

By the Committee on Governmental Oversight and Accountability;  
and Senator Ring

585-03566-10

20102268c1

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.;

585-03566-10

20102268c1

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

585-03566-10

20102268c1

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

585-03566-10

20102268c1

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,

585-03566-10

20102268c1

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

585-03566-10

20102268c1

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

585-03566-10

20102268c1

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. 110.406, F.S.,  
194 relating to senior management services data  
195 collections; repealing s. 110.603, F.S., relating to a  
196 classification plan and pay bands for selected exempt  
197 positions; repealing s. 110.604, F.S., relating to  
198 certain personnel actions for selected exempt service  
199 employees; repealing s. 110.606, F.S., relating to  
200 selected exempt service data collection; amending ss.  
201 11.13, 20.055, 20.21, 20.23, 20.255, 24.105, 24.122,  
202 30.071, 43.16, 104.31, 106.24, 112.044, 112.0805,  
203 112.313, 112.3145, 112.363, 121.021, 121.051, 121.055,

585-03566-10

20102268c1

204 121.35, 145.19, 216.011, 216.181, 287.175, 295.07,  
205 295.09, 296.04, 296.34, 381.00315, 381.85, 394.47865,  
206 402.3057, 402.55, 402.7305, 402.731, 409.1757,  
207 409.9205, 414.37, 427.012, 447.203, 447.207, 447.209,  
208 s. 447.401, 456.048, 570.07, 601.10, 624.307, 624.437,  
209 627.6488, 627.649, 627.6498, 627.6617, 627.6686,  
210 943.0585, 943.059, 945.043, 946.525, 1001.705,  
211 1001.706, 1001.74, 1002.36, 1012.62, 1012.79, and  
212 1012.88, F.S.; conforming provisions to changes made  
213 by the act; providing an effective date.

214

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

216

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

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

223 Section 3. Section 110.105, Florida Statutes, is amended to  
224 read:

225 110.105 Employment policy of the state.—

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



585-03566-10

20102268c1

233 administration, benefits, attendance and leave, discipline,  
 234 dismissal ~~discharge~~, employee performance evaluations,  
 235 affirmative action, and other related activities.

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

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

248 ~~(2)-(4)~~ This chapter contains the requirements and guides  
 249 for establishing and maintaining a system of personnel  
 250 administration on a merit basis. The system ~~of personnel~~  
 251 ~~administration~~ shall be implemented so as to ensure that the  
 252 permit state agencies in the State Personnel System are ~~to be~~  
 253 eligible for ~~to receive~~ federal funds.

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

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

260 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the  
 261 term:

585-03566-10

20102268c1

262        (5)~~(1)~~ "Department" means the Department of Management  
263 Services.

264        (30)~~(2)~~ "Secretary" means the Secretary of Management  
265 Services.

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

273        (31)~~(4)~~ "State agency" or "agency" means any of the  
274 following entities and organizational units of such entities as  
275 specified by law: official, officer, commission, board,  
276 authority, council, committee, or department of the executive  
277 branch or the judicial branch of state government as defined in  
278 chapter 216.

279        (a) Agency for Enterprise Information Technology.

280        (b) Agency for Health Care Administration.

281        (c) Agency for Persons with Disabilities.

282        (d) Agency for Workforce Innovation.

283        (e) Department of Agriculture and Consumer Services.

284        (f) Department of Business and Professional Regulation.

285        (g) Department of Children and Family Services.

286        (h) Department of Citrus.

287        (i) Department of Community Affairs.

288        (j) Department of Corrections.

289        (k) Department of Education.

290        (l) Department of Elderly Affairs.

585-03566-10

20102268c1

- 291       (m) Department of Environmental Protection.
- 292       (n) Department of Financial Services.
- 293       (o) Department of Health.
- 294       (p) Department of Highway Safety and Motor Vehicles.
- 295       (q) Department of Juvenile Justice.
- 296       (r) Department of Law Enforcement.
- 297       (s) Department of Legal Affairs.
- 298       (t) Department of Management Services.
- 299       (u) Department of Military Affairs, except for "military"  
300 personnel positions as defined in s. 250.05(2).
- 301       (v) Department of Revenue.
- 302       (w) Department of State.
- 303       (x) Department of Transportation.
- 304       (y) Department of Veterans' Affairs.
- 305       (z) Executive Office of the Governor.
- 306       (aa) Fish and Wildlife Conservation Commission.
- 307       (bb) Florida Public Service Commission.
- 308       (cc) Florida School for the Deaf and the Blind, except for  
309 the "academic" and "academic administrative" personnel covered  
310 by s. 1002.36(4)(f)1.
- 311       (dd) Parole Commission.
- 312       (32) "State employee" or "employee" means an employee of a  
313 state agency.
- 314       (33) "State Personnel System" means the system of personnel  
315 administration for authorized civil service, selected exempt  
316 service, and senior management service positions and other-  
317 personal-services employment within a state agency.
- 318       (22)~~(5)~~ "Position" means the work, consisting of duties and  
319 responsibilities, ~~assigned~~ to be performed by an officer or

585-03566-10

20102268c1

320 employee.

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

327 (10)-(6) "Full-time position" means a position authorized  
328 for the entire normally established work period, daily, weekly,  
329 monthly, or annually.

330 (19)-(7) "Part-time position" means a position authorized  
331 for less than the entire normally established work period,  
332 whether daily, weekly, monthly, or annually.

333 (16)-(8) "Occupation" means all positions that ~~which~~ are  
334 sufficiently similar in knowledge, skills, and abilities, and  
335 sufficiently similar as to kind or subject matter of work.

336 (17)-(9) "Occupational group" means a group of occupations  
337 which are sufficiently similar in the kind of work performed to  
338 warrant the use of the same performance factors in determining  
339 the level of complexity for all occupations in that occupational  
340 group.

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

343 (3)-(10) "Classification system plan" means a formal  
344 description of the concepts, rules, job family definitions,  
345 occupational group characteristics, ~~and~~ occupational profiles,  
346 and broadband levels used to classify in the classification of  
347 positions.

348 (20)-(11) "Pay plan" means a formal description of the

585-03566-10

20102268c1

349 philosophy, methods, procedures, and salary schedules for  
350 competitively compensating employees at market-based rates for  
351 work performed.

352 ~~(29)-(12)~~ "Salary schedule" means an official document that  
353 ~~which~~ contains a complete list of occupation titles, broadband  
354 level codes, ~~and~~ pay bands, and other related information.

355 ~~(1)-(13)~~ "Authorized position" means a position included in  
356 an approved budget. In counting the number of authorized  
357 positions, part-time positions may be converted to full-time  
358 equivalents.

359 ~~(8)-(14)~~ "Established position" means an authorized position  
360 that ~~which~~ has been classified in accordance with a  
361 classification system and pay plan as provided by law.

362 ~~(24)-(15)~~ "Position number" means the identification number  
363 assigned to an established position or other-personal-services  
364 employment position.

365 ~~(28)-(16)~~ "Reclassification" means changing an established  
366 position ~~in one broadband level in an occupational group~~ to a  
367 higher or lower broadband level within in the same occupation or  
368 changing an established position to a different occupation,  
369 either of which is the result of a change in the duties and  
370 responsibilities of the position ~~occupational group or to a~~  
371 ~~broadband level in a different occupational group.~~

372 ~~(26)-(17)~~ "Promotion" means moving a civil service employee  
373 to a higher broadband level within an occupation, or moving an  
374 employee to an occupation that has a broadband level having  
375 ~~changing the classification of an employee to a broadband level~~  
376 ~~having a higher maximum salary; or the changing of the~~  
377 ~~classification of an employee to a broadband level having the~~

585-03566-10

20102268c1

378 ~~same or a lower maximum salary but a higher level of~~  
379 ~~responsibility.~~

380 (4)~~(18)~~ "Demotion" means moving a civil service ~~changing~~  
381 ~~the classification of an employee to a lower broadband level~~  
382 within an occupation, or moving an employee to an occupation  
383 that has a broadband level having a lower maximum salary; ~~or the~~  
384 ~~changing of the classification of an employee to a broadband~~  
385 ~~level having the same or a higher maximum salary but a lower~~  
386 ~~level of responsibility.~~

387 (36)~~(19)~~ "Transfer" means moving a civil service ~~an~~  
388 employee from one geographic location of the state to a  
389 different geographic location that is more than ~~in excess of~~ 50  
390 highway miles from the employee's current work location. The  
391 mileage shall be calculated using an official Department of  
392 Transportation map.

393 (27)~~(20)~~ "Reassignment" means moving a civil service ~~an~~  
394 employee from a position in an occupation to a position in the  
395 same occupation that has the same ~~one~~ broadband level but with  
396 different duties; ~~or to a different position in a different~~  
397 occupation that has a the same broadband level having the same  
398 maximum salary; ~~or to a position in the same occupation that has~~  
399 the same ~~different~~ broadband level and substantially the same  
400 duties, but is in a different agency ~~having the same maximum~~  
401 ~~salary.~~

402 (6)~~(21)~~ "Dismissal" means a disciplinary action taken by an  
403 agency pursuant to s. 110.227 against a civil service ~~an~~  
404 employee that results ~~resulting~~ in the termination of his or her  
405 employment.

406 (34)~~(22)~~ "Suspension" means a disciplinary action taken by

585-03566-10

20102268c1

407 an agency pursuant to s. 110.227 against a civil service ~~an~~  
408 employee which ~~to~~ temporarily relieves ~~relieve~~ the employee of  
409 his or her duties and places ~~place~~ him or her on leave without  
410 pay.

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

415 (14) ~~(23)~~ "Layoff" means termination of employment due to a  
416 shortage of funds or work, or a material change in the duties or  
417 organization of an agency, including the outsourcing or  
418 privatization of an activity or function previously performed by  
419 civil ~~career~~ service employees.

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

425 (7) ~~(24)~~ "Employing agency" means any agency authorized to  
426 employ personnel to carry out the responsibilities of the agency  
427 pursuant to ~~under the provisions of~~ chapter 20 or other law  
428 ~~statutory authority.~~

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

585-03566-10

20102268c1

436 ~~(9)(26)~~ "Firefighter" means a firefighter certified under  
437 chapter 633.

438 ~~(13)(27)~~ "Law enforcement or correctional officer" means a  
439 law enforcement officer, special agent, correctional officer,  
440 correctional probation officer, or institutional security  
441 specialist ~~required to be~~ certified under chapter 943.

442 ~~(25)(28)~~ "Professional health care provider" means  
443 registered nurses, physician's assistants, dentists,  
444 psychologists, nutritionists or dietitians, pharmacists,  
445 psychological specialists, physical therapists, and speech and  
446 hearing therapists.

447 ~~(11)(29)~~ "Job family" means a defined grouping of one or  
448 more similar occupational groups.

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

454 ~~(21)(30)~~ "Pay band" means the minimum salary, the maximum  
455 salary, and intermediate rates that ~~which~~ are payable for work  
456 in a specific broadband level.

457 ~~(2)(31)~~ "Broadband level" means all positions that ~~which~~  
458 are sufficiently similar in knowledge, skills, and abilities;  
459 ~~the, and sufficiently similar as to~~ kind or subject matter of  
460 work; ~~the,~~ level of difficulty or responsibilities; ~~;~~ and the  
461 qualification requirements of the work so as to warrant the same  
462 treatment with respect ~~as~~ to title, pay band, and other  
463 personnel transactions.

464 Section 5. Section 110.1055, Florida Statutes, is amended



585-03566-10

20102268c1

465 to read:

466 110.1055 ~~Rules and Rulemaking authority.~~

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

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

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

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

482 1. The Administration Commission has granted an exception  
483 to a specific rule. An agency may request an exception to the  
484 uniform personnel rules by filing a petition with the  
485 commission. The commission shall approve an exception if the  
486 exception is necessary to conform to any requirement imposed as  
487 a condition precedent to receipt of federal funds, to permit  
488 persons in this state to receive tax benefits under federal law,  
489 or if required for the most efficient operation of the agency as  
490 determined by the commission. The reasons for the exception must  
491 be published in the Florida Administrative Weekly. Agency rules  
492 that provide exceptions to the uniform rules may not be adopted  
493 unless approved by the commission.

585-03566-10

20102268c1

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

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

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

521       (4) The department may develop uniform forms and  
522 instructions relating to personnel transactions as the

585-03566-10

20102268c1

523 department determines necessary.

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

527 Section 6. Section 110.1056, Florida Statutes, is created  
528 to read:

529 110.1056 Agency audits.—The department may periodically  
530 audit agency records to determine compliance with this chapter  
531 and department rules.

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

535 110.106 ~~110.405~~ Advisory committees.—The secretary ~~of~~  
536 ~~Management Services~~ may at any time appoint an ad hoc or  
537 continuing advisory committee consisting of members of the  
538 Senior Management Service or other persons knowledgeable in the  
539 field of personnel management. Advisory committees ~~Any Such~~  
540 ~~committee shall consist of not more than nine members, who shall~~  
541 ~~serve at the pleasure of~~ and meet at the call of the secretary  
542 and, at the request of the secretary, shall provide advice and  
543 consultation, ~~to advise and consult with the secretary on such~~  
544 ~~matters affecting the State Personnel System Senior Management~~  
545 ~~Service as the secretary requests.~~ Members shall serve without  
546 compensation, but are ~~shall be~~ entitled to ~~receive~~ reimbursement  
547 for travel expenses as provided in s. 112.061. The secretary may  
548 periodically hire a consultant who has ~~with~~ expertise in  
549 personnel administration ~~management~~ to advise him or her with  
550 respect to the administration of the State Personnel System  
551 ~~Senior Management Service.~~

585-03566-10

20102268c1

552 Section 8. Section 110.1065, Florida Statutes, is created  
553 to read:

554 110.1065 General employment policies and requirements.—

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

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

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

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

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

578 (2) Except as expressly provided by law, Florida residency  
579 may not be required for any person as a condition precedent to  
580 employment; however, preference in hiring may be given to state

585-03566-10

20102268c1

581 residents.

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

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

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

589 (6) The department may adopt rules necessary to administer  
590 this section.

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

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

597 110.1075 ~~110.233~~ Political activities and unlawful acts  
598 prohibited.-

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

605 (2) No person may ~~shall~~ use or promise to use, directly or  
606 indirectly, any official authority or influence, whether  
607 possessed or anticipated, to secure or attempt to secure for any  
608 person an appointment or advantage in appointment to a position  
609 in the Civil ~~career~~ Service, or an increase in pay or other

585-03566-10

20102268c1

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

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

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

638 (a) Hold, or be a candidate for, public office while in the

585-03566-10

20102268c1

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

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

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

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

666 (7) The department may adopt rules to administer this  
667 section.

585-03566-10

20102268c1

668 Section 10. Section 110.1099, Florida Statutes, is amended  
669 to read:

670 110.1099 Elective education, professional development, and  
671 training opportunities for civil service, selected exempt, and  
672 senior management service state employees.-

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

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

693 ~~(2) The department, in conjunction with the agencies, shall~~  
694 ~~request that public universities provide evening and weekend~~  
695 ~~programs for state employees. When evening and weekend training~~  
696 ~~and educational programs are not available, an employee may be~~



585-03566-10

20102268c1

697 ~~authorized to take paid time off during his or her regular~~  
698 ~~working hours for training and career development, as provided~~  
699 ~~in s. 110.105(1), if such training benefits the employer as~~  
700 ~~determined by that employee's agency head.~~

701 (2)~~(3)~~ An employee who exhibits superior aptitude and  
702 performance may be authorized by his or her ~~that employee's~~  
703 agency head to take a paid educational leave of absence for up  
704 to 1 academic year at a time, for specific approved work-related  
705 education and professional development training. The ~~That~~  
706 employee must enter into a contract to return to the agency  
707 granting the leave state employment for a period of time equal  
708 to the length of the leave of absence or refund the salary and  
709 benefits paid during the ~~his or her educational~~ leave of  
710 absence.

711 (3)~~(4)~~ As a precondition to approving an employee's  
712 ~~training~~ request for any educational, development, or training  
713 program, an agency ~~or the judicial branch~~ may require the an  
714 employee to enter into an agreement that provides that, if the  
715 employee voluntarily terminates employment or is dismissed from  
716 the agency within a specified period of time, not to exceed 2  
717 years after the conclusion of the program, he or she must  
718 ~~requires the employee to~~ reimburse the agency ~~or judicial branch~~  
719 for up to the total cost of fees and associated expenses for the  
720 program if the registration fee or similar expense for any  
721 ~~training or training series when the~~ total cost of the fee or  
722 similar expense exceeds \$1,000 ~~if the employee voluntarily~~  
723 ~~terminates employment or is discharged for cause from the agency~~  
724 ~~or judicial branch within a specified period of time not to~~  
725 ~~exceed 4 years after the conclusion of the training. This~~

585-03566-10

20102268c1

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

732 (4) ~~(5)~~ The department may ~~of Management Services, in~~  
733 ~~consultation with the agencies and, to the extent applicable,~~  
734 ~~with Florida's public community colleges, public career centers,~~  
735 ~~and public universities, shall~~ adopt rules to administer this  
736 section.

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

740 110.1115 ~~110.235~~ Training and professional development of  
741 employees.—

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

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

753 (3) ~~As approved by the Legislature by law,~~ Each state  
754 ~~employing~~ agency may use a portion ~~specified percentage~~ of its

585-03566-10

20102268c1

755 salary budget to implement training programs.

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

760 (a) Improving the performance of individuals and groups of  
761 employees.

762 (b) Relating the efforts of employees to the goals of the  
763 organization.

764 (c) Strategic planning.

765 (d) Team leadership.

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

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

783 (b) For the purposes of leveraging resources and promoting

585-03566-10

20102268c1

784 best practices, the department may open such conferences to all  
785 state and local public employers having shared interests in  
786 public-sector human resource management and related topics.

787 (6) The department may adopt rules necessary to administer  
788 this section.

789 Section 12. Section 110.112, Florida Statutes, is amended  
790 to read:

791 110.112 ~~Affirmative action;~~ Equal employment opportunity.-

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

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

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

807 (b) ~~(c)~~ An equal ~~affirmative action~~-equal employment  
808 opportunity officer shall be appointed by the head of each  
809 ~~executive~~ agency. ~~The affirmative action equal employment~~  
810 ~~opportunity officer's responsibilities must include determining~~  
811 ~~annual goals, monitoring agency compliance, and providing~~  
812 ~~consultation to managers regarding progress, deficiencies, and~~

585-03566-10

20102268c1

813 ~~appropriate corrective action.~~

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

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

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

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

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

839 ~~(c) Appoint an affirmative action equal employment~~  
840 ~~opportunity officer.~~

841 ~~(d) Report annually to the Justice Administrative~~

585-03566-10

20102268c1

842 ~~Commission on the implementation, continuance, updating, and~~  
843 ~~results of his or her affirmative action program for the~~  
844 ~~previous fiscal year.~~

845 (3)~~(4)~~ Each ~~The state agency, its agencies and officers~~  
846 shall ensure freedom from discrimination in employment in  
847 accordance with applicable state and federal laws as provided by  
848 ~~the Florida Civil Rights Act of 1992, by s. 112.044, and by this~~  
849 ~~chapter.~~

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

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

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

860 Section 13. Section 110.1127, Florida Statutes, is amended  
861 to read:

862 110.1127 Employee background screening and investigations  
863 ~~security checks.-~~

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

870 (2)~~(1)~~ Each state ~~employing~~ agency shall designate those

585-03566-10

20102268c1

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

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

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

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

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

897 (b) ~~(3)~~ ~~(a)~~ All positions in programs providing care to  
898 children, the developmentally disabled, or vulnerable adults for  
899 15 hours or more per week; all permanent and temporary employee

585-03566-10

20102268c1

900 positions of the central abuse hotline; and all persons working  
901 under contract who have access to abuse records are deemed to be  
902 persons and positions of special trust or responsibility, ~~and~~  
903 ~~require employment screening pursuant to chapter 435, using the~~  
904 ~~level 2 standards set forth in that chapter.~~

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

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

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

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

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

928 3.(e) It is a felony of the third degree, punishable as



585-03566-10

20102268c1

929 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
 930 person to willfully, knowingly, or intentionally ~~to~~ use juvenile  
 931 records information for any purposes other than those specified  
 932 in this section or to release such information to other persons  
 933 for purposes other than those specified in this section.

934 (3)~~(4)~~ Any person who is required to undergo such a  
 935 security background screening or investigation and who refuses  
 936 to cooperate in such screening or investigation or refuses to  
 937 submit fingerprints shall be disqualified for employment in such  
 938 position or, if employed, shall be dismissed.

939 (4)~~(5)~~ ~~Such~~ Background screening and investigations shall  
 940 be conducted at the expense of the employing state agency. If  
 941 ~~When~~ fingerprinting is required, the fingerprints ~~of the~~  
 942 ~~employee or applicant for employment~~ shall be taken by the  
 943 ~~employing~~ agency or by an authorized law enforcement officer and  
 944 submitted to the Department of Law Enforcement for processing  
 945 and shall be forwarded if forwarding, ~~when~~ requested by the  
 946 ~~employing~~ agency, to the United States Department of Justice for  
 947 processing. The ~~employing~~ agency shall reimburse the Department  
 948 of Law Enforcement for any costs incurred for by it in the  
 949 processing ~~of~~ the fingerprints.

950 (5) The department may adopt rules necessary to administer  
 951 this section.

952 Section 14. Section 110.113, Florida Statutes, is amended  
 953 to read:

954 110.113 Pay periods ~~for state officers and employees,~~  
 955 ~~salary payments by direct deposit.-~~

956 (1) ~~The normal pay period for salaries of state officers~~  
 957 ~~and employees shall be 1 month.~~ The Department of Financial

585-03566-10

20102268c1

958 Services shall issue ~~either~~ monthly or biweekly salary payments  
959 to State Personnel System officers and employees ~~by state~~  
960 ~~warrants or by direct deposit~~ pursuant to s. 17.076 ~~or make~~  
961 ~~semimonthly salary payments by direct deposit pursuant to s.~~  
962 ~~17.076,~~ as ~~requested by the head of each state agency and~~  
963 ~~approved by the Executive Office of the Governor and the~~  
964 ~~Department of Financial Services.~~

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

972 Section 15. Section 110.1135, Florida Statutes, is created  
973 to read:

974 110.1135 Attendance and leave records.—Each state agency  
975 shall keep an accurate record of all hours of work performed by  
976 each employee, as well as a complete and accurate record of all  
977 authorized leave. The ultimate responsibility for the accuracy  
978 and proper maintenance of all attendance and leave records is  
979 with the agency head.

980 Section 16. Section 110.116, Florida Statutes, is amended  
981 to read:

982 110.116 Human resource information ~~Personnel information~~  
983 ~~system; payroll procedures.—~~

984 (1) ~~The department of Management Services~~ shall establish  
985 and maintain, in coordination with the payroll system of the  
986 Department of Financial Services, a complete human resource

585-03566-10

20102268c1

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

585-03566-10

20102268c1

1016 and the President of the Senate upon request.

1017 (2) The department may adopt rules necessary to administer  
1018 this section.

1019 Section 17. Section 110.117, Florida Statutes, is amended  
1020 to read:

1021 110.117 Paid holidays and personal day.—

1022 (1) The following holidays are ~~shall be~~ paid holidays  
1023 observed by all state ~~branches and~~ agencies:

1024 (a) New Year's Day.

1025 (b) Birthday of Martin Luther King, Jr., third Monday in  
1026 January.

1027 (c) Memorial Day.

1028 (d) Independence Day.

1029 (e) Labor Day.

1030 (f) Veterans' Day, November 11.

1031 (g) Thanksgiving Day.

1032 (h) Friday after Thanksgiving.

1033 (i) Christmas Day.

1034 (j) If any of these holidays falls on Saturday, the  
1035 preceding Friday shall be observed as a holiday. If any of these  
1036 holidays falls on Sunday, the following Monday shall be observed  
1037 as a holiday.

1038 (2) The Governor may declare, if ~~when~~ appropriate, a state  
1039 day of mourning in observance of the death of a person in  
1040 recognition of service rendered to the state or nation.

1041 (3) Each full-time employee in an authorized and  
1042 established position is entitled to one personal day ~~holiday~~  
1043 each year. Each part-time employee is entitled to a personal day  
1044 ~~holiday~~ each year, which shall be calculated based on the full-

585-03566-10

20102268c1

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

1054 (4) Other-personal-services employees are not eligible for  
1055 paid holidays or a personal day.

1056 Section 18. Section 110.1245, Florida Statutes, is amended  
1057 to read:

1058 110.1245 ~~Savings sharing program;~~ Bonus payments; other  
1059 awards.-

1060 ~~(1)(a) The Department of Management Services shall adopt~~  
1061 ~~rules that prescribe procedures and promote a savings sharing~~  
1062 ~~program for an individual or group of employees who propose~~  
1063 ~~procedures or ideas that are adopted and that result in~~  
1064 ~~eliminating or reducing state expenditures, if such proposals~~  
1065 ~~are placed in effect and may be implemented under current~~  
1066 ~~statutory authority.~~

1067 ~~(b) Each agency head shall recommend employees individually~~  
1068 ~~or by group to be awarded an amount of money, which amount shall~~  
1069 ~~be directly related to the cost savings realized. Each proposed~~  
1070 ~~award and amount of money must be approved by the Legislative~~  
1071 ~~Budget Commission.~~

1072 ~~(c) Each state agency, unless otherwise provided by law,~~  
1073 ~~may participate in the program. The Chief Justice shall have the~~

585-03566-10

20102268c1

1074 ~~authority to establish a savings sharing program for employees~~  
1075 ~~of the judicial branch within the parameters established in this~~  
1076 ~~section. The program shall apply to all employees within the~~  
1077 ~~Career Service, the Selected Exempt Service, and comparable~~  
1078 ~~employees within the judicial branch.~~

1079 ~~(d) The department and the judicial branch shall submit~~  
1080 ~~annually to the President of the Senate and the Speaker of the~~  
1081 ~~House of Representatives information that outlines each agency's~~  
1082 ~~level of participation in the savings sharing program. The~~  
1083 ~~information shall include, but is not limited to:~~

1084 ~~1. The number of proposals made.~~

1085 ~~2. The number of dollars and awards made to employees or~~  
1086 ~~groups for adopted proposals.~~

1087 ~~3. The actual cost savings realized as a result of~~  
1088 ~~implementing employee or group proposals.~~

1089 ~~(1)(2) In June of each year, Bonuses may shall be paid to~~  
1090 ~~employees from funds authorized by the Legislature in an~~  
1091 ~~appropriation specifically for bonuses. Bonuses shall be~~  
1092 ~~distributed in accordance with the criteria and instructions~~  
1093 ~~provided in the General Appropriations Act. Each agency shall~~  
1094 ~~develop a plan for awarding lump-sum bonuses, which plan shall~~  
1095 ~~be submitted no later than September 15 of each year and~~  
1096 ~~approved by the Office of Policy and Budget in the Executive~~  
1097 ~~Office of the Governor. Such plan shall include, at a minimum,~~  
1098 ~~but is not limited to:~~

1099 ~~(a) A statement that bonuses are subject to specific~~  
1100 ~~appropriation by the Legislature.~~

1101 ~~(b) Eligibility criteria as follows:~~

1102 ~~1. The employee must have been employed prior to July 1 of~~

585-03566-10

20102268c1

1103 ~~that fiscal year and have been continuously employed through the~~  
1104 ~~date of distribution.~~

1105 ~~2. The employee must not have been on leave without pay~~  
1106 ~~consecutively for more than 6 months during the fiscal year.~~

1107 ~~3. The employee must have had no sustained disciplinary~~  
1108 ~~action during the period beginning July 1 through the date the~~  
1109 ~~bonus checks are distributed. Disciplinary actions include~~  
1110 ~~written reprimands, suspensions, dismissals, and involuntary or~~  
1111 ~~voluntary demotions that were associated with a disciplinary~~  
1112 ~~action.~~

1113 ~~4. The employee must have demonstrated a commitment to the~~  
1114 ~~agency mission by reducing the burden on those served,~~  
1115 ~~continually improving the way business is conducted, producing~~  
1116 ~~results in the form of increased outputs, and working to improve~~  
1117 ~~processes.~~

1118 ~~5. The employee must have demonstrated initiative in work~~  
1119 ~~and have exceeded normal job expectations.~~

1120 ~~6. The employee must have modeled the way for others by~~  
1121 ~~displaying agency values of fairness, cooperation, respect,~~  
1122 ~~commitment, honesty, excellence, and teamwork.~~

1123 ~~(c) A periodic evaluation process of the employee's~~  
1124 ~~performance.~~

1125 ~~(d) A process for peer input that is fair, respectful of~~  
1126 ~~employees, and affects the outcome of the bonus distribution.~~

1127 ~~(e) A division of the agency by work unit for purposes of~~  
1128 ~~peer input and bonus distribution.~~

1129 ~~(f) A limitation on bonus distributions equal to 35 percent~~  
1130 ~~of the agency's total authorized positions. This requirement may~~  
1131 ~~be waived by the Office of Policy and Budget in the Executive~~

585-03566-10

20102268c1

1132 ~~Office of the Governor upon a showing of exceptional~~  
1133 ~~circumstances.~~

1134 ~~(2)(3) Each agency head may ~~department head~~ is authorized~~  
1135 ~~to incur expenditures to provide cash awards to award suitable~~  
1136 ~~framed certificates, pins, and other tokens of recognition to~~  
1137 ~~retiring state employees whose service with the state has been~~  
1138 ~~satisfactory, in appreciation of their role in the achievement~~  
1139 ~~of the agency's mission, values, or goals and recognition of~~  
1140 ~~such service. Each award ~~Such awards~~ may not cost more than ~~in~~~~  
1141 ~~excess of \$100 each plus applicable taxes.~~

1142 ~~(3)(4) Each agency ~~department~~ head may ~~is~~ authorized to~~  
1143 ~~incur expenditures to award suitable framed certificates, pins,~~  
1144 ~~and ~~or~~ other noncash tokens of recognition. Each token ~~to state~~~~  
1145 ~~employees who demonstrate satisfactory service in the agency or~~  
1146 ~~to the state, in appreciation and recognition of such service.~~  
1147 ~~Such awards may not cost more than ~~in excess of~~ \$100 each plus~~  
1148 ~~applicable taxes. Such tokens may be awarded to:~~

1149 ~~(a) Current employees, in appreciation and recognition of~~  
1150 ~~their service to the state.~~

1151 ~~(b) Retiring employees, in appreciation and recognition of~~  
1152 ~~their service to the state.~~

1153 ~~(c) An appointed member of a state board or commission, in~~  
1154 ~~appreciation and recognition of his or her service to the state~~  
1155 ~~upon the expiration of the member's final term in such position.~~

1156 ~~(4) The department may adopt rules necessary to administer~~  
1157 ~~this section.~~

1158 ~~(5) ~~Each department head is authorized to incur~~~~  
1159 ~~expenditures not to exceed \$100 each plus applicable taxes for~~  
1160 ~~suitable framed certificates, plaques, or other tokens of~~



585-03566-10

20102268c1

1161 ~~recognition to any appointed member of a state board or~~  
1162 ~~commission whose service to the state has been satisfactory, in~~  
1163 ~~appreciation and recognition of such service upon the expiration~~  
1164 ~~of such board or commission member's final term in such~~  
1165 ~~position.~~

1166 Section 19. Section 110.125, Florida Statutes, is amended  
1167 to read:

1168 110.125 Administrative costs.—

1169 (1) The administrative expenses and costs of operating the  
1170 personnel program established by this chapter shall be paid by  
1171 the state ~~various~~ agencies ~~of the state government~~, and each  
1172 such agency shall include in its budget estimates its pro rata  
1173 share of such cost as determined by the department ~~of Management~~  
1174 ~~Services~~.

1175 (a) To establish an equitable division of ~~the~~ costs, the  
1176 amount to be paid by each agency shall be based on the number of  
1177 authorized full-time equivalents appropriated to the agency, the  
1178 average number of other-personal-services employees paid by the  
1179 agency, and the total administrative expenses and costs of  
1180 operating the personnel program established under ~~determined in~~  
1181 ~~such proportion as the service rendered to each agency bears to~~  
1182 ~~the total service rendered under the provisions of this chapter.~~  
1183 ~~The amounts paid to the Department of Management Services which~~  
1184 ~~are attributable to positions within the Senior Management~~  
1185 ~~Service and the Selected Professional Service shall be used for~~  
1186 ~~the administration of such services, training activities for~~  
1187 ~~positions within those services, and the development and~~  
1188 ~~implementation of a database of pertinent historical information~~  
1189 ~~on exempt positions.~~

585-03566-10

20102268c1

1190        (b) If ~~Should~~ any state agency is ~~become~~ more than 90 days  
1191 delinquent in paying ~~payment of~~ this obligation, the department  
1192 shall certify to the Chief Financial Officer the amount due and  
1193 the Chief Financial Officer shall transfer that ~~the~~ amount ~~due~~  
1194 ~~to the department~~ from any available debtor agency funds  
1195 available.

1196        (2) The department may adopt rules necessary to administer  
1197 this section.

1198        Section 20. Section 110.126, Florida Statutes, is amended  
1199 to read:

1200        110.126 Oaths, testimony, records; penalties.—

1201        (1) The department may ~~shall have power to~~ administer  
1202 oaths, subpoena witnesses, and compel the production of books,  
1203 ~~and papers,~~ or other records, in written or electronic form,  
1204 relevant ~~pertinent~~ to any investigation of personnel practices  
1205 or hearing authorized by this chapter. Any person who fails  
1206 ~~shall fail~~ to appear in response to a subpoena or to answer any  
1207 question or produce any books or papers relevant ~~pertinent~~ to  
1208 ~~any~~ such investigation or hearing or who ~~shall~~ knowingly gives  
1209 ~~give~~ false testimony commits ~~therein shall be guilty of~~ a  
1210 misdemeanor of the first degree, punishable as provided in s.  
1211 775.082 or s. 775.083.

1212        (2) The department may adopt rules necessary to administer  
1213 this section.

1214        Section 21. Section 110.127, Florida Statutes, is amended  
1215 to read:

1216        110.127 Penalties.—

1217        (1) Any person who willfully violates any provision of this  
1218 chapter or of any rules adopted pursuant to this chapter commits

585-03566-10

20102268c1

1219 ~~the authority herein granted is guilty of~~ a misdemeanor of the  
1220 second degree, punishable as provided in s. 775.082 or s.  
1221 775.083.

1222 (2) ~~The provisions of s. 112.011 to the contrary~~  
1223 Notwithstanding s. 112.011, any person who is convicted of a  
1224 misdemeanor under this chapter is ~~shall be, for a period of 5~~  
1225 ~~years,~~ ineligible for appointment to or employment in a ~~position~~  
1226 ~~in~~ the State Personnel System for 5 years ~~service~~ and, if an  
1227 employee of the system ~~state~~, shall forfeit his or her position.

1228 (3) Imposition of the penalties provided in this section  
1229 ~~may shall~~ not be in lieu of any action that ~~which~~ may be taken  
1230 or penalties that ~~which~~ may be imposed pursuant to part III of  
1231 chapter 112.

1232 (4) The department may adopt rules necessary to administer  
1233 this section.

1234 Section 22. Section 110.1315, Florida Statutes, is amended  
1235 to read:

1236 110.1315 Alternative benefits; other-personal-services  
1237 employees.—

1238 (1) Upon review and recommendation of the department and  
1239 approval of the Governor, the department may contract for the  
1240 implementation of an alternative retirement income security  
1241 program for eligible temporary and seasonal employees of the  
1242 state who are compensated from appropriations for other personal  
1243 services. The contract may provide for a private vendor or  
1244 vendors to administer the program under a defined-contribution  
1245 plan under ss. 401(a) and 403(b) or s. 457 of the Internal  
1246 Revenue Code, and the program must provide retirement benefits  
1247 as required under s. 3121(b) (7) (F) of the Internal Revenue Code.

585-03566-10

20102268c1

1248 The department may develop a request for proposals and solicit  
1249 qualified vendors to compete for the award of the contract. A  
1250 vendor shall be selected on the basis of the plan that best  
1251 serves the interest of the participating employees and the  
1252 state. The proposal must comply with all necessary federal and  
1253 state laws and rules.

1254 (2) The department may adopt rules necessary to administer  
1255 this section.

1256 Section 23. Section 110.171, Florida Statutes, is amended  
1257 to read:

1258 (Substantial rewording of section. See  
1259 s. 110.171, F.S., for present text.)  
1260 110.171 Telework program.—

1261 (1) State agencies shall support telework as an optional  
1262 alternative work arrangement to support employee needs and shall  
1263 implement telework arrangements where deemed appropriate. In  
1264 addition, agencies may establish telework as an integral part of  
1265 the normal business operations of the agency and require that  
1266 specific work be performed through telework arrangements.  
1267 Telework may also be used as part of an agency's continuity of  
1268 operations plan where appropriate.

1269 (2) Work extensions and the sporadic conduct of all or some  
1270 of the work performed away from the official work site during  
1271 all or some portion of the established work hours are not  
1272 telework. These arrangements may be used by agencies to  
1273 accommodate extenuating circumstances that allow employees to  
1274 maintain productivity outside of the official work site. Mobile  
1275 work is also not considered telework. Such activities do not  
1276 require a written telework agreement. As used in this

585-03566-10

20102268c1

1277 subsection, the term:

1278 (a) "Mobile work" means duties and responsibilities that,  
1279 by their nature, are performed routinely in the field away from  
1280 the official work site.

1281 (b) "Work extension" means the performance of required work  
1282 duties away from the official work site and outside of  
1283 established work hours on an occasional basis.

1284 (3) Each agency shall review all established positions and  
1285 designate those positions that the agency deems appropriate for  
1286 telework. The agency shall ensure this information is current  
1287 and available to its employees and managers. In addition, each  
1288 agency shall identify all currently participating employees and  
1289 their respective positions in the state human resource  
1290 information system created under s. 110.116.

1291 (4) Agencies that have a telework program shall develop an  
1292 agency plan that addresses the agency's telework policies and  
1293 procedures. At a minimum, an agency telework plan must:

1294 (a) Establish criteria for evaluating the ability of  
1295 employees to satisfactorily perform in a telework arrangement.

1296 (b) Establish performance standards that ensure that  
1297 employees participating in the program maintain satisfactory  
1298 performance levels.

1299 (c) Ensure teleworkers are subject to the same rules and  
1300 disciplinary actions as other employees.

1301 (d) Establish the reasonable conditions that the agency  
1302 plans to impose in order to ensure appropriate use and  
1303 maintenance of any equipment issued by the agency.

1304 (e) Establish a system for monitoring the productivity of  
1305 teleworking employees which ensures that the work output remains

585-03566-10

20102268c1

1306 at a satisfactory level and that the duties and responsibilities  
1307 of the position remain suitable for a telework arrangement.

1308 (f) Establish the appropriate physical and electronic  
1309 information security controls to be maintained by a teleworker  
1310 at the telework site.

1311 (g) Prohibit employees engaged in telework from conducting  
1312 face-to-face state business at their residence.

1313 (5) Agencies that approve employees to use telework as an  
1314 optional alternative work arrangement shall:

1315 (a) Require a written agreement between the teleworker and  
1316 the agency which specifies the terms and conditions of the  
1317 telework arrangement and provides for the termination of an  
1318 employee's participation in the program if the employee's  
1319 continued participation is not in the best interest of the  
1320 agency.

1321 (b) Ensure that participation by an employee is voluntary  
1322 and that the employee may discontinue participation after  
1323 providing reasonable notice to the agency.

1324 (6) Agencies that require certain employees to telework as  
1325 a part of normal business operations shall:

1326 (a) Include the requirement to telework and the associated  
1327 terms and conditions as part of the position description,  
1328 specifying the minimum amount of telework time required.

1329 (b) Provide at least 30 days' written notice to affected  
1330 employees of intent to impose or remove a requirement to  
1331 telework.

1332 (c) Provide at least 15 days' written notice to affected  
1333 employees of intent to revise the terms and conditions of their  
1334 current telework arrangement.

585-03566-10

20102268c1

1335 (d) Provide equipment and supplies to an employee necessary  
1336 to carry out job functions from the telework site.

1337 (e) Specify the telework requirement in any recruitment  
1338 activities.

1339 (7) Agencies that have a telework program shall establish  
1340 and track performance measures that support telework program  
1341 analysis and report data annually to the department's Facilities  
1342 Program in accordance with s. 255.249(3)(d). Such measures must  
1343 include, but need not be limited to, those that quantify:

1344 (a) Financial impacts associated with changes in office  
1345 space requirements resulting from the telework program. State  
1346 agencies operating in office space owned or managed by the  
1347 department shall consult the Facilities Program to ensure  
1348 consistency with the strategic leasing plan required under s.  
1349 255.249(3)(b).

1350 (b) Energy consumption changes resulting from the telework  
1351 program.

1352 (c) Greenhouse gas emission changes resulting from the  
1353 telework program.

1354 (8) Agencies that have a telework program shall post the  
1355 agency telework plan and any pertinent supporting documents on  
1356 the agency website to allow access by employees and the public.

1357 (9) The department may adopt rules necessary to administer  
1358 this section.

1359 Section 24. Section 110.2037, Florida Statutes, is  
1360 transferred, renumbered as section 110.182, Florida Statutes,  
1361 and amended to read:

1362 110.182 ~~110.2037~~ Alternative benefits; tax-sheltered annual  
1363 leave and sick leave payments and special compensation

585-03566-10

20102268c1

1364 payments.—

1365 (1) The department may ~~of Management Services has authority~~  
1366 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal  
1367 Revenue Code for ~~state~~ employees who are eligible for payment  
1368 for accumulated leave. ~~The department,~~ Upon adoption of the  
1369 plans, the department shall contract for a private vendor or  
1370 vendors to administer the plans.

1371 (a) These plans are ~~shall be~~ limited to ~~state~~ employees who  
1372 are over age 55 and who ~~are~~ eligible for accumulated leave, and  
1373 special compensation payments, and separating from employment  
1374 with 10 years of service in accordance with the Internal Revenue  
1375 Code, or who are participating in the Deferred Retirement Option  
1376 Program on or after July 1, 2001.

1377 (b) The plans must provide benefits in a manner that  
1378 minimizes the tax liability of the state and participants.

1379 (c) The plans must be funded by employer contributions of  
1380 payments for accumulated leave or special compensation payments,  
1381 or both, as specified by the department.

1382 (d) The plans must have received all necessary federal and  
1383 state approval as required by law, must not adversely impact the  
1384 qualified status of the Florida Retirement System defined  
1385 benefit or defined contribution plans or the pretax benefits  
1386 program, and must comply with ~~the provisions of~~ s. 112.65.

1387 Adoption of any plan is contingent on: the department receiving  
1388 appropriate favorable rulings from the Internal Revenue Service;  
1389 the department negotiating under the provisions of chapter 447,  
1390 where applicable; and the Chief Financial Officer making  
1391 appropriate changes to the state payroll system.

1392 (e) The department's request for proposals by vendors for



585-03566-10

20102268c1

1393 such plans may require that ~~the~~ vendors provide market-risk or  
1394 volatility ratings from recognized rating agencies for each of  
1395 their investment products.

1396 (f) The department shall provide ~~for~~ a system of continuous  
1397 quality assurance oversight to ensure that the program  
1398 objectives are achieved and that the program is prudently  
1399 managed.

1400 (2) Within 30 days after termination of employment, an  
1401 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty  
1402 may be assessed by the plan administrator. If an ~~any~~ employee is  
1403 adversely affected by payment of an excise tax or an ~~any~~  
1404 Internal Revenue Service penalty by withdrawing ~~electing to~~  
1405 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a  
1406 provision that provides ~~which will provide~~ the employee with no  
1407 less cash than if the employee had not participated in the plan.

1408 (3) These contracts may be used by any other pay plans or  
1409 personnel systems in the executive, legislative, or judicial  
1410 branches of government upon approval of the appropriate  
1411 administrative authority.

1412 (4) Notwithstanding the terminal pay provisions of s.  
1413 112.910 ~~110.122~~, the department may contract for a tax-sheltered  
1414 plan for leave and special compensation pay for employees who  
1415 are terminating over age 55 and have ~~with~~ 10 years of service,  
1416 and for employees participating in the Deferred Retirement  
1417 Option Program on or after July 1, 2001, and who are over age  
1418 55. The frequency of payments into the plan shall be determined  
1419 by the department or as provided in the General Appropriations  
1420 Act. This plan must ~~or plans shall~~ provide the greatest tax  
1421 benefits to the employees and maximize the savings to the state.

585-03566-10

20102268c1

1422 (5) The department shall determine by rule the design of  
1423 the plans and the eligibility of participants.

1424 (6) ~~Nothing in This section does not shall be construed to~~  
1425 remove plan participants from the scope of s. 112.910(5)  
1426 110.122(5).

1427 (7) The department may adopt rules necessary to administer  
1428 this section.

1429 Section 25. Section 110.183, Florida Statutes, is created  
1430 to read:

1431 110.183 Collective bargaining.—The department shall  
1432 coordinate with the Governor and the agencies on personnel  
1433 matters falling within the scope of collective bargaining and  
1434 shall represent the Governor in collective bargaining  
1435 negotiations and other collective bargaining matters as  
1436 necessary. All discussions relative to collective bargaining  
1437 between the department and the Governor and between the  
1438 department and the agency heads, or discussions between any of  
1439 their respective representatives, are exempt from the s.  
1440 286.011, and all work products relative to collective bargaining  
1441 developed in conjunction with such discussions are confidential  
1442 and exempt from s. 119.07(1).

1443 Section 26. Section 110.184, Florida Statutes, is created  
1444 to read:

1445 110.184 Workforce report.—The department shall prepare a  
1446 workforce report on human resources in the State Personnel  
1447 System. The report shall provide data and identify trends for  
1448 planning and improving the management of the State Personnel  
1449 System. The department shall annually submit the report to the  
1450 Governor, the President of the Senate, and the Speaker of the

585-03566-10

20102268c1

1451 House of Representatives.

1452 Section 27. The Division of Statutory Revision is requested  
1453 to rename part II of chapter 110, Florida Statutes, "Civil  
1454 Service."

1455 Section 28. Section 110.202, Florida Statutes, is created  
1456 to read:

1457 110.202 Declaration of policy.—This part creates the Civil  
1458 Service within the State Personnel System as required by s. 14,  
1459 Art. III of the State Constitution.

1460 Section 29. Section 110.205, Florida Statutes, as amended  
1461 by chapter 2009-271, Laws of Florida, is amended to read:

1462 110.205 Civil Career Service; exemptions.—

1463 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career  
1464 Service to which this part applies includes all positions within  
1465 the State Personnel System not specifically exempted by this  
1466 section part, notwithstanding any other provisions of law the  
1467 Florida Statutes to the contrary notwithstanding.

1468 (2) EXEMPT POSITIONS.—The ~~exempt positions that are not~~  
1469 ~~covered by this part include the following~~ positions are  
1470 exempted from the Civil Service:

1471 (a) Elected officers.—All officers of the executive branch  
1472 elected by popular vote and persons appointed to fill vacancies  
1473 in such offices. Unless otherwise fixed by law, the salary and  
1474 benefits for an any such officer who serves as the head of an  
1475 agency a department shall be set by the Department of Management  
1476 Services in accordance with the rules of the Senior Management  
1477 Service.

1478 (b) Legislative branch.—All members, officers, and  
1479 employees of the legislative branch, except for the members,

585-03566-10

20102268c1

1480 officers, and employees of the Florida Public Service  
1481 Commission.

1482 (c) Judicial branch.—All members, officers, and employees  
1483 of the judicial branch.

1484 (d) State universities.—All officers and employees of the  
1485 state universities and the ~~academic personnel and academic~~  
1486 ~~administrative personnel of the Florida School for the Deaf and~~  
1487 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~  
1488 ~~salaries for academic personnel and academic administrative~~  
1489 ~~personnel of the Florida School for the Deaf and the Blind shall~~  
1490 ~~be set by the board of trustees for the school, subject only to~~  
1491 ~~the approval of the State Board of Education.~~

1492 (e) ~~The Chief Information Officer in the Agency for~~  
1493 ~~Enterprise Information Technology. Unless otherwise fixed by~~  
1494 ~~law, the Agency for Enterprise Information Technology shall set~~  
1495 ~~the salary and benefits of this position in accordance with the~~  
1496 ~~rules of the Senior Management Service.~~

1497 (e)-(f) Members of boards and commissions.—All members of  
1498 state boards and commissions, however selected. Unless otherwise  
1499 fixed by law, the salary and benefits for any full-time board or  
1500 commission member shall be set by the Department of Management  
1501 Services in accordance with the rules of the Senior Management  
1502 Service.

1503 (g) ~~Judges, referees, and receivers.~~

1504 (h) ~~Patients or inmates in state institutions.~~

1505 (f)-(i) Time-limited positions.—All positions that are  
1506 established for a limited period of time for the purpose of  
1507 conducting a special study, project, or investigation and any  
1508 person paid from an other-personal-services appropriation.

585-03566-10

20102268c1

1509 Unless otherwise fixed by law, the salaries for such positions  
1510 and persons shall be set in accordance with rules established by  
1511 the employing agency for other-personal-services payments  
1512 pursuant to s. 112.907 ~~110.131~~.

1513 (g) ~~(j)~~ Executive level positions.—The appointed secretaries  
1514 and the State Surgeon General, assistant secretaries, deputy  
1515 secretaries, and deputy assistant secretaries of all agencies  
1516 ~~departments~~; the executive directors, assistant executive  
1517 directors, deputy executive directors, and deputy assistant  
1518 executive directors of all agencies ~~departments~~; the directors  
1519 of all divisions and those positions determined by the  
1520 Department of Management Services to have managerial  
1521 responsibilities comparable to such positions, including ~~which~~  
1522 ~~positions include~~, but are not limited to, program directors,  
1523 assistant program directors, district administrators, deputy  
1524 district administrators, general counsels, chief cabinet aides,  
1525 public information administrators or comparable position for a  
1526 cabinet officer, inspectors general, or legislative affairs  
1527 directors ~~the Director of Central Operations Services of the~~  
1528 ~~Department of Children and Family Services~~, the State  
1529 Transportation Development Administrator, State Public  
1530 Transportation and Modal Administrator, district secretaries,  
1531 district directors of transportation development, transportation  
1532 operations, transportation support, ~~and~~ the managers of the  
1533 Department of Transportation offices specified in s.  
1534 20.23(4) (b), the county health department directors and county  
1535 health department administrators of the Department of Health,  
1536 and the one additional position that may be designated by each  
1537 agency and that reports directly to the agency head or to a

585-03566-10

20102268c1

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

1546 ~~(k) The personal secretary to the incumbent of each~~  
1547 ~~position exempted in paragraphs (a), (e), and (j). Unless~~  
1548 ~~otherwise fixed by law, the department shall set the salary and~~  
1549 ~~benefits of these positions in accordance with the rules of the~~  
1550 ~~Selected Exempt Service.~~

1551 (h)(1) Governor's Office.—All officers and employees in the  
1552 office of the Governor, including all employees at the  
1553 Governor's mansion, and employees within each separate budget  
1554 entity, as defined in chapter 216, assigned to the Governor.  
1555 Unless otherwise fixed by law, the salary and benefits of these  
1556 positions shall be set by the Department of Management Services  
1557 as follows:

1558 1. The chief of staff, the assistant or deputy chief of  
1559 staff, general counsel, director of legislative affairs, chief  
1560 inspector general, director of cabinet affairs, director of  
1561 press relations, director of planning and budgeting, director of  
1562 administration, director of state-federal relations, director of  
1563 appointments, director of external affairs, deputy general  
1564 counsel, Governor's liaison for community development, chief of  
1565 staff for the Lieutenant Governor, deputy director of planning  
1566 and budgeting, policy coordinators, and the director of each

585-03566-10

20102268c1

1567 separate budget entity shall have their salaries and benefits  
1568 set by the Department of Management Services in accordance with  
1569 the rules of the Senior Management Service ~~established~~.

1570 2. The salaries and benefits of positions not established  
1571 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the  
1572 employing agency. Salaries and benefits of employees whose  
1573 professional training is comparable to that of licensed  
1574 professionals under paragraph (n) ~~(r)~~, or whose administrative  
1575 responsibility is comparable to a bureau chief shall be set by  
1576 the rules of the Selected Exempt Service. The Department of  
1577 Management Services shall make the comparability determinations.  
1578 Other employees shall have benefits set comparable to  
1579 legislative staff, except leave shall be comparable to civil  
1580 ~~career~~ service as ~~if career service~~ employees.

1581 (i) ~~(m)~~ Upper management positions.—All assistant division  
1582 director, deputy division director, and bureau chief positions  
1583 in any agency department, and those positions determined by the  
1584 Department of Management Services to have managerial  
1585 responsibilities comparable to such positions. Unless otherwise  
1586 fixed by law, the salaries of benefits of these positions shall  
1587 be set by the Department of Management Services in accordance  
1588 with the rules of the Selected Exempt Service. These, which  
1589 positions include, but are not limited to:

1590 1. Positions in the Department of Health and the Department  
1591 of Children and Family Services which ~~that~~ are assigned primary  
1592 duties of serving as the superintendent or assistant  
1593 superintendent of an institution.

1594 2. Positions in the Department of Corrections which ~~that~~  
1595 are assigned primary duties of serving as the warden, assistant

585-03566-10

20102268c1

1596 warden, colonel, or major of an institution or which ~~that~~ are  
 1597 assigned primary duties of serving as the circuit administrator  
 1598 or deputy circuit administrator.

1599 3. Positions in the Department of Transportation which ~~that~~  
 1600 are assigned primary duties of serving as regional toll managers  
 1601 and managers of offices, as defined in s. 20.23(4)(b) and  
 1602 (5)(c), and captains and majors of the Office of Motor Carrier  
 1603 Compliance.

1604 4. Positions in the Department of Environmental Protection  
 1605 which ~~that~~ are assigned the duty of an environmental  
 1606 administrator or program administrator.

1607 5. Positions in the Department of Health which ~~that~~ are  
 1608 assigned the duties of environmental administrator, assistant  
 1609 county health department director, and county health department  
 1610 financial administrator.

1611 6. Positions in the Department of Children and Family  
 1612 Services which are assigned the duties of staff director,  
 1613 assistant staff director, district program manager, district  
 1614 program coordinator, district subdistrict administrator,  
 1615 district administrative services director, district attorney,  
 1616 and the deputy director of central operations services.

1617  
 1618 ~~Unless otherwise fixed by law, the department shall set the~~  
 1619 ~~salary and benefits of the positions listed in this paragraph in~~  
 1620 ~~accordance with the rules established for the Selected Exempt~~  
 1621 ~~Service.~~

1622 (j) ~~(n)~~ Additional managerial or policymaking positions.-

1623 1.a. In addition to those positions exempted by other  
 1624 paragraphs of this subsection, each agency ~~department~~ head may



585-03566-10

20102268c1

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

1645 ~~b. In addition, each department may designate one~~  
1646 ~~additional position in the Senior Management Service if that~~  
1647 ~~position reports directly to the agency head or to a position in~~  
1648 ~~the Senior Management Service and if any additional costs are~~  
1649 ~~absorbed from the existing budget of that department.~~

1650 2. If otherwise exempt from the Civil Service, employees of  
1651 the Public Employees Relations Commission, the Commission on  
1652 Human Relations, and the Unemployment Appeals Commission, upon  
1653 the certification of their respective commission heads, may, if

585-03566-10

20102268c1

1654 otherwise qualified, be provided for ~~under this paragraph~~ as  
1655 members of the Senior Management Service, ~~if otherwise~~  
1656 ~~qualified~~. However, the deputy general counsel of the Public  
1657 Employees Relations Commission shall be compensated in  
1658 accordance with ~~as members of~~ the Selected Exempt Service.

1659 (k) Specialized managerial positions.-

1660 1. The Department of Management Services shall set the  
1661 salary and benefits for the following positions in accordance  
1662 with the rules of the Selected Exempt Service.

1663 a. Pursuant to s. 447.203(4), managerial employees who  
1664 perform jobs that are not of a routine, clerical, or ministerial  
1665 nature and require the exercise of independent judgment in the  
1666 performance of such jobs and to whom one or more of the  
1667 following applies: formulate or assist in formulating policies  
1668 applicable to bargaining unit employees; assist in the  
1669 preparation for the conduct of collective bargaining  
1670 negotiations; administer agreements resulting from collective  
1671 bargaining negotiations; have a significant role in personnel  
1672 administration; have a significant role in employee relations;  
1673 or have a significant role in the preparation or administration  
1674 of the final budget for any public agency or institution or  
1675 subdivision including having the authority to select and approve  
1676 among alternative expenditures when necessary.

1677 b. Pursuant to s. 447.203(5), confidential employees who  
1678 act in a confidential capacity to assist or aid managerial  
1679 employees who are performing work and who have access to  
1680 information that would provide an employee labor organization  
1681 with an advantage at the bargaining table or in the  
1682 administration of collective bargaining agreements.

585-03566-10

20102268c1

1683 c. All supervisory employees, including supervisors,  
1684 administrators and directors, who customarily and regularly plan  
1685 and direct the work of two or more full-time employees or the  
1686 equivalent, and who communicate with, motivate, train, and  
1687 evaluate employees, and who have the authority to hire,  
1688 transfer, suspend, layoff, recall, promote, discharge, assign,  
1689 reward, or discipline subordinate employees or, effectively, to  
1690 recommend such action.

1691 2. The exemptions provided in this paragraph are not  
1692 applicable to the following:

1693 a. Managerial and supervisory employees who are designated  
1694 as special risk or special risk administrative support;

1695 b. Attorneys who serve as administrative law judges  
1696 pursuant to s. 120.65 or for hearings conducted pursuant to s.  
1697 120.57(1) (a); and

1698 c. Professional health care providers as defined in s.  
1699 110.1054, unless otherwise collectively bargained.

1700 (1)(~~o~~) *Public Service Commission.*—The executive director,  
1701 deputy executive director, general counsel, inspector general,  
1702 official reporters, and division directors within the Public  
1703 Service Commission and the personal secretary and personal  
1704 assistant to each member of the Public Service Commission.  
1705 Unless otherwise fixed by law, the salary and benefits of the  
1706 executive director, deputy executive directors, general counsel,  
1707 inspector general, and the directors of all divisions and those  
1708 positions determined to have managerial responsibilities  
1709 comparable to such positions ~~Director of Administration,~~  
1710 ~~Director of Appeals, Director of Auditing and Financial~~  
1711 ~~Analysis, Director of Communications, Director of Consumer~~

585-03566-10

20102268c1

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

1722 ~~(m) (p)~~ Department of Military Affairs.—

1723 1. All military personnel of the Department of Military  
1724 Affairs. Unless otherwise fixed by law, the salary and benefits  
1725 for ~~such~~ military personnel shall be set by the Department of  
1726 Military Affairs in accordance with the appropriate military pay  
1727 schedule.

1728 2. The salary and benefits of military police chiefs,  
1729 military police officers, firefighter trainers, firefighter-  
1730 rescuers, and electronic security system technicians shall be  
1731 ~~have salary and benefits~~ the same as civil ~~career~~ service  
1732 employees.

1733 ~~(q) The staff directors, assistant staff directors,~~  
1734 ~~district program managers, district program coordinators,~~  
1735 ~~district subdistrict administrators, district administrative~~  
1736 ~~services directors, district attorneys, and the Deputy Director~~  
1737 ~~of Central Operations Services of the Department of Children and~~  
1738 ~~Family Services. Unless otherwise fixed by law, the Department~~  
1739 ~~shall establish the pay band and benefits for these positions in~~  
1740 ~~accordance with the rules of the Selected Exempt Service.~~

585-03566-10

20102268c1

1741        (n)~~(r)~~ Professional licensure.—All positions not otherwise  
1742 exempt under this subsection which require as a prerequisite to  
1743 employment: licensure as a physician pursuant to chapter 458;i~~r~~  
1744 licensure as an osteopathic physician pursuant to chapter 459;i~~r~~  
1745 licensure as a chiropractic physician pursuant to chapter 460,  
1746 including those positions that ~~which~~ are occupied by employees  
1747 who are exempted from licensure pursuant to s. 409.352;  
1748 licensure as an engineer pursuant to chapter 471, which are  
1749 supervisory positions; or for 12 calendar months, which require  
1750 as a prerequisite to employment that the employee have received  
1751 the degree of Bachelor of Laws or Juris Doctor from a law school  
1752 accredited by the American Bar Association and thereafter  
1753 membership in The Florida Bar, except for any attorney who  
1754 serves as an administrative law judge pursuant to s. 120.65 or  
1755 for hearings conducted pursuant to s. 120.57(1) (a). Unless  
1756 otherwise fixed by law, the Department of Management Services  
1757 shall set the salary and benefits for these positions in  
1758 accordance with the rules of ~~established for~~ the Selected Exempt  
1759 Service.

1760        (o)~~(s)~~ Statewide Prosecutor.—The statewide prosecutor in  
1761 charge of the Office of Statewide Prosecution of the Department  
1762 of Legal Affairs and all employees in the office. The Department  
1763 of Legal Affairs shall set the salary of these positions.

1764        (p)~~(t)~~ Executive directors of regulatory boards and  
1765 commissions.—The executive director of each board or commission  
1766 established within the Department of Business and Professional  
1767 Regulation or the Department of Health. Unless otherwise fixed  
1768 by law, the Department of Management Services shall set  
1769 ~~establish~~ the salary and benefits for these positions in

585-03566-10

20102268c1

1770 accordance with the rules of ~~established for~~ the Selected Exempt  
1771 Service.

1772 (q) ~~(u)~~ State Board of Administration.—All officers and  
1773 employees of the State Board of Administration. The State Board  
1774 of Administration shall set the salary ~~salaries~~ and benefits of  
1775 these positions.

1776 ~~(v) Positions that are leased pursuant to a state employee  
1777 lease agreement expressly authorized by the Legislature pursuant  
1778 to s. 110.191.~~

1779 ~~(w) Managerial employees, as defined in s. 447.203(4),  
1780 confidential employees, as defined in s. 447.203(5), and  
1781 supervisory employees who spend the majority of their time  
1782 communicating with, motivating, training, and evaluating  
1783 employees, and planning and directing employees' work, and who  
1784 have the authority to hire, transfer, suspend, lay off, recall,  
1785 promote, discharge, assign, reward, or discipline subordinate  
1786 employees or effectively recommend such action, including all  
1787 employees serving as supervisors, administrators, and directors.  
1788 Excluded are employees also designated as special risk or  
1789 special risk administrative support and attorneys who serve as  
1790 administrative law judges pursuant to s. 120.65 or for hearings  
1791 conducted pursuant to s. 120.57(1)(a). Additionally, registered  
1792 nurses licensed under chapter 464, dentists licensed under  
1793 chapter 466, psychologists licensed under chapter 490 or chapter  
1794 491, nutritionists or dietitians licensed under part X of  
1795 chapter 468, pharmacists licensed under chapter 465,  
1796 psychological specialists licensed under chapter 491, physical  
1797 therapists licensed under chapter 486, and speech therapists  
1798 licensed under part I of chapter 468 are excluded, unless~~

585-03566-10

20102268c1

1799 otherwise collectively bargained.

1800 (r) ~~(\*)~~ Justice Administration Commission and similar  
1801 entities.—All officers and employees of the Justice  
1802 Administrative Commission, Office of the State Attorney, Office  
1803 of the Public Defender, regional offices of capital collateral  
1804 counsel, offices of criminal conflict and civil regional  
1805 counsel, and Statewide Guardian Ad Litem Office, including the  
1806 circuit guardian ad litem programs and the Florida Clerks of  
1807 Court Operations Corporation.

1808 (s) Florida School for the Deaf and the Blind.—The academic  
1809 personnel and academic administrative personnel of the Florida  
1810 School for the Deaf and the Blind. In accordance with s.  
1811 1002.36, the salaries for academic personnel and academic  
1812 administrative personnel of the Florida School for the Deaf and  
1813 the Blind shall be set by the board of trustees for the school,  
1814 subject only to the approval of the State Board of Education.

1815 (t) Miscellaneous positions.—

1816 1. The Chief Information Officer in the Agency for  
1817 Enterprise Information Technology. Unless otherwise fixed by  
1818 law, the agency shall set the salary and benefits of this  
1819 position in accordance with the rules of the Senior Management  
1820 Service.

1821 2. The chief inspector of the boiler inspection program of  
1822 the Department of Financial Services. The pay band of this  
1823 position shall be set by the Department of Management Services  
1824 in accordance with the classification and pay plan established  
1825 for the Selected Exempt Service.

1826 3. The personal assistant to the incumbent of each position  
1827 exempted in paragraph (a) or paragraph (g) or subparagraph 1.

585-03566-10

20102268c1

1828 Unless otherwise fixed by law, the Department of Management  
 1829 Services shall set the salary and benefits of these positions in  
 1830 accordance with the rules of the Selected Exempt Service.

1831 4. Positions that are leased pursuant to a state employee  
 1832 lease agreement expressly authorized by the Legislature pursuant  
 1833 to s. 112.919.

1834 5. Judges, referees, and receivers of the executive branch.

1835 6. Positions held by patients or inmates in state  
 1836 institutions.

1837 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~  
 1838 ~~Employees of the Department of Law Enforcement shall be subject~~  
 1839 ~~to the provisions of s. 110.227, except in matters relating to~~  
 1840 ~~transfer.~~

1841 ~~(4) DEFINITION OF DEPARTMENT.—When used in this section,~~  
 1842 ~~the term "department" shall mean all departments and commissions~~  
 1843 ~~of the executive branch, whether created by the State~~  
 1844 ~~Constitution or chapter 20; the office of the Governor; and the~~  
 1845 ~~Public Service Commission; however, the term "department" shall~~  
 1846 ~~mean the Department of Management Services when used in the~~  
 1847 ~~context of the authority to establish pay bands and benefits.~~

1848 (3)(5) POSITIONS EXEMPTED BY OTHER STATUTES.—If any  
 1849 position is exempted from the Civil career Service by any other  
 1850 statute and the personnel system to which that position is  
 1851 assigned is not specifically included in the statute, the  
 1852 position shall be placed in the Selected Exempt Service, and the  
 1853 Department of Management Services shall set ~~establish~~ the pay  
 1854 band and benefits for that position in accordance with the rules  
 1855 of the Selected Exempt Service.

1856 (4) RULES.—The Department of Management Services may adopt



585-03566-10

20102268c1

1857 rules necessary to administer this section.

1858 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~  
 1859 ~~DEPARTMENT OF FINANCIAL SERVICES.—In addition to those positions~~  
 1860 ~~exempted from this part, there is hereby exempted from the~~  
 1861 ~~Career Service System the chief inspector of the boiler~~  
 1862 ~~inspection program of the Department of Financial Services. The~~  
 1863 ~~pay band of this position shall be established by the Department~~  
 1864 ~~of Management Services in accordance with the classification and~~  
 1865 ~~pay plan established for the Selected Exempt Service.~~

1866 (5) ~~(7)~~ CARRYING LEAVE FORWARD.—If an employee is  
 1867 transferred or otherwise moves from the Civil Career Service  
 1868 System into the Selected Exempt Service, all of the employee's  
 1869 unused annual leave, unused sick leave, and unused compensatory  
 1870 leave shall carry forward with the employee.

1871 Section 30. Section 110.208, Florida Statutes, is created  
 1872 to read:

1873 110.208 Classification system.—The department shall  
 1874 establish and maintain a uniform classification system  
 1875 applicable to all positions in the Civil Service and shall be  
 1876 responsible for the overall coordination, review, and  
 1877 maintenance of the system. A position may not be filled until it  
 1878 has been classified in accordance with the system.

1879 (1) The system must include:

1880 (a) A position classification system using job families,  
 1881 occupational groups, and a broadband level structure for each  
 1882 occupation within an occupational group.

1883 (b) A pay plan that provides broad-based pay bands for each  
 1884 occupational group.

1885 (2) In establishing and administering the system, the

585-03566-10

20102268c1

1886 department:

1887 (a) Shall develop occupation profiles necessary for the  
1888 establishment of new occupations or for the revision of existing  
1889 occupations, and shall establish the appropriate occupation  
1890 title and broadband level code for each occupation. The  
1891 occupation profiles, titles, and codes are not rules within the  
1892 meaning of s. 120.52.

1893 (b) Shall be responsible for conducting periodic studies  
1894 and surveys to ensure that the classification system is  
1895 maintained on a current basis.

1896 (c) May review in a postaudit capacity the action taken by  
1897 an agency in classifying or reclassifying a position.

1898 (d) Shall effect a classification change on any  
1899 classification or reclassification action taken by an agency if  
1900 the action taken by the agency was not based on the duties and  
1901 responsibilities officially assigned the position as they relate  
1902 to the concepts and description contained in the official  
1903 occupation profile and the level definition provided in the  
1904 occupational group characteristics adopted by the department.

1905 (e) Shall adopt rules necessary to administer the  
1906 classification system.

1907 (3) Each state agency is responsible for the day-to-day  
1908 application of the classification system established by the  
1909 department.

1910 (a) The agency shall maintain on an up-to-date position  
1911 description for each authorized and established position  
1912 assigned to the agency. The position description must include an  
1913 accurate description of assigned duties and responsibilities and  
1914 other pertinent information relating to a position and serves as

585-03566-10

20102268c1

1915 a record of the official assignment of duties to the position.  
1916 The description shall be used in comparing positions to ensure  
1917 the uniformity of classifications.

1918 (b) The agency may classify positions authorized by the  
1919 Legislature or authorized pursuant to s. 216.262, classify  
1920 positions that are added in lieu of positions deleted pursuant  
1921 to s. 216.262, and reclassify established positions.  
1922 Classification and reclassification actions taken by an agency  
1923 must be within the classification system occupations established  
1924 by the department, shall be funded within the limits of  
1925 currently authorized appropriations, and must be in accordance  
1926 with the uniform procedures established by the department.

1927 Section 31. Section 110.2085, Florida Statutes, is created  
1928 to read:

1929 110.2085 Pay plan.—

1930 (1) The department shall establish and maintain an  
1931 equitable pay plan that applies to all positions in the Civil  
1932 Service and shall be responsible for the overall review,  
1933 coordination, and administration of the pay plan.

1934 (2) The department shall provide market-based pay bands for  
1935 occupational groups and establish guidelines for state agencies  
1936 to use when moving employees through such pay bands.

1937 (a) The agencies may determine the appropriate salary  
1938 within the pay bands using the guidelines developed by the  
1939 department. Such pay bands, and the assignment of broadband  
1940 levels to positions, are not rules within the meaning of s.  
1941 120.52.

1942 (b) The department, in consultation with the Executive  
1943 Office of the Governor and the legislative appropriations

585-03566-10

20102268c1

1944 committees, shall conduct compensation surveys as necessary for  
1945 the purpose of achieving an equitable, competitive, market-based  
1946 pay policy.

1947 (3) The department shall establish rules for the  
1948 administration of pay additives and shall delegate to the state  
1949 agencies, where appropriate, the authority to implement pay  
1950 additives. The agency must use pay additives, as appropriate,  
1951 within the guidelines established by the department and  
1952 consistent with directions contained in the General  
1953 Appropriations Act.

1954 (a) The following pay additives are authorized:

- 1955 1. Shift differentials.
- 1956 2. On-call.
- 1957 3. Hazardous-duty.
- 1958 4. Lead-worker duty.
- 1959 5. Temporary special duties.
- 1960 6. Trainer duties.
- 1961 7. Competitive area differentials.
- 1962 8. Critical market pay.

1963 (b) By March 1 of each year, each state agency shall submit  
1964 a proposed plan to the department, the Executive Office of the  
1965 Governor, and the Legislature for implementing pay additives for  
1966 hazardous-duty, lead-worker, temporary special duties, and  
1967 trainer duties for the next fiscal year.

1968 1. An agency may not implement pay additives to a cohort of  
1969 positions sharing job classifications or job occupations unless  
1970 the Legislature specifically authorizes such pay additives in  
1971 the General Appropriations Act and the pay additives do not  
1972 conflict with any collective bargaining agreement for that

585-03566-10

20102268c1

1973 specific cohort of positions.

1974 2. Any proposed revision to an approved plan which becomes  
1975 necessary during the fiscal year must be submitted by the agency  
1976 to the department for review and recommendation to the Executive  
1977 Office of the Governor and the Legislature. Such revisions may  
1978 be implemented only after approval by the Executive Office of  
1979 the Governor and the Legislature.

1980 (c) Any proposed action by an agency which requires the  
1981 establishment of a new competitive area differential or a new  
1982 critical market pay additive may be implemented only after the  
1983 department has reviewed and recommended such action and it has  
1984 been approved by the Executive Office of the Governor and the  
1985 Legislature.

1986 (d) An agency may implement shift differentials and on-call  
1987 additives as necessary to accomplish the mission of the agency  
1988 and in accordance with collective bargaining agreements.

1989 (e) The department shall annually provide to the Executive  
1990 Office of the Governor and the Legislature a summary report of  
1991 the pay additives implemented pursuant to this section.

1992 (4) A state agency may implement salary increase and  
1993 decrease corrections due to administrative errors.

1994 (5) The department may adopt rules necessary to administer  
1995 this section.

1996 Section 32. Section 110.211, Florida Statutes, is amended  
1997 to read:

1998 110.211 Recruitment.—

1999 (1) Recruiting shall be planned and carried out to ensure  
2000 ~~in a manner that assures~~ open competition based upon current and  
2001 projected ~~employing~~ agency needs, taking into consideration the

585-03566-10

20102268c1

2002 number and types of positions to be filled and the labor market  
2003 conditions, with special emphasis placed on recruiting efforts  
2004 that ~~to~~ attract minorities, women, or other groups ~~that are~~  
2005 underrepresented in the workforce of a state ~~the employing~~  
2006 agency.

2007 (2) Recruiting efforts to fill current or projected  
2008 vacancies shall be carried out in the sound discretion of the  
2009 agency head.

2010 (3) Recruiting ~~shall seek efficiency in advertising and may~~  
2011 be assisted by a contracted vendor ~~responsible for maintenance~~  
2012 ~~of the personnel data.~~

2013 (4) The department may adopt rules necessary to administer  
2014 this section. ~~All recruitment literature involving state~~  
2015 ~~position vacancies shall contain the phrase "An Equal~~  
2016 ~~Opportunity Employer/Affirmative Action Employer."~~

2017 Section 33. Section 110.213, Florida Statutes, is amended  
2018 to read:

2019 110.213 Selection.-

2020 (1) Selection for appointment from among the ~~most~~ qualified  
2021 candidates is ~~shall be~~ the sole responsibility of the state  
2022 ~~employing~~ agency. ~~All new employees must successfully complete~~  
2023 ~~at least a 1-year probationary period before attainment of~~  
2024 ~~permanent status.~~

2025 (2) ~~Selection shall reflect efficiency and simplicity in~~  
2026 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee  
2027 shall ~~be required to~~ document the qualifications of the selected  
2028 candidate to ensure that the candidate meets the ~~minimum~~  
2029 requirements ~~as~~ specified by the ~~employing~~ agency; it ~~meets~~ the  
2030 licensure, certification, or registration requirements, if any,

585-03566-10

20102268c1

2031 as specified by statute; ~~and~~ and possesses the requisite knowledge,  
2032 skills, and abilities for the position. No other documentation  
2033 or justification is ~~shall be required before~~ prior to selecting  
2034 a candidate for a position.

2035 (3) The department may adopt rules necessary to administer  
2036 this section.

2037 Section 34. Section 110.2135, Florida Statutes, is amended  
2038 to read:

2039 110.2135 Veterans' preference ~~in employment, reemployment,~~  
2040 ~~promotion, and retention.~~

2041 (1) Preference in employment, reemployment, promotion, and  
2042 retention shall be given to an eligible veteran pursuant to ss.  
2043 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran  
2044 meets the minimum eligibility requirements and has the  
2045 knowledge, skills, and abilities required for the particular  
2046 position.

2047 (2) A disabled veteran employed as the result of being  
2048 placed at the top of the appropriate employment list under ~~the~~  
2049 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a  
2050 probationary period of 1 year. At the end of such period, if the  
2051 work of the veteran has been satisfactorily performed, the  
2052 veteran will acquire merit ~~permanent employment~~ status and ~~will~~  
2053 be subject to the employment rules of the department ~~of~~  
2054 ~~Management Services~~ and the agency employing the veteran  
2055 ~~veteran's employing agency.~~

2056 (3) The department may adopt rules necessary to administer  
2057 this section.

2058 Section 35. Section 110.215, Florida Statutes, is amended  
2059 to read:

585-03566-10

20102268c1

2060           110.215 Examinations and other employment qualification  
2061 assessments administered to persons having disabilities.—

2062           (1) The purpose of this section is to further the policy of  
2063 the State Personnel System to encourage and assist persons  
2064 having disabilities to achieve maximum personal and vocational  
2065 independence through useful and productive gainful employment by  
2066 eliminating unwarranted barriers to their qualifying  
2067 competitively for civil ~~state-career~~ service jobs.

2068           (2) As used in this section, the term:

2069           ~~(a) "Agency" includes each department and agency of the~~  
2070 ~~state.~~

2071           (a) ~~(b)~~ "Disability" means, with respect to an individual, a  
2072 physical or mental impairment that substantially limits one or  
2073 more of the major life activities of the individual, or a record  
2074 of having such an impairment, or being regarded as having such  
2075 an impairment.

2076           (b) ~~(c)~~ "Examination" includes employment tests and other  
2077 structured, systematic instruments used to assess the essential  
2078 knowledge, skills, abilities, minimum qualifications, and other  
2079 job-related requirements possessed by an applicant as a basis  
2080 for any employment decision by an agency.

2081           (3) An applicant for employment within the Civil State  
2082 ~~Career Service System~~ who has a disability that impairs sensory,  
2083 speaking, or manual skills may require an agency to administer  
2084 an ~~any~~ examination to him or her in a format and manner that  
2085 does not require use of an impaired skill, unless the test is  
2086 designed to measure that skill. An applicant may request a  
2087 reasonable accommodation in a test format on the basis of a  
2088 disability.



585-03566-10

20102268c1

2089       (4) The department may adopt rules necessary to administer  
2090 this section.

2091       Section 36. Section 110.217, Florida Statutes, is amended  
2092 to read:

2093       110.217 Appointment actions and status ~~Appointments and~~  
2094 ~~promotion.~~—

2095       (1)(a) ~~The department, in consultation with agencies that~~  
2096 ~~must comply with these rules,~~ shall develop uniform rules  
2097 regarding original appointment, promotion, demotion,  
2098 reassignment, lateral transfer, separation, and status which  
2099 must be used by state ~~employing~~ agencies. ~~Such rules must be~~  
2100 ~~approved by the Administration Commission before their adoption~~  
2101 ~~by the department.~~

2102       ~~(b) Employing agencies may seek exceptions to these uniform~~  
2103 ~~rules by filing a petition with the Administration Commission.~~  
2104 ~~The Administration Commission shall approve an exception when~~  
2105 ~~the exception is necessary to conform to any requirement imposed~~  
2106 ~~as a condition precedent to receipt of federal funds or to~~  
2107 ~~permit persons in this state to receive tax benefits under~~  
2108 ~~federal law, or as required for the most efficient operation of~~  
2109 ~~the agency as determined by the Administration Commission. The~~  
2110 ~~reasons for the exception must be published in the Florida~~  
2111 ~~Administrative Weekly.~~

2112       ~~(c) Agency rules that provide exceptions to the uniform~~  
2113 ~~rules may not be filed with the Department of State unless the~~  
2114 ~~Administration Commission has approved the exceptions. Each~~  
2115 ~~agency that adopts rules that provide exceptions to the uniform~~  
2116 ~~rules or that must comply with statutory requirements that~~  
2117 ~~conflict with the uniform rules must have a separate chapter~~

585-03566-10

20102268c1

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

2124 (2) An employee appointed on probationary status shall  
2125 attain merit status in the position upon successful completion  
2126 of at least a 1-year probationary period.

2127 ~~(2) Each employing agency shall have the responsibility for~~  
2128 ~~the establishment and maintenance of rules and guidelines for~~  
2129 ~~determining eligibility of applicants for appointment to~~  
2130 ~~positions in the career service.~~

2131 ~~(3) Eligibility shall be based on possession of required~~  
2132 ~~minimum qualifications for the job class and any required entry-~~  
2133 ~~level knowledge, skills, and abilities, and any certification~~  
2134 ~~and licensure required for a particular position.~~

2135 ~~(4) The employing agency shall be responsible for~~  
2136 ~~developing an employee career advancement program which shall~~  
2137 ~~assure consideration of qualified permanent employees in the~~  
2138 ~~agency or career service who apply. However, such program shall~~  
2139 ~~also include provisions to bring persons into the career service~~  
2140 ~~through open competition. Promotion appointments shall be~~  
2141 ~~subject to postaudit by the department.~~

2142 ~~(5) The department shall adopt any rules necessary to~~  
2143 ~~implement the provisions of this section. The rules must be~~  
2144 ~~approved by a majority vote of the Administration Commission~~  
2145 ~~prior to their adoption by the department.~~

2146 Section 37. Section 110.219, Florida Statutes, is amended

585-03566-10

20102268c1

2147 to read:

2148 110.219 Attendance and leave; general policies.-

2149 (1) The workday for each full-time ~~state~~ employee shall be  
2150 8 hours or as otherwise authorized ~~justified~~ by the agency head.

2151 (2) Overtime may be required for any employee.

2152 (3) The granting of any leave of absence, with or without  
2153 pay, shall be in accordance with applicable state or federal  
2154 laws and the rules of the State Personnel System ~~writing and~~  
2155 ~~shall be approved by the agency head. Those employees who, at~~  
2156 the discretion of the agency, are ~~An employee who is~~ granted a  
2157 leave of absence remain employees of the agency ~~with or without~~  
2158 ~~pay shall be an employee of the state while on such leave and~~  
2159 ~~shall be returned to the same~~ or comparable ~~position or a~~  
2160 ~~different position in the same class and same work location upon~~  
2161 ~~termination of the approved leave of absence. The agency head~~  
2162 ~~and the employee may agree in writing to other conditions and~~  
2163 ~~terms under which the leave is to be granted.~~

2164 (4) ~~Each agency shall keep an accurate record of all hours~~  
2165 ~~of work performed by each employee, as well as a complete and~~  
2166 ~~accurate record of all authorized leave which is approved. The~~  
2167 ~~ultimate responsibility for the accuracy and proper maintenance~~  
2168 ~~of all attendance and leave records shall be with the agency~~  
2169 ~~head.~~

2170 (4) ~~(5) Rules shall be adopted by The department~~ shall adopt  
2171 rules to administer ~~in cooperation and consultation with the~~  
2172 ~~agencies to implement the provisions of this section; however,~~  
2173 ~~such rules must be approved by the Administration Commission~~  
2174 ~~prior to their adoption.~~ Such rules must provide for, but need  
2175 not be limited to:

585-03566-10

20102268c1

2176 (a) The maximum responsibility and authority resting with  
2177 each agency head to administer attendance and leave matters in  
2178 the agency within the parameters of the rules ~~adopted by the~~  
2179 ~~department.~~

2180 (b) ~~Creditable service in which 1 month of Service credit~~  
2181 ~~as it relates to the accrual and payment of leave is awarded for~~  
2182 ~~each calendar month that the employee is on the payroll of a~~  
2183 ~~state agency or during which the employee is on authorized leave~~  
2184 ~~without pay.~~

2185 (c) Holidays as provided in s. 110.117.

2186 (d) Overtime provisions.

2187 (e) Annual leave provisions.

2188 (f) Sick leave provisions.

2189 (g) Parental leave provisions.

2190 (h) Family medical leave provisions.

2191 (i) Disability leave provisions.

2192 (j) Compulsory disability leave provisions.

2193 (k) Administrative leave provisions.

2194 (l) Military leave provisions.

2195 (m) Educational leave with pay provisions.

2196 (n) Leave of absence without pay provisions.

2197 ~~(6) The leave benefits provided to Senior Management~~  
2198 ~~Service employees shall not exceed those provided to employees~~  
2199 ~~in the Selected Exempt Service.~~

2200 (5)(7) Each December, a civil permanent career service  
2201 employee who has merit status, or who is currently on  
2202 probationary status due to a promotion that was immediately  
2203 preceded by merit status, is ~~shall be~~ entitled, subject to  
2204 available funds, to a payout of up to 24 hours of unused annual

585-03566-10

20102268c1

2205 leave if the ~~as follows:~~

2206 ~~(a) A permanent career service employee has~~ must have an  
2207 annual leave balance of at least ~~no less than~~ 24 hours, after  
2208 the payout, ~~in order to qualify for this benefit.~~

2209 ~~(b) A civil service~~ No permanent career service employee  
2210 may not ~~shall~~ receive a payout of greater than 240 hours over  
2211 the course of the employee's career with the state, including  
2212 any leave received at the time of separation.

2213 Section 38. Section 110.224, Florida Statutes, is amended  
2214 to read:

2215 110.224 ~~Public~~ Employee performance evaluation system. ~~An A~~  
2216 ~~public~~ employee performance evaluation system shall be  
2217 established as a basis for evaluating and improving the  
2218 performance of the state's workforce, to inform employees of  
2219 strong and weak points in the employee's performance, to  
2220 identify training needs, and to award lump-sum bonuses and other  
2221 performance-based incentives in accordance with s. 110.1245 or  
2222 other provisions of law 110.1245(2).

2223 (1) Upon original appointment, promotion, demotion, or  
2224 reassignment, a job description of the assigned position  
2225 ~~assigned~~ must be made available to the civil ~~career~~ service  
2226 employee. The job description may be made available in an  
2227 electronic format.

2228 (2) Each employee shall ~~must~~ have a performance evaluation  
2229 conducted at least annually which involves both, ~~and the~~  
2230 ~~employee must receive~~ an oral and written assessment of his or  
2231 her performance ~~evaluation~~. The performance evaluation may  
2232 include a plan of action for improvement of the employee's  
2233 performance based on the work expectations or performance

585-03566-10

20102268c1

2234 standards applicable to the position as determined by the agency  
2235 head.

2236 (3) The department may adopt rules necessary to administer  
2237 this section ~~the public employee performance evaluation system~~  
2238 ~~which establish procedures for performance evaluation, review~~  
2239 ~~periods, and forms.~~

2240 Section 39. Section 110.227, Florida Statutes, is amended  
2241 to read:

2242 110.227 Suspensions, dismissals, reductions in pay,  
2243 demotions, layoffs, transfers, and grievances.—

2244 (1) An ~~Any~~ employee who has satisfactorily completed at  
2245 least a 1-year probationary period in his or her current  
2246 position may be suspended or dismissed only for cause. Cause  
2247 includes ~~shall include~~, but is not limited to, poor performance,  
2248 negligence, inefficiency or inability to perform assigned  
2249 duties, insubordination, violation of ~~the provisions of~~ law or  
2250 agency rules, conduct unbecoming a public employee, misconduct,  
2251 habitual drug abuse, or conviction of any crime. The agency head  
2252 shall ensure that all employees of the agency have reasonable  
2253 access to the agency's personnel policies and procedures ~~manual~~.

2254 (2) ~~(a)~~ The department shall establish rules and procedures  
2255 for the suspension, reduction in pay, transfer, layoff,  
2256 demotion, and dismissal of employees in the Civil ~~career~~  
2257 Service.

2258 (a) Except with regard to law enforcement or correctional  
2259 officers, firefighters, or professional health care providers,  
2260 rules regarding layoff procedures may ~~shall~~ not include any  
2261 provision ~~system~~ whereby a civil ~~career~~ service employee with  
2262 greater seniority has the option of selecting a different

585-03566-10

20102268c1

2263 position not being eliminated, but either vacant or already  
2264 occupied by an employee who has ~~of~~ less seniority, and taking  
2265 that position, commonly referred to as "bumping."

2266 (b) For the implementation of layoffs ~~as defined in s.~~  
2267 ~~110.107~~, the department shall develop rules requiring retention  
2268 of the agency's employees based upon objective measures that  
2269 give consideration to comparative merit, demonstrated skills,  
2270 the employee's experience, and the employee's length of service.  
2271 ~~Such rules shall be approved by the Administration Commission~~  
2272 ~~before their adoption by the department.~~

2273 (3) ~~(a)~~ With regard to law enforcement or correctional  
2274 officers, firefighters, or professional health care providers:  
2275 ~~when~~

2276 (a) If a layoff becomes necessary, such layoff shall be  
2277 conducted within the competitive area identified by the agency  
2278 head and approved by the department ~~of Management Services~~. Such  
2279 competitive area shall be established taking into consideration  
2280 the similarity of work; the organizational unit, which may be by  
2281 agency, department, division, bureau, or other organizational  
2282 unit; and the commuting area for the affected work affected.

2283 ~~(b) With regard to law enforcement or correctional~~  
2284 ~~officers, firefighters, or professional health care providers,~~  
2285 Layoff procedures shall be developed to establish the relative  
2286 merit and fitness of employees and must ~~shall~~ include a formula  
2287 for uniform application among all employees in the competitive  
2288 area, taking into consideration the type of appointment, the  
2289 length of service, and the evaluations of the employee's  
2290 performance within the last 5 years of employment.

2291 (4) A grievance process shall be available to civil ~~career~~

585-03566-10

20102268c1

2292 service employees who have satisfactorily completed at least a  
2293 1-year probationary period in their current positions. A  
2294 grievance ~~is defined as the dissatisfaction that~~ occurs when an  
2295 employee believes that any condition affecting the employee is  
2296 unjust, inequitable, or a hindrance to the effective performance  
2297 of his or her job duties ~~operation~~. Claims of discrimination and  
2298 sexual harassment or claims related to suspensions, reductions  
2299 in pay, demotions, and dismissals are not subject to the civil  
2300 ~~career~~ service grievance process. The following procedures ~~shall~~  
2301 apply to any grievance filed pursuant to this subsection, except  
2302 that all timeframes may be extended in writing by mutual  
2303 agreement:

2304 (a) *Step One.*—The employee must ~~may~~ submit a signed,  
2305 written grievance on a form provided by the agency to his or her  
2306 supervisor within 14 calendar days following the occurrence of  
2307 the event giving rise to the grievance. The supervisor must meet  
2308 with the employee to discuss the grievance and provide a written  
2309 response to the employee within 7 business days following  
2310 receipt of the grievance.

2311 (b) *Step Two.*—If the employee is dissatisfied with the  
2312 response of his or her supervisor, the employee must ~~may~~ submit  
2313 the written grievance to the agency head or ~~his or her~~ designee  
2314 within 7 business days following receipt of the supervisor's  
2315 written response. The agency head's ~~head or his or her~~ designee  
2316 may ~~must~~ meet with the employee to discuss the grievance within  
2317 5 business days following receipt of the grievance. The agency  
2318 head or his or her designee must respond in writing to the  
2319 employee within 5 business days following receipt of the  
2320 grievance ~~the meeting~~. The written decision of the agency head



585-03566-10

20102268c1

2321 or designee is ~~shall be the~~ final and binding authority for all  
2322 grievances filed pursuant to this subsection. Such grievances  
2323 may not be appealed beyond Step Two.

2324 (5) ~~(a)~~ A civil ~~career~~ service employee who has  
2325 satisfactorily completed at least a 1-year probationary period  
2326 in his or her current position and who is subject to a  
2327 suspension, reduction in pay, demotion, involuntary transfer of  
2328 more than 50 miles by highway, or dismissal shall receive  
2329 written notice of such action at least 10 calendar days before  
2330 ~~prior to~~ the date such action is ~~to be~~ taken.

2331 (a) Subsequent to such notice, and before ~~prior to~~ the date  
2332 the action is ~~to be~~ taken, the affected employee shall be given  
2333 an opportunity to appear before a designated agency official to  
2334 rebut ~~the agency or official taking the action to answer orally~~  
2335 ~~and in writing~~ the charges against him or her. The notice ~~to the~~  
2336 ~~employee required by this paragraph~~ may be delivered to the  
2337 employee personally or may be sent by certified mail with return  
2338 receipt requested. Such actions are ~~shall be~~ appealable to the  
2339 Public Employees Relations Commission as provided in subsection  
2340 (6). Written notice of ~~any~~ such appeal shall be filed by the  
2341 employee with the commission within 21 calendar days after the  
2342 date on which the notice of suspension, reduction in pay,  
2343 demotion, involuntary transfer of more than 50 miles by highway,  
2344 or dismissal is received by the employee. Merit status that was  
2345 attained in a previous position does not give rise to appeal  
2346 rights under this section.

2347 (b) In extraordinary situations such as when the retention  
2348 of a civil ~~career~~ service employee may ~~who has satisfactorily~~  
2349 ~~completed at least a 1-year probationary period in his or her~~

585-03566-10

20102268c1

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

2369 (6) The following procedures ~~shall~~ apply to appeals filed  
2370 pursuant to subsection (5) with the Public Employees Relations  
2371 Commission, ~~hereinafter referred to as the commission:~~

2372 (a) The commission must conduct a hearing within 60  
2373 calendar days following the filing of a notice of appeal. An ~~No~~  
2374 extension of time for the hearing may not exceed 30 calendar  
2375 days, absent exceptional circumstances, and ~~no extension of time~~  
2376 may not be granted without the consent of all parties. Discovery  
2377 may be granted only upon the showing of extraordinary  
2378 circumstances. A party requesting discovery must ~~shall~~

585-03566-10

20102268c1

2379 demonstrate a substantial need for the information requested and  
2380 an inability to obtain relevant information by other means.  
2381 Except where inconsistent with the requirements of this  
2382 subsection, the provisions of s. 447.503(4) and (5) and chapter  
2383 120 apply to proceedings held pursuant to this subsection.

2384 (b) A person may represent himself or herself in  
2385 proceedings before the commission or may be represented by legal  
2386 counsel or by an ~~any~~ individual who qualifies as a  
2387 representative pursuant to rules adopted by the commission.

2388 (c) If the commission finds that cause did not exist for  
2389 the agency action, the commission shall reverse the decision of  
2390 the agency head and the employee shall be reinstated with or  
2391 without back pay. If the commission finds that cause existed for  
2392 the agency action, the commission shall affirm the decision of  
2393 the agency head. The commission may not reduce the penalty  
2394 imposed by the agency head, except in the case of law  
2395 enforcement or correctional officers, firefighters, and  
2396 professional health care providers, if the commission makes  
2397 specific written findings of mitigation.

2398 (d) A recommended order shall be issued by the hearing  
2399 officer within 30 days following the hearing. Exceptions to the  
2400 recommended order must ~~shall~~ be filed within 15 days after the  
2401 recommended order is issued. The final order shall be filed by  
2402 the commission within ~~no later than~~ 45 calendar days after the  
2403 hearing or after the filing of exceptions or oral arguments if  
2404 granted.

2405 (e) Final orders issued by the commission pursuant to  
2406 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2407 (7) Other than for law enforcement or correctional

585-03566-10

20102268c1

2408 officers, firefighters, and professional health care providers,  
2409 each suspension, dismissal, demotion, or reduction in pay must  
2410 be reviewed without consideration of any other case or set of  
2411 facts.

2412 (8) A civil ~~career~~ service employee who is serving a  
2413 probationary period in a position to which he or she has been  
2414 promoted may be removed from that promotional position at any  
2415 time during the probationary period for inefficiency or  
2416 inability to perform assigned duties but must be returned to his  
2417 or her former position, or a comparable position, if such a  
2418 position is vacant. If such a position is not available, before  
2419 dismissal, the agency shall make a reasonable effort to retain  
2420 the employee in another vacant position. This subsection does  
2421 not apply to other dismissals ~~terminations~~ for cause as  
2422 described in subsection (1), nor does it create a right to  
2423 "bump" an employee from an occupied position as described in  
2424 paragraph (2)(a). An employee who is removed from a promotional  
2425 position under this subsection does not have grievance rights  
2426 under subsection (4) or appeal rights under subsection (5) due  
2427 to their probationary status.

2428 (9) Employees of the Department of Law Enforcement are  
2429 subject to the provisions of this section, except in matters  
2430 relating to transfer.

2431 Section 40. The Division of Statutory Revision is requested  
2432 to renumber part V of chapter 110, Florida Statutes, as part  
2433 III, consisting of ss. 110.302-3035, and to rename that part as  
2434 "Selected Exempt Service."

2435 Section 41. Section 110.601, Florida Statutes, is  
2436 transferred, renumbered as section 110.302, Florida Statutes,

585-03566-10

20102268c1

2437 and amended to read:

2438       110.302 ~~110.601~~ Declaration of policy.—This part creates a  
2439 system of personnel administration for management the purpose of  
2440 delivering ~~which is to deliver~~ high-quality performance by  
2441 selected exempt service ~~those~~ employees in the State Personnel  
2442 System ~~select exempt classifications~~ by facilitating the ~~state's~~  
2443 ability to attract and retain qualified personnel in these  
2444 positions, while also providing sufficient management  
2445 flexibility to ensure that the workforce is responsive to agency  
2446 needs. The Legislature recognizes that the public interest is  
2447 best served by developing and refining the technical and  
2448 managerial skills of these ~~its selected exempt service~~  
2449 employees, ~~and, to this end, technical training and management~~  
2450 ~~development programs are regarded as a major administrative~~  
2451 ~~function within agencies.~~

2452       Section 42. Section 110.602, Florida Statutes, is  
2453 transferred, renumbered as section 110.3021, Florida Statutes,  
2454 and amended to read:

2455       110.3021 ~~110.602~~ Selected Exempt Service; creation,  
2456 ~~coverage.~~—

2457       (1) The Selected Exempt Service is created as a separate  
2458 system of personnel administration for ~~select exempt~~ positions  
2459 ~~that.~~ ~~Such positions shall include, and shall be limited to,~~  
2460 ~~those positions which~~ are exempt from the Civil Career Service  
2461 ~~System~~ pursuant to s. 110.205(2) ~~and (5)~~ and for which the  
2462 salaries and benefits are set by the department in accordance  
2463 with the rules of the Selected Exempt Service. ~~The department~~  
2464 ~~shall designate all positions included in the Selected Exempt~~  
2465 ~~Service as either managerial/policymaking, professional, or~~

585-03566-10

20102268c1

2466 ~~nonmanagerial/nonpolicymaking.~~

2467 (2) Employees in the Selected Exempt Service shall serve at  
2468 the pleasure of the agency head and are subject to personnel  
2469 actions at the discretion of the agency head. Personnel actions  
2470 that are tantamount to suspension, dismissal, reduction in pay,  
2471 demotion, or transfer are exempt from chapter 120.

2472 Section 43. Section 110.605, Florida Statutes, is  
2473 transferred, renumbered as section 110.3022, Florida Statutes,  
2474 and amended to read:

2475 110.3022 ~~110.605~~ Powers and duties; personnel rules,  
2476 records, reports, and performance appraisal. ~~The department is~~  
2477 responsible for the policy administration of the Selected Exempt  
2478 Service. In carrying out that function the department shall:

2479 (1) Provide broad, market-based pay bands for occupations  
2480 within the Selected Exempt Service and establish guidelines that  
2481 allow state agencies flexibility to move employees through the  
2482 pay bands. The agencies may determine the appropriate salary  
2483 within the bands using the guidelines adopted by the department.  
2484 The pay bands, and the assignment of bands to positions, do not  
2485 constitute rules within the meaning of s. 120.52.

2486 (2) Establish a classification system and a salary and  
2487 benefit plan for the Selected Exempt Service which provides for  
2488 greater pay and benefits overall than are provided for the Civil  
2489 Service and less pay and benefits overall than are provided for  
2490 the Senior Management Service.

2491 (3) In consultation with the Executive Office of the  
2492 Governor and the appropriation committees of the Legislature,  
2493 conduct compensation surveys as necessary for achieving an  
2494 equitable, competitive, market-based compensation policy for

585-03566-10

20102268c1

2495 selected exempt service employees.

2496 (4) Establish a performance evaluation system for selected  
2497 exempt service employees which takes into consideration  
2498 individual and organizational efficiency, productivity, and  
2499 effectiveness.

2500 (5) Establish a system for documenting department actions  
2501 taken on agency requests for the approval of position exemptions  
2502 and pay increases for selected exempt service employees.

2503 (6) ~~(1) The department shall~~ Adopt and administer uniform  
2504 personnel rules, records, and reports relating to employees and  
2505 positions in the Selected Exempt Service, as well as any other  
2506 rules and procedures relating to personnel administration which  
2507 are necessary to carry out the purposes of this part.

2508 (a) The rules adopted by the department and each state  
2509 agency must comply with all federal regulations necessary to  
2510 permit the agencies to receive federal funds.

2511 (b) Each agency shall operate within the uniform personnel  
2512 rules adopted by the department pursuant to this part.

2513 (c) Each agency shall maintain up-to-date records and  
2514 reports required by applicable rules.

2515 (d) ~~(a) The department may shall~~ develop uniform forms and  
2516 instructions to be used for personnel in reporting transactions  
2517 ~~which involve changes in an employee's salary, status,~~  
2518 ~~performance, leave, fingerprint record, loyalty oath, payroll~~  
2519 ~~change, or appointment action or any additional transactions as~~  
2520 the department deems ~~may deem~~ appropriate.

2521 ~~(b) The department shall develop a uniform performance~~  
2522 ~~appraisal system for employees and positions in the Selected~~  
2523 ~~Exempt Service covered by a collective bargaining agreement.~~

585-03566-10

20102268c1

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

2529 ~~(c) The employing agency must maintain, on a current basis,~~  
2530 ~~all records and reports required by applicable rules. The~~  
2531 ~~department shall periodically audit employing agency records to~~  
2532 ~~determine compliance with the provisions of this part and the~~  
2533 ~~rules of the department.~~

2534 ~~(d) The department shall develop a program of affirmative~~  
2535 ~~and positive actions that will ensure full utilization of women~~  
2536 ~~and minorities in Selected Exempt Service positions.~~

2537 ~~(2) Each employing agency shall operate within the uniform~~  
2538 ~~personnel rules adopted by the department pursuant to the~~  
2539 ~~provisions of this part. Each employing agency may adopt rules~~  
2540 ~~as necessary to implement the provisions of this part, but such~~  
2541 ~~rules shall not prescribe any personnel policies inconsistent~~  
2542 ~~with the provisions of this part or the rules of the department.~~

2543 ~~(3) The rules adopted by the department and each employing~~  
2544 ~~agency under this part shall comply with all federal regulations~~  
2545 ~~necessary to permit the state agencies to be eligible to receive~~  
2546 ~~federal funds.~~

2547 ~~(4) The department shall adopt by rule procedures for~~  
2548 ~~Selected Exempt Service employees that require disclosure to the~~  
2549 ~~agency head of any application for or offer of employment, gift,~~  
2550 ~~contractual relationship, or financial interest with any~~  
2551 ~~individual, partnership, association, corporation, utility, or~~  
2552 ~~other organization, whether public or private, doing business~~



585-03566-10

20102268c1

2553 ~~with or subject to regulation by the agency.~~

2554 ~~(5) The secretary may periodically hire a consultant with~~  
2555 ~~expertise in personnel management to advise him or her with~~  
2556 ~~respect to the administration of the Selected Exempt Service.~~

2557 Section 44. Section 110.3023, Florida Statutes, is created  
2558 to read:

2559 110.3023 Recruitment.-

2560 (1) Each state agency is responsible for establishing a  
2561 process for employing, advancing, and deploying selected exempt  
2562 service staff to meet agency needs.

2563 (2) If normal recruitment efforts of the agency through the  
2564 use of the department's designated human resource information  
2565 system, trade journals, or magazines are unsuccessful, the  
2566 agency may contract with a person or firm to conduct a  
2567 multistate search for hard-to-fill professional positions. The  
2568 contracted search person or firm must satisfy the following  
2569 criteria:

2570 (a) Willingness to accept contingency contracts with fees  
2571 up to 30 percent of the annual salary of the applicant, to be  
2572 paid upon employment of an applicant produced by the search.

2573 (b) Demonstrated capacity to perform effectively at  
2574 competitive industry prices.

2575 (c) Evidence of successful placements in the public sector  
2576 by level and type of placement.

2577 (d) Agreement for the delivery of services within 90  
2578 calendar days after the date of the requested search by the  
2579 agency, unless an extension is granted by the agency.

2580 (e) Ability to attract minorities and women as evidenced by  
2581 applicant pools generated for previous clients.

585-03566-10

20102268c1

2582           Section 45. The Division of Statutory Revision is requested  
2583 to renumber part III of chapter 110, Florida statutes, as part  
2584 IV, consisting of ss. 110.401-110.4035, and to rename that part  
2585 as "Senior Management Service."

2586           Section 46. Section 110.401, Florida Statutes, is amended  
2587 to read:

2588           110.401 Declaration of policy.—This part creates a ~~uniform~~  
2589 system of personnel administration for attracting, retaining,  
2590 and developing highly competent, executive-level ~~senior-level~~  
2591 managers within the State Personnel System ~~at the highest~~  
2592 ~~executive-management-level agency positions in order for the~~  
2593 ~~highly complex programs and agencies of state government to~~  
2594 ~~function effectively, efficiently, and productively.~~ The  
2595 Legislature recognizes that executive-level ~~senior-level~~  
2596 management is an established profession and that the public  
2597 interest is best served by developing and refining the  
2598 management skills of its senior management service employees.  
2599 ~~Accordingly, training and management-development programs are~~  
2600 ~~regarded as a major administrative function within agencies.~~

2601           Section 47. Section 110.402, Florida Statutes, is amended  
2602 to read:

2603           110.402 Senior Management Service; creation, ~~coverage.~~—

2604           (1) The Senior Management Service is created as a separate  
2605 system of personnel administration for positions in the State  
2606 Personnel System which perform ~~executive-branch~~ the duties and  
2607 responsibilities that ~~of which~~ are primarily and essentially  
2608 policymaking or managerial in nature.

2609           ~~(2) Such positions are~~ The Senior Management Service shall  
2610 ~~be~~ limited to those positions that ~~which~~ are exempt from the

585-03566-10

20102268c1

2611 Civil Career Service under System by s. 110.205(2) and for which  
2612 the salaries and benefits are set by the department in  
2613 accordance with the rules of the Senior Management Service.

2614 (2) Employees in the Senior Management Service shall serve  
2615 at the pleasure of the agency head and are subject to personnel  
2616 actions at the discretion of the agency head. Personnel actions  
2617 that are tantamount to suspension, dismissal, reduction in pay,  
2618 demotion, or transfer are exempt from chapter 120.

2619 Section 48. Section 110.403, Florida Statutes, is amended  
2620 to read:

2621 110.403 Powers and duties of the department.—The department  
2622 is responsible for the policy administration of the Senior  
2623 Management Service. To carry out that function the department  
2624 shall:

2625 ~~(1) In order to implement the purposes of this part, the~~  
2626 ~~Department of Management Services, after approval by the~~  
2627 ~~Administration Commission, shall adopt and amend rules providing~~  
2628 ~~for:~~

2629 (1)(a) Establish a system for employing, advancing, and  
2630 deploying senior management service employees which promoting,  
2631 ~~or reassigning managers that~~ is responsive to organizational or  
2632 program needs. ~~In no event shall~~ The number of positions  
2633 included in the Senior Management Service may not exceed 1.0  
2634 percent of the total full-time equivalent positions in the Civil  
2635 ~~career~~ Service. The department may not approve the establishment  
2636 ~~of shall deny approval to establish~~ any position within the  
2637 Senior Management Service which exceeds ~~would exceed~~ the  
2638 limitation established in this paragraph. The department shall  
2639 report that the limitation has been reached to the Governor, the

585-03566-10

20102268c1

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

2648 (2) Provide broad, market-based pay bands for occupations  
2649 within the Senior Management Service and establish guidelines  
2650 that allow state agencies flexibility to move employees through  
2651 the pay bands. The agencies may determine the appropriate salary  
2652 within the bands using the guidelines established by the  
2653 department. Such pay bands and the assignment of bands to  
2654 positions do not constitute rules within the meaning of s.  
2655 120.52.

2656 ~~(b) A performance appraisal system which shall take into~~  
2657 ~~consideration individual and organizational efficiency,~~  
2658 ~~productivity, and effectiveness.~~

2659 (3)(e) Establish a classification system plan and a salary  
2660 and benefit plan for senior management service employees which  
2661 ~~that~~ provides appropriate incentives for the recruitment and  
2662 retention of outstanding management personnel and provides for  
2663 salary increases based on performance.

2664 (4) In consultation with the Executive Office of the  
2665 Governor and the appropriation committees of the Legislature,  
2666 conduct compensation surveys as necessary for the purpose of  
2667 achieving an equitable, competitive, market-based compensation  
2668 policy for senior management service employees.

585-03566-10

20102268c1

2669       (5) Establish a performance evaluation system for senior  
2670 management service employees which takes into consideration  
2671 individual and organizational efficiency, productivity, and  
2672 effectiveness.

2673       ~~(d) A system of rating duties and responsibilities for~~  
2674 ~~positions within the Senior Management Service and the~~  
2675 ~~qualifications of candidates for those positions.~~

2676       (6)-(e) Establish a system for documenting actions taken on  
2677 agency requests for approval of position exemptions and special  
2678 pay increases for senior management service employees.

2679       (7) Adopt and administer personnel rules, records, and  
2680 reports relating to employees and positions in the Senior  
2681 Management Service, as well as any other rules or procedures  
2682 relating to personnel administration which are necessary for  
2683 carrying out the purposes of this part.

2684       (a) The rules adopted by the department must comply with  
2685 all federal regulations necessary for state agencies to receive  
2686 federal funds.

2687       (b) Each agency shall operate within the personnel rules  
2688 adopted by the department pursuant to this part.

2689       (c) The agency shall maintain up-to-date records and  
2690 reports required by applicable rules.

2691       (d) The department may develop uniform forms and  
2692 instructions to be used in connection with personnel  
2693 transactions as the department deems appropriate.

2694       ~~(f) Requirements regarding recordkeeping by agencies with~~  
2695 ~~respect to Senior Management Service positions. Such records~~  
2696 ~~shall be audited periodically by the Department of Management~~  
2697 ~~Services to determine agency compliance with the provisions of~~

585-03566-10

20102268c1

2698 ~~this part and the rules of the Department of Management~~  
2699 ~~Services.~~

2700 ~~(g) Other procedures relating to personnel administration~~  
2701 ~~to carry out the purposes of this part.~~

2702 ~~(h) A program of affirmative and positive action that will~~  
2703 ~~ensure full utilization of women and minorities in Senior~~  
2704 ~~Management Service positions.~~

2705 ~~(2) The powers, duties, and functions of the department of~~  
2706 ~~Management Services shall include responsibility for the policy~~  
2707 ~~administration of the Senior Management Service.~~

2708 ~~(3) The department shall have the following additional~~  
2709 ~~responsibilities:~~

2710 ~~(a) To establish and administer a professional development~~  
2711 ~~program that shall provide for the systematic development of~~  
2712 ~~managerial, executive, or administrative skills. Such a program~~  
2713 ~~shall include the following topics:~~

2714 ~~1. Improving the performance of individual employees. This~~  
2715 ~~topic provides skills in understanding and motivating individual~~  
2716 ~~performance, providing effective and timely evaluations of~~  
2717 ~~employees, and making recommendations on performance incentives~~  
2718 ~~and disincentives.~~

2719 ~~2. Improving the performance of groups of employees. This~~  
2720 ~~topic provides skills in creating and maintaining productive~~  
2721 ~~workgroups and making recommendations on performance incentives~~  
2722 ~~and disincentives.~~

2723 ~~3. Relating the efforts of employees to the goals of the~~  
2724 ~~organization. This topic provides skills in linking the work of~~  
2725 ~~individual employees to the goals of the agency program,~~  
2726 ~~service, or activity.~~

585-03566-10

20102268c1

2727 ~~4. Strategic planning. This topic provides the skills for~~  
2728 ~~defining agency business processes, measuring performance of~~  
2729 ~~such processes, and reengineering such processes for improved~~  
2730 ~~efficiency and effectiveness.~~

2731 ~~5. Team leadership. This topic provides skills in effective~~  
2732 ~~group processes for organizational motivation and productivity~~  
2733 ~~based on proven business and military applications that~~  
2734 ~~emphasize respect for and courtesy to the public.~~

2735 ~~(b) To promote public understanding of the purposes,~~  
2736 ~~policies, and programs of the Senior Management Service.~~

2737 ~~(c) To approve contracts of employing agencies with persons~~  
2738 ~~engaged in the business of conducting multistate executive~~  
2739 ~~searches to identify qualified and available applicants for~~  
2740 ~~Senior Management Service positions for which the department~~  
2741 ~~sets salaries in accordance with the classification and pay~~  
2742 ~~plan. Such contracts may be entered by the agency head only~~  
2743 ~~after completion of an unsuccessful in-house search. The~~  
2744 ~~department shall establish, by rule, the minimum qualifications~~  
2745 ~~for persons desiring to conduct executive searches, including a~~  
2746 ~~requirement for the use of contingency contracts. These rules~~  
2747 ~~shall ensure that such persons possess the requisite capacities~~  
2748 ~~to perform effectively at competitive industry prices. These~~  
2749 ~~rules shall also comply with state and federal laws and~~  
2750 ~~regulations governing equal opportunity employment.~~

2751 ~~(4) All policies and procedures adopted by the department~~  
2752 ~~regarding the Senior Management Service shall comply with all~~  
2753 ~~federal regulations necessary to permit the state agencies to be~~  
2754 ~~eligible to receive federal funds.~~

2755 ~~(5) The department shall adopt, by rule, procedures for~~

585-03566-10

20102268c1

2756 ~~Senior Management Service employees that require disclosure to~~  
2757 ~~the agency head of any application for or offer of employment,~~  
2758 ~~gift, contractual relationship, or financial interest with any~~  
2759 ~~individual, partnership, association, corporation, utility, or~~  
2760 ~~other organization, whether public or private, doing business~~  
2761 ~~with or subject to regulation by the agency.~~

2762 Section 49. Section 110.4035, Florida Statutes, is created  
2763 to read:

2764 110.4035 Recruitment.-

2765 (1) Each state agency is responsible for establishing a  
2766 process for employing, advancing, and deploying executive level  
2767 managers to meet agency needs.

2768 (2) If normal recruitment efforts are unsuccessful, the  
2769 agency may contract with a person or firm to conduct a  
2770 multistate search for executive level managers which satisfies  
2771 the following criteria:

2772 (a) Willingness to accept contingency contracts with fees  
2773 that do not exceed 30 percent of the annual salary of the  
2774 applicant, to be paid upon employment of the applicant produced  
2775 by the search.

2776 (b) Demonstrated capacity to perform effectively at  
2777 competitive industry prices.

2778 (c) Evidence of successful placements in the public sector  
2779 by level and type of placement.

2780 (d) Agreement for the delivery of services within 90  
2781 calendar days after the date of the requested search by the  
2782 agency, unless an extension is granted by the agency.

2783 (e) Ability to attract minorities and women as evidenced by  
2784 applicant pools generated for previous clients.



585-03566-10

20102268c1

2785           Section 50. The Division of Statutory Revision is requested  
2786 to create part IX of chapter 112, Florida Statutes, to be  
2787 entitled "State Employment," and consisting of ss. 112.906-  
2788 112.924, Florida Statutes.

2789           Section 51. Section 112.906, Florida Statutes, is created  
2790 to read:

2791           112.906 Definitions.—As used in this part, the term:

2792           (1) "Department" means the Department of Management  
2793 Services.

2794           (2) "Other personal services" has the same meaning as in s.  
2795 216.011(1).

2796           (3) "State agency" or "agency" means any official, officer,  
2797 commission, board, authority, council, committee, or department  
2798 of the executive branch or judicial branch of state government  
2799 as defined in chapter 216, unless otherwise exempted by law.

2800           (5) "State employee" or "employee" means an employee of a  
2801 state agency.

2802           Section 52. Section 110.131, Florida Statutes, is  
2803 transferred, renumbered as section 112.907, Florida Statutes,  
2804 and amended to read:

2805           112.907 ~~110.131~~ Other-personal-services temporary  
2806 employment.—

2807           ~~(1) As used in this section, the term "agency" means any~~  
2808 ~~official, officer, commission, board, authority, council,~~  
2809 ~~committee, or department of the executive branch of state~~  
2810 ~~government and means any officer, court, commission, or other~~  
2811 ~~unit of the judicial branch of state government supported in~~  
2812 ~~whole or in part by appropriations made by the Legislature.~~

2813           (1)~~(2)~~ An agency may employ any qualified individual in

585-03566-10

20102268c1

2814 other-personal-services ~~temporary~~ employment for ~~1,040~~ hours  
2815 ~~within any 12-month period.~~ For each other-personal-services  
2816 employee, the agency shall:

2817 (a) Maintain employee records identifying, at a minimum,  
2818 the person employed, hire date, type of other-personal-services  
2819 employment, and the number of hours worked.

2820 (b) Determine the appropriate rate of pay and ensure that  
2821 all payments are in compliance with the federal Fair Labor  
2822 Standards Act and state law.

2823 (c) Review, determine, and document by June 30 of each year  
2824 that the continuation of each other-personal-services employment  
2825 position is necessary to the mission of the agency. This review  
2826 process ~~An extension beyond a total of 1,040 hours within an~~  
2827 ~~agency for any individual requires a recommendation by the~~  
2828 ~~agency head and approval by the Executive Office of the~~  
2829 ~~Governor. Approval of extensions shall be made in accordance~~  
2830 ~~with criteria established by the department. Each agency shall~~  
2831 ~~maintain employee information as specified by the department~~  
2832 ~~regarding each extension of other-personal-services temporary~~  
2833 ~~employment. The time limitation established by this subsection~~  
2834 ~~does not apply to board members; consultants; seasonal~~  
2835 ~~employees; institutional clients employed as part of their~~  
2836 ~~rehabilitation; bona fide, degree-seeking students in accredited~~  
2837 ~~secondary or postsecondary educational programs; employees hired~~  
2838 ~~to deal with an emergency situation that affects the public~~  
2839 ~~health, safety, or welfare; or employees hired for a project~~  
2840 ~~that is identified by a specific appropriation or time-limited~~  
2841 ~~grant.~~

2842 (2) Unless specifically provided by law, other-personal-

585-03566-10

20102268c1

2843 services employees are not eligible for any form of paid leave,  
2844 paid holidays, paid personal day, participation in state group  
2845 insurance or retirement benefits, or any other state employee  
2846 benefit. Other-personal-services employees may be included in  
2847 that part of an agency's recognition and reward program that  
2848 recognizes and rewards employees who submit innovative ideas  
2849 that increase productivity, eliminate or reduce state  
2850 expenditures, improve operations, or generate additional  
2851 revenue, or who meet or exceed the agency's established criteria  
2852 for a project or goal.

2853 ~~(3) The department shall adopt rules providing that other-~~  
2854 ~~personal-services temporary employment in an employer-employee~~  
2855 ~~relationship shall be used for short-term tasks. Such rules~~  
2856 ~~shall specify the employment categories, terms, conditions, rate~~  
2857 ~~of pay, and frequency of other-personal-services temporary~~  
2858 ~~employment and the duration for which such employment may last;~~  
2859 ~~specify criteria for approving extensions beyond the time~~  
2860 ~~limitation provided in subsection (2); and prescribe~~  
2861 ~~recordkeeping and reporting requirements for other personal-~~  
2862 ~~services employment.~~

2863 ~~(4) The department shall prepare written material~~  
2864 ~~explaining the terms and conditions of other personal-services~~  
2865 ~~employment and shall provide master copies to each agency. Each~~  
2866 ~~agency shall provide each of its applicants for such employment~~  
2867 ~~with a copy thereof at the time of application and shall discuss~~  
2868 ~~the information contained thereon with each applicant at the~~  
2869 ~~time of interview or employment commencement, whichever occurs~~  
2870 ~~sooner.~~

2871 ~~(5) The department shall maintain information relating to~~

585-03566-10

20102268c1

2872 ~~other personal services employment for each agency. Such~~  
2873 ~~information shall include:~~

2874 ~~(a) The total amount of compensation for other personal~~  
2875 ~~services personnel, by employment category, for the preceding~~  
2876 ~~fiscal year.~~

2877 ~~(b) The name, social security number, employment category,~~  
2878 ~~employment commencement date, and number of hours worked for~~  
2879 ~~each individual whose initial other personal services temporary~~  
2880 ~~employment began before the start of the preceding fiscal year~~  
2881 ~~and who was still employed as an other personal services~~  
2882 ~~temporary employee at the end of the preceding fiscal year.~~

2883 ~~(6)(a) The provisions of subsections (2), (3), and (4) do~~  
2884 ~~not apply to any employee for whom the Board of Governors of the~~  
2885 ~~State University System, or the board's designee, or the Board~~  
2886 ~~of Trustees of the Florida School for the Deaf and the Blind is~~  
2887 ~~the employer as defined in s. 447.203(2); except that, for~~  
2888 ~~purposes of subsection (5), the Board of Trustees of the Florida~~  
2889 ~~School for the Deaf and the Blind shall comply with the~~  
2890 ~~recordkeeping and reporting requirements adopted by the~~  
2891 ~~department pursuant to subsection (3) with respect to those~~  
2892 ~~other personal services employees exempted by this subsection.~~

2893 ~~(b) The provisions of subsections (2), (3), and (4) do not~~  
2894 ~~apply to any employee of the Division of Blind Services Library~~  
2895 ~~for the Blind and Physically Handicapped for whom the Division~~  
2896 ~~of Blind Services is the employer as defined in s. 447.203(2);~~  
2897 ~~except that, for purposes of subsection (5), the Division of~~  
2898 ~~Blind Services shall comply with the recordkeeping and reporting~~  
2899 ~~requirements adopted by the department pursuant to subsection~~  
2900 ~~(3) with respect to those other personal services employees~~

585-03566-10

20102268c1

2901 ~~exempted by this subsection.~~

2902 ~~(c) Notwithstanding the provisions of this section, the~~  
2903 ~~agency head or his or her designee may extend the other-~~  
2904 ~~personal services employment of a health care practitioner~~  
2905 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~  
2906 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~  
2907 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~  
2908 ~~2,080 hours and may employ such practitioner on an hourly or~~  
2909 ~~other basis.~~

2910 ~~(7) The Department of Management Services shall annually~~  
2911 ~~assess agencies for the regulation of other personal services on~~  
2912 ~~a pro rata share basis not to exceed an amount as provided in~~  
2913 ~~the General Appropriations Act.~~

2914 Section 53. Section 110.1128, Florida Statutes, is  
2915 transferred and renumbered as section 112.908, Florida Statutes.

2916 Section 54. Section 110.1221, Florida Statutes, is  
2917 transferred, renumbered as section 112.909, Florida Statutes,  
2918 and amended to read:

2919 112.909 ~~110.1221~~ Sexual harassment policy; ~~executive agency~~  
2920 ~~rules.~~—It is the policy of the state that sexual harassment is a  
2921 form of discrimination. Each agency that has authority to adopt  
2922 rules governing the conditions of employment ~~The department~~  
2923 ~~shall adopt uniform sexual harassment rules applicable to all~~  
2924 ~~executive agencies.~~ Such the rules must define the term "sexual  
2925 harassment" in a manner consistent with the federal definition.

2926 Section 55. Section 110.122, Florida Statutes, is  
2927 transferred, renumbered as section 112.910, Florida Statutes,  
2928 and amended to read:

2929 112.910 ~~110.122~~ Terminal payment for accumulated sick

585-03566-10

20102268c1

2930 leave.—

2931 (1) All state ~~branches, departments, and agencies~~ that are  
2932 authorized ~~which have the authority~~ to establish or approve  
2933 personnel policies for employees and to employ personnel and  
2934 establish the conditions of their employment shall establish  
2935 policies that ~~to~~ provide terminal “incentive” pay for  
2936 accumulated and unused sick leave to each employee upon his or  
2937 her normal or regular retirement for reason other than  
2938 disability or upon termination of employment, or to the  
2939 employee’s beneficiary if service is terminated by death,  
2940 provided such retirement, termination, or death occurs after 10  
2941 years of creditable state employment.

2942 (2) Each agency that is authorized to adopt rules governing  
2943 the conditions of employment ~~The employing entity~~ shall  
2944 establish and publish rules governing the accumulation and use  
2945 of sick leave and maintain accurate and reliable records showing  
2946 the amount of sick leave that ~~which~~ has accumulated and is  
2947 unused by the employee at the time of retirement, death, or  
2948 termination.

2949 (3) The payments authorized by this section shall be  
2950 determined by using the rate of pay received by the employee at  
2951 the time of retirement, termination, or death, applied to the  
2952 sick leave time for which the employee is qualified to receive  
2953 terminal “incentive” pay under the rules adopted by the  
2954 department pursuant to ~~the provisions of~~ this section. The rules  
2955 and policies must provide ~~adopted pursuant to this section shall~~  
2956 ~~permit~~ terminal pay for sick leave equal to one-eighth of all  
2957 unused sick leave credit accumulated before ~~prior to~~ October 1,  
2958 1973, plus one-fourth of all unused sick leave accumulated on or

585-03566-10

20102268c1

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

2965 (4) The payments made pursuant to this section are ~~shall~~  
2966 not salary payments ~~be considered~~ in any state-administered  
2967 retirement system ~~as salary payments~~ and may ~~shall~~ not be used  
2968 in determining the average final compensation of an employee in  
2969 any state-administered retirement system.

2970 (5) Any employee:

2971 (a) Who is found guilty ~~in a court of competent~~  
2972 ~~jurisdiction~~ of committing, aiding, or abetting any embezzlement  
2973 or theft from the employee's employer or bribery in connection  
2974 with the employment, committed before ~~prior to~~ retirement or 10-  
2975 year normal creditable termination;

2976 (b) Whose employment is terminated by reason of the  
2977 employee having admitted committing, aiding, or abetting an  
2978 embezzlement or theft from his or her employer or by reason of  
2979 bribery;

2980 (c) Who, prior to 10-year normal creditable termination or  
2981 retirement is adjudged by a court of competent jurisdiction to  
2982 have violated any state law against strikes by public employees;  
2983 or

2984 (d) Who has been found guilty ~~by a court of competent~~  
2985 ~~jurisdiction~~ of violating any state law prohibiting strikes by  
2986 public employees,  
2987

585-03566-10

20102268c1

2988 shall forfeit all rights and benefits under this section. An  
 2989 employee whose employment terminates as a result of an act  
 2990 committed subject to this subsection may ~~shall~~ not be given  
 2991 credit for unused sick leave accumulated before ~~prior to~~  
 2992 termination should the employee be reemployed at a later date.

2993 Section 56. Section 110.121, Florida Statutes, is  
 2994 transferred, renumbered as 112.911, Florida Statutes, and  
 2995 amended to read:

2996 112.911 ~~110.121~~ Sick leave pool.—Each state ~~department or~~  
 2997 agency that ~~of the state which~~ has authority to adopt rules  
 2998 governing the accumulation and use of sick leave for employees,  
 2999 and ~~which~~ maintains accurate and reliable records showing the  
 3000 amount of sick leave that ~~which~~ has been accumulated and is  
 3001 unused by employees, may, ~~in accordance with guidelines which~~  
 3002 ~~shall be established by the Department of Management Services,~~  
 3003 adopt rules establishing ~~for the establishment of~~ a plan that  
 3004 allows ~~allowing~~ participating employees to pool and use sick  
 3005 leave ~~and allowing any sick leave thus pooled to be used by any~~  
 3006 ~~participating employee who has used all of the sick leave that~~  
 3007 ~~has been personally accrued by him or her. Although not limited~~  
 3008 ~~to the following,~~ Such rules shall provide, but need not be  
 3009 limited to:

3010 (1) Minimum eligibility criteria ~~That employees shall be~~  
 3011 eligible for participation in the sick leave pool ~~after 1 year~~  
 3012 ~~of employment with the state or agency of the state; provided~~  
 3013 ~~that such employee has accrued a minimum amount of unused sick~~  
 3014 ~~leave, which minimum shall be established by rule.~~

3015 (2) That participation in the sick leave pool is ~~shall,~~ ~~at~~  
 3016 ~~all times,~~ be voluntary on the part of the employees.



585-03566-10

20102268c1

3017 (3) That any sick leave pooled shall be removed from the  
3018 personally accumulated sick leave balance of the employee  
3019 contributing such leave.

3020 (4) That any sick leave in the pool which ~~leave~~ is used by  
3021 a participating employee is ~~shall be~~ used only for the  
3022 employee's personal illness, accident, or injury.

3023 (5) That a participating employee may ~~shall not be eligible~~  
3024 ~~to~~ use sick leave accumulated in the pool until all of his or  
3025 her personally accrued sick, annual, and compensatory leave, and  
3026 his or her personal day, have ~~has~~ been used.

3027 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in the  
3028 pool which any one employee may use.

3029 (7) That a participating employee who uses sick leave from  
3030 the pool is ~~shall not be~~ required to recontribute such sick  
3031 leave to the pool, except as otherwise provided in this section.

3032 (8) That an employee who cancels his or her membership in  
3033 the sick leave pool may ~~shall not be eligible to~~ withdraw the  
3034 hours ~~days~~ of sick leave contributed by that employee to the  
3035 pool.

3036 (9) That an employee who moves ~~transfers~~ from a ~~one~~  
3037 position in one agency ~~state government~~ to a ~~another~~ position in  
3038 another agency ~~state government~~ may transfer from one pool to  
3039 another if ~~the eligibility criteria of the pools are comparable~~  
3040 ~~or~~ the administrators of the pools have agreed on the ~~a~~ formula  
3041 ~~for~~ transfer of credits.

3042 (10) That alleged abuse of the use of the sick leave pool  
3043 shall be investigated, and, on a finding of wrongdoing, the  
3044 employee must ~~shall~~ repay all of the sick leave credits drawn  
3045 from the sick leave pool and is ~~shall be~~ subject to such other

585-03566-10

20102268c1

3046 disciplinary action as is determined by the agency head.

3047 (11) That sick leave credits may be drawn from the sick  
3048 leave pool by a part-time employee on a pro rata basis.

3049 Section 57. Section 110.119, Florida Statutes, is  
3050 transferred, renumbered as section 112.912, Florida Statutes,  
3051 and amended to read:

3052 112.912 ~~110.119~~ Administrative leave for ~~reexamination or~~  
3053 ~~treatment with respect to~~ service-connected disability.-

3054 ~~(1) An~~ Any employee ~~of the state~~ who has been rated by the  
3055 United States Department of Veterans Affairs or its predecessor  
3056 to have incurred a service-connected disability and has been  
3057 scheduled by the United States Department of Veterans Affairs to  
3058 be reexamined or treated for the disability shall be granted  
3059 administrative leave for such reexamination or treatment without  
3060 loss of pay or benefits. However, such ~~In no event shall the~~  
3061 paid leave may not under this section exceed 48 hours per 6  
3062 calendar ~~days~~ a year.

3063 ~~(2) The department may adopt any rule necessary to carry~~  
3064 ~~out the purpose of this section.~~

3065 Section 58. Section 110.120, Florida Statutes, is  
3066 transferred, renumbered as section 112.913, Florida Statutes,  
3067 and amended to read:

3068 112.913 ~~110.120~~ Administrative leave for disaster service  
3069 volunteers.-

3070 (1) SHORT TITLE.-This section ~~shall be known and~~ may be  
3071 cited as the "Florida Disaster Volunteer Leave Act."

3072 (2) DEFINITIONS.-As used in this section, the following  
3073 terms shall apply:

3074 (a) "State agency" means any official, officer, commission,

585-03566-10

20102268c1

3075 board, authority, council, committee, or department of the  
3076 executive branch of state government.

3077 (b) "Disaster" includes disasters designated at level II  
3078 and above in the American National Red Cross regulations and  
3079 procedures.

3080 (3) LEAVE OF ABSENCE.—An employee of a state agency who is  
3081 a certified disaster service volunteer of the American Red Cross  
3082 may be granted a leave of absence with pay for up to not more  
3083 ~~than~~ 15 working days in any 12-month period to participate in  
3084 specialized disaster relief services for the American Red Cross.  
3085 Such leave of absence may be granted upon the request of the  
3086 American Red Cross and upon the approval of the employer  
3087 ~~employee's employing~~ agency. An employee granted leave under  
3088 this section may shall ~~not be deemed to be~~ an employee of the  
3089 state for purposes of workers' compensation. Leave under this  
3090 section act may be granted only for services related to a  
3091 disaster occurring within the boundaries of the State of  
3092 Florida, except that, with the approval of the Governor and  
3093 Cabinet, leave may be granted for services in response to a  
3094 disaster occurring within the boundaries of the United States.

3095 Section 59. Section 110.1091, Florida Statutes, is  
3096 transferred, renumbered as section 112.914, Florida Statutes,  
3097 and amended to read:

3098 112.914 110.1091 Employee assistance programs; public  
3099 records ~~exemption~~.—

3100 (1) A ~~An employing~~ state agency may provide a counseling,  
3101 therapeutic, or other professional treatment program to assist a  
3102 ~~any~~ state employee who has a behavioral disorder, medical  
3103 disorder, or substance abuse problem or who has an emotional

585-03566-10

20102268c1

3104 difficulty that affects the employee's job performance. The ~~Each~~  
3105 ~~employing~~ state agency may designate community diagnostic and  
3106 referral resources as necessary to implement ~~the provisions of~~  
3107 this subsection.

3108 (2) A state employee's personal identifying information  
3109 contained in records held by a ~~an employing~~ state agency  
3110 relating to an employee's participation in an employee  
3111 assistance program is confidential and exempt from ~~the~~  
3112 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
3113 Constitution.

3114 Section 60. Section 110.151, Florida Statutes, is  
3115 transferred, renumbered as section 112.915, Florida Statutes,  
3116 and amended to read:

3117 112.915 ~~110.151~~ ~~State officers' and employees'~~ Child care  
3118 services.—

3119 (1) A state agency may establish ~~The Department of~~  
3120 ~~Management Services shall approve,~~ administer, and coordinate  
3121 child care services for ~~state officers' and employees'~~ children  
3122 or dependents. ~~Duties shall include, but not be limited to,~~  
3123 ~~reviewing and approving requests from state agencies for child~~  
3124 ~~care services; providing technical assistance on child care~~  
3125 ~~program startup and operation; and assisting other agencies in~~  
3126 ~~conducting needs assessments, designing centers, and selecting~~  
3127 ~~service providers.~~ Primary emphasis for child care services  
3128 shall be given to children who are not subject to compulsory  
3129 school attendance pursuant to part II of chapter 1003, and, to  
3130 the extent possible, emphasis shall be placed on child care for  
3131 children aged 2 and under.

3132 (2) Child care programs may be located in state-owned

585-03566-10

20102268c1

3133 office buildings, educational facilities and institutions,  
3134 custodial facilities and institutions, and, with the consent of  
3135 the President of the Senate and the Speaker of the House of  
3136 Representatives, in buildings or spaces used for legislative  
3137 activities. In addition, centers may be located in privately  
3138 owned buildings conveniently located to the place of employment  
3139 of those ~~officers and~~ employees to be served by the centers. If  
3140 a child care program is located in a state-owned office  
3141 building, educational facility or institution, or custodial  
3142 facility or institution, or in a privately owned building leased  
3143 by the state, a portion of the service provider's rental fees  
3144 for child care space may be waived by the sponsoring agency in  
3145 accordance with the rules of the department's Facilities Program  
3146 ~~Department of Management Services~~. Additionally, the sponsoring  
3147 state agency may be responsible for the maintenance, utilities,  
3148 and other operating costs associated with the child care center.

3149 (3) Except as otherwise provided in this section, the cost  
3150 of child care services shall be offset by fees charged to  
3151 employees who use the ~~child care~~ services. Requests for  
3152 proposals may provide for a sliding fee schedule based on, ~~with~~  
3153 ~~fees charged on the basis of~~ the employee's household income.

3154 (4) The provider of proposed child care services shall be  
3155 selected by competitive contract. ~~Requests for proposals shall~~  
3156 ~~be developed with the assistance of, and subject to the approval~~  
3157 ~~of, the Department of Management Services~~. Management of the  
3158 contract with the service provider is ~~shall be~~ the  
3159 responsibility of the sponsoring state agency.

3160 (5) An operator selected to provide services must comply  
3161 with all state and local standards for the licensure and

585-03566-10

20102268c1

3162 operation of child care facilities, maintain adequate liability  
3163 insurance coverage, and assume financial and legal  
3164 responsibility for the operation of the program. ~~Neither~~ The  
3165 operator of and ~~nor~~ any personnel employed by or at a child care  
3166 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
3167 However, the sponsoring state agency may be responsible for the  
3168 operation of the child care center if ~~when~~:

3169 (a) A second request for proposals fails to procure a  
3170 qualified service provider; or

3171 (b) The service provider's contract is canceled and  
3172 attempts to procure another qualified service provider are  
3173 unsuccessful;

3174  
3175 ~~and plans for direct operation are approved by the Department of~~  
3176 ~~Management Services.~~

3177 (6) In the areas where the state has an insufficient number  
3178 of employees to justify a worksite center, a state agency may  
3179 join in a consortium arrangement using ~~utilizing~~ available state  
3180 facilities with not-for-profit corporations or other public  
3181 employers to provide child care services to ~~both~~ public  
3182 employees and employees of private sector employers. The  
3183 consortium agreement must first address the unmet child care  
3184 needs of the children of the public employees whose employers  
3185 are members of the consortium, and then address the child care  
3186 needs of private sector employees.

3187 ~~(7) The Department of Management Services may adopt any~~  
3188 ~~rules necessary to achieve the purposes of this section.~~

3189 Section 61. Section 110.181, Florida Statutes, is  
3190 transferred and renumbered as section 112.916, Florida Statutes.

585-03566-10

20102268c1

3191 Section 62. Section 110.1225, Florida Statutes, is  
 3192 transferred, renumbered as section 112.917, Florida Statutes,  
 3193 and amended to read:

3194 112.917 ~~110.1225~~ Furloughs.—When a deficit is projected by  
 3195 the Revenue Estimating Conference pursuant to s. 216.136(3), in  
 3196 any fund that supports salary and benefit appropriations, the  
 3197 Administration Commission may propose a furlough plan to the  
 3198 Legislature, which must approve or disapprove such plan. The  
 3199 plan must identify all affected positions and ensure that all  
 3200 affected employees are subject to the same reduction of hours  
 3201 for the same number of pay periods with a commensurate reduction  
 3202 in pay. For the purposes of this section, the term "furlough"  
 3203 means a temporary reduction in the regular hours of employment  
 3204 in a pay period, or temporary leave without pay for one or more  
 3205 pay periods, with a commensurate reduction in pay.

3206 Section 63. Section 110.1155, Florida Statutes, is  
 3207 transferred and renumbered as section 112.918, Florida Statutes.

3208 Section 64. Section 110.191, Florida Statutes, is  
 3209 transferred, renumbered as section 112.919, Florida Statutes,  
 3210 and amended to read:

3211 112.919 ~~110.191~~ State employee leasing.—

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

585-03566-10

20102268c1

3220 to whom the employees are leased:

3221 (a) Creation of ~~Create~~ a separate budget entity from which  
3222 leased employees are ~~shall be~~ paid and the transfer of the  
3223 positions authorized to be leased to that budget entity.

3224 (b) ~~Provide~~ Increases in the operating budget entity.

3225 (c) ~~Authorized~~ Lump-sum salary bonuses to leased  
3226 employees. + However, any lump-sum salary bonus above the  
3227 automatic salary increases which may be contained in the General  
3228 Appropriations Act must be funded from private sources.

3229 (d) ~~Approve~~ Increases in salary rate for positions that  
3230 ~~which~~ are leased. + However, any salary rate above the automatic  
3231 salary increases which may be contained in the General  
3232 Appropriations Act must be funded from private sources.

3233 (e) The waiver of ~~Waive~~ any requirement for automatic  
3234 salary increases that ~~which~~ may be contained in the General  
3235 Appropriations Act.

3236 (2) Positions that ~~which~~ are in the Senior Management  
3237 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day  
3238 before the state employee lease agreement takes effect ~~shall~~  
3239 remain in the respective system if the duties performed by the  
3240 position during the assignment of the state employee lease  
3241 agreement are comparable as determined by the department. Those  
3242 Senior Management Service ~~System~~ or Selected Exempt Service  
3243 ~~System~~ positions that ~~which~~ are not determined comparable by the  
3244 department, and positions that ~~which~~ are in other pay plans on  
3245 the day before the lease agreement takes effect, shall ~~shall~~ have the  
3246 same salaries and benefits provided to employees of the Office  
3247 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3248 Section 65. Section 110.1082, Florida Statutes, is



585-03566-10

20102268c1

3249 transferred, renumbered as section 112.920, Florida Statutes,  
3250 and amended to read:

3251 112.920 ~~110.1082~~ Telephone voice mail systems and telephone  
3252 menu options systems.—

3253 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice  
3254 mail system when the employee is at his or her regularly  
3255 assigned work station where his or her telephone is functional  
3256 and available for use, unless:

3257 (a) The telephone device ~~is in use, and/or;~~

3258 (b) The ~~Such~~ voice mail system alerts the caller to, and  
3259 provides the caller with access to, a nonelectronic attendant;  
3260 or

3261 (c) The ~~Such~~ voice mail system automatically transfers the  
3262 caller to a nonelectronic attendant.

3263 (2) Telephone menu options systems used by state agencies  
3264 must, ~~departments, or other state government units will~~ alert  
3265 the caller to, and provide the caller with access to, a  
3266 nonelectronic attendant.

3267 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~  
3268 ~~provisions of~~ this section.

3269 Section 66. Section 110.1165, Florida Statutes, is  
3270 transferred, renumbered as section 112.921, Florida Statutes,  
3271 and subsections (1) and (2) of that section are amended to read:

3272 112.921 ~~110.1165~~ Executive branch personnel errors;  
3273 limitation of actions for compensation.—

3274 (1) An agency of the executive branch, including the State  
3275 University System, shall establish procedures for the receipt,  
3276 consideration, and disposition of a claim regarding pay or  
3277 benefits brought by an employee if the ~~when that~~ employee is

585-03566-10

20102268c1

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

3289 (2) An agency of the executive branch, including the State  
3290 University System, may ~~is authorized to~~ take appropriate ~~such~~  
3291 ~~action as may be appropriate~~ to provide a remedy for an employee  
3292 concerning his or her claim regarding detrimental reliance on  
3293 erroneous written information provided by the ~~employing~~ agency  
3294 relating to pay and benefits if, ~~provided~~ such remedy is within  
3295 the purview of the agency's authority. The agency may not ~~has no~~  
3296 ~~authority whatsoever~~ to modify the state retirement system or  
3297 the state insurance program. Any monetary remedy afforded by the  
3298 agency must fall within the agency's budgetary authority. Any  
3299 person dissatisfied with the outcome of this process may file  
3300 ~~either~~ a grievance pursuant to the agency's internal grievance  
3301 process or an appeal to the Division of Administrative Hearings  
3302 pursuant to chapter 120, but not both.

3303 Section 67. Section 112.922, Florida Statutes, is created  
3304 to read:

3305 112.922 Penalties.—

3306 (1) Any person who willfully violates any provision of this

585-03566-10

20102268c1

3307 part or any rules adopted pursuant to this part commits a  
3308 misdemeanor of the second degree, punishable as provided in s.  
3309 775.082 or s. 775.083.

3310 (2) Notwithstanding s. 112.011, any person who is convicted  
3311 of a misdemeanor under this part is ineligible for appointment  
3312 to or employment in a state position for 5 years. If such person  
3313 is an employee of the state, he or she must forfeit his or her  
3314 position.

3315 (3) Imposition of the penalties provided in this section  
3316 may not be in lieu of any action that may be taken or penalties  
3317 that may be imposed pursuant to part III of this chapter.

3318 Section 68. Section 112.923, Florida Statutes, is created  
3319 to read:

3320 112.923 Direct deposit.—As a condition of employment, a  
3321 state employee must participate in the direct deposit program  
3322 pursuant to s. 17.076. An employee may request an exemption from  
3323 this subsection if the employee can demonstrate a hardship or if  
3324 the employee is in an other-personal-services position.

3325 Section 69. Section 110.114, Florida Statutes, is  
3326 transferred, renumbered as section 112.924, Florida Statutes,  
3327 and amended to read:

3328 112.924 ~~110.114~~ Employee wage deductions.—

3329 (1) A state agency may ~~The state or any of its departments,~~  
3330 ~~bureaus, commissions, and officers are authorized and permitted,~~  
3331 ~~with the concurrence of the Department of Financial Services, to~~  
3332 ~~make deductions from the salary or wage of an any employee or~~  
3333 ~~employees in an such amount as shall be authorized and requested~~  
3334 ~~by such employee or employees and for such purpose as shall be~~  
3335 ~~authorized and requested by the such employee or employees and~~

585-03566-10

20102268c1

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

3342 (2) The approval of and making of approved deductions does  
3343 ~~shall~~ not require the approval or making of other requested  
3344 deductions.

3345 (3) Notwithstanding ~~the provisions of~~ subsections (1) and  
3346 (2), the deduction of an employee's membership dues deductions  
3347 as defined in s. 447.203(15) for an employee organization as  
3348 defined in s. 447.203(11) shall be authorized or permitted only  
3349 for an organization that has been certified as the exclusive  
3350 bargaining agent pursuant to chapter 447 for a unit of state  
3351 employees in which the employee is included. Such deductions are  
3352 ~~shall be~~ subject to ~~the provisions of~~ s. 447.303.

3353 (4) Records of employee requests and employer  
3354 authorizations for deductions from an employee's wage or salary,  
3355 or the legal authority for the deduction, shall be maintained by  
3356 the employer agency ~~each employing entity~~.

3357 Section 70. The Division of Statutory Revision is requested  
3358 to create part X of chapter 112, Florida Statutes, to be  
3359 entitled "State Administered Benefits," and consisting of ss.  
3360 112.940-112.950, Florida Statutes.

3361 Section 71. Section 110.1227, Florida Statutes, is  
3362 transferred, renumbered as section 112.940, Florida Statutes,  
3363 and paragraph (c) of subsection (1) of that section is amended  
3364 to read:

585-03566-10

20102268c1

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

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

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

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

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

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

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

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

3390 (3) STATE GROUP INSURANCE PROGRAM.—

3391 (f) Except as provided for in subparagraph (h)2., the state  
3392 contribution toward the cost of any plan in the state group  
3393 insurance program shall be uniform with respect to all state

585-03566-10

20102268c1

3394 employees in a state collective bargaining unit participating in  
3395 the same coverage tier in the same plan. This section does not  
3396 prohibit the development of separate benefit plans for officers  
3397 and employees exempt from the Civil ~~career~~ Service or the  
3398 development of separate benefit plans for each collective  
3399 bargaining unit.

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

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

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

3415 112.943 ~~110.12312~~ Open enrollment period for retirees.—On  
3416 or after July 1, 1997, the Department of Management Services  
3417 shall provide for an open enrollment period for retired state  
3418 employees who want to obtain health insurance coverage under ss.  
3419 112.942 and 112.944 ~~110.123 and 110.12315~~. The options offered  
3420 during the open enrollment period must provide the same health  
3421 insurance coverage as the coverage provided to active employees  
3422 under the same premium payment conditions in effect for covered

585-03566-10

20102268c1

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

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

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

3435 112.945 ~~110.1232~~ Health insurance coverage for persons  
3436 retired under state-administered retirement systems before  
3437 January 1, 1976, and for spouses.—Notwithstanding any provisions  
3438 of law to the contrary, the Department of Management Services  
3439 shall provide health insurance coverage under the state group  
3440 insurance program for persons who retired before January 1,  
3441 1976, under any of the state-administered retirement systems and  
3442 who are not covered by social security and for the spouses and  
3443 surviving spouses of such retirees who are also not covered by  
3444 social security. Such health insurance coverage shall provide  
3445 the same benefits as provided to other retirees who are entitled  
3446 to participate under s. 112.942 ~~110.123~~. The claims experience  
3447 of this group shall be commingled with the claims experience of  
3448 other members covered under s. 112.942 ~~110.123~~.

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

3451 Section 78. Section 110.1238, Florida Statutes, is

585-03566-10

20102268c1

3452 transferred and renumbered as section 112.947, Florida Statutes.

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

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

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

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

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

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

3471 112.950 Penalties.—

3472 (1) Any person who willfully violates any provision of this  
3473 part or any rules adopted pursuant to this part commits a  
3474 misdemeanor of the second degree, punishable as provided in s.  
3475 775.082 or s. 775.083.

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

3480 (3) Imposition of the penalties provided in this section



585-03566-10

20102268c1

3481 may not be in lieu of any action that may be taken or penalties  
3482 that may be imposed pursuant to part III of this chapter.

3483 Section 82. The Division of Statutory Revision is requested  
3484 to renumber part IV of chapter 110, Florida statutes, as part  
3485 XI, consisting of ss. 112.961-112.965, and to rename that part  
3486 as "State Volunteer Services."

3487 Section 83. Section 110.501, Florida Statutes, is  
3488 transferred, renumbered as section 112.961, Florida Statutes,  
3489 reordered, and amended to read:

3490 112.961 ~~110.501~~ Definitions.—As used in this part, the term  
3491 act:

3492 (2) ~~(1)~~ "Volunteer" means any person who, of his or her own  
3493 free will, provides goods or services, or conveys an interest in  
3494 or otherwise consents to the use of real property pursuant to  
3495 chapter 260, to any ~~state department or agency,~~ or nonprofit  
3496 organization, with no monetary or material compensation. A  
3497 person registered and serving in Older American Volunteer  
3498 Programs authorized by the Domestic Volunteer Service Act of  
3499 1973, as amended (Pub. L. No. 93-113), shall also be defined as  
3500 a volunteer and shall incur no civil liability as provided by s.  
3501 768.1355. A volunteer shall be eligible for payment of volunteer  
3502 benefits as specified in Pub. L. No. 93-113, this section, and  
3503 s. 430.204.

3504 ~~(2) "Regular-service volunteer" means any person engaged in~~  
3505 ~~specific voluntary service activities on an ongoing or~~  
3506 ~~continuous basis.~~

3507 ~~(3) "Occasional-service volunteer" means any person who~~  
3508 ~~offers to provide a one-time or occasional voluntary service.~~

3509 (1) ~~(4)~~ "Material donor" means any person who provides

585-03566-10

20102268c1

3510 funds, materials, employment, or opportunities for clients of  
3511 state ~~departments or~~ agencies, without monetary or material  
3512 compensation.

3513 (3) "State agency" or "agency" means any official, officer,  
3514 commission, board, authority, council, committee, or department  
3515 of the executive branch or judicial branch of state government  
3516 as defined in chapter 216, unless otherwise exempted by law.

3517 Section 84. Section 110.502, Florida Statutes, is  
3518 transferred, renumbered as section 112.962, Florida Statutes,  
3519 and amended to read:

3520 112.962 ~~110.502~~ Scope of act; status of volunteers.—

3521 (1) Every ~~state department or~~ state agency may, with the  
3522 approval of the agency head, through the head of the department  
3523 ~~or agency, secretary of the department, or executive director of~~  
3524 ~~the department, is authorized to~~ recruit, train, and accept,  
3525 without regard to the requirements of the Civil State Career  
3526 ~~Service System as set forth in part II of this chapter, the~~  
3527 ~~services of volunteers, including regular-service volunteers,~~  
3528 ~~occasional-service volunteers,~~ or material donors, to assist in  
3529 programs administered by the ~~department or~~ agency.

3530 (2) Volunteers recruited, trained, or accepted by a ~~any~~  
3531 ~~state department or~~ agency are ~~shall not be~~ subject to any  
3532 provisions of law relating to state employment, a ~~to any~~  
3533 collective bargaining agreement between the state and any  
3534 employees' association or union, or ~~to~~ any laws relating to  
3535 hours of work, rates of compensation, leave time, and employee  
3536 benefits, except those consistent with s. 112.964 ~~110.504~~.  
3537 However, all volunteers shall comply with applicable ~~department~~  
3538 ~~or~~ agency rules. Volunteers may be required by the agency to

585-03566-10

20102268c1

3539 submit to security background screenings.

3540 (3) Every state department ~~or agency~~ using ~~utilizing~~ the  
3541 services of volunteers is ~~hereby~~ authorized to provide ~~such~~  
3542 incidental reimbursement or benefit consistent with s. 112.964  
3543 ~~the provisions of s. 110.504~~, including transportation costs,  
3544 lodging, ~~and~~ subsistence, identification and safety apparel,  
3545 recognition, and other accommodations as the ~~department or~~  
3546 agency deems necessary to assist, recognize, reward, or  
3547 encourage volunteers in performing their functions. An ~~No~~  
3548 ~~department or agency~~ may not shall expend or authorize an  
3549 expenditure greater than ~~therefor in excess of~~ the amount  
3550 provided for to the ~~department or~~ agency by appropriation in any  
3551 fiscal year.

3552 (4) Persons working with state agencies pursuant to this  
3553 part are shall be considered ~~as~~ unpaid independent volunteers  
3554 and are shall not be entitled to unemployment compensation.

3555 Section 85. Section 110.503, Florida Statutes, is  
3556 transferred, renumbered as section 112.963, Florida Statutes,  
3557 and amended to read:

3558 112.963 110.503 Responsibilities of state departments ~~and~~  
3559 agencies.—Each state department ~~or agency~~ using ~~utilizing~~ the  
3560 services of volunteers shall take such actions as are:

3561 (1) ~~Take such actions as are~~ Necessary and appropriate to  
3562 develop meaningful opportunities for volunteers involved in  
3563 state-administered programs.

3564 (2) Necessary to ensure that volunteers are provided with  
3565 the state agency's policies and procedures applicable to their  
3566 volunteer activities. ~~Comply with the uniform rules adopted by~~  
3567 ~~the Department of Management Services governing the recruitment,~~

585-03566-10

20102268c1

3568 ~~screening, training, responsibility, use, and supervision of~~  
3569 ~~volunteers.~~

3570 (3) ~~Take such actions as are~~ Necessary to ensure that  
3571 volunteers understand their duties and responsibilities.

3572 (4) Necessary to ensure that a state employee whose primary  
3573 employment consists of duties and responsibilities similar to  
3574 those associated with volunteer activities is not considered for  
3575 volunteer work if such work would require payment for overtime  
3576 in accordance with the Fair Labor Standards Act.

3577 ~~(4) Take such actions as are necessary and appropriate to~~  
3578 ~~ensure a receptive climate for citizen volunteers.~~

3579 ~~(5) Provide for the recognition of volunteers who have~~  
3580 ~~offered continuous and outstanding service to state-administered~~  
3581 ~~programs. Each department or agency using the services of~~  
3582 ~~volunteers is authorized to incur expenditures not to exceed~~  
3583 ~~\$100 each plus applicable taxes for suitable framed~~  
3584 ~~certificates, plaques, or other tokens of recognition to honor,~~  
3585 ~~reward, or encourage volunteers for their service.~~

3586 ~~(6) Recognize prior volunteer service as partial~~  
3587 ~~fulfillment of state employment requirements for training and~~  
3588 ~~experience pursuant to rules adopted by the Department of~~  
3589 ~~Management Services.~~

3590 Section 86. Section 110.504, Florida Statutes, is  
3591 transferred, renumbered as section 112.964, Florida Statutes,  
3592 and amended to read:

3593 112.964 ~~110.504~~ Volunteer benefits.—

3594 (1) Meals may be furnished without charge to ~~regular-~~  
3595 ~~service~~ volunteers serving state agencies if departments,  
3596 ~~provided~~ the scheduled assignment extends over an established

585-03566-10

20102268c1

3597 meal period, ~~and to occasional service volunteers at the~~  
3598 ~~discretion of the department head.~~ An agency may not ~~No~~  
3599 ~~department shall~~ expend or authorize any expenditure greater  
3600 than in excess of the amount provided for by appropriation in  
3601 any fiscal year.

3602 (2) Lodging, if available, may be furnished temporarily, in  
3603 case of an agency ~~a department~~ emergency, at no charge to  
3604 ~~regular-service~~ volunteers.

3605 (3) Transportation reimbursement may be furnished to those  
3606 volunteers whose presence is determined to be necessary to the  
3607 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in  
3608 the performance of agency-related ~~department-related~~ duties. An  
3609 agency may not ~~No department shall~~ expend or authorize an  
3610 expenditure greater than ~~in excess of~~ the amount appropriated in  
3611 any fiscal year.

3612 (4) Volunteers are ~~shall be~~ covered by state liability  
3613 protection in accordance with the definition of a volunteer and  
3614 ~~the provisions of~~ s. 768.28.

3615 (5) Volunteers shall be covered by workers' compensation in  
3616 accordance with chapter 440.

3617 (6) Incidental recognition benefits or incidental  
3618 nonmonetary awards may be furnished to volunteers serving in  
3619 state agencies ~~departments~~ to award, recognize, or encourage  
3620 volunteers for their service. The awards may not cost more than  
3621 ~~in excess of~~ \$100 each plus applicable taxes.

3622 (7) Volunteers, including volunteers receiving a stipend as  
3623 provided by the Domestic Service Volunteer Act of 1973, as  
3624 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.  
3625 768.1355, the Florida Volunteer Protection Act.

585-03566-10

20102268c1

3626 Section 87. Section 112.965, Florida Statutes, is created  
3627 to read:

3628 112.965 Penalties.—

3629 (1) Any person who willfully violates any provision of this  
3630 part or any rules adopted pursuant to this part commits a  
3631 misdemeanor of the second degree, punishable as provided in s.  
3632 775.082 or s. 775.083.

3633 (2) Notwithstanding s. 112.011, any person who is convicted  
3634 of a misdemeanor under this part is ineligible for appointment  
3635 to or employment in a state position for 5 years, or, if an  
3636 employee of the state, must forfeit his or her position.

3637 (3) Imposition of the penalties provided in this section  
3638 may not be in lieu of any action that may be taken or penalties  
3639 that may be imposed pursuant to part III of this chapter.

3640 Section 88. Sections 110.115, 110.118, 110.124, 110.129,  
3641 110.1521, 110.1522, 110.1523, 110.201, 110.2035, 110.21,  
3642 110.406, 110.603, 110.604, and 110.606, Florida Statutes, are  
3643 repealed.

3644 Section 89. Paragraph (b) of subsection (1) of section  
3645 11.13, Florida Statutes, is amended to read:

3646 11.13 Compensation of members.—

3647 (1)

3648 (b) On Effective July 1, 1986, and each July 1 of each year  
3649 thereafter, the annual salaries of members of the Senate and  
3650 House of Representatives shall be adjusted by the average  
3651 percentage increase in the salaries of civil state-career  
3652 service employees for the fiscal year just concluded. The  
3653 Appropriations Committee of each house shall certify to the  
3654 Office of Legislative Services the average percentage increase

585-03566-10

20102268c1

3655 in the salaries of civil ~~state-career~~ service employees before  
3656 July 1 of each year. The Office of Legislative Services shall,  
3657 as of July 1 of each year, determine the adjusted annual  
3658 salaries as provided in this paragraph herein.

3659 Section 90. Paragraph (c) of subsection (1) of section  
3660 20.055, Florida Statutes, is amended to read:

3661 20.055 Agency inspectors general.—

3662 (1) For the purposes of this section:

3663 (c) "Individuals substantially affected" means natural  
3664 persons who have established a real and sufficiently immediate  
3665 injury in fact due to the findings, conclusions, or  
3666 recommendations of a final report of a state agency inspector  
3667 general, who are the subject of the audit or investigation, and  
3668 who do not have or are not currently afforded an existing right  
3669 to an independent review process. The term does not include:

3670 1. Employees of the state, including civil ~~career~~ service,  
3671 probationary, other personal service, selected exempt service,  
3672 and senior management service employees, ~~are not covered by this~~  
3673 ~~definition. This definition also does not cover~~

3674 2. Former employees of the state if the final report of the  
3675 state agency inspector general relates to matters arising during  
3676 a former employee's term of state employment. ~~This definition~~  
3677 ~~does not apply to~~

3678 3. Persons who are the subject of audits or investigations  
3679 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
3680 which are otherwise confidential and exempt under s. 119.07.

3681 Section 91. Subsection (6) of section 20.21, Florida  
3682 Statutes, is amended to read:

3683 20.21 Department of Revenue.—There is created a Department

585-03566-10

20102268c1

3684 of Revenue.

3685 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~  
3686 ~~110.123~~, relating to the state group insurance program, the  
3687 department may pay, or participate in the payment of, premiums  
3688 for health, accident, and life insurance for its full-time out-  
3689 of-state employees, pursuant to such rules as it may adopt,  
3690 which and such payments are shall be in addition to the  
3691 employees' ~~the regular salaries of such full-time out-of-state~~  
3692 ~~employees.~~

3693 Section 92. Paragraph (e) of subsection (1) and subsection  
3694 (6) of section 20.23, Florida Statutes, as amended by chapter  
3695 2009-271, Laws of Florida, are amended to read:

3696 20.23 Department of Transportation.—There is created a  
3697 Department of Transportation which shall be a decentralized  
3698 agency.

3699 (1)

3700 (e) The ~~Any~~ secretary appointed after July 5, 1989, and the  
3701 assistant secretaries are shall be exempt from part IV ~~the~~  
3702 ~~provisions of part III~~ of chapter 110 and shall receive  
3703 compensation commensurate with their qualifications and  
3704 competitive with compensation for comparable responsibility in  
3705 the private sector.

3706 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the  
3707 Department of Management Services may is ~~authorized to~~ exempt  
3708 positions within the Department of Transportation which are  
3709 comparable to positions within the Senior Management Service  
3710 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that  
3711 ~~which~~ are comparable to positions in the Selected Exempt Service  
3712 under s. 110.205(2)(i) ~~110.205(2)(m)~~.



585-03566-10

20102268c1

3713 Section 93. Subsection (2) of section 20.255, Florida  
3714 Statutes, is amended to read:

3715 20.255 Department of Environmental Protection.—There is  
3716 created a Department of Environmental Protection.

3717 (2) (a) There shall be three deputy secretaries who are to  
3718 be appointed by and shall serve at the pleasure of the  
3719 secretary. The secretary may assign any deputy secretary the  
3720 responsibility to supervise, coordinate, and formulate policy  
3721 for any division, office, or district. The following special  
3722 offices are established and headed by managers, each of whom is  
3723 to be appointed by and serve at the pleasure of the secretary:

- 3724 1. Office of Chief of Staff;
- 3725 2. Office of General Counsel;
- 3726 3. Office of Inspector General;
- 3727 4. Office of External Affairs;
- 3728 5. Office of Legislative Affairs;
- 3729 6. Office of Intergovernmental Programs; and
- 3730 7. Office of Greenways and Trails.

3731 (b) There shall be six administrative districts involved in  
3732 regulatory matters of waste management, water resource  
3733 management, wetlands, and air resources, which shall be headed  
3734 by managers, each of whom is to be appointed by and serve at the  
3735 pleasure of the secretary. Divisions of the department may have  
3736 one assistant or two deputy division directors, as required to  
3737 facilitate effective operation.

3738  
3739 The managers of all divisions and offices specifically named in  
3740 this section and the directors of the six administrative  
3741 districts are exempt from part II of chapter 110 and are

585-03566-10

20102268c1

3742 included in the Senior Management Service in accordance with s.  
3743 110.205(2)(g) ~~110.205(2)(j)~~.

3744 Section 94. Paragraph (d) of subsection (19) of section  
3745 24.105, Florida Statutes, is amended to read:

3746 24.105 Powers and duties of department.—The department  
3747 shall:

3748 (19) Employ division directors and other staff as may be  
3749 necessary to carry out the provisions of this act; however:

3750 (d) The department shall establish and maintain a personnel  
3751 program for its employees, including a personnel classification  
3752 and pay plan that ~~which~~ may provide ~~any or all of~~ the benefits  
3753 provided in the Senior Management Service or Selected Exempt  
3754 Service. Each officer or employee of the department is ~~shall be~~  
3755 a member of the Florida Retirement System. The retirement class  
3756 of each officer or employee is ~~shall be~~ the same as other  
3757 persons performing comparable functions for other agencies.  
3758 Employees of the department shall serve at the pleasure of the  
3759 secretary and are ~~shall be~~ subject to suspension, dismissal,  
3760 reduction in pay, demotion, transfer, or other personnel action  
3761 at the discretion of the secretary. Such personnel actions are  
3762 exempt from ~~the provisions of~~ chapter 120. All employees of the  
3763 department are exempt from the Civil Career ~~Service System~~  
3764 provided in chapter 110 and, notwithstanding ~~the provisions of~~  
3765 s. 110.205(3) ~~110.205(5)~~, are not included in ~~either~~ the Senior  
3766 Management Service or the Selected Exempt Service. However, all  
3767 employees of the department are subject to all standards of  
3768 conduct adopted by rule for civil career ~~service~~ and senior  
3769 management employees pursuant to chapter 110. In the event of a  
3770 conflict between standards of conduct applicable to employees of

585-03566-10

20102268c1

3771 the Department of the Lottery, the more restrictive standard  
3772 applies ~~shall apply~~. Interpretations as to the more restrictive  
3773 standard may be provided by the Commission on Ethics upon  
3774 request of an advisory opinion pursuant to s. 112.322(3)(a), and  
3775 for purposes of this subsection, the opinion shall be considered  
3776 final action.

3777 Section 95. Paragraph (d) of subsection (4) of section  
3778 24.122, Florida Statutes, is amended to read:

3779 24.122 Exemption from taxation; state preemption;  
3780 inapplicability of other laws.—

3781 (4) Any state or local law providing any penalty,  
3782 disability, restriction, or prohibition for the possession,  
3783 manufacture, transportation, distribution, advertising, or sale  
3784 of any lottery ticket, including chapter 849, shall not apply to  
3785 the tickets of the state lottery operated pursuant to this act;  
3786 nor shall any such law apply to the possession of a ticket  
3787 issued by any other government-operated lottery. In addition,  
3788 activities of the department under this act are exempt from the  
3789 provisions of:

3790 (d) Section 112.907 ~~110.131~~, relating to other personal  
3791 services.

3792 Section 96. Paragraph (b) of subsection (1) of section  
3793 30.071, Florida Statutes, is amended to read:

3794 30.071 Applicability and scope of act.—

3795 (1) This act applies to all deputy sheriffs, with the  
3796 following exceptions:

3797 (b) Deputy sheriffs in a county that, by special act of the  
3798 Legislature, local charter, ordinance, or otherwise, has  
3799 established a civil ~~or career~~ service system that ~~which~~ grants

585-03566-10

20102268c1

3800 collective bargaining rights for deputy sheriffs, including, but  
3801 not limited to, deputy sheriffs in the following counties:  
3802 Broward, Miami-Dade, Duval, Escambia, and Volusia.

3803 Section 97. Subsection (4) of section 43.16, Florida  
3804 Statutes, is amended to read:

3805 43.16 Justice Administrative Commission; membership, powers  
3806 and duties.—

3807 (4) (a) The Justice Administrative Commission shall employ  
3808 an executive director and fix his or her salary. The executive  
3809 director shall employ any necessary personnel for the efficient  
3810 performance of the commission according to a classification and  
3811 pay plan annually approved by the commission.

3812 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~  
3813 ~~within~~ the commission are exempt from the Civil Career Service  
3814 ~~System provided in chapter 110~~ and, notwithstanding s.  
3815 110.205(3) ~~110.205(5)~~, are not included in the Senior Management  
3816 Service or the Selected Exempt Service. The commission shall  
3817 annually approve a classification plan and salary and benefits  
3818 plan.

3819 (c) Employees in permanent positions must be offered  
3820 benefits comparable to those offered under the Civil Career  
3821 Service ~~System~~.

3822 (d) The commission may offer benefits greater than ~~in~~  
3823 ~~excess of~~ those offered under the Civil Career Service ~~System~~  
3824 only to employees who are appointed to positions designated as  
3825 having managerial or policymaking duties or positions requiring  
3826 membership in The Florida Bar.

3827 (e) By January 15th of each year, the commission shall  
3828 submit to the Executive Office of the Governor, the President of

585-03566-10

20102268c1

3829 the Senate, and the Speaker of the House of Representatives a  
3830 listing of all positions receiving benefits greater than those  
3831 ~~benefits~~ offered under the Civil Career Service System. Any  
3832 change in the positions that are offered greater benefits or any  
3833 change in the level of benefits is subject to the notice and  
3834 objection procedures of s. 216.177.

3835 Section 98. Subsection (4) of section 104.31, Florida  
3836 Statutes, is amended to read:

3837 104.31 Political activities of state, county, and municipal  
3838 officers and employees.—

3839 (4) Nothing contained in this section or in any county or  
3840 municipal charter shall be deemed to prohibit any public  
3841 employee from expressing his or her opinions on any candidate or  
3842 issue or from participating in any political campaign during the  
3843 employee's off-duty hours, so long as such activities are not in  
3844 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075  
3845 ~~110.233~~.

3846 Section 99. Subsection (4) of section 106.24, Florida  
3847 Statutes, is amended to read:

3848 106.24 Florida Elections Commission; membership; powers;  
3849 duties.—

3850 (4) The commission shall appoint an executive director, who  
3851 shall serve under the direction, supervision, and control of the  
3852 commission. The executive director, with the consent of the  
3853 commission, shall employ such staff as are necessary to  
3854 adequately perform the functions of the commission, within  
3855 budgetary limitations. All employees, except the executive  
3856 director and attorneys, are subject to part II of chapter 110.  
3857 The executive director shall serve at the pleasure of the

585-03566-10

20102268c1

3858 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,  
3859 except that the commission shall have complete authority for  
3860 setting the executive director's salary. Attorneys employed by  
3861 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter  
3862 110.

3863 Section 100. Subsection (4) of section 112.044, Florida  
3864 Statutes, is amended to read:

3865 112.044 Public employers, employment agencies, labor  
3866 organizations; discrimination based on age prohibited;  
3867 exceptions; remedy.—

3868 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the  
3869 state ~~who is~~ within the Civil Career Service System established  
3870 by chapter 110 and who is aggrieved by a violation of this act  
3871 may appeal to the Public Employees Relations Commission under  
3872 the conditions and following the procedures prescribed in part  
3873 II of chapter 447. Any person other than an employee ~~who is~~  
3874 within the Civil Career Service System ~~established by chapter~~  
3875 ~~110~~, or any person employed by the Public Employees Relations  
3876 Commission, who is aggrieved by a violation of this act may  
3877 bring a civil action ~~in any court of competent jurisdiction~~ for  
3878 such legal or equitable relief as will effectuate the purposes  
3879 of this act.

3880 Section 101. Section 112.0805, Florida Statutes, is amended  
3881 to read:

3882 112.0805 Employer notice of insurance eligibility to  
3883 employees who retire.—An ~~Any~~ employer who provides insurance  
3884 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify  
3885 those employees who retire of their eligibility to participate  
3886 in ~~either~~ the same group insurance plan or self-insurance plan

585-03566-10

20102268c1

3887 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the  
3888 insurance coverage ~~as~~ provided by this law.

3889 Section 102. Paragraph (a) of subsection (9) of section  
3890 112.313, Florida Statutes, is amended to read:

3891 112.313 Standards of conduct for public officers, employees  
3892 of agencies, and local government attorneys.—

3893 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
3894 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

3895 (a)1. It is the intent of the Legislature to implement by  
3896 statute the provisions of s. 8(e), Art. II of the State  
3897 Constitution relating to legislators, statewide elected  
3898 officers, appointed state officers, and designated public  
3899 employees.

3900 2. As used in this paragraph:

3901 a. "Employee" means:

3902 (I) Any person employed in the executive or legislative  
3903 branch of government holding a position in the Senior Management  
3904 Service as defined in s. 110.402 or any person holding a  
3905 position in the Selected Exempt Service as defined in s.  
3906 110.3021 ~~110.602~~ or any person having authority over policy or  
3907 procurement employed by the Department of the Lottery.

3908 (II) The Auditor General, the director of the Office of  
3909 Program Policy Analysis and Government Accountability, the  
3910 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
3911 at Arms and Clerk of the House of Representatives.

3912 (III) The executive director of the Legislative Committee  
3913 on Intergovernmental Relations and the executive director and  
3914 deputy executive director of the Commission on Ethics.

3915 (IV) An executive director, staff director, or deputy staff

585-03566-10

20102268c1

3916 director of each joint committee, standing committee, or select  
 3917 committee of the Legislature; an executive director, staff  
 3918 director, executive assistant, analyst, or attorney of the  
 3919 Office of the President of the Senate, the Office of the Speaker  
 3920 of the House of Representatives, the Senate Majority Party  
 3921 Office, Senate Minority Party Office, House Majority Party  
 3922 Office, or House Minority Party Office; or any person, hired on  
 3923 a contractual basis, having the power normally conferred upon  
 3924 such persons, by whatever title.

3925 (V) The Chancellor and Vice Chancellors of the State  
 3926 University System; the general counsel to the Board of Governors  
 3927 of the State University System; and the president, provost, vice  
 3928 presidents, and deans of each state university.

3929 (VI) Any person, including an other-personal-services  
 3930 employee, having the power normally conferred upon the positions  
 3931 referenced in this sub-subparagraph.

3932 b. "Appointed state officer" means any member of an  
 3933 appointive board, commission, committee, council, or authority  
 3934 of the executive or legislative branch of state government whose  
 3935 powers, jurisdiction, and authority are not solely advisory and  
 3936 include the final determination or adjudication of any personal  
 3937 or property rights, duties, or obligations, other than those  
 3938 relative to its internal operations.

3939 c. "State agency" means an entity of the legislative,  
 3940 executive, or judicial branch of state government over which the  
 3941 Legislature exercises plenary budgetary and statutory control.

3942 3. A ~~No~~ member of the Legislature, appointed state officer,  
 3943 or statewide elected officer may not ~~shall~~ personally represent  
 3944 another person or entity for compensation before the government



585-03566-10

20102268c1

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

3951 4. An agency employee, including an agency employee who was  
3952 employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~  
3953 position that was transferred to the Selected Exempt Service  
3954 ~~System~~ under chapter 2001-43, Laws of Florida, may not  
3955 personally represent another person or entity for compensation  
3956 before the agency with which he or she was employed for ~~a period~~  
3957 ~~of~~ 2 years following vacation of position, unless employed by  
3958 another agency of state government.

3959 5. Any person violating this paragraph is ~~shall be~~ subject  
3960 to the penalties provided in s. 112.317 and a civil penalty ~~of~~  
3961 ~~an amount~~ equal to the compensation that ~~which~~ the person  
3962 receives for the prohibited conduct.

3963 6. This paragraph is not applicable to:

3964 a. A person employed by the Legislature or other agency  
3965 before ~~prior to~~ July 1, 1989;

3966 b. A person who was employed by the Legislature or other  
3967 agency on July 1, 1989, whether or not the person was a defined  
3968 employee on July 1, 1989;

3969 c. A person who was a defined employee of the State  
3970 University System or the Public Service Commission who held such  
3971 employment on December 31, 1994;

3972 d. A person who has reached normal retirement age as  
3973 defined in s. 121.021(29), and who has retired under the

585-03566-10

20102268c1

3974 provisions of chapter 121 by July 1, 1991; or

3975 e. Any appointed state officer whose term of office began  
3976 before January 1, 1995, unless reappointed to that office on or  
3977 after January 1, 1995.

3978 Section 103. Paragraph (b) of subsection (1) of section  
3979 112.3145, Florida Statutes, is amended to read:

3980 112.3145 Disclosure of financial interests and clients  
3981 represented before agencies.—

3982 (1) For purposes of this section, unless the context  
3983 otherwise requires, the term:

3984 (b) "Specified state employee" means:

3985 1. Public counsel created by chapter 350, an assistant  
3986 state attorney, an assistant public defender, a full-time state  
3987 employee who serves as counsel or assistant counsel to any state  
3988 agency, the Deputy Chief Judge of Compensation Claims, a judge  
3989 of compensation claims, an administrative law judge, or a  
3990 hearing officer.

3991 2. Any person employed in the office of the Governor or in  
3992 the office of any member of the Cabinet if that person is exempt  
3993 from the Civil Career Service System, except persons employed in  
3994 clerical, secretarial, or similar positions.

3995 3. The State Surgeon General or each appointed secretary,  
3996 assistant secretary, deputy secretary, executive director,  
3997 assistant executive director, or deputy executive director of  
3998 each state department, commission, board, or council; unless  
3999 otherwise provided, the division director, assistant division  
4000 director, deputy director, bureau chief, and assistant bureau  
4001 chief of any state department or division; or any person having  
4002 the power normally conferred upon such persons, by whatever

585-03566-10

20102268c1

4003 title.

4004 4. The superintendent or institute director of a state  
4005 mental health institute established for training and research in  
4006 the mental health field or the warden or director of any major  
4007 state institution or facility established for corrections,  
4008 training, treatment, or rehabilitation.

4009 5. Business managers, purchasing agents having the power to  
4010 make any purchase exceeding the threshold amount provided for in  
4011 s. 287.017 for CATEGORY ONE, finance and accounting directors,  
4012 personnel officers, or grants coordinators for any state agency.

4013 6. Any person, other than a legislative assistant exempted  
4014 by the presiding officer of the house that employs ~~by which~~ the  
4015 legislative assistant ~~is employed~~, who is employed in the  
4016 legislative branch of government, except persons employed in  
4017 maintenance, clerical, secretarial, or similar positions.

4018 7. Each employee of the Commission on Ethics.

4019 Section 104. Paragraph (a) of subsection (2) of section  
4020 112.363, Florida Statutes, is amended to read:

4021 112.363 Retiree health insurance subsidy.—

4022 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4023 (a) A person who is retired under a state-administered  
4024 retirement system, or a beneficiary who is a spouse or financial  
4025 dependent entitled to receive benefits under a state-  
4026 administered retirement system, is eligible for health insurance  
4027 subsidy payments ~~provided~~ under this section; except that  
4028 pension recipients under ss. 121.40, 238.07(18)(a), and 250.22,  
4029 recipients of health insurance coverage under s. 112.945  
4030 ~~110.1232~~, or any other special pension or relief act are ~~shall~~  
4031 not ~~be~~ eligible for such payments.

585-03566-10

20102268c1

4032 Section 105. Subsections (11) and (38) of section 121.021,  
4033 Florida Statutes, are amended to read:

4034 121.021 Definitions.—The following words and phrases as  
4035 used in this chapter have the respective meanings set forth  
4036 unless a different meaning is plainly required by the context:

4037 (11) "Officer or employee" means any person receiving  
4038 salary payments for work performed in a regularly established  
4039 position and, if employed by a municipality, a metropolitan  
4040 planning organization, or a special district, employed in a  
4041 covered group. The term does not apply to state employees  
4042 covered by a leasing agreement under s. 112.919 ~~110.191~~, other  
4043 public employees covered by a leasing agreement, or a coemployer  
4044 relationship.

4045 (38) "Continuous service" means creditable service as a  
4046 member, beginning with the first day of employment with an  
4047 employer covered under a state-administered retirement system  
4048 consolidated herein and continuing for as long as the member  
4049 remains in an employer-employee relationship with the an  
4050 employer ~~covered under this chapter~~. An absence of 1 calendar  
4051 month or more from an employer's payroll is ~~shall be~~ considered  
4052 a break in continuous service, except for periods of absence  
4053 during which an employer-employee relationship continues to  
4054 exist and such period of absence is creditable under this  
4055 chapter or under one of the existing systems consolidated  
4056 herein. However, a law enforcement officer as defined in s.  
4057 121.0515(2)(a) who was a member of a state-administered  
4058 retirement system under chapter 122 or chapter 321 and who  
4059 resigned and was subsequently reemployed in a law enforcement  
4060 position within 12 calendar months of such resignation by an

585-03566-10

20102268c1

4061 employer under a ~~such~~ state-administered retirement system is  
4062 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.  
4063 Further, with respect to a state-employed law enforcement  
4064 officer who meets the criteria specified in s. 121.0515(2) (a),  
4065 if the absence from the employer's payroll is the result of a  
4066 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to  
4067 run for an elected office that meets the criteria specified in  
4068 s. 121.0515(2) (a), no break in continuous service shall be  
4069 deemed to have occurred if the member is reemployed as a state  
4070 law enforcement officer or is elected to an office that ~~which~~  
4071 meets the criteria specified in s. 121.0515(2) (a) within 12  
4072 calendar months after the date of the layoff or resignation,  
4073 notwithstanding the fact that such period of layoff or  
4074 resignation is not creditable service under this chapter. A  
4075 withdrawal of contributions constitutes ~~will constitute~~ a break  
4076 in service. Continuous service also includes past service  
4077 purchased under this chapter if, ~~provided~~ such service is  
4078 continuous ~~within this definition~~ and the rules established by  
4079 the administrator. The administrator may establish  
4080 administrative rules and procedures for applying this definition  
4081 to creditable service authorized under this chapter. Any  
4082 correctional officer, as defined in s. 943.10, whose  
4083 participation in the state-administered retirement system is  
4084 terminated due to the transfer of a county detention facility  
4085 through a contractual agreement with a private entity pursuant  
4086 to s. 951.062, is ~~shall be~~ deemed an employee with continuous  
4087 service in the Special Risk Class if, ~~provided~~ return to  
4088 employment with the former employer takes place within 3 years  
4089 due to contract termination or the officer is employed by a

585-03566-10

20102268c1

4090 covered employer in a special risk position within 1 year after  
4091 his or her initial termination of employment by such transfer of  
4092 its detention facilities to the private entity.

4093 Section 106. Paragraph (f) of subsection (2) of section  
4094 121.051, Florida Statutes, is amended to read:

4095 121.051 Participation in the system.—

4096 (2) OPTIONAL PARTICIPATION.—

4097 (f)1. If an employer that participates in the Florida  
4098 Retirement System undertakes the transfer, merger, or  
4099 consolidation of governmental services or assumes the functions  
4100 and activities of an employing governmental entity that was not  
4101 an employer under the system, the employer must notify the  
4102 department at least 60 days before such action and provide  
4103 documentation as required by the department. Such ~~The~~ transfer,  
4104 merger, or consolidation ~~of governmental services or assumption~~  
4105 ~~of governmental functions and activities~~ must occur between  
4106 public employers. The current or former employer may pay the  
4107 employees' past service cost, unless prohibited under this  
4108 chapter. This subparagraph does not apply to the transfer,  
4109 merger, or consolidation of governmental services or assumption  
4110 of functions and activities of a public entity under a leasing  
4111 agreement having a coemployer relationship. Employers and  
4112 employees of a public governmental employer whose service is  
4113 covered by a leasing agreement under s. 112.919 ~~110.191~~, any  
4114 other leasing agreement, or a coemployer relationship may not  
4115 ~~are not eligible to~~ participate in the Florida Retirement  
4116 System.

4117 2. If the agency to which a member's employing unit is  
4118 transferred, merged, or consolidated does not participate in the

585-03566-10

20102268c1

4119 Florida Retirement System, a member may elect in writing to  
4120 remain in the ~~Florida Retirement~~ system or to transfer to the  
4121 local retirement system operated by the agency. If the agency  
4122 does not participate in a local retirement system, the member  
4123 shall continue membership in the Florida Retirement System. In  
4124 either case, membership continues for as long as the member is  
4125 employed by the agency to which his or her unit was transferred,  
4126 merged, or consolidated.

4127 Section 107. Paragraph (a) of subsection (1) of section  
4128 121.055, Florida Statutes, is amended to read:

4129 121.055 Senior Management Service Class.—There is hereby  
4130 established a separate class of membership within the Florida  
4131 Retirement System to be known as the "Senior Management Service  
4132 Class.7" ~~which shall become effective February 1, 1987.~~

4133 (1) (a) Participation in the Senior Management Service Class  
4134 is shall be limited to and compulsory for any member of the  
4135 Florida Retirement System who holds a position in the Senior  
4136 Management Service ~~of the State of Florida~~, established under ~~by~~  
4137 part IV ~~III~~ of chapter 110, unless such member elects, within  
4138 the time specified herein, to participate in the Senior  
4139 Management Service Optional Annuity Program as established in  
4140 subsection (6).

4141 Section 108. Paragraph (a) of subsection (2) of section  
4142 121.35, Florida Statutes, is amended to read:

4143 121.35 Optional retirement program for the State University  
4144 System.—

4145 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4146 (a) Participation in the optional retirement program is  
4147 ~~provided by this section shall be~~ limited to persons who are

585-03566-10

20102268c1

4148 otherwise eligible for membership or renewed membership in the  
4149 Florida Retirement System and who are employed in one of the  
4150 following State University System positions:

4151 1. Positions classified as instructional and research  
4152 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~  
4153 ~~provisions of~~ s. 110.205(2) (d).

4154 2. Positions classified as administrative and professional  
4155 which are exempt from the Civil ~~career~~ Service under ~~the~~  
4156 ~~provisions of~~ s. 110.205(2) (d).

4157 3. The Chancellor and the university presidents.

4158 Section 109. Section 145.19, Florida Statutes, is amended  
4159 to read:

4160 145.19 Annual percentage increases based on increase for  
4161 civil ~~state-career~~ service employees; limitation.—

4162 (1) As used in this section, the term:

4163 (a) "Annual factor" means 1 plus the lesser of:

4164 1. The average percentage increase in the salaries of civil  
4165 ~~state-career~~ service employees for the current fiscal year as  
4166 determined by the Department of Management Services or as  
4167 provided in the General Appropriations Act; or

4168 2. Seven percent.

4169 (b) "Cumulative annual factor" means the product of all  
4170 annual factors certified under this act before ~~prior to~~ the  
4171 fiscal year for which salaries are being calculated.

4172 (c) "Initial factor" means a factor of 1.292, which is a  
4173 product, rounded to the nearest thousandth, of an earlier cost-  
4174 of-living increase factor authorized by chapter 73-173, Laws of  
4175 Florida, and intended by the Legislature to be preserved in  
4176 adjustments to salaries made before the ~~prior to~~ enactment of



585-03566-10

20102268c1

4177 chapter 76-80, Laws of Florida, multiplied by the annual  
4178 increase factor authorized by chapter 79-327, Laws of Florida.

4179 (2) Each fiscal year, the salaries of all officials listed  
4180 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.  
4181 The adjusted salary rate is ~~shall be~~ the product, rounded to the  
4182 nearest dollar, of the salary rate granted by the appropriate  
4183 section of this chapter, s. 1001.395, or s. 1001.47 multiplied  
4184 first by the initial factor, then by the cumulative annual  
4185 factor, and finally by the annual factor. The Department of  
4186 Management Services shall certify the annual factor and the  
4187 cumulative annual factors. Any special qualification salary  
4188 received under this chapter, s. 1001.47, or the annual  
4189 performance salary incentive available to elected  
4190 superintendents under s. 1001.47 shall be added to the such  
4191 adjusted salary rate. The special qualification salary is ~~shall~~  
4192 be \$2,000, ~~but shall not exceed \$2,000.~~

4193 Section 110. Subsection (2) of section 216.011, Florida  
4194 Statutes, is amended to read:

4195 216.011 Definitions.—

4196 (2) For purposes of this chapter, terms related to the  
4197 State Personnel System are ~~personnel affairs of the state shall~~  
4198 ~~be~~ defined as set forth in s. 110.1054 ~~110.107.~~

4199 Section 111. Paragraph (b) of subsection (10) of section  
4200 216.181, Florida Statutes, is amended to read:

4201 216.181 Approved budgets for operations and fixed capital  
4202 outlay.—

4203 (10)

4204 (b) Lump-sum salary bonuses may be provided only if  
4205 specifically appropriated or provided pursuant to ~~s. 110.1245 or~~

585-03566-10

20102268c1

4206 s. 216.1815.

4207 Section 112. Section 287.175, Florida Statutes, is amended  
4208 to read:

4209 287.175 Penalties.—A violation of this part or a rule  
4210 adopted hereunder, pursuant to applicable constitutional and  
4211 statutory procedures, constitutes misuse of public position as  
4212 defined in s. 112.313(6), and is punishable as provided in s.  
4213 112.317. The Chief Financial Officer shall report incidents of  
4214 suspected misuse to the Commission on Ethics, and the commission  
4215 shall investigate possible violations of this part or rules  
4216 adopted hereunder when reported by the Chief Financial Officer,  
4217 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of  
4218 this part or a rule is adopted hereunder shall be presumed to  
4219 have been committed with wrongful intent, but such presumption  
4220 is rebuttable. ~~Nothing in~~ This section is not intended to deny  
4221 rights provided to civil career service employees by s. 110.227.

4222 Section 113. Paragraph (a) of subsection (4) of section  
4223 295.07, Florida Statutes, is amended to read:

4224 295.07 Preference in appointment and retention.—

4225 (4) The following positions are exempt from this section:

4226 (a) Those positions that are exempt from the Civil state  
4227 ~~Career Service System~~ under s. 110.205 ~~.(2)~~; However, all  
4228 positions under the University Support Personnel System of the  
4229 State University System as well as all civil Career service  
4230 ~~System~~ positions under the Florida Community College System and  
4231 the School for the Deaf and the Blind, or the equivalent of such  
4232 positions at state universities, community colleges, or the  
4233 School for the Deaf and the Blind, are included.

4234 Section 114. Paragraph (a) of subsection (1) of section

585-03566-10

20102268c1

4235 295.09, Florida Statutes, is amended to read:

4236 295.09 Reinstatement or reemployment; promotion  
4237 preference.-

4238 (1) (a) If ~~When~~ an employee of the state or any of its  
4239 political subdivisions employed in a position subject or not  
4240 subject to a civil ~~career~~ service ~~system~~ or other merit-type  
4241 system, with the exception of those positions that ~~which~~ are  
4242 exempt pursuant to s. 295.07(4), has served in the Armed Forces  
4243 of the United States and is discharged or separated ~~therefrom~~  
4244 with an honorable discharge, the state or its political  
4245 subdivision shall reemploy or reinstate such person to the same  
4246 position that he or she held before ~~prior to~~ such service in the  
4247 armed forces, or to an equivalent position, if ~~provided~~ such  
4248 person returns to the position within 1 year of his or her date  
4249 of separation or, in cases of extended active duty, within 1  
4250 year of the date of discharge or separation subsequent to the  
4251 extension. Such person shall also be awarded preference in  
4252 promotion and shall be promoted ahead of all others who are as  
4253 well qualified or less qualified for the position. If ~~When~~ an  
4254 examination for promotion is used ~~utilized~~, such person shall be  
4255 awarded preference points, as provided in s. 295.08, and shall  
4256 be promoted ahead of all those who appear in an equal or lesser  
4257 position on the promotional register, provided he or she first  
4258 successfully passes the examination for the promotional  
4259 position.

4260 Section 115. Subsection (3) of section 296.04, Florida  
4261 Statutes, is amended to read:

4262 296.04 Administrator; duties and qualifications;  
4263 responsibilities.-

585-03566-10

20102268c1

4264 (3) The administrator position shall be assigned to the  
4265 Selected Exempt Service under part III ~~∅~~ of chapter 110. The  
4266 director shall give veterans' preference in selecting an  
4267 administrator, as provided in ss. 295.07 and 295.085. In  
4268 addition, the administrator must have at least a 4-year degree  
4269 from an accredited university or college and 3 years of  
4270 administrative experience in a health care facility, or any  
4271 equivalent combination of experience, training, and education  
4272 totaling 7 years in work relating to administration of a health  
4273 care facility.

4274 Section 116. Subsection (2) of section 296.34, Florida  
4275 Statutes, is amended to read:

4276 296.34 Administrator; qualifications, duties, and  
4277 responsibilities.—

4278 (2) The position shall be assigned to the Selected Exempt  
4279 Service under part III ~~∅~~ of chapter 110. The director shall give  
4280 veterans preference in selecting an administrator, as provided  
4281 in ss. 295.07 and 295.085. The administrator, at the time of  
4282 entering employment and at all times while employed as the  
4283 administrator must hold a current valid license as a nursing  
4284 home administrator under part II of chapter 468.

4285 Section 117. Subsection (2) of section 381.00315, Florida  
4286 Statutes, is amended to read:

4287 381.00315 Public health advisories; public health  
4288 emergencies.—The State Health Officer is responsible for  
4289 declaring public health emergencies and issuing public health  
4290 advisories.

4291 (2) Individuals who assist the State Health Officer at his  
4292 or her request on a volunteer basis during a public health

585-03566-10

20102268c1

4293 emergency are entitled to the benefits specified in s.  
4294 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4295 Section 118. Paragraph (e) of subsection (3) of section  
4296 381.85, Florida Statutes, is amended to read:

4297 381.85 Biomedical and social research.—

4298 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4299 (e) The council shall be staffed by an executive director  
4300 and a secretary who shall be appointed by the council and who  
4301 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter  
4302 110 relating to the Civil Career Service System.

4303 Section 119. Paragraph (a) of subsection (3) of section  
4304 394.47865, Florida Statutes, is amended to read:

4305 394.47865 South Florida State Hospital; privatization.—

4306 (3) (a) Current South Florida State Hospital employees who  
4307 are affected by the privatization shall be given first  
4308 preference for continued employment by the contractor. The  
4309 department shall make reasonable efforts to find suitable job  
4310 placements for employees who wish to remain within the state  
4311 Civil Career Service System.

4312 Section 120. Section 402.3057, Florida Statutes, is amended  
4313 to read:

4314 402.3057 Persons not required to be refingerprinted or  
4315 rescreened.—Notwithstanding any other provision of law ~~to the~~  
4316 ~~contrary notwithstanding~~, human resource personnel who have been  
4317 fingerprinted or screened pursuant to chapters 393, 394, 397,  
4318 402, and 409, and teachers and noninstructional personnel who  
4319 have been fingerprinted pursuant to chapter 1012, who have not  
4320 been unemployed for more than 90 days thereafter, and who under  
4321 the penalty of perjury attest to the completion of such

585-03566-10

20102268c1

4322 fingerprinting or screening and to compliance with the  
4323 provisions of this section and the standards for good moral  
4324 character as contained in ~~such provisions as~~ ss. 110.1127(3),  
4325 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(6),  
4326 are shall not be required to be refingerprinted or rescreened in  
4327 order to comply with any caretaker screening or fingerprinting  
4328 requirements.

4329 Section 121. Paragraph (a) of subsection (2) of section  
4330 402.55, Florida Statutes, is amended to read:

4331 402.55 Management fellows program.—

4332 (2) The departments are authorized to establish a  
4333 management fellows program in order to provide highly qualified  
4334 career candidates for key administrative and managerial  
4335 positions in the departments. Such program shall include, but is  
4336 not limited to:

4337 (a) The identification annually by the secretaries, the  
4338 assistant secretaries, and the district administrator in each  
4339 district of one high-potential civil ~~career~~ service employee  
4340 each, to be designated and appointed to serve as a full-time  
4341 health and rehabilitative services management fellow for a  
4342 ~~period of~~ 1 year.

4343 Section 122. Subsection (4) of section 402.7305, Florida  
4344 Statutes, is amended to read:

4345 402.7305 Department of Children and Family Services;  
4346 procurement of contractual services; contract management.—

4347 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The  
4348 department shall establish contract monitoring units staffed by  
4349 civil ~~career~~ service employees who report to a member of the  
4350 Selected Exempt Service or Senior Management Service and who

585-03566-10

20102268c1

4351 have been properly trained to perform contract monitoring, with  
4352 at least one member of the contract monitoring unit possessing  
4353 specific knowledge and experience in the contract's program  
4354 area. The department shall establish a contract monitoring  
4355 process that includes ~~must include~~, but need not be limited to,  
4356 the following requirements:

4357 (a) Performing a risk assessment at the start of each  
4358 fiscal year and preparing an annual contract monitoring schedule  
4359 that includes consideration for the level of risk assigned. The  
4360 department may monitor any contract at any time regardless of  
4361 whether such monitoring was originally included in the annual  
4362 contract monitoring schedule.

4363 (b) Preparing a contract monitoring plan, including  
4364 sampling procedures, before performing onsite monitoring at  
4365 external locations of a service provider. The plan must include  
4366 a description of the programmatic, fiscal, and administrative  
4367 components that will be monitored on site. If appropriate,  
4368 clinical and therapeutic components may be included.

4369 (c) Conducting analyses of the performance and compliance  
4370 of an external service provider by means of desk reviews if the  
4371 external service provider will not be monitored on site during a  
4372 fiscal year.

4373 (d) Unless the department sets forth in writing the need  
4374 for an extension, providing a written report presenting the  
4375 results of the monitoring within 30 days after the completion of  
4376 the onsite monitoring or desk review.

4377 (e) Developing and maintaining a set of procedures  
4378 describing the contract monitoring process.

4379 Section 123. Subsection (2) of section 402.731, Florida

585-03566-10

20102268c1

4380 Statutes, is amended to read:

4381 402.731 Department of Children and Family Services  
4382 certification programs for employees and service providers;  
4383 employment provisions for transition to community-based care.—

4384 (2) The department shall develop and implement employment  
4385 programs to attract and retain competent staff to support and  
4386 facilitate the transition to privatized community-based care.  
4387 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,  
4388 salary incentives, relocation allowances, or severance pay. The  
4389 department shall also contract for the delivery or  
4390 administration of outplacement services. The department shall  
4391 establish time-limited exempt positions as provided in s.  
4392 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority  
4393 provided in s. 216.262(1)(c)1. Employees appointed to fill such  
4394 exempt positions shall have the same salaries and benefits as  
4395 civil ~~career~~ service employees.

4396 Section 124. Section 409.1757, Florida Statutes, is amended  
4397 to read:

4398 409.1757 Persons not required to be refingerprinted or  
4399 rescreened.—Notwithstanding any other provision of law to the  
4400 ~~contrary notwithstanding~~, human resource personnel who have been  
4401 fingerprinted or screened pursuant to chapters 393, 394, 397,  
4402 402, and this chapter, and teachers who have been fingerprinted  
4403 pursuant to chapter 1012, who have not been unemployed for more  
4404 than 90 days thereafter, and who under the penalty of perjury  
4405 attest to the completion of such fingerprinting or screening and  
4406 to compliance with ~~the provisions of~~ this section and the  
4407 standards for good moral character as contained in such  
4408 provisions as ss. 110.1127~~(3)~~, 393.0655(1), 394.457(6), 397.451,



585-03566-10

20102268c1

4409 402.305(2), and 409.175(6), are ~~shall~~ not ~~be~~ required to be  
4410 refingerprinted or rescreened in order to comply with any  
4411 caretaker screening or fingerprinting requirements.

4412 Section 125. Subsection (1) of section 409.9205, Florida  
4413 Statutes, is amended to read:

4414 409.9205 Medicaid Fraud Control Unit.—

4415 (1) Except as provided in s. 110.205, all positions in the  
4416 Medicaid Fraud Control Unit of the Department of Legal Affairs  
4417 are ~~hereby~~ transferred to the Civil Career Service System.

4418 Section 126. Section 414.37, Florida Statutes, is amended  
4419 to read:

4420 414.37 Public assistance overpayment recovery  
4421 privatization; reemployment of laid-off ~~career-service~~  
4422 employees.—Should civil ~~career~~ service employees of the  
4423 Department of Children and Family Services be subject to layoff  
4424 after July 1, 1995, due to the privatization of public  
4425 assistance overpayment recovery functions, the privatization  
4426 contract must ~~shall~~ require the contracting firm to give  
4427 priority consideration to employment of such employees. In  
4428 addition, a task force composed of representatives from the  
4429 Department of Children and Family Services and the Department of  
4430 Management Services shall be established to provide reemployment  
4431 assistance to such employees.

4432 Section 127. Subsection (7) of section 427.012, Florida  
4433 Statutes, is amended to read:

4434 427.012 The Commission for the Transportation  
4435 Disadvantaged.—There is created the Commission for the  
4436 Transportation Disadvantaged in the Department of  
4437 Transportation.

585-03566-10

20102268c1

4438 (7) The commission shall appoint an executive director who  
4439 shall serve under the direction, supervision, and control of the  
4440 commission. The executive director, with the consent of the  
4441 commission, shall employ such personnel as ~~may be~~ necessary to  
4442 perform adequately the functions of the commission within  
4443 budgetary limitations. Employees of the commission are exempt  
4444 from the Civil Career Service System.

4445 Section 128. Subsection (2) of section 447.203, Florida  
4446 Statutes, is amended to read:

4447 447.203 Definitions.—As used in this part:

4448 (2) "Public employer" or "employer" means the state or any  
4449 county, municipality, or special district, or any subdivision or  
4450 agency thereof, which the commission determines has sufficient  
4451 legal distinctiveness ~~properly~~ to properly carry out the  
4452 functions of a public employer. With respect to all public  
4453 employees determined by the commission as properly belonging to  
4454 a statewide bargaining unit composed of state civil Career  
4455 service System employees or selected exempt Professional service  
4456 employees, the Governor is ~~shall be deemed to be~~ the public  
4457 employer; and the Board of Governors of the State University  
4458 System, or the board's designee, is ~~shall be deemed to be~~ the  
4459 public employer with respect to all public employees of each  
4460 constituent state university. The board of trustees of a  
4461 community college is ~~shall be deemed to be~~ the public employer  
4462 with respect to all employees of the community college. The  
4463 district school board is ~~shall be deemed to be~~ the public  
4464 employer with respect to all employees of the school district.  
4465 The Board of Trustees of the Florida School for the Deaf and the  
4466 Blind is ~~shall be deemed to be~~ the public employer with respect

585-03566-10

20102268c1

4467 to the academic and academic administrative personnel of the  
4468 Florida School for the Deaf and the Blind. The Governor is ~~shall~~  
4469 ~~be deemed to be~~ the public employer with respect to all  
4470 employees in the Correctional Education Program of the  
4471 Department of Corrections established pursuant to s. 944.801.

4472 Section 129. Subsection (8) and paragraph (a) of subsection  
4473 (9) of section 447.207, Florida Statutes, are amended to read:

4474 447.207 Commission; powers and duties.—

4475 (8) The commission or its designated agent shall hear  
4476 appeals arising out of any suspension, reduction in pay,  
4477 demotion, or dismissal of any permanent employee in the Civil  
4478 ~~State Career Service System~~ in the manner provided in s.  
4479 110.227.

4480 (9) Pursuant to s. 447.208, the commission or its  
4481 designated agent shall hear appeals, and enter such orders as it  
4482 deems appropriate, arising out of:

4483 ~~(a) Section 110.124, relating to termination or transfer of~~  
4484 ~~State Career Service System employees aged 65 or older.~~

4485 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

4486 (b) ~~(e)~~ Section 295.11, relating to reasons for not  
4487 employing a preferred veteran applicant.

4488 Section 130. Section 447.209, Florida Statutes, is amended  
4489 to read:

4490 447.209 Public employer's rights.—It is the right of the  
4491 public employer to determine unilaterally the purpose of each of  
4492 its constituent agencies, set standards of services to be  
4493 offered to the public, and exercise control and discretion over  
4494 its organization and operations. It is also the right of the  
4495 public employer to direct its employees, take disciplinary

585-03566-10

20102268c1

4496 action for proper cause, and relieve its employees from duty  
4497 because of lack of work or for other legitimate reasons.  
4498 However, the exercise of such rights does ~~shall~~ not preclude  
4499 employees or their representatives from raising grievances,  
4500 should decisions on the above matters have the practical  
4501 consequence of violating the terms and conditions of any  
4502 collective bargaining agreement in force or any civil ~~or career~~  
4503 service rule ~~regulation~~.

4504 Section 131. Section 447.401, Florida Statutes, is amended  
4505 to read:

4506 447.401 Grievance procedures.—Each public employer and  
4507 bargaining agent shall negotiate a grievance procedure to be  
4508 used for the settlement of disputes between employer and  
4509 employee, or group of employees, involving the interpretation or  
4510 application of a collective bargaining agreement. Such grievance  
4511 procedure shall have as its terminal step a final and binding  
4512 disposition by an impartial neutral, mutually selected by the  
4513 parties; however, if ~~when~~ the issue under appeal is an  
4514 allegation of abuse, abandonment, or neglect by an employee  
4515 under s. 39.201 or s. 415.1034, the grievance may not be decided  
4516 until the abuse, abandonment, or neglect of a child has been  
4517 judicially determined. However, an arbiter or other neutral may  
4518 ~~shall not have the power to~~ add to, subtract from, modify, or  
4519 alter the terms of a collective bargaining agreement. If an  
4520 employee organization is certified as the bargaining agent of a  
4521 unit, the grievance procedure ~~then~~ in existence may be the  
4522 subject of collective bargaining, and any agreement that ~~which~~  
4523 is reached supersedes ~~shall supersede~~ the previously existing  
4524 procedure. All public employees shall have the right to a fair

585-03566-10

20102268c1

4525 and equitable grievance procedure administered without regard to  
4526 membership or nonmembership in any organization, except that  
4527 certified employee organizations may ~~shall~~ not be required to  
4528 process grievances for employees who are not members of the  
4529 organization. A civil ~~career~~ service employee may use ~~shall have~~  
4530 ~~the option of utilizing~~ the civil service appeal procedure, an  
4531 unfair labor practice procedure, or a grievance procedure  
4532 established under this section, but such employee may not avail  
4533 ~~is precluded from availing~~ himself or herself of ~~to~~ more than  
4534 one of these procedures.

4535 Section 132. Paragraph (a) of subsection (2) of section  
4536 456.048, Florida Statutes, is amended to read:

4537 456.048 Financial responsibility requirements for certain  
4538 health care practitioners.-

4539 (2) The board or department may grant exemptions upon  
4540 application by practitioners meeting any of the following  
4541 criteria:

4542 (a) Any person licensed under chapter 457, s. 458.3475, s.  
4543 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or  
4544 chapter 467 who practices exclusively as an officer, employee,  
4545 or agent of the Federal Government or of the state or its  
4546 agencies or its subdivisions. For the purposes of this  
4547 subsection, an agent of the state, its agencies, or its  
4548 subdivisions is a person who is eligible for coverage under any  
4549 self-insurance or insurance program authorized by ~~the provisions~~  
4550 ~~of~~ s. 768.28(16) or who is a volunteer under s. 112.961  
4551 ~~110.501(1)~~.

4552 Section 133. Subsection (29) of section 570.07, Florida  
4553 Statutes, is amended to read:

585-03566-10

20102268c1

4554           570.07 Department of Agriculture and Consumer Services;  
4555 functions, powers, and duties.—The department shall have and  
4556 exercise the following functions, powers, and duties:

4557           (29) To advance funds monthly to civil ~~career~~ service  
4558 employees to be used for the purchase of official state samples  
4559 for state examination. Each monthly advance shall be ~~in an~~  
4560 ~~amount~~ equal to one-twelfth of the actual expenses paid the  
4561 position for samples in the previous fiscal year or, in the case  
4562 of a new position, one-twelfth of the expenses paid for samples  
4563 of a similar classification in the previous fiscal year;  
4564 however, in the event of unusual circumstances, such advances  
4565 may be increased for up to a period ~~not to exceed~~ 60 days.  
4566 Advances shall be granted only to civil ~~career~~ service employees  
4567 who have executed a proper power of attorney with the department  
4568 to ensure the collection of such advances if not timely repaid.

4569           Section 134. Subsection (3) of section 601.10, Florida  
4570 Statutes, is amended to read:

4571           601.10 Powers of the Department of Citrus.—The Department  
4572 of Citrus shall have and shall exercise such general and  
4573 specific powers as are delegated to it by this chapter and other  
4574 statutes of the state, which powers shall include, but shall not  
4575 be confined to, the following:

4576           (3) To employ and, at its pleasure, discharge an executive  
4577 director, a secretary, and such attorneys, clerks, and employees  
4578 as it deems necessary and to outline their powers and duties and  
4579 fix their compensation. The department ~~of Citrus~~ may pay, or  
4580 participate in the payment of, premiums for health, accident,  
4581 and life insurance for its full-time employees, pursuant to such  
4582 rules ~~or regulations~~ as it may adopt; and such payments are

585-03566-10

20102268c1

4583 ~~shall be~~ in addition to the regular salaries of such full-time  
4584 employees. The payment of such or similar benefits to its  
4585 employees in foreign countries, including, but not limited to,  
4586 social security, retirement, and other similar fringe benefit  
4587 costs, may be in accordance with laws in effect in the country  
4588 of employment, except that ~~no~~ benefits are not ~~will be~~ payable  
4589 to employees not authorized for other state employees, as  
4590 provided in the Civil Career Service System.

4591 Section 135. Subsection (6) of section 624.307, Florida  
4592 Statutes, is amended to read:

4593 624.307 General powers; duties.—

4594 (6) The department and office may each employ actuaries who  
4595 shall be at-will employees and who shall serve at the pleasure  
4596 of the Chief Financial Officer, in the case of department  
4597 employees, or at the pleasure of the director of the office, in  
4598 the case of office employees. Actuaries employed pursuant to  
4599 this paragraph must ~~shall~~ be members of the Society of Actuaries  
4600 or the Casualty Actuarial Society and are ~~shall be~~ exempt from  
4601 the Civil Career Service System established under chapter 110.  
4602 The salaries of the actuaries employed pursuant to this  
4603 paragraph ~~shall be set in accordance with s. 216.251(2)(a)5. and~~  
4604 shall be set at levels ~~which are~~ commensurate with those ~~salary~~  
4605 ~~levels~~ paid to actuaries by the insurance industry.

4606 Section 136. Subsection (3) of section 624.437, Florida  
4607 Statutes, is amended to read:

4608 624.437 "Multiple-employer welfare arrangement" defined;  
4609 certificate of authority required; penalty.—

4610 (3) This section does not apply to a multiple-employer  
4611 welfare arrangement that ~~which~~ offers or provides benefits that

585-03566-10

20102268c1

4612 ~~which~~ are fully insured by an authorized insurer, to an  
4613 arrangement that ~~which~~ is exempt from state insurance regulation  
4614 in accordance with Pub. L. No. 93-406, the Employee Retirement  
4615 Income Security Act, or to the state group health insurance  
4616 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

4617 Section 137. Paragraph (h) of subsection (4) of section  
4618 627.6488, Florida Statutes, is amended to read:

4619 627.6488 Florida Comprehensive Health Association.—

4620 (4) The association shall:

4621 (h) Contract with preferred provider organizations and  
4622 health maintenance organizations giving due consideration to  
4623 those ~~the preferred provider organizations and health~~  
4624 ~~maintenance~~ organizations that ~~which~~ have contracted with the  
4625 state group health insurance program pursuant to s. 112.942  
4626 ~~110.123~~. If cost-effective and available in the county where the  
4627 policyholder resides, the board, upon application or renewal of  
4628 a policy, shall place a high-risk individual, as established  
4629 under s. 627.6498(4)(a)4., with the plan case manager who shall  
4630 determine the most cost-effective quality care system or health  
4631 care provider and shall place the individual in such system or  
4632 with such health care provider. If cost-effective and available  
4633 in the county where the policyholder resides, the board, with  
4634 the consent of the policyholder, may place a low-risk or medium-  
4635 risk individual, as established under s. 627.6498(4)(a)4., with  
4636 the plan case manager who may determine the most cost-effective  
4637 quality care system or health care provider and shall place the  
4638 individual in such system or with such health care provider.

4639 Before ~~Prior to~~ and during the implementation of case  
4640 management, the plan case manager shall obtain input from the



585-03566-10

20102268c1

4641 policyholder, parent, or guardian.

4642 Section 138. Paragraph (a) of subsection (1) of section  
4643 627.649, Florida Statutes, is amended to read:

4644 627.649 Administrator.—

4645 (1) The board shall select an administrator, through a  
4646 competitive bidding process, to administer the plan. The board  
4647 shall evaluate bids submitted under this subsection based on  
4648 criteria established by the board, which criteria shall include:

4649 (a) The administrator's proven ability to handle large  
4650 group accident and health insurance. ~~and~~ Due consideration  
4651 shall be given to an ~~any~~ administrator who has acted as a third-  
4652 party administrator for the state group health insurance program  
4653 pursuant to s. 112.942 ~~110.123~~.

4654 Section 139. Paragraph (a) of subsection (2) and subsection  
4655 (3) of section 627.6498, Florida Statutes, are amended to read:

4656 627.6498 Minimum benefits coverage; exclusions; premiums;  
4657 deductibles.—

4658 (2) BENEFITS.—

4659 (a) The plan shall offer major medical expense coverage  
4660 similar to that provided by the state group health insurance  
4661 program under s. 112.942, ~~as defined in s. 110.123~~ except as  
4662 specified in subsection (3), to every eligible person who is not  
4663 eligible for Medicare. Major medical expense coverage offered  
4664 under the plan ~~must~~ shall pay an eligible person's covered  
4665 expenses, subject to limits on the deductible and coinsurance  
4666 payments authorized under subsection (4), up to a lifetime limit  
4667 of \$500,000 per covered individual. The maximum limit ~~may under~~  
4668 this paragraph shall not be altered by the board, and ~~an~~ ~~no~~  
4669 actuarially equivalent benefit may not be substituted by the

585-03566-10

20102268c1

4670 board.

4671 (3) COVERED EXPENSES.—The coverage to be issued by the  
 4672 association must ~~shall~~ be patterned after the state group health  
 4673 insurance program as provided in s. 112.942 ~~defined in s.~~  
 4674 ~~110.123~~, including its benefits, exclusions, and other  
 4675 limitations, except as otherwise provided in this act. The plan  
 4676 may cover the cost of experimental drugs that ~~which~~ have been  
 4677 approved for use by the Food and Drug Administration on an  
 4678 experimental basis if the cost is less than the usual and  
 4679 customary treatment. Such coverage applies ~~shall~~ only ~~apply~~ to  
 4680 those insureds who are in the case management system upon the  
 4681 approval of the insured, the case manager, and the board.

4682 Section 140. Subsection (4) of section 627.6617, Florida  
 4683 Statutes, is amended to read:

4684 627.6617 Coverage for home health care services.—

4685 (4) The provisions of this section do ~~shall~~ not apply to a  
 4686 multiple-employer welfare arrangement as defined in s.  
 4687 624.437(1) and in the State Health Plan as provided in s.  
 4688 112.942 ~~110.123~~.

4689 Section 141. Paragraph (d) of subsection (2) of section  
 4690 627.6686, Florida Statutes, is amended to read:

4691 627.6686 Coverage for individuals with autism spectrum  
 4692 disorder required; exception.—

4693 (2) As used in this section, the term:

4694 (d) "Health insurance plan" means a group health insurance  
 4695 policy or group health benefit plan offered by an insurer which  
 4696 includes the state group insurance program provided under s.  
 4697 112.942 ~~110.123~~. The term does not include a ~~any~~ health  
 4698 insurance plan offered in the individual market which, ~~any~~

585-03566-10

20102268c1

4699 ~~health insurance plan that~~ is individually underwritten, or  
4700 which is any health insurance plan provided to a small employer.

4701 Section 142. Paragraph (a) of subsection (4) of section  
4702 943.0585, Florida Statutes, is amended to read:

4703 943.0585 Court-ordered expunction of criminal history  
4704 records.—The courts of this state have jurisdiction over their  
4705 own procedures, including the maintenance, expunction, and  
4706 correction of judicial records containing criminal history  
4707 information to the extent such procedures are not inconsistent  
4708 with the conditions, responsibilities, and duties established by  
4709 this section. Any court of competent jurisdiction may order a  
4710 criminal justice agency to expunge the criminal history record  
4711 of a minor or an adult who complies with the requirements of  
4712 this section. The court shall not order a criminal justice  
4713 agency to expunge a criminal history record until the person  
4714 seeking to expunge a criminal history record has applied for and  
4715 received a certificate of eligibility for expunction pursuant to  
4716 subsection (2). A criminal history record that relates to a  
4717 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
4718 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
4719 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
4720 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
4721 any violation specified as a predicate offense for registration  
4722 as a sexual predator pursuant to s. 775.21, without regard to  
4723 whether that offense alone is sufficient to require such  
4724 registration, or for registration as a sexual offender pursuant  
4725 to s. 943.0435, may not be expunged, without regard to whether  
4726 adjudication was withheld, if the defendant was found guilty of  
4727 or pled guilty or nolo contendere to the offense, or if the

585-03566-10

20102268c1

4728 defendant, as a minor, was found to have committed, or pled  
4729 guilty or nolo contendere to committing, the offense as a  
4730 delinquent act. The court may only order expunction of a  
4731 criminal history record pertaining to one arrest or one incident  
4732 of alleged criminal activity, except as provided in this  
4733 section. The court may, at its sole discretion, order the  
4734 expunction of a criminal history record pertaining to more than  
4735 one arrest if the additional arrests directly relate to the  
4736 original arrest. If the court intends to order the expunction of  
4737 records pertaining to such additional arrests, such intent must  
4738 be specified in the order. A criminal justice agency may not  
4739 expunge any record pertaining to such additional arrests if the  
4740 order to expunge does not articulate the intention of the court  
4741 to expunge a record pertaining to more than one arrest. This  
4742 section does not prevent the court from ordering the expunction  
4743 of only a portion of a criminal history record pertaining to one  
4744 arrest or one incident of alleged criminal activity.

4745 Notwithstanding any law to the contrary, a criminal justice  
4746 agency may comply with laws, court orders, and official requests  
4747 of other jurisdictions relating to expunction, correction, or  
4748 confidential handling of criminal history records or information  
4749 derived therefrom. This section does not confer any right to the  
4750 expunction of any criminal history record, and any request for  
4751 expunction of a criminal history record may be denied at the  
4752 sole discretion of the court.

4753 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
4754 criminal history record of a minor or an adult which is ordered  
4755 expunged by a court of competent jurisdiction pursuant to this  
4756 section must be physically destroyed or obliterated by any

585-03566-10

20102268c1

4757 criminal justice agency having custody of such record; except  
4758 that any criminal history record in the custody of the  
4759 department must be retained in all cases. A criminal history  
4760 record ordered expunged which ~~that~~ is retained by the department  
4761 is confidential and exempt from the provisions of s. 119.07(1)  
4762 and s. 24(a), Art. I of the State Constitution and not available  
4763 to any person or entity except upon order of a court of  
4764 competent jurisdiction. A criminal justice agency may retain a  
4765 notation indicating compliance with an order to expunge.

4766 (a) The person who is the subject of a criminal history  
4767 record that is expunged under this section or under other  
4768 provisions of law, including former s. 893.14, former s. 901.33,  
4769 and former s. 943.058, may lawfully deny or fail to acknowledge  
4770 the arrests covered by the expunged record, unless ~~except when~~  
4771 the subject of the record:

- 4772 1. Is a candidate for employment with a criminal justice  
4773 agency;
- 4774 2. Is a defendant in a criminal prosecution;
- 4775 3. Concurrently or subsequently petitions for relief under  
4776 this section or s. 943.059;
- 4777 4. Is a candidate for admission to The Florida Bar;
- 4778 5. Is seeking to be employed or licensed by or to contract  
4779 with the Department of Children and Family Services, the Agency  
4780 for Health Care Administration, the Agency for Persons with  
4781 Disabilities, or the Department of Juvenile Justice or to be  
4782 employed or used by such contractor or licensee in a sensitive  
4783 position having direct contact with children, the  
4784 developmentally disabled, the aged, or the elderly as provided  
4785 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.

585-03566-10

20102268c1

4786 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4),  
4787 chapter 916, s. 985.644, chapter 400, or chapter 429;

4788 6. Is seeking to be employed or licensed by the Department  
4789 of Education, any district school board, any university  
4790 laboratory school, any charter school, any private or parochial  
4791 school, or any local governmental entity that licenses child  
4792 care facilities; or

4793 7. Is seeking authorization from a seaport listed in s.  
4794 311.09 for employment within or access to one or more of such  
4795 seaports pursuant to s. 311.12.

4796 Section 143. Paragraph (a) of subsection (4) of section  
4797 943.059, Florida Statutes, is amended to read:

4798 943.059 Court-ordered sealing of criminal history records.—  
4799 The courts of this state shall continue to have jurisdiction  
4800 over their own procedures, including the maintenance, sealing,  
4801 and correction of judicial records containing criminal history  
4802 information to the extent such procedures are not inconsistent  
4803 with the conditions, responsibilities, and duties established by  
4804 this section. Any court of competent jurisdiction may order a  
4805 criminal justice agency to seal the criminal history record of a  
4806 minor or an adult who complies with the requirements of this  
4807 section. The court shall not order a criminal justice agency to  
4808 seal a criminal history record until the person seeking to seal  
4809 a criminal history record has applied for and received a  
4810 certificate of eligibility for sealing pursuant to subsection  
4811 (2). A criminal history record that relates to a violation of s.  
4812 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
4813 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
4814 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.

585-03566-10

20102268c1

4815 916.1075, a violation enumerated in s. 907.041, or any violation  
4816 specified as a predicate offense for registration as a sexual  
4817 predator pursuant to s. 775.21, without regard to whether that  
4818 offense alone is sufficient to require such registration, or for  
4819 registration as a sexual offender pursuant to s. 943.0435, may  
4820 not be sealed, without regard to whether adjudication was  
4821 withheld, if the defendant was found guilty of or pled guilty or  
4822 nolo contendere to the offense, or if the defendant, as a minor,  
4823 was found to have committed or pled guilty or nolo contendere to  
4824 committing the offense as a delinquent act. The court may only  
4825 order sealing of a criminal history record pertaining to one  
4826 arrest or one incident of alleged criminal activity, except as  
4827 provided in this section. The court may, at its sole discretion,  
4828 order the sealing of a criminal history record pertaining to  
4829 more than one arrest if the additional arrests directly relate  
4830 to the original arrest. If the court intends to order the  
4831 sealing of records pertaining to such additional arrests, such  
4832 intent must be specified in the order. A criminal justice agency  
4833 may not seal any record pertaining to such additional arrests if  
4834 the order to seal does not articulate the intention of the court  
4835 to seal records pertaining to more than one arrest. This section  
4836 does not prevent the court from ordering the sealing of only a  
4837 portion of a criminal history record pertaining to one arrest or  
4838 one incident of alleged criminal activity. Notwithstanding any  
4839 law to the contrary, a criminal justice agency may comply with  
4840 laws, court orders, and official requests of other jurisdictions  
4841 relating to sealing, correction, or confidential handling of  
4842 criminal history records or information derived therefrom. This  
4843 section does not confer any right to the sealing of any criminal

585-03566-10

20102268c1

4844 history record, and any request for sealing a criminal history  
4845 record may be denied at the sole discretion of the court.

4846 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
4847 history record of a minor or an adult which is ordered sealed by  
4848 a court of competent jurisdiction pursuant to this section is  
4849 confidential and exempt from the provisions of s. 119.07(1) and  
4850 s. 24(a), Art. I of the State Constitution and is available only  
4851 to the person who is the subject of the record, to the subject's  
4852 attorney, to criminal justice agencies for their respective  
4853 criminal justice purposes, which include conducting a criminal  
4854 history background check for approval of firearms purchases or  
4855 transfers as authorized by state or federal law, to judges in  
4856 the state courts system for the purpose of assisting them in  
4857 their case-related decisionmaking responsibilities, as set forth  
4858 in s. 943.053(5), or to those entities set forth in  
4859 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
4860 licensing, access authorization, and employment purposes.

4861 (a) The subject of a criminal history record sealed under  
4862 this section or under other provisions of law, including former  
4863 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
4864 deny or fail to acknowledge the arrests covered by the sealed  
4865 record, except if ~~when~~ the subject of the record:

- 4866 1. Is a candidate for employment with a criminal justice  
4867 agency;
- 4868 2. Is a defendant in a criminal prosecution;
- 4869 3. Concurrently or subsequently petitions for relief under  
4870 this section or s. 943.0585;
- 4871 4. Is a candidate for admission to The Florida Bar;
- 4872 5. Is seeking to be employed or licensed by or to contract



585-03566-10

20102268c1

4873 with the Department of Children and Family Services, the Agency  
4874 for Health Care Administration, the Agency for Persons with  
4875 Disabilities, or the Department of Juvenile Justice or to be  
4876 employed or used by such contractor or licensee in a sensitive  
4877 position having direct contact with children, the  
4878 developmentally disabled, the aged, or the elderly as provided  
4879 in s. 110.1127~~(3)~~, s. 393.063, s. 394.4572(1), s. 397.451, s.  
4880 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.  
4881 415.103, chapter 916, s. 985.644, chapter 400, or chapter 429;

4882 6. Is seeking to be employed or licensed by the Department  
4883 of Education, any district school board, any university  
4884 laboratory school, any charter school, any private or parochial  
4885 school, or any local governmental entity that licenses child  
4886 care facilities;

4887 7. Is attempting to purchase a firearm from a licensed  
4888 importer, licensed manufacturer, or licensed dealer and is  
4889 subject to a criminal history check under state or federal law;  
4890 or

4891 8. Is seeking authorization from a Florida seaport  
4892 identified in s. 311.09 for employment within or access to one  
4893 or more of such seaports pursuant to s. 311.12.

4894 Section 144. Subsection (2) of section 945.043, Florida  
4895 Statutes, is amended to read:

4896 945.043 Department-operated day care services.—

4897 (2) The department is exempt from s. 112.915 ~~the~~  
4898 ~~requirements of s. 110.151.~~

4899 Section 145. Subsection (1) of section 946.525, Florida  
4900 Statutes, is amended to read:

4901 946.525 Participation by the corporation in the state group

585-03566-10

20102268c1

4902 health insurance and prescription drug programs.—

4903 (1) The board of directors of the corporation established  
 4904 under this part may apply for participation in the state group  
 4905 health insurance program authorized under s. 112.942 ~~in s.~~  
 4906 ~~110.123~~ and the prescription drug coverage program authorized  
 4907 under s. 112.944 ~~by s. 110.12315~~ by submitting an application  
 4908 along with a \$500 nonrefundable fee to the Department of  
 4909 Management Services.

4910 Section 146. Paragraph (b) of subsection (1) of section  
 4911 1001.705, Florida Statutes, is amended to read:

4912 1001.705 Responsibility for the State University System  
 4913 under s. 7, Art. IX of the State Constitution; legislative  
 4914 finding and intent.—

4915 (1) LEGISLATIVE FINDINGS.—

4916 (b) *Constitutional duties of the Board of Governors of the*  
 4917 *State University System.*—In accordance with s. 7, Art. IX of the  
 4918 State Constitution, the Board of Governors of the State  
 4919 University System has the duty to operate, regulate, control,  
 4920 and be fully responsible for the management of the whole  
 4921 publicly funded State University System and the board, or the  
 4922 board's designee, has responsibility for:

4923 1. Defining the distinctive mission of each constituent  
 4924 university.

4925 2. Defining the articulation of each constituent university  
 4926 in conjunction with the Legislature's authority over the public  
 4927 schools and community colleges.

4928 3. Ensuring the well-planned coordination and operation of  
 4929 the State University System.

4930 4. Avoiding wasteful duplication of facilities or programs

585-03566-10

20102268c1

4931 within the State University System.

4932 5. Accounting for expenditure of funds appropriated by the  
4933 Legislature for the State University System as provided by law.

4934 6. Submitting a budget request for legislative  
4935 appropriations for the institutions under the supervision of the  
4936 board as provided by law.

4937 7. Adopting strategic plans for the State University System  
4938 and each constituent university.

4939 8. Approving, reviewing, and terminating degree programs of  
4940 the State University System.

4941 9. Governing admissions to the state universities.

4942 10. Serving as the public employer to all public employees  
4943 of state universities for collective bargaining purposes.

4944 11. Establishing a personnel system for all state  
4945 university employees; however, the Department of Management  
4946 Services shall retain authority over state university employees  
4947 for programs established in ss. 112.942 ~~110.123~~, 112.945  
4948 ~~110.1232~~, 112.946 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949  
4949 ~~110.161~~, and in chapters 121, 122, and 238.

4950 12. Complying with, and enforcing for institutions under  
4951 the board's jurisdiction, all applicable local, state, and  
4952 federal laws.

4953 Section 147. Paragraph (b) of subsection (5) of section  
4954 1001.706, Florida Statutes, is amended to read:

4955 1001.706 Powers and duties of the Board of Governors.—

4956 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

4957 (b) The Department of Management Services shall retain  
4958 authority over state university employees for programs  
4959 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946

585-03566-10

20102268c1

4960 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters  
 4961 121, 122, and 238. Unless specifically authorized by law,  
 4962 neither the Board of Governors nor a state university may offer  
 4963 group insurance programs for employees as a substitute for or as  
 4964 an alternative to the health insurance programs offered pursuant  
 4965 to chapter 112 ~~110~~.

4966 Section 148. Paragraph (c) of subsection (5) of section  
 4967 1001.74, Florida Statutes, is amended to read:

4968 1001.74 Powers and duties of university boards of  
 4969 trustees.—

4970 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

4971 (c) The Department of Management Services shall retain  
 4972 authority over state university employees for programs  
 4973 established in ss. 112.942 ~~110.123~~, 112.945 ~~110.1232~~, 112.946  
 4974 ~~110.1234~~, 112.947 ~~110.1238~~, and 112.949 ~~110.161~~ and in chapters  
 4975 121, 122, and 238. Unless specifically authorized by law,  
 4976 neither the Board of Governors nor a state university may offer  
 4977 group insurance programs for employees as a substitute for or as  
 4978 an alternative to the health insurance programs offered pursuant  
 4979 to chapter 112 ~~110~~.

4980 Section 149. Paragraph (f) of subsection (8) of section  
 4981 1002.36, Florida Statutes, is amended to read:

4982 1002.36 Florida School for the Deaf and the Blind.—

4983 (4) BOARD OF TRUSTEES.—

4984 (f) The board of trustees shall:

4985 1. Prepare and submit legislative budget requests for  
 4986 operations and fixed capital outlay, in accordance with chapter  
 4987 216 and ss. 1011.56 and 1013.60, to the Department of Education  
 4988 for review and approval. The department must analyze the amount

585-03566-10

20102268c1

4989 requested for fixed capital outlay to determine if the request  
4990 is consistent with the school's campus master plan, educational  
4991 plant survey, and facilities master plan. Projections of  
4992 facility space needs may exceed the norm space and occupant  
4993 design criteria established in the State Requirements for  
4994 Educational Facilities.

4995 2. Approve and administer an annual operating budget in  
4996 accordance with ss. 1011.56 and 1011.57.

4997 3. Require all funds received other than gifts, donations,  
4998 bequests, funds raised by or belonging to student clubs or  
4999 student organizations, and funds held for specific students or  
5000 in accounts for individual students to be deposited in the State  
5001 Treasury and expended as authorized in the General  
5002 Appropriations Act.

5003 4. Require all purchases to be in accordance with the  
5004 provisions of chapter 287 except for purchases made with funds  
5005 received as gifts, donations, or bequests; funds raised by or  
5006 belonging to student clubs or student organizations; or funds  
5007 held for specific students or in accounts for individual  
5008 students.

5009 5. Administer and maintain personnel programs for all  
5010 employees of the board of trustees and the Florida School for  
5011 the Deaf and the Blind who shall be state employees, including  
5012 the personnel classification and pay plan established in  
5013 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and  
5014 216.251(2)(a)2. for academic and academic administrative  
5015 personnel, the provisions of chapter 110, and the provisions of  
5016 law that grant authority to the Department of Management  
5017 Services over such programs for state employees.

585-03566-10

20102268c1

5018           6. Give preference in appointment and retention in  
5019 positions of employment as provided within s. 295.07(1).

5020           7. Ensure that the Florida School for the Deaf and the  
5021 Blind complies with s. 1013.351 concerning the coordination of  
5022 planning between the Florida School for the Deaf and the Blind  
5023 and local governing bodies.

5024           8. Ensure that the Florida School for the Deaf and the  
5025 Blind complies with s. 112.061 concerning per diem and travel  
5026 expenses of public officers, employees, and authorized persons  
5027 with respect to all funds other than funds received as gifts,  
5028 donations, or bequests; funds raised by or belonging to student  
5029 clubs or student organizations; or funds held for specific  
5030 students or in accounts for individual students.

5031           9. Adopt a master plan that ~~which~~ specifies the mission and  
5032 objectives of the Florida School for the Deaf and the Blind. The  
5033 plan shall include, but not be limited to, procedures for  
5034 systematically measuring the school's progress toward meeting  
5035 its objectives, analyzing changes in the student population, and  
5036 modifying school programs and services to respond to such  
5037 changes. The plan shall be for a period of 5 years and shall be  
5038 reviewed for needed modifications every 2 years. The board of  
5039 trustees shall submit the initial plan and subsequent  
5040 modifications to the Speaker of the House of Representatives and  
5041 the President of the Senate.

5042           10. Designate a portion of the school as "The Verle Allyn  
5043 Pope Complex for the Deaf," in tribute to the late Senator Verle  
5044 Allyn Pope.

5045           (8) CAMPUS POLICE.—

5046           (f) The board of trustees shall adopt rules, including,

585-03566-10

20102268c1

5047 without limitation, rules for the appointment, employment, and  
5048 removal of campus police in accordance with the Civil State  
5049 ~~Career~~ Service under chapter 110 System and shall establish in  
5050 writing a policy manual, that includes, without limitation,  
5051 procedures for managing routine law enforcement situations and  
5052 emergency law enforcement situations. The board of trustees  
5053 shall furnish a copy of the policy manual to each of the campus  
5054 police officers it employs. A campus police officer appointed by  
5055 the board of trustees must have completed the training required  
5056 by the school in the special needs and proper procedures for  
5057 dealing with students served by the school.

5058 Section 150. Section 1012.62, Florida Statutes, is amended  
5059 to read:

5060 1012.62 Transfer of sick leave and annual leave.—In  
5061 implementing ~~the provisions of~~ ss. 402.22(1)(d) and  
5062 1001.42(4)(m), educational personnel in Department of Children  
5063 and Family Services residential care facilities who are employed  
5064 by a district school board may request, and the district school  
5065 board shall accept, a lump-sum transfer of accumulated sick  
5066 leave for such personnel to the maximum allowed by policies of  
5067 the district school board, notwithstanding ~~the provisions of~~ s.  
5068 112.910 110.122. Educational personnel in Department of Children  
5069 and Family Services residential care facilities who are employed  
5070 by a district school board under ~~the provisions of~~ s.  
5071 402.22(1)(d) may request, and the district school board shall  
5072 accept, a lump-sum transfer of accumulated annual leave for each  
5073 person employed by the district school board in a position in  
5074 the district eligible to accrue vacation leave under the  
5075 policies of the district school board.

585-03566-10

20102268c1

5076 Section 151. Subsection (5) of section 1012.79, Florida  
5077 Statutes, is amended to read:

5078 1012.79 Education Practices Commission; organization.—

5079 (5) The commission, by a vote of three-fourths of the  
5080 membership, shall employ an executive director, who shall be  
5081 exempt from the Civil ~~career~~ Service. The executive director may  
5082 be dismissed by a majority vote of the membership.

5083 Section 152. Subsection (6) of section 1012.88, Florida  
5084 Statutes, is amended to read:

5085 1012.88 Community college police.—

5086 (6) The community college, with the approval of the  
5087 Department of Law Enforcement, shall adopt rules, including,  
5088 without limitation, rules for the appointment, employment, and  
5089 removal of community college police in accordance with the Civil  
5090 ~~state Career~~ Service under chapter 110 System and shall  
5091 establish in writing a policy manual, that includes, without  
5092 limitation, procedures for managing routine law enforcement  
5093 situations and emergency law enforcement situations. The  
5094 community college shall furnish a copy of the policy manual to  
5095 each of the police officers it employs.

5096 Section 153. This act shall take effect July 1, 2010.