



1 A bill to be entitled

2 An act relating to government; providing a legislative  
3 finding; requiring the Department of Management Services  
4 to issue an invitation to negotiate for the purpose of  
5 establishing a state term contract to conduct a review of  
6 certain agency contracts; amending s. 110.107, F.S.;  
7 providing definitions; amending s. 110.116, F.S.;  
8 authorizing the Department of Management Services to  
9 contract with a vendor to provide the personnel  
10 information system; amending s. 110.1245, F.S.; revising  
11 language regarding employee recognition; deleting a 5-year  
12 employment requirement for certain recognition; amending  
13 s. 110.152, F.S.; revising payment schedules for adoption  
14 benefits for state employees; amending s. 110.191, F.S.;  
15 correcting a cross reference; amending s. 110.2035, F.S.;  
16 deleting requirement that the Department of Management  
17 Services consult with the Executive Office of the Governor  
18 and the Legislature with regard to a compensation and  
19 classification program; providing requirements for the  
20 program; providing duties and responsibilities to the  
21 department with respect to employment actions by other  
22 agencies; providing rule adoption authority; providing  
23 that employing agencies shall have the responsibility for  
24 the day-to-day application of such rules; providing  
25 additional authority and responsibilities for employing  
26 agencies; requiring the Department of Management Services  
27 to establish and maintain an equitable pay plan for use by  
28 state agencies; providing authority and responsibilities  
29 of the department and employing agencies with respect to  
30 such plan; amending s. 110.205, F.S.; conforming language;



HB 1869, Engrossed 1

2003

31 amending s. 110.213, F.S.; providing that agencies shall  
 32 ensure that candidates for employment are properly  
 33 licensed, certified, or registered, when required by law;  
 34 amending s. 110.227, F.S.; providing for a 1-year  
 35 probationary period for Career Service employees; revising  
 36 procedures with respect to the employee grievance process;  
 37 correcting a cross reference; amending ss. 110.406,  
 38 110.603, and 110.606, F.S.; conforming language; amending  
 39 s. 215.92, F.S.; redefining the term "functional owner";  
 40 amending s. 215.93, F.S.; authorizing the Department of  
 41 Management Services to contract with private entities to  
 42 design, develop, and implement the department's  
 43 information systems and subsystems; amending s. 215.94,  
 44 F.S.; providing that the Department of Management Services  
 45 is the functional owner of the personnel information  
 46 system; amending s. 216.011, F.S.; correcting a cross  
 47 reference; repealing s. 110.203, F.S., relating to  
 48 definitions; providing an effective date.

49  
 50 Be It Enacted by the Legislature of the State of Florida:

51  
 52 Section 1. The Legislature finds that a complete review of  
 53 state agency service contracts with respect to equipment and  
 54 capital assets could produce immediate and long-term savings.

55 Section 2. The Department of Management Services shall  
 56 issue an invitation to negotiate pursuant to chapter 287,  
 57 Florida Statutes, by July 1, 2003, for purposes of establishing  
 58 a state term contract as defined in s. 287.012, Florida  
 59 Statutes, for a comprehensive review of state agency service  
 60 contracts for the periodic repair, preventative maintenance, or



HB 1869, Engrossed 1

2003

61 enhancement of leased or owned equipment, including, but not  
62 limited to, office equipment, office systems, and any other  
63 capital assets.

64 Section 3. Subsections (4) through (31) are added to  
65 section 110.107, Florida Statutes, to read:

66 110.107 Definitions.--As used in this chapter, the term:

67 (4) "State agency" or "agency" means any official,  
68 officer, commission, board, authority, council, committee, or  
69 department of the executive branch or the judicial branch of  
70 state government as defined in chapter 216.

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

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

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

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

83 (9) "Occupational group" means a group of occupations  
84 which are sufficiently similar in kind of work performed to  
85 warrant the use of the same performance factors in determining  
86 the level of complexity for all occupations in that occupational  
87 group.

88 (10) "Classification plan" means a formal description of  
89 the concepts, rules, job family definitions, occupational group



HB 1869, Engrossed 1

2003

90 characteristics, and occupational profiles used in the  
91 classification of positions.

92 (11) "Pay plan" means a formal description of the  
93 philosophy, methods, procedures, and salary schedules for  
94 competitively compensating employees at market-based rates for  
95 work performed.

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

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

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

105 (15) "Position number" means the identification number  
106 assigned to an established position.

107 (16) "Reclassification" means changing an established  
108 position in one broadband level in an occupational group to a  
109 higher or lower broadband level in the same occupational group  
110 or to a broadband level in a different occupational group.

111 (17) "Promotion" means changing the classification of an  
112 employee to a broadband level having a higher maximum salary; or  
113 the changing of the classification of an employee to a broadband  
114 level having the same or a lower maximum salary but a higher  
115 level of responsibility.

116 (18) "Demotion" means changing the classification of an  
117 employee to a broadband level having a lower maximum salary; or  
118 the changing of the classification of an employee to a broadband



HB 1869, Engrossed 1

2003

119 level having the same or a higher maximum salary but a lower  
120 level of responsibility.

121 (19) "Transfer" means moving an employee from one  
122 geographic location of the state to a different geographic  
123 location in excess of 50 miles from the employee's current work  
124 location.

125 (20) "Reassignment" means moving an employee from a  
126 position in one broadband level to a different position in the  
127 same broadband level or to a different broadband level having  
128 the same maximum salary.

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

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

136 (23) "Layoff" means termination of employment due to a  
137 shortage of funds or work, or a material change in the duties or  
138 organization of an agency, including the outsourcing or  
139 privatization of an activity or function previously performed by  
140 career service employees.

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

144 (25) "Shared employment" means part-time career employment  
145 whereby the duties and responsibilities of a full-time position  
146 in the career service are divided among part-time employees who  
147 are eligible for the position and who receive career service  
148 benefits and wages pro rata. In no case shall "shared



HB 1869, Engrossed 1

2003

149 employment" include the employment of persons paid from other-  
150 personal-services funds.

151 (26) "Firefighter" means a firefighter certified under  
152 chapter 633.

153 (27) "Law enforcement or correctional officer" means a law  
154 enforcement officer, special agent, correctional officer,  
155 correctional probation officer, or institutional security  
156 specialist required to be certified under chapter 943.

157 (28) "Professional health care provider" means registered  
158 nurses, physician's assistants, dentists, psychologists,  
159 nutritionists or dietitians, pharmacists, psychological  
160 specialists, physical therapists, and speech and hearing  
161 therapists.

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

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

167 (31) "Broadband level" means all positions which are  
168 sufficiently similar in knowledge, skills, and abilities, and  
169 sufficiently similar as to kind or subject matter of work, level  
170 of difficulty or responsibilities, and qualification  
171 requirements of the work to warrant the same treatment as to  
172 title, pay band, and other personnel transactions.

173 Section 4. Subsection (1) of section 110.116, Florida  
174 Statutes, is amended to read:

175 110.116 Personnel information system; payroll  
176 procedures.--

177 (1) The Department of Management Services shall establish  
178 and maintain, in coordination with the payroll system of the



HB 1869, Engrossed 1

2003

179 Department of Banking and Finance, a complete personnel  
180 information system for all authorized and established positions  
181 in the state service, with the exception of employees of the  
182 Legislature, unless the Legislature chooses to participate. The  
183 department may contract with a vendor to provide the personnel  
184 information system. The specifications shall be developed in  
185 conjunction with the payroll system of the Department of Banking  
186 and Finance and in coordination with the Auditor General. The  
187 Department of Banking and Finance shall determine that the  
188 position occupied by each employee has been authorized and  
189 established in accordance with the provisions of s. 216.251. The  
190 Department of Management Services shall develop and maintain a  
191 position numbering system that will identify each established  
192 position, and such information shall be a part of the payroll  
193 system of the Department of Banking and Finance. With the  
194 exception of employees of the Legislature, unless the  
195 Legislature chooses to participate, this system shall include  
196 all career service positions and those positions exempted from  
197 career service provisions, notwithstanding the funding source of  
198 the salary payments, and information regarding persons receiving  
199 payments from other sources. Necessary revisions shall be made  
200 in the personnel and payroll procedures of the state to avoid  
201 duplication insofar as is feasible. A list shall be organized by  
202 budget entity to show the employees or vacant positions within  
203 each budget entity. This list shall be available to the Speaker  
204 of the House of Representatives and the President of the Senate  
205 upon request.

206 Section 5. Paragraph (d) of subsection (1), paragraph (d)  
207 of subsection (2), and subsection (4) of section 110.1245,  
208 Florida Statutes, are amended to read:



HB 1869, Engrossed 1

2003

209 110.1245 Savings sharing program; bonus payments; other  
 210 awards.--

211 (1)

212 (d) The department and the judicial branch shall submit  
 213 annually to the President of the Senate and the Speaker of the  
 214 House of Representatives information that outlines each agency's  
 215 level of participation in the savings sharing program. The  
 216 information shall include, but is not limited to:

217 1. The number of proposals made.

218 2. The number of dollars and awards made to employees or  
 219 groups for adopted proposals.

220 3. The actual cost savings realized as a result of  
 221 implementing employee or group proposals.

222 ~~4. The number of employees or groups recognized for~~  
 223 ~~superior accomplishments.~~

224 (2) In June of each year, bonuses shall be paid to  
 225 employees from funds authorized by the Legislature in an  
 226 appropriation specifically for bonuses. Each agency shall  
 227 develop a plan for awarding lump-sum bonuses, which plan shall  
 228 be submitted no later than September 15 of each year and  
 229 approved by the Office of Policy and Budget in the Executive  
 230 Office of the Governor. Such plan shall include, at a minimum,  
 231 but is not limited to:

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

236 (4) Each department head is authorized to incur  
 237 expenditures to award suitable framed certificates, pins, or  
 238 other tokens of recognition to state employees who demonstrate





HB 1869, Engrossed 1

2003

239 ~~have achieved increments of 5 years of~~ satisfactory service in  
240 the agency or to the state, in appreciation and recognition of  
241 such service. Such awards may not cost in excess of \$100 each  
242 plus applicable taxes.

243 Section 6. Paragraph (a) of subsection (1) of section  
244 110.152, Florida Statutes, is amended to read:

245 110.152 Adoption benefits for state employees; parental  
246 leave.--

247 (1)(a)~~1~~. Any full-time or part-time employee of the state  
248 who is paid from regular salary appropriations and who adopts a  
249 special-needs child, as defined in paragraph (b), is eligible to  
250 receive a monetary benefit in the amount of \$10,000 per child,  
251 ~~\$5,000 of~~ which is payable in equal monthly installments over a  
252 1-year ~~2-year~~ period. Any employee of the state who adopts a  
253 child whose permanent custody has been awarded to the Department  
254 of Children and Family Services or to a Florida-licensed child-  
255 placing agency, other than a special-needs child as defined in  
256 paragraph (b), shall be eligible to receive a monetary benefit  
257 in the amount of \$5,000 per child, ~~\$2,000 of~~ which is payable in  
258 equal monthly installments over a 1-year ~~2-year~~ period. Benefits  
259 paid under this subsection to a part-time employee must be  
260 prorated based on the employee's full-time-equivalency status at  
261 the time of applying for the benefits.

262 ~~2. For the 2002-2003 fiscal year only, the Department of~~  
263 ~~Management Services is authorized to make lump sum payments for~~  
264 ~~adoption benefits awarded during fiscal years 2000-2001 and~~  
265 ~~2001-2002. This subparagraph expires July 1, 2003.~~

266 Section 7. Subsection (1) of section 110.191, Florida  
267 Statutes, is amended to read:

268 110.191 State employee leasing.--



269 (1) In situations where the Legislature has expressly  
 270 authorized the state, an agency, or the judicial branch as  
 271 defined in s. 110.107 ~~110.203~~ to lease employees, the Executive  
 272 Office of the Governor for the executive branch or the Chief  
 273 Justice for the judicial branch may authorize any of the  
 274 following actions related to such state employee leasing  
 275 activities, provided that the direct cost of such actions is to  
 276 be paid or reimbursed within 30 days after payment by the entity  
 277 or person to whom the employees are leased:

278 (a) Create a separate budget entity from which leased  
 279 employees shall be paid and transfer the positions authorized to  
 280 be leased to that budget entity.

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

282 (c) Authorized lump-sum salary bonuses to leased  
 283 employees; however, any lump-sum salary bonus above the  
 284 automatic salary increases which may be contained in the General  
 285 Appropriations Act must be funded from private sources.

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

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

292 Section 8. Section 110.2035, Florida Statutes, is amended  
 293 to read:

294 110.2035 Classification and compensation program.--

295 (1) The Department of Management Services, ~~in consultation~~  
 296 ~~with the Executive Office of the Governor and the Legislature,~~  
 297 shall establish and maintain ~~develop~~ a classification and  
 298 compensation program addressing. ~~This program shall be developed~~



HB 1869, Engrossed 1

2003

299 ~~for use by all state agencies and shall address~~ Career Service,  
300 Selected Exempt Service, and Senior Management Service positions  
301 classes. No action may be taken to fill any position until it  
302 has been classified in accordance with the classification plan.

303 (a) The department shall develop occupation profiles  
304 necessary for the establishment of new occupations or for the  
305 revision of existing occupations and shall adopt the appropriate  
306 occupation title and broadband level code for each occupation.  
307 Such occupation profiles, titles, and codes shall not constitute  
308 rules within the meaning of s. 120.52.

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

312 (c) The department may review in a postaudit capacity the  
313 action taken by an employing agency in classifying or  
314 reclassifying a position.

315 (d) The department shall effect a classification change on  
316 any classification or reclassification action taken by an  
317 employing agency if the action taken by the agency was not based  
318 on the duties and responsibilities officially assigned the  
319 position as they relate to the concepts and description  
320 contained in the official occupation profile and the level  
321 definition defined in the occupational group characteristics  
322 adopted by the department.

323 (e) In cooperation and consultation with the employing  
324 agencies, the department shall adopt rules necessary to govern  
325 the administration of the classification plan. Such rules shall  
326 be approved by the Administration Commission prior to their  
327 adoption by the department.

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



HB 1869, Engrossed 1

2003

329 (a) A position classification system using no more than 38  
 330 ~~50~~ occupational groups and up to a 6-broadband level ~~6-class~~  
 331 ~~series~~ structure for each occupation within an occupational  
 332 group. Additional occupational groups may be established only by  
 333 the Executive Office of the Governor after consultation with the  
 334 Legislature.

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

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

340 (a) The classification system must significantly reduce  
 341 the need to reclassify positions due to work assignment and  
 342 organizational changes by decreasing the number of  
 343 classification changes required.

344 (b) The classification system must establish broadband  
 345 levels ~~broad-based classes~~ allowing flexibility in  
 346 organizational structure and must reduce the number ~~levels~~ of  
 347 supervisory broadband levels ~~classes~~.

348 (c) The classification ~~system~~ and compensation program ~~pay~~  
 349 ~~plan~~ must emphasize pay administration and job-performance  
 350 evaluation by management rather than emphasize use of the  
 351 classification system to award salary increases.

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

356 (4) The classification system shall be structured such  
 357 that each confidential, managerial, and supervisory employee



HB 1869, Engrossed 1

2003

358 shall be included in the Selected Exempt Service, in accordance  
359 with part V of this chapter.

360 (5) The employing agency shall be responsible for the day-  
361 to-day application of classification rules promulgated by the  
362 department ~~The Department of Management Services shall submit~~  
363 ~~the proposed design of the classification and compensation~~  
364 ~~program to the Executive Office of the Governor, the presiding~~  
365 ~~officers of the Legislature, and the appropriate legislative~~  
366 ~~fiscal and substantive standing committees on or before December~~  
367 ~~1, 2001.~~

368 (a) The employing agency shall maintain on a current basis  
369 a position description for each authorized and established  
370 position assigned the agency. The position description shall  
371 include an accurate description of assigned duties and  
372 responsibilities and other pertinent information concerning a  
373 position and shall serve as a record of the official assignment  
374 of duties to the position. Such description shall be used in the  
375 comparison of positions to ensure uniformity of classifications.

376 (b) The employing agency shall have the authority and  
377 responsibility to classify positions authorized by the  
378 Legislature or authorized pursuant to s. 216.262; to classify  
379 positions that are added in lieu of positions deleted pursuant  
380 to s. 216.262; and to reclassify established positions.  
381 Classification and reclassification actions taken by an  
382 employing agency shall be within the occupations established by  
383 the department, shall be funded within the limits of currently  
384 authorized appropriations, and shall be in accordance with the  
385 uniform procedures adopted by the department.

386 (6) The department shall establish and maintain an  
387 equitable pay plan applicable to all occupations and shall be



HB 1869, Engrossed 1

2003

388 responsible for the overall review, coordination, and  
389 administration of the pay plan.

390 (a) The department shall provide for broad, market-based  
391 pay bands for occupations and shall establish guidelines for the  
392 employing agencies to move employees through these pay bands.  
393 The employing agencies may determine the appropriate salary  
394 within the pay bands and guidelines adopted by the department.  
395 Such pay bands, and the assignment of broadband levels to  
396 positions, shall not constitute rules within the meaning of s.  
397 120.52.

398 (b) The department shall conduct wage and salary surveys  
399 as necessary for the purpose of achieving the goal of an  
400 equitable, competitive, market-based pay policy.

401 (c)~~(6)~~ The department shall establish, by rule, guidelines  
402 with respect to, and shall delegate to the employing agencies,  
403 where appropriate, the authority to administer the following:

- 404 1.~~(a)~~ Shift differentials.  
405 2.~~(b)~~ On-call fees.  
406 3.~~(c)~~ Hazardous-duty pay.  
407 ~~(d) Advanced appointment rates.~~  
408 4.~~(e)~~ Salary increase and decrease corrections.  
409 5.~~(f)~~ Lead-worker pay.  
410 6.~~(g)~~ Temporary special duties pay.  
411 7.~~(h)~~ Trainer-additive pay.  
412 8.~~(i)~~ Competitive area differentials.  
413 ~~(j) Coordinator pay.~~  
414 9.~~(k)~~ Critical market pay.

415  
416 The employing agency must use such pay additives as are  
417 appropriate within the guidelines established by the department



HB 1869, Engrossed 1

2003

418 and shall advise the department in writing of the plan for  
419 implementing such pay additives prior to the implementation  
420 date. Any action by an employing agency to implement temporary  
421 special duties pay, competitive area differentials, or critical  
422 market pay may be implemented only after the department has  
423 reviewed and recommended such action; however, an employing  
424 agency may use temporary special duties pay for up to 3 months  
425 without prior review by the department. The department shall  
426 annually provide a summary report of the pay additives  
427 implemented pursuant to this section.

428 Section 9. Paragraph (q) of subsection (2), and  
429 subsections (4), (5), and (6) of section 110.205, Florida  
430 Statutes, are amended to read:

431 110.205 Career service; exemptions.--

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

434 (q) The staff directors, assistant staff directors,  
435 district program managers, district program coordinators,  
436 district subdistrict administrators, district administrative  
437 services directors, district attorneys, and the Deputy Director  
438 of Central Operations Services of the Department of Children and  
439 Family Services. Unless otherwise fixed by law, the department  
440 shall establish the pay band ~~salary range~~ and benefits for these  
441 positions in accordance with the rules of the Selected Exempt  
442 Service.

443 (4) DEFINITION OF DEPARTMENT.--When used in this section,  
444 the term "department" shall mean all departments and commissions  
445 of the executive branch, whether created by the State  
446 Constitution or chapter 20; the office of the Governor; and the  
447 Public Service Commission; however, the term "department" shall



HB 1869, Engrossed 1

2003

448 mean the Department of Management Services when used in the  
449 context of the authority to establish pay bands ~~salary ranges~~  
450 and benefits.

451 (5) POSITIONS EXEMPTED BY OTHER STATUTES.--If any position  
452 is exempted from the career service by any other statute and the  
453 personnel system to which that position is assigned is not  
454 specifically included in the statute, the position shall be  
455 placed in the Selected Exempt Service, and the department shall  
456 establish the pay band ~~salary range~~ and benefits for that  
457 position in accordance with the rules of the Selected Exempt  
458 Service.

459 (6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,  
460 DEPARTMENT OF INSURANCE.--In addition to those positions  
461 exempted from this part, there is hereby exempted from the  
462 Career Service System the chief inspector of the boiler  
463 inspection program of the Department of Insurance. The pay band  
464 ~~salary range~~ of this position shall be established by the  
465 Department of Management Services in accordance with the  
466 classification and pay plan established for the Selected Exempt  
467 Service.

468 Section 10. Section 110.213, Florida Statutes, is amended  
469 to read:

470 110.213 Selection.--

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

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





HB 1869, Engrossed 1

2003

478 be required to document the qualifications of the selected  
479 candidate to ensure that the candidate meets the minimum  
480 requirements ~~qualifications~~ as specified by the employing  
481 agency, meets the licensure, certification, or registration  
482 requirements, if any, as specified by statute, and possesses the  
483 requisite knowledge, skills, and abilities for the position. No  
484 other documentation or justification shall be required prior to  
485 selecting a candidate for a position.

486 Section 11. Subsections (1), (2), (4), and (5) of section  
487 110.227, Florida Statutes, are amended to read:

488 110.227 Suspensions, dismissals, reductions in pay,  
489 demotions, layoffs, transfers, and grievances.--

490 (1) Any employee who has satisfactorily completed at least  
491 a 1-year probationary period in his or her current position  
492 ~~permanent status in the career service~~ may be suspended or  
493 dismissed only for cause. Cause shall include, but is not  
494 limited to, poor performance, negligence, inefficiency or  
495 inability to perform assigned duties, insubordination, violation  
496 of the provisions of law or agency rules, conduct unbecoming a  
497 public employee, misconduct, habitual drug abuse, or conviction  
498 of any crime. The agency head shall ensure that all employees of  
499 the agency have reasonable access to the agency's personnel  
500 manual.

501 (2) The department shall establish rules and procedures  
502 for the suspension, reduction in pay, transfer, layoff,  
503 demotion, and dismissal of employees in the career service.  
504 Except with regard to law enforcement or correctional officers,  
505 firefighters, or professional health care providers, rules  
506 regarding layoff procedures shall not include any system whereby  
507 a career service employee with greater seniority has the option



HB 1869, Engrossed 1

2003

508 of selecting a different position not being eliminated, but  
509 either vacant or already occupied by an employee of less  
510 seniority, and taking that position, commonly referred to as  
511 "bumping." For the implementation of layoffs as defined in s.  
512 110.107 ~~110.203~~, the department shall develop rules requiring  
513 that consideration be given to comparative merit, demonstrated  
514 skills, and the employee's experience. Such rules shall be  
515 approved by the Administration Commission prior to their  
516 adoption by the department.

517 (4) A grievance process shall be available to ~~permanent~~  
518 career service employees who have satisfactorily completed at  
519 least a 1-year probationary period in their current positions. A  
520 grievance is defined as the dissatisfaction that occurs when an  
521 employee believes that any condition affecting the employee is  
522 unjust, inequitable, or a hindrance to effective operation.  
523 Claims of discrimination and sexual harassment or claims related  
524 to suspensions, reductions in pay, demotions, and dismissals are  
525 not subject to the career service grievance process. The  
526 following procedures shall apply to any grievance filed pursuant  
527 to this subsection, except that all timeframes may be extended  
528 in writing by mutual agreement:

529 (a) *Step One.*--The employee may submit a signed, written  
530 grievance on a form provided by the agency to his or her  
531 supervisor within 7 calendar days following the occurrence of  
532 the event giving rise to the grievance. The supervisor must meet  
533 with the employee to discuss the grievance within and provide a  
534 written response to the employee 5 business days following  
535 receipt of the grievance.

536 (b) *Step Two.*--If the employee is dissatisfied with the  
537 response of his or her supervisor, the employee may submit the



HB 1869, Engrossed 1

2003

538 written grievance to the agency head or his or her designee  
539 within 2 business days following receipt of the supervisor's  
540 written response ~~the meeting with his or her supervisor~~. The  
541 agency head or his or her designee must meet with the employee  
542 to discuss the grievance within 5 business days following  
543 receipt of the grievance. The agency head or his or her designee  
544 must respond in writing to the employee within 5 business days  
545 following the meeting. The written decision of the agency head  
546 shall be the final authority for all grievances filed pursuant  
547 to this subsection. Such grievances may not be appealed beyond  
548 Step Two.

549 (5)(a) A ~~permanent~~ career service employee who has  
550 satisfactorily completed at least a 1-year probationary period  
551 in his or her current position and who is subject to a  
552 suspension, reduction in pay, demotion, or dismissal shall  
553 receive written notice of such action at least 10 days prior to  
554 the date such action is to be taken. Subsequent to such notice,  
555 and prior to the date the action is to be taken, the affected  
556 employee shall be given an opportunity to appear before the  
557 agency or official taking the action to answer orally and in  
558 writing the charges against him or her. The notice to the  
559 employee required by this paragraph may be delivered to the  
560 employee personally or may be sent by certified mail with return  
561 receipt requested. Such actions shall be appealable to the  
562 Public Employees Relations Commission as provided in subsection  
563 (6). Written notice of any such appeal shall be filed by the  
564 employee with the commission within 14 calendar days after the  
565 date on which the notice of suspension, reduction in pay,  
566 demotion, or dismissal is received by the employee.



HB 1869, Engrossed 1

2003

567 (b) In extraordinary situations such as when the retention  
 568 of a ~~permanent~~ career service employee who has satisfactorily  
 569 completed at least a 1-year probationary period in his or her  
 570 current position would result in damage to state property, would  
 571 be detrimental to the best interest of the state, or would  
 572 result in injury to the employee, a fellow employee, or some  
 573 other person, such employee may be suspended or dismissed  
 574 without 10 days' prior notice, provided that written or oral  
 575 notice of such action, evidence of the reasons therefor, and an  
 576 opportunity to rebut the charges are furnished to the employee  
 577 prior to such dismissal or suspension. Such notice may be  
 578 delivered to the employee personally or may be sent by certified  
 579 mail with return receipt requested. Agency compliance with the  
 580 foregoing procedure requiring notice, evidence, and an  
 581 opportunity for rebuttal must be substantiated. Any employee who  
 582 is suspended or dismissed pursuant to the provisions of this  
 583 paragraph may appeal to the Public Employees Relations  
 584 Commission as provided in subsection (6). Written notice of any  
 585 such appeal shall be filed with the commission by the employee  
 586 within 14 days after the date on which the notice of suspension,  
 587 reduction in pay, demotion, or dismissal is received by the  
 588 employee.

589 Section 12. Paragraph (c) of subsection (2) of section  
 590 110.406, Florida Statutes, is amended to read:

591 110.406 Senior Management Service; data collection.--

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

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

594 1. A pricing analysis based on a market survey of  
 595 positions comparable to those included in the Senior Management  
 596 Service and recommendations with respect to whether, and to what



HB 1869, Engrossed 1

2003

597 extent, revisions to the pay bands ~~salary ranges~~ for the Senior  
598 Management Service classifications should be implemented.

599 2. An analysis of actual salary levels for each  
600 classification within the Senior Management Service, indicating  
601 the mean salary for each classification within the Senior  
602 Management Service and the deviation from such mean with respect  
603 to each agency's salary practice in each classification; a  
604 review of the duties and responsibilities in relation to the  
605 incumbents' salary levels, credentials, skills, knowledge, and  
606 abilities; and an opinion as to whether the salary practices  
607 reflected thereby indicate interagency salary inequities among  
608 positions within the Senior Management Service.

609 Section 13. Subsection (1) of section 110.603, Florida  
610 Statutes, is amended to read:

611 110.603 Pay and benefits.--The department shall adopt:

612 (1) A classification plan and a pay plan consisting of pay  
613 bands ~~salary ranges~~ appropriate to the positions included in the  
614 Selected Exempt Service and which provides for salary increases  
615 based on performance. Such pay bands ~~salary ranges~~ shall be  
616 designed to attract and retain qualified personnel for the  
617 Selected Exempt Service.

618 Section 14. Paragraph (c) of subsection (2) of section  
619 110.606, Florida Statutes, is amended to read:

620 110.606 Selected Exempt Service; data collection.--

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

622 (c) In addition, as needed:

623 1. A pricing analysis based on a market survey of  
624 positions comparable to those included in the Selected Exempt  
625 Service and recommendations with respect to whether, and to what



HB 1869, Engrossed 1

2003

626 extent, revisions to the pay bands ~~salary ranges~~ for the  
627 Selected Exempt Service classifications should be implemented.

628 2. An analysis of actual salary levels for each  
629 classification within the Selected Exempt Service, indicating  
630 the mean salary for each classification within the Selected  
631 Exempt Service and the deviation from such means with respect to  
632 each agency's salary practice in each classification; reviewing  
633 the duties and responsibilities in relation to the incumbents'  
634 salary levels, credentials, skills, knowledge, and abilities;  
635 and discussing whether the salary practices reflected thereby  
636 indicate interagency salary inequities among positions within  
637 the Selected Exempt Service.

638 Section 15. Subsection (6) of section 215.92, Florida  
639 Statutes, is amended to read:

640 215.92 Definitions relating to Florida Financial  
641 Management Information System Act.--For the purposes of ss.  
642 215.90-215.96:

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

648 Section 16. Subsections (1) and (2) of section 215.93,  
649 Florida Statutes, are amended to read:

650 215.93 Florida Financial Management Information System.--

651 (1) To provide the information necessary to carry out the  
652 intent of the Legislature, there shall be a Florida Financial  
653 Management Information System. The Florida Financial Management  
654 Information System shall be fully implemented and shall be  
655 upgraded as necessary to ensure the efficient operation of an



656 integrated financial management information system and to  
 657 provide necessary information for the effective operation of  
 658 state government. Upon the recommendation of the coordinating  
 659 council and approval of the board, the Florida Financial  
 660 Management Information System may require data from any state  
 661 agency information system or information subsystem or may  
 662 request data from any judicial branch information system or  
 663 information subsystem that the coordinating council and board  
 664 have determined to have statewide financial management  
 665 significance. Each functional owner information subsystem within  
 666 the Florida Financial Management Information System shall be  
 667 developed in such a fashion as to allow for timely, positive,  
 668 preplanned, and prescribed data transfers between the Florida  
 669 Financial Management Information System functional owner  
 670 information subsystems and from other information systems. The  
 671 principal unit of the system shall be the functional owner  
 672 information subsystem, and the system shall include, but shall  
 673 not be limited to, the following:

- 674 (a) Planning and Budgeting Subsystem.
- 675 (b) Florida Accounting Information Resource Subsystem.
- 676 (c) Cash Management Subsystem.
- 677 (d) Purchasing Subsystem.
- 678 (e) Personnel Information System ~~Cooperative Personnel~~  
 679 ~~Employment Subsystem.~~

680 (2) Each information subsystem shall have a functional  
 681 owner, who may establish additional functions for the subsystem  
 682 unless specifically prohibited by ss. 215.90-215.96. However,  
 683 without the express approval of the board upon recommendation of  
 684 the coordinating council, no functional owner nor any other  
 685 agency shall have the authority to establish or maintain



HB 1869, Engrossed 1

2003

686 additional subsystems which duplicate any of the information  
 687 subsystems of the Florida Financial Management Information  
 688 System. Each functional owner shall solicit input and responses  
 689 from agencies utilizing the information subsystem. Each  
 690 functional owner may contract with the other functional owners  
 691 or private sector entities ~~for assistance~~ in the design,  
 692 development, and implementation of their information systems and  
 693 subsystems. Each functional owner shall include in its  
 694 information subsystem functional specifications the data  
 695 requirements and standards of the Florida Financial Management  
 696 Information System as approved by the board. Each functional  
 697 owner shall establish design teams that shall plan and  
 698 coordinate the design and implementation of its subsystem within  
 699 the framework established by the board. The design teams shall  
 700 assist the design and coordination staff in carrying out the  
 701 duties assigned by the board or the coordinating council. The  
 702 coordinating council shall review and approve the work plans for  
 703 these projects.

704 Section 17. Subsections (5) and (6) of section 215.94,  
 705 Florida Statutes, are amended to read:

706 215.94 Designation, duties, and responsibilities of  
 707 functional owners.--

708 (5) The Department of Management Services shall be the  
 709 functional owner of the Personnel Information System ~~Cooperative~~  
 710 ~~Personnel Employment Subsystem~~. The department shall ensure that  
 711 the system is designed, implemented, and operated ~~design,~~  
 712 ~~implement, and operate the subsystem~~ in accordance with the  
 713 provisions of ss. 110.116 and 215.90-215.96. The department may  
 714 contract with a vendor to provide the system and services





HB 1869, Engrossed 1

2003

715 required of the Personnel Information System. The subsystem

716 shall include, but shall not be limited to, functions for:

717 (a) Maintenance of employee and position data, including  
718 funding sources and percentages and salary lapse. The employee  
719 data shall include, but not be limited to, information to meet  
720 the payroll system requirements of the Department of Banking and  
721 Finance and to meet the employee benefit system requirements of  
722 the Department of Management Services.

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

724 (c) Time and leave reporting.

725 (d) Collective bargaining.

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

730 (b) Upon such notification, the Auditor General shall  
731 participate with each functional owner to the extent necessary  
732 to provide assurance that:

733 1. The accounting information produced by the information  
734 subsystem adheres to generally accepted accounting principles.

735 2. The information subsystem contains the necessary  
736 controls to maintain its integrity, within acceptable limits and  
737 at an acceptable cost.

738 3. The information subsystem is auditable.

739 (c) The Auditor General shall specify those additional  
740 features, characteristics, controls, and internal control  
741 measures deemed necessary to carry out the provisions of this  
742 subsection. Further, it shall be the responsibility of each  
743 functional owner to ensure installation and incorporation of  
744 ~~install and incorporate~~ such specified features,



HB 1869, Engrossed 1

2003

745 characteristics, controls, and internal control measures within  
746 each information subsystem.

747 Section 18. Subsection (2) of section 216.011, Florida  
748 Statutes, is amended to read:

749 216.011 Definitions.--

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

753 Section 19. Section 110.203, Florida Statutes, is  
754 repealed.

755 Section 20. This act shall take effect July 1, 2003.