

By Senator Gaetz

4-00009-11

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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. Limitations on severance pay for nonelected  
11 public officers.-

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

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

20           (b) Early retirement under provisions established in an  
21 actuarially funded pension plan subject to part VII of chapter  
22 112, Florida Statutes.

23           (2) On or after July 1, 2011, a public officer serving in a  
24 nonelected position may not receive severance pay unless:

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 part II of  
29 chapter 112, Florida Statutes, on behalf of an agency outside

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

32 (c) The severance pay represents the settlement of an  
33 employment dispute; however, such settlement may not include  
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 create an entitlement to  
37 severance pay in the absence of its authorization.

38 Section 2. This act shall take effect July 1, 2011.