

By the Committee on Governmental Oversight and Productivity;
and Senator Wise

302-2417-03

1 A bill to be entitled
2 An act relating to government employment;
3 amending s. 110.107, F.S.; providing
4 definitions; amending s. 110.116, F.S.;
5 authorizing the Department of Management
6 Services to contract with a vendor to provide
7 the personnel information system; amending s.
8 110.1245, F.S.; revising provisions regarding
9 employee recognition; deleting a 5-year
10 employment requirement for certain recognition;
11 amending s. 110.152, F.S.; revising payment
12 schedules for adoption benefits for state
13 employees; amending s. 110.191, F.S.;
14 correcting a cross-reference; amending s.
15 110.2035, F.S.; deleting a requirement that the
16 Department of Management Services consult with
17 the Executive Office of the Governor and the
18 Legislature with regard to a compensation and
19 classification program; providing requirements
20 for the program; providing duties and
21 responsibilities to the department with respect
22 to employment actions by other agencies;
23 providing rule adoption authority; providing
24 that employing agencies shall have the
25 responsibility for the day-to-day application
26 of such rules; providing additional authority
27 and responsibilities for employing agencies;
28 requiring the Department of Management Services
29 to establish and maintain an equitable pay plan
30 for use by state agencies; providing authority
31 and responsibilities of the department and

1 employing agencies with respect to such plan;
2 amending s. 110.205, F.S.; conforming
3 provisions; amending s. 110.213, F.S.;
4 providing that agencies shall ensure that
5 candidates for employment are properly
6 licensed, certified, or registered, when
7 required by law; amending s. 110.227, F.S.;
8 providing for a 1-year probationary period for
9 Career Service employees; revising procedures
10 with respect to the employee grievance process;
11 correcting a cross-reference; amending ss.
12 110.406, 110.603, and 110.606, F.S.; conforming
13 provisions; amending s. 215.92, F.S.;
14 redefining the term "functional owner";
15 amending s. 215.93, F.S.; authorizing the
16 Department of Management Services to contract
17 with private entities to design, develop, and
18 implement the department's information systems
19 and subsystems; amending s. 215.94, F.S.;
20 providing that the Department of Management
21 Services is the functional owner of the
22 personnel information system; amending s.
23 216.011, F.S.; correcting a cross-reference;
24 providing for review of state agency service
25 contracts; amending s. 121.24, F.S.; revising
26 the requirement for a quorum in the State
27 Retirement Commission; repealing s. 110.203,
28 F.S., relating to definitions; providing an
29 effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsections (4) through (31) are added to
2 section 110.107, Florida Statutes, to read:

3 110.107 Definitions.--As used in this chapter, the
4 term:

5 (4) "State agency" or "agency" means any official,
6 officer, commission, board, authority, council, committee, or
7 department of the executive branch or the judicial branch of
8 state government as defined in chapter 216.

9 (5) "Position" means the work, consisting of duties
10 and responsibilities, assigned to be performed by an officer
11 or employee.

12 (6) "Full-time position" means a position authorized
13 for the entire normally established work period, daily,
14 weekly, monthly, or annually.

15 (7) "Part-time position" means a position authorized
16 for less than the entire normally established work period,
17 daily, weekly, monthly, or annually.

18 (8) "Occupation" means all positions which are
19 sufficiently similar in knowledge, skills, and abilities, and
20 sufficiently similar as to kind or subject matter of work.

21 (9) "Occupational group" means a group of occupations
22 which are sufficiently similar in kind of work performed to
23 warrant the use of the same performance factors in determining
24 the level of complexity for all occupations in that
25 occupational group.

26 (10) "Classification plan" means a formal description
27 of the concepts, rules, job family definitions, occupational
28 group characteristics, and occupational profiles used in the
29 classification of positions.

30 (11) "Pay plan" means a formal description of the
31 philosophy, methods, procedures, and salary schedules for

1 competitively compensating employees at market-based rates for
2 work performed.

3 (12) "Salary schedule" means an official document
4 which contains a complete list of occupation titles, broadband
5 level codes, and pay bands.

6 (13) "Authorized position" means a position included
7 in an approved budget. In counting the number of authorized
8 positions, part-time positions may be converted to full-time
9 equivalents.

10 (14) "Established position" means an authorized
11 position which has been classified in accordance with a
12 classification and pay plan as provided by law.

13 (15) "Position number" means the identification number
14 assigned to an established position.

15 (16) "Reclassification" means changing an established
16 position in one broadband level in an occupational group to a
17 higher or lower broadband level in the same occupational group
18 or to a broadband level in a different occupational group.

19 (17) "Promotion" means changing the classification of
20 an employee to a broadband level having a higher maximum
21 salary; or the changing of the classification of an employee
22 to a broadband level having the same or a lower maximum salary
23 but a higher level of responsibility.

24 (18) "Demotion" means changing the classification of
25 an employee to a broadband level having a lower maximum
26 salary; or the changing of the classification of an employee
27 to a broadband level having the same or a higher maximum
28 salary but a lower level of responsibility.

29 (19) "Transfer" means moving an employee from one
30 geographic location of the state to a different geographic
31

1 location in excess of 50 miles from the employee's current
2 work location.

3 (20) "Reassignment" means moving an employee from a
4 position in one broadband level to a different position in the
5 same broadband level or to a different broadband level having
6 the same maximum salary.

7 (21) "Dismissal" means a disciplinary action taken by
8 an agency pursuant to s. 110.227 against an employee resulting
9 in termination of his or her employment.

10 (22) "Suspension" means a disciplinary action taken by
11 an agency pursuant to s. 110.227 against an employee to
12 temporarily relieve the employee of his or her duties and
13 place him or her on leave without pay.

14 (23) "Layoff" means termination of employment due to a
15 shortage of funds or work, or a material change in the duties
16 or organization of an agency, including the outsourcing or
17 privatization of an activity or function previously performed
18 by career service employees.

19 (24) "Employing agency" means any agency authorized to
20 employ personnel to carry out the responsibilities of the
21 agency under the provisions of chapter 20 or other statutory
22 authority.

23 (25) "Shared employment" means part-time career
24 employment whereby the duties and responsibilities of a
25 full-time position in the career service are divided among
26 part-time employees who are eligible for the position and who
27 receive career service benefits and wages pro rata. In no case
28 shall "shared employment" include the employment of persons
29 paid from other-personal-services funds.

30 (26) "Firefighter" means a firefighter certified under
31 chapter 633.

1 (27) "Law enforcement or correctional officer" means a
2 law enforcement officer, special agent, correctional officer,
3 correctional probation officer, or institutional security
4 specialist required to be certified under chapter 943.

5 (28) "Professional health care provider" means
6 registered nurses, physician's assistants, dentists,
7 psychologists, nutritionists or dietitians, pharmacists,
8 psychological specialists, physical therapists, and speech and
9 hearing therapists.

10 (29) "Job family" means a defined grouping of one or
11 more occupational groups.

12 (30) "Pay band" means the minimum salary, the maximum
13 salary, and intermediate rates which are payable for work in a
14 specific broadband level.

15 (31) "Broadband level" means all positions which are
16 sufficiently similar in knowledge, skills, and abilities, and
17 sufficiently similar as to kind or subject matter of work,
18 level of difficulty or responsibilities, and qualification
19 requirements of the work to warrant the same treatment as to
20 title, pay band, and other personnel transactions.

21 Section 2. Subsection (1) of section 110.116, Florida
22 Statutes, is amended to read:

23 110.116 Personnel information system; payroll
24 procedures.--

25 (1) The Department of Management Services shall
26 establish and maintain, in coordination with the payroll
27 system of the Department of Banking and Finance, a complete
28 personnel information system for all authorized and
29 established positions in the state service, with the exception
30 of employees of the Legislature, unless the Legislature
31 chooses to participate. The department may contract with a

1 vendor to provide the personnel information system. The
2 specifications shall be developed in conjunction with the
3 payroll system of the Department of Banking and Finance and in
4 coordination with the Auditor General. The Department of
5 Banking and Finance shall determine that the position occupied
6 by each employee has been authorized and established in
7 accordance with the provisions of s. 216.251. The Department
8 of Management Services shall develop and maintain a position
9 numbering system that will identify each established position,
10 and such information shall be a part of the payroll system of
11 the Department of Banking and Finance. With the exception of
12 employees of the Legislature, unless the Legislature chooses
13 to participate, this system shall include all career service
14 positions and those positions exempted from career service
15 provisions, notwithstanding the funding source of the salary
16 payments, and information regarding persons receiving payments
17 from other sources. Necessary revisions shall be made in the
18 personnel and payroll procedures of the state to avoid
19 duplication insofar as is feasible. A list shall be organized
20 by budget entity to show the employees or vacant positions
21 within each budget entity. This list shall be available to the
22 Speaker of the House of Representatives and the President of
23 the Senate upon request.

24 Section 3. Paragraph (d) of subsection (1), paragraph
25 (d) of subsection (2), and subsection (4) of section 110.1245,
26 Florida Statutes, are amended to read:

27 110.1245 Savings sharing program; bonus payments;
28 other awards.--

29 (1)

30 (d) The department and the judicial branch shall
31 submit annually to the President of the Senate and the Speaker

1 of the House of Representatives information that outlines each
2 agency's level of participation in the savings sharing
3 program. The information shall include, but is not limited to:

- 4 1. The number of proposals made.
- 5 2. The number of dollars and awards made to employees
6 or groups for adopted proposals.
- 7 3. The actual cost savings realized as a result of
8 implementing employee or group proposals.

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

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

19 (d) A process for peer input that is fair, respectful
20 of employees, and affects the outcome of the bonus
21 distribution ~~Peer input to account for at least 40 percent of~~
22 ~~the bonus award determination.~~

23 (4) Each department head is authorized to incur
24 expenditures to award suitable framed certificates, pins, or
25 other tokens of recognition to state employees who demonstrate
26 ~~have achieved increments of 5 years of~~ satisfactory service in
27 the agency or to the state, in appreciation and recognition of
28 such service. Such awards may not cost in excess of \$100 each
29 plus applicable taxes.

30 Section 4. Paragraph (a) of subsection (1) of section
31 110.152, Florida Statutes, is amended to read:

1 110.152 Adoption benefits for state employees;
2 parental leave.--

3 (1)(a)~~†~~. Any full-time or part-time employee of the
4 state who is paid from regular salary appropriations and who
5 adopts a special-needs child, as defined in paragraph (b), is
6 eligible to receive a monetary benefit in the amount of
7 \$10,000 per child, ~~\$5,000~~ of which is payable in equal monthly
8 installments over a 1-year ~~2-year~~ period. Any employee of the
9 state who adopts a child whose permanent custody has been
10 awarded to the Department of Children and Family Services or
11 to a Florida-licensed child-placing agency, other than a
12 special-needs child as defined in paragraph (b), shall be
13 eligible to receive a monetary benefit in the amount of \$5,000
14 per child, ~~\$2,000~~ of which is payable in equal monthly
15 installments over a 1-year ~~2-year~~ period. Benefits paid under
16 this subsection to a part-time employee must be prorated based
17 on the employee's full-time-equivalency status at the time of
18 applying for the benefits.

19 ~~2. For the 2002-2003 fiscal year only, the Department~~
20 ~~of Management Services is authorized to make lump-sum payments~~
21 ~~for adoption benefits awarded during fiscal years 2000-2001~~
22 ~~and 2001-2002. This subparagraph expires July 1, 2003.~~

23 Section 5. Subsection (1) of section 110.191, Florida
24 Statutes, is amended to read:

25 110.191 State employee leasing.--

26 (1) In situations where the Legislature has expressly
27 authorized the state, an agency, or the judicial branch as
28 defined in s. 110.107 ~~110.203~~ to lease employees, the
29 Executive Office of the Governor for the executive branch or
30 the Chief Justice for the judicial branch may authorize any of
31 the following actions related to such state employee leasing

1 activities, provided that the direct cost of such actions is
2 to be paid or reimbursed within 30 days after payment by the
3 entity or person to whom the employees are leased:

4 (a) Create a separate budget entity from which leased
5 employees shall be paid and transfer the positions authorized
6 to be leased to that budget entity.

7 (b) Provide increases in the operating budget entity.

8 (c) Authorized lump-sum salary bonuses to leased
9 employees; however, any lump-sum salary bonus above the
10 automatic salary increases which may be contained in the
11 General Appropriations Act must be funded from private
12 sources.

13 (d) Approve increases in salary rate for positions
14 which are leased; however, any salary rate above the automatic
15 salary increases which may be contained in the General
16 Appropriations Act must be funded from private sources.

17 (e) Waive any requirement for automatic salary
18 increases which may be contained in the General Appropriations
19 Act.

20 Section 6. Section 110.2035, Florida Statutes, is
21 amended to read:

22 110.2035 Classification and compensation program.--

23 (1) The Department of Management Services, ~~in~~
24 ~~consultation with the Executive Office of the Governor and the~~
25 ~~Legislature,~~ shall establish and maintain ~~develop~~ a
26 classification and compensation program addressing. ~~This~~
27 ~~program shall be developed for use by all state agencies and~~
28 ~~shall address~~ Career Service, Selected Exempt Service, and
29 Senior Management Service positions ~~classes~~. No action may be
30 taken to fill any position until it has been classified in
31 accordance with the classification plan.

1 (a) The department shall develop occupation profiles
2 necessary for the establishment of new occupations or for the
3 revision of existing occupations and shall adopt the
4 appropriate occupation title and broadband level code for each
5 occupation. Such occupation profiles, titles, and codes shall
6 not constitute rules within the meaning of s. 120.52.

7 (b) The department shall be responsible for conducting
8 periodic studies and surveys to ensure that the classification
9 plan is maintained on a current basis.

10 (c) The department may review in a postaudit capacity
11 the action taken by an employing agency in classifying or
12 reclassifying a position.

13 (d) The department shall effect a classification
14 change on any classification or reclassification action taken
15 by an employing agency if the action taken by the agency was
16 not based on the duties and responsibilities officially
17 assigned the position as they relate to the concepts and
18 description contained in the official occupation profile and
19 the level definition defined in the occupational group
20 characteristics adopted by the department.

21 (e) In cooperation and consultation with the employing
22 agencies, the department shall adopt rules necessary to govern
23 the administration of the classification plan. Such rules
24 shall be approved by the Administration Commission prior to
25 their adoption by the department.

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

27 (a) A position classification system using no more
28 than 38 ~~50~~ occupational groups and up to a 6-broadband level
29 ~~6-class series~~ structure for each occupation within an
30 occupational group. Additional occupational groups may be
31

1 established only by the Executive Office of the Governor after
2 consultation with the Legislature.

3 (b) A pay plan that shall provide broad-based pay
4 bands ~~broad-based salary ranges~~ for each occupational group
5 and shall consist of no more than 25 pay bands.

6 (3) The following goals shall be considered in
7 ~~designing and~~ implementing and maintaining the program:

8 (a) The classification system must significantly
9 reduce the need to reclassify positions due to work assignment
10 and organizational changes by decreasing the number of
11 classification changes required.

12 (b) The classification system must establish broadband
13 levels ~~broad-based classes~~ allowing flexibility in
14 organizational structure and must reduce the number ~~levels~~ of
15 supervisory broadband levels ~~classes~~.

16 (c) The classification ~~system~~ and compensation program
17 ~~pay plan~~ must emphasize pay administration and job-performance
18 evaluation by management rather than emphasize use of the
19 classification system to award salary increases.

20 (d) The pay administration system must contain
21 provisions to allow managers the flexibility to move employees
22 through the pay bands ~~ranges~~ and provide for salary increase
23 additives and lump-sum bonuses.

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

28 (5) The employing agency shall be responsible for the
29 day-to-day application of classification rules promulgated by
30 the department ~~The Department of Management Services shall~~
31 ~~submit the proposed design of the classification and~~

1 ~~compensation program to the Executive Office of the Governor,~~
2 ~~the presiding officers of the Legislature, and the appropriate~~
3 ~~legislative fiscal and substantive standing committees on or~~
4 ~~before December 1, 2001.~~

5 (a) The employing agency shall maintain on a current
6 basis a position description for each authorized and
7 established position assigned the agency. The position
8 description shall include an accurate description of assigned
9 duties and responsibilities and other pertinent information
10 concerning a position and shall serve as a record of the
11 official assignment of duties to the position. Such
12 description shall be used in the comparison of positions to
13 ensure uniformity of classifications.

14 (b) The employing agency shall have the authority and
15 responsibility to classify positions authorized by the
16 Legislature or authorized pursuant to s. 216.262; to classify
17 positions that are added in lieu of positions deleted pursuant
18 to s. 216.262; and to reclassify established positions.
19 Classification and reclassification actions taken by an
20 employing agency shall be within the occupations established
21 by the department, shall be funded within the limits of
22 currently authorized appropriations, and shall be in
23 accordance with the uniform procedures adopted by the
24 department.

25 (6) The department shall establish and maintain an
26 equitable pay plan applicable to all occupations and shall be
27 responsible for the overall review, coordination, and
28 administration of the pay plan.

29 (c)(6) The department shall establish, by rule,
30 guidelines with respect to, and shall delegate to the
31

1 employing agencies, where appropriate, the authority to
2 administer the following:
3 1.(a) Shift differentials.
4 2.(b) On-call fees.
5 3.(c) Hazardous-duty pay.
6 ~~(d) Advanced appointment rates.~~
7 4.(e) Salary increase and decrease corrections.
8 5.(f) Lead-worker pay.
9 6.(g) Temporary special duties pay.
10 7.(h) Trainer-additive pay.
11 8.(i) Competitive area differentials.
12 ~~(j) Coordinator pay.~~
13 9.(k) Critical market pay.
14
15 The employing agency must use such pay additives as are
16 appropriate within the guidelines established by the
17 department and shall advise the department in writing of the
18 plan for implementing such pay additives prior to the
19 implementation date. Any action by an employing agency to
20 implement temporary special duties pay, competitive area
21 differentials, or critical market pay may be implemented only
22 after the department has reviewed and recommended such action;
23 however, an employing agency may use temporary special duties
24 pay for up to 3 months without prior review by the department.
25 The department shall annually provide a summary report of the
26 pay additives implemented pursuant to this section.
27 Section 7. Paragraph (q) of subsection (2), and
28 subsections (4), (5), and (6) of section 110.205, Florida
29 Statutes, are amended to read:
30 110.205 Career service; exemptions.--
31

1 (2) EXEMPT POSITIONS.--The exempt positions that are
2 not covered by this part include the following:

3 (q) The staff directors, assistant staff directors,
4 district program managers, district program coordinators,
5 district subdistrict administrators, district administrative
6 services directors, district attorneys, and the Deputy
7 Director of Central Operations Services of the Department of
8 Children and Family Services. Unless otherwise fixed by law,
9 the department shall establish the pay band ~~salary range~~ and
10 benefits for these positions in accordance with the rules of
11 the Selected Exempt Service.

12 (4) DEFINITION OF DEPARTMENT.--When used in this
13 section, the term "department" shall mean all departments and
14 commissions of the executive branch, whether created by the
15 State Constitution or chapter 20; the office of the Governor;
16 and the Public Service Commission; however, the term
17 "department" shall mean the Department of Management Services
18 when used in the context of the authority to establish pay
19 bands ~~salary ranges~~ and benefits.

20 (5) POSITIONS EXEMPTED BY OTHER STATUTES.--If any
21 position is exempted from the career service by any other
22 statute and the personnel system to which that position is
23 assigned is not specifically included in the statute, the
24 position shall be placed in the Selected Exempt Service, and
25 the department shall establish the pay band ~~salary range~~ and
26 benefits for that position in accordance with the rules of the
27 Selected Exempt Service.

28 (6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY
29 PROGRAM, DEPARTMENT OF INSURANCE.--In addition to those
30 positions exempted from this part, there is hereby exempted
31 from the Career Service System the chief inspector of the

1 boiler inspection program of the Department of Insurance. The
2 pay band ~~salary range~~ of this position shall be established by
3 the Department of Management Services in accordance with the
4 classification and pay plan established for the Selected
5 Exempt Service.

6 Section 8. Section 110.213, Florida Statutes, is
7 amended to read:

8 110.213 Selection.--

9 (1) Selection for appointment from among the most
10 qualified candidates shall be the sole responsibility of the
11 employing agency. ~~Effective July 1, 2001,~~All new employees
12 must successfully complete at least a 1-year probationary
13 period before attainment of permanent status.

14 (2) Selection shall reflect efficiency and simplicity
15 in hiring procedures. The agency head or his or her designee
16 shall be required to document the qualifications of the
17 selected candidate to ensure that the candidate meets the
18 minimum requirements as specified by the employing agency,
19 meets the licensure, certification, or registration
20 requirements, if any, as specified by statute, ~~qualifications~~
21 and possesses the requisite knowledge, skills, and abilities
22 for the position. No other documentation or justification
23 shall be required prior to selecting a candidate for a
24 position.

25 Section 9. Subsections (1), (2), (4), and (5) of
26 section 110.227, Florida Statutes, are amended to read:

27 110.227 Suspensions, dismissals, reductions in pay,
28 demotions, layoffs, transfers, and grievances.--

29 (1) Any employee who has satisfactorily completed at
30 least a 1-year probationary period in his or her current
31 position ~~permanent status in the career service~~ may be

1 suspended or dismissed only for cause. Cause shall include,
2 but is not limited to, poor performance, negligence,
3 inefficiency or inability to perform assigned duties,
4 insubordination, violation of the provisions of law or agency
5 rules, conduct unbecoming a public employee, misconduct,
6 habitual drug abuse, or conviction of any crime. The agency
7 head shall ensure that all employees of the agency have
8 reasonable access to the agency's personnel manual.

9 (2) The department shall establish rules and
10 procedures for the suspension, reduction in pay, transfer,
11 layoff, demotion, and dismissal of employees in the career
12 service. Except with regard to law enforcement or correctional
13 officers, firefighters, or professional health care providers,
14 rules regarding layoff procedures shall not include any system
15 whereby a career service employee with greater seniority has
16 the option of selecting a different position not being
17 eliminated, but either vacant or already occupied by an
18 employee of less seniority, and taking that position, commonly
19 referred to as "bumping." For the implementation of layoffs as
20 defined in s. 110.107 ~~110.203~~, the department shall develop
21 rules requiring that consideration be given to comparative
22 merit, demonstrated skills, and the employee's experience.
23 Such rules shall be approved by the Administration Commission
24 prior to their adoption by the department.

25 (4) A grievance process shall be available to
26 ~~permanent~~ career service employees who have satisfactorily
27 completed at least a 1-year probationary period in their
28 current positions. A grievance is defined as the
29 dissatisfaction that occurs when an employee believes that any
30 condition affecting the employee is unjust, inequitable, or a
31 hindrance to effective operation. Claims of discrimination and

1 sexual harassment or claims related to suspensions, reductions
2 in pay, demotions, and dismissals are not subject to the
3 career service grievance process. The following procedures
4 shall apply to any grievance filed pursuant to this
5 subsection, except that all timeframes may be extended in
6 writing by mutual agreement:

7 (a) Step One.--The employee may submit a signed,
8 written grievance on a form provided by the agency to his or
9 her supervisor within 7 calendar days following the occurrence
10 of the event giving rise to the grievance. The supervisor must
11 meet with the employee to discuss the grievance within and
12 provide a written response to the employee 5 business days
13 following receipt of the grievance.

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

27 (5)(a) A ~~permanent~~ career service employee who has
28 satisfactorily completed at least a 1-year probationary period
29 in his or her current position and who is subject to a
30 suspension, reduction in pay, demotion, or dismissal shall
31 receive written notice of such action at least 10 days prior

1 to the date such action is to be taken. Subsequent to such
2 notice, and prior to the date the action is to be taken, the
3 affected employee shall be given an opportunity to appear
4 before the agency or official taking the action to answer
5 orally and in writing the charges against him or her. The
6 notice to the employee required by this paragraph may be
7 delivered to the employee personally or may be sent by
8 certified mail with return receipt requested. Such actions
9 shall be appealable to the Public Employees Relations
10 Commission as provided in subsection (6). Written notice of
11 any such appeal shall be filed by the employee with the
12 commission within 14 calendar days after the date on which the
13 notice of suspension, reduction in pay, demotion, or dismissal
14 is received by the employee.

15 (b) In extraordinary situations such as when the
16 retention of a ~~permanent~~ career service employee who has
17 satisfactorily completed at least a 1-year probationary period
18 in his or her current position would result in damage to state
19 property, would be detrimental to the best interest of the
20 state, or would result in injury to the employee, a fellow
21 employee, or some other person, such employee may be suspended
22 or dismissed without 10 days' prior notice, provided that
23 written or oral notice of such action, evidence of the reasons
24 therefor, and an opportunity to rebut the charges are
25 furnished to the employee prior to such dismissal or
26 suspension. Such notice may be delivered to the employee
27 personally or may be sent by certified mail with return
28 receipt requested. Agency compliance with the foregoing
29 procedure requiring notice, evidence, and an opportunity for
30 rebuttal must be substantiated. Any employee who is suspended
31 or dismissed pursuant to the provisions of this paragraph may

1 appeal to the Public Employees Relations Commission as
2 provided in subsection (6). Written notice of any such appeal
3 shall be filed with the commission by the employee within 14
4 days after the date on which the notice of suspension,
5 reduction in pay, demotion, or dismissal is received by the
6 employee.

7 Section 10. Paragraph (c) of subsection (2) of section
8 110.406, Florida Statutes, is amended to read:

9 110.406 Senior Management Service; data collection.--

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

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

12 1. A pricing analysis based on a market survey of
13 positions comparable to those included in the Senior
14 Management Service and recommendations with respect to
15 whether, and to what extent, revisions to the pay bands ~~salary~~
16 ~~ranges~~ for the Senior Management Service classifications
17 should be implemented.

18 2. An analysis of actual salary levels for each
19 classification within the Senior Management Service,
20 indicating the mean salary for each classification within the
21 Senior Management Service and the deviation from such mean
22 with respect to each agency's salary practice in each
23 classification; a review of the duties and responsibilities in
24 relation to the incumbents' salary levels, credentials,
25 skills, knowledge, and abilities; and an opinion as to whether
26 the salary practices reflected thereby indicate interagency
27 salary inequities among positions within the Senior Management
28 Service.

29 Section 11. Subsection (1) of section 110.603, Florida
30 Statutes, is amended to read:

31 110.603 Pay and benefits.--The department shall adopt:

1 (1) A classification plan and a pay plan consisting of
2 pay bands ~~salary ranges~~ appropriate to the positions included
3 in the Selected Exempt Service and which provides for salary
4 increases based on performance. Such pay bands ~~salary ranges~~
5 shall be designed to attract and retain qualified personnel
6 for the Selected Exempt Service.

7 Section 12. Paragraph (c) of subsection (2) of section
8 110.606, Florida Statutes, is amended to read:

9 110.606 Selected Exempt Service; data collection.--

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

11 (c) In addition, as needed:

12 1. A pricing analysis based on a market survey of
13 positions comparable to those included in the Selected Exempt
14 Service and recommendations with respect to whether, and to
15 what extent, revisions to the pay bands ~~salary ranges~~ for the
16 Selected Exempt Service classifications should be implemented.

17 2. An analysis of actual salary levels for each
18 classification within the Selected Exempt Service, indicating
19 the mean salary for each classification within the Selected
20 Exempt Service and the deviation from such means with respect
21 to each agency's salary practice in each classification;
22 reviewing the duties and responsibilities in relation to the
23 incumbents' salary levels, credentials, skills, knowledge, and
24 abilities; and discussing whether the salary practices
25 reflected thereby indicate interagency salary inequities among
26 positions within the Selected Exempt Service.

27 Section 13. Subsection (6) of section 215.92, Florida
28 Statutes, is amended to read:

29 215.92 Definitions relating to Florida Financial
30 Management Information System Act.--For the purposes of ss.
31 215.90-215.96:

1 (6) "Functional owner" means the agency, or the ~~that~~
2 part of the judicial branch, that ~~which~~ has the legal
3 responsibility to ensure that a subsystem is designed,
4 implemented, and operated in accordance with design,
5 ~~implement, and operate an information subsystem as provided by~~
6 ss. 215.90-215.96.

7 Section 14. Subsections (1) and (2) of section 215.93,
8 Florida Statutes, are amended to read:

9 215.93 Florida Financial Management Information
10 System.--

11 (1) To provide the information necessary to carry out
12 the intent of the Legislature, there shall be a Florida
13 Financial Management Information System. The Florida Financial
14 Management Information System shall be fully implemented and
15 shall be upgraded as necessary to ensure the efficient
16 operation of an integrated financial management information
17 system and to provide necessary information for the effective
18 operation of state government. Upon the recommendation of the
19 coordinating council and approval of the board, the Florida
20 Financial Management Information System may require data from
21 any state agency information system or information subsystem
22 or may request data from any judicial branch information
23 system or information subsystem that the coordinating council
24 and board have determined to have statewide financial
25 management significance. Each functional owner information
26 subsystem within the Florida Financial Management Information
27 System shall be developed in such a fashion as to allow for
28 timely, positive, preplanned, and prescribed data transfers
29 between the Florida Financial Management Information System
30 functional owner information subsystems and from other
31 information systems. The principal unit of the system shall be

1 the functional owner information subsystem, and the system
2 shall include, but shall not be limited to, the following:
3 (a) Planning and Budgeting Subsystem.
4 (b) Florida Accounting Information Resource Subsystem.
5 (c) Cash Management Subsystem.
6 (d) Purchasing Subsystem.
7 ~~(e) Cooperative Personnel Employment Subsystem.~~
8 (2) Each information subsystem shall have a functional
9 owner, who may establish additional functions for the
10 subsystem unless specifically prohibited by ss. 215.90-215.96.
11 However, without the express approval of the board upon
12 recommendation of the coordinating council, no functional
13 owner nor any other agency shall have the authority to
14 establish or maintain additional subsystems which duplicate
15 any of the information subsystems of the Florida Financial
16 Management Information System. Each functional owner shall
17 solicit input and responses from agencies utilizing the
18 information subsystem. Each functional owner may contract with
19 the other functional owners or private sector entities for
20 ~~assistance~~ in the design, development, and implementation of
21 their information systems and subsystems. Each functional
22 owner shall include in its information subsystem functional
23 specifications the data requirements and standards of the
24 Florida Financial Management Information System as approved by
25 the board. Each functional owner shall establish design teams
26 that shall plan and coordinate the design and implementation
27 of its subsystem within the framework established by the
28 board. The design teams shall assist the design and
29 coordination staff in carrying out the duties assigned by the
30 board or the coordinating council. The coordinating council
31 shall review and approve the work plans for these projects.

1 Section 15. Subsections (5) and (6) of section 215.94,
2 Florida Statutes, are amended to read:

3 215.94 Designation, duties, and responsibilities of
4 functional owners.--

5 (5) The Department of Management Services shall be the
6 functional owner of the Personnel Information System
7 ~~Cooperative Personnel Employment Subsystem~~. The department
8 shall ensure that the system is designed, implemented, and
9 operated ~~design, implement, and operate the subsystem~~ in
10 accordance with the provisions of ss. 110.116 and
11 215.90-215.96. The department may contract with a vendor to
12 provide the system and services required of the Personnel
13 Information System.The subsystem shall include, but shall not
14 be limited to, functions for:

15 (a) Maintenance of employee and position data,
16 including funding sources and percentages and salary lapse.
17 The employee data shall include, but not be limited to,
18 information to meet the payroll system requirements of the
19 Department of Banking and Finance and to meet the employee
20 benefit system requirements of the Department of Management
21 Services.

22 (b) Recruitment and selection ~~examination~~.

23 (c) Time and leave reporting.

24 (d) Collective bargaining.

25 (6)(a) The Auditor General shall be advised by the
26 functional owner of each information subsystem as to the date
27 that the development or significant modification of its
28 functional system specifications is to begin.

29 (b) Upon such notification, the Auditor General shall
30 participate with each functional owner to the extent necessary
31 to provide assurance that:

1 1. The accounting information produced by the
2 information subsystem adheres to generally accepted accounting
3 principles.

4 2. The information subsystem contains the necessary
5 controls to maintain its integrity, within acceptable limits
6 and at an acceptable cost.

7 3. The information subsystem is auditable.

8 (c) The Auditor General shall specify those additional
9 features, characteristics, controls, and internal control
10 measures deemed necessary to carry out the provisions of this
11 subsection. Further, it shall be the responsibility of each
12 functional owner to ensure installation and incorporation of
13 ~~install and incorporate~~ such specified features,
14 characteristics, controls, and internal control measures
15 within each information subsystem.

16 Section 16. Subsection (2) of section 216.011, Florida
17 Statutes, is amended to read:

18 216.011 Definitions.--

19 (2) For purposes of this chapter, terms related to
20 personnel affairs of the state shall be defined as set forth
21 in s. 110.107 ~~110.203~~.

22 Section 17. The Legislature finds that a complete
23 review of state agency service contracts with respect to
24 equipment and capital assets could produce immediate and
25 long-term savings. The Department of Management Services shall
26 issue a request for proposal for the purposes of competitively
27 selecting a vendor for a comprehensive review of state agency
28 service contracts for the periodic repair, preventive
29 maintenance, or enhancement of leased or owned equipment to
30 include, but not limited to, office equipment, office systems,
31 and any other capital assets.

1 Section 18. Paragraph (a) of subsection (1) of section
2 121.24, Florida Statutes, is amended to read:

3 121.24 Conduct of commission business; legal and other
4 assistance; compensation.--

5 (1) The commission shall conduct its business within
6 the following guidelines:

7 (a) For purposes of hearing appeals under s. 121.23,
8 the commission may meet in panels consisting of ~~not fewer than~~
9 three members. For all other purposes, a quorum shall consist
10 of three ~~four~~ members. The concurring vote of a majority of
11 the members present shall be required to reach a decision,
12 issue orders, and conduct the business of the commission.

13 Section 19. Section 110.203, Florida Statutes, is
14 repealed.

15 Section 20. This act shall take effect upon becoming a
16 law.

17
18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 1528

21 The Committee Substitute makes nomenclature changes required
22 following the authorization of civil service and
23 infrastructure outsourcing initiatives over the past two
24 years. These authorizations are now placed in general law
25 instead of appropriations proviso language which expires June
26 30, 2003. The bill also authorizes the completion of a study
27 on the use of service contracts and corrects an erroneous
28 cross reference to a quorum required for the business meetings
29 of the State Retirement Commission.
30
31