

By Senator Saunders

25-361-02

1                                   A bill to be entitled  
2           An act relating to public employment; amending  
3           s. 295.07, F.S.; eliminating certain positions  
4           from exemption from preferential appointment  
5           and retention requirements; requiring vacant  
6           select exempt positions in the Department of  
7           Veterans' Affairs to be filled with qualified  
8           veterans; providing an effective date.

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

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12           Section 1. Section 295.07, Florida Statutes, is  
13   amended to read:

14           295.07 Preference in appointment and retention.--

15           (1) The state and political subdivisions in the state  
16   shall give preference in appointment and retention in  
17   positions of employment to:

18           (a) Those disabled veterans:

19           1. Who have served on active duty in any branch of the  
20   Armed Forces of the United States, have been separated  
21   therefrom under honorable conditions, and have established the  
22   present existence of a service-connected disability which is  
23   compensable under public laws administered by the U.S.  
24   Department of Veterans' Affairs, or

25           2. Who are receiving compensation, disability  
26   retirement benefits, or pension by reason of public laws  
27   administered by the U.S. Department of Veterans' Affairs and  
28   the Department of Defense.

29           (b) The spouse of any person who has a total  
30   disability, permanent in nature, resulting from a  
31   service-connected disability and who, because of this

1 disability, cannot qualify for employment, and the spouse of  
2 any person missing in action, captured in line of duty by a  
3 hostile force, or forcibly detained or interned in line of  
4 duty by a foreign government or power.

5 (c) A veteran of any war as defined in s. 1.01(14).

6 (d) The unremarried widow or widower of a veteran who  
7 died of a service-connected disability.

8 (2) The Department of Veterans' Affairs shall adopt  
9 rules to ensure that veterans are given special consideration  
10 in the employing agency's selection and retention processes.

11 The rules must include the award of point values as  
12 articulated in s. 295.08, if applicable, or, where point  
13 values are not relevant, must include procedures to ensure  
14 that veterans are given special consideration at each step of  
15 the employment selection process, unless the sponsoring  
16 governmental entity is a party to a collective bargaining  
17 agreement, in which case the collective bargaining agreement  
18 must comply within 90 days following ratification of a  
19 successor collective bargaining agreement or extension of any  
20 existing collective bargaining agreement.

21 (3) Preference in employment and retention may be  
22 given only to eligible persons who are described in subsection  
23 (1) and who are residents of this state.

24 ~~(4) The following positions are exempt from this~~  
25 ~~section:~~

26 ~~(a) Those positions that are exempt from the state~~  
27 ~~Career Service System under s. 110.205(2); however, all~~  
28 ~~positions under the University Support Personnel System of the~~  
29 ~~State University System as well as all Career Service System~~  
30 ~~positions under the Florida Community College System and the~~  
31 ~~School for the Deaf and the Blind are included.~~

1           ~~(b)~~ Positions in political subdivisions of the state  
2 which are filled by officers elected by popular vote or  
3 persons appointed to fill vacancies in such offices and the  
4 personal secretary of each such officer, members of boards and  
5 commissions, persons employed on a temporary basis without  
6 benefits, heads of departments, positions that require  
7 licensure as a physician, licensure as an osteopathic  
8 physician, licensure as a chiropractic physician, and  
9 positions that require that the employee be a member of The  
10 Florida Bar are exempt from this section.

11           (5) The executive director of the Department of  
12 Veterans' Affairs shall fill any vacant select exempt position  
13 in the department with a qualified veteran as defined in  
14 subsection (1).

15           Section 2. This act shall take effect July 1, 2002.

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18           SENATE SUMMARY

19           Eliminates certain public employee positions from the  
20 exemption from preferential appointment and retention  
21 requirements. Requires the executive director of the  
22 Department of Veterans' Affairs to fill any vacant select  
23 exempt position in the department with a qualified  
24 veteran.  
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