

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1261 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Appropriations Committee
2 Representative Mayfield offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 110.105, Florida Statutes, is amended
7 to read:

8 110.105 Employment policy of the state.—

9 (1) It is the purpose of this chapter to establish a
10 system of personnel management. This system shall provide means
11 to recruit, select, train, develop, and maintain an effective
12 and responsible workforce and shall include policies and
13 procedures for employee hiring and advancement, training and
14 career development, position classification, salary
15 administration, benefits, discipline, discharge, employee
16 performance evaluations, affirmative action, and other related
17 activities.

18 (2) It is the policy of the state:

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19 (a) That all appointments, terminations, assignments and
20 maintenance of status, compensation, privileges, and other terms
21 and conditions of employment in state government ~~shall~~ be made
22 without regard to age, sex, race, color, religion, national
23 origin, political affiliation, marital status, disability,
24 unless a specific handicap, except when a specific sex, age, or
25 ~~physical~~ requirement constitutes a bona fide occupational
26 qualification ~~necessary to proper and efficient administration.~~

27 (b) To support employees in balancing their personal needs
28 and work responsibilities. This policy is designed to enhance
29 the employee's ability to blend the competing demands of work
30 and personal life and produce a more skilled, accountable, and
31 committed workforce for the system. Provisions may include, but
32 need not be limited to, flexible work schedules, telework, part-
33 time employment, and leaves of absence with or without pay.

34 (3) Except as expressly provided by law, Florida residency
35 may not there shall be required no Florida residence requirement
36 for any person as a condition precedent to employment ~~by the~~
37 ~~state~~; however, preference in hiring may be given to state
38 ~~Florida~~ residents in hiring.

39 (4) This chapter contains the requirements and guides for
40 establishing and maintaining a system of personnel management
41 ~~administration~~ on a merit basis. The system of personnel
42 management administration shall be implemented so as to ensure
43 that the permit state agencies participating in the system are
44 ~~to be eligible for to receive~~ federal funds.

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45 (5) Nothing in this chapter shall be construed either to
46 infringe upon or to supersede the rights guaranteed public
47 employees under chapter 447.

48 Section 2. Section 110.1127, Florida Statutes, is amended
49 to read:

50 110.1127 Employee background screening and investigations
51 security checks.—

52 (1) Except as provided in subsection (2), each agency
53 shall designate those positions that, based on the position
54 duties, require security background screening. All persons and
55 employees in such positions must undergo employment screening in
56 accordance with chapter 435, using level 1 screening standards,
57 as a condition of employment and continued employment.

58 (2) (a) ~~(1)~~ Each employing agency shall designate those
59 employee positions that, because of the special trust or
60 responsibility or sensitive location, require security
61 background investigations. All persons and employees in such
62 positions must undergo employment screening in accordance with
63 chapter 435, using level 2 screening standards of those
64 positions, require that persons occupying those positions be
65 subject to a security background check, including
66 fingerprinting, as a condition of employment and continued
67 employment.

68 (b) ~~(2) (a)~~ All positions within the Division of Treasury of
69 the Department of Financial Services are deemed to be positions
70 of special trust or responsibility. Individuals seeking or
71 holding such positions, and a person may be disqualified for
72 employment in any such position by reason of:

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

76 2. The entering of a plea of nolo contendere, or, when a
77 jury verdict of guilty is rendered but adjudication of guilt is
78 withheld, with respect to a crime that ~~which~~ is reasonably
79 related to the nature of the position sought or held by the
80 individual.

81 ~~(b) All employees of the division shall be required to~~
82 ~~undergo security background investigations, including~~
83 ~~fingerprinting, as a condition of employment and continued~~
84 ~~employment.~~

85 (c) 1. (3) (a) All positions in programs providing care to
86 children, the developmentally disabled, or vulnerable adults for
87 15 hours or more per week; all permanent and temporary employee
88 positions of the central abuse hotline; and all persons working
89 under contract who have access to abuse records are deemed to be
90 persons and positions of special trust or responsibility, ~~and~~
91 ~~require employment screening pursuant to chapter 435, using the~~
92 ~~level 2 standards set forth in that chapter.~~

93 2. (b) The ~~employing~~ agency may grant exemptions from
94 disqualification from working with children, the developmentally
95 disabled, or vulnerable adults as provided in s. 435.07.

96 ~~(c) All persons and employees in such positions of trust~~
97 ~~or responsibility shall be required to undergo security~~
98 ~~background investigations as a condition of employment and~~
99 ~~continued employment. For the purposes of this subsection,~~
100 ~~security background investigations shall be conducted as~~

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101 ~~provided in chapter 435, using the level 2 standards for~~
102 ~~screening set forth in that chapter.~~

103 3.(d) It is a misdemeanor of the first degree, punishable
104 as provided in s. 775.082 or s. 775.083, for any person
105 willfully, knowingly, or intentionally to:

106 a.1. Fail, by false statement, misrepresentation,
107 impersonation, or other fraudulent means, to disclose in any
108 application for voluntary or paid employment a material fact
109 used in making a determination as to such person's
110 qualifications for a position of special trust;

111 b.2. Use ~~records~~ information contained in records for
112 purposes other than background screening or investigation for
113 employment, or release such records information to other persons
114 for purposes other than preemployment screening or investigation
115 ~~for employment.~~

116 4.(e) It is a felony of the third degree, punishable as
117 provided in s. 775.082, s. 775.083, or s. 775.084, for any
118 person willfully, knowingly, or intentionally to use juvenile
119 records information for any purposes other than those specified
120 in this section or to release such information to other persons
121 for purposes other than those specified in this section.

122 (3)(4) Any person who is required to undergo such a
123 security background screening or investigation and who refuses
124 to cooperate in such screening or investigation or refuses to
125 submit fingerprints shall be disqualified for employment in such
126 position or, if employed, shall be dismissed.

127 (4)(5) ~~Such~~ Background screening and investigations shall
128 be conducted at the expense of the employing agency. If ~~When~~

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129 fingerprinting is required, the fingerprints ~~of the employee or~~
130 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency
131 or by an authorized law enforcement officer, ~~and~~ submitted to
132 the Department of Law Enforcement for processing, and, if
133 ~~forwarding, when~~ requested by the employing agency, forwarded to
134 the United States Department of Justice for processing. The
135 ~~employing~~ agency shall reimburse the Department of Law
136 Enforcement for any costs incurred for ~~by it in the~~ processing
137 ~~of~~ the fingerprints.

138 Section 3. Subsection (1) of section 110.119, Florida
139 Statutes, is amended to read:

140 110.119 Administrative leave for military-service-
141 connected ~~reexamination or treatment with respect to service-~~
142 ~~connected~~ disability.-

143 (1) An ~~Any~~ employee ~~of the state~~ who has been rated by the
144 United States Department of Veterans Affairs or its predecessor
145 to have incurred a service-connected disability and has been
146 scheduled by the United States Department of Veterans Affairs to
147 be reexamined or treated for the disability shall be granted
148 administrative leave for such reexamination or treatment without
149 loss of pay or benefits. However, such ~~In no event shall the~~
150 paid leave may not under this section exceed 48 hours per 6
151 calendar ~~days~~ a year.

152 Section 4. Section 110.1225, Florida Statutes, is amended
153 to read:

154 110.1225 Furloughs.-When a deficit is projected by the
155 Revenue Estimating Conference pursuant to s. 216.136(3), in any
156 fund that supports salary and benefit appropriations, the

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157 Governor or the Chief Justice of the Supreme Court, as
158 appropriate, Administration Commission may propose a furlough
159 plan for consideration by the Legislative Budget Commission to
160 the Legislature, which must approve or disapprove such plan. The
161 plan must identify all affected positions and ensure that all
162 affected employees are subject to the same reduction of hours
163 for the same number of pay periods with a commensurate reduction
164 in pay.

165 Section 5. Section 110.126, Florida Statutes, is amended
166 to read:

167 110.126 Oaths, testimony, records; penalties.—The
168 department may ~~shall have power to~~ administer oaths, subpoena
169 witnesses, and compel the production of books, and papers, or
170 other records, in written or electronic form, relevant ~~pertinent~~
171 to any investigation of personnel practices or hearing
172 authorized by this chapter. Any person who fails ~~shall fail~~ to
173 appear in response to a subpoena or to answer any question or
174 produce any books, or papers, or other records relevant
175 ~~pertinent~~ to any such investigation or hearing or who ~~shall~~
176 knowingly gives ~~give~~ false testimony commits ~~therein shall be~~
177 ~~guilty of~~ a misdemeanor of the first degree, punishable as
178 provided in s. 775.082 or s. 775.083.

179 Section 6. Section 110.131, Florida Statutes, is amended
180 to read:

181 110.131 Other-personal-services ~~temporary~~ employment.—

182 (1) As used in this section, the term "agency" means any
183 official, officer, commission, board, authority, council,
184 committee, or department of the executive branch of state

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185 government and means any officer, court, commission, or other
186 unit of the judicial branch of state government supported in
187 whole or in part by appropriations made by the Legislature.

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

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

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

198 (c) Review, determine, and document by June 30 of each
199 year whether the continuation of each other-personal-services
200 employment position is necessary to the mission of the agency.
201 This review process ~~An extension beyond a total of 1,040 hours~~
202 ~~within an agency for any individual requires a recommendation by~~
203 ~~the agency head and approval by the Executive Office of the~~
204 ~~Governor. Approval of extensions shall be made in accordance~~
205 ~~with criteria established by the department. Each agency shall~~
206 ~~maintain employee information as specified by the department~~
207 ~~regarding each extension of other personal-services temporary~~
208 ~~employment. The time limitation established by this subsection~~
209 does not apply to board members; consultants; seasonal
210 employees; institutional clients employed as part of their
211 rehabilitation; bona fide, degree-seeking students in accredited
212 secondary or postsecondary educational programs; employees hired

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213 to deal with an emergency situation that affects the public
214 health, safety, or welfare; or employees hired for a project
215 that is identified by a specific appropriation or time-limited
216 grant.

217 (3) Unless specifically provided by law, other-personal-
218 services employees are not eligible for any form of paid leave,
219 paid holidays, a paid personal day, participation in state group
220 insurance or retirement benefits, or any other state employee
221 benefit. Other-personal-services employees may be included in
222 that part of an agency's recognition and reward program that
223 recognizes and rewards employees who submit innovative ideas
224 that increase productivity, eliminate or reduce state
225 expenditures, improve operations, or generate additional revenue
226 or who meet or exceed the agency's established criteria for a
227 project or goal.

228 (4) Beginning August 15, 2012, and each August 15
229 thereafter, each agency employing an individual in other-
230 personal-services employment shall submit a report to the
231 Executive Office of the Governor and to the chairs of the
232 legislative appropriations committees with the following
233 information for the previous fiscal year ending June 30, 2012,
234 and each June 30 thereafter:

235 (a) The total number of individuals serving in other-
236 personal services employment.

237 (b) The type of employment, average pay, and total number
238 of hours worked for each individual serving in other-personal-
239 services employment.

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240 ~~(3) The department shall adopt rules providing that other~~
241 ~~personal services temporary employment in an employer-employee~~
242 ~~relationship shall be used for short-term tasks. Such rules~~
243 ~~shall specify the employment categories, terms, conditions, rate~~
244 ~~of pay, and frequency of other personal services temporary~~
245 ~~employment and the duration for which such employment may last,~~
246 ~~specify criteria for approving extensions beyond the time~~
247 ~~limitation provided in subsection (2); and prescribe~~
248 ~~recordkeeping and reporting requirements for other personal~~
249 ~~services employment.~~

250 ~~(4) The department shall prepare written material~~
251 ~~explaining the terms and conditions of other personal services~~
252 ~~employment and shall provide master copies to each agency. Each~~
253 ~~agency shall provide each of its applicants for such employment~~
254 ~~with a copy thereof at the time of application and shall discuss~~
255 ~~the information contained thereon with each applicant at the~~
256 ~~time of interview or employment commencement, whichever occurs~~
257 ~~sooner.~~

258 ~~(5) The department shall maintain information relating to~~
259 ~~other personal services employment for each agency. Such~~
260 ~~information shall include:~~

261 ~~(a) The total amount of compensation for other personal~~
262 ~~services personnel, by employment category, for the preceding~~
263 ~~fiscal year.~~

264 ~~(b) The name, social security number, employment category,~~
265 ~~employment commencement date, and number of hours worked for~~
266 ~~each individual whose initial other personal services temporary~~
267 ~~employment began before the start of the preceding fiscal year~~

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268 ~~and who was still employed as an other personal services~~
269 ~~temporary employee at the end of the preceding fiscal year.~~

270 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~
271 ~~not apply to any employee for whom the Board of Governors of the~~
272 ~~State University System, or the board's designee, or the Board~~
273 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
274 ~~the employer as defined in s. 447.203(2); except that, for~~
275 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
276 ~~School for the Deaf and the Blind shall comply with the~~
277 ~~recordkeeping and reporting requirements adopted by the~~
278 ~~department pursuant to subsection (3) with respect to those~~
279 ~~other personal services employees exempted by this subsection.~~

280 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
281 ~~apply to any employee of the Division of Blind Services Library~~
282 ~~for the Blind and Physically Handicapped for whom the Division~~
283 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
284 ~~except that, for purposes of subsection (5), the Division of~~
285 ~~Blind Services shall comply with the recordkeeping and reporting~~
286 ~~requirements adopted by the department pursuant to subsection~~
287 ~~(3) with respect to those other personal services employees~~
288 ~~exempted by this subsection.~~

289 ~~(c) Notwithstanding the provisions of this section, the~~
290 ~~agency head or his or her designee may extend the other-~~
291 ~~personal-services employment of a health care practitioner~~
292 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
293 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
294 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~

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295 ~~2,080 hours and may employ such practitioner on an hourly or~~
296 ~~other basis.~~

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

301 Section 7. Section 110.171, Florida Statutes, is amended
302 to read:

303 110.171 State employee telework ~~telecommuting~~ program.—

304 (1) As used in this section, the term:

305 (a) "Agency" means any official, officer, commission,
306 board, authority, council, committee, or department of state
307 government.

308 (b) "Department" means the Department of Management
309 Services.

310 (c) "Telework" ~~"Telecommuting"~~ means a work arrangement
311 that allows a whereby selected state employee employees are
312 allowed to conduct all or some of his or her work away from the
313 official worksite during all or a portion of the state
314 employee's established work hours on a regular basis. The term
315 does not include, and a telework agreement is not required for:

316 1. Performance of required work duties away from the
317 official worksite and outside of established work hours on an
318 occasional basis and sporadically working away from the official
319 worksite during all or some portion of the established work
320 hours. These arrangements may be used by an agency to
321 accommodate extenuating circumstances by allowing an employee to
322 maintain productivity away from the official worksite.

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323 2. Duties and responsibilities that, by their nature, are
324 performed routinely in the field away from the official worksite
325 perform the normal duties and responsibilities of their
326 positions, through the use of computers or telecommunications,
327 at home or another place apart from the employees' usual place
328 of work.

329 (2) An agency may establish telework as an integral part
330 of the normal business operations of the agency and require that
331 specific work be performed through telework arrangements.
332 Telework may also be used as part of an agency's continuity of
333 operations plan where appropriate. An agency shall provide
334 telework as an optional alternative work arrangement to support
335 employee needs and implement telework arrangements where deemed
336 appropriate.

337 (3) Each agency shall review all established positions and
338 designate those positions that the agency deems appropriate for
339 telework. The agency shall ensure this information is current
340 and available to its employees and managers. In addition, each
341 agency shall identify all currently participating employees and
342 their respective positions in the human resource information
343 system used by that agency.

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

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

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349 (b) Establish performance standards that ensure that
350 employees participating in the program maintain satisfactory
351 performance levels.

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

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

357 (e) Establish a system for monitoring the productivity of
358 teleworking employees which ensures that the work output remains
359 at a satisfactory level and that the duties and responsibilities
360 of the position remain suitable for a telework arrangement.

361 (f) Establish the appropriate physical and electronic
362 information security controls to be maintained by a teleworker
363 at the telework site.

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

366 (5) At the discretion of the agency, if an employee is
367 approved by the agency to use telework as an optional
368 alternative work arrangement then the agency shall require a
369 written agreement between the teleworker and the agency which
370 specifies the terms and conditions of the telework arrangement
371 and provides for the termination of an employee's participation
372 in the program if the employee's continued participation is not
373 in the best interest of the agency.

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

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

379 (b) Provide at least 30 calendar days' written notice to
380 affected employees of intent to impose or remove a requirement
381 to telework.

382 (c) Provide at least 15 calendar days' written notice to
383 affected employees of intent to revise the terms and conditions
384 of their current telework arrangement.

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

387 (e) Specify the telework requirement in any recruitment
388 activities.

389 (7) Agencies that have a telework program shall establish
390 and track performance measures that support telework program
391 analysis and report data annually to the department's Facilities
392 Program in accordance with s. 255.249(3) (d). Such measures must
393 include, but need not be limited to, those that quantify
394 financial impacts associated with changes in office space
395 requirements resulting from the telework program. Agencies
396 operating in office space owned or managed by the department
397 shall consult the Facilities Program to ensure consistency with
398 the strategic leasing plan required under s. 255.249(3) (b).

399 ~~The department shall:~~

400 ~~(a) Establish and coordinate the state employee~~
401 ~~telecommuting program and administer this section.~~

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402 ~~(b) Appoint a statewide telecommuting coordinator to~~
403 ~~provide technical assistance to state agencies and to promote~~
404 ~~telecommuting in state government.~~

405 ~~(c) Identify state employees who are participating in a~~
406 ~~telecommuting program and their job classifications through the~~
407 ~~state personnel payroll information subsystem created under s.~~
408 ~~110.116.~~

409 ~~(3) By September 30, 2009, each state agency shall~~
410 ~~identify and maintain a current listing of the job~~
411 ~~classifications and positions that the agency considers~~
412 ~~appropriate for telecommuting. Agencies that adopt a state~~
413 ~~employee telecommuting program must:~~

414 ~~(a) Give equal consideration to career service and exempt~~
415 ~~positions in their selection of employees to participate in the~~
416 ~~telecommuting program.~~

417 ~~(b) Provide that an employee's participation in a~~
418 ~~telecommuting program will not adversely affect eligibility for~~
419 ~~advancement or any other employment rights or benefits.~~

420 ~~(c) Provide that participation by an employee in a~~
421 ~~telecommuting program is voluntary, and that the employee may~~
422 ~~elect to cease to participate in a telecommuting program at any~~
423 ~~time.~~

424 ~~(d) Adopt provisions to allow for the termination of an~~
425 ~~employee's participation in the program if the employee's~~
426 ~~continued participation would not be in the best interests of~~
427 ~~the agency.~~

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428 ~~(e) Provide that an employee is not currently under a~~
429 ~~performance improvement plan in order to participate in the~~
430 ~~program.~~

431 ~~(f) Ensure that employees participating in the program are~~
432 ~~subject to the same rules regarding attendance, leave,~~
433 ~~performance reviews, and separation action as are other~~
434 ~~employees.~~

435 ~~(g) Establish the reasonable conditions that the agency~~
436 ~~plans to impose in order to ensure the appropriate use and~~
437 ~~maintenance of any equipment or items provided for use at a~~
438 ~~participating employee's home or other place apart from the~~
439 ~~employee's usual place of work, including the installation and~~
440 ~~maintenance of any telephone equipment and ongoing~~
441 ~~communications costs at the telecommuting site which is to be~~
442 ~~used for official use only.~~

443 ~~(h) Prohibit state maintenance of an employee's personal~~
444 ~~equipment used in telecommuting, including any liability for~~
445 ~~personal equipment and costs for personal utility expenses~~
446 ~~associated with telecommuting.~~

447 ~~(i) Describe the security controls that the agency~~
448 ~~considers appropriate.~~

449 ~~(j) Provide that employees are covered by workers'~~
450 ~~compensation under chapter 440, when performing official duties~~
451 ~~at an alternate worksite, such as the home.~~

452 ~~(k) Prohibit employees engaged in a telecommuting program~~
453 ~~from conducting face-to-face state business at the homesite.~~

454 ~~(l) Require a written agreement that specifies the terms~~
455 ~~and conditions of telecommuting, which includes verification by~~

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456 ~~the employee that the home office provides work space that is~~
457 ~~free of safety and fire hazards, together with an agreement~~
458 ~~which holds the state harmless against any and all claims,~~
459 ~~excluding workers' compensation claims, resulting from an~~
460 ~~employee working in the home office, and which must be signed~~
461 ~~and agreed to by the telecommuter and the supervisor.~~

462 ~~(m) Provide measurable financial benefits associated with~~
463 ~~reduced office space requirements, reductions in energy~~
464 ~~consumption, and reductions in associated emissions of~~
465 ~~greenhouse gases resulting from telecommuting. State agencies~~
466 ~~operating in office space owned or managed by the department~~
467 ~~shall consult the facilities program to ensure its consistency~~
468 ~~with the strategic leasing plan required under s. 255.249(3)(b).~~

469 ~~(8)(4) Agencies that have a telework The telecommuting~~
470 ~~program for each state agency and pertinent supporting documents~~
471 ~~shall post the agency telework plan and any pertinent supporting~~
472 ~~documents be posted on the agency's Internet website to allow~~
473 ~~access by employees and the public.~~

474 ~~(9) Agencies may approve other-personal-services employees~~
475 ~~to participate in telework programs.~~

476 Section 8. Paragraph (b) of subsection (1) and paragraphs
477 (d) and (e) of subsection (2) of section 110.181, Florida
478 Statutes, are amended to read:

479 110.181 Florida State Employees' Charitable Campaign.—

480 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

481 (b) State officers' and employees' contributions toward
482 the Florida State Employees' Charitable Campaign must be

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483 entirely voluntary. State officers and employees must designate
484 a charitable organization to receive such contributions.

485 (2) SELECTION OF FISCAL AGENTS; COST.—

486 ~~(d) A local steering committee shall be established in~~
487 ~~each fiscal agent area to assist in conducting the campaign and~~
488 ~~to direct the distribution of undesignated funds remaining after~~
489 ~~partial distribution pursuant to paragraph (e). The committee~~
490 ~~shall be composed of state employees selected by the fiscal~~
491 ~~agent from among recommendations provided by interested~~
492 ~~participating organizations, if any, and approved by the~~
493 ~~Statewide Steering Committee.~~

494 ~~(e) Participating charitable organizations that provide~~
495 ~~direct services in a local fiscal agent's area shall receive the~~
496 ~~same percentage of undesignated funds as the percentage of~~
497 ~~designated funds they receive. The undesignated funds remaining~~
498 ~~following allocation to these charitable organizations shall be~~
499 ~~distributed by the local steering committee.~~

500 Section 9. Section 110.217, Florida Statutes, is amended
501 to read:

502 110.217 Appointment actions and status ~~Appointments and~~
503 ~~promotion.~~—

504 (1)(a) The department, ~~in consultation with agencies that~~
505 ~~must comply with these rules,~~ shall develop uniform rules
506 regarding original appointment, promotion, demotion,
507 reassignment, lateral action, separation, and status which must
508 be used by state employing agencies. ~~Such rules must be approved~~
509 ~~by the Administration Commission before their adoption by the~~
510 ~~department.~~

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511 ~~(b) Employing agencies may seek exceptions to these~~
512 ~~uniform rules by filing a petition with the Administration~~
513 ~~Commission. The Administration Commission shall approve an~~
514 ~~exception when the exception is necessary to conform to any~~
515 ~~requirement imposed as a condition precedent to receipt of~~
516 ~~federal funds or to permit persons in this state to receive tax~~
517 ~~benefits under federal law, or as required for the most~~
518 ~~efficient operation of the agency as determined by the~~
519 ~~Administration Commission. The reasons for the exception must be~~
520 ~~published in the Florida Administrative Weekly.~~

521 ~~(c) Agency rules that provide exceptions to the uniform~~
522 ~~rules may not be filed with the Department of State unless the~~
523 ~~Administration Commission has approved the exceptions. Each~~
524 ~~agency that adopts rules that provide exceptions to the uniform~~
525 ~~rules or that must comply with statutory requirements that~~
526 ~~conflict with the uniform rules must have a separate chapter~~
527 ~~published in the Florida Administrative Code that delineates~~
528 ~~clearly the provisions of the agency's rules which provide~~
529 ~~exceptions or are based upon a conflicting statutory~~
530 ~~requirement. Each alternative chosen from those authorized by~~
531 ~~the uniform rules must be specified. Each chapter must be~~
532 ~~organized in the same manner as the uniform rules.~~

533 (2) An employee appointed on probationary status shall
534 attain permanent status in his or her current position upon
535 successful completion of at least a 1-year probationary period.
536 The length of the probationary period may not exceed 18 months.
537 An employee who has not attained permanent status in his or her

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538 current position serves at the pleasure of the agency head and
539 may be dismissed at the discretion of the agency head.

540 (3) If an employee who has received an internal agency
541 promotion from a position in which the employee held permanent
542 status is to be dismissed from the promotional position for
543 failure to meet the established performance standards of the
544 promotional position while in probationary status, the agency,
545 before dismissal, shall return the employee to his or her former
546 position, or to a position with substantially similar duties and
547 responsibilities as the former position, if such a position is
548 vacant. Such determinations by an agency are not appealable and
549 this subsection does not apply to dismissals for any other
550 reason.

551 ~~(2) Each employing agency shall have the responsibility~~
552 ~~for the establishment and maintenance of rules and guidelines~~
553 ~~for determining eligibility of applicants for appointment to~~
554 ~~positions in the career service.~~

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

559 ~~(4) The employing agency shall be responsible for~~
560 ~~developing an employee career advancement program which shall~~
561 ~~assure consideration of qualified permanent employees in the~~
562 ~~agency or career service who apply. However, such program shall~~
563 ~~also include provisions to bring persons into the career service~~
564 ~~through open competition. Promotion appointments shall be~~
565 ~~subject to postaudit by the department.~~

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566 ~~(5) The department shall adopt any rules necessary to~~
567 ~~implement the provisions of this section. The rules must be~~
568 ~~approved by a majority vote of the Administration Commission~~
569 ~~prior to their adoption by the department.~~

570 Section 10. Subsection (8) of section 110.227, Florida
571 Statutes, is repealed.

572 Section 11. This act shall take effect July 1, 2012.

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574 -----

575 **T I T L E A M E N D M E N T**

576 Remove the entire title and insert:

577 A bill to be entitled

578 An act relating to state employment; amending s. 110.105, F.S.;

579 revising the employment policy of the state system of personnel

580 management; amending s. 110.1127, F.S.; revising provisions

581 relating to background screening; amending s. 110.119, F.S.;

582 revising provisions relating to administrative leave for a

583 service-connected disability; amending s. 110.1225, F.S.;

584 revising provisions relating to agency furloughs; amending s.

585 110.126, F.S.; revising provisions relating to the department's

586 authority to administer oaths; amending s. 110.131, F.S.;

587 revising the duties of state agencies with respect to the

588 employment of other-personal-services employees; creating

589 reporting requirements; amending s. 110.171, F.S.; revising

590 provisions relating to state employee telecommuting; providing a

591 telework program; amending s. 110.181, F.S.; revising provisions

592 relating to the Florida State Employees' Charitable Campaign;

593 requiring state officers and employees to designate a charitable

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594 organization to receive certain charitable contributions;
595 deleting provisions relating to the establishment of local
596 steering committees and the distribution of funds; amending s.
597 110.217, F.S.; revising provisions relating to a change in an
598 employee's position status; repealing s. 110.227(8), F.S., which
599 directs an agency that removes from a promotional position a
600 career service employee who is serving a probationary period in
601 such position to return such employee to the employee's former
602 position or a comparable position, if such a position is vacant;
603 providing an effective date.