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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 and 110.109, F.S., relating to  
8 personnel pilot projects, productivity  
9 improvement, and personnel audits of executive  
10 branch agencies; amending s. 110.1091, F.S.;  
11 revising provisions relating to programs to  
12 assist state employees; repealing s. 110.1095,  
13 F.S., relating to supervisory and management  
14 training and continuing education for executive  
15 branch agencies; amending s. 110.1099, F.S.;  
16 revising provisions relating to education and  
17 training opportunities for state employees;  
18 including courses at public community colleges  
19 and technical centers; providing for funding;  
20 amending s. 110.1127, F.S., relating to  
21 security background checks for certain state  
22 employee positions; amending s. 110.113, F.S.;  
23 requiring all state employees except those who  
24 receive an exemption to participate in the  
25 direct deposit program; amending s. 110.1245,  
26 F.S.; providing for a savings sharing program  
27 for employees whose proposals result in  
28 savings; providing for bonus payments;  
29 eliminating the meritorious service awards  
30 program; requiring that such bonuses be paid  
31 from funds authorized by the Legislature;

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

1 F.S., which provide for establishment of  
2 uniform classification and pay plans; amending  
3 s. 110.211, F.S.; revising requirements  
4 relating to recruitment and responsibility  
5 therefor and authorizing assistance by  
6 contracted vendors; removing a requirement for  
7 model recruitment rules; amending s. 110.213,  
8 F.S.; revising requirements relating to  
9 selection and responsibility therefor;  
10 requiring a probationary period for new  
11 employees; removing a requirement for model  
12 selection rules; amending s. 110.219, F.S.;

13 providing requirements for leave benefits for  
14 Senior Management Service employees; providing  
15 for a year-end payout of annual leave to  
16 specified employees under specified  
17 circumstances; amending s. 110.224, F.S.;

18 providing for a public employee performance  
19 evaluation system; providing requirements for  
20 the system; authorizing the department to adopt  
21 rules; amending s. 110.227, F.S.; prohibiting  
22 "bumping"; providing certain exceptions;  
23 providing requirements relating to  
24 implementation of layoffs and revising  
25 application of existing provisions prescribing  
26 layoff procedures; revising the definition of  
27 cause, for which a career service employee may  
28 be suspended or dismissed; revising certain  
29 agency head duties; providing procedures for  
30 the grievance process and specifying actions  
31 subject to such process; revising notice

1 requirements; providing procedures for appeals  
2 to the Public Employees Relations Commission  
3 and specifying actions subject to such appeal;  
4 providing requirements with respect to certain  
5 review of suspensions, dismissals, demotions,  
6 or reductions in pay; amending s. 110.233,  
7 F.S.; conforming language; amending s. 110.235,  
8 F.S.; requiring state agencies to implement  
9 training programs; amending s. 110.401, F.S.,  
10 relating to a declaration of policy; amending  
11 s. 110.403, F.S.; providing requirements for  
12 the professional development program for the  
13 Senior Management Service; increasing the  
14 number of authorized positions within the  
15 Senior Management Service; amending s. 110.601,  
16 F.S., relating to a declaration of policy;  
17 amending s. 110.602, F.S.; eliminating a  
18 limitation on the number of authorized  
19 positions within the Selected Exempt Service;  
20 amending s. 110.605, F.S., relating to  
21 maintenance of records and reports; amending s.  
22 110.606, F.S.; correcting language; amending  
23 ss. 288.708 and 440.4416, F.S.; correcting  
24 references and conforming language; amending s.  
25 216.262, F.S.; providing that the Legislative  
26 Budgeting Commission may authorize a state  
27 agency to retain moneys associated with  
28 eliminated positions under certain  
29 circumstances and providing for use of such  
30 moneys; amending s. 447.201, F.S., relating to  
31 public policy with respect to public employees;

1 amending s. 447.205, F.S.; conforming language;  
2 amending s. 447.207, F.S.; revising authority  
3 of the Public Employees Relations Commission to  
4 hear certain appeals; 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 who have  
9 violated the strike prohibition; amending s.  
10 112.215, F.S.; authorizing certain pretax  
11 trustee-to-trustee transfer of deferred  
12 compensation accounts; transferring the Public  
13 Employees Relations Commission from the  
14 Department of Labor and Employment Security to  
15 the Department of Management Services;  
16 transferring powers, duties, functions, rules,  
17 records, personnel, property, and unexpended  
18 balances; providing for the commission's  
19 independence under specified circumstances;  
20 requiring the department to adopt rules and  
21 providing for repeal of certain rules; creating  
22 s. 110.1315, F.S.; authorizing the department  
23 to contract for an alternative retirement  
24 income security program for temporary and  
25 seasonal employees; providing requirements for  
26 selecting a vendor; amending s. 447.403, F.S.;  
27 revising requirements for resolving an impasse  
28 in collective bargaining negotiations;  
29 prohibiting the appointment of a mediator if  
30 the Governor is the employer; requiring notice  
31 to the Legislature when an impasse exists;

1 providing for appointment of a joint select  
2 committee to recommend resolution; providing  
3 for legislative action; amending s. 216.163,  
4 F.S., relating to an impasse in collective  
5 bargaining negotiations; removing a requirement  
6 that the Governor furnish certain documentation  
7 to legislative appropriations committees;  
8 authorizing the department to develop  
9 tax-sheltered plans for state employees  
10 eligible for payment for accumulated leave;  
11 providing requirements with respect thereto;  
12 authorizing the department to contract for a  
13 tax-sheltered plan for leave and special  
14 compensation pay for certain employees;  
15 creating a Career Service Advisory Group;  
16 providing for appointment and qualifications of  
17 members; providing its duties; providing for  
18 expiration; providing an appropriation;  
19 providing for severability; providing effective  
20 dates.

21

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

23

24 Section 1. Paragraph (h) of subsection (3) of section  
25 20.23, Florida Statutes, is amended to read:26 20.23 Department of Transportation.--There is created  
27 a Department of Transportation which shall be a decentralized  
28 agency.

29 (3)

30 (h)1. The secretary shall appoint an inspector general  
31 pursuant to s. 20.055. ~~To comply with recommended professional~~

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

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

18           2. In addition to the authority and responsibilities  
19 herein provided, the inspector general is required to report  
20 to the:

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



1 authorize the public disclosure of information which is  
2 specifically prohibited from disclosure by any other provision  
3 of law.

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

12           Section 2. Sections 110.108 and 110.109, Florida  
13 Statutes, are repealed.

14           Section 3. Section 110.1091, Florida Statutes, is  
15 amended to read:

16           110.1091 Program for assisting state employees;  
17 confidentiality.--An ~~Each~~ employing state agency may provide a  
18 program to assist any of its state employees ~~employee~~ who have  
19 ~~has~~ a behavioral or medical disorder, substance abuse problem,  
20 or emotional difficulty that ~~which~~ affects their ~~the~~  
21 ~~employee's~~ job performance, through referral for counseling,  
22 therapy, or other professional treatment. Each employing state  
23 agency may designate community diagnostic and referral  
24 resources as necessary to implement the provisions of this  
25 section. Any communication between a state employee and  
26 personnel or service providers of a state employee assistance  
27 program relative to the employee's participation in the  
28 program shall be a confidential communication. Any routine  
29 monitoring of telephone calls by the state agency does not  
30 violate this provision. All records relative to that  
31 participation shall be confidential and exempt from the

1 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
2 Constitution. This section is subject to the Open Government  
3 Sunset Review Act of 1995 in accordance with s. 119.15, and  
4 shall stand repealed on October 2, 2003, unless reviewed and  
5 saved from repeal through reenactment by the Legislature.

6 Section 4. Section 110.1095, Florida Statutes, is  
7 repealed.

8 Section 5. Effective July 1, 2001, section 110.1099,  
9 Florida Statutes, is amended to read:

10 110.1099 Education and training opportunities for  
11 state employees.--

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

14 Recognizing that the application of productivity-enhancing  
15 technology and practice demands ~~demand~~ continuous educational  
16 and training opportunities, a state employee ~~employees~~ may be  
17 authorized to receive a voucher or grant, for matriculation  
18 fees, fundable tuition waivers on a space-available basis or  
19 vouchers to attend work-related courses at public community  
20 colleges, public technical centers, or public universities.  
21 Student credit hours generated by state employee fee waivers  
22 shall be fundable credit hours. The department may implement  
23 the provisions of this section from funds appropriated to the  
24 department for this purpose. In the event insufficient funds  
25 are appropriated to the department, each state agency may  
26 supplement these funds to support the training and education  
27 needs of its employees from funds appropriated to the agency.

28 (2) The department, in conjunction with the agencies,  
29 shall request that public universities ~~such institutions~~  
30 provide evening and weekend programs for state employees. When  
31 evening and weekend training and educational programs are not

1 available, an employee ~~employees~~ may be authorized to take  
2 paid time off during his or her ~~their~~ regular working hours  
3 for training and career development, as provided in s.  
4 110.105(1), if such training benefits the employer as  
5 determined by that employee's agency head.

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

11 ~~(4)~~ ~~Such employees~~ must enter into a contract  
12 ~~contracts~~ to return to state employment for a period of time  
13 equal to the length of the leave of absence or refund salary  
14 and benefits paid during his or her ~~their~~ educational leave  
15 ~~leaves~~ of absence.

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

20 ~~(4)(6)~~ As a precondition to approving an employee's  
21 training request, an agency or the judicial branch may require  
22 an employee to enter into an agreement that requires the  
23 employee to reimburse the agency or judicial branch for the  
24 registration fee or similar expense for any training or  
25 training series when the cost of the fee or similar expense  
26 exceeds \$1,000 if the employee voluntarily terminates  
27 employment or is discharged for cause from the agency or  
28 judicial branch within a specified period of time not to  
29 exceed ~~exceeding~~ 4 years after the conclusion of the training.  
30 This subsection does not apply to any training program that an  
31 agency or the judicial branch requires an ~~the~~ employee to

1 attend. An agency or the judicial branch may pay the  
2 outstanding balance then due and owing on behalf of a state  
3 employee under this subsection in connection with recruitment  
4 and hiring of such state employee.

5 (5) The Department of Management Services, in  
6 consultation with the agencies and, to the extent applicable,  
7 with Florida's public community colleges, public technical  
8 centers, and public universities, shall adopt rules to  
9 administer this section.

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

12 110.1127 Employee security checks.--

13 (1) Each employing agency shall designate those  
14 employee ~~such of its positions that of state employment which,~~  
15 because of the special trust or responsibility or sensitive  
16 location of those ~~such~~ positions, require that persons  
17 occupying those ~~such~~ positions be subject to a security  
18 background check, including fingerprinting, as a condition of  
19 employment.

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

22 110.113 Pay periods for state officers and employees;  
23 salary payments by direct deposit.--

24 (2) As a condition of employment, a person appointed  
25 to a position in state government ~~on or after July 1, 1996,~~ is  
26 required to participate in the direct deposit program pursuant  
27 to s. 17.076. ~~This subsection does not apply to persons who~~  
28 ~~are in the employment of the state on July 1, 1996, and~~  
29 ~~subsequently receive promotion appointments, transfers, or~~  
30 ~~other changes in positions within the same personnel system~~  
31 ~~after July 1, 1996.~~ An employee may request an exemption from

1 the provisions of this subsection when such employee can  
2 demonstrate a hardship or when such employee is in an  
3 other-personal-services position.

4 Section 8. Section 110.1245, Florida Statutes, is  
5 amended to read:

6 110.1245 Savings sharing program; bonus payments;  
7 other awards ~~Meritorious service awards program.--~~

8 (1)(a) The Department of Management Services shall  
9 adopt rules that prescribe set policy, develop procedures, and  
10 promote a savings sharing program for an individual or group  
11 of employees who propose procedures or ideas that are adopted  
12 and that result in eliminating or reducing state expenditures,  
13 if such proposals are placed in effect and may be implemented  
14 under current statutory authority. ~~of meritorious service~~  
15 ~~awards, incentives, and recognition to employees who:~~

16 ~~(a) Propose procedures or ideas which are adopted and~~  
17 ~~which will result in increasing productivity, in eliminating~~  
18 ~~or reducing state expenditures or improving operations, or in~~  
19 ~~generating additional revenues, provided such proposals are~~  
20 ~~placed in effect and can be implemented under current~~  
21 ~~statutory authority; or~~

22 (b) Each agency head shall recommend employees  
23 individually or by group to be awarded an amount of money,  
24 which amount shall be directly related to the cost savings  
25 realized. Each proposed award and amount of money must be  
26 approved by the Legislative Budgeting Commission. ~~By their~~  
27 ~~superior accomplishments, make exceptional contributions to~~  
28 ~~the efficiency, economy, or other improvement in the~~  
29 ~~operations of the state government.~~

30 (c) Each ~~Every~~ state agency, unless otherwise provided  
31 by law, may ~~shall~~ participate in the program. The Chief

1 Justice shall have the authority to establish a savings  
2 sharing ~~meritorious service awards~~ program for employees of  
3 the judicial branch within the parameters established in this  
4 section. The ~~component of the program specified in paragraph~~  
5 ~~(a)~~ shall apply to all employees within the Career Service  
6 System, the Selected Exempt Service System, and comparable  
7 employees within the judicial branch. ~~The component of the~~  
8 ~~program specified in paragraph (b) shall apply to all~~  
9 ~~employees of the state. No award granted under the component~~  
10 ~~of the program described in paragraph (a) shall exceed 10~~  
11 ~~percent of the first year's actual savings or actual revenue~~  
12 ~~increase, up to \$25,000, plus applicable taxes, unless a~~  
13 ~~larger award is made by the Legislature, and shall be paid~~  
14 ~~from the appropriation available to the judicial branch or~~  
15 ~~state agency affected by the award or from any specific~~  
16 ~~appropriation therefor. No award granted under the component~~  
17 ~~of the program described in paragraph (b) shall exceed \$1,000~~  
18 ~~plus applicable taxes per individual employee. The judicial~~  
19 ~~branch or an agency may award savings bonds or other items in~~  
20 ~~lieu of cash awards, provided that the cost of such item does~~  
21 ~~not exceed the limits specified in this subsection. In~~  
22 ~~addition, the judicial branch or a state agency may award~~  
23 ~~certificates, pins, plaques, letters of commendation, and~~  
24 ~~other tokens of recognition of meritorious service to an~~  
25 ~~employee eligible for recognition under either component of~~  
26 ~~the program, provided that the award may not cost in excess of~~  
27 ~~\$100 each plus applicable taxes.~~

28 (d)(2) The department and the judicial branch shall  
29 submit annually to the President of the Senate and the Speaker  
30 of the House of Representatives information that outlines each  
31 agency's level of participation in the savings sharing

1 ~~meritorious service awards~~ program. The information shall  
2 ~~must~~ include, but is not limited to:

3       1.~~(a)~~ The number of proposals made.

4       2.~~(b)~~ The number of dollars and awards made to  
5 employees or groups for adopted proposals.

6       3.~~(c)~~ The actual cost savings realized as a result of  
7 implementing employee or group proposals.

8       4. The number of employees or groups recognized for  
9 superior accomplishments.

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

12       ~~(e) The number of employees recognized for superior~~  
13 ~~accomplishments.~~

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

16       (2) In June of each year, bonuses shall be paid to  
17 employees from funds authorized by the Legislature in an  
18 appropriation specifically for bonuses. Each agency shall  
19 develop a plan for awarding lump-sum bonuses, which plan shall  
20 be submitted no later than September 15 of each year and  
21 approved by the Office of Policy and Budget in the Executive  
22 Office of the Governor. Such plan shall include, at a minimum,  
23 but is not limited to:

24       (a) A statement that bonuses are subject to specific  
25 appropriation by the Legislature.

26       (b) Eligibility criteria as follows:

27       1. The employee must have been employed prior to July  
28 1 of that fiscal year and have been continuously employed  
29 through the date of distribution.

30

31

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

4           3. The employee must have had no sustained  
5 disciplinary action during the period beginning July 1 through  
6 the date the bonus checks are distributed. Disciplinary  
7 actions include written reprimands, suspensions, dismissals,  
8 and involuntary or voluntary demotions that were associated  
9 with a disciplinary action.

10           4. The employee must have demonstrated a commitment to  
11 the agency mission by reducing the burden on those served,  
12 continually improving the way business is conducted, producing  
13 results in the form of increased outputs, and working to  
14 improve processes.

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

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

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

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

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

26           (f) A limitation on bonus distributions equal to 35  
27 percent of the agency's total authorized positions. This  
28 requirement may be waived by the Office of Policy and Budget  
29 in the Executive Office of the Governor upon a showing of  
30 exceptional circumstances.

31



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

7           (4) Each department head is authorized to incur  
8 expenditures to award suitable framed certificates, pins, or  
9 other tokens of recognition to state employees who have  
10 achieved increments of 5 years of satisfactory service in the  
11 agency or to the state, in appreciation and recognition of  
12 such service. Such awards may not cost in excess of \$100~~\$50~~  
13 each plus applicable taxes.

14           (5) Each department head is authorized to incur  
15 expenditures not to exceed \$100 each plus applicable taxes for  
16 suitable framed certificates, plaques, or other tokens of  
17 recognition to any appointed member of a state board or  
18 commission whose service to the state has been satisfactory,  
19 in appreciation and recognition of such service upon the  
20 expiration of such board or commission member's final term in  
21 such position.

22           Section 9. Section 110.1246, Florida Statutes, is  
23 repealed.

24           Section 10. Subsections (1) and (2) of section  
25 110.129, Florida Statutes, are amended to read:

26           110.129 Services to political subdivisions.--

27           (1) Upon request, the department may enter into a  
28 formal agreement ~~agreements~~ with any municipality or political  
29 subdivision of the state to furnish technical assistance to  
30 improve the system or methods of personnel administration of  
31 that ~~such~~ municipality or political subdivision. The

1 department shall provide such assistance within the  
2 limitations of available staff, funds, and other resources.  
3 All municipalities and political subdivisions of the state are  
4 authorized to enter into such agreements.

5 (2) Technical assistance includes ~~may include~~, but is  
6 ~~shall not be~~ limited to, providing technical advice, written  
7 reports, or ~~and~~ other information or materials that ~~and~~ may  
8 cover such subjects as management and personnel systems,  
9 central administrative and support services, employee  
10 training, and employee productivity.

11 Section 11. Effective July 1, 2001, subsection (2) of  
12 section 110.131, Florida Statutes, is amended to read:

13 110.131 Other-personal-services temporary  
14 employment.--

15 (2) An agency may employ any qualified individual in  
16 other-personal-services temporary employment for 1,040 hours  
17 within any 12-month period. An extension beyond a total of  
18 1,040 hours within an agency for any individual requires a  
19 recommendation by the approval of the agency head and approval  
20 by the Executive Office of the Governor or a designee.  
21 Approval of extensions shall be made in accordance with  
22 criteria established by the department. Each agency shall  
23 maintain employee information as specified by the department  
24 regarding each extension of other-personal-services temporary  
25 employment. The time limitation established by this  
26 subsection does not apply to board members, consultants,  
27 seasonal employees, institutional clients employed as part of  
28 their rehabilitation, ~~or~~ bona fide, degree-seeking students in  
29 accredited secondary or postsecondary educational programs,  
30 employees hired to deal with an emergency situation that  
31 affects the public health, safety, or welfare, or employees

1 hired for a project that is identified by a specific  
2 appropriation or time-limited grant.

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

5 110.203 Definitions.--For the purpose of this part and  
6 the personnel affairs of the state:

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

11 (18) "Promotion" means ~~the changing of~~ the  
12 classification of an employee to a class having a higher  
13 maximum salary; or the changing of the classification of an  
14 employee to a class having the same or a lower maximum salary  
15 but a higher level of responsibility as determined by the  
16 Department of Management Services.

17 (19) "Demotion" means ~~the changing of~~ the  
18 classification of an employee to a class having a lower  
19 maximum salary; or the changing of the classification of an  
20 employee to a class having the same or a higher maximum salary  
21 but a lower level of responsibility as determined by the  
22 Department of Management Services.

23 Section 13. Effective July 1, 2001, subsections (22),  
24 (23), and (24) of section 110.203, Florida Statutes, are  
25 amended, and subsections (28), (29), and (30) are added to  
26 said section, to read:

27 110.203 Definitions.--For the purpose of this part and  
28 the personnel affairs of the state:

29 (22) "Dismissal" means a disciplinary action taken by  
30 an agency pursuant to s. 110.227 against an employee resulting

31

1 in termination of his or her employment ~~for a violation of~~  
2 ~~agency standards or for cause pursuant to s. 110.227.~~

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

8 (24) "Layoff" means termination of employment due to  
9 abolishment of positions necessitated by a shortage of funds  
10 or work, or a material change in the duties or organization of  
11 an agency, including the outsourcing or privatization of an  
12 activity or function previously performed by career service  
13 employees.

14 (28) "Firefighter" means a firefighter certified under  
15 chapter 633.

16 (29) "Law enforcement or correctional officer" means a  
17 law enforcement officer, special agent, correctional officer,  
18 correctional probation officer, or institutional security  
19 specialist required to be certified under chapter 943.

20 (30) "Professional health care provider" means  
21 registered nurses licensed under chapter 464, dentists  
22 licensed under chapter 466, psychologists licensed under  
23 chapter 490 or chapter 491, nutritionists or dietitians  
24 licensed under part X of chapter 468, pharmacists licensed  
25 under chapter 465, psychological specialists licensed under  
26 chapter 491, physical therapists licensed under chapter 486,  
27 and speech therapists licensed under part I of chapter 468.

28 Section 14. Section 110.2035, Florida Statutes, is  
29 created to read:

30 110.2035 Classification and compensation program.--  
31

1           (1) The Department of Management Services, in  
2 consultation with the Executive Office of the Governor and the  
3 Legislature, shall develop a classification and compensation  
4 program. This program shall be developed for use by all state  
5 agencies and shall address Career Service, Select Exempt  
6 Service, and Senior Management Service classes.

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

8           (a) A position classification system using no more  
9 than 50 occupational groups and up to a 6-class series  
10 structure for each occupation within an occupational group.  
11 Additional occupational groups may be established only by the  
12 Executive Office of the Governor after consultation with the  
13 Legislature.

14           (b) A pay plan that shall provide broad-based salary  
15 ranges for each occupational group.

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

18           (a) The classification system must significantly  
19 reduce the need to reclassify positions due to work assignment  
20 and organizational changes by decreasing the number of  
21 classification changes required.

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

25           (c) The classification system and pay plan must  
26 emphasize pay administration and job-performance evaluation by  
27 management rather than emphasize use of the classification  
28 system to award salary increases.

29           (d) The pay administration system must contain  
30 provisions to allow managers the flexibility to move employees  
31

1 through the pay ranges and provide for salary increase  
2 additives and lump-sum bonuses.

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

7 (5) The Department of Management Services shall submit  
8 the proposed design of the classification and compensation  
9 program to the Executive Office of the Governor, the presiding  
10 officers of the Legislature, and the appropriate legislative  
11 fiscal and substantive standing committees on or before  
12 December 1, 2001.

13 (6) The department shall establish, by rule,  
14 guidelines with respect to, and shall delegate to the  
15 employing agencies, where appropriate, the authority to  
16 administer the following:

- 17 (a) Shift differentials.  
18 (b) On-call fees.  
19 (c) Hazardous-duty pay.  
20 (d) Advanced appointment rates.  
21 (e) Salary increase and decrease corrections.  
22 (f) Lead-worker pay.  
23 (g) Temporary special duties pay.  
24 (h) Trainer-additive pay.  
25 (i) Competitive area differentials.  
26 (j) Coordinator pay.  
27 (k) Critical market pay.

28  
29 The employing agency must use such pay additives as are  
30 appropriate within the guidelines established by the  
31 department and shall advise the department in writing of the

1 plan for implementing such pay additives prior to the  
2 implementation date. Any action by an employing agency to  
3 implement temporary special duties pay, competitive area  
4 differentials, or critical market pay may be implemented only  
5 after the department has reviewed and recommended such action;  
6 however, an employing agency may use temporary special duties  
7 pay for up to 3 months without prior review by the department.  
8 The department shall annually provide a summary report of the  
9 pay additives implemented pursuant to this section.

10 Section 15. Subsection (2) of section 110.205, Florida  
11 Statutes, is amended, and subsection (7) is added to said  
12 section, to read:

13 110.205 Career service; exemptions.--

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

20 (a) All officers of the executive branch elected by  
21 popular vote and persons appointed to fill vacancies in such  
22 offices. Unless otherwise fixed by law, the salary and  
23 benefits for any such officer who serves as the head of a  
24 department shall be set by the department in accordance with  
25 the rules of the Senior Management Service.

26 (b) All members, officers, and employees of the  
27 legislative branch, except for the members, officers, and  
28 employees of the Florida Public Service Commission.

29 (c) All members, officers, and employees of the  
30 judicial branch.

31

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

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

20           (f) Judges, referees, and receivers.

21           (g) Patients or inmates in state institutions.

22           (h) All positions that ~~which~~ are established for a  
23 limited period of time for the purpose of conducting a special  
24 study, project, or investigation and any person paid from an  
25 other-personal-services appropriation. Unless otherwise fixed  
26 by law, the salaries for such positions and persons shall be  
27 set in accordance with rules established by the employing  
28 agency for other-personal-services payments pursuant to s.  
29 110.131.

30           (i) The appointed secretaries, assistant secretaries,  
31 deputy secretaries, and deputy assistant secretaries of all



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

19 (j) The personal secretary to the incumbent of each  
20 position exempted in paragraph (a), and to each appointed  
21 secretary, assistant secretary, deputy secretary, executive  
22 director, assistant executive director, and deputy executive  
23 director of each department under paragraph (i). Unless  
24 otherwise fixed by law, the department shall set the salary  
25 and benefits of these positions in accordance with the rules  
26 of the Selected Exempt Service.

27 (k) All officers and employees in the office of the  
28 Governor, including all employees at the Governor's mansion,  
29 and employees within each separate budget entity, as defined  
30 in chapter 216, assigned to the Governor. Unless otherwise  
31

1 fixed by law, the salary and benefits of these positions shall  
2 be set by the department as follows:

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

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

27           (1) All assistant division director, deputy division  
28 director, and bureau chief positions in any department, and  
29 those positions determined by the department to have  
30 managerial responsibilities comparable to such positions,  
31 which positions include, but are not limited to, positions in

1 the Department of Health, the Department of Children and  
2 Family Services, and the Department of Corrections that are  
3 assigned primary duties of serving as the superintendent or  
4 assistant superintendent, or warden or assistant warden, of an  
5 institution; positions in the Department of Corrections that  
6 are assigned primary duties of serving as the circuit  
7 administrator or deputy circuit administrator; positions in  
8 the Department of Transportation that are assigned primary  
9 duties of serving as regional toll managers and managers of  
10 offices as defined in s. 20.23(3)(d)3. and (4)(d); positions  
11 in the Department of Environmental Protection that are  
12 assigned the duty of an Environmental Administrator or program  
13 administrator; those positions described in s. 20.171 as  
14 included in the Senior Management Service; and positions in  
15 the Department of Health that are assigned the duties of  
16 Environmental Administrator, Assistant County Health  
17 Department Director, and County Health Department Financial  
18 Administrator. Unless otherwise fixed by law, the department  
19 shall set the salary and benefits of these positions in  
20 accordance with the rules established for the Selected Exempt  
21 Service.

22 (m)1.a. In addition to those positions exempted by  
23 other paragraphs of this subsection, each department head may  
24 designate a maximum of 20 policymaking or managerial  
25 positions, as defined by the department and approved by the  
26 Administration Commission, as being exempt from the Career  
27 Service System. Career service employees who occupy a position  
28 designated as a position in the Selected Exempt Service under  
29 this paragraph shall have the right to remain in the Career  
30 Service System by opting to serve in a position not exempted  
31 by the employing agency. Unless otherwise fixed by law, the

1 department shall set the salary and benefits of these  
2 positions in accordance with the rules of the Selected Exempt  
3 Service; provided, however, that if the agency head determines  
4 that the general counsel, chief Cabinet aide, public  
5 information administrator or comparable position for a Cabinet  
6 officer, inspector general, or legislative affairs director  
7 has both policymaking and managerial responsibilities and if  
8 the department determines that any such position has both  
9 policymaking and managerial responsibilities, the salary and  
10 benefits for each such position shall be established by the  
11 department in accordance with the rules of the Senior  
12 Management Service.

13         b. In addition, each department may designate one  
14 additional position in the Senior Management Service if that  
15 position reports directly to the agency head or to a position  
16 in the Senior Management Service and if any additional costs  
17 are absorbed from the existing budget of that department.

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

27         (n) The executive director, deputy executive director,  
28 general counsel, official reporters, and division directors  
29 within the Public Service Commission and the personal  
30 secretary and personal assistant to each member of the Public  
31 Service Commission. Unless otherwise fixed by law, the salary

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

15 (o)1. All military personnel of the Department of  
16 Military Affairs. Unless otherwise fixed by law, the salary  
17 and benefits for such military personnel shall be set by the  
18 Department of Military Affairs in accordance with the  
19 appropriate military pay schedule.

20 2. The military police chiefs, military police  
21 officers, firefighter trainers, firefighter-rescuers, and  
22 electronic security system technicians shall have salary and  
23 benefits the same as career service employees.

24 (p) The staff directors, assistant staff directors,  
25 district program managers, district program coordinators,  
26 district subdistrict administrators, district administrative  
27 services directors, district attorneys, and the Deputy  
28 Director of Central Operations Services of the Department of  
29 Children and Family Services and the county health department  
30 directors and county health department administrators of the  
31 Department of Health. Unless otherwise fixed by law, the

1 department shall establish the salary range and benefits for  
2 these positions in accordance with the rules of the Selected  
3 Exempt Service.

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

23 (r) The statewide prosecutor in charge of the Office  
24 of Statewide Prosecution of the Department of Legal Affairs  
25 and all employees in the office. The Department of Legal  
26 Affairs shall set the salary of these positions.

27 (s) The executive director of each board or commission  
28 established within the Department of Business and Professional  
29 Regulation or the Department of Health. Unless otherwise fixed  
30 by law, the department shall establish the salary and benefits  
31

1 for these positions in accordance with the rules established  
2 for the Selected Exempt Service.

3 (t) All officers and employees of the State Board of  
4 Administration. The State Board of Administration shall set  
5 the salaries and benefits of these positions.

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

9 (v) Effective July 1, 2001, managerial employees, as  
10 defined in s. 447.203(4), confidential employees, as defined  
11 in s. 447.203(5), and supervisory employees who spend the  
12 majority of their time communicating with, motivating,  
13 training, and evaluating employees, and planning and directing  
14 employees' work, and who have the authority to hire, transfer,  
15 suspend, lay off, recall, promote, discharge, assign, reward,  
16 or discipline subordinate employees or effectively recommend  
17 such action, including all employees serving as supervisors,  
18 administrators, and directors. Excluded are employees also  
19 designated as special risk or special risk administrative  
20 support, attorneys who serve as administrative law judges  
21 pursuant to s. 120.65 or for hearings conducted pursuant to s.  
22 120.57(1)(a). Additionally, registered nurses licensed under  
23 chapter 464, dentists licensed under chapter 466,  
24 psychologists licensed under chapter 490 or chapter 491,  
25 nutritionists or dietitians licensed under part X of chapter  
26 468, pharmacists licensed under chapter 465, psychological  
27 specialists licensed under chapter 491, physical therapists  
28 licensed under chapter 486, and speech therapists licensed  
29 under part I of chapter 468 are excluded, unless otherwise  
30 collectively bargained.

31

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

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

8           Section 17. Section 110.211, Florida Statutes, is  
9 amended to read:

10           110.211 Recruitment.--

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

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

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

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

30           (4)(5) All recruitment literature printed after July  
31 1, 1979, involving state position vacancies shall contain the



1 phrase "An Equal Opportunity Employer/Affirmative Action  
2 Employer."

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

12 Section 18. Section 110.213, Florida Statutes, is  
13 amended to read:

14 110.213 Selection.--

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

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

24 (1)(3) Selection for appointment from among the most  
25 qualified candidates available eligibles shall be the sole  
26 responsibility of the employing agency. Effective July 1,  
27 2001, all new employees must successfully complete at least a  
28 1-year probationary period before attainment of permanent  
29 status.

30 (2) Selection shall reflect efficiency and simplicity  
31 in hiring procedures. The agency head or his or her designee

1 shall be required to document the qualifications of the  
2 selected candidate to ensure that the candidate meets the  
3 minimum qualifications and possesses the requisite knowledge,  
4 skills, and abilities for the position. No other documentation  
5 or justification shall be required prior to selecting a  
6 candidate for a position.

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

16 Section 19. Effective July 1, 2001, subsection (6) is  
17 added to section 110.219, Florida Statutes, and, effective  
18 January 1, 2002, subsection (7) is added to said section, to  
19 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 20. 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 21. 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, firefighters, or professional health care providers,  
18 rules regarding layoff procedures shall not include any system  
19 whereby a career service employee with greater seniority has  
20 the option of selecting a different position not being  
21 eliminated, but either vacant or already occupied by an  
22 employee of less seniority, and taking that position, commonly  
23 referred to as "bumping." For the implementation of layoffs as  
24 defined in s. 110.203, the department shall develop rules  
25 requiring that consideration be given to comparative merit,  
26 demonstrated skills, and the employee's experience.Such rules  
27 shall be approved by the Administration Commission prior to  
28 their adoption by the department.

29 (3)(a) With regard to law enforcement or correctional  
30 officers, firefighters, or professional health care providers,  
31 when a layoff becomes necessary, such layoff shall be

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

8 (b) With regard to law enforcement or correctional  
9 officers, firefighters, or professional health care providers,  
10 layoff procedures shall be developed to establish the relative  
11 merit and fitness of employees and shall include a formula for  
12 uniform application among all employees in the competitive  
13 area, taking into consideration the type of appointment, the  
14 length of service, and the evaluations of the employee's  
15 performance within the last 5 years of employment.

16 Section 22. Effective July 1, 2001, subsections (1),  
17 (4), (5), (6), and (7) of section 110.227, Florida Statutes,  
18 are amended to read:

19 110.227 Suspensions, dismissals, reductions in pay,  
20 demotions, layoffs, transfers, and grievances.--

21 (1) Any employee who has permanent status in the  
22 career service may ~~only~~ be suspended or dismissed only for  
23 cause. Cause shall include, but is not ~~be~~ limited to, poor  
24 performance, negligence, inefficiency or inability to perform  
25 assigned duties, insubordination, willful violation of the  
26 provisions of law or agency rules, conduct unbecoming a public  
27 employee, misconduct, habitual drug abuse, or conviction of  
28 any crime ~~involving moral turpitude~~. The ~~Each~~ agency head  
29 shall ensure that all employees of the agency have reasonable  
30 access to the agency's personnel manual ~~are completely~~

31

1 ~~familiar with the agency's established procedures on~~  
2 ~~disciplinary actions and grievances.~~

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

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

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

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

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

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

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

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

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



1 circumstances. A party requesting discovery shall demonstrate  
2 a substantial need for the information requested and an  
3 inability to obtain relevant information by other means.  
4 Except where inconsistent with the requirements of this  
5 subsection, the provisions of s. 447.503(4) and (5) and  
6 chapter 120 apply to proceedings held pursuant to this  
7 subsection.

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

12 (c) If the commission finds that cause did not exist  
13 for the agency action, the commission shall reverse the  
14 decision of the agency head and the employee shall be  
15 reinstated with or without back pay. If the commission finds  
16 that cause existed for the agency action, the commission shall  
17 affirm the decision of the agency head. The commission may not  
18 reduce the penalty imposed by the agency head, except in the  
19 case of law enforcement or correctional officers,  
20 firefighters, and professional health care providers, if the  
21 commission makes specific written findings of mitigation.

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

29 (e) Final orders issued by the commission pursuant to  
30 paragraph (d) shall be reviewable as provided in s. 447.504.  
31 ~~grievance process shall be available to career service~~

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

12           (7) Other than for law enforcement or correctional  
13 officers, firefighters, and professional health care  
14 providers, each suspension, dismissal, demotion, or reduction  
15 in pay must be reviewed without consideration of any other  
16 case or set of facts.~~The department shall adopt rules for~~  
17 ~~administration of the grievance process for career service~~  
18 ~~employees. Such rules shall establish agency grievance~~  
19 ~~procedures, eligibility, filing deadlines, forms, and review~~  
20 ~~and evaluation governing the grievance process.~~

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

23           110.233 Political activities and unlawful acts  
24 prohibited.--

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

30           (a) Hold, or be a candidate for, public office while  
31 in the employment of the state or take any active part in a

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

12 Section 24. Subsection (1) of section 110.235, Florida  
13 Statutes, is amended to read:

14 110.235 Training.--

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

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

24 110.401 Declaration of policy.--~~It is the intent of~~  
25 This part creates ~~to create~~ a uniform system for attracting,  
26 retaining, and developing highly competent senior-level  
27 managers at the highest executive-management-level agency  
28 positions in order for the highly complex programs and  
29 agencies of state government to function effectively,  
30 efficiently, and productively. The Legislature recognizes that  
31 senior-level management is an established profession and that

1 the public interest is best served by developing and refining  
2 the management skills of its Senior Management Service  
3 employees. Accordingly ~~To this end~~, training and  
4 management-development programs are regarded as a major  
5 administrative function within agencies.

6 Section 26. Subsections (3), (4), and (5) of section  
7 110.403, Florida Statutes, are amended to read:

8 110.403 Powers and duties of the department ~~of~~  
9 ~~Management Services~~.--

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

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

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

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

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

30 4. Strategic planning. This topic provides the skills  
31 for defining agency business processes, measuring performance

1 of such processes, and reengineering such processes for  
2 improved efficiency and effectiveness.

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

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

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

28 (4) All policies and procedures adopted by the  
29 department ~~of Management Services~~ regarding the Senior  
30 Management Service shall comply with all federal regulations  
31

1 necessary to permit the state agencies to be eligible to  
2 receive federal funds.

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

11 Section 27. Effective July 1, 2001, paragraph (a) of  
12 subsection (1) of section 110.403, Florida Statutes, is  
13 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 28. 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 29. Effective July 1, 2001, section 110.602,  
23 Florida Statutes, is 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 30. 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 31. 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 32. 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 33. 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 34. 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 Budgeting Commission.

29           b. The Legislative Budgeting Commission shall  
30 authorize the agency to retain 20 percent of the salary  
31 dollars associated with the eliminated positions and may

1 authorize retention of a greater percentage. All such salary  
2 dollars shall be used for permanent salary increases.

3 Section 35. Section 447.201, Florida Statutes, is  
4 amended to read:

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

17 (1) Granting to public employees the right of  
18 organization and representation;

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

22 (3) Creating a Public Employees Relations Commission  
23 to assist in resolving disputes between public employees and  
24 public employers; and

25 (4) Recognizing the constitutional prohibition against  
26 strikes by public employees and providing remedies for  
27 violations of such prohibition.

28 Section 36. Effective July 1, 2001, subsections (1),  
29 (3), and (4) of section 447.205, Florida Statutes, are amended  
30 to read:

31 447.205 Public Employees Relations Commission.--

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

1 provisions of this part. Once appointed to the office of  
2 chair, the chair shall serve as chair for the duration of the  
3 term of office of chair. Nothing contained herein prohibits a  
4 chair or commissioner from serving multiple terms.

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

9 (4) The property, personnel, and appropriations  
10 related to the commission's specified authority, powers,  
11 duties, and responsibilities shall be provided to the  
12 commission by the Department of Management Services ~~Labor and~~  
13 ~~Employment Security~~.

14 Section 37. Subsection (8) of section 447.207, Florida  
15 Statutes, is amended to read:

16 447.207 Commission; powers and duties.--

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

26 Section 38. Section 447.208, Florida Statutes, is  
27 amended to read:

28 447.208 Procedure with respect to certain appeals  
29 under s. 447.207.--

30 (1) Any person filing an appeal pursuant to ~~subsection~~  
31 ~~(8) or~~ subsection (9) of s. 447.207 shall be entitled to a

1 hearing pursuant to subsections (4) and (5) of s. 447.503 and  
2 in accordance with chapter 120; however, the hearing shall be  
3 conducted within 30 days of the filing of an appeal with the  
4 commission, unless an extension of time is granted by the  
5 commission for good cause. Discovery may be granted only upon  
6 a showing of extraordinary circumstances. A party requesting  
7 discovery shall demonstrate a substantial need for the  
8 information requested and an inability to obtain relevant  
9 information by other means. To the extent that chapter 120 is  
10 inconsistent with these provisions, the procedures contained  
11 in this section shall govern.

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

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

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

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

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

31

1           ~~(d) The commission is limited in its discretionary~~  
2 ~~reduction of dismissals and suspensions to consider only the~~  
3 ~~following circumstances:~~

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

6           2. ~~Action taken with respect to similar conduct by~~  
7 ~~other employees.~~

8           3. ~~The previous employment record and disciplinary~~  
9 ~~record of the employee.~~

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

15  
16 ~~The agency may present evidence to refute the existence of~~  
17 ~~these circumstances.~~

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



1           Section 39. Paragraph (a) of subsection (5) of section  
2 447.507, Florida Statutes, is amended to read:

3           447.507 Violation of strike prohibition; penalties.--

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

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

19           Section 40. Subsection (13) is added to section  
20 112.215, Florida Statutes, to read:

21           112.215 Government employees; deferred compensation  
22 program.--

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

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

1 the commission's specified authority, powers, duties, and  
2 responsibilities are transferred by a type one transfer, as  
3 defined in section 20.06(1), Florida Statutes, to the  
4 Department of Management Services. The independence of the  
5 commission in matters relating to the disposition of all  
6 cases, including Career Service appeals, shall be preserved.

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

14 Section 43. Section 110.1315, Florida Statutes, is  
15 created to read:

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

1 employees and the state. The proposal must comply with all  
2 necessary federal and state laws and rules.

3 Section 44. Subsections (1) and (2) of section  
4 447.403, Florida Statutes, are amended, and subsection (5) is  
5 added to said section, to read:

6 447.403 Resolution of impasses.--

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

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

30 (b) If the Governor is the public employer, no special  
31 master shall be appointed. The parties may proceed directly to

1 the Legislature for resolution of the impasse pursuant to  
2 paragraph (4)(d).

3 (5)(a) Within 5 days after the beginning of the  
4 impasse period in accordance with s. 216.163(6), each party  
5 shall notify the President of the Senate and the Speaker of  
6 the House of Representatives as to all unresolved issues. Upon  
7 receipt of the notification, the presiding officers shall  
8 appoint a joint select committee to review the position of the  
9 parties and render a recommended resolution of all issues  
10 remaining at impasse. The recommended resolution shall be  
11 returned by the joint select committee to the presiding  
12 officers not later than 10 days prior to the date upon which  
13 the legislative session is scheduled to commence. During the  
14 legislative session, the Legislature shall take action in  
15 accordance with this section.

16 (b) Any actions taken by the Legislature shall bind  
17 the parties in accordance with paragraph (4)(c).

18 Section 45. Notwithstanding section 216.351, Florida  
19 Statutes, subsection (6) of section 216.163, Florida Statutes,  
20 is amended to read:

21 216.163 Governor's recommended budget; form and  
22 content; declaration of collective bargaining impasses.--

23 (6) At the time the Governor is required to furnish  
24 copies of his or her recommended budget to each senator and  
25 representative under s. 216.162(1), the Governor shall declare  
26 an impasse in all collective bargaining negotiations for which  
27 he or she is deemed to be the public employer and for which a  
28 collective bargaining agreement has not been executed. ~~Within~~  
29 ~~14 days thereafter, the Governor shall furnish the legislative~~  
30 ~~appropriations committees with documentation relating to the~~  
31 ~~last offer he or she made during such collective bargaining~~

1 ~~negotiations or recommended to a mediator or special master~~  
2 ~~appointed to resolve the impasse.~~

3       Section 46. Alternative benefits; tax-sheltered annual  
4 leave and sick leave payments and special compensation  
5 payments.--

6       (1) The Department of Management Services has  
7 authority to adopt tax-sheltered plans under section 401(a) of  
8 the Internal Revenue Code for state employees who are eligible  
9 for payment for accumulated leave. The department, upon  
10 adoption of the plans, shall contract for a private vendor or  
11 vendors to administer the plans. These plans shall be limited  
12 to state employees who are over age 55 and who are: eligible  
13 for accumulated leave and special compensation payments and  
14 separating from employment with 10 years of service in  
15 accordance with the Internal Revenue Code, or who are  
16 participating in the Deferred Retirement Option Program on or  
17 after July 1, 2001. The plans must provide benefits in a  
18 manner that minimizes the tax liability of the state and  
19 participants. The plans must be funded by employer  
20 contributions of payments for accumulated leave or special  
21 compensation payments, or both, as specified by the  
22 department. The plans must have received all necessary federal  
23 and state approval as required by law, must not adversely  
24 impact the qualified status of the Florida Retirement System  
25 defined benefit or defined contribution plans or the pretax  
26 benefits program, and must comply with the provisions of  
27 section 112.65, Florida Statutes. Adoption of any plan is  
28 contingent on: the department receiving appropriate favorable  
29 rulings from the Internal Revenue Service; the department  
30 negotiating under the provisions of chapter 447, Florida  
31 Statutes, where applicable; and the Comptroller making

1 appropriate changes to the state payroll system. The  
2 department's request for proposals by vendors for such plans  
3 may require that the vendors provide market-risk or volatility  
4 ratings from recognized rating agencies for each of their  
5 investment products. The department shall provide for a system  
6 of continuous quality assurance oversight to ensure that the  
7 program objectives are achieved and that the program is  
8 prudently managed.

9 (2) Within 30 days after termination of employment, an  
10 employee may elect to withdraw the moneys without penalty by  
11 the plan administrator. If any employee is adversely affected  
12 by payment of an excise tax or any Internal Revenue Service  
13 penalty by electing to withdraw funds within 30 days, the plan  
14 shall include a provision which will provide the employee with  
15 no less cash than if the employee had not participated in the  
16 plan.

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

21 (4) Notwithstanding the terminal pay provisions of s.  
22 110.122, Florida Statutes, the department may contract for a  
23 tax-sheltered plan for leave and special compensation pay for  
24 employees terminating over age 55 with 10 years of service and  
25 for employees participating in the Deferred Retirement Option  
26 Program on or after July 1, 2001, and who are over age 55. The  
27 frequency of payments into the plan shall be determined by the  
28 department or as provided in the General Appropriations Act.  
29 This plan or plans shall provide the greatest tax benefits to  
30 the employees and maximize the savings to the state.

31

1           (5) The department shall determine by rule the design  
2 of the plans and the eligibility of participants.

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

6           Section 47. Career Service Advisory Group.--

7           (1) There is created the Career Service Advisory  
8 Group. The advisory group shall be composed of the following  
9 members, each of whom shall have knowledge of, or experience  
10 with, human resource management operations:

11           (a) Two members selected by the Governor.

12           (b) One member selected by the President of the  
13 Senate.

14           (c) One member selected by the Speaker of the House of  
15 Representatives.

16  
17 The selections provided for by this subsection shall be made  
18 on or before July 1, 2001. The group shall expire on January  
19 1, 2002.

20           (2) The advisory group members shall be human resource  
21 officials of Florida-domiciled corporations with a salaried  
22 workforce of at least 25,000 companywide.

23           (3) The group shall be considered advisory and shall  
24 provide advice to the Department of Management Services and  
25 the Executive Office of the Governor on issues presented to it  
26 related to the implementation of this act. The Department of  
27 Management Services shall provide to the board copies of any  
28 rules proposed to implement this act.

29           Section 48. There is hereby appropriated for fiscal  
30 year 2001-2002 to Administered Funds the lump sum of \$7.4  
31 million from the General Revenue Fund and \$14 million from

1 trust funds to fund the benefits to employees transferred from  
2 Career Service to Selected Exempt Service pursuant to the  
3 provisions of this act. This appropriation to Administered  
4 Funds shall be processed in the same manner as if it had been  
5 made in the General Appropriations Act.

6           Section 49. If any provision of this act or its  
7 application to any particular person or circumstance is held  
8 invalid, that provision or its application shall be deemed  
9 severable and shall not affect the validity of other  
10 provisions or applications of this act.

11           Section 50. Except as otherwise provided herein, this  
12 act shall take effect upon becoming a law.

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