

By Senator Ring

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

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

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59 provisions relating to collective bargaining; creating
60 s. 110.184, F.S.; revising provisions relating to the
61 department's annual workforce report; providing a
62 directive to the Division of Statutory Revision;
63 creating s. 110.202, F.S.; providing a declaration of
64 policy with respect to the establishment of the Civil
65 Service; amending s. 110.205, F.S.; revising
66 provisions relating to the list of positions that are
67 exempted from the Civil Service; authorizing the
68 department to adopt rules; creating s. 110.208, F.S.;
69 providing for a uniform classification system for
70 civil service positions; creating s. 110.2085, F.S.;
71 providing a pay plan for civil service positions;
72 authorizing the department to adopt rules; amending s.
73 110.211, F.S.; revising provisions relating to
74 recruitment; authorizing the department to adopt
75 rules; amending s. 110.213, F.S.; revising provisions
76 relating to selecting a candidate for employment;
77 authorizing the department to adopt rules; amending s.
78 110.2135, F.S.; revising provisions relating to
79 veterans' preference; authorizing the department to
80 adopt rules; amending s. 110.215, F.S.; revising
81 provisions relating to employing persons with
82 disabilities; authorizing the department to adopt
83 rules; amending s. 110.217, F.S.; revising provisions
84 relating to a change in an employee's position status;
85 amending s. 110.219, F.S.; revising provisions
86 relating to attendance and leave policies; amending s.
87 110.224, F.S.; revising provisions relating to

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88 employee evaluation; amending s. 110.227, F.S.;

89 revising provisions relating to employee grievances;

90 providing a directive; transferring, renumbering, and

91 amending s. 110.601, F.S.; revising provisions

92 relating to selected exempt service policy;

93 transferring, renumbering, and amending s. 110.602,

94 F.S.; revising provisions relating to the creation of

95 the Select Exempt Service; transferring, renumbering,

96 and amending s. 110.605, F.S.; revising provisions

97 relating to the powers and duties of the department;

98 creating s. 110.3023, F.S.; providing for the

99 recruitment of selected exempt service staff;

100 providing a directive to the Division of Statutory

101 Revision; amending s. 110.401, F.S.; revising

102 provisions relating to policies for senior management

103 employees; amending s. 110.402, F.S.; revising

104 provisions relating to the establishment of the Senior

105 Management Service; amending s. 110.403, F.S.;

106 revising provisions relating to the duties of the

107 department with respect to the Senior Management

108 Services; creating s. 110.4035, F.S.; providing

109 recruitment requirements for senior management service

110 employees; providing a directive to the Division of

111 Statutory Revision; creating s. 112.906, F.S.;

112 providing definitions for part IX of chapter 110,

113 F.S., relating to state employment; transferring,

114 renumbering, and amending s. 110.131, F.S.; revising a

115 provision relating to other-personal-service

116 employment; transferring and renumbering s. 110.1128,

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117 F.S., relating to selective service registration;
118 transferring, renumbering, and amending s. 110.1221,
119 F.S.; revising provisions relating to the state sexual
120 harassment policy; transferring, renumbering, and
121 amending s. 110.122, F.S.; revising provisions
122 relating to payment for sick leave; transferring,
123 renumbering, and amending s. 110.121, F.S.; revising
124 provisions relating to the sick leave pool;
125 transferring, renumbering, and amending s. 110.119,
126 F.S.; revising provisions relating to administrative
127 leave for a service-connected disability;
128 transferring, renumbering, and amending ss. 110.120
129 and 110.1091, F.S.; conforming provisions to changes
130 made by the act; transferring, renumbering, and
131 amending s. 110.151, F.S.; revising provisions
132 relating to child care services provided by a state
133 agency; transferring and renumbering s. 110.181, F.S.;
134 transferring, renumbering, and amending s. 110.1225,
135 F.S.; revising provisions relating to agency
136 furloughs; transferring and renumbering s. 110.1155,
137 F.S.; transferring, renumbering, and amending s.
138 110.191, F.S.; revising provisions relating to state
139 employee leasing; transferring, renumbering, and
140 amending s. 110.1082, F.S.; transferring, renumbering,
141 and amending s. 110.1165, F.S.; revising provisions
142 relating to telephone use; creating s. 112.922, F.S.;
143 providing penalties for violations relating to state
144 employment; creating s. 112.923, F.S.; requiring state
145 employees to participate in the direct deposit

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146 program; transferring, renumbering, and amending s.
147 110.114, F.S.; conforming provisions to changes made
148 by the act; providing a directive to the Division of
149 Statutory Revision; transferring, renumbering, and
150 amending s. 110.1227, F.S.; conforming a cross-
151 reference; transferring, renumbering, and amending s.
152 110.1228, F.S.; conforming a cross-reference;
153 transferring, renumbering, and amending s. 110.123,
154 F.S.; conforming provisions to changes made by the
155 act; transferring, renumbering, and amending s.
156 110.12312, F.S.; conforming cross-references;
157 transferring and renumbering s. 110.12315, F.S.;
158 transferring, renumbering, and amending s. 110.1232,
159 F.S.; conforming cross-references; transferring and
160 renumbering s. 110.1234, F.S.; transferring and
161 renumbering s. 110.1238, F.S.; transferring and
162 renumbering s. 110.1239, F.S.; transferring,
163 renumbering, and amending s. 110.161, F.S.; conforming
164 a cross-reference; creating s. 112.950, F.S.;
165 providing for penalties; providing a directive to the
166 Division of Statutory Revision; transferring,
167 renumbering, and amending s. 110.501, F.S.; revising
168 definitions relating to state volunteer services;
169 transferring, renumbering, and amending s. 110.502,
170 F.S.; revising provisions relating to volunteer
171 status; transferring, renumbering, and amending s.
172 110.503, F.S.; revising provisions relating to state
173 agency responsibilities; transferring, renumbering,
174 and amending s. 110.504, F.S.; revising provisions

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175 relating to volunteer benefits; creating s. 112.965,
176 F.S.; providing for penalties; repealing s. 110.115,
177 F.S., relating to employees of historical commissions;
178 repealing s. 110.118, F.S., relating to administrative
179 leave for athletic competitions; repealing s. 110.124,
180 F.S., relating to the termination or transfer of
181 employees 65 years of age or older; repealing s.
182 110.129, F.S., relating to technical personnel
183 assistance to political subdivisions; repealing s.
184 110.1521, F.S., relating to a short title; repealing
185 s. 110.1522, F.S., relating to a model rule
186 establishing family support personnel policies;
187 repealing s. 110.1523, F.S., relating to the adoption
188 of the model rule; repealing s. 110.201, F.S.,
189 relating to personnel rules, records, and reports;
190 repealing s. 110.2035, F.S., relating to the
191 classification and compensation program for employment
192 positions; repealing s. 110.21, F.S., relating to
193 shared employment; repealing s. 110.221, F.S.,
194 relating to parental or family medical leave;
195 repealing s. 110.406, F.S., relating to senior
196 management services data collections; repealing s.
197 110.603, F.S., relating to a classification plan and
198 pay bands for selected exempt positions; repealing s.
199 110.604, F.S., relating to certain personnel actions
200 for selected exempt service employees; repealing s.
201 110.606, F.S., relating to selected exempt service
202 data collection; amending ss. 11.13, 20.055, 20.21,
203 20.23, 20.255, 24.105, 24.122, 30.071, 43.16, 104.31,

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204 106.24, 112.044, 112.0805, 112.313, 112.3145, 112.363,
 205 121.021, 121.051, 121.055, 121.35, 145.19, 216.011,
 206 216.181, 287.175, 295.07, 295.09, 296.04, 296.34,
 207 381.00315, 381.85, 394.47865, 402.3057, 402.55,
 208 402.7305, 402.731, 409.1757, 409.9205, 414.37,
 209 427.012, 447.203, 447.207, 447.209, s. 447.401,
 210 456.048, 570.07, 601.10, 624.307, 624.437, 627.6488,
 211 627.649, 627.6498, 627.6617, 627.6686, 943.0585,
 212 943.059, 945.043, 946.525, 1001.705, 1001.706,
 213 1001.74, 1002.36, 1012.62, 1012.79, and 1012.88, F.S.;

214 conforming provisions to changes made by the act;
 215 providing an effective date.

216
 217 Be It Enacted by the Legislature of the State of Florida:

218
 219 Section 1. The Division of Statutory Revision is requested
 220 to rename chapter 110, Florida statutes, as "State Personnel
 221 System."

222 Section 2. The Division of Statutory Revision is requested
 223 to rename part I of chapter 110, Florida statutes, as "General
 224 Provisions."

225 Section 3. Section 110.105, Florida Statutes, is amended to
 226 read:

227 110.105 Employment policy of the state.—

228 (1) ~~It is~~ The purpose of this chapter is to establish the
 229 State Personnel a System of personnel management. The This
 230 system shall provide a means for maintaining to recruit, select,
 231 train, develop, and maintain an effective and responsible
 232 workforce and includes shall include policies, and procedures,

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233 and guidelines for employee hiring and advancement, training and
234 career development, position classification, salary
235 administration, benefits, attendance and leave, discipline,
236 dismissal discharge, employee performance evaluations,
237 affirmative action, and other related activities.

238 ~~(2) All appointments, terminations, assignments and~~
239 ~~maintenance of status, compensation, privileges, and other terms~~
240 ~~and conditions of employment in state government shall be made~~
241 ~~without regard to age, sex, race, religion, national origin,~~
242 ~~political affiliation, marital status, or handicap, except when~~
243 ~~a specific sex, age, or physical requirement constitutes a bona~~
244 ~~fide occupational qualification necessary to proper and~~
245 ~~efficient administration.~~

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

250 ~~(2)(4)~~ This chapter contains the requirements and ~~guides~~
251 for establishing and maintaining a system of personnel
252 administration on a merit basis. The system ~~of personnel~~
253 ~~administration~~ shall be implemented so as to ensure that the
254 permit state agencies in the State Personnel System are to be
255 eligible for to receive federal funds.

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

259 Section 4. Section 110.107, Florida Statutes, is
260 transferred, renumbered as section 110.1054, Florida Statutes,
261 reordered, and amended to read:

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262 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the
 263 term:

264 (5) ~~(1)~~ "Department" means the Department of Management
 265 Services.

266 (30) ~~(2)~~ "Secretary" means the Secretary of Management
 267 Services.

268 ~~(3) "Furlough" means a temporary reduction in the regular
 269 hours of employment in a pay period, or temporary leave without
 270 pay for one or more pay periods, with a commensurate reduction
 271 in pay, necessitated by a projected deficit in any fund that
 272 supports salary and benefit appropriations. The deficit must be
 273 projected by the Revenue Estimating Conference pursuant to s.
 274 216.136(3).~~

275 (31) ~~(4)~~ "State agency" or "agency" means any of the
 276 following entities and organizational units of such entities as
 277 specified by law: official, officer, commission, board,
 278 ~~authority, council, committee, or department of the executive~~
 279 ~~branch or the judicial branch of state government as defined in~~
 280 ~~chapter 216.~~

281 (a) Agency for Enterprise Information Technology.

282 (b) Agency for Health Care Administration.

283 (c) Agency for Persons with Disabilities.

284 (d) Agency for Workforce Innovation.

285 (e) Department of Agriculture and Consumer Services.

286 (f) Department of Business and Professional Regulation.

287 (g) Department of Children and Family Services.

288 (h) Department of Citrus.

289 (i) Department of Community Affairs.

290 (j) Department of Corrections.

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- 291 (k) Department of Education.
292 (l) Department of Elderly Affairs.
293 (m) Department of Environmental Protection.
294 (n) Department of Financial Services.
295 (o) Department of Health.
296 (p) Department of Highway Safety and Motor Vehicles.
297 (q) Department of Juvenile Justice.
298 (r) Department of Law Enforcement.
299 (s) Department of Legal Affairs.
300 (t) Department of Management Services.
301 (u) Department of Military Affairs, except for "military"
302 personnel positions as defined in s. 250.05(2).
303 (v) Department of Revenue.
304 (w) Department of State.
305 (x) Department of Transportation.
306 (y) Department of Veterans' Affairs.
307 (z) Executive Office of the Governor.
308 (aa) Fish and Wildlife Conservation Commission.
309 (bb) Florida Public Service Commission.
310 (cc) Florida School for the Deaf and the Blind, except for
311 the "academic" and "academic administrative" personnel covered
312 by s. 1002.36(4)(f)1.
313 (dd) Parole Commission.
314 (32) "State employee" or "employee" means an employee of a
315 state agency.
316 (33) "State Personnel System" means the system of personnel
317 administration for authorized civil service, selected exempt
318 service, and senior management service positions and other-
319 personal-services employment within a state agency.

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320 (22)~~(5)~~ "Position" means the work, consisting of duties and
321 responsibilities, ~~assigned~~ to be performed by an officer or
322 employee.

323 (23) "Position description" means the document that
324 accurately describes the assigned duties, responsibilities, and
325 other pertinent information, including licensure or
326 certification or registration requirements, of a position and
327 that serves as the official record of the work and other
328 requirements of the position.

329 (10)~~(6)~~ "Full-time position" means a position authorized
330 for the entire normally established work period, daily, weekly,
331 monthly, or annually.

332 (19)~~(7)~~ "Part-time position" means a position authorized
333 for less than the entire normally established work period,
334 whether daily, weekly, monthly, or annually.

335 (16)~~(8)~~ "Occupation" means all positions that ~~which~~ are
336 sufficiently similar in knowledge, skills, and abilities, and
337 sufficiently similar as to kind or subject matter of work.

338 (17)~~(9)~~ "Occupational group" means a group of occupations
339 which are sufficiently similar in the kind of work performed to
340 warrant the use of the same performance factors in determining
341 the level of complexity for all occupations in that occupational
342 group.

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

345 (3)~~(10)~~ "Classification system plan" means a formal
346 description of the concepts, rules, job family definitions,
347 occupational group characteristics, ~~and~~ occupational profiles,
348 and broadband levels used to classify in the classification of

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349 positions.

350 (20)~~(11)~~ "Pay plan" means a formal description of the
351 philosophy, methods, procedures, and salary schedules for
352 competitively compensating employees at market-based rates for
353 work performed.

354 (29)~~(12)~~ "Salary schedule" means an official document that
355 ~~which~~ contains a complete list of occupation titles, broadband
356 level codes, ~~and~~ pay bands, and other related information.

357 (1)~~(13)~~ "Authorized position" means a position included in
358 an approved budget. In counting the number of authorized
359 positions, part-time positions may be converted to full-time
360 equivalents.

361 (8)~~(14)~~ "Established position" means an authorized position
362 that ~~which~~ has been classified in accordance with a
363 classification system and pay plan as provided by law.

364 (24)~~(15)~~ "Position number" means the identification number
365 assigned to an established position or other-personal-services
366 employment position.

367 (28)~~(16)~~ "Reclassification" means changing an established
368 position ~~in one broadband level in an occupational group~~ to a
369 higher or lower broadband level within ~~in~~ the same occupation or
370 changing an established position to a different occupation,
371 either of which is the result of a change in the duties and
372 responsibilities of the position ~~occupational group or to a~~
373 ~~broadband level in a different occupational group.~~

374 (26)~~(17)~~ "Promotion" means moving a civil service employee
375 to a higher broadband level within an occupation, or moving an
376 employee to an occupation that has a broadband level having
377 ~~changing the classification of an employee to a broadband level~~

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378 ~~having a higher maximum salary; or the changing of the~~
379 ~~classification of an employee to a broadband level having the~~
380 ~~same or a lower maximum salary but a higher level of~~
381 ~~responsibility.~~

382 (4) ~~(18)~~ "Demotion" means moving a civil service ~~changing~~
383 ~~the classification of an employee to a lower~~ broadband level
384 within an occupation, or moving an employee to an occupation
385 that has a broadband level ~~having a lower maximum salary; or the~~
386 ~~changing of the classification of an employee to a broadband~~
387 ~~level having the same or a higher maximum salary but a lower~~
388 ~~level of responsibility.~~

389 (36) ~~(19)~~ "Transfer" means moving a civil service ~~an~~
390 ~~employee from one geographic location of the state to a~~
391 ~~different geographic location that is more than in excess of 50~~
392 highway miles from the employee's current work location. The
393 mileage shall be calculated using an official Department of
394 Transportation map.

395 (27) ~~(20)~~ "Reassignment" means moving a civil service ~~an~~
396 ~~employee from a position in an occupation to a position in the~~
397 same occupation that has the same ~~one~~ broadband level but with
398 different duties; or to a different ~~position in a different~~
399 occupation that has a the same ~~broadband level~~ having the same
400 maximum salary; or to a position in the same occupation that has
401 the same ~~different~~ broadband level and substantially the same
402 duties, but is in a different agency ~~having the same maximum~~
403 ~~salary.~~

404 (6) ~~(21)~~ "Dismissal" means a disciplinary action taken by an
405 agency pursuant to s. 110.227 against a civil service ~~an~~
406 employee that results ~~resulting in the~~ termination of his or her

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407 employment.

408 ~~(34)-(22)~~ "Suspension" means a disciplinary action taken by
409 an agency pursuant to s. 110.227 against a civil service an
410 employee which ~~to~~ temporarily relieves ~~relieve~~ the employee of
411 his or her duties and places ~~place~~ him or her on leave without
412 pay.

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

417 ~~(14)-(23)~~ "Layoff" means termination of employment due to a
418 shortage of funds or work, or a material change in the duties or
419 organization of an agency, including the outsourcing or
420 privatization of an activity or function previously performed by
421 civil ~~career~~ service employees.

422 (15) "Merit status" means the status attained by a civil
423 service employee upon successfully completing the probationary
424 period for his or her current position by demonstrating
425 competency in performing the duties and responsibilities of that
426 position.

427 ~~(7)-(24)~~ "Employing agency" means any agency authorized to
428 employ personnel to carry out the responsibilities of the agency
429 pursuant to ~~under the provisions of~~ chapter 20 or other law
430 ~~statutory authority.~~

431 ~~(25) "Shared employment" means part-time career employment~~
432 ~~whereby the duties and responsibilities of a full-time position~~
433 ~~in the career service are divided among part-time employees who~~
434 ~~are eligible for the position and who receive career service~~
435 ~~benefits and wages pro rata. In no case shall "shared~~

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436 ~~employment" include the employment of persons paid from other-~~
437 ~~personal-services funds.~~

438 (9)~~(26)~~ "Firefighter" means a firefighter certified under
439 chapter 633.

440 (13)~~(27)~~ "Law enforcement or correctional officer" means a
441 law enforcement officer, special agent, correctional officer,
442 correctional probation officer, or institutional security
443 specialist ~~required to be~~ certified under chapter 943.

444 (25)~~(28)~~ "Professional health care provider" means
445 registered nurses, physician's assistants, dentists,
446 psychologists, nutritionists or dietitians, pharmacists,
447 psychological specialists, physical therapists, and speech and
448 hearing therapists.

449 (11)~~(29)~~ "Job family" means a defined grouping of one or
450 more similar occupational groups.

451 (12) "Lateral" means moving a civil service employee within
452 an agency to a different position that is in the same
453 occupation, is at the same broadband level having the same
454 maximum salary, and has substantially the same duties and
455 responsibilities.

456 (21)~~(30)~~ "Pay band" means the minimum salary, the maximum
457 salary, and intermediate rates that ~~which~~ are payable for work
458 in a specific broadband level.

459 (2)~~(31)~~ "Broadband level" means all positions that ~~which~~
460 are sufficiently similar in knowledge, skills, and abilities;
461 the, ~~and sufficiently similar as to~~ kind or subject matter of
462 work; the, ~~level of difficulty or responsibilities;~~ and the
463 qualification requirements of the work so as to warrant the same
464 treatment with respect ~~as~~ to title, pay band, and other

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465 personnel transactions.

466 Section 5. Section 110.1055, Florida Statutes, is amended
467 to read:

468 110.1055 ~~Rules and Rulemaking authority.~~

469 (1) The department shall of Management Services shall adopt
470 rules as necessary to carry out its statutory duties effectuate
471 the provisions of this chapter, as amended by this act, and in
472 accordance with the authority granted to the department in this
473 chapter. All existing rules relating to this chapter are
474 statutorily repealed January 1, 2002, unless otherwise
475 readopted.

476 (2) In consultation with the state agencies, the department
477 shall develop uniform personnel rules, guidelines, records, and
478 reports relating to employees in the State Personnel System. The
479 department may adopt rules that provide alternative
480 requirements.

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

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

484 1. The Administration Commission has granted an exception
485 to a specific rule. An agency may request an exception to the
486 uniform personnel rules by filing a petition with the
487 commission. The commission shall approve an exception if the
488 exception is necessary to conform to any requirement imposed as
489 a condition precedent to receipt of federal funds, to permit
490 persons in this state to receive tax benefits under federal law,
491 or if required for the most efficient operation of the agency as
492 determined by the commission. The reasons for the exception must
493 be published in the Florida Administrative Weekly. Agency rules

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

496 2. The agency must comply with a statutory provision that
497 conflicts with the uniform rules. In such case, the agency shall
498 notify the department, the Administration Commission, the
499 Administrative Procedures Committee, and the appropriate
500 standing committees of the Legislature and advise the standing
501 committees if the agency recommends revision of the statute to
502 conform it to the uniform rules. Agencies are encouraged to
503 propose methods for conforming statutory provisions to the
504 uniform rules.

505 (b) An agency that adopts rules that provide an exception
506 to the uniform rules or that comply with statutory requirements
507 that conflict with the uniform rules must have a separate
508 chapter published in the Florida Administrative Code. The
509 chapter must clearly delineate the provisions of the agency's
510 rules which provide an exception or which are based on a
511 conflicting statutory requirement. Each alternative chosen from
512 those authorized by the uniform rules must be specified. Each
513 chapter must be organized in the same manner as the uniform
514 rules.

515 (c) Any rule adopted by an agency which is an exception to
516 the uniform rules or which is based upon a conflicting statutory
517 provision may not prescribe personnel policies inconsistent with
518 the provisions of this chapter. Such rules may not include any
519 benefits for State Personnel System employees which exceed, or
520 are in addition to, those authorized by this chapter, and must
521 comply with all federal regulations necessary to allow the
522 agency to receive federal funds.

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523 (4) The department may develop uniform forms and
524 instructions relating to personnel transactions as the
525 department determines necessary.

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

529 Section 6. Section 110.1056, Florida Statutes, is created
530 to read:

531 110.1056 Agency audits.—The department may periodically
532 audit agency records to determine compliance with this chapter
533 and department rules.

534 Section 7. Section 110.405, Florida Statutes, is
535 transferred, renumbered as section 110.106, Florida Statutes,
536 and amended to read:

537 110.106 ~~110.405~~ Advisory committees.—The secretary of
538 ~~Management Services~~ may at any time appoint an ad hoc or
539 continuing advisory committee consisting of members of the
540 Senior Management Service or other persons knowledgeable in the
541 field of personnel management. Advisory committees ~~Any Such~~
542 ~~committee shall consist of not more than nine members, who shall~~
543 serve at the pleasure of and meet at the call of the secretary
544 and, at the request of the secretary, shall provide advice and
545 consultation, ~~to advise and consult with the secretary on such~~
546 matters affecting the State Personnel System ~~Senior Management~~
547 ~~Service as the secretary requests.~~ Members shall serve without
548 compensation, but are ~~shall be~~ entitled to ~~receive~~ reimbursement
549 for travel expenses as provided in s. 112.061. The secretary may
550 periodically hire a consultant who has ~~with~~ expertise in
551 personnel administration ~~management~~ to advise him or her with

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552 respect to the administration of the State Personnel System
553 ~~Senior Management Service~~.

554 Section 8. Section 110.1065, Florida Statutes, is created
555 to read:

556 110.1065 General employment policies and requirements.-

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

558 (a) That all appointments, terminations, assignments, and
559 maintenance of status, compensation, privileges, and other terms
560 and conditions of employment in the State Personnel System shall
561 be made without regard to age, sex, race, color, religion,
562 national origin, political affiliation, marital status,
563 disability, or genetic information, unless a specific
564 requirement constitutes a bona fide occupational qualification.

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

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

575 (d) To adopt and comply with the federal Family and Medical
576 Leave Act, except for those provisions that do not specifically
577 apply to state government employers. With regard to those
578 provisions, the sovereign immunity of the state is not waived
579 and the rules of the department relating to leave control.

580 (2) Except as expressly provided by law, Florida residency

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581 may not be required for any person as a condition precedent to
582 employment; however, preference in hiring may be given to state
583 residents.

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

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

588 (5) This chapter may not be construed to infringe upon or
589 supersede the rights guaranteed public employees under chapter
590 447.

591 (6) The department may adopt rules necessary to administer
592 this section.

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

596 Section 9. Section 110.233, Florida Statutes, is
597 transferred, renumbered as section 110.1075, Florida Statutes,
598 and amended to read:

599 110.1075 ~~110.233~~ Political activities and unlawful acts
600 prohibited.-

601 (1) No person shall be appointed to, demoted, or dismissed
602 from any position in the Civil ~~career~~ Service, or in any way
603 favored or discriminated against with respect to employment in
604 the Civil ~~career~~ Service, because of ~~race, color, national~~
605 ~~origin, sex, handicap, religious creed, or~~ political opinion or
606 affiliation.

607 (2) No person may ~~shall~~ use or promise to use, directly or
608 indirectly, any official authority or influence, whether
609 possessed or anticipated, to secure or attempt to secure for any

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610 person an appointment or advantage in appointment to a position
611 in the Civil ~~career~~ Service, or an increase in pay or other
612 advantage in employment in any such position, for the purpose of
613 influencing the vote or political action of any person or for
614 any consideration. ~~;~~ However, letters of inquiry,
615 recommendations, and references by public employees or public
616 officials are ~~shall~~ not ~~be~~ considered political pressure unless
617 they contain any such letter contains a threat, intimidation, or
618 irrelevant, derogatory, or false information. For the purposes
619 of this section, the term "political pressure," in addition to
620 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by
621 lawful authority, includes the use of official authority or
622 influence in any manner prohibited by this chapter.

623 (3) No person may ~~shall~~, directly or indirectly, give,
624 render, pay, offer, solicit, or accept any money, service, or
625 other valuable consideration for or on account of any
626 appointment, proposed appointment, promotion or proposed
627 promotion to, or any advantage in, a position in the Civil
628 ~~career~~ Service. ~~The provisions of This subsection~~ does ~~de~~ not
629 apply to a private employment agency if licensed pursuant to the
630 ~~provisions of chapter 449 when~~ the services of the ~~such~~ private
631 employment agency are requested by a state agency, ~~board,~~
632 ~~department, or commission~~ and neither the state nor any
633 political subdivision pays the private employment agency for
634 such services.

635 (4) As an individual, each employee retains all rights and
636 obligations of citizenship provided in the Constitution and laws
637 of the state and the Constitution and laws of the United States.
638 However, an ~~no~~ employee in the Civil ~~career~~ Service may not

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639 shall:

640 (a) Hold, or be a candidate for, public office while in the
641 employment of the state or take an ~~any~~ active part in a
642 political campaign while on duty or within any period of time
643 during which the employee is expected to perform services for
644 which he or she receives compensation from the state. However,
645 if ~~when~~ authorized by his or her agency head and approved by the
646 department as not involving an ~~no~~ interest that ~~which~~ conflicts
647 or activity that ~~which~~ interferes with his or her state
648 employment, an employee in the Civil ~~career~~ Service may be a
649 candidate for or hold local public office. The department shall
650 prepare and make available to all affected personnel who make
651 such request a definite set of rules and procedures consistent
652 with this paragraph ~~the provisions herein~~.

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

656 (5) No State Personnel System employee or official may
657 ~~shall~~ use any promise of reward or threat of loss to encourage
658 or coerce any employee to support or contribute to any political
659 issue, candidate, or party.

660 (6) The department shall adopt by rule procedures for State
661 Personnel ~~Career Service~~ System employees which ~~that~~ require
662 disclosure to the agency head of any application for or offer of
663 employment, gift, contractual relationship, or financial
664 interest with any individual, partnership, association,
665 corporation, utility, or other organization, ~~whether~~ public or
666 private, doing business with or subject to regulation by the
667 agency.

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668 (7) The department may adopt rules to administer this
669 section.

670 Section 10. Section 110.1099, Florida Statutes, is amended
671 to read:

672 110.1099 Elective education, professional development, and
673 training opportunities for civil service, selected exempt, and
674 senior management service state employees.-

675 (1)~~(a)~~ The education and professional development of
676 employees training are an integral components component in
677 improving the delivery of services to the public. Recognizing
678 that the application of productivity-enhancing technology and
679 practice demands continuous educational and development training
680 opportunities, ~~an a~~ state employee may ~~be authorized to~~ receive
681 a voucher, ~~or~~ grant, or tuition reimbursement for matriculation
682 fees, to attend work-related courses at public community
683 colleges, public career centers, ~~or~~ public universities, or
684 other accredited postsecondary educational institutions. ~~The~~
685 ~~department may implement the provisions of this section from~~
686 ~~funds appropriated to the department for this purpose. In the~~
687 ~~event insufficient funds are appropriated to the department,~~
688 Each state agency may ~~supplement these funds to~~ support the
689 educational and professional development training and education
690 needs of its employees from funds appropriated to the agency.

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

695 (2) ~~The department, in conjunction with the agencies, shall~~
696 ~~request that public universities provide evening and weekend~~

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697 ~~programs for state employees. When evening and weekend training~~
698 ~~and educational programs are not available, an employee may be~~
699 ~~authorized to take paid time off during his or her regular~~
700 ~~working hours for training and career development, as provided~~
701 ~~in s. 110.105(1), if such training benefits the employer as~~
702 ~~determined by that employee's agency head.~~

703 (2)~~(3)~~ An employee who exhibits superior aptitude and
704 performance may be authorized by his or her ~~that employee's~~
705 agency head to take a paid educational leave of absence for up
706 to 1 academic year at a time, for specific approved work-related
707 education and professional development training. The ~~That~~
708 employee must enter into a contract to return to the agency
709 granting the leave state employment for a period of time equal
710 to the length of the leave of absence or refund the salary and
711 benefits paid during the ~~his or her educational~~ leave of
712 absence.

713 (3)~~(4)~~ As a precondition to approving an employee's
714 training request for any educational, development, or training
715 program, an agency ~~or the judicial branch~~ may require the an
716 employee to enter into an agreement that provides that, if the
717 employee voluntarily terminates employment or is dismissed from
718 the agency within a specified period of time, not to exceed 2
719 years after the conclusion of the program, he or she must
720 ~~requires the employee to~~ reimburse the agency ~~or judicial branch~~
721 for up to the total cost of fees and associated expenses for the
722 program if the registration fee or similar expense for any
723 ~~training or training series when the~~ total cost of the fee or
724 similar expense exceeds \$1,000 ~~if the employee voluntarily~~
725 ~~terminates employment or is discharged for cause from the agency~~

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726 ~~or judicial branch within a specified period of time not to~~
727 ~~exceed 4 years after the conclusion of the training.~~ This
728 subsection does not apply to any training program or course that
729 an agency ~~or the judicial branch~~ requires an employee to attend.
730 An agency ~~or the judicial branch~~ may pay the outstanding balance
731 then due and owing on behalf of an ~~a~~ state employee under this
732 subsection in connection with the recruitment and hiring of such
733 state employee.

734 ~~(4)(5)~~ The department may ~~of Management Services, in~~
735 ~~consultation with the agencies and, to the extent applicable,~~
736 ~~with Florida's public community colleges, public career centers,~~
737 ~~and public universities, shall~~ adopt rules to administer this
738 section.

739 Section 11. Section 110.235, Florida Statutes, is
740 transferred, renumbered as section 110.1115, Florida Statutes,
741 and amended to read:

742 110.1115 ~~110.235~~ Training and professional development of
743 employees.-

744 (1) State agencies shall implement training and
745 professional development programs that encompass modern
746 management principles, ~~and that~~ provide the framework to develop
747 human resources, through empowerment, training, and rewards for
748 ~~productivity enhancement,~~ to continuously improve the quality of
749 services, ~~and~~ to satisfy the expectations of the public.

750 (2) Each state ~~employing~~ agency shall provide the
751 department with training information as requested for the
752 purpose of analyzing statewide training needs ~~annually evaluate~~
753 ~~and report to the department the training it has implemented and~~
754 ~~the progress it has made in the area of training.~~

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

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

762 (a) Improving the performance of individuals and groups of
763 employees.

764 (b) Relating the efforts of employees to the goals of the
765 organization.

766 (c) Strategic planning.

767 (d) Team leadership.

768 (5) The department is responsible for ensuring that
769 appropriate state agency personnel are adequately trained in the
770 proper administration of state personnel system policies and
771 procedures, compliance with all applicable federal and state
772 workforce regulations, and the promotion of efficient and
773 equitable employment practices. The department may host
774 workshops, conferences, and other professional development
775 activities that focus on the training needs of agency staff who
776 are responsible for human resource management, training and
777 development, and benefits administration.

778 (a) The department may coordinate with the appropriate
779 business units of the state universities or community colleges
780 for the purpose of sponsoring conferences and expositions that
781 provide continuing professional development to the agencies in
782 the areas of human resource management, payroll and benefits
783 administration, and other topics critical to the proper

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784 administration of the state workforce.

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

789 (6) The department may adopt rules necessary to administer
790 this section.

791 Section 12. Section 110.112, Florida Statutes, is amended
792 to read:

793 110.112 ~~Affirmative action;~~ Equal employment opportunity.-

794 (1) It is ~~shall be~~ the policy of the State Personnel System
795 to assist in ensuring ~~providing the assurance of~~ equal
796 employment opportunity through programs of affirmative and
797 positive action that ~~will~~ allow full utilization of women and
798 minorities.

799 (2) ~~(a)~~ The head of each state ~~executive~~ agency shall
800 develop and implement an affirmative action plan in accordance
801 with this section and applicable state and federal laws ~~rules~~
802 ~~adopted by the department and approved by a majority vote of the~~
803 ~~Administration Commission before their adoption.~~

804 ~~(a)~~ Each ~~executive~~ agency shall establish annual goals
805 for ensuring the full utilization of groups underrepresented in
806 its workforce as compared to the relevant labor market, as
807 defined by the agency. Each ~~executive~~ agency shall design its
808 affirmative action plan to meet its established goals.

809 ~~(b)~~ ~~(e)~~ An equal ~~affirmative action~~ ~~equal~~ employment
810 opportunity officer shall be appointed by the head of each
811 ~~executive~~ agency. ~~The affirmative action~~ ~~equal~~ ~~employment~~
812 ~~opportunity officer's responsibilities must include determining~~

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813 ~~annual goals, monitoring agency compliance, and providing~~
814 ~~consultation to managers regarding progress, deficiencies, and~~
815 ~~appropriate corrective action.~~

816 (c) ~~(d)~~ The department shall report information in its
817 annual workforce report relating to the demographic composition
818 of the workforce of the State Personnel System as compared to
819 the relevant state labor market ~~the implementation, continuance,~~
820 ~~updating, and results of each executive agency's affirmative~~
821 ~~action plan~~ for the previous fiscal year. The agencies shall
822 provide the department with the information necessary to comply
823 with this provision.

824 ~~(e) The department shall provide to all supervisory~~
825 ~~personnel of the executive agencies training in the principles~~
826 ~~of equal employment opportunity and affirmative action, the~~
827 ~~development and implementation of affirmative action plans, and~~
828 ~~the establishment of annual affirmative action goals. The~~
829 ~~department may contract for training services, and each~~
830 ~~participating agency shall reimburse the department for costs~~
831 ~~incurred through such contract. After the department approves~~
832 ~~the contents of the training program for the agencies, the~~
833 ~~department may delegate this training to the executive agencies.~~

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

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

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

841 ~~(c) Appoint an affirmative action equal employment~~

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842 ~~opportunity officer.~~

843 ~~(d) Report annually to the Justice Administrative~~
844 ~~Commission on the implementation, continuance, updating, and~~
845 ~~results of his or her affirmative action program for the~~
846 ~~previous fiscal year.~~

847 ~~(3)(4) Each~~ The state agency, ~~its agencies and officers~~
848 shall ensure freedom from discrimination in employment in
849 accordance with applicable state and federal laws as provided by
850 the Florida Civil Rights Act of 1992, by s. 112.044, and by this
851 chapter.

852 (4) All recruitment literature that references State
853 Personnel System position vacancies must contain the phrase "An
854 Equal Opportunity Employer."

855 (5) Any individual claiming to be aggrieved by an unlawful
856 employment practice may file a complaint with the Florida
857 Commission on Human Relations as provided by s. 760.11.

858 (6) The department may adopt rules necessary to administer
859 shall review and monitor executive agency actions in carrying
860 out the rules adopted by the department pursuant to this
861 section.

862 Section 13. Section 110.1127, Florida Statutes, is amended
863 to read:

864 110.1127 Employee background screening and investigations
865 security checks.-

866 (1) Except as provided in subsection (2), each state agency
867 shall designate employee positions that require security
868 background screening. All persons and employees in such
869 positions must undergo employment screening in accordance with
870 chapter 435, using level 1 screening standards, as a condition

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871 of employment and continued employment.

872 ~~(2)-(1)~~ Each state ~~employing~~ agency shall designate those
873 ~~employee~~ positions that, because of the special trust or
874 responsibility or sensitive location, require security
875 background investigations. All persons and employees in such
876 positions must undergo employment screening in accordance with
877 chapter 435, using level 2 screening standards ~~of those~~
878 ~~positions, require that persons occupying those positions be~~
879 ~~subject to a security background check, including~~
880 fingerprinting, as a condition of employment and continued
881 employment.

882 ~~(2)~~(a) All positions within the Division of Treasury of the
883 Department of Financial Services are deemed to be positions of
884 special trust or responsibility. Such persons, ~~and a person~~ may
885 be disqualified for employment ~~in any such position~~ by reason
886 of:

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

890 2. The entering of a plea of nolo contendere or, when a
891 jury verdict of guilty is rendered but adjudication of guilt is
892 withheld, with respect to a crime that ~~which~~ is reasonably
893 related to the nature of the position sought or held by the
894 individual.

895 ~~(b)~~ All ~~employees of the division shall be required to~~
896 ~~undergo security background investigations, including~~
897 ~~fingerprinting, as a condition of employment and continued~~
898 ~~employment.~~

899 (b)~~(3)~~(a) All positions in programs providing care to

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900 children, the developmentally disabled, or vulnerable adults for
901 15 hours or more per week; all permanent and temporary employee
902 positions of the central abuse hotline; and all persons working
903 under contract who have access to abuse records are deemed to be
904 persons and positions of special trust or responsibility, ~~and~~
905 ~~require employment screening pursuant to chapter 435, using the~~
906 ~~level 2 standards set forth in that chapter.~~

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

910 ~~(c) All persons and employees in such positions of trust or~~
911 ~~responsibility shall be required to undergo security background~~
912 ~~investigations as a condition of employment and continued~~
913 ~~employment. For the purposes of this subsection, security~~
914 ~~background investigations shall be conducted as provided in~~
915 ~~chapter 435, using the level 2 standards for screening set forth~~
916 ~~in that chapter.~~

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

920 a.1. Fail, by false statement, misrepresentation,
921 impersonation, or other fraudulent means, to disclose in any
922 application for voluntary or paid employment a material fact
923 used in making a determination as to such person's
924 qualifications for a position of special trust;

925 b.2. Use ~~records~~ information contained in records for
926 purposes other than background screening or investigation for
927 employment or release such records information to other persons
928 for purposes other than preemployment screening or investigation

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929 ~~for employment.~~

930 3.~~(e)~~ It is a felony of the third degree, punishable as
931 provided in s. 775.082, s. 775.083, or s. 775.084, for any
932 person to willfully, knowingly, or intentionally ~~to~~ use juvenile
933 records information for any purposes other than those specified
934 in this section or to release such information to other persons
935 for purposes other than those specified in this section.

936 (3)~~(4)~~ Any person who is required to undergo such a
937 security background screening or investigation and who refuses
938 to cooperate in such screening or investigation or refuses to
939 submit fingerprints shall be disqualified for employment in such
940 position or, if employed, shall be dismissed.

941 (4)~~(5)~~ ~~Such~~ Background screening and investigations shall
942 be conducted at the expense of the employing state agency. If
943 ~~When~~ fingerprinting is required, the fingerprints ~~of the~~
944 ~~employee or applicant for employment~~ shall be taken by the
945 ~~employing~~ agency or by an authorized law enforcement officer and
946 submitted to the Department of Law Enforcement for processing
947 and shall be forwarded if forwarding, ~~when~~ requested by the
948 ~~employing~~ agency, to the United States Department of Justice for
949 processing. The ~~employing~~ agency shall reimburse the Department
950 of Law Enforcement for any costs incurred for ~~by it in the~~
951 processing ~~of~~ the fingerprints.

952 (5) The department may adopt rules necessary to administer
953 this section.

954 Section 14. Section 110.113, Florida Statutes, is amended
955 to read:

956 110.113 Pay periods ~~for state officers and employees;~~
957 ~~salary payments by direct deposit.-~~

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958 ~~(1) The normal pay period for salaries of state officers~~
959 ~~and employees shall be 1 month.~~ The Department of Financial
960 Services shall issue ~~either~~ monthly or biweekly salary payments
961 to State Personnel System officers and employees by state
962 ~~warrants or by direct deposit pursuant to s. 17.076 or make~~
963 ~~semimonthly salary payments by direct deposit pursuant to s.~~
964 ~~17.076,~~ as requested by the head of each state agency and
965 approved by the Executive Office of the Governor and the
966 Department of Financial Services.

967 ~~(2) The department may adopt rules necessary to administer~~
968 ~~this section. As a condition of employment, a person appointed~~
969 ~~to a position in state government is required to participate in~~
970 ~~the direct deposit program pursuant to s. 17.076. An employee~~
971 ~~may request an exemption from the provisions of this subsection~~
972 ~~when such employee can demonstrate a hardship or when such~~
973 ~~employee is in an other personal services position.~~

974 Section 15. Section 110.1135, Florida Statutes, is created
975 to read:

976 110.1135 Attendance and leave records.—Each state agency
977 shall keep an accurate record of all hours of work performed by
978 each employee, as well as a complete and accurate record of all
979 authorized leave. The ultimate responsibility for the accuracy
980 and proper maintenance of all attendance and leave records is
981 with the agency head.

982 Section 16. Section 110.116, Florida Statutes, is amended
983 to read:

984 110.116 Human resource information ~~Personnel information~~
985 system; payroll procedures.—

986 (1) The department of ~~Management Services~~ shall establish

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987 and maintain, in coordination with the payroll system of the
988 Department of Financial Services, a complete human resource
989 ~~personnel~~ information system for all authorized and established
990 positions in the State Personnel System ~~service, with the~~
991 ~~exception of employees of the Legislature, unless the~~
992 ~~Legislature chooses to participate.~~ The department may contract
993 with a vendor to provide the human resource ~~personnel~~
994 information system. The specifications shall be developed in
995 conjunction with the payroll system of the Department of
996 Financial Services and in coordination with the Auditor General.
997 The Department of Financial Services shall determine that the
998 position occupied by each employee has been authorized and
999 established in accordance with ~~the provisions of s. 216.251.~~ The
1000 human resource information system must include ~~Department of~~
1001 ~~Management Services shall develop and maintain~~ a position
1002 numbering system that identifies ~~will identify~~ each established
1003 position, and such information shall be a part of the payroll
1004 system of the Department of Financial Services. The ~~With the~~
1005 ~~exception of employees of the Legislature, unless the~~
1006 ~~Legislature chooses to participate, this system must shall~~
1007 include all civil ~~career~~ service positions and those positions
1008 exempted from the Civil Service ~~career service~~ provisions,
1009 notwithstanding the funding source of the salary payments, and
1010 information regarding persons receiving salary payments from
1011 other sources. Necessary revisions shall be made in the
1012 personnel and payroll procedures of the state to avoid
1013 duplication to the extent that it insofar as is feasible to do
1014 so. The information in the system must ~~A list shall~~ be organized
1015 by budget entity to show the employees or vacant positions

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1016 within each budget entity. The information ~~This list~~ shall be
1017 made available to the Speaker of the House of Representatives
1018 and the President of the Senate upon request.

1019 (2) The department may adopt rules necessary to administer
1020 this section.

1021 Section 17. Section 110.117, Florida Statutes, is amended
1022 to read:

1023 110.117 Paid holidays and personal day.-

1024 (1) The following holidays are ~~shall be~~ paid holidays
1025 observed by all state ~~branches and~~ agencies:

1026 (a) New Year's Day.

1027 (b) Birthday of Martin Luther King, Jr., third Monday in
1028 January.

1029 (c) Memorial Day.

1030 (d) Independence Day.

1031 (e) Labor Day.

1032 (f) Veterans' Day, November 11.

1033 (g) Thanksgiving Day.

1034 (h) Friday after Thanksgiving.

1035 (i) Christmas Day.

1036 (j) If any of these holidays falls on Saturday, the
1037 preceding Friday shall be observed as a holiday. If any of these
1038 holidays falls on Sunday, the following Monday shall be observed
1039 as a holiday.

1040 (2) The Governor may declare, if ~~when~~ appropriate, a state
1041 day of mourning in observance of the death of a person in
1042 recognition of service rendered to the state or nation.

1043 (3) Each full-time employee in an authorized and
1044 established position is entitled to one personal day ~~holiday~~

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1045 each year. Each part-time employee is entitled to a personal day
1046 ~~holiday~~ each year, which shall be calculated based on the full-
1047 time equivalency of the position proportionately to the personal
1048 ~~holiday allowed to a full-time employee. The~~ Such personal day
1049 ~~holiday~~ shall be credited to eligible employees on July 1 of
1050 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the
1051 following year or forfeited. The personal day must be taken as a
1052 whole day and may not be used incrementally. ~~Members of the~~
1053 ~~teaching and research faculty of the State University System and~~
1054 ~~administrative and professional positions exempted under s.~~
1055 ~~110.205(2)(d) are not eligible for this benefit.~~

1056 (4) Other-personal-services employees are not eligible for
1057 paid holidays or a personal day.

1058 Section 18. Section 110.1245, Florida Statutes, is amended
1059 to read:

1060 110.1245 ~~Savings sharing program~~; Bonus payments; other
1061 awards.-

1062 ~~(1)(a) The Department of Management Services shall adopt~~
1063 ~~rules that prescribe procedures and promote a savings sharing~~
1064 ~~program for an individual or group of employees who propose~~
1065 ~~procedures or ideas that are adopted and that result in~~
1066 ~~eliminating or reducing state expenditures, if such proposals~~
1067 ~~are placed in effect and may be implemented under current~~
1068 ~~statutory authority.~~

1069 ~~(b) Each agency head shall recommend employees individually~~
1070 ~~or by group to be awarded an amount of money, which amount shall~~
1071 ~~be directly related to the cost savings realized. Each proposed~~
1072 ~~award and amount of money must be approved by the Legislative~~
1073 ~~Budget Commission.~~

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1074 ~~(c) Each state agency, unless otherwise provided by law,~~
1075 ~~may participate in the program. The Chief Justice shall have the~~
1076 ~~authority to establish a savings sharing program for employees~~
1077 ~~of the judicial branch within the parameters established in this~~
1078 ~~section. The program shall apply to all employees within the~~
1079 ~~Career Service, the Selected Exempt Service, and comparable~~
1080 ~~employees within the judicial branch.~~

1081 ~~(d) The department and the judicial branch shall submit~~
1082 ~~annually to the President of the Senate and the Speaker of the~~
1083 ~~House of Representatives information that outlines each agency's~~
1084 ~~level of participation in the savings sharing program. The~~
1085 ~~information shall include, but is not limited to:~~

1086 ~~1. The number of proposals made.~~

1087 ~~2. The number of dollars and awards made to employees or~~
1088 ~~groups for adopted proposals.~~

1089 ~~3. The actual cost savings realized as a result of~~
1090 ~~implementing employee or group proposals.~~

1091 ~~(1)(2) In June of each year, Bonuses may shall be paid to~~
1092 ~~employees from funds authorized by the Legislature in an~~
1093 ~~appropriation specifically for bonuses. Bonuses shall be~~
1094 ~~distributed in accordance with the criteria and instructions~~
1095 ~~provided in the General Appropriations Act. Each agency shall~~
1096 ~~develop a plan for awarding lump sum bonuses, which plan shall~~
1097 ~~be submitted no later than September 15 of each year and~~
1098 ~~approved by the Office of Policy and Budget in the Executive~~
1099 ~~Office of the Governor. Such plan shall include, at a minimum,~~
1100 ~~but is not limited to:~~

1101 ~~(a) A statement that bonuses are subject to specific~~
1102 ~~appropriation by the Legislature.~~

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- 1103 ~~(b) Eligibility criteria as follows:~~
- 1104 ~~1. The employee must have been employed prior to July 1 of~~
- 1105 ~~that fiscal year and have been continuously employed through the~~
- 1106 ~~date of distribution.~~
- 1107 ~~2. The employee must not have been on leave without pay~~
- 1108 ~~consecutively for more than 6 months during the fiscal year.~~
- 1109 ~~3. The employee must have had no sustained disciplinary~~
- 1110 ~~action during the period beginning July 1 through the date the~~
- 1111 ~~bonus checks are distributed. Disciplinary actions include~~
- 1112 ~~written reprimands, suspensions, dismissals, and involuntary or~~
- 1113 ~~voluntary demotions that were associated with a disciplinary~~
- 1114 ~~action.~~
- 1115 ~~4. The employee must have demonstrated a commitment to the~~
- 1116 ~~agency mission by reducing the burden on those served,~~
- 1117 ~~continually improving the way business is conducted, producing~~
- 1118 ~~results in the form of increased outputs, and working to improve~~
- 1119 ~~processes.~~
- 1120 ~~5. The employee must have demonstrated initiative in work~~
- 1121 ~~and have exceeded normal job expectations.~~
- 1122 ~~6. The employee must have modeled the way for others by~~
- 1123 ~~displaying agency values of fairness, cooperation, respect,~~
- 1124 ~~commitment, honesty, excellence, and teamwork.~~
- 1125 ~~(c) A periodic evaluation process of the employee's~~
- 1126 ~~performance.~~
- 1127 ~~(d) A process for peer input that is fair, respectful of~~
- 1128 ~~employees, and affects the outcome of the bonus distribution.~~
- 1129 ~~(e) A division of the agency by work unit for purposes of~~
- 1130 ~~peer input and bonus distribution.~~
- 1131 ~~(f) A limitation on bonus distributions equal to 35 percent~~

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1132 ~~of the agency's total authorized positions. This requirement may~~
1133 ~~be waived by the Office of Policy and Budget in the Executive~~
1134 ~~Office of the Governor upon a showing of exceptional~~
1135 ~~circumstances.~~

1136 (2)~~(3)~~ Each agency head ~~department head~~ ~~is~~ authorized
1137 ~~to~~ incur expenditures to provide cash awards to ~~award suitable~~
1138 ~~framed certificates, pins, and other tokens of recognition to~~
1139 ~~retiring state employees whose service with the state has been~~
1140 ~~satisfactory,~~ in appreciation of their role in the achievement
1141 of the agency's mission, values, or goals ~~and recognition of~~
1142 ~~such service.~~ Each award ~~Such awards~~ may not cost more than ~~in~~
1143 ~~excess of \$100 each plus applicable taxes.~~

1144 (3)~~(4)~~ Each agency ~~department~~ head may ~~is~~ authorized to
1145 incur expenditures to award suitable framed certificates, pins,
1146 and ~~or~~ other noncash tokens of recognition. Each token ~~to~~ state
1147 ~~employees who demonstrate satisfactory service in the agency or~~
1148 ~~to the state, in appreciation and recognition of such service.~~
1149 ~~Such awards may not cost more than~~ in excess of \$100 each plus
1150 applicable taxes. Such tokens may be awarded to:

1151 (a) Current employees, in appreciation and recognition of
1152 their service to the state.

1153 (b) Retiring employees, in appreciation and recognition of
1154 their service to the state.

1155 (c) An appointed member of a state board or commission, in
1156 appreciation and recognition of his or her service to the state
1157 upon the expiration of the member's final term in such position.

1158 (4) The department may adopt rules necessary to administer
1159 this section.

1160 ~~(5) Each department head is authorized to incur~~

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1161 ~~expenditures not to exceed \$100 each plus applicable taxes for~~
1162 ~~suitable framed certificates, plaques, or other tokens of~~
1163 ~~recognition to any appointed member of a state board or~~
1164 ~~commission whose service to the state has been satisfactory, in~~
1165 ~~appreciation and recognition of such service upon the expiration~~
1166 ~~of such board or commission member's final term in such~~
1167 ~~position.~~

1168 Section 19. Section 110.125, Florida Statutes, is amended
1169 to read:

1170 110.125 Administrative costs.—

1171 (1) The administrative expenses and costs of operating the
1172 personnel program established by this chapter shall be paid by
1173 the state ~~various~~ agencies ~~of the state government~~, and each
1174 such agency shall include in its budget estimates its pro rata
1175 share of such cost as determined by the department ~~of Management~~
1176 Services.

1177 (a) To establish an equitable division of ~~the~~ costs, the
1178 amount to be paid by each agency shall be based on the number of
1179 authorized full-time equivalents appropriated to the agency, the
1180 average number of other-personal-services employees paid by the
1181 agency, and the total administrative expenses and costs of
1182 operating the personnel program established under ~~determined in~~
1183 ~~such proportion as the service rendered to each agency bears to~~
1184 ~~the total service rendered under the provisions of this chapter.~~
1185 ~~The amounts paid to the Department of Management Services which~~
1186 ~~are attributable to positions within the Senior Management~~
1187 ~~Service and the Selected Professional Service shall be used for~~
1188 ~~the administration of such services, training activities for~~
1189 ~~positions within those services, and the development and~~

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1190 ~~implementation of a database of pertinent historical information~~
1191 ~~on exempt positions.~~

1192 (b) If ~~Should~~ any state agency is ~~become~~ more than 90 days
1193 delinquent in paying ~~payment of~~ this obligation, the department
1194 shall certify to the Chief Financial Officer the amount due and
1195 the Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~
1196 ~~to the department~~ from any available debtor agency funds
1197 available.

1198 (2) The department may adopt rules necessary to administer
1199 this section.

1200 Section 20. Section 110.126, Florida Statutes, is amended
1201 to read:

1202 110.126 Oaths, testimony, records; penalties.-

1203 (1) The department may ~~shall have power to~~ administer
1204 oaths, subpoena witnesses, and compel the production of books,
1205 and papers, or other records, in written or electronic form,
1206 relevant ~~pertinent~~ to any investigation of personnel practices
1207 or hearing authorized by this chapter. Any person who fails
1208 ~~shall fail~~ to appear in response to a subpoena or to answer any
1209 question or produce any books or papers relevant ~~pertinent~~ to
1210 ~~any~~ such investigation or hearing or who ~~shall~~ knowingly gives
1211 ~~give~~ false testimony commits ~~therein shall be guilty of~~ a
1212 misdemeanor of the first degree, punishable as provided in s.
1213 775.082 or s. 775.083.

1214 (2) The department may adopt rules necessary to administer
1215 this section.

1216 Section 21. Section 110.127, Florida Statutes, is amended
1217 to read:

1218 110.127 Penalties.-

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1219 (1) Any person who willfully violates any provision of this
1220 chapter or of any rules adopted pursuant to this chapter commits
1221 ~~the authority herein granted is guilty of~~ a misdemeanor of the
1222 second degree, punishable as provided in s. 775.082 or s.
1223 775.083.

1224 (2) ~~The provisions of s. 112.011 to the contrary~~
1225 Notwithstanding s. 112.011, any person who is convicted of a
1226 misdemeanor under this chapter is shall be, ~~for a period of 5~~
1227 ~~years~~, ineligible for appointment to or employment in a ~~position~~
1228 ~~in~~ the State Personnel System for 5 years ~~service~~ and, if an
1229 employee of the system state, shall forfeit his or her position.

1230 (3) Imposition of the penalties provided in this section
1231 may shall not be in lieu of any action that ~~which~~ may be taken
1232 or penalties that ~~which~~ may be imposed pursuant to part III of
1233 chapter 112.

1234 (4) The department may adopt rules necessary to administer
1235 this section.

1236 Section 22. Section 110.1315, Florida Statutes, is amended
1237 to read:

1238 110.1315 Alternative benefits; other-personal-services
1239 employees.—

1240 (1) Upon review and recommendation of the department and
1241 approval of the Governor, the department may contract for the
1242 implementation of an alternative retirement income security
1243 program for eligible temporary and seasonal employees of the
1244 state who are compensated from appropriations for other personal
1245 services. The contract may provide for a private vendor or
1246 vendors to administer the program under a defined-contribution
1247 plan under ss. 401(a) and 403(b) or s. 457 of the Internal

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1248 Revenue Code, and the program must provide retirement benefits
1249 as required under s. 3121(b)(7)(F) of the Internal Revenue Code.
1250 The department may develop a request for proposals and solicit
1251 qualified vendors to compete for the award of the contract. A
1252 vendor shall be selected on the basis of the plan that best
1253 serves the interest of the participating employees and the
1254 state. The proposal must comply with all necessary federal and
1255 state laws and rules.

1256 (2) The department may adopt rules necessary to administer
1257 this section.

1258 Section 23. Section 110.171, Florida Statutes, is amended
1259 to read:

1260 (Substantial rewording of section. See
1261 s. 110.171, F.S., for present text.)
1262 110.171 Telework program.—

1263 (1) State agencies shall support telework as an optional
1264 alternative work arrangement to support employee needs and shall
1265 implement telework arrangements where deemed appropriate. In
1266 addition, agencies may establish telework as an integral part of
1267 the normal business operations of the agency and require that
1268 specific work be performed through telework arrangements.
1269 Telework may also be used as part of an agency's continuity of
1270 operations plan where appropriate.

1271 (2) Work extensions and the sporadic conduct of all or some
1272 of the work performed away from the official work site during
1273 all or some portion of the established work hours are not
1274 telework. These arrangements may be used by agencies to
1275 accommodate extenuating circumstances that allow employees to
1276 maintain productivity outside of the official work site. Mobile

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1277 work is also not considered telework. Such activities do not
1278 require a written telework agreement. As used in this
1279 subsection, the term:

1280 (a) "Mobile work" means duties and responsibilities that,
1281 by their nature, are performed routinely in the field away from
1282 the official work site.

1283 (b) "Work extension" means the performance of required work
1284 duties away from the official work site and outside of
1285 established work hours on an occasional basis.

1286 (3) Each agency shall review all established positions and
1287 designate those positions that the agency deems appropriate for
1288 telework. The agency shall ensure this information is current
1289 and available to its employees and managers. In addition, each
1290 agency shall identify all currently participating employees and
1291 their respective positions in the state human resource
1292 information system created under s. 110.116.

1293 (4) Agencies that have a telework program shall develop an
1294 agency plan that addresses the agency's telework policies and
1295 procedures. At a minimum, an agency telework plan must:

1296 (a) Establish criteria for evaluating the ability of
1297 employees to satisfactorily perform in a telework arrangement.

1298 (b) Establish performance standards that ensure that
1299 employees participating in the program maintain satisfactory
1300 performance levels.

1301 (c) Ensure teleworkers are subject to the same rules and
1302 disciplinary actions as other employees.

1303 (d) Establish the reasonable conditions that the agency
1304 plans to impose in order to ensure appropriate use and
1305 maintenance of any equipment issued by the agency.

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1306 (e) Establish a system for monitoring the productivity of
1307 teleworking employees which ensures that the work output remains
1308 at a satisfactory level and that the duties and responsibilities
1309 of the position remain suitable for a telework arrangement.

1310 (f) Establish the appropriate physical and electronic
1311 information security controls to be maintained by a teleworker
1312 at the telework site.

1313 (g) Prohibit employees engaged in telework from conducting
1314 face-to-face state business at their residence.

1315 (5) Agencies that approve employees to use telework as an
1316 optional alternative work arrangement shall:

1317 (a) Require a written agreement between the teleworker and
1318 the agency which specifies the terms and conditions of the
1319 telework arrangement and provides for the termination of an
1320 employee's participation in the program if the employee's
1321 continued participation is not in the best interest of the
1322 agency.

1323 (b) Ensure that participation by an employee is voluntary
1324 and that the employee may discontinue participation after
1325 providing reasonable notice to the agency.

1326 (6) Agencies that require certain employees to telework as
1327 a part of normal business operations shall:

1328 (a) Include the requirement to telework and the associated
1329 terms and conditions as part of the position description,
1330 specifying the minimum amount of telework time required.

1331 (b) Provide at least 30 days' written notice to affected
1332 employees of intent to impose or remove a requirement to
1333 telework.

1334 (c) Provide at least 15 days' written notice to affected

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1335 employees of intent to revise the terms and conditions of their
1336 current telework arrangement.

1337 (d) Provide equipment and supplies to an employee necessary
1338 to carry out job functions from the telework site.

1339 (e) Specify the telework requirement in any recruitment
1340 activities.

1341 (7) Agencies that have a telework program shall establish
1342 and track performance measures that support telework program
1343 analysis and report data annually to the department's Facilities
1344 Program in accordance with s. 255.249(3)(d). Such measures must
1345 include, but need not be limited to, those that quantify:

1346 (a) Financial impacts associated with changes in office
1347 space requirements resulting from the telework program. State
1348 agencies operating in office space owned or managed by the
1349 department shall consult the Facilities Program to ensure
1350 consistency with the strategic leasing plan required under s.
1351 255.249(3)(b).

1352 (b) Energy consumption changes resulting from the telework
1353 program.

1354 (c) Greenhouse gas emission changes resulting from the
1355 telework program.

1356 (8) Agencies that have a telework program shall post the
1357 agency telework plan and any pertinent supporting documents on
1358 the agency website to allow access by employees and the public.

1359 (9) The department may adopt rules necessary to administer
1360 this section.

1361 Section 24. Section 110.2037, Florida Statutes, is
1362 transferred, renumbered as section 110.182, Florida Statutes,
1363 and amended to read:

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1364 110.182 ~~110.2037~~ Alternative benefits; tax-sheltered annual
1365 leave and sick leave payments and special compensation
1366 payments.—

1367 (1) The department may ~~of Management Services has authority~~
1368 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal
1369 Revenue Code for ~~state~~ employees who are eligible for payment
1370 for accumulated leave. ~~The department,~~ Upon adoption of the
1371 plans, the department shall contract for a private vendor or
1372 vendors to administer the plans.

1373 (a) These plans are ~~shall be~~ limited to ~~state~~ employees who
1374 are over age 55 and who are ~~+~~ eligible for accumulated leave, and
1375 special compensation payments, and separating from employment
1376 with 10 years of service in accordance with the Internal Revenue
1377 Code, or who are participating in the Deferred Retirement Option
1378 Program on or after July 1, 2001.

1379 (b) The plans must provide benefits in a manner that
1380 minimizes the tax liability of the state and participants.

1381 (c) The plans must be funded by employer contributions of
1382 payments for accumulated leave or special compensation payments,
1383 or both, as specified by the department.

1384 (d) The plans must have received all necessary federal and
1385 state approval as required by law, must not adversely impact the
1386 qualified status of the Florida Retirement System defined
1387 benefit or defined contribution plans or the pretax benefits
1388 program, and must comply with ~~the provisions of~~ s. 112.65.
1389 Adoption of any plan is contingent on: the department receiving
1390 appropriate favorable rulings from the Internal Revenue Service;
1391 the department negotiating under the provisions of chapter 447,
1392 where applicable; and the Chief Financial Officer making

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1393 appropriate changes to the state payroll system.

1394 (e) The department's request for proposals by vendors for
1395 such plans may require that ~~the~~ vendors provide market-risk or
1396 volatility ratings from recognized rating agencies for each of
1397 their investment products.

1398 (f) The department shall provide ~~for~~ a system of continuous
1399 quality assurance oversight to ensure that the program
1400 objectives are achieved and that the program is prudently
1401 managed.

1402 (2) Within 30 days after termination of employment, an
1403 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty
1404 may be assessed by the plan administrator. If an ~~any~~ employee is
1405 adversely affected by payment of an excise tax or an ~~any~~
1406 Internal Revenue Service penalty by withdrawing ~~electing to~~
1407 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a
1408 provision that provides ~~which will provide~~ the employee with no
1409 less cash than if the employee had not participated in the plan.

1410 (3) These contracts may be used by any other pay plans or
1411 personnel systems in the executive, legislative, or judicial
1412 branches of government upon approval of the appropriate
1413 administrative authority.

1414 (4) Notwithstanding the terminal pay provisions of s.
1415 112.910 ~~110.122~~, the department may contract for a tax-sheltered
1416 plan for leave and special compensation pay for employees who
1417 are terminating over age 55 and have ~~with~~ 10 years of service,
1418 and for employees participating in the Deferred Retirement
1419 Option Program on or after July 1, 2001, and who are over age
1420 55. The frequency of payments into the plan shall be determined
1421 by the department or as provided in the General Appropriations

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1422 Act. This plan must ~~or plans shall~~ provide the greatest tax
1423 benefits to the employees and maximize the savings to the state.

1424 (5) The department shall determine by rule the design of
1425 the plans and the eligibility of participants.

1426 (6) ~~Nothing in~~ This section does not ~~shall be construed to~~
1427 remove plan participants from the scope of s. 112.910(5)
1428 ~~110.122(5)~~.

1429 (7) The department may adopt rules necessary to administer
1430 this section.

1431 Section 25. Section 110.183, Florida Statutes, is created
1432 to read:

1433 110.183 Collective bargaining.—The department shall
1434 coordinate with the Governor and the agencies on personnel
1435 matters falling within the scope of collective bargaining and
1436 shall represent the Governor in collective bargaining
1437 negotiations and other collective bargaining matters as
1438 necessary. All discussions relative to collective bargaining
1439 between the department and the Governor and between the
1440 department and the agency heads, or discussions between any of
1441 their respective representatives, are exempt from the s.
1442 286.011, and all work products relative to collective bargaining
1443 developed in conjunction with such discussions are confidential
1444 and exempt from s. 119.07(1).

1445 Section 26. Section 110.184, Florida Statutes, is created
1446 to read:

1447 110.184 Workforce report.—The department shall prepare a
1448 workforce report on human resources in the State Personnel
1449 System. The report shall provide data and identify trends for
1450 planning and improving the management of the State Personnel

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1451 System. The department shall annually submit the report to the
1452 Governor, the President of the Senate, and the Speaker of the
1453 House of Representatives.

1454 Section 27. The Division of Statutory Revision is requested
1455 to rename part II of chapter 110, Florida Statutes, "Civil
1456 Service."

1457 Section 28. Section 110.202, Florida Statutes, is created
1458 to read:

1459 110.202 Declaration of policy.—This part creates the Civil
1460 Service within the State Personnel System as required by s. 14,
1461 Art. III of the State Constitution.

1462 Section 29. Section 110.205, Florida Statutes, as amended
1463 by chapter 2009-271, Laws of Florida, is amended to read:

1464 110.205 Civil Career Service; exemptions.—

1465 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career
1466 Service to which this part applies includes all positions within
1467 the State Personnel System not specifically exempted by this
1468 section part, notwithstanding any other provisions of law the
1469 Florida Statutes to the contrary notwithstanding.

1470 (2) EXEMPT POSITIONS.—The ~~exempt positions that are not~~
1471 ~~covered by this part include the following positions are~~
1472 exempted from the Civil Service:

1473 (a) Elected officers.—All officers of the executive branch
1474 elected by popular vote and persons appointed to fill vacancies
1475 in such offices. Unless otherwise fixed by law, the salary and
1476 benefits for an any such officer who serves as the head of an
1477 agency a department shall be set by the Department of Management
1478 Services in accordance with the rules of the Senior Management
1479 Service.

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1480 (b) Legislative branch.—All members, officers, and
1481 employees of the legislative branch, except for the members,
1482 officers, and employees of the Florida Public Service
1483 Commission.

1484 (c) Judicial branch.—All members, officers, and employees
1485 of the judicial branch.

1486 (d) State universities.—All officers and employees of the
1487 state universities ~~and the academic personnel and academic~~
1488 ~~administrative personnel of the Florida School for the Deaf and~~
1489 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~
1490 ~~salaries for academic personnel and academic administrative~~
1491 ~~personnel of the Florida School for the Deaf and the Blind shall~~
1492 ~~be set by the board of trustees for the school, subject only to~~
1493 ~~the approval of the State Board of Education.~~

1494 ~~(e) The Chief Information Officer in the Agency for~~
1495 ~~Enterprise Information Technology. Unless otherwise fixed by~~
1496 ~~law, the Agency for Enterprise Information Technology shall set~~
1497 ~~the salary and benefits of this position in accordance with the~~
1498 ~~rules of the Senior Management Service.~~

1499 ~~(e)-(f)~~ Members of boards and commissions.—All members of
1500 state boards and commissions, however selected. Unless otherwise
1501 fixed by law, the salary and benefits for any full-time board or
1502 commission member shall be set by the Department of Management
1503 Services in accordance with the rules of the Senior Management
1504 Service.

1505 ~~(g) Judges, referees, and receivers.~~

1506 ~~(h) Patients or inmates in state institutions.~~

1507 ~~(f)-(i)~~ Time-limited positions.—All positions that are
1508 established for a limited period of time for the purpose of

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1509 conducting a special study, project, or investigation and any
1510 person paid from an other-personal-services appropriation.
1511 Unless otherwise fixed by law, the salaries for such positions
1512 and persons shall be set in accordance with rules established by
1513 the employing agency for other-personal-services payments
1514 pursuant to s. 112.907 ~~110.131~~.

1515 (g) ~~(j)~~ Executive level positions.—The appointed secretaries
1516 and the State Surgeon General, assistant secretaries, deputy
1517 secretaries, and deputy assistant secretaries of all agencies
1518 ~~departments~~; the executive directors, assistant executive
1519 directors, deputy executive directors, and deputy assistant
1520 executive directors of all agencies ~~departments~~; the directors
1521 of all divisions and those positions determined by the
1522 Department of Management Services to have managerial
1523 responsibilities comparable to such positions, including which
1524 ~~positions include~~, but are not limited to, program directors,
1525 assistant program directors, district administrators, deputy
1526 district administrators, general counsels, chief cabinet aides,
1527 public information administrators or comparable position for a
1528 cabinet officer, inspectors general, or legislative affairs
1529 directors ~~the Director of Central Operations Services of the~~
1530 ~~Department of Children and Family Services~~, the State
1531 Transportation Development Administrator, State Public
1532 Transportation and Modal Administrator, district secretaries,
1533 district directors of transportation development, transportation
1534 operations, transportation support, ~~and~~ the managers of the
1535 Department of Transportation offices specified in s.
1536 20.23(4) (b), the county health department directors and county
1537 health department administrators of the Department of Health,

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1538 and the one additional position that may be designated by each
1539 agency and that reports directly to the agency head or to a
1540 position in the Senior Management Service and whose additional
1541 costs are absorbed from the existing budget of that agency of
1542 ~~the Department of Transportation~~. Unless otherwise fixed by law,
1543 the Department of Management Services shall set the salary and
1544 benefits of these positions in accordance with the rules of the
1545 Senior Management Service; ~~and the county health department~~
1546 ~~directors and county health department administrators of the~~
1547 ~~Department of Health~~.

1548 ~~(k) The personal secretary to the incumbent of each~~
1549 ~~position exempted in paragraphs (a), (e), and (j). Unless~~
1550 ~~otherwise fixed by law, the department shall set the salary and~~
1551 ~~benefits of these positions in accordance with the rules of the~~
1552 ~~Selected Exempt Service.~~

1553 ~~(h)-(l)~~ Governor's Office.—All officers and employees in the
1554 office of the Governor, including all employees at the
1555 Governor's mansion, and employees within each separate budget
1556 entity, as defined in chapter 216, assigned to the Governor.
1557 Unless otherwise fixed by law, the salary and benefits of these
1558 positions shall be set by the Department of Management Services
1559 as follows:

1560 1. The chief of staff, the assistant or deputy chief of
1561 staff, general counsel, director of legislative affairs, chief
1562 inspector general, director of cabinet affairs, director of
1563 press relations, director of planning and budgeting, director of
1564 administration, director of state-federal relations, director of
1565 appointments, director of external affairs, deputy general
1566 counsel, Governor's liaison for community development, chief of

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1567 staff for the Lieutenant Governor, deputy director of planning
1568 and budgeting, policy coordinators, and the director of each
1569 separate budget entity shall have their salaries and benefits
1570 set by the Department of Management Services in accordance with
1571 the rules of the Senior Management Service ~~established~~.

1572 2. The salaries and benefits of positions not established
1573 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the
1574 employing agency. Salaries and benefits of employees whose
1575 professional training is comparable to that of licensed
1576 professionals under paragraph (n) ~~(r)~~, or whose administrative
1577 responsibility is comparable to a bureau chief shall be set by
1578 the rules of the Selected Exempt Service. The Department of
1579 Management Services shall make the comparability determinations.
1580 Other employees shall have benefits set comparable to
1581 legislative staff, except leave shall be comparable to civil
1582 ~~career~~ service ~~as if career service~~ employees.

1583 ~~(i)(m)~~ Upper management positions. All assistant division
1584 director, deputy division director, and bureau chief positions
1585 in any agency department, and those positions determined by the
1586 Department of Management Services to have managerial
1587 responsibilities comparable to such positions. Unless otherwise
1588 fixed by law, the salaries of benefits of these positions shall
1589 be set by the Department of Management Services in accordance
1590 with the rules of the Selected Exempt Service. ~~These, which~~
1591 positions include, but are not limited to:

1592 1. Positions in the Department of Health and the Department
1593 of Children and Family Services which ~~that~~ are assigned primary
1594 duties of serving as the superintendent or assistant
1595 superintendent of an institution.

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1596 2. Positions in the Department of Corrections which ~~that~~
 1597 are assigned primary duties of serving as the warden, assistant
 1598 warden, colonel, or major of an institution or which ~~that~~ are
 1599 assigned primary duties of serving as the circuit administrator
 1600 or deputy circuit administrator.

1601 3. Positions in the Department of Transportation which ~~that~~
 1602 are assigned primary duties of serving as regional toll managers
 1603 and managers of offices, as defined in s. 20.23(4)(b) and
 1604 (5)(c), and captains and majors of the Office of Motor Carrier
 1605 Compliance.

1606 4. Positions in the Department of Environmental Protection
 1607 which ~~that~~ are assigned the duty of an environmental
 1608 administrator or program administrator.

1609 5. Positions in the Department of Health which ~~that~~ are
 1610 assigned the duties of environmental administrator, assistant
 1611 county health department director, and county health department
 1612 financial administrator.

1613 6. Positions in the Department of Children and Family
 1614 Services which are assigned the duties of staff director,
 1615 assistant staff director, district program manager, district
 1616 program coordinator, district subdistrict administrator,
 1617 district administrative services director, district attorney,
 1618 and the deputy director of central operations services.

1619
 1620 ~~Unless otherwise fixed by law, the department shall set the~~
 1621 ~~salary and benefits of the positions listed in this paragraph in~~
 1622 ~~accordance with the rules established for the Selected Exempt~~
 1623 ~~Service.~~

1624 (j)(n) Additional managerial or policymaking positions.-

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1625 1.a. In addition to those positions exempted by other
1626 paragraphs of this subsection, each agency ~~department~~ head may
1627 designate a maximum of 20 policymaking or managerial positions,
1628 as defined by the Department of Management Services and approved
1629 by the Administration Commission, as being exempt from the Civil
1630 ~~Career Service System~~. Civil Career service employees who occupy
1631 a position designated as a position in the Selected Exempt
1632 Service under this paragraph may ~~shall have the right to~~ remain
1633 in the Civil Career Service ~~System~~ by opting to serve in a
1634 position not exempted by the employing agency. Unless otherwise
1635 fixed by law, the Department of Management Services shall set
1636 the salary and benefits of these positions in accordance with
1637 the rules of the Selected Exempt Service; ~~provided, however,~~
1638 ~~that if the agency head determines that the general counsel,~~
1639 ~~chief Cabinet aide, public information administrator or~~
1640 ~~comparable position for a Cabinet officer, inspector general, or~~
1641 ~~legislative affairs director has both policymaking and~~
1642 ~~managerial responsibilities and if the department determines~~
1643 ~~that any such position has both policymaking and managerial~~
1644 ~~responsibilities, the salary and benefits for each such position~~
1645 ~~shall be established by the department in accordance with the~~
1646 ~~rules of the Senior Management Service.~~

1647 b. ~~In addition, each department may designate one~~
1648 ~~additional position in the Senior Management Service if that~~
1649 ~~position reports directly to the agency head or to a position in~~
1650 ~~the Senior Management Service and if any additional costs are~~
1651 ~~absorbed from the existing budget of that department.~~

1652 2. If otherwise exempt from the Civil Service, employees of
1653 the Public Employees Relations Commission, the Commission on

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1654 Human Relations, and the Unemployment Appeals Commission, upon
1655 the certification of their respective commission heads, may, if
1656 otherwise qualified, be provided for ~~under this paragraph~~ as
1657 members of the Senior Management Service, ~~if otherwise~~
1658 ~~qualified~~. However, the deputy general counsel of the Public
1659 Employees Relations Commission shall be compensated in
1660 accordance with ~~as members of~~ the Selected Exempt Service.

1661 (k) Specialized managerial positions.-

1662 1. The Department of Management Services shall set the
1663 salary and benefits for the following positions in accordance
1664 with the rules of the Selected Exempt Service.

1665 a. Pursuant to s. 447.203(4), managerial employees who
1666 perform jobs that are not of a routine, clerical, or ministerial
1667 nature and require the exercise of independent judgment in the
1668 performance of such jobs and to whom one or more of the
1669 following applies: formulate or assist in formulating policies
1670 applicable to bargaining unit employees; assist in the
1671 preparation for the conduct of collective bargaining
1672 negotiations; administer agreements resulting from collective
1673 bargaining negotiations; have a significant role in personnel
1674 administration; have a significant role in employee relations;
1675 or have a significant role in the preparation or administration
1676 of the final budget for any public agency or institution or
1677 subdivision including having the authority to select and approve
1678 among alternative expenditures when necessary.

1679 b. Pursuant to s. 447.203(5), confidential employees who
1680 act in a confidential capacity to assist or aid managerial
1681 employees who are performing work and who have access to
1682 information that would provide an employee labor organization

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1683 with an advantage at the bargaining table or in the
 1684 administration of collective bargaining agreements.

1685 c. All supervisory employees, including supervisors,
 1686 administrators and directors, who customarily and regularly plan
 1687 and direct the work of two or more full-time employees or the
 1688 equivalent, and who communicate with, motivate, train, and
 1689 evaluate employees, and who have the authority to hire,
 1690 transfer, suspend, layoff, recall, promote, discharge, assign,
 1691 reward, or discipline subordinate employees or, effectively, to
 1692 recommend such action.

1693 2. The exemptions provided in this paragraph are not
 1694 applicable to the following:

1695 a. Managerial and supervisory employees who are designated
 1696 as special risk or special risk administrative support;

1697 b. Attorneys who serve as administrative law judges
 1698 pursuant to s. 120.65 or for hearings conducted pursuant to s.
 1699 120.57(1)(a); and

1700 c. Professional health care providers as defined in s.
 1701 110.1054, unless otherwise collectively bargained.

1702 (1)(e) ~~Public Service Commission.~~—The executive director,
 1703 deputy executive director, general counsel, inspector general,
 1704 official reporters, and division directors within the Public
 1705 Service Commission and the personal secretary and personal
 1706 assistant to each member of the Public Service Commission.
 1707 Unless otherwise fixed by law, the salary and benefits of the
 1708 executive director, deputy executive directors, general counsel,
 1709 inspector general, and the directors of all divisions and those
 1710 positions determined to have managerial responsibilities
 1711 comparable to such positions ~~Director of Administration,~~

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1712 ~~Director of Appeals, Director of Auditing and Financial~~
1713 ~~Analysis, Director of Communications, Director of Consumer~~
1714 ~~Affairs, Director of Electric and Gas, Director of Information~~
1715 ~~Processing, Director of Legal Services, Director of Records and~~
1716 ~~Reporting, Director of Research, and Director of Water and Sewer~~
1717 ~~shall be set by the department in accordance with the rules of~~
1718 ~~the Senior Management Service. The salary and benefits of the~~
1719 ~~personal secretary and the personal assistant of each member of~~
1720 ~~the commission and the official reporters shall be set by the~~
1721 ~~Department of Management Services in accordance with the rules~~
1722 ~~of the Selected Exempt Service, notwithstanding any salary~~
1723 ~~limitations imposed by law for the official reporters.~~

1724 ~~(m)~~ (p) Department of Military Affairs.-

1725 1. All military personnel of the Department of Military
1726 Affairs. Unless otherwise fixed by law, the salary and benefits
1727 for ~~such~~ military personnel shall be set by the Department of
1728 Military Affairs in accordance with the appropriate military pay
1729 schedule.

1730 2. The salary and benefits of military police chiefs,
1731 military police officers, firefighter trainers, firefighter-
1732 rescuers, and electronic security system technicians shall be
1733 ~~have salary and benefits~~ the same as civil career service
1734 employees.

1735 ~~(q) The staff directors, assistant staff directors,~~
1736 ~~district program managers, district program coordinators,~~
1737 ~~district subdistrict administrators, district administrative~~
1738 ~~services directors, district attorneys, and the Deputy Director~~
1739 ~~of Central Operations Services of the Department of Children and~~
1740 ~~Family Services. Unless otherwise fixed by law, the Department~~

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1741 shall ~~establish the pay band and benefits for these positions in~~
1742 ~~accordance with the rules of the Selected Exempt Service.~~

1743 (n)~~(r)~~ Professional licensure.—All positions not otherwise
1744 exempt under this subsection which require as a prerequisite to
1745 employment: licensure as a physician pursuant to chapter 458;r
1746 licensure as an osteopathic physician pursuant to chapter 459;r
1747 licensure as a chiropractic physician pursuant to chapter 460,
1748 including those positions that ~~which~~ are occupied by employees
1749 who are exempted from licensure pursuant to s. 409.352;
1750 licensure as an engineer pursuant to chapter 471, which are
1751 supervisory positions; or for 12 calendar months, which require
1752 as a prerequisite to employment that the employee have received
1753 the degree of Bachelor of Laws or Juris Doctor from a law school
1754 accredited by the American Bar Association and thereafter
1755 membership in The Florida Bar, except for any attorney who
1756 serves as an administrative law judge pursuant to s. 120.65 or
1757 for hearings conducted pursuant to s. 120.57(1)(a). Unless
1758 otherwise fixed by law, the Department of Management Services
1759 shall set the salary and benefits for these positions in
1760 accordance with the rules of ~~established for~~ the Selected Exempt
1761 Service.

1762 (o)~~(s)~~ Statewide Prosecutor.—The statewide prosecutor in
1763 charge of the Office of Statewide Prosecution of the Department
1764 of Legal Affairs and all employees in the office. The Department
1765 of Legal Affairs shall set the salary of these positions.

1766 (p)~~(t)~~ Executive directors of regulatory boards and
1767 commissions.—The executive director of each board or commission
1768 established within the Department of Business and Professional
1769 Regulation or the Department of Health. Unless otherwise fixed

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1770 by law, the Department of Management Services shall set
1771 ~~establish~~ the salary and benefits for these positions in
1772 accordance with the rules of established ~~for~~ the Selected Exempt
1773 Service.

1774 (q) ~~(u)~~ State Board of Administration.—All officers and
1775 employees of the State Board of Administration. The State Board
1776 of Administration shall set the salary ~~salaries~~ and benefits of
1777 these positions.

1778 ~~(v) Positions that are leased pursuant to a state employee~~
1779 ~~lease agreement expressly authorized by the Legislature pursuant~~
1780 ~~to s. 110.191.~~

1781 ~~(w) Managerial employees, as defined in s. 447.203(4),~~
1782 ~~confidential employees, as defined in s. 447.203(5), and~~
1783 ~~supervisory employees who spend the majority of their time~~
1784 ~~communicating with, motivating, training, and evaluating~~
1785 ~~employees, and planning and directing employees' work, and who~~
1786 ~~have the authority to hire, transfer, suspend, lay off, recall,~~
1787 ~~promote, discharge, assign, reward, or discipline subordinate~~
1788 ~~employees or effectively recommend such action, including all~~
1789 ~~employees serving as supervisors, administrators, and directors.~~
1790 ~~Excluded are employees also designated as special risk or~~
1791 ~~special risk administrative support and attorneys who serve as~~
1792 ~~administrative law judges pursuant to s. 120.65 or for hearings~~
1793 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~
1794 ~~nurses licensed under chapter 464, dentists licensed under~~
1795 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~
1796 ~~491, nutritionists or dietitians licensed under part X of~~
1797 ~~chapter 468, pharmacists licensed under chapter 465,~~
1798 ~~psychological specialists licensed under chapter 491, physical~~

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1799 ~~therapists licensed under chapter 486, and speech therapists~~
1800 ~~licensed under part I of chapter 468 are excluded, unless~~
1801 ~~otherwise collectively bargained.~~

1802 (r) ~~(*)~~ Justice Administration Commission and similar
1803 entities.—All officers and employees of the Justice
1804 Administrative Commission, Office of the State Attorney, Office
1805 of the Public Defender, regional offices of capital collateral
1806 counsel, offices of criminal conflict and civil regional
1807 counsel, and Statewide Guardian Ad Litem Office, including the
1808 circuit guardian ad litem programs and the Florida Clerks of
1809 Court Operations Corporation.

1810 (s) Florida School for the Deaf and the Blind.—The academic
1811 personnel and academic administrative personnel of the Florida
1812 School for the Deaf and the Blind. In accordance with s.
1813 1002.36, the salaries for academic personnel and academic
1814 administrative personnel of the Florida School for the Deaf and
1815 the Blind shall be set by the board of trustees for the school,
1816 subject only to the approval of the State Board of Education.

1817 (t) Miscellaneous positions.—

1818 1. The Chief Information Officer in the Agency for
1819 Enterprise Information Technology. Unless otherwise fixed by
1820 law, the agency shall set the salary and benefits of this
1821 position in accordance with the rules of the Senior Management
1822 Service.

1823 2. The chief inspector of the boiler inspection program of
1824 the Department of Financial Services. The pay band of this
1825 position shall be set by the Department of Management Services
1826 in accordance with the classification and pay plan established
1827 for the Selected Exempt Service.

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1828 3. The personal assistant to the incumbent of each position
1829 exempted in paragraph (a) or paragraph (g) or subparagraph 1.
1830 Unless otherwise fixed by law, the Department of Management
1831 Services shall set the salary and benefits of these positions in
1832 accordance with the rules of the Selected Exempt Service.

1833 4. Positions that are leased pursuant to a state employee
1834 lease agreement expressly authorized by the Legislature pursuant
1835 to s. 112.919.

1836 5. Judges, referees, and receivers of the executive branch.

1837 6. Positions held by patients or inmates in state
1838 institutions.

1839 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~
1840 ~~Employees of the Department of Law Enforcement shall be subject~~
1841 ~~to the provisions of s. 110.227, except in matters relating to~~
1842 ~~transfer.~~

1843 ~~(4) DEFINITION OF DEPARTMENT.—When used in this section,~~
1844 ~~the term "department" shall mean all departments and commissions~~
1845 ~~of the executive branch, whether created by the State~~
1846 ~~Constitution or chapter 20; the office of the Governor; and the~~
1847 ~~Public Service Commission; however, the term "department" shall~~
1848 ~~mean the Department of Management Services when used in the~~
1849 ~~context of the authority to establish pay bands and benefits.~~

1850 (3) POSITIONS EXEMPTED BY OTHER STATUTES.—If any
1851 position is exempted from the Civil ~~career~~ Service by any other
1852 statute and the personnel system to which that position is
1853 assigned is not specifically included in the statute, the
1854 position shall be placed in the Selected Exempt Service, and the
1855 Department of Management Services shall set ~~establish~~ the pay
1856 band and benefits for that position in accordance with the rules

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1857 of the Selected Exempt Service.

1858 (4) RULES.—The Department of Management Services may adopt
1859 rules necessary to administer this section.

1860 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~
1861 ~~DEPARTMENT OF FINANCIAL SERVICES.—In addition to those positions~~
1862 ~~exempted from this part, there is hereby exempted from the~~
1863 ~~Career Service System the chief inspector of the boiler~~
1864 ~~inspection program of the Department of Financial Services. The~~
1865 ~~pay band of this position shall be established by the Department~~
1866 ~~of Management Services in accordance with the classification and~~
1867 ~~pay plan established for the Selected Exempt Service.~~

1868 ~~(7) CARRYING LEAVE FORWARD.—If an employee is transferred~~
1869 ~~or otherwise moves from the Career Service System into the~~
1870 ~~Selected Exempt Service, all of the employee's unused annual~~
1871 ~~leave, unused sick leave, and unused compensatory leave shall~~
1872 ~~carry forward with the employee.~~

1873 Section 30. Section 110.208, Florida Statutes, is created
1874 to read:

1875 110.208 Classification system.—The department shall
1876 establish and maintain a uniform classification system
1877 applicable to all positions in the Civil Service and shall be
1878 responsible for the overall coordination, review, and
1879 maintenance of the system. A position may not be filled until it
1880 has been classified in accordance with the system.

1881 (1) The system must include:

1882 (a) A position classification system using job families,
1883 occupational groups, and a broadband level structure for each
1884 occupation within an occupational group.

1885 (b) A pay plan that provides broad-based pay bands for each

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1886 occupational group.

1887 (2) In establishing and administering the system, the
1888 department:

1889 (a) Shall develop occupation profiles necessary for the
1890 establishment of new occupations or for the revision of existing
1891 occupations, and shall establish the appropriate occupation
1892 title and broadband level code for each occupation. The
1893 occupation profiles, titles, and codes are not rules within the
1894 meaning of s. 120.52.

1895 (b) Shall be responsible for conducting periodic studies
1896 and surveys to ensure that the classification system is
1897 maintained on a current basis.

1898 (c) May review in a postaudit capacity the action taken by
1899 an agency in classifying or reclassifying a position.

1900 (d) Shall effect a classification change on any
1901 classification or reclassification action taken by an agency if
1902 the action taken by the agency was not based on the duties and
1903 responsibilities officially assigned the position as they relate
1904 to the concepts and description contained in the official
1905 occupation profile and the level definition provided in the
1906 occupational group characteristics adopted by the department.

1907 (e) Shall adopt rules necessary to administer the
1908 classification system.

1909 (3) Each state agency is responsible for the day-to-day
1910 application of the classification system established by the
1911 department.

1912 (a) The agency shall maintain on an up-to-date position
1913 description for each authorized and established position
1914 assigned to the agency. The position description must include an

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1915 accurate description of assigned duties and responsibilities and
1916 other pertinent information relating to a position and serves as
1917 a record of the official assignment of duties to the position.
1918 The description shall be used in comparing positions to ensure
1919 the uniformity of classifications.

1920 (b) The agency may classify positions authorized by the
1921 Legislature or authorized pursuant to s. 216.262, classify
1922 positions that are added in lieu of positions deleted pursuant
1923 to s. 216.262, and reclassify established positions.
1924 Classification and reclassification actions taken by an agency
1925 must be within the classification system occupations established
1926 by the department, shall be funded within the limits of
1927 currently authorized appropriations, and must be in accordance
1928 with the uniform procedures established by the department.

1929 Section 31. Section 110.2085, Florida Statutes, is created
1930 to read:

1931 110.2085 Pay plan.—

1932 (1) The department shall establish and maintain an
1933 equitable pay plan that applies to all positions in the Civil
1934 Service and shall be responsible for the overall review,
1935 coordination, and administration of the pay plan.

1936 (2) The department shall provide market-based pay bands for
1937 occupational groups and establish guidelines for state agencies
1938 to use when moving employees through such pay bands.

1939 (a) The agencies may determine the appropriate salary
1940 within the pay bands using the guidelines developed by the
1941 department. Such pay bands, and the assignment of broadband
1942 levels to positions, are not rules within the meaning of s.
1943 120.52.

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1944 (b) The department, in consultation with the Executive
1945 Office of the Governor and the legislative appropriations
1946 committees, shall conduct compensation surveys as necessary for
1947 the purpose of achieving an equitable, competitive, market-based
1948 pay policy.

1949 (3) The department shall establish rules for the
1950 administration of pay additives and shall delegate to the state
1951 agencies, where appropriate, the authority to implement pay
1952 additives. The agency must use pay additives, as appropriate,
1953 within the guidelines established by the department and
1954 consistent with directions contained in the General
1955 Appropriations Act.

1956 (a) The following pay additives are authorized:

- 1957 1. Shift differentials.
- 1958 2. On-call.
- 1959 3. Hazardous-duty.
- 1960 4. Lead-worker duty.
- 1961 5. Temporary special duties.
- 1962 6. Trainer duties.
- 1963 7. Competitive area differentials.
- 1964 8. Critical market pay.

1965 (b) By March 1 of each year, each state agency shall submit
1966 a proposed plan to the department, the Executive Office of the
1967 Governor, and the Legislature for implementing pay additives for
1968 hazardous-duty, lead-worker, temporary special duties, and
1969 trainer duties for the next fiscal year.

1970 1. An agency may not implement pay additives to a cohort of
1971 positions sharing job classifications or job occupations unless
1972 the Legislature specifically authorizes such pay additives in

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1973 the General Appropriations Act and the pay additives do not
1974 conflict with any collective bargaining agreement for that
1975 specific cohort of positions.

1976 2. Any proposed revision to an approved plan which becomes
1977 necessary during the fiscal year must be submitted by the agency
1978 to the department for review and recommendation to the Executive
1979 Office of the Governor and the Legislature. Such revisions may
1980 be implemented only after approval by the Executive Office of
1981 the Governor and the Legislature.

1982 (c) Any proposed action by an agency which requires the
1983 establishment of a new competitive area differential or a new
1984 critical market pay additive may be implemented only after the
1985 department has reviewed and recommended such action and it has
1986 been approved by the Executive Office of the Governor and the
1987 Legislature.

1988 (d) An agency may implement shift differentials and on-call
1989 additives as necessary to accomplish the mission of the agency
1990 and in accordance with collective bargaining agreements.

1991 (e) The department shall annually provide to the Executive
1992 Office of the Governor and the Legislature a summary report of
1993 the pay additives implemented pursuant to this section.

1994 (4) A state agency may implement salary increase and
1995 decrease corrections due to administrative errors.

1996 (5) The department may adopt rules necessary to administer
1997 this section.

1998 Section 32. Section 110.211, Florida Statutes, is amended
1999 to read:

2000 110.211 Recruitment.—

2001 (1) Recruiting shall be planned and carried out to ensure

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2002 ~~in a manner that assures~~ open competition based upon current and
2003 projected ~~employing~~ agency needs, taking into consideration the
2004 number and types of positions to be filled and the labor market
2005 conditions, with special emphasis placed on recruiting efforts
2006 that ~~to~~ attract minorities, women, or other groups ~~that are~~
2007 underrepresented in the workforce of a state ~~the employing~~
2008 agency.

2009 (2) Recruiting efforts to fill current or projected
2010 vacancies shall be carried out in the sound discretion of the
2011 agency head.

2012 (3) Recruiting ~~shall seek efficiency in advertising and~~ may
2013 be assisted by a contracted vendor ~~responsible for maintenance~~
2014 ~~of the personnel data.~~

2015 (4) The department may adopt rules necessary to administer
2016 this section. All recruitment literature involving state
2017 ~~position vacancies shall contain the phrase "An Equal~~
2018 ~~Opportunity Employer/Affirmative Action Employer."~~

2019 Section 33. Section 110.213, Florida Statutes, is amended
2020 to read:

2021 110.213 Selection.—

2022 (1) Selection for appointment from among the ~~most~~ qualified
2023 candidates is ~~shall be~~ the sole responsibility of the state
2024 ~~employing~~ agency. ~~All new employees must successfully complete~~
2025 ~~at least a 1-year probationary period before attainment of~~
2026 ~~permanent status.~~

2027 (2) ~~Selection shall reflect efficiency and simplicity in~~
2028 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee
2029 shall ~~be required to~~ document the qualifications of the selected
2030 candidate to ensure that the candidate meets the ~~minimum~~

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2031 requirements ~~as~~ specified by the ~~employing~~ agency; it meets the
2032 licensure, certification, or registration requirements, if any,
2033 as specified by statute; it and possesses the requisite knowledge,
2034 skills, and abilities for the position. No other documentation
2035 or justification is ~~shall be~~ required before ~~prior to~~ selecting
2036 a candidate for a position.

2037 (3) The department may adopt rules necessary to administer
2038 this section.

2039 Section 34. Section 110.2135, Florida Statutes, is amended
2040 to read:

2041 110.2135 Veterans' preference ~~in employment, reemployment,~~
2042 ~~promotion, and retention.~~—

2043 (1) Preference in employment, reemployment, promotion, and
2044 retention shall be given to an eligible veteran pursuant to ss.
2045 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran
2046 meets the minimum eligibility requirements and has the
2047 knowledge, skills, and abilities required for the particular
2048 position.

2049 (2) A disabled veteran employed as the result of being
2050 placed at the top of the appropriate employment list under ~~the~~
2051 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a
2052 probationary period of 1 year. At the end of such period, if the
2053 work of the veteran has been satisfactorily performed, the
2054 veteran will acquire merit ~~permanent employment~~ status and ~~will~~
2055 be subject to the employment rules of the department ~~of~~
2056 ~~Management Services~~ and the agency employing the veteran
2057 ~~veteran's employing agency.~~

2058 (3) The department may adopt rules necessary to administer
2059 this section.

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2060 Section 35. Section 110.215, Florida Statutes, is amended
2061 to read:

2062 110.215 Examinations and other employment qualification
2063 assessments administered to persons having disabilities.—

2064 (1) The purpose of this section is to further the policy of
2065 the State Personnel System to encourage and assist persons
2066 having disabilities to achieve maximum personal and vocational
2067 independence through useful and productive gainful employment by
2068 eliminating unwarranted barriers to their qualifying
2069 competitively for civil state career service jobs.

2070 (2) As used in this section, the term:

2071 ~~(a) "Agency" includes each department and agency of the~~
2072 ~~state.~~

2073 ~~(a)(b)~~ "Disability" means, with respect to an individual, a
2074 physical or mental impairment that substantially limits one or
2075 more of the major life activities of the individual, or a record
2076 of having such an impairment, or being regarded as having such
2077 an impairment.

2078 ~~(b)(e)~~ "Examination" includes employment tests and other
2079 structured, systematic instruments used to assess the essential
2080 knowledge, skills, abilities, minimum qualifications, and other
2081 job-related requirements possessed by an applicant as a basis
2082 for any employment decision by an agency.

2083 (3) An applicant for employment within the Civil State
2084 ~~Career Service System~~ who has a disability that impairs sensory,
2085 speaking, or manual skills may require an agency to administer
2086 an ~~any~~ examination to him or her in a format and manner that
2087 does not require use of an impaired skill, unless the test is
2088 designed to measure that skill. An applicant may request a

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2089 reasonable accommodation in a test format on the basis of a
2090 disability.

2091 (4) The department may adopt rules necessary to administer
2092 this section.

2093 Section 36. Section 110.217, Florida Statutes, is amended
2094 to read:

2095 110.217 Appointment actions and status ~~Appointments and~~
2096 ~~promotion.~~

2097 (1) ~~(a)~~ The department, ~~in consultation with agencies that~~
2098 ~~must comply with these rules,~~ shall develop uniform rules
2099 regarding original appointment, promotion, demotion,
2100 reassignment, lateral transfer, separation, and status which
2101 must be used by state ~~employing~~ agencies. ~~Such rules must be~~
2102 ~~approved by the Administration Commission before their adoption~~
2103 ~~by the department.~~

2104 ~~(b) Employing agencies may seek exceptions to these uniform~~
2105 ~~rules by filing a petition with the Administration Commission.~~
2106 ~~The Administration Commission shall approve an exception when~~
2107 ~~the exception is necessary to conform to any requirement imposed~~
2108 ~~as a condition precedent to receipt of federal funds or to~~
2109 ~~permit persons in this state to receive tax benefits under~~
2110 ~~federal law, or as required for the most efficient operation of~~
2111 ~~the agency as determined by the Administration Commission. The~~
2112 ~~reasons for the exception must be published in the Florida~~
2113 ~~Administrative Weekly.~~

2114 ~~(c) Agency rules that provide exceptions to the uniform~~
2115 ~~rules may not be filed with the Department of State unless the~~
2116 ~~Administration Commission has approved the exceptions. Each~~
2117 ~~agency that adopts rules that provide exceptions to the uniform~~

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2118 ~~rules or that must comply with statutory requirements that~~
2119 ~~conflict with the uniform rules must have a separate chapter~~
2120 ~~published in the Florida Administrative Code that delineates~~
2121 ~~clearly the provisions of the agency's rules which provide~~
2122 ~~exceptions or are based upon a conflicting statutory~~
2123 ~~requirement. Each alternative chosen from those authorized by~~
2124 ~~the uniform rules must be specified. Each chapter must be~~
2125 ~~organized in the same manner as the uniform rules.~~

2126 (2) An employee appointed on probationary status shall
2127 attain merit status in the position upon successful completion
2128 of at least a 1-year probationary period.

2129 ~~(2) Each employing agency shall have the responsibility for~~
2130 ~~the establishment and maintenance of rules and guidelines for~~
2131 ~~determining eligibility of applicants for appointment to~~
2132 ~~positions in the career service.~~

2133 ~~(3) Eligibility shall be based on possession of required~~
2134 ~~minimum qualifications for the job class and any required entry-~~
2135 ~~level knowledge, skills, and abilities, and any certification~~
2136 ~~and licensure required for a particular position.~~

2137 ~~(4) The employing agency shall be responsible for~~
2138 ~~developing an employee career advancement program which shall~~
2139 ~~assure consideration of qualified permanent employees in the~~
2140 ~~agency or career service who apply. However, such program shall~~
2141 ~~also include provisions to bring persons into the career service~~
2142 ~~through open competition. Promotion appointments shall be~~
2143 ~~subject to postaudit by the department.~~

2144 ~~(5) The department shall adopt any rules necessary to~~
2145 ~~implement the provisions of this section. The rules must be~~
2146 ~~approved by a majority vote of the Administration Commission~~

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2147 ~~prior to their adoption by the department.~~

2148 Section 37. Section 110.219, Florida Statutes, is amended
2149 to read:

2150 110.219 Attendance and leave; general policies.-

2151 (1) The workday for each full-time ~~state~~ employee shall be
2152 8 hours or as otherwise authorized ~~justified~~ by the agency head.

2153 (2) Overtime may be required for any employee.

2154 (3) The granting of any leave of absence, with or without
2155 pay, shall be in accordance with applicable state or federal
2156 laws and the rules of the State Personnel System ~~writing and~~
2157 ~~shall be approved by the agency head. Those employees who, at~~
2158 the discretion of the agency, are ~~An employee who is granted a~~
2159 leave of absence remain employees of the agency ~~with or without~~
2160 ~~pay shall be an employee of the state while on such leave and~~
2161 ~~shall be returned to the same or comparable position or a~~
2162 ~~different position in the same class and same work location upon~~
2163 ~~termination of the approved leave of absence. The agency head~~
2164 ~~and the employee may agree in writing to other conditions and~~
2165 ~~terms under which the leave is to be granted.~~

2166 ~~(4) Each agency shall keep an accurate record of all hours~~
2167 ~~of work performed by each employee, as well as a complete and~~
2168 ~~accurate record of all authorized leave which is approved. The~~
2169 ~~ultimate responsibility for the accuracy and proper maintenance~~
2170 ~~of all attendance and leave records shall be with the agency~~
2171 ~~head.~~

2172 ~~(4)-(5) Rules shall be adopted by The department~~ shall adopt
2173 rules to administer ~~in cooperation and consultation with the~~
2174 ~~agencies to implement the provisions of this section; however,~~
2175 ~~such rules must be approved by the Administration Commission~~

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2176 ~~prior to their adoption.~~ Such rules must provide for, but need
2177 not be limited to:

2178 (a) The maximum responsibility and authority resting with
2179 each agency head to administer attendance and leave matters in
2180 the agency within the parameters of the rules ~~adopted by the~~
2181 ~~department.~~

2182 (b) ~~Creditable service in which 1 month of Service credit~~
2183 ~~as it relates to the accrual and payment of leave is awarded for~~
2184 ~~each calendar month that the employee is on the payroll of a~~
2185 ~~state agency or during which the employee is on authorized leave~~
2186 ~~without pay.~~

2187 (c) Holidays as provided in s. 110.117.

2188 (d) Overtime provisions.

2189 (e) Annual leave provisions.

2190 (f) Sick leave provisions.

2191 (g) Parental leave provisions.

2192 (h) Family medical leave provisions.

2193 (i) Disability leave provisions.

2194 (j) Compulsory disability leave provisions.

2195 (k) Administrative leave provisions.

2196 (l) Military leave provisions.

2197 (m) Educational leave with pay provisions.

2198 (n) Leave of absence without pay provisions.

2199 ~~(6) The leave benefits provided to Senior Management~~
2200 ~~Service employees shall not exceed those provided to employees~~
2201 ~~in the Selected Exempt Service.~~

2202 (5) ~~(7)~~ Each December, a civil permanent career service
2203 employee who has merit status, or who is currently on
2204 probationary status due to a promotion that was immediately

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2205 preceded by merit status, is shall be entitled, subject to
 2206 available funds, to a payout of up to 24 hours of unused annual
 2207 leave if the as follows:

2208 ~~(a) A permanent career service employee has must have~~ an
 2209 annual leave balance of at least no less than 24 hours, after
 2210 the payout, ~~in order to qualify for this benefit.~~

2211 ~~(b) A civil service No permanent career service~~ employee
 2212 may not shall receive a payout of greater than 240 hours over
 2213 the course of the employee's career with the state, including
 2214 any leave received at the time of separation.

2215 Section 38. Section 110.224, Florida Statutes, is amended
 2216 to read:

2217 110.224 ~~Public Employee performance evaluation system.~~ An A
 2218 ~~public~~ employee performance evaluation system shall be
 2219 established as a basis for evaluating and improving the
 2220 performance of the state's workforce, to inform employees of
 2221 strong and weak points in the employee's performance, to
 2222 identify training needs, and to award lump-sum bonuses and other
 2223 performance-based incentives in accordance with s. 110.1245 or
 2224 other provisions of law 110.1245(2).

2225 (1) Upon original appointment, promotion, demotion, or
 2226 reassignment, a job description of the assigned position
 2227 ~~assigned~~ must be made available to the civil career service
 2228 employee. The job description may be made available in an
 2229 electronic format.

2230 (2) Each employee shall must have a performance evaluation
 2231 conducted at least annually which involves both, and the
 2232 ~~employee must receive~~ an oral and written assessment of his or
 2233 her performance ~~evaluation~~. The performance evaluation may

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2234 include a plan of action for improvement of the employee's
2235 performance based on the work expectations or performance
2236 standards applicable to the position as determined by the agency
2237 head.

2238 (3) The department may adopt rules necessary to administer
2239 this section ~~the public employee performance evaluation system~~
2240 ~~which establish procedures for performance evaluation, review~~
2241 ~~periods, and forms.~~

2242 Section 39. Section 110.227, Florida Statutes, is amended
2243 to read:

2244 110.227 Suspensions, dismissals, reductions in pay,
2245 demotions, layoffs, transfers, and grievances.—

2246 (1) An ~~Any~~ employee who has satisfactorily completed at
2247 least a 1-year probationary period in his or her current
2248 position may be suspended or dismissed only for cause. Cause
2249 includes ~~shall include~~, but is not limited to, poor performance,
2250 negligence, inefficiency or inability to perform assigned
2251 duties, insubordination, violation of ~~the provisions of~~ law or
2252 agency rules, conduct unbecoming a public employee, misconduct,
2253 habitual drug abuse, or conviction of any crime. The agency head
2254 shall ensure that all employees of the agency have reasonable
2255 access to the agency's personnel policies and procedures ~~manual~~.

2256 (2) ~~(a)~~ The department shall establish rules and procedures
2257 for the suspension, reduction in pay, transfer, layoff,
2258 demotion, and dismissal of employees in the Civil ~~career~~
2259 Service.

2260 (a) Except with regard to law enforcement or correctional
2261 officers, firefighters, or professional health care providers,
2262 rules regarding layoff procedures may ~~shall~~ not include any

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2263 provision system whereby a civil ~~career~~ service employee with
2264 greater seniority has the option of selecting a different
2265 position not being eliminated, but either vacant or already
2266 occupied by an employee who has ~~of~~ less seniority, and taking
2267 that position, commonly referred to as "bumping."

2268 (b) For the implementation of layoffs ~~as defined in s.~~
2269 ~~110.107,~~ the department shall develop rules requiring retention
2270 of the agency's employees based upon objective measures that
2271 give consideration to comparative merit, demonstrated skills,
2272 the employee's experience, and the employee's length of service.
2273 ~~Such rules shall be approved by the Administration Commission~~
2274 ~~before their adoption by the department.~~

2275 (3) ~~(a)~~ With regard to law enforcement or correctional
2276 officers, firefighters, or professional health care providers: 7
2277 ~~when~~

2278 (a) If a layoff becomes necessary, such layoff shall be
2279 conducted within the competitive area identified by the agency
2280 head and approved by the department ~~of Management Services~~. Such
2281 competitive area shall be established taking into consideration
2282 the similarity of work; the organizational unit, which may be by
2283 agency, department, division, bureau, or other organizational
2284 unit; and the commuting area for the affected work ~~affected~~.

2285 (b) ~~With regard to law enforcement or correctional~~
2286 ~~officers, firefighters, or professional health care providers,~~
2287 Layoff procedures shall be developed to establish the relative
2288 merit and fitness of employees and must ~~shall~~ include a formula
2289 for uniform application among all employees in the competitive
2290 area, taking into consideration the type of appointment, the
2291 length of service, and the evaluations of the employee's

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2292 performance within the last 5 years of employment.

2293 (4) A grievance process shall be available to civil ~~career~~
2294 service employees who have satisfactorily completed at least a
2295 1-year probationary period in their current positions. A
2296 grievance ~~is defined as the dissatisfaction that~~ occurs when an
2297 employee believes that any condition affecting the employee is
2298 unjust, inequitable, or a hindrance to the effective performance
2299 of his or her job duties ~~operation~~. Claims of discrimination and
2300 sexual harassment or claims related to suspensions, reductions
2301 in pay, demotions, and dismissals are not subject to the civil
2302 ~~career~~ service grievance process. The following procedures ~~shall~~
2303 apply to any grievance filed pursuant to this subsection, except
2304 that all timeframes may be extended in writing by mutual
2305 agreement:

2306 (a) *Step One.*—The employee must ~~may~~ submit a signed,
2307 written grievance on a form provided by the agency to his or her
2308 supervisor within 14 calendar days following the occurrence of
2309 the event giving rise to the grievance. The supervisor must meet
2310 with the employee to discuss the grievance and provide a written
2311 response to the employee within 7 business days following
2312 receipt of the grievance.

2313 (b) *Step Two.*—If the employee is dissatisfied with the
2314 response of his or her supervisor, the employee must ~~may~~ submit
2315 the written grievance to the agency head or ~~his or her~~ designee
2316 within 7 business days following receipt of the supervisor's
2317 written response. The agency head's ~~head or his or her~~ designee
2318 may ~~must~~ meet with the employee to discuss the grievance within
2319 5 business days following receipt of the grievance. The agency
2320 head or his or her designee must respond in writing to the

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2321 employee within 5 business days following receipt of the
2322 grievance ~~the meeting~~. The written decision of the agency head
2323 or designee is shall be the final and binding authority for all
2324 grievances filed pursuant to this subsection. Such grievances
2325 may not be appealed beyond Step Two.

2326 (5) ~~(a)~~ A civil ~~career~~ service employee who has
2327 satisfactorily completed at least a 1-year probationary period
2328 in his or her current position and who is subject to a
2329 suspension, reduction in pay, demotion, involuntary transfer of
2330 more than 50 miles by highway, or dismissal shall receive
2331 written notice of such action at least 10 calendar days before
2332 ~~prior to~~ the date such action is ~~to be~~ taken.

2333 (a) Subsequent to such notice, and before ~~prior to~~ the date
2334 the action is ~~to be~~ taken, the affected employee shall be given
2335 an opportunity to appear before a designated agency official to
2336 rebut the agency or official taking the action to answer orally
2337 ~~and in writing~~ the charges against him or her. The notice ~~to the~~
2338 ~~employee required by this paragraph~~ may be delivered to the
2339 employee personally or may be sent by certified mail with return
2340 receipt requested. Such actions are ~~shall be~~ appealable to the
2341 Public Employees Relations Commission as provided in subsection
2342 (6). Written notice of ~~any~~ such appeal shall be filed by the
2343 employee with the commission within 21 calendar days after the
2344 date on which the notice of suspension, reduction in pay,
2345 demotion, involuntary transfer of more than 50 miles by highway,
2346 or dismissal is received by the employee. Merit status that was
2347 attained in a previous position does not give rise to appeal
2348 rights under this section.

2349 (b) In extraordinary situations such as when the retention

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2350 of a civil ~~career~~ service employee may ~~who has satisfactorily~~
2351 ~~completed at least a 1-year probationary period in his or her~~
2352 ~~current position would~~ result in damage to state property, may
2353 ~~would~~ be detrimental to the best interest of the state, or may
2354 ~~would~~ result in harm ~~injury~~ to the employee, a fellow employee,
2355 or some other person, such employee may be suspended or
2356 dismissed without 10 calendar days' prior notice if, ~~provided~~
2357 ~~that~~ written or oral notice of such action, including ~~evidence~~
2358 ~~of~~ the reasons therefor, and an opportunity to rebut the charges
2359 are furnished to the employee before ~~prior to~~ such dismissal or
2360 suspension. Such notice may be delivered to the employee
2361 personally or may be sent by certified mail with return receipt
2362 requested. ~~Agency compliance with the foregoing procedure~~
2363 ~~requiring notice, evidence, and an opportunity for rebuttal must~~
2364 ~~be substantiated.~~ Any employee who is suspended or dismissed
2365 pursuant to ~~the provisions of~~ this paragraph may appeal to the
2366 Public Employees Relations Commission as provided in subsection
2367 (6). Written notice of any such appeal shall be filed with the
2368 commission by the employee within 21 calendar days after the
2369 date on which the notice of suspension, ~~reduction in pay,~~
2370 ~~demotion,~~ or dismissal is received by the employee.

2371 (6) The following procedures ~~shall~~ apply to appeals filed
2372 pursuant to subsection (5) with the Public Employees Relations
2373 Commission, ~~hereinafter referred to as the commission:~~

2374 (a) The commission must conduct a hearing within 60
2375 calendar days following the filing of a notice of appeal. An ~~No~~
2376 extension of time for the hearing may not exceed 30 calendar
2377 days, absent exceptional circumstances, and ~~no extension of time~~
2378 may not be granted without the consent of all parties. Discovery

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2379 may be granted only upon the showing of extraordinary
2380 circumstances. A party requesting discovery must ~~shall~~
2381 demonstrate a substantial need for the information requested and
2382 an inability to obtain relevant information by other means.
2383 Except where inconsistent with the requirements of this
2384 subsection, the provisions of s. 447.503(4) and (5) and chapter
2385 120 apply to proceedings held pursuant to this subsection.

2386 (b) A person may represent himself or herself in
2387 proceedings before the commission or may be represented by legal
2388 counsel or by an ~~any~~ individual who qualifies as a
2389 representative pursuant to rules adopted by the commission.

2390 (c) If the commission finds that cause did not exist for
2391 the agency action, the commission shall reverse the decision of
2392 the agency head and the employee shall be reinstated with or
2393 without back pay. If the commission finds that cause existed for
2394 the agency action, the commission shall affirm the decision of
2395 the agency head. The commission may not reduce the penalty
2396 imposed by the agency head, except in the case of law
2397 enforcement or correctional officers, firefighters, and
2398 professional health care providers, if the commission makes
2399 specific written findings of mitigation.

2400 (d) A recommended order shall be issued by the hearing
2401 officer within 30 days following the hearing. Exceptions to the
2402 recommended order must ~~shall~~ be filed within 15 days after the
2403 recommended order is issued. The final order shall be filed by
2404 the commission within ~~no later than~~ 45 calendar days after the
2405 hearing or after the filing of exceptions or oral arguments if
2406 granted.

2407 (e) Final orders issued by the commission pursuant to

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2408 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2409 (7) Other than for law enforcement or correctional
2410 officers, firefighters, and professional health care providers,
2411 each suspension, dismissal, demotion, or reduction in pay must
2412 be reviewed without consideration of any other case or set of
2413 facts.

2414 (8) A civil ~~career~~ service employee who is serving a
2415 probationary period in a position to which he or she has been
2416 promoted may be removed from that promotional position at any
2417 time during the probationary period for inefficiency or
2418 inability to perform assigned duties but must be returned to his
2419 or her former position, or a comparable position, if such a
2420 position is vacant. If such a position is not available, before
2421 dismissal, the agency shall make a reasonable effort to retain
2422 the employee in another vacant position. This subsection does
2423 not apply to other dismissals ~~terminations~~ for cause as
2424 described in subsection (1), nor does it create a right to
2425 "bump" an employee from an occupied position as described in
2426 paragraph (2)(a). An employee who is removed from a promotional
2427 position under this subsection does not have grievance rights
2428 under subsection (4) or appeal rights under subsection (5) due
2429 to their probationary status.

2430 (9) Employees of the Department of Law Enforcement are
2431 subject to the provisions of this section, except in matters
2432 relating to transfer.

2433 Section 40. The Division of Statutory Revision is requested
2434 to renumber part V of chapter 110, Florida Statutes, as part
2435 III, consisting of ss. 110.302-3035, and to rename that part as
2436 "Selected Exempt Service."

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2437 Section 41. Section 110.601, Florida Statutes, is
2438 transferred, renumbered as section 110.302, Florida Statutes,
2439 and amended to read:

2440 110.302 ~~110.601~~ Declaration of policy.—This part creates a
2441 system of personnel administration for management the purpose of
2442 delivering ~~which is to deliver~~ high-quality performance by
2443 selected exempt service ~~those~~ employees in the State Personnel
2444 System ~~select exempt classifications~~ by facilitating the ~~state's~~
2445 ability to attract and retain qualified personnel in these
2446 positions, while also providing sufficient management
2447 flexibility to ensure that the workforce is responsive to agency
2448 needs. The Legislature recognizes that the public interest is
2449 best served by developing and refining the technical and
2450 managerial skills of these ~~its selected exempt service~~
2451 employees, ~~and, to this end, technical training and management~~
2452 ~~development programs are regarded as a major administrative~~
2453 ~~function within agencies.~~

2454 Section 42. Section 110.602, Florida Statutes, is
2455 transferred, renumbered as section 110.3021, Florida Statutes,
2456 and amended to read:

2457 110.3021 ~~110.602~~ Selected Exempt Service; creation,
2458 ~~coverage.~~

2459 (1) The Selected Exempt Service is created as a separate
2460 system of personnel administration for ~~select exempt~~ positions
2461 ~~that. Such positions shall include, and shall be limited to,~~
2462 ~~those positions which~~ are exempt from the Civil Career Service
2463 ~~System~~ pursuant to s. 110.205 ~~(2) and (5)~~ and for which the
2464 salaries and benefits are set by the department in accordance
2465 with the rules of the Selected Exempt Service. ~~The department~~

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2466 ~~shall designate all positions included in the Selected Exempt~~
2467 ~~Service as either managerial/policymaking, professional, or~~
2468 ~~nonmanagerial/nonpolicymaking.~~

2469 (2) Employees in the Selected Exempt Service shall serve at
2470 the pleasure of the agency head and are subject to personnel
2471 actions at the discretion of the agency head. Personnel actions
2472 that are tantamount to suspension, dismissal, reduction in pay,
2473 demotion, or transfer are exempt from chapter 120.

2474 Section 43. Section 110.605, Florida Statutes, is
2475 transferred, renumbered as section 110.3022, Florida Statutes,
2476 and amended to read:

2477 110.3022 ~~110.605~~ Powers and duties; personnel rules,
2478 records, reports, and performance appraisal.—The department is
2479 responsible for the policy administration of the Selected Exempt
2480 Service. In carrying out that function the department shall:

2481 (1) Provide broad, market-based pay bands for occupations
2482 within the Selected Exempt Service and establish guidelines that
2483 allow state agencies flexibility to move employees through the
2484 pay bands. The agencies may determine the appropriate salary
2485 within the bands using the guidelines adopted by the department.
2486 The pay bands, and the assignment of bands to positions, do not
2487 constitute rules within the meaning of s. 120.52.

2488 (2) Establish a classification system and a salary and
2489 benefit plan for the Selected Exempt Service which provides for
2490 greater pay and benefits overall than are provided for the Civil
2491 Service and less pay and benefits overall than are provided for
2492 the Senior Management Service.

2493 (3) In consultation with the Executive Office of the
2494 Governor and the appropriation committees of the Legislature,

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2495 conduct compensation surveys as necessary for achieving an
2496 equitable, competitive, market-based compensation policy for
2497 selected exempt service employees.

2498 (4) Establish a performance evaluation system for selected
2499 exempt service employees which takes into consideration
2500 individual and organizational efficiency, productivity, and
2501 effectiveness.

2502 (5) Establish a system for documenting department actions
2503 taken on agency requests for the approval of position exemptions
2504 and pay increases for selected exempt service employees.

2505 (6)~~(1)~~ ~~The department shall~~ Adopt and administer uniform
2506 personnel rules, records, and reports relating to employees and
2507 positions in the Selected Exempt Service, as well as any other
2508 rules and procedures relating to personnel administration which
2509 are necessary to carry out the purposes of this part.

2510 (a) The rules adopted by the department and each state
2511 agency must comply with all federal regulations necessary to
2512 permit the agencies to receive federal funds.

2513 (b) Each agency shall operate within the uniform personnel
2514 rules adopted by the department pursuant to this part.

2515 (c) Each agency shall maintain up-to-date records and
2516 reports required by applicable rules.

2517 (d)~~(a)~~ The department may ~~shall~~ develop uniform forms and
2518 instructions to be used for personnel in reporting transactions
2519 ~~which involve changes in an employee's salary, status,~~
2520 ~~performance, leave, fingerprint record, loyalty oath, payroll~~
2521 ~~change, or appointment action or any additional transactions as~~
2522 the department deems ~~may deem~~ appropriate.

2523 ~~(b) The department shall develop a uniform performance~~

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2524 ~~appraisal system for employees and positions in the Selected~~
2525 ~~Exempt Service covered by a collective bargaining agreement.~~
2526 ~~Each employing agency shall develop a performance appraisal~~
2527 ~~system for all other employees and positions in the Selected~~
2528 ~~Exempt System. Such agency system shall take into consideration~~
2529 ~~individual and organizational efficiency, productivity, and~~
2530 ~~effectiveness.~~

2531 ~~(c) The employing agency must maintain, on a current basis,~~
2532 ~~all records and reports required by applicable rules. The~~
2533 ~~department shall periodically audit employing agency records to~~
2534 ~~determine compliance with the provisions of this part and the~~
2535 ~~rules of the department.~~

2536 ~~(d) The department shall develop a program of affirmative~~
2537 ~~and positive actions that will ensure full utilization of women~~
2538 ~~and minorities in Selected Exempt Service positions.~~

2539 ~~(2) Each employing agency shall operate within the uniform~~
2540 ~~personnel rules adopted by the department pursuant to the~~
2541 ~~provisions of this part. Each employing agency may adopt rules~~
2542 ~~as necessary to implement the provisions of this part, but such~~
2543 ~~rules shall not prescribe any personnel policies inconsistent~~
2544 ~~with the provisions of this part or the rules of the department.~~

2545 ~~(3) The rules adopted by the department and each employing~~
2546 ~~agency under this part shall comply with all federal regulations~~
2547 ~~necessary to permit the state agencies to be eligible to receive~~
2548 ~~federal funds.~~

2549 ~~(4) The department shall adopt by rule procedures for~~
2550 ~~Selected Exempt Service employees that require disclosure to the~~
2551 ~~agency head of any application for or offer of employment, gift,~~
2552 ~~contractual relationship, or financial interest with any~~

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2553 ~~individual, partnership, association, corporation, utility, or~~
2554 ~~other organization, whether public or private, doing business~~
2555 ~~with or subject to regulation by the agency.~~

2556 ~~(5) The secretary may periodically hire a consultant with~~
2557 ~~expertise in personnel management to advise him or her with~~
2558 ~~respect to the administration of the Selected Exempt Service.~~

2559 Section 44. Section 110.3023, Florida Statutes, is created
2560 to read:

2561 110.3023 Recruitment.-

2562 (1) Each state agency is responsible for establishing a
2563 process for employing, advancing, and deploying selected exempt
2564 service staff to meet agency needs.

2565 (2) If normal recruitment efforts of the agency through the
2566 use of the department's designated human resource information
2567 system, trade journals, or magazines are unsuccessful, the
2568 agency may contract with a person or firm to conduct a
2569 multistate search for hard-to-fill professional positions. The
2570 contracted search person or firm must satisfy the following
2571 criteria:

2572 (a) Willingness to accept contingency contracts with fees
2573 up to 30 percent of the annual salary of the applicant, to be
2574 paid upon employment of an applicant produced by the search.

2575 (b) Demonstrated capacity to perform effectively at
2576 competitive industry prices.

2577 (c) Evidence of successful placements in the public sector
2578 by level and type of placement.

2579 (d) Agreement for the delivery of services within 90
2580 calendar days after the date of the requested search by the
2581 agency, unless an extension is granted by the agency.

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2582 (e) Ability to attract minorities and women as evidenced by
2583 applicant pools generated for previous clients.

2584 Section 45. The Division of Statutory Revision is requested
2585 to renumber part III of chapter 110, Florida statutes, as part
2586 IV, consisting of ss. 110.401-110.4035, and to rename that part
2587 as "Senior Management Service."

2588 Section 46. Section 110.401, Florida Statutes, is amended
2589 to read:

2590 110.401 Declaration of policy.—This part creates a ~~uniform~~
2591 system of personnel administration for attracting, retaining,
2592 and developing highly competent, executive-level senior-level
2593 managers within the State Personnel System ~~at the highest~~
2594 ~~executive-management-level agency positions in order for the~~
2595 ~~highly complex programs and agencies of state government to~~
2596 ~~function effectively, efficiently, and productively.~~ The
2597 Legislature recognizes that executive-level senior-level
2598 management is an established profession and that the public
2599 interest is best served by developing and refining the
2600 management skills of its senior management service employees.
2601 ~~Accordingly, training and management development programs are~~
2602 ~~regarded as a major administrative function within agencies.~~

2603 Section 47. Section 110.402, Florida Statutes, is amended
2604 to read:

2605 110.402 Senior Management Service; creation, ~~coverage.~~—

2606 (1) The Senior Management Service is created as a separate
2607 system of personnel administration for positions in the State
2608 Personnel System which perform executive branch the duties and
2609 responsibilities that ~~of which~~ are primarily and essentially
2610 policymaking or managerial in nature.

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2611 ~~(2) Such positions are~~ The Senior Management Service shall
2612 ~~be~~ limited to those positions that ~~which~~ are exempt from the
2613 Civil Career Service under System by s. 110.205~~(2)~~ and for which
2614 the salaries and benefits are set by the department in
2615 accordance with the rules of the Senior Management Service.

2616 (2) Employees in the Senior Management Service shall serve
2617 at the pleasure of the agency head and are subject to personnel
2618 actions at the discretion of the agency head. Personnel actions
2619 that are tantamount to suspension, dismissal, reduction in pay,
2620 demotion, or transfer are exempt from chapter 120.

2621 Section 48. Section 110.403, Florida Statutes, is amended
2622 to read:

2623 110.403 Powers and duties of the department.—The department
2624 is responsible for the policy administration of the Senior
2625 Management Service. To carry out that function the department
2626 shall:

2627 ~~(1) In order to implement the purposes of this part, the~~
2628 ~~Department of Management Services, after approval by the~~
2629 ~~Administration Commission, shall adopt and amend rules providing~~
2630 ~~for:~~

2631 (1)(a) Establish a system for employing, advancing, and
2632 deploying senior management service employees which promoting,
2633 ~~or reassigning managers that~~ is responsive to organizational or
2634 program needs. ~~In no event shall~~ The number of positions
2635 included in the Senior Management Service may not exceed 1.0
2636 percent of the total full-time equivalent positions in the Civil
2637 ~~career~~ Service. The department may not approve the establishment
2638 of ~~shall deny approval to establish~~ any position within the
2639 Senior Management Service which exceeds ~~would exceed~~ the

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2640 limitation established in this paragraph. The department shall
2641 report that the limitation has been reached to the Governor, the
2642 President of the Senate, and the Speaker of the House of
2643 Representatives, as soon as practicable after it ~~such event~~
2644 occurs. ~~Employees in the Senior Management Service shall serve~~
2645 ~~at the pleasure of the agency head and shall be subject to~~
2646 ~~suspension, dismissal, reduction in pay, demotion, transfer, or~~
2647 ~~other personnel action at the discretion of the agency head.~~
2648 ~~Such personnel actions are exempt from the provisions of chapter~~
2649 ~~120.~~

2650 (2) Provide broad, market-based pay bands for occupations
2651 within the Senior Management Service and establish guidelines
2652 that allow state agencies flexibility to move employees through
2653 the pay bands. The agencies may determine the appropriate salary
2654 within the bands using the guidelines established by the
2655 department. Such pay bands and the assignment of bands to
2656 positions do not constitute rules within the meaning of s.
2657 120.52.

2658 ~~(b) A performance appraisal system which shall take into~~
2659 ~~consideration individual and organizational efficiency,~~
2660 ~~productivity, and effectiveness.~~

2661 (3)-(e) Establish a classification system plan and a salary
2662 and benefit plan for senior management service employees which
2663 ~~that~~ provides appropriate incentives for the recruitment and
2664 retention of outstanding management personnel and provides for
2665 salary increases based on performance.

2666 (4) In consultation with the Executive Office of the
2667 Governor and the appropriation committees of the Legislature,
2668 conduct compensation surveys as necessary for the purpose of

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2669 achieving an equitable, competitive, market-based compensation
2670 policy for senior management service employees.

2671 (5) Establish a performance evaluation system for senior
2672 management service employees which takes into consideration
2673 individual and organizational efficiency, productivity, and
2674 effectiveness.

2675 ~~(d) A system of rating duties and responsibilities for~~
2676 ~~positions within the Senior Management Service and the~~
2677 ~~qualifications of candidates for those positions.~~

2678 (6)~~(e)~~ Establish a system for documenting actions taken on
2679 agency requests for approval of position exemptions and special
2680 pay increases for senior management service employees.

2681 (7) Adopt and administer personnel rules, records, and
2682 reports relating to employees and positions in the Senior
2683 Management Service, as well as any other rules or procedures
2684 relating to personnel administration which are necessary for
2685 carrying out the purposes of this part.

2686 (a) The rules adopted by the department must comply with
2687 all federal regulations necessary for state agencies to receive
2688 federal funds.

2689 (b) Each agency shall operate within the personnel rules
2690 adopted by the department pursuant to this part.

2691 (c) The agency shall maintain up-to-date records and
2692 reports required by applicable rules.

2693 (d) The department may develop uniform forms and
2694 instructions to be used in connection with personnel
2695 transactions as the department deems appropriate.

2696 ~~(f) Requirements regarding recordkeeping by agencies with~~
2697 ~~respect to Senior Management Service positions. Such records~~

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2698 shall be audited periodically by the Department of Management
2699 Services to determine agency compliance with the provisions of
2700 this part and the rules of the Department of Management
2701 Services.

2702 (g) Other procedures relating to personnel administration
2703 to carry out the purposes of this part.

2704 (h) A program of affirmative and positive action that will
2705 ensure full utilization of women and minorities in Senior
2706 Management Service positions.

2707 (2) The powers, duties, and functions of the department of
2708 Management Services shall include responsibility for the policy
2709 administration of the Senior Management Service.

2710 (3) The department shall have the following additional
2711 responsibilities:

2712 (a) To establish and administer a professional development
2713 program that shall provide for the systematic development of
2714 managerial, executive, or administrative skills. Such a program
2715 shall include the following topics:

2716 1. Improving the performance of individual employees. This
2717 topic provides skills in understanding and motivating individual
2718 performance, providing effective and timely evaluations of
2719 employees, and making recommendations on performance incentives
2720 and disincentives.

2721 2. Improving the performance of groups of employees. This
2722 topic provides skills in creating and maintaining productive
2723 workgroups and making recommendations on performance incentives
2724 and disincentives.

2725 3. Relating the efforts of employees to the goals of the
2726 organization. This topic provides skills in linking the work of

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2727 ~~individual employees to the goals of the agency program,~~
2728 ~~service, or activity.~~

2729 ~~4. Strategic planning. This topic provides the skills for~~
2730 ~~defining agency business processes, measuring performance of~~
2731 ~~such processes, and reengineering such processes for improved~~
2732 ~~efficiency and effectiveness.~~

2733 ~~5. Team leadership. This topic provides skills in effective~~
2734 ~~group processes for organizational motivation and productivity~~
2735 ~~based on proven business and military applications that~~
2736 ~~emphasize respect for and courtesy to the public.~~

2737 ~~(b) To promote public understanding of the purposes,~~
2738 ~~policies, and programs of the Senior Management Service.~~

2739 ~~(c) To approve contracts of employing agencies with persons~~
2740 ~~engaged in the business of conducting multistate executive~~
2741 ~~searches to identify qualified and available applicants for~~
2742 ~~Senior Management Service positions for which the department~~
2743 ~~sets salaries in accordance with the classification and pay~~
2744 ~~plan. Such contracts may be entered by the agency head only~~
2745 ~~after completion of an unsuccessful in-house search. The~~
2746 ~~department shall establish, by rule, the minimum qualifications~~
2747 ~~for persons desiring to conduct executive searches, including a~~
2748 ~~requirement for the use of contingency contracts. These rules~~
2749 ~~shall ensure that such persons possess the requisite capacities~~
2750 ~~to perform effectively at competitive industry prices. These~~
2751 ~~rules shall also comply with state and federal laws and~~
2752 ~~regulations governing equal opportunity employment.~~

2753 ~~(4) All policies and procedures adopted by the department~~
2754 ~~regarding the Senior Management Service shall comply with all~~
2755 ~~federal regulations necessary to permit the state agencies to be~~

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2756 ~~eligible to receive federal funds.~~

2757 ~~(5) The department shall adopt, by rule, procedures for~~
 2758 ~~Senior Management Service employees that require disclosure to~~
 2759 ~~the agency head of any application for or offer of employment,~~
 2760 ~~gift, contractual relationship, or financial interest with any~~
 2761 ~~individual, partnership, association, corporation, utility, or~~
 2762 ~~other organization, whether public or private, doing business~~
 2763 ~~with or subject to regulation by the agency.~~

2764 Section 49. Section 110.4035, Florida Statutes, is created
 2765 to read:

2766 110.4035 Recruitment.-

2767 (1) Each state agency is responsible for establishing a
 2768 process for employing, advancing, and deploying executive level
 2769 managers to meet agency needs.

2770 (2) If normal recruitment efforts are unsuccessful, the
 2771 agency may contract with a person or firm to conduct a
 2772 multistate search for executive level managers which satisfies
 2773 the following criteria:

2774 (a) Willingness to accept contingency contracts with fees
 2775 that do not exceed 30 percent of the annual salary of the
 2776 applicant, to be paid upon employment of the applicant produced
 2777 by the search.

2778 (b) Demonstrated capacity to perform effectively at
 2779 competitive industry prices.

2780 (c) Evidence of successful placements in the public sector
 2781 by level and type of placement.

2782 (d) Agreement for the delivery of services within 90
 2783 calendar days after the date of the requested search by the
 2784 agency, unless an extension is granted by the agency.

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2785 (e) Ability to attract minorities and women as evidenced by
 2786 applicant pools generated for previous clients.

2787 Section 50. The Division of Statutory Revision is requested
 2788 to create part IX of chapter 112, Florida Statutes, to be
 2789 entitled "State Employment," and consisting of ss. 112.906-
 2790 112.924, Florida Statutes.

2791 Section 51. Section 112.906, Florida Statutes, is created
 2792 to read:

2793 112.906 Definitions.—As used in this part, the term:

2794 (1) "Department" means the Department of Management
 2795 Services.

2796 (2) "Other personal services" has the same meaning as in s.
 2797 216.011(1).

2798 (3) "State agency" or "agency" means any official, officer,
 2799 commission, board, authority, council, committee, or department
 2800 of the executive branch or judicial branch of state government
 2801 as defined in chapter 216, unless otherwise exempted by law.

2802 (5) "State employee" or "employee" means an employee of a
 2803 state agency.

2804 Section 52. Section 110.131, Florida Statutes, is
 2805 transferred, renumbered as section 112.907, Florida Statutes,
 2806 and amended to read:

2807 112.907 ~~110.131~~ Other-personal-services temporary
 2808 employment.—

2809 ~~(1) As used in this section, the term "agency" means any~~
 2810 ~~official, officer, commission, board, authority, council,~~
 2811 ~~committee, or department of the executive branch of state~~
 2812 ~~government and means any officer, court, commission, or other~~
 2813 ~~unit of the judicial branch of state government supported in~~

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2814 ~~whole or in part by appropriations made by the Legislature.~~

2815 (1)~~(2)~~ An agency may employ any qualified individual in
2816 other-personal-services temporary employment for ~~1,040 hours~~
2817 within any 12-month period. For each other-personal-services
2818 employee, the agency shall:

2819 (a) Maintain employee records identifying, at a minimum,
2820 the person employed, hire date, type of other-personal-services
2821 employment, and the number of hours worked.

2822 (b) Determine the appropriate rate of pay and ensure that
2823 all payments are in compliance with the federal Fair Labor
2824 Standards Act and state law.

2825 (c) Review, determine, and document by June 30 of each year
2826 that the continuation of each other-personal-services employment
2827 position is necessary to the mission of the agency. This review
2828 process ~~An extension beyond a total of 1,040 hours within an~~
2829 ~~agency for any individual requires a recommendation by the~~
2830 ~~agency head and approval by the Executive Office of the~~
2831 ~~Governor. Approval of extensions shall be made in accordance~~
2832 ~~with criteria established by the department. Each agency shall~~
2833 ~~maintain employee information as specified by the department~~
2834 ~~regarding each extension of other-personal-services temporary~~
2835 ~~employment. The time limitation established by this subsection~~
2836 ~~does not apply to board members; consultants; seasonal~~
2837 ~~employees; institutional clients employed as part of their~~
2838 ~~rehabilitation; bona fide, degree-seeking students in accredited~~
2839 ~~secondary or postsecondary educational programs; employees hired~~
2840 ~~to deal with an emergency situation that affects the public~~
2841 ~~health, safety, or welfare; or employees hired for a project~~
2842 ~~that is identified by a specific appropriation or time-limited~~

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2843 grant.

2844 (2) Unless specifically provided by law, other-personal-
2845 services employees are not eligible for any form of paid leave,
2846 paid holidays, paid personal day, participation in state group
2847 insurance or retirement benefits, or any other state employee
2848 benefit. Other-personal-services employees may be included in
2849 that part of an agency's recognition and reward program that
2850 recognizes and rewards employees who submit innovative ideas
2851 that increase productivity, eliminate or reduce state
2852 expenditures, improve operations, or generate additional
2853 revenue, or who meet or exceed the agency's established criteria
2854 for a project or goal.

2855 ~~(3) The department shall adopt rules providing that other-~~
2856 ~~personal-services temporary employment in an employer-employee~~
2857 ~~relationship shall be used for short-term tasks. Such rules~~
2858 ~~shall specify the employment categories, terms, conditions, rate~~
2859 ~~of pay, and frequency of other personal-services temporary~~
2860 ~~employment and the duration for which such employment may last;~~
2861 ~~specify criteria for approving extensions beyond the time~~
2862 ~~limitation provided in subsection (2); and prescribe~~
2863 ~~recordkeeping and reporting requirements for other-personal-~~
2864 ~~services employment.~~

2865 ~~(4) The department shall prepare written material~~
2866 ~~explaining the terms and conditions of other-personal-services~~
2867 ~~employment and shall provide master copies to each agency. Each~~
2868 ~~agency shall provide each of its applicants for such employment~~
2869 ~~with a copy thereof at the time of application and shall discuss~~
2870 ~~the information contained thereon with each applicant at the~~
2871 ~~time of interview or employment commencement, whichever occurs~~

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2872 sooner.

2873 ~~(5) The department shall maintain information relating to~~
2874 ~~other personal services employment for each agency. Such~~
2875 ~~information shall include:~~

2876 ~~(a) The total amount of compensation for other personal~~
2877 ~~services personnel, by employment category, for the preceding~~
2878 ~~fiscal year.~~

2879 ~~(b) The name, social security number, employment category,~~
2880 ~~employment commencement date, and number of hours worked for~~
2881 ~~each individual whose initial other personal services temporary~~
2882 ~~employment began before the start of the preceding fiscal year~~
2883 ~~and who was still employed as an other personal services~~
2884 ~~temporary employee at the end of the preceding fiscal year.~~

2885 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~
2886 ~~not apply to any employee for whom the Board of Governors of the~~
2887 ~~State University System, or the board's designee, or the Board~~
2888 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
2889 ~~the employer as defined in s. 447.203(2); except that, for~~
2890 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
2891 ~~School for the Deaf and the Blind shall comply with the~~
2892 ~~recordkeeping and reporting requirements adopted by the~~
2893 ~~department pursuant to subsection (3) with respect to those~~
2894 ~~other personal services employees exempted by this subsection.~~

2895 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
2896 ~~apply to any employee of the Division of Blind Services Library~~
2897 ~~for the Blind and Physically Handicapped for whom the Division~~
2898 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
2899 ~~except that, for purposes of subsection (5), the Division of~~
2900 ~~Blind Services shall comply with the recordkeeping and reporting~~

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2901 ~~requirements adopted by the department pursuant to subsection~~
2902 ~~(3) with respect to those other personal services employees~~
2903 ~~exempted by this subsection.~~

2904 ~~(c) Notwithstanding the provisions of this section, the~~
2905 ~~agency head or his or her designee may extend the other-~~
2906 ~~personal services employment of a health care practitioner~~
2907 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
2908 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
2909 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
2910 ~~2,080 hours and may employ such practitioner on an hourly or~~
2911 ~~other basis.~~

2912 ~~(7) The Department of Management Services shall annually~~
2913 ~~assess agencies for the regulation of other personal services on~~
2914 ~~a pro rata share basis not to exceed an amount as provided in~~
2915 ~~the General Appropriations Act.~~

2916 Section 53. Section 110.1128, Florida Statutes, is
2917 transferred and renumbered as section 112.908, Florida Statutes.

2918 Section 54. Section 110.1221, Florida Statutes, is
2919 transferred, renumbered as section 112.909, Florida Statutes,
2920 and amended to read:

2921 112.909 ~~110.1221~~ Sexual harassment policy; ~~executive agency~~
2922 ~~rules.~~—It is the policy of the state that sexual harassment is a
2923 form of discrimination. Each agency that has authority to adopt
2924 rules governing the conditions of employment ~~The department~~
2925 ~~shall adopt uniform sexual harassment rules applicable to all~~
2926 ~~executive agencies.~~ Such ~~the~~ rules must define the term "sexual
2927 harassment" in a manner consistent with the federal definition.

2928 Section 55. Section 110.122, Florida Statutes, is
2929 transferred, renumbered as section 112.910, Florida Statutes,

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2930 and amended to read:

2931 112.910 ~~110.122~~ Terminal payment for accumulated sick
2932 leave.-

2933 (1) All state ~~branches, departments, and agencies~~ that are
2934 authorized ~~which have the authority~~ to establish or approve
2935 personnel policies for employees and to employ personnel and
2936 establish the conditions of their employment shall establish
2937 policies that ~~to~~ provide terminal "incentive" pay for
2938 accumulated and unused sick leave to each employee upon his or
2939 her normal or regular retirement for reason other than
2940 disability or upon termination of employment, or to the
2941 employee's beneficiary if service is terminated by death,
2942 provided such retirement, termination, or death occurs after 10
2943 years of creditable state employment.

2944 (2) Each agency that is authorized to adopt rules governing
2945 the conditions of employment ~~The employing entity~~ shall
2946 establish and publish rules governing the accumulation and use
2947 of sick leave and maintain accurate and reliable records showing
2948 the amount of sick leave that ~~which~~ has accumulated and is
2949 unused by the employee at the time of retirement, death, or
2950 termination.

2951 (3) The payments authorized by this section shall be
2952 determined by using the rate of pay received by the employee at
2953 the time of retirement, termination, or death, applied to the
2954 sick leave time for which the employee is qualified to receive
2955 terminal "incentive" pay under the rules adopted by the
2956 department pursuant to ~~the provisions of~~ this section. The rules
2957 and policies must provide ~~adopted pursuant to this section shall~~
2958 ~~permit~~ terminal pay for sick leave equal to one-eighth of all

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2959 unused sick leave credit accumulated before ~~prior to~~ October 1,
2960 1973, plus one-fourth of all unused sick leave accumulated on or
2961 after October 1, 1973. However, terminal pay allowable for
2962 unused sick leave accumulated on or after October 1, 1973, may
2963 ~~shall~~ not exceed ~~a maximum of~~ 480 hours of actual payment.
2964 Employees must ~~shall be required to~~ use all sick leave
2965 accumulated before ~~prior to~~ October 1, 1973, before using sick
2966 leave accumulated on or after October 1, 1973.

2967 (4) The payments made pursuant to this section are ~~shall~~
2968 not salary payments ~~be considered~~ in any state-administered
2969 retirement system ~~as salary payments~~ and may ~~shall~~ not be used
2970 in determining the average final compensation of an employee in
2971 any state-administered retirement system.

2972 (5) Any employee:

2973 (a) Who is found guilty ~~in a court of competent~~
2974 ~~jurisdiction~~ of committing, aiding, or abetting any embezzlement
2975 or theft from the employee's employer or bribery in connection
2976 with the employment, committed before ~~prior to~~ retirement or 10-
2977 year normal creditable termination;

2978 (b) Whose employment is terminated by reason of the
2979 employee having admitted committing, aiding, or abetting an
2980 embezzlement or theft from his or her employer or by reason of
2981 bribery;

2982 (c) Who, prior to 10-year normal creditable termination or
2983 retirement is adjudged by a court of competent jurisdiction to
2984 have violated any state law against strikes by public employees;
2985 or

2986 (d) Who has been found guilty ~~by a court of competent~~
2987 ~~jurisdiction~~ of violating any state law prohibiting strikes by

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2988 public employees,

2989

2990 shall forfeit all rights and benefits under this section. An
2991 employee whose employment terminates as a result of an act
2992 committed subject to this subsection may ~~shall~~ not be given
2993 credit for unused sick leave accumulated before ~~prior to~~
2994 termination should the employee be reemployed at a later date.

2995 Section 56. Section 110.121, Florida Statutes, is
2996 transferred, renumbered as 112.911, Florida Statutes, and
2997 amended to read:

2998 112.911 ~~110.121~~ Sick leave pool.—Each state ~~department or~~
2999 agency ~~that~~ ~~of the state which~~ has authority to adopt rules
3000 governing the accumulation and use of sick leave for employees,
3001 and ~~which~~ maintains accurate and reliable records showing the
3002 amount of sick leave that ~~which~~ has been accumulated and is
3003 unused by employees, may, ~~in accordance with guidelines which~~
3004 ~~shall be established by the Department of Management Services,~~
3005 adopt rules ~~establishing for the establishment of a plan that~~
3006 allows ~~allowing~~ participating employees to pool and use sick
3007 leave ~~and allowing any sick leave thus pooled to be used by any~~
3008 ~~participating employee who has used all of the sick leave that~~
3009 ~~has been personally accrued by him or her. Although not limited~~
3010 ~~to the following,~~ Such rules shall provide, but need not be
3011 limited to:

3012 (1) Minimum eligibility criteria ~~That employees shall be~~
3013 ~~eligible for participation in the sick leave pool after 1 year~~
3014 ~~of employment with the state or agency of the state; provided~~
3015 ~~that such employee has accrued a minimum amount of unused sick~~
3016 ~~leave, which minimum shall be established by rule.~~

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3017 (2) That participation in the sick leave pool is ~~shall, at~~
3018 ~~all times, be~~ voluntary on the part of the employees.

3019 (3) That any sick leave pooled shall be removed from the
3020 personally accumulated sick leave balance of the employee
3021 contributing such leave.

3022 (4) That any sick leave in the pool which ~~leave~~ is used by
3023 a participating employee is ~~shall be~~ used only for the
3024 employee's personal illness, accident, or injury.

3025 (5) That a participating employee may ~~shall not be eligible~~
3026 ~~to~~ use sick leave accumulated in the pool until all of his or
3027 her personally accrued sick, annual, and compensatory leave, and
3028 his or her personal day, have ~~has~~ been used.

3029 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in the
3030 pool which any one employee may use.

3031 (7) That a participating employee who uses sick leave from
3032 the pool is ~~shall not be~~ required to recontribute such sick
3033 leave to the pool, except as otherwise provided in this section.

3034 (8) That an employee who cancels his or her membership in
3035 the sick leave pool may ~~shall not be eligible to~~ withdraw the
3036 hours ~~days~~ of sick leave contributed by that employee to the
3037 pool.

3038 (9) That an employee who moves ~~transfers~~ from a ~~one~~
3039 position in one agency state government to a ~~another~~ position in
3040 another agency state government may transfer from one pool to
3041 another if ~~the eligibility criteria of the pools are comparable~~
3042 ~~or~~ the administrators of the pools have agreed on the ~~a~~ formula
3043 ~~for~~ transfer of credits.

3044 (10) That alleged abuse of the use of the sick leave pool
3045 shall be investigated, and, on a finding of wrongdoing, the

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3046 employee must ~~shall~~ repay all of the sick leave credits drawn
3047 from the sick leave pool and is ~~shall be~~ subject to such other
3048 disciplinary action as is determined by the agency head.

3049 (11) That sick leave credits may be drawn from the sick
3050 leave pool by a part-time employee on a pro rata basis.

3051 Section 57. Section 110.119, Florida Statutes, is
3052 transferred, renumbered as section 112.912, Florida Statutes,
3053 and amended to read:

3054 112.912 ~~110.119~~ Administrative leave for ~~reexamination or~~
3055 ~~treatment with respect to~~ service-connected disability.-

3056 ~~(1) An~~ Any employee ~~of the state~~ who has been rated by the
3057 United States Department of Veterans Affairs or its predecessor
3058 to have incurred a service-connected disability and has been
3059 scheduled by the United States Department of Veterans Affairs to
3060 be reexamined or treated for the disability shall be granted
3061 administrative leave for such reexamination or treatment without
3062 loss of pay or benefits. However, such ~~In no event shall the~~
3063 paid leave may not ~~under this section~~ exceed 48 hours per ~~6~~
3064 calendar ~~days~~ a year.

3065 ~~(2) The department may adopt any rule necessary to carry~~
3066 ~~out the purpose of this section.~~

3067 Section 58. Section 110.120, Florida Statutes, is
3068 transferred, renumbered as section 112.913, Florida Statutes,
3069 and amended to read:

3070 112.913 ~~110.120~~ Administrative leave for disaster service
3071 volunteers.-

3072 (1) SHORT TITLE.-This section ~~shall be known and~~ may be
3073 cited as the "Florida Disaster Volunteer Leave Act."

3074 (2) DEFINITIONS.-As used in this section, the following

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3075 terms shall apply:

3076 (a) "State agency" means any official, officer, commission,
3077 board, authority, council, committee, or department of the
3078 executive branch of state government.

3079 (b) "Disaster" includes disasters designated at level II
3080 and above in the American National Red Cross regulations and
3081 procedures.

3082 (3) LEAVE OF ABSENCE.—An employee of a state agency who is
3083 a certified disaster service volunteer of the American Red Cross
3084 may be granted a leave of absence with pay for up to ~~not more~~
3085 ~~than~~ 15 working days in any 12-month period to participate in
3086 specialized disaster relief services for the American Red Cross.
3087 Such leave of absence may be granted upon the request of the
3088 American Red Cross and upon the approval of the employer
3089 ~~employee's employing~~ agency. An employee granted leave under
3090 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the
3091 state for purposes of workers' compensation. Leave under this
3092 section ~~act~~ may be granted only for services related to a
3093 disaster occurring within the boundaries of the State of
3094 Florida, except that, with the approval of the Governor and
3095 Cabinet, leave may be granted for services in response to a
3096 disaster occurring within the boundaries of the United States.

3097 Section 59. Section 110.1091, Florida Statutes, is
3098 transferred, renumbered as section 112.914, Florida Statutes,
3099 and amended to read:

3100 112.914 ~~110.1091~~ Employee assistance programs; public
3101 records ~~exemption~~.—

3102 (1) ~~A An employing~~ state agency may provide a counseling,
3103 therapeutic, or other professional treatment program to assist a

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3104 any state employee who has a behavioral disorder, medical
3105 disorder, or substance abuse problem or who has an emotional
3106 difficulty that affects the employee's job performance. ~~The Each~~
3107 ~~employing state~~ agency may designate community diagnostic and
3108 referral resources as necessary to implement ~~the provisions of~~
3109 this subsection.

3110 (2) A state employee's personal identifying information
3111 contained in records held by ~~a an employing~~ state agency
3112 relating to an employee's participation in an employee
3113 assistance program is confidential and exempt from ~~the~~
3114 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
3115 Constitution.

3116 Section 60. Section 110.151, Florida Statutes, is
3117 transferred, renumbered as section 112.915, Florida Statutes,
3118 and amended to read:

3119 112.915 ~~110.151~~ ~~State officers' and employees'~~ Child care
3120 services.—

3121 (1) A state agency may establish ~~The Department of~~
3122 ~~Management Services shall approve,~~ administer, and coordinate
3123 child care services for ~~state officers' and~~ employees' children
3124 or dependents. ~~Duties shall include, but not be limited to,~~
3125 ~~reviewing and approving requests from state agencies for child~~
3126 ~~care services; providing technical assistance on child care~~
3127 ~~program startup and operation; and assisting other agencies in~~
3128 ~~conducting needs assessments, designing centers, and selecting~~
3129 ~~service providers.~~ Primary emphasis for child care services
3130 shall be given to children who are not subject to compulsory
3131 school attendance pursuant to part II of chapter 1003, and, to
3132 the extent possible, emphasis shall be placed on child care for

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3133 children aged 2 and under.

3134 (2) Child care programs may be located in state-owned
3135 office buildings, educational facilities and institutions,
3136 custodial facilities and institutions, and, with the consent of
3137 the President of the Senate and the Speaker of the House of
3138 Representatives, in buildings or spaces used for legislative
3139 activities. In addition, centers may be located in privately
3140 owned buildings conveniently located to the place of employment
3141 of those ~~officers and~~ employees to be served by the centers. If
3142 a child care program is located in a state-owned office
3143 building, educational facility or institution, or custodial
3144 facility or institution, or in a privately owned building leased
3145 by the state, a portion of the service provider's rental fees
3146 for child care space may be waived by the sponsoring agency in
3147 accordance with the rules of the department's Facilities Program
3148 ~~Department of Management Services~~. Additionally, the sponsoring
3149 state agency may be responsible for the maintenance, utilities,
3150 and other operating costs associated with the child care center.

3151 (3) Except as otherwise provided in this section, the cost
3152 of child care services shall be offset by fees charged to
3153 employees who use the ~~child care~~ services. Requests for
3154 proposals may provide for a sliding fee schedule based on, ~~with~~
3155 ~~fees charged on the basis of~~ the employee's household income.

3156 (4) The provider of proposed child care services shall be
3157 selected by competitive contract. ~~Requests for proposals shall~~
3158 ~~be developed with the assistance of, and subject to the approval~~
3159 ~~of, the Department of Management Services~~. Management of the
3160 contract with the service provider is ~~shall be~~ the
3161 responsibility of the sponsoring state agency.

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3162 (5) An operator selected to provide services must comply
3163 with all state and local standards for the licensure and
3164 operation of child care facilities, maintain adequate liability
3165 insurance coverage, and assume financial and legal
3166 responsibility for the operation of the program. ~~Neither~~ The
3167 operator of and ~~nor~~ any personnel employed by or at a child care
3168 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.
3169 However, the sponsoring state agency may be responsible for the
3170 operation of the child care center if ~~when~~:

3171 (a) A second request for proposals fails to procure a
3172 qualified service provider; or

3173 (b) The service provider's contract is canceled and
3174 attempts to procure another qualified service provider are
3175 unsuccessful;

3176
3177 ~~and plans for direct operation are approved by the Department of~~
3178 ~~Management Services.~~

3179 (6) In the areas where the state has an insufficient number
3180 of employees to justify a worksite center, a state agency may
3181 join in a consortium arrangement using ~~utilizing~~ available state
3182 facilities with not-for-profit corporations or other public
3183 employers to provide child care services to ~~both~~ public
3184 employees and employees of private sector employers. The
3185 consortium agreement must first address the unmet child care
3186 needs of the children of the public employees whose employers
3187 are members of the consortium, and then address the child care
3188 needs of private sector employees.

3189 ~~(7) The Department of Management Services may adopt any~~
3190 ~~rules necessary to achieve the purposes of this section.~~

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3191 Section 61. Section 110.181, Florida Statutes, is
3192 transferred and renumbered as section 112.916, Florida Statutes.

3193 Section 62. Section 110.1225, Florida Statutes, is
3194 transferred, renumbered as section 112.917, Florida Statutes,
3195 and amended to read:

3196 112.917 ~~110.1225~~ Furloughs.—~~If~~ When a deficit is projected
3197 ~~by the Revenue Estimating Conference pursuant to s. 216.136(3),~~
3198 in any fund of a state agency which ~~that~~ supports salary and
3199 benefit appropriations, the agency ~~Administration Commission~~ may
3200 propose a furlough plan to the Legislative Budget Commission
3201 Legislature, which must approve or disapprove such plan. The
3202 plan must identify all affected positions and ensure that all
3203 affected employees are subject to the same reduction of hours
3204 for the same number of pay periods with a commensurate reduction
3205 in pay. For the purposes of this section, the term "furlough"
3206 means a temporary reduction in the regular hours of employment
3207 in a pay period, or temporary leave without pay for one or more
3208 pay periods, with a commensurate reduction in pay.

3209 Section 63. Section 110.1155, Florida Statutes, is
3210 transferred and renumbered as section 112.918, Florida Statutes.

3211 Section 64. Section 110.191, Florida Statutes, is
3212 transferred, renumbered as section 112.919, Florida Statutes,
3213 and amended to read:

3214 112.919 ~~110.191~~ State employee leasing.—

3215 (1) ~~If~~ In ~~situations where~~ the Legislature has expressly
3216 authorized a ~~the state, an agency, or the judicial branch as~~
3217 ~~defined in s. 110.107~~ to lease employees, the Executive Office
3218 of the Governor for the executive branch or the Chief Justice
3219 for the judicial branch may authorize ~~any of~~ the following

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3220 actions related to such state employee leasing activities if,
3221 ~~provided that~~ the direct cost of such actions is to be paid or
3222 reimbursed within 30 days after payment by the entity or person
3223 to whom the employees are leased:

3224 (a) Creation of ~~Create~~ a separate budget entity from which
3225 leased employees are ~~shall be~~ paid and the transfer of the
3226 positions authorized to be leased to that budget entity.

3227 (b) ~~Provide~~ Increases in the operating budget entity.

3228 (c) ~~Authorized~~ Lump-sum salary bonuses to leased
3229 employees. + However, any lump-sum salary bonus above the
3230 automatic salary increases which may be contained in the General
3231 Appropriations Act must be funded from private sources.

3232 (d) ~~Approve~~ Increases in salary rate for positions that
3233 ~~which~~ are leased. + However, any salary rate above the automatic
3234 salary increases which may be contained in the General
3235 Appropriations Act must be funded from private sources.

3236 (e) The waiver of ~~Waive~~ any requirement for automatic
3237 salary increases that ~~which~~ may be contained in the General
3238 Appropriations Act.

3239 (2) Positions that ~~which~~ are in the Senior Management
3240 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day
3241 before the state employee lease agreement takes effect ~~shall~~
3242 remain in the respective system if the duties performed by the
3243 position during the assignment of the state employee lease
3244 agreement are comparable as determined by the department. Those
3245 Senior Management Service ~~System~~ or Selected Exempt Service
3246 ~~System~~ positions that ~~which~~ are not determined comparable by the
3247 department, + and positions that ~~which~~ are in other pay plans on
3248 the day before the lease agreement takes effect, + ~~shall~~ have the

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3249 same salaries and benefits provided to employees of the Office
3250 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3251 Section 65. Section 110.1082, Florida Statutes, is
3252 transferred, renumbered as section 112.920, Florida Statutes,
3253 and amended to read:

3254 112.920 ~~110.1082~~ Telephone voice mail systems and telephone
3255 menu options systems.—

3256 (1) ~~A No~~ state employee may not use ~~shall utilize~~ a voice
3257 mail system when the employee is at his or her regularly
3258 assigned work station where his or her telephone is functional
3259 and available for use, unless:

3260 (a) The telephone ~~device~~ is in use, ~~and/or~~;

3261 (b) The ~~Such~~ voice mail system alerts the caller to, and
3262 provides the caller with access to, a nonelectronic attendant;
3263 or

3264 (c) The ~~Such~~ voice mail system automatically transfers the
3265 caller to a nonelectronic attendant.

3266 (2) Telephone menu options systems used by state agencies
3267 must, ~~departments, or other state government units will~~ alert
3268 the caller to, and provide the caller with access to, a
3269 nonelectronic attendant.

3270 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~
3271 ~~provisions of~~ this section.

3272 Section 66. Section 110.1165, Florida Statutes, is
3273 transferred, renumbered as section 112.921, Florida Statutes,
3274 and subsections (1) and (2) of that section are amended to read:

3275 112.921 ~~110.1165~~ Executive branch personnel errors;
3276 limitation of actions for compensation.—

3277 (1) An agency of the executive branch, including the State

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3278 University System, shall establish procedures for the receipt,
3279 consideration, and disposition of a claim regarding pay or
3280 benefits brought by an employee if the ~~when that~~ employee is
3281 damaged as a result of being provided with erroneous written
3282 information by the ~~employing~~ agency regarding his or her pay or
3283 benefits, and the employee detrimentally relies upon such
3284 written information. In order to qualify for the relief ~~provided~~
3285 ~~by this section~~, the employee's reliance on the representation
3286 must have been reasonable and based ~~only~~ upon only the written
3287 representations made by those persons authorized by the agency
3288 head to make such representations. ~~Furthermore,~~ The erroneous
3289 calculation and payment of an employee's salary, wages, or
3290 benefits is not among the written representations that ~~which~~
3291 ~~will~~ trigger relief under this section.

3292 (2) An agency of the executive branch, including the State
3293 University System, may ~~is authorized to~~ take appropriate ~~such~~
3294 ~~action as may be appropriate~~ to provide a remedy for an employee
3295 concerning his or her claim regarding detrimental reliance on
3296 erroneous written information provided by the ~~employing~~ agency
3297 relating to pay and benefits if, ~~provided~~ such remedy is within
3298 the purview of the agency's authority. The agency may not ~~has no~~
3299 ~~authority whatsoever~~ to modify the state retirement system or
3300 the state insurance program. Any monetary remedy afforded by the
3301 agency must fall within the agency's budgetary authority. Any
3302 person dissatisfied with the outcome of this process may file
3303 ~~either~~ a grievance pursuant to the agency's internal grievance
3304 process or an appeal to the Division of Administrative Hearings
3305 pursuant to chapter 120, but not both.

3306 Section 67. Section 112.922, Florida Statutes, is created

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3307 to read:

3308 112.922 Penalties.-

3309 (1) Any person who willfully violates any provision of this
3310 part or any rules adopted pursuant to this part commits a
3311 misdemeanor of the second degree, punishable as provided in s.
3312 775.082 or s. 775.083.

3313 (2) Notwithstanding s. 112.011, any person who is convicted
3314 of a misdemeanor under this part is ineligible for appointment
3315 to or employment in a state position for 5 years. If such person
3316 is an employee of the state, he or she must forfeit his or her
3317 position.

3318 (3) Imposition of the penalties provided in this section
3319 may not be in lieu of any action that may be taken or penalties
3320 that may be imposed pursuant to part III of this chapter.

3321 Section 68. Section 112.923, Florida Statutes, is created
3322 to read:

3323 112.923 Direct deposit.-As a condition of employment, a
3324 state employee must participate in the direct deposit program
3325 pursuant to s. 17.076. An employee may request an exemption from
3326 this subsection if the employee can demonstrate a hardship or if
3327 the employee is in an other-personal-services position.

3328 Section 69. Section 110.114, Florida Statutes, is
3329 transferred, renumbered as section 112.924, Florida Statutes,
3330 and amended to read:

3331 112.924 ~~110.114~~ Employee wage deductions.-

3332 (1) A state agency may ~~The state or any of its departments,~~
3333 ~~bureaus, commissions, and officers are authorized and permitted,~~
3334 with the concurrence of the Department of Financial Services, ~~to~~
3335 make deductions from the salary or wage of an ~~any~~ employee ~~or~~

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3336 ~~employees in an such amount as shall be authorized and requested~~
3337 ~~by such employee or employees~~ and for such purpose as shall be
3338 authorized and requested by the ~~such~~ employee ~~or employees~~ and
3339 shall pay such sums so deducted as directed by the ~~such~~ employee
3340 ~~or employees~~. The concurrence of the Department of Financial
3341 Services is ~~shall~~ not be required for the deduction of a
3342 certified bargaining agent's membership dues deductions pursuant
3343 to s. 447.303 or any deductions authorized by a collective
3344 bargaining agreement.

3345 (2) The approval of and making of approved deductions does
3346 ~~shall~~ not require the approval or making of other requested
3347 deductions.

3348 (3) Notwithstanding ~~the provisions of~~ subsections (1) and
3349 (2), the deduction of an employee's membership dues deductions
3350 as defined in s. 447.203(15) for an employee organization as
3351 defined in s. 447.203(11) shall be authorized or permitted only
3352 for an organization that has been certified as the exclusive
3353 bargaining agent pursuant to chapter 447 for a unit of state
3354 employees in which the employee is included. Such deductions are
3355 ~~shall be~~ subject to ~~the provisions of~~ s. 447.303.

3356 (4) Records of employee requests and employer
3357 authorizations for deductions from an employee's wage or salary,
3358 or the legal authority for the deduction, shall be maintained by
3359 the employer agency ~~each employing entity~~.

3360 Section 70. The Division of Statutory Revision is requested
3361 to create part X of chapter 112, Florida Statutes, to be
3362 entitled "State Administered Benefits," and consisting of ss.
3363 112.940-112.950, Florida Statutes.

3364 Section 71. Section 110.1227, Florida Statutes, is

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3365 transferred, renumbered as section 112.940, Florida Statutes,
3366 and paragraph (c) of subsection (1) of that section is amended
3367 to read:

3368 112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan Act.—

3369 (1) The Legislature finds that state expenditures for long-
3370 term-care services continue to increase at a rapid rate and that
3371 the state faces increasing pressure in its efforts to meet the
3372 long-term-care needs of the public.

3373 (c) This act in no way affects the Department of Management
3374 Services' authority pursuant to s. 112.942 ~~110.123~~.

3375 Section 72. Section 110.1228, Florida Statutes, is
3376 transferred, renumbered as section 112.941, Florida Statutes,
3377 and subsection (2) of that section is amended to read:

3378 112.941 ~~110.1228~~ Participation by small counties, small
3379 municipalities, and district school boards located in small
3380 counties.—

3381 (2) The governing body of a small county or small
3382 municipality or a district school board may apply for
3383 participation in the state group health insurance program
3384 authorized in s. 112.942 ~~110.123~~ and the prescription drug
3385 coverage program authorized by s. 112.944 ~~110.12315~~ by
3386 submitting an application along with a \$500 nonrefundable fee to
3387 the department.

3388 Section 73. Section 110.123, Florida Statutes, is
3389 transferred, renumbered as section 112.941, Florida Statutes,
3390 and paragraph (f) of subsection (3) and paragraph (c) of
3391 subsection (4) of that section are amended to read:

3392 112.942 ~~110.123~~ State group insurance program.—

3393 (3) STATE GROUP INSURANCE PROGRAM.—

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3394 (f) Except as provided for in subparagraph (h)2., the state
 3395 contribution toward the cost of any plan in the state group
 3396 insurance program shall be uniform with respect to all state
 3397 employees in a state collective bargaining unit participating in
 3398 the same coverage tier in the same plan. This section does not
 3399 prohibit the development of separate benefit plans for officers
 3400 and employees exempt from the Civil ~~career~~ Service or the
 3401 development of separate benefit plans for each collective
 3402 bargaining unit.

3403 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
 3404 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3405 (c) During each policy or budget year, no state agency
 3406 shall contribute a greater dollar amount of the premium cost for
 3407 its officers or employees for any plan option under the state
 3408 group insurance program than any other agency for similar
 3409 officers and employees, nor shall any greater dollar amount of
 3410 premium cost be made for employees in one state collective
 3411 bargaining unit than for those in any other state collective
 3412 bargaining unit. Nothing in this section prohibits the use of
 3413 different levels of state contributions for positions exempt
 3414 from the Civil ~~career~~ Service.

3415 Section 74. Section 110.12312, Florida Statutes, is
 3416 transferred, renumbered as section 112.943, Florida Statutes,
 3417 and amended to read:

3418 112.943 ~~110.12312~~ Open enrollment period for retirees.—On
 3419 or after July 1, 1997, the Department of Management Services
 3420 shall provide for an open enrollment period for retired state
 3421 employees who want to obtain health insurance coverage under ss.
 3422 112.942 and 112.944 ~~110.123 and 110.12315~~. The options offered

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3423 during the open enrollment period must provide the same health
3424 insurance coverage as the coverage provided to active employees
3425 under the same premium payment conditions in effect for covered
3426 retirees, including eligibility for health insurance subsidy
3427 payments under s. 112.363. A person who separates from
3428 employment subsequent to May 1, 1988, but whose date of
3429 retirement occurs on or after August 1, 1995, is eligible as of
3430 the first open enrollment period occurring after July 1, 1997,
3431 with an effective date of January 1, 1998, as long as the
3432 retiree's enrollment remains in effect.

3433 Section 75. Section 110.12315, Florida Statutes, is
3434 transferred and renumbered as section 112.944, Florida Statutes.

3435 Section 76. Section 110.1232, Florida Statutes, is
3436 transferred, renumbered as section 112.945, Florida Statutes,
3437 and amended to read:

3438 112.945 ~~110.1232~~ Health insurance coverage for persons
3439 retired under state-administered retirement systems before
3440 January 1, 1976, and for spouses.—Notwithstanding any provisions
3441 of law to the contrary, the Department of Management Services
3442 shall provide health insurance coverage under the state group
3443 insurance program for persons who retired before January 1,
3444 1976, under any of the state-administered retirement systems and
3445 who are not covered by social security and for the spouses and
3446 surviving spouses of such retirees who are also not covered by
3447 social security. Such health insurance coverage shall provide
3448 the same benefits as provided to other retirees who are entitled
3449 to participate under s. 112.942 ~~110.123~~. The claims experience
3450 of this group shall be commingled with the claims experience of
3451 other members covered under s. 112.942 ~~110.123~~.

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3452 Section 77. Section 110.1234, Florida Statutes, is
 3453 transferred and renumbered as section 112.946, Florida Statutes.

3454 Section 78. Section 110.1238, Florida Statutes, is
 3455 transferred and renumbered as section 112.947, Florida Statutes.

3456 Section 79. Section 110.1239, Florida Statutes, is
 3457 transferred and renumbered as section 112.948, Florida Statutes.

3458 Section 80. Section 110.161, Florida Statutes, is
 3459 transferred, renumbered as section 112.949, Florida Statutes,
 3460 and paragraph (a) of subsection (6) of that section is amended
 3461 to read:

3462 112.949 ~~110.161~~ State employees; pretax benefits program.—

3463 (6) The Department of Management Services is authorized to
 3464 administer the pretax benefits program established for all
 3465 employees so that employees may receive benefits that are not
 3466 includable in gross income under the Internal Revenue Code of
 3467 1986. The pretax benefits program:

3468 (a) Shall allow employee contributions to premiums for the
 3469 state group insurance program administered under s. 112.942
 3470 ~~110.123~~ to be paid on a pretax basis unless an employee elects
 3471 not to participate.

3472 Section 81. Section 112.950, Florida Statutes, is created
 3473 to read:

3474 112.950 Penalties.—

3475 (1) Any person who willfully violates any provision of this
 3476 part or any rules adopted pursuant to this part commits a
 3477 misdemeanor of the second degree, punishable as provided in s.
 3478 775.082 or s. 775.083.

3479 (2) Notwithstanding s. 112.011, any person who is convicted
 3480 of a misdemeanor under this part is ineligible for appointment

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3481 to or employment in a state position for 5 years, or, if an
3482 employee of the state, must forfeit his or her position.

3483 (3) Imposition of the penalties provided in this section
3484 may not be in lieu of any action that may be taken or penalties
3485 that may be imposed pursuant to part III of this chapter.

3486 Section 82. The Division of Statutory Revision is requested
3487 to renumber part IV of chapter 110, Florida statutes, as part
3488 XI, consisting of ss. 112.961-112.965, and to rename that part
3489 as "State Volunteer Services."

3490 Section 83. Section 110.501, Florida Statutes, is
3491 transferred, renumbered as section 112.961, Florida Statutes,
3492 reordered, and amended to read:

3493 112.961 ~~110.501~~ Definitions.—As used in this part, the term
3494 act:

3495 (2) ~~(1)~~ "Volunteer" means any person who, of his or her own
3496 free will, provides goods or services, or conveys an interest in
3497 or otherwise consents to the use of real property pursuant to
3498 chapter 260, to any ~~state department or agency,~~ or nonprofit
3499 organization, with no monetary or material compensation. A
3500 person registered and serving in Older American Volunteer
3501 Programs authorized by the Domestic Volunteer Service Act of
3502 1973, as amended (Pub. L. No. 93-113), shall also be defined as
3503 a volunteer and shall incur no civil liability as provided by s.
3504 768.1355. A volunteer shall be eligible for payment of volunteer
3505 benefits as specified in Pub. L. No. 93-113, this section, and
3506 s. 430.204.

3507 ~~(2) "Regular-service volunteer" means any person engaged in~~
3508 ~~specific voluntary service activities on an ongoing or~~
3509 ~~continuous basis.~~

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3510 ~~(3) "Occasional service volunteer" means any person who~~
 3511 ~~offers to provide a one-time or occasional voluntary service.~~

3512 (1)~~(4)~~ "Material donor" means any person who provides
 3513 funds, materials, employment, or opportunities for clients of
 3514 state ~~departments or~~ agencies, without monetary or material
 3515 compensation.

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

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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
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

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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 primary
3576 employment consists of duties and responsibilities similar to
3577 those associated with volunteer activities is not considered for
3578 volunteer work if such work would require payment for overtime
3579 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.—

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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, in
3606 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
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 in
3619 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 as

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3626 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 this
3633 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 convicted
3637 of a misdemeanor under this part is ineligible for appointment
3638 to or employment in a state position for 5 years, or, if an
3639 employee of the state, must forfeit his or her position.

3640 (3) Imposition of the penalties provided in this section
3641 may not be in lieu of any action that may be taken or penalties
3642 that may be imposed pursuant to part III of this chapter.

3643 Section 88. Sections 110.115, 110.118, 110.124, 110.129,
3644 110.1521, 110.1522, 110.1523, 110.201, 110.2035, 110.21,
3645 110.221, 110.406, 110.603, 110.604, and 110.606, Florida
3646 Statutes, are repealed.

3647 Section 89. Paragraph (b) of subsection (1) of section
3648 11.13, Florida Statutes, is amended to read:

3649 11.13 Compensation of members.—

3650 (1)

3651 (b) On ~~Effective July 1, 1986, and each~~ July 1 of each year
3652 ~~thereafter~~, the annual salaries of members of the Senate and
3653 House of Representatives shall be adjusted by the average
3654 percentage increase in the salaries of civil ~~state career~~

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3655 service employees for the fiscal year just concluded. The
3656 Appropriations Committee of each house shall certify to the
3657 Office of Legislative Services the average percentage increase
3658 in the salaries of civil ~~state-career~~ service employees before
3659 July 1 of each year. The Office of Legislative Services shall,
3660 as of July 1 of each year, determine the adjusted annual
3661 salaries as provided in this paragraph ~~herein~~.

3662 Section 90. Paragraph (c) of subsection (1) of section
3663 20.055, Florida Statutes, is amended to read:

3664 20.055 Agency inspectors general.—

3665 (1) For the purposes of this section:

3666 (c) "Individuals substantially affected" means natural
3667 persons who have established a real and sufficiently immediate
3668 injury in fact due to the findings, conclusions, or
3669 recommendations of a final report of a state agency inspector
3670 general, who are the subject of the audit or investigation, and
3671 who do not have or are not currently afforded an existing right
3672 to an independent review process. The term does not include:

3673 1. Employees of the state, including civil ~~career~~ service,
3674 probationary, other personal service, selected exempt service,
3675 and senior management service employees, ~~are not covered by this~~
3676 ~~definition. This definition also does not cover~~

3677 2. Former employees of the state if the final report of the
3678 state agency inspector general relates to matters arising during
3679 a former employee's term of state employment. ~~This definition~~
3680 ~~does not apply to~~

3681 3. Persons who are the subject of audits or investigations
3682 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
3683 which are otherwise confidential and exempt under s. 119.07.

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3684 Section 91. Subsection (6) of section 20.21, Florida
3685 Statutes, is amended to read:

3686 20.21 Department of Revenue.—There is created a Department
3687 of Revenue.

3688 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~
3689 ~~110.123~~, relating to the state group insurance program, the
3690 department may pay, or participate in the payment of, premiums
3691 for health, accident, and life insurance for its full-time out-
3692 of-state employees, pursuant to such rules as it may adopt,
3693 which and such payments are shall be in addition to the
3694 employees' ~~the regular salaries of such full-time out-of-state~~
3695 ~~employees.~~

3696 Section 92. Paragraph (e) of subsection (1) and subsection
3697 (6) of section 20.23, Florida Statutes, as amended by chapter
3698 2009-271, Laws of Florida, are amended to read:

3699 20.23 Department of Transportation.—There is created a
3700 Department of Transportation which shall be a decentralized
3701 agency.

3702 (1)

3703 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and the
3704 assistant secretaries are ~~shall be~~ exempt from part IV ~~the~~
3705 ~~provisions of part III~~ of chapter 110 and shall receive
3706 compensation commensurate with their qualifications and
3707 competitive with compensation for comparable responsibility in
3708 the private sector.

3709 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the
3710 Department of Management Services may ~~is authorized to~~ exempt
3711 positions within the Department of Transportation which are
3712 comparable to positions within the Senior Management Service

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3713 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that
3714 ~~which~~ are comparable to positions in the Selected Exempt Service
3715 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

3716 Section 93. Subsection (2) of section 20.255, Florida
3717 Statutes, is amended to read:

3718 20.255 Department of Environmental Protection.—There is
3719 created a Department of Environmental Protection.

3720 (2) (a) There shall be three deputy secretaries who are to
3721 be appointed by and shall serve at the pleasure of the
3722 secretary. The secretary may assign any deputy secretary the
3723 responsibility to supervise, coordinate, and formulate policy
3724 for any division, office, or district. The following special
3725 offices are established and headed by managers, each of whom is
3726 to be appointed by and serve at the pleasure of the secretary:

- 3727 1. Office of Chief of Staff;
- 3728 2. Office of General Counsel;
- 3729 3. Office of Inspector General;
- 3730 4. Office of External Affairs;
- 3731 5. Office of Legislative Affairs;
- 3732 6. Office of Intergovernmental Programs; and
- 3733 7. Office of Greenways and Trails.

3734 (b) There shall be six administrative districts involved in
3735 regulatory matters of waste management, water resource
3736 management, wetlands, and air resources, which shall be headed
3737 by managers, each of whom is to be appointed by and serve at the
3738 pleasure of the secretary. Divisions of the department may have
3739 one assistant or two deputy division directors, as required to
3740 facilitate effective operation.

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

3747 Section 94. Paragraph (d) of subsection (19) of section
3748 24.105, Florida Statutes, is amended to read:

3749 24.105 Powers and duties of department.—The department
3750 shall:

3751 (19) Employ division directors and other staff as may be
3752 necessary to carry out the provisions of this act; however:

3753 (d) The department shall establish and maintain a personnel
3754 program for its employees, including a personnel classification
3755 and pay plan that ~~which~~ may provide ~~any or all of~~ the benefits
3756 provided in the Senior Management Service or Selected Exempt
3757 Service. Each officer or employee of the department is ~~shall be~~
3758 a member of the Florida Retirement System. The retirement class
3759 of each officer or employee is ~~shall be~~ the same as other
3760 persons performing comparable functions for other agencies.
3761 Employees of the department shall serve at the pleasure of the
3762 secretary and are ~~shall be~~ subject to suspension, dismissal,
3763 reduction in pay, demotion, transfer, or other personnel action
3764 at the discretion of the secretary. Such personnel actions are
3765 exempt from ~~the provisions of~~ chapter 120. All employees of the
3766 department are exempt from the Civil Career Service System
3767 provided in chapter 110 and, notwithstanding ~~the provisions of~~
3768 s. 110.205(3) ~~110.205(5)~~, are not included in ~~either~~ the Senior
3769 Management Service or the Selected Exempt Service. However, all
3770 employees of the department are subject to all standards of

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3771 conduct adopted by rule for civil ~~career~~ service and senior
3772 management employees pursuant to chapter 110. In the event of a
3773 conflict between standards of conduct applicable to employees of
3774 the Department of the Lottery, the more restrictive standard
3775 applies ~~shall apply~~. Interpretations as to the more restrictive
3776 standard may be provided by the Commission on Ethics upon
3777 request of an advisory opinion pursuant to s. 112.322(3)(a), and
3778 for purposes of this subsection, the opinion shall be considered
3779 final action.

3780 Section 95. Paragraph (d) of subsection (4) of section
3781 24.122, Florida Statutes, is amended to read:

3782 24.122 Exemption from taxation; state preemption;
3783 inapplicability of other laws.—

3784 (4) Any state or local law providing any penalty,
3785 disability, restriction, or prohibition for the possession,
3786 manufacture, transportation, distribution, advertising, or sale
3787 of any lottery ticket, including chapter 849, shall not apply to
3788 the tickets of the state lottery operated pursuant to this act;
3789 nor shall any such law apply to the possession of a ticket
3790 issued by any other government-operated lottery. In addition,
3791 activities of the department under this act are exempt from the
3792 provisions of:

3793 (d) Section 112.907 ~~110.131~~, relating to other personal
3794 services.

3795 Section 96. Paragraph (b) of subsection (1) of section
3796 30.071, Florida Statutes, is amended to read:

3797 30.071 Applicability and scope of act.—

3798 (1) This act applies to all deputy sheriffs, with the
3799 following exceptions:

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3800 (b) Deputy sheriffs in a county that, by special act of the
 3801 Legislature, local charter, ordinance, or otherwise, has
 3802 established a civil ~~or career~~ service system that ~~which~~ grants
 3803 collective bargaining rights for deputy sheriffs, including, but
 3804 not limited to, deputy sheriffs in the following counties:
 3805 Broward, Miami-Dade, Duval, Escambia, and Volusia.

3806 Section 97. Subsection (4) of section 43.16, Florida
 3807 Statutes, is amended to read:

3808 43.16 Justice Administrative Commission; membership, powers
 3809 and duties.—

3810 (4) (a) The Justice Administrative Commission shall employ
 3811 an executive director and fix his or her salary. The executive
 3812 director shall employ any necessary personnel for the efficient
 3813 performance of the commission according to a classification and
 3814 pay plan annually approved by the commission.

3815 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~
 3816 ~~within~~ the commission are exempt from the Civil Career Service
 3817 ~~System provided in chapter 110~~ and, notwithstanding s.
 3818 110.205(3) ~~110.205(5)~~, are not included in the Senior Management
 3819 Service or the Selected Exempt Service. The commission shall
 3820 annually approve a classification plan and salary and benefits
 3821 plan.

3822 (c) Employees in permanent positions must be offered
 3823 benefits comparable to those offered under the Civil Career
 3824 Service ~~System~~.

3825 (d) The commission may offer benefits greater than ~~in~~
 3826 ~~excess of~~ those offered under the Civil Career Service ~~System~~
 3827 only to employees who are appointed to positions designated as
 3828 having managerial or policymaking duties or positions requiring

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3829 membership in The Florida Bar.

3830 (e) By January 15th of each year, the commission shall
3831 submit to the Executive Office of the Governor, the President of
3832 the Senate, and the Speaker of the House of Representatives a
3833 listing of all positions receiving benefits greater than those
3834 ~~benefits~~ offered under the Civil Career Service ~~System~~. Any
3835 change in the positions that are offered greater benefits or any
3836 change in the level of benefits is subject to the notice and
3837 objection procedures of s. 216.177.

3838 Section 98. Subsection (4) of section 104.31, Florida
3839 Statutes, is amended to read:

3840 104.31 Political activities of state, county, and municipal
3841 officers and employees.—

3842 (4) Nothing contained in this section or in any county or
3843 municipal charter shall be deemed to prohibit any public
3844 employee from expressing his or her opinions on any candidate or
3845 issue or from participating in any political campaign during the
3846 employee's off-duty hours, so long as such activities are not in
3847 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075
3848 ~~110.233~~.

3849 Section 99. Subsection (4) of section 106.24, Florida
3850 Statutes, is amended to read:

3851 106.24 Florida Elections Commission; membership; powers;
3852 duties.—

3853 (4) The commission shall appoint an executive director, who
3854 shall serve under the direction, supervision, and control of the
3855 commission. The executive director, with the consent of the
3856 commission, shall employ such staff as are necessary to
3857 adequately perform the functions of the commission, within

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3858 budgetary limitations. All employees, except the executive
 3859 director and attorneys, are subject to part II of chapter 110.
 3860 The executive director shall serve at the pleasure of the
 3861 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,
 3862 except that the commission shall have complete authority for
 3863 setting the executive director's salary. Attorneys employed by
 3864 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter
 3865 110.

3866 Section 100. Subsection (4) of section 112.044, Florida
 3867 Statutes, is amended to read:

3868 112.044 Public employers, employment agencies, labor
 3869 organizations; discrimination based on age prohibited;
 3870 exceptions; remedy.—

3871 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the
 3872 state ~~who is~~ within the Civil Career Service System established
 3873 by chapter 110 and who is aggrieved by a violation of this act
 3874 may appeal to the Public Employees Relations Commission under
 3875 the conditions and following the procedures prescribed in part
 3876 II of chapter 447. Any person other than an employee ~~who is~~
 3877 within the Civil Career Service System ~~established by chapter~~
 3878 ~~110~~, or any person employed by the Public Employees Relations
 3879 Commission, who is aggrieved by a violation of this act may
 3880 bring a civil action ~~in any court of competent jurisdiction~~ for
 3881 such legal or equitable relief as will effectuate the purposes
 3882 of this act.

3883 Section 101. Section 112.0805, Florida Statutes, is amended
 3884 to read:

3885 112.0805 Employer notice of insurance eligibility to
 3886 employees who retire.—An ~~Any~~ employer who provides insurance

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3887 coverage under s.112.942 ~~110.123~~ or s. 112.0801 shall notify
 3888 those employees who retire of their eligibility to participate
 3889 in ~~either~~ the same group insurance plan or self-insurance plan
 3890 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the
 3891 insurance coverage ~~as~~ provided by this law.

3892 Section 102. Paragraph (a) of subsection (9) of section
 3893 112.313, Florida Statutes, is amended to read:

3894 112.313 Standards of conduct for public officers, employees
 3895 of agencies, and local government attorneys.—

3896 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
 3897 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

3898 (a)1. It is the intent of the Legislature to implement by
 3899 statute the provisions of s. 8(e), Art. II of the State
 3900 Constitution relating to legislators, statewide elected
 3901 officers, appointed state officers, and designated public
 3902 employees.

3903 2. As used in this paragraph:

3904 a. "Employee" means:

3905 (I) Any person employed in the executive or legislative
 3906 branch of government holding a position in the Senior Management
 3907 Service as defined in s. 110.402 or any person holding a
 3908 position in the Selected Exempt Service as defined in s.
 3909 110.3021 ~~110.602~~ or any person having authority over policy or
 3910 procurement employed by the Department of the Lottery.

3911 (II) The Auditor General, the director of the Office of
 3912 Program Policy Analysis and Government Accountability, the
 3913 Sergeant at Arms and Secretary of the Senate, and the Sergeant
 3914 at Arms and Clerk of the House of Representatives.

3915 (III) The executive director of the Legislative Committee

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3916 on Intergovernmental Relations and the executive director and
3917 deputy executive director of the Commission on Ethics.

3918 (IV) An executive director, staff director, or deputy staff
3919 director of each joint committee, standing committee, or select
3920 committee of the Legislature; an executive director, staff
3921 director, executive assistant, analyst, or attorney of the
3922 Office of the President of the Senate, the Office of the Speaker
3923 of the House of Representatives, the Senate Majority Party
3924 Office, Senate Minority Party Office, House Majority Party
3925 Office, or House Minority Party Office; or any person, hired on
3926 a contractual basis, having the power normally conferred upon
3927 such persons, by whatever title.

3928 (V) The Chancellor and Vice Chancellors of the State
3929 University System; the general counsel to the Board of Governors
3930 of the State University System; and the president, provost, vice
3931 presidents, and deans of each state university.

3932 (VI) Any person, including an other-personal-services
3933 employee, having the power normally conferred upon the positions
3934 referenced in this sub-subparagraph.

3935 b. "Appointed state officer" means any member of an
3936 appointive board, commission, committee, council, or authority
3937 of the executive or legislative branch of state government whose
3938 powers, jurisdiction, and authority are not solely advisory and
3939 include the final determination or adjudication of any personal
3940 or property rights, duties, or obligations, other than those
3941 relative to its internal operations.

3942 c. "State agency" means an entity of the legislative,
3943 executive, or judicial branch of state government over which the
3944 Legislature exercises plenary budgetary and statutory control.

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3945 3. A ~~No~~ member of the Legislature, appointed state officer,
3946 or statewide elected officer may not ~~shall~~ personally represent
3947 another person or entity for compensation before the government
3948 body or agency of which the individual was an officer or member
3949 for ~~a period of~~ 2 years following vacation of office. A ~~No~~
3950 member of the Legislature may not ~~shall~~ personally represent
3951 another person or entity for compensation during his or her term
3952 of office before any state agency other than judicial tribunals
3953 or in settlement negotiations after the filing of a lawsuit.

3954 4. An agency employee, including an agency employee who was
3955 employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~
3956 position that was transferred to the Selected Exempt Service
3957 ~~System~~ under chapter 2001-43, Laws of Florida, may not
3958 personally represent another person or entity for compensation
3959 before the agency with which he or she was employed for ~~a period~~
3960 ~~of~~ 2 years following vacation of position, unless employed by
3961 another agency of state government.

3962 5. Any person violating this paragraph is ~~shall be~~ subject
3963 to the penalties provided in s. 112.317 and a civil penalty ~~of~~
3964 ~~an amount~~ equal to the compensation that ~~which~~ the person
3965 receives for the prohibited conduct.

3966 6. This paragraph is not applicable to:

3967 a. A person employed by the Legislature or other agency
3968 before ~~prior to~~ July 1, 1989;

3969 b. A person who was employed by the Legislature or other
3970 agency on July 1, 1989, whether or not the person was a defined
3971 employee on July 1, 1989;

3972 c. A person who was a defined employee of the State
3973 University System or the Public Service Commission who held such

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3974 employment on December 31, 1994;

3975 d. A person who has reached normal retirement age as
3976 defined in s. 121.021(29), and who has retired under the
3977 provisions of chapter 121 by July 1, 1991; or

3978 e. Any appointed state officer whose term of office began
3979 before January 1, 1995, unless reappointed to that office on or
3980 after January 1, 1995.

3981 Section 103. Paragraph (b) of subsection (1) of section
3982 112.3145, Florida Statutes, is amended to read:

3983 112.3145 Disclosure of financial interests and clients
3984 represented before agencies.—

3985 (1) For purposes of this section, unless the context
3986 otherwise requires, the term:

3987 (b) "Specified state employee" means:

3988 1. Public counsel created by chapter 350, an assistant
3989 state attorney, an assistant public defender, a full-time state
3990 employee who serves as counsel or assistant counsel to any state
3991 agency, the Deputy Chief Judge of Compensation Claims, a judge
3992 of compensation claims, an administrative law judge, or a
3993 hearing officer.

3994 2. Any person employed in the office of the Governor or in
3995 the office of any member of the Cabinet if that person is exempt
3996 from the Civil Career Service System, except persons employed in
3997 clerical, secretarial, or similar positions.

3998 3. The State Surgeon General or each appointed secretary,
3999 assistant secretary, deputy secretary, executive director,
4000 assistant executive director, or deputy executive director of
4001 each state department, commission, board, or council; unless
4002 otherwise provided, the division director, assistant division

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4003 director, deputy director, bureau chief, and assistant bureau
4004 chief of any state department or division; or any person having
4005 the power normally conferred upon such persons, by whatever
4006 title.

4007 4. The superintendent or institute director of a state
4008 mental health institute established for training and research in
4009 the mental health field or the warden or director of any major
4010 state institution or facility established for corrections,
4011 training, treatment, or rehabilitation.

4012 5. Business managers, purchasing agents having the power to
4013 make any purchase exceeding the threshold amount provided for in
4014 s. 287.017 for CATEGORY ONE, finance and accounting directors,
4015 personnel officers, or grants coordinators for any state agency.

4016 6. Any person, other than a legislative assistant exempted
4017 by the presiding officer of the house that employs ~~by which~~ the
4018 legislative assistant ~~is employed~~, who is employed in the
4019 legislative branch of government, except persons employed in
4020 maintenance, clerical, secretarial, or similar positions.

4021 7. Each employee of the Commission on Ethics.

4022 Section 104. Paragraph (a) of subsection (2) of section
4023 112.363, Florida Statutes, is amended to read:

4024 112.363 Retiree health insurance subsidy.—

4025 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4026 (a) A person who is retired under a state-administered
4027 retirement system, or a beneficiary who is a spouse or financial
4028 dependent entitled to receive benefits under a state-
4029 administered retirement system, is eligible for health insurance
4030 subsidy payments ~~provided~~ under this section; except that
4031 pension recipients under ss. 121.40, 238.07(18)(a), and 250.22,

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4032 recipients of health insurance coverage under s. 112.945
 4033 ~~110.1232~~, or any other special pension or relief act are shall
 4034 not ~~be~~ eligible for such payments.

4035 Section 105. Subsections (11) and (38) of section 121.021,
 4036 Florida Statutes, are amended to read:

4037 121.021 Definitions.—The following words and phrases as
 4038 used in this chapter have the respective meanings set forth
 4039 unless a different meaning is plainly required by the context:

4040 (11) "Officer or employee" means any person receiving
 4041 salary payments for work performed in a regularly established
 4042 position and, if employed by a municipality, a metropolitan
 4043 planning organization, or a special district, employed in a
 4044 covered group. The term does not apply to state employees
 4045 covered by a leasing agreement under s. 112.919 ~~110.191~~, other
 4046 public employees covered by a leasing agreement, or a coemployer
 4047 relationship.

4048 (38) "Continuous service" means creditable service as a
 4049 member, beginning with the first day of employment with an
 4050 employer covered under a state-administered retirement system
 4051 consolidated herein and continuing for as long as the member
 4052 remains in an employer-employee relationship with the an
 4053 employer ~~covered under this chapter~~. An absence of 1 calendar
 4054 month or more from an employer's payroll is shall be considered
 4055 a break in continuous service, except for periods of absence
 4056 during which an employer-employee relationship continues to
 4057 exist and such period of absence is creditable under this
 4058 chapter or under one of the existing systems consolidated
 4059 herein. However, a law enforcement officer as defined in s.
 4060 121.0515(2) (a) who was a member of a state-administered

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4061 retirement system under chapter 122 or chapter 321 and who
4062 resigned and was subsequently reemployed in a law enforcement
4063 position within 12 calendar months of such resignation by an
4064 employer under a ~~such~~ state-administered retirement system is
4065 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.
4066 Further, with respect to a state-employed law enforcement
4067 officer who meets the criteria specified in s. 121.0515(2) (a),
4068 if the absence from the employer's payroll is the result of a
4069 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to
4070 run for an elected office that meets the criteria specified in
4071 s. 121.0515(2) (a), no break in continuous service shall be
4072 deemed to have occurred if the member is reemployed as a state
4073 law enforcement officer or is elected to an office that ~~which~~
4074 meets the criteria specified in s. 121.0515(2) (a) within 12
4075 calendar months after the date of the layoff or resignation,
4076 notwithstanding the fact that such period of layoff or
4077 resignation is not creditable service under this chapter. A
4078 withdrawal of contributions constitutes ~~will constitute~~ a break
4079 in service. Continuous service also includes past service
4080 purchased under this chapter if, ~~provided such~~ service is
4081 continuous ~~within this definition~~ and the rules established by
4082 the administrator. The administrator may establish
4083 administrative rules and procedures for applying this definition
4084 to creditable service authorized under this chapter. Any
4085 correctional officer, as defined in s. 943.10, whose
4086 participation in the state-administered retirement system is
4087 terminated due to the transfer of a county detention facility
4088 through a contractual agreement with a private entity pursuant
4089 to s. 951.062, is ~~shall be~~ deemed an employee with continuous

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4090 service in the Special Risk Class if, ~~provided~~ return to
4091 employment with the former employer takes place within 3 years
4092 due to contract termination or the officer is employed by a
4093 covered employer in a special risk position within 1 year after
4094 his or her initial termination of employment by such transfer of
4095 its detention facilities to the private entity.

4096 Section 106. Paragraph (f) of subsection (2) of section
4097 121.051, Florida Statutes, is amended to read:

4098 121.051 Participation in the system.—

4099 (2) OPTIONAL PARTICIPATION.—

4100 (f)1. If an employer that participates in the Florida
4101 Retirement System undertakes the transfer, merger, or
4102 consolidation of governmental services or assumes the functions
4103 and activities of an employing governmental entity that was not
4104 an employer under the system, the employer must notify the
4105 department at least 60 days before such action and provide
4106 documentation as required by the department. Such ~~The~~ transfer,
4107 merger, or consolidation ~~of governmental services or assumption~~
4108 ~~of governmental functions and activities~~ must occur between
4109 public employers. The current or former employer may pay the
4110 employees' past service cost, unless prohibited under this
4111 chapter. This subparagraph does not apply to the transfer,
4112 merger, or consolidation of governmental services or assumption
4113 of functions and activities of a public entity under a leasing
4114 agreement having a coemployer relationship. Employers and
4115 employees of a public governmental employer whose service is
4116 covered by a leasing agreement under s. 112.919 ~~110.191~~, any
4117 other leasing agreement, or a coemployer relationship may not
4118 ~~are not eligible to~~ participate in the Florida Retirement

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4119 System.

4120 2. If the agency to which a member's employing unit is
4121 transferred, merged, or consolidated does not participate in the
4122 Florida Retirement System, a member may elect in writing to
4123 remain in the ~~Florida Retirement~~ system or to transfer to the
4124 local retirement system operated by the agency. If the agency
4125 does not participate in a local retirement system, the member
4126 shall continue membership in the Florida Retirement System. In
4127 either case, membership continues for as long as the member is
4128 employed by the agency to which his or her unit was transferred,
4129 merged, or consolidated.

4130 Section 107. Paragraph (a) of subsection (1) of section
4131 121.055, Florida Statutes, is amended to read:

4132 121.055 Senior Management Service Class.—There is hereby
4133 established a separate class of membership within the Florida
4134 Retirement System to be known as the "Senior Management Service
4135 Class," ~~which shall become effective February 1, 1987.~~

4136 (1)(a) Participation in the Senior Management Service Class
4137 is ~~shall be~~ limited to and compulsory for any member of the
4138 Florida Retirement System who holds a position in the Senior
4139 Management Service ~~of the State of Florida~~, established under ~~by~~
4140 part IV ~~III~~ of chapter 110, unless such member elects, within
4141 the time specified herein, to participate in the Senior
4142 Management Service Optional Annuity Program as established in
4143 subsection (6).

4144 Section 108. Paragraph (a) of subsection (2) of section
4145 121.35, Florida Statutes, is amended to read:

4146 121.35 Optional retirement program for the State University
4147 System.—

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4148 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4149 (a) Participation in the optional retirement program is
 4150 ~~provided by this section shall be~~ limited to persons who are
 4151 otherwise eligible for membership or renewed membership in the
 4152 Florida Retirement System and who are employed in one of the
 4153 following State University System positions:

4154 1. Positions classified as instructional and research
 4155 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~
 4156 ~~provisions of~~ s. 110.205(2) (d).

4157 2. Positions classified as administrative and professional
 4158 which are exempt from the Civil ~~career~~ Service under ~~the~~
 4159 ~~provisions of~~ s. 110.205(2) (d).

4160 3. The Chancellor and the university presidents.

4161 Section 109. Section 145.19, Florida Statutes, is amended
 4162 to read:

4163 145.19 Annual percentage increases based on increase for
 4164 civil ~~state-career~~ service employees; limitation.—

4165 (1) As used in this section, the term:

4166 (a) "Annual factor" means 1 plus the lesser of:

4167 1. The average percentage increase in the salaries of civil
 4168 ~~state-career~~ service employees for the current fiscal year as
 4169 determined by the Department of Management Services or as
 4170 provided in the General Appropriations Act; or

4171 2. Seven percent.

4172 (b) "Cumulative annual factor" means the product of all
 4173 annual factors certified under this act before ~~prior to~~ the
 4174 fiscal year for which salaries are being calculated.

4175 (c) "Initial factor" means a factor of 1.292, which is a
 4176 product, rounded to the nearest thousandth, of an earlier cost-

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4177 of-living increase factor authorized by chapter 73-173, Laws of
 4178 Florida, and intended by the Legislature to be preserved in
 4179 adjustments to salaries made before the ~~prior to~~ enactment of
 4180 chapter 76-80, Laws of Florida, multiplied by the annual
 4181 increase factor authorized by chapter 79-327, Laws of Florida.

4182 (2) Each fiscal year, the salaries of all officials listed
 4183 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
 4184 The adjusted salary rate is ~~shall be~~ the product, rounded to the
 4185 nearest dollar, of the salary rate granted by the appropriate
 4186 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
 4187 first by the initial factor, then by the cumulative annual
 4188 factor, and finally by the annual factor. The Department of
 4189 Management Services shall certify the annual factor and the
 4190 cumulative annual factors. Any special qualification salary
 4191 received under this chapter, s. 1001.47, or the annual
 4192 performance salary incentive available to elected
 4193 superintendents under s. 1001.47 shall be added to the ~~such~~
 4194 adjusted salary rate. The special qualification salary is ~~shall~~
 4195 be \$2,000, ~~but shall not exceed \$2,000.~~

4196 Section 110. Subsection (2) of section 216.011, Florida
 4197 Statutes, is amended to read:

4198 216.011 Definitions.—

4199 (2) For purposes of this chapter, terms related to the
 4200 State Personnel System ~~personnel affairs of the state~~ shall
 4201 ~~be~~ defined as set forth in s. 110.1054 ~~110.107.~~

4202 Section 111. Paragraph (b) of subsection (10) of section
 4203 216.181, Florida Statutes, is amended to read:

4204 216.181 Approved budgets for operations and fixed capital
 4205 outlay.—

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4206 (10)

4207 (b) Lump-sum salary bonuses may be provided only if
4208 specifically appropriated or provided pursuant to ~~s. 110.1245~~ or
4209 s. 216.1815.

4210 Section 112. Section 287.175, Florida Statutes, is amended
4211 to read:

4212 287.175 Penalties.—A violation of this part or a rule
4213 adopted hereunder, pursuant to applicable constitutional and
4214 statutory procedures, constitutes misuse of public position as
4215 defined in s. 112.313(6), and is punishable as provided in s.
4216 112.317. The Chief Financial Officer shall report incidents of
4217 suspected misuse to the Commission on Ethics, and the commission
4218 shall investigate possible violations of this part or rules
4219 adopted hereunder when reported by the Chief Financial Officer,
4220 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of
4221 this part or a rule is ~~adopted hereunder shall be~~ presumed to
4222 have been committed with wrongful intent, but such presumption
4223 is rebuttable. ~~Nothing in~~ This section is not intended to deny
4224 rights provided to civil ~~career~~ service employees by s. 110.227.

4225 Section 113. Paragraph (a) of subsection (4) of section
4226 295.07, Florida Statutes, is amended to read:

4227 295.07 Preference in appointment and retention.—

4228 (4) The following positions are exempt from this section:

4229 (a) Those positions that are exempt from the Civil ~~state~~
4230 ~~Career~~ Service ~~System~~ under s. 110.205 ~~.(2);~~ However, all
4231 positions under the University Support Personnel System of the
4232 State University System as well as all civil ~~Career~~ service
4233 ~~System~~ positions under the Florida Community College System and
4234 the School for the Deaf and the Blind, or the equivalent of such

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4235 positions at state universities, community colleges, or the
4236 School for the Deaf and the Blind, are included.

4237 Section 114. Paragraph (a) of subsection (1) of section
4238 295.09, Florida Statutes, is amended to read:

4239 295.09 Reinstatement or reemployment; promotion
4240 preference.—

4241 (1) (a) If ~~When~~ an employee of the state or any of its
4242 political subdivisions employed in a position subject or not
4243 subject to a civil ~~career~~ service ~~system~~ or other merit-type
4244 system, with the exception of those positions that ~~which~~ are
4245 exempt pursuant to s. 295.07(4), has served in the Armed Forces
4246 of the United States and is discharged or separated ~~therefrom~~
4247 with an honorable discharge, the state or its political
4248 subdivision shall reemploy or reinstate such person to the same
4249 position that he or she held before ~~prior to~~ such service in the
4250 armed forces, or to an equivalent position, if ~~provided~~ such
4251 person returns to the position within 1 year of his or her date
4252 of separation or, in cases of extended active duty, within 1
4253 year of the date of discharge or separation subsequent to the
4254 extension. Such person shall also be awarded preference in
4255 promotion and shall be promoted ahead of all others who are as
4256 well qualified or less qualified for the position. If ~~When~~ an
4257 examination for promotion is used ~~utilized~~, such person shall be
4258 awarded preference points, as provided in s. 295.08, and shall
4259 be promoted ahead of all those who appear in an equal or lesser
4260 position on the promotional register, provided he or she first
4261 successfully passes the examination for the promotional
4262 position.

4263 Section 115. Subsection (3) of section 296.04, Florida

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4264 Statutes, is amended to read:

4265 296.04 Administrator; duties and qualifications;
4266 responsibilities.—

4267 (3) The administrator position shall be assigned to the
4268 Selected Exempt Service under part III ~~∅~~ of chapter 110. The
4269 director shall give veterans' preference in selecting an
4270 administrator, as provided in ss. 295.07 and 295.085. In
4271 addition, the administrator must have at least a 4-year degree
4272 from an accredited university or college and 3 years of
4273 administrative experience in a health care facility, or any
4274 equivalent combination of experience, training, and education
4275 totaling 7 years in work relating to administration of a health
4276 care facility.

4277 Section 116. Subsection (2) of section 296.34, Florida
4278 Statutes, is amended to read:

4279 296.34 Administrator; qualifications, duties, and
4280 responsibilities.—

4281 (2) The position shall be assigned to the Selected Exempt
4282 Service under part III ~~∅~~ of chapter 110. The director shall give
4283 veterans preference in selecting an administrator, as provided
4284 in ss. 295.07 and 295.085. The administrator, at the time of
4285 entering employment and at all times while employed as the
4286 administrator must hold a current valid license as a nursing
4287 home administrator under part II of chapter 468.

4288 Section 117. Subsection (2) of section 381.00315, Florida
4289 Statutes, is amended to read:

4290 381.00315 Public health advisories; public health
4291 emergencies.—The State Health Officer is responsible for
4292 declaring public health emergencies and issuing public health

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4293 advisories.

4294 (2) Individuals who assist the State Health Officer at his
 4295 or her request on a volunteer basis during a public health
 4296 emergency are entitled to the benefits specified in s.
 4297 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4298 Section 118. Paragraph (e) of subsection (3) of section
 4299 381.85, Florida Statutes, is amended to read:

4300 381.85 Biomedical and social research.—

4301 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4302 (e) The council shall be staffed by an executive director
 4303 and a secretary who shall be appointed by the council and who
 4304 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter
 4305 110 relating to the Civil Career ~~Service System~~.

4306 Section 119. Paragraph (a) of subsection (3) of section
 4307 394.47865, Florida Statutes, is amended to read:

4308 394.47865 South Florida State Hospital; privatization.—

4309 (3) (a) Current South Florida State Hospital employees who
 4310 are affected by the privatization shall be given first
 4311 preference for continued employment by the contractor. The
 4312 department shall make reasonable efforts to find suitable job
 4313 placements for employees who wish to remain within the state
 4314 Civil Career ~~Service System~~.

4315 Section 120. Section 402.3057, Florida Statutes, is amended
 4316 to read:

4317 402.3057 Persons not required to be refingerprinted or
 4318 rescreened.—Notwithstanding any other ~~provision of law to the~~
 4319 ~~contrary notwithstanding~~, human resource personnel who have been
 4320 fingerprinted or screened pursuant to chapters 393, 394, 397,
 4321 402, and 409, and teachers and noninstructional personnel who

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4322 have been fingerprinted pursuant to chapter 1012, who have not
4323 been unemployed for more than 90 days thereafter, and who under
4324 the penalty of perjury attest to the completion of such
4325 fingerprinting or screening and to compliance with the
4326 provisions of this section and the standards for good moral
4327 character as contained in ~~such provisions as~~ ss. 110.1127(3),
4328 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),
4329 are shall not ~~be~~ required to be refingerprinted or rescreened in
4330 order to comply with any caretaker screening or fingerprinting
4331 requirements.

4332 Section 121. Paragraph (a) of subsection (2) of section
4333 402.55, Florida Statutes, is amended to read:

4334 402.55 Management fellows program.—

4335 (2) The departments are authorized to establish a
4336 management fellows program in order to provide highly qualified
4337 career candidates for key administrative and managerial
4338 positions in the departments. Such program shall include, but is
4339 not limited to:

4340 (a) The identification annually by the secretaries, the
4341 assistant secretaries, and the district administrator in each
4342 district of one high-potential civil ~~career~~ service employee
4343 each, to be designated and appointed to serve as a full-time
4344 health and rehabilitative services management fellow for a
4345 ~~period of~~ 1 year.

4346 Section 122. Subsection (4) of section 402.7305, Florida
4347 Statutes, is amended to read:

4348 402.7305 Department of Children and Family Services;
4349 procurement of contractual services; contract management.—

4350 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The

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4351 department shall establish contract monitoring units staffed by
4352 civil ~~career~~ service employees who report to a member of the
4353 Selected Exempt Service or Senior Management Service and who
4354 have been properly trained to perform contract monitoring, with
4355 at least one member of the contract monitoring unit possessing
4356 specific knowledge and experience in the contract's program
4357 area. The department shall establish a contract monitoring
4358 process that includes ~~must include~~, but need not be limited to,
4359 the following requirements:

4360 (a) Performing a risk assessment at the start of each
4361 fiscal year and preparing an annual contract monitoring schedule
4362 that includes consideration for the level of risk assigned. The
4363 department may monitor any contract at any time regardless of
4364 whether such monitoring was originally included in the annual
4365 contract monitoring schedule.

4366 (b) Preparing a contract monitoring plan, including
4367 sampling procedures, before performing onsite monitoring at
4368 external locations of a service provider. The plan must include
4369 a description of the programmatic, fiscal, and administrative
4370 components that will be monitored on site. If appropriate,
4371 clinical and therapeutic components may be included.

4372 (c) Conducting analyses of the performance and compliance
4373 of an external service provider by means of desk reviews if the
4374 external service provider will not be monitored on site during a
4375 fiscal year.

4376 (d) Unless the department sets forth in writing the need
4377 for an extension, providing a written report presenting the
4378 results of the monitoring within 30 days after the completion of
4379 the onsite monitoring or desk review.

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4380 (e) Developing and maintaining a set of procedures
4381 describing the contract monitoring process.

4382 Section 123. Subsection (2) of section 402.731, Florida
4383 Statutes, is amended to read:

4384 402.731 Department of Children and Family Services
4385 certification programs for employees and service providers;
4386 employment provisions for transition to community-based care.—

4387 (2) The department shall develop and implement employment
4388 programs to attract and retain competent staff to support and
4389 facilitate the transition to privatized community-based care.
4390 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,
4391 salary incentives, relocation allowances, or severance pay. The
4392 department shall also contract for the delivery or
4393 administration of outplacement services. The department shall
4394 establish time-limited exempt positions as provided in s.
4395 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority
4396 provided in s. 216.262(1)(c)1. Employees appointed to fill such
4397 exempt positions shall have the same salaries and benefits as
4398 civil ~~career~~ service employees.

4399 Section 124. Section 409.1757, Florida Statutes, is amended
4400 to read:

4401 409.1757 Persons not required to be refingerprinted or
4402 rescreened.—Notwithstanding any other provision of law ~~to the~~
4403 ~~contrary notwithstanding~~, human resource personnel who have been
4404 fingerprinted or screened pursuant to chapters 393, 394, 397,
4405 402, and this chapter, and teachers who have been fingerprinted
4406 pursuant to chapter 1012, who have not been unemployed for more
4407 than 90 days thereafter, and who under the penalty of perjury
4408 attest to the completion of such fingerprinting or screening and

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4409 to compliance with ~~the provisions of~~ this section and the
4410 standards for good moral character as contained in such
4411 provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451,
4412 402.305(2), and 409.175(6), are ~~shall~~ not be required to be
4413 refingerprinted or rescreened in order to comply with any
4414 caretaker screening or fingerprinting requirements.

4415 Section 125. Subsection (1) of section 409.9205, Florida
4416 Statutes, is amended to read:

4417 409.9205 Medicaid Fraud Control Unit.—

4418 (1) Except as provided in s. 110.205, all positions in the
4419 Medicaid Fraud Control Unit of the Department of Legal Affairs
4420 are ~~hereby~~ transferred to the Civil Career Service System.

4421 Section 126. Section 414.37, Florida Statutes, is amended
4422 to read:

4423 414.37 Public assistance overpayment recovery
4424 privatization; reemployment of laid-off ~~career service~~
4425 employees.—Should civil ~~career~~ service employees of the
4426 Department of Children and Family Services be subject to layoff
4427 after July 1, 1995, due to the privatization of public
4428 assistance overpayment recovery functions, the privatization
4429 contract must ~~shall~~ require the contracting firm to give
4430 priority consideration to employment of such employees. In
4431 addition, a task force composed of representatives from the
4432 Department of Children and Family Services and the Department of
4433 Management Services shall be established to provide reemployment
4434 assistance to such employees.

4435 Section 127. Subsection (7) of section 427.012, Florida
4436 Statutes, is amended to read:

4437 427.012 The Commission for the Transportation

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4438 Disadvantaged.—There is created the Commission for the
4439 Transportation Disadvantaged in the Department of
4440 Transportation.

4441 (7) The commission shall appoint an executive director who
4442 shall serve under the direction, supervision, and control of the
4443 commission. The executive director, with the consent of the
4444 commission, shall employ such personnel as ~~may be~~ necessary to
4445 perform adequately the functions of the commission within
4446 budgetary limitations. Employees of the commission are exempt
4447 from the Civil Career Service System.

4448 Section 128. Subsection (2) of section 447.203, Florida
4449 Statutes, is amended to read:

4450 447.203 Definitions.—As used in this part:

4451 (2) "Public employer" or "employer" means the state or any
4452 county, municipality, or special district, or any subdivision or
4453 agency thereof, which the commission determines has sufficient
4454 legal distinctiveness ~~properly~~ to properly carry out the
4455 functions of a public employer. With respect to all public
4456 employees determined by the commission as properly belonging to
4457 a statewide bargaining unit composed of state civil Career
4458 ~~service System~~ employees or selected exempt Professional service
4459 employees, the Governor ~~is shall be deemed to be~~ the public
4460 employer; and the Board of Governors of the State University
4461 System, or the board's designee, ~~is shall be deemed to be~~ the
4462 public employer with respect to all public employees of each
4463 constituent state university. The board of trustees of a
4464 community college ~~is shall be deemed to be~~ the public employer
4465 with respect to all employees of the community college. The
4466 district school board ~~is shall be deemed to be~~ the public

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4467 employer with respect to all employees of the school district.
 4468 The Board of Trustees of the Florida School for the Deaf and the
 4469 Blind ~~is shall be deemed to be~~ the public employer with respect
 4470 to the academic and academic administrative personnel of the
 4471 Florida School for the Deaf and the Blind. The Governor ~~is shall~~
 4472 ~~be deemed to be~~ the public employer with respect to all
 4473 employees in the Correctional Education Program of the
 4474 Department of Corrections established pursuant to s. 944.801.

4475 Section 129. Subsection (8) and paragraph (a) of subsection
 4476 (9) of section 447.207, Florida Statutes, are amended to read:

4477 447.207 Commission; powers and duties.—

4478 (8) The commission or its designated agent shall hear
 4479 appeals arising out of any suspension, reduction in pay,
 4480 demotion, or dismissal of any permanent employee in the Civil
 4481 ~~State Career Service System~~ in the manner provided in s.
 4482 110.227.

4483 (9) Pursuant to s. 447.208, the commission or its
 4484 designated agent shall hear appeals, and enter such orders as it
 4485 deems appropriate, arising out of:

4486 ~~(a) Section 110.124, relating to termination or transfer of~~
 4487 ~~State Career Service System employees aged 65 or older.~~

4488 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

4489 (b) ~~(c)~~ Section 295.11, relating to reasons for not
 4490 employing a preferred veteran applicant.

4491 Section 130. Section 447.209, Florida Statutes, is amended
 4492 to read:

4493 447.209 Public employer's rights.—It is the right of the
 4494 public employer to determine unilaterally the purpose of each of
 4495 its constituent agencies, set standards of services to be

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4496 offered to the public, and exercise control and discretion over
4497 its organization and operations. It is also the right of the
4498 public employer to direct its employees, take disciplinary
4499 action for proper cause, and relieve its employees from duty
4500 because of lack of work or for other legitimate reasons.
4501 However, the exercise of such rights does ~~shall~~ not preclude
4502 employees or their representatives from raising grievances,
4503 should decisions on the above matters have the practical
4504 consequence of violating the terms and conditions of any
4505 collective bargaining agreement in force or any civil ~~or career~~
4506 service rule ~~regulation~~.

4507 Section 131. Section 447.401, Florida Statutes, is amended
4508 to read:

4509 447.401 Grievance procedures.—Each public employer and
4510 bargaining agent shall negotiate a grievance procedure to be
4511 used for the settlement of disputes between employer and
4512 employee, or group of employees, involving the interpretation or
4513 application of a collective bargaining agreement. Such grievance
4514 procedure shall have as its terminal step a final and binding
4515 disposition by an impartial neutral, mutually selected by the
4516 parties; however, if ~~when~~ the issue under appeal is an
4517 allegation of abuse, abandonment, or neglect by an employee
4518 under s. 39.201 or s. 415.1034, the grievance may not be decided
4519 until the abuse, abandonment, or neglect of a child has been
4520 judicially determined. However, an arbiter or other neutral may
4521 ~~shall not have the power to~~ add to, subtract from, modify, or
4522 alter the terms of a collective bargaining agreement. If an
4523 employee organization is certified as the bargaining agent of a
4524 unit, the grievance procedure ~~then~~ in existence may be the

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4525 subject of collective bargaining, and any agreement that ~~which~~
 4526 is reached supersedes ~~shall supersede~~ the previously existing
 4527 procedure. All public employees shall have the right to a fair
 4528 and equitable grievance procedure administered without regard to
 4529 membership or nonmembership in any organization, except that
 4530 certified employee organizations may ~~shall~~ not be required to
 4531 process grievances for employees who are not members of the
 4532 organization. A civil ~~career~~ service employee may use ~~shall have~~
 4533 ~~the option of utilizing~~ the civil service appeal procedure, an
 4534 unfair labor practice procedure, or a grievance procedure
 4535 established under this section, but such employee may not avail
 4536 ~~is precluded from availing~~ himself or herself of ~~to~~ more than
 4537 one of these procedures.

4538 Section 132. Paragraph (a) of subsection (2) of section
 4539 456.048, Florida Statutes, is amended to read:

4540 456.048 Financial responsibility requirements for certain
 4541 health care practitioners.—

4542 (2) The board or department may grant exemptions upon
 4543 application by practitioners meeting any of the following
 4544 criteria:

4545 (a) Any person licensed under chapter 457, s. 458.3475, s.
 4546 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
 4547 chapter 467 who practices exclusively as an officer, employee,
 4548 or agent of the Federal Government or of the state or its
 4549 agencies or its subdivisions. For the purposes of this
 4550 subsection, an agent of the state, its agencies, or its
 4551 subdivisions is a person who is eligible for coverage under any
 4552 self-insurance or insurance program authorized by ~~the provisions~~
 4553 ~~of~~ s. 768.28(16) or who is a volunteer under s. 112.961

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4554 ~~110.501(1).~~

4555 Section 133. Subsection (29) of section 570.07, Florida
4556 Statutes, is amended to read:

4557 570.07 Department of Agriculture and Consumer Services;
4558 functions, powers, and duties.—The department shall have and
4559 exercise the following functions, powers, and duties:

4560 (29) To advance funds monthly to civil ~~career~~ service
4561 employees to be used for the purchase of official state samples
4562 for state examination. Each monthly advance shall be ~~in an~~
4563 ~~amount~~ equal to one-twelfth of the actual expenses paid the
4564 position for samples in the previous fiscal year or, in the case
4565 of a new position, one-twelfth of the expenses paid for samples
4566 of a similar classification in the previous fiscal year;
4567 however, in the event of unusual circumstances, such advances
4568 may be increased for up to a period ~~not to exceed~~ 60 days.
4569 Advances shall be granted only to civil ~~career~~ service employees
4570 who have executed a proper power of attorney with the department
4571 to ensure the collection of such advances if not timely repaid.

4572 Section 134. Subsection (3) of section 601.10, Florida
4573 Statutes, is amended to read:

4574 601.10 Powers of the Department of Citrus.—The Department
4575 of Citrus shall have and shall exercise such general and
4576 specific powers as are delegated to it by this chapter and other
4577 statutes of the state, which powers shall include, but shall not
4578 be confined to, the following:

4579 (3) To employ and, at its pleasure, discharge an executive
4580 director, a secretary, and such attorneys, clerks, and employees
4581 as it deems necessary and to outline their powers and duties and
4582 fix their compensation. The department ~~of Citrus~~ may pay, or

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4583 participate in the payment of, premiums for health, accident,
4584 and life insurance for its full-time employees, pursuant to such
4585 rules ~~or regulations~~ as it may adopt; and such payments are
4586 ~~shall be~~ in addition to the regular salaries of such full-time
4587 employees. The payment of such or similar benefits to its
4588 employees in foreign countries, including, but not limited to,
4589 social security, retirement, and other similar fringe benefit
4590 costs, may be in accordance with laws in effect in the country
4591 of employment, except that ~~no~~ benefits are not ~~will be~~ payable
4592 to employees not authorized for other state employees, as
4593 provided in the Civil Career Service System.

4594 Section 135. Subsection (6) of section 624.307, Florida
4595 Statutes, is amended to read:

4596 624.307 General powers; duties.—

4597 (6) The department and office may each employ actuaries who
4598 shall be at-will employees and who shall serve at the pleasure
4599 of the Chief Financial Officer, in the case of department
4600 employees, or at the pleasure of the director of the office, in
4601 the case of office employees. Actuaries employed pursuant to
4602 this paragraph must ~~shall~~ be members of the Society of Actuaries
4603 or the Casualty Actuarial Society and are ~~shall be~~ exempt from
4604 the Civil Career Service System established under chapter 110.
4605 The salaries of the actuaries employed pursuant to this
4606 paragraph ~~shall be set in accordance with s. 216.251(2)(a)5. and~~
4607 shall be set at levels ~~which are~~ commensurate with those salary
4608 ~~levels~~ paid to actuaries by the insurance industry.

4609 Section 136. Subsection (3) of section 624.437, Florida
4610 Statutes, is amended to read:

4611 624.437 "Multiple-employer welfare arrangement" defined;

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4612 certificate of authority required; penalty.-

4613 (3) This section does not apply to a multiple-employer
 4614 welfare arrangement that ~~which~~ offers or provides benefits that
 4615 ~~which~~ are fully insured by an authorized insurer, to an
 4616 arrangement that ~~which~~ is exempt from state insurance regulation
 4617 in accordance with Pub. L. No. 93-406, the Employee Retirement
 4618 Income Security Act, or to the state group health insurance
 4619 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

4620 Section 137. Paragraph (h) of subsection (4) of section
 4621 627.6488, Florida Statutes, is amended to read:

4622 627.6488 Florida Comprehensive Health Association.-

4623 (4) The association shall:

4624 (h) Contract with preferred provider organizations and
 4625 health maintenance organizations giving due consideration to
 4626 those ~~the preferred provider organizations and health~~
 4627 ~~maintenance~~ organizations that ~~which~~ have contracted with the
 4628 state group health insurance program pursuant to s. 112.942
 4629 ~~110.123~~. If cost-effective and available in the county where the
 4630 policyholder resides, the board, upon application or renewal of
 4631 a policy, shall place a high-risk individual, as established
 4632 under s. 627.6498(4)(a)4., with the plan case manager who shall
 4633 determine the most cost-effective quality care system or health
 4634 care provider and shall place the individual in such system or
 4635 with such health care provider. If cost-effective and available
 4636 in the county where the policyholder resides, the board, with
 4637 the consent of the policyholder, may place a low-risk or medium-
 4638 risk individual, as established under s. 627.6498(4)(a)4., with
 4639 the plan case manager who may determine the most cost-effective
 4640 quality care system or health care provider and shall place the

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4641 individual in such system or with such health care provider.
 4642 Before ~~Prior to~~ and during the implementation of case
 4643 management, the plan case manager shall obtain input from the
 4644 policyholder, parent, or guardian.

4645 Section 138. Paragraph (a) of subsection (1) of section
 4646 627.649, Florida Statutes, is amended to read:

4647 627.649 Administrator.—

4648 (1) The board shall select an administrator, through a
 4649 competitive bidding process, to administer the plan. The board
 4650 shall evaluate bids submitted under this subsection based on
 4651 criteria established by the board, which criteria shall include:

4652 (a) The administrator's proven ability to handle large
 4653 group accident and health insurance. ~~and~~ Due consideration
 4654 shall be given to an ~~any~~ administrator who has acted as a third-
 4655 party administrator for the state group health insurance program
 4656 pursuant to s. 112.942 ~~110.123~~.

4657 Section 139. Paragraph (a) of subsection (2) and subsection
 4658 (3) of section 627.6498, Florida Statutes, are amended to read:

4659 627.6498 Minimum benefits coverage; exclusions; premiums;
 4660 deductibles.—

4661 (2) BENEFITS.—

4662 (a) The plan shall offer major medical expense coverage
 4663 similar to that provided by the state group health insurance
 4664 program under s. 112.942, ~~as defined in s. 110.123~~ except as
 4665 specified in subsection (3), to every eligible person who is not
 4666 eligible for Medicare. Major medical expense coverage offered
 4667 under the plan must ~~shall~~ pay an eligible person's covered
 4668 expenses, subject to limits on the deductible and coinsurance
 4669 payments authorized under subsection (4), up to a lifetime limit

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4670 of \$500,000 per covered individual. The maximum limit may ~~under~~
 4671 ~~this paragraph shall~~ not be altered by the board, and an ~~no~~
 4672 actuarially equivalent benefit may not be substituted by the
 4673 board.

4674 (3) COVERED EXPENSES.—The coverage to be issued by the
 4675 association must ~~shall~~ be patterned after the state group health
 4676 insurance program as provided in s. 112.942 ~~defined in s.~~
 4677 ~~110.123~~, including its benefits, exclusions, and other
 4678 limitations, except as otherwise provided in this act. The plan
 4679 may cover the cost of experimental drugs that ~~which~~ have been
 4680 approved for use by the Food and Drug Administration on an
 4681 experimental basis if the cost is less than the usual and
 4682 customary treatment. Such coverage applies ~~shall~~ only ~~apply~~ to
 4683 those insureds who are in the case management system upon the
 4684 approval of the insured, the case manager, and the board.

4685 Section 140. Subsection (4) of section 627.6617, Florida
 4686 Statutes, is amended to read:

4687 627.6617 Coverage for home health care services.—

4688 (4) The provisions of this section do ~~shall~~ not apply to a
 4689 multiple-employer welfare arrangement as defined in s.
 4690 624.437(1) and in the State Health Plan as provided in s.
 4691 112.942 ~~110.123~~.

4692 Section 141. Paragraph (d) of subsection (2) of section
 4693 627.6686, Florida Statutes, is amended to read:

4694 627.6686 Coverage for individuals with autism spectrum
 4695 disorder required; exception.—

4696 (2) As used in this section, the term:

4697 (d) "Health insurance plan" means a group health insurance
 4698 policy or group health benefit plan offered by an insurer which

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4699 includes the state group insurance program provided under s.
 4700 112.942 ~~110.123~~. The term does not include a ~~any~~ health
 4701 insurance plan offered in the individual market which, ~~any~~
 4702 ~~health insurance plan that~~ is individually underwritten, or
 4703 which is any health insurance plan provided to a small employer.

4704 Section 142. Paragraph (a) of subsection (4) of section
 4705 943.0585, Florida Statutes, is amended to read:

4706 943.0585 Court-ordered expunction of criminal history
 4707 records.—The courts of this state have jurisdiction over their
 4708 own procedures, including the maintenance, expunction, and
 4709 correction of judicial records containing criminal history
 4710 information to the extent such procedures are not inconsistent
 4711 with the conditions, responsibilities, and duties established by
 4712 this section. Any court of competent jurisdiction may order a
 4713 criminal justice agency to expunge the criminal history record
 4714 of a minor or an adult who complies with the requirements of
 4715 this section. The court shall not order a criminal justice
 4716 agency to expunge a criminal history record until the person
 4717 seeking to expunge a criminal history record has applied for and
 4718 received a certificate of eligibility for expunction pursuant to
 4719 subsection (2). A criminal history record that relates to a
 4720 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
 4721 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
 4722 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
 4723 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
 4724 any violation specified as a predicate offense for registration
 4725 as a sexual predator pursuant to s. 775.21, without regard to
 4726 whether that offense alone is sufficient to require such
 4727 registration, or for registration as a sexual offender pursuant

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4728 to s. 943.0435, may not be expunged, without regard to whether
4729 adjudication was withheld, if the defendant was found guilty of
4730 or pled guilty or nolo contendere to the offense, or if the
4731 defendant, as a minor, was found to have committed, or pled
4732 guilty or nolo contendere to committing, the offense as a
4733 delinquent act. The court may only order expunction of a
4734 criminal history record pertaining to one arrest or one incident
4735 of alleged criminal activity, except as provided in this
4736 section. The court may, at its sole discretion, order the
4737 expunction of a criminal history record pertaining to more than
4738 one arrest if the additional arrests directly relate to the
4739 original arrest. If the court intends to order the expunction of
4740 records pertaining to such additional arrests, such intent must
4741 be specified in the order. A criminal justice agency may not
4742 expunge any record pertaining to such additional arrests if the
4743 order to expunge does not articulate the intention of the court
4744 to expunge a record pertaining to more than one arrest. This
4745 section does not prevent the court from ordering the expunction
4746 of only a portion of a criminal history record pertaining to one
4747 arrest or one incident of alleged criminal activity.
4748 Notwithstanding any law to the contrary, a criminal justice
4749 agency may comply with laws, court orders, and official requests
4750 of other jurisdictions relating to expunction, correction, or
4751 confidential handling of criminal history records or information
4752 derived therefrom. This section does not confer any right to the
4753 expunction of any criminal history record, and any request for
4754 expunction of a criminal history record may be denied at the
4755 sole discretion of the court.

4756 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any

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4757 criminal history record of a minor or an adult which is ordered
4758 expunged by a court of competent jurisdiction pursuant to this
4759 section must be physically destroyed or obliterated by any
4760 criminal justice agency having custody of such record; except
4761 that any criminal history record in the custody of the
4762 department must be retained in all cases. A criminal history
4763 record ordered expunged which ~~that~~ is retained by the department
4764 is confidential and exempt from the provisions of s. 119.07(1)
4765 and s. 24(a), Art. I of the State Constitution and not available
4766 to any person or entity except upon order of a court of
4767 competent jurisdiction. A criminal justice agency may retain a
4768 notation indicating compliance with an order to expunge.

4769 (a) The person who is the subject of a criminal history
4770 record that is expunged under this section or under other
4771 provisions of law, including former s. 893.14, former s. 901.33,
4772 and former s. 943.058, may lawfully deny or fail to acknowledge
4773 the arrests covered by the expunged record, unless ~~except when~~
4774 the subject of the record:

- 4775 1. Is a candidate for employment with a criminal justice
4776 agency;
- 4777 2. Is a defendant in a criminal prosecution;
- 4778 3. Concurrently or subsequently petitions for relief under
4779 this section or s. 943.059;
- 4780 4. Is a candidate for admission to The Florida Bar;
- 4781 5. Is seeking to be employed or licensed by or to contract
4782 with the Department of Children and Family Services, the Agency
4783 for Health Care Administration, the Agency for Persons with
4784 Disabilities, or the Department of Juvenile Justice or to be
4785 employed or used by such contractor or licensee in a sensitive

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4786 position having direct contact with children, the
4787 developmentally disabled, the aged, or the elderly as provided
4788 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.
4789 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),
4790 chapter 916, s. 985.644, chapter 400, or chapter 429;

4791 6. Is seeking to be employed or licensed by the Department
4792 of Education, any district school board, any university
4793 laboratory school, any charter school, any private or parochial
4794 school, or any local governmental entity that licenses child
4795 care facilities; or

4796 7. Is seeking authorization from a seaport listed in s.
4797 311.09 for employment within or access to one or more of such
4798 seaports pursuant to s. 311.12.

4799 Section 143. Paragraph (a) of subsection (4) of section
4800 943.059, Florida Statutes, is amended to read:

4801 943.059 Court-ordered sealing of criminal history records.—
4802 The courts of this state shall continue to have jurisdiction
4803 over their own procedures, including the maintenance, sealing,
4804 and correction of judicial records containing criminal history
4805 information to the extent such procedures are not inconsistent
4806 with the conditions, responsibilities, and duties established by
4807 this section. Any court of competent jurisdiction may order a
4808 criminal justice agency to seal the criminal history record of a
4809 minor or an adult who complies with the requirements of this
4810 section. The court shall not order a criminal justice agency to
4811 seal a criminal history record until the person seeking to seal
4812 a criminal history record has applied for and received a
4813 certificate of eligibility for sealing pursuant to subsection
4814 (2). A criminal history record that relates to a violation of s.

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4815 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
4816 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
4817 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
4818 916.1075, a violation enumerated in s. 907.041, or any violation
4819 specified as a predicate offense for registration as a sexual
4820 predator pursuant to s. 775.21, without regard to whether that
4821 offense alone is sufficient to require such registration, or for
4822 registration as a sexual offender pursuant to s. 943.0435, may
4823 not be sealed, without regard to whether adjudication was
4824 withheld, if the defendant was found guilty of or pled guilty or
4825 nolo contendere to the offense, or if the defendant, as a minor,
4826 was found to have committed or pled guilty or nolo contendere to
4827 committing the offense as a delinquent act. The court may only
4828 order sealing of a criminal history record pertaining to one
4829 arrest or one incident of alleged criminal activity, except as
4830 provided in this section. The court may, at its sole discretion,
4831 order the sealing of a criminal history record pertaining to
4832 more than one arrest if the additional arrests directly relate
4833 to the original arrest. If the court intends to order the
4834 sealing of records pertaining to such additional arrests, such
4835 intent must be specified in the order. A criminal justice agency
4836 may not seal any record pertaining to such additional arrests if
4837 the order to seal does not articulate the intention of the court
4838 to seal records pertaining to more than one arrest. This section
4839 does not prevent the court from ordering the sealing of only a
4840 portion of a criminal history record pertaining to one arrest or
4841 one incident of alleged criminal activity. Notwithstanding any
4842 law to the contrary, a criminal justice agency may comply with
4843 laws, court orders, and official requests of other jurisdictions

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4844 relating to sealing, correction, or confidential handling of
4845 criminal history records or information derived therefrom. This
4846 section does not confer any right to the sealing of any criminal
4847 history record, and any request for sealing a criminal history
4848 record may be denied at the sole discretion of the court.

4849 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
4850 history record of a minor or an adult which is ordered sealed by
4851 a court of competent jurisdiction pursuant to this section is
4852 confidential and exempt from the provisions of s. 119.07(1) and
4853 s. 24(a), Art. I of the State Constitution and is available only
4854 to the person who is the subject of the record, to the subject's
4855 attorney, to criminal justice agencies for their respective
4856 criminal justice purposes, which include conducting a criminal
4857 history background check for approval of firearms purchases or
4858 transfers as authorized by state or federal law, to judges in
4859 the state courts system for the purpose of assisting them in
4860 their case-related decisionmaking responsibilities, as set forth
4861 in s. 943.053(5), or to those entities set forth in
4862 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
4863 licensing, access authorization, and employment purposes.

4864 (a) The subject of a criminal history record sealed under
4865 this section or under other provisions of law, including former
4866 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
4867 deny or fail to acknowledge the arrests covered by the sealed
4868 record, except if ~~when~~ the subject of the record:

- 4869 1. Is a candidate for employment with a criminal justice
4870 agency;
- 4871 2. Is a defendant in a criminal prosecution;
- 4872 3. Concurrently or subsequently petitions for relief under

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4873 this section or s. 943.0585;

4874 4. Is a candidate for admission to The Florida Bar;

4875 5. Is seeking to be employed or licensed by or to contract
4876 with the Department of Children and Family Services, the Agency
4877 for Health Care Administration, the Agency for Persons with
4878 Disabilities, or the Department of Juvenile Justice or to be
4879 employed or used by such contractor or licensee in a sensitive
4880 position having direct contact with children, the

4881 developmentally disabled, the aged, or the elderly as provided
4882 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.
4883 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
4884 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

4885 6. Is seeking to be employed or licensed by the Department
4886 of Education, any district school board, any university
4887 laboratory school, any charter school, any private or parochial
4888 school, or any local governmental entity that licenses child
4889 care facilities;

4890 7. Is attempting to purchase a firearm from a licensed
4891 importer, licensed manufacturer, or licensed dealer and is
4892 subject to a criminal history check under state or federal law;
4893 or

4894 8. Is seeking authorization from a Florida seaport
4895 identified in s. 311.09 for employment within or access to one
4896 or more of such seaports pursuant to s. 311.12.

4897 Section 144. Subsection (2) of section 945.043, Florida
4898 Statutes, is amended to read:

4899 945.043 Department-operated day care services.—

4900 (2) The department is exempt from s. 112.915 ~~the~~
4901 ~~requirements of s. 110.151.~~

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4902 Section 145. Subsection (1) of section 946.525, Florida
4903 Statutes, is amended to read:

4904 946.525 Participation by the corporation in the state group
4905 health insurance and prescription drug programs.—

4906 (1) The board of directors of the corporation established
4907 under this part may apply for participation in the state group
4908 health insurance program authorized under s. 112.942 ~~in s.~~
4909 ~~110.123~~ and the prescription drug coverage program authorized
4910 under s. 112.944 ~~by s. 110.12315~~ by submitting an application
4911 along with a \$500 nonrefundable fee to the Department of
4912 Management Services.

4913 Section 146. Paragraph (b) of subsection (1) of section
4914 1001.705, Florida Statutes, is amended to read:

4915 1001.705 Responsibility for the State University System
4916 under s. 7, Art. IX of the State Constitution; legislative
4917 finding and intent.—

4918 (1) LEGISLATIVE FINDINGS.—

4919 (b) *Constitutional duties of the Board of Governors of the*
4920 *State University System.*—In accordance with s. 7, Art. IX of the
4921 State Constitution, the Board of Governors of the State
4922 University System has the duty to operate, regulate, control,
4923 and be fully responsible for the management of the whole
4924 publicly funded State University System and the board, or the
4925 board's designee, has responsibility for:

4926 1. Defining the distinctive mission of each constituent
4927 university.

4928 2. Defining the articulation of each constituent university
4929 in conjunction with the Legislature's authority over the public
4930 schools and community colleges.

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- 4931 3. Ensuring the well-planned coordination and operation of
4932 the State University System.
- 4933 4. Avoiding wasteful duplication of facilities or programs
4934 within the State University System.
- 4935 5. Accounting for expenditure of funds appropriated by the
4936 Legislature for the State University System as provided by law.
- 4937 6. Submitting a budget request for legislative
4938 appropriations for the institutions under the supervision of the
4939 board as provided by law.
- 4940 7. Adopting strategic plans for the State University System
4941 and each constituent university.
- 4942 8. Approving, reviewing, and terminating degree programs of
4943 the State University System.
- 4944 9. Governing admissions to the state universities.
- 4945 10. Serving as the public employer to all public employees
4946 of state universities for collective bargaining purposes.
- 4947 11. Establishing a personnel system for all state
4948 university employees; however, the Department of Management
4949 Services shall retain authority over state university employees
4950 for programs established in ss. 112.942 ~~110.123~~, 112.945
4951 ~~110.1232~~, 112.946 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949
4952 ~~110.161~~, and in chapters 121, 122, and 238.
- 4953 12. Complying with, and enforcing for institutions under
4954 the board's jurisdiction, all applicable local, state, and
4955 federal laws.
- 4956 Section 147. Paragraph (b) of subsection (5) of section
4957 1001.706, Florida Statutes, is amended to read:
- 4958 1001.706 Powers and duties of the Board of Governors.—
4959 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

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4960 (b) The Department of Management Services shall retain
 4961 authority over state university employees for programs
 4962 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946
 4963 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters
 4964 121, 122, and 238. Unless specifically authorized by law,
 4965 neither the Board of Governors nor a state university may offer
 4966 group insurance programs for employees as a substitute for or as
 4967 an alternative to the health insurance programs offered pursuant
 4968 to chapter 112 ~~110~~.

4969 Section 148. Paragraph (c) of subsection (5) of section
 4970 1001.74, Florida Statutes, is amended to read:

4971 1001.74 Powers and duties of university boards of
 4972 trustees.—

4973 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

4974 (c) The Department of Management Services shall retain
 4975 authority over state university employees for programs
 4976 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946
 4977 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters
 4978 121, 122, and 238. Unless specifically authorized by law,
 4979 neither the Board of Governors nor a state university may offer
 4980 group insurance programs for employees as a substitute for or as
 4981 an alternative to the health insurance programs offered pursuant
 4982 to chapter 112 ~~110~~.

4983 Section 149. Paragraph (f) of subsection (8) of section
 4984 1002.36, Florida Statutes, is amended to read:

4985 1002.36 Florida School for the Deaf and the Blind.—

4986 (4) BOARD OF TRUSTEES.—

4987 (f) The board of trustees shall:

4988 1. Prepare and submit legislative budget requests for

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4989 operations and fixed capital outlay, in accordance with chapter
4990 216 and ss. 1011.56 and 1013.60, to the Department of Education
4991 for review and approval. The department must analyze the amount
4992 requested for fixed capital outlay to determine if the request
4993 is consistent with the school's campus master plan, educational
4994 plant survey, and facilities master plan. Projections of
4995 facility space needs may exceed the norm space and occupant
4996 design criteria established in the State Requirements for
4997 Educational Facilities.

4998 2. Approve and administer an annual operating budget in
4999 accordance with ss. 1011.56 and 1011.57.

5000 3. Require all funds received other than gifts, donations,
5001 bequests, funds raised by or belonging to student clubs or
5002 student organizations, and funds held for specific students or
5003 in accounts for individual students to be deposited in the State
5004 Treasury and expended as authorized in the General
5005 Appropriations Act.

5006 4. Require all purchases to be in accordance with the
5007 provisions of chapter 287 except for purchases made with funds
5008 received as gifts, donations, or bequests; funds raised by or
5009 belonging to student clubs or student organizations; or funds
5010 held for specific students or in accounts for individual
5011 students.

5012 5. Administer and maintain personnel programs for all
5013 employees of the board of trustees and the Florida School for
5014 the Deaf and the Blind who shall be state employees, including
5015 the personnel classification and pay plan established in
5016 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and
5017 216.251(2)(a)2. for academic and academic administrative

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5018 personnel, the provisions of chapter 110, and the provisions of
5019 law that grant authority to the Department of Management
5020 Services over such programs for state employees.

5021 6. Give preference in appointment and retention in
5022 positions of employment as provided within s. 295.07(1).

5023 7. Ensure that the Florida School for the Deaf and the
5024 Blind complies with s. 1013.351 concerning the coordination of
5025 planning between the Florida School for the Deaf and the Blind
5026 and local governing bodies.

5027 8. Ensure that the Florida School for the Deaf and the
5028 Blind complies with s. 112.061 concerning per diem and travel
5029 expenses of public officers, employees, and authorized persons
5030 with respect to all funds other than funds received as gifts,
5031 donations, or bequests; funds raised by or belonging to student
5032 clubs or student organizations; or funds held for specific
5033 students or in accounts for individual students.

5034 9. Adopt a master plan that ~~which~~ specifies the mission and
5035 objectives of the Florida School for the Deaf and the Blind. The
5036 plan shall include, but not be limited to, procedures for
5037 systematically measuring the school's progress toward meeting
5038 its objectives, analyzing changes in the student population, and
5039 modifying school programs and services to respond to such
5040 changes. The plan shall be for a period of 5 years and shall be
5041 reviewed for needed modifications every 2 years. The board of
5042 trustees shall submit the initial plan and subsequent
5043 modifications to the Speaker of the House of Representatives and
5044 the President of the Senate.

5045 10. Designate a portion of the school as "The Verle Allyn
5046 Pope Complex for the Deaf," in tribute to the late Senator Verle

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5047 Allyn Pope.

5048 (8) CAMPUS POLICE.—

5049 (f) The board of trustees shall adopt rules, including,
5050 without limitation, rules for the appointment, employment, and
5051 removal of campus police in accordance with the Civil State
5052 ~~Career Service~~ under chapter 110 System and shall establish in
5053 writing a policy manual, that includes, without limitation,
5054 procedures for managing routine law enforcement situations and
5055 emergency law enforcement situations. The board of trustees
5056 shall furnish a copy of the policy manual to each of the campus
5057 police officers it employs. A campus police officer appointed by
5058 the board of trustees must have completed the training required
5059 by the school in the special needs and proper procedures for
5060 dealing with students served by the school.

5061 Section 150. Section 1012.62, Florida Statutes, is amended
5062 to read:

5063 1012.62 Transfer of sick leave and annual leave.—In
5064 implementing ~~the provisions of~~ ss. 402.22(1)(d) and
5065 1001.42(4)(m), educational personnel in Department of Children
5066 and Family Services residential care facilities who are employed
5067 by a district school board may request, and the district school
5068 board shall accept, a lump-sum transfer of accumulated sick
5069 leave for such personnel to the maximum allowed by policies of
5070 the district school board, notwithstanding ~~the provisions of~~ s.
5071 112.910 ~~110.122~~. Educational personnel in Department of Children
5072 and Family Services residential care facilities who are employed
5073 by a district school board under ~~the provisions of~~ s.
5074 402.22(1)(d) may request, and the district school board shall
5075 accept, a lump-sum transfer of accumulated annual leave for each

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5076 person employed by the district school board in a position in
5077 the district eligible to accrue vacation leave under the
5078 policies of the district school board.

5079 Section 151. Subsection (5) of section 1012.79, Florida
5080 Statutes, is amended to read:

5081 1012.79 Education Practices Commission; organization.—

5082 (5) The commission, by a vote of three-fourths of the
5083 membership, shall employ an executive director, who shall be
5084 exempt from the Civil ~~career~~ Service. The executive director may
5085 be dismissed by a majority vote of the membership.

5086 Section 152. Subsection (6) of section 1012.88, Florida
5087 Statutes, is amended to read:

5088 1012.88 Community college police.—

5089 (6) The community college, with the approval of the
5090 Department of Law Enforcement, shall adopt rules, including,
5091 without limitation, rules for the appointment, employment, and
5092 removal of community college police in accordance with the Civil
5093 ~~state Career~~ Service under chapter 110 ~~System~~ and shall
5094 establish in writing a policy manual, that includes, without
5095 limitation, procedures for managing routine law enforcement
5096 situations and emergency law enforcement situations. The
5097 community college shall furnish a copy of the policy manual to
5098 each of the police officers it employs.

5099 Section 153. This act shall take effect July 1, 2010.