to
14 those other-personal-services employees exempted by this
15 subsection.

16 (b) The provisions of subsections (2), (3), and (4) do
17 not apply to any employee of the Division of Blind Services
18 Library for the Blind and Physically Handicapped for whom the
19 Division of Blind Services is the employer as defined in s.
20 447.203(2); except that, for purposes of subsection (5), the
21 Division of Blind Services shall comply with the recordkeeping
22 and reporting requirements adopted by the department pursuant
23 to subsection (3) with respect to those
24 other-personal-services employees exempted by this subsection.

25 (c) Notwithstanding the provisions of this section,
26 the secretary of the Department of Health or the secretary's
27 delegate may extend the other-personal-services employment of
28 a health care practitioner licensed pursuant to chapter 458,
29 chapter 459, chapter 460, chapter 461, chapter 463, chapter
30 464, chapter 466, chapter 468, chapter 483, chapter 486, or
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1 chapter 490 beyond 2,080 hours and may employ such
2 practitioner on an hourly or other basis.

3 (7) The Department of Management Services may contract
4 with qualified private entities to provide labor funded from
5 appropriations for other personal services for all state
6 agencies. The proposal for labor must require that the private
7 entity provide prequalified employees for the temporary or
8 seasonal workload demands of the state agency and provide
9 health insurance and retirement benefits for such employees
10 which are comparable to the benefits available in the private
11 sector.

12 ~~(8)(7)~~ The Department of Management Services shall
13 annually assess agencies for the regulation of other personal
14 services on a pro rata share basis not to exceed an amount as
15 provided in the General Appropriations Act.

16 Section 2. This act shall take effect upon becoming a
17 law.

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20 SENATE SUMMARY

21 Provides for the Department of Management Services to
22 contract with a private entity to provide labor funded
23 from appropriations for other personal services for all
24 state agencies. Requires that the private entity provide
25 the employees with health insurance and retirement
26 benefits.
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