

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 416

SPONSOR: Governmental Oversight and Productivity Committee and Senator Saunders

SUBJECT: Public Employment

DATE: February 19, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wilson	Wilson	GO	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill includes management and exempt positions in state employment among those from whom the Executive Director of the Department of Veterans' Affairs must afford a qualified veteran's preference for employment consideration.

This bill amends section 295.07, Florida Statutes.

II. Present Situation:

The Florida Department of Veterans' Affairs was created in 1988 in s. 20.37, F.S., following the ratification by the voters of a constitutional amendment providing for its permissive creation by the Legislature. The department is the state and federally designated agency for the receipt of federal and state funds for military service veterans and retirees. The agency head is the Governor and Cabinet and the department is located in St. Petersburg.¹

Title XX, F.S., contains three chapters that provide specific recognition of benefits for military service retirees, survivors, and their dependents. Section 295.07, F.S., specifies with some particularity the types of circumstances that permit the extension of a preference in employment to persons who qualify as military service veterans. Appointment and retention preference is provided for disabled veterans and their spouses where a service-connected total and permanent disability is present. The preference extends also to veterans of any war defined in s.1.01(14), F.S.², and the surviving spouse of a deceased and disabled veteran.³

¹ The agency is one of three executive departments not headquartered in Tallahassee. The other two are the Department of Military Affairs (St. Augustine) and the Department of Citrus (Lakeland).

² This section cross-reference is used also for the purposes of qualifying member employees of the Florida Retirement System for the purchase of military service credit under s. 121.111, F.S.

Subsection (4) of s. 295.07, F.S., exempts from the appointment and retention preference those positions exempt from the Career Service System under s. 110.205(2), F.S. This group was itself greatly expanded during the 2001 Regular Session as a result of the enactment of the Service First legislation, ch. 2001-43, Laws of Florida.

III. Effect of Proposed Changes:

Section 1. Subsection (4) of s. 295.07, F.S., is amended to delete the exemption in current law for positions exempted from the Career Service System. A new subsection (5) is created to direct the executive director of the Department of Veterans' Affairs to fill any vacant, select exempt position with a qualified veteran. The department is directed to advertise selected exempt vacancies electronically and through the Florida Administrative Weekly, a publication of the Department of State. The executive director may fill the position with a non-veteran applicant when a qualified veteran does not apply.

Section 2. The act takes effect July 1, 2002.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There is minimal impact to the department. The Department of State imposes a line charge for advertisements in the Florida Administrative Weekly to defray the costs of publication and delivery.

³ Section 110.2135, F.S., also restates the preference provided in ch. 295, F.S., as it affects state employment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The preference is made applicable to *all* exempted Career Service positions, including management, but the authority of the executive director in such matters is made narrower for the veterans' agency. The newly added ss. (5) provides that *only* vacant selected exempt positions qualify. Management may be exempted.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
