

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 and not in conflict with any  
8 collective bargaining agreement for that cohort  
9 of positions; requiring that the Department of  
10 Management Services annually report pay  
11 additives to the Executive Office of the  
12 Governor and the Legislature; amending s.  
13 112.061, F.S.; prohibiting the use of moneys  
14 from the State Treasury for per diem or  
15 subsistence related to Class C travel;  
16 providing an effective date.

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

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20 Section 1. Subsection (2) of section 39.8296, Florida  
21 Statutes, is amended to read:

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

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

1 control, supervision, or direction by the Justice  
2 Administrative Commission in the performance of its duties,  
3 but the employees of the office shall be governed by the  
4 classification plan and salary and benefits plan approved by  
5 the Justice Administrative Commission.

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

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1           (b) The Statewide Guardian Ad Litem Office shall,  
2 within available resources, have oversight responsibilities  
3 for and provide technical assistance to all guardian ad litem  
4 and attorney ad litem programs located within the judicial  
5 circuits.

6           1. The office shall identify the resources required to  
7 implement methods of collecting, reporting, and tracking  
8 reliable and consistent case data.

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

11           3. The office, in consultation with local guardian ad  
12 litem offices, shall develop statewide performance measures  
13 and standards.

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

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

30           6. The office shall determine the feasibility or  
31 desirability of new concepts of organization, administration,

1 financing, or service delivery designed to preserve the civil  
2 and constitutional rights and fulfill other needs of dependent  
3 children.

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

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

22 43.16 Justice Administrative Commission; membership,  
23 powers and duties.--

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

30 (b) All employees of or within the commission are  
31 exempt from the Career Service System provided in chapter 110

1 and, notwithstanding s. 110.205(5), are not included in the  
2 Senior Management Service or the Selected Exempt Service. The  
3 commission shall annually approve a classification plan and  
4 salary and benefits plan.

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

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

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

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

23 110.123 State group insurance program.--

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

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1           (a)1. A member participating in this health insurance  
2 plan option shall be eligible to receive an employer  
3 contribution into the employee's health savings account from  
4 the State Employees Health Insurance Trust Fund in an amount  
5 to be determined by the Legislature. A member is not eligible  
6 for an employer contribution upon termination of employment.  
7 For the 2006-2007 ~~2005-2006~~ fiscal year, the state's monthly  
8 contribution for employees having individual coverage shall be  
9 \$41.66 and the monthly contribution for employees having  
10 family coverage shall be \$83.33.

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

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

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

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

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

1           (7) Under the state employees' prescription drug  
2 program copayments must be made as follows:  
3           ~~(a) Effective January 1, 2004, through December 31,~~  
4 ~~2005:~~  
5           1. ~~For generic drug with card.....\$10.~~  
6           2. ~~For preferred brand name drug with card.....\$25.~~  
7           3. ~~For nonpreferred brand name drug with card.....\$40.~~  
8           4. ~~For generic mail order drug.....\$20.~~  
9           5. ~~For preferred brand name mail order drug.....\$50.~~  
10           6. ~~For nonpreferred brand name mail order drug....\$80.~~  
11           ~~(a)(b) Effective January 1, 2006, through December 31,~~  
12 ~~2006,~~ for the State Group Health Insurance Standard Plan:  
13           1. For generic drug with card.....\$10.  
14           2. For preferred brand name drug with card.....\$25.  
15           3. For nonpreferred brand name drug with card.....\$40.  
16           4. For generic mail order drug.....\$20.  
17           5. For preferred brand name mail order drug.....\$50.  
18           6. For nonpreferred brand name mail order drug....\$80.  
19           ~~(b)(c) Effective January 1, 2006, through December 31,~~  
20 ~~2006,~~ for the State Group Health Insurance High Deductible  
21 Plan:  
22           1. Retail coinsurance for generic drug with card..30%.  
23           2. Retail coinsurance for preferred brand name drug  
24 with card.....30%.  
25           3. Retail coinsurance for nonpreferred brand name drug  
26 with card.....50%.  
27           4. Mail order coinsurance for generic drug.....30%.  
28           5. Mail order coinsurance for preferred brand name  
29 drug.....30%.  
30           6. Mail order coinsurance for nonpreferred brand name  
31 drug.....50%.



1           ~~(c)(d)~~ The Department of Management Services shall  
2 create a preferred brand name drug list to be used in the  
3 administration of the state employees' prescription drug  
4 program.

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

7           110.2035 Classification and compensation program.--

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

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

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

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

- 29           1. Shift differentials.
- 30           2. On-call fees.
- 31           3. Hazardous-duty pay.

- 1 4. Salary increase and decrease corrections.
- 2 5. Lead-worker pay.
- 3 6. Temporary special duties pay.
- 4 7. Trainer-additive pay.
- 5 8. Competitive area differentials.
- 6 9. Critical market pay.

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

30 Section 6. Subsection (15) is added to section  
31 112.061, Florida Statutes, to read:

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

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

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