

By the Committee on Ways and Means; and Senator Carlton

576-2108-06

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

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.

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

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.

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

1 commission shall annually approve a classification plan and  
2 salary and benefits plan.

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

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

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

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

21 110.123 State group insurance program.--

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

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

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

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

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

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

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

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

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

31 |

1           ~~(a)~~ Effective January 1, 2004, through December 31,  
2 ~~2005~~+

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

9           ~~(a)(b)~~ Effective January 1, 2006, ~~through December 31,~~  
10 ~~2006~~, for the State Group Health Insurance Standard Plan:

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

17           ~~(b)(c)~~ Effective January 1, 2006, ~~through December 31,~~  
18 ~~2006~~, for the State Group Health Insurance High Deductible  
19 Plan:

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

30           ~~(c)(d)~~ The Department of Management Services shall  
31 create a preferred brand name drug list to be used in the



1 administration of the state employees' prescription drug  
2 program.

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

5 110.2035 Classification and compensation program.--

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

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

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

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

- 27 1. Shift differentials.
- 28 2. On-call fees.
- 29 3. Hazardous-duty pay.
- 30 4. Salary increase and decrease corrections.
- 31 5. Lead-worker pay.

- 1           6. Temporary special duties pay.
- 2           7. Trainer-additive pay.
- 3           8. Competitive area differentials.
- 4           9. Critical market pay.

5

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

25           Section 6. Subsection (15) is added to section  
26 112.061, Florida Statutes, to read:

27           112.061 Per diem and travel expenses of public  
28 officers, employees, and authorized persons.--

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

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

2

3                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
4   COMMITTEE SUBSTITUTE FOR  
5   Senate Bill 844

6

6   The Proposed Committee Substitute addresses miscellaneous  
7   issues regarding the pay and benefits offered to state  
8   employees.

8   First, this bill clarifies an ambiguity by granting the  
9   Justice Administrative Commission specific authority to  
10   approve a benefits plan for commission staff. Generally, the  
11   employees will be granted benefits comparable to the benefits  
12   afforded Career Service System employees. The commission has  
13   authority to grant certain managerial, policymaking and legal  
14   staff greater benefits. The employees of the State Guardian  
15   Ad litem Office will be governed by this plan also.

16   Secondly, this bill continues current copayments for  
17   prescription drugs for the State Employee Health Insurance  
18   Plan and continues the current level of employer contributions  
19   into a participant's health savings account for the 2006-2007  
20   fiscal year for those employees participating in the high  
21   deductible plans.

22   Third, this bill restricts an agency from providing pay  
23   additives to a cohort of employees unless the Legislature has  
24   specifically authorized the pay additives for the specific  
25   cohort of employees impacted. This change is intended to  
26   clarify that the legislature, rather than agency, has the sole  
27   authority to grant pay increases to broad classes of  
28   employees.

29   Lastly, this bill prohibits the use of state funds to pay  
30   subsistence or per diem related to Class C travel (travel  
31   occurring within a single day).

22

23

24

25

26

27

28

29

30

31