

1 A bill to be entitled
2 An act relating to state employment; providing directives
3 to the Division of Statutory Revision; amending s.
4 110.105, F.S.; revising provisions relating to the
5 employment policy of the state; transferring, renumbering,
6 reordering, and amending s. 110.107, F.S.; revising
7 definitions relating to ch. 110, F.S.; amending s.
8 110.1055, F.S.; revising the rulemaking authority of the
9 Department of Management Services; creating s. 110.1056,
10 F.S.; providing for agency audits to determine compliance
11 with laws and rules; transferring, renumbering, and
12 amending s. 110.405, F.S.; revising provisions relating to
13 the appointment of ad hoc advisory committees; creating s.
14 110.1065, F.S.; providing the employment policies of the
15 State Personnel System; authorizing the department to
16 adopt rules; transferring, renumbering, and amending s.
17 110.233, F.S.; conforming provisions to changes made by
18 the act; authorizing the department to adopt rules;
19 amending s. 110.1099, F.S.; revising provisions relating
20 to educational opportunities for employees; transferring,
21 renumbering, and amending s. 110.235, F.S.; revising
22 provisions relating to training employees; authorizing the
23 department to adopt rules; amending s. 110.112, F.S.;
24 revising provisions relating to equal employment
25 opportunities; amending s. 110.1127, F.S.; revising
26 provisions relating to background screening; authorizing
27 the department to adopt rules; amending s. 110.113, F.S.;
28 revising provisions relating to pay periods; authorizing

29 | the department to adopt rules; creating s. 110.1135, F.S.;
30 | requiring state agencies to keep accurate records of work
31 | performed and leave; amending s. 110.116, F.S.; revising
32 | provisions relating to maintaining human resource
33 | information; authorizing the department to adopt rules;
34 | amending s. 110.117, F.S.; revising provisions relating to
35 | an employee's personal holiday; amending s. 110.1245,
36 | F.S.; revising provisions relating to bonuses and other
37 | awards; authorizing the department to adopt rules;
38 | amending s. 110.125, F.S.; revising provisions relating to
39 | paying for the administrative costs for operating a
40 | personnel system; authorizing the department to adopt
41 | rules; amending s. 110.126, F.S.; revising provisions
42 | relating to the department's authority to administer
43 | oaths; authorizing the department to adopt rules; amending
44 | s. 110.127, F.S.; revising provisions relating to
45 | penalties; authorizing the department to adopt rules;
46 | amending s. 110.1315, F.S.; authorizing the department to
47 | adopt rules relating to other-personal-services employee
48 | benefits; amending s. 110.171, F.S.; revising provisions
49 | relating to telecommuting; providing a telework program;
50 | providing requirements; authorizing the department to
51 | adopt rules; transferring, renumbering, and amending s.
52 | 110.2037, F.S.; revising provisions relating to
53 | alternative benefits; authorizing the department to adopt
54 | rules; creating s. 110.183, F.S.; revising provisions
55 | relating to collective bargaining; creating s. 110.184,
56 | F.S.; revising provisions relating to the department's

57 | annual workforce report; providing a directive to the
58 | Division of Statutory Revision; creating s. 110.202, F.S.;
59 | providing a declaration of policy with respect to the
60 | establishment of the Civil Service; amending s. 110.205,
61 | F.S.; revising provisions relating to the list of
62 | positions that are exempted from the Civil Service;
63 | authorizing the department to adopt rules; creating s.
64 | 110.208, F.S.; providing for a uniform classification
65 | system for civil service positions; creating s. 110.2085,
66 | F.S.; providing a pay plan for civil service positions;
67 | authorizing the department to adopt rules; amending s.
68 | 110.211, F.S.; revising provisions relating to
69 | recruitment; authorizing the department to adopt rules;
70 | amending s. 110.213, F.S.; revising provisions relating to
71 | selecting a candidate for employment; authorizing the
72 | department to adopt rules; amending s. 110.2135, F.S.;
73 | revising provisions relating to veterans' preference;
74 | authorizing the department to adopt rules; amending s.
75 | 110.215, F.S.; revising provisions relating to employing
76 | persons with disabilities; authorizing the department to
77 | adopt rules; amending s. 110.217, F.S.; revising
78 | provisions relating to a change in an employee's position
79 | status; amending s. 110.219, F.S.; revising provisions
80 | relating to attendance and leave policies; amending s.
81 | 110.224, F.S.; revising provisions relating to employee
82 | evaluation; amending s. 110.227, F.S.; revising provisions
83 | relating to employee grievances; providing a directive;
84 | transferring, renumbering, and amending s. 110.601, F.S.;

85 | revising provisions relating to selected exempt service
86 | policy; transferring, renumbering, and amending s.
87 | 110.602, F.S.; revising provisions relating to the
88 | creation of the Select Exempt Service; transferring,
89 | renumbering, and amending s. 110.605, F.S.; revising
90 | provisions relating to the powers and duties of the
91 | department; creating s. 110.3023, F.S.; providing for the
92 | recruitment of selected exempt service staff; providing a
93 | directive to the Division of Statutory Revision; amending
94 | s. 110.401, F.S.; revising provisions relating to policies
95 | for senior management employees; amending s. 110.402,
96 | F.S.; revising provisions relating to the establishment of
97 | the Senior Management Service; amending s. 110.403, F.S.;
98 | revising provisions relating to the duties of the
99 | department with respect to the Senior Management Services;
100 | creating s. 110.4035, F.S.; providing recruitment
101 | requirements for senior management service employees;
102 | providing a directive to the Division of Statutory
103 | Revision; creating s. 112.906, F.S.; providing definitions
104 | for part IX of chapter 110, F.S., relating to state
105 | employment; transferring, renumbering, and amending s.
106 | 110.131, F.S.; revising a provision relating to other-
107 | personal-service employment; transferring and renumbering
108 | s. 110.1128, F.S., relating to selective service
109 | registration; transferring, renumbering, and amending s.
110 | 110.1221, F.S.; revising provisions relating to the state
111 | sexual harassment policy; transferring, renumbering, and
112 | amending s. 110.122, F.S.; revising provisions relating to

113 payment for sick leave; transferring, renumbering, and
114 amending s. 110.121, F.S.; revising provisions relating to
115 the sick leave pool; transferring, renumbering, and
116 amending s. 110.119, F.S.; revising provisions relating to
117 administrative leave for a service-connected disability;
118 transferring, renumbering, and amending ss. 110.120 and
119 110.1091, F.S.; conforming provisions to changes made by
120 the act; transferring, renumbering, and amending s.
121 110.151, F.S.; revising provisions relating to child care
122 services provided by a state agency; transferring and
123 renumbering s. 110.181, F.S.; transferring, renumbering,
124 and amending s. 110.1225, F.S.; revising provisions
125 relating to agency furloughs; transferring and renumbering
126 s. 110.1155, F.S.; transferring, renumbering, and amending
127 s. 110.191, F.S.; revising provisions relating to state
128 employee leasing; transferring, renumbering, and amending
129 s. 110.1082, F.S.; transferring, renumbering, and amending
130 s. 110.1165, F.S.; revising provisions relating to
131 telephone use; creating s. 112.922, F.S.; providing
132 penalties for violations relating to state employment;
133 creating s. 112.923, F.S.; requiring state employees to
134 participate in the direct deposit program; transferring,
135 renumbering, and amending s. 110.114, F.S.; conforming
136 provisions to changes made by the act; providing a
137 directive to the Division of Statutory Revision;
138 transferring, renumbering, and amending s. 110.1227, F.S.;
139 conforming a cross-reference; transferring, renumbering,
140 and amending s. 110.1228, F.S.; conforming a cross-

141 reference; transferring, renumbering, and amending s.
142 110.123, F.S.; conforming provisions to changes made by
143 the act; transferring, renumbering, and amending s.
144 110.12312, F.S.; conforming cross-references; transferring
145 and renumbering s. 110.12315, F.S.; transferring,
146 renumbering, and amending s. 110.1232, F.S.; conforming
147 cross-references; transferring and renumbering s.
148 110.1234, F.S.; transferring and renumbering s. 110.1238,
149 F.S.; transferring and renumbering s. 110.1239, F.S.;
150 transferring, renumbering, and amending s. 110.161, F.S.;
151 conforming a cross-reference; creating s. 112.950, F.S.;
152 providing for penalties; providing a directive to the
153 Division of Statutory Revision; transferring, renumbering,
154 and amending s. 110.501, F.S.; revising definitions
155 relating to state volunteer services; transferring,
156 renumbering, and amending s. 110.502, F.S.; revising
157 provisions relating to volunteer status; transferring,
158 renumbering, and amending s. 110.503, F.S.; revising
159 provisions relating to state agency responsibilities;
160 transferring, renumbering, and amending s. 110.504, F.S.;
161 revising provisions relating to volunteer benefits;
162 creating s. 112.965, F.S.; providing for penalties;
163 repealing s. 110.115, F.S., relating to employees of
164 historical commissions; repealing s. 110.118, F.S.,
165 relating to administrative leave for athletic
166 competitions; repealing s. 110.124, F.S., relating to the
167 termination or transfer of employees 65 years or older;
168 repealing s. 110.129, F.S., relating to technical

169 personnel assistance to political subdivisions; repealing
 170 s. 110.1521, F.S., relating to a short title; repealing s.
 171 110.1522, F.S., relating to a model rule establishing
 172 family support personnel policies; repealing s. 110.1523,
 173 F.S., relating to the adoption of the model rule;
 174 repealing s. 110.201, F.S., relating to personnel rules,
 175 records, and reports; repealing s. 110.2035, F.S.,
 176 relating to the classification and compensation program
 177 for employment positions; repealing s. 110.21, F.S.,
 178 relating to shared employment; repealing s. 110.221, F.S.,
 179 relating to parental or family medical leave; repealing s.
 180 110.406, F.S., relating to senior management services data
 181 collections; repealing s. 110.603, F.S., relating to a
 182 classification plan and pay bands for selected exempt
 183 positions; repealing s. 110.604, F.S., relating to certain
 184 personnel actions for selected exempt service employees;
 185 repealing s. 110.606, F.S., relating to selected exempt
 186 service data collection; amending ss. 11.13, 20.055,
 187 20.21, 20.23, 20.255, 24.105, 24.122, 30.071, 43.16,
 188 104.31, 106.24, 112.044, 112.0805, 112.313, 112.3145,
 189 112.363, 121.021, 121.051, 121.055, 121.35, 145.19,
 190 216.011, 216.181, 260.0125, 287.175, 295.07, 295.09,
 191 296.04, 296.34, 381.00315, 381.85, 394.47865, 402.3057,
 192 402.55, 402.7305, 402.731, 409.1757, 409.9205, 414.37,
 193 427.012, 447.203, 447.207, 447.209, s. 447.401, 456.048,
 194 570.07, 601.10, 624.307, 624.437, 627.6488, 627.649,
 195 627.6498, 627.6617, 627.6686, 943.0585, 943.059, 945.043,
 196 946.525, 1001.705, 1001.706, 1001.74, 1002.36, 1012.62,

197 1012.79, and 1012.88, F.S.; conforming provisions to
 198 changes made by the act; providing an effective date.

199

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

201

202 Section 1. The Division of Statutory Revision is requested
 203 to rename chapter 110, Florida Statutes, as "State Personnel
 204 System."

205 Section 2. The Division of Statutory Revision is requested
 206 to rename part I of chapter 110, Florida Statutes, consisting of
 207 ss. 110.105-110.191, Florida Statutes, as "General Provisions."

208 Section 3. Section 110.105, Florida Statutes, is amended
 209 to read:

210 110.105 Employment policy of the state.—

211 (1) ~~It is~~ The purpose of this chapter is to establish the
 212 State Personnel a System of personnel management. ~~The This~~
 213 system shall provide a means for maintaining ~~to recruit, select,~~
 214 ~~train, develop, and maintain~~ an effective and responsible
 215 workforce and includes ~~shall include~~ policies, and procedures,
 216 and guidelines for employee hiring and advancement, training and
 217 career development, position classification, salary
 218 administration, benefits, attendance and leave, discipline,
 219 dismissal ~~discharge,~~ employee performance evaluations,
 220 affirmative action, and other related activities.

221 (2) ~~All appointments, terminations, assignments and~~
 222 ~~maintenance of status, compensation, privileges, and other terms~~
 223 ~~and conditions of employment in state government shall be made~~
 224 ~~without regard to age, sex, race, religion, national origin,~~

225 ~~political affiliation, marital status, or handicap, except when~~
 226 ~~a specific sex, age, or physical requirement constitutes a bona~~
 227 ~~fide occupational qualification necessary to proper and~~
 228 ~~efficient administration.~~

229 ~~(3) Except as expressly provided by law, there shall be no~~
 230 ~~Florida residence requirement for any person as a condition~~
 231 ~~precedent to employment by the state; however, preference may be~~
 232 ~~given to Florida residents in hiring.~~

233 ~~(2)(4)~~ This chapter contains the requirements and guides
 234 for establishing and maintaining a system of personnel
 235 administration on a merit basis. The system ~~of personnel~~
 236 ~~administration~~ shall be implemented so as to ensure that the
 237 ~~permit~~ state agencies in the State Personnel System ~~are to be~~
 238 eligible for ~~to receive~~ federal funds.

239 ~~(5) Nothing in this chapter shall be construed either to~~
 240 ~~infringe upon or to supersede the rights guaranteed public~~
 241 ~~employees under chapter 447.~~

242 Section 4. Section 110.107, Florida Statutes, is
 243 transferred, renumbered as section 110.1054, Florida Statutes,
 244 reordered, and amended to read:

245 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the
 246 term:

247 ~~(5)(1)~~ "Department" means the Department of Management
 248 Services.

249 ~~(30)(2)~~ "Secretary" means the Secretary of Management
 250 Services.

251 ~~(3) "Furlough" means a temporary reduction in the regular~~
 252 ~~hours of employment in a pay period, or temporary leave without~~

253 ~~pay for one or more pay periods, with a commensurate reduction~~
 254 ~~in pay, necessitated by a projected deficit in any fund that~~
 255 ~~supports salary and benefit appropriations. The deficit must be~~
 256 ~~projected by the Revenue Estimating Conference pursuant to s.~~
 257 ~~216.136(3).~~

258 (31)~~(4)~~ "State agency" or "agency" means any of the
 259 following entities and organizational units of such entities as
 260 specified by law: official, officer, commission, board,
 261 authority, council, committee, or department of the executive
 262 branch or the judicial branch of state government as defined in
 263 chapter 216.

- 264 (a) Agency for Enterprise Information Technology.
- 265 (b) Agency for Health Care Administration.
- 266 (c) Agency for Persons with Disabilities.
- 267 (d) Agency for Workforce Innovation.
- 268 (e) Department of Agriculture and Consumer Services.
- 269 (f) Department of Business and Professional Regulation.
- 270 (g) Department of Children and Family Services.
- 271 (h) Department of Citrus.
- 272 (i) Department of Community Affairs.
- 273 (j) Department of Corrections.
- 274 (k) Department of Education.
- 275 (l) Department of Elderly Affairs.
- 276 (m) Department of Environmental Protection.
- 277 (n) Department of Financial Services.
- 278 (o) Department of Health.
- 279 (p) Department of Highway Safety and Motor Vehicles.
- 280 (q) Department of Juvenile Justice.

- 281 (r) Department of Law Enforcement.
- 282 (s) Department of Legal Affairs.
- 283 (t) Department of Management Services.
- 284 (u) Department of Military Affairs, except for "military"
 285 personnel positions as defined in s. 250.05(2).
- 286 (v) Department of Revenue.
- 287 (w) Department of State.
- 288 (x) Department of Transportation.
- 289 (y) Department of Veterans' Affairs.
- 290 (z) Executive Office of the Governor.
- 291 (aa) Fish and Wildlife Conservation Commission.
- 292 (bb) Florida Public Service Commission.
- 293 (cc) Florida School for the Deaf and the Blind, except for
 294 the "academic" and "academic administrative" personnel covered
 295 by s. 1002.36(4)(f)1.
- 296 (dd) Parole Commission.
- 297 (32) "State employee" or "employee" means an employee of a
 298 state agency.
- 299 (33) "State Personnel System" means the system of
 300 personnel administration for authorized civil service, selected
 301 exempt service, and senior management service positions and
 302 other-personal-services employment within a state agency.
- 303 (22)-(5)- "Position" means the work, consisting of duties
 304 and responsibilities, ~~assigned~~ to be performed by an officer or
 305 employee.
- 306 (23) "Position description" means the document that
 307 accurately describes the assigned duties, responsibilities, and
 308 other pertinent information, including licensure or

309 certification or registration requirements, of a position and
310 that serves as the official record of the work and other
311 requirements of the position.

312 (10)~~(6)~~ "Full-time position" means a position authorized
313 for the entire normally established work period, daily, weekly,
314 monthly, or annually.

315 (19)~~(7)~~ "Part-time position" means a position authorized
316 for less than the entire normally established work period,
317 whether daily, weekly, monthly, or annually.

318 (16)~~(8)~~ "Occupation" means all positions that ~~which~~ are
319 sufficiently similar in knowledge, skills, and abilities, and
320 sufficiently similar as to kind or subject matter of work.

321 (17)~~(9)~~ "Occupational group" means a group of occupations
322 which are sufficiently similar in the kind of work performed to
323 warrant the use of the same performance factors in determining
324 the level of complexity for all occupations in that occupational
325 group.

326 (18) "Other personal services" means temporary employment
327 as provided in s. 112.907.

328 (3)~~(10)~~ "Classification system plan" means a formal
329 description of the concepts, rules, job family definitions,
330 occupational group characteristics, ~~and~~ occupational profiles,
331 and broadband levels used to classify in the classification of
332 positions.

333 (20)~~(11)~~ "Pay plan" means a formal description of the
334 philosophy, methods, procedures, and salary schedules for
335 competitively compensating employees at market-based rates for
336 work performed.

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337 ~~(29)-(12)~~ "Salary schedule" means an official document that
338 ~~which~~ contains a complete list of occupation titles, broadband
339 level codes, ~~and~~ pay bands, and other related information.

340 ~~(1)-(13)~~ "Authorized position" means a position included in
341 an approved budget. In counting the number of authorized
342 positions, part-time positions may be converted to full-time
343 equivalents.

344 ~~(8)-(14)~~ "Established position" means an authorized
345 position that ~~which~~ has been classified in accordance with a
346 classification system and pay plan as provided by law.

347 ~~(24)-(15)~~ "Position number" means the identification number
348 assigned to an established position or other-personal-services
349 employment position.

350 ~~(28)-(16)~~ "Reclassification" means changing an established
351 position ~~in one broadband level in an occupational group~~ to a
352 higher or lower broadband level within in the same occupation or
353 changing an established position to a different occupation,
354 either of which is the result of a change in the duties and
355 responsibilities of the position ~~occupational group or to a~~
356 ~~broadband level in a different occupational group.~~

357 ~~(26)-(17)~~ "Promotion" means moving a civil service employee
358 to a higher broadband level within an occupation, or moving an
359 employee to an occupation that has a broadband level having
360 ~~changing the classification of an employee to a broadband level~~
361 ~~having a higher maximum salary; or the changing of the~~
362 ~~classification of an employee to a broadband level having the~~
363 ~~same or a lower maximum salary but a higher level of~~
364 ~~responsibility.~~

365 ~~(4)-(18)~~ "Demotion" means moving a civil service ~~changing~~
 366 ~~the classification of an~~ employee to a lower broadband level
 367 within an occupation, or moving an employee to an occupation
 368 that has a broadband level having a lower maximum salary; ~~or the~~
 369 ~~changing of the classification of an employee to a broadband~~
 370 ~~level having the same or a higher maximum salary but a lower~~
 371 ~~level of responsibility.~~

372 ~~(36)-(19)~~ "Transfer" means moving a civil service ~~an~~
 373 employee from one geographic location of the state to a
 374 different geographic location that is more than ~~in excess of~~ 50
 375 highway miles from the employee's current work location. The
 376 mileage shall be calculated using an official Department of
 377 Transportation map.

378 ~~(27)-(20)~~ "Reassignment" means moving a civil service ~~an~~
 379 employee from a position in an occupation to a position in the
 380 same occupation that has the same ~~one~~ broadband level but with
 381 different duties; or to a different position in a different
 382 occupation that has a ~~the same~~ broadband level having the same
 383 maximum salary; or to a position in the same occupation that has
 384 the same ~~different~~ broadband level and substantially the same
 385 duties, but is in a different agency ~~having the same maximum~~
 386 ~~salary.~~

387 ~~(6)-(21)~~ "Dismissal" means a disciplinary action taken by
 388 an agency pursuant to s. 110.227 against a civil service ~~an~~
 389 employee that results ~~resulting~~ in the termination of his or her
 390 employment.

391 ~~(34)-(22)~~ "Suspension" means a disciplinary action taken by
 392 an agency pursuant to s. 110.227 against a civil service ~~an~~

393 employee which ~~to~~ temporarily relieves ~~relieve~~ the employee of
 394 his or her duties and places ~~place~~ him or her on leave without
 395 pay.

396 (35) "Telework" means an alternative work arrangement that
 397 allows an employee to conduct all or some of his or her work
 398 away from the official work site during all or some portion of
 399 the employee's established work hours on a regular basis.

400 (14) ~~(23)~~ "Layoff" means termination of employment due to a
 401 shortage of funds or work, or a material change in the duties or
 402 organization of an agency, including the outsourcing or
 403 privatization of an activity or function previously performed by
 404 civil ~~career~~ service employees.

405 (15) "Merit status" means the status attained by a civil
 406 service employee upon successfully completing the probationary
 407 period for his or her current position by demonstrating
 408 competency in performing the duties and responsibilities of that
 409 position.

410 (7) ~~(24)~~ "Employing agency" means any agency authorized to
 411 employ personnel to carry out the responsibilities of the agency
 412 pursuant to ~~under the provisions of~~ chapter 20 or other law
 413 ~~statutory authority.~~

414 ~~(25) "Shared employment" means part-time career employment~~
 415 ~~whereby the duties and responsibilities of a full-time position~~
 416 ~~in the career service are divided among part-time employees who~~
 417 ~~are eligible for the position and who receive career service~~
 418 ~~benefits and wages pro rata. In no case shall "shared~~
 419 ~~employment" include the employment of persons paid from other~~
 420 ~~personal services funds.~~

421 ~~(9)-(26)~~ "Firefighter" means a firefighter certified under
 422 chapter 633.

423 ~~(13)-(27)~~ "Law enforcement or correctional officer" means a
 424 law enforcement officer, special agent, correctional officer,
 425 correctional probation officer, or institutional security
 426 specialist ~~required to be~~ certified under chapter 943.

427 ~~(25)-(28)~~ "Professional health care provider" means
 428 registered nurses, physician's assistants, dentists,
 429 psychologists, nutritionists or dietitians, pharmacists,
 430 psychological specialists, physical therapists, and speech and
 431 hearing therapists.

432 ~~(11)-(29)~~ "Job family" means a defined grouping of one or
 433 more similar occupational groups.

434 ~~(12)~~ "Lateral" means moving a civil service employee
 435 within an agency to a different position that is in the same
 436 occupation, is at the same broadband level having the same
 437 maximum salary, and has substantially the same duties and
 438 responsibilities.

439 ~~(21)-(30)~~ "Pay band" means the minimum salary, the maximum
 440 salary, and intermediate rates that ~~which~~ are payable for work
 441 in a specific broadband level.

442 ~~(2)-(31)~~ "Broadband level" means all positions that ~~which~~
 443 are sufficiently similar in knowledge, skills, and abilities;
 444 ~~the, and sufficiently similar as to~~ kind or subject matter of
 445 work; the, level of difficulty or responsibilities; ; and the
 446 qualification requirements of the work so as to warrant the same
 447 treatment with respect ~~as~~ to title, pay band, and other
 448 personnel transactions.

449 Section 5. Section 110.1055, Florida Statutes, is amended
 450 to read:

451 110.1055 ~~Rules and Rulemaking authority.~~

452 (1) The department shall of Management Services shall
 453 adopt rules as necessary to carry out its statutory duties
 454 effectuate the provisions of this chapter, as amended by this
 455 act, and in accordance with the authority granted to the
 456 department in this chapter. All existing rules relating to this
 457 chapter are statutorily repealed January 1, 2002, unless
 458 otherwise readopted.

459 (2) In consultation with the state agencies, the
 460 department shall develop uniform personnel rules, guidelines,
 461 records, and reports relating to employees in the State
 462 Personnel System. The department may adopt rules that provide
 463 alternative requirements.

464 (3) Upon adoption, the uniform personnel rules constitute
 465 the personnel rules for each state agency.

466 (a) Each agency must comply with the uniform rules unless:

467 1. The Administration Commission has granted an exception
 468 to a specific rule. An agency may request an exception to the
 469 uniform personnel rules by filing a petition with the
 470 commission. The commission shall approve an exception if the
 471 exception is necessary to conform to any requirement imposed as
 472 a condition precedent to receipt of federal funds, to permit
 473 persons in this state to receive tax benefits under federal law,
 474 or if required for the most efficient operation of the agency as
 475 determined by the commission. The reasons for the exception must
 476 be published in the Florida Administrative Weekly. Agency rules

477 that provide exceptions to the uniform rules may not be adopted
478 unless approved by the commission.

479 2. The agency must comply with a statutory provision that
480 conflicts with the uniform rules. In such case, the agency shall
481 notify the department, the Administration Commission, the
482 Administrative Procedures Committee, and the appropriate
483 standing committees of the Legislature and advise the standing
484 committees if the agency recommends revision of the statute to
485 conform it to the uniform rules. Agencies are encouraged to
486 propose methods for conforming statutory provisions to the
487 uniform rules.

488 (b) An agency that adopts rules that provide an exception
489 to the uniform rules or that comply with statutory requirements
490 that conflict with the uniform rules must have a separate
491 chapter published in the Florida Administrative Code. The
492 chapter must clearly delineate the provisions of the agency's
493 rules which provide an exception or which are based on a
494 conflicting statutory requirement. Each alternative chosen from
495 those authorized by the uniform rules must be specified. Each
496 chapter must be organized in the same manner as the uniform
497 rules.

498 (c) Any rule adopted by an agency which is an exception to
499 the uniform rules or which is based upon a conflicting statutory
500 provision may not prescribe personnel policies inconsistent with
501 the provisions of this chapter. Such rules may not include any
502 benefits for State Personnel System employees which exceed, or
503 are in addition to, those authorized by this chapter, and must
504 comply with all federal regulations necessary to allow the

505 agency to receive federal funds.

506 (4) The department may develop uniform forms and
 507 instructions relating to personnel transactions as the
 508 department determines necessary.

509 (5) The agency is responsible for maintaining up-to-date
 510 personnel records and reports in accordance with applicable
 511 rules and laws.

512 Section 6. Section 110.1056, Florida Statutes, is created
 513 to read:

514 110.1056 Agency audits.—The department may periodically
 515 audit agency records to determine compliance with this chapter
 516 and department rules.

517 Section 7. Section 110.405, Florida Statutes, is
 518 transferred, renumbered as section 110.106, Florida Statutes,
 519 and amended to read:

520 110.106 ~~110.405~~ Advisory committees.—The secretary of
 521 ~~Management Services~~ may at any time appoint an ad hoc or
 522 continuing advisory committee consisting of members of the
 523 Senior Management Service or other persons knowledgeable in the
 524 field of personnel management. Advisory committees Any Such
 525 ~~committee shall consist of not more than nine members, who shall~~
 526 serve at the pleasure of and meet at the call of the secretary
 527 and, at the request of the secretary, shall provide advice and
 528 consultation, ~~to advise and consult with the secretary on such~~
 529 matters affecting the State Personnel System Senior Management
 530 ~~Service as the secretary requests.~~ Members shall serve without
 531 compensation, but are shall be entitled to receive reimbursement
 532 for travel expenses as provided in s. 112.061. The secretary may

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533 periodically hire a consultant who has ~~with~~ expertise in
534 personnel administration ~~management~~ to advise him or her with
535 respect to the administration of the State Personnel System
536 ~~Senior Management Service~~.

537 Section 8. Section 110.1065, Florida Statutes, is created
538 to read:

539 110.1065 General employment policies and requirements.—

540 (1) It is the policy of the State Personnel System:

541 (a) That all appointments, terminations, assignments, and
542 maintenance of status, compensation, privileges, and other terms
543 and conditions of employment in the State Personnel System shall
544 be made without regard to age, sex, race, color, religion,
545 national origin, political affiliation, marital status,
546 disability, or genetic information, unless a specific
547 requirement constitutes a bona fide occupational qualification.

548 (b) That sexual harassment is a form of discrimination
549 and, therefore, is prohibited and shall be defined in a manner
550 consistent with federal law.

551 (c) To support employees in balancing their personal needs
552 and work responsibilities. This policy is designed to enhance
553 the employee's ability to blend the competing demands of work
554 and personal life and produce a more skilled, accountable, and
555 committed workforce for the state. Provisions may include, but
556 need not be limited to, flexible work schedules, telework, part-
557 time employment, and leaves of absence with or without pay.

558 (d) To adopt and comply with the federal Family and
559 Medical Leave Act, except for those provisions that do not
560 specifically apply to state government employers. With regard to

561 those provisions, the sovereign immunity of the state is not
 562 waived and the rules of the department relating to leave
 563 control.

564 (2) Except as expressly provided by law, Florida residency
 565 may not be required for any person as a condition precedent to
 566 employment; however, preference in hiring may be given to state
 567 residents.

568 (3) State agencies that use other-personal-services
 569 employment must comply with s. 112.907.

570 (4) Employees of the State Personnel System may be
 571 furloughed pursuant to s. 112. 917.

572 (5) This chapter may not be construed to infringe upon or
 573 supersede the rights guaranteed public employees under chapter
 574 447.

575 (6) The department may adopt rules necessary to administer
 576 this section.

577 (7) The provisions of parts IX and XI of chapter 112 are
 578 applicable to the State Personnel System. The department may
 579 adopt rules necessary to administer those sections.

580 Section 9. Section 110.233, Florida Statutes, is
 581 transferred, renumbered as section 110.1075, Florida Statutes,
 582 and amended to read:

583 110.1075 ~~110.233~~ Political activities and unlawful acts
 584 prohibited.—

585 (1) No person shall be appointed to, demoted, or dismissed
 586 from any position in the Civil ~~career~~ Service, or in any way
 587 favored or discriminated against with respect to employment in
 588 the Civil ~~career~~ Service, because of ~~race, color, national~~

589 ~~origin, sex, handicap, religious creed, or political opinion or~~
 590 ~~affiliation.~~

591 (2) No person may ~~shall~~ use or promise to use, directly or
 592 indirectly, any official authority or influence, whether
 593 possessed or anticipated, to secure or attempt to secure for any
 594 person an appointment or advantage in appointment to a position
 595 in the Civil ~~career~~ Service, or an increase in pay or other
 596 advantage in employment in any such position, for the purpose of
 597 influencing the vote or political action of any person or for
 598 any consideration. ~~+~~ However, letters of inquiry,
 599 recommendations, and references by public employees or public
 600 officials are ~~shall~~ not ~~be~~ considered political pressure unless
 601 they contain any such letter contains a threat, intimidation, or
 602 irrelevant, derogatory, or false information. For the purposes
 603 of this section, the term "political pressure," in addition to
 604 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by
 605 lawful authority, includes the use of official authority or
 606 influence in any manner prohibited by this chapter.

607 (3) No person may ~~shall~~, directly or indirectly, give,
 608 render, pay, offer, solicit, or accept any money, service, or
 609 other valuable consideration for or on account of any
 610 appointment, proposed appointment, promotion or proposed
 611 promotion to, or any advantage in, a position in the Civil
 612 ~~career~~ Service. ~~The provisions of~~ This subsection does ~~de~~ not
 613 apply to a private employment agency if ~~licensed pursuant to the~~
 614 ~~provisions of chapter 449 when~~ the services of the ~~such~~ private
 615 employment agency are requested by a state agency, ~~board,~~
 616 ~~department, or commission~~ and neither the state nor any

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617 political subdivision pays the private employment agency for
 618 such services.

619 (4) As an individual, each employee retains all rights and
 620 obligations of citizenship provided in the Constitution and laws
 621 of the state and the Constitution and laws of the United States.
 622 However, an ~~ne~~ employee in the Civil ~~career~~ Service may not
 623 ~~shall~~:

624 (a) Hold, or be a candidate for, public office while in
 625 the employment of the state or take an ~~any~~ active part in a
 626 political campaign while on duty or within any period of time
 627 during which the employee is expected to perform services for
 628 which he or she receives compensation from the state. However,
 629 if ~~when~~ authorized by his or her agency head and approved by the
 630 department as not involving an ~~ne~~ interest that ~~which~~ conflicts
 631 or activity that ~~which~~ interferes with his or her state
 632 employment, an employee in the Civil ~~career~~ Service may be a
 633 candidate for or hold local public office. The department shall
 634 prepare and make available to all affected personnel who make
 635 such request a definite set of rules and procedures consistent
 636 with this paragraph ~~the provisions herein~~.

637 (b) Use the authority of his or her position to secure
 638 support for, or oppose, any candidate, party, or issue in a
 639 partisan election or affect the results thereof.

640 (5) No State Personnel System employee or official may
 641 ~~shall~~ use any promise of reward or threat of loss to encourage
 642 or coerce any employee to support or contribute to any political
 643 issue, candidate, or party.

644 (6) The department shall adopt by rule procedures for

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645 State Personnel Career Service System employees which that
 646 require disclosure to the agency head of any application for or
 647 offer of employment, gift, contractual relationship, or
 648 financial interest with any individual, partnership,
 649 association, corporation, utility, or other organization,
 650 ~~whether~~ public or private, doing business with or subject to
 651 regulation by the agency.

652 (7) The department may adopt rules to administer this
 653 section.

654 Section 10. Section 110.1099, Florida Statutes, is amended
 655 to read:

656 110.1099 Elective education, professional development, and
 657 training opportunities for civil service, selected exempt, and
 658 senior management service ~~state~~ employees.-

659 (1)~~(a)~~ The education and professional development of
 660 employees training are an integral components ~~component~~ in
 661 improving the delivery of services to the public. Recognizing
 662 that the application of productivity-enhancing technology and
 663 practice demands continuous educational and development training
 664 opportunities, an a ~~a~~ state employee may ~~be authorized to~~ receive
 665 a voucher, ~~or~~ grant, or tuition reimbursement for matriculation
 666 fees, to attend work-related courses at public community
 667 colleges, public career centers, ~~or~~ public universities, or
 668 other accredited postsecondary educational institutions. ~~The~~
 669 ~~department may implement the provisions of this section from~~
 670 ~~funds appropriated to the department for this purpose. In the~~
 671 ~~event insufficient funds are appropriated to the department,~~
 672 Each state agency may ~~supplement these funds to~~ support the

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673 educational and professional development ~~training and education~~
674 needs of its employees from funds appropriated to the agency.

675 ~~(b) For the 2001-2002 fiscal year only and notwithstanding~~
676 ~~the provisions of paragraph (a), state employees may not be~~
677 ~~authorized to receive fundable tuition waivers on a space-~~
678 ~~available basis. This paragraph expires July 1, 2002.~~

679 ~~(2) The department, in conjunction with the agencies,~~
680 ~~shall request that public universities provide evening and~~
681 ~~weekend programs for state employees. When evening and weekend~~
682 ~~training and educational programs are not available, an employee~~
683 ~~may be authorized to take paid time off during his or her~~
684 ~~regular working hours for training and career development, as~~
685 ~~provided in s. 110.105(1), if such training benefits the~~
686 ~~employer as determined by that employee's agency head.~~

687 ~~(2)(3)~~ An employee who exhibits superior aptitude and
688 performance may be authorized by his or her ~~that employee's~~
689 agency head to take a paid educational leave of absence for up
690 to 1 academic year at a time, for specific approved work-related
691 education and professional development ~~training~~. The ~~That~~
692 employee must enter into a contract to return to the agency
693 granting the leave ~~state employment~~ for a period of time equal
694 to the length of the leave of absence or refund the salary and
695 benefits paid during the ~~his or her educational~~ leave of
696 absence.

697 ~~(3)(4)~~ As a precondition to approving an employee's
698 ~~training~~ request for any educational, development, or training
699 program, an agency ~~or the judicial branch~~ may require the ~~an~~
700 employee to enter into an agreement that provides that, if the

701 employee voluntarily terminates employment or is dismissed from
 702 the agency within a specified period of time, not to exceed 2
 703 years after the conclusion of the program, he or she must
 704 ~~requires the employee to reimburse the agency or judicial branch~~
 705 ~~for up to the total cost of fees and associated expenses for the~~
 706 ~~program if the registration fee or similar expense for any~~
 707 ~~training or training series when the total cost of the fee or~~
 708 ~~similar expense exceeds \$1,000 if the employee voluntarily~~
 709 ~~terminates employment or is discharged for cause from the agency~~
 710 ~~or judicial branch within a specified period of time not to~~
 711 ~~exceed 4 years after the conclusion of the training. This~~
 712 subsection does not apply to any ~~training program~~ or course that
 713 an agency ~~or the judicial branch~~ requires an employee to attend.
 714 An agency ~~or the judicial branch~~ may pay the outstanding balance
 715 then due and owing on behalf of an ~~a~~ state employee under this
 716 subsection in connection with the recruitment and hiring of such
 717 state employee.

718 ~~(4)-(5) The department may of Management Services, in~~
 719 ~~consultation with the agencies and, to the extent applicable,~~
 720 ~~with Florida's public community colleges, public career centers,~~
 721 ~~and public universities, shall adopt rules to administer this~~
 722 section.

723 Section 11. Section 110.235, Florida Statutes, is
 724 transferred, renumbered as section 110.1115, Florida Statutes,
 725 and amended to read:

726 110.1115 ~~110.235~~ Training and professional development of
 727 employees.—

728 (1) State agencies shall implement training and

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729 professional development programs that encompass modern
730 management principles, ~~and that~~ provide the framework to develop
731 human resources, ~~through empowerment, training, and rewards for~~
732 ~~productivity enhancement,~~ to continuously improve the quality of
733 services, ~~and~~ and to satisfy the expectations of the public.

734 (2) Each state employing agency shall provide the
735 department with training information as requested for the
736 purpose of analyzing statewide training needs ~~annually evaluate~~
737 ~~and report to the department the training it has implemented and~~
738 ~~the progress it has made in the area of training.~~

739 (3) ~~As approved by the Legislature by law,~~ Each state
740 ~~employing~~ agency may use a portion ~~specified percentage~~ of its
741 salary budget to implement training programs.

742 (4) In order to promote the development of managerial,
743 executive, or administrative skills among employees, each agency
744 may establish and administer a training program that may
745 include, but need not be limited to:

746 (a) Improving the performance of individuals and groups of
747 employees.

748 (b) Relating the efforts of employees to the goals of the
749 organization.

750 (c) Strategic planning.

751 (d) Team leadership.

752 (5) The department is responsible for ensuring that
753 appropriate state agency personnel are adequately trained in the
754 proper administration of state personnel system policies and
755 procedures, compliance with all applicable federal and state
756 workforce regulations, and the promotion of efficient and

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757 equitable employment practices. The department may host
758 workshops, conferences, and other professional development
759 activities that focus on the training needs of agency staff who
760 are responsible for human resource management, training and
761 development, and benefits administration.

762 (a) The department may coordinate with the appropriate
763 business units of the state universities or community colleges
764 for the purpose of sponsoring conferences and expositions that
765 provide continuing professional development to the agencies in
766 the areas of human resource management, payroll and benefits
767 administration, and other topics critical to the proper
768 administration of the state workforce.

769 (b) For the purposes of leveraging resources and promoting
770 best practices, the department may open such conferences to all
771 state and local public employers having shared interests in
772 public-sector human resource management and related topics.

773 (6) The department may adopt rules necessary to administer
774 this section.

775 Section 12. Section 110.112, Florida Statutes, is amended
776 to read:

777 110.112 ~~Affirmative action;~~ Equal employment opportunity.-

778 (1) It ~~is~~ shall be the policy of the State Personnel
779 System to assist in ensuring ~~providing the assurance of~~ equal
780 employment opportunity through programs of affirmative and
781 positive action that ~~will~~ allow full utilization of women and
782 minorities.

783 (2) ~~(a)~~ The head of each state ~~executive~~ agency shall
784 develop and implement an affirmative action plan in accordance

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785 with this section and applicable state and federal laws ~~rules~~
786 ~~adopted by the department and approved by a majority vote of the~~
787 ~~Administration Commission before their adoption.~~

788 ~~(a)(b)~~ Each ~~executive~~ agency shall establish annual goals
789 for ensuring the full utilization of groups underrepresented in
790 its workforce as compared to the relevant labor market, as
791 defined by the agency. Each ~~executive~~ agency shall design its
792 affirmative action plan to meet its established goals.

793 ~~(b)(e)~~ An equal ~~affirmative action~~-~~equal~~ employment
794 opportunity officer shall be appointed by the head of each
795 ~~executive~~ agency. ~~The affirmative action~~-~~equal~~ ~~employment~~
796 ~~opportunity officer's responsibilities must include determining~~
797 ~~annual goals, monitoring agency compliance, and providing~~
798 ~~consultation to managers regarding progress, deficiencies, and~~
799 ~~appropriate corrective action.~~

800 ~~(c)(d)~~ The department shall report information in its
801 annual workforce report relating to the demographic composition
802 of the workforce of the State Personnel System as compared to
803 the relevant state labor market ~~the implementation, continuance,~~
804 ~~updating, and results of each executive agency's affirmative~~
805 ~~action plan~~ for the previous fiscal year. The agencies shall
806 provide the department with the information necessary to comply
807 with this provision.

808 ~~(e)~~ ~~The department shall provide to all supervisory~~
809 ~~personnel of the executive agencies training in the principles~~
810 ~~of equal employment opportunity and affirmative action, the~~
811 ~~development and implementation of affirmative action plans, and~~
812 ~~the establishment of annual affirmative action goals. The~~

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813 ~~department may contract for training services, and each~~
814 ~~participating agency shall reimburse the department for costs~~
815 ~~incurred through such contract. After the department approves~~
816 ~~the contents of the training program for the agencies, the~~
817 ~~department may delegate this training to the executive agencies.~~

818 ~~(3) Each state attorney and public defender shall:~~

819 ~~(a) Develop and implement an affirmative action plan.~~

820 ~~(b) Establish annual goals for ensuring full utilization~~
821 ~~of groups underrepresented in its workforce as compared to the~~
822 ~~relevant labor market in this state. The state attorneys' and~~
823 ~~public defenders' affirmative action plans must be designed to~~
824 ~~meet the established goals.~~

825 ~~(c) Appoint an affirmative action-equal employment~~
826 ~~opportunity officer.~~

827 ~~(d) Report annually to the Justice Administrative~~
828 ~~Commission on the implementation, continuance, updating, and~~
829 ~~results of his or her affirmative action program for the~~
830 ~~previous fiscal year.~~

831 ~~(3)(4) Each~~ The state agency, its agencies and officers
832 shall ensure freedom from discrimination in employment in
833 accordance with applicable state and federal laws as provided by
834 the Florida Civil Rights Act of 1992, by s. 112.044, and by this
835 chapter.

836 (4) All recruitment literature that references State
837 Personnel System position vacancies must contain the phrase "An
838 Equal Opportunity Employer."

839 (5) Any individual claiming to be aggrieved by an unlawful
840 employment practice may file a complaint with the Florida

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841 Commission on Human Relations as provided by s. 760.11.

842 (6) The department may adopt rules necessary to administer
843 ~~shall review and monitor executive agency actions in carrying~~
844 ~~out the rules adopted by the department pursuant to this~~
845 section.

846 Section 13. Section 110.1127, Florida Statutes, is amended
847 to read:

848 110.1127 Employee background screening and investigations
849 ~~security checks.~~

850 (1) Except as provided in subsection (2), each state
851 agency shall designate employee positions that require security
852 background screening. All persons and employees in such
853 positions must undergo employment screening in accordance with
854 chapter 435, using level 1 screening standards, as a condition
855 of employment and continued employment.

856 (2) ~~(1)~~ Each state ~~employing~~ agency shall designate those
857 ~~employee~~ positions that, because of the special trust or
858 responsibility or sensitive location, require security
859 background investigations. All persons and employees in such
860 positions must undergo employment screening in accordance with
861 chapter 435, using level 2 screening standards ~~of those~~
862 ~~positions, require that persons occupying those positions be~~
863 ~~subject to a security background check, including~~
864 fingerprinting, as a condition of employment and continued
865 employment.

866 ~~(2)~~ (a) All positions within the Division of Treasury of
867 the Department of Financial Services are deemed to be positions
868 of special trust or responsibility. Such persons, ~~and a person~~

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869 may be disqualified for employment ~~in any such position~~ by
870 reason of:

871 1. The conviction or prior conviction of a crime that
872 ~~which~~ is reasonably related to the nature of the position sought
873 or held by the individual; or

874 2. The entering of a plea of nolo contendere or, when a
875 jury verdict of guilty is rendered but adjudication of guilt is
876 withheld, with respect to a crime that ~~which~~ is reasonably
877 related to the nature of the position sought or held by the
878 individual.

879 ~~(b) All employees of the division shall be required to~~
880 ~~undergo security background investigations, including~~
881 ~~fingerprinting, as a condition of employment and continued~~
882 ~~employment.~~

883 (b)(3)(a) All positions in programs providing care to
884 children, the developmentally disabled, or vulnerable adults for
885 15 hours or more per week; all permanent and temporary employee
886 positions of the central abuse hotline; and all persons working
887 under contract who have access to abuse records are deemed to be
888 persons and positions of special trust or responsibility, ~~and~~
889 ~~require employment screening pursuant to chapter 435, using the~~
890 ~~level 2 standards set forth in that chapter.~~

891 1.(b) The ~~employing~~ agency may grant exemptions from
892 disqualification from working with children, the developmentally
893 disabled, or vulnerable adults as provided in s. 435.07.

894 ~~(c) All persons and employees in such positions of trust~~
895 ~~or responsibility shall be required to undergo security~~
896 ~~background investigations as a condition of employment and~~

897 ~~continued employment. For the purposes of this subsection,~~
898 ~~security background investigations shall be conducted as~~
899 ~~provided in chapter 435, using the level 2 standards for~~
900 ~~screening set forth in that chapter.~~

901 2.(d) It is a misdemeanor of the first degree, punishable
902 as provided in s. 775.082 or s. 775.083, for any person
903 willfully, knowingly, or intentionally to:

904 a.1. Fail, by false statement, misrepresentation,
905 impersonation, or other fraudulent means, to disclose in any
906 application for voluntary or paid employment a material fact
907 used in making a determination as to such person's
908 qualifications for a position of special trust;

909 b.2. Use ~~records~~ information contained in records for
910 purposes other than background screening or investigation for
911 employment or release such records information to other persons
912 for purposes other than preemployment screening or investigation
913 ~~for employment.~~

914 3.(e) It is a felony of the third degree, punishable as
915 provided in s. 775.082, s. 775.083, or s. 775.084, for any
916 person to willfully, knowingly, or intentionally ~~to~~ use juvenile
917 records information for any purposes other than those specified
918 in this section or to release such information to other persons
919 for purposes other than those specified in this section.

920 (3)-(4) Any person who is required to undergo such a
921 security background screening or investigation and who refuses
922 to cooperate in such screening or investigation or refuses to
923 submit fingerprints shall be disqualified for employment in such
924 position or, if employed, shall be dismissed.

925 (4) ~~(5)~~ ~~Such~~ Background screening and investigations shall
 926 be conducted at the expense of the employing state agency. If
 927 ~~When~~ fingerprinting is required, the fingerprints ~~of the~~
 928 ~~employee or applicant for employment~~ shall be taken by the
 929 ~~employing~~ agency or by an authorized law enforcement officer and
 930 submitted to the Department of Law Enforcement for processing
 931 and shall be forwarded if forwarding, ~~when~~ requested by the
 932 ~~employing~~ agency, to the United States Department of Justice for
 933 processing. The ~~employing~~ agency shall reimburse the Department
 934 of Law Enforcement for any costs incurred for ~~by it in the~~
 935 processing ~~of~~ the fingerprints.

936 (5) The department may adopt rules necessary to administer
 937 this section.

938 Section 14. Section 110.113, Florida Statutes, is amended
 939 to read:

940 110.113 Pay periods ~~for state officers and employees;~~
 941 ~~salary payments by direct deposit.-~~

942 ~~(1) The normal pay period for salaries of state officers~~
 943 ~~and employees shall be 1 month.~~ The Department of Financial
 944 Services shall issue ~~either~~ monthly or biweekly salary payments
 945 to State Personnel System officers and employees by state
 946 ~~warrants or by direct deposit pursuant to s. 17.076 or make~~
 947 ~~semimonthly salary payments by direct deposit pursuant to s.~~
 948 ~~17.076,~~ as ~~requested by the head of each state agency and~~
 949 approved by the Executive Office of the Governor and the
 950 Department of Financial Services.

951 (2) The department may adopt rules necessary to administer
 952 this section.

953 ~~(2) As a condition of employment, a person appointed to a~~
 954 ~~position in state government is required to participate in the~~
 955 ~~direct deposit program pursuant to s. 17.076. An employee may~~
 956 ~~request an exemption from the provisions of this subsection when~~
 957 ~~such employee can demonstrate a hardship or when such employee~~
 958 ~~is in an other personal services position.~~

959 Section 15. Section 110.1135, Florida Statutes, is created
 960 to read:

961 110.1135 Attendance and leave records.—Each state agency
 962 shall keep an accurate record of all hours of work performed by
 963 each employee, as well as a complete and accurate record of all
 964 authorized leave. The ultimate responsibility for the accuracy
 965 and proper maintenance of all attendance and leave records is
 966 with the agency head.

967 Section 16. Section 110.116, Florida Statutes, is amended
 968 to read:

969 110.116 Human resource information ~~Personnel information~~
 970 ~~system; payroll procedures.~~—

971 (1) ~~The department of Management Services~~ shall establish
 972 and maintain, in coordination with the payroll system of the
 973 Department of Financial Services, a complete human resource
 974 ~~personnel~~ information system for all authorized and established
 975 positions in the State Personnel System ~~service, with the~~
 976 ~~exception of employees of the Legislature, unless the~~
 977 ~~Legislature chooses to participate.~~ The department may contract
 978 with a vendor to provide the human resource ~~personnel~~
 979 ~~information~~ system. The specifications shall be developed in
 980 conjunction with the payroll system of the Department of

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981 Financial Services and in coordination with the Auditor General.
 982 The Department of Financial Services shall determine that the
 983 position occupied by each employee has been authorized and
 984 established in accordance with ~~the provisions of s. 216.251.~~ The
 985 human resource information system must include ~~Department of~~
 986 ~~Management Services shall develop and maintain~~ a position
 987 numbering system that identifies ~~will identify~~ each established
 988 position, and such information shall be a part of the payroll
 989 system of the Department of Financial Services. ~~The~~ With the
 990 ~~exception of employees of the Legislature, unless the~~
 991 ~~Legislature chooses to participate, this system must shall~~
 992 include all civil ~~career~~ service positions and those positions
 993 exempted from the Civil Service ~~career service provisions,~~
 994 notwithstanding the funding source of the salary payments, and
 995 information regarding persons receiving salary payments from
 996 other sources. Necessary revisions shall be made in the
 997 personnel and payroll procedures of the state to avoid
 998 duplication to the extent that it ~~insofar as~~ is feasible to do
 999 so. The information in the system must ~~A list shall~~ be organized
 1000 by budget entity to show the employees or vacant positions
 1001 within each budget entity. The information ~~This list~~ shall be
 1002 made available to the Speaker of the House of Representatives
 1003 and the President of the Senate upon request.

1004 (2) The department may adopt rules necessary to administer
 1005 this section.

1006 Section 17. Section 110.117, Florida Statutes, is amended
 1007 to read:

1008 110.117 Paid holidays and personal day.—

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1009 (1) The following holidays are ~~shall be~~ paid holidays
 1010 observed by all state ~~branches and~~ agencies:
 1011 (a) New Year's Day.
 1012 (b) Birthday of Martin Luther King, Jr., third Monday in
 1013 January.
 1014 (c) Memorial Day.
 1015 (d) Independence Day.
 1016 (e) Labor Day.
 1017 (f) Veterans' Day, November 11.
 1018 (g) Thanksgiving Day.
 1019 (h) Friday after Thanksgiving.
 1020 (i) Christmas Day.
 1021 (j) If any of these holidays falls on Saturday, the
 1022 preceding Friday shall be observed as a holiday. If any of these
 1023 holidays falls on Sunday, the following Monday shall be observed
 1024 as a holiday.

1025 (2) The Governor may declare, if ~~when~~ appropriate, a state
 1026 day of mourning in observance of the death of a person in
 1027 recognition of service rendered to the state or nation.

1028 (3) Each full-time employee in an authorized and
 1029 established position is entitled to one personal day holiday
 1030 each year. Each part-time employee is entitled to a personal day
 1031 holiday each year, which shall be calculated based on the full-
 1032 time equivalency of the position ~~proportionately to the personal~~
 1033 ~~holiday allowed to a full-time employee.~~ The Such personal day
 1034 ~~holiday~~ shall be credited to eligible employees on July 1 of
 1035 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the
 1036 following year or forfeited. The personal day must be taken as a

1037 whole day and may not be used incrementally. ~~Members of the~~
 1038 ~~teaching and research faculty of the State University System and~~
 1039 ~~administrative and professional positions exempted under s.~~
 1040 ~~110.205(2)(d) are not eligible for this benefit.~~

1041 (4) Other-personal-services employees are not eligible for
 1042 paid holidays or a personal day.

1043 Section 18. Section 110.1245, Florida Statutes, is amended
 1044 to read:

1045 110.1245 ~~Savings sharing program;~~ Bonus payments; other
 1046 awards.-

1047 ~~(1)(a) The Department of Management Services shall adopt~~
 1048 ~~rules that prescribe procedures and promote a savings sharing~~
 1049 ~~program for an individual or group of employees who propose~~
 1050 ~~procedures or ideas that are adopted and that result in~~
 1051 ~~eliminating or reducing state expenditures, if such proposals~~
 1052 ~~are placed in effect and may be implemented under current~~
 1053 ~~statutory authority.~~

1054 ~~(b) Each agency head shall recommend employees~~
 1055 ~~individually or by group to be awarded an amount of money, which~~
 1056 ~~amount shall be directly related to the cost savings realized.~~
 1057 ~~Each proposed award and amount of money must be approved by the~~
 1058 ~~Legislative Budget Commission.~~

1059 ~~(c) Each state agency, unless otherwise provided by law,~~
 1060 ~~may participate in the program. The Chief Justice shall have the~~
 1061 ~~authority to establish a savings sharing program for employees~~
 1062 ~~of the judicial branch within the parameters established in this~~
 1063 ~~section. The program shall apply to all employees within the~~
 1064 ~~Career Service, the Selected Exempt Service, and comparable~~

1065 ~~employees within the judicial branch.~~

1066 ~~(d) The department and the judicial branch shall submit~~
 1067 ~~annually to the President of the Senate and the Speaker of the~~
 1068 ~~House of Representatives information that outlines each agency's~~
 1069 ~~level of participation in the savings sharing program. The~~
 1070 ~~information shall include, but is not limited to:~~

1071 ~~1. The number of proposals made.~~

1072 ~~2. The number of dollars and awards made to employees or~~
 1073 ~~groups for adopted proposals.~~

1074 ~~3. The actual cost savings realized as a result of~~
 1075 ~~implementing employee or group proposals.~~

1076 ~~(1)(2) In June of each year, Bonuses may shall be paid to~~
 1077 ~~employees from funds authorized by the Legislature in an~~
 1078 ~~appropriation specifically for bonuses. Bonuses shall be~~
 1079 ~~distributed in accordance with the criteria and instructions~~
 1080 ~~provided in the General Appropriations Act. Each agency shall~~
 1081 ~~develop a plan for awarding lump sum bonuses, which plan shall~~
 1082 ~~be submitted no later than September 15 of each year and~~
 1083 ~~approved by the Office of Policy and Budget in the Executive~~
 1084 ~~Office of the Governor. Such plan shall include, at a minimum,~~
 1085 ~~but is not limited to:~~

1086 ~~(a) A statement that bonuses are subject to specific~~
 1087 ~~appropriation by the Legislature.~~

1088 ~~(b) Eligibility criteria as follows:~~

1089 ~~1. The employee must have been employed prior to July 1 of~~
 1090 ~~that fiscal year and have been continuously employed through the~~
 1091 ~~date of distribution.~~

1092 ~~2. The employee must not have been on leave without pay~~

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1093 ~~consecutively for more than 6 months during the fiscal year.~~

1094 ~~3. The employee must have had no sustained disciplinary~~
1095 ~~action during the period beginning July 1 through the date the~~
1096 ~~bonus checks are distributed. Disciplinary actions include~~
1097 ~~written reprimands, suspensions, dismissals, and involuntary or~~
1098 ~~voluntary demotions that were associated with a disciplinary~~
1099 ~~action.~~

1100 ~~4. The employee must have demonstrated a commitment to the~~
1101 ~~agency mission by reducing the burden on those served,~~
1102 ~~continually improving the way business is conducted, producing~~
1103 ~~results in the form of increased outputs, and working to improve~~
1104 ~~processes.~~

1105 ~~5. The employee must have demonstrated initiative in work~~
1106 ~~and have exceeded normal job expectations.~~

1107 ~~6. The employee must have modeled the way for others by~~
1108 ~~displaying agency values of fairness, cooperation, respect,~~
1109 ~~commitment, honesty, excellence, and teamwork.~~

1110 ~~(c) A periodic evaluation process of the employee's~~
1111 ~~performance.~~

1112 ~~(d) A process for peer input that is fair, respectful of~~
1113 ~~employees, and affects the outcome of the bonus distribution.~~

1114 ~~(e) A division of the agency by work unit for purposes of~~
1115 ~~peer input and bonus distribution.~~

1116 ~~(f) A limitation on bonus distributions equal to 35~~
1117 ~~percent of the agency's total authorized positions. This~~
1118 ~~requirement may be waived by the Office of Policy and Budget in~~
1119 ~~the Executive Office of the Governor upon a showing of~~
1120 ~~exceptional circumstances.~~

1121 ~~(2)~~(3) Each agency head ~~may~~ ~~department head~~ ~~is~~ ~~authorized~~
 1122 ~~to~~ incur expenditures to provide cash awards to ~~award suitable~~
 1123 ~~framed certificates, pins, and other tokens of recognition to~~
 1124 ~~retiring state employees whose service with the state has been~~
 1125 ~~satisfactory,~~ in appreciation of their role in the achievement
 1126 of the agency's mission, values, or goals ~~and recognition of~~
 1127 ~~such service.~~ Each award ~~Such awards~~ may not cost more than ~~in~~
 1128 ~~excess of~~ \$100 each plus applicable taxes.

1129 ~~(3)~~(4) Each agency ~~department~~ head may ~~is~~ ~~authorized to~~
 1130 incur expenditures to award suitable framed certificates, pins,
 1131 and ~~or~~ other noncash tokens of recognition. Each token ~~to state~~
 1132 ~~employees who demonstrate satisfactory service in the agency or~~
 1133 ~~to the state, in appreciation and recognition of such service.~~
 1134 ~~Such awards~~ may not cost more than ~~in excess of~~ \$100 each plus
 1135 applicable taxes. Such tokens may be awarded to:

1136 (a) Current employees, in appreciation and recognition of
 1137 their service to the state.

1138 (b) Retiring employees, in appreciation and recognition of
 1139 their service to the state.

1140 (c) An appointed member of a state board or commission, in
 1141 appreciation and recognition of his or her service to the state
 1142 upon the expiration of the member's final term in such position.

1143 (4) The department may adopt rules necessary to administer
 1144 this section.

1145 ~~(5) Each department head is authorized to incur~~
 1146 ~~expenditures not to exceed \$100 each plus applicable taxes for~~
 1147 ~~suitable framed certificates, plaques, or other tokens of~~
 1148 ~~recognition to any appointed member of a state board or~~

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1149 ~~commission whose service to the state has been satisfactory, in~~
 1150 ~~appreciation and recognition of such service upon the expiration~~
 1151 ~~of such board or commission member's final term in such~~
 1152 ~~position.~~

1153 Section 19. Section 110.125, Florida Statutes, is amended
 1154 to read:

1155 110.125 Administrative costs.—

1156 (1) The administrative expenses and costs of operating the
 1157 personnel program established by this chapter shall be paid by
 1158 the state ~~various~~ agencies ~~of the state government~~, and each
 1159 such agency shall include in its budget estimates its pro rata
 1160 share of such cost as determined by the department ~~of Management~~
 1161 ~~Services.~~

1162 (a) To establish an equitable division of ~~the~~ costs, the
 1163 amount to be paid by each agency shall be based on the number of
 1164 authorized full-time equivalents appropriated to the agency, the
 1165 average number of other-personal-services employees paid by the
 1166 agency, and the total administrative expenses and costs of
 1167 operating the personnel program established under ~~determined in~~
 1168 ~~such proportion as the service rendered to each agency bears to~~
 1169 ~~the total service rendered under the provisions of this chapter.~~
 1170 ~~The amounts paid to the Department of Management Services which~~
 1171 ~~are attributable to positions within the Senior Management~~
 1172 ~~Service and the Selected Professional Service shall be used for~~
 1173 ~~the administration of such services, training activities for~~
 1174 ~~positions within those services, and the development and~~
 1175 ~~implementation of a database of pertinent historical information~~
 1176 ~~on exempt positions.~~

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1177 **(b)** ~~If Should~~ any state agency become more than 90 days
 1178 delinquent in paying ~~payment of~~ this obligation, the department
 1179 shall certify to the Chief Financial Officer the amount due and
 1180 the Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~
 1181 ~~to the department~~ from any available debtor agency funds
 1182 available.

1183 **(2)** The department may adopt rules necessary to administer
 1184 this section.

1185 Section 20. Section 110.126, Florida Statutes, is amended
 1186 to read:

1187 110.126 Oaths, testimony, records; penalties.—

1188 **(1)** The department may ~~shall have power to~~ administer
 1189 oaths, subpoena witnesses, and compel the production of books,
 1190 ~~and~~ papers, or other records, in written or electronic form,
 1191 relevant ~~pertinent~~ to any investigation of personnel practices
 1192 or hearing authorized by this chapter. Any person who fails
 1193 ~~shall fail~~ to appear in response to a subpoena or to answer any
 1194 question or produce any books or papers relevant ~~pertinent~~ to
 1195 ~~any~~ such investigation or hearing or who ~~shall~~ knowingly gives
 1196 ~~give~~ false testimony commits ~~therein shall be guilty of~~ a
 1197 misdemeanor of the first degree, punishable as provided in s.
 1198 775.082 or s. 775.083.

1199 **(2)** The department may adopt rules necessary to administer
 1200 this section.

1201 Section 21. Section 110.127, Florida Statutes, is amended
 1202 to read:

1203 110.127 Penalties.—

1204 **(1)** Any person who willfully violates any provision of

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1205 | this chapter or of any rules adopted pursuant to this chapter
 1206 | commits ~~the authority herein granted is guilty of~~ a misdemeanor
 1207 | of the second degree, punishable as provided in s. 775.082 or s.
 1208 | 775.083.

1209 | (2) ~~The provisions of s. 112.011 to the contrary~~
 1210 | Notwithstanding s. 112.011, any person who is convicted of a
 1211 | misdemeanor under this chapter is ~~shall be, for a period of 5~~
 1212 | ~~years,~~ ineligible for appointment to or employment in a ~~position~~
 1213 | ~~in~~ the State Personnel System for 5 years ~~service~~ and, if an
 1214 | employee of the system ~~state~~, shall forfeit his or her position.

1215 | (3) Imposition of the penalties provided in this section
 1216 | may ~~shall~~ not be in lieu of any action that ~~which~~ may be taken
 1217 | or penalties that ~~which~~ may be imposed pursuant to part III of
 1218 | chapter 112.

1219 | (4) The department may adopt rules necessary to administer
 1220 | this section.

1221 | Section 22. Section 110.1315, Florida Statutes, is amended
 1222 | to read:

1223 | 110.1315 Alternative benefits; other-personal-services
 1224 | employees.—

1225 | (1) Upon review and recommendation of the department and
 1226 | approval of the Governor, the department may contract for the
 1227 | implementation of an alternative retirement income security
 1228 | program for eligible temporary and seasonal employees of the
 1229 | state who are compensated from appropriations for other personal
 1230 | services. The contract may provide for a private vendor or
 1231 | vendors to administer the program under a defined-contribution
 1232 | plan under ss. 401(a) and 403(b) or s. 457 of the Internal

1233 Revenue Code, and the program must provide retirement benefits
 1234 as required under s. 3121(b)(7)(F) of the Internal Revenue Code.
 1235 The department may develop a request for proposals and solicit
 1236 qualified vendors to compete for the award of the contract. A
 1237 vendor shall be selected on the basis of the plan that best
 1238 serves the interest of the participating employees and the
 1239 state. The proposal must comply with all necessary federal and
 1240 state laws and rules.

1241 (2) The department may adopt rules necessary to administer
 1242 this section.

1243 Section 23. Section 110.171, Florida Statutes, is amended
 1244 to read:

1245 (Substantial rewording of section. See
 1246 s. 110.171, F.S., for present text.)

1247 110.171 Telework program.—

1248 (1) State agencies shall support telework as an optional
 1249 alternative work arrangement to support employee needs and shall
 1250 implement telework arrangements where deemed appropriate. In
 1251 addition, agencies may establish telework as an integral part of
 1252 the normal business operations of the agency and require that
 1253 specific work be performed through telework arrangements.

1254 Telework may also be used as part of an agency's continuity of
 1255 operations plan where appropriate.

1256 (2) Work extensions and the sporadic conduct of all or
 1257 some of the work performed away from the official work site
 1258 during all or some portion of the established work hours is not
 1259 telework. These arrangements may be used by agencies to
 1260 accommodate extenuating circumstances that allow employees to

1261 maintain productivity outside of the official work site. Mobile
 1262 work is also not considered telework. Such activities do not
 1263 require a written telework agreement. As used in this
 1264 subsection, the term:

1265 (a) "Mobile work" means duties and responsibilities that,
 1266 by their nature, are performed routinely in the field away from
 1267 the official work site.

1268 (b) "Work extension" means the performance of required
 1269 work duties away from the official work site and outside of
 1270 established work hours on an occasional basis.

1271 (3) Each agency shall review all established positions and
 1272 designate those positions that the agency deems appropriate for
 1273 telework. The agency shall ensure this information is current
 1274 and available to its employees and managers. In addition, each
 1275 agency shall identify all currently participating employees and
 1276 their respective positions in the state human resource
 1277 information system created under s. 110.116.

1278 (4) Agencies that have a telework program shall develop an
 1279 agency plan that addresses the agency's telework policies and
 1280 procedures. At a minimum, an agency telework plan must:

1281 (a) Establish criteria for evaluating the ability of
 1282 employees to satisfactorily perform in a telework arrangement.

1283 (b) Establish performance standards that ensure that
 1284 employees participating in the program maintain satisfactory
 1285 performance levels.

1286 (c) Ensure teleworkers are subject to the same rules and
 1287 disciplinary actions as other employees.

1288 (d) Establish the reasonable conditions that the agency

1289 plans to impose in order to ensure appropriate use and
 1290 maintenance of any equipment issued by the agency.

1291 (e) Establish a system for monitoring the productivity of
 1292 teleworking employees which ensures that the work output remains
 1293 at a satisfactory level and that the duties and responsibilities
 1294 of the position remain suitable for a telework arrangement.

1295 (f) Establish the appropriate physical and electronic
 1296 information security controls to be maintained by a teleworker
 1297 at the telework site.

1298 (g) Prohibit employees engaged in telework from conducting
 1299 face-to-face state business at their residence.

1300 (5) Agencies that approve employees to use telework as an
 1301 optional alternative work arrangement shall:

1302 (a) Require a written agreement between the teleworker and
 1303 the agency which specifies the terms and conditions of the
 1304 telework arrangement and provides for the termination of an
 1305 employee's participation in the program if the employee's
 1306 continued participation is not in the best interest of the
 1307 agency.

1308 (b) Ensure that participation by an employee is voluntary
 1309 and that the employee may discontinue participation after
 1310 providing reasonable notice to the agency.

1311 (6) Agencies that require certain employees to telework as
 1312 a part of normal business operations shall:

1313 (a) Include the requirement to telework and the associated
 1314 terms and conditions as part of the position description,
 1315 specifying the minimum amount of telework time required.

1316 (b) Provide at least 30 days' written notice to affected

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1317 employees of intent to impose or remove a requirement to
1318 telework.

1319 (c) Provide at least 15 days' written notice to affected
1320 employees of intent to revise the terms and conditions of their
1321 current telework arrangement.

1322 (d) Provide equipment and supplies to an employee
1323 necessary to carry out job functions from the telework site.

1324 (e) Specify the telework requirement in any recruitment
1325 activities.

1326 (7) Agencies that have a telework program shall establish
1327 and track performance measures that support telework program
1328 analysis and report data annually to the department's Facilities
1329 Program in accordance with s. 255.249(3)(d). Such measures must
1330 include, but need not be limited to, those that quantify:

1331 (a) Financial impacts associated with changes in office
1332 space requirements resulting from the telework program. State
1333 agencies operating in office space owned or managed by the
1334 department shall consult the Facilities Program to ensure
1335 consistency with the strategic leasing plan required under s.
1336 255.249(3)(b).

1337 (b) Energy consumption changes resulting from the telework
1338 program.

1339 (c) Greenhouse gas emission changes resulting from the
1340 telework program.

1341 (8) Agencies that have a telework program shall post the
1342 agency telework plan and any pertinent supporting documents on
1343 the agency website to allow access by employees and the public.

1344 (9) The department may adopt rules necessary to administer

1345 this section.

1346 Section 24. Section 110.2037, Florida Statutes, is
 1347 transferred, renumbered as section 110.182, Florida Statutes,
 1348 and amended to read:

1349 110.182 ~~110.2037~~ Alternative benefits; tax-sheltered
 1350 annual leave and sick leave payments and special compensation
 1351 payments.—

1352 (1) The department may ~~of Management Services has~~
 1353 ~~authority to~~ adopt tax-sheltered plans under s. 401(a) of the
 1354 Internal Revenue Code for ~~state~~ employees who are eligible for
 1355 payment for accumulated leave. ~~The department,~~ Upon adoption of
 1356 the plans, the department shall contract for a private vendor or
 1357 vendors to administer the plans.

1358 (a) These plans are ~~shall be~~ limited to ~~state~~ employees
 1359 who are over age 55 and who are ~~+~~ eligible for accumulated leave,
 1360 ~~and~~ special compensation payments, and separating from
 1361 employment with 10 years of service in accordance with the
 1362 Internal Revenue Code, or who are participating in the Deferred
 1363 Retirement Option Program on or after July 1, 2001.

1364 (b) The plans must provide benefits in a manner that
 1365 minimizes the tax liability of the state and participants.

1366 (c) The plans must be funded by employer contributions of
 1367 payments for accumulated leave or special compensation payments,
 1368 or both, as specified by the department.

1369 (d) The plans must have received all necessary federal and
 1370 state approval as required by law, must not adversely impact the
 1371 qualified status of the Florida Retirement System defined
 1372 benefit or defined contribution plans or the pretax benefits

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1373 program, and must comply with ~~the provisions of~~ s. 112.65.
 1374 Adoption of any plan is contingent on: the department receiving
 1375 appropriate favorable rulings from the Internal Revenue Service;
 1376 the department negotiating under the provisions of chapter 447,
 1377 where applicable; and the Chief Financial Officer making
 1378 appropriate changes to the state payroll system.

1379 (e) The department's request for proposals by vendors for
 1380 such plans may require that ~~the~~ vendors provide market-risk or
 1381 volatility ratings from recognized rating agencies for each of
 1382 their investment products.

1383 (f) The department shall provide ~~for~~ a system of
 1384 continuous quality assurance oversight to ensure that the
 1385 program objectives are achieved and that the program is
 1386 prudently managed.

1387 (2) Within 30 days after termination of employment, an
 1388 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty
 1389 may be assessed by the plan administrator. If an ~~any~~ employee is
 1390 adversely affected by payment of an excise tax or an ~~any~~
 1391 Internal Revenue Service penalty by withdrawing ~~electing to~~
 1392 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a
 1393 provision that provides ~~which will provide~~ the employee with no
 1394 less cash than if the employee had not participated in the plan.

1395 (3) These contracts may be used by any other pay plans or
 1396 personnel systems in the executive, legislative, or judicial
 1397 branches of government upon approval of the appropriate
 1398 administrative authority.

1399 (4) Notwithstanding the terminal pay provisions of s.
 1400 112.910 ~~110.122~~, the department may contract for a tax-sheltered

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1401 plan for leave and special compensation pay for employees who
 1402 are terminating over age 55 and have ~~with~~ 10 years of service,
 1403 and for employees participating in the Deferred Retirement
 1404 Option Program on or after July 1, 2001, and who are over age
 1405 55. The frequency of payments into the plan shall be determined
 1406 by the department or as provided in the General Appropriations
 1407 Act. This plan must ~~or plans shall~~ provide the greatest tax
 1408 benefits to the employees and maximize the savings to the state.

1409 (5) The department shall determine by rule the design of
 1410 the plans and the eligibility of participants.

1411 (6) ~~Nothing in~~ This section does not ~~shall be construed to~~
 1412 remove plan participants from the scope of s. 112.910(5)
 1413 ~~110.122(5)~~.

1414 (7) The department may adopt rules necessary to administer
 1415 this section.

1416 Section 25. Section 110.183, Florida Statutes, is created
 1417 to read:

1418 110.183 Collective bargaining.—The department shall
 1419 coordinate with the Governor and the agencies on personnel
 1420 matters falling within the scope of collective bargaining and
 1421 shall represent the Governor in collective bargaining
 1422 negotiations and other collective bargaining matters as
 1423 necessary. All discussions relative to collective bargaining
 1424 between the department and the Governor and between the
 1425 department and the agency heads, or discussions between any of
 1426 their respective representatives, are exempt from s. 286.011,
 1427 and all work products relative to collective bargaining
 1428 developed in conjunction with such discussions are confidential

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1429 and exempt from s. 119.07(1).

1430 Section 26. Section 110.184, Florida Statutes, is created
1431 to read:

1432 110.184 Workforce report.—The department shall prepare a
1433 workforce report on human resources in the State Personnel
1434 System. The report shall provide data and identify trends for
1435 planning and improving the management of the State Personnel
1436 System. The department shall annually submit the report to the
1437 Governor, the President of the Senate, and the Speaker of the
1438 House of Representatives.

1439 Section 27. The Division of Statutory Revision is
1440 requested to rename part II of chapter 110, Florida Statutes,
1441 consisting of ss. 110.201-110.235, Florida Statutes, as "Civil
1442 Service."

1443 Section 28. Section 110.202, Florida Statutes, is created
1444 to read:

1445 110.202 Declaration of policy.—This part creates the Civil
1446 Service within the State Personnel System as required by s. 14,
1447 Art. III of the State Constitution.

1448 Section 29. Section 110.205, Florida Statutes, as amended
1449 by chapter 2009-271, Laws of Florida, is amended to read:

1450 110.205 Civil Career Service; exemptions.—

1451 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career
1452 Service to which this part applies includes all positions within
1453 the State Personnel System not specifically exempted by this
1454 section part, notwithstanding any other provisions of law the
1455 Florida Statutes to the contrary notwithstanding.

1456 (2) EXEMPT POSITIONS.—The ~~exempt positions that are not~~

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1457 ~~covered by this part include the following positions are~~
1458 ~~exempted from the Civil Service:~~

1459 (a) Elected officers.—All officers of the executive branch
1460 elected by popular vote and persons appointed to fill vacancies
1461 in such offices. Unless otherwise fixed by law, the salary and
1462 benefits for ~~an any such~~ officer who serves as the head of an
1463 agency ~~a department~~ shall be set by the Department of Management
1464 Services in accordance with the rules of the Senior Management
1465 Service.

1466 (b) Legislative branch.—All members, officers, and
1467 employees of the legislative branch, except for the members,
1468 officers, and employees of the Florida Public Service
1469 Commission.

1470 (c) Judicial branch.—All members, officers, and employees
1471 of the judicial branch.

1472 (d) State universities.—All officers and employees of the
1473 state universities and the ~~academic personnel and academic~~
1474 ~~administrative personnel of the Florida School for the Deaf and~~
1475 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~
1476 ~~salaries for academic personnel and academic administrative~~
1477 ~~personnel of the Florida School for the Deaf and the Blind shall~~
1478 ~~be set by the board of trustees for the school, subject only to~~
1479 ~~the approval of the State Board of Education.~~

1480 ~~(e) The Chief Information Officer in the Agency for~~
1481 ~~Enterprise Information Technology. Unless otherwise fixed by~~
1482 ~~law, the Agency for Enterprise Information Technology shall set~~
1483 ~~the salary and benefits of this position in accordance with the~~
1484 ~~rules of the Senior Management Service.~~

1485 ~~(e)-(f)~~ Members of boards and commissions.—All members of
 1486 state boards and commissions, however selected. Unless otherwise
 1487 fixed by law, the salary and benefits for any full-time board or
 1488 commission member shall be set by the Department of Management
 1489 Services in accordance with the rules of the Senior Management
 1490 Service.

1491 ~~(g) Judges, referees, and receivers.~~

1492 ~~(h) Patients or inmates in state institutions.~~

1493 ~~(f)-(i)~~ Time-limited positions.—All positions that are
 1494 established for a limited period of time for the purpose of
 1495 conducting a special study, project, or investigation and any
 1496 person paid from an other-personal-services appropriation.
 1497 Unless otherwise fixed by law, the salaries for such positions
 1498 and persons shall be set in accordance with rules established by
 1499 the employing agency for other-personal-services payments
 1500 pursuant to s. 112.907 ~~110.131~~.

1501 ~~(g)-(j)~~ Executive level positions.—The appointed
 1502 secretaries and the State Surgeon General, assistant
 1503 secretaries, deputy secretaries, and deputy assistant
 1504 secretaries of all agencies ~~departments~~; the executive
 1505 directors, assistant executive directors, deputy executive
 1506 directors, and deputy assistant executive directors of all
 1507 agencies ~~departments~~; the directors of all divisions and those
 1508 positions determined by the Department of Management Services to
 1509 have managerial responsibilities comparable to such positions,
 1510 including ~~which positions include~~, but are not limited to,
 1511 program directors, assistant program directors, district
 1512 administrators, deputy district administrators, general

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1513 counsels, chief cabinet aides, public information administrators
 1514 or comparable position for a cabinet officer, inspectors
 1515 general, or legislative affairs directors ~~the Director of~~
 1516 ~~Central Operations Services of the Department of Children and~~
 1517 ~~Family Services,~~ the State Transportation Development
 1518 Administrator, State Public Transportation and Modal
 1519 Administrator, district secretaries, district directors of
 1520 transportation development, transportation operations,
 1521 transportation support, ~~and~~ the managers of the Department of
 1522 Transportation offices specified in s. 20.23(4) (b), the county
 1523 health department directors and county health department
 1524 administrators of the Department of Health, and the one
 1525 additional position that may be designated by each agency and
 1526 that reports directly to the agency head or to a position in the
 1527 Senior Management Service and whose additional costs are
 1528 absorbed from the existing budget of that agency ~~of the~~
 1529 ~~Department of Transportation.~~ Unless otherwise fixed by law, the
 1530 Department of Management Services shall set the salary and
 1531 benefits of these positions in accordance with the rules of the
 1532 Senior Management Service; ~~and the county health department~~
 1533 ~~directors and county health department administrators of the~~
 1534 ~~Department of Health.~~

1535 ~~(k) The personal secretary to the incumbent of each~~
 1536 ~~position exempted in paragraphs (a), (c), and (j). Unless~~
 1537 ~~otherwise fixed by law, the department shall set the salary and~~
 1538 ~~benefits of these positions in accordance with the rules of the~~
 1539 ~~Selected Exempt Service.~~

1540 (h)(1) Governor's Office.—All officers and employees in

1541 the office of the Governor, including all employees at the
 1542 Governor's mansion, and employees within each separate budget
 1543 entity, as defined in chapter 216, assigned to the Governor.
 1544 Unless otherwise fixed by law, the salary and benefits of these
 1545 positions shall be set by the Department of Management Services
 1546 as follows:

1547 1. The chief of staff, the assistant or deputy chief of
 1548 staff, general counsel, director of legislative affairs, chief
 1549 inspector general, director of cabinet affairs, director of
 1550 press relations, director of planning and budgeting, director of
 1551 administration, director of state-federal relations, director of
 1552 appointments, director of external affairs, deputy general
 1553 counsel, Governor's liaison for community development, chief of
 1554 staff for the Lieutenant Governor, deputy director of planning
 1555 and budgeting, policy coordinators, and the director of each
 1556 separate budget entity shall have their salaries and benefits
 1557 set by the Department of Management Services in accordance with
 1558 the rules of the Senior Management Service ~~established~~.

1559 2. The salaries and benefits of positions not established
 1560 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the
 1561 employing agency. Salaries and benefits of employees whose
 1562 professional training is comparable to that of licensed
 1563 professionals under paragraph (n) ~~(r)~~, or whose administrative
 1564 responsibility is comparable to a bureau chief shall be set by
 1565 the rules of the Selected Exempt Service. The Department of
 1566 Management Services shall make the comparability determinations.
 1567 Other employees shall have benefits set comparable to
 1568 legislative staff, except leave shall be comparable to civil

1569 ~~career~~ service as ~~if career service~~ employees.

1570 (i) ~~(m)~~ Upper management positions.—All assistant division
 1571 director, deputy division director, and bureau chief positions
 1572 in any agency department, and those positions determined by the
 1573 Department of Management Services to have managerial
 1574 responsibilities comparable to such positions. Unless otherwise
 1575 fixed by law, the salaries of benefits of these positions shall
 1576 be set by the Department of Management Services in accordance
 1577 with the rules of the Selected Exempt Service. ~~These, which~~
 1578 positions include, but are not limited to:

1579 1. Positions in the Department of Health and the
 1580 Department of Children and Family Services which ~~that~~ are
 1581 assigned primary duties of serving as the superintendent or
 1582 assistant superintendent of an institution.

1583 2. Positions in the Department of Corrections which ~~that~~
 1584 are assigned primary duties of serving as the warden, assistant
 1585 warden, colonel, or major of an institution or which ~~that~~ are
 1586 assigned primary duties of serving as the circuit administrator
 1587 or deputy circuit administrator.

1588 3. Positions in the Department of Transportation which
 1589 ~~that~~ are assigned primary duties of serving as regional toll
 1590 managers and managers of offices, as defined in s. 20.23(4) (b)
 1591 and (5) (c), and captains and majors of the Office of Motor
 1592 Carrier Compliance.

1593 4. Positions in the Department of Environmental Protection
 1594 which ~~that~~ are assigned the duty of an environmental
 1595 administrator or program administrator.

1596 5. Positions in the Department of Health which ~~that~~ are

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1597 assigned the duties of environmental administrator, assistant
 1598 county health department director, and county health department
 1599 financial administrator.

1600 6. Positions in the Department of Children and Family
 1601 Services which are assigned the duties of staff director,
 1602 assistant staff director, district program manager, district
 1603 program coordinator, district subdistrict administrator,
 1604 district administrative services director, district attorney,
 1605 and the deputy director of central operations services.

1606
 1607 ~~Unless otherwise fixed by law, the department shall set the~~
 1608 ~~salary and benefits of the positions listed in this paragraph in~~
 1609 ~~accordance with the rules established for the Selected Exempt~~
 1610 ~~Service.~~

1611 ~~(j)(n)~~ Additional managerial or policymaking positions.-

1612 ~~1.a.~~ In addition to those positions exempted by other
 1613 paragraphs of this subsection, each agency ~~department~~ head may
 1614 designate a maximum of 20 policymaking or managerial positions,
 1615 as defined by the Department of Management Services and approved
 1616 by the Administration Commission, as being exempt from the Civil
 1617 ~~Career Service System~~. Civil Career service employees who occupy
 1618 a position designated as a position in the Selected Exempt
 1619 Service under this paragraph ~~may shall have the right to remain~~
 1620 in the Civil Career Service ~~System~~ by opting to serve in a
 1621 position not exempted by the employing agency. Unless otherwise
 1622 fixed by law, the Department of Management Services shall set
 1623 the salary and benefits of these positions in accordance with
 1624 the rules of the Selected Exempt Service; ~~provided, however,~~

1625 ~~that if the agency head determines that the general counsel,~~
 1626 ~~chief Cabinet aide, public information administrator or~~
 1627 ~~comparable position for a Cabinet officer, inspector general, or~~
 1628 ~~legislative affairs director has both policymaking and~~
 1629 ~~managerial responsibilities and if the department determines~~
 1630 ~~that any such position has both policymaking and managerial~~
 1631 ~~responsibilities, the salary and benefits for each such position~~
 1632 ~~shall be established by the department in accordance with the~~
 1633 ~~rules of the Senior Management Service.~~

1634 ~~b. In addition, each department may designate one~~
 1635 ~~additional position in the Senior Management Service if that~~
 1636 ~~position reports directly to the agency head or to a position in~~
 1637 ~~the Senior Management Service and if any additional costs are~~
 1638 ~~absorbed from the existing budget of that department.~~

1639 2. If otherwise exempt from the Civil Service, employees
 1640 of the Public Employees Relations Commission, the Commission on
 1641 Human Relations, and the Unemployment Appeals Commission, upon
 1642 the certification of their respective commission heads, may, if
 1643 otherwise qualified, be provided for ~~under this paragraph~~ as
 1644 members of the Senior Management Service, ~~if otherwise~~
 1645 ~~qualified~~. However, the deputy general counsel of the Public
 1646 Employees Relations Commission shall be compensated in
 1647 accordance with as members of the Selected Exempt Service.

1648 (k) Specialized managerial positions.—

1649 1. The Department of Management Services shall set the
 1650 salary and benefits for the following positions in accordance
 1651 with the rules of the Selected Exempt Service.

1652 a. Pursuant to s. 447.203(4), managerial employees who

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1653 perform jobs that are not of a routine, clerical, or ministerial
1654 nature and require the exercise of independent judgment in the
1655 performance of such jobs and to whom one or more of the
1656 following applies: formulate or assist in formulating policies
1657 applicable to bargaining unit employees; assist in the
1658 preparation for the conduct of collective bargaining
1659 negotiations; administer agreements resulting from collective
1660 bargaining negotiations; have a significant role in personnel
1661 administration; have a significant role in employee relations;
1662 or have a significant role in the preparation or administration
1663 of the final budget for any public agency or institution or
1664 subdivision including having the authority to select and approve
1665 among alternative expenditures when necessary.

1666 b. Pursuant to s. 447.203(5), confidential employees who
1667 act in a confidential capacity to assist or aid managerial
1668 employees who are performing work and who have access to
1669 information that would provide an employee labor organization
1670 with an advantage at the bargaining table or in the
1671 administration of collective bargaining agreements.

1672 c. All supervisory employees, including supervisors,
1673 administrators and directors, who customarily and regularly plan
1674 and direct the work of two or more full-time employees or the
1675 equivalent, and who communicate with, motivate, train, and
1676 evaluate employees, and who have the authority to hire,
1677 transfer, suspend, layoff, recall, promote, discharge, assign,
1678 reward, or discipline subordinate employees or, effectively, to
1679 recommend such action.

1680 2. The exemptions provided in this paragraph are not

1681 applicable to the following:

1682 a. Managerial and supervisory employees who are designated
 1683 as special risk or special risk administrative support;

1684 b. Attorneys who serve as administrative law judges
 1685 pursuant to s. 120.65 or for hearings conducted pursuant to s.
 1686 120.57(1) (a); and

1687 c. Professional health care providers as defined in s.
 1688 110.1054, unless otherwise collectively bargained.

1689 (1) (e) Public Service Commission.—The executive director,
 1690 deputy executive director, general counsel, inspector general,
 1691 official reporters, and division directors within the Public
 1692 Service Commission and the personal secretary and personal
 1693 assistant to each member of the Public Service Commission.
 1694 Unless otherwise fixed by law, the salary and benefits of the
 1695 executive director, deputy executive directors, general counsel,
 1696 inspector general, and the directors of all divisions and those
 1697 positions determined to have managerial responsibilities
 1698 comparable to such positions ~~Director of Administration,~~
 1699 ~~Director of Appeals, Director of Auditing and Financial~~
 1700 ~~Analysis, Director of Communications, Director of Consumer~~
 1701 ~~Affairs, Director of Electric and Gas, Director of Information~~
 1702 ~~Processing, Director of Legal Services, Director of Records and~~
 1703 ~~Reporting, Director of Research, and Director of Water and Sewer~~
 1704 shall be set ~~by the department~~ in accordance with the rules of
 1705 the Senior Management Service. The salary and benefits of the
 1706 personal secretary and the personal assistant of each member of
 1707 the commission and the official reporters shall be set by the
 1708 Department of Management Services in accordance with the rules

1709 of the Selected Exempt Service, ~~notwithstanding any salary~~
 1710 ~~limitations imposed by law for the official reporters.~~

1711 ~~(m)-(p)~~ Department of Military Affairs.—

1712 1. All military personnel of the Department of Military
 1713 Affairs. Unless otherwise fixed by law, the salary and benefits
 1714 for ~~such~~ military personnel shall be set by the Department of
 1715 Military Affairs in accordance with the appropriate military pay
 1716 schedule.

1717 2. The salary and benefits of military police chiefs,
 1718 military police officers, firefighter trainers, firefighter-
 1719 rescuers, and electronic security system technicians shall be
 1720 ~~have salary and benefits~~ the same as civil ~~career~~ service
 1721 employees.

1722 ~~(q) The staff directors, assistant staff directors,~~
 1723 ~~district program managers, district program coordinators,~~
 1724 ~~district subdistrict administrators, district administrative~~
 1725 ~~services directors, district attorneys, and the Deputy Director~~
 1726 ~~of Central Operations Services of the Department of Children and~~
 1727 ~~Family Services. Unless otherwise fixed by law, the Department~~
 1728 ~~shall establish the pay band and benefits for these positions in~~
 1729 ~~accordance with the rules of the Selected Exempt Service.~~

1730 ~~(n)-(r)~~ Professional licensure.—All positions not otherwise
 1731 exempt under this subsection which require as a prerequisite to
 1732 employment: licensure as a physician pursuant to chapter 458;;
 1733 licensure as an osteopathic physician pursuant to chapter 459;;
 1734 licensure as a chiropractic physician pursuant to chapter 460,
 1735 including those positions that ~~which~~ are occupied by employees
 1736 who are exempted from licensure pursuant to s. 409.352;

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1737 licensure as an engineer pursuant to chapter 471, which are
1738 supervisory positions; or for 12 calendar months, which require
1739 as a prerequisite to employment that the employee have received
1740 the degree of Bachelor of Laws or Juris Doctor from a law school
1741 accredited by the American Bar Association and thereafter
1742 membership in The Florida Bar, except for any attorney who
1743 serves as an administrative law judge pursuant to s. 120.65 or
1744 for hearings conducted pursuant to s. 120.57(1)(a). Unless
1745 otherwise fixed by law, the Department of Management Services
1746 shall set the salary and benefits for these positions in
1747 accordance with the rules of established ~~for~~ the Selected Exempt
1748 Service.

1749 (o) ~~(s)~~ Statewide Prosecutor.—The statewide prosecutor in
1750 charge of the Office of Statewide Prosecution of the Department
1751 of Legal Affairs and all employees in the office. The Department
1752 of Legal Affairs shall set the salary of these positions.

1753 (p) ~~(t)~~ Executive directors of regulatory boards and
1754 commissions.—The executive director of each board or commission
1755 established within the Department of Business and Professional
1756 Regulation or the Department of Health. Unless otherwise fixed
1757 by law, the Department of Management Services shall set
1758 ~~establish~~ the salary and benefits for these positions in
1759 accordance with the rules of established ~~for~~ the Selected Exempt
1760 Service.

1761 (q) ~~(u)~~ State Board of Administration.—All officers and
1762 employees of the State Board of Administration. The State Board
1763 of Administration shall set the salary ~~salaries~~ and benefits of
1764 these positions.

1765 ~~(v) Positions that are leased pursuant to a state employee~~
 1766 ~~lease agreement expressly authorized by the Legislature pursuant~~
 1767 ~~to s. 110.191.~~

1768 ~~(w) Managerial employees, as defined in s. 447.203(4),~~
 1769 ~~confidential employees, as defined in s. 447.203(5), and~~
 1770 ~~supervisory employees who spend the majority of their time~~
 1771 ~~communicating with, motivating, training, and evaluating~~
 1772 ~~employees, and planning and directing employees' work, and who~~
 1773 ~~have the authority to hire, transfer, suspend, lay off, recall,~~
 1774 ~~promote, discharge, assign, reward, or discipline subordinate~~
 1775 ~~employees or effectively recommend such action, including all~~
 1776 ~~employees serving as supervisors, administrators, and directors.~~
 1777 ~~Excluded are employees also designated as special risk or~~
 1778 ~~special risk administrative support and attorneys who serve as~~
 1779 ~~administrative law judges pursuant to s. 120.65 or for hearings~~
 1780 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~
 1781 ~~nurses licensed under chapter 464, dentists licensed under~~
 1782 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~
 1783 ~~491, nutritionists or dietitians licensed under part X of~~
 1784 ~~chapter 468, pharmacists licensed under chapter 465,~~
 1785 ~~psychological specialists licensed under chapter 491, physical~~
 1786 ~~therapists licensed under chapter 486, and speech therapists~~
 1787 ~~licensed under part I of chapter 468 are excluded, unless~~
 1788 ~~otherwise collectively bargained.~~

1789 (r)(*) Justice Administration Commission and similar
 1790 entities.-All officers and employees of the Justice
 1791 Administrative Commission, Office of the State Attorney, Office
 1792 of the Public Defender, regional offices of capital collateral

1793 counsel, offices of criminal conflict and civil regional
 1794 counsel, and Statewide Guardian Ad Litem Office, including the
 1795 circuit guardian ad litem programs and the Florida Clerks of
 1796 Court Operations Corporation.

1797 (s) Florida School for the Deaf and Blind.—The academic
 1798 personnel and academic administrative personnel of the Florida
 1799 School for the Deaf and the Blind. In accordance with s.
 1800 1002.36, the salaries for academic personnel and academic
 1801 administrative personnel of the Florida School for the Deaf and
 1802 the Blind shall be set by the board of trustees for the school,
 1803 subject only to the approval of the State Board of Education.

1804 (t) Miscellaneous positions.—

1805 1. The Chief Information Officer in the Agency for
 1806 Enterprise Information Technology. Unless otherwise fixed by
 1807 law, the agency shall set the salary and benefits of this
 1808 position in accordance with the rules of the Senior Management
 1809 Service.

1810 2. The chief inspector of the boiler inspection program of
 1811 the Department of Financial Services. The pay band of this
 1812 position shall be set by the Department of Management Services
 1813 in accordance with the classification and pay plan established
 1814 for the Selected Exempt Service.

1815 3. The personal assistant to the incumbent of each
 1816 position exempted in paragraph (a) or paragraph (g) or
 1817 subparagraph 1. Unless otherwise fixed by law, the Department of
 1818 Management Services shall set the salary and benefits of these
 1819 positions in accordance with the rules of the Selected Exempt
 1820 Service.

1821 4. Positions that are leased pursuant to a state employee
 1822 lease agreement expressly authorized by the Legislature pursuant
 1823 to s. 112.919.

1824 5. Judges, referees, and receivers of the executive
 1825 branch.

1826 6. Positions held by patients or inmates in state
 1827 institutions.

1828 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~
 1829 ~~Employees of the Department of Law Enforcement shall be subject~~
 1830 ~~to the provisions of s. 110.227, except in matters relating to~~
 1831 ~~transfer.~~

1832 ~~(4) DEFINITION OF DEPARTMENT. When used in this section,~~
 1833 ~~the term "department" shall mean all departments and commissions~~
 1834 ~~of the executive branch, whether created by the State~~
 1835 ~~Constitution or chapter 20; the office of the Governor; and the~~
 1836 ~~Public Service Commission; however, the term "department" shall~~
 1837 ~~mean the Department of Management Services when used in the~~
 1838 ~~context of the authority to establish pay bands and benefits.~~

1839 (3)(5) POSITIONS EXEMPTED BY OTHER STATUTES.—If any
 1840 position is exempted from the Civil ~~career~~ Service by any other
 1841 statute and the personnel system to which that position is
 1842 assigned is not specifically included in the statute, the
 1843 position shall be placed in the Selected Exempt Service, and the
 1844 Department of Management Services shall set ~~establish~~ the pay
 1845 band and benefits for that position in accordance with the rules
 1846 of the Selected Exempt Service.

1847 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~
 1848 ~~DEPARTMENT OF FINANCIAL SERVICES.—~~In addition to those positions

1849 ~~exempted from this part, there is hereby exempted from the~~
 1850 ~~Career Service System the chief inspector of the boiler~~
 1851 ~~inspection program of the Department of Financial Services. The~~
 1852 ~~pay band of this position shall be established by the Department~~
 1853 ~~of Management Services in accordance with the classification and~~
 1854 ~~pay plan established for the Selected Exempt Service.~~

1855 (4) RULES.—The Department of Management Services may adopt
 1856 rules necessary to administer this section.

1857 ~~(7) CARRYING LEAVE FORWARD.—If an employee is transferred~~
 1858 ~~or otherwise moves from the Career Service System into the~~
 1859 ~~Selected Exempt Service, all of the employee's unused annual~~
 1860 ~~leave, unused sick leave, and unused compensatory leave shall~~
 1861 ~~carry forward with the employee.~~

1862 Section 30. Section 110.208, Florida Statutes, is created
 1863 to read:

1864 110.208 Classification system.—The department shall
 1865 establish and maintain a uniform classification system
 1866 applicable to all positions in the Civil Service and shall be
 1867 responsible for the overall coordination, review, and
 1868 maintenance of the system. A position may not be filled until it
 1869 has been classified in accordance with the system.

1870 (1) The system must include:

1871 (a) A position classification system using job families,
 1872 occupational groups, and a broadband level structure for each
 1873 occupation within an occupational group.

1874 (b) A pay plan that provides broad-based pay bands for
 1875 each occupational group.

1876 (2) In establishing and administering the system, the

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1877 department:

1878 (a) Shall develop occupation profiles necessary for the
1879 establishment of new occupations or for the revision of existing
1880 occupations, and shall establish the appropriate occupation
1881 title and broadband level code for each occupation. The
1882 occupation profiles, titles, and codes are not rules within the
1883 meaning of s. 120.52.

1884 (b) Shall be responsible for conducting periodic studies
1885 and surveys to ensure that the classification system is
1886 maintained on a current basis.

1887 (c) May review in a postaudit capacity the action taken by
1888 an agency in classifying or reclassifying a position.

1889 (d) Shall effect a classification change on any
1890 classification or reclassification action taken by an agency if
1891 the action taken by the agency was not based on the duties and
1892 responsibilities officially assigned the position as they relate
1893 to the concepts and description contained in the official
1894 occupation profile and the level definition provided in the
1895 occupational group characteristics adopted by the department.

1896 (e) Shall adopt rules necessary to administer the
1897 classification system.

1898 (3) Each state agency is responsible for the day-to-day
1899 application of the classification system established by the
1900 department.

1901 (a) The agency shall maintain on an up-to-date position
1902 description for each authorized and established position
1903 assigned to the agency. The position description must include an
1904 accurate description of assigned duties and responsibilities and

1905 other pertinent information relating to a position and serves as
 1906 a record of the official assignment of duties to the position.
 1907 The description shall be used in comparing positions to ensure
 1908 the uniformity of classifications.

1909 (b) The agency may classify positions authorized by the
 1910 Legislature or authorized pursuant to s. 216.262, classify
 1911 positions that are added in lieu of positions deleted pursuant
 1912 to s. 216.262, and reclassify established positions.
 1913 Classification and reclassification actions taken by an agency
 1914 must be within the classification system occupations established
 1915 by the department, shall be funded within the limits of
 1916 currently authorized appropriations, and must be in accordance
 1917 with the uniform procedures established by the department.

1918 Section 31. Section 110.2085, Florida Statutes, is created
 1919 to read:

1920 110.2085 Pay plan.—

1921 (1) The department shall establish and maintain an
 1922 equitable pay plan that applies to all positions in the Civil
 1923 Service and shall be responsible for the overall review,
 1924 coordination, and administration of the pay plan.

1925 (2) The department shall provide market-based pay bands
 1926 for occupational groups and establish guidelines for state
 1927 agencies to use when moving employees through such pay bands.

1928 (a) The agencies may determine the appropriate salary
 1929 within the pay bands using the guidelines developed by the
 1930 department. Such pay bands, and the assignment of broadband
 1931 levels to positions, are not rules within the meaning of s.
 1932 120.52.

1933 (b) The department, in consultation with the Executive
 1934 Office of the Governor and the legislative appropriations
 1935 committees, shall conduct compensation surveys as necessary for
 1936 the purpose of achieving an equitable, competitive, market-based
 1937 pay policy.

1938 (3) The department shall establish rules for the
 1939 administration of pay additives and shall delegate to the state
 1940 agencies, where appropriate, the authority to implement pay
 1941 additives. The agency must use pay additives, as appropriate,
 1942 within the guidelines established by the department and
 1943 consistent with directions contained in the General
 1944 Appropriations Act.

1945 (a) The following pay additives are authorized:

- 1946 1. Shift differentials.
- 1947 2. On-call.
- 1948 3. Hazardous-duty.
- 1949 4. Lead-worker duty.
- 1950 5. Temporary special duties.
- 1951 6. Trainer duties.
- 1952 7. Competitive area differentials.
- 1953 8. Critical market pay.

1954 (b) By March 1 of each year, each state agency shall
 1955 submit a proposed plan to the department, the Executive Office
 1956 of the Governor, and the Legislature for implementing pay
 1957 additives for hazardous-duty, lead-worker, temporary special
 1958 duties, and trainer duties for the next fiscal year.

1959 1. An agency may not implement pay additives to a cohort
 1960 of positions sharing job classifications or job occupations

1961 unless the Legislature specifically authorizes such pay
 1962 additives in the General Appropriations Act and the pay
 1963 additives do not conflict with any collective bargaining
 1964 agreement for that specific cohort of positions.

1965 2. Any proposed revision to an approved plan which becomes
 1966 necessary during the fiscal year must be submitted by the agency
 1967 to the department for review and recommendation to the Executive
 1968 Office of the Governor and the Legislature. Such revisions may
 1969 be implemented only after approval by the Executive Office of
 1970 the Governor and the Legislature.

1971 (c) Any proposed action by an agency which requires the
 1972 establishment of a new competitive area differential or a new
 1973 critical market pay additive may be implemented only after the
 1974 department has reviewed and recommended such action and it has
 1975 been approved by the Executive Office of the Governor and the
 1976 Legislature.

1977 (d) An agency may implement shift differentials and on-
 1978 call additives as necessary to accomplish the mission of the
 1979 agency and in accordance with collective bargaining agreements.

1980 (e) The department shall annually provide to the Executive
 1981 Office of the Governor and the Legislature a summary report of
 1982 the pay additives implemented pursuant to this section.

1983 (4) A state agency may implement salary increase and
 1984 decrease corrections due to administrative errors.

1985 (5) The department may adopt rules necessary to administer
 1986 this section.

1987 Section 32. Section 110.211, Florida Statutes, is amended
 1988 to read:

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1989 110.211 Recruitment.—
 1990 (1) Recruiting shall be planned and carried out to ensure
 1991 ~~in a manner that assures~~ open competition based upon current and
 1992 projected ~~employing~~ agency needs, taking into consideration the
 1993 number and types of positions to be filled and the labor market
 1994 conditions, with special emphasis placed on recruiting efforts
 1995 that ~~to~~ attract minorities, women, or other groups ~~that are~~
 1996 underrepresented in the workforce of a state ~~the employing~~
 1997 agency.
 1998 (2) Recruiting efforts to fill current or projected
 1999 vacancies shall be carried out in the sound discretion of the
 2000 agency head.
 2001 (3) Recruiting ~~shall seek efficiency in advertising and~~
 2002 may be assisted by a contracted vendor ~~responsible for~~
 2003 ~~maintenance of the personnel data.~~
 2004 (4) The department may adopt rules necessary to administer
 2005 this section.
 2006 ~~(4) All recruitment literature involving state position~~
 2007 ~~vacancies shall contain the phrase "An Equal Opportunity~~
 2008 ~~Employer/Affirmative Action Employer."~~
 2009 Section 33. Section 110.213, Florida Statutes, is amended
 2010 to read:
 2011 110.213 Selection.—
 2012 (1) Selection for appointment from among the ~~most~~
 2013 qualified candidates is ~~shall be~~ the sole responsibility of the
 2014 state ~~employing~~ agency. ~~All new employees must successfully~~
 2015 ~~complete at least a 1-year probationary period before attainment~~
 2016 ~~of permanent status.~~

2017 (2) ~~Selection shall reflect efficiency and simplicity in~~
 2018 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee
 2019 shall ~~be required to~~ document the qualifications of the selected
 2020 candidate to ensure that the candidate meets the ~~minimum~~
 2021 requirements ~~as~~ specified by the ~~employing~~ agency; ; meets the
 2022 licensure, certification, or registration requirements, if any,
 2023 as specified by statute; ; and possesses the requisite knowledge,
 2024 skills, and abilities for the position. No other documentation
 2025 or justification is ~~shall be required before~~ prior to selecting
 2026 a candidate for a position.

2027 (3) The department may adopt rules necessary to administer
 2028 this section.

2029 Section 34. Section 110.2135, Florida Statutes, is amended
 2030 to read:

2031 110.2135 Veterans' ~~preference in employment, reemployment,~~
 2032 ~~promotion, and retention.-~~

2033 (1) Preference in employment, reemployment, promotion, and
 2034 retention shall be given to an eligible veteran pursuant to ss.
 2035 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran
 2036 meets the minimum eligibility requirements and has the
 2037 knowledge, skills, and abilities required for the particular
 2038 position.

2039 (2) A disabled veteran employed as the result of being
 2040 placed at the top of the appropriate employment list under ~~the~~
 2041 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a
 2042 probationary period of 1 year. At the end of such period, if the
 2043 work of the veteran has been satisfactorily performed, the
 2044 veteran will acquire merit ~~permanent employment~~ status and ~~will~~

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2045 be subject to the employment rules of the department of
 2046 ~~Management Services~~ and the agency employing the veteran
 2047 ~~veteran's employing agency.~~

2048 (3) The department may adopt rules necessary to administer
 2049 this section.

2050 Section 35. Section 110.215, Florida Statutes, is amended
 2051 to read:

2052 110.215 Examinations and other employment qualification
 2053 assessments administered to persons having disabilities.—

2054 (1) The purpose of this section is to further the policy
 2055 of the State Personnel System to encourage and assist persons
 2056 having disabilities to achieve maximum personal and vocational
 2057 independence through useful and productive gainful employment by
 2058 eliminating unwarranted barriers to their qualifying
 2059 competitively for civil ~~state-career~~ service jobs.

2060 (2) As used in this section, the term:

2061 ~~(a) "Agency" includes each department and agency of the~~
 2062 ~~state.~~

2063 ~~(a)-(b)~~ (a) "Disability" means, with respect to an individual,
 2064 a physical or mental impairment that substantially limits one or
 2065 more of the major life activities of the individual, or a record
 2066 of having such an impairment, or being regarded as having such
 2067 an impairment.

2068 ~~(b)-(e)~~ (b) "Examination" includes employment tests and other
 2069 structured, systematic instruments used to assess the essential
 2070 knowledge, skills, abilities, minimum qualifications, and other
 2071 job-related requirements possessed by an applicant as a basis
 2072 for any employment decision by an agency.

2073 (3) An applicant for employment within the Civil State
 2074 ~~Career Service System~~ who has a disability that impairs sensory,
 2075 speaking, or manual skills may require an agency to administer
 2076 an any examination to him or her in a format and manner that
 2077 does not require use of an impaired skill, unless the test is
 2078 designed to measure that skill. An applicant may request a
 2079 reasonable accommodation in a test format on the basis of a
 2080 disability.

2081 (4) The department may adopt rules necessary to administer
 2082 this section.

2083 Section 36. Section 110.217, Florida Statutes, is amended
 2084 to read:

2085 110.217 Appointment actions and status ~~Appointments and~~
 2086 ~~promotion.~~

2087 (1)(a) ~~The department, in consultation with agencies that~~
 2088 ~~must comply with these rules,~~ shall develop uniform rules
 2089 regarding original appointment, promotion, demotion,
 2090 reassignment, lateral transfer, separation, and status which
 2091 must be used by state ~~employing~~ agencies. ~~Such rules must be~~
 2092 ~~approved by the Administration Commission before their adoption~~
 2093 ~~by the department.~~

2094 (b) ~~Employing agencies may seek exceptions to these~~
 2095 ~~uniform rules by filing a petition with the Administration~~
 2096 ~~Commission. The Administration Commission shall approve an~~
 2097 ~~exception when the exception is necessary to conform to any~~
 2098 ~~requirement imposed as a condition precedent to receipt of~~
 2099 ~~federal funds or to permit persons in this state to receive tax~~
 2100 ~~benefits under federal law, or as required for the most~~

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2101 ~~efficient operation of the agency as determined by the~~
2102 ~~Administration Commission. The reasons for the exception must be~~
2103 ~~published in the Florida Administrative Weekly.~~

2104 ~~(c) Agency rules that provide exceptions to the uniform~~
2105 ~~rules may not be filed with the Department of State unless the~~
2106 ~~Administration Commission has approved the exceptions. Each~~
2107 ~~agency that adopts rules that provide exceptions to the uniform~~
2108 ~~rules or that must comply with statutory requirements that~~
2109 ~~conflict with the uniform rules must have a separate chapter~~
2110 ~~published in the Florida Administrative Code that delineates~~
2111 ~~clearly the provisions of the agency's rules which provide~~
2112 ~~exceptions or are based upon a conflicting statutory~~
2113 ~~requirement. Each alternative chosen from those authorized by~~
2114 ~~the uniform rules must be specified. Each chapter must be~~
2115 ~~organized in the same manner as the uniform rules.~~

2116 (2) An employee appointed on probationary status shall
2117 attain merit status in the position upon successful completion
2118 of at least a 1-year probationary period.

2119 ~~(2) Each employing agency shall have the responsibility~~
2120 ~~for the establishment and maintenance of rules and guidelines~~
2121 ~~for determining eligibility of applicants for appointment to~~
2122 ~~positions in the career service.~~

2123 ~~(3) Eligibility shall be based on possession of required~~
2124 ~~minimum qualifications for the job class and any required entry-~~
2125 ~~level knowledge, skills, and abilities, and any certification~~
2126 ~~and licensure required for a particular position.~~

2127 ~~(4) The employing agency shall be responsible for~~
2128 ~~developing an employee career advancement program which shall~~

2129 ~~assure consideration of qualified permanent employees in the~~
 2130 ~~agency or career service who apply. However, such program shall~~
 2131 ~~also include provisions to bring persons into the career service~~
 2132 ~~through open competition. Promotion appointments shall be~~
 2133 ~~subject to postaudit by the department.~~

2134 ~~(5) The department shall adopt any rules necessary to~~
 2135 ~~implement the provisions of this section. The rules must be~~
 2136 ~~approved by a majority vote of the Administration Commission~~
 2137 ~~prior to their adoption by the department.~~

2138 Section 37. Section 110.219, Florida Statutes, is amended
 2139 to read:

2140 110.219 Attendance and leave; general policies.—

2141 (1) The workday for each full-time ~~state~~ employee shall be
 2142 8 hours or as otherwise authorized ~~justified~~ by the agency head.

2143 (2) Overtime may be required for any employee.

2144 (3) The granting of any leave of absence, with or without
 2145 pay, shall be in accordance with applicable state or federal
 2146 laws and the rules of the State Personnel System ~~writing and~~
 2147 ~~shall be approved by the agency head. Those employees who, at~~
 2148 the discretion of the agency, are ~~An employee who is granted a~~
 2149 leave of absence remain employees of the agency ~~with or without~~
 2150 ~~pay shall be an employee of the state while on such leave and~~
 2151 ~~shall be returned to the same~~ or comparable ~~position or a~~
 2152 ~~different position in the same class and same work location upon~~
 2153 ~~termination of the approved leave of absence. The agency head~~
 2154 ~~and the employee may agree in writing to other conditions and~~
 2155 ~~terms under which the leave is to be granted.~~

2156 ~~(4) Each agency shall keep an accurate record of all hours~~

2157 ~~of work performed by each employee, as well as a complete and~~
 2158 ~~accurate record of all authorized leave which is approved. The~~
 2159 ~~ultimate responsibility for the accuracy and proper maintenance~~
 2160 ~~of all attendance and leave records shall be with the agency~~
 2161 ~~head.~~

2162 (4)-(5) ~~Rules shall be adopted by~~ The department shall
 2163 adopt rules to administer ~~in cooperation and consultation with~~
 2164 ~~the agencies to implement the provisions of this section;~~
 2165 ~~however, such rules must be approved by the Administration~~
 2166 ~~Commission prior to their adoption.~~ Such rules must provide for,
 2167 but need not be limited to:

2168 (a) The maximum responsibility and authority resting with
 2169 each agency head to administer attendance and leave matters in
 2170 the agency within the parameters of the rules ~~adopted by the~~
 2171 ~~department.~~

2172 (b) ~~Creditable service in which 1 month of Service credit~~
 2173 as it relates to the accrual and payment of leave ~~is awarded for~~
 2174 ~~each calendar month that the employee is on the payroll of a~~
 2175 ~~state agency or during which the employee is on authorized leave~~
 2176 ~~without pay.~~

2177 (c) Holidays as provided in s. 110.117.

2178 (d) Overtime provisions.

2179 (e) Annual leave provisions.

2180 (f) Sick leave provisions.

2181 (g) Parental leave provisions.

2182 (h) Family medical leave provisions.

2183 (i) Disability leave provisions.

2184 (j) Compulsory disability leave provisions.

- 2185 (k) Administrative leave provisions.
- 2186 (l) Military leave provisions.
- 2187 (m) Educational leave with pay provisions.
- 2188 (n) Leave of absence without pay provisions.
- 2189 ~~(6) The leave benefits provided to Senior Management~~
- 2190 ~~Service employees shall not exceed those provided to employees~~
- 2191 ~~in the Selected Exempt Service.~~

2192 (5)~~(7)~~ Each December, a civil permanent career service
 2193 employee who has merit status, or who is currently on
 2194 probationary status due to a promotion that was immediately
 2195 preceded by merit status, is ~~shall be~~ entitled, subject to
 2196 available funds, to a payout of up to 24 hours of unused annual
 2197 leave if the ~~as follows:~~

2198 ~~(a) A permanent career service employee~~ has ~~must~~ have an
 2199 annual leave balance of at least ~~no less than~~ 24 hours, after
 2200 the payout, ~~in order to qualify for this benefit.~~

2201 ~~(b) A civil service~~ No permanent career service employee
 2202 may not ~~shall~~ receive a payout of greater than 240 hours over
 2203 the course of the employee's career with the state, including
 2204 any leave received at the time of separation.

2205 Section 38. Section 110.224, Florida Statutes, is amended
 2206 to read:

2207 110.224 ~~Public Employee performance evaluation system.~~ An
 2208 ~~A public~~ employee performance evaluation system shall be
 2209 established as a basis for evaluating and improving the
 2210 performance of the state's workforce, to inform employees of
 2211 strong and weak points in the employee's performance, to
 2212 identify training needs, and to award lump-sum bonuses and other

2213 performance-based incentives in accordance with s. 110.1245 or
 2214 other provisions of law 110.1245(2).

2215 (1) Upon original appointment, promotion, demotion, or
 2216 reassignment, a job description of the assigned position
 2217 ~~assigned~~ must be made available to the civil ~~career~~ service
 2218 employee. The job description may be made available in an
 2219 electronic format.

2220 (2) Each employee shall ~~must~~ have a performance evaluation
 2221 conducted at least annually which involves both, ~~and the~~
 2222 ~~employee must receive~~ an oral and written assessment of his or
 2223 her performance ~~evaluation~~. The performance evaluation may
 2224 include a plan of action for improvement of the employee's
 2225 performance based on the work expectations or performance
 2226 standards applicable to the position as determined by the agency
 2227 head.

2228 (3) The department may adopt rules necessary to administer
 2229 this section ~~the public employee performance evaluation system~~
 2230 ~~which establish procedures for performance evaluation, review~~
 2231 ~~periods, and forms~~.

2232 Section 39. Section 110.227, Florida Statutes, is amended
 2233 to read:

2234 110.227 Suspensions, dismissals, reductions in pay,
 2235 demotions, layoffs, transfers, and grievances.—

2236 (1) An ~~Any~~ employee who has satisfactorily completed at
 2237 least a 1-year probationary period in his or her current
 2238 position may be suspended or dismissed only for cause. Cause
 2239 includes ~~shall include~~, but is not limited to, poor performance,
 2240 negligence, inefficiency or inability to perform assigned

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2241 duties, insubordination, violation of ~~the provisions of~~ law or
 2242 agency rules, conduct unbecoming a public employee, misconduct,
 2243 habitual drug abuse, or conviction of any crime. The agency head
 2244 shall ensure that all employees of the agency have reasonable
 2245 access to the agency's personnel policies and procedures ~~manual~~.

2246 (2) ~~(a)~~ The department shall establish rules and procedures
 2247 for the suspension, reduction in pay, transfer, layoff,
 2248 demotion, and dismissal of employees in the Civil ~~career~~
 2249 Service.

2250 (a) Except with regard to law enforcement or correctional
 2251 officers, firefighters, or professional health care providers,
 2252 rules regarding layoff procedures may ~~shall~~ not include any
 2253 provision system whereby a civil ~~career~~ service employee with
 2254 greater seniority has the option of selecting a different
 2255 position not being eliminated, but either vacant or already
 2256 occupied by an employee who has ~~of~~ less seniority, and taking
 2257 that position, commonly referred to as "bumping."

2258 (b) For the implementation of layoffs ~~as defined in s.~~
 2259 ~~110.107~~, the department shall develop rules requiring retention
 2260 of the agency's employees based upon objective measures that
 2261 give consideration to comparative merit, demonstrated skills,
 2262 the employee's experience, and the employee's length of service.
 2263 ~~Such rules shall be approved by the Administration Commission~~
 2264 ~~before their adoption by the department.~~

2265 (3) ~~(a)~~ With regard to law enforcement or correctional
 2266 officers, firefighters, or professional health care providers: 7
 2267 when

2268 (a) If a layoff becomes necessary, such layoff shall be

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2269 | conducted within the competitive area identified by the agency
 2270 | head and approved by the department ~~of Management Services~~. Such
 2271 | competitive area shall be established taking into consideration
 2272 | the similarity of work; the organizational unit, which may be by
 2273 | agency, department, division, bureau, or other organizational
 2274 | unit; and the commuting area for the affected work ~~affected~~.

2275 | (b) ~~With regard to law enforcement or correctional~~
 2276 | ~~officers, firefighters, or professional health care providers,~~
 2277 | Layoff procedures shall be developed to establish the relative
 2278 | merit and fitness of employees and must ~~shall~~ include a formula
 2279 | for uniform application among all employees in the competitive
 2280 | area, taking into consideration the type of appointment, the
 2281 | length of service, and the evaluations of the employee's
 2282 | performance within the last 5 years of employment.

2283 | (4) A grievance process shall be available to civil ~~career~~
 2284 | service employees who have satisfactorily completed at least a
 2285 | 1-year probationary period in their current positions. A
 2286 | grievance ~~is defined as the dissatisfaction that~~ occurs when an
 2287 | employee believes that any condition affecting the employee is
 2288 | unjust, inequitable, or a hindrance to the effective performance
 2289 | of his or her job duties ~~operation~~. Claims of discrimination and
 2290 | sexual harassment or claims related to suspensions, reductions
 2291 | in pay, demotions, and dismissals are not subject to the civil
 2292 | ~~career~~ service grievance process. The following procedures ~~shall~~
 2293 | apply to any grievance filed pursuant to this subsection, except
 2294 | that all timeframes may be extended in writing by mutual
 2295 | agreement:

2296 | (a) Step One.—The employee must ~~may~~ submit a signed,

2297 written grievance on a form provided by the agency to his or her
 2298 supervisor within 14 calendar days following the occurrence of
 2299 the event giving rise to the grievance. The supervisor must meet
 2300 with the employee to discuss the grievance and provide a written
 2301 response to the employee within 7 business days following
 2302 receipt of the grievance.

2303 (b) Step Two.—If the employee is dissatisfied with the
 2304 response of his or her supervisor, the employee must ~~may~~ submit
 2305 the written grievance to the agency head or ~~his or her~~ designee
 2306 within 7 business days following receipt of the supervisor's
 2307 written response. The agency head's ~~head or his or her~~ designee
 2308 may ~~must~~ meet with the employee to discuss the grievance within
 2309 5 business days following receipt of the grievance. The agency
 2310 head or his or her designee must respond in writing to the
 2311 employee within 5 business days following receipt of the
 2312 grievance ~~the meeting~~. The written decision of the agency head
 2313 or designee is ~~shall be the~~ final and binding ~~authority~~ for all
 2314 grievances filed pursuant to this subsection. Such grievances
 2315 may not be appealed beyond Step Two.

2316 (5)(a) A civil ~~career~~ service employee who has
 2317 satisfactorily completed at least a 1-year probationary period
 2318 in his or her current position and who is subject to a
 2319 suspension, reduction in pay, demotion, involuntary transfer of
 2320 more than 50 miles by highway, or dismissal shall receive
 2321 written notice of such action at least 10 calendar days before
 2322 ~~prior to~~ the date such action is ~~to be~~ taken.

2323 (a) Subsequent to such notice, and before ~~prior to~~ the
 2324 date the action is ~~to be~~ taken, the affected employee shall be

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2325 given an opportunity to appear before a designated agency
 2326 official to rebut ~~the agency or official taking the action to~~
 2327 ~~answer orally and in writing~~ the charges against him or her. The
 2328 notice ~~to the employee required by this paragraph~~ may be
 2329 delivered to the employee personally or may be sent by certified
 2330 mail with return receipt requested. Such actions are ~~shall be~~
 2331 appealable to the Public Employees Relations Commission as
 2332 provided in subsection (6). Written notice of ~~any~~ such appeal
 2333 shall be filed by the employee with the commission within 21
 2334 calendar days after the date on which the notice of suspension,
 2335 reduction in pay, demotion, involuntary transfer of more than 50
 2336 miles by highway, or dismissal is received by the employee.
 2337 Merit status that was attained in a previous position does not
 2338 give rise to appeal rights under this section.

2339 (b) In extraordinary situations such as when the retention
 2340 of a civil career service employee may ~~who has satisfactorily~~
 2341 ~~completed at least a 1-year probationary period in his or her~~
 2342 ~~current position would~~ result in damage to state property, may
 2343 ~~would~~ be detrimental to the best interest of the state, or may
 2344 ~~would~~ result in harm ~~injury~~ to the employee, a fellow employee,
 2345 or some other person, such employee may be suspended or
 2346 dismissed without 10 calendar days' prior notice if, ~~provided~~
 2347 ~~that~~ written or oral notice of such action, including evidence
 2348 ~~of~~ the reasons therefor, and an opportunity to rebut the charges
 2349 are furnished to the employee before ~~prior to~~ such dismissal or
 2350 suspension. Such notice may be delivered to the employee
 2351 personally or may be sent by certified mail with return receipt
 2352 requested. ~~Agency compliance with the foregoing procedure~~

2353 ~~requiring notice, evidence, and an opportunity for rebuttal must~~
 2354 ~~be substantiated.~~ Any employee who is suspended or dismissed
 2355 pursuant to ~~the provisions of~~ this paragraph may appeal to the
 2356 Public Employees Relations Commission as provided in subsection
 2357 (6). Written notice of any such appeal shall be filed with the
 2358 commission by the employee within 21 calendar days after the
 2359 date on which the notice of suspension, ~~reduction in pay,~~
 2360 ~~demotion,~~ or dismissal is received by the employee.

2361 (6) The following procedures ~~shall~~ apply to appeals filed
 2362 pursuant to subsection (5) with the Public Employees Relations
 2363 Commission, ~~hereinafter referred to as the commission:~~

2364 (a) The commission must conduct a hearing within 60
 2365 calendar days following the filing of a notice of appeal. An ~~No~~
 2366 extension of time for the hearing may not exceed 30 calendar
 2367 days, absent exceptional circumstances, and ~~no extension of time~~
 2368 may not be granted without the consent of all parties. Discovery
 2369 may be granted only upon the showing of extraordinary
 2370 circumstances. A party requesting discovery must ~~shall~~
 2371 demonstrate a substantial need for the information requested and
 2372 an inability to obtain relevant information by other means.
 2373 Except where inconsistent with the requirements of this
 2374 subsection, the provisions of s. 447.503(4) and (5) and chapter
 2375 120 apply to proceedings held pursuant to this subsection.

2376 (b) A person may represent himself or herself in
 2377 proceedings before the commission or may be represented by legal
 2378 counsel or by an ~~any~~ individual who qualifies as a
 2379 representative pursuant to rules adopted by the commission.

2380 (c) If the commission finds that cause did not exist for

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2381 the agency action, the commission shall reverse the decision of
2382 the agency head and the employee shall be reinstated with or
2383 without back pay. If the commission finds that cause existed for
2384 the agency action, the commission shall affirm the decision of
2385 the agency head. The commission may not reduce the penalty
2386 imposed by the agency head, except in the case of law
2387 enforcement or correctional officers, firefighters, and
2388 professional health care providers, if the commission makes
2389 specific written findings of mitigation.

2390 (d) A recommended order shall be issued by the hearing
2391 officer within 30 days following the hearing. Exceptions to the
2392 recommended order must ~~shall~~ be filed within 15 days after the
2393 recommended order is issued. The final order shall be filed by
2394 the commission within ~~no later than~~ 45 calendar days after the
2395 hearing or after the filing of exceptions or oral arguments if
2396 granted.

2397 (e) Final orders issued by the commission pursuant to
2398 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2399 (7) Other than for law enforcement or correctional
2400 officers, firefighters, and professional health care providers,
2401 each suspension, dismissal, demotion, or reduction in pay must
2402 be reviewed without consideration of any other case or set of
2403 facts.

2404 (8) A civil ~~career~~ service employee who is serving a
2405 probationary period in a position to which he or she has been
2406 promoted may be removed from that promotional position at any
2407 time during the probationary period for inefficiency or
2408 inability to perform assigned duties but must be returned to his

2409 or her former position, or a comparable position, if such a
 2410 position is vacant. If such a position is not available, before
 2411 dismissal, the agency shall make a reasonable effort to retain
 2412 the employee in another vacant position. This subsection does
 2413 not apply to other dismissals ~~terminations~~ for cause as
 2414 described in subsection (1), nor does it create a right to
 2415 "bump" an employee from an occupied position as described in
 2416 paragraph (2) (a). An employee who is removed from a promotional
 2417 position under this subsection does not have grievance rights
 2418 under subsection (4) or appeal rights under subsection (5) due
 2419 to their probationary status.

2420 (9) Employees of the Department of Law Enforcement are
 2421 subject to the provisions of this section, except in matters
 2422 relating to transfer.

2423 Section 40. The Division of Statutory Revision is
 2424 requested to renumber part V of chapter 110, Florida Statutes,
 2425 as part III of that chapter, consisting of ss. 110.302-3035,
 2426 Florida Statutes, and to rename that part as "Selected Exempt
 2427 Service."

2428 Section 41. Section 110.601, Florida Statutes, is
 2429 transferred, renumbered as section 110.302, Florida Statutes,
 2430 and amended to read:

2431 110.302 ~~110.601~~ Declaration of policy.—This part creates a
 2432 system of personnel administration for ~~management~~ the purpose of
 2433 delivering ~~which is to deliver~~ high-quality performance by
 2434 selected exempt service ~~these~~ employees in the State Personnel
 2435 System ~~select exempt classifications~~ by facilitating the state's
 2436 ability to attract and retain qualified personnel in these

2437 positions, while also providing sufficient management
 2438 flexibility to ensure that the workforce is responsive to agency
 2439 needs. The Legislature recognizes that the public interest is
 2440 best served by developing and refining the technical and
 2441 managerial skills of these ~~its selected exempt service~~
 2442 ~~employees, and, to this end, technical training and management~~
 2443 ~~development programs are regarded as a major administrative~~
 2444 ~~function within agencies.~~

2445 Section 42. Section 110.602, Florida Statutes, is
 2446 transferred, renumbered as section 110.3021, Florida Statutes,
 2447 and amended to read:

2448 110.3021 ~~110.602~~ Selected Exempt Service; creation,
 2449 ~~coverage.~~

2450 (1) The Selected Exempt Service is created as a separate
 2451 system of personnel administration for ~~select exempt~~ positions
 2452 ~~that. Such positions shall include, and shall be limited to,~~
 2453 ~~those positions which~~ are exempt from the Civil Career Service
 2454 ~~System~~ pursuant to s. 110.205 ~~(2) and (5)~~ and for which the
 2455 salaries and benefits are set by the department in accordance
 2456 with the rules of the Selected Exempt Service. ~~The department~~
 2457 ~~shall designate all positions included in the Selected Exempt~~
 2458 ~~Service as either managerial/policymaking, professional, or~~
 2459 ~~nonmanagerial/nonpolicymaking.~~

2460 (2) Employees in the Selected Exempt Service shall serve
 2461 at the pleasure of the agency head and are subject to personnel
 2462 actions at the discretion of the agency head. Personnel actions
 2463 that are tantamount to suspension, dismissal, reduction in pay,
 2464 demotion, or transfer are exempt from chapter 120.

2465 Section 43. Section 110.605, Florida Statutes, is
 2466 transferred, renumbered as section 110.3022, Florida Statutes,
 2467 and amended to read:

2468 110.3022 ~~110.605~~ Powers and duties; personnel rules,
 2469 records, reports, and performance appraisal.—The department is
 2470 responsible for the policy administration of the Selected Exempt
 2471 Service. In carrying out that function the department shall:

2472 (1) Provide broad, market-based pay bands for occupations
 2473 within the Selected Exempt Service and establish guidelines that
 2474 allow state agencies flexibility to move employees through the
 2475 pay bands. The agencies may determine the appropriate salary
 2476 within the bands using the guidelines adopted by the department.
 2477 The pay bands, and the assignment of bands to positions, do not
 2478 constitute rules within the meaning of s. 120.52.

2479 (2) Establish a classification system and a salary and
 2480 benefit plan for the Selected Exempt Service which provides for
 2481 greater pay and benefits overall than are provided for the Civil
 2482 Service and less pay and benefits overall than are provided for
 2483 the Senior Management Service.

2484 (3) In consultation with the Executive Office of the
 2485 Governor and the appropriation committees of the Legislature,
 2486 conduct compensation surveys as necessary for achieving an
 2487 equitable, competitive, market-based compensation policy for
 2488 selected exempt service employees.

2489 (4) Establish a performance evaluation system for selected
 2490 exempt service employees which takes into consideration
 2491 individual and organizational efficiency, productivity, and
 2492 effectiveness.

2493 (5) Establish a system for documenting department actions
 2494 taken on agency requests for the approval of position exemptions
 2495 and pay increases for selected exempt service employees.

2496 ~~(6)-(1) The department shall~~ Adopt and administer uniform
 2497 personnel rules, records, and reports relating to employees and
 2498 positions in the Selected Exempt Service, as well as any other
 2499 rules and procedures relating to personnel administration which
 2500 are necessary to carry out the purposes of this part.

2501 (a) The rules adopted by the department and each state
 2502 agency must comply with all federal regulations necessary to
 2503 permit the agencies to receive federal funds.

2504 (b) Each agency shall operate within the uniform personnel
 2505 rules adopted by the department pursuant to this part.

2506 (c) Each agency shall maintain up-to-date records and
 2507 reports required by applicable rules.

2508 ~~(d)-(a) The department may shall~~ develop uniform forms and
 2509 instructions to be used for personnel in reporting transactions
 2510 ~~which involve changes in an employee's salary, status,~~
 2511 ~~performance, leave, fingerprint record, loyalty oath, payroll~~
 2512 ~~change, or appointment action or any additional transactions as~~
 2513 the department deems ~~may deem~~ appropriate.

2514 ~~(b) The department shall develop a uniform performance~~
 2515 ~~appraisal system for employees and positions in the Selected~~
 2516 ~~Exempt Service covered by a collective bargaining agreement.~~
 2517 ~~Each employing agency shall develop a performance appraisal~~
 2518 ~~system for all other employees and positions in the Selected~~
 2519 ~~Exempt System. Such agency system shall take into consideration~~
 2520 ~~individual and organizational efficiency, productivity, and~~

2521 effectiveness.

2522 ~~(c) The employing agency must maintain, on a current~~
 2523 ~~basis, all records and reports required by applicable rules. The~~
 2524 ~~department shall periodically audit employing agency records to~~
 2525 ~~determine compliance with the provisions of this part and the~~
 2526 ~~rules of the department.~~

2527 ~~(d) The department shall develop a program of affirmative~~
 2528 ~~and positive actions that will ensure full utilization of women~~
 2529 ~~and minorities in Selected Exempt Service positions.~~

2530 ~~(2) Each employing agency shall operate within the uniform~~
 2531 ~~personnel rules adopted by the department pursuant to the~~
 2532 ~~provisions of this part. Each employing agency may adopt rules~~
 2533 ~~as necessary to implement the provisions of this part, but such~~
 2534 ~~rules shall not prescribe any personnel policies inconsistent~~
 2535 ~~with the provisions of this part or the rules of the department.~~

2536 ~~(3) The rules adopted by the department and each employing~~
 2537 ~~agency under this part shall comply with all federal regulations~~
 2538 ~~necessary to permit the state agencies to be eligible to receive~~
 2539 ~~federal funds.~~

2540 ~~(4) The department shall adopt by rule procedures for~~
 2541 ~~Selected Exempt Service employees that require disclosure to the~~
 2542 ~~agency head of any application for or offer of employment, gift,~~
 2543 ~~contractual relationship, or financial interest with any~~
 2544 ~~individual, partnership, association, corporation, utility, or~~
 2545 ~~other organization, whether public or private, doing business~~
 2546 ~~with or subject to regulation by the agency.~~

2547 ~~(5) The secretary may periodically hire a consultant with~~
 2548 ~~expertise in personnel management to advise him or her with~~

2549 ~~respect to the administration of the Selected Exempt Service.~~

2550 Section 44. Section 110.3023, Florida Statutes, is created
 2551 to read:

2552 110.3023 Recruitment.—

2553 (1) Each state agency is responsible for establishing a
 2554 process for employing, advancing, and deploying selected exempt
 2555 service staff to meet agency needs.

2556 (2) If normal recruitment efforts of the agency through
 2557 the use of the department's designated human resource
 2558 information system, trade journals, or magazines are
 2559 unsuccessful, the agency may contract with a person or firm to
 2560 conduct a multistate search for hard-to-fill professional
 2561 positions. The contracted search person or firm must satisfy the
 2562 following criteria:

2563 (a) Willingness to accept contingency contracts with fees
 2564 up to 30 percent of the annual salary of the applicant, to be
 2565 paid upon employment of an applicant produced by the search.

2566 (b) Demonstrated capacity to perform effectively at
 2567 competitive industry prices.

2568 (c) Evidence of successful placements in the public sector
 2569 by level and type of placement.

2570 (d) Agreement for the delivery of services within 90
 2571 calendar days after the date of the requested search by the
 2572 agency, unless an extension is granted by the agency.

2573 (e) Ability to attract minorities and women as evidenced
 2574 by applicant pools generated for previous clients.

2575 Section 45. The Division of Statutory Revision is
 2576 requested to renumber part III of chapter 110, Florida Statutes,

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2577 as part IV of that chapter, consisting of ss. 110.401-110.4035,
 2578 Florida Statutes, and to rename that part as "Senior Management
 2579 Service."

2580 Section 46. Section 110.401, Florida Statutes, is amended
 2581 to read:

2582 110.401 Declaration of policy.—This part creates a ~~uniform~~
 2583 system of personnel administration for attracting, retaining,
 2584 and developing highly competent, executive-level ~~senior-level~~
 2585 managers within the State Personnel System ~~at the highest~~
 2586 ~~executive management level agency positions in order for the~~
 2587 ~~highly complex programs and agencies of state government to~~
 2588 ~~function effectively, efficiently, and productively.~~ The
 2589 Legislature recognizes that executive-level ~~senior-level~~
 2590 management is an established profession and that the public
 2591 interest is best served by developing and refining the
 2592 management skills of its senior management service employees.
 2593 ~~Accordingly, training and management development programs are~~
 2594 ~~regarded as a major administrative function within agencies.~~

2595 Section 47. Section 110.402, Florida Statutes, is amended
 2596 to read:

2597 110.402 Senior Management Service; creation, ~~coverage.~~—

2598 (1) The Senior Management Service is created as a separate
 2599 system of personnel administration for positions in the State
 2600 Personnel System which perform ~~executive branch the~~ duties and
 2601 responsibilities that ~~of which~~ are primarily and essentially
 2602 policymaking or managerial in nature.

2603 ~~(2) Such positions are~~ The Senior Management Service shall
 2604 ~~be~~ limited to those positions that ~~which~~ are exempt from the

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2605 Civil Career Service under System by s. 110.205(2) and for which
 2606 the salaries and benefits are set by the department in
 2607 accordance with the rules of the Senior Management Service.

2608 (2) Employees in the Senior Management Service shall serve
 2609 at the pleasure of the agency head and are subject to personnel
 2610 actions at the discretion of the agency head. Personnel actions
 2611 that are tantamount to suspension, dismissal, reduction in pay,
 2612 demotion, or transfer are exempt from chapter 120.

2613 Section 48. Section 110.403, Florida Statutes, is amended
 2614 to read:

2615 110.403 Powers and duties of the department.—The
 2616 department is responsible for the policy administration of the
 2617 Senior Management Service. To carry out that function the
 2618 department shall:

2619 ~~(1) In order to implement the purposes of this part, the~~
 2620 ~~Department of Management Services, after approval by the~~
 2621 ~~Administration Commission, shall adopt and amend rules providing~~
 2622 ~~for:~~

2623 (1)(a) Establish a system for employing, advancing, and
 2624 deploying senior management service employees which promoting,
 2625 ~~or reassigning managers that~~ is responsive to organizational or
 2626 program needs. ~~In no event shall~~ The number of positions
 2627 included in the Senior Management Service may not exceed 1.0
 2628 percent of the total full-time equivalent positions in the Civil
 2629 ~~career~~ Service. The department may not approve the establishment
 2630 of shall deny approval to establish any position within the
 2631 Senior Management Service which exceeds ~~would exceed~~ the
 2632 limitation established in this paragraph. The department shall

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2633 | report that the limitation has been reached to the Governor, the
 2634 | President of the Senate, and the Speaker of the House of
 2635 | Representatives, as soon as practicable after it ~~such event~~
 2636 | occurs. ~~Employees in the Senior Management Service shall serve~~
 2637 | ~~at the pleasure of the agency head and shall be subject to~~
 2638 | ~~suspension, dismissal, reduction in pay, demotion, transfer, or~~
 2639 | ~~other personnel action at the discretion of the agency head.~~
 2640 | ~~Such personnel actions are exempt from the provisions of chapter~~
 2641 | ~~120.~~

2642 | (2) Provide broad, market-based pay bands for occupations
 2643 | within the Senior Management Service and establish guidelines
 2644 | that allow state agencies flexibility to move employees through
 2645 | the pay bands. The agencies may determine the appropriate salary
 2646 | within the bands using the guidelines established by the
 2647 | department. Such pay bands and the assignment of bands to
 2648 | positions do not constitute rules within the meaning of s.
 2649 | 120.52.

2650 | ~~(b) A performance appraisal system which shall take into~~
 2651 | ~~consideration individual and organizational efficiency,~~
 2652 | ~~productivity, and effectiveness.~~

2653 | (3)(e) Establish a classification system plan and a salary
 2654 | and benefit plan for senior management service employees which
 2655 | ~~that~~ provides appropriate incentives for the recruitment and
 2656 | retention of outstanding management personnel and provides for
 2657 | salary increases based on performance.

2658 | (4) In consultation with the Executive Office of the
 2659 | Governor and the appropriation committees of the Legislature,
 2660 | conduct compensation surveys as necessary for the purpose of

2661 achieving an equitable, competitive, market-based compensation
 2662 policy for senior management service employees.

2663 (5) Establish a performance evaluation system for senior
 2664 management service employees which takes into consideration
 2665 individual and organizational efficiency, productivity, and
 2666 effectiveness.

2667 ~~(d) A system of rating duties and responsibilities for~~
 2668 ~~positions within the Senior Management Service and the~~
 2669 ~~qualifications of candidates for those positions.~~

2670 (6)(e) Establish a system for documenting actions taken on
 2671 agency requests for approval of position exemptions and special
 2672 pay increases for senior management service employees.

2673 (7) Adopt and administer personnel rules, records, and
 2674 reports relating to employees and positions in the Senior
 2675 Management Service, as well as any other rules or procedures
 2676 relating to personnel administration which are necessary for
 2677 carrying out the purposes of this part.

2678 (a) The rules adopted by the department must comply with
 2679 all federal regulations necessary for state agencies to receive
 2680 federal funds.

2681 (b) Each agency shall operate within the personnel rules
 2682 adopted by the department pursuant to this part.

2683 (c) The agency shall maintain up-to-date records and
 2684 reports required by applicable rules.

2685 (d) The department may develop uniform forms and
 2686 instructions to be used in connection with personnel
 2687 transactions as the department deems appropriate.

2688 ~~(f) Requirements regarding recordkeeping by agencies with~~

2689 ~~respect to Senior Management Service positions. Such records~~
 2690 ~~shall be audited periodically by the Department of Management~~
 2691 ~~Services to determine agency compliance with the provisions of~~
 2692 ~~this part and the rules of the Department of Management~~
 2693 ~~Services.~~

2694 ~~(g) Other procedures relating to personnel administration~~
 2695 ~~to carry out the purposes of this part.~~

2696 ~~(h) A program of affirmative and positive action that will~~
 2697 ~~ensure full utilization of women and minorities in Senior~~
 2698 ~~Management Service positions.~~

2699 ~~(2) The powers, duties, and functions of the department of~~
 2700 ~~Management Services shall include responsibility for the policy~~
 2701 ~~administration of the Senior Management Service.~~

2702 ~~(3) The department shall have the following additional~~
 2703 ~~responsibilities:~~

2704 ~~(a) To establish and administer a professional development~~
 2705 ~~program that shall provide for the systematic development of~~
 2706 ~~managerial, executive, or administrative skills. Such a program~~
 2707 ~~shall include the following topics:~~

2708 ~~1. Improving the performance of individual employees. This~~
 2709 ~~topic provides skills in understanding and motivating individual~~
 2710 ~~performance, providing effective and timely evaluations of~~
 2711 ~~employees, and making recommendations on performance incentives~~
 2712 ~~and disincentives.~~

2713 ~~2. Improving the performance of groups of employees. This~~
 2714 ~~topic provides skills in creating and maintaining productive~~
 2715 ~~workgroups and making recommendations on performance incentives~~
 2716 ~~and disincentives.~~

2717 ~~3. Relating the efforts of employees to the goals of the~~
2718 ~~organization. This topic provides skills in linking the work of~~
2719 ~~individual employees to the goals of the agency program,~~
2720 ~~service, or activity.~~

2721 ~~4. Strategic planning. This topic provides the skills for~~
2722 ~~defining agency business processes, measuring performance of~~
2723 ~~such processes, and reengineering such processes for improved~~
2724 ~~efficiency and effectiveness.~~

2725 ~~5. Team leadership. This topic provides skills in~~
2726 ~~effective group processes for organizational motivation and~~
2727 ~~productivity based on proven business and military applications~~
2728 ~~that emphasize respect for and courtesy to the public.~~

2729 ~~(b) To promote public understanding of the purposes,~~
2730 ~~policies, and programs of the Senior Management Service.~~

2731 ~~(c) To approve contracts of employing agencies with~~
2732 ~~persons engaged in the business of conducting multistate~~
2733 ~~executive searches to identify qualified and available~~
2734 ~~applicants for Senior Management Service positions for which the~~
2735 ~~department sets salaries in accordance with the classification~~
2736 ~~and pay plan. Such contracts may be entered by the agency head~~
2737 ~~only after completion of an unsuccessful in-house search. The~~
2738 ~~department shall establish, by rule, the minimum qualifications~~
2739 ~~for persons desiring to conduct executive searches, including a~~
2740 ~~requirement for the use of contingency contracts. These rules~~
2741 ~~shall ensure that such persons possess the requisite capacities~~
2742 ~~to perform effectively at competitive industry prices. These~~
2743 ~~rules shall also comply with state and federal laws and~~
2744 ~~regulations governing equal opportunity employment.~~

2745 ~~(4) All policies and procedures adopted by the department~~
 2746 ~~regarding the Senior Management Service shall comply with all~~
 2747 ~~federal regulations necessary to permit the state agencies to be~~
 2748 ~~eligible to receive federal funds.~~

2749 ~~(5) The department shall adopt, by rule, procedures for~~
 2750 ~~Senior Management Service employees that require disclosure to~~
 2751 ~~the agency head of any application for or offer of employment,~~
 2752 ~~gift, contractual relationship, or financial interest with any~~
 2753 ~~individual, partnership, association, corporation, utility, or~~
 2754 ~~other organization, whether public or private, doing business~~
 2755 ~~with or subject to regulation by the agency.~~

2756 Section 49. Section 110.4035, Florida Statutes, is created
 2757 to read:

2758 110.4035 Recruitment.—

2759 (1) Each state agency is responsible for establishing a
 2760 process for employing, advancing, and deploying executive level
 2761 managers to meet agency needs.

2762 (2) If normal recruitment efforts are unsuccessful, the
 2763 agency may contract with a person or firm to conduct a
 2764 multistate search for executive level managers which satisfies
 2765 the following criteria:

2766 (a) Willingness to accept contingency contracts with fees
 2767 that do not exceed 30 percent of the annual salary of the
 2768 applicant, to be paid upon employment of the applicant produced
 2769 by the search.

2770 (b) Demonstrated capacity to perform effectively at
 2771 competitive industry prices.

2772 (c) Evidence of successful placements in the public sector

2773 by level and type of placement.

2774 (d) Agreement for the delivery of services within 90
 2775 calendar days after the date of the requested search by the
 2776 agency, unless an extension is granted by the agency.

2777 (e) Ability to attract minorities and women as evidenced
 2778 by applicant pools generated for previous clients.

2779 Section 50. The Division of Statutory Revision is
 2780 requested to create part IX of chapter 112, Florida Statutes,
 2781 consisting of ss. 112.906-112.924, Florida Statutes, to be
 2782 entitled "State Employment."

2783 Section 51. Section 112.906, Florida Statutes, is created
 2784 to read:

2785 112.906 Definitions.—As used in this part, the term:

2786 (1) "Department" means the Department of Management
 2787 Services.

2788 (2) "Other personal services" has the same meaning as in
 2789 s. 216.011(1).

2790 (3) "State agency" or "agency" means any official,
 2791 officer, commission, board, authority, council, committee, or
 2792 department of the executive branch or judicial branch of state
 2793 government as defined in chapter 216, unless otherwise exempted
 2794 by law.

2795 (5) "State employee" or "employee" means an employee of a
 2796 state agency.

2797 Section 52. Section 110.131, Florida Statutes, is
 2798 transferred, renumbered as section 112.907, Florida Statutes,
 2799 and amended to read:

2800 112.907 ~~110.131~~ Other-personal-services temporary

2801 employment.-

2802 ~~(1) As used in this section, the term "agency" means any~~
 2803 ~~official, officer, commission, board, authority, council,~~
 2804 ~~committee, or department of the executive branch of state~~
 2805 ~~government and means any officer, court, commission, or other~~
 2806 ~~unit of the judicial branch of state government supported in~~
 2807 ~~whole or in part by appropriations made by the Legislature.~~

2808 ~~(1)(2)~~ An agency may employ any qualified individual in
 2809 other-personal-services temporary employment for 1,040 hours
 2810 within any 12-month period. For each other-personal-services
 2811 employee, the agency shall:

2812 (a) Maintain employee records identifying, at a minimum,
 2813 the person employed, hire date, type of other-personal-services
 2814 employment, and the number of hours worked.

2815 (b) Determine the appropriate rate of pay and ensure that
 2816 all payments are in compliance with the federal Fair Labor
 2817 Standards Act and state law.

2818 (c) Review, determine, and document by June 30 of each year
 2819 that the continuation of each other-personal-services employment
 2820 position is necessary to the mission of the agency. This review
 2821 process ~~An extension beyond a total of 1,040 hours within an~~
 2822 ~~agency for any individual requires a recommendation by the~~
 2823 ~~agency head and approval by the Executive Office of the~~
 2824 ~~Governor. Approval of extensions shall be made in accordance~~
 2825 ~~with criteria established by the department. Each agency shall~~
 2826 ~~maintain employee information as specified by the department~~
 2827 ~~regarding each extension of other-personal-services temporary~~
 2828 ~~employment. The time limitation established by this subsection~~

2829 does not apply to board members; consultants; seasonal
 2830 employees; institutional clients employed as part of their
 2831 rehabilitation; bona fide, degree-seeking students in accredited
 2832 secondary or postsecondary educational programs; employees hired
 2833 to deal with an emergency situation that affects the public
 2834 health, safety, or welfare; or employees hired for a project
 2835 that is identified by a specific appropriation or time-limited
 2836 grant.

2837 (2) Unless specifically provided by law, other-personal-
 2838 services employees are not eligible for any form of paid leave,
 2839 paid holidays, paid personal day, participation in state group
 2840 insurance or retirement benefits, or any other state employee
 2841 benefit. Other-personal-services employees may be included in
 2842 that part of an agency's recognition and reward program that
 2843 recognizes and rewards employees who submit innovative ideas
 2844 that increase productivity, eliminate or reduce state
 2845 expenditures, improve operations, or generate additional
 2846 revenue, or who meet or exceed the agency's established criteria
 2847 for a project or goal.

2848 ~~(3) The department shall adopt rules providing that other-~~
 2849 ~~personal-services temporary employment in an employer-employee~~
 2850 ~~relationship shall be used for short-term tasks. Such rules~~
 2851 ~~shall specify the employment categories, terms, conditions, rate~~
 2852 ~~of pay, and frequency of other-personal-services temporary~~
 2853 ~~employment and the duration for which such employment may last;~~
 2854 ~~specify criteria for approving extensions beyond the time~~
 2855 ~~limitation provided in subsection (2); and prescribe~~
 2856 ~~recordkeeping and reporting requirements for other personal-~~

2857 ~~services employment.~~

2858 ~~(4) The department shall prepare written material~~
 2859 ~~explaining the terms and conditions of other personal services~~
 2860 ~~employment and shall provide master copies to each agency. Each~~
 2861 ~~agency shall provide each of its applicants for such employment~~
 2862 ~~with a copy thereof at the time of application and shall discuss~~
 2863 ~~the information contained thereon with each applicant at the~~
 2864 ~~time of interview or employment commencement, whichever occurs~~
 2865 ~~sooner.~~

2866 ~~(5) The department shall maintain information relating to~~
 2867 ~~other personal services employment for each agency. Such~~
 2868 ~~information shall include:~~

2869 ~~(a) The total amount of compensation for other personal~~
 2870 ~~services personnel, by employment category, for the preceding~~
 2871 ~~fiscal year.~~

2872 ~~(b) The name, social security number, employment category,~~
 2873 ~~employment commencement date, and number of hours worked for~~
 2874 ~~each individual whose initial other personal services temporary~~
 2875 ~~employment began before the start of the preceding fiscal year~~
 2876 ~~and who was still employed as an other personal services~~
 2877 ~~temporary employee at the end of the preceding fiscal year.~~

2878 ~~(6)(a) The provisions of subsections (2), (3), and (4) do~~
 2879 ~~not apply to any employee for whom the Board of Governors of the~~
 2880 ~~State University System, or the board's designee, or the Board~~
 2881 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
 2882 ~~the employer as defined in s. 447.203(2); except that, for~~
 2883 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
 2884 ~~School for the Deaf and the Blind shall comply with the~~

2885 ~~recordkeeping and reporting requirements adopted by the~~
 2886 ~~department pursuant to subsection (3) with respect to those~~
 2887 ~~other personal services employees exempted by this subsection.~~

2888 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
 2889 ~~apply to any employee of the Division of Blind Services Library~~
 2890 ~~for the Blind and Physically Handicapped for whom the Division~~
 2891 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
 2892 ~~except that, for purposes of subsection (5), the Division of~~
 2893 ~~Blind Services shall comply with the recordkeeping and reporting~~
 2894 ~~requirements adopted by the department pursuant to subsection~~
 2895 ~~(3) with respect to those other personal services employees~~
 2896 ~~exempted by this subsection.~~

2897 ~~(c) Notwithstanding the provisions of this section, the~~
 2898 ~~agency head or his or her designee may extend the other-~~
 2899 ~~personal services employment of a health care practitioner~~
 2900 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
 2901 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
 2902 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
 2903 ~~2,080 hours and may employ such practitioner on an hourly or~~
 2904 ~~other basis.~~

2905 ~~(7) The Department of Management Services shall annually~~
 2906 ~~assess agencies for the regulation of other personal services on~~
 2907 ~~a pro rata share basis not to exceed an amount as provided in~~
 2908 ~~the General Appropriations Act.~~

2909 Section 53. Section 110.1128, Florida Statutes, is
 2910 transferred and renumbered as section 112.908, Florida Statutes.

2911 Section 54. Section 110.1221, Florida Statutes, is
 2912 transferred, renumbered as section 112.909, Florida Statutes,

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2913 and amended to read:

2914 112.909 ~~110.1221~~ Sexual harassment policy; ~~executive~~
 2915 ~~agency rules.~~—It is the policy of the state that sexual
 2916 harassment is a form of discrimination. Each agency that has
 2917 authority to adopt rules governing the conditions of employment
 2918 ~~The department~~ shall adopt uniform sexual harassment rules
 2919 ~~applicable to all executive agencies.~~ Such ~~the~~ rules must define
 2920 the term "sexual harassment" in a manner consistent with the
 2921 federal definition.

2922 Section 55. Section 110.122, Florida Statutes, is
 2923 transferred, renumbered as section 112.910, Florida Statutes,
 2924 and amended to read:

2925 112.910 ~~110.122~~ Terminal payment for accumulated sick
 2926 leave.—

2927 (1) All state ~~branches, departments, and agencies~~ that are
 2928 authorized ~~which have the authority~~ to establish or approve
 2929 personnel policies for employees and to employ personnel and
 2930 establish the conditions of their employment shall establish
 2931 policies that ~~to~~ provide terminal "incentive" pay for
 2932 accumulated and unused sick leave to each employee upon his or
 2933 her normal or regular retirement for reason other than
 2934 disability or upon termination of employment, or to the
 2935 employee's beneficiary if service is terminated by death,
 2936 provided such retirement, termination, or death occurs after 10
 2937 years of creditable state employment.

2938 (2) Each agency that is authorized to adopt rules
 2939 governing the conditions of employment ~~The employing entity~~
 2940 shall establish and publish rules governing the accumulation and

2941 use of sick leave and maintain accurate and reliable records
 2942 showing the amount of sick leave that ~~which~~ has accumulated and
 2943 is unused by the employee at the time of retirement, death, or
 2944 termination.

2945 (3) The payments authorized by this section shall be
 2946 determined by using the rate of pay received by the employee at
 2947 the time of retirement, termination, or death, applied to the
 2948 sick leave time for which the employee is qualified to receive
 2949 terminal "incentive" pay under the rules adopted by the
 2950 department pursuant to ~~the provisions of this section. The rules~~
 2951 and policies must provide ~~adopted pursuant to this section shall~~
 2952 ~~permit~~ terminal pay for sick leave equal to one-eighth of all
 2953 unused sick leave credit accumulated before ~~prior to~~ October 1,
 2954 1973, plus one-fourth of all unused sick leave accumulated on or
 2955 after October 1, 1973. However, terminal pay allowable for
 2956 unused sick leave accumulated on or after October 1, 1973, may
 2957 ~~shall~~ not exceed ~~a maximum of~~ 480 hours of actual payment.
 2958 Employees must ~~shall be required to~~ use all sick leave
 2959 accumulated before ~~prior to~~ October 1, 1973, before using sick
 2960 leave accumulated on or after October 1, 1973.

2961 (4) The payments made pursuant to this section are ~~shall~~
 2962 not salary payments ~~be considered~~ in any state-administered
 2963 retirement system ~~as salary payments~~ and may ~~shall~~ not be used
 2964 in determining the average final compensation of an employee in
 2965 any state-administered retirement system.

2966 (5) Any employee:

2967 (a) Who is found guilty ~~in a court of competent~~
 2968 ~~jurisdiction~~ of committing, aiding, or abetting any embezzlement

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2969 or theft from the employee's employer or bribery in connection
 2970 with the employment, committed before ~~prior to~~ retirement or 10-
 2971 year normal creditable termination;

2972 (b) Whose employment is terminated by reason of the
 2973 employee having admitted committing, aiding, or abetting an
 2974 embezzlement or theft from his or her employer or by reason of
 2975 bribery;

2976 (c) Who, prior to 10-year normal creditable termination or
 2977 retirement is adjudged by a court of competent jurisdiction to
 2978 have violated any state law against strikes by public employees;
 2979 or

2980 (d) Who has been found guilty ~~by a court of competent~~
 2981 ~~jurisdiction~~ of violating any state law prohibiting strikes by
 2982 public employees,

2983
 2984 shall forfeit all rights and benefits under this section. An
 2985 employee whose employment terminates as a result of an act
 2986 committed subject to this subsection may ~~shall~~ not be given
 2987 credit for unused sick leave accumulated before ~~prior to~~
 2988 termination should the employee be reemployed at a later date.

2989 Section 56. Section 110.121, Florida Statutes, is
 2990 transferred, renumbered as 112.911, Florida Statutes, and
 2991 amended to read:

2992 112.911 ~~110.121~~ Sick leave pool.—Each state ~~department or~~
 2993 ~~agency~~ that ~~of the state which~~ has authority to adopt rules
 2994 governing the accumulation and use of sick leave for employees,
 2995 and ~~which~~ maintains accurate and reliable records showing the
 2996 amount of sick leave that ~~which~~ has been accumulated and is

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2997 unused by employees, ~~may, in accordance with guidelines which~~
 2998 ~~shall be established by the Department of Management Services,~~
 2999 adopt rules establishing ~~for the establishment of a plan that~~
 3000 allows ~~allowing~~ participating employees to pool and use sick
 3001 leave ~~and allowing any sick leave thus pooled to be used by any~~
 3002 ~~participating employee who has used all of the sick leave that~~
 3003 ~~has been personally accrued by him or her. Although not limited~~
 3004 ~~to the following,~~ Such rules shall provide, but need not be
 3005 limited to:

3006 (1) Minimum eligibility criteria ~~That employees shall be~~
 3007 ~~eligible~~ for participation in the sick leave pool ~~after 1 year~~
 3008 ~~of employment with the state or agency of the state; provided~~
 3009 ~~that such employee has accrued a minimum amount of unused sick~~
 3010 ~~leave, which minimum shall be established by rule.~~

3011 (2) That participation in the sick leave pool is ~~shall,~~ at
 3012 ~~all times,~~ be voluntary on the part of the employees.

3013 (3) That any sick leave pooled shall be removed from the
 3014 personally accumulated sick leave balance of the employee
 3015 contributing such leave.

3016 (4) That any sick leave in the pool which ~~leave~~ is used by
 3017 a participating employee is ~~shall be~~ used only for the
 3018 employee's personal illness, accident, or injury.

3019 (5) That a participating employee may ~~shall not be~~
 3020 ~~eligible to~~ use sick leave accumulated in the pool until all of
 3021 his or her personally accrued sick, annual, and compensatory
 3022 leave, and his or her personal day, have ~~has~~ been used.

3023 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in
 3024 the pool which any one employee may use.

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3025 (7) That a participating employee who uses sick leave from
 3026 the pool is ~~shall~~ not ~~be~~ required to re contribute such sick
 3027 leave to the pool, except as otherwise provided in this section.

3028 (8) That an employee who cancels his or her membership in
 3029 the sick leave pool may ~~shall~~ not ~~be~~ ~~eligible~~ ~~to~~ withdraw the
 3030 hours ~~days~~ of sick leave contributed by that employee to the
 3031 pool.

3032 (9) That an employee who moves ~~transfers~~ from a ~~one~~
 3033 position in one agency ~~state government~~ to a ~~another~~ position in
 3034 another agency ~~state government~~ may transfer from one pool to
 3035 another if ~~the eligibility criteria of the pools are comparable~~
 3036 ~~or~~ the administrators of the pools have agreed on the ~~a~~ ~~formula~~
 3037 ~~for~~ transfer of credits.

3038 (10) That alleged abuse of the use of the sick leave pool
 3039 shall be investigated, and, on a finding of wrongdoing, the
 3040 employee must ~~shall~~ repay all of the sick leave credits drawn
 3041 from the sick leave pool and is ~~shall~~ ~~be~~ subject to such other
 3042 disciplinary action as is determined by the agency head.

3043 (11) That sick leave credits may be drawn from the sick
 3044 leave pool by a part-time employee on a pro rata basis.

3045 Section 57. Section 110.119, Florida Statutes, is
 3046 transferred, renumbered as section 112.912, Florida Statutes,
 3047 and amended to read:

3048 112.912 ~~110.119~~ Administrative leave for ~~reexamination or~~
 3049 ~~treatment with respect to~~ service-connected disability.—

3050 ~~(1)~~ An ~~Any~~ employee ~~of the state~~ who has been rated by the
 3051 United States Department of Veterans Affairs or its predecessor
 3052 to have incurred a service-connected disability and has been

3053 | scheduled by the United States Department of Veterans Affairs to
 3054 | be reexamined or treated for the disability shall be granted
 3055 | administrative leave for such reexamination or treatment without
 3056 | loss of pay or benefits. However, such ~~In no event shall the~~
 3057 | paid leave may not under this section exceed 48 hours per 6
 3058 | calendar ~~days~~ a year.

3059 | ~~(2) The department may adopt any rule necessary to carry~~
 3060 | ~~out the purpose of this section.~~

3061 | Section 58. Section 110.120, Florida Statutes, is
 3062 | transferred, renumbered as section 112.913, Florida Statutes,
 3063 | and amended to read:

3064 | 112.913 ~~110.120~~ Administrative leave for disaster service
 3065 | volunteers.-

3066 | (1) SHORT TITLE.-This section ~~shall be known and~~ may be
 3067 | cited as the "Florida Disaster Volunteer Leave Act."

3068 | (2) DEFINITIONS.-As used in this section, the following
 3069 | terms shall apply:

3070 | (a) "State agency" means any official, officer,
 3071 | commission, board, authority, council, committee, or department
 3072 | of the executive branch of state government.

3073 | (b) "Disaster" includes disasters designated at level II
 3074 | and above in the American National Red Cross regulations and
 3075 | procedures.

3076 | (3) LEAVE OF ABSENCE.-An employee of a state agency who is
 3077 | a certified disaster service volunteer of the American Red Cross
 3078 | may be granted a leave of absence with pay for up to ~~not more~~
 3079 | ~~than~~ 15 working days in any 12-month period to participate in
 3080 | specialized disaster relief services for the American Red Cross.

3081 Such leave of absence may be granted upon the request of the
 3082 American Red Cross and upon the approval of the employer
 3083 ~~employee's employing~~ agency. An employee granted leave under
 3084 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the
 3085 state for purposes of workers' compensation. Leave under this
 3086 section ~~act~~ may be granted only for services related to a
 3087 disaster occurring within the boundaries of the State of
 3088 Florida, except that, with the approval of the Governor and
 3089 Cabinet, leave may be granted for services in response to a
 3090 disaster occurring within the boundaries of the United States.

3091 Section 59. Section 110.1091, Florida Statutes, is
 3092 transferred, renumbered as section 112.914, Florida Statutes,
 3093 and amended to read:

3094 112.914. ~~110.1091~~ Employee assistance programs; public
 3095 records ~~exemption.~~

3096 (1) A ~~An employing~~ state agency may provide a counseling,
 3097 therapeutic, or other professional treatment program to assist a
 3098 ~~any~~ state employee who has a behavioral disorder, medical
 3099 disorder, or substance abuse problem or who has an emotional
 3100 difficulty that affects the employee's job performance. The ~~Each~~
 3101 ~~employing state~~ agency may designate community diagnostic and
 3102 referral resources as necessary to implement ~~the provisions of~~
 3103 this subsection.

3104 (2) A state employee's personal identifying information
 3105 contained in records held by a ~~an employing~~ state agency
 3106 relating to an employee's participation in an employee
 3107 assistance program is confidential and exempt from ~~the~~
 3108 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State

3109 Constitution.

3110 Section 60. Section 110.151, Florida Statutes, is
 3111 transferred, renumbered as section 112.915, Florida Statutes,
 3112 and amended to read:

3113 112.915 ~~110.151~~ ~~State officers' and employees'~~ Child care
 3114 services.-

3115 (1) A state agency may establish ~~The Department of~~
 3116 ~~Management Services shall approve,~~ administer, and coordinate
 3117 child care services for ~~state officers' and employees'~~ children
 3118 or dependents. ~~Duties shall include, but not be limited to,~~
 3119 ~~reviewing and approving requests from state agencies for child~~
 3120 ~~care services; providing technical assistance on child care~~
 3121 ~~program startup and operation; and assisting other agencies in~~
 3122 ~~conducting needs assessments, designing centers, and selecting~~
 3123 ~~service providers.~~ Primary emphasis for child care services
 3124 shall be given to children who are not subject to compulsory
 3125 school attendance pursuant to part II of chapter 1003, and, to
 3126 the extent possible, emphasis shall be placed on child care for
 3127 children aged 2 and under.

3128 (2) Child care programs may be located in state-owned
 3129 office buildings, educational facilities and institutions,
 3130 custodial facilities and institutions, and, with the consent of
 3131 the President of the Senate and the Speaker of the House of
 3132 Representatives, in buildings or spaces used for legislative
 3133 activities. In addition, centers may be located in privately
 3134 owned buildings conveniently located to the place of employment
 3135 of those ~~officers and~~ employees to be served by the centers. If
 3136 a child care program is located in a state-owned office

3137 building, educational facility or institution, or custodial
 3138 facility or institution, or in a privately owned building leased
 3139 by the state, a portion of the service provider's rental fees
 3140 for child care space may be waived by the sponsoring agency in
 3141 accordance with the rules of the department's Facilities Program
 3142 ~~Department of Management Services~~. Additionally, the sponsoring
 3143 state agency may be responsible for the maintenance, utilities,
 3144 and other operating costs associated with the child care center.

3145 (3) Except as otherwise provided in this section, the cost
 3146 of child care services shall be offset by fees charged to
 3147 employees who use the ~~child care~~ services. Requests for
 3148 proposals may provide for a sliding fee schedule based on, ~~with~~
 3149 ~~fees charged on the basis of~~ the employee's household income.

3150 (4) The provider of proposed child care services shall be
 3151 selected by competitive contract. ~~Requests for proposals shall~~
 3152 ~~be developed with the assistance of, and subject to the approval~~
 3153 ~~of, the Department of Management Services~~. Management of the
 3154 contract with the service provider is ~~shall be~~ the
 3155 responsibility of the sponsoring state agency.

3156 (5) An operator selected to provide services must comply
 3157 with all state and local standards for the licensure and
 3158 operation of child care facilities, maintain adequate liability
 3159 insurance coverage, and assume financial and legal
 3160 responsibility for the operation of the program. ~~Neither~~ The
 3161 operator of and ~~nor~~ any personnel employed by or at a child care
 3162 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.
 3163 However, the sponsoring state agency may be responsible for the
 3164 operation of the child care center if ~~when~~:

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3165 (a) A second request for proposals fails to procure a
 3166 qualified service provider; or

3167 (b) The service provider's contract is canceled and
 3168 attempts to procure another qualified service provider are
 3169 unsuccessful;

3170

3171 ~~and plans for direct operation are approved by the Department of~~
 3172 ~~Management Services.~~

3173 (6) In the areas where the state has an insufficient
 3174 number of employees to justify a worksite center, a state agency
 3175 may join in a consortium arrangement using ~~utilizing~~ available
 3176 state facilities with not-for-profit corporations or other
 3177 public employers to provide child care services to ~~both~~ public
 3178 employees and employees of private sector employers. The
 3179 consortium agreement must first address the unmet child care
 3180 needs of the children of the public employees whose employers
 3181 are members of the consortium, and then address the child care
 3182 needs of private sector employees.

3183 ~~(7) The Department of Management Services may adopt any~~
 3184 ~~rules necessary to achieve the purposes of this section.~~

3185 Section 61. Section 110.181, Florida Statutes, is
 3186 transferred and renumbered as section 112.916, Florida Statutes.

3187 112.916 ~~110.181~~ Florida State Employees' Charitable
 3188 Campaign.—

3189 Section 62. Section 110.1225, Florida Statutes, is
 3190 transferred, renumbered as section 112.917, Florida Statutes,
 3191 and amended to read:

3192 112.917 ~~110.1225~~ Furloughs.—If ~~When~~ a deficit is projected

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3193 ~~by the Revenue Estimating Conference pursuant to s. 216.136(3),~~
 3194 in any fund of a state agency which ~~that~~ supports salary and
 3195 benefit appropriations, the agency ~~Administration Commission~~ may
 3196 propose a furlough plan to the Legislative Budget Commission
 3197 ~~Legislature~~, which must approve or disapprove such plan. The
 3198 plan must identify all affected positions and ensure that all
 3199 affected employees are subject to the same reduction of hours
 3200 for the same number of pay periods with a commensurate reduction
 3201 in pay. For the purposes of this section, the term "furlough"
 3202 means a temporary reduction in the regular hours of employment
 3203 in a pay period, or temporary leave without pay for one or more
 3204 pay periods, with a commensurate reduction in pay.

3205 Section 63. Section 110.1155, Florida Statutes, is
 3206 transferred and renumbered as section 112.918, Florida Statutes.

3207 Section 64. Section 110.191, Florida Statutes, is
 3208 transferred, renumbered as section 112.919, Florida Statutes,
 3209 and amended to read:

3210 112.919 ~~110.191~~ State employee leasing.—

3211 (1) ~~If In situations where~~ the Legislature has expressly
 3212 authorized a ~~the~~ state, ~~an agency, or the judicial branch as~~
 3213 ~~defined in s. 110.107~~ to lease employees, the Executive Office
 3214 of the Governor for the executive branch or the Chief Justice
 3215 for the judicial branch may authorize ~~any of~~ the following
 3216 actions related to such state employee leasing activities if,
 3217 ~~provided that~~ the direct cost of such actions is to be paid or
 3218 reimbursed within 30 days after payment by the entity or person
 3219 to whom the employees are leased:

3220 (a) Creation of ~~Create~~ a separate budget entity from which

3221 leased employees are ~~shall be~~ paid and the transfer of the
 3222 positions authorized to be leased to that budget entity.

3223 (b) ~~Provide~~ Increases in the operating budget entity.

3224 (c) ~~Authorized~~ Lump-sum salary bonuses to leased
 3225 employees.; However, any lump-sum salary bonus above the
 3226 automatic salary increases which may be contained in the General
 3227 Appropriations Act must be funded from private sources.

3228 (d) ~~Approve~~ Increases in salary rate for positions that
 3229 ~~which~~ are leased.; However, any salary rate above the automatic
 3230 salary increases which may be contained in the General
 3231 Appropriations Act must be funded from private sources.

3232 (e) The waiver of ~~Waive~~ any requirement for automatic
 3233 salary increases that ~~which~~ may be contained in the General
 3234 Appropriations Act.

3235 (2) Positions that ~~which~~ are in the Senior Management
 3236 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day
 3237 before the state employee lease agreement takes effect ~~shall~~
 3238 remain in the respective system if the duties performed by the
 3239 position during the assignment of the state employee lease
 3240 agreement are comparable as determined by the department. Those
 3241 Senior Management Service ~~System~~ or Selected Exempt Service
 3242 ~~System~~ positions that ~~which~~ are not determined comparable by the
 3243 department, and positions that ~~which~~ are in other pay plans on
 3244 the day before the lease agreement takes effect, shall ~~shall~~ have the
 3245 same salaries and benefits provided to employees of the Office
 3246 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3247 Section 65. Section 110.1082, Florida Statutes, is
 3248 transferred, renumbered as section 112.920, Florida Statutes,

3249 and amended to read:

3250 112.920 ~~110.1082~~ Telephone voice mail systems and
 3251 telephone menu options systems.—

3252 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice
 3253 mail system when the employee is at his or her regularly
 3254 assigned work station where his or her telephone is functional
 3255 and available for use, unless:

3256 (a) The telephone device ~~is in use, and/or;~~

3257 (b) The ~~Such~~ voice mail system alerts the caller to, and
 3258 provides the caller with access to, a nonelectronic attendant;
 3259 or

3260 (c) The ~~Such~~ voice mail system automatically transfers the
 3261 caller to a nonelectronic attendant.

3262 (2) Telephone menu options systems used by state agencies
 3263 must, ~~departments, or other state government units will alert~~
 3264 the caller to, and provide the caller with access to, a
 3265 nonelectronic attendant.

3266 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~
 3267 ~~provisions of~~ this section.

3268 Section 66. Section 110.1165, Florida Statutes, is
 3269 transferred and renumbered as section 112.921, Florida Statutes,
 3270 and subsections (1) and (2) of that section are amended to read:

3271 112.921 ~~110.1165~~ Executive branch personnel errors;
 3272 limitation of actions for compensation.—

3273 (1) An agency of the executive branch, including the State
 3274 University System, shall establish procedures for the receipt,
 3275 consideration, and disposition of a claim regarding pay or
 3276 benefits brought by an employee if the ~~when that~~ employee is

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3277 | damaged as a result of being provided with erroneous written
 3278 | information by the ~~employing~~ agency regarding his or her pay or
 3279 | benefits, and the employee detrimentally relies upon such
 3280 | written information. In order to qualify for the relief ~~provided~~
 3281 | ~~by this section~~, the employee's reliance on the representation
 3282 | must have been reasonable and based ~~only~~ upon only the written
 3283 | representations made by those persons authorized by the agency
 3284 | head to make such representations. ~~Furthermore,~~ The erroneous
 3285 | calculation and payment of an employee's salary, wages, or
 3286 | benefits is not among the written representations that ~~which~~
 3287 | ~~will~~ trigger relief under this section.

3288 | (2) An agency of the executive branch, including the State
 3289 | University System, may ~~is authorized to~~ take appropriate ~~such~~
 3290 | action ~~as may be appropriate~~ to provide a remedy for an employee
 3291 | concerning his or her claim regarding detrimental reliance on
 3292 | erroneous written information provided by the ~~employing~~ agency
 3293 | relating to pay and benefits if, ~~provided~~ such remedy is within
 3294 | the purview of the agency's authority. The agency may not ~~has no~~
 3295 | ~~authority whatsoever~~ to modify the state retirement system or
 3296 | the state insurance program. Any monetary remedy afforded by the
 3297 | agency must fall within the agency's budgetary authority. Any
 3298 | person dissatisfied with the outcome of this process may file
 3299 | ~~either~~ a grievance pursuant to the agency's internal grievance
 3300 | process or an appeal to the Division of Administrative Hearings
 3301 | pursuant to chapter 120, but not both.

3302 | Section 67. Section 112.922, Florida Statutes, is created
 3303 | to read:

3304 | 112.922 Penalties.—

3305 (1) Any person who willfully violates any provision of
 3306 this part or any rules adopted pursuant to this part commits a
 3307 misdemeanor of the second degree, punishable as provided in s.
 3308 775.082 or s. 775.083.

3309 (2) Notwithstanding s. 112.011, any person who is
 3310 convicted of a misdemeanor under this part is ineligible for
 3311 appointment to or employment in a state position for 5 years. If
 3312 such person is an employee of the state, he or she must forfeit
 3313 his or her position.

3314 (3) Imposition of the penalties provided in this section
 3315 may not be in lieu of any action that may be taken or penalties
 3316 that may be imposed pursuant to part III of this chapter.

3317 Section 68. Section 112.923, Florida Statutes, is created
 3318 to read:

3319 112.923 Direct deposit.—As a condition of employment, a
 3320 state employee must participate in the direct deposit program
 3321 pursuant to s. 17.076. An employee may request an exemption from
 3322 this subsection if the employee can demonstrate a hardship or if
 3323 the employee is in an other-personal-services position.

3324 Section 69. Section 110.114, Florida Statutes, is
 3325 transferred, renumbered as section 112.924, Florida Statutes,
 3326 and amended to read:

3327 112.924 ~~110.114~~ Employee wage deductions.—

3328 (1) A state agency may ~~The state or any of its~~
 3329 ~~departments, bureaus, commissions, and officers are authorized~~
 3330 ~~and permitted,~~ with the concurrence of the Department of
 3331 Financial Services, ~~to~~ make deductions from the salary or wage
 3332 of an ~~any~~ employee ~~or employees~~ in an ~~such~~ amount ~~as shall be~~

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3333 ~~authorized and requested by such employee or employees~~ and for
 3334 such purpose as shall be authorized and requested by the such
 3335 ~~employee or employees~~ and shall pay such sums so deducted as
 3336 directed by the such ~~employee or employees~~. The concurrence of
 3337 the Department of Financial Services is ~~shall not be~~ required
 3338 for the deduction of a certified bargaining agent's membership
 3339 dues deductions pursuant to s. 447.303 or any deductions
 3340 authorized by a collective bargaining agreement.

3341 (2) The approval of and making of approved deductions does
 3342 ~~shall~~ not require the approval or making of other requested
 3343 deductions.

3344 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
 3345 (2), the deduction of an employee's membership dues deductions
 3346 as defined in s. 447.203(15) for an employee organization as
 3347 defined in s. 447.203(11) shall be authorized or permitted only
 3348 for an organization that has been certified as the exclusive
 3349 bargaining agent pursuant to chapter 447 for a unit of state
 3350 employees in which the employee is included. Such deductions are
 3351 ~~shall be~~ subject to ~~the provisions of~~ s. 447.303.

3352 (4) Records of employee requests and employer
 3353 authorizations for deductions from an employee's wage or salary,
 3354 or the legal authority for the deduction, shall be maintained by
 3355 the employer agency ~~each employing entity~~.

3356 Section 70. The Division of Statutory Revision is
 3357 requested to create part X of chapter 112, Florida Statutes,
 3358 consisting of ss. 112.940-112.950, Florida Statutes, to be
 3359 entitled "State Administered Benefits."

3360 Section 71. Section 110.1227, Florida Statutes, is

3361 transferred and renumbered as section 112.940, Florida Statutes,
 3362 and paragraph (c) of subsection (1) of that section is amended
 3363 to read:

3364 112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan
 3365 Act.—

3366 (1) The Legislature finds that state expenditures for
 3367 long-term-care services continue to increase at a rapid rate and
 3368 that the state faces increasing pressure in its efforts to meet
 3369 the long-term-care needs of the public.

3370 (c) This act in no way affects the Department of
 3371 Management Services' authority pursuant to s. 112.942 ~~110.123~~.

3372 Section 72. Section 110.1228, Florida Statutes, is
 3373 transferred and renumbered as section 112.941, Florida Statutes,
 3374 and subsection (2) of that section is amended to read:

3375 112.941 ~~110.1228~~ Participation by small counties, small
 3376 municipalities, and district school boards located in small
 3377 counties.—

3378 (2) The governing body of a small county or small
 3379 municipality or a district school board may apply for
 3380 participation in the state group health insurance program
 3381 authorized in s. 112.942 ~~110.123~~ and the prescription drug
 3382 coverage program authorized by s. 112.944 ~~110.12315~~ by
 3383 submitting an application along with a \$500 nonrefundable fee to
 3384 the department.

3385 Section 73. Section 110.123, Florida Statutes, is
 3386 transferred and renumbered as section 112.941, Florida Statutes,
 3387 and paragraph (f) of subsection (3) and paragraph (c) of
 3388 subsection (4) of that section are amended to read:

3389 | 112.942 ~~110.123~~ State group insurance program.—

3390 | (3) STATE GROUP INSURANCE PROGRAM.—

3391 | (f) Except as provided for in subparagraph (h)2., the
 3392 | state contribution toward the cost of any plan in the state
 3393 | group insurance program shall be uniform with respect to all
 3394 | state employees in a state collective bargaining unit
 3395 | participating in the same coverage tier in the same plan. This
 3396 | section does not prohibit the development of separate benefit
 3397 | plans for officers and employees exempt from the Civil ~~career~~
 3398 | Service or the development of separate benefit plans for each
 3399 | collective bargaining unit.

3400 | (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
 3401 | ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3402 | (c) During each policy or budget year, no state agency
 3403 | shall contribute a greater dollar amount of the premium cost for
 3404 | its officers or employees for any plan option under the state
 3405 | group insurance program than any other agency for similar
 3406 | officers and employees, nor shall any greater dollar amount of
 3407 | premium cost be made for employees in one state collective
 3408 | bargaining unit than for those in any other state collective
 3409 | bargaining unit. Nothing in this section prohibits the use of
 3410 | different levels of state contributions for positions exempt
 3411 | from the Civil ~~career~~ Service.

3412 | Section 74. Section 110.12312, Florida Statutes, is
 3413 | transferred, renumbered as section 112.943, Florida Statutes,
 3414 | and amended to read:

3415 | 112.943 ~~110.12312~~ Open enrollment period for retirees.—On
 3416 | or after July 1, 1997, the Department of Management Services

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3417 shall provide for an open enrollment period for retired state
3418 employees who want to obtain health insurance coverage under ss.
3419 112.942 and 112.944 ~~110.123 and 110.12315~~. The options offered
3420 during the open enrollment period must provide the same health
3421 insurance coverage as the coverage provided to active employees
3422 under the same premium payment conditions in effect for covered
3423 retirees, including eligibility for health insurance subsidy
3424 payments under s. 112.363. A person who separates from
3425 employment subsequent to May 1, 1988, but whose date of
3426 retirement occurs on or after August 1, 1995, is eligible as of
3427 the first open enrollment period occurring after July 1, 1997,
3428 with an effective date of January 1, 1998, as long as the
3429 retiree's enrollment remains in effect.

3430 Section 75. Section 110.12315, Florida Statutes, is
3431 transferred and renumbered as section 112.944, Florida Statutes.

3432 Section 76. Section 110.1232, Florida Statutes, is
3433 transferred, renumbered as section 112.945, Florida Statutes,
3434 and amended to read:

3435 112.945 ~~110.1232~~ Health insurance coverage for persons
3436 retired under state-administered retirement systems before
3437 January 1, 1976, and for spouses.—Notwithstanding any provisions
3438 of law to the contrary, the Department of Management Services
3439 shall provide health insurance coverage under the state group
3440 insurance program for persons who retired before January 1,
3441 1976, under any of the state-administered retirement systems and
3442 who are not covered by social security and for the spouses and
3443 surviving spouses of such retirees who are also not covered by
3444 social security. Such health insurance coverage shall provide

3445 the same benefits as provided to other retirees who are entitled
 3446 to participate under s. 112.942 ~~110.123~~. The claims experience
 3447 of this group shall be commingled with the claims experience of
 3448 other members covered under s. 112.942 ~~110.123~~.

3449 Section 77. Section 110.1234, Florida Statutes, is
 3450 transferred and renumbered as section 112.946, Florida Statutes.

3451 Section 78. Section 110.1238, Florida Statutes, is
 3452 transferred and renumbered as section 112.947, Florida Statutes.

3453 Section 79. Section 110.1239, Florida Statutes, is
 3454 transferred and renumbered as section 112.948, Florida Statutes.

3455 Section 80. Section 110.161, Florida Statutes, is
 3456 transferred and renumbered as section 112.949, Florida Statutes,
 3457 and paragraph (a) of subsection (6) of that section is amended
 3458 to read:

3459 112.949 ~~110.161~~ State employees; pretax benefits program.—

3460 (6) The Department of Management Services is authorized to
 3461 administer the pretax benefits program established for all
 3462 employees so that employees may receive benefits that are not
 3463 includable in gross income under the Internal Revenue Code of
 3464 1986. The pretax benefits program:

3465 (a) Shall allow employee contributions to premiums for the
 3466 state group insurance program administered under s. 112.942
 3467 ~~110.123~~ to be paid on a pretax basis unless an employee elects
 3468 not to participate.

3469 Section 81. Section 112.950, Florida Statutes, is created
 3470 to read:

3471 112.950 Penalties.—

3472 (1) Any person who willfully violates any provision of

3473 this part or any rules adopted pursuant to this part commits a
 3474 misdemeanor of the second degree, punishable as provided in s.
 3475 775.082 or s. 775.083.

3476 (2) Notwithstanding s. 112.011, any person who is
 3477 convicted of a misdemeanor under this part is ineligible for
 3478 appointment to or employment in a state position for 5 years,
 3479 or, if an employee of the state, must forfeit his or her
 3480 position.

3481 (3) Imposition of the penalties provided in this section
 3482 may not be in lieu of any action that may be taken or penalties
 3483 that may be imposed pursuant to part III of this chapter.

3484 Section 82. The Division of Statutory Revision is
 3485 requested to renumber part IV of chapter 110, Florida Statutes,
 3486 as part XI of chapter 112, consisting of ss. 112.961-112.965,
 3487 Florida Statutes, and to rename that part as "State Volunteer
 3488 Services."

3489 Section 83. Section 110.501, Florida Statutes, is
 3490 transferred, renumbered as section 112.961, Florida Statutes,
 3491 reordered, and amended to read:

3492 112.961 ~~110.501~~ Definitions.—As used in this part, the
 3493 term ~~act~~:

3494 (2) ~~(1)~~ "Volunteer" means any person who, of his or her own
 3495 free will, provides goods or services, or conveys an interest in
 3496 or otherwise consents to the use of real property pursuant to
 3497 chapter 260, to any state department or agency, or nonprofit
 3498 organization, with no monetary or material compensation. A
 3499 person registered and serving in Older American Volunteer
 3500 Programs authorized by the Domestic Volunteer Service Act of

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3501 1973, as amended (Pub. L. No. 93-113), shall also be defined as
 3502 a volunteer and shall incur no civil liability as provided by s.
 3503 768.1355. A volunteer shall be eligible for payment of volunteer
 3504 benefits as specified in Pub. L. No. 93-113, this section, and
 3505 s. 430.204.

3506 ~~(2) "Regular service volunteer" means any person engaged~~
 3507 ~~in specific voluntary service activities on an ongoing or~~
 3508 ~~continuous basis.~~

3509 ~~(3) "Occasional service volunteer" means any person who~~
 3510 ~~offers to provide a one-time or occasional voluntary service.~~

3511 (1) ~~(4)~~ "Material donor" means any person who provides
 3512 funds, materials, employment, or opportunities for clients of
 3513 state ~~departments or~~ agencies, without monetary or material
 3514 compensation.

3515 (3) "State agency" or "agency" means any official,
 3516 officer, commission, board, authority, council, committee, or
 3517 department of the executive branch or judicial branch of state
 3518 government as defined in chapter 216, unless otherwise exempted
 3519 by law.

3520 Section 84. Section 110.502, Florida Statutes, is
 3521 transferred, renumbered as section 112.962, Florida Statutes,
 3522 and amended to read:

3523 110.962 ~~110.502~~ Scope of act; status of volunteers.-

3524 (1) Every ~~state department or~~ state agency may, with the
 3525 approval of the agency head, through the head of the department
 3526 ~~or agency, secretary of the department, or executive director of~~
 3527 ~~the department, is authorized to~~ recruit, train, and accept,
 3528 without regard to the requirements of the Civil State Career

3529 | Service ~~System as set forth in part II of this chapter,~~ the
 3530 | services of volunteers, ~~including regular service volunteers,~~
 3531 | ~~occasional service volunteers,~~ or material donors, to assist in
 3532 | programs administered by the ~~department or~~ agency.

3533 | (2) Volunteers recruited, trained, or accepted by a ~~any~~
 3534 | state ~~department or~~ agency are ~~shall~~ not be subject to any
 3535 | provisions of law relating to state employment, a ~~to~~ any
 3536 | collective bargaining agreement between the state and any
 3537 | employees' association or union, or ~~to~~ any laws relating to
 3538 | hours of work, rates of compensation, leave time, and employee
 3539 | benefits, except those consistent with s. 112.964 ~~110.504~~.
 3540 | However, all volunteers shall comply with applicable ~~department~~
 3541 | ~~or~~ agency rules. Volunteers may be required by the agency to
 3542 | submit to security background screenings.

3543 | (3) Every state ~~department or~~ agency using ~~utilizing~~ the
 3544 | services of volunteers is ~~hereby~~ authorized to provide such
 3545 | incidental reimbursement or benefit consistent with s. 112.964
 3546 | ~~the provisions of s. 110.504,~~ including transportation costs,
 3547 | lodging, ~~and~~ subsistence, identification and safety apparel,
 3548 | recognition, and other accommodations as the ~~department or~~
 3549 | agency deems necessary to assist, recognize, reward, or
 3550 | encourage volunteers in performing their functions. An ~~No~~
 3551 | ~~department or~~ agency may not ~~shall~~ expend or authorize an
 3552 | expenditure greater than ~~therefor in excess of~~ the amount
 3553 | provided for to the ~~department or~~ agency by appropriation in any
 3554 | fiscal year.

3555 | (4) Persons working with state agencies pursuant to this
 3556 | part are ~~shall~~ be considered as unpaid independent volunteers

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3557 and ~~are shall~~ not be entitled to unemployment compensation.

3558 Section 85. Section 110.503, Florida Statutes, is
 3559 transferred, renumbered as section 112.963, Florida Statutes,
 3560 and amended to read:

3561 110.963 ~~110.503~~ Responsibilities of state ~~departments and~~
 3562 agencies.—Each state ~~department or~~ agency using ~~utilizing~~ the
 3563 services of volunteers shall take such actions as are:

3564 (1) ~~Take such actions as are~~ Necessary and appropriate to
 3565 develop meaningful opportunities for volunteers involved in
 3566 state-administered programs.

3567 (2) Necessary to ensure that volunteers are provided with
 3568 the state agency's policies and procedures applicable to their
 3569 volunteer activities. ~~Comply with the uniform rules adopted by~~
 3570 ~~the Department of Management Services governing the recruitment,~~
 3571 ~~screening, training, responsibility, use, and supervision of~~
 3572 ~~volunteers.~~

3573 (3) ~~Take such actions as are~~ Necessary to ensure that
 3574 volunteers understand their duties and responsibilities.

3575 (4) Necessary to ensure that a state employee whose
 3576 primary employment consists of duties and responsibilities
 3577 similar to those associated with volunteer activities is not
 3578 considered for volunteer work if such work would require payment
 3579 for overtime in accordance with the Fair Labor Standards Act.

3580 ~~(4) Take such actions as are necessary and appropriate to~~
 3581 ~~ensure a receptive climate for citizen volunteers.~~

3582 ~~(5) Provide for the recognition of volunteers who have~~
 3583 ~~offered continuous and outstanding service to state-administered~~
 3584 ~~programs. Each department or agency using the services of~~

3585 ~~volunteers is authorized to incur expenditures not to exceed~~
 3586 ~~\$100 each plus applicable taxes for suitable framed~~
 3587 ~~certificates, plaques, or other tokens of recognition to honor,~~
 3588 ~~reward, or encourage volunteers for their service.~~

3589 ~~(6) Recognize prior volunteer service as partial~~
 3590 ~~fulfillment of state employment requirements for training and~~
 3591 ~~experience pursuant to rules adopted by the Department of~~
 3592 ~~Management Services.~~

3593 Section 86. Section 110.504, Florida Statutes, is
 3594 transferred, renumbered as section 112.964, Florida Statutes,
 3595 and amended to read:

3596 112.964 ~~110.504~~ Volunteer benefits.—

3597 (1) Meals may be furnished without charge to ~~regular-~~
 3598 ~~service~~ volunteers serving state agencies if departments,
 3599 ~~provided~~ the scheduled assignment extends over an established
 3600 meal period, ~~and to occasional-service volunteers at the~~
 3601 ~~discretion of the department head. An agency may not~~ No
 3602 ~~department shall~~ expend or authorize any expenditure greater
 3603 than in excess of the amount provided for by appropriation in
 3604 any fiscal year.

3605 (2) Lodging, if available, may be furnished temporarily,
 3606 in case of an agency ~~a department~~ emergency, at no charge to
 3607 ~~regular-service~~ volunteers.

3608 (3) Transportation reimbursement may be furnished to those
 3609 volunteers whose presence is determined to be necessary to the
 3610 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in
 3611 the performance of agency-related ~~department-related~~ duties. An
 3612 agency may not ~~No department shall~~ expend or authorize an

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3613 expenditure greater than ~~in excess of~~ the amount appropriated in
 3614 any fiscal year.

3615 (4) Volunteers are ~~shall be~~ covered by state liability
 3616 protection in accordance with the definition of a volunteer and
 3617 ~~the provisions of~~ s. 768.28.

3618 (5) Volunteers shall be covered by workers' compensation
 3619 in accordance with chapter 440.

3620 (6) Incidental recognition benefits or incidental
 3621 nonmonetary awards may be furnished to volunteers serving in
 3622 state agencies ~~departments~~ to award, recognize, or encourage
 3623 volunteers for their service. The awards may not cost more than
 3624 ~~in excess of~~ \$100 each plus applicable taxes.

3625 (7) Volunteers, including volunteers receiving a stipend
 3626 as provided by the Domestic Service Volunteer Act of 1973, as
 3627 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.
 3628 768.1355, the Florida Volunteer Protection Act.

3629 Section 87. Section 112.965, Florida Statutes, is created
 3630 to read:

3631 112.965 Penalties.—

3632 (1) Any person who willfully violates any provision of
 3633 this part or any rules adopted pursuant to this part commits a
 3634 misdemeanor of the second degree, punishable as provided in s.
 3635 775.082 or s. 775.083.

3636 (2) Notwithstanding s. 112.011, any person who is
 3637 convicted of a misdemeanor under this part is ineligible for
 3638 appointment to or employment in a state position for 5 years,
 3639 or, if an employee of the state, must forfeit his or her
 3640 position.

3641 (3) Imposition of the penalties provided in this section
 3642 may not be in lieu of any action that may be taken or penalties
 3643 that may be imposed pursuant to part III of this chapter.

3644 Section 88. Sections 110.115, 110.118, 110.124, 110.129,
 3645 110.1521, 110.1522, 110.1523, 110.201, 110.2035, 110.21,
 3646 110.221, 110.406, 110.603, 110.604, and 110.606, Florida
 3647 Statutes, are repealed.

3648 Section 89. Paragraph (b) of subsection (1) of section
 3649 11.13, Florida Statutes, is amended to read:

3650 11.13 Compensation of members.—

3651 (1)

3652 (b) On Effective July 1, 1986, and each July 1 of each
 3653 year thereafter, the annual salaries of members of the Senate
 3654 and House of Representatives shall be adjusted by the average
 3655 percentage increase in the salaries of civil state-career
 3656 service employees for the fiscal year just concluded. The
 3657 Appropriations Committee of each house shall certify to the
 3658 Office of Legislative Services the average percentage increase
 3659 in the salaries of civil state-career service employees before
 3660 July 1 of each year. The Office of Legislative Services shall,
 3661 as of July 1 of each year, determine the adjusted annual
 3662 salaries as provided in this paragraph herein.

3663 Section 90. Paragraph (c) of subsection (1) of section
 3664 20.055, Florida Statutes, is amended to read:

3665 20.055 Agency inspectors general.—

3666 (1) For the purposes of this section:

3667 (c) "Individuals substantially affected" means natural
 3668 persons who have established a real and sufficiently immediate

3669 injury in fact due to the findings, conclusions, or
 3670 recommendations of a final report of a state agency inspector
 3671 general, who are the subject of the audit or investigation, and
 3672 who do not have or are not currently afforded an existing right
 3673 to an independent review process. The term does not include:

3674 1. Employees of the state, including civil ~~career~~ service,
 3675 probationary, other personal service, selected exempt service,
 3676 and senior management service employees, ~~are not covered by this~~
 3677 ~~definition. This definition also does not cover~~

3678 2. Former employees of the state if the final report of
 3679 the state agency inspector general relates to matters arising
 3680 during a former employee's term of state employment. ~~This~~
 3681 ~~definition does not apply to~~

3682 3. Persons who are the subject of audits or investigations
 3683 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
 3684 which are otherwise confidential and exempt under s. 119.07.

3685 Section 91. Subsection (6) of section 20.21, Florida
 3686 Statutes, is amended to read:

3687 20.21 Department of Revenue.—There is created a Department
 3688 of Revenue.

3689 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~
 3690 ~~110.123~~, relating to the state group insurance program, the
 3691 department may pay, or participate in the payment of, premiums
 3692 for health, accident, and life insurance for its full-time out-
 3693 of-state employees, pursuant to such rules as it may adopt,
 3694 which and such payments are shall be in addition to the
 3695 employees' ~~the regular salaries of such full-time out-of-state~~
 3696 ~~employees.~~

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3697 Section 92. Paragraph (e) of subsection (1) and subsection
 3698 (6) of section 20.23, Florida Statutes, as amended by chapter
 3699 2009-271, Laws of Florida, are amended to read:

3700 20.23 Department of Transportation.—There is created a
 3701 Department of Transportation which shall be a decentralized
 3702 agency.

3703 (1)

3704 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and
 3705 ~~the~~ assistant secretaries are ~~shall be~~ exempt from part IV ~~the~~
 3706 ~~provisions of part III~~ of chapter 110 and shall receive
 3707 compensation commensurate with their qualifications and
 3708 competitive with compensation for comparable responsibility in
 3709 the private sector.

3710 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the
 3711 Department of Management Services may ~~is authorized to~~ exempt
 3712 positions within the Department of Transportation which are
 3713 comparable to positions within the Senior Management Service
 3714 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that
 3715 ~~which~~ are comparable to positions in the Selected Exempt Service
 3716 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

3717 Section 93. Subsection (2) of section 20.255, Florida
 3718 Statutes, is amended to read:

3719 20.255 Department of Environmental Protection.—There is
 3720 created a Department of Environmental Protection.

3721 (2) (a) There shall be three deputy secretaries who are to
 3722 be appointed by and shall serve at the pleasure of the
 3723 secretary. The secretary may assign any deputy secretary the
 3724 responsibility to supervise, coordinate, and formulate policy

3725 for any division, office, or district. The following special
 3726 offices are established and headed by managers, each of whom is
 3727 to be appointed by and serve at the pleasure of the secretary:

- 3728 1. Office of Chief of Staff;
- 3729 2. Office of General Counsel;
- 3730 3. Office of Inspector General;
- 3731 4. Office of External Affairs;
- 3732 5. Office of Legislative Affairs;
- 3733 6. Office of Intergovernmental Programs; and
- 3734 7. Office of Greenways and Trails.

3735 (b) There shall be six administrative districts involved
 3736 in regulatory matters of waste management, water resource
 3737 management, wetlands, and air resources, which shall be headed
 3738 by managers, each of whom is to be appointed by and serve at the
 3739 pleasure of the secretary. Divisions of the department may have
 3740 one assistant or two deputy division directors, as required to
 3741 facilitate effective operation.

3742
 3743 The managers of all divisions and offices specifically named in
 3744 this section and the directors of the six administrative
 3745 districts are exempt from part II of chapter 110 and are
 3746 included in the Senior Management Service in accordance with s.
 3747 110.205(2)(g) ~~110.205(2)(j)~~.

3748 Section 94. Paragraph (d) of subsection (19) of section
 3749 24.105, Florida Statutes, is amended to read:

3750 24.105 Powers and duties of department.—The department
 3751 shall:

3752 (19) Employ division directors and other staff as may be

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3753 necessary to carry out the provisions of this act; however:
 3754 (d) The department shall establish and maintain a
 3755 personnel program for its employees, including a personnel
 3756 classification and pay plan that ~~which~~ may provide ~~any or all of~~
 3757 the benefits provided in the Senior Management Service or
 3758 Selected Exempt Service. Each officer or employee of the
 3759 department is ~~shall be~~ a member of the Florida Retirement
 3760 System. The retirement class of each officer or employee is
 3761 ~~shall be~~ the same as other persons performing comparable
 3762 functions for other agencies. Employees of the department shall
 3763 serve at the pleasure of the secretary and are ~~shall be~~ subject
 3764 to suspension, dismissal, reduction in pay, demotion, transfer,
 3765 or other personnel action at the discretion of the secretary.
 3766 Such personnel actions are exempt from ~~the provisions of~~ chapter
 3767 120. All employees of the department are exempt from the Civil
 3768 ~~Career Service System~~ provided in chapter 110 and,
 3769 notwithstanding ~~the provisions of~~ s. 110.205(3) ~~110.205(5)~~, are
 3770 not included in ~~either~~ the Senior Management Service or the
 3771 Selected Exempt Service. However, all employees of the
 3772 department are subject to all standards of conduct adopted by
 3773 rule for civil ~~career~~ service and senior management employees
 3774 pursuant to chapter 110. In the event of a conflict between
 3775 standards of conduct applicable to employees of the Department
 3776 of the Lottery, the more restrictive standard ~~applies shall~~
 3777 ~~apply~~. Interpretations as to the more restrictive standard may
 3778 be provided by the Commission on Ethics upon request of an
 3779 advisory opinion pursuant to s. 112.322(3)(a), and for purposes
 3780 of this subsection, the opinion shall be considered final

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3781 action.

3782 Section 95. Paragraph (d) of subsection (4) of section
3783 24.122, Florida Statutes, is amended to read:

3784 24.122 Exemption from taxation; state preemption;
3785 inapplicability of other laws.—

3786 (4) Any state or local law providing any penalty,
3787 disability, restriction, or prohibition for the possession,
3788 manufacture, transportation, distribution, advertising, or sale
3789 of any lottery ticket, including chapter 849, shall not apply to
3790 the tickets of the state lottery operated pursuant to this act;
3791 nor shall any such law apply to the possession of a ticket
3792 issued by any other government-operated lottery. In addition,
3793 activities of the department under this act are exempt from the
3794 provisions of:

3795 (d) Section 112.907 ~~110.131~~, relating to other personal
3796 services.

3797 Section 96. Paragraph (b) of subsection (1) of section
3798 30.071, Florida Statutes, is amended to read:

3799 30.071 Applicability and scope of act.—

3800 (1) This act applies to all deputy sheriffs, with the
3801 following exceptions:

3802 (b) Deputy sheriffs in a county that, by special act of
3803 the Legislature, local charter, ordinance, or otherwise, has
3804 established a civil ~~or career~~ service system that ~~which~~ grants
3805 collective bargaining rights for deputy sheriffs, including, but
3806 not limited to, deputy sheriffs in the following counties:
3807 Broward, Miami-Dade, Duval, Escambia, and Volusia.

3808 Section 97. Subsection (4) of section 43.16, Florida

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3809 Statutes, is amended to read:

3810 43.16 Justice Administrative Commission; membership,
3811 powers and duties.—

3812 (4) (a) The Justice Administrative Commission shall employ
3813 an executive director and fix his or her salary. The executive
3814 director shall employ any necessary personnel for the efficient
3815 performance of the commission according to a classification and
3816 pay plan annually approved by the commission.

3817 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~
3818 ~~within~~ the commission are exempt from the Civil Career Service
3819 ~~System provided in chapter 110~~ and, notwithstanding s.
3820 110.205(3) ~~110.205(5)~~, are not included in the Senior Management
3821 Service or the Selected Exempt Service. The commission shall
3822 annually approve a classification plan and salary and benefits
3823 plan.

3824 (c) Employees in permanent positions must be offered
3825 benefits comparable to those offered under the Civil Career
3826 Service ~~System~~.

3827 (d) The commission may offer benefits greater than ~~in~~
3828 ~~excess of~~ those offered under the Civil Career Service ~~System~~
3829 only to employees who are appointed to positions designated as
3830 having managerial or policymaking duties or positions requiring
3831 membership in The Florida Bar.

3832 (e) By January 15th of each year, the commission shall
3833 submit to the Executive Office of the Governor, the President of
3834 the Senate, and the Speaker of the House of Representatives a
3835 listing of all positions receiving benefits greater than those
3836 ~~benefits~~ offered under the Civil Career Service ~~System~~. Any

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3837 | change in the positions that are offered greater benefits or any
 3838 | change in the level of benefits is subject to the notice and
 3839 | objection procedures of s. 216.177.

3840 | Section 98. Subsection (4) of section 104.31, Florida
 3841 | Statutes, is amended to read:

3842 | 104.31 Political activities of state, county, and
 3843 | municipal officers and employees.—

3844 | (4) Nothing contained in this section or in any county or
 3845 | municipal charter shall be deemed to prohibit any public
 3846 | employee from expressing his or her opinions on any candidate or
 3847 | issue or from participating in any political campaign during the
 3848 | employee's off-duty hours, so long as such activities are not in
 3849 | conflict with ~~the provisions of~~ subsection (1) or s. 110.1075
 3850 | ~~110.233~~.

3851 | Section 99. Subsection (4) of section 106.24, Florida
 3852 | Statutes, is amended to read:

3853 | 106.24 Florida Elections Commission; membership; powers;
 3854 | duties.—

3855 | (4) The commission shall appoint an executive director,
 3856 | who shall serve under the direction, supervision, and control of
 3857 | the commission. The executive director, with the consent of the
 3858 | commission, shall employ such staff as are necessary to
 3859 | adequately perform the functions of the commission, within
 3860 | budgetary limitations. All employees, except the executive
 3861 | director and attorneys, are subject to part II of chapter 110.
 3862 | The executive director shall serve at the pleasure of the
 3863 | commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,
 3864 | except that the commission shall have complete authority for

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3865 | setting the executive director's salary. Attorneys employed by
 3866 | the commission are ~~shall be~~ subject to part III ~~V~~ of chapter
 3867 | 110.

3868 | Section 100. Subsection (4) of section 112.044, Florida
 3869 | Statutes, is amended to read:

3870 | 112.044 Public employers, employment agencies, labor
 3871 | organizations; discrimination based on age prohibited;
 3872 | exceptions; remedy.—

3873 | (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the
 3874 | state ~~who is~~ within the Civil Career Service System established
 3875 | by chapter 110 and who is aggrieved by a violation of this act
 3876 | may appeal to the Public Employees Relations Commission under
 3877 | the conditions and following the procedures prescribed in part
 3878 | II of chapter 447. Any person other than an employee ~~who is~~
 3879 | within the Civil Career Service System ~~established by chapter~~
 3880 | ~~110~~, or any person employed by the Public Employees Relations
 3881 | Commission, who is aggrieved by a violation of this act may
 3882 | bring a civil action ~~in any court of competent jurisdiction~~ for
 3883 | such legal or equitable relief as will effectuate the purposes
 3884 | of this act.

3885 | Section 101. Section 112.0805, Florida Statutes, is
 3886 | amended to read:

3887 | 112.0805 Employer notice of insurance eligibility to
 3888 | employees who retire.—An ~~Any~~ employer who provides insurance
 3889 | coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify
 3890 | those employees who retire of their eligibility to participate
 3891 | in ~~either~~ the same group insurance plan or self-insurance plan
 3892 | as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the

3893 insurance coverage ~~as~~ provided by this law.

3894 Section 102. Paragraph (a) of subsection (9) of section
3895 112.313, Florida Statutes, is amended to read:

3896 112.313 Standards of conduct for public officers,
3897 employees of agencies, and local government attorneys.—

3898 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
3899 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

3900 (a)1. It is the intent of the Legislature to implement by
3901 statute the provisions of s. 8(e), Art. II of the State
3902 Constitution relating to legislators, statewide elected
3903 officers, appointed state officers, and designated public
3904 employees.

3905 2. As used in this paragraph:

3906 a. "Employee" means:

3907 (I) Any person employed in the executive or legislative
3908 branch of government holding a position in the Senior Management
3909 Service as defined in s. 110.402 or any person holding a
3910 position in the Selected Exempt Service as defined in s.
3911 110.3021 ~~110.602~~ or any person having authority over policy or
3912 procurement employed by the Department of the Lottery.

3913 (II) The Auditor General, the director of the Office of
3914 Program Policy Analysis and Government Accountability, the
3915 Sergeant at Arms and Secretary of the Senate, and the Sergeant
3916 at Arms and Clerk of the House of Representatives.

3917 (III) The executive director of the Legislative Committee
3918 on Intergovernmental Relations and the executive director and
3919 deputy executive director of the Commission on Ethics.

3920 (IV) An executive director, staff director, or deputy

3921 staff director of each joint committee, standing committee, or
 3922 select committee of the Legislature; an executive director,
 3923 staff director, executive assistant, analyst, or attorney of the
 3924 Office of the President of the Senate, the Office of the Speaker
 3925 of the House of Representatives, the Senate Majority Party
 3926 Office, Senate Minority Party Office, House Majority Party
 3927 Office, or House Minority Party Office; or any person, hired on
 3928 a contractual basis, having the power normally conferred upon
 3929 such persons, by whatever title.

3930 (V) The Chancellor and Vice Chancellors of the State
 3931 University System; the general counsel to the Board of Governors
 3932 of the State University System; and the president, provost, vice
 3933 presidents, and deans of each state university.

3934 (VI) Any person, including an other-personal-services
 3935 employee, having the power normally conferred upon the positions
 3936 referenced in this sub-subparagraph.

3937 b. "Appointed state officer" means any member of an
 3938 appointive board, commission, committee, council, or authority
 3939 of the executive or legislative branch of state government whose
 3940 powers, jurisdiction, and authority are not solely advisory and
 3941 include the final determination or adjudication of any personal
 3942 or property rights, duties, or obligations, other than those
 3943 relative to its internal operations.

3944 c. "State agency" means an entity of the legislative,
 3945 executive, or judicial branch of state government over which the
 3946 Legislature exercises plenary budgetary and statutory control.

3947 3. A ~~No~~ member of the Legislature, appointed state
 3948 officer, or statewide elected officer may not ~~shall~~ personally

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3949 represent another person or entity for compensation before the
 3950 government body or agency of which the individual was an officer
 3951 or member for a ~~period of~~ 2 years following vacation of office.
 3952 A ~~No~~ member of the Legislature may not ~~shall~~ personally
 3953 represent another person or entity for compensation during his
 3954 or her term of office before any state agency other than
 3955 judicial tribunals or in settlement negotiations after the
 3956 filing of a lawsuit.

3957 4. An agency employee, including an agency employee who
 3958 was employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~
 3959 position that was transferred to the Selected Exempt Service
 3960 ~~System~~ under chapter 2001-43, Laws of Florida, may not
 3961 personally represent another person or entity for compensation
 3962 before the agency with which he or she was employed for a ~~period~~
 3963 ~~of~~ 2 years following vacation of position, unless employed by
 3964 another agency of state government.

3965 5. Any person violating this paragraph is ~~shall be~~ subject
 3966 to the penalties provided in s. 112.317 and a civil penalty ~~of~~
 3967 ~~an amount~~ equal to the compensation that ~~which~~ the person
 3968 receives for the prohibited conduct.

3969 6. This paragraph is not applicable to:

3970 a. A person employed by the Legislature or other agency
 3971 before ~~prior to~~ July 1, 1989;

3972 b. A person who was employed by the Legislature or other
 3973 agency on July 1, 1989, whether or not the person was a defined
 3974 employee on July 1, 1989;

3975 c. A person who was a defined employee of the State
 3976 University System or the Public Service Commission who held such

3977 employment on December 31, 1994;

3978 d. A person who has reached normal retirement age as
 3979 defined in s. 121.021(29), and who has retired under the
 3980 provisions of chapter 121 by July 1, 1991; or

3981 e. Any appointed state officer whose term of office began
 3982 before January 1, 1995, unless reappointed to that office on or
 3983 after January 1, 1995.

3984 Section 103. Paragraph (b) of subsection (1) of section
 3985 112.3145, Florida Statutes, is amended to read:

3986 112.3145 Disclosure of financial interests and clients
 3987 represented before agencies.—

3988 (1) For purposes of this section, unless the context
 3989 otherwise requires, the term:

3990 (b) "Specified state employee" means:

3991 1. Public counsel created by chapter 350, an assistant
 3992 state attorney, an assistant public defender, a full-time state
 3993 employee who serves as counsel or assistant counsel to any state
 3994 agency, the Deputy Chief Judge of Compensation Claims, a judge
 3995 of compensation claims, an administrative law judge, or a
 3996 hearing officer.

3997 2. Any person employed in the office of the Governor or in
 3998 the office of any member of the Cabinet if that person is exempt
 3999 from the Civil Career Service System, except persons employed in
 4000 clerical, secretarial, or similar positions.

4001 3. The State Surgeon General or each appointed secretary,
 4002 assistant secretary, deputy secretary, executive director,
 4003 assistant executive director, or deputy executive director of
 4004 each state department, commission, board, or council; unless

4005 otherwise provided, the division director, assistant division
 4006 director, deputy director, bureau chief, and assistant bureau
 4007 chief of any state department or division; or any person having
 4008 the power normally conferred upon such persons, by whatever
 4009 title.

4010 4. The superintendent or institute director of a state
 4011 mental health institute established for training and research in
 4012 the mental health field or the warden or director of any major
 4013 state institution or facility established for corrections,
 4014 training, treatment, or rehabilitation.

4015 5. Business managers, purchasing agents having the power
 4016 to make any purchase exceeding the threshold amount provided for
 4017 in s. 287.017 for CATEGORY ONE, finance and accounting
 4018 directors, personnel officers, or grants coordinators for any
 4019 state agency.

4020 6. Any person, other than a legislative assistant exempted
 4021 by the presiding officer of the house that employs ~~by which~~ the
 4022 legislative assistant ~~is employed~~, who is employed in the
 4023 legislative branch of government, except persons employed in
 4024 maintenance, clerical, secretarial, or similar positions.

4025 7. Each employee of the Commission on Ethics.

4026 Section 104. Paragraph (a) of subsection (2) of section
 4027 112.363, Florida Statutes, is amended to read:

4028 112.363 Retiree health insurance subsidy.—

4029 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4030 (a) A person who is retired under a state-administered
 4031 retirement system, or a beneficiary who is a spouse or financial
 4032 dependent entitled to receive benefits under a state-

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4033 administered retirement system, is eligible for health insurance
 4034 subsidy payments ~~provided~~ under this section; except that
 4035 pension recipients under ss. 121.40, 238.07(18)(a), and 250.22,
 4036 recipients of health insurance coverage under s. 112.945
 4037 ~~110.1232~~, or any other special pension or relief act are ~~shall~~
 4038 not ~~be~~ eligible for such payments.

4039 Section 105. Subsections (11) and (38) of section 121.021,
 4040 Florida Statutes, are amended to read:

4041 121.021 Definitions.—The following words and phrases as
 4042 used in this chapter have the respective meanings set forth
 4043 unless a different meaning is plainly required by the context:

4044 (11) "Officer or employee" means any person receiving
 4045 salary payments for work performed in a regularly established
 4046 position and, if employed by a municipality, a metropolitan
 4047 planning organization, or a special district, employed in a
 4048 covered group. The term does not apply to state employees
 4049 covered by a leasing agreement under s. 112.919 ~~110.191~~, other
 4050 public employees covered by a leasing agreement, or a coemployer
 4051 relationship.

4052 (38) "Continuous service" means creditable service as a
 4053 member, beginning with the first day of employment with an
 4054 employer covered under a state-administered retirement system
 4055 consolidated herein and continuing for as long as the member
 4056 remains in an employer-employee relationship with the an
 4057 employer ~~covered under this chapter~~. An absence of 1 calendar
 4058 month or more from an employer's payroll is ~~shall be~~ considered
 4059 a break in continuous service, except for periods of absence
 4060 during which an employer-employee relationship continues to

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4061 exist and such period of absence is creditable under this
 4062 chapter or under one of the existing systems consolidated
 4063 herein. However, a law enforcement officer as defined in s.
 4064 121.0515(2) (a) who was a member of a state-administered
 4065 retirement system under chapter 122 or chapter 321 and who
 4066 resigned and was subsequently reemployed in a law enforcement
 4067 position within 12 calendar months of such resignation by an
 4068 employer under a ~~such~~ state-administered retirement system is
 4069 ~~shall be deemed~~ not to have ~~not~~ experienced a break in service.
 4070 Further, with respect to a state-employed law enforcement
 4071 officer who meets the criteria specified in s. 121.0515(2) (a),
 4072 if the absence from the employer's payroll is the result of a
 4073 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to
 4074 run for an elected office that meets the criteria specified in
 4075 s. 121.0515(2) (a), no break in continuous service shall be
 4076 deemed to have occurred if the member is reemployed as a state
 4077 law enforcement officer or is elected to an office that ~~which~~
 4078 meets the criteria specified in s. 121.0515(2) (a) within 12
 4079 calendar months after the date of the layoff or resignation,
 4080 notwithstanding the fact that such period of layoff or
 4081 resignation is not creditable service under this chapter. A
 4082 withdrawal of contributions constitutes ~~will constitute~~ a break
 4083 in service. Continuous service also includes past service
 4084 purchased under this chapter if, ~~provided such~~ service is
 4085 continuous ~~within this definition~~ and the rules established by
 4086 the administrator. The administrator may establish
 4087 administrative rules and procedures for applying this definition
 4088 to creditable service authorized under this chapter. Any

4089 | correctional officer, as defined in s. 943.10, whose
 4090 | participation in the state-administered retirement system is
 4091 | terminated due to the transfer of a county detention facility
 4092 | through a contractual agreement with a private entity pursuant
 4093 | to s. 951.062, is ~~shall be~~ deemed an employee with continuous
 4094 | service in the Special Risk Class if, ~~provided~~ return to
 4095 | employment with the former employer takes place within 3 years
 4096 | due to contract termination or the officer is employed by a
 4097 | covered employer in a special risk position within 1 year after
 4098 | his or her initial termination of employment by such transfer of
 4099 | its detention facilities to the private entity.

4100 | Section 106. Paragraph (f) of subsection (2) of section
 4101 | 121.051, Florida Statutes, is amended to read:

4102 | 121.051 Participation in the system.—

4103 | (2) OPTIONAL PARTICIPATION.—

4104 | (f)1. If an employer that participates in the Florida
 4105 | Retirement System undertakes the transfer, merger, or
 4106 | consolidation of governmental services or assumes the functions
 4107 | and activities of an employing governmental entity that was not
 4108 | an employer under the system, the employer must notify the
 4109 | department at least 60 days before such action and provide
 4110 | documentation as required by the department. Such ~~The~~ transfer,
 4111 | merger, or consolidation ~~of governmental services or assumption~~
 4112 | ~~of governmental functions and activities~~ must occur between
 4113 | public employers. The current or former employer may pay the
 4114 | employees' past service cost, unless prohibited under this
 4115 | chapter. This subparagraph does not apply to the transfer,
 4116 | merger, or consolidation of governmental services or assumption

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4117 of functions and activities of a public entity under a leasing
 4118 agreement having a coemployer relationship. Employers and
 4119 employees of a public governmental employer whose service is
 4120 covered by a leasing agreement under s. 112.919 ~~110.191~~, any
 4121 other leasing agreement, or a coemployer relationship may not
 4122 ~~are not eligible to~~ participate in the Florida Retirement
 4123 System.

4124 2. If the agency to which a member's employing unit is
 4125 transferred, merged, or consolidated does not participate in the
 4126 Florida Retirement System, a member may elect in writing to
 4127 remain in the ~~Florida Retirement~~ system or to transfer to the
 4128 local retirement system operated by the agency. If the agency
 4129 does not participate in a local retirement system, the member
 4130 shall continue membership in the Florida Retirement System. In
 4131 either case, membership continues for as long as the member is
 4132 employed by the agency to which his or her unit was transferred,
 4133 merged, or consolidated.

4134 Section 107. Paragraph (a) of subsection (1) of section
 4135 121.055, Florida Statutes, is amended to read:

4136 121.055 Senior Management Service Class.—There is hereby
 4137 established a separate class of membership within the Florida
 4138 Retirement System to be known as the "Senior Management Service
 4139 Class.7" ~~which shall become effective February 1, 1987.~~

4140 (1)(a) Participation in the Senior Management Service
 4141 Class is ~~shall be~~ limited to and compulsory for any member of
 4142 the Florida Retirement System who holds a position in the Senior
 4143 Management Service ~~of the State of Florida,~~ established under ~~by~~
 4144 part IV ~~III~~ of chapter 110, unless such member elects, within

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4145 the time specified herein, to participate in the Senior
 4146 Management Service Optional Annuity Program as established in
 4147 subsection (6).

4148 Section 108. Paragraph (a) of subsection (2) of section
 4149 121.35, Florida Statutes, is amended to read:

4150 121.35 Optional retirement program for the State
 4151 University System.—

4152 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4153 (a) Participation in the optional retirement program is
 4154 ~~provided by this section shall be~~ limited to persons who are
 4155 otherwise eligible for membership or renewed membership in the
 4156 Florida Retirement System and who are employed in one of the
 4157 following State University System positions:

4158 1. Positions classified as instructional and research
 4159 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~
 4160 ~~provisions of~~ s. 110.205(2) (d).

4161 2. Positions classified as administrative and professional
 4162 which are exempt from the Civil ~~career~~ Service ~~under the~~
 4163 ~~provisions of~~ s. 110.205(2) (d).

4164 3. The Chancellor and the university presidents.

4165 Section 109. Section 145.19, Florida Statutes, is amended
 4166 to read:

4167 145.19 Annual percentage increases based on increase for
 4168 civil ~~state-career~~ service employees; limitation.—

4169 (1) As used in this section, the term:

4170 (a) "Annual factor" means 1 plus the lesser of:

4171 1. The average percentage increase in the salaries of
 4172 civil ~~state-career~~ service employees for the current fiscal year

4173 as determined by the Department of Management Services or as
 4174 provided in the General Appropriations Act; or

4175 2. Seven percent.

4176 (b) "Cumulative annual factor" means the product of all
 4177 annual factors certified under this act before ~~prior to~~ the
 4178 fiscal year for which salaries are being calculated.

4179 (c) "Initial factor" means a factor of 1.292, which is a
 4180 product, rounded to the nearest thousandth, of an earlier cost-
 4181 of-living increase factor authorized by chapter 73-173, Laws of
 4182 Florida, and intended by the Legislature to be preserved in
 4183 adjustments to salaries made before the ~~prior to~~ enactment of
 4184 chapter 76-80, Laws of Florida, multiplied by the annual
 4185 increase factor authorized by chapter 79-327, Laws of Florida.

4186 (2) Each fiscal year, the salaries of all officials listed
 4187 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
 4188 The adjusted salary rate is ~~shall be~~ the product, rounded to the
 4189 nearest dollar, of the salary rate granted by the appropriate
 4190 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
 4191 first by the initial factor, then by the cumulative annual
 4192 factor, and finally by the annual factor. The Department of
 4193 Management Services shall certify the annual factor and the
 4194 cumulative annual factors. Any special qualification salary
 4195 received under this chapter, s. 1001.47, or the annual
 4196 performance salary incentive available to elected
 4197 superintendents under s. 1001.47 shall be added to the ~~such~~
 4198 adjusted salary rate. The special qualification salary is ~~shall~~
 4199 be \$2,000, ~~but shall not exceed \$2,000.~~

4200 Section 110. Subsection (2) of section 216.011, Florida

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4201 Statutes, is amended to read:

4202 216.011 Definitions.—

4203 (2) For purposes of this chapter, terms related to the
 4204 State Personnel System are ~~personnel affairs of the state~~ shall
 4205 be defined as set forth in s. 110.1054 ~~110.107~~.

4206 Section 111. Paragraph (b) of subsection (10) of section
 4207 216.181, Florida Statutes, is amended to read:

4208 216.181 Approved budgets for operations and fixed capital
 4209 outlay.—

4210 (10)

4211 (b) Lump-sum salary bonuses may be provided only if
 4212 specifically appropriated or provided pursuant to ~~s. 110.1245~~ or
 4213 s. 216.1815.

4214 Section 112. Subsection (2) of section 260.0125, Florida
 4215 Statutes, is amended to read:

4216 260.0125 Limitation on liability of private landowners
 4217 whose property is designated as part of the statewide system of
 4218 greenways and trails.—

4219 (2) Any private landowner who consents to designation of
 4220 his or her land as part of the statewide system of greenways and
 4221 trails pursuant to s. 260.016(2)(d) without compensation shall
 4222 be considered a volunteer, as defined in s. 112.961 ~~110.501~~, and
 4223 shall be covered by state liability protection pursuant to s.
 4224 768.28, including s. 768.28(9).

4225 Section 113. Section 287.175, Florida Statutes, is amended
 4226 to read:

4227 287.175 Penalties.—A violation of this part or a rule
 4228 adopted hereunder, pursuant to applicable constitutional and

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4229 statutory procedures, constitutes misuse of public position as
 4230 defined in s. 112.313(6), and is punishable as provided in s.
 4231 112.317. The Chief Financial Officer shall report incidents of
 4232 suspected misuse to the Commission on Ethics, and the commission
 4233 shall investigate possible violations of this part or rules
 4234 adopted hereunder when reported by the Chief Financial Officer,
 4235 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of
 4236 this part or a rule is adopted hereunder shall be presumed to
 4237 have been committed with wrongful intent, but such presumption
 4238 is rebuttable. ~~Nothing in~~ This section is not intended to deny
 4239 rights provided to civil ~~career~~ service employees by s. 110.227.

4240 Section 114. Paragraph (a) of subsection (4) of section
 4241 295.07, Florida Statutes, is amended to read:

4242 295.07 Preference in appointment and retention.—

4243 (4) The following positions are exempt from this section:

4244 (a) Those positions that are exempt from the Civil ~~state~~
 4245 ~~Career Service System~~ under s. 110.205.~~(2)~~; However, all
 4246 positions under the University Support Personnel System of the
 4247 State University System as well as all civil ~~Career~~ service
 4248 ~~System~~ positions under the Florida Community College System and
 4249 the School for the Deaf and the Blind, or the equivalent of such
 4250 positions at state universities, community colleges, or the
 4251 School for the Deaf and the Blind, are included.

4252 Section 115. Paragraph (a) of subsection (1) of section
 4253 295.09, Florida Statutes, is amended to read:

4254 295.09 Reinstatement or reemployment; promotion
 4255 preference.—

4256 (1) (a) If ~~When~~ an employee of the state or any of its

4257 political subdivisions employed in a position subject or not
 4258 subject to a civil ~~career~~ service ~~system~~ or other merit-type
 4259 system, with the exception of those positions that ~~which~~ are
 4260 exempt pursuant to s. 295.07(4), has served in the Armed Forces
 4261 of the United States and is discharged or separated ~~therefrom~~
 4262 with an honorable discharge, the state or its political
 4263 subdivision shall reemploy or reinstate such person to the same
 4264 position that he or she held before ~~prior to~~ such service in the
 4265 armed forces, or to an equivalent position, if ~~provided~~ such
 4266 person returns to the position within 1 year of his or her date
 4267 of separation or, in cases of extended active duty, within 1
 4268 year of the date of discharge or separation subsequent to the
 4269 extension. Such person shall also be awarded preference in
 4270 promotion and shall be promoted ahead of all others who are as
 4271 well qualified or less qualified for the position. If ~~When~~ an
 4272 examination for promotion is used ~~utilized~~, such person shall be
 4273 awarded preference points, as provided in s. 295.08, and shall
 4274 be promoted ahead of all those who appear in an equal or lesser
 4275 position on the promotional register, provided he or she first
 4276 successfully passes the examination for the promotional
 4277 position.

4278 Section 116. Subsection (3) of section 296.04, Florida
 4279 Statutes, is amended to read:

4280 296.04 Administrator; duties and qualifications;
 4281 responsibilities.—

4282 (3) The administrator position shall be assigned to the
 4283 Selected Exempt Service under part III ~~V~~ of chapter 110. The
 4284 director shall give veterans' preference in selecting an

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4285 administrator, as provided in ss. 295.07 and 295.085. In
 4286 addition, the administrator must have at least a 4-year degree
 4287 from an accredited university or college and 3 years of
 4288 administrative experience in a health care facility, or any
 4289 equivalent combination of experience, training, and education
 4290 totaling 7 years in work relating to administration of a health
 4291 care facility.

4292 Section 117. Subsection (2) of section 296.34, Florida
 4293 Statutes, is amended to read:

4294 296.34 Administrator; qualifications, duties, and
 4295 responsibilities.—

4296 (2) The position shall be assigned to the Selected Exempt
 4297 Service under part III ~~∅~~ of chapter 110. The director shall give
 4298 veterans preference in selecting an administrator, as provided
 4299 in ss. 295.07 and 295.085. The administrator, at the time of
 4300 entering employment and at all times while employed as the
 4301 administrator must hold a current valid license as a nursing
 4302 home administrator under part II of chapter 468.

4303 Section 118. Subsection (2) of section 381.00315, Florida
 4304 Statutes, is amended to read:

4305 381.00315 Public health advisories; public health
 4306 emergencies.—The State Health Officer is responsible for
 4307 declaring public health emergencies and issuing public health
 4308 advisories.

4309 (2) Individuals who assist the State Health Officer at his
 4310 or her request on a volunteer basis during a public health
 4311 emergency are entitled to the benefits specified in s.
 4312 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

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4313 Section 119. Paragraph (e) of subsection (3) of section
 4314 381.85, Florida Statutes, is amended to read:

4315 381.85 Biomedical and social research.—

4316 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4317 (e) The council shall be staffed by an executive director
 4318 and a secretary who shall be appointed by the council and who
 4319 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter
 4320 110 relating to the Civil Career Service System.

4321 Section 120. Paragraph (a) of subsection (3) of section
 4322 394.47865, Florida Statutes, is amended to read:

4323 394.47865 South Florida State Hospital; privatization.—

4324 (3) (a) Current South Florida State Hospital employees who
 4325 are affected by the privatization shall be given first
 4326 preference for continued employment by the contractor. The
 4327 department shall make reasonable efforts to find suitable job
 4328 placements for employees who wish to remain within the state
 4329 Civil Career Service System.

4330 Section 121. Section 402.3057, Florida Statutes, is
 4331 amended to read:

4332 402.3057 Persons not required to be refingerprinted or
 4333 rescreened.—Notwithstanding any other provision of law to the
 4334 ~~contrary notwithstanding~~, human resource personnel who have been
 4335 fingerprinted or screened pursuant to chapters 393, 394, 397,
 4336 402, and 409, and teachers and noninstructional personnel who
 4337 have been fingerprinted pursuant to chapter 1012, who have not
 4338 been unemployed for more than 90 days thereafter, and who under
 4339 the penalty of perjury attest to the completion of such
 4340 fingerprinting or screening and to compliance with the

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4341 provisions of this section and the standards for good moral
 4342 character as contained in ~~such provisions as~~ ss. 110.1127(3),
 4343 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),
 4344 are ~~shall~~ not ~~be~~ required to be refingerprinted or rescreened in
 4345 order to comply with any caretaker screening or fingerprinting
 4346 requirements.

4347 Section 122. Paragraph (a) of subsection (2) of section
 4348 402.55, Florida Statutes, is amended to read:

4349 402.55 Management fellows program.—

4350 (2) The departments are authorized to establish a
 4351 management fellows program in order to provide highly qualified
 4352 career candidates for key administrative and managerial
 4353 positions in the departments. Such program shall include, but is
 4354 not limited to:

4355 (a) The identification annually by the secretaries, the
 4356 assistant secretaries, and the district administrator in each
 4357 district of one high-potential civil ~~career~~ service employee
 4358 each, to be designated and appointed to serve as a full-time
 4359 health and rehabilitative services management fellow for a
 4360 ~~period of~~ 1 year.

4361 Section 123. Subsection (4) of section 402.7305, Florida
 4362 Statutes, is amended to read:

4363 402.7305 Department of Children and Family Services;
 4364 procurement of contractual services; contract management.—

4365 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
 4366 department shall establish contract monitoring units staffed by
 4367 civil ~~career~~ service employees who report to a member of the
 4368 Selected Exempt Service or Senior Management Service and who

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4369 have been properly trained to perform contract monitoring, with
4370 at least one member of the contract monitoring unit possessing
4371 specific knowledge and experience in the contract's program
4372 area. The department shall establish a contract monitoring
4373 process that includes ~~must include~~, but need not be limited to,
4374 the following requirements:

4375 (a) Performing a risk assessment at the start of each
4376 fiscal year and preparing an annual contract monitoring schedule
4377 that includes consideration for the level of risk assigned. The
4378 department may monitor any contract at any time regardless of
4379 whether such monitoring was originally included in the annual
4380 contract monitoring schedule.

4381 (b) Preparing a contract monitoring plan, including
4382 sampling procedures, before performing onsite monitoring at
4383 external locations of a service provider. The plan must include
4384 a description of the programmatic, fiscal, and administrative
4385 components that will be monitored on site. If appropriate,
4386 clinical and therapeutic components may be included.

4387 (c) Conducting analyses of the performance and compliance
4388 of an external service provider by means of desk reviews if the
4389 external service provider will not be monitored on site during a
4390 fiscal year.

4391 (d) Unless the department sets forth in writing the need
4392 for an extension, providing a written report presenting the
4393 results of the monitoring within 30 days after the completion of
4394 the onsite monitoring or desk review.

4395 (e) Developing and maintaining a set of procedures
4396 describing the contract monitoring process.

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4397 Section 124. Subsection (2) of section 402.731, Florida
 4398 Statutes, is amended to read:

4399 402.731 Department of Children and Family Services
 4400 certification programs for employees and service providers;
 4401 employment provisions for transition to community-based care.—

4402 (2) The department shall develop and implement employment
 4403 programs to attract and retain competent staff to support and
 4404 facilitate the transition to privatized community-based care.
 4405 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,
 4406 salary incentives, relocation allowances, or severance pay. The
 4407 department shall also contract for the delivery or
 4408 administration of outplacement services. The department shall
 4409 establish time-limited exempt positions as provided in s.
 4410 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority
 4411 provided in s. 216.262(1)(c)1. Employees appointed to fill such
 4412 exempt positions shall have the same salaries and benefits as
 4413 civil ~~career~~ service employees.

4414 Section 125. Section 409.1757, Florida Statutes, is
 4415 amended to read:

4416 409.1757 Persons not required to be refingerprinted or
 4417 rescreened.—Notwithstanding any other provision of law to the
 4418 ~~contrary notwithstanding~~, human resource personnel who have been
 4419 fingerprinted or screened pursuant to chapters 393, 394, 397,
 4420 402, and this chapter, and teachers who have been fingerprinted
 4421 pursuant to chapter 1012, who have not been unemployed for more
 4422 than 90 days thereafter, and who under the penalty of perjury
 4423 attest to the completion of such fingerprinting or screening and
 4424 to compliance with ~~the provisions of~~ this section and the

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4425 standards for good moral character as contained in such
 4426 provisions as ss. 110.1127~~(3)~~, 393.0655(1), 394.457(6), 397.451,
 4427 402.305(2), and 409.175(6), are ~~shall~~ not be required to be
 4428 refingerprinted or rescreened in order to comply with any
 4429 caretaker screening or fingerprinting requirements.

4430 Section 126. Subsection (1) of section 409.9205, Florida
 4431 Statutes, is amended to read:

4432 409.9205 Medicaid Fraud Control Unit.—

4433 (1) Except as provided in s. 110.205, all positions in the
 4434 Medicaid Fraud Control Unit of the Department of Legal Affairs
 4435 are ~~hereby~~ transferred to the Civil Career Service System.

4436 Section 127. Section 414.37, Florida Statutes, is amended
 4437 to read:

4438 414.37 Public assistance overpayment recovery
 4439 privatization; reemployment of laid-off ~~career-service~~
 4440 employees.—Should civil ~~career~~ service employees of the
 4441 Department of Children and Family Services be subject to layoff
 4442 after July 1, 1995, due to the privatization of public
 4443 assistance overpayment recovery functions, the privatization
 4444 contract must ~~shall~~ require the contracting firm to give
 4445 priority consideration to employment of such employees. In
 4446 addition, a task force composed of representatives from the
 4447 Department of Children and Family Services and the Department of
 4448 Management Services shall be established to provide reemployment
 4449 assistance to such employees.

4450 Section 128. Subsection (7) of section 427.012, Florida
 4451 Statutes, is amended to read:

4452 427.012 The Commission for the Transportation

4453 Disadvantaged.—There is created the Commission for the
 4454 Transportation Disadvantaged in the Department of
 4455 Transportation.

4456 (7) The commission shall appoint an executive director who
 4457 shall serve under the direction, supervision, and control of the
 4458 commission. The executive director, with the consent of the
 4459 commission, shall employ such personnel as ~~may be~~ necessary to
 4460 perform adequately the functions of the commission within
 4461 budgetary limitations. Employees of the commission are exempt
 4462 from the Civil Career Service System.

4463 Section 129. Subsection (2) of section 447.203, Florida
 4464 Statutes, is amended to read:

4465 447.203 Definitions.—As used in this part:

4466 (2) "Public employer" or "employer" means the state or any
 4467 county, municipality, or special district, or any subdivision or
 4468 agency thereof, which the commission determines has sufficient
 4469 legal distinctiveness ~~properly~~ to properly carry out the
 4470 functions of a public employer. With respect to all public
 4471 employees determined by the commission as properly belonging to
 4472 a statewide bargaining unit composed of state civil Career
 4473 ~~service System~~ employees or selected exempt Professional service
 4474 employees, the Governor is ~~shall be deemed to be~~ the public
 4475 employer; and the Board of Governors of the State University
 4476 System, or the board's designee, is ~~shall be deemed to be~~ the
 4477 public employer with respect to all public employees of each
 4478 constituent state university. The board of trustees of a
 4479 community college is ~~shall be deemed to be~~ the public employer
 4480 with respect to all employees of the community college. The

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4481 district school board is ~~shall be deemed to be~~ the public
 4482 employer with respect to all employees of the school district.
 4483 The Board of Trustees of the Florida School for the Deaf and the
 4484 Blind is ~~shall be deemed to be~~ the public employer with respect
 4485 to the academic and academic administrative personnel of the
 4486 Florida School for the Deaf and the Blind. The Governor is ~~shall~~
 4487 ~~be deemed to be~~ the public employer with respect to all
 4488 employees in the Correctional Education Program of the
 4489 Department of Corrections established pursuant to s. 944.801.

4490 Section 130. Subsection (8) and paragraph (a) of
 4491 subsection (9) of section 447.207, Florida Statutes, is amended
 4492 to read:

4493 447.207 Commission; powers and duties.—

4494 (8) The commission or its designated agent shall hear
 4495 appeals arising out of any suspension, reduction in pay,
 4496 demotion, or dismissal of any permanent employee in the Civil
 4497 ~~State Career Service System~~ in the manner provided in s.
 4498 110.227.

4499 (9) Pursuant to s. 447.208, the commission or its
 4500 designated agent shall hear appeals, and enter such orders as it
 4501 deems appropriate, arising out of:

4502 ~~(a) Section 110.124, relating to termination or transfer~~
 4503 ~~of State Career Service System employees aged 65 or older.~~

4504 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

4505 (b) ~~(e)~~ Section 295.11, relating to reasons for not
 4506 employing a preferred veteran applicant.

4507 Section 131. Section 447.209, Florida Statutes, is amended
 4508 to read:

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4509 447.209 Public employer's rights.—It is the right of the
 4510 public employer to determine unilaterally the purpose of each of
 4511 its constituent agencies, set standards of services to be
 4512 offered to the public, and exercise control and discretion over
 4513 its organization and operations. It is also the right of the
 4514 public employer to direct its employees, take disciplinary
 4515 action for proper cause, and relieve its employees from duty
 4516 because of lack of work or for other legitimate reasons.
 4517 However, the exercise of such rights does ~~shall~~ not preclude
 4518 employees or their representatives from raising grievances,
 4519 should decisions on the above matters have the practical
 4520 consequence of violating the terms and conditions of any
 4521 collective bargaining agreement in force or any civil ~~or career~~
 4522 service rule ~~regulation~~.

4523 Section 132. Section 447.401, Florida Statutes, is amended
 4524 to read:

4525 447.401 Grievance procedures.—Each public employer and
 4526 bargaining agent shall negotiate a grievance procedure to be
 4527 used for the settlement of disputes between employer and
 4528 employee, or group of employees, involving the interpretation or
 4529 application of a collective bargaining agreement. Such grievance
 4530 procedure shall have as its terminal step a final and binding
 4531 disposition by an impartial neutral, mutually selected by the
 4532 parties; however, if ~~when~~ the issue under appeal is an
 4533 allegation of abuse, abandonment, or neglect by an employee
 4534 under s. 39.201 or s. 415.1034, the grievance may not be decided
 4535 until the abuse, abandonment, or neglect of a child has been
 4536 judicially determined. However, an arbiter or other neutral may

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4537 ~~shall not have the power to~~ add to, subtract from, modify, or
 4538 alter the terms of a collective bargaining agreement. If an
 4539 employee organization is certified as the bargaining agent of a
 4540 unit, the grievance procedure ~~then~~ in existence may be the
 4541 subject of collective bargaining, and any agreement that ~~which~~
 4542 is reached supersedes ~~shall supersede~~ the previously existing
 4543 procedure. All public employees shall have the right to a fair
 4544 and equitable grievance procedure administered without regard to
 4545 membership or nonmembership in any organization, except that
 4546 certified employee organizations may ~~shall~~ not be required to
 4547 process grievances for employees who are not members of the
 4548 organization. A civil ~~career~~ service employee may use ~~shall have~~
 4549 ~~the option of utilizing~~ the civil service appeal procedure, an
 4550 unfair labor practice procedure, or a grievance procedure
 4551 established under this section, but such employee may not avail
 4552 ~~is precluded from availing~~ himself or herself of ~~to~~ more than
 4553 one of these procedures.

4554 Section 133. Paragraph (a) of subsection (2) of section
 4555 456.048, Florida Statutes, is amended to read:

4556 456.048 Financial responsibility requirements for certain
 4557 health care practitioners.—

4558 (2) The board or department may grant exemptions upon
 4559 application by practitioners meeting any of the following
 4560 criteria:

4561 (a) Any person licensed under chapter 457, s. 458.3475, s.
 4562 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
 4563 chapter 467 who practices exclusively as an officer, employee,
 4564 or agent of the Federal Government or of the state or its

4565 agencies or its subdivisions. For the purposes of this
 4566 subsection, an agent of the state, its agencies, or its
 4567 subdivisions is a person who is eligible for coverage under any
 4568 self-insurance or insurance program authorized by ~~the provisions~~
 4569 ~~of~~ s. 768.28(16) or who is a volunteer under s. 112.961
 4570 ~~110.501(1)~~.

4571 Section 134. Subsection (29) of section 570.07, Florida
 4572 Statutes, is amended to read:

4573 570.07 Department of Agriculture and Consumer Services;
 4574 functions, powers, and duties.—The department shall have and
 4575 exercise the following functions, powers, and duties:

4576 (29) To advance funds monthly to civil ~~career~~ service
 4577 employees to be used for the purchase of official state samples
 4578 for state examination. Each monthly advance shall be ~~in an~~
 4579 ~~amount~~ equal to one-twelfth of the actual expenses paid the
 4580 position for samples in the previous fiscal year or, in the case
 4581 of a new position, one-twelfth of the expenses paid for samples
 4582 of a similar classification in the previous fiscal year;
 4583 however, in the event of unusual circumstances, such advances
 4584 may be increased for up to ~~a period not to exceed~~ 60 days.
 4585 Advances shall be granted only to civil ~~career~~ service employees
 4586 who have executed a proper power of attorney with the department
 4587 to ensure the collection of such advances if not timely repaid.

4588 Section 135. Subsection (3) of section 601.10, Florida
 4589 Statutes, is amended to read:

4590 601.10 Powers of the Department of Citrus.—The Department
 4591 of Citrus shall have and shall exercise such general and
 4592 specific powers as are delegated to it by this chapter and other

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4593 statutes of the state, which powers shall include, but shall not
 4594 be confined to, the following:

4595 (3) To employ and, at its pleasure, discharge an executive
 4596 director, a secretary, and such attorneys, clerks, and employees
 4597 as it deems necessary and to outline their powers and duties and
 4598 fix their compensation. The department ~~of Citrus~~ may pay, or
 4599 participate in the payment of, premiums for health, accident,
 4600 and life insurance for its full-time employees, pursuant to such
 4601 rules ~~or regulations~~ as it may adopt; and such payments are
 4602 ~~shall be~~ in addition to the regular salaries of such full-time
 4603 employees. The payment of such or similar benefits to its
 4604 employees in foreign countries, including, but not limited to,
 4605 social security, retirement, and other similar fringe benefit
 4606 costs, may be in accordance with laws in effect in the country
 4607 of employment, except that ~~no~~ benefits are not ~~will be~~ payable
 4608 to employees not authorized for other state employees, as
 4609 provided in the Civil Career Service System.

4610 Section 136. Subsection (6) of section 624.307, Florida
 4611 Statutes, is amended to read:

4612 624.307 General powers; duties.—

4613 (6) The department and office may each employ actuaries
 4614 who shall be at-will employees and who shall serve at the
 4615 pleasure of the Chief Financial Officer, in the case of
 4616 department employees, or at the pleasure of the director of the
 4617 office, in the case of office employees. Actuaries employed
 4618 pursuant to this paragraph must ~~shall~~ be members of the Society
 4619 of Actuaries or the Casualty Actuarial Society and are ~~shall be~~
 4620 exempt from the Civil Career Service System established under

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4621 chapter 110. The salaries of the actuaries employed pursuant to
 4622 this paragraph ~~shall be set in accordance with s.~~
 4623 ~~216.251(2)(a)5. and shall be set at levels which are~~
 4624 commensurate with those ~~salary levels~~ paid to actuaries by the
 4625 insurance industry.

4626 Section 137. Subsection (3) of section 624.437, Florida
 4627 Statutes, is amended to read:

4628 624.437 "Multiple-employer welfare arrangement" defined;
 4629 certificate of authority required; penalty.-

4630 (3) This section does not apply to a multiple-employer
 4631 welfare arrangement that ~~which~~ offers or provides benefits that
 4632 ~~which~~ are fully insured by an authorized insurer, to an
 4633 arrangement that ~~which~~ is exempt from state insurance regulation
 4634 in accordance with Pub. L. No. 93-406, the Employee Retirement
 4635 Income Security Act, or to the state group health insurance
 4636 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

4637 Section 138. Paragraph (h) of subsection (4) of section
 4638 627.6488, Florida Statutes, is amended to read:

4639 627.6488 Florida Comprehensive Health Association.-

4640 (4) The association shall:

4641 (h) Contract with preferred provider organizations and
 4642 health maintenance organizations giving due consideration to
 4643 those ~~the preferred provider organizations and health~~
 4644 ~~maintenance~~ organizations that ~~which~~ have contracted with the
 4645 state group health insurance program pursuant to s. 112.942
 4646 ~~110.123~~. If cost-effective and available in the county where the
 4647 policyholder resides, the board, upon application or renewal of
 4648 a policy, shall place a high-risk individual, as established

4649 | under s. 627.6498(4)(a)4., with the plan case manager who shall
 4650 | determine the most cost-effective quality care system or health
 4651 | care provider and shall place the individual in such system or
 4652 | with such health care provider. If cost-effective and available
 4653 | in the county where the policyholder resides, the board, with
 4654 | the consent of the policyholder, may place a low-risk or medium-
 4655 | risk individual, as established under s. 627.6498(4)(a)4., with
 4656 | the plan case manager who may determine the most cost-effective
 4657 | quality care system or health care provider and shall place the
 4658 | individual in such system or with such health care provider.
 4659 | Before ~~Prior to~~ and during the implementation of case
 4660 | management, the plan case manager shall obtain input from the
 4661 | policyholder, parent, or guardian.

4662 | Section 139. Paragraph (a) of subsection (1) of section
 4663 | 627.649, Florida Statutes, is amended to read:

4664 | 627.649 Administrator.—

4665 | (1) The board shall select an administrator, through a
 4666 | competitive bidding process, to administer the plan. The board
 4667 | shall evaluate bids submitted under this subsection based on
 4668 | criteria established by the board, which criteria shall include:

4669 | (a) The administrator's proven ability to handle large
 4670 | group accident and health insurance. and ~~and~~ Due consideration
 4671 | shall be given to an ~~any~~ administrator who has acted as a third-
 4672 | party administrator for the state group health insurance program
 4673 | pursuant to s. 112.942 ~~110.123~~.

4674 | Section 140. Paragraph (a) of subsection (2) and
 4675 | subsection (3) of section 627.6498, Florida Statutes, is amended
 4676 | to read:

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4677 627.6498 Minimum benefits coverage; exclusions; premiums;
4678 deductibles.—

4679 (2) BENEFITS.—

4680 (a) The plan shall offer major medical expense coverage
4681 similar to that provided by the state group health insurance
4682 program under s. 112.942, ~~as defined in s. 110.123~~ except as
4683 specified in subsection (3), to every eligible person who is not
4684 eligible for Medicare. Major medical expense coverage offered
4685 under the plan must ~~shall~~ pay an eligible person's covered
4686 expenses, subject to limits on the deductible and coinsurance
4687 payments authorized under subsection (4), up to a lifetime limit
4688 of \$500,000 per covered individual. The maximum limit may ~~under~~
4689 ~~this paragraph shall~~ not be altered by the board, and an ~~no~~
4690 actuarially equivalent benefit may not be substituted by the
4691 board.

4692 (3) COVERED EXPENSES.—The coverage to be issued by the
4693 association must ~~shall~~ be patterned after the state group health
4694 insurance program as provided in s. 112.942 ~~defined in s.~~
4695 ~~110.123~~, including its benefits, exclusions, and other
4696 limitations, except as otherwise provided in this act. The plan
4697 may cover the cost of experimental drugs that ~~which~~ have been
4698 approved for use by the Food and Drug Administration on an
4699 experimental basis if the cost is less than the usual and
4700 customary treatment. Such coverage applies ~~shall~~ ~~only apply~~ to
4701 those insureds who are in the case management system upon the
4702 approval of the insured, the case manager, and the board.

4703 Section 141. Subsection (4) of section 627.6617, Florida
4704 Statutes, is amended to read:

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4705 627.6617 Coverage for home health care services.—

4706 (4) The provisions of this section do ~~shall~~ not apply to a
 4707 multiple-employer welfare arrangement as defined in s.
 4708 624.437(1) and in the State Health Plan as provided in s.
 4709 112.942 ~~110.123~~.

4710 Section 142. Paragraph (d) of subsection (2) of section
 4711 627.6686, Florida Statutes, is amended to read:

4712 627.6686 Coverage for individuals with autism spectrum
 4713 disorder required; exception.—

4714 (2) As used in this section, the term:

4715 (d) "Health insurance plan" means a group health insurance
 4716 policy or group health benefit plan offered by an insurer which
 4717 includes the state group insurance program provided under s.
 4718 112.942 ~~110.123~~. The term does not include a any health
 4719 insurance plan offered in the individual market which, ~~any~~
 4720 ~~health insurance plan that~~ is individually underwritten, or
 4721 which is any health insurance plan provided to a small employer.

4722 Section 143. Paragraph (a) of subsection (4) of section
 4723 943.0585, Florida Statutes, is amended to read:

4724 943.0585 Court-ordered expunction of criminal history
 4725 records.—The courts of this state have jurisdiction over their
 4726 own procedures, including the maintenance, expunction, and
 4727 correction of judicial records containing criminal history
 4728 information to the extent such procedures are not inconsistent
 4729 with the conditions, responsibilities, and duties established by
 4730 this section. Any court of competent jurisdiction may order a
 4731 criminal justice agency to expunge the criminal history record
 4732 of a minor or an adult who complies with the requirements of

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4733 | this section. The court shall not order a criminal justice
4734 | agency to expunge a criminal history record until the person
4735 | seeking to expunge a criminal history record has applied for and
4736 | received a certificate of eligibility for expunction pursuant to
4737 | subsection (2). A criminal history record that relates to a
4738 | violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
4739 | s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
4740 | 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
4741 | 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
4742 | any violation specified as a predicate offense for registration
4743 | as a sexual predator pursuant to s. 775.21, without regard to
4744 | whether that offense alone is sufficient to require such
4745 | registration, or for registration as a sexual offender pursuant
4746 | to s. 943.0435, may not be expunged, without regard to whether
4747 | adjudication was withheld, if the defendant was found guilty of
4748 | or pled guilty or nolo contendere to the offense, or if the
4749 | defendant, as a minor, was found to have committed, or pled
4750 | guilty or nolo contendere to committing, the offense as a
4751 | delinquent act. The court may only order expunction of a
4752 | criminal history record pertaining to one arrest or one incident
4753 | of alleged criminal activity, except as provided in this
4754 | section. The court may, at its sole discretion, order the
4755 | expunction of a criminal history record pertaining to more than
4756 | one arrest if the additional arrests directly relate to the
4757 | original arrest. If the court intends to order the expunction of
4758 | records pertaining to such additional arrests, such intent must
4759 | be specified in the order. A criminal justice agency may not
4760 | expunge any record pertaining to such additional arrests if the

4761 order to expunge does not articulate the intention of the court
 4762 to expunge a record pertaining to more than one arrest. This
 4763 section does not prevent the court from ordering the expunction
 4764 of only a portion of a criminal history record pertaining to one
 4765 arrest or one incident of alleged criminal activity.

4766 Notwithstanding any law to the contrary, a criminal justice
 4767 agency may comply with laws, court orders, and official requests
 4768 of other jurisdictions relating to expunction, correction, or
 4769 confidential handling of criminal history records or information
 4770 derived therefrom. This section does not confer any right to the
 4771 expunction of any criminal history record, and any request for
 4772 expunction of a criminal history record may be denied at the
 4773 sole discretion of the court.

4774 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
 4775 criminal history record of a minor or an adult which is ordered
 4776 expunged by a court of competent jurisdiction pursuant to this
 4777 section must be physically destroyed or obliterated by any
 4778 criminal justice agency having custody of such record; except
 4779 that any criminal history record in the custody of the
 4780 department must be retained in all cases. A criminal history
 4781 record ordered expunged which ~~that~~ is retained by the department
 4782 is confidential and exempt from the provisions of s. 119.07(1)
 4783 and s. 24(a), Art. I of the State Constitution and not available
 4784 to any person or entity except upon order of a court of
 4785 competent jurisdiction. A criminal justice agency may retain a
 4786 notation indicating compliance with an order to expunge.

4787 (a) The person who is the subject of a criminal history
 4788 record that is expunged under this section or under other

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4789 provisions of law, including former s. 893.14, former s. 901.33,
 4790 and former s. 943.058, may lawfully deny or fail to acknowledge
 4791 the arrests covered by the expunged record, unless ~~except when~~
 4792 the subject of the record:

- 4793 1. Is a candidate for employment with a criminal justice
 4794 agency;
- 4795 2. Is a defendant in a criminal prosecution;
- 4796 3. Concurrently or subsequently petitions for relief under
 4797 this section or s. 943.059;
- 4798 4. Is a candidate for admission to The Florida Bar;
- 4799 5. Is seeking to be employed or licensed by or to contract
 4800 with the Department of Children and Family Services, the Agency
 4801 for Health Care Administration, the Agency for Persons with
 4802 Disabilities, or the Department of Juvenile Justice or to be
 4803 employed or used by such contractor or licensee in a sensitive
 4804 position having direct contact with children, the
 4805 developmentally disabled, the aged, or the elderly as provided
 4806 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.
 4807 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
 4808 chapter 916, s. 985.644, chapter 400, or chapter 429;
- 4809 6. Is seeking to be employed or licensed by the Department
 4810 of Education, any district school board, any university
 4811 laboratory school, any charter school, any private or parochial
 4812 school, or any local governmental entity that licenses child
 4813 care facilities; or
- 4814 7. Is seeking authorization from a seaport listed in s.
 4815 311.09 for employment within or access to one or more of such
 4816 seaports pursuant to s. 311.12.

4817 Section 144. Paragraph (a) of subsection (4) of section
 4818 943.059, Florida Statutes, is amended to read:
 4819 943.059 Court-ordered sealing of criminal history
 4820 records.—The courts of this state shall continue to have
 4821 jurisdiction over their own procedures, including the
 4822 maintenance, sealing, and correction of judicial records
 4823 containing criminal history information to the extent such
 4824 procedures are not inconsistent with the conditions,
 4825 responsibilities, and duties established by this section. Any
 4826 court of competent jurisdiction may order a criminal justice
 4827 agency to seal the criminal history record of a minor or an
 4828 adult who complies with the requirements of this section. The
 4829 court shall not order a criminal justice agency to seal a
 4830 criminal history record until the person seeking to seal a
 4831 criminal history record has applied for and received a
 4832 certificate of eligibility for sealing pursuant to subsection
 4833 (2). A criminal history record that relates to a violation of s.
 4834 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 4835 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 4836 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 4837 916.1075, a violation enumerated in s. 907.041, or any violation
 4838 specified as a predicate offense for registration as a sexual
 4839 predator pursuant to s. 775.21, without regard to whether that
 4840 offense alone is sufficient to require such registration, or for
 4841 registration as a sexual offender pursuant to s. 943.0435, may
 4842 not be sealed, without regard to whether adjudication was
 4843 withheld, if the defendant was found guilty of or pled guilty or
 4844 nolo contendere to the offense, or if the defendant, as a minor,

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4845 was found to have committed or pled guilty or nolo contendere to
4846 committing the offense as a delinquent act. The court may only
4847 order sealing of a criminal history record pertaining to one
4848 arrest or one incident of alleged criminal activity, except as
4849 provided in this section. The court may, at its sole discretion,
4850 order the sealing of a criminal history record pertaining to
4851 more than one arrest if the additional arrests directly relate
4852 to the original arrest. If the court intends to order the
4853 sealing of records pertaining to such additional arrests, such
4854 intent must be specified in the order. A criminal justice agency
4855 may not seal any record pertaining to such additional arrests if
4856 the order to seal does not articulate the intention of the court
4857 to seal records pertaining to more than one arrest. This section
4858 does not prevent the court from ordering the sealing of only a
4859 portion of a criminal history record pertaining to one arrest or
4860 one incident of alleged criminal activity. Notwithstanding any
4861 law to the contrary, a criminal justice agency may comply with
4862 laws, court orders, and official requests of other jurisdictions
4863 relating to sealing, correction, or confidential handling of
4864 criminal history records or information derived therefrom. This
4865 section does not confer any right to the sealing of any criminal
4866 history record, and any request for sealing a criminal history
4867 record may be denied at the sole discretion of the court.

4868 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
4869 history record of a minor or an adult which is ordered sealed by
4870 a court of competent jurisdiction pursuant to this section is
4871 confidential and exempt from the provisions of s. 119.07(1) and
4872 s. 24(a), Art. I of the State Constitution and is available only

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4873 to the person who is the subject of the record, to the subject's
 4874 attorney, to criminal justice agencies for their respective
 4875 criminal justice purposes, which include conducting a criminal
 4876 history background check for approval of firearms purchases or
 4877 transfers as authorized by state or federal law, to judges in
 4878 the state courts system for the purpose of assisting them in
 4879 their case-related decisionmaking responsibilities, as set forth
 4880 in s. 943.053(5), or to those entities set forth in
 4881 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
 4882 licensing, access authorization, and employment purposes.

4883 (a) The subject of a criminal history record sealed under
 4884 this section or under other provisions of law, including former
 4885 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 4886 deny or fail to acknowledge the arrests covered by the sealed
 4887 record, except if ~~when~~ the subject of the record:

- 4888 1. Is a candidate for employment with a criminal justice
 4889 agency;
- 4890 2. Is a defendant in a criminal prosecution;
- 4891 3. Concurrently or subsequently petitions for relief under
 4892 this section or s. 943.0585;
- 4893 4. Is a candidate for admission to The Florida Bar;
- 4894 5. Is seeking to be employed or licensed by or to contract
 4895 with the Department of Children and Family Services, the Agency
 4896 for Health Care Administration, the Agency for Persons with
 4897 Disabilities, or the Department of Juvenile Justice or to be
 4898 employed or used by such contractor or licensee in a sensitive
 4899 position having direct contact with children, the
 4900 developmentally disabled, the aged, or the elderly as provided

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4901 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.
 4902 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
 4903 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

4904 6. Is seeking to be employed or licensed by the Department
 4905 of Education, any district school board, any university
 4906 laboratory school, any charter school, any private or parochial
 4907 school, or any local governmental entity that licenses child
 4908 care facilities;

4909 7. Is attempting to purchase a firearm from a licensed
 4910 importer, licensed manufacturer, or licensed dealer and is
 4911 subject to a criminal history check under state or federal law;
 4912 or

4913 8. Is seeking authorization from a Florida seaport
 4914 identified in s. 311.09 for employment within or access to one
 4915 or more of such seaports pursuant to s. 311.12.

4916 Section 145. Subsection (2) of section 945.043, Florida
 4917 Statutes, is amended to read:

4918 945.043 Department-operated day care services.—

4919 (2) The department is exempt from s. 112.915 ~~the~~
 4920 ~~requirements of s. 110.151.~~

4921 Section 146. Subsection (1) of section 946.525, Florida
 4922 Statutes, is amended to read:

4923 946.525 Participation by the corporation in the state
 4924 group health insurance and prescription drug programs.—

4925 (1) The board of directors of the corporation established
 4926 under this part may apply for participation in the state group
 4927 health insurance program authorized under s. 112.942 ~~in s.~~
 4928 ~~110.123~~ and the prescription drug coverage program authorized

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4929 under s. 112.944 ~~by s. 110.12315~~ by submitting an application
 4930 along with a \$500 nonrefundable fee to the Department of
 4931 Management Services.

4932 Section 147. Paragraph (b) of subsection (1) of section
 4933 1001.705, Florida Statutes, is amended to read:

4934 1001.705 Responsibility for the State University System
 4935 under s. 7, Art. IX of the State Constitution; legislative
 4936 finding and intent.—

4937 (1) LEGISLATIVE FINDINGS.—

4938 (b) Constitutional duties of the Board of Governors of the
 4939 State University System.—In accordance with s. 7, Art. IX of the
 4940 State Constitution, the Board of Governors of the State
 4941 University System has the duty to operate, regulate, control,
 4942 and be fully responsible for the management of the whole
 4943 publicly funded State University System and the board, or the
 4944 board's designee, has responsibility for:

4945 1. Defining the distinctive mission of each constituent
 4946 university.

4947 2. Defining the articulation of each constituent
 4948 university in conjunction with the Legislature's authority over
 4949 the public schools and community colleges.

4950 3. Ensuring the well-planned coordination and operation of
 4951 the State University System.

4952 4. Avoiding wasteful duplication of facilities or programs
 4953 within the State University System.

4954 5. Accounting for expenditure of funds appropriated by the
 4955 Legislature for the State University System as provided by law.

4956 6. Submitting a budget request for legislative

4957 appropriations for the institutions under the supervision of the
 4958 board as provided by law.

4959 7. Adopting strategic plans for the State University
 4960 System and each constituent university.

4961 8. Approving, reviewing, and terminating degree programs
 4962 of the State University System.

4963 9. Governing admissions to the state universities.

4964 10. Serving as the public employer to all public employees
 4965 of state universities for collective bargaining purposes.

4966 11. Establishing a personnel system for all state
 4967 university employees; however, the Department of Management
 4968 Services shall retain authority over state university employees
 4969 for programs established in ss. 112.942 ~~110.123~~, 112.945
 4970 ~~110.1232~~, 112.946 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949
 4971 ~~110.161~~, and in chapters 121, 122, and 238.

4972 12. Complying with, and enforcing for institutions under
 4973 the board's jurisdiction, all applicable local, state, and
 4974 federal laws.

4975 Section 148. Paragraph (b) of subsection (5) of section
 4976 1001.706, Florida Statutes, is amended to read:

4977 1001.706 Powers and duties of the Board of Governors.—

4978 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

4979 (b) The Department of Management Services shall retain
 4980 authority over state university employees for programs
 4981 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946
 4982 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters
 4983 121, 122, and 238. Unless specifically authorized by law,
 4984 neither the Board of Governors nor a state university may offer

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4985 group insurance programs for employees as a substitute for or as
 4986 an alternative to the health insurance programs offered pursuant
 4987 to chapter 112 ~~110~~.

4988 Section 149. Paragraph (c) of subsection (5) of section
 4989 1001.74, Florida Statutes, is amended to read:

4990 1001.74 Powers and duties of university boards of
 4991 trustees.—

4992 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

4993 (c) The Department of Management Services shall retain
 4994 authority over state university employees for programs
 4995 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946
 4996 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters
 4997 121, 122, and 238. Unless specifically authorized by law,
 4998 neither the Board of Governors nor a state university may offer
 4999 group insurance programs for employees as a substitute for or as
 5000 an alternative to the health insurance programs offered pursuant
 5001 to chapter 112 ~~110~~.

5002 Section 150. Paragraph (f) of subsection (8) of section
 5003 1002.36, Florida Statutes, is amended to read:

5004 1002.36 Florida School for the Deaf and the Blind.—

5005 (4) BOARD OF TRUSTEES.—

5006 (f) The board of trustees shall:

5007 1. Prepare and submit legislative budget requests for
 5008 operations and fixed capital outlay, in accordance with chapter
 5009 216 and ss. 1011.56 and 1013.60, to the Department of Education
 5010 for review and approval. The department must analyze the amount
 5011 requested for fixed capital outlay to determine if the request
 5012 is consistent with the school's campus master plan, educational

5013 | plant survey, and facilities master plan. Projections of
 5014 | facility space needs may exceed the norm space and occupant
 5015 | design criteria established in the State Requirements for
 5016 | Educational Facilities.

5017 | 2. Approve and administer an annual operating budget in
 5018 | accordance with ss. 1011.56 and 1011.57.

5019 | 3. Require all funds received other than gifts, donations,
 5020 | bequests, funds raised by or belonging to student clubs or
 5021 | student organizations, and funds held for specific students or
 5022 | in accounts for individual students to be deposited in the State
 5023 | Treasury and expended as authorized in the General
 5024 | Appropriations Act.

5025 | 4. Require all purchases to be in accordance with the
 5026 | provisions of chapter 287 except for purchases made with funds
 5027 | received as gifts, donations, or bequests; funds raised by or
 5028 | belonging to student clubs or student organizations; or funds
 5029 | held for specific students or in accounts for individual
 5030 | students.

5031 | 5. Administer and maintain personnel programs for all
 5032 | employees of the board of trustees and the Florida School for
 5033 | the Deaf and the Blind who shall be state employees, including
 5034 | the personnel classification and pay plan established in
 5035 | accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and
 5036 | 216.251(2)(a)2. for academic and academic administrative
 5037 | personnel, the provisions of chapter 110, and the provisions of
 5038 | law that grant authority to the Department of Management
 5039 | Services over such programs for state employees.

5040 | 6. Give preference in appointment and retention in

5041 positions of employment as provided within s. 295.07(1).

5042 7. Ensure that the Florida School for the Deaf and the
 5043 Blind complies with s. 1013.351 concerning the coordination of
 5044 planning between the Florida School for the Deaf and the Blind
 5045 and local governing bodies.

5046 8. Ensure that the Florida School for the Deaf and the
 5047 Blind complies with s. 112.061 concerning per diem and travel
 5048 expenses of public officers, employees, and authorized persons
 5049 with respect to all funds other than funds received as gifts,
 5050 donations, or bequests; funds raised by or belonging to student
 5051 clubs or student organizations; or funds held for specific
 5052 students or in accounts for individual students.

5053 9. Adopt a master plan that ~~which~~ specifies the mission
 5054 and objectives of the Florida School for the Deaf and the Blind.
 5055 The plan shall include, but not be limited to, procedures for
 5056 systematically measuring the school's progress toward meeting
 5057 its objectives, analyzing changes in the student population, and
 5058 modifying school programs and services to respond to such
 5059 changes. The plan shall be for a period of 5 years and shall be
 5060 reviewed for needed modifications every 2 years. The board of
 5061 trustees shall submit the initial plan and subsequent
 5062 modifications to the Speaker of the House of Representatives and
 5063 the President of the Senate.

5064 10. Designate a portion of the school as "The Verle Allyn
 5065 Pope Complex for the Deaf," in tribute to the late Senator Verle
 5066 Allyn Pope.

5067 (8) CAMPUS POLICE.—

5068 (f) The board of trustees shall adopt rules, including,

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5069 without limitation, rules for the appointment, employment, and
 5070 removal of campus police in accordance with the Civil State
 5071 ~~Career~~ Service under chapter 110 System and shall establish in
 5072 writing a policy manual, that includes, without limitation,
 5073 procedures for managing routine law enforcement situations and
 5074 emergency law enforcement situations. The board of trustees
 5075 shall furnish a copy of the policy manual to each of the campus
 5076 police officers it employs. A campus police officer appointed by
 5077 the board of trustees must have completed the training required
 5078 by the school in the special needs and proper procedures for
 5079 dealing with students served by the school.

5080 Section 151. Section 1012.62, Florida Statutes, is amended
 5081 to read:

5082 1012.62 Transfer of sick leave and annual leave.—In
 5083 implementing ~~the provisions of~~ ss. 402.22(1)(d) and
 5084 1001.42(4)(m), educational personnel in Department of Children
 5085 and Family Services residential care facilities who are employed
 5086 by a district school board may request, and the district school
 5087 board shall accept, a lump-sum transfer of accumulated sick
 5088 leave for such personnel to the maximum allowed by policies of
 5089 the district school board, notwithstanding ~~the provisions of~~ s.
 5090 112.910 ~~110.122~~. Educational personnel in Department of Children
 5091 and Family Services residential care facilities who are employed
 5092 by a district school board under ~~the provisions of~~ s.
 5093 402.22(1)(d) may request, and the district school board shall
 5094 accept, a lump-sum transfer of accumulated annual leave for each
 5095 person employed by the district school board in a position in
 5096 the district eligible to accrue vacation leave under the

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5097 policies of the district school board.

5098 Section 152. Subsection (5) of section 1012.79, Florida
5099 Statutes, is amended to read:

5100 1012.79 Education Practices Commission; organization.—

5101 (5) The commission, by a vote of three-fourths of the
5102 membership, shall employ an executive director, who shall be
5103 exempt from the Civil ~~career~~ Service. The executive director may
5104 be dismissed by a majority vote of the membership.

5105 Section 153. Subsection (6) of section 1012.88, Florida
5106 Statutes, is amended to read:

5107 1012.88 Community college police.—

5108 (6) The community college, with the approval of the
5109 Department of Law Enforcement, shall adopt rules, including,
5110 without limitation, rules for the appointment, employment, and
5111 removal of community college police in accordance with the Civil
5112 ~~state Career~~ Service under chapter 110 System and shall
5113 establish in writing a policy manual, that includes, without
5114 limitation, procedures for managing routine law enforcement
5115 situations and emergency law enforcement situations. The
5116 community college shall furnish a copy of the policy manual to
5117 each of the police officers it employs.

5118 Section 154. This act shall take effect July 1, 2010.