

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-1819A-01

1 A bill to be entitled
2 An act relating to public employment; amending
3 s. 20.23, F.S.; eliminating provisions
4 requiring that the inspector general position
5 in the Department of Transportation be within
6 the Career Service System; repealing ss.
7 110.108, 110.109, F.S., relating to personnel
8 pilot projects, productivity improvement, and
9 personnel audits of executive branch agencies;
10 amending s. 110.1091, F.S.; providing
11 requirements for a program to assist state
12 employees; repealing s. 110.1095, F.S.,
13 relating to supervisory and management training
14 and continuing education for executive branch
15 agencies; amending s. 110.1099, F.S.; providing
16 for state employees to receive vouchers or
17 waivers to attend community colleges under
18 specified circumstances; requiring the
19 Department of Management Services to adopt
20 rules; amending s. 110.1127, F.S.; providing
21 for security background checks for certain
22 state employee positions; amending s. 110.113,
23 F.S.; requiring all state employees except
24 those who receive an exemption to participate
25 in the direct deposit program; amending s.
26 110.1245, F.S.; providing for a savings-sharing
27 program for employees whose proposals result in
28 savings; providing for bonus payments;
29 eliminating the meritorious service awards
30 program; requiring that such bonuses be paid
31 from funds authorized by the Legislature;

1 repealing s. 110.1246, F.S., relating to
2 lump-sum bonus payments; amending s. 110.129,
3 F.S.; authorizing the Department of Management
4 Services to furnish technical assistance to
5 improve personnel administration for
6 municipalities or other political subdivisions;
7 amending s. 110.131, F.S.; requiring approval
8 by the Executive Office of the Governor for an
9 extension in hours of other-personal-services
10 temporary employment; providing certain
11 exceptions; amending s. 110.203, F.S.; revising
12 definitions; including the outsourcing and
13 privatization of an activity or function within
14 the definition of the term "layoff"; defining
15 the term "firefighter" and "law enforcement or
16 correctional officer"; creating s. 110.2035,
17 F.S.; requiring the Department of Management
18 Services to develop a classification and
19 compensation program for certain employees;
20 providing requirements for the program;
21 requiring that the department submit a proposed
22 plan to the Governor and the Legislature;
23 requiring the department to adopt rules;
24 amending s. 110.205, F.S.; providing for
25 managerial employees and certain employees
26 under a collective bargaining agreement to be
27 exempt from the Career Service System;
28 providing for carrying leave forward; repealing
29 ss. 110.207, 110.209, F.S., relating to the
30 career service classification plan and pay
31 plan; amending s. 110.211, F.S.; authorizing

1 the Department of Management Services to
2 contract for recruitment services; amending s.
3 110.213, F.S.; requiring a probationary period
4 for new employees; revising requirements for
5 agency heads in selecting employees; providing
6 certain restrictions for leave benefits for
7 Senior Management Service employees; providing
8 for annual payouts for a specified amount of
9 unused annual leave for career service
10 employees; amending s. 110.219, F.S.; revising
11 provisions governing attendance and leave;
12 providing for a year-end cash-out of annual
13 leave by specified employees under specified
14 circumstances; amending s. 110.224, F.S.;
15 providing for a public employee performance
16 evaluation system; providing requirements for
17 the system; authorizing the department to adopt
18 rules; amending s. 110.227, F.S.; authorizing
19 suspension or dismissal of employees who have
20 permanent status for reasonable cause; defining
21 the term "reasonable cause"; providing certain
22 exceptions; establishing grievance procedures;
23 providing for hearings and final orders by the
24 Public Employees Relations Commission; amending
25 s. 110.233, F.S.; prohibiting certain political
26 activity by a career service employee; amending
27 s. 110.235, F.S.; requiring state agencies to
28 implement training programs; amending s.
29 110.401, F.S.; providing for training and
30 management-development programs for
31 senior-level management; amending s. 110.403,

1 F.S.; requiring the department to administer a
2 professional development program; increasing
3 the percentage of authorized positions within
4 the Senior Management Service; amending s.
5 110.601, F.S.; providing for a system of
6 personnel management; amending s. 110.602,
7 F.S.; eliminating a limitation on the
8 percentage of authorized positions within the
9 Selected Exempt Service; amending s. 110.605,
10 F.S.; providing for personnel rules, records,
11 reports, and performance appraisals; amending
12 s. 110.606, F.S.; requiring the department to
13 collect certain data with respect to
14 classifications with the Selected Exempt
15 Service; amending ss. 288.708, 440.4416, F.S.;
16 providing for the executive director of the
17 Florida Black Business Investment Board and the
18 members of the Workers' Compensation Oversight
19 Board to be subject to the Senior Management
20 Service System; amending s. 509.036, F.S.;
21 revising the standard under which an inspector
22 of public food service establishments may be
23 suspended or dismissed; amending s. 216.262,
24 F.S.; providing for the Legislative Budget
25 Commission to authorize a state agency to
26 retain moneys associated with eliminated
27 positions under certain circumstances; amending
28 s. 447.201, F.S.; providing public policy with
29 respect to public employees; amending s.
30 447.205, F.S.; providing that the Public
31 Employees Relations Commission is not subject

1 to the control of the Department of Management
2 Services; amending s. 447.207, F.S.; revising
3 authority of the commission to hear certain
4 appeals; conforming provisions to changes made
5 by the act; amending s. 447.503, F.S.; revising
6 the standard for reinstating an employee who is
7 suspended or discharged; amending s. 447.507,
8 F.S.; revising requirements for the probation
9 served by a public employee; amending s.
10 112.215, F.S.; authorizing certain pretax,
11 trustee-to-trustee transfer of deferred
12 compensation accounts; repealing s.
13 125.0108(2)(d), F.S., relating to the former
14 Career Service Commission; repealing ss.
15 944.35(3)(c), 985.4045(1)(b), F.S., relating to
16 cause for dismissal from employment by the
17 Department of Corrections or the Department of
18 Juvenile Justice; transferring the Public
19 Employees Relations Commission from the
20 Department of Labor and Employment Security to
21 the Department of Management Services;
22 transferring records, personnel, property,
23 balances of appropriations, and other funds;
24 requiring the Department of Management Services
25 to adopt rules; requiring that the department
26 develop a performance agreement between
27 management employees and agency heads; creating
28 s. 110.1315, F.S.; authorizing the department
29 to contract for an alternative retirement
30 program for temporary and seasonal employees;
31 providing requirements for selecting a vendor;

1 amending s. 447.403, F.S.; revising
2 requirements for resolving an impasse in
3 collective bargaining negotiations; prohibiting
4 the appointment of a mediator if the Governor
5 is the employer; providing a procedure for
6 resolving such impasse; amending s. 216.163,
7 F.S., relating to an impasse in collective
8 bargaining negotiations; conforming provisions
9 to changes made by the act; providing effective
10 dates.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (h) of subsection (3) of section
15 20.23, F.S., is amended to read:

16 20.23 Department of Transportation.--There is created
17 a Department of Transportation which shall be a decentralized
18 agency.

19 (3)

20 (h)1. The secretary shall appoint an inspector general
21 pursuant to s. 20.055. ~~To comply with recommended professional~~
22 ~~auditing standards related to independence and objectivity,~~
23 ~~the inspector general shall be appointed to a position within~~
24 ~~the Career Service System and may be removed by the secretary~~
25 ~~with the concurrence of the Transportation Commission. In~~
26 ~~order to attract and retain an individual who has the proven~~
27 ~~technical and administrative skills necessary to comply with~~
28 ~~the requirements of this section, the agency head may appoint~~
29 ~~the inspector general to a classification level within the~~
30 ~~Career Service System that is equivalent to that provided for~~
31 ~~in part III of chapter 110.~~The inspector general may be

1 organizationally located within another unit of the department
2 for administrative purposes, but shall function independently
3 and be directly responsible to the secretary pursuant to s.
4 20.055. The duties of the inspector general shall include, but
5 are not restricted to, reviewing, evaluating, and reporting on
6 the policies, plans, procedures, and accounting, financial,
7 and other operations of the department and recommending
8 changes for the improvement thereof, as well as performing
9 audits of contracts and agreements between the department and
10 private entities or other governmental entities. The inspector
11 general shall give priority to reviewing major parts of the
12 department's accounting system and central office monitoring
13 function to determine whether such systems effectively ensure
14 accountability and compliance with all laws, rules, policies,
15 and procedures applicable to the operation of the department.
16 The inspector general shall also give priority to assessing
17 the department's management information systems as required by
18 s. 282.318. The internal audit function shall use the
19 necessary expertise, in particular, engineering, financial,
20 and property appraising expertise, to independently evaluate
21 the technical aspects of the department's operations. The
22 inspector general shall have access at all times to any
23 personnel, records, data, or other information of the
24 department and shall determine the methods and procedures
25 necessary to carry out his or her duties. The inspector
26 general is responsible for audits of departmental operations
27 and for audits of consultant contracts and agreements, and
28 such audits shall be conducted in accordance with generally
29 accepted governmental auditing standards. The inspector
30 general shall annually perform a sufficient number of audits
31 to determine the efficiency and effectiveness, as well as

1 verify the accuracy of estimates and charges, of contracts
2 executed by the department with private entities and other
3 governmental entities. The inspector general has the sole
4 responsibility for the contents of his or her reports, and a
5 copy of each report containing his or her findings and
6 recommendations shall be furnished directly to the secretary
7 and the commission.

8 2. In addition to the authority and responsibilities
9 herein provided, the inspector general is required to report
10 to the:

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

25 b. Transportation Commission and the Legislature any
26 actions by the secretary that prohibit the inspector general
27 from initiating, carrying out, or completing any audit after
28 the inspector general has decided to initiate, carry out, or
29 complete such audit. The secretary shall, within 30 days
30 after transmission of the report, set forth in a statement to
31

1 the Transportation Commission and the Legislature the reasons
2 for his or her actions.

3 Section 2. Sections 110.108 and 110.109, Florida
4 Statutes, are repealed:

5 Section 3. Section 110.1091, Florida Statutes, is
6 amended to read:

7 110.1091 Program for assisting state employees;
8 confidentiality.--An ~~Each~~ employing state agency may provide a
9 program to assist any of its state employees ~~employee~~ who have
10 ~~has~~ a behavioral or medical disorder, substance abuse problem,
11 or emotional difficulty that ~~which~~ affects their ~~the~~
12 ~~employee's~~ job performance, through referral for counseling,
13 therapy, or other professional treatment. Each employing state
14 agency may designate community diagnostic and referral
15 resources as necessary to implement the provisions of this
16 section. Any communication between a state employee and
17 personnel or service providers of a state employee assistance
18 program relative to the employee's participation in the
19 program shall be a confidential communication. Any routine
20 monitoring of telephone calls by the state agency does not
21 violate this provision. All records relative to that
22 participation shall be confidential and exempt from the
23 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution. This section is subject to the Open Government
25 Sunset Review Act of 1995 in accordance with s. 119.15, and
26 shall stand repealed on October 2, 2003, unless reviewed and
27 saved from repeal through reenactment by the Legislature.

28 Section 4. Section 110.1095, Florida Statutes, is
29 repealed.

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

1 110.1099 Education and training opportunities for
2 state employees.--

3 (1) Education and training are an integral component
4 in improving the delivery of services to the public.
5 Recognizing that the application of productivity-enhancing
6 technology and practice demands ~~demand~~ continuous educational
7 and training opportunities, a state employee ~~employees~~ may be
8 authorized to receive a fundable tuition waiver ~~waivers~~ on a
9 space-available basis or a voucher ~~vouchers~~ to attend
10 work-related courses at a public community college or
11 university ~~universities~~. Student credit hours generated by
12 state employee fee waivers shall be fundable credit hours.

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

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

27 ~~(4) Such employees~~ must enter into a contract
28 ~~contracts~~ to return to state employment for a period of time
29 equal to the length of the leave of absence or refund salary
30 and benefits paid during his or her ~~their~~ educational leave
31 ~~leaves~~ of absence.

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

5 (4)(6) As a precondition to approving an employee's
6 training request, an agency or the judicial branch may require
7 an employee to enter into an agreement that requires the
8 employee to reimburse the agency or judicial branch for the
9 registration fee or similar expense for any training or
10 training series when the cost of the fee or similar expense
11 exceeds \$1,000 if the employee voluntarily terminates
12 employment or is discharged for reasonable cause from the
13 agency or judicial branch within a specified period of time
14 not to exceed ~~exceeding~~ 4 years after the conclusion of the
15 training. This subsection does not apply to any training
16 program that an agency or the judicial branch requires an ~~the~~
17 employee to attend. An agency or the judicial branch may pay
18 the outstanding balance then due and owing on behalf of a
19 state employee under this subsection in connection with
20 recruitment and hiring of such state employee.

21 (5) The Department of Management Services, in
22 consultation with the agencies and, to the extent applicable,
23 with Florida's public community colleges and universities,
24 shall adopt rules to administer this section.

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

27 110.1127 Employee security checks.--

28 (1) Each employing agency shall designate those
29 employee ~~such of its positions that of state employment which,~~
30 because of the special trust or responsibility or sensitive
31 location of those ~~such~~ positions, require that persons

1 occupying those ~~such~~ positions be subject to a security
2 background check, including fingerprinting, as a condition of
3 employment.

4 Section 7. Effective January 1, 2002, subsection (2)
5 of section 110.113, Florida Statutes, is amended to read:

6 110.113 Pay periods for state officers and employees;
7 salary payments by direct deposit.--

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

19 Section 8. Section 110.1245, Florida Statutes, is
20 amended to read:

21 110.1245 Savings-sharing program; bonus payments;
22 other awards. ~~Meritorious service awards program.~~

23 (1)(a) The Department of Management Services shall
24 adopt rules that prescribe set policy, develop procedures, and
25 promote a savings-sharing program for an individual or group
26 of employees who propose procedures or ideas that are adopted
27 and that result in eliminating or reducing state expenditures,
28 if such proposals are placed in effect and may be implemented
29 under current statutory authority. ~~of meritorious service
30 awards, incentives, and recognition to employees who+~~

31

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

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

15
16 (c) ~~Each~~ Every state agency, unless otherwise provided by
17 law, may ~~shall~~ participate in the program. The Chief Justice
18 shall have the authority to establish a savings-sharing
19 ~~meritorious service awards~~ program for employees of the
20 judicial branch within the parameters established in this
21 section. ~~The component of the program specified in paragraph~~
22 ~~(a) shall apply to all employees within the Career Service~~
23 ~~System, the Selected Exempt Service System, and comparable~~
24 ~~employees within the judicial branch. The component of the~~
25 ~~program specified in paragraph (b) shall apply to all~~
26 ~~employees of the state. No award granted under the component~~
27 ~~of the program described in paragraph (a) shall exceed 10~~
28 ~~percent of the first year's actual savings or actual revenue~~
29 ~~increase, up to \$25,000, plus applicable taxes, unless a~~
30 ~~larger award is made by the Legislature, and shall be paid~~
31 ~~from the appropriation available to the judicial branch or~~

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

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

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

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

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

25 4. The number of employees or groups recognized for
26 superior accomplishments.

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

29 ~~(e) The number of employees recognized for superior~~
30 ~~accomplishments.~~

31

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

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

12 (a) A statement that bonuses shall be awarded from
13 unused salary and expense dollars.

14 (b) A statement that all bonuses are subject to
15 appropriation by the Legislature.

16 (c) Eligibility criteria as follows:

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

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

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

29 4. The employee must have demonstrated a commitment to
30 the agency mission by reducing the burden on those served,
31 continually improving the way business is conducted, producing

1 results in the form of increased outputs, and working to
2 improve processes.

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

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

8 (d) A periodic evaluation process of the employee's
9 performance.

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

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

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

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

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

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

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

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

13 110.129 Services to political subdivisions.--

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

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

29 Section 11. Effective July 1, 2001, subsection (2) of
30 section 100.131, Florida Statutes, is amended to read:

31

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

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. Effective July 1, 2001, subsections (22),
12 (23), and (24) of section 110.203, Florida Statutes, are
13 amended, and subsections (28) and (29) are added to that
14 section, to read:

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

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

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

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

1 (28) "Firefighter" means a firefighter certified under
2 chapter 633.

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

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

9 110.2035 Classification and compensation program.--

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

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

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

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

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

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

31

1 (b) The classification system must establish
2 broad-based classes allowing flexibility in organizational
3 structure and must reduce the levels of supervisory classes.

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

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

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

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

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

26 (a) Shift differentials.

27 (b) On-call fees.

28 (c) Hazardous-duty pay.

29 (d) Advanced appointment rates.

30 (e) Salary increase and decrease corrections.

31 (f) Lead-worker pay.

1 (g) Temporary special duties pay.

2 (h) Trainer-additive pay.

3 (i) Competitive area differentials.

4 (j) Coordinator pay.

5 (k) Critical market pay.

6

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

19

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

22

 110.205 Career service; exemptions.--

23

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

29

 (a) All officers of the executive branch elected by
30 popular vote and persons appointed to fill vacancies in such
31 offices. Unless otherwise fixed by law, the salary and

1 benefits for any such officer who serves as the head of a
2 department shall be set by the department in accordance with
3 the rules of the Senior Management Service.

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

7 (c) All members, officers, and employees of the
8 judicial branch.

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

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

28 (f) Judges, referees, and receivers.

29 (g) Patients or inmates in state institutions.

30 (h) All positions that ~~which~~ are established for a
31 limited period of time for the purpose of conducting a special

1 study, project, or investigation and any person paid from an
2 other-personal-services appropriation. Unless otherwise fixed
3 by law, the salaries for such positions and persons shall be
4 set in accordance with rules established by the employing
5 agency for other-personal-services payments pursuant to s.
6 110.131.

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

27 (j) The personal secretary to the incumbent of each
28 position exempted in paragraph (a), and to each appointed
29 secretary, assistant secretary, deputy secretary, executive
30 director, assistant executive director, and deputy executive
31 director of each department under paragraph (i). Unless

1 otherwise fixed by law, the department shall set the salary
2 and benefits of these positions in accordance with the rules
3 of the Selected Exempt Service.

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

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

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

1 shall be comparable to career service as if career service
2 employees.

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

29 (m)1. a. In addition to those positions exempted by
30 other paragraphs of this subsection, each department head may
31 designate a maximum of 20 policymaking or managerial

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

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

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

1 Commission shall be compensated as members of the Selected
2 Exempt Service.

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

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

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

31

1 (p) The staff directors, assistant staff directors,
2 district program managers, district program coordinators,
3 district subdistrict administrators, district administrative
4 services directors, district attorneys, and the Deputy
5 Director of Central Operations Services of the Department of
6 Children and Family Services and the county health department
7 directors and county health department administrators of the
8 Department of Health. Unless otherwise fixed by law, the
9 department shall establish the salary range and benefits for
10 these positions in accordance with the rules of the Selected
11 Exempt Service.

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

31

1 (r) The statewide prosecutor in charge of the Office
2 of Statewide Prosecution of the Department of Legal Affairs
3 and all employees in the office. The Department of Legal
4 Affairs shall set the salary of these positions.

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

11 (t) All officers and employees of the State Board of
12 Administration. The State Board of Administration shall set
13 the salaries and benefits of these positions.

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

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

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

4 (7) CARRYING LEAVE FORWARD.--If an employee is
5 transferred or otherwise moves from the Career Service System
6 into the Selected Exempt Service, all of the employee's unused
7 annual leave, unused sick leave, and unused compensatory leave
8 shall carry forward with the employee.

9 Section 16. Effective June 30, 2002, sections 110.207
10 and 110.209, Florida Statutes, are repealed.

11 Section 17. Section 110.211, Florida Statutes, is
12 amended to read:

13 110.211 Recruitment.--

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

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

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

31

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

3 (4)(5) All recruitment literature ~~printed after July~~
4 ~~1, 1979,~~ involving state position vacancies shall contain the
5 phrase "An Equal Opportunity Employer/Affirmative Action
6 Employer."

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

16 Section 18. Section 110.213, Florida Statutes, is
17 amended to read:

18 110.213 Selection.--

19 ~~(1) The department shall have the responsibility for~~
20 ~~determining guidelines for selection procedures to be utilized~~
21 ~~by the employing agencies.~~

22 ~~(2) Any selection procedure utilized in state~~
23 ~~employment shall be designed to provide maximum validity,~~
24 ~~reliability, and objectivity; shall be based on adequate job~~
25 ~~analysis to ensure job relatedness; and shall measure the~~
26 ~~relative ability, knowledge, and skill needed for entry to a~~
27 ~~job.~~

28 (1)(3) Selection for appointment from among the most
29 qualified candidates ~~available eligibles~~ shall be the sole
30 responsibility of the employing agency. Effective July 1,
31 2001, all new employees must successfully complete at least a

1 1-year probationary period before attainment of permanent
2 status.

3 (2) Selection shall reflect efficiency and simplicity
4 in hiring procedures. The agency head or his or her designee
5 shall be required to document the qualifications of the
6 selected candidate to ensure that the candidate meets the
7 minimum qualifications and possesses the requisite knowledge,
8 skills, and abilities for the position. No other documentation
9 or justification shall be required prior to selecting a
10 candidate for a position.

11 ~~(4) The department shall develop model selection rules~~
12 ~~that may be used by employing agencies. Such rules must be~~
13 ~~approved by the Administration Commission before their~~
14 ~~adoption by the department. Employing agencies electing to~~
15 ~~adopt selection rules that are inconsistent with the model~~
16 ~~rules shall consult with and submit such rules to the~~
17 ~~department for review. Such rules must also be approved by the~~
18 ~~Administration Commission before their adoption by the~~
19 ~~employing agencies.~~

20 Section 19. Effective January 1, 2002, subsections (6)
21 and (7) are added to section 110.219, Florida Statutes, to
22 read:

23 110.219 Attendance and leave; general policies.--

24 (6) The leave benefits provided to Senior Management
25 Service employees shall not exceed those provided to employees
26 in the Select Exempt Service.

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

30
31

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

4 (b) No career service employee shall receive a payout
5 of greater than 240 hours over the course of the employee's
6 career with the state, excluding any leave received at the
7 time of separation.

8 Section 20. Section 110.224, Florida Statutes, is
9 amended to read:

10 110.224 Public employee ~~Review and~~ performance
11 ~~evaluation planning~~ system.--A public employee review and
12 performance evaluation planning system shall be established as
13 a basis for evaluating and improving the performance of the
14 state's workforce, ~~to provide documentation in support of~~
15 ~~recommendations for salary increases, promotions, demotions,~~
16 ~~reassignments, or dismissals,~~ to inform employees of strong
17 and weak points in the employee's performance, to identify
18 ~~improvements expected, and current and future training needs,~~
19 and to award lump-sum bonuses in accordance with s.
20 110.1245(2) ~~and to assist in determining the order of layoff~~
21 ~~and reemployment.~~

22 (1) Upon original appointment, promotion, demotion, or
23 reassignment, a job description of the position assigned each
24 career service employee must be made available to the career
25 service employee given a statement of the work expectations
26 ~~and performance standards applicable to the position.~~ The job
27 description may be made available in an electronic format.
28 ~~statement may be included in the position description or in a~~
29 ~~separate document. An employee will not be required to meet~~
30 ~~work expectations or performance standards that have not been~~
31 ~~furnished in writing to the employee.~~

1 (2) Each employee must have a ~~employee's~~ performance
2 evaluation must be reviewed at least annually, and the
3 employee must receive a copy ~~an oral and written assessment~~ of
4 his or her performance evaluation. The performance evaluation
5 ~~assessment~~ may include a plan of ~~corrective~~ action for
6 improvement of the employee's performance based on the work
7 expectations or performance standards applicable to the
8 position as determined by the agency head.

9 (3) The department may adopt rules to administer the
10 public employee review and performance evaluation planning
11 system which establish procedures for performance evaluation,
12 ~~procedures to be followed in case of failure to meet~~
13 ~~performance standards,~~ review periods, and forms.

14 Section 21. Effective July 1, 2001, section 110.227,
15 Florida Statutes, is amended to read:

16 110.227 Suspensions, dismissals, reductions in pay,
17 demotions, layoffs, transfers, and grievances.--

18 (1) Any employee, other than a law enforcement or
19 correctional officer or a firefighter, who has permanent
20 status in the career service may ~~only~~ be suspended or
21 dismissed only for reasonable cause. Reasonable cause means a
22 set of facts and circumstances that would lead a prudent
23 person to take the same or similar action taken by the agency
24 head. Reasonable cause shall include, but is not be limited
25 to, poor performance, negligence, inefficiency or inability to
26 perform assigned duties, insubordination, willful violation of
27 the provisions of law or agency rules, conduct unbecoming a
28 public employee, misconduct, habitual drug abuse, or
29 conviction of any crime ~~involving moral turpitude~~. Suspension
30 or dismissal based upon patronage, discrimination, or
31 arbitrariness or for any conduct that is otherwise protected

1 under state or federal law shall not constitute reasonable
2 cause. A law enforcement or correctional officer or a
3 firefighter who has permanent status in the career service may
4 be suspended or dismissed only for just cause. The ~~Each~~ agency
5 head shall ensure that all employees of the agency have
6 reasonable access to the agency's personnel manual ~~are~~
7 completely familiar with the agency's established procedures
8 on disciplinary actions and grievances.

9 (2) The department shall establish rules and
10 procedures for the suspension, reduction in pay, transfer,
11 layoff, demotion, and dismissal of employees in the career
12 service. Except with regard to law enforcement or correctional
13 officers or firefighters, rules regarding layoff procedures
14 shall not include any system whereby a career service employee
15 with greater seniority has the option of selecting a different
16 position not being eliminated, but either vacant or already
17 occupied by an employee of less seniority, and taking that
18 position, commonly referred to as "bumping." For the
19 implementation of layoffs as defined in s. 110.131, the
20 department shall develop rules requiring that consideration be
21 given to comparative merit, demonstrated skills, and the
22 employee's experience.Such rules shall be approved by the
23 Administration Commission prior to their adoption by the
24 department. This subsection does not prohibit collective
25 bargaining units from seeking to incorporate "bumping" in
26 their collective bargaining agreements.

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

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

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

13 (4) The following procedures shall apply to any
14 grievance filed by a Career Service employee:

15 (a) Step One.--A Career Service employee who believes
16 that any condition affecting the employee is unjust,
17 inequitable, or a hindrance to effective operation may file a
18 grievance with the agency. Within 7 calendar days thereafter,
19 the employee is entitled to an informal hearing with his or
20 her supervisor.

21 (b) Step Two.--A Career Service employee who has filed
22 a grievance with his or her supervisor is entitled to an
23 informal hearing with the agency head or his or her designee
24 within 14 calendar days after filing the grievance with the
25 agency. The agency head or his or her designee must respond in
26 writing to the employee within 7 calendar days after the
27 hearing.

28 (c) The agency head shall be the final authority for
29 all grievances not related to a dismissal, suspension,
30 demotion, or reduction in pay from a class in which the
31

1 employee has obtained permanent status. Such grievances shall
2 not be appealed beyond Step Two.

3 (d) Step Three.--A Career Service employee subject to
4 a dismissal, suspension, demotion, or reduction in pay from a
5 class in which he or she has obtained permanent status in the
6 Career Service system shall be notified in writing by the
7 agency prior to its taking such action. The notice may be
8 delivered to the employee personally or may be sent by regular
9 mail. Prior to the agency taking action, the employee shall be
10 entitled to remain in his or her position with full salary and
11 benefits and shall be entitled to a Step One and Step Two
12 informal hearing outlined in paragraphs (a) and (b). After the
13 agency has taken its final action, the employee shall be
14 entitled to file an appeal with the Public Employees Relations
15 Commission within 10 days after receipt of the response from
16 the agency head in accordance with paragraph (b).

17 (5) The following timeline shall apply to any Step
18 Three proceeding held by the Public Employees Relations
19 Commission:

20 (a) The hearing shall be held within 30 days after the
21 notice of appeal is filed. Discovery may be granted only upon
22 the showing of extraordinary circumstances. A party requesting
23 discovery shall demonstrate a substantial need for the
24 information requested and an inability to obtain relevant
25 information by other means.

26 (b) Absent exceptional circumstances, no continuance
27 shall be granted without the consent of all parties. In no
28 event shall the continuance be granted for more than 30 days.

29 (c) The proposed recommended order shall be filed by
30 the hearing officer within 21 days after the hearing.

31

1 (d) Exceptions to the proposed recommended order shall
2 be filed within 5 working days after the proposed recommended
3 order is filed.

4 (e) The final order shall be issued no later than 7
5 days after the filing of exceptions or oral arguments if
6 granted.

7 (f) Final orders issued by the Public Employees
8 Relations Commission pursuant to paragraph (e) shall be
9 reviewable as provided in s. 447.504.

10 (g) The provisions of chapter 120 shall not apply to
11 any proceeding under subsection (4) or this subsection.

12 (h) This section does not prohibit any person from
13 representing himself or herself in proceedings before the
14 Public Employees Relations Commission or from being
15 represented by legal counsel or by any individual who
16 qualifies as a representative pursuant to rules adopted by the
17 commission.

18 (i) Upon a finding that no reasonable cause existed,
19 the commission shall reverse the decision of the agency head
20 and the employee shall be reinstated with or without back pay.

21 (j) Upon a finding of reasonable cause, the commission
22 shall affirm the decision of the agency head.

23 (k) The commission may not reduce the penalty imposed
24 by the agency head.

25 (6) Each suspension, dismissal, demotion, or reduction
26 in pay must be reviewed without consideration of any other
27 case or set of facts. An action shall not be considered
28 arbitrary if the employer has reasonable cause for the action
29 taken based upon the employee's conduct without regard for the
30 conduct of any similarly situated employee or any other action
31 taken.

1 ~~(4) Any permanent career service employee subject to~~
2 ~~reduction in pay, transfer, layoff, or demotion from a class~~
3 ~~in which he or she has permanent status in the Career Service~~
4 ~~System shall be notified in writing by the agency prior to its~~
5 ~~taking such action. The notice may be delivered to the~~
6 ~~employee personally or may be sent by certified mail with~~
7 ~~return receipt requested. Such actions shall be appealable to~~
8 ~~the Public Employees Relations Commission, pursuant to s.~~
9 ~~447.208 and rules adopted by the commission.~~

10 ~~(5)(a) Any permanent career service employee who is~~
11 ~~subject to suspension or dismissal shall receive written~~
12 ~~notice of such action at least 10 days prior to the date such~~
13 ~~action is to be taken. Subsequent to such notice, and prior~~
14 ~~to the date the action is to be taken, the affected employee~~
15 ~~shall be given an opportunity to appear before the agency or~~
16 ~~official taking the action to answer orally and in writing the~~
17 ~~charges against him or her. The notice to the employee~~
18 ~~required by this paragraph may be delivered to the employee~~
19 ~~personally or may be sent by certified mail with return~~
20 ~~receipt requested. An employee who is suspended or dismissed~~
21 ~~shall be entitled to a hearing before the Public Employees~~
22 ~~Relations Commission or its designated agent pursuant to s.~~
23 ~~447.208 and rules adopted by the commission.~~

24 ~~(b) In extraordinary situations such as when the~~
25 ~~retention of a permanent career service employee would result~~
26 ~~in damage to state property, would be detrimental to the best~~
27 ~~interest of the state, or would result in injury to the~~
28 ~~employee, a fellow employee, or some other person, such~~
29 ~~employee may be suspended or dismissed without 10 days' prior~~
30 ~~notice, provided that written or oral notice of such action,~~
31 ~~evidence of the reasons therefor, and an opportunity to rebut~~

1 ~~the charges are furnished to the employee prior to such~~
2 ~~dismissal or suspension. Such notice may be delivered to the~~
3 ~~employee personally or may be sent by certified mail with~~
4 ~~return receipt requested. Agency compliance with the foregoing~~
5 ~~procedure requiring notice, evidence, and an opportunity for~~
6 ~~rebuttal must be substantiated. Any employee who is suspended~~
7 ~~or dismissed pursuant to the provisions of this paragraph~~
8 ~~shall be entitled to a hearing before the Public Employees~~
9 ~~Relations Commission or its designated agent pursuant to s.~~
10 ~~447.208, except that such hearing shall be held no more than~~
11 ~~20 days after the filing of the notice of appeal by the~~
12 ~~employee.~~

13 ~~(6) A grievance process shall be available to career~~
14 ~~service employees. A grievance is defined as the~~
15 ~~dissatisfaction that occurs when an employee thinks or feels~~
16 ~~that any condition affecting the employee is unjust,~~
17 ~~inequitable, or a hinderance to effective operation, or~~
18 ~~creates a problem, except that an employee shall not have the~~
19 ~~right to file a grievance against performance evaluations~~
20 ~~unless it is alleged that the evaluation is based on factors~~
21 ~~other than the employee's performance. Claims of~~
22 ~~discrimination and sexual harassment, suspensions, reductions~~
23 ~~in pay, transfers, layoffs, demotions, and dismissals are not~~
24 ~~subject to the career service grievance process.~~

25 ~~(7) The department shall adopt rules for~~
26 ~~administration of the grievance process for career service~~
27 ~~employees. Such rules shall establish agency grievance~~
28 ~~procedures, eligibility, filing deadlines, forms, and review~~
29 ~~and evaluation governing the grievance process.~~

30 Section 22. Paragraph (a) of subsection (4) of section
31 110.233, Florida Statutes, is amended to read:

1 110.233 Political activities and unlawful acts
2 prohibited.--

3 (4) As an individual, each employee retains all rights
4 and obligations of citizenship provided in the Constitution
5 and laws of the state and the Constitution and laws of the
6 United States. However, no employee in the career service
7 shall:

8 (a) Hold, or be a candidate for, public office while
9 in the employment of the state or take any active part in a
10 political campaign while on duty or within any period of time
11 during which the employee is expected to perform services for
12 which he or she receives compensation from the state. However,
13 when authorized by his or her agency head and approved by the
14 department ~~of Management Services~~ as involving no interest
15 which conflicts or activity which interferes with his or her
16 state employment, an employee in the career service may be a
17 candidate for or hold local public office. The department ~~of~~
18 ~~Management Services~~ shall prepare and make available to all
19 affected personnel who make such request a definite set of
20 rules and procedures consistent with the provisions herein.

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

23 110.235 Training.--

24 (1) ~~It is the intent of the Legislature that~~ State
25 agencies shall implement training programs that encompass
26 modern management principles, and that provide the framework
27 to develop human resources through empowerment, training, and
28 rewards for productivity enhancement; to continuously improve
29 the quality of services; and to satisfy the expectations of
30 the public.

31

1 Section 24. Section 110.401, Florida Statutes, is
2 amended to read:

3 110.401 Declaration of policy.--~~It is the intent of~~
4 This part creates ~~to create~~ a uniform system for attracting,
5 retaining, and developing highly competent senior-level
6 managers at the highest executive-management-level agency
7 positions in order for the highly complex programs and
8 agencies of state government to function effectively,
9 efficiently, and productively. The Legislature recognizes that
10 senior-level management is an established profession and that
11 the public interest is best served by developing and refining
12 the management skills of its Senior Management Service
13 employees. Accordingly ~~To this end~~, training and
14 management-development programs are regarded as a major
15 administrative function within agencies.

16 Section 25. Subsections (3), (4), and (5) of section
17 110.403, Florida Statutes, are amended to read:

18 110.403 Powers and duties of the Department of

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

21 (a) To establish and administer a professional
22 development program that ~~which~~ shall provide for the
23 systematic development of managerial, executive, or
24 administrative skills. Such a program shall include the
25 following topics:

26 1. Improving the performance of individual employees.
27 This topic provides skills in understanding and motivating
28 individual performance, providing effective and timely
29 evaluations of employees, and making recommendations on
30 performance incentives and disincentives.

31

1 2. Improving the performance of groups of employees.
2 This topic provides skills in creating and maintaining
3 productive workgroups and making recommendations on
4 performance incentives and disincentives.

5 3. Relating the efforts of employees to the goals of
6 the organization. This topic provides skills in linking the
7 work of individual employees to the goals of the agency
8 program, service, or activity.

9 4. Strategic planning. This topic provides the skills
10 for defining agency business processes, measuring performance
11 of such processes, and reengineering such processes for
12 improved efficiency and effectiveness.

13 5. Team leadership. This topic provides skills in
14 effective group processes for organizational motivation and
15 productivity based on proven business and military
16 applications that emphasize respect for and courtesy to the
17 public.

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

20 (c) To approve contracts of employing agencies with
21 persons engaged in the business of conducting multistate
22 executive searches to identify qualified and available
23 applicants for Senior Management Service positions for which
24 the department of ~~Management Services~~ sets salaries in
25 accordance with the classification and pay plan. Such
26 contracts may be entered by the agency head only after
27 completion of an unsuccessful in-house search. The department
28 of ~~Management Services~~ shall establish, by rule, the minimum
29 qualifications for persons desiring to conduct executive
30 searches, including a requirement for the use of contingency
31 contracts. These ~~Such~~ rules shall ensure that such persons

1 possess the requisite capacities to perform effectively at
2 competitive industry prices. These ~~The Department of~~
3 ~~Management Services shall make the rules~~ shall also ~~required~~
4 ~~pursuant to this paragraph in such a manner as to~~ comply with
5 state and federal laws and regulations governing equal
6 opportunity employment.

7 (4) All policies and procedures adopted by the
8 department ~~of Management Services~~ regarding the Senior
9 Management Service shall comply with all federal regulations
10 necessary to permit the state agencies to be eligible to
11 receive federal funds.

12 (5) The department ~~of Management Services~~ shall adopt,
13 by rule, procedures for Senior Management Service employees
14 that require disclosure to the agency head of any application
15 for or offer of employment, gift, contractual relationship, or
16 financial interest with any individual, partnership,
17 association, corporation, utility, or other organization,
18 whether public or private, doing business with or subject to
19 regulation by the agency.

20 Section 26. Effective July 1, 2001, paragraph (a) of
21 subsection (1) of section 110.403, Florida Statutes, is
22 amended to read:

23 110.403 Powers and duties of the Department of
24 Management Services.--

25 (1) In order to implement the purposes of this part,
26 the Department of Management Services, after approval by the
27 Administration Commission, shall adopt and amend rules
28 providing for:

29 (a) A system for employing, promoting, or reassigning
30 managers that is responsive to organizational or program
31 needs. In no event shall the number of positions included in

1 the Senior Management Service exceed 1.0 ~~0.5~~ percent of the
2 total full-time equivalent positions in the career service.
3 The department shall deny approval to establish any position
4 within the Senior Management Service which would exceed the
5 limitation established in this paragraph. The department
6 shall report that the limitation has been reached to the
7 Governor, the President of the Senate, and the Speaker of the
8 House of Representatives, as soon as practicable after such
9 event occurs. Employees in the Senior Management Service shall
10 serve at the pleasure of the agency head and shall be subject
11 to suspension, dismissal, reduction in pay, demotion,
12 transfer, or other personnel action at the discretion of the
13 agency head. Such personnel actions are exempt from the
14 provisions of chapter 120.

15 Section 27. Section 110.601, Florida Statutes, is
16 amended to read:

17 110.601 Declaration of policy.--~~It is the purpose of~~
18 This part creates to create a system of personnel management
19 the purpose of which is to deliver ~~which ensures to the state~~
20 ~~the delivery of~~ high-quality performance by those employees in
21 select exempt classifications by facilitating the state's
22 ability to attract and retain qualified personnel in these
23 positions, while also providing sufficient management
24 flexibility to ensure that the workforce is responsive to
25 agency needs. The Legislature recognizes that the public
26 interest is best served by developing and refining the
27 technical and managerial skills of its Selected Exempt Service
28 employees, and, to this end, technical training and management
29 development programs are regarded as a major administrative
30 function within agencies.

31

1 Section 28. Effective July 1, 2001, section 110.602,
2 Florida Statutes, is amended to read:

3 110.602 Selected Exempt Service; creation,
4 coverage.--The Selected Exempt Service is created as a
5 separate system of personnel administration for select exempt
6 positions. Such positions shall include, and shall be limited
7 to, those positions which are exempt from the Career Service
8 System pursuant to s. 110.205(2) and (5) and for which the
9 salaries and benefits are set by the department in accordance
10 with the rules of the Selected Exempt Service. The department
11 shall designate all positions included in the Selected Exempt
12 Service as either managerial/policymaking, professional, or
13 nonmanagerial/nonpolicymaking. ~~In no event shall the number of~~
14 ~~positions included in the Selected Exempt Service, excluding~~
15 ~~those positions designated as professional or~~
16 ~~nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total~~
17 ~~full-time equivalent positions in the career service. The~~
18 ~~department shall deny approval to establish any position~~
19 ~~within the Selected Exempt Service which would exceed the~~
20 ~~limitation established in this section. The department shall~~
21 ~~report that the limitation has been reached to the Governor,~~
22 ~~the President of the Senate, and the Speaker of the House of~~
23 ~~Representatives, as soon as practicable after such event~~
24 ~~occurs.~~

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

27 110.605 Powers and duties; personnel rules, records,
28 reports, and performance appraisal.--

29 (1) The department shall adopt and administer uniform
30 personnel rules, records, and reports relating to employees
31 and positions in the Selected Exempt Service, as well as any

1 other rules and procedures relating to personnel
2 administration which are necessary to carry out the purposes
3 of this part.

4 (a) The department shall develop uniform forms and
5 instructions to be used in reporting transactions which
6 involve changes in an employee's salary, status, performance,
7 leave, fingerprint record, loyalty oath, payroll change, or
8 appointment action or any additional transactions as the
9 department may deem appropriate.

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

13 (b)(c) The department shall develop a uniform
14 performance appraisal system for employees and positions in
15 the Selected Exempt Service covered by a collective bargaining
16 agreement. Each employing agency shall develop a performance
17 appraisal system for all other employees and positions in the
18 Selected Exempt System. Such agency system shall take into
19 consideration individual and organizational efficiency,
20 productivity, and effectiveness.

21 (c)(d) The employing agency must maintain, on a
22 current basis, all records and reports required by applicable
23 rules.The department shall periodically audit employing
24 agency records to determine compliance with the provisions of
25 this part and the rules of the department.

26 (d)(e) The department shall develop a program of
27 affirmative and positive actions that will ensure full
28 utilization of women and minorities in Selected Exempt Service
29 positions.

30 Section 30. Paragraph (c) of subsection (2) of section
31 110.606, Florida Statutes, is amended to read:

1 110.606 Selected Exempt Service; data collection.--

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

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

4 1. A pricing analysis based on a market survey of
5 positions comparable to those included in the Selected Exempt
6 Service and recommendations with respect to whether, and to
7 what extent, revisions to the salary ranges for the Selected
8 Exempt Service classifications should be implemented.

9 2. An analysis of actual salary levels for each
10 classification within the Selected Exempt Service, indicating
11 the mean salary for each classification within the Selected
12 Exempt Service and the deviation from such means with respect
13 to each agency's salary practice in each classification;
14 reviewing the duties and responsibilities in relation to the
15 incumbents' salary levels, credentials, skills, knowledge, and
16 abilities; and discussing whether the salary practices
17 reflected thereby indicate interagency salary inequities among
18 positions within the Selected Exempt Service.

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

21 288.708 Executive director; employees.--

22 (2) The executive director and all employees of the
23 board shall be exempt from the provisions of part II of
24 chapter 110, and the executive director shall be subject to
25 the provisions of part III ~~IV~~ of chapter 110.

26 Section 32. Paragraph (a) of subsection (3) of section
27 440.4416, Florida Statutes, is amended to read:

28 440.4416 Workers' Compensation Oversight Board.--

29 (3) EXECUTIVE DIRECTOR; EXPENSES.--

30 (a) The board shall appoint an executive director to
31 direct and supervise the administrative affairs and general

1 management of the board who shall be subject to the provisions
2 of part V ~~IV~~ of chapter 110. The executive director may employ
3 persons and obtain technical assistance as authorized by the
4 board and shall attend all meetings of the board. Board
5 employees shall be exempt from part II of chapter 110.

6 Section 33. Effective July 1, 2001, subsection (3) of
7 section 509.036, Florida Statutes, is amended to read:

8 509.036 Public food service inspector
9 standardization.--

10 (3) The division and its agent shall adopt rules in
11 accordance with the provisions of chapter 120 to provide for
12 disciplinary action in cases of inspector negligence. An
13 inspector may be subject to suspension or dismissal for
14 reasonable cause as set forth in s. 110.227.

15 Section 34. Paragraph (c) of subsection (1) of section
16 216.262, Florida Statutes, is amended to read:

17 216.262 Authorized positions.--
18 (1)

19 (c)1. The Executive Office of the Governor, under such
20 procedures and qualifications as it deems appropriate, shall,
21 upon agency request, delegate to any state agency authority to
22 add and delete authorized positions or transfer authorized
23 positions from one budget entity to another budget entity
24 within the same division, and may approve additions and
25 deletions of authorized positions or transfers of authorized
26 positions within the state agency when such changes would
27 enable the agency to administer more effectively its
28 authorized and approved programs. The additions or deletions
29 must be consistent with the intent of the approved operating
30 budget, must be consistent with legislative policy and intent,
31

1 and must not conflict with specific spending policies
2 specified in the General Appropriations Act.

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

11 3.a. A state agency may be eligible to retain salary
12 dollars for authorized positions eliminated after July 1,
13 2001. The agency must certify the eliminated positions to the
14 Legislative Budget Commission.

15 b. The Legislative Budget Commission shall authorize
16 the agency to retain 20 percent of the salary dollars
17 associated with the eliminated positions and may authorize
18 retention of a greater percentage. All such salary dollars
19 shall be used for permanent salary increases.

20 Section 35. Effective January 1, 2202, section
21 447.001, Florida Statutes, is amended to read:

22 447.201 Statement of policy.--~~It is declared that~~ The
23 public policy of this ~~the~~ state, and the purpose of this part,
24 is to provide statutory implementation of s. 6, Art. I of the
25 State Constitution, with respect to public employees; to
26 promote harmonious and cooperative relationships between
27 government and its employees, both collectively and
28 individually; and to protect the public by assuring, at all
29 times, the orderly and uninterrupted operations and functions
30 of government. ~~It is the intent of the Legislature that~~
31 Nothing herein shall be construed either to encourage or

1 discourage organization of public employees. This state's
2 public policy is ~~These policies are~~ best effectuated by:

3 (1) Granting to public employees the right of
4 organization and representation;

5 (2) Requiring the state, local governments, and other
6 political subdivisions to negotiate with bargaining agents
7 duly certified to represent public employees;

8 (3) Creating a Public Employees Relations Commission
9 to assist in resolving disputes between public employees and
10 public employers; and

11 (4) Recognizing the constitutional prohibition against
12 strikes by public employees and providing remedies for
13 violations of such prohibition.

14 Section 36. Effective January 1, 2002, subsections
15 (1), (3), and (4) of section 447.205, Florida Statutes, are
16 amended to read:

17 447.205 Public Employees Relations Commission.--

18 (1) ~~There is hereby created within the Department of~~
19 ~~Labor and Employment Security~~ The Public Employees Relations
20 Commission, hereinafter referred to as the "commission₁." ~~The~~
21 ~~commission~~ shall be composed of a chair and two full-time
22 members to be appointed by the Governor, subject to
23 confirmation by the Senate, from persons representative of the
24 public and known for their objective and independent judgment,
25 who shall not be employed by, or hold any commission with, any
26 governmental unit in the state or any employee organization,
27 as defined in this part, while in such office. In no event
28 shall more than one appointee be a person who, on account of
29 previous vocation, employment, or affiliation, is, or has
30 been, classified as a representative of employers; and in no
31 event shall more than one such appointee be a person who, on

1 account of previous vocation, employment, or affiliation, is,
2 or has been, classified as a representative of employees or
3 employee organizations. The commissioners shall devote full
4 time to commission duties and shall not engage in any other
5 business, vocation, or employment while in such office.
6 Beginning January 1, 1980, the chair shall be appointed for a
7 term of 4 years, one commissioner for a term of 1 year, and
8 one commissioner for a term of 2 years. Thereafter, every term
9 of office shall be for 4 years; and each term of the office of
10 chair shall commence on January 1 of the second year following
11 each regularly scheduled general election at which a Governor
12 is elected to a full term of office. In the event of a
13 vacancy prior to the expiration of a term of office, an
14 appointment shall be made for the unexpired term of that
15 office. The chair shall be responsible for the administrative
16 functions of the commission and shall have the authority to
17 employ such personnel as may be necessary to carry out the
18 provisions of this part. Once appointed to the office of
19 chair, the chair shall serve as chair for the duration of the
20 term of office of chair. Nothing contained herein prohibits a
21 chair or commissioner from serving multiple terms.

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

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

31

1 Section 37. Subsection (8) of s. 447.207, Florida
2 Statutes, is amended to read:

3 447.207 Commission; powers and duties.--

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

13 Section 38. Effective July 1, 2001, paragraph (a) of
14 subsection (6) of section 447.503, Florida Statutes, is
15 amended to read:

16 447.503 Charges of unfair labor practices.--It is the
17 intent of the Legislature that the commission act as
18 expeditiously as possible to settle disputes regarding alleged
19 unfair labor practices. To this end, violations of the
20 provisions of s. 447.501 shall be remedied by the commission
21 in accordance with the following procedures and in accordance
22 with chapter 120; however, to the extent that chapter 120 is
23 inconsistent with the provisions of this section, the
24 procedures contained in this section shall govern:

25 (6)(a) If, upon consideration of the record in the
26 case, the commission finds that an unfair labor practice has
27 been committed, it shall issue and cause to be served an order
28 requiring the appropriate party or parties to cease and desist
29 from the unfair labor practice and take such positive action,
30 including reinstatement of employees with or without back pay,
31 as will best implement the general policies expressed in this

1 part. However, no order of the commission shall require the
2 reinstatement of any individual as an employee who has been
3 suspended or discharged, or the payment of any back pay, if
4 the individual was suspended or discharged for reasonable
5 cause. The order may further require the party or parties to
6 make periodic reports showing the extent to which it has
7 complied with the order. If, upon consideration of the record
8 in the case, the commission finds that an unfair labor
9 practice has not been or is not being committed, it shall
10 issue an order dismissing the case.

11 Section 39.

12 Paragraph (a) of subsection (5) of section 447.507,
13 Florida Statutes, is amended to read:

14 447.507 Violation of strike prohibition; penalties.--

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

24 (a) Such person shall be on probation for a period of
25 18 6 months following his or her appointment, reappointment,
26 employment, or reemployment, during which period he or she
27 shall serve without permanent status and at the pleasure of
28 the agency head tenure. ~~During this period, the person may be~~
29 ~~discharged only upon a showing of just cause.~~

30 Section 40. Subsection (13) is added to section
31 112.215, Florida Statutes, to read:

1 112.215 Government employees; deferred compensation
2 program.--

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

8 Section 41. Paragraph (d) of subsection (2) of section
9 125.0108, Florida Statutes, is repealed.

10 Section 42. Effective January 1, 2002, paragraph (c)
11 of subsection (3) of section 944.35, Florida Statutes, and
12 paragraph (b) of subsection (1) of section 985.4045, Florida
13 Statutes, are repealed.

14 Section 43. Effective January 1, 2002, the Public
15 Employees Relations Commission is transferred from the
16 Department of Labor and Employment Security to the Department
17 of Management Services. The Public Employees Relations
18 Commission shall have all its statutory powers, duties, and
19 functions, as otherwise provided for in this act, transferred
20 to the Department of Management Services. All of the Public
21 Employees Relations Commission's records, personnel, property,
22 and unexpended balances of appropriations, allocations, or
23 other funds are transferred to the Department of Management
24 Services effective January 1, 2002.

25 Section 44. The Department of Management Services
26 shall adopt rules as necessary to effectuate the provisions of
27 chapter 110, Florida Statutes, as created by this act, and in
28 accordance with the authority granted to the department in
29 chapter 110, Florida Statutes. All existing rules relating to
30 chapter 110, Florida Statutes, are statutorily repealed
31 January 1, 2002, unless otherwise readopted.

1 Section 45. The Department of Management Services
2 shall develop a performance agreement between the management
3 employees and their agency head that will specify the
4 performance measures and levels of performance expected. A
5 portion of the management employee's salary, at least 5
6 percent but not greater than 10 percent, shall be paid upon
7 achievement of the performance expectations. No bonus shall be
8 paid to any management employee on the basis of team
9 achievement unless it is equitably allocated among affected
10 line staff.

11 Section 46. Section 110.1315, Florida Statutes, is
12 created to read:

13 110.1315 Alternative benefits; other-personal-services
14 employees.--Upon review and recommendation of the department
15 and approval of the Governor, the department may contract for
16 the implementation of an alternative retirement income
17 security program for eligible temporary and seasonal employees
18 of the state which is funded from appropriations for other
19 personal services. The contract may provide for a private
20 vendor or vendors to administer the program under a
21 defined-contribution plan under ss. 401(a) and 403(b) or 457
22 of the Internal Revenue Code, and the program must provide
23 retirement benefits as required under s. 3121(b)(7)(F) of the
24 Internal Revenue Code. The department may develop a request
25 for proposals and solicit qualified vendors to compete for the
26 award of the contract. A vendor shall be elected on the basis
27 of the plan that best serves the interest of the participating
28 employees and the state. The proposal must comply with all
29 necessary federal and state laws and rules and receive
30 favorable determination letters from the Internal Revenue
31 Service prior to implementation.

1 Section 47. 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).

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 a joint select committee to
12 review the position of the parties and render a recommended
13 resolution of all issues at impasse. The recommended
14 resolution shall be returned by the joint select committee to
15 the presiding officers not later than 20 days prior to the
16 date upon which the legislative session is scheduled to
17 commence. During the legislative session, the legislature
18 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

1 Section 48. Subsection (6) of section 216.163, Florida
2 Statutes, 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 49. Except as otherwise expressly provided in
17 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 466

4 The Committee Substitute completely revises the original bill
5 to make significant changes to the Career Service System for
6 State of Florida employees. It expands the number and types of
7 positions exempted from civil service protections; shortens
8 the review process for disciplinary cases; provides extra
9 compensation for employees on the basis of individual and team
10 achievement; repeals the layoff practice of "bumping" in which
11 preference for retention in times of cutback management is
12 based on the accumulation of points; changes the employer
13 disciplinary standard for non-public safety employees from
14 just cause to reasonable cause, and defines that term;
15 implements an alternative retirement benefit program for
16 casual labor employees; provides for training and management
17 development programs; implements on a statewide basis a
18 revised "broad-banding" classification plan which permits
19 employees to receive extra compensation without being
20 promoted; reduces leave accumulations for senior management
21 service employees; transfers the Public Employees Relations
22 Commission from the Department of Labor and Employment
23 Security to the Department of Management Services; repeals
24 provisions authorizing appointment of a special master or
25 mediator in labor agreement impasses and revises the
26 legislative impasse procedures; permits an
27 end-of-calendar-year redemption of annual leave by Career
28 Service employees; permits state agencies to retain a
29 percentage of salaries of abolished positions for subsequent
30 salary increases; and increases the probationary period for
31 employees from six months to one year.