

Bill No. CS for SB 466

Amendment No.      Barcode 755104

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
---------------	----------------	--------------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

·  
·  
·  
·  
·  
·

Senator Garcia moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

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

Section 1. Paragraph (h) of subsection (3) of section 20.23, F.S., is amended to read:

20.23 Department of Transportation.--There is created a Department of Transportation which shall be a decentralized agency.

(3)

(h)1. The secretary shall appoint an inspector general pursuant to s. 20.055. ~~To comply with recommended professional auditing standards related to independence and objectivity, the inspector general shall be appointed to a position within the Career Service System and may be removed by the secretary with the concurrence of the Transportation Commission. In~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~order to attract and retain an individual who has the proven~~  
2 ~~technical and administrative skills necessary to comply with~~  
3 ~~the requirements of this section, the agency head may appoint~~  
4 ~~the inspector general to a classification level within the~~  
5 ~~Career Service System that is equivalent to that provided for~~  
6 ~~in part III of chapter 110.~~The inspector general may be  
7 organizationally located within another unit of the department  
8 for administrative purposes, but shall function independently  
9 and be directly responsible to the secretary pursuant to s.  
10 20.055. The duties of the inspector general shall include, but  
11 are not restricted to, reviewing, evaluating, and reporting on  
12 the policies, plans, procedures, and accounting, financial,  
13 and other operations of the department and recommending  
14 changes for the improvement thereof, as well as performing  
15 audits of contracts and agreements between the department and  
16 private entities or other governmental entities. The inspector  
17 general shall give priority to reviewing major parts of the  
18 department's accounting system and central office monitoring  
19 function to determine whether such systems effectively ensure  
20 accountability and compliance with all laws, rules, policies,  
21 and procedures applicable to the operation of the department.  
22 The inspector general shall also give priority to assessing  
23 the department's management information systems as required by  
24 s. 282.318. The internal audit function shall use the  
25 necessary expertise, in particular, engineering, financial,  
26 and property appraising expertise, to independently evaluate  
27 the technical aspects of the department's operations. The  
28 inspector general shall have access at all times to any  
29 personnel, records, data, or other information of the  
30 department and shall determine the methods and procedures  
31 necessary to carry out his or her duties. The inspector

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 general is responsible for audits of departmental operations  
2 and for audits of consultant contracts and agreements, and  
3 such audits shall be conducted in accordance with generally  
4 accepted governmental auditing standards. The inspector  
5 general shall annually perform a sufficient number of audits  
6 to determine the efficiency and effectiveness, as well as  
7 verify the accuracy of estimates and charges, of contracts  
8 executed by the department with private entities and other  
9 governmental entities. The inspector general has the sole  
10 responsibility for the contents of his or her reports, and a  
11 copy of each report containing his or her findings and  
12 recommendations shall be furnished directly to the secretary  
13 and the commission.

14           2. In addition to the authority and responsibilities  
15 herein provided, the inspector general is required to report  
16 to the:

17           a. Secretary whenever the inspector general makes a  
18 preliminary determination that particularly serious or  
19 flagrant problems, abuses, or deficiencies relating to the  
20 administration of programs and operations of the department  
21 have occurred. The secretary shall review and assess the  
22 correctness of the preliminary determination by the inspector  
23 general. If the preliminary determination is substantiated,  
24 the secretary shall submit such report to the appropriate  
25 committees of the Legislature within 7 calendar days, together  
26 with a report by the secretary containing any comments deemed  
27 appropriate. Nothing in this section shall be construed to  
28 authorize the public disclosure of information which is  
29 specifically prohibited from disclosure by any other provision  
30 of law.

31           b. Transportation Commission and the Legislature any

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 actions by the secretary that prohibit the inspector general  
2 from initiating, carrying out, or completing any audit after  
3 the inspector general has decided to initiate, carry out, or  
4 complete such audit. The secretary shall, within 30 days  
5 after transmission of the report, set forth in a statement to  
6 the Transportation Commission and the Legislature the reasons  
7 for his or her actions.

8 Section 2. Sections 110.108 and 110.109, Florida  
9 Statutes, are repealed.

10 Section 3. Section 110.1091, Florida Statutes, is  
11 amended to read:

12 110.1091 Program for assisting state employees;  
13 confidentiality.--~~An Each~~ employing state agency may provide a  
14 program to assist any of its state employees ~~employee~~ who have  
15 ~~has~~ a behavioral or medical disorder, substance abuse problem,  
16 or emotional difficulty that ~~which~~ affects their ~~the~~  
17 ~~employee's~~ job performance, through referral for counseling,  
18 therapy, or other professional treatment. Each employing state  
19 agency may designate community diagnostic and referral  
20 resources as necessary to implement the provisions of this  
21 section. Any communication between a state employee and  
22 personnel or service providers of a state employee assistance  
23 program relative to the employee's participation in the  
24 program shall be a confidential communication. Any routine  
25 monitoring of telephone calls by the state agency does not  
26 violate this provision. All records relative to that  
27 participation shall be confidential and exempt from the  
28 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
29 Constitution. This section is subject to the Open Government  
30 Sunset Review Act of 1995 in accordance with s. 119.15, and  
31 shall stand repealed on October 2, 2003, unless reviewed and

Bill No. CS for SB 466

Amendment No.      Barcode 755104

1 saved from repeal through reenactment by the Legislature.

2 Section 4. Section 110.1095, Florida Statutes, is  
3 repealed.

4 Section 5. Section 110.1099, Florida Statutes, is  
5 amended to read:

6 110.1099 Education and training opportunities for  
7 state employees.--

8 (1) Education and training are an integral component  
9 in improving the delivery of services to the public.

10 Recognizing that the application of productivity-enhancing  
11 technology and practice demands ~~demand~~ continuous educational  
12 and training opportunities, a state employee ~~employees~~ may be  
13 authorized to receive ~~fundable tuition waivers on a~~  
14 ~~space-available basis or a voucher or grant~~ vouchers to attend  
15 work-related courses at public community colleges, public  
16 technical centers, or public universities.

17 (2) The department, in conjunction with the agencies,  
18 shall request that public universities ~~such institutions~~  
19 provide evening and weekend programs for state employees. When  
20 evening and weekend training and educational programs are not  
21 available, an employee ~~employees~~ may be authorized to take  
22 paid time off during his or her ~~their~~ regular working hours  
23 for training and career development, as provided in s.  
24 110.105(1), if such training benefits the employer as  
25 determined by that employee's agency head.

26 (3) An employee ~~Employees~~ who exhibits ~~exhibit~~  
27 superior aptitude and performance may be authorized by that  
28 employee's agency head to take a paid educational ~~leave~~ leaves  
29 of absence for up to 1 academic year at a time, for specific  
30 approved work-related education and training. That employee

31 ~~(4) Such employees~~ must enter into a contract

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~contracts~~ to return to state employment for a period of time  
2 equal to the length of the leave of absence or refund salary  
3 and benefits paid during his or her ~~their~~ educational leave  
4 ~~leaves~~ of absence.

5 ~~(5) The Department of Management Services, in~~  
6 ~~consultation with the agencies and, to the extent applicable,~~  
7 ~~Florida's public postsecondary educational institutions, shall~~  
8 ~~adopt rules to implement and administer this section.~~

9 (4)(6) As a precondition to approving an employee's  
10 training request, an agency or the judicial branch may require  
11 an employee to enter into an agreement that requires the  
12 employee to reimburse the agency or judicial branch for the  
13 registration fee or similar expense for any training or  
14 training series when the cost of the fee or similar expense  
15 exceeds \$1,000 if the employee voluntarily terminates  
16 employment or is discharged for cause from the agency or  
17 judicial branch within a specified period of time not to  
18 exceed ~~exceeding~~ 4 years after the conclusion of the training.  
19 This subsection does not apply to any training program that an  
20 agency or the judicial branch requires an ~~the~~ employee to  
21 attend. An agency or the judicial branch may pay the  
22 outstanding balance then due and owing on behalf of a state  
23 employee under this subsection in connection with recruitment  
24 and hiring of such state employee.

25 (5) The Department of Management Services, in  
26 consultation with the agencies and, to the extent applicable,  
27 with Florida's public community colleges, public technical  
28 centers, and public universities, shall adopt rules to  
29 administer this section.

30 Section 6. Subsection (1) of section 110.1127, Florida  
31 Statutes, is amended to read:

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           110.1127 Employee security checks.--

2           (1) Each employing agency shall designate those  
3 employee such of its positions that of state employment which,  
4 because of the special trust or responsibility or sensitive  
5 location of those such positions, require that persons  
6 occupying those such positions be subject to a security  
7 background check, including fingerprinting, as a condition of  
8 employment.

9           Section 7. Effective February 1, 2002, subsection (2)  
10 of section 110.113, Florida Statutes, is amended to read:

11           110.113 Pay periods for state officers and employees;  
12 salary payments by direct deposit.--

13           (2) As a condition of employment, a person appointed  
14 to a position in state government ~~on or after July 1, 1996,~~ is  
15 required to participate in the direct deposit program pursuant  
16 to s. 17.076. ~~This subsection does not apply to persons who~~  
17 ~~are in the employment of the state on July 1, 1996, and~~  
18 ~~subsequently receive promotion appointments, transfers, or~~  
19 ~~other changes in positions within the same personnel system~~  
20 ~~after July 1, 1996.~~ An employee may request an exemption from  
21 the provisions of this subsection when such employee can  
22 demonstrate a hardship or when such employee is in an  
23 other-personal-services position.

24           Section 8. Section 110.1245, Florida Statutes, is  
25 amended to read:

26           110.1245 Savings-sharing program; bonus payments;  
27 other awards.--~~Meritorious service awards program.~~--

28           (1)(a) The Department of Management Services shall  
29 adopt rules that prescribe set policy, develop procedures, and  
30 promote a savings-sharing program for an individual or group  
31 of employees who propose procedures or ideas that are adopted

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 and that result in eliminating or reducing state expenditures,  
2 if such proposals are placed in effect and may be implemented  
3 under current statutory authority.~~of meritorious service~~  
4 ~~awards, incentives, and recognition to employees who:~~

5       (a) ~~Propose procedures or ideas which are adopted and~~  
6 ~~which will result in increasing productivity, in eliminating~~  
7 ~~or reducing state expenditures or improving operations, or in~~  
8 ~~generating additional revenues, provided such proposals are~~  
9 ~~placed in effect and can be implemented under current~~  
10 ~~statutory authority; or~~

11       (b) Each agency head shall recommend employees  
12 individually or by group to be awarded an amount of money,  
13 which amount shall be directly related to the cost savings  
14 realized. Each proposed award and amount of money must be  
15 approved by the Legislative Budgeting Commission and be in  
16 compliance with section 216.1815.~~By their superior~~  
17 ~~accomplishments, make exceptional contributions to the~~  
18 ~~efficiency, economy, or other improvement in the operations of~~  
19 ~~the state government.~~

20  
21       (c) Each ~~Every~~ state agency, unless otherwise provided  
22 by law, may ~~shall~~ participate in the program. The Chief  
23 Justice shall have the authority to establish a  
24 savings-sharing ~~meritorious service awards~~ program for  
25 employees of the judicial branch within the parameters  
26 established in this section. The ~~component of the~~ program  
27 ~~specified in paragraph (a)~~ shall apply to all employees within  
28 the Career Service System, the Selected Exempt Service System,  
29 and comparable employees within the judicial branch. ~~The~~  
30 ~~component of the program specified in paragraph (b) shall~~  
31 ~~apply to all employees of the state. No award granted under~~



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~the component of the program described in paragraph (a) shall~~  
2 ~~exceed 10 percent of the first year's actual savings or actual~~  
3 ~~revenue increase, up to \$25,000, plus applicable taxes, unless~~  
4 ~~a larger award is made by the Legislature, and shall be paid~~  
5 ~~from the appropriation available to the judicial branch or~~  
6 ~~state agency affected by the award or from any specific~~  
7 ~~appropriation therefor. No award granted under the component~~  
8 ~~of the program described in paragraph (b) shall exceed \$1,000~~  
9 ~~plus applicable taxes per individual employee. The judicial~~  
10 ~~branch or an agency may award savings bonds or other items in~~  
11 ~~lieu of cash awards, provided that the cost of such item does~~  
12 ~~not exceed the limits specified in this subsection. In~~  
13 ~~addition, the judicial branch or a state agency may award~~  
14 ~~certificates, pins, plaques, letters of commendation, and~~  
15 ~~other tokens of recognition of meritorious service to an~~  
16 ~~employee eligible for recognition under either component of~~  
17 ~~the program, provided that the award may not cost in excess of~~  
18 ~~\$100 each plus applicable taxes.~~

19 (d)(2) The department and the judicial branch shall  
20 submit annually to the President of the Senate and the Speaker  
21 of the House of Representatives information that outlines each  
22 agency's level of participation in the savings-sharing  
23 ~~meritorious service awards~~ program. The information shall  
24 ~~must~~ include, but is not limited to:

25 1.(a) The number of proposals made.

26 2.(b) The number of dollars and awards made to  
27 employees or groups for adopted proposals.

28 3.(c) The actual cost savings realized as a result of  
29 implementing employee or group proposals.

30 4. The number of employees or groups recognized for  
31 superior accomplishments.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           ~~(d) Total expenditures incurred by the agency for~~  
2 ~~providing awards to employees for adopted proposals.~~

3           ~~(e) The number of employees recognized for superior~~  
4 ~~accomplishments.~~

5           ~~(f) The number of employees recognized for~~  
6 ~~satisfactory service to the state.~~

7           (2) In June of each year, bonuses shall be paid to  
8 employees from funds authorized by the Legislature in an  
9 appropriation specifically for bonuses. Each agency shall  
10 develop a plan for awarding lump-sum bonuses, which plan shall  
11 be submitted no later than September 15 of each year and  
12 approved by the Office of Policy and Budget in the Executive  
13 Office of the Governor. Such plan shall include, at a minimum,  
14 but is not limited to:

15           (a) A statement that all bonuses are subject to  
16 specific appropriation by the Legislature.

17           (b) Eligibility criteria as follows:

18           1. The employee must have been employed prior to July  
19 1 of that fiscal year and have been continuously employed  
20 through the date of distribution.

21           2. The employee must not have been on leave without  
22 pay consecutively for more than 6 months during the fiscal  
23 year.

24           3. The employee must have had no sustained  
25 disciplinary action during the period beginning July 1 through  
26 the date the bonus checks are distributed. Disciplinary  
27 actions include written reprimands, suspensions, dismissals,  
28 and involuntary or voluntary demotions that were associated  
29 with a disciplinary action.

30           4. The employee must have demonstrated a commitment to  
31 the agency mission by reducing the burden on those served,

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 continually improving the way business is conducted, producing  
2 results in the form of increased outputs, and working to  
3 improve processes.

4 5. The employee must have demonstrated initiative in  
5 work and have exceeded normal job expectations.

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

9 (c) A periodic evaluation process of the employee's  
10 performance.

11 (d) Peer input to account for at least 40 percent of  
12 the bonus award determination.

13 (e) A division of the agency by work unit for purposes  
14 of peer input and bonus distribution.

15 (f) A limitation on bonus distributions equal to 35  
16 percent of the agency's total authorized positions. This  
17 requirement may be waived by the Office of Policy and Budget  
18 in the Executive Office of the Governor upon a showing of  
19 exceptional circumstances.

20 (3) Each department head is authorized to incur  
21 expenditures to award suitable framed certificates, pins, and  
22 other tokens of recognition to retiring state employees whose  
23 service with the state has been satisfactory, in appreciation  
24 and recognition of such service. Such awards may not cost in  
25 excess of \$100 each plus applicable taxes.

26 (4) Each department head is authorized to incur  
27 expenditures to award suitable framed certificates, pins, or  
28 other tokens of recognition to state employees who have  
29 achieved increments of 5 years of satisfactory service in the  
30 agency or to the state, in appreciation and recognition of  
31 such service. Such awards may not cost in excess of ~~\$100~~\$50

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 each plus applicable taxes.

2 (5) Each department head is authorized to incur  
3 expenditures not to exceed \$100 each plus applicable taxes for  
4 suitable framed certificates, plaques, or other tokens of  
5 recognition to any appointed member of a state board or  
6 commission whose service to the state has been satisfactory,  
7 in appreciation and recognition of such service upon the  
8 expiration of such board or commission member's final term in  
9 such position.

10 Section 9. Section 110.1246, Florida Statutes, is  
11 repealed.

12 Section 10. Subsections (1) and (2) of section  
13 110.129, Florida Statutes, are amended to read:

14 110.129 Services to political subdivisions.--

15 (1) Upon request, the department may enter into a  
16 formal agreement ~~agreements~~ with any municipality or political  
17 subdivision of the state to furnish technical assistance to  
18 improve the system or methods of personnel administration of  
19 that ~~such~~ municipality or political subdivision. The  
20 department shall provide such assistance within the  
21 limitations of available staff, funds, and other resources.  
22 All municipalities and political subdivisions of the state are  
23 authorized to enter into such agreements.

24 (2) Technical assistance includes ~~may include~~, but is  
25 ~~shall not be~~ limited to, providing technical advice, written  
26 reports, or ~~and~~ other information or materials that ~~and~~ may  
27 cover such subjects as management and personnel systems,  
28 central administrative and support services, employee  
29 training, and employee productivity.

30 Section 11. Subsection (2) of section 110.131, Florida  
31 Statutes, is amended to read:

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           110.131 Other-personal-services temporary  
2 employment.--

3           (2) An agency may employ any qualified individual in  
4 other-personal-services temporary employment for 1,040 hours  
5 within any 12-month period. An extension beyond a total of  
6 1,040 hours within an agency for any individual requires a  
7 recommendation by the approval of the agency head and approval  
8 by the Executive Office of the Governor or a designee.  
9 Approval of extensions shall be made in accordance with  
10 criteria established by the department. Each agency shall  
11 maintain employee information as specified by the department  
12 regarding each extension of other-personal-services temporary  
13 employment. The time limitation established by this  
14 subsection does not apply to board members, consultants,  
15 seasonal employees, institutional clients employed as part of  
16 their rehabilitation, ~~or~~ bona fide, degree-seeking students in  
17 accredited secondary or postsecondary educational programs,  
18 employees hired to deal with an emergency situation that  
19 affects the public health, safety, or welfare, or employees  
20 hired for a project that is identified by a specific  
21 appropriation or time-limited grant.

22           Section 12. Subsections (11), (18), and (19) of  
23 section 110.203, Florida Statutes, are amended to read:

24           110.203 Definitions.--For the purpose of this part and  
25 the personnel affairs of the state:

26           (11) "Pay plan" means a formal description of the  
27 philosophy, methods, procedures, and salary schedules ~~schedule~~  
28 for competitively compensating employees at market-based rates  
29 for work performed.

30           (18) "Promotion" means ~~the~~ changing ~~of~~ the  
31 classification of an employee to a class having a higher

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 maximum salary; or the changing of the classification of an  
2 employee to a class having the same or a lower maximum salary  
3 but a higher level of responsibility as determined by the  
4 Department of Management Services.

5 (19) "Demotion" means ~~the~~ changing ~~of~~ the  
6 classification of an employee to a class having a lower  
7 maximum salary; or the changing of the classification of an  
8 employee to a class having the same or a higher maximum salary  
9 but a lower level of responsibility as determined by the  
10 Department of Management Services.

11 Section 13. Subsections (22), (23), and (24) of  
12 section 110.203, Florida Statutes, are amended, and  
13 subsections (28) and (29) are added to that section, to read:

14 110.203 Definitions.--For the purpose of this part and  
15 the personnel affairs of the state:

16 (22) "Dismissal" means a disciplinary action taken by  
17 an agency pursuant to s. 110.227 against an employee resulting  
18 in termination of his or her employment ~~for a violation of~~  
19 ~~agency standards or for cause pursuant to s. 110.227.~~

20 (23) "Suspension" means a disciplinary action taken by  
21 an agency pursuant to s. 110.227 against an employee to  
22 temporarily relieve the employee of his or her duties and  
23 place him or her on leave without pay ~~for violation of agency~~  
24 ~~standards or for cause pursuant to s. 110.227.~~

25 (24) "Layoff" means termination of employment due to  
26 abolishment of positions necessitated by a shortage of funds  
27 or work, or a material change in the duties or organization of  
28 an agency, including the outsourcing or privatization of an  
29 activity or function previously performed by career service  
30 employees.

31 (28) "Firefighter" means a firefighter certified under

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 chapter 633.

2 (29) "Law enforcement or correctional officer" means a  
3 law enforcement officer, special agent, correctional officer,  
4 correctional probation officer, or institutional security  
5 specialist required to be certified under chapter 943.

6 Section 14. Section 110.2035, Florida Statutes, is  
7 created to read:

8 110.2035 Classification and compensation program.--

9 (1) The Department of Management Services, in  
10 consultation with the Executive Office of the Governor and the  
11 Legislature, shall develop a classification and compensation  
12 program. This program shall be developed for use by all state  
13 agencies and shall address Career Service, Select Exempt  
14 Service, and Senior Management Service classes.

15 (2) The program shall consist of the following:

16 (a) A position classification system using no more  
17 than 50 occupational groups and up to a six-class series  
18 structure for each occupation within an occupational group.  
19 Additional occupational groups may be established only by the  
20 Executive Office of the Governor after consultation with the  
21 Legislature.

22 (b) A pay plan that shall provide broad, market-based  
23 salary ranges for each occupational group.

24 (3) The following goals shall be considered in  
25 designing and implementing the program:

26 (a) The classification system must significantly  
27 reduce the need to reclassify positions due to work assignment  
28 and organizational changes by decreasing the number of  
29 classification changes required.

30 (b) The classification system must establish  
31 broad-based classes allowing flexibility in organizational

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 structure and must reduce the levels of supervisory classes.

2 (c) The classification system and pay plan must  
3 emphasize pay administration and job-performance evaluation by  
4 management rather than emphasize use of the classification  
5 system to award salary increases.

6 (d) The pay administration system must contain  
7 provisions to allow managers the flexibility to move employees  
8 through the pay ranges and provide for salary increase  
9 additives and lump-sum bonuses.

10 (4) The classification system shall be structured such  
11 that each confidential, managerial, and supervisory employee  
12 shall be included in the Selected Exempt Service, in  
13 accordance with part V of this chapter.

14 (5) The Department of Management Services shall submit  
15 the proposed design of the classification and compensation  
16 program to the Executive Office of the Governor, the presiding  
17 officers of the Legislature, and the appropriate legislative  
18 fiscal and substantive standing committees on or before  
19 December 1, 2001.

20 (6) The department shall establish, by rule,  
21 guidelines with respect to, and shall delegate to the  
22 employing agencies, where appropriate, the authority to  
23 administer the following:

24 (a) Shift differentials.

25 (b) On-call fees.

26 (c) Hazardous-duty pay.

27 (d) Advanced appointment rates.

28 (e) Salary increase and decrease corrections.

29 (f) Lead-worker pay.

30 (g) Temporary special duties pay.

31 (h) Trainer-additive pay.



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (i) Competitive area differentials.

2           (j) Coordinator pay.

3           (k) Critical market pay.

4  
5   The employing agency must use such pay additives as are  
6   appropriate within the guidelines established by the  
7   department and shall advise the department in writing of the  
8   plan for implementing such pay additives prior to the  
9   implementation date. Any action by an employing agency to  
10 implement temporary special duties pay, competitive area  
11 differentials, or critical market pay may be implemented only  
12 after the department has reviewed and recommended such action;  
13 however, an employing agency may use temporary special duties  
14 pay for up to 3 months without prior review by the department.  
15 The department shall annually provide a summary report of the  
16 pay additives implemented pursuant to this section.

17           Section 15. Subsection (2) of section 110.205, Florida  
18 Statutes, is amended, and subsection (7) is added to that  
19 section, to read:

20           110.205 Career service; exemptions.--

21           (2) EXEMPT POSITIONS.--The exempt positions that ~~which~~  
22 are not covered by this part include the following, ~~provided~~  
23 ~~that no position, except for positions established for a~~  
24 ~~limited period of time pursuant to paragraph (h), shall be~~  
25 ~~exempted if the position reports to a position in the career~~  
26 ~~service:~~

27           (a) All officers of the executive branch elected by  
28 popular vote and persons appointed to fill vacancies in such  
29 offices. Unless otherwise fixed by law, the salary and  
30 benefits for any such officer who serves as the head of a  
31 department shall be set by the department in accordance with

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 the rules of the Senior Management Service.

2 (b) All members, officers, and employees of the  
3 legislative branch, except for the members, officers, and  
4 employees of the Florida Public Service Commission.

5 (c) All members, officers, and employees of the  
6 judicial branch.

7 (d) All officers and employees of the State University  
8 System and the Correctional Education Program within the  
9 Department of Corrections, and the academic personnel and  
10 academic administrative personnel of the Florida School for  
11 the Deaf and the Blind. In accordance with the provisions of  
12 chapter 242, the salaries for academic personnel and academic  
13 administrative personnel of the Florida School for the Deaf  
14 and the Blind shall be set by the board of trustees for the  
15 school, subject only to the approval of the State Board of  
16 Education. The salaries for all instructional personnel and  
17 all administrative and noninstructional personnel of the  
18 Correctional Education Program shall be set by the Department  
19 of Corrections, subject to the approval of the Department of  
20 Management Services.

21 (e) All members of state boards and commissions,  
22 however selected. Unless otherwise fixed by law, the salary  
23 and benefits for any full-time board or commission member  
24 shall be set by the department in accordance with the rules of  
25 the Senior Management Service.

26 (f) Judges, referees, and receivers.

27 (g) Patients or inmates in state institutions.

28 (h) All positions that ~~which~~ are established for a  
29 limited period of time for the purpose of conducting a special  
30 study, project, or investigation and any person paid from an  
31 other-personal-services appropriation. Unless otherwise fixed

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 by law, the salaries for such positions and persons shall be  
2 set in accordance with rules established by the employing  
3 agency for other-personal-services payments pursuant to s.  
4 110.131.

5 (i) The appointed secretaries, assistant secretaries,  
6 deputy secretaries, and deputy assistant secretaries of all  
7 departments; the executive directors, assistant executive  
8 directors, deputy executive directors, and deputy assistant  
9 executive directors of all departments; and the directors of  
10 all divisions and those positions determined by the department  
11 to have managerial responsibilities comparable to such  
12 positions, which positions include, but are not limited to,  
13 program directors, assistant program directors, district  
14 administrators, deputy district administrators, the Director  
15 of Central Operations Services of the Department of Children  
16 and Family Services, and the State Transportation Planner,  
17 State Highway Engineer, State Public Transportation  
18 Administrator, district secretaries, district directors of  
19 planning and programming, production, and operations, and the  
20 managers of the offices specified in s. 20.23(3)(d)2., of the  
21 Department of Transportation. Unless otherwise fixed by law,  
22 the department shall set the salary and benefits of these  
23 positions in accordance with the rules of the Senior  
24 Management Service.

25 (j) The personal secretary to the incumbent of each  
26 position exempted in paragraph (a), and to each appointed  
27 secretary, assistant secretary, deputy secretary, executive  
28 director, assistant executive director, and deputy executive  
29 director of each department under paragraph (i). Unless  
30 otherwise fixed by law, the department shall set the salary  
31 and benefits of these positions in accordance with the rules

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 of the Selected Exempt Service.

2 (k) All officers and employees in the office of the  
3 Governor, including all employees at the Governor's mansion,  
4 and employees within each separate budget entity, as defined  
5 in chapter 216, assigned to the Governor. Unless otherwise  
6 fixed by law, the salary and benefits of these positions shall  
7 be set by the department as follows:

8 1. The chief of staff, the assistant or deputy chief  
9 of staff, general counsel, Director of Legislative Affairs,  
10 chief inspector general, Director of Cabinet Affairs, Director  
11 of Press Relations, Director of Planning and Budgeting,  
12 director of administration, director of state-federal  
13 relations, Director of Appointments, Director of External  
14 Affairs, Deputy General Counsel, Governor's Liaison for  
15 Community Development, Chief of Staff for the Lieutenant  
16 Governor, Deputy Director of Planning and Budgeting, policy  
17 coordinators, and the director of each separate budget entity  
18 shall have their salaries and benefits established by the  
19 department in accordance with the rules of the Senior  
20 Management Service.

21 2. The salaries and benefits of positions not  
22 established in sub-subparagraph a. shall be set by the  
23 employing agency. Salaries and benefits of employees whose  
24 professional training is comparable to that of licensed  
25 professionals under paragraph (q), or whose administrative  
26 responsibility is comparable to a bureau chief shall be set by  
27 the Selected Exempt Service. The department shall make the  
28 comparability determinations. Other employees shall have  
29 benefits set comparable to legislative staff, except leave  
30 shall be comparable to career service as if career service  
31 employees.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (1) All assistant division director, deputy division  
2 director, and bureau chief positions in any department, and  
3 those positions determined by the department to have  
4 managerial responsibilities comparable to such positions,  
5 which positions include, but are not limited to, positions in  
6 the Department of Health, the Department of Children and  
7 Family Services, and the Department of Corrections that are  
8 assigned primary duties of serving as the superintendent or  
9 assistant superintendent, or warden or assistant warden, of an  
10 institution; positions in the Department of Corrections that  
11 are assigned primary duties of serving as the circuit  
12 administrator or deputy circuit administrator; positions in  
13 the Department of Transportation that are assigned primary  
14 duties of serving as regional toll managers and managers of  
15 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions  
16 in the Department of Environmental Protection that are  
17 assigned the duty of an Environmental Administrator or program  
18 administrator; those positions described in s. 20.171 as  
19 included in the Senior Management Service; and positions in  
20 the Department of Health that are assigned the duties of  
21 Environmental Administrator, Assistant County Health  
22 Department Director, and County Health Department Financial  
23 Administrator. Unless otherwise fixed by law, the department  
24 shall set the salary and benefits of these positions in  
25 accordance with the rules established for the Selected Exempt  
26 Service.

27           (m)1. a. In addition to those positions exempted by  
28 other paragraphs of this subsection, each department head may  
29 designate a maximum of 20 policymaking or managerial  
30 positions, as defined by the department and approved by the  
31 Administration Commission, as being exempt from the Career

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 Service System. Career service employees who occupy a position  
2 designated as a position in the Selected Exempt Service under  
3 this paragraph shall have the right to remain in the Career  
4 Service System by opting to serve in a position not exempted  
5 by the employing agency. Unless otherwise fixed by law, the  
6 department shall set the salary and benefits of these  
7 positions in accordance with the rules of the Selected Exempt  
8 Service; provided, however, that if the agency head determines  
9 that the general counsel, chief Cabinet aide, public  
10 information administrator or comparable position for a Cabinet  
11 officer, inspector general, or legislative affairs director  
12 has both policymaking and managerial responsibilities and if  
13 the department determines that any such position has both  
14 policymaking and managerial responsibilities, the salary and  
15 benefits for each such position shall be established by the  
16 department in accordance with the rules of the Senior  
17 Management Service.

18         b. In addition, each department may designate one  
19 additional position in the Senior Management Service if that  
20 position reports directly to the agency head or to a position  
21 in the Senior Management Service and if any additional costs  
22 are absorbed from the existing budget of that department.

23         2. If otherwise exempt, employees of the Public  
24 Employees Relations Commission, the Commission on Human  
25 Relations, and the Unemployment Appeals Commission, upon the  
26 certification of their respective commission heads, may be  
27 provided for under this paragraph as members of the Senior  
28 Management Service, if otherwise qualified. However, the  
29 deputy general counsels of the Public Employees Relations  
30 Commission shall be compensated as members of the Selected  
31 Exempt Service.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (n) The executive director, deputy executive director,  
2 general counsel, official reporters, and division directors  
3 within the Public Service Commission and the personal  
4 secretary and personal assistant to each member of the Public  
5 Service Commission. Unless otherwise fixed by law, the salary  
6 and benefits of the executive director, deputy executive  
7 directors, general counsel, Director of Administration,  
8 Director of Appeals, Director of Auditing and Financial  
9 Analysis, Director of Communications, Director of Consumer  
10 Affairs, Director of Electric and Gas, Director of Information  
11 Processing, Director of Legal Services, Director of Records  
12 and Reporting, Director of Research, and Director of Water and  
13 Sewer shall be set by the department in accordance with the  
14 rules of the Senior Management Service. The salary and  
15 benefits of the personal secretary and the personal assistant  
16 of each member of the commission and the official reporters  
17 shall be set by the department in accordance with the rules of  
18 the Selected Exempt Service, notwithstanding any salary  
19 limitations imposed by law for the official reporters.

20           (o)1. All military personnel of the Department of  
21 Military Affairs. Unless otherwise fixed by law, the salary  
22 and benefits for such military personnel shall be set by the  
23 Department of Military Affairs in accordance with the  
24 appropriate military pay schedule.

25           2. The military police chiefs, military police  
26 officers, firefighter trainers, firefighter-rescuers, and  
27 electronic security system technicians shall have salary and  
28 benefits the same as career service employees.

29           (p) The staff directors, assistant staff directors,  
30 district program managers, district program coordinators,  
31 district subdistrict administrators, district administrative

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 services directors, district attorneys, and the Deputy  
2 Director of Central Operations Services of the Department of  
3 Children and Family Services and the county health department  
4 directors and county health department administrators of the  
5 Department of Health. Unless otherwise fixed by law, the  
6 department shall establish the salary range and benefits for  
7 these positions in accordance with the rules of the Selected  
8 Exempt Service.

9 (q) All positions not otherwise exempt under this  
10 subsection which require as a prerequisite to employment:  
11 licensure as a physician pursuant to chapter 458, licensure as  
12 an osteopathic physician pursuant to chapter 459, licensure as  
13 a chiropractic physician pursuant to chapter 460, including  
14 those positions which are occupied by employees who are  
15 exempted from licensure pursuant to s. 409.352; licensure as  
16 an engineer pursuant to chapter 471, which are supervisory  
17 positions except for such positions in the Department of  
18 Transportation; or for 12 calendar months, which require as a  
19 prerequisite to employment that the employee have received the  
20 degree of Bachelor of Laws or Juris Doctor from a law school  
21 accredited by the American Bar Association and thereafter  
22 membership in The Florida Bar, except for any attorney who  
23 serves as an administrative law judge pursuant to s. 120.65 or  
24 for hearings conducted pursuant to s. 120.57(1)(a). Unless  
25 otherwise fixed by law, the department shall set the salary  
26 and benefits for these positions in accordance with the rules  
27 established for the Selected Exempt Service.

28 (r) The statewide prosecutor in charge of the Office  
29 of Statewide Prosecution of the Department of Legal Affairs  
30 and all employees in the office. The Department of Legal  
31 Affairs shall set the salary of these positions.



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (s) The executive director of each board or commission  
2 established within the Department of Business and Professional  
3 Regulation or the Department of Health. Unless otherwise fixed  
4 by law, the department shall establish the salary and benefits  
5 for these positions in accordance with the rules established  
6 for the Selected Exempt Service.

7           (t) All officers and employees of the State Board of  
8 Administration. The State Board of Administration shall set  
9 the salaries and benefits of these positions.

10           (u) Positions that ~~which~~ are leased pursuant to a  
11 state employee lease agreement expressly authorized by the  
12 Legislature pursuant to s. 110.191.

13           (v) Effective July 1, 2001, managerial employees, as  
14 defined in s. 447.203(4), confidential employees, as defined  
15 in s. 447.203(5), and supervisory employees who spend the  
16 majority of their time communicating with, motivating,  
17 training, and evaluating employees, and planning and directing  
18 employees' work, and who have the authority to hire, transfer,  
19 suspend, lay off, recall, promote, discharge, assign, reward,  
20 or discipline subordinate employees or effectively recommend  
21 such action, including all employees serving as supervisors,  
22 administrators, and directors, except employees also  
23 designated as special risk or special risk administrative  
24 support and except administrative law judges and hearing  
25 officers. Unless otherwise fixed by law, the department shall  
26 establish the salary range and benefits for these positions in  
27 accordance with the rules of the Selected Exempt Service.

28           (w) Effective July 1, 2001, any employee exempted and  
29 moved to the Selected Exempt Service by way of an agreed-upon  
30 collective bargaining agreement.

31           (7) CARRYING LEAVE FORWARD.--If an employee is

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 transferred or otherwise moves from the Career Service System  
2 into the Selected Exempt Service, all of the employee's unused  
3 annual leave, unused sick leave, and unused compensatory leave  
4 shall carry forward with the employee.

5 Section 16. Section 110.211, Florida Statutes, is  
6 amended to read:

7 110.211 Recruitment.--

8 (1) Recruiting shall be planned and carried out in a  
9 manner that assures open competition based upon current and  
10 projected employing agency needs, taking into consideration  
11 the number and types of positions to be filled and the labor  
12 market conditions, with special emphasis placed on recruiting  
13 efforts to attract minorities, women, or other groups that are  
14 underrepresented in the workforce of the employing agency.

15 (2) Recruiting efforts to fill current or projected  
16 vacancies shall be carried out in the sound discretion of the  
17 agency head ~~the responsibility of the employing agency.~~

18 (3) Recruiting shall seek efficiency in advertising  
19 and may be assisted by a contracted vendor responsible for  
20 maintenance of the personnel data.~~The department shall~~  
21 ~~provide for executive-level recruitment and a recruitment~~  
22 ~~enhancement program designed to encourage individuals to seek~~  
23 ~~employment with state government and to promote better public~~  
24 ~~understanding of the state as an employer.~~

25 ~~(4) An application for a publicly announced vacancy~~  
26 ~~must be made directly to the employing agency.~~

27 ~~(4)(5) All recruitment literature printed after July~~  
28 ~~1, 1979, involving state position vacancies shall contain the~~  
29 ~~phrase "An Equal Opportunity Employer/Affirmative Action~~  
30 ~~Employer."~~

31 ~~(6) The department shall develop model recruitment~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~rules which may be used by employing agencies. Such rules~~  
2 ~~must be approved by the Administration Commission before their~~  
3 ~~adoption by the department. Employing agencies electing to~~  
4 ~~adopt recruitment rules that are inconsistent with the model~~  
5 ~~rules must consult with and submit such rules to the~~  
6 ~~department for review. Such rules must also be approved by~~  
7 ~~the Administration Commission before their adoption by the~~  
8 ~~employing agencies.~~

9 Section 17. Section 110.213, Florida Statutes, is  
10 amended to read:

11 110.213 Selection.--

12 ~~(1) The department shall have the responsibility for~~  
13 ~~determining guidelines for selection procedures to be utilized~~  
14 ~~by the employing agencies.~~

15 ~~(2) Any selection procedure utilized in state~~  
16 ~~employment shall be designed to provide maximum validity,~~  
17 ~~reliability, and objectivity; shall be based on adequate job~~  
18 ~~analysis to ensure job relatedness; and shall measure the~~  
19 ~~relative ability, knowledge, and skill needed for entry to a~~  
20 ~~job.~~

21 ~~(1)(3)~~ Selection for appointment from among the most  
22 qualified candidates available eligibles shall be the sole  
23 responsibility of the employing agency. Effective July 1,  
24 2001, all new employees must successfully complete at least a  
25 1-year probationary period before attainment of permanent  
26 status.

27 (2) Selection shall reflect efficiency and simplicity  
28 in hiring procedures. The agency head or his or her designee  
29 shall be required to document the qualifications of the  
30 selected candidate to ensure that the candidate meets the  
31 minimum qualifications and possesses the requisite knowledge,

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 skills, and abilities for the position. No other documentation  
2 or justification shall be required prior to selecting a  
3 candidate for a position.

4 ~~(4) The department shall develop model selection rules~~  
5 ~~that may be used by employing agencies. Such rules must be~~  
6 ~~approved by the Administration Commission before their~~  
7 ~~adoption by the department. Employing agencies electing to~~  
8 ~~adopt selection rules that are inconsistent with the model~~  
9 ~~rules shall consult with and submit such rules to the~~  
10 ~~department for review. Such rules must also be approved by the~~  
11 ~~Administration Commission before their adoption by the~~  
12 ~~employing agencies.~~

13 Section 18. Subsections (6) and (7) are added to  
14 section 110.219, Florida Statutes, to read:

15 110.219 Attendance and leave; general policies.--

16 (6) The leave benefits provided to Senior Management  
17 Service employees shall not exceed those provided to employees  
18 in the Select Exempt Service.

19 (7) Each December, a permanent career service employee  
20 shall be entitled, subject to available funds, to a payout of  
21 up to 24 hours of unused annual leave as follows:

22 (a) A permanent career service employee must have an  
23 annual leave balance of no less than 24 hours, after the  
24 payout, in order to qualify for this benefit.

25 (b) No permanent career service employee shall receive  
26 a payout of greater than 240 hours over the course of the  
27 employee's career with the state, including any leave received  
28 at the time of separation.

29 Section 19. Section 110.224, Florida Statutes, is  
30 amended to read:

31 110.224 Public employee ~~Review and~~ performance

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~evaluation planning~~ system.--A public employee review and  
2 performance evaluation planning system shall be established as  
3 a basis for evaluating and improving the performance of the  
4 state's workforce, ~~to provide documentation in support of~~  
5 ~~recommendations for salary increases, promotions, demotions,~~  
6 ~~reassignments, or dismissals~~ to inform employees of strong  
7 and weak points in the employee's performance, to identify  
8 ~~improvements expected, and current and future training needs,~~  
9 and to award lump-sum bonuses in accordance with s.  
10 110.1245(2) ~~and to assist in determining the order of layoff~~  
11 ~~and reemployment.~~

12 (1) Upon original appointment, promotion, demotion, or  
13 reassignment, a job description of the position assigned each  
14 ~~career service employee must be made available to the career~~  
15 ~~service employee given a statement of the work expectations~~  
16 ~~and performance standards applicable to the position.~~ The job  
17 description may be made available in an electronic format.  
18 ~~statement may be included in the position description or in a~~  
19 ~~separate document. An employee will not be required to meet~~  
20 ~~work expectations or performance standards that have not been~~  
21 ~~furnished in writing to the employee.~~

22 (2) Each employee must have a ~~employee's~~ performance  
23 evaluation must be reviewed at least annually, and the  
24 employee must receive a copy an oral and written assessment of  
25 his or her performance evaluation. The performance evaluation  
26 ~~assessment~~ may include a plan of ~~corrective~~ action for  
27 improvement of the employee's performance based on the work  
28 expectations or performance standards applicable to the  
29 position as determined by the agency head.

30 (3) The department may adopt rules to administer the  
31 public employee review and performance evaluation planning

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 system which establish procedures for performance evaluation,  
2 ~~procedures to be followed in case of failure to meet~~  
3 ~~performance standards~~, review periods, and forms.

4 Section 20. Subsections (2) and (3) of section  
5 110.227, Florida Statutes, are amended to read:

6 110.227 Suspensions, dismissals, reductions in pay,  
7 demotions, layoffs, transfers, and grievances.--

8 (2) The department shall establish rules and  
9 procedures for the suspension, reduction in pay, transfer,  
10 layoff, demotion, and dismissal of employees in the career  
11 service. Except with regard to law enforcement or correctional  
12 officers or firefighters, rules regarding layoff procedures  
13 shall not include any system whereby a career service employee  
14 with greater seniority has the option of selecting a different  
15 position not being eliminated, but either vacant or already  
16 occupied by an employee of less seniority, and taking that  
17 position, commonly referred to as "bumping." For the  
18 implementation of layoffs as defined in s. 110.131, the  
19 department shall develop rules requiring that consideration be  
20 given to comparative merit, demonstrated skills, and the  
21 employee's experience. Such rules shall be approved by the  
22 Administration Commission prior to their adoption by the  
23 department. This subsection does not prohibit bumping in a  
24 collective bargaining agreement nor does it prevent or  
25 abrogate any collective bargaining provisions that recognize  
26 special protection on the basis of seniority or job  
27 experience.

28 (3)(a) With regard to law enforcement or correctional  
29 officers or firefighters, when a layoff becomes necessary,  
30 such layoff shall be conducted within the competitive area  
31 identified by the agency head and approved by the Department

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 of Management Services. Such competitive area shall be  
2 established taking into consideration the similarity of work;  
3 the organizational unit, which may be by agency, department,  
4 division, bureau, or other organizational unit; and the  
5 commuting area for the work affected.

6 (b) Layoff procedures shall be developed to establish  
7 the relative merit and fitness of employees and shall include  
8 a formula for uniform application among potentially adversely  
9 affected employees, or with respect to law enforcement or  
10 correctional officers or firefighters, among all employees in  
11 the competitive area, taking into consideration the type of  
12 appointment, the length of service, and the evaluations of the  
13 employee's performance within the last 5 years of employment.

14 Section 21. Effective February 1, 2002, subsections  
15 (1), (4), (5), and (6), of section 110.227, Florida Statutes,  
16 are amended to read and subsection (7) is deleted:

17 (1) Any employee who has permanent status in the  
18 career service may ~~only~~ be suspended or dismissed only for  
19 cause. Cause shall include, but is not ~~be~~ limited to, poor  
20 performance, negligence, inefficiency or inability to perform  
21 assigned duties, insubordination, willful violation of the  
22 provisions of law or agency rules, conduct unbecoming a public  
23 employee, misconduct, habitual drug abuse, or conviction of  
24 any crime involving moral turpitude. Suspension or dismissal  
25 based upon political patronage, unlawful discrimination, or  
26 arbitrariness or for any conduct that is otherwise protected  
27 under state or federal law shall not constitute cause. The  
28 ~~Each~~ agency head shall ensure that all employees of the agency  
29 have reasonable access to the agency's personnel manual ~~are~~  
30 ~~completely familiar with the agency's established procedures~~  
31 ~~on disciplinary actions and grievances.~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (4) A grievance process shall be available to  
2 permanent career service employees. A grievance is defined as  
3 the dissatisfaction that occurs when an employee believes that  
4 any condition affecting the employee is unjust, inequitable,  
5 or a hinderance to effective operation. Claims of  
6 discrimination and sexual harassment or claims related to  
7 suspensions, reductions in pay, demotions, and dismissals are  
8 not subject to the career service grievance process. The  
9 following procedures shall apply to any grievance filed  
10 pursuant to this subsection:

11           (a) Step One.--The employee may submit a signed,  
12 written grievance on a form provided by the agency to his or  
13 her supervisor within 7 calendar days following the occurrence  
14 of the event giving rise to the grievance. The supervisor must  
15 meet with the employee to discuss the grievance within 5  
16 business days following receipt of the grievance.

17           (b) Step Two.--If the employee is dissatisfied with  
18 the response of his or her supervisor, the employee may submit  
19 the written grievance to the agency head or his or her  
20 designee within 2 business days following the meeting with his  
21 or her supervisor. The agency head or his or her designee must  
22 meet with the employee to discuss the grievance within 5  
23 business days following receipt of the grievance. The agency  
24 head or his or her designee must respond in writing to the  
25 employee within 5 business days following the meeting. The  
26 written decision of the agency head shall be the final  
27 authority for all grievances filed pursuant to this  
28 subsection. Such grievances may not be appealed beyond Step  
29 Two.

30           ~~(4) Any permanent career service employee subject to~~  
31 ~~reduction in pay, transfer, layoff, or demotion from a class~~



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

~~1 in which he or she has permanent status in the Career Service  
2 System shall be notified in writing by the agency prior to its  
3 taking such action. The notice may be delivered to the  
4 employee personally or may be sent by certified mail with  
5 return receipt requested. Such actions shall be appealable to  
6 the Public Employees Relations Commission, pursuant to s.  
7 447.208 and rules adopted by the commission.~~

8 (5)(a) A Any permanent career service employee who is  
9 subject to a suspension, reduction in pay, demotion, or  
10 dismissal shall receive written notice of such action at least  
11 10 days prior to the date such action is to be taken.  
12 Subsequent to such notice, and prior to the date the action is  
13 to be taken, the affected employee shall be given an  
14 opportunity to appear before the agency or official taking the  
15 action to answer orally and in writing the charges against him  
16 or her. The notice to the employee required by this paragraph  
17 may be delivered to the employee personally or may be sent by  
18 certified mail with return receipt requested. Such actions  
19 shall be appealable to the Public Employees Relations  
20 Commission as provided in subsection (6). Written notice of  
21 any such appeal shall be filed by the employee with the  
22 commission within 14 calendar days after the date on which the  
23 notice of suspension, reduction in pay, demotion, or dismissal  
24 is received by the employee.~~An employee who is suspended or  
25 dismissed shall be entitled to a hearing before the Public  
26 Employees Relations Commission or its designated agent  
27 pursuant to s. 447.208 and rules adopted by the commission.~~

28 (b) In extraordinary situations such as when the  
29 retention of a permanent career service employee would result  
30 in damage to state property, would be detrimental to the best  
31 interest of the state, or would result in injury to the

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 employee, a fellow employee, or some other person, such  
2 employee may be suspended or dismissed without 10 days' prior  
3 notice, provided that written or oral notice of such action,  
4 evidence of the reasons therefor, and an opportunity to rebut  
5 the charges are furnished to the employee prior to such  
6 dismissal or suspension. Such notice may be delivered to the  
7 employee personally or may be sent by certified mail with  
8 return receipt requested. Agency compliance with the foregoing  
9 procedure requiring notice, evidence, and an opportunity for  
10 rebuttal must be substantiated. Any employee who is suspended  
11 or dismissed pursuant to the provisions of this paragraph may  
12 appeal to ~~shall be entitled to a hearing before~~ the Public  
13 Employees Relations Commission as provided in subsection (6).  
14 Written notice of any such appeal shall be filed with the  
15 commission by the employee within 14 days after the date on  
16 which the notice of suspension, reduction in pay, demotion, or  
17 dismissal is received by the employee ~~or its designated agent~~  
18 ~~pursuant to s. 447.208, except that such hearing shall be held~~  
19 ~~no more than 20 days after the filing of the notice of appeal~~  
20 ~~by the employee.~~

21 (6) The following procedures shall apply to appeals  
22 filed pursuant to subsection (5), with the Public Employees  
23 Relations Commission, hereinafter referred to as the  
24 commission:

25 (a) The commission must conduct a hearing within 30  
26 calendar days following the filing of a notice of appeal. No  
27 extension of time for the hearing may exceed 30 calendar days,  
28 absent exceptional circumstances, and no extension of time may  
29 be granted without the consent of all parties. Discovery may  
30 be granted only upon the showing of extraordinary  
31 circumstances. A party requesting discovery shall demonstrate

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 a substantial need for the information requested and an  
2 inability to obtain relevant information by other means.  
3 Except where inconsistent with the requirements of this  
4 subsection, the provisions of subsections (4) and (5) of  
5 section 447.503 and chapter 120 apply to proceedings held  
6 pursuant to this subsection.

7 (b) A person may represent himself or herself in  
8 proceedings before the commission or may be represented by  
9 legal counsel or by any individual who qualifies as a  
10 representative pursuant to rules adopted by the commission.

11 (c) If the commission finds that cause did not exist  
12 for the agency action, the commission shall reverse the  
13 decision of the agency head and the employee shall be  
14 reinstated with or without back pay. If the commission finds  
15 that cause existed for the agency action, the commission shall  
16 affirm the decision of the agency head absent a specific  
17 written finding of mitigation, based upon those factors named  
18 in s. 110.227(1). The commission may not reduce the penalty  
19 imposed by the agency head.

20 (d) A recommended order shall be issued by the hearing  
21 officer within 30 days following the hearing. Exceptions to  
22 the recommended order shall be filed within 5 business days  
23 after the recommended order is issued. The final order shall  
24 be filed by the commission no later than 30 calendar days  
25 after the hearing or after the filing of exceptions or oral  
26 arguments if granted.

27 (e) Final orders issued by the commission pursuant to  
28 paragraph (d) shall be reviewable as provided in section  
29 447.504.

30 ~~(6) A grievance process shall be available to career~~  
31 ~~service employees. A grievance is defined as the~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~dissatisfaction that occurs when an employee thinks or feels~~  
2 ~~that any condition affecting the employee is unjust,~~  
3 ~~inequitable, or a hinderance to effective operation, or~~  
4 ~~creates a problem, except that an employee shall not have the~~  
5 ~~right to file a grievance against performance evaluations~~  
6 ~~unless it is alleged that the evaluation is based on factors~~  
7 ~~other than the employee's performance. Claims of~~  
8 ~~discrimination and sexual harassment, suspensions, reductions~~  
9 ~~in pay, transfers, layoffs, demotions, and dismissals are not~~  
10 ~~subject to the career service grievance process.~~

11 ~~(7) The department shall adopt rules for~~  
12 ~~administration of the grievance process for career service~~  
13 ~~employees. Such rules shall establish agency grievance~~  
14 ~~procedures, eligibility, filing deadlines, forms, and review~~  
15 ~~and evaluation governing the grievance process.~~

16 Section 22. Paragraph (a) of subsection (4) of section  
17 110.233, Florida Statutes, is amended to read:

18 110.233 Political activities and unlawful acts  
19 prohibited.--

20 (4) As an individual, each employee retains all rights  
21 and obligations of citizenship provided in the Constitution  
22 and laws of the state and the Constitution and laws of the  
23 United States. However, no employee in the career service  
24 shall:

25 (a) Hold, or be a candidate for, public office while  
26 in the employment of the state or take any active part in a  
27 political campaign while on duty or within any period of time  
28 during which the employee is expected to perform services for  
29 which he or she receives compensation from the state. However,  
30 when authorized by his or her agency head and approved by the  
31 department ~~of Management Services~~ as involving no interest

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 which conflicts or activity which interferes with his or her  
2 state employment, an employee in the career service may be a  
3 candidate for or hold local public office. The department of  
4 ~~Management Services~~ shall prepare and make available to all  
5 affected personnel who make such request a definite set of  
6 rules and procedures consistent with the provisions herein.

7 Section 23. Subsection (1) of section 110.235, Florida  
8 Statutes, is amended to read:

9 110.235 Training.--

10 (1) ~~It is the intent of the Legislature that~~ State  
11 agencies shall implement training programs that encompass  
12 modern management principles, and that provide the framework  
13 to develop human resources through empowerment, training, and  
14 rewards for productivity enhancement; to continuously improve  
15 the quality of services; and to satisfy the expectations of  
16 the public.

17 Section 24. Section 110.401, Florida Statutes, is  
18 amended to read:

19 110.401 Declaration of policy.--~~It is the intent of~~  
20 This part creates ~~to create~~ a uniform system for attracting,  
21 retaining, and developing highly competent senior-level  
22 managers at the highest executive-management-level agency  
23 positions in order for the highly complex programs and  
24 agencies of state government to function effectively,  
25 efficiently, and productively. The Legislature recognizes that  
26 senior-level management is an established profession and that  
27 the public interest is best served by developing and refining  
28 the management skills of its Senior Management Service  
29 employees. Accordingly ~~To this end~~, training and  
30 management-development programs are regarded as a major  
31 administrative function within agencies.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           Section 25. Subsections (3), (4), and (5) of section  
2 110.403, Florida Statutes, are amended to read:

3           110.403 Powers and duties of the Department of

4           (3) The department ~~of Management Services~~ shall have  
5 the following additional responsibilities:

6           (a) To establish and administer a professional  
7 development program that ~~which~~ shall provide for the  
8 systematic development of managerial, executive, or  
9 administrative skills. Such a program shall include the  
10 following topics:

11           1. Improving the performance of individual employees.

12 This topic provides skills in understanding and motivating  
13 individual performance, providing effective and timely  
14 evaluations of employees, and making recommendations on  
15 performance incentives and disincentives.

16           2. Improving the performance of groups of employees.

17 This topic provides skills in creating and maintaining  
18 productive workgroups and making recommendations on  
19 performance incentives and disincentives.

20           3. Relating the efforts of employees to the goals of

21 the organization. This topic provides skills in linking the  
22 work of individual employees to the goals of the agency  
23 program, service, or activity.

24           4. Strategic planning. This topic provides the skills

25 for defining agency business processes, measuring performance  
26 of such processes, and reengineering such processes for  
27 improved efficiency and effectiveness.

28           5. Team leadership. This topic provides skills in

29 effective group processes for organizational motivation and  
30 productivity based on proven business and military  
31 applications that emphasize respect for and courtesy to the

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 public.

2 (b) To promote public understanding of the purposes,  
3 policies, and programs of the Senior Management Service.

4 (c) To approve contracts of employing agencies with  
5 persons engaged in the business of conducting multistate  
6 executive searches to identify qualified and available  
7 applicants for Senior Management Service positions for which  
8 the department ~~of Management Services~~ sets salaries in  
9 accordance with the classification and pay plan. Such  
10 contracts may be entered by the agency head only after  
11 completion of an unsuccessful in-house search. The department  
12 ~~of Management Services~~ shall establish, by rule, the minimum  
13 qualifications for persons desiring to conduct executive  
14 searches, including a requirement for the use of contingency  
15 contracts. These ~~Such~~ rules shall ensure that such persons  
16 possess the requisite capacities to perform effectively at  
17 competitive industry prices. These ~~The Department of~~  
18 ~~Management Services shall make the rules shall also required~~  
19 ~~pursuant to this paragraph in such a manner as to comply with~~  
20 state and federal laws and regulations governing equal  
21 opportunity employment.

22 (4) All policies and procedures adopted by the  
23 department ~~of Management Services~~ regarding the Senior  
24 Management Service shall comply with all federal regulations  
25 necessary to permit the state agencies to be eligible to  
26 receive federal funds.

27 (5) The department ~~of Management Services~~ shall adopt,  
28 by rule, procedures for Senior Management Service employees  
29 that require disclosure to the agency head of any application  
30 for or offer of employment, gift, contractual relationship, or  
31 financial interest with any individual, partnership,

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 association, corporation, utility, or other organization,  
2 whether public or private, doing business with or subject to  
3 regulation by the agency.

4 Section 26. Paragraph (a) of subsection (1) of section  
5 110.403, Florida Statutes, is amended to read:

6 110.403 Powers and duties of the Department of  
7 Management Services.--

8 (1) In order to implement the purposes of this part,  
9 the Department of Management Services, after approval by the  
10 Administration Commission, shall adopt and amend rules  
11 providing for:

12 (a) A system for employing, promoting, or reassigning  
13 managers that is responsive to organizational or program  
14 needs. In no event shall the number of positions included in  
15 the Senior Management Service exceed 1.0 ~~0.5~~ percent of the  
16 total full-time equivalent positions in the career service.  
17 The department shall deny approval to establish any position  
18 within the Senior Management Service which would exceed the  
19 limitation established in this paragraph. The department  
20 shall report that the limitation has been reached to the  
21 Governor, the President of the Senate, and the Speaker of the  
22 House of Representatives, as soon as practicable after such  
23 event occurs. Employees in the Senior Management Service shall  
24 serve at the pleasure of the agency head and shall be subject  
25 to suspension, dismissal, reduction in pay, demotion,  
26 transfer, or other personnel action at the discretion of the  
27 agency head. Such personnel actions are exempt from the  
28 provisions of chapter 120.

29 Section 27. Section 110.601, Florida Statutes, is  
30 amended to read:

31 110.601 Declaration of policy.--~~It is the purpose of~~



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 This part creates ~~to create~~ a system of personnel management  
2 the purpose of which is to deliver ~~which ensures to the state~~  
3 ~~the delivery of~~ high-quality performance by those employees in  
4 select exempt classifications by facilitating the state's  
5 ability to attract and retain qualified personnel in these  
6 positions, while also providing sufficient management  
7 flexibility to ensure that the workforce is responsive to  
8 agency needs. The Legislature recognizes that the public  
9 interest is best served by developing and refining the  
10 technical and managerial skills of its Selected Exempt Service  
11 employees, and, to this end, technical training and management  
12 development programs are regarded as a major administrative  
13 function within agencies.

14 Section 28. Section 110.602, Florida Statutes, is  
15 amended to read:

16 110.602 Selected Exempt Service; creation,  
17 coverage.--The Selected Exempt Service is created as a  
18 separate system of personnel administration for select exempt  
19 positions. Such positions shall include, and shall be limited  
20 to, those positions which are exempt from the Career Service  
21 System pursuant to s. 110.205(2) and (5) and for which the  
22 salaries and benefits are set by the department in accordance  
23 with the rules of the Selected Exempt Service. The department  
24 shall designate all positions included in the Selected Exempt  
25 Service as either managerial/policymaking, professional, or  
26 nonmanagerial/nonpolicymaking. ~~In no event shall the number of~~  
27 ~~positions included in the Selected Exempt Service, excluding~~  
28 ~~those positions designated as professional or~~  
29 ~~nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total~~  
30 ~~full-time equivalent positions in the career service. The~~  
31 ~~department shall deny approval to establish any position~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~within the Selected Exempt Service which would exceed the~~  
2 ~~limitation established in this section. The department shall~~  
3 ~~report that the limitation has been reached to the Governor,~~  
4 ~~the President of the Senate, and the Speaker of the House of~~  
5 ~~Representatives, as soon as practicable after such event~~  
6 ~~occurs.~~

7 Section 29. Subsection (1) of section 110.605, Florida  
8 Statutes, is amended to read:

9 110.605 Powers and duties; personnel rules, records,  
10 reports, and performance appraisal.--

11 (1) The department shall adopt and administer uniform  
12 personnel rules, records, and reports relating to employees  
13 and positions in the Selected Exempt Service, as well as any  
14 other rules and procedures relating to personnel  
15 administration which are necessary to carry out the purposes  
16 of this part.

17 (a) The department shall develop uniform forms and  
18 instructions to be used in reporting transactions which  
19 involve changes in an employee's salary, status, performance,  
20 leave, fingerprint record, loyalty oath, payroll change, or  
21 appointment action or any additional transactions as the  
22 department may deem appropriate.

23 ~~(b) It is the responsibility of the employing agency~~  
24 ~~to maintain these records and all other records and reports~~  
25 ~~prescribed in applicable rules on a current basis.~~

26 (b)~~(c)~~ The department shall develop a uniform  
27 performance appraisal system for employees and positions in  
28 the Selected Exempt Service covered by a collective bargaining  
29 agreement. Each employing agency shall develop a performance  
30 appraisal system for all other employees and positions in the  
31 Selected Exempt System. Such agency system shall take into

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 consideration individual and organizational efficiency,  
2 productivity, and effectiveness.

3 (c)(d) The employing agency must maintain, on a  
4 current basis, all records and reports required by applicable  
5 rules.The department shall periodically audit employing  
6 agency records to determine compliance with the provisions of  
7 this part and the rules of the department.

8 (d)(e) The department shall develop a program of  
9 affirmative and positive actions that will ensure full  
10 utilization of women and minorities in Selected Exempt Service  
11 positions.

12 Section 30. Paragraph (c) of subsection (2) of section  
13 110.606, Florida Statutes, is amended to read:

14 110.606 Selected Exempt Service; data collection.--

15 (2) The data required by this section shall include:

16 (c) In addition, as needed, ~~the data shall include:~~

17 1. A pricing analysis based on a market survey of  
18 positions comparable to those included in the Selected Exempt  
19 Service and recommendations with respect to whether, and to  
20 what extent, revisions to the salary ranges for the Selected  
21 Exempt Service classifications should be implemented.

22 2. An analysis of actual salary levels for each  
23 classification within the Selected Exempt Service, indicating  
24 the mean salary for each classification within the Selected  
25 Exempt Service and the deviation from such means with respect  
26 to each agency's salary practice in each classification;  
27 reviewing the duties and responsibilities in relation to the  
28 incumbents' salary levels, credentials, skills, knowledge, and  
29 abilities; and discussing whether the salary practices  
30 reflected thereby indicate interagency salary inequities among  
31 positions within the Selected Exempt Service.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           Section 31. Subsection (2) of section 288.708, Florida  
2 Statutes, is amended to read:

3           288.708 Executive director; employees.--

4           (2) The executive director and all employees of the  
5 board shall be exempt from the provisions of part II of  
6 chapter 110, and the executive director shall be subject to  
7 the provisions of part III ~~IV~~ of chapter 110.

8           Section 32. Paragraph (a) of subsection (3) of section  
9 440.4416, Florida Statutes, is amended to read:

10          440.4416 Workers' Compensation Oversight Board.--

11          (3) EXECUTIVE DIRECTOR; EXPENSES.--

12          (a) The board shall appoint an executive director to  
13 direct and supervise the administrative affairs and general  
14 management of the board who shall be subject to the provisions  
15 of part V ~~IV~~ of chapter 110. The executive director may employ  
16 persons and obtain technical assistance as authorized by the  
17 board and shall attend all meetings of the board. Board  
18 employees shall be exempt from part II of chapter 110.

19          Section 33. Notwithstanding section 216.351, Florida  
20 Statutes, paragraph (c) of subsection (1) of section 216.262,  
21 Florida Statutes, is amended to read:

22          216.262 Authorized positions.--

23          (1)

24          (c)1. The Executive Office of the Governor, under such  
25 procedures and qualifications as it deems appropriate, shall,  
26 upon agency request, delegate to any state agency authority to  
27 add and delete authorized positions or transfer authorized  
28 positions from one budget entity to another budget entity  
29 within the same division, and may approve additions and  
30 deletions of authorized positions or transfers of authorized  
31 positions within the state agency when such changes would

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 enable the agency to administer more effectively its  
2 authorized and approved programs. The additions or deletions  
3 must be consistent with the intent of the approved operating  
4 budget, must be consistent with legislative policy and intent,  
5 and must not conflict with specific spending policies  
6 specified in the General Appropriations Act.

7           2. The Chief Justice of the Supreme Court shall have  
8 the authority to establish procedures for the judicial branch  
9 to add and delete authorized positions or transfer authorized  
10 positions from one budget entity to another budget entity, and  
11 to add and delete authorized positions within the same budget  
12 entity, when such changes are consistent with legislative  
13 policy and intent and do not conflict with spending policies  
14 specified in the General Appropriations Act.

15           3.a. A state agency may be eligible to retain salary  
16 dollars for authorized positions eliminated after July 1,  
17 2001. The agency must certify the eliminated positions to the  
18 Legislative Budget Commission.

19           b. The Legislative Budget Commission shall authorize  
20 the agency to retain between 5 and 25 percent of the salary  
21 dollars associated with the eliminated positions.

22           Section 34. Section 447.001, Florida Statutes, is  
23 amended to read:

24           447.201 Statement of policy.--~~It is declared that~~ The  
25 public policy of this ~~the~~ state, and the purpose of this part,  
26 is to provide statutory implementation of s. 6, Art. I of the  
27 State Constitution, with respect to public employees; to  
28 promote harmonious and cooperative relationships between  
29 government and its employees, both collectively and  
30 individually; and to protect the public by assuring, at all  
31 times, the orderly and uninterrupted operations and functions

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 of government. ~~It is the intent of the Legislature that~~  
 2 Nothing herein shall be construed either to encourage or  
 3 discourage organization of public employees. This state's  
 4 public policy is ~~These policies are~~ best effectuated by:

- 5 (1) Granting to public employees the right of  
 6 organization and representation;  
 7 (2) Requiring the state, local governments, and other  
 8 political subdivisions to negotiate with bargaining agents  
 9 duly certified to represent public employees;  
 10 (3) Creating a Public Employees Relations Commission  
 11 to assist in resolving disputes between public employees and  
 12 public employers; and  
 13 (4) Recognizing the constitutional prohibition against  
 14 strikes by public employees and providing remedies for  
 15 violations of such prohibition.

16 Section 35. Effective July 1, 2001, subsections (1),  
 17 (3), and (4) of section 447.205, Florida Statutes, are amended  
 18 to read:

19 447.205 Public Employees Relations Commission.--

- 20 (1) ~~There is hereby created within the Department of~~  
 21 ~~Labor and Employment Security~~ The Public Employees Relations  
 22 Commission, hereinafter referred to as the "commission," ~~The~~  
 23 ~~commission~~ shall be composed of a chair and two full-time  
 24 members to be appointed by the Governor, subject to  
 25 confirmation by the Senate, from persons representative of the  
 26 public and known for their objective and independent judgment,  
 27 who shall not be employed by, or hold any commission with, any  
 28 governmental unit in the state or any employee organization,  
 29 as defined in this part, while in such office. In no event  
 30 shall more than one appointee be a person who, on account of  
 31 previous vocation, employment, or affiliation, is, or has

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 been, classified as a representative of employers; and in no  
2 event shall more than one such appointee be a person who, on  
3 account of previous vocation, employment, or affiliation, is,  
4 or has been, classified as a representative of employees or  
5 employee organizations. The commissioners shall devote full  
6 time to commission duties and shall not engage in any other  
7 business, vocation, or employment while in such office.  
8 Beginning January 1, 1980, the chair shall be appointed for a  
9 term of 4 years, one commissioner for a term of 1 year, and  
10 one commissioner for a term of 2 years. Thereafter, every term  
11 of office shall be for 4 years; and each term of the office of  
12 chair shall commence on January 1 of the second year following  
13 each regularly scheduled general election at which a Governor  
14 is elected to a full term of office. In the event of a  
15 vacancy prior to the expiration of a term of office, an  
16 appointment shall be made for the unexpired term of that  
17 office. The chair shall be responsible for the administrative  
18 functions of the commission and shall have the authority to  
19 employ such personnel as may be necessary to carry out the  
20 provisions of this part. Once appointed to the office of  
21 chair, the chair shall serve as chair for the duration of the  
22 term of office of chair. Nothing contained herein prohibits a  
23 chair or commissioner from serving multiple terms.

24 (3) The commission, in the performance of its powers  
25 and duties under this part, shall not be subject to control,  
26 supervision, or direction by the Department of Management  
27 Services ~~Labor and Employment Security~~.

28 (4) The property, personnel, and appropriations  
29 related to the commission's specified authority, powers,  
30 duties, and responsibilities shall be provided to the  
31 commission by the Department of Management Services ~~Labor and~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~Employment Security.~~

2 Section 36. Effective February 1, 2002, subsection (8)  
3 of s. 447.207, Florida Statutes, is amended to read:

4 447.207 Commission; powers and duties.--

5 (8) ~~Pursuant to s. 447.208,~~The commission or its  
6 designated agent shall hear appeals arising out of any  
7 suspension, reduction in pay, ~~transfer, layoff,~~demotion, or  
8 dismissal of any permanent employee in the State Career  
9 Service System in the manner provided in s. 110.227. ~~Written~~  
10 ~~notice of any such appeal shall be filed with the commission~~  
11 ~~within 14 calendar days after the date on which the notice of~~  
12 ~~suspension, reduction in pay, transfer, layoff, demotion, or~~  
13 ~~dismissal is received by the employee.~~

14 Section 37. Effective February 1, 2002, section  
15 447.208, Florida Statutes, is amended to read:

16 447.208 Procedure with respect to certain appeals  
17 under s. 447.207.--

18 (1) Any person filing an appeal pursuant to ~~subsection~~  
19 ~~(8) or~~ subsection (9) of s. 447.207 shall be entitled to a  
20 hearing pursuant to subsections (4) and (5) of s. 447.503 and  
21 in accordance with chapter 120; however, the hearing shall be  
22 conducted within 30 days of the filing of an appeal with the  
23 commission, unless an extension of time is granted by the  
24 commission for good cause. Discovery may be granted only upon  
25 a showing of extraordinary circumstances. A party requesting  
26 discovery shall demonstrate a substantial need for the  
27 information requested and an inability to obtain relevant  
28 information by other means. To the extent that chapter 120 is  
29 inconsistent with these provisions, the procedures contained  
30 in this section shall govern.

31 (2) This section does not prohibit any person from



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 representing himself or herself in proceedings before the  
2 commission or from being represented by legal counsel or by  
3 any individual who qualifies as a representative pursuant to  
4 rules promulgated and adopted by the commission.

5 ~~(3) With respect to hearings relating to demotions,~~  
6 ~~suspensions, or dismissals pursuant to the provisions of this~~  
7 ~~section:~~

8 ~~(a) Upon a finding that just cause existed for the~~  
9 ~~demotion, suspension, or dismissal, the commission shall~~  
10 ~~affirm the demotion, suspension, or dismissal.~~

11 ~~(b) Upon a finding that just cause did not exist for~~  
12 ~~the demotion, suspension, or dismissal, the commission may~~  
13 ~~order the reinstatement of the employee, with or without back~~  
14 ~~pay.~~

15 ~~(c) Upon a finding that just cause for disciplinary~~  
16 ~~action existed, but did not justify the severity of the action~~  
17 ~~taken, the commission may, in its limited discretion, reduce~~  
18 ~~the penalty.~~

19 ~~(d) The commission is limited in its discretionary~~  
20 ~~reduction of dismissals and suspensions to consider only the~~  
21 ~~following circumstances:~~

22 ~~1. The seriousness of the conduct as it relates to the~~  
23 ~~employee's duties and responsibilities.~~

24 ~~2. Action taken with respect to similar conduct by~~  
25 ~~other employees.~~

26 ~~3. The previous employment record and disciplinary~~  
27 ~~record of the employee.~~

28 ~~4. Extraordinary circumstances beyond the employee's~~  
29 ~~control which temporarily diminished the employee's capacity~~  
30 ~~to effectively perform his or her duties or which~~  
31 ~~substantially contributed to the violation for which~~

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 ~~punishment is being considered.~~

2

3 ~~The agency may present evidence to refute the existence of~~  
4 ~~these circumstances.~~

5       (3)(e) Any order of the commission issued under this  
6 section pursuant to this subsection may include back pay, if  
7 applicable, and an amount, to be determined by the commission  
8 and paid by the agency, for reasonable attorney's fees,  
9 witness fees, and other out-of-pocket expenses incurred during  
10 the prosecution of an appeal against an agency in which the  
11 commission sustains the employee. In determining the amount of  
12 an attorney's fee, the commission shall consider only the  
13 number of hours reasonably spent on the appeal, comparing the  
14 number of hours spent on similar cases ~~Career Service System~~  
15 ~~appeals~~ and the reasonable hourly rate charged in the  
16 geographic area for similar appeals, but not including  
17 litigation over the amount of the attorney's fee. This  
18 paragraph applies to future and pending cases.

19       Section 38. Paragraph (a) of subsection (5) of  
20 section 447.507, Florida Statutes, is amended to read:

21       447.507 Violation of strike prohibition; penalties.--

22       (5) If the commission, after a hearing on notice  
23 conducted according to rules promulgated by the commission,  
24 determines that an employee has violated s. 447.505, it may  
25 order the termination of his or her employment by the public  
26 employer. Notwithstanding any other provision of law, a person  
27 knowingly violating the provision of said section may,  
28 subsequent to such violation, be appointed, reappointed,  
29 employed, or reemployed as a public employee, but only upon  
30 the following conditions:

31       (a) Such person shall be on probation for a period of

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 18 6 months following his or her appointment, reappointment,  
2 employment, or reemployment, during which period he or she  
3 shall serve without permanent status and at the pleasure of  
4 the agency head tenure. ~~During this period, the person may be~~  
5 ~~discharged only upon a showing of just cause.~~

6 Section 39. Subsection (13) is added to section  
7 112.215, Florida Statutes, to read:

8 112.215 Government employees; deferred compensation  
9 program.--

10 (13) When permitted by federal law, the plan  
11 administrator may provide for a pretax trustee-to-trustee  
12 transfer of amounts in a participant's deferred compensation  
13 account for the purchase of prior service credit in a  
14 public-sector retirement system.

15 Section 40. Paragraph (d) of subsection (2) of section  
16 125.0108, Florida Statutes, is repealed.

17 Section 41. Effective July 1, 2001, all powers,  
18 duties, functions, rules, records, personnel, property, and  
19 unexpended balances of appropriations, allocations, and other  
20 funds of the Public Employees Relations Commission relating to  
21 the commission's specified authority, powers, duties, and  
22 responsibilities are transferred by a Type Two Transfer, as  
23 defined in section 20.06(2), Florida Statutes, to the  
24 Department of Management Services. The independence of the  
25 commission in matters relating to the disposition of all  
26 cases, including Career Service appeals, shall be preserved.

27 Section 42. The Department of Management Services  
28 shall adopt rules as necessary to effectuate the provisions of  
29 chapter 110, Florida Statutes, as created by this act, and in  
30 accordance with the authority granted to the department in  
31 chapter 110, Florida Statutes. All existing rules relating to

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 chapter 110, Florida Statutes, are statutorily repealed  
2 February 1, 2002, unless otherwise readopted.

3       Section 43. The Department of Management Services  
4 shall develop a performance agreement between the management  
5 employees and their agency head that will specify the  
6 performance measures and levels of performance expected. A  
7 portion of the management employee's salary, at least 5  
8 percent but not greater than 10 percent, shall be paid upon  
9 achievement of the performance expectations. No bonus shall be  
10 paid to any management employee on the basis of team  
11 achievement unless it is equitably allocated among affected  
12 line staff.

13       Section 44. Section 110.1315, Florida Statutes, is  
14 created to read:

15       110.1315 Alternative benefits; other-personal-services  
16 employees.--Upon review and recommendation of the department  
17 and approval of the Governor, the department may contract for  
18 the implementation of an alternative retirement income  
19 security program for eligible temporary and seasonal employees  
20 of the state who are compensated from appropriations for other  
21 personal services. The contract may provide for a private  
22 vendor or vendors to administer the program under a  
23 defined-contribution plan under ss. 401(a) and 403(b) or 457  
24 of the Internal Revenue Code, and the program must provide  
25 retirement benefits as required under s. 3121(b)(7)(F) of the  
26 Internal Revenue Code. The department may develop a request  
27 for proposals and solicit qualified vendors to compete for the  
28 award of the contract. A vendor shall be elected on the basis  
29 of the plan that best serves the interest of the participating  
30 employees and the state. The proposal must comply with all  
31 necessary federal and state laws and rules.

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           Section 45. Subsections (1) and (2) of section  
2 447.403, Florida Statutes, are amended, and subsection (5) is  
3 added to that section, to read:

4           447.403 Resolution of impasses.--

5           (1) If, after a reasonable period of negotiation  
6 concerning the terms and conditions of employment to be  
7 incorporated in a collective bargaining agreement, a dispute  
8 exists between a public employer and a bargaining agent, an  
9 impasse shall be deemed to have occurred when one of the  
10 parties so declares in writing to the other party and to the  
11 commission. When an impasse occurs, the public employer or the  
12 bargaining agent, or both parties acting jointly, may appoint,  
13 or secure the appointment of, a mediator to assist in the  
14 resolution of the impasse. If the Governor is the public  
15 employer no mediator shall be appointed.

16           (2)(a) If no mediator is appointed, or upon the  
17 request of either party, the commission shall appoint, and  
18 submit all unresolved issues to, a special master acceptable  
19 to both parties. If the parties are unable to agree on the  
20 appointment of a special master, the commission shall appoint,  
21 in its discretion, a qualified special master. However, if  
22 the parties agree in writing to waive the appointment of a  
23 special master, the parties may proceed directly to resolution  
24 of the impasse by the legislative body pursuant to paragraph  
25 (4)(d). Nothing in this section precludes the parties from  
26 using the services of a mediator at any time during the  
27 conduct of collective bargaining.

28           (b) If the Governor is the public employer, no special  
29 master shall be appointed. The parties may proceed directly to  
30 the Legislature for resolution of the impasse pursuant to  
31 paragraph (4)(d).

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           (5) Notwithstanding any other provision of this part,  
2 an impasse shall be deemed to exist as to any unresolved  
3 issues between the State of Florida and any bargaining agent  
4 representing a state employee bargaining unit on the 90th day  
5 prior to the date upon which the next regular legislative  
6 session is scheduled to commence.

7           (a) Within 10 days after the beginning of the impasse  
8 period, each party shall notify the President of the Senate  
9 and the Speaker of the House of Representatives as to all  
10 unresolved issues. Upon receipt of the notification, the  
11 presiding officers shall appoint within 5 days a joint select  
12 committee to review the position of the parties and render a  
13 recommended resolution of all issues remaining at impasse. The  
14 recommended resolution shall be returned by the joint select  
15 committee to the presiding officers not later than 20 days  
16 prior to the date upon which the legislative session is  
17 scheduled to commence. During the legislative session, the  
18 legislature shall take action in accordance with this section.

19           (b) From the time of the appointment of the joint  
20 select committee until the submission of its recommendation,  
21 no public employer or bargaining agent shall attempt to  
22 influence the deliberations of the members of the joint select  
23 committee; however, this paragraph does not prohibit the  
24 submission of testimony or materials in direct response to a  
25 request made by the joint select committee of the parties at  
26 impasse, and does not prohibit either party from directly  
27 addressing impasse issues with any other legislator before or  
28 after the select committee has made its recommendation.

29           (c) Any actions taken by the Legislature shall bind  
30 the parties in accordance with paragraph (4)(c).

31           Section 46. Notwithstanding section 216.351, Florida

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 Statutes, subsection (6) of section 216.163, Florida Statutes,  
2 is amended to read:

3 216.163 Governor's recommended budget; form and  
4 content; declaration of collective bargaining impasses.--

5 (6) At the time the Governor is required to furnish  
6 copies of his or her recommended budget to each senator and  
7 representative under s. 216.162(1), the Governor shall declare  
8 an impasse in all collective bargaining negotiations for which  
9 he or she is deemed to be the public employer and for which a  
10 collective bargaining agreement has not been executed. Within  
11 14 days thereafter, the Governor shall furnish the legislative  
12 appropriations committees with documentation relating to the  
13 last offer he or she made during such collective bargaining  
14 negotiations ~~or recommended to a mediator or special master~~  
15 ~~appointed to resolve the impasse.~~

16 Section 47. Career Service Advisory Board.--

17 (1) There is created the Career Service Advisory  
18 Board. The board shall be composed of the following members,  
19 each of whom has knowledge of, or experience with, human  
20 resource management and operations:

21 (a) One member selected by the Governor.

22 (b) One member selected by the President of the  
23 Senate.

24 (c) One member selected by the Speaker of the House of  
25 Representatives.

26 (d) Two members, appointed by the legislative and  
27 gubernatorial appointees, by unanimous consent.

28 (e) The original appointments to the board shall be  
29 made on or before July 1, 2001. Vacancies in the membership of  
30 the board shall be filled in the same manner as the original  
31 appointments to the extent possible. The board members shall

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 be human resource officials of Florida-domiciled corporations  
2 with a salaried workforce of at least 50,000 company-wide. The  
3 board shall have an organizational meeting on or before July  
4 15, 2001, in Tallahassee.

5 (f) Each member is accountable to the appointing  
6 authority for proper performance of his or her duties as a  
7 member of the board and may be removed from office for  
8 malfeasance, misfeasance, neglect of duty, drunkenness,  
9 incompetence, permanent inability to perform official duties,  
10 or for pleading guilty or nolo contendere to, or having been  
11 adjudicated guilty of, a first degree misdemeanor or a felony.

12 (g) A vacancy shall occur upon failure of a member to  
13 attend four consecutive meetings of the board or 50 percent of  
14 the meetings of the board during a 6 month period, unless the  
15 board by majority votes to excuse the absence of such member.

16 (2)(a) Powers and duties of the board include, but are  
17 not limited to:--

18 1. Reporting to the Legislature as to the  
19 implementation of a revised Career Service System for state  
20 employees with specific recommendations relating to the  
21 reclassification of selected exempt positions pursuant to s.  
22 110.205, Florida Statutes, and the appropriate size of the  
23 managerial and supervisory workforce.

24 2. Identifying legal barriers to civil service reform.

25 3. Making recommendations on the fair and equitable  
26 treatment of public employees and the use of sound business  
27 practices.

28 4. Recommending best management practices and  
29 performance measures.

30 (b) The board may review proposed agency rules, advise  
31 and appear before the Legislature in connection with



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 legislation that impacts the state civil service system,  
2 advise on policy, administrative and legislative issues, and  
3 appear before other state or federal agencies in connection  
4 with matters impacting the civil service system.

5 (c) The board shall select a chair who shall be the  
6 chief administrative officer of the board and shall have the  
7 authority to plan, direct, coordinate, and execute the powers  
8 and duties of the board.

9 (d) The board shall hold such meetings during the year  
10 as it deems necessary, except that the chair, a quorum of the  
11 board, or the division may call meetings. The board shall  
12 maintain a record of each meeting. Such transcripts shall be  
13 available to any interested person in accordance with chapter  
14 119.

15 Section 48. Alternative benefits; tax-sheltered  
16 annual-leave, sick-leave payments, and special compensation  
17 payments.--

18 (1) The Department of Management Services has  
19 authority to adopt tax-sheltered plans under section 401(a) of  
20 the Internal Revenue Code for state employees who are eligible  
21 for payment for accumulated leave. The department and the  
22 Board of Regents, upon adoption of the plans, shall contract  
23 for a private vendor or vendors to administer the plans. The  
24 plans must provide benefits in a manner that minimizes the tax  
25 liability of the state and participants. The plans must be  
26 funded by employer contributions of payments for accumulated  
27 leave or special compensation payments, or both, as specified  
28 by the department and the Board of Regents. The plans must  
29 have received all necessary federal and state approval as  
30 required by law, must not adversely impact the qualified  
31 status of the Florida Retirement System defined benefit or

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 defined contribution plans or the pretax benefits program, and  
2 must comply with the provisions of section 112.65, Florida  
3 Statutes. Adoption of the plan is contingent on: (a) the  
4 department receiving favorable determination letters and  
5 favorable private rulings from the Internal Revenue Service,  
6 (b) the department negotiating under the provisions of chapter  
7 447, Florida Statutes, where applicable; and (c) the  
8 Comptroller making appropriate changes to the state payroll  
9 system. The department's request for proposals by vendors for  
10 such plans may require that the vendors provide market-risk or  
11 volatility ratings from recognized rating agencies for each of  
12 their investment products. The department and the Board of  
13 Regents shall provide for a system of continuous  
14 quality-assurance oversight to ensure that the program  
15 objectives are achieved and that the program is prudently  
16 managed.

17 (2) Within 30 days after termination of employment, an  
18 employee may elect to withdraw the moneys without penalty by  
19 the plan administrator. If any employee is adversely affected  
20 financially by a plan, the plan shall include a provision  
21 which will provide the employee with no less cash than if the  
22 employee had not participated in the plan.

23 (3) These contracts may be used by any other pay plans  
24 or personnel systems in the executive, legislative, or  
25 judicial branches of government upon approval of the  
26 appropriate administrative authority.

27 (4) Notwithstanding the terminal-pay provisions of  
28 section 110.122, Florida Statutes, the department and the  
29 Board of Regents shall contract for a tax-sheltered plan for  
30 leave and special compensation pay for employees terminating  
31 over age 55 with 10 years of service and for employees

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 participating in the Deferred Retirement Option Program by  
2 July 1, 2001. The frequency of payments into the plan shall be  
3 determined by the department or as provided in the General  
4 Appropriations Act. This plan or plans shall provide the  
5 greatest tax benefits to the employees and maximize the  
6 savings to the state.

7 (5) The department and the Board of Regents shall  
8 determine by rule the design of the plans and the eligibility  
9 of participants.

10 (6) Nothing in this act shall be construed to remove  
11 plan participants from the scope of section 110.122(5),  
12 Florida Statutes.

13 Section 49. Except as otherwise expressly provided in  
14 this act, this act shall take effect upon becoming a law.

15  
16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete everything before the enacting clause

20

21 and insert:

22 A bill to be entitled  
23 An act relating to public employment; amending  
24 s. 20.23, F.S.; eliminating provisions  
25 requiring that the inspector general position  
26 in the Department of Transportation be within  
27 the Career Service System; repealing ss.  
28 110.108, 110.109, F.S., relating to personnel  
29 pilot projects, productivity improvement, and  
30 personnel audits of executive branch agencies;  
31 amending s. 110.1091, F.S.; providing

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 requirements for a program to assist state  
2 employees; repealing s. 110.1095, F.S.,  
3 relating to supervisory and management training  
4 and continuing education for executive branch  
5 agencies; amending s. 110.1099, F.S.; providing  
6 for state employees to receive vouchers or  
7 grants to attend public educational  
8 institutions under specified circumstances;  
9 requiring the Department of Management Services  
10 to adopt rules; conforming language; amending  
11 s. 110.1127, F.S.; providing for security  
12 background checks for certain state employee  
13 positions; amending s. 110.113, F.S.; requiring  
14 all state employees except those who receive an  
15 exemption to participate in the direct deposit  
16 program; amending s. 110.1245, F.S.; providing  
17 for a savings-sharing program for employees  
18 whose proposals result in savings; providing  
19 for bonus payments; eliminating the meritorious  
20 service awards program; requiring that such  
21 bonuses be paid from funds authorized by the  
22 Legislature; repealing s. 110.1246, F.S.,  
23 relating to lump-sum bonus payments; amending  
24 s. 110.129, F.S.; authorizing the Department of  
25 Management Services to furnish technical  
26 assistance to improve personnel administration  
27 for municipalities or other political  
28 subdivisions; amending s. 110.131, F.S.;  
29 requiring approval by the Executive Office of  
30 the Governor for an extension in hours of  
31 other-personal-services temporary employment;

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 providing certain exceptions; amending s.  
2 110.203, F.S.; revising definitions; including  
3 the outsourcing and privatization of an  
4 activity or function within the definition of  
5 the term "layoff"; defining the term  
6 "firefighter" and "law enforcement or  
7 correctional officer"; creating s. 110.2035,  
8 F.S.; requiring the Department of Management  
9 Services to develop a classification and  
10 compensation program for certain employees;  
11 providing requirements for the program;  
12 requiring that the department submit a proposed  
13 plan to the Governor and the Legislature;  
14 requiring the department to adopt rules;  
15 amending s. 110.205, F.S.; providing for  
16 managerial employees and certain employees  
17 under a collective bargaining agreement to be  
18 exempt from the Career Service System;  
19 providing for carrying leave forward; amending  
20 s. 110.211, F.S.; authorizing the Department of  
21 Management Services to contract for recruitment  
22 services; amending s. 110.213, F.S.; requiring  
23 a probationary period for new employees;  
24 revising requirements for agency heads in  
25 selecting employees; providing certain  
26 restrictions for leave benefits for Senior  
27 Management Service employees; providing for  
28 annual payouts for a specified amount of unused  
29 annual leave for career service employees;  
30 amending s. 110.219, F.S.; revising provisions  
31 governing attendance and leave; providing for a

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1           year-end cash-out of annual leave by specified  
2           employees under specified circumstances;  
3           amending s. 110.224, F.S.; providing for a  
4           public employee performance evaluation system;  
5           providing requirements for the system;  
6           authorizing the department to adopt rules;  
7           amending s. 110.227, F.S.; prohibiting  
8           "bumping"; providing certain exceptions;  
9           prescribing layoff procedures; amending the  
10          definition of cause for suspensions or  
11          dismissals; establishing grievance procedures;  
12          providing procedures for suspensions,  
13          reductions in pay, demotions, and dismissals;  
14          providing for appeals to the Public Employees  
15          Relations Commission; providing for hearings  
16          and final orders by the Public Employees  
17          Relations Commission; amending s. 110.233,  
18          F.S.; prohibiting certain political activity by  
19          a career service employee; amending s. 110.235,  
20          F.S.; requiring state agencies to implement  
21          training programs; amending s. 110.401, F.S.;  
22          providing for training and  
23          management-development programs for  
24          senior-level management; amending s. 110.403,  
25          F.S.; requiring the department to administer a  
26          professional development program; increasing  
27          the percentage of authorized positions within  
28          the Senior Management Service; amending s.  
29          110.601, F.S.; providing for a system of  
30          personnel management; amending s. 110.602,  
31          F.S.; eliminating a limitation on the

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 percentage of authorized positions within the  
2 Selected Exempt Service; amending s. 110.605,  
3 F.S.; providing for personnel rules, records,  
4 reports, and performance appraisals; amending  
5 s. 110.606, F.S.; requiring the department to  
6 collect certain data with respect to  
7 classifications with the Selected Exempt  
8 Service; amending ss. 288.708 and 440.4416,  
9 F.S.; providing for the executive director of  
10 the Florida Black Business Investment Board and  
11 the members of the Workers' Compensation  
12 Oversight Board to be subject to the Senior  
13 Management Service System; amending s. 216.262,  
14 F.S.; providing for the Legislative Budget  
15 Commission to authorize a state agency to  
16 retain moneys associated with eliminated  
17 positions under certain circumstances; amending  
18 s. 447.201, F.S.; providing public policy with  
19 respect to public employees; amending s.  
20 447.205, F.S.; removing reference to the  
21 Department of Labor and Employment Security;  
22 conforming language; amending s. 447.207, F.S.;  
23 revising authority of the commission to hear  
24 certain appeals; conforming provisions to  
25 changes made by the act; amending s. 447.208,  
26 F.S.; conforming language; amending procedures  
27 for specified appeals; amending s. 447.507,  
28 F.S.; revising requirements for the probation  
29 served by certain public employees; amending s.  
30 112.215, F.S.; authorizing certain pretax,  
31 trustee-to-trustee transfer of deferred

Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1 compensation accounts; repealing s.  
2 125.0108(2)(d), F.S., relating to the former  
3 Career Service Commission; transferring the  
4 Public Employees Relations Commission from the  
5 Department of Labor and Employment Security to  
6 the Department of Management Services;  
7 transferring powers, duties, functions, rules,  
8 records, personnel, property, and unexpended  
9 balances; providing for the commission's  
10 independence under specified circumstances;  
11 requiring the Department of Management Services  
12 to adopt rules; requiring that the department  
13 develop a performance agreement between  
14 management employees and agency heads; creating  
15 s. 110.1315, F.S.; authorizing the department  
16 to contract for an alternative retirement  
17 program for temporary and seasonal employees;  
18 providing requirements for selecting a vendor;  
19 amending s. 447.403, F.S.; revising  
20 requirements for resolving an impasse in  
21 collective bargaining negotiations; prohibiting  
22 the appointment of a mediator if the Governor  
23 is the employer; providing a procedure for  
24 resolving such impasse; amending s. 216.163,  
25 F.S., relating to an impasse in collective  
26 bargaining negotiations; conforming provisions  
27 to changes made by the act; creating a Career  
28 Service Advisory Board; providing for selection  
29 of members; providing powers and duties;  
30 authorizing the Governor to develop a  
31 tax-sheltered plan for leave and special



Bill No. CS for SB 466

Amendment No. \_\_\_\_ Barcode 755104

1            compensation pay for specified employees;  
2            providing effective dates.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31