**By** the Committees on Comprehensive Planning, Local and
Military Affairs; Governmental Oversight and Productivity; and
Senator Saunders

316-2201-02

1              A bill to be entitled

2          An act relating to public employment; amending

3          s. 295.07, F.S.; providing requirements for

4          advertising select exempt positions;

5          eliminating certain positions from exemption

6          from preferential appointment and retention

7          requirements; requiring vacant select exempt

8          positions in the Department of Veterans'

9          Affairs to be filled with qualified veterans;

10         providing an exception; providing an effective

11         date.

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

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15         Section 1.  Section 295.07, Florida Statutes, is

16   amended to read:

17         295.07  Preference in appointment and retention.--

18         (1)  The state and political subdivisions in the state

19   shall give preference in appointment and retention in

20   positions of employment to:

21         (a)  Those disabled veterans:

22         1.  Who have served on active duty in any branch of the

23   Armed Forces of the United States, have been separated

24   therefrom under honorable conditions, and have established the

25   present existence of a service-connected disability which is

26   compensable under public laws administered by the U.S.

27   Department of Veterans' Affairs, or

28         2.  Who are receiving compensation, disability

29   retirement benefits, or pension by reason of public laws

30   administered by the U.S. Department of Veterans' Affairs and

31   the Department of Defense.

 1        (b)  The spouse of any person who has a total

 2   disability, permanent in nature, resulting from a

 3   service-connected disability and who, because of this

 4   disability, cannot qualify for employment, and the spouse of

 5   any person missing in action, captured in line of duty by a

 6   hostile force, or forcibly detained or interned in line of

 7   duty by a foreign government or power.

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

 9        (d)  The unremarried widow or widower of a veteran who

10   died of a service-connected disability.

11        (2)  The Department of Veterans' Affairs shall adopt

12   rules to ensure that veterans are given special consideration

13   in the employing agency's selection and retention processes.

14   The rules must include the award of point values as

15   articulated in s. 295.08, if applicable, or, where point

16   values are not relevant, must include procedures to ensure

17   that veterans are given special consideration at each step of

18   the employment selection process, unless the sponsoring

19   governmental entity is a party to a collective bargaining

20   agreement, in which case the collective bargaining agreement

21   must comply within 90 days following ratification of a

22   successor collective bargaining agreement or extension of any

23   existing collective bargaining agreement.

24        (3)  Preference in employment and retention may be

25   given only to eligible persons who are described in subsection

26   (1) and who are residents of this state.

27        (4)  All select exempt positions in the Department of

28   Veterans' Affairs shall be advertised through the State of

29   Florida Internet-based job advertisement site.~~The following~~

30   ~~positions are exempt from this section:~~

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**CODING:**Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

1      ~~(a)   Those positions that are exempt from the state~~
2   ~~Career Service System under s. 110.205(2); however, all~~
3   ~~positions under the University Support Personnel System of the~~
4   ~~State University System as well as all Career Service System~~
5   ~~positions under the Florida Community College System and the~~
6   ~~School for the Deaf and the Blind are included.~~
7      ~~(b)~~ Positions in political subdivisions of the state
8   which are filled by officers elected by popular vote or
9   persons appointed to fill vacancies in such offices and the
10  personal secretary of each such officer, members of boards and
11  commissions, persons employed on a temporary basis without
12  benefits, heads of departments, positions that require
13  licensure as a physician, licensure as an osteopathic
14  physician, licensure as a chiropractic physician, and
15  positions that require that the employee be a member of The
16  Florida Bar <u>are exempt from this section</u>.
17      <u>(5)   The executive director of the Department of</u>
18  <u>Veterans' Affairs shall fill any vacant select exempt position</u>
19  <u>in the department with a veteran, as defined in subsection</u>
20  <u>(1), who is qualified for the position. However, if a</u>
21  <u>qualified veteran does not apply for the position by the</u>
22  <u>closing date, the executive director may offer the position to</u>
23  <u>a nonveteran applicant.</u>
24      Section 2.   This act shall take effect July 1, 2002.
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1              STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
                       COMMITTEE SUBSTITUTE FOR
2                              CS/SB 416

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4 This Committee Substitute requires only positions in DVA,
rather than in all state agencies, be advertised through the
5 State of Florida Internet-based job advertisement site. In
addition, the position must only be advertised through the
6 State of Florida Internet-based job advertisement site,rather
than both the website and the Florida Administrative Weekly.
7 Finally, it corrects a technical deficiency in the bill,
directing the executive director of the Department of
8 Veterans' Affairs to fill any vacant, select exempt position
with a veteran, as defined in the bill, who is qualified for
9 the position

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