

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to public officers; prohibiting
3 severance pay for nonelected public officers except
4 under specified circumstances; prohibiting certain
5 limitations on discussing an employment dispute or
6 settlement; providing an effective date.

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

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10 Section 1. Severance pay for nonelected public officers.-

11 (1) As used in this section, the term "severance pay" means
12 the actual or constructive compensation, including salary,
13 benefits, or perquisites, for employment services yet to be
14 rendered for a term greater than 4 weeks before or immediately
15 following termination of employment. The term does not include
16 compensation resulting from:

17 (a) Earned and accrued annual, sick, compensatory, and
18 administrative leave.

19 (b) Early retirement provisions established in an
20 actuarially funded pension plan subject to part VII of chapter
21 112, Florida Statutes.

22 (2) On or after July 1, 2010, a public officer serving in a
23 nonelected position may not receive severance pay, except under
24 the following conditions:

25 (a) The severance pay is paid from wholly private funds,
26 the payment and receipt of which do not otherwise violate part
27 III of chapter 112, Florida Statutes.

28 (b) The severance pay is administered under the auspices of
29 part II of chapter 112, Florida Statutes, on behalf of an agency

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30 outside this state and would be permitted under that agency's
31 personnel system.

32 (c) The severance pay represents the settlement of an
33 employment dispute; however, such settlement may not contain
34 provisions that limit the ability of any party to the settlement
35 to discuss the dispute or settlement.

36 (3) This section does not operate to create an entitlement
37 to severance pay in the absence of its authorization.

38 Section 2. This act shall take effect July 1, 2010.