

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 grants to attend public educational
18 institutions under specified circumstances;
19 requiring the Department of Management Services
20 to adopt rules; conforming language; amending
21 s. 110.1127, F.S.; providing for security
22 background checks for certain state employee
23 positions; amending s. 110.113, F.S.; requiring
24 all state employees except those who receive an
25 exemption to participate in the direct deposit
26 program; amending s. 110.1245, F.S.; providing
27 for a savings-sharing program for employees
28 whose proposals result in savings; providing
29 for bonus payments; eliminating the meritorious
30 service awards program; requiring that such
31 bonuses be paid from funds authorized by the

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

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

1 providing for training and
2 management-development programs for
3 senior-level management; amending s. 110.403,
4 F.S.; requiring the department to administer a
5 professional development program; increasing
6 the percentage of authorized positions within
7 the Senior Management Service; amending s.
8 110.601, F.S.; providing for a system of
9 personnel management; amending s. 110.602,
10 F.S.; eliminating a limitation on the
11 percentage of authorized positions within the
12 Selected Exempt Service; amending s. 110.605,
13 F.S.; providing for personnel rules, records,
14 reports, and performance appraisals; amending
15 s. 110.606, F.S.; requiring the department to
16 collect certain data with respect to
17 classifications with the Selected Exempt
18 Service; amending ss. 288.708 and 440.4416,
19 F.S.; providing for the executive director of
20 the Florida Black Business Investment Board and
21 the members of the Workers' Compensation
22 Oversight Board to be subject to the Senior
23 Management Service System; 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.; removing reference to the
31 Department of Labor and Employment Security;

1 conforming language; amending s. 447.207, F.S.;
2 revising authority of the commission to hear
3 certain appeals; conforming provisions to
4 changes made by the act; amending s. 447.208,
5 F.S.; conforming language; amending procedures
6 for specified appeals; amending s. 447.507,
7 F.S.; revising requirements for the probation
8 served by certain public employees; amending s.
9 112.215, F.S.; authorizing certain pretax,
10 trustee-to-trustee transfer of deferred
11 compensation accounts; repealing s.
12 125.0108(2)(d), F.S., relating to the former
13 Career Service Commission; transferring the
14 Public Employees Relations Commission from the
15 Department of Labor and Employment Security to
16 the Agency for Workforce Innovation;
17 transferring powers, duties, functions, rules,
18 records, personnel, property, and unexpended
19 balances; providing for the commission's
20 independence under specified circumstances;
21 requiring the Department of Management Services
22 to adopt rules; requiring that the department
23 develop a performance agreement between
24 management employees and agency heads; creating
25 s. 110.1315, F.S.; authorizing the department
26 to contract for an alternative retirement
27 program for temporary and seasonal employees;
28 providing requirements for selecting a vendor;
29 amending s. 447.403, F.S.; revising
30 requirements for resolving an impasse in
31 collective bargaining negotiations; prohibiting

1 the appointment of a mediator if the Governor
2 is the employer; providing a procedure for
3 resolving such impasse; amending s. 216.163,
4 F.S., relating to an impasse in collective
5 bargaining negotiations; conforming provisions
6 to changes made by the act; creating a Career
7 Service Advisory Board; providing for selection
8 of members; providing powers and duties;
9 authorizing the Governor to develop a
10 tax-sheltered plan for leave and special
11 compensation pay for specified employees;
12 providing effective dates.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Paragraph (h) of subsection (3) of section
17 20.23, Florida Statutes, is amended to read:

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

21 (3)

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

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

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

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

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

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

1 after transmission of the report, set forth in a statement to
2 the Transportation Commission and the Legislature the reasons
3 for his or her actions.

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

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

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

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

31

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

3 110.1099 Education and training opportunities for
4 state employees.--

5 (1) Education and training are an integral component
6 in improving the delivery of services to the public.
7 Recognizing that the application of productivity-enhancing
8 technology and practice demands ~~demand~~ continuous educational
9 and training opportunities, a state employee ~~employees~~ may be
10 authorized to receive ~~fundable tuition waivers on a~~
11 ~~space-available basis or a voucher or grant vouchers~~ to attend
12 work-related courses at public community colleges, public
13 technical centers, or public universities.

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

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

28 ~~(4) Such employees~~ must enter into a contract
29 ~~contracts~~ to return to state employment for a period of time
30 equal to the length of the leave of absence or refund salary
31

1 and benefits paid during his or her ~~their~~ educational leave
2 ~~leaves~~ of absence.

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

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

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

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

30 110.1127 Employee security checks.--
31

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

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

10 110.113 Pay periods for state officers and employees;
11 salary payments by direct deposit.--

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

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

25 110.1245 Savings-sharing program; bonus payments;
26 other awards. ~~--Meritorious service awards program.--~~

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

1 if such proposals are placed in effect and may be implemented
2 under current statutory authority.~~of meritorious service~~
3 ~~awards, incentives, and recognition to employees who+~~

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

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

19 (c) Each ~~Every~~ state agency, unless otherwise provided
20 by law, may ~~shall~~ participate in the program. The Chief
21 Justice shall have the authority to establish a
22 savings-sharing ~~meritorious service awards~~ program for
23 employees of the judicial branch within the parameters
24 established in this section. The ~~component of the~~ program
25 ~~specified in paragraph (a)~~ shall apply to all employees within
26 the Career Service System, the Selected Exempt Service System,
27 and comparable employees within the judicial branch. ~~The~~
28 ~~component of the program specified in paragraph (b) shall~~
29 ~~apply to all employees of the state. No award granted under~~
30 ~~the component of the program described in paragraph (a) shall~~
31 ~~exceed 10 percent of the first year's actual savings or actual~~

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

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

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

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

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

28 4. The number of employees or groups recognized for
29 superior accomplishments.

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

1 ~~(e) The number of employees recognized for superior~~
2 ~~accomplishments.~~

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

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

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

15 (b) Eligibility criteria as follows:

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

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

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

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

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

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

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

14 (f) 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. Subsection (2) of section 110.131, Florida
30 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. Subsections (22), (23), and (24) of
12 section 110.203, Florida Statutes, are amended, and
13 subsections (28) and (29) are added to that section, to read:

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

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

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

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

31

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.

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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. Section 110.211, Florida Statutes, is
10 amended to read:

11 110.211 Recruitment.--

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

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

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

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

31

1 ~~(4)(5)~~ All recruitment literature ~~printed after July~~
2 ~~1, 1979,~~ involving state position vacancies shall contain the
3 phrase "An Equal Opportunity Employer/Affirmative Action
4 Employer."

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

14 Section 17. Section 110.213, Florida Statutes, is
15 amended to read:

16 110.213 Selection.--

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

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

26 ~~(1)(3)~~ Selection for appointment from among the most
27 qualified candidates available eligibles shall be the sole
28 responsibility of the employing agency. Effective July 1,
29 2001, all new employees must successfully complete at least a
30 1-year probationary period before attainment of permanent
31 status.

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

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

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

20 110.219 Attendance and leave; general policies.--

21 (6) The leave benefits provided to Senior Management
22 Service employees shall not exceed those provided to employees
23 in the Select Exempt Service.

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

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

30 (b) No permanent career service employee shall receive
31 a payout of greater than 240 hours over the course of the

1 employee's career with the state, including any leave received
2 at the time of separation.

3 Section 19. Section 110.224, Florida Statutes, is
4 amended to read:

5 110.224 Public employee ~~Review and~~ performance
6 evaluation planning system.--A public employee review and
7 performance evaluation planning system shall be established as
8 a basis for evaluating and improving the performance of the
9 state's workforce, ~~to provide documentation in support of~~
10 ~~recommendations for salary increases, promotions, demotions,~~
11 ~~reassignments, or dismissals,~~to inform employees of strong
12 and weak points in the employee's performance, to identify
13 ~~improvements expected, and current and future training needs,~~
14 and to award lump-sum bonuses in accordance with s.
15 110.1245(2), ~~and to assist in determining the order of layoff~~
16 ~~and reemployment.~~

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

27 (2) Each employee must have a ~~employee's~~ performance
28 evaluation must be reviewed at least annually, and the
29 employee must receive an oral and written assessment of his or
30 her performance evaluation. The performance evaluation
31 ~~assessment~~ may include a plan of ~~corrective~~ action for

1 improvement of the employee's performance based on the work
2 expectations or performance standards applicable to the
3 position as determined by the agency head.

4 (3) The department may adopt rules to administer the
5 public employee review and performance evaluation planning
6 system which establish procedures for performance evaluation,
7 ~~procedures to be followed in case of failure to meet~~
8 ~~performance standards~~, review periods, and forms.

9 Section 20. Subsections (2) and (3) of section
10 110.227, Florida Statutes, are amended to read:

11 110.227 Suspensions, dismissals, reductions in pay,
12 demotions, layoffs, transfers, and grievances.--

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

31

1 special protection on the basis of seniority or job
2 experience.

3 (3)(a) With regard to law enforcement or correctional
4 officers or firefighters, when a layoff becomes necessary,
5 such layoff shall be conducted within the competitive area
6 identified by the agency head and approved by the Department
7 of Management Services. Such competitive area shall be
8 established taking into consideration the similarity of work;
9 the organizational unit, which may be by agency, department,
10 division, bureau, or other organizational unit; and the
11 commuting area for the work affected.

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

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

23 (1) Any employee who has permanent status in the
24 career service may ~~only~~ be suspended or dismissed only for
25 cause. Cause shall include, but is not be limited to, poor
26 performance, negligence, inefficiency or inability to perform
27 assigned duties, insubordination, willful violation of the
28 provisions of law or agency rules, conduct unbecoming a public
29 employee, misconduct, habitual drug abuse, or conviction of
30 any crime ~~involving moral turpitude~~. Suspension or dismissal
31 based upon political patronage, unlawful discrimination, or

1 arbitrariness or for any conduct that is otherwise protected
2 under state or federal law shall not constitute cause. The
3 ~~Each~~ agency head shall ensure that all employees of the agency
4 have reasonable access to the agency's personnel manual ~~are~~
5 ~~completely familiar with the agency's established procedures~~
6 ~~on disciplinary actions and grievances.~~

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

17 (a) Step One.--The employee may submit a signed,
18 written grievance on a form provided by the agency to his or
19 her supervisor within 7 calendar days following the occurrence
20 of the event giving rise to the grievance. The supervisor must
21 meet with the employee to discuss the grievance within 5
22 business days following receipt of the grievance.

23 (b) Step Two.--If the employee is dissatisfied with
24 the response of his or her supervisor, the employee may submit
25 the written grievance to the agency head or his or her
26 designee within 2 business days following the meeting with his
27 or her supervisor. The agency head or his or her designee must
28 meet with the employee to discuss the grievance within 5
29 business days following receipt of the grievance. The agency
30 head or his or her designee must respond in writing to the
31 employee within 5 business days following the meeting. The

1 written decision of the agency head shall be the final
2 authority for all grievances filed pursuant to this
3 subsection. Such grievances may not be appealed beyond Step
4 Two.

5 ~~(4) Any permanent career service employee subject to~~
6 ~~reduction in pay, transfer, layoff, or demotion from a class~~
7 ~~in which he or she has permanent status in the Career Service~~
8 ~~System shall be notified in writing by the agency prior to its~~
9 ~~taking such action. The notice may be delivered to the~~
10 ~~employee personally or may be sent by certified mail with~~
11 ~~return receipt requested. Such actions shall be appealable to~~
12 ~~the Public Employees Relations Commission, pursuant to s.~~
13 ~~447.208 and rules adopted by the commission.~~

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

1 ~~Employees Relations Commission or its designated agent~~
2 ~~pursuant to s. 447.208 and rules adopted by the commission.~~

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

27 (6) The following procedures shall apply to appeals
28 filed pursuant to subsection (5), with the Public Employees
29 Relations Commission, hereinafter referred to as the
30 commission:
31

1 (a) The commission must conduct a hearing within 30
2 calendar days following the filing of a notice of appeal. No
3 extension of time for the hearing may exceed 30 calendar days,
4 absent exceptional circumstances, and no extension of time may
5 be granted without the consent of all parties. Discovery may
6 be granted only upon the showing of extraordinary
7 circumstances. A party requesting discovery shall demonstrate
8 a substantial need for the information requested and an
9 inability to obtain relevant information by other means.
10 Except where inconsistent with the requirements of this
11 subsection, the provisions of subsections (4) and (5) of s.
12 447.503 and chapter 120 apply to proceedings held pursuant to
13 this subsection.

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

18 (c) If the commission finds that cause did not exist
19 for the agency action, the commission shall reverse the
20 decision of the agency head and the employee shall be
21 reinstated with or without back pay. If the commission finds
22 that cause existed for the agency action, the commission shall
23 affirm the decision of the agency head. Absent a specific
24 written finding of mitigation, based upon those factors named
25 in s. 110.227(1), the commission may not reduce the penalty
26 imposed by the agency head.

27 (d) A recommended order shall be issued by the hearing
28 officer within 30 days following the hearing. Exceptions to
29 the recommended order shall be filed within 5 business days
30 after the recommended order is issued. The final order shall
31 be filed by the commission no later than 30 calendar days

1 after the hearing or after the filing of exceptions or oral
2 arguments if granted.

3 (e) Final orders issued by the commission pursuant to
4 paragraph (d) shall be reviewable as provided in s. 447.504.

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

17 ~~(7) The department shall adopt rules for~~
18 ~~administration of the grievance process for career service~~
19 ~~employees. Such rules shall establish agency grievance~~
20 ~~procedures, eligibility, filing deadlines, forms, and review~~
21 ~~and evaluation governing the grievance process.~~

22 Section 22. Paragraph (a) of subsection (4) of section
23 110.233, Florida Statutes, is amended to read:

24 110.233 Political activities and unlawful acts
25 prohibited.--

26 (4) As an individual, each employee retains all rights
27 and obligations of citizenship provided in the Constitution
28 and laws of the state and the Constitution and laws of the
29 United States. However, no employee in the career service
30 shall:

31

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

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

16 110.235 Training.--

17 (1) ~~It is the intent of the Legislature that~~ State
18 agencies shall implement training programs that encompass
19 modern management principles, and that provide the framework
20 to develop human resources through empowerment, training, and
21 rewards for productivity enhancement; to continuously improve
22 the quality of services; and to satisfy the expectations of
23 the public.

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

26 110.401 Declaration of policy.--~~It is the intent of~~
27 This part creates ~~to create~~ a uniform system for attracting,
28 retaining, and developing highly competent senior-level
29 managers at the highest executive-management-level agency
30 positions in order for the highly complex programs and
31 agencies of state government to function effectively,

1 efficiently, and productively. The Legislature recognizes that
2 senior-level management is an established profession and that
3 the public interest is best served by developing and refining
4 the management skills of its Senior Management Service
5 employees. Accordingly ~~To this end~~, training and
6 management-development programs are regarded as a major
7 administrative function within agencies.

8 Section 25. Subsections (3), (4), and (5) of section
9 110.403, Florida Statutes, are amended to read:

10 110.403 Powers and duties of the department of
11 ~~Management Services~~.--

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

14 (a) To establish and administer a professional
15 development program that ~~which~~ shall provide for the
16 systematic development of managerial, executive, or
17 administrative skills. Such a program shall include the
18 following topics:

19 1. Improving the performance of individual employees.
20 This topic provides skills in understanding and motivating
21 individual performance, providing effective and timely
22 evaluations of employees, and making recommendations on
23 performance incentives and disincentives.

24 2. Improving the performance of groups of employees.
25 This topic provides skills in creating and maintaining
26 productive workgroups and making recommendations on
27 performance incentives and disincentives.

28 3. Relating the efforts of employees to the goals of
29 the organization. This topic provides skills in linking the
30 work of individual employees to the goals of the agency
31 program, service, or activity.

1 4. Strategic planning. This topic provides the skills
2 for defining agency business processes, measuring performance
3 of such processes, and reengineering such processes for
4 improved efficiency and effectiveness.

5 5. Team leadership. This topic provides skills in
6 effective group processes for organizational motivation and
7 productivity based on proven business and military
8 applications that emphasize respect for and courtesy to the
9 public.

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

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

30 (4) All policies and procedures adopted by the
31 department ~~of Management Services~~ regarding the Senior

1 Management Service shall comply with all federal regulations
2 necessary to permit the state agencies to be eligible to
3 receive federal funds.

4 (5) The department ~~of Management Services~~ shall adopt,
5 by rule, procedures for Senior Management Service employees
6 that require disclosure to the agency head of any application
7 for or offer of employment, gift, contractual relationship, or
8 financial interest with any individual, partnership,
9 association, corporation, utility, or other organization,
10 whether public or private, doing business with or subject to
11 regulation by the agency.

12 Section 26. Paragraph (a) of subsection (1) of section
13 110.403, Florida Statutes, is amended to read:

14 110.403 Powers and duties of the Department of
15 Management Services.--

16 (1) In order to implement the purposes of this part,
17 the Department of Management Services, after approval by the
18 Administration Commission, shall adopt and amend rules
19 providing for:

20 (a) A system for employing, promoting, or reassigning
21 managers that is responsive to organizational or program
22 needs. In no event shall the number of positions included in
23 the Senior Management Service exceed 1.0 ~~0.5~~ percent of the
24 total full-time equivalent positions in the career service.
25 The department shall deny approval to establish any position
26 within the Senior Management Service which would exceed the
27 limitation established in this paragraph. The department
28 shall report that the limitation has been reached to the
29 Governor, the President of the Senate, and the Speaker of the
30 House of Representatives, as soon as practicable after such
31 event occurs. Employees in the Senior Management Service shall

1 serve at the pleasure of the agency head and shall be subject
2 to suspension, dismissal, reduction in pay, demotion,
3 transfer, or other personnel action at the discretion of the
4 agency head. Such personnel actions are exempt from the
5 provisions of chapter 120.

6 Section 27. Section 110.601, Florida Statutes, is
7 amended to read:

8 110.601 Declaration of policy.--~~It is the purpose of~~
9 This part creates ~~to create~~ a system of personnel management
10 the purpose of which is to deliver ~~which ensures to the state~~
11 ~~the delivery of~~ high-quality performance by those employees in
12 select exempt classifications by facilitating the state's
13 ability to attract and retain qualified personnel in these
14 positions, while also providing sufficient management
15 flexibility to ensure that the workforce is responsive to
16 agency needs. The Legislature recognizes that the public
17 interest is best served by developing and refining the
18 technical and managerial skills of its Selected Exempt Service
19 employees, and, to this end, technical training and management
20 development programs are regarded as a major administrative
21 function within agencies.

22 Section 28. Section 110.602, Florida Statutes, is
23 amended to read:

24 110.602 Selected Exempt Service; creation,
25 coverage.--The Selected Exempt Service is created as a
26 separate system of personnel administration for select exempt
27 positions. Such positions shall include, and shall be limited
28 to, those positions which are exempt from the Career Service
29 System pursuant to s. 110.205(2) and (5) and for which the
30 salaries and benefits are set by the department in accordance
31 with the rules of the Selected Exempt Service. The department

1 shall designate all positions included in the Selected Exempt
2 Service as either managerial/policymaking, professional, or
3 nonmanagerial/nonpolicymaking. ~~In no event shall the number of~~
4 ~~positions included in the Selected Exempt Service, excluding~~
5 ~~those positions designated as professional or~~
6 ~~nonmanagerial/nonpolicymaking, exceed 1.5 percent of the total~~
7 ~~full-time equivalent positions in the career service. The~~
8 ~~department shall deny approval to establish any position~~
9 ~~within the Selected Exempt Service which would exceed the~~
10 ~~limitation established in this section. The department shall~~
11 ~~report that the limitation has been reached to the Governor,~~
12 ~~the President of the Senate, and the Speaker of the House of~~
13 ~~Representatives, as soon as practicable after such event~~
14 ~~occurs.~~

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

17 110.605 Powers and duties; personnel rules, records,
18 reports, and performance appraisal.--

19 (1) The department shall adopt and administer uniform
20 personnel rules, records, and reports relating to employees
21 and positions in the Selected Exempt Service, as well as any
22 other rules and procedures relating to personnel
23 administration which are necessary to carry out the purposes
24 of this part.

25 (a) The department shall develop uniform forms and
26 instructions to be used in reporting transactions which
27 involve changes in an employee's salary, status, performance,
28 leave, fingerprint record, loyalty oath, payroll change, or
29 appointment action or any additional transactions as the
30 department may deem appropriate.

31

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

4 **(b)(c)** The department shall develop a uniform
5 performance appraisal system for employees and positions in
6 the Selected Exempt Service covered by a collective bargaining
7 agreement. Each employing agency shall develop a performance
8 appraisal system for all other employees and positions in the
9 Selected Exempt System. Such agency system shall take into
10 consideration individual and organizational efficiency,
11 productivity, and effectiveness.

12 **(c)(d)** The employing agency must maintain, on a
13 current basis, all records and reports required by applicable
14 rules.The department shall periodically audit employing
15 agency records to determine compliance with the provisions of
16 this part and the rules of the department.

17 **(d)(e)** The department shall develop a program of
18 affirmative and positive actions that will ensure full
19 utilization of women and minorities in Selected Exempt Service
20 positions.

21 Section 30. Paragraph (c) of subsection (2) of section
22 110.606, Florida Statutes, is amended to read:

23 110.606 Selected Exempt Service; data collection.--

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

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

26 1. A pricing analysis based on a market survey of
27 positions comparable to those included in the Selected Exempt
28 Service and recommendations with respect to whether, and to
29 what extent, revisions to the salary ranges for the Selected
30 Exempt Service classifications should be implemented.

31

1 2. An analysis of actual salary levels for each
2 classification within the Selected Exempt Service, indicating
3 the mean salary for each classification within the Selected
4 Exempt Service and the deviation from such means with respect
5 to each agency's salary practice in each classification;
6 reviewing the duties and responsibilities in relation to the
7 incumbents' salary levels, credentials, skills, knowledge, and
8 abilities; and discussing whether the salary practices
9 reflected thereby indicate interagency salary inequities among
10 positions within the Selected Exempt Service.

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

13 288.708 Executive director; employees.--

14 (2) The executive director and all employees of the
15 board shall be exempt from the provisions of part II of
16 chapter 110, and the executive director shall be subject to
17 the provisions of part III ~~IV~~ of chapter 110.

18 Section 32. Paragraph (a) of subsection (3) of section
19 440.4416, Florida Statutes, is amended to read:

20 440.4416 Workers' Compensation Oversight Board.--

21 (3) EXECUTIVE DIRECTOR; EXPENSES.--

22 (a) The board shall appoint an executive director to
23 direct and supervise the administrative affairs and general
24 management of the board who shall be subject to the provisions
25 of part V ~~IV~~ of chapter 110. The executive director may employ
26 persons and obtain technical assistance as authorized by the
27 board and shall attend all meetings of the board. Board
28 employees shall be exempt from part II of chapter 110.

29 Section 33. Notwithstanding section 216.351, Florida
30 Statutes, paragraph (c) of subsection (1) of section 216.262,
31 Florida Statutes, is amended to read:

1 216.262 Authorized positions.--

2 (1)

3 (c)1. The Executive Office of the Governor, under such
4 procedures and qualifications as it deems appropriate, shall,
5 upon agency request, delegate to any state agency authority to
6 add and delete authorized positions or transfer authorized
7 positions from one budget entity to another budget entity
8 within the same division, and may approve additions and
9 deletions of authorized positions or transfers of authorized
10 positions within the state agency when such changes would
11 enable the agency to administer more effectively its
12 authorized and approved programs. The additions or deletions
13 must be consistent with the intent of the approved operating
14 budget, must be consistent with legislative policy and intent,
15 and must not conflict with specific spending policies
16 specified in the General Appropriations Act.

17 2. The Chief Justice of the Supreme Court shall have
18 the authority to establish procedures for the judicial branch
19 to add and delete authorized positions or transfer authorized
20 positions from one budget entity to another budget entity, and
21 to add and delete authorized positions within the same budget
22 entity, when such changes are consistent with legislative
23 policy and intent and do not conflict with spending policies
24 specified in the General Appropriations Act.

25 3.a. A state agency may be eligible to retain salary
26 dollars for authorized positions eliminated after July 1,
27 2001. The agency must certify the eliminated positions to the
28 Legislative Budget Commission.

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

1 Section 34. Section 447.201, Florida Statutes, is
2 amended to read:

3 447.201 Statement of policy.--~~It is declared that~~ The
4 public policy of this ~~the~~ state, and the purpose of this part,
5 is to provide statutory implementation of s. 6, Art. I of the
6 State Constitution, with respect to public employees; to
7 promote harmonious and cooperative relationships between
8 government and its employees, both collectively and
9 individually; and to protect the public by assuring, at all
10 times, the orderly and uninterrupted operations and functions
11 of government. ~~It is the intent of the Legislature that~~
12 Nothing herein shall be construed either to encourage or
13 discourage organization of public employees. This state's
14 public policy is ~~These policies are~~ best effectuated by:

- 15 (1) Granting to public employees the right of
16 organization and representation;
17 (2) Requiring the state, local governments, and other
18 political subdivisions to negotiate with bargaining agents
19 duly certified to represent public employees;
20 (3) Creating a Public Employees Relations Commission
21 to assist in resolving disputes between public employees and
22 public employers; and
23 (4) Recognizing the constitutional prohibition against
24 strikes by public employees and providing remedies for
25 violations of such prohibition.

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

29 447.205 Public Employees Relations Commission.--

- 30 (1) ~~There is hereby created within the Department of~~
31 ~~Labor and Employment Security~~ The Public Employees Relations

1 Commission, hereinafter referred to as the "commission~~,"~~" ~~The~~
2 ~~commission~~ shall be composed of a chair and two full-time
3 members to be appointed by the Governor, subject to
4 confirmation by the Senate, from persons representative of the
5 public and known for their objective and independent judgment,
6 who shall not be employed by, or hold any commission with, any
7 governmental unit in the state or any employee organization,
8 as defined in this part, while in such office. In no event
9 shall more than one appointee be a person who, on account of
10 previous vocation, employment, or affiliation, is, or has
11 been, classified as a representative of employers; and in no
12 event shall more than one such appointee be a person who, on
13 account of previous vocation, employment, or affiliation, is,
14 or has been, classified as a representative of employees or
15 employee organizations. The commissioners shall devote full
16 time to commission duties and shall not engage in any other
17 business, vocation, or employment while in such office.
18 Beginning January 1, 1980, the chair shall be appointed for a
19 term of 4 years, one commissioner for a term of 1 year, and
20 one commissioner for a term of 2 years. Thereafter, every term
21 of office shall be for 4 years; and each term of the office of
22 chair shall commence on January 1 of the second year following
23 each regularly scheduled general election at which a Governor
24 is elected to a full term of office. In the event of a
25 vacancy prior to the expiration of a term of office, an
26 appointment shall be made for the unexpired term of that
27 office. The chair shall be responsible for the administrative
28 functions of the commission and shall have the authority to
29 employ such personnel as may be necessary to carry out the
30 provisions of this part. Once appointed to the office of
31 chair, the chair shall serve as chair for the duration of the

1 term of office of chair. Nothing contained herein prohibits a
2 chair or commissioner from serving multiple terms.

3 (3) The commission, in the performance of its powers
4 and duties under this part, shall not be subject to control,
5 supervision, or direction by the Agency for Workforce
6 Innovation ~~Department of Labor and Employment Security~~.

7 (4) The property, personnel, and appropriations
8 related to the commission's specified authority, powers,
9 duties, and responsibilities shall be provided to the
10 commission by the Agency for Workforce Innovation ~~Department~~
11 ~~of Labor and Employment Security~~.

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

14 447.207 Commission; powers and duties.--

15 (8) ~~Pursuant to s. 447.208,~~The commission or its
16 designated agent shall hear appeals arising out of any
17 suspension, reduction in pay, ~~transfer, layoff,~~demotion, or
18 dismissal of any permanent employee in the State Career
19 Service System in the manner provided in s. 110.227. ~~Written~~
20 ~~notice of any such appeal shall be filed with the commission~~
21 ~~within 14 calendar days after the date on which the notice of~~
22 ~~suspension, reduction in pay, transfer, layoff, demotion, or~~
23 ~~dismissal is received by the employee.~~

24 Section 37. Effective February 1, 2002, section
25 447.208, Florida Statutes, is amended to read:

26 447.208 Procedure with respect to certain appeals
27 under s. 447.207.--

28 (1) Any person filing an appeal pursuant to ~~subsection~~
29 ~~(8) or~~ subsection (9) of s. 447.207 shall be entitled to a
30 hearing pursuant to subsections (4) and (5) of s. 447.503 and
31 in accordance with chapter 120; however, the hearing shall be

1 conducted within 30 days of the filing of an appeal with the
2 commission, unless an extension of time is granted by the
3 commission for good cause. Discovery may be granted only upon
4 a showing of extraordinary circumstances. A party requesting
5 discovery shall demonstrate a substantial need for the
6 information requested and an inability to obtain relevant
7 information by other means. To the extent that chapter 120 is
8 inconsistent with these provisions, the procedures contained
9 in this section shall govern.

10 (2) This section does not prohibit any person from
11 representing himself or herself in proceedings before the
12 commission or from being represented by legal counsel or by
13 any individual who qualifies as a representative pursuant to
14 rules promulgated and adopted by the commission.

15 ~~(3) With respect to hearings relating to demotions,
16 suspensions, or dismissals pursuant to the provisions of this
17 section:~~

18 ~~(a) Upon a finding that just cause existed for the
19 demotion, suspension, or dismissal, the commission shall
20 affirm the demotion, suspension, or dismissal.~~

21 ~~(b) Upon a finding that just cause did not exist for
22 the demotion, suspension, or dismissal, the commission may
23 order the reinstatement of the employee, with or without back
24 pay.~~

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

29 ~~(d) The commission is limited in its discretionary
30 reduction of dismissals and suspensions to consider only the
31 following circumstances:~~

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

3 ~~2. Action taken with respect to similar conduct by~~
4 ~~other employees.~~

5 ~~3. The previous employment record and disciplinary~~
6 ~~record of the employee.~~

7 ~~4. Extraordinary circumstances beyond the employee's~~
8 ~~control which temporarily diminished the employee's capacity~~
9 ~~to effectively perform his or her duties or which~~
10 ~~substantially contributed to the violation for which~~
11 ~~punishment is being considered.~~

12
13 ~~The agency may present evidence to refute the existence of~~
14 ~~these circumstances.~~

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

29 Section 38. Paragraph (a) of subsection (5) of section
30 447.507, Florida Statutes, is amended to read:

31 447.507 Violation of strike prohibition; penalties.--

1 (5) If the commission, after a hearing on notice
2 conducted according to rules promulgated by the commission,
3 determines that an employee has violated s. 447.505, it may
4 order the termination of his or her employment by the public
5 employer. Notwithstanding any other provision of law, a person
6 knowingly violating the provision of said section may,
7 subsequent to such violation, be appointed, reappointed,
8 employed, or reemployed as a public employee, but only upon
9 the following conditions:

10 (a) Such person shall be on probation for a period of
11 18 ~~6~~ months following his or her appointment, reappointment,
12 employment, or reemployment, during which period he or she
13 shall serve without permanent status and at the pleasure of
14 the agency head tenure. ~~During this period, the person may be~~
15 ~~discharged only upon a showing of just cause.~~

16 Section 39. Subsection (13) is added to section
17 112.215, Florida Statutes, to read:

18 112.215 Government employees; deferred compensation
19 program.--

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

25 Section 40. Paragraph (d) of subsection (2) of section
26 125.0108, Florida Statutes, is repealed.

27 Section 41. Effective July 1, 2001, all powers,
28 duties, functions, rules, records, personnel, property, and
29 unexpended balances of appropriations, allocations, and other
30 funds of the Public Employees Relations Commission relating to
31 the commission's specified authority, powers, duties, and

1 responsibilities are transferred by a type one transfer, as
2 defined in section 20.06(1), Florida Statutes, to the Agency
3 for Workforce Innovation. The independence of the commission
4 in matters relating to the disposition of all cases, including
5 Career Service appeals, shall be preserved.

6 Section 42. The Department of Management Services
7 shall adopt rules as necessary to effectuate the provisions of
8 chapter 110, Florida Statutes, as created by this act, and in
9 accordance with the authority granted to the department in
10 chapter 110, Florida Statutes. All existing rules relating to
11 chapter 110, Florida Statutes, are statutorily repealed
12 February 1, 2002, unless otherwise readopted.

13 Section 43. The Department of Management Services
14 shall develop a performance agreement between the management
15 employees and their agency head that will specify the
16 performance measures and levels of performance expected. A
17 portion of the management employee's salary, at least 5
18 percent but not greater than 10 percent, shall be paid upon
19 achievement of the performance expectations. No bonus shall be
20 paid to any management employee on the basis of team
21 achievement unless it is equitably allocated among affected
22 line staff.

23 Section 44. Section 110.1315, Florida Statutes, is
24 created to read:

25 110.1315 Alternative benefits; other-personal-services
26 employees.--Upon review and recommendation of the department
27 and approval of the Governor, the department may contract for
28 the implementation of an alternative retirement income
29 security program for eligible temporary and seasonal employees
30 of the state who are compensated from appropriations for other
31 personal services. The contract may provide for a private

1 vendor or vendors to administer the program under a
2 defined-contribution plan under ss. 401(a) and 403(b) or 457
3 of the Internal Revenue Code, and the program must provide
4 retirement benefits as required under s. 3121(b)(7)(F) of the
5 Internal Revenue Code. The department may develop a request
6 for proposals and solicit qualified vendors to compete for the
7 award of the contract. A vendor shall be elected on the basis
8 of the plan that best serves the interest of the participating
9 employees and the state. The proposal must comply with all
10 necessary federal and state laws and rules.

11 Section 45. Subsections (1) and (2) of section
12 447.403, Florida Statutes, are amended, and subsection (5) is
13 added to that section, to read:

14 447.403 Resolution of impasses.--

15 (1) If, after a reasonable period of negotiation
16 concerning the terms and conditions of employment to be
17 incorporated in a collective bargaining agreement, a dispute
18 exists between a public employer and a bargaining agent, an
19 impasse shall be deemed to have occurred when one of the
20 parties so declares in writing to the other party and to the
21 commission. When an impasse occurs, the public employer or the
22 bargaining agent, or both parties acting jointly, may appoint,
23 or secure the appointment of, a mediator to assist in the
24 resolution of the impasse. If the Governor is the public
25 employer no mediator shall be appointed.

26 (2)(a) If no mediator is appointed, or upon the
27 request of either party, the commission shall appoint, and
28 submit all unresolved issues to, a special master acceptable
29 to both parties. If the parties are unable to agree on the
30 appointment of a special master, the commission shall appoint,
31 in its discretion, a qualified special master. However, if

1 the parties agree in writing to waive the appointment of a
2 special master, the parties may proceed directly to resolution
3 of the impasse by the legislative body pursuant to paragraph
4 (4)(d). Nothing in this section precludes the parties from
5 using the services of a mediator at any time during the
6 conduct of collective bargaining.

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

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

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

29 (b) From the time of the appointment of the joint
30 select committee until the submission of its recommendation,
31 no public employer or bargaining agent shall attempt to

1 influence the deliberations of the members of the joint select
2 committee; however, this paragraph does not prohibit the
3 submission of testimony or materials in direct response to a
4 request made by the joint select committee of the parties at
5 impasse, and does not prohibit either party from directly
6 addressing impasse issues with any other legislator before or
7 after the select committee has made its recommendation.

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

10 Section 46. Notwithstanding section 216.351, Florida
11 Statutes, subsection (6) of section 216.163, Florida Statutes,
12 is amended to read:

13 216.163 Governor's recommended budget; form and
14 content; declaration of collective bargaining impasses.--

15 (6) At the time the Governor is required to furnish
16 copies of his or her recommended budget to each senator and
17 representative under s. 216.162(1), the Governor shall declare
18 an impasse in all collective bargaining negotiations for which
19 he or she is deemed to be the public employer and for which a
20 collective bargaining agreement has not been executed. Within
21 14 days thereafter, the Governor shall furnish the legislative
22 appropriations committees with documentation relating to the
23 last offer he or she made during such collective bargaining
24 negotiations ~~or recommended to a mediator or special master~~
25 ~~appointed to resolve the impasse.~~

26 Section 47. Career Service Advisory Board.--

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

31 (a) One member selected by the Governor.

1 (b) One member selected by the President of the
2 Senate.

3 (c) One member selected by the Speaker of the House of
4 Representatives.

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

7 (e) The original appointments to the board shall be
8 made on or before July 1, 2001. Vacancies in the membership of
9 the board shall be filled in the same manner as the original
10 appointments to the extent possible. The board members shall
11 be human resource officials of Florida-domiciled corporations
12 with a salaried workforce of at least 50,000 company-wide. The
13 board shall have an organizational meeting on or before July
14 15, 2001, in Tallahassee.

15 (f) Each member is accountable to the appointing
16 authority for proper performance of his or her duties as a
17 member of the board and may be removed from office for
18 malfeasance, misfeasance, neglect of duty, drunkenness,
19 incompetence, permanent inability to perform official duties,
20 or for pleading guilty or nolo contendere to, or having been
21 adjudicated guilty of, a first degree misdemeanor or a felony.

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

26 (2)(a) Powers and duties of the board include, but are
27 not limited to:

28 1. Reporting to the Legislature as to the
29 implementation of a revised Career Service System for state
30 employees with specific recommendations relating to the
31 reclassification of selected exempt positions pursuant to

1 section 110.205, Florida Statutes, and the appropriate size of
2 the managerial and supervisory workforce.

3 2. Identifying legal barriers to civil service reform.

4 3. Making recommendations on the fair and equitable
5 treatment of public employees and the use of sound business
6 practices.

7 4. Recommending best management practices and
8 performance measures.

9 (b) The board may review proposed agency rules, advise
10 and appear before the Legislature in connection with
11 legislation that impacts the state civil service system,
12 advise on policy, administrative and legislative issues, and
13 appear before other state or federal agencies in connection
14 with matters impacting the civil service system.

15 (c) The board shall select a chair who shall be the
16 chief administrative officer of the board and shall have the
17 authority to plan, direct, coordinate, and execute the powers
18 and duties of the board.

19 (d) The board shall hold such meetings during the year
20 as it deems necessary, except that the chair, a quorum of the
21 board, or the division may call meetings. The board shall
22 maintain a record of each meeting. Such transcripts shall be
23 available to any interested person in accordance with chapter
24 119, Florida Statutes.

25 Section 48. Alternative benefits; tax-sheltered
26 annual-leave, sick-leave payments, and special compensation
27 payments.--

28 (1) The Department of Management Services has
29 authority to adopt tax-sheltered plans under section 401(a) of
30 the Internal Revenue Code for state employees who are eligible
31 for payment for accumulated leave. The department and the

1 Board of Regents, upon adoption of the plans, shall contract
2 for a private vendor or vendors to administer the plans. The
3 plans must provide benefits in a manner that minimizes the tax
4 liability of the state and participants. The plans must be
5 funded by employer contributions of payments for accumulated
6 leave or special compensation payments, or both, as specified
7 by the department and the Board of Regents. The plans must
8 have received all necessary federal and state approval as
9 required by law, must not adversely impact the qualified
10 status of the Florida Retirement System defined benefit or
11 defined contribution plans or the pretax benefits program, and
12 must comply with the provisions of section 112.65, Florida
13 Statutes. Adoption of the plan is contingent on: (a) the
14 department receiving favorable determination letters and
15 favorable private rulings from the Internal Revenue Service,
16 (b) the department negotiating under the provisions of chapter
17 447, Florida Statutes, where applicable; and (c) the
18 Comptroller making appropriate changes to the state payroll
19 system. The department's request for proposals by vendors for
20 such plans may require that the vendors provide market-risk or
21 volatility ratings from recognized rating agencies for each of
22 their investment products. The department and the Board of
23 Regents shall provide for a system of continuous
24 quality-assurance oversight to ensure that the program
25 objectives are achieved and that the program is prudently
26 managed.

27 (2) Within 30 days after termination of employment, an
28 employee may elect to withdraw the moneys without penalty by
29 the plan administrator. If any employee is adversely affected
30 financially by a plan, the plan shall include a provision
31

1 which will provide the employee with no less cash than if the
2 employee had not participated in the plan.

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

7 (4) Notwithstanding the terminal-pay provisions of
8 section 110.122, Florida Statutes, the department and the
9 Board of Regents shall contract for a tax-sheltered plan for
10 leave and special compensation pay for employees terminating
11 over age 55 with 10 years of service and for employees
12 participating in the Deferred Retirement Option Program by
13 July 1, 2001. The frequency of payments into the plan shall be
14 determined by the department or as provided in the General
15 Appropriations Act. This plan or plans shall provide the
16 greatest tax benefits to the employees and maximize the
17 savings to the state.

18 (5) The department and the Board of Regents shall
19 determine by rule the design of the plans and the eligibility
20 of participants.

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

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