

Bill No. SB 844

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576-1951A-06

Proposed Committee Substitute by the Committee on Ways and Means

1 A bill to be entitled

2 An act relating to state employees; amending s.

3 39.8296, F.S.; requiring that the Justice

4 Administrative Commission approve the

5 classification plan and salary and benefits for

6 employees of the Statewide Guardian Ad Litem

7 Office; amending s. 43.16, F.S.; providing that

8 the employees of the Justice Administrative

9 Commission are exempt from the Career Service

10 System and not included in the Senior

11 Management Service or Selected Exempt Service;

12 requiring that such employees be offered

13 benefits comparable to those of the Career

14 Service System, with certain exceptions;

15 requiring that the commission annually submit

16 information concerning certain positions to the

17 Executive Office of the Governor and the

18 Legislature; providing that changes in such

19 positions or level of benefits are subject to

20 requirements for notice and objection; amending

21 s. 110.123, F.S.; specifying the amount of the

22 employer contribution to employee health

23 savings accounts for the 2006-2007 fiscal year;

24 amending s. 110.12315, F.S.; continuing the

25 current schedules of copayments for the

26 prescription drug program for state employees;

27 deleting obsolete provisions; amending s.

28 110.2035, F.S.; requiring that the Department

29 of Management Services conduct wage and salary

30 surveys in consultation with the Executive

31 Office of the Governor and legislative

576-1951A-06

1 appropriations committees; requiring that an
2 employing agency advise the Executive Office of
3 the Governor and the Legislature of pay
4 additives before the date of implementation;
5 prohibiting pay additives for a cohort of
6 positions unless specifically authorized by the
7 Legislature; requiring that the Department of
8 Management Services annually report pay
9 additives to the Executive Office of the
10 Governor and the Legislature; amending s.
11 112.061, F.S.; prohibiting the use of moneys
12 from the State Treasury for per diem or
13 subsistence related to Class C travel;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsection (2) of section 39.8296, Florida
19 Statutes, is amended to read:

20 39.8296 Statewide Guardian Ad Litem Office;
21 legislative findings and intent; creation; appointment of
22 executive director; duties of office.--

23 (2) STATEWIDE GUARDIAN AD LITEM OFFICE.--There is
24 created a Statewide Guardian Ad Litem Office within the
25 Justice Administrative Commission. The Justice Administrative
26 Commission shall provide administrative support and service to
27 the office to the extent requested by the executive director
28 within the available resources of the commission. The
29 Statewide Guardian Ad Litem Office shall not be subject to
30 control, supervision, or direction by the Justice
31 Administrative Commission in the performance of its duties.

576-1951A-06

1 but the employees of the office shall be governed by the
2 classification plan and salary and benefits plan approved by
3 the Justice Administrative Commission.

4 (a) The head of the Statewide Guardian Ad Litem Office
5 is the executive director, who shall be appointed by the
6 Governor from a list of a minimum of three eligible applicants
7 submitted by a Guardian Ad Litem Qualifications Committee. The
8 Guardian Ad Litem Qualifications Committee shall be composed
9 of five persons, two persons appointed by the Governor, two
10 persons appointed by the Chief Justice of the Supreme Court,
11 and one person appointed by the Statewide Guardian Ad Litem
12 Association. The committee shall provide for statewide
13 advertisement and the receiving of applications for the
14 position of executive director. The Governor shall appoint an
15 executive director from among the recommendations, or the
16 Governor may reject the nominations and request the submission
17 of new nominees. The executive director must have knowledge in
18 dependency law and knowledge of social service delivery
19 systems available to meet the needs of children who are
20 abused, neglected, or abandoned. The executive director shall
21 serve on a full-time basis and shall personally, or through
22 representatives of the office, carry out the purposes and
23 functions of the Statewide Guardian Ad Litem Office in
24 accordance with state and federal law. The executive director
25 shall report to the Governor. The executive director shall
26 serve a 3-year term, subject to removal for cause by the
27 Governor. Any person appointed to serve as the executive
28 director may be permitted to serve more than one term.

29 (b) The Statewide Guardian Ad Litem Office shall,
30 within available resources, have oversight responsibilities
31 for and provide technical assistance to all guardian ad litem

576-1951A-06

1 and attorney ad litem programs located within the judicial
2 circuits.

3 1. The office shall identify the resources required to
4 implement methods of collecting, reporting, and tracking
5 reliable and consistent case data.

6 2. The office shall review the current guardian ad
7 litem programs in Florida and other states.

8 3. The office, in consultation with local guardian ad
9 litem offices, shall develop statewide performance measures
10 and standards.

11 4. The office shall develop a guardian ad litem
12 training program. The office shall establish a curriculum
13 committee to develop the training program specified in this
14 subparagraph. The curriculum committee shall include, but not
15 be limited to, dependency judges, directors of circuit
16 guardian ad litem programs, active certified guardians ad
17 litem, a mental health professional who specializes in the
18 treatment of children, a member of a child advocacy group, a
19 representative of the Florida Coalition Against Domestic
20 Violence, and a social worker experienced in working with
21 victims and perpetrators of child abuse.

22 5. The office shall review the various methods of
23 funding guardian ad litem programs, shall maximize the use of
24 those funding sources to the extent possible, and shall review
25 the kinds of services being provided by circuit guardian ad
26 litem programs.

27 6. The office shall determine the feasibility or
28 desirability of new concepts of organization, administration,
29 financing, or service delivery designed to preserve the civil
30 and constitutional rights and fulfill other needs of dependent
31 children.

Bill No. SB 844

Barcode 965324

576-1951A-06

1 7. No later than October 1, 2004, the office shall
2 submit to the Governor, the President of the Senate, the
3 Speaker of the House of Representatives, and the Chief Justice
4 of the Supreme Court an interim report describing the progress
5 of the office in meeting the goals as described in this
6 section. No later than October 1, 2004, the office shall
7 submit to the Governor, the President of the Senate, the
8 Speaker of the House of Representatives, and the Chief Justice
9 of the Supreme Court a proposed plan including alternatives
10 for meeting the state's guardian ad litem and attorney ad
11 litem needs. This plan may include recommendations for less
12 than the entire state, may include a phase-in system, and
13 shall include estimates of the cost of each of the
14 alternatives. Each year thereafter, the office shall provide a
15 status report and provide further recommendations to address
16 the need for guardian ad litem services and related issues.

17 Section 2. Subsection (4) of section 43.16, Florida
18 Statutes, is amended to read:

19 43.16 Justice Administrative Commission; membership,
20 powers and duties.--

21 (4)(a) The Justice Administrative Commission shall
22 employ an executive director and fix his or her salary. The
23 executive director shall employ any necessary personnel for
24 the efficient performance of the commission ~~according to a~~
25 ~~classification and pay plan annually approved by the~~
26 ~~commission.~~

27 (b) All employees of or within the commission are
28 exempt from the Career Service System provided in chapter 110
29 and, notwithstanding s. 110.205(5), are not included in the
30 Senior Management Service or the Selected Exempt Service. The
31 commission shall annually approve a classification plan and

576-1951A-06

1 salary and benefits plan.

2 (c) Employees in permanent positions must be offered
3 benefits comparable to those offered under the Career Service
4 System.

5 (d) The commission may offer benefits in excess of
6 those offered under the Career Service System only to
7 employees who are appointed to positions designated as having
8 managerial or policymaking duties or positions requiring
9 membership in The Florida Bar.

10 (e) By January 15th of each year, the commission shall
11 submit to the Executive Office of the Governor, the President
12 of the Senate, and the Speaker of the House of Representatives
13 a listing of all positions receiving benefits greater than
14 those benefits offered under the Career Service System. Any
15 change in the positions that are offered greater benefits or
16 any change in the level of benefits is subject to the notice
17 and objection procedures of s. 216.177.

18 Section 3. Subsection (12) of section 110.123, Florida
19 Statutes, is amended to read:

20 110.123 State group insurance program.--

21 (12) HEALTH SAVINGS ACCOUNTS.--The department is
22 authorized to establish health savings accounts for full-time
23 and part-time state employees in association with a health
24 insurance plan option authorized by the Legislature and
25 conforming to the requirements and limitations of federal
26 provisions relating to the Medicare Prescription Drug,
27 Improvement, and Modernization Act of 2003.

28 (a)1. A member participating in this health insurance
29 plan option shall be eligible to receive an employer
30 contribution into the employee's health savings account from
31 the State Employees Health Insurance Trust Fund in an amount

576-1951A-06

1 to be determined by the Legislature. A member is not eligible
 2 for an employer contribution upon termination of employment.
 3 For the 2006-2007 ~~2005-2006~~ fiscal year, the state's monthly
 4 contribution for employees having individual coverage shall be
 5 \$41.66 and the monthly contribution for employees having
 6 family coverage shall be \$83.33.

7 2. A member participating in this health insurance
 8 plan option shall be eligible to deposit the member's own
 9 funds into a health savings account.

10 (b) The monthly premiums paid by the employer for a
 11 member participating in this health insurance plan option
 12 shall include an amount equal to the monthly employer
 13 contribution authorized by the Legislature for that fiscal
 14 year.

15 (c) The health savings accounts shall be administered
 16 in accordance with the requirements and limitations of federal
 17 provisions relating to the Medicare Prescription Drug,
 18 Improvement, and Modernization Act of 2003.

19 Section 4. Subsection (7) of section 110.12315,
 20 Florida Statutes, is amended to read:

21 110.12315 Prescription drug program.--The state
 22 employees' prescription drug program is established. This
 23 program shall be administered by the Department of Management
 24 Services, according to the terms and conditions of the plan as
 25 established by the relevant provisions of the annual General
 26 Appropriations Act and implementing legislation, subject to
 27 the following conditions:

28 (7) Under the state employees' prescription drug
 29 program copayments must be made as follows:

30 ~~(a) Effective January 1, 2004, through December 31,~~
 31 ~~2005+~~

576-1951A-06

- 1 ~~1. For generic drug with card.....\$10.~~
- 2 ~~2. For preferred brand name drug with card.....\$25.~~
- 3 ~~3. For nonpreferred brand name drug with card.....\$40.~~
- 4 ~~4. For generic mail order drug.....\$20.~~
- 5 ~~5. For preferred brand name mail order drug.....\$50.~~
- 6 ~~6. For nonpreferred brand name mail order drug....\$80.~~

7 ~~(a)(b)~~ Effective January 1, 2006, ~~through December 31,~~
 8 ~~2006,~~ for the State Group Health Insurance Standard Plan:

- 9 1. For generic drug with card.....\$10.
- 10 2. For preferred brand name drug with card.....\$25.
- 11 3. For nonpreferred brand name drug with card.....\$40.
- 12 4. For generic mail order drug.....\$20.
- 13 5. For preferred brand name mail order drug.....\$50.
- 14 6. For nonpreferred brand name mail order drug....\$80.

15 ~~(b)(c)~~ Effective January 1, 2006, ~~through December 31,~~
 16 ~~2006,~~ for the State Group Health Insurance High Deductible
 17 Plan:

- 18 1. Retail coinsurance for generic drug with card..30%.
- 19 2. Retail coinsurance for preferred brand name drug
 20 with card.....30%.
- 21 3. Retail coinsurance for nonpreferred brand name drug
 22 with card.....50%.
- 23 4. Mail order coinsurance for generic drug.....30%.
- 24 5. Mail order coinsurance for preferred brand name
 25 drug.....30%.
- 26 6. Mail order coinsurance for nonpreferred brand name
 27 drug.....50%.

28 ~~(c)(d)~~ The Department of Management Services shall
 29 create a preferred brand name drug list to be used in the
 30 administration of the state employees' prescription drug
 31 program.

576-1951A-06

1 Section 5. Subsection (6) of section 110.2035, Florida
2 Statutes, is amended to read:

3 110.2035 Classification and compensation program.--

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

8 (a) The department shall provide for broad,
9 market-based pay bands for occupations and shall establish
10 guidelines for the employing agencies to move employees
11 through these pay bands. The employing agencies may determine
12 the appropriate salary within the pay bands and guidelines
13 adopted by the department. Such pay bands, and the assignment
14 of broadband levels to positions, shall not constitute rules
15 within the meaning of s. 120.52.

16 (b) The department, in consultation with the Executive
17 Office of the Governor and the legislative appropriations
18 committees, shall conduct wage and salary surveys as necessary
19 for the purpose of achieving the goal of an equitable,
20 competitive, market-based pay policy.

21 (c) The department shall establish, by rule,
22 guidelines with respect to, and shall delegate to the
23 employing agencies, where appropriate, the authority to
24 administer the following:

- 25 1. Shift differentials.
- 26 2. On-call fees.
- 27 3. Hazardous-duty pay.
- 28 4. Salary increase and decrease corrections.
- 29 5. Lead-worker pay.
- 30 6. Temporary special duties pay.
- 31 7. Trainer-additive pay.

576-1951A-06

1 8. Competitive area differentials.

2 9. Critical market pay.

3

4 The employing agency must use such pay additives as are
5 appropriate within the guidelines established by the
6 department and the Legislature. The employing agency and shall
7 advise the department, the Executive Office of the Governor,
8 and the Legislature in writing of the plan for implementing
9 such pay additives prior to the implementation date. An agency
10 may not implement any pay additive to a cohort of positions
11 sharing job classifications or job occupations unless the
12 Legislature has specifically authorized such pay additives for
13 that specific cohort of positions. Any action by an employing
14 agency to implement temporary special duties pay, competitive
15 area differentials, or critical market pay may be implemented
16 only after the department has reviewed and recommended such
17 action; however, an employing agency may use temporary special
18 duties pay for up to 3 months without prior review by the
19 department. The department shall annually provide to the
20 Executive Office of the Governor and the Legislature a summary
21 report of the pay additives implemented pursuant to this
22 section.

23 Section 6. Subsection (15) is added to section
24 112.061, Florida Statutes, to read:

25 112.061 Per diem and travel expenses of public
26 officers, employees, and authorized persons.--

27 (15) CLASS C TRAVEL.--Moneys appropriated from the
28 State Treasury may not be used to pay per diem or subsistence
29 related to Class C travel.

30 Section 7. This act shall take effect July 1, 2006.

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