

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 establishment of the State Personnel  
6       System; transferring, renumbering, reordering, and  
7       amending s. 110.107, F.S.; revising definitions  
8       relating to ch. 110, F.S.; amending s. 110.1055, F.S.;  
9       revising the rulemaking authority of the Department of  
10      Management Services; creating s. 110.1056, F.S.;  
11      providing for agency audits to determine compliance  
12      with laws and rules; transferring, renumbering, and  
13      amending s. 110.405, F.S.; revising provisions  
14      relating to the appointment of ad hoc advisory  
15      committees; creating s. 110.1065, F.S.; providing the  
16      employment policies of the State Personnel System;  
17      authorizing the department to adopt rules;  
18      transferring, renumbering, and amending s. 110.233,  
19      F.S.; conforming provisions to changes made by the  
20      act; authorizing the department to adopt rules;  
21      amending s. 110.1099, F.S.; revising provisions  
22      relating to educational opportunities for employees;  
23      transferring, renumbering, and amending s. 110.235,  
24      F.S.; revising provisions relating to training  
25      employees; authorizing the department to adopt rules;  
26      amending s. 110.112, F.S.; revising provisions  
27      relating to equal employment opportunities;  
28      authorizing the department to adopt rules; creating s.

29 | 110.1135, F.S.; requiring state agencies to keep  
30 | accurate records of work performed and leave; amending  
31 | s. 110.116, F.S.; revising provisions relating to  
32 | maintaining human resource information; authorizing  
33 | the department to adopt rules; amending s. 110.1245,  
34 | F.S.; revising provisions relating to bonuses and  
35 | other awards; authorizing the department to adopt  
36 | rules; amending s. 110.125, F.S.; revising provisions  
37 | relating to payment for the administrative costs of  
38 | operating the personnel program; authorizing the  
39 | department to adopt rules; amending s. 110.126, F.S.;  
40 | revising provisions relating to the department's  
41 | authority to administer oaths; authorizing the  
42 | department to adopt rules; amending s. 110.127, F.S.;  
43 | revising provisions relating to penalties; authorizing  
44 | the department to adopt rules; transferring,  
45 | renumbering, and amending s. 110.2037, F.S.; revising  
46 | provisions relating to tax-sheltered and special  
47 | compensation benefits; authorizing the department to  
48 | adopt rules; transferring, renumbering, and amending  
49 | s. 110.201, F.S., relating to personnel rules,  
50 | records, and reports; deleting provisions requiring  
51 | the department, in consultation with affected  
52 | agencies, to develop certain personnel rules,  
53 | guidelines, records, and reports relating to employees  
54 | and positions in the career service; creating s.  
55 | 110.184, F.S.; revising provisions relating to the  
56 | department's annual workforce report; providing a

57 | directive to the Division of Statutory Revision;  
58 | creating s. 110.202, F.S.; providing a declaration of  
59 | policy with respect to the establishment of the Civil  
60 | Service; amending s. 110.205, F.S.; revising  
61 | provisions relating to the list of positions that are  
62 | exempted from the Civil Service; authorizing the  
63 | department to adopt rules; creating s. 110.208, F.S.;  
64 | providing for a uniform classification system for  
65 | civil service positions; creating s. 110.2085, F.S.;  
66 | providing a pay plan for civil service positions;  
67 | authorizing the department to adopt rules; amending s.  
68 | 110.211, F.S.; revising provisions relating to  
69 | recruitment; authorizing the department to adopt  
70 | rules; amending s. 110.213, F.S.; revising provisions  
71 | relating to selecting a candidate for employment;  
72 | authorizing the department to adopt rules; amending s.  
73 | 110.2135, F.S.; revising provisions relating to  
74 | veterans' preference; authorizing the department to  
75 | adopt rules; amending s. 110.215, F.S.; revising  
76 | provisions relating to employing persons with  
77 | disabilities; authorizing the department to adopt  
78 | rules; amending s. 110.217, F.S.; revising provisions  
79 | relating to a change in an employee's position status;  
80 | amending s. 110.219, F.S.; revising provisions  
81 | relating to attendance and leave policies; amending s.  
82 | 110.221, F.S.; conforming provisions to changes made  
83 | by the act; authorizing the department to adopt rules;  
84 | amending s. 110.224, F.S.; revising provisions

85 relating to employee evaluation; amending s. 110.227,  
86 F.S.; revising provisions relating to employee  
87 grievances; authorizing the department to adopt rules;  
88 providing a directive to the Division of Statutory  
89 Revision; transferring, renumbering, and amending s.  
90 110.601, F.S.; revising provisions relating to  
91 selected exempt service policy; transferring,  
92 renumbering, and amending s. 110.602, F.S.; revising  
93 provisions relating to the creation of the Selected  
94 Exempt Service; transferring, renumbering, and  
95 amending s. 110.605, F.S.; revising provisions  
96 relating to the powers and duties of the department;  
97 creating s. 110.3023, F.S.; providing for the  
98 recruitment of selected exempt service staff;  
99 providing a directive to the Division of Statutory  
100 Revision; amending s. 110.401, F.S.; revising  
101 provisions relating to policies for senior management  
102 employees; amending s. 110.402, F.S.; revising  
103 provisions relating to the establishment of the Senior  
104 Management Service; amending s. 110.403, F.S.;  
105 revising provisions relating to the duties of the  
106 department with respect to the Senior Management  
107 Service; creating s. 110.4035, F.S.; providing  
108 recruitment requirements for senior management service  
109 employees; providing a directive to the Division of  
110 Statutory Revision; creating s. 112.906, F.S.;  
111 providing definitions for part IX of ch. 112, F.S.,  
112 relating to state employment; transferring,

113 renumbering, and amending s. 110.131, F.S.; revising  
114 the duties of state agencies with respect to the  
115 employment of other-personal-services employees;  
116 authorizing state agencies having rulemaking authority  
117 with respect to the conditions of employment to adopt  
118 rules; transferring, renumbering, and amending s.  
119 110.1315, F.S.; revising a provision relating to  
120 other-personal-services employment; authorizing the  
121 Department of Financial Services to adopt rules;  
122 transferring and renumbering s. 110.1128, F.S.,  
123 relating to selective service registration; creating  
124 s. 112.910, F.S.; providing for equal employment  
125 opportunity; creating s. 112.911, F.S.; providing for  
126 nondiscrimination in employment; transferring,  
127 renumbering, and amending s. 110.1221, F.S.; revising  
128 provisions relating to the state sexual harassment  
129 policy; transferring, renumbering, and amending s.  
130 110.122, F.S.; revising provisions relating to payment  
131 for sick leave; transferring, renumbering, and  
132 amending s. 110.121, F.S.; revising provisions  
133 relating to the sick leave pool; transferring,  
134 renumbering, and amending s. 110.119, F.S.; revising  
135 provisions relating to administrative leave for a  
136 service-connected disability; transferring,  
137 renumbering, and amending ss. 110.120 and 110.1091,  
138 F.S.; conforming provisions to changes made by the  
139 act; transferring, renumbering, and amending s.  
140 110.151, F.S.; revising provisions relating to child

141 care services provided by a state agency;  
142 transferring, renumbering, and amending s. 110.181,  
143 F.S.; revising provisions relating to the Florida  
144 State Employees' Charitable Campaign; requiring state  
145 officers and employees to designate a charitable  
146 organization to receive certain charitable  
147 contributions; deleting provisions relating to the  
148 establishment of local steering committees and the  
149 distribution of funds; transferring, renumbering, and  
150 amending s. 110.1225, F.S.; revising provisions  
151 relating to agency furloughs; transferring and  
152 renumbering s. 110.1155, F.S., relating to travel to  
153 certain countries lacking diplomatic relations with  
154 the United States; transferring, renumbering, and  
155 amending s. 110.191, F.S.; revising provisions  
156 relating to state employee leasing; transferring,  
157 renumbering, and amending s. 110.1082, F.S.; revising  
158 provisions related to telephone use; transferring,  
159 renumbering, and amending s. 110.1165, F.S.; revising  
160 provisions relating to executive branch personnel  
161 errors; transferring, renumbering, and amending s.  
162 110.113, F.S.; revising provisions relating to pay  
163 periods; requiring state employees to participate in  
164 the direct deposit program; transferring and  
165 renumbering s. 110.114, F.S., relating to employee  
166 wage deductions; creating s. 112.927, F.S.;  
167 authorizing the Department of Management Services to  
168 use its human resource information system for resource

169 | functionality; transferring, renumbering, and amending  
170 | s. 110.1127, F.S.; revising provisions relating to  
171 | background screening; transferring, renumbering, and  
172 | amending s. 110.117, F.S.; revising provisions  
173 | relating to an employee's personal holiday; creating  
174 | s. 112.930, F.S.; providing a telework program;  
175 | creating s. 112.931, F.S.; providing requirements for  
176 | the savings sharing program; transferring and  
177 | renumbering s. 110.1156, F.S., relating to the export  
178 | of goods to countries that support terrorism; creating  
179 | s. 112.933, F.S.; providing penalties for violations  
180 | relating to state employment; providing a directive to  
181 | the Division of Statutory Revision; transferring,  
182 | renumbering, and amending ss. 110.1227 and 110.1228,  
183 | F.S.; conforming cross-references; transferring,  
184 | renumbering, and amending s. 110.123, F.S., relating  
185 | to the state group insurance program; conforming  
186 | terminology and making editorial changes;  
187 | transferring, renumbering, and amending s. 110.12301,  
188 | F.S.; conforming a cross-reference; transferring and  
189 | renumbering s. 110.12302, F.S., relating to costing  
190 | options for state group insurance plans; transferring,  
191 | renumbering, and amending s. 110.12312, F.S.;  
192 | conforming cross-references; transferring and  
193 | renumbering s. 110.12315, F.S., relating to the state  
194 | employees' prescription drug program; transferring,  
195 | renumbering, and amending s. 110.1232, F.S.;  
196 | conforming cross-references; transferring and

197 | renumbering s. 110.1234, F.S., relating to health  
 198 | insurance for retirees under the Florida Retirement  
 199 | System; transferring and renumbering s. 110.1238,  
 200 | F.S., relating to state group health insurance plans;  
 201 | transferring and renumbering s. 110.1239, F.S.,  
 202 | relating to funding for the state group health  
 203 | insurance program; transferring, renumbering, and  
 204 | amending s. 110.161, F.S.; conforming a cross-  
 205 | reference; creating s. 112.952, F.S.; providing for  
 206 | penalties; providing a directive to the Division of  
 207 | Statutory Revision; transferring, renumbering,  
 208 | reordering, and amending s. 110.501, F.S.; revising  
 209 | definitions relating to state volunteer services;  
 210 | transferring, renumbering, and amending s. 110.502,  
 211 | F.S.; revising provisions relating to volunteer  
 212 | status; transferring, renumbering, and amending s.  
 213 | 110.503, F.S.; revising provisions relating to state  
 214 | agency responsibilities; transferring, renumbering,  
 215 | and amending s. 110.504, F.S.; revising provisions  
 216 | relating to volunteer benefits; creating s. 112.965,  
 217 | F.S.; providing for penalties; repealing s. 110.115,  
 218 | F.S., relating to employees of historical commissions;  
 219 | repealing s. 110.118, F.S., relating to administrative  
 220 | leave for athletic competitions; repealing s. 110.124,  
 221 | F.S., relating to the termination or transfer of  
 222 | employees 65 years of age or older; repealing s.  
 223 | 110.129, F.S., relating to technical personnel  
 224 | assistance to political subdivisions; repealing s.



225 110.1521, F.S., relating to a short title; repealing  
 226 s. 110.1522, F.S., relating to a model rule  
 227 establishing family support personnel policies;  
 228 repealing s. 110.1523, F.S., relating to the adoption  
 229 of the model rule; repealing s. 110.171, F.S.,  
 230 relating to telecommuting; repealing s. 110.2035,  
 231 F.S., relating to the classification and compensation  
 232 program for employment positions; repealing s. 110.21,  
 233 F.S., relating to shared employment; repealing s.  
 234 110.406, F.S., relating to senior management service  
 235 data collection; repealing s. 110.603, F.S., relating  
 236 to a classification plan and pay bands for selected  
 237 exempt service positions; repealing s. 110.604, F.S.,  
 238 relating to certain personnel actions for selected  
 239 exempt service employees; repealing s. 110.606, F.S.,  
 240 relating to selected exempt service data collection;  
 241 amending ss. 11.13, 20.055, 20.21, 20.23, 20.255,  
 242 24.105, 24.122, 30.071, 43.16, 104.31, 106.24,  
 243 112.044, 112.0805, 112.313, 112.3145, 112.363,  
 244 121.021, 121.051, 121.055, 121.35, 145.19, 216.011,  
 245 216.181, 260.0125, 287.175, 295.07, 295.09, 296.04,  
 246 296.34, 381.00315, 381.85, 394.47865, 402.3057,  
 247 402.55, 402.7305, 402.731, 409.1757, 409.9205, 414.37,  
 248 427.012, 440.102, 447.203, 447.207, 447.209, 447.401,  
 249 456.048, 551.116, 570.07, 601.10, 624.307, 624.437,  
 250 627.6488, 627.649, 627.6498, 627.6617, 627.6686,  
 251 849.086, 943.0585, 943.059, 945.043, 946.525, 985.045,  
 252 1001.705, 1001.706, 1002.36, 1012.62, 1012.79,

253 1012.88, and 1012.96, F.S.; conforming provisions to  
 254 changes made by the act; requiring the department to  
 255 provide a proposal to restructure and modernize the  
 256 leave benefits of the State Personnel System to the  
 257 Executive Office of the Governor, the President of the  
 258 Senate, and the Speaker of the House of  
 259 Representatives; providing an effective date.  
 260

261 Be It Enacted by the Legislature of the State of Florida:  
 262

263 Section 1. The Division of Statutory Revision is requested  
 264 to rename chapter 110, Florida Statutes, as "State Personnel  
 265 System."

266 Section 2. The Division of Statutory Revision is requested  
 267 to rename part I of chapter 110, Florida Statutes, as "General  
 268 Provisions."

269 Section 3. Section 110.105, Florida Statutes, is amended  
 270 to read:

271 110.105 Establishment of the State Personnel System  
 272 ~~Employment policy of the state.-~~

273 (1) ~~It is~~ The purpose of this chapter is to establish the  
 274 State Personnel ~~a System of personnel management.~~ The ~~This~~  
 275 system shall provide a means for maintaining ~~to recruit, select,~~  
 276 ~~train, develop, and maintain~~ an effective and responsible  
 277 workforce and include ~~shall include~~ policies, and procedures,  
 278 and guidelines for employee hiring and advancement, training and  
 279 career development, position classification, salary  
 280 administration, benefits, attendance and leave, discipline,

281 dismissal ~~discharge~~, employee performance evaluations,  
 282 affirmative action, and other related activities.

283 ~~(2) All appointments, terminations, assignments and~~  
 284 ~~maintenance of status, compensation, privileges, and other terms~~  
 285 ~~and conditions of employment in state government shall be made~~  
 286 ~~without regard to age, sex, race, religion, national origin,~~  
 287 ~~political affiliation, marital status, or handicap, except when~~  
 288 ~~a specific sex, age, or physical requirement constitutes a bona~~  
 289 ~~fide occupational qualification necessary to proper and~~  
 290 ~~efficient administration.~~

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

295 (2)(4) This chapter contains the requirements and guides  
 296 for establishing and maintaining a system of personnel  
 297 administration on a merit basis. The system ~~of personnel~~  
 298 ~~administration~~ shall be implemented so as to ensure that the  
 299 ~~permit~~ state agencies participating in the State Personnel  
 300 System are to be eligible for to receive federal funds.

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

304 Section 4. Section 110.107, Florida Statutes, is  
 305 transferred, renumbered as section 110.1054, Florida Statutes,  
 306 reordered, and amended to read:

307 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the  
 308 term:

309 (5)~~(1)~~ "Department" means the Department of Management  
 310 Services.

311 (30)~~(2)~~ "Secretary" means the Secretary of Management  
 312 Services.

313 ~~(3) "Furlough" means a temporary reduction in the regular  
 314 hours of employment in a pay period, or temporary leave without  
 315 pay for one or more pay periods, with a commensurate reduction  
 316 in pay, necessitated by a projected deficit in any fund that  
 317 supports salary and benefit appropriations. The deficit must be  
 318 projected by the Revenue Estimating Conference pursuant to s.  
 319 216.136(3).~~

320 (31)~~(4)~~ "State agency" or "agency" means any entity within  
 321 the State Personnel System ~~official, officer, commission, board,~~  
 322 ~~authority, council, committee, or department of the executive~~  
 323 ~~branch or the judicial branch of state government as defined in~~  
 324 ~~chapter 216.~~

325 (32) "State employee" or "employee" means an employee of a  
 326 state agency.

327 (33) "State Personnel System" means the system of  
 328 personnel administration for authorized civil service, selected  
 329 exempt service, and senior management service positions and  
 330 other personal services employment within the following state  
 331 agencies and organizational units of such agencies as specified  
 332 by law:

333 (a) Agency for Enterprise Information Technology.

334 (b) Agency for Health Care Administration.

335 (c) Agency for Persons with Disabilities.

336 (d) Department of Agriculture and Consumer Services.

- 337 |       (e) Department of Business and Professional Regulation.
- 338 |       (f) Department of Children and Family Services.
- 339 |       (g) Department of Citrus.
- 340 |       (h) Department of Corrections.
- 341 |       (i) Department of Economic Opportunity.
- 342 |       (j) Department of Education.
- 343 |       (k) Department of Elderly Affairs.
- 344 |       (l) Department of Environmental Protection.
- 345 |       (m) Department of Financial Services.
- 346 |       (n) Department of Health.
- 347 |       (o) Department of Highway Safety and Motor Vehicles.
- 348 |       (p) Department of Juvenile Justice.
- 349 |       (q) Department of Law Enforcement.
- 350 |       (r) Department of Legal Affairs.
- 351 |       (s) Department of Management Services.
- 352 |       (t) Department of Military Affairs.
- 353 |       (u) Department of Revenue.
- 354 |       (v) Department of State.
- 355 |       (w) Department of Transportation.
- 356 |       (x) Department of Veterans' Affairs.
- 357 |       (y) Executive Office of the Governor.
- 358 |       (z) Fish and Wildlife Conservation Commission.
- 359 |       (aa) Florida Public Service Commission.
- 360 |       (bb) Florida School for the Deaf and the Blind.
- 361 |       (cc) Parole Commission.
- 362 |       (22)-(5) "Position" means the work, consisting of duties
- 363 | and responsibilities, ~~assigned to be~~ performed by an officer or
- 364 | employee.

365           (23) "Position description" means the document that  
 366 accurately describes the assigned duties, responsibilities, and  
 367 other pertinent information, including licensure, certification,  
 368 or registration requirements, of a position and that serves as  
 369 the official record of the work and other requirements of the  
 370 position.

371           (10)-(6) "Full-time position" means a position authorized  
 372 for the entire normally established work period, whether daily,  
 373 weekly, monthly, or annually.

374           (19)-(7) "Part-time position" means a position authorized  
 375 for less than the entire normally established work period,  
 376 whether daily, weekly, monthly, or annually.

377           (16)-(8) "Occupation" means all positions that ~~which~~ are  
 378 sufficiently similar in knowledge, skills, and abilities, and  
 379 sufficiently similar as to kind or subject matter of work.

380           (17)-(9) "Occupational group" means a group of occupations  
 381 which are sufficiently similar in the kind of work performed to  
 382 warrant the use of the same performance factors in determining  
 383 the level of complexity for all occupations in that occupational  
 384 group.

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

387           (3)-(10) "Classification system plan" means a formal  
 388 description of the concepts, rules, job family definitions,  
 389 occupational group characteristics, ~~and~~ occupational profiles,  
 390 and broadband levels used to classify in the classification of  
 391 positions.

392           (21)-(11) "Pay plan" means a formal description of the

393 philosophy, methods, procedures, and salary schedules for  
 394 competitively compensating employees at market-based rates for  
 395 work performed.

396 ~~(29)-(12)~~ "Salary schedule" means an official document that  
 397 ~~which~~ contains a complete list of occupation titles, broadband  
 398 level codes, ~~and~~ pay bands, and other related information.

399 ~~(1)-(13)~~ "Authorized position" means a position included in  
 400 an approved budget. In counting the number of authorized  
 401 positions, part-time positions may be converted to full-time  
 402 equivalents.

403 ~~(8)-(14)~~ "Established position" means an authorized  
 404 position that ~~which~~ has been classified in accordance with a  
 405 classification system and pay plan as provided by law.

406 ~~(24)-(15)~~ "Position number" means the identification number  
 407 assigned to an established position or other-personal-services  
 408 employment position.

409 ~~(28)-(16)~~ "Reclassification" means changing an established  
 410 position ~~in one broadband level in an occupational group~~ to a  
 411 higher or lower broadband level within in the same occupation or  
 412 changing an established position to a different occupation,  
 413 either of which is the result of a change in the duties and  
 414 responsibilities of the position ~~occupational group or to a~~  
 415 ~~broadband level in a different occupational group.~~

416 ~~(26)-(17)~~ "Promotion" means moving a civil service employee  
 417 to a higher broadband level within an occupation, or moving an  
 418 employee to an occupation that has a broadband level having  
 419 ~~changing the classification of an employee to a broadband level~~  
 420 ~~having a higher maximum salary; or the changing of the~~

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421 ~~classification of an employee to a broadband level having the~~  
422 ~~same or a lower maximum salary but a higher level of~~  
423 ~~responsibility.~~

424 ~~(4)(18)~~ "Demotion" means moving a civil service ~~changing~~  
425 ~~the classification of an employee to a lower broadband level~~  
426 ~~within an occupation, or moving an employee to an occupation~~  
427 ~~that has a broadband level having a lower maximum salary; or the~~  
428 ~~changing of the classification of an employee to a broadband~~  
429 ~~level having the same or a higher maximum salary but a lower~~  
430 ~~level of responsibility.~~

431 ~~(35)(19)~~ "Transfer" means moving a civil service ~~an~~  
432 ~~employee from one geographic location of the state to a~~  
433 ~~different geographic location that is more than in excess of 50~~  
434 ~~highway miles from the employee's current work location. The~~  
435 ~~mileage shall be calculated using an official Department of~~  
436 ~~Transportation map.~~

437 ~~(27)(20)~~ "Reassignment" means moving a civil service ~~an~~  
438 ~~employee from a position in an occupation to a position in the~~  
439 ~~same occupation and one broadband level which has different~~  
440 ~~duties; or to a different position in a different occupation~~  
441 ~~that has a the same broadband level with the same maximum~~  
442 ~~salary; or to a position in the same occupation and different~~  
443 ~~broadband level regardless of the duties, but in a different~~  
444 ~~agency having the same maximum salary.~~

445 ~~(6)(21)~~ "Dismissal" means a disciplinary action taken by  
446 an agency pursuant to s. 110.227 against a civil service ~~an~~  
447 ~~employee which results resulting in the~~ termination of his or  
448 her employment.



449        ~~(34)-(22)~~ "Suspension" means a disciplinary action taken by  
 450 an agency against a civil service employee pursuant to s.  
 451 110.227 which ~~against an employee to~~ temporarily relieves  
 452 ~~relieve~~ the employee of his or her duties and places ~~place~~ him  
 453 or her on leave without pay.

454        ~~(14)-(23)~~ "Layoff" means termination of employment due to a  
 455 shortage of funds or work, or a material change in the duties or  
 456 organization of an agency, including the outsourcing or  
 457 privatization of an activity or function previously performed by  
 458 civil ~~career~~ service employees.

459        ~~(15)~~ "Merit status" means the status attained by a civil  
 460 service employee in his or her current position upon  
 461 successfully completing the required probationary period by  
 462 demonstrating competency in performing the duties and  
 463 responsibilities of that position.

464        ~~(7)-(24)~~ "Employing agency" means any agency authorized to  
 465 employ personnel to carry out the responsibilities of the agency  
 466 pursuant to ~~under the provisions of~~ chapter 20 or other law  
 467 ~~statutory authority.~~

468        ~~(25)~~ "Shared employment" means ~~part-time career employment~~  
 469 ~~whereby the duties and responsibilities of a full-time position~~  
 470 ~~in the career service are divided among part-time employees who~~  
 471 ~~are eligible for the position and who receive career service~~  
 472 ~~benefits and wages pro rata. In no case shall "shared~~  
 473 ~~employment" include the employment of persons paid from other-~~  
 474 ~~personal-services funds.~~

475        ~~(9)-(26)~~ "Firefighter" means a firefighter certified under  
 476 chapter 633.

477        ~~(13)(27)~~ "Law enforcement or correctional officer" means a  
 478 law enforcement officer, special agent, correctional officer,  
 479 correctional probation officer, or institutional security  
 480 specialist ~~required to be~~ certified under chapter 943.

481        ~~(25)(28)~~ "Professional health care provider" means  
 482 registered nurses, physician's assistants, dentists,  
 483 psychologists, nutritionists or dietitians, pharmacists,  
 484 psychological specialists, physical therapists, and speech and  
 485 hearing therapists.

486        ~~(11)(29)~~ "Job family" means a defined grouping of one or  
 487 more similar occupational groups.

488        (12) "Lateral" means moving a civil service employee  
 489 within an agency to a different position that is in the same  
 490 occupation, that is at the same broadband level with the same  
 491 maximum salary, and that has substantially the same duties and  
 492 responsibilities.

493        ~~(20)(30)~~ "Pay band" means the minimum salary, the maximum  
 494 salary, and intermediate rates that ~~which~~ are payable for work  
 495 in a specific broadband level.

496        ~~(2)(31)~~ "Broadband level" means all positions that ~~which~~  
 497 are sufficiently similar in knowledge, skills, and abilities;  
 498 ~~the, and sufficiently similar as to~~ kind or subject matter of  
 499 work; ~~the,~~ level of difficulty or responsibility;  
 500 ~~responsibilities,~~ and qualification requirements ~~of the work so~~  
 501 as to warrant the same treatment with respect ~~as~~ to title, pay  
 502 band, and other personnel transactions.

503        Section 5. Section 110.1055, Florida Statutes, is amended  
 504 to read:

505 110.1055 ~~Rules; records and rulemaking authority.~~

506 (1) The department of Management Services shall adopt  
507 rules as necessary to carry out its statutory duties effectuate  
508 the provisions of this chapter, as amended by this act, and in  
509 accordance with the authority granted to the department in this  
510 chapter. All existing rules relating to this chapter are  
511 statutorily repealed January 1, 2002, unless otherwise  
512 readopted.

513 (2) In consultation with the state agencies, the  
514 department shall develop uniform personnel rules, guidelines,  
515 records, and reports relating to employees in the State  
516 Personnel System. The department may adopt rules that provide  
517 alternative requirements.

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

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

521 1. The Administration Commission has granted an exception  
522 to a specific rule. An agency may request an exception to the  
523 uniform personnel rules by filing a petition with the  
524 commission. The commission shall approve an exception if the  
525 exception is necessary to conform to any requirement imposed as  
526 a condition precedent to receipt of federal funds or to permit  
527 persons in this state to receive tax benefits under federal law,  
528 or if required for the most efficient operation of the agency as  
529 determined by the commission. The reasons for the exception must  
530 be published in the Florida Administrative Weekly. Agency rules  
531 that provide exceptions to the uniform rules may not be adopted  
532 unless approved by the commission.

533        2. The agency must comply with a statutory provision that  
534 conflicts with the uniform rules. In such case, the agency shall  
535 notify the department, the Administration Commission, the  
536 Administrative Procedures Committee, and the appropriate  
537 standing committees of the Legislature and advise the standing  
538 committees if the agency recommends revision of the statute to  
539 conform it to the uniform rules. Agencies are encouraged to  
540 propose methods for conforming statutory provisions to the  
541 uniform rules.

542        (b) An agency that adopts rules that provide an exception  
543 to the uniform rules or that comply with statutory requirements  
544 that conflict with the uniform rules must have a separate  
545 chapter published in the Florida Administrative Code. The  
546 chapter must clearly delineate the provisions of the agency's  
547 rules which provide an exception or which are based on a  
548 conflicting statutory requirement. Each alternative chosen from  
549 those authorized by the uniform rules must be specified. Each  
550 chapter must be organized in the same manner as the uniform  
551 rules.

552        (c) Any rule adopted by an agency which is an exception to  
553 the uniform rules or which is based upon a conflicting statutory  
554 provision may not prescribe personnel policies inconsistent with  
555 the provisions of this chapter. Such rules may not include any  
556 benefits for State Personnel System employees which are in  
557 addition to, or exceed, those authorized by this chapter and  
558 must comply with all federal regulations necessary to allow the  
559 agency to receive federal funds.

560        (4) The department may develop uniform forms and

561 instructions relating to personnel transactions as the  
 562 department determines necessary.

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

566 Section 6. Section 110.1056, Florida Statutes, is created  
 567 to read:

568 110.1056 Agency audits.—The department may periodically  
 569 audit agency records to determine compliance with this chapter  
 570 and department rules.

571 Section 7. Section 110.405, Florida Statutes, is  
 572 transferred, renumbered as section 110.106, Florida Statutes,  
 573 and amended to read:

574 110.106 ~~110.405~~ Advisory committees.—The secretary of  
 575 ~~Management Services~~ may at any time appoint an ad hoc or  
 576 continuing advisory committee consisting of members of the  
 577 Senior Management Service or other persons knowledgeable in the  
 578 field of personnel management. Advisory committees ~~Any such~~  
 579 ~~committee shall consist of not more than nine members, who shall~~  
 580 ~~serve at the pleasure of~~ and meet at the call of the secretary  
 581 and, at the request of the secretary, provide consultation and  
 582 advice, ~~to advise and consult with the secretary on such matters~~  
 583 ~~affecting the State Personnel System Senior Management Service~~  
 584 ~~as the secretary requests.~~ Members shall serve without  
 585 compensation, but are ~~shall be~~ entitled to receive reimbursement  
 586 for travel expenses as provided in s. 112.061. The secretary may  
 587 periodically hire a consultant who has ~~with~~ expertise in  
 588 personnel administration ~~management~~ to advise him or her with

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589 respect to the administration of the State Personnel System  
590 ~~Senior Management Service~~.

591 Section 8. Section 110.1065, Florida Statutes, is created  
592 to read:

593 110.1065 General employment policies and requirements.—

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

595 (a) That all appointments, terminations, assignments, and  
596 maintenance of status, compensation, privileges, and other terms  
597 and conditions of employment in the State Personnel System be  
598 made without regard to age, sex, race, color, religion, national  
599 origin, political affiliation, marital status, disability, or  
600 genetic information, unless a specific requirement constitutes a  
601 bona fide occupational qualification.

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

605 (c) To support employees in balancing their personal needs  
606 and work responsibilities. This policy is designed to enhance  
607 the employee's ability to blend the competing demands of work  
608 and personal life and produce a more skilled, accountable, and  
609 committed workforce for the State Personnel System. Provisions  
610 may include, but need not be limited to, flexible work  
611 schedules, telework, part-time employment, and leaves of absence  
612 with or without pay.

613 (d) To adopt and comply with the federal Family and  
614 Medical Leave Act, except for those provisions that do not  
615 specifically apply to state government employers. With regard to  
616 those provisions, the sovereign immunity of the state is not

617 waived and the rules of the department relating to leave  
 618 control.

619 (2) Except as expressly provided by law, Florida residency  
 620 may not be required for any person as a condition precedent to  
 621 employment; however, preference in hiring may be given to state  
 622 residents.

623 (3) State agencies that use other personal services  
 624 employment must comply with s. 112.907.

625 (4) Employees of the State Personnel System may be  
 626 furloughed pursuant to s. 112.920.

627 (5) This chapter may not be construed to infringe upon or  
 628 supersede the rights guaranteed public employees under chapter  
 629 447.

630 (6) The department may adopt rules necessary to administer  
 631 this section.

632 (7) Parts IX and XI of chapter 112 are applicable to the  
 633 State Personnel System. The department may adopt rules necessary  
 634 to administer those parts.

635 Section 9. Section 110.233, Florida Statutes, is  
 636 transferred, renumbered as section 110.1075, Florida Statutes,  
 637 and amended to read:

638 110.1075 ~~110.233~~ Political activities and unlawful acts  
 639 prohibited.-

640 (1) No person shall be appointed to, demoted, or dismissed  
 641 from any position in the Civil ~~career~~ Service, or in any way  
 642 favored or discriminated against with respect to employment in  
 643 the Civil ~~career~~ Service, because of ~~race, color, national~~  
 644 ~~origin, sex, handicap, religious creed, or political opinion or~~

645 affiliation.

646 (2) No person may ~~shall~~ use or promise to use, directly or  
 647 indirectly, any official authority or influence, whether  
 648 possessed or anticipated, to secure or attempt to secure for any  
 649 person an appointment or advantage in appointment to a position  
 650 in the Civil ~~career~~ Service, or an increase in pay or other  
 651 advantage in employment in any such position, for the purpose of  
 652 influencing the vote or political action of any person or for  
 653 any consideration. ~~;~~ However, letters of inquiry,  
 654 recommendations, and references by public employees or public  
 655 officials are ~~shall~~ not ~~be~~ considered political pressure unless  
 656 they contain ~~any such letter contains~~ a threat, intimidation, or  
 657 irrelevant, derogatory, or false information. For the purposes  
 658 of this section, the term "political pressure," in addition to  
 659 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by  
 660 lawful authority, includes the use of official authority or  
 661 influence in any manner prohibited by this chapter.

662 (3) No person may ~~shall~~, directly or indirectly, give,  
 663 render, pay, offer, solicit, or accept any money, service, or  
 664 other valuable consideration for or on account of any  
 665 appointment, proposed appointment, promotion or proposed  
 666 promotion to, or any advantage in ~~a~~ position in the Civil  
 667 ~~career~~ Service. ~~The provisions of This subsection~~ does ~~de~~ not  
 668 apply to a private employment agency if ~~licensed pursuant to the~~  
 669 ~~provisions of chapter 449 when the services of~~ the ~~such~~ private  
 670 employment agency are requested by a state agency, ~~board,~~  
 671 ~~department, or commission~~ and neither the state nor any  
 672 political subdivision pays the private employment agency for



673 such services.

674 (4) As an individual, each employee retains all rights and  
 675 obligations of citizenship provided in the Constitution and laws  
 676 of the state and the Constitution and laws of the United States.  
 677 However, an ~~no~~ employee in the Civil ~~career~~ Service may not  
 678 ~~shall~~:

679 (a) Hold, or be a candidate for, public office while in  
 680 the employment of the state or take an ~~any~~ active part in a  
 681 political campaign while on duty or within any period of time  
 682 during which the employee is expected to perform services for  
 683 which he or she receives compensation from the state. However,  
 684 if ~~when~~ authorized by his or her agency head and approved by the  
 685 department as not involving an ~~no~~ interest that ~~which~~ conflicts  
 686 or activity that ~~which~~ interferes with his or her state  
 687 employment, an employee in the Civil ~~career~~ Service may be a  
 688 candidate for or hold local public office. The department shall  
 689 prepare and make available to all affected personnel who make  
 690 such request a definite set of rules and procedures consistent  
 691 with this paragraph ~~the provisions herein~~.

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

695 (5) No State Personnel System employee or official may  
 696 ~~shall~~ use any promise of reward or threat of loss to encourage  
 697 or coerce any employee to support or contribute to any political  
 698 issue, candidate, or party.

699 (6) The department shall adopt by rule procedures for  
 700 State Personnel Career Service System employees which ~~that~~

701 require disclosure to the agency head of any application for or  
 702 offer of employment, gift, contractual relationship, or  
 703 financial interest with any individual, partnership,  
 704 association, corporation, utility, or other organization,  
 705 whether public or private, doing business with or subject to  
 706 regulation by the agency.

707 (7) The department may adopt rules necessary to administer  
 708 this section.

709 Section 10. Section 110.1099, Florida Statutes, is amended  
 710 to read:

711 110.1099 Elective education and professional development  
 712 ~~and training~~ opportunities for state employees.-

713 (1) The education and professional development of  
 714 employees ~~training~~ are an integral components ~~component~~ in  
 715 improving the delivery of services to the public. Recognizing  
 716 that the application of productivity-enhancing technology and  
 717 practice demands continuous educational and professional  
 718 development ~~training~~ opportunities, an a ~~state~~ employee may ~~be~~  
 719 ~~authorized to~~ receive a voucher, or ~~or~~ grant, or ~~or~~ tuition  
 720 reimbursement for matriculation fees, ~~to~~ attend work-related  
 721 courses at public community colleges, public career centers, ~~or~~  
 722 public universities, or other accredited postsecondary  
 723 educational institutions. ~~The department may implement the~~  
 724 ~~provisions of this section from funds appropriated to the~~  
 725 ~~department for this purpose. In the event insufficient funds are~~  
 726 ~~appropriated to the department,~~ Each state agency may ~~supplement~~  
 727 ~~these funds to~~ support the educational and professional  
 728 development ~~training and education~~ needs of its employees from

729 funds appropriated to the agency.

730 ~~(2) The department, in conjunction with the agencies,~~  
731 ~~shall request that public universities provide evening and~~  
732 ~~weekend programs for state employees. When evening and weekend~~  
733 ~~training and educational programs are not available, an employee~~  
734 ~~may be authorized to take paid time off during his or her~~  
735 ~~regular working hours for training and career development, as~~  
736 ~~provided in s. 110.105(1), if such training benefits the~~  
737 ~~employer as determined by that employee's agency head.~~

738 (2)(3) An employee who exhibits superior aptitude and  
739 performance may be authorized by his or her ~~that employee's~~  
740 agency head to take a paid educational leave of absence for up  
741 to 1 academic year at a time, for specific approved work-related  
742 education and professional development training. ~~The~~ That  
743 employee must enter into a contract to return to the agency  
744 granting the leave ~~state employment~~ for a period of time equal  
745 to the length of the leave of absence or refund the salary and  
746 benefits paid during the ~~his or her educational~~ leave of  
747 absence.

748 (3)(4) As a precondition to approving an employee's  
749 training request for an educational, professional development,  
750 or training program, an agency ~~or the judicial branch~~ may  
751 require the ~~an~~ employee to enter into an agreement which  
752 provides that, if the employee voluntarily terminates employment  
753 or is dismissed from the agency within a specified period of  
754 time, not to exceed 2 years after the conclusion of the program,  
755 ~~requires~~ the employee must ~~to~~ reimburse the agency ~~or judicial~~  
756 ~~branch~~ for up to the total cost of fees and associated expenses

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757 ~~for the program if the registration fee or similar expense for~~  
758 ~~any training or training series when the total cost of the fee~~  
759 ~~or similar expense exceeds \$1,000 if the employee voluntarily~~  
760 ~~terminates employment or is discharged for cause from the agency~~  
761 ~~or judicial branch within a specified period of time not to~~  
762 ~~exceed 4 years after the conclusion of the training. This~~  
763 ~~subsection does not apply to any training program or course that~~  
764 ~~an agency or the judicial branch requires an employee to attend.~~  
765 ~~An agency or the judicial branch may pay the outstanding balance~~  
766 ~~then due and owing on behalf of an a state employee under this~~  
767 ~~subsection in connection with the recruitment and hiring of such~~  
768 ~~state employee.~~

769 ~~(4)-(5) The department may of Management Services, in~~  
770 ~~consultation with the agencies and, to the extent applicable,~~  
771 ~~with Florida's public community colleges, public career centers,~~  
772 ~~and public universities, shall adopt rules necessary to~~  
773 ~~administer this section.~~

774 Section 11. Section 110.235, Florida Statutes, is  
775 transferred, renumbered as section 110.1115, Florida Statutes,  
776 and amended to read:

777 110.1115 ~~110.235~~ Training and professional development of  
778 employees.-

779 (1) State agencies shall implement training and  
780 professional development programs that encompass modern  
781 management principles, and that provide the framework to develop  
782 human resources, through empowerment, training, and rewards for  
783 productivity enhancement; to continuously improve the quality of  
784 services, and to satisfy the expectations of the public.

785           (2) Each state ~~employing~~ agency shall provide the  
786 department with training information as requested for the  
787 purpose of analyzing statewide training needs ~~annually evaluate~~  
788 ~~and report to the department the training it has implemented and~~  
789 ~~the progress it has made in the area of training.~~

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

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

797           (a) Improving the performance of individuals and groups of  
798 employees.

799           (b) Relating the efforts of employees to the goals of the  
800 agency.

801           (c) Strategic planning.

802           (d) Team leadership.

803           (5) The department is responsible for ensuring that  
804 appropriate state agency personnel are adequately trained in the  
805 proper administration of State Personnel System policies and  
806 procedures, compliance with all applicable federal and state  
807 workforce regulations, and the promotion of efficient and  
808 equitable employment practices. The department may host  
809 workshops, conferences, and other professional development  
810 activities that focus on the training needs of agency staff who  
811 are responsible for human resource management, training and  
812 development, and benefits administration.

813           (a) The department may coordinate with the appropriate  
 814 business units of the state universities or community colleges  
 815 for the purpose of sponsoring conferences and expositions that  
 816 provide continuing professional development to the agencies in  
 817 the areas of human resource management, payroll and benefits  
 818 administration, and other topics critical to the proper  
 819 administration of the state workforce.

820           (b) For the purposes of leveraging resources and promoting  
 821 best practices, the department may open such conferences to all  
 822 state and local public employers who have shared interests in  
 823 public-sector human resource management and related topics.

824           (6) The department may adopt rules necessary to administer  
 825 this section.

826           Section 12. Section 110.112, Florida Statutes, is amended  
 827 to read:

828           110.112 ~~Affirmative action;~~ Equal employment opportunity.-

829           (1) It ~~is shall be~~ the policy of the State Personnel  
 830 System to assist in ensuring ~~providing the assurance of~~ equal  
 831 employment opportunity through programs of affirmative and  
 832 positive action that ~~will~~ allow full utilization of women and  
 833 minorities.

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

839           (a)~~(b)~~ Each ~~executive~~ agency shall establish annual goals  
 840 for ensuring the full utilization of groups underrepresented in

841 its workforce as compared to the relevant labor market, as  
842 defined by the agency. Each ~~executive~~ agency shall design its  
843 affirmative action plan to meet its established goals.

844 ~~(b)(e)~~ An equal ~~affirmative action~~ ~~equal~~ employment  
845 opportunity officer shall be appointed by the head of each  
846 ~~executive~~ agency. ~~The affirmative action equal employment~~  
847 ~~opportunity officer's responsibilities must include determining~~  
848 ~~annual goals, monitoring agency compliance, and providing~~  
849 ~~consultation to managers regarding progress, deficiencies, and~~  
850 ~~appropriate corrective action.~~

851 ~~(c)(d)~~ The department shall report information in its  
852 annual workforce report relating to the demographic composition  
853 of the workforce of the State Personnel System as compared to  
854 the relevant state labor market ~~implementation, continuance,~~  
855 ~~updating, and results of each executive agency's affirmative~~  
856 ~~action plan~~ for the previous fiscal year. The agencies shall  
857 provide the department with the information necessary to comply  
858 with this paragraph.

859 ~~(e)~~ ~~The department shall provide to all supervisory~~  
860 ~~personnel of the executive agencies training in the principles~~  
861 ~~of equal employment opportunity and affirmative action, the~~  
862 ~~development and implementation of affirmative action plans, and~~  
863 ~~the establishment of annual affirmative action goals. The~~  
864 ~~department may contract for training services, and each~~  
865 ~~participating agency shall reimburse the department for costs~~  
866 ~~incurred through such contract. After the department approves~~  
867 ~~the contents of the training program for the agencies, the~~  
868 ~~department may delegate this training to the executive agencies.~~

869 ~~(3) Each state attorney and public defender shall:~~  
 870 ~~(a) Develop and implement an affirmative action plan.~~  
 871 ~~(b) Establish annual goals for ensuring full utilization~~  
 872 ~~of groups underrepresented in its workforce as compared to the~~  
 873 ~~relevant labor market in this state. The state attorneys' and~~  
 874 ~~public defenders' affirmative action plans must be designed to~~  
 875 ~~meet the established goals.~~

876 ~~(c) Appoint an affirmative action equal employment~~  
 877 ~~opportunity officer.~~

878 ~~(d) Report annually to the Justice Administrative~~  
 879 ~~Commission on the implementation, continuance, updating, and~~  
 880 ~~results of his or her affirmative action program for the~~  
 881 ~~previous fiscal year.~~

882 ~~(3)(4) Each~~ The state agency, ~~its agencies and officers~~  
 883 ~~shall ensure freedom from discrimination in employment in~~  
 884 ~~accordance with applicable state and federal laws as provided by~~  
 885 ~~the Florida Civil Rights Act of 1992, by s. 112.044, and by this~~  
 886 ~~chapter.~~

887 (4) All recruitment literature that references State  
 888 Personnel System position vacancies must contain the phrase "An  
 889 Equal Opportunity Employer."

890 (5) An ~~Any~~ individual claiming to be aggrieved by an  
 891 unlawful employment practice may file a complaint with the  
 892 Florida Commission on Human Relations as provided by s. 760.11.

893 (6) The department may adopt rules necessary to administer  
 894 ~~shall review and monitor executive agency actions in carrying~~  
 895 ~~out the rules adopted by the department pursuant to this~~  
 896 ~~section.~~



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897 Section 13. Section 110.1135, Florida Statutes, is created  
898 to read:

899 110.1135 Attendance and leave records.—Each state agency  
900 shall keep an accurate record of all hours of work performed by  
901 each employee, as well as a complete and accurate record of all  
902 authorized leave. The ultimate responsibility for the accuracy  
903 and proper maintenance of all attendance and leave records is  
904 with the agency head.

905 Section 14. Section 110.116, Florida Statutes, is amended  
906 to read:

907 110.116 Human resource ~~Personnel~~ information system;  
908 payroll procedures.—

909 (1) ~~The department of Management Services~~ shall establish  
910 and maintain, in coordination with the payroll system of the  
911 Department of Financial Services, a complete human resource  
912 ~~personnel~~ information system for all authorized and established  
913 positions in the State Personnel System ~~service, with the~~  
914 ~~exception of employees of the Legislature, unless the~~  
915 ~~Legislature chooses to participate.~~ The department may contract  
916 with a vendor to provide the human resource ~~personnel~~  
917 information system. The specifications shall be developed in  
918 conjunction with the payroll system of the Department of  
919 Financial Services and in coordination with the Auditor General.  
920 The Department of Financial Services shall determine that the  
921 position occupied by each employee has been authorized and  
922 established in accordance with ~~the provisions of s. 216.251.~~ The  
923 human resource information system must include ~~Department of~~  
924 ~~Management Services shall develop and maintain a position~~

925 numbering system that identifies ~~will identify~~ each established  
 926 position, and such information shall be a part of the payroll  
 927 system of the Department of Financial Services. The ~~With the~~  
 928 ~~exception of employees of the Legislature, unless the~~  
 929 ~~Legislature chooses to participate, this system must~~ shall  
 930 include all civil ~~career~~ service positions and those positions  
 931 exempted from the Civil ~~career~~ Service provisions,  
 932 notwithstanding the funding source of the salary payments, and  
 933 information regarding persons receiving salary payments from  
 934 other sources. Necessary revisions shall be made in the  
 935 personnel and payroll procedures of the state to avoid  
 936 duplication insofar as is feasible to do so. The information in  
 937 the system must ~~A list shall~~ be organized by budget entity to  
 938 show the employees or vacant positions within each budget  
 939 entity. The information ~~This list~~ shall be made available to the  
 940 Speaker of the House of Representatives and the President of the  
 941 Senate upon request.

942 (2) The department may adopt rules necessary to administer  
 943 this section.

944 Section 15. Section 110.1245, Florida Statutes, is amended  
 945 to read:

946 110.1245 ~~Savings sharing program;~~ Bonus payments; other  
 947 awards.-

948 ~~(1) (a) The Department of Management Services shall adopt~~  
 949 ~~rules that prescribe procedures and promote a savings sharing~~  
 950 ~~program for an individual or group of employees who propose~~  
 951 ~~procedures or ideas that are adopted and that result in~~  
 952 ~~eliminating or reducing state expenditures, if such proposals~~

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953 ~~are placed in effect and may be implemented under current~~  
954 ~~statutory authority.~~

955 ~~(b) Each agency head shall recommend employees~~  
956 ~~individually or by group to be awarded an amount of money, which~~  
957 ~~amount shall be directly related to the cost savings realized.~~  
958 ~~Each proposed award and amount of money must be approved by the~~  
959 ~~Legislative Budget Commission.~~

960 ~~(c) Each state agency, unless otherwise provided by law,~~  
961 ~~may participate in the program. The Chief Justice shall have the~~  
962 ~~authority to establish a savings sharing program for employees~~  
963 ~~of the judicial branch within the parameters established in this~~  
964 ~~section. The program shall apply to all employees within the~~  
965 ~~Career Service, the Selected Exempt Service, and comparable~~  
966 ~~employees within the judicial branch.~~

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

- 972 ~~1. The number of proposals made.~~  
973 ~~2. The number of dollars and awards made to employees or~~  
974 ~~groups for adopted proposals.~~  
975 ~~3. The actual cost savings realized as a result of~~  
976 ~~implementing employee or group proposals.~~

977 ~~(1)(2) State agencies may pay In June of each year,~~  
978 ~~bonuses shall be paid to employees from funds authorized by the~~  
979 ~~Legislature in an appropriation specifically for bonuses.~~  
980 Bonuses shall be distributed in accordance with the criteria and

981 instructions provided in the General Appropriations Act. ~~Each~~  
 982 ~~agency shall develop a plan for awarding lump-sum bonuses, which~~  
 983 ~~plan shall be submitted no later than September 15 of each year~~  
 984 ~~and approved by the Office of Policy and Budget in the Executive~~  
 985 ~~Office of the Governor. Such plan shall include, at a minimum,~~  
 986 ~~but is not limited to:~~

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

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

990 ~~1. The employee must have been employed prior to July 1 of~~  
 991 ~~that fiscal year and have been continuously employed through the~~  
 992 ~~date of distribution.~~

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

995 ~~3. The employee must have had no sustained disciplinary~~  
 996 ~~action during the period beginning July 1 through the date the~~  
 997 ~~bonus checks are distributed. Disciplinary actions include~~  
 998 ~~written reprimands, suspensions, dismissals, and involuntary or~~  
 999 ~~voluntary demotions that were associated with a disciplinary~~  
 1000 ~~action.~~

1001 ~~4. The employee must have demonstrated a commitment to the~~  
 1002 ~~agency mission by reducing the burden on those served,~~  
 1003 ~~continually improving the way business is conducted, producing~~  
 1004 ~~results in the form of increased outputs, and working to improve~~  
 1005 ~~processes.~~

1006 ~~5. The employee must have demonstrated initiative in work~~  
 1007 ~~and have exceeded normal job expectations.~~

1008 ~~6. The employee must have modeled the way for others by~~

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1009 ~~displaying agency values of fairness, cooperation, respect,~~  
 1010 ~~commitment, honesty, excellence, and teamwork.~~

1011 ~~(c) A periodic evaluation process of the employee's~~  
 1012 ~~performance.~~

1013 ~~(d) A process for peer input that is fair, respectful of~~  
 1014 ~~employees, and affects the outcome of the bonus distribution.~~

1015 ~~(e) A division of the agency by work unit for purposes of~~  
 1016 ~~peer input and bonus distribution.~~

1017 ~~(f) A limitation on bonus distributions equal to 35~~  
 1018 ~~percent of the agency's total authorized positions. This~~  
 1019 ~~requirement may be waived by the Office of Policy and Budget in~~  
 1020 ~~the Executive Office of the Governor upon a showing of~~  
 1021 ~~exceptional circumstances.~~

1022 (2) (3) Consistent with the requirements of s. 215.425(3),  
 1023 and limited to the funds provided in the agency's approved  
 1024 operating budget for salaries and benefits, each agency head may  
 1025 provide bonus awards to department head is authorized to incur  
 1026 expenditures to award suitable framed certificates, pins, and  
 1027 other tokens of recognition to retiring state employees based on  
 1028 exemplary performance or whose service with the state has been  
 1029 satisfactory, in appreciation of their role in the achievement  
 1030 of the agency's mission, values, or goals and recognition of  
 1031 such service.

1032 (a) Each award ~~Such awards~~ may not exceed \$1,000 ~~cost in~~  
 1033 ~~excess of \$100 each plus applicable taxes. No employee may~~  
 1034 receive awards totaling more than \$1,000 plus applicable taxes  
 1035 per fiscal year.

1036 (b) By September 1, agencies shall report to the Governor,

1037 the President of the Senate, and the Speaker of the House of  
 1038 Representatives the dollar value and number of such bonus awards  
 1039 given in the previous fiscal year.

1040 (3)~~(4)~~ Each agency ~~department~~ head may ~~is authorized to~~  
 1041 incur expenditures to award suitable framed certificates, pins,  
 1042 and ~~or~~ other noncash tokens of recognition. Each token to state  
 1043 employees who demonstrate satisfactory service in the agency or  
 1044 to the state, in appreciation and recognition of such service.  
 1045 Such awards may not cost more than \$150 in excess of \$100 each  
 1046 plus applicable taxes. Such tokens may be awarded to:

1047 (a) Current employees, in appreciation and recognition of  
 1048 their service to the state.

1049 (b) Retiring employees, in appreciation and recognition of  
 1050 their service to the state.

1051 (c) An appointed member of a state board or commission, in  
 1052 appreciation and recognition of his or her service to the state  
 1053 upon the expiration of the member's final term in such position.

1054 (4) The department may adopt rules necessary to administer  
 1055 this section.

1056 ~~(5) Each department head is authorized to incur~~  
 1057 ~~expenditures not to exceed \$100 each plus applicable taxes for~~  
 1058 ~~suitable framed certificates, plaques, or other tokens of~~  
 1059 ~~recognition to any appointed member of a state board or~~  
 1060 ~~commission whose service to the state has been satisfactory, in~~  
 1061 ~~appreciation and recognition of such service upon the expiration~~  
 1062 ~~of such board or commission member's final term in such~~  
 1063 ~~position.~~

1064 Section 16. Section 110.125, Florida Statutes, is amended

1065 to read:

1066 110.125 Administrative costs.—

1067 (1) The administrative expenses and costs of operating the  
 1068 State Personnel System ~~program~~ established by this chapter shall  
 1069 be paid by the state ~~various~~ agencies ~~of the state government~~,  
 1070 and each such agency shall include in its budget estimates its  
 1071 pro rata share of such cost as determined by the department ~~of~~  
 1072 ~~Management Services~~.

1073 (a) To establish an equitable division of ~~the~~ costs, the  
 1074 amount to be paid by each agency shall be based on the number of  
 1075 authorized full-time equivalent positions appropriated to the  
 1076 agency, the average number of other-personal-services employees  
 1077 paid by the agency, and the total administrative expenses and  
 1078 costs of operating the State Personnel System ~~determined in such~~  
 1079 ~~proportion as the service rendered to each agency bears to the~~  
 1080 ~~total service rendered under the provisions of this chapter. The~~  
 1081 ~~amounts paid to the Department of Management Services which are~~  
 1082 ~~attributable to positions within the Senior Management Service~~  
 1083 ~~and the Selected Professional Service shall be used for the~~  
 1084 ~~administration of such services, training activities for~~  
 1085 ~~positions within those services, and the development and~~  
 1086 ~~implementation of a database of pertinent historical information~~  
 1087 ~~on exempt positions.~~

1088 (b) ~~If a~~ Should any state agency is ~~become~~ more than 90  
 1089 days delinquent in paying ~~payment of~~ this obligation, the  
 1090 department shall certify to the Chief Financial Officer the  
 1091 amount due and the Chief Financial Officer shall transfer that  
 1092 ~~the amount due to the department~~ from any available debtor

1093 agency funds ~~available~~.

1094 (2) A governmental entity outside the State Personnel  
 1095 System which receives or uses services of more than a de minimis  
 1096 value from the personnel system shall pay the department for the  
 1097 administrative expenses and costs associated with those services  
 1098 as determined by the department. Each such entity shall include  
 1099 such cost in its budget estimates. If a governmental entity  
 1100 becomes more than 90 days delinquent in paying this obligation,  
 1101 the department shall certify to the Chief Financial Officer the  
 1102 amount due and the Chief Financial Officer shall transfer that  
 1103 amount from any available debtor entity funds.

1104 (3) The department may adopt rules necessary to administer  
 1105 this section.

1106 Section 17. Section 110.126, Florida Statutes, is amended  
 1107 to read:

1108 110.126 Oaths, testimony, records; penalties.-

1109 (1) The department may shall have power to administer  
 1110 oaths, subpoena witnesses, and compel the production of books,  
 1111 and papers, or other records, in written or electronic form,  
 1112 relevant ~~pertinent~~ to any investigation of personnel practices  
 1113 or hearing authorized by this chapter. Any person who fails  
 1114 ~~shall fail~~ to appear in response to a subpoena or to answer any  
 1115 question or produce any books, ~~or~~ papers, or other records  
 1116 relevant ~~pertinent~~ to any such investigation or hearing or who  
 1117 shall knowingly gives ~~give~~ false testimony commits ~~therein shall~~  
 1118 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
 1119 provided in s. 775.082 or s. 775.083.

1120 (2) The department may adopt rules necessary to administer



1121 this section.

1122 Section 18. Section 110.127, Florida Statutes, is amended  
1123 to read:

1124 110.127 Penalties.—

1125 (1) Any person who willfully violates any provision of  
1126 this chapter or ~~of any~~ rules adopted pursuant to this chapter  
1127 commits the authority herein granted is guilty of a misdemeanor  
1128 of the second degree, punishable as provided in s. 775.082 or s.  
1129 775.083.

1130 (2) ~~The provisions of s. 112.011 to the contrary~~  
1131 Notwithstanding s. 112.011, any person who is convicted of a  
1132 misdemeanor under this chapter is ~~shall be, for a period of 5~~  
1133 ~~years,~~ ineligible for appointment to or employment in a state  
1134 position for 5 years ~~in the state service~~ and, if an employee of  
1135 the state, must ~~shall~~ forfeit his or her position.

1136 (3) Imposition of the penalties provided in this section  
1137 may ~~shall~~ not be in lieu of any action that ~~which~~ may be taken  
1138 or penalties that ~~which~~ may be imposed pursuant to part III of  
1139 chapter 112.

1140 (4) The department may adopt rules necessary to administer  
1141 this section.

1142 Section 19. Section 110.2037, Florida Statutes, is  
1143 transferred, renumbered as section 110.182, Florida Statutes,  
1144 and amended to read:

1145 110.182 ~~110.2037~~ ~~Alternative benefits;~~ Tax-sheltered  
1146 annual leave and sick leave payments and special compensation  
1147 payments.—

1148 (1) The department may ~~of Management Services~~ has

1149 ~~authority to~~ adopt tax-sheltered plans under s. 401(a) of the  
 1150 Internal Revenue Code for ~~state~~ employees who are eligible for  
 1151 payment for accumulated leave. ~~The department,~~ Upon adoption of  
 1152 the plans, the department shall contract for a private vendor or  
 1153 vendors to administer the plans.

1154 (a) These plans ~~are shall be~~ limited to ~~state~~ employees  
 1155 who are over age 55 and who are ~~+~~ eligible for accumulated leave  
 1156 and special compensation payments and separating from employment  
 1157 with 10 years of service in accordance with the Internal Revenue  
 1158 Code, or who are participating in the Deferred Retirement Option  
 1159 Program on or after July 1, 2001.

1160 (b) The plans must provide benefits in a manner that  
 1161 minimizes the tax liability of the state and participants.

1162 (c) The plans must be funded by employer contributions of  
 1163 payments for accumulated leave or special compensation payments,  
 1164 or both, as specified by the department.

1165 (d) The plans must have received all necessary federal and  
 1166 state approval as required by law, must not adversely impact the  
 1167 qualified status of the Florida Retirement System defined  
 1168 benefit or defined contribution plans or the pretax benefits  
 1169 program, and must comply with ~~the provisions of~~ s. 112.65.

1170 Adoption of any plan is contingent on: the department receiving  
 1171 appropriate favorable rulings from the Internal Revenue Service;  
 1172 the department negotiating under the provisions of chapter 447,  
 1173 where applicable; and the Chief Financial Officer making  
 1174 appropriate changes to the state payroll system.

1175 (e) The department's request for proposals by vendors for  
 1176 such plans may require that ~~the~~ vendors provide market-risk or

1177 | volatility ratings from recognized rating agencies for each of  
 1178 | their investment products.

1179 |       (f) The department shall provide ~~for~~ a system of  
 1180 | continuous quality assurance oversight to ensure that the  
 1181 | program objectives are achieved and that the program is  
 1182 | prudently managed.

1183 |       (2) Within 30 days after termination of employment, an  
 1184 | employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty  
 1185 | may be assessed by the plan administrator. If an ~~any~~ employee is  
 1186 | adversely affected by payment of an excise tax or an ~~any~~  
 1187 | Internal Revenue Service penalty by withdrawing ~~electing to~~  
 1188 | ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a  
 1189 | provision that provides ~~which will provide~~ the employee with no  
 1190 | less cash than if the employee had not participated in the plan.

1191 |       (3) These contracts may be used by any other pay plans or  
 1192 | personnel systems in the executive, legislative, or judicial  
 1193 | branches of government upon approval of the appropriate  
 1194 | administrative authority.

1195 |       (4) Notwithstanding the terminal pay provisions of s.  
 1196 | 112.913 ~~110.122~~, the department may contract for a tax-sheltered  
 1197 | plan for leave and special compensation pay for employees who  
 1198 | are terminating over age 55 and have ~~with~~ 10 years of service,  
 1199 | and for employees participating in the Deferred Retirement  
 1200 | Option Program on or after July 1, 2001, ~~and~~ who are over age  
 1201 | 55. The frequency of payments into the plan shall be determined  
 1202 | by the department or as provided in the General Appropriations  
 1203 | Act. This plan must ~~or plans shall~~ provide the greatest tax  
 1204 | benefits to the employees and maximize the savings to the state.

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1205 (5) The department shall determine by rule the design of  
 1206 the plans and the eligibility of participants.

1207 (6) ~~Nothing in This section does not shall be construed to~~  
 1208 ~~remove plan participants from the scope of s. 112.913(5)~~  
 1209 ~~110.122(5).~~

1210 (7) The department may adopt rules necessary to administer  
 1211 this section.

1212 Section 20. Section 110.201, Florida Statutes, is  
 1213 transferred, renumbered as section 110.183, Florida Statutes,  
 1214 and amended to read:

1215 110.183 ~~110.201~~ Collective bargaining Personnel rules,  
 1216 ~~records, and reports.-~~

1217 ~~(1)(a) The department, in consultation with agencies that~~  
 1218 ~~must comply with these rules, shall develop uniform personnel~~  
 1219 ~~rules, guidelines, records, and reports relating to employees~~  
 1220 ~~and positions in the career service. Agencies must comply with~~  
 1221 ~~the uniform rules, except as provided in this section. The~~  
 1222 ~~department may adopt rules that provide alternative~~  
 1223 ~~requirements. Upon filing with the Department of State, the~~  
 1224 ~~appropriate uniform rules will constitute the personnel rules~~  
 1225 ~~for each agency subject to this act unless the Administration~~  
 1226 ~~Commission grants an exception to a specific rule to an agency~~  
 1227 ~~upon the agency's request or unless the agency must comply with~~  
 1228 ~~a statutory provision that conflicts with the uniform rules. If~~  
 1229 ~~an agency must comply with a statutory provision that conflicts~~  
 1230 ~~with the uniform rules, the agency must notify the~~  
 1231 ~~Administration Commission, the Administrative Procedures~~  
 1232 ~~Committee, and the appropriate standing committees of the~~

1233 ~~Legislature and advise the standing committees whether the~~  
 1234 ~~agency recommends revision of the statute to conform it to the~~  
 1235 ~~uniform rules. Agencies are encouraged to propose methods of~~  
 1236 ~~conforming statutory provisions to the uniform personnel rules.~~

1237 ~~(b) An agency may request an exception to the uniform~~  
 1238 ~~personnel rules by filing a petition with the Administration~~  
 1239 ~~Commission. The Administration Commission shall approve an~~  
 1240 ~~exception when the exception is necessary to conform to any~~  
 1241 ~~requirement imposed as a condition precedent to receipt of~~  
 1242 ~~federal funds or to permit persons in this state to receive tax~~  
 1243 ~~benefits under federal law, or as required for the most~~  
 1244 ~~efficient operation of the agency as determined by the~~  
 1245 ~~Administration Commission. The reasons for the exception must be~~  
 1246 ~~published in the Florida Administrative Weekly.~~

1247 ~~(c) Agency rules that provide exceptions to the uniform~~  
 1248 ~~personnel rules may not be filed with the Department of State~~  
 1249 ~~unless the Administration Commission has approved the~~  
 1250 ~~exceptions. Each agency that adopts rules that provide~~  
 1251 ~~exceptions to the uniform rules or that must comply with~~  
 1252 ~~statutory requirements that conflict with the uniform rules must~~  
 1253 ~~have a separate chapter published in the Florida Administrative~~  
 1254 ~~Code which clearly delineates the provisions of the agency's~~  
 1255 ~~rules which provide exceptions or are based upon a conflicting~~  
 1256 ~~statutory requirement. Each alternative chosen from those~~  
 1257 ~~authorized by the uniform rules must be specified. Each chapter~~  
 1258 ~~must be organized in the same manner as the uniform rules.~~

1259 ~~(d) The department shall develop uniform forms and~~  
 1260 ~~instructions to be used in reporting transactions which involve~~

1261 ~~changes in an employee's salary, status, performance, leave,~~  
 1262 ~~fingerprint record, loyalty oath, payroll change, appointment~~  
 1263 ~~action, or any additional transactions as the department may~~  
 1264 ~~determine appropriate.~~

1265 ~~(c) It is the responsibility of the employing agency to~~  
 1266 ~~maintain these records and all other records and reports~~  
 1267 ~~prescribed in applicable rules on a current basis.~~

1268 ~~(2) Each employing agency shall operate within the uniform~~  
 1269 ~~personnel rules promulgated by the department under this~~  
 1270 ~~chapter. Any rule adopted by an employing agency that is an~~  
 1271 ~~exception to the uniform personnel rules or that is based upon a~~  
 1272 ~~statutory provision that an agency must follow but which~~  
 1273 ~~conflicts with the uniform personnel rules may not prescribe any~~  
 1274 ~~personnel policies inconsistent with the provisions of this~~  
 1275 ~~chapter. Neither the rules of the department nor the rules of an~~  
 1276 ~~employing agency may include any benefits for career service~~  
 1277 ~~employees which are in excess of, or in addition to, those~~  
 1278 ~~authorized by this chapter.~~

1279 ~~(3) The rules adopted by the department and each employing~~  
 1280 ~~agency under this part shall comply with all federal regulations~~  
 1281 ~~necessary to permit the state agencies to be eligible to receive~~  
 1282 ~~federal funds.~~

1283 ~~(4) The department shall coordinate with the Governor and~~  
 1284 ~~the state agencies consult with the Administration Commission on~~  
 1285 ~~personnel matters falling within the scope of collective~~  
 1286 ~~bargaining and shall represent the Governor in collective~~  
 1287 ~~bargaining negotiations and other collective bargaining matters~~  
 1288 ~~as may be necessary. All discussions relative to collective~~

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1289 bargaining between the department and the Governor, ~~and~~ between  
 1290 the department and the ~~Administration Commission or~~ agency  
 1291 heads, or between any of their respective representatives are,  
 1292 ~~relative to collective bargaining,~~ shall be exempt from the  
 1293 ~~provisions of~~ s. 286.011, and all work products relative to  
 1294 collective bargaining developed in conjunction with such  
 1295 discussions are ~~shall be~~ confidential and exempt from the  
 1296 ~~provisions of~~ s. 119.07(1).

1297 ~~(5) The department shall develop a workforce report that~~  
 1298 ~~contains data representative of the state's human resources. The~~  
 1299 ~~report should identify trends for planning and improving the~~  
 1300 ~~management of the state's human resources. The department shall~~  
 1301 ~~submit this report annually to the Governor, the President of~~  
 1302 ~~the Senate, and the Speaker of the House of Representatives.~~

1303 Section 21. Section 110.184, Florida Statutes, is created  
 1304 to read:

1305 110.184 Workforce report.—The department shall prepare a  
 1306 workforce report on human resources in the State Personnel  
 1307 System. The report shall provide data and identify trends for  
 1308 planning and improving the management of the State Personnel  
 1309 System. The department shall annually submit the report to the  
 1310 Governor, the President of the Senate, and the Speaker of the  
 1311 House of Representatives.

1312 Section 22. The Division of Statutory Revision is  
 1313 requested to rename part II of chapter 110, Florida Statutes, as  
 1314 "Civil Service."

1315 Section 23. Section 110.202, Florida Statutes, is created  
 1316 to read:

1317 110.202 Declaration of policy.—This part creates the Civil  
 1318 Service System within the State Personnel System as required by  
 1319 s. 14, Art. III of the State Constitution.

1320 Section 24. Section 110.205, Florida Statutes, is amended  
 1321 to read:

1322 110.205 Civil Career Service; exemptions.—

1323 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career  
 1324 Service to which this part applies includes all positions within  
 1325 the State Personnel System not specifically exempted by this  
 1326 section part, notwithstanding any other provisions of law the  
 1327 Florida Statutes to the contrary notwithstanding.

1328 (2) EXEMPT POSITIONS.—The exempt positions that are not  
 1329 covered by this part include the following positions are  
 1330 exempted from the Civil Service:

1331 (a) Elected officers.—All officers of the executive branch  
 1332 elected by popular vote and persons appointed to fill vacancies  
 1333 in such offices. Unless otherwise fixed by law, the salary and  
 1334 benefits for an any such officer who serves as the head of an  
 1335 agency a department shall be set by the department in accordance  
 1336 with the rules of the Senior Management Service.

1337 (b) Legislative branch.—All members, officers, and  
 1338 employees of the legislative branch, except for the members,  
 1339 officers, and employees of the Florida Public Service  
 1340 Commission.

1341 (c) Judicial branch.—All members, officers, and employees  
 1342 of the judicial branch.

1343 (d) State universities.—All officers and employees of the  
 1344 state universities and the academic personnel and academic



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1345 ~~administrative personnel of the Florida School for the Deaf and~~  
1346 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~  
1347 ~~salaries for academic personnel and academic administrative~~  
1348 ~~personnel of the Florida School for the Deaf and the Blind shall~~  
1349 ~~be set by the board of trustees for the school, subject only to~~  
1350 ~~the approval of the State Board of Education.~~

1351 ~~(e) The Chief Information Officer in the Agency for~~  
1352 ~~Enterprise Information Technology. Unless otherwise fixed by~~  
1353 ~~law, the Agency for Enterprise Information Technology shall set~~  
1354 ~~the salary and benefits of this position in accordance with the~~  
1355 ~~rules of the Senior Management Service.~~

1356 ~~(e)-(f)~~ Members of boards and commissions.—All members of  
1357 state boards and commissions, however selected. Unless otherwise  
1358 fixed by law, the salary and benefits for any full-time board or  
1359 commission member shall be set by the department in accordance  
1360 with the rules of the Senior Management Service.

1361 ~~(g) Judges, referees, and receivers.~~

1362 ~~(h) Patients or inmates in state institutions.~~

1363 ~~(f)-(i)~~ Time-limited positions.—All positions that are  
1364 established for a limited period of time for the purpose of  
1365 conducting a special study, project, or investigation and any  
1366 person paid from an other-personal-services appropriation.  
1367 Unless otherwise fixed by law, the salaries for such positions  
1368 and persons shall be set in accordance with rules established by  
1369 the employing agency for other-personal-services payments  
1370 pursuant to s. 112.907 ~~110.131~~.

1371 ~~(g)-(j)~~ Executive-level positions.—The appointed  
1372 secretaries and the State Surgeon General, assistant

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1373 secretaries, deputy secretaries, and deputy assistant  
 1374 secretaries of all agencies ~~departments~~; the executive  
 1375 directors, assistant executive directors, deputy executive  
 1376 directors, and deputy assistant executive directors of all  
 1377 agencies ~~departments~~; the directors of all divisions and those  
 1378 positions determined by the department to have managerial  
 1379 responsibilities comparable to such positions, including which  
 1380 ~~positions include~~, but are not limited to, program directors,  
 1381 assistant program directors, district administrators, deputy  
 1382 district administrators, general counsels, chief cabinet aides,  
 1383 public information administrators or comparable positions for a  
 1384 cabinet officer, inspectors general, or legislative affairs  
 1385 directors; and the Director of Central Operations Services of  
 1386 ~~the Department of Children and Family Services~~, the State  
 1387 Transportation Development Administrator, the State Public  
 1388 Transportation and Modal Administrator, district secretaries,  
 1389 district directors of transportation development, transportation  
 1390 operations, and transportation support, ~~and~~ the managers of the  
 1391 Department of Transportation offices specified in s.  
 1392 20.23(4) (b), the county health department directors and county  
 1393 health department administrators of the Department of Health,  
 1394 and the one additional position that may be designated by each  
 1395 agency and that reports directly to the agency head or to a  
 1396 position in the Senior Management Service and whose additional  
 1397 costs are absorbed from the existing budget of that agency ~~of~~  
 1398 ~~the Department of Transportation~~. Unless otherwise fixed by law,  
 1399 the department shall set the salary and benefits of these  
 1400 positions in accordance with the rules of the Senior Management

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1401 ~~Service, and the county health department directors and county~~  
 1402 ~~health department administrators of the Department of Health.~~

1403 ~~(k) The personal secretary to the incumbent of each~~  
 1404 ~~position exempted in paragraphs (a), (e), and (j). Unless~~  
 1405 ~~otherwise fixed by law, the department shall set the salary and~~  
 1406 ~~benefits of these positions in accordance with the rules of the~~  
 1407 ~~Selected Exempt Service.~~

1408 (h)(1) Executive Office of the Governor.—All officers and  
 1409 employees in the office of the Governor, including all employees  
 1410 at the Governor's mansion, and employees within each separate  
 1411 budget entity, as defined in chapter 216, assigned to the  
 1412 Governor. Unless otherwise fixed by law, the salary and benefits  
 1413 of these positions shall be set by the department as follows:

1414 1. The chief of staff, ~~the~~ assistant or deputy chief of  
 1415 staff, general counsel, Director of Legislative Affairs, chief  
 1416 inspector general, Director of Cabinet Affairs, Director of  
 1417 Press Relations, Director of Planning and Budgeting, Director of  
 1418 Administration, director of state-federal relations, Director of  
 1419 Appointments, Director of External Affairs, Deputy General  
 1420 Counsel, Governor's liaison for community development, chief of  
 1421 staff for the Lieutenant Governor, deputy director of planning  
 1422 and budgeting, policy coordinators, and ~~the~~ director of each  
 1423 separate budget entity shall have their salaries and benefits  
 1424 set established by the department in accordance with the rules  
 1425 of the Senior Management Service.

1426 2. The salaries and benefits of positions not established  
 1427 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the  
 1428 employing agency. Salaries and benefits of employees whose

1429 professional training is comparable to that of licensed  
 1430 professionals under paragraph (n) ~~(r)~~, or whose administrative  
 1431 responsibility is comparable to a bureau chief shall be set by  
 1432 the rules of the Selected Exempt Service. The department shall  
 1433 make the comparability determinations. Other employees shall  
 1434 have benefits set comparable to legislative staff, except leave  
 1435 shall be comparable to civil ~~career~~ service ~~as if career service~~  
 1436 employees.

1437 (i) ~~(m)~~ Upper-management positions.—All assistant division  
 1438 director, deputy division director, and bureau chief positions  
 1439 in any agency ~~department~~, and those positions determined by the  
 1440 department to have managerial responsibilities comparable to  
 1441 such positions. Unless otherwise fixed by law, the salaries of  
 1442 benefits of these positions shall be set by the department in  
 1443 accordance with the rules of the Selected Exempt Service. These  
 1444 positions, ~~which~~ include, but are not limited to:

1445 1. Positions in the Department of Health and the  
 1446 Department of Children and Family Services which ~~that~~ are  
 1447 assigned primary duties of serving as the superintendent or  
 1448 assistant superintendent of an institution.

1449 2. Positions in the Department of Corrections which ~~that~~  
 1450 are assigned primary duties of serving as the warden, assistant  
 1451 warden, colonel, or major of an institution or which ~~that~~ are  
 1452 assigned primary duties of serving as the circuit administrator  
 1453 or deputy circuit administrator.

1454 3. Positions in the Department of Transportation which  
 1455 ~~that~~ are assigned primary duties of serving as regional toll  
 1456 managers and managers of offices, as defined in s. 20.23(4) (b)

1457 and (5) (c).

1458 4. Positions in the Department of Environmental Protection  
 1459 which ~~that~~ are assigned the duty of an environmental  
 1460 administrator or program administrator.

1461 5. Positions in the Department of Health which ~~that~~ are  
 1462 assigned the duties of environmental administrator, assistant  
 1463 county health department director, and county health department  
 1464 financial administrator.

1465 6. Positions in the Department of Children and Family  
 1466 Services which are assigned the duties of staff director,  
 1467 assistant staff director, district program manager, district  
 1468 program coordinator, district administrator, district  
 1469 administrative services director, district attorney, and deputy  
 1470 director of central operations services.

1471  
 1472 ~~Unless otherwise fixed by law, the department shall set the~~  
 1473 ~~salary and benefits of the positions listed in this paragraph in~~  
 1474 ~~accordance with the rules established for the Selected Exempt~~  
 1475 ~~Service.~~

1476 (j)(n) Other managerial or policymaking positions.-

1477 ~~1.a.~~ In addition to those positions exempted by other  
 1478 paragraphs of this subsection, each agency ~~department~~ head may  
 1479 designate a maximum of 20 policymaking or managerial positions,  
 1480 as defined by the department and approved by the Administration  
 1481 Commission, as being exempt from the Civil ~~Career~~ Service  
 1482 ~~System.~~ Civil ~~Career~~ service employees who occupy a position  
 1483 designated as a position in the Selected Exempt Service under  
 1484 this paragraph may ~~shall have the right to~~ remain in the Civil

1485 ~~Career Service System~~ by opting to serve in a position not  
 1486 exempted by the employing agency. Unless otherwise fixed by law,  
 1487 the department shall set the salary and benefits of these  
 1488 positions in accordance with the rules of the Selected Exempt  
 1489 Service; ~~provided, however, that if the agency head determines~~  
 1490 ~~that the general counsel, chief Cabinet aide, public information~~  
 1491 ~~administrator or comparable position for a Cabinet officer,~~  
 1492 ~~inspector general, or legislative affairs director has both~~  
 1493 ~~policymaking and managerial responsibilities and if the~~  
 1494 ~~department determines that any such position has both~~  
 1495 ~~policymaking and managerial responsibilities, the salary and~~  
 1496 ~~benefits for each such position shall be established by the~~  
 1497 ~~department in accordance with the rules of the Senior Management~~  
 1498 ~~Service.~~

1499 ~~b. In addition, each department may designate one~~  
 1500 ~~additional position in the Senior Management Service if that~~  
 1501 ~~position reports directly to the agency head or to a position in~~  
 1502 ~~the Senior Management Service and if any additional costs are~~  
 1503 ~~absorbed from the existing budget of that department.~~

1504 2. If otherwise exempt from the Civil Service, employees  
 1505 of the Public Employees Relations Commission, the Commission on  
 1506 Human Relations, and the Unemployment Appeals Commission, upon  
 1507 the certification of their respective commission heads, may, if  
 1508 otherwise qualified, be provided for ~~under this paragraph~~ as  
 1509 members of the Senior Management Service, ~~if otherwise~~  
 1510 ~~qualified~~. However, the deputy general counsel of the Public  
 1511 Employees Relations Commission shall be compensated in  
 1512 accordance with the rules ~~as members~~ of the Selected Exempt

1513 Service.

1514 (k) Specialized managerial positions.—

1515 1. The department shall set the salary and benefits for  
 1516 the following positions in accordance with the rules of the  
 1517 Selected Exempt Service:

1518 a. Pursuant to s. 447.203(4), managerial employees who  
 1519 perform jobs that are not of a routine, clerical, or ministerial  
 1520 nature and require the exercise of independent judgment in the  
 1521 performance of such jobs and to whom one or more of the  
 1522 following applies: formulate or assist in formulating policies  
 1523 applicable to bargaining unit employees; assist in the  
 1524 preparation for the conduct of collective bargaining  
 1525 negotiations; administer agreements resulting from collective  
 1526 bargaining negotiations; have a significant role in personnel  
 1527 administration; have a significant role in employee relations;  
 1528 or have a significant role in the preparation or administration  
 1529 of the final budget for any public agency or institution or  
 1530 subdivision, including having the authority to select and  
 1531 approve among alternative expenditures when necessary.

1532 b. Pursuant to s. 447.203(5), employees who act in a  
 1533 confidential capacity to assist or aid managerial employees who  
 1534 are performing work and who have access to information that  
 1535 would provide an employee labor organization with an advantage  
 1536 at the bargaining table or in the administration of collective  
 1537 bargaining agreements.

1538 c. All supervisory employees, including supervisors,  
 1539 administrators, and directors, who customarily and regularly  
 1540 plan and direct the work of two or more full-time employees or

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1541 the equivalent, and who communicate with, motivate, train, and  
1542 evaluate employees, and who have the authority to hire,  
1543 transfer, suspend, lay off, recall, promote, discharge, assign,  
1544 reward, or discipline subordinate employees or, effectively, to  
1545 recommend such action.

1546 2. The exemptions provided in this paragraph are not  
1547 applicable to the following:

1548 a. Managerial and supervisory employees who are designated  
1549 as special risk or special risk administrative support;

1550 b. Attorneys who serve as administrative law judges  
1551 pursuant to s. 120.65 or for hearings conducted pursuant to s.  
1552 120.57(1)(a); or

1553 c. Professional health care providers as defined in s.  
1554 110.1054, unless otherwise collectively bargained.

1555 (1) ~~(e)~~ Public Service Commission.—The executive director,  
1556 deputy executive director, general counsel, inspector general,  
1557 official reporters, and division directors within the Public  
1558 Service Commission and the personal secretary and personal  
1559 assistant to each member of the Public Service Commission.  
1560 Unless otherwise fixed by law, the salary and benefits of the  
1561 executive director, deputy executive directors, general counsel,  
1562 inspector general, and directors of all divisions and those  
1563 positions determined to have managerial responsibilities  
1564 comparable to such positions ~~Director of Administration,~~  
1565 ~~Director of Appeals, Director of Auditing and Financial~~  
1566 ~~Analysis, Director of Communications, Director of Consumer~~  
1567 ~~Affairs, Director of Electric and Gas, Director of Information~~  
1568 ~~Processing, Director of Legal Services, Director of Records and~~



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1569 ~~Reporting, Director of Research, and Director of Water and Sewer~~  
 1570 shall be set ~~by the department~~ in accordance with the rules of  
 1571 the Senior Management Service. The salary and benefits of the  
 1572 personal secretary and the personal assistant of each member of  
 1573 the commission and the official reporters shall be set ~~by the~~  
 1574 ~~department~~ in accordance with the rules of the Selected Exempt  
 1575 Service, ~~notwithstanding any salary limitations imposed by law~~  
 1576 ~~for the official reporters.~~

1577 (m) ~~(p)~~ Department of Military Affairs.—

1578 1. All military personnel of the Department of Military  
 1579 Affairs. Unless otherwise fixed by law, the salary and benefits  
 1580 for ~~such~~ military personnel shall be set by the Department of  
 1581 Military Affairs in accordance with the appropriate military pay  
 1582 schedule.

1583 2. The salary and benefits of military police chiefs,  
 1584 military police officers, firefighter trainers, firefighter-  
 1585 rescuers, and electronic security system technicians shall be  
 1586 ~~have salary and benefits~~ the same as civil ~~career~~ service  
 1587 employees.

1588 ~~(q) The staff directors, assistant staff directors,~~  
 1589 ~~district program managers, district program coordinators,~~  
 1590 ~~district subdistrict administrators, district administrative~~  
 1591 ~~services directors, district attorneys, and the Deputy Director~~  
 1592 ~~of Central Operations Services of the Department of Children and~~  
 1593 ~~Family Services. Unless otherwise fixed by law, the Department~~  
 1594 ~~shall establish the pay band and benefits for these positions in~~  
 1595 ~~accordance with the rules of the Selected Exempt Service.~~

1596 (n) ~~(r)~~ Professional licensure.—All positions not otherwise

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1597 exempt under this subsection which require as a prerequisite to  
 1598 employment: licensure as a physician pursuant to chapter 458;;  
 1599 licensure as an osteopathic physician pursuant to chapter 459;;  
 1600 licensure as a chiropractic physician pursuant to chapter 460,  
 1601 including those positions that ~~which~~ are occupied by employees  
 1602 who are exempted from licensure pursuant to s. 409.352;  
 1603 licensure as an engineer pursuant to chapter 471, which are  
 1604 supervisory positions; or for 12 calendar months, which require  
 1605 as a prerequisite to employment that the employee have received  
 1606 the degree of Bachelor of Laws or Juris Doctor from a law school  
 1607 accredited by the American Bar Association and thereafter  
 1608 membership in The Florida Bar, except for any attorney who  
 1609 serves as an administrative law judge pursuant to s. 120.65 or  
 1610 for hearings conducted pursuant to s. 120.57(1)(a). Unless  
 1611 otherwise fixed by law, the department shall set the salary and  
 1612 benefits for these positions in accordance with the rules of  
 1613 ~~established for~~ the Selected Exempt Service.

1614 (o) ~~(s)~~ Statewide prosecutor.—The statewide prosecutor in  
 1615 charge of the Office of Statewide Prosecution of the Department  
 1616 of Legal Affairs and all employees in the office. The Department  
 1617 of Legal Affairs shall set the salary of these positions.

1618 (p) ~~(t)~~ Executive directors of regulatory boards and  
 1619 commissions.—The executive director of each board or commission  
 1620 established within the Department of Business and Professional  
 1621 Regulation or the Department of Health. Unless otherwise fixed  
 1622 by law, the Department of Management Services shall set  
 1623 ~~establish~~ the salary and benefits for these positions in  
 1624 accordance with the rules of ~~established for~~ the Selected Exempt

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1625 Service.

1626 ~~(q)(u)~~ State Board of Administration.—All officers and  
1627 employees of the State Board of Administration. The State Board  
1628 of Administration shall set the salary ~~salaries~~ and benefits of  
1629 these positions.

1630 ~~(v)~~ ~~Positions that are leased pursuant to a state employee~~  
1631 ~~lease agreement expressly authorized by the Legislature pursuant~~  
1632 ~~to s. 110.191.~~

1633 ~~(w)~~ ~~Managerial employees, as defined in s. 447.203(4),~~  
1634 ~~confidential employees, as defined in s. 447.203(5), and~~  
1635 ~~supervisory employees who spend the majority of their time~~  
1636 ~~communicating with, motivating, training, and evaluating~~  
1637 ~~employees, and planning and directing employees' work, and who~~  
1638 ~~have the authority to hire, transfer, suspend, lay off, recall,~~  
1639 ~~promote, discharge, assign, reward, or discipline subordinate~~  
1640 ~~employees or effectively recommend such action, including all~~  
1641 ~~employees serving as supervisors, administrators, and directors.~~  
1642 ~~Excluded are employees also designated as special risk or~~  
1643 ~~special risk administrative support and attorneys who serve as~~  
1644 ~~administrative law judges pursuant to s. 120.65 or for hearings~~  
1645 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~  
1646 ~~nurses licensed under chapter 464, dentists licensed under~~  
1647 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~  
1648 ~~491, nutritionists or dietitians licensed under part X of~~  
1649 ~~chapter 468, pharmacists licensed under chapter 465,~~  
1650 ~~psychological specialists licensed under chapter 491, physical~~  
1651 ~~therapists licensed under chapter 486, and speech therapists~~  
1652 ~~licensed under part I of chapter 468 are excluded, unless~~

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1653 ~~otherwise collectively bargained.~~

1654 (r) ~~(\*)~~ Justice Administration Commission and similar  
 1655 entities.—All officers and employees of the Justice  
 1656 Administrative Commission, Office of the State Attorney, Office  
 1657 of the Public Defender, regional offices of capital collateral  
 1658 counsel, offices of criminal conflict and civil regional  
 1659 counsel, and Statewide Guardian Ad Litem Office, including the  
 1660 circuit guardian ad litem programs and the Florida Clerks of  
 1661 Court Operations Corporation.

1662 (s) Florida School for the Deaf and the Blind.—In  
 1663 accordance with s. 1002.36, the salaries for academic personnel  
 1664 and academic administrative personnel of the Florida School for  
 1665 the Deaf and the Blind shall be set by the board of trustees for  
 1666 the school, subject only to the approval of the State Board of  
 1667 Education.

1668 (t) Miscellaneous positions.—

1669 1. The Chief Information Officer in the Agency for  
 1670 Enterprise Information Technology. Unless otherwise fixed by  
 1671 law, the agency shall set the salary and benefits of this  
 1672 position in accordance with the rules of the Senior Management  
 1673 Service.

1674 2. The chief inspector of the boiler inspection program of  
 1675 the Department of Financial Services. The pay band of this  
 1676 position shall be set by the Department of Management Services  
 1677 in accordance with the classification and pay plan established  
 1678 for the Selected Exempt Service.

1679 3. The personal assistant to the incumbent of each  
 1680 position exempted in subparagraph 1., paragraph (a), or

1681 paragraph (g). Unless otherwise fixed by law, the department  
 1682 shall set the salary and benefits of these positions in  
 1683 accordance with the rules of the Selected Exempt Service.

1684 4. Positions that are leased pursuant to a state employee  
 1685 lease agreement expressly authorized by the Legislature pursuant  
 1686 to s. 112.922.

1687 5. Judges, referees, and receivers of the executive  
 1688 branch.

1689 6. Positions held by patients or inmates in state  
 1690 institutions.

1691 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~  
 1692 ~~Employees of the Department of Law Enforcement shall be subject~~  
 1693 ~~to the provisions of s. 110.227, except in matters relating to~~  
 1694 ~~transfer.~~

1695 ~~(4) DEFINITION OF DEPARTMENT. When used in this section,~~  
 1696 ~~the term "department" shall mean all departments and commissions~~  
 1697 ~~of the executive branch, whether created by the State~~  
 1698 ~~Constitution or chapter 20; the office of the Governor; and the~~  
 1699 ~~Public Service Commission; however, the term "department" shall~~  
 1700 ~~mean the Department of Management Services when used in the~~  
 1701 ~~context of the authority to establish pay bands and benefits.~~

1702 (3)(5) POSITIONS EXEMPTED BY OTHER STATUTES.—If any  
 1703 position is exempted from the Civil career Service by any other  
 1704 statute and the personnel system to which that position is  
 1705 assigned is not specifically included in the statute, the  
 1706 position shall be placed in the Selected Exempt Service, and the  
 1707 department shall set ~~establish~~ the pay band and benefits for  
 1708 that position in accordance with the rules of the Selected

1709 Exempt Service.

1710 (4) RULES.—The department may adopt rules necessary to  
 1711 administer this section.

1712 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~  
 1713 ~~DEPARTMENT OF FINANCIAL SERVICES.—In addition to those positions~~  
 1714 ~~exempted from this part, there is hereby exempted from the~~  
 1715 ~~Career Service System the chief inspector of the boiler~~  
 1716 ~~inspection program of the Department of Financial Services. The~~  
 1717 ~~pay band of this position shall be established by the Department~~  
 1718 ~~of Management Services in accordance with the classification and~~  
 1719 ~~pay plan established for the Selected Exempt Service.~~

1720 ~~(7) CARRYING LEAVE FORWARD.—If an employee is transferred~~  
 1721 ~~or otherwise moves from the Career Service System into the~~  
 1722 ~~Selected Exempt Service, all of the employee's unused annual~~  
 1723 ~~leave, unused sick leave, and unused compensatory leave shall~~  
 1724 ~~carry forward with the employee.~~

1725 Section 25. Section 110.208, Florida Statutes, is created  
 1726 to read:

1727 110.208 Classification system.—The department shall  
 1728 establish and maintain a uniform classification system  
 1729 applicable to all positions in the Civil Service and shall be  
 1730 responsible for the overall coordination, review, and  
 1731 maintenance of the system. A position may not be filled until it  
 1732 has been classified in accordance with the system.

1733 (1) The system must include:

1734 (a) A position classification system using job families,  
 1735 occupational groups, and a broadband level structure for each  
 1736 occupation within an occupational group.

1737 (b) A pay plan that provides broad-based pay bands for  
 1738 each occupational group.

1739 (2) In establishing and administering the system, the  
 1740 department:

1741 (a) Shall develop occupation profiles necessary for the  
 1742 establishment of new occupations or for the revision of existing  
 1743 occupations and shall establish the appropriate occupation title  
 1744 and broadband level code for each occupation. The occupation  
 1745 profiles, titles, and codes are not rules as defined in s.  
 1746 120.52.

1747 (b) Shall be responsible for conducting periodic studies  
 1748 and surveys to ensure that the classification system is  
 1749 maintained on a current basis.

1750 (c) May review in a postaudit capacity the action taken by  
 1751 an agency in classifying or reclassifying a position.

1752 (d) Shall effect a classification change on any  
 1753 classification or reclassification action taken by an agency if  
 1754 the action taken by the agency was not based on the duties and  
 1755 responsibilities officially assigned the position as they relate  
 1756 to the concepts and description contained in the official  
 1757 occupation profile and the level definition provided in the  
 1758 occupational group characteristics adopted by the department.

1759 (e) Shall adopt rules necessary to administer the  
 1760 classification system.

1761 (3) Each state agency is responsible for the day-to-day  
 1762 application of the classification system established by the  
 1763 department. The agency:

1764 (a) Shall maintain an up-to-date position description for

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1765 each authorized and established position assigned to the agency.  
1766 The position description must include an accurate description of  
1767 assigned duties and responsibilities and other pertinent  
1768 information relating to a position and serves as a record of the  
1769 official assignment of duties to the position. The description  
1770 shall be used to compare positions in order to ensure the  
1771 uniformity of classifications.

1772 (b) May classify positions authorized by the Legislature  
1773 or pursuant to s. 216.262, classify positions that are added in  
1774 lieu of positions deleted pursuant to s. 216.262, and reclassify  
1775 established positions. Classification and reclassification  
1776 actions taken by an agency must be within the classification  
1777 system occupations established by the department, shall be  
1778 funded within the limits of currently authorized appropriations,  
1779 and must be in accordance with the uniform procedures  
1780 established by the department.

1781 Section 26. Section 110.2085, Florida Statutes, is created  
1782 to read:

1783 110.2085 Pay plan.—

1784 (1) The department shall establish and maintain an  
1785 equitable pay plan that applies to all positions in the Civil  
1786 Service and shall be responsible for the overall review,  
1787 coordination, and administration of the pay plan.

1788 (2) The department shall provide market-based pay bands  
1789 for occupational groups and establish guidelines for state  
1790 agencies to use when moving employees through such pay bands.

1791 (a) The agencies may determine the appropriate salary  
1792 within the pay bands using the guidelines developed by the



1793 department. Such pay bands, and the assignment of broadband  
 1794 levels to positions, are not rules as defined in s. 120.52.

1795 (b) The department, in consultation with the Executive  
 1796 Office of the Governor and the legislative appropriations  
 1797 committees, shall conduct compensation surveys as necessary for  
 1798 the purpose of achieving an equitable, competitive, market-based  
 1799 pay policy.

1800 (3) The department shall establish rules for the  
 1801 administration of pay additives and shall delegate to the state  
 1802 agencies, where appropriate, the authority to implement pay  
 1803 additives. The agency must use pay additives, as appropriate,  
 1804 within the guidelines established by the department and  
 1805 consistent with directions contained in the General  
 1806 Appropriations Act.

1807 (a) The following pay additives are authorized:

- 1808 1. Shift differentials.
- 1809 2. On call.
- 1810 3. Hazardous duty.
- 1811 4. Lead-worker duty.
- 1812 5. Temporary special duties, general.
- 1813 6. Temporary special duties, absent coworker.
- 1814 7. Trainer duties.
- 1815 8. Competitive area differentials.
- 1816 9. Critical market pay.

1817 (b) Each state agency shall include in its annual  
 1818 legislative budget request a proposed written plan for  
 1819 implementing general temporary special duty pay additives during  
 1820 the next fiscal year. Proposed revisions to an approved plan

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1821 which become necessary during the fiscal year must be submitted  
1822 by the agency to the department for review and recommendation to  
1823 the Executive Office of the Governor. Such revisions may be  
1824 implemented only after approval by the Executive Office of the  
1825 Governor. A proposed revision is deemed to be action subject to  
1826 s. 216.177.

1827 (c) A new competitive area differential or a new critical  
1828 market pay additive may not be implemented unless the department  
1829 has reviewed and recommended such action and the Legislature has  
1830 provided express authority to implement such action. This  
1831 applies to an increase in the level of competitive area  
1832 differentials and critical market pay additives and to the  
1833 initial establishment and implementation of a competitive area  
1834 differential or critical market pay additive not in effect as of  
1835 January 1, 2012.

1836 (d) An agency may implement the pay additives set forth in  
1837 subparagraphs (a)1., 2., 3., 4., 6., and 7. as necessary to  
1838 accomplish the mission of the agency and in accordance with  
1839 department rules, instructions contained in the General  
1840 Appropriations Act, and applicable collective bargaining  
1841 agreements.

1842 (e) The department shall annually provide to the Executive  
1843 Office of the Governor and the Legislature a summary report of  
1844 the pay additives implemented pursuant to this section.

1845 (4) A state agency may implement salary increase and  
1846 decrease corrections due to administrative errors.

1847 (5) The department may adopt rules necessary to administer  
1848 this section.

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1849 Section 27. Section 110.211, Florida Statutes, is amended  
 1850 to read:

1851 110.211 Recruitment.—

1852 (1) Recruiting shall be planned and carried out to ensure  
 1853 ~~in a manner that assures~~ open competition based upon current and  
 1854 projected ~~employing~~ agency needs, taking into consideration the  
 1855 number and types of positions to be filled and the labor market  
 1856 conditions, with special emphasis placed on recruiting efforts  
 1857 that ~~to~~ attract minorities, women, or other groups ~~that are~~  
 1858 underrepresented in the workforce of a state ~~the employing~~  
 1859 agency.

1860 (2) Recruiting efforts to fill current or projected  
 1861 vacancies shall be carried out in the sound discretion of the  
 1862 agency head.

1863 (3) Recruiting ~~shall seek efficiency in advertising and~~  
 1864 may be assisted by a contracted vendor ~~responsible for~~  
 1865 ~~maintenance of the personnel data.~~

1866 (4) The department may adopt rules necessary to administer  
 1867 this section. ~~All recruitment literature involving state~~  
 1868 ~~position vacancies shall contain the phrase "An Equal~~  
 1869 ~~Opportunity Employer/Affirmative Action Employer."~~

1870 Section 28. Section 110.213, Florida Statutes, is amended  
 1871 to read:

1872 110.213 Selection.—

1873 (1) Selection for appointment from among the ~~most~~  
 1874 qualified candidates is ~~shall be~~ the sole responsibility of the  
 1875 state ~~employing~~ agency. ~~All new employees must successfully~~  
 1876 ~~complete at least a 1-year probationary period before attainment~~

1877 ~~of permanent status.~~

1878 (2) ~~Selection shall reflect efficiency and simplicity in~~  
 1879 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee  
 1880 shall ~~be required to~~ document the qualifications of the selected  
 1881 candidate to ensure that the candidate meets the position  
 1882 ~~minimum~~ requirements ~~as~~ specified by the ~~employing~~ agency;;  
 1883 meets the licensure, certification, or registration  
 1884 requirements, if any, ~~as~~ specified by statute;; and possesses  
 1885 the requisite knowledge, skills, and abilities for the position.  
 1886 No other documentation or justification is ~~shall be~~ required  
 1887 before ~~prior to~~ selecting a candidate for a position.

1888 (3) The department may adopt rules necessary to administer  
 1889 this section.

1890 Section 29. Section 110.2135, Florida Statutes, is amended  
 1891 to read:

1892 110.2135 Veterans' preference in employment, reemployment,  
 1893 promotion, and retention.—

1894 (1) Preference in employment, reemployment, promotion, and  
 1895 retention shall be given to an eligible veteran pursuant to ss.  
 1896 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran  
 1897 meets the minimum eligibility requirements and has the  
 1898 knowledge, skills, and abilities required for the particular  
 1899 position.

1900 (2) A disabled veteran employed as the result of being  
 1901 placed at the top of the appropriate employment list under ~~the~~  
 1902 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a  
 1903 probationary period of 1 year. At the end of such period, if the  
 1904 work of the veteran has been satisfactorily performed, the

1905 | veteran will acquire merit ~~permanent employment~~ status in his or  
 1906 | her position and ~~will~~ be subject to the employment rules of the  
 1907 | department ~~of Management Services~~ and the agency employing the  
 1908 | veteran ~~veteran's employing agency~~.

1909 |       (3) The department may adopt rules necessary to administer  
 1910 | this section.

1911 |       Section 30. Section 110.215, Florida Statutes, is amended  
 1912 | to read:

1913 |       110.215 Examinations and other employment qualification  
 1914 | assessments administered to persons having disabilities.—

1915 |       (1) The purpose of this section is to further the policy  
 1916 | of the State Personnel System to encourage and assist persons  
 1917 | having disabilities to achieve maximum personal and vocational  
 1918 | independence through useful and productive gainful employment by  
 1919 | eliminating unwarranted barriers to their qualifying  
 1920 | competitively for civil ~~state career~~ service jobs.

1921 |       (2) As used in this section, the term:

1922 |       ~~(a) "Agency" includes each department and agency of the~~  
 1923 | ~~state.~~

1924 |       (a)(b) "Disability" means, with respect to an individual,  
 1925 | a physical or mental impairment that substantially limits one or  
 1926 | more of the major life activities of the individual, or a record  
 1927 | of having such an impairment, or being regarded as having such  
 1928 | an impairment.

1929 |       (b)(e) "Examination" includes employment tests and other  
 1930 | structured, systematic instruments used to assess the essential  
 1931 | knowledge, skills, abilities, minimum qualifications, and other  
 1932 | job-related requirements possessed by an applicant as a basis

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1933 for any employment decision by an agency.

1934 (3) An applicant for employment within the Civil State  
 1935 ~~Career Service System~~ who has a disability that impairs sensory,  
 1936 speaking, or manual skills may require an agency to administer  
 1937 an ~~any~~ examination to him or her in a format and manner that  
 1938 does not require use of an impaired skill, unless the test is  
 1939 designed to measure that skill. An applicant may request a  
 1940 reasonable accommodation in a test format on the basis of a  
 1941 disability.

1942 (4) The department may adopt rules necessary to administer  
 1943 this section.

1944 Section 31. Section 110.217, Florida Statutes, is amended  
 1945 to read:

1946 110.217 Appointment actions and status ~~Appointments and~~  
 1947 ~~promotion.~~

1948 (1) ~~(a) The department, in consultation with agencies that~~  
 1949 ~~must comply with these rules,~~ shall develop uniform rules  
 1950 regarding original appointment, promotion, demotion,  
 1951 reassignment, lateral action, separation, and status which must  
 1952 be used by state ~~employing~~ agencies. ~~Such rules must be approved~~  
 1953 ~~by the Administration Commission before their adoption by the~~  
 1954 ~~department.~~

1955 ~~(b) Employing agencies may seek exceptions to these~~  
 1956 ~~uniform rules by filing a petition with the Administration~~  
 1957 ~~Commission. The Administration Commission shall approve an~~  
 1958 ~~exception when the exception is necessary to conform to any~~  
 1959 ~~requirement imposed as a condition precedent to receipt of~~  
 1960 ~~federal funds or to permit persons in this state to receive tax~~

1961 ~~benefits under federal law, or as required for the most~~  
 1962 ~~efficient operation of the agency as determined by the~~  
 1963 ~~Administration Commission. The reasons for the exception must be~~  
 1964 ~~published in the Florida Administrative Weekly.~~

1965 ~~(c) Agency rules that provide exceptions to the uniform~~  
 1966 ~~rules may not be filed with the Department of State unless the~~  
 1967 ~~Administration Commission has approved the exceptions. Each~~  
 1968 ~~agency that adopts rules that provide exceptions to the uniform~~  
 1969 ~~rules or that must comply with statutory requirements that~~  
 1970 ~~conflict with the uniform rules must have a separate chapter~~  
 1971 ~~published in the Florida Administrative Code that delineates~~  
 1972 ~~clearly the provisions of the agency's rules which provide~~  
 1973 ~~exceptions or are based upon a conflicting statutory~~  
 1974 ~~requirement. Each alternative chosen from those authorized by~~  
 1975 ~~the uniform rules must be specified. Each chapter must be~~  
 1976 ~~organized in the same manner as the uniform rules.~~

1977 (2) An employee appointed on probationary status shall  
 1978 attain merit status in his or her current position upon  
 1979 successful completion of at least a 1-year probationary period.  
 1980 An employee who has not attained merit status in his or her  
 1981 current position serves at the pleasure of the agency head and  
 1982 may be dismissed at the discretion of the agency head.

1983 (3) If an employee who has received an internal agency  
 1984 promotion from a position in which the employee held merit  
 1985 status is to be dismissed from the promotional position for  
 1986 failure to meet the established performance standards of the  
 1987 promotional position while in probationary status, the agency,  
 1988 before dismissal, shall attempt to return the employee to his or

1989 her former position, or to a position with the same duties and  
 1990 responsibilities as the former position, if such a position is  
 1991 vacant. Such determinations by an agency are not appealable and  
 1992 this subsection does not apply to dismissals for any other  
 1993 reason.

1994 ~~(2) Each employing agency shall have the responsibility~~  
 1995 ~~for the establishment and maintenance of rules and guidelines~~  
 1996 ~~for determining eligibility of applicants for appointment to~~  
 1997 ~~positions in the career service.~~

1998 ~~(3) Eligibility shall be based on possession of required~~  
 1999 ~~minimum qualifications for the job class and any required entry-~~  
 2000 ~~level knowledge, skills, and abilities, and any certification~~  
 2001 ~~and licensure required for a particular position.~~

2002 ~~(4) The employing agency shall be responsible for~~  
 2003 ~~developing an employee career advancement program which shall~~  
 2004 ~~assure consideration of qualified permanent employees in the~~  
 2005 ~~agency or career service who apply. However, such program shall~~  
 2006 ~~also include provisions to bring persons into the career service~~  
 2007 ~~through open competition. Promotion appointments shall be~~  
 2008 ~~subject to postaudit by the department.~~

2009 ~~(5) The department shall adopt any rules necessary to~~  
 2010 ~~implement the provisions of this section. The rules must be~~  
 2011 ~~approved by a majority vote of the Administration Commission~~  
 2012 ~~prior to their adoption by the department.~~

2013 Section 32. Section 110.219, Florida Statutes, is amended  
 2014 to read:

2015 110.219 Attendance and leave; general policies.—

2016 (1) The workday for each full-time state employee shall be



2017 8 hours or as otherwise authorized ~~justified~~ by the agency head.

2018 (2) Overtime may be required for any employee.

2019 (3) The granting of any leave of absence, with or without  
 2020 pay, shall be in accordance with applicable state or federal  
 2021 laws and the rules of the State Personnel System ~~writing and~~  
 2022 ~~shall be approved by the agency head. Those employees who, at~~  
 2023 the discretion of the agency, are ~~An employee who is granted a~~  
 2024 leave of absence remain employees of the agency ~~with or without~~  
 2025 ~~pay shall be an employee of the state while on such leave and~~  
 2026 ~~shall be returned to the same~~ or comparable ~~position or a~~  
 2027 ~~different position in the same class and same work location upon~~  
 2028 ~~termination of the approved leave of absence~~ in accordance with  
 2029 the rules of the State Personnel System. ~~The agency head and the~~  
 2030 ~~employee may agree in writing to other conditions and terms~~  
 2031 ~~under which the leave is to be granted.~~

2032 (4) ~~Each agency shall keep an accurate record of all hours~~  
 2033 ~~of work performed by each employee, as well as a complete and~~  
 2034 ~~accurate record of all authorized leave which is approved. The~~  
 2035 ~~ultimate responsibility for the accuracy and proper maintenance~~  
 2036 ~~of all attendance and leave records shall be with the agency~~  
 2037 ~~head.~~

2038 (4) ~~(5) Rules shall be adopted by The department~~ shall  
 2039 adopt rules necessary to administer ~~in cooperation and~~  
 2040 ~~consultation with the agencies to implement the provisions of~~  
 2041 ~~this section; however, such rules must be approved by the~~  
 2042 ~~Administration Commission prior to their adoption. Such rules~~  
 2043 ~~must provide for, but need not be limited to:~~

2044 (a) The maximum responsibility and authority resting with

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2045 each agency head to administer attendance and leave matters in  
 2046 the agency within the parameters of the rules ~~adopted by the~~  
 2047 ~~department.~~

2048 (b) ~~Creditable service in which 1 month of Service credit~~  
 2049 ~~as it relates to the accrual and payment of leave is awarded for~~  
 2050 ~~each calendar month that the employee is on the payroll of a~~  
 2051 ~~state agency or during which the employee is on authorized leave~~  
 2052 ~~without pay.~~

2053 (c) Holidays as provided in s. 112.929 ~~110.117~~.

2054 (d) Overtime provisions.

2055 (e) Annual leave provisions.

2056 (f) Sick leave provisions.

2057 (g) Parental leave provisions.

2058 (h) Family medical leave provisions.

2059 (i) Disability leave provisions.

2060 (j) Compulsory disability leave provisions.

2061 (k) Administrative leave provisions.

2062 (l) Military leave provisions.

2063 (m) Educational leave with pay provisions.

2064 (n) Leave of absence without pay provisions.

2065 ~~(6) The leave benefits provided to Senior Management~~  
 2066 ~~Service employees shall not exceed those provided to employees~~  
 2067 ~~in the Selected Exempt Service.~~

2068 (5) ~~(7)~~ Subject to available funds, each December, a civil  
 2069 permanent career service employee who has merit status or who  
 2070 currently has probationary status due to a promotion that was  
 2071 preceded by the attainment of merit status is entitled ~~shall be~~  
 2072 ~~entitled, subject to available funds,~~ to a payout of up to 24

2073 hours of unused annual leave if the ~~as follows:~~

2074 ~~(a) A permanent career service employee has must have an~~  
 2075 annual leave balance of at least ~~no less than~~ 24 hours, after  
 2076 the payout, ~~in order to qualify for this benefit.~~

2077 ~~(6)(b) A civil~~ No permanent career service employee may  
 2078 not shall receive a payout of greater than 240 hours over the  
 2079 course of the employee's career within ~~with~~ the Civil Service  
 2080 ~~state~~, including any leave received at the time of separation.

2081 Section 33. Section 110.221, Florida Statutes, is amended  
 2082 to read:

2083 110.221 Parental or family medical leave.—

2084 (1) As used in this section, the term:

2085 (a) "Family" means a child, parent, or spouse, ~~and the~~  
 2086 ~~term~~

2087 (b) "Family medical leave" means leave requested by an  
 2088 employee for a serious family illness including an accident,  
 2089 disease, or condition that poses imminent danger of death,  
 2090 requires hospitalization involving an organ transplant, limb  
 2091 amputation, or other procedure of similar severity, or any  
 2092 mental or physical condition that requires constant in-home  
 2093 care. ~~The term~~

2094 (c) "Parental leave" means leave for the father or mother  
 2095 of a child who is born to or adopted by that parent.

2096 (2) The state may ~~shall~~ not:

2097 (a) Terminate the employment of a civil service ~~any~~  
 2098 employee ~~in the career service~~ because of the pregnancy of the  
 2099 employee or the employee's spouse or the adoption of a child by  
 2100 that employee.

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2101 (b) Refuse to grant to a civil ~~career~~ service employee  
 2102 parental or family medical leave without pay for a period not to  
 2103 exceed 6 months. Such leave commences ~~shall commence~~ on a date  
 2104 that is determined by the employee in consultation with the  
 2105 attending physician following notification to the employer in  
 2106 writing, and that is approved by the employer.

2107 (c) Deny a civil ~~career~~ service employee the use of and  
 2108 payment for annual leave credits for parental or family medical  
 2109 leave. Such leave commences ~~shall commence~~ on a date determined  
 2110 by the employee in consultation with the attending physician  
 2111 following notification to the employer in writing.

2112 (d) Deny a civil ~~career~~ service employee the use of and  
 2113 payment for accrued sick leave or family sick leave for any  
 2114 reason deemed necessary by a physician or as established by  
 2115 policy.

2116 (e) Require that a civil ~~career~~ service employee take a  
 2117 mandatory parental or family medical leave.

2118 (3) Upon returning at the end of parental or family  
 2119 medical leave of absence, such employee shall be reinstated to  
 2120 the same job or ~~to~~ an equivalent position that has ~~with~~  
 2121 equivalent pay and ~~with~~ seniority, retirement, fringe benefits,  
 2122 and other service credits accumulated before ~~prior to~~ the leave  
 2123 period. If any portion of the parental or family medical leave  
 2124 is paid leave, the employee is ~~shall be~~ entitled to accumulate  
 2125 all benefits granted under paid leave status.

2126 (4) The department may adopt rules necessary to administer  
 2127 this section.

2128 Section 34. Section 110.224, Florida Statutes, is amended

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2129 to read:

2130 110.224 ~~Public~~ Employee performance evaluation system.—An  
 2131 ~~A public~~ employee performance evaluation system shall be  
 2132 established as a basis for evaluating and improving the  
 2133 performance of the state's workforce, to inform employees of  
 2134 strong and weak points in the employee's performance, to  
 2135 identify training needs, and to award ~~lump-sum~~ bonuses and other  
 2136 performance-based incentives in accordance with s. 110.1245 or  
 2137 other provisions of law 110.1245(2).

2138 (1) Upon original appointment, promotion, demotion, or  
 2139 reassignment, a job description of the assigned position  
 2140 ~~assigned~~ must be made available to the civil ~~career~~ service  
 2141 employee. The job description may be made available in an  
 2142 electronic format.

2143 (2) Each employee shall ~~must~~ have a performance evaluation  
 2144 conducted at least annually which involves both, ~~and the~~  
 2145 ~~employee must receive~~ an oral and written assessment of his or  
 2146 her performance ~~evaluation~~. The performance evaluation may  
 2147 include a plan of action for improvement of the employee's  
 2148 performance based on the work expectations or performance  
 2149 standards applicable to the position as determined by the agency  
 2150 head.

2151 (3) The department may adopt rules necessary to administer  
 2152 this section ~~the public employee performance evaluation system~~  
 2153 ~~which establish procedures for performance evaluation, review~~  
 2154 ~~periods, and forms~~.

2155 Section 35. Section 110.227, Florida Statutes, is amended  
 2156 to read:

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2157 110.227 Suspensions, dismissals, reductions in pay,  
 2158 demotions, layoffs, transfers, and grievances.—

2159 (1) An ~~Any~~ employee who has satisfactorily completed at  
 2160 least a 1-year probationary period in his or her current  
 2161 position may be suspended or dismissed only for cause. Cause  
 2162 includes ~~shall include~~, but is not limited to, poor performance,  
 2163 negligence, inefficiency or inability to perform assigned  
 2164 duties, insubordination, violation of ~~the provisions of~~ law or  
 2165 agency rules, conduct unbecoming a public employee, misconduct,  
 2166 habitual drug abuse, or conviction of any crime. The agency head  
 2167 shall ensure that all employees of the agency have reasonable  
 2168 access to the agency's personnel policies and procedures ~~manual~~.

2169 (2) ~~(a)~~ The department shall establish rules and procedures  
 2170 for the suspension, reduction in pay, transfer, layoff,  
 2171 demotion, and dismissal of employees in the Civil ~~career~~  
 2172 Service.

2173 (a) Except with regard to law enforcement or correctional  
 2174 officers, firefighters, or professional health care providers,  
 2175 rules regarding layoff procedures may ~~shall~~ not include any  
 2176 provision ~~system~~ whereby a civil ~~career~~ service employee with  
 2177 greater seniority has the option of selecting a different  
 2178 position not being eliminated, but either vacant or already  
 2179 occupied by an employee who has ~~of~~ less seniority, and taking  
 2180 that position, commonly referred to as "bumping."

2181 (b) For the implementation of layoffs as defined in s.  
 2182 110.1054 ~~110.107~~, the department shall develop rules requiring  
 2183 retention of the agency's employees based upon objective  
 2184 measures that give consideration to comparative merit,

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2185 demonstrated skills, the employee's experience, and the  
 2186 employee's length of service in the Civil Service. ~~Such rules~~  
 2187 ~~shall be approved by the Administration Commission before their~~  
 2188 ~~adoption by the department.~~

2189 (3)(a) With regard to law enforcement or correctional  
 2190 officers, firefighters, or professional health care providers:7  
 2191 when

2192 (a) If a layoff becomes necessary, such layoff shall be  
 2193 conducted within the competitive area identified by the agency  
 2194 head and approved by the department ~~of Management Services~~. Such  
 2195 competitive area shall be established taking into consideration  
 2196 the similarity of work; the organizational unit, which may be by  
 2197 agency, department, division, bureau, or other organizational  
 2198 unit; and the commuting area for the affected work ~~affected~~.

2199 (b) ~~With regard to law enforcement or correctional~~  
 2200 ~~officers, firefighters, or professional health care providers,~~  
 2201 Layoff procedures shall be developed to establish the relative  
 2202 merit and fitness of employees and must ~~shall~~ include a formula  
 2203 for uniform application among all employees in the competitive  
 2204 area, taking into consideration the type of appointment, the  
 2205 length of service, and the evaluations of the employee's  
 2206 performance within the last 5 years of employment.

2207 (4) A grievance process shall be available to civil career  
 2208 service employees who have satisfactorily completed at least a  
 2209 1-year probationary period in their current positions. A  
 2210 grievance ~~is defined as the dissatisfaction that~~ occurs when an  
 2211 employee believes that any condition affecting the employee is  
 2212 unjust, inequitable, or a hindrance to the effective performance

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2213 of his or her job duties ~~operation~~. Claims of discrimination and  
 2214 sexual harassment or claims related to suspensions, reductions  
 2215 in pay, demotions, and dismissals are not subject to the civil  
 2216 ~~career~~ service grievance process. The following procedures ~~shall~~  
 2217 apply to any grievance filed pursuant to this subsection, except  
 2218 that all timeframes may be extended in writing by mutual  
 2219 agreement:

2220 (a) *Step One.*—The employee must ~~may~~ submit a signed,  
 2221 written grievance on a form provided by the agency to his or her  
 2222 supervisor within 14 calendar days following the occurrence of  
 2223 the event giving rise to the grievance. The supervisor must meet  
 2224 with the employee to discuss the grievance and provide a written  
 2225 response to the employee within 7 business days following  
 2226 receipt of the grievance.

2227 (b) *Step Two.*—If the employee is dissatisfied with the  
 2228 response of his or her supervisor, the employee must ~~may~~ submit  
 2229 the written grievance to the agency head or ~~his or her~~ designee  
 2230 within 7 business days following receipt of the supervisor's  
 2231 written response. The agency head's ~~head or his or her~~ designee  
 2232 may ~~must~~ meet with the employee to discuss the grievance within  
 2233 5 business days following receipt of the grievance. The agency  
 2234 head or his or her designee must respond in writing to the  
 2235 employee within 5 business days following receipt of the  
 2236 grievance or the meeting. The written decision of the agency  
 2237 head or designee is ~~shall be the~~ final and binding authority for  
 2238 all grievances filed pursuant to this subsection. Such  
 2239 grievances may not be appealed beyond Step Two.

2240 (5)(a) A civil ~~career~~ service employee who has



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2241 satisfactorily completed at least a 1-year probationary period  
 2242 and attained merit status in his or her current position and who  
 2243 is subject to a suspension, reduction in pay, demotion,  
 2244 involuntary transfer of more than 50 miles by highway, or  
 2245 dismissal shall receive written notice of such action at least  
 2246 10 calendar days before ~~prior to~~ the date such action is ~~to be~~  
 2247 taken.

2248 (a) Subsequent to such notice, and before ~~prior to~~ the  
 2249 date the action is ~~to be~~ taken, the affected employee shall be  
 2250 given an opportunity to appear before a designated agency  
 2251 official to rebut ~~the agency or official taking the action to~~  
 2252 ~~answer orally and in writing~~ the charges against him or her  
 2253 orally or in writing. The notice ~~to the employee required by~~  
 2254 ~~this paragraph~~ may be delivered to the employee personally or  
 2255 may be sent by certified mail with return receipt requested.  
 2256 Such actions are ~~shall be~~ appealable to the Public Employees  
 2257 Relations Commission as provided in subsection (6). Written  
 2258 notice of ~~any~~ such appeal shall be filed by the employee with  
 2259 the commission within 21 calendar days after the date on which  
 2260 the notice of suspension, reduction in pay, demotion,  
 2261 involuntary transfer of more than 50 miles by highway, or  
 2262 dismissal is received by the employee.

2263 (b) In extraordinary situations such as when the retention  
 2264 of a civil ~~career~~ service employee who has satisfactorily  
 2265 completed at least a 1-year probationary period in his or her  
 2266 current position may ~~would~~ result in damage to state property,  
 2267 may ~~would~~ be detrimental to the best interest of the state, or  
 2268 may ~~would~~ result in harm ~~injury~~ to the employee, a fellow

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2269 employee, or some other person, such employee may be suspended  
 2270 or dismissed without 10 calendar days' prior notice ~~if, provided~~  
 2271 ~~that~~ written or oral notice of such action, including evidence  
 2272 ~~of~~ the reasons therefor, and an opportunity to rebut the charges  
 2273 are furnished to the employee before ~~prior to~~ such dismissal or  
 2274 suspension. Such notice may be delivered to the employee  
 2275 personally or may be sent by certified mail with return receipt  
 2276 requested. ~~Agency compliance with the foregoing procedure~~  
 2277 ~~requiring notice, evidence, and an opportunity for rebuttal must~~  
 2278 ~~be substantiated.~~ Any employee who is suspended or dismissed  
 2279 pursuant to ~~the provisions of~~ this paragraph may appeal to the  
 2280 Public Employees Relations Commission as provided in subsection  
 2281 (6). Written notice of ~~any~~ such appeal shall be filed with the  
 2282 commission by the employee within 21 calendar days after the  
 2283 date on which the notice of suspension, ~~reduction in pay,~~  
 2284 ~~demotion,~~ or dismissal is received by the employee.

2285 (c) Merit status that was attained in a previous position  
 2286 does not give rise to appeal rights under this section.

2287 (6) The following procedures ~~shall~~ apply to appeals filed  
 2288 pursuant to subsection (5) with the Public Employees Relations  
 2289 Commission, ~~hereinafter referred to as the commission:~~

2290 (a) The commission must conduct a hearing within 60  
 2291 calendar days following the filing of a notice of appeal. An ~~No~~  
 2292 extension of time for the hearing may not exceed 30 calendar  
 2293 days, absent exceptional circumstances, and ~~no extension of time~~  
 2294 may not be granted without the consent of all parties. Discovery  
 2295 may be granted only upon the showing of extraordinary  
 2296 circumstances. A party requesting discovery must ~~shall~~

2297 demonstrate a substantial need for the information requested and  
 2298 an inability to obtain relevant information by other means.  
 2299 Except where inconsistent with the requirements of this  
 2300 subsection, ~~the provisions of~~ s. 447.503(4) and (5) and chapter  
 2301 120 apply to proceedings held pursuant to this subsection.

2302 (b) A person may represent himself or herself in  
 2303 proceedings before the commission or may be represented by legal  
 2304 counsel or by an ~~any~~ individual who qualifies as a  
 2305 representative pursuant to rules adopted by the commission.

2306 (c) If the commission finds that cause did not exist for  
 2307 the agency action, the commission shall reverse the decision of  
 2308 the agency head and the employee shall be reinstated with or  
 2309 without back pay. If the commission finds that cause existed for  
 2310 the agency action, the commission shall affirm the decision of  
 2311 the agency head. The commission may not reduce the penalty  
 2312 imposed by the agency head, except in the case of law  
 2313 enforcement or correctional officers, firefighters, and  
 2314 professional health care providers, if the commission makes  
 2315 specific written findings of mitigation.

2316 (d) A recommended order shall be issued by the hearing  
 2317 officer within 30 days following the hearing. Exceptions to the  
 2318 recommended order must ~~shall~~ be filed within 15 days after the  
 2319 recommended order is issued. The final order shall be filed by  
 2320 the commission within ~~no later than~~ 45 calendar days after the  
 2321 hearing or after the filing of exceptions or oral arguments if  
 2322 granted.

2323 (e) Final orders issued by the commission pursuant to  
 2324 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

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2325 (7) Other than for law enforcement or correctional  
 2326 officers, firefighters, and professional health care providers,  
 2327 each suspension, dismissal, demotion, or reduction in pay must  
 2328 be reviewed without consideration of any other case or set of  
 2329 facts.

2330 (8) Employees of the Department of Law Enforcement are  
 2331 subject to this section, except in matters relating to transfer.

2332 (9) The department may adopt rules necessary to administer  
 2333 this section.

2334 ~~(8) A career service employee who is serving a~~  
 2335 ~~probationary period in a position to which he or she has been~~  
 2336 ~~promoted may be removed from that promotional position at any~~  
 2337 ~~time during the probationary period but must be returned to his~~  
 2338 ~~or her former position, or a comparable position, if such a~~  
 2339 ~~position is vacant. If such a position is not available, before~~  
 2340 ~~dismissal, the agency shall make a reasonable effort to retain~~  
 2341 ~~the employee in another vacant position. This subsection does~~  
 2342 ~~not apply to terminations for cause as described in subsection~~  
 2343 ~~(1), nor does it create a right to "bump" an employee from an~~  
 2344 ~~occupied position as described in paragraph (2)(a).~~

2345 Section 36. The Division of Statutory Revision is  
 2346 requested to renumber part V of chapter 110, Florida Statutes,  
 2347 as part III of that chapter, consisting of ss. 110.302-110.3023,  
 2348 Florida Statutes, and to rename that part as "Selected Exempt  
 2349 Service."

2350 Section 37. Section 110.601, Florida Statutes, is  
 2351 transferred, renumbered as section 110.302, Florida Statutes,  
 2352 and amended to read:

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2353            110.302 ~~110.601~~ Declaration of policy.—This part creates a  
 2354 system of personnel administration for ~~management~~ the purpose of  
 2355 delivering ~~which is to deliver~~ high-quality performance by  
 2356 selected exempt service ~~those~~ employees in the State Personnel  
 2357 System ~~select exempt classifications~~ by facilitating the ~~state's~~  
 2358 ability to attract and retain qualified personnel in these  
 2359 positions, while also providing sufficient management  
 2360 flexibility to ensure that the workforce is responsive to agency  
 2361 needs. The Legislature recognizes that the public interest is  
 2362 best served by developing and refining the technical and  
 2363 managerial skills of these ~~its selected exempt service~~  
 2364 employees, ~~and, to this end, technical training and management~~  
 2365 ~~development programs are regarded as a major administrative~~  
 2366 ~~function within agencies.~~

2367            Section 38. Section 110.602, Florida Statutes, is  
 2368 transferred, renumbered as section 110.3021, Florida Statutes,  
 2369 and amended to read:

2370            110.3021 ~~110.602~~ Selected Exempt Service; creation,  
 2371 ~~coverage.~~—

2372            (1) The Selected Exempt Service is created as a separate  
 2373 system of personnel administration for ~~select exempt~~ positions  
 2374 in the State Personnel System. ~~Such positions shall include, and~~  
 2375 ~~shall be limited to, those positions~~ which are exempt from the  
 2376 Civil Career Service System pursuant to s. 110.205(2) ~~and (5)~~  
 2377 and for which the salaries and benefits are set by the  
 2378 department in accordance with the rules of the Selected Exempt  
 2379 Service. ~~The department shall designate all positions included~~  
 2380 ~~in the Selected Exempt Service as either~~

2381 ~~managerial/policymaking, professional, or~~  
 2382 ~~nonmanagerial/nonpolicymaking.~~

2383 (2) Employees in the Selected Exempt Service shall serve  
 2384 at the pleasure of the agency head and are subject to personnel  
 2385 actions at the discretion of the agency head. Personnel actions  
 2386 that are tantamount to suspension, dismissal, reduction in pay,  
 2387 demotion, or transfer are exempt from chapter 120.

2388 Section 39. Section 110.605, Florida Statutes, is  
 2389 transferred, renumbered as section 110.3022, Florida Statutes,  
 2390 and amended to read:

2391 110.3022 ~~110.605~~ Powers and duties; ~~personnel rules,~~  
 2392 ~~records, reports, and performance appraisal.~~ The department is  
 2393 responsible for the policy administration of the Selected Exempt  
 2394 Service. In carrying out that function, the department shall:

2395 (1) Provide broad, market-based pay bands for occupations  
 2396 within the Selected Exempt Service and establish guidelines that  
 2397 allow state agencies flexibility to move employees through the  
 2398 pay bands. The agencies may determine the appropriate salary  
 2399 within the bands using the guidelines adopted by the department.  
 2400 The pay bands, and the assignment of bands to positions, do not  
 2401 constitute rules as defined in s. 120.52.

2402 (2) Establish a classification system and a salary and  
 2403 benefit plan for the Selected Exempt Service which provide for  
 2404 greater pay and benefits overall than are provided for the Civil  
 2405 Service and less pay and benefits overall than are provided for  
 2406 the Senior Management Service.

2407 (3) In consultation with the Executive Office of the  
 2408 Governor and the appropriations committees of the Legislature,

2409 conduct compensation surveys as necessary for achieving an  
 2410 equitable, competitive, market-based compensation policy for  
 2411 selected exempt service employees.

2412 (4) Establish a performance evaluation system for selected  
 2413 exempt service employees which takes into consideration  
 2414 individual and organizational efficiency, productivity, and  
 2415 effectiveness.

2416 (5) Establish a system for documenting department actions  
 2417 taken on agency requests for the approval of position exemptions  
 2418 and pay increases for selected exempt service employees.

2419 (6) (1) The department shall Adopt and administer uniform  
 2420 personnel rules, records, and reports relating to employees and  
 2421 positions in the Selected Exempt Service, as well as any other  
 2422 rules and procedures relating to personnel administration which  
 2423 are necessary to carry out the purposes of this part.

2424 (a) The rules adopted by the department must comply with  
 2425 all federal regulations necessary to permit the agencies to  
 2426 receive federal funds.

2427 (b) Each agency shall operate within the uniform personnel  
 2428 rules adopted by the department pursuant to this part.

2429 (c) Each agency shall maintain up-to-date records and  
 2430 reports required by applicable rules.

2431 (d) (a) The department may shall develop uniform forms and  
 2432 instructions to be used for personnel ~~in reporting~~ transactions  
 2433 ~~which involve changes in an employee's salary, status,~~  
 2434 ~~performance, leave, fingerprint record, loyalty oath, payroll~~  
 2435 ~~change, or appointment action or any additional transactions as~~  
 2436 the department deems ~~may deem~~ appropriate.

2437 ~~(b) The department shall develop a uniform performance~~  
 2438 ~~appraisal system for employees and positions in the Selected~~  
 2439 ~~Exempt Service covered by a collective bargaining agreement.~~  
 2440 ~~Each employing agency shall develop a performance appraisal~~  
 2441 ~~system for all other employees and positions in the Selected~~  
 2442 ~~Exempt System. Such agency system shall take into consideration~~  
 2443 ~~individual and organizational efficiency, productivity, and~~  
 2444 ~~effectiveness.~~

2445 ~~(c) The employing agency must maintain, on a current~~  
 2446 ~~basis, all records and reports required by applicable rules. The~~  
 2447 ~~department shall periodically audit employing agency records to~~  
 2448 ~~determine compliance with the provisions of this part and the~~  
 2449 ~~rules of the department.~~

2450 ~~(d) The department shall develop a program of affirmative~~  
 2451 ~~and positive actions that will ensure full utilization of women~~  
 2452 ~~and minorities in Selected Exempt Service positions.~~

2453 ~~(2) Each employing agency shall operate within the uniform~~  
 2454 ~~personnel rules adopted by the department pursuant to the~~  
 2455 ~~provisions of this part. Each employing agency may adopt rules~~  
 2456 ~~as necessary to implement the provisions of this part, but such~~  
 2457 ~~rules shall not prescribe any personnel policies inconsistent~~  
 2458 ~~with the provisions of this part or the rules of the department.~~

2459 ~~(3) The rules adopted by the department and each employing~~  
 2460 ~~agency under this part shall comply with all federal regulations~~  
 2461 ~~necessary to permit the state agencies to be eligible to receive~~  
 2462 ~~federal funds.~~

2463 ~~(4) The department shall adopt by rule procedures for~~  
 2464 ~~Selected Exempt Service employees that require disclosure to the~~



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2465 ~~agency head of any application for or offer of employment, gift,~~  
2466 ~~contractual relationship, or financial interest with any~~  
2467 ~~individual, partnership, association, corporation, utility, or~~  
2468 ~~other organization, whether public or private, doing business~~  
2469 ~~with or subject to regulation by the agency.~~

2470 ~~(5) The secretary may periodically hire a consultant with~~  
2471 ~~expertise in personnel management to advise him or her with~~  
2472 ~~respect to the administration of the Selected Exempt Service.~~

2473 Section 40. Section 110.3023, Florida Statutes, is created  
2474 to read:

2475 110.3023 Recruitment.—

2476 (1) Each state agency is responsible for establishing a  
2477 process for employing, advancing, and deploying selected exempt  
2478 service staff to meet agency needs.

2479 (2) If normal recruitment efforts of the agency through  
2480 the use of the department's designated human resource  
2481 information system, trade journals, or magazines are  
2482 unsuccessful, the agency may contract with a person or firm to  
2483 conduct a multistate search for hard-to-fill professional  
2484 positions. The contracted search person or firm must satisfy the  
2485 following criteria:

2486 (a) Willingness to accept contingency contracts with fees  
2487 of up to 30 percent of the annual salary of the applicant, to be  
2488 paid upon employment of an applicant produced by the search.

2489 (b) Demonstrated capacity to perform effectively at  
2490 competitive industry prices.

2491 (c) Evidence of successful placements in the public sector  
2492 by level and type of placement.

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2493           (d) Agreement for the delivery of services within 90  
 2494 calendar days after the date of the requested search by the  
 2495 agency, unless an extension is granted by the agency.

2496           (e) Ability to attract minorities and women as evidenced  
 2497 by applicant pools generated for previous clients.

2498           Section 41. The Division of Statutory Revision is  
 2499 requested to renumber part III of chapter 110, Florida Statutes,  
 2500 as part IV of that chapter, consisting of ss. 110.401-110.4035,  
 2501 Florida Statutes, and to rename that part as "Senior Management  
 2502 Service."

2503           Section 42. Section 110.401, Florida Statutes, is amended  
 2504 to read:

2505           110.401 Declaration of policy.—This part creates a ~~uniform~~  
 2506 system of personnel administration for attracting, retaining,  
 2507 and developing highly competent, executive-level ~~senior-level~~  
 2508 managers within the State Personnel System ~~at the highest~~  
 2509 ~~executive management level agency positions in order for the~~  
 2510 ~~highly complex programs and agencies of state government to~~  
 2511 ~~function effectively, efficiently, and productively.~~ The  
 2512 Legislature recognizes that executive-level ~~senior-level~~  
 2513 management is an established profession and that the public  
 2514 interest is best served by developing and refining the  
 2515 management skills of its senior management service employees.  
 2516 ~~Accordingly, training and management development programs are~~  
 2517 ~~regarded as a major administrative function within agencies.~~

2518           Section 43. Section 110.402, Florida Statutes, is amended  
 2519 to read:

2520           110.402 Senior Management Service; ~~creation, coverage.~~—

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2521 (1) The Senior Management Service is created as a separate  
 2522 system of personnel administration for positions in the State  
 2523 Personnel System which perform executive branch the duties and  
 2524 responsibilities that ~~of which~~ are primarily and essentially  
 2525 policymaking or managerial in nature.

2526 ~~(2) Such positions are~~ The Senior Management Service shall  
 2527 ~~be~~ limited to those positions that ~~which~~ are exempt from the  
 2528 Civil Career Service under System by s. 110.205~~(2)~~ and for which  
 2529 the salaries and benefits are set by the department in  
 2530 accordance with the rules of the Senior Management Service.

2531 (2) Employees in the Senior Management Service shall serve  
 2532 at the pleasure of the agency head and are subject to personnel  
 2533 actions at the discretion of the agency head. Personnel actions  
 2534 that are tantamount to suspension, dismissal, reduction in pay,  
 2535 demotion, or transfer are exempt from chapter 120.

2536 Section 44. Section 110.403, Florida Statutes, is amended  
 2537 to read:

2538 110.403 Powers and duties of the department.—The  
 2539 department is responsible for the policy administration of the  
 2540 Senior Management Service. In carrying out that function, the  
 2541 department shall:

2542 ~~(1) In order to implement the purposes of this part, the~~  
 2543 ~~Department of Management Services, after approval by the~~  
 2544 ~~Administration Commission, shall adopt and amend rules providing~~  
 2545 ~~for:~~

2546 (1)(a) Establish a system for employing, advancing, and  
 2547 deploying senior management service employees which promoting,  
 2548 ~~or reassigning managers that~~ is responsive to organizational or

2549 program needs. ~~In no event shall~~ The number of positions  
 2550 included in the Senior Management Service may not exceed 1.0  
 2551 percent of the total full-time equivalent positions in the Civil  
 2552 ~~career~~ Service. The department may not approve the establishment  
 2553 of ~~shall deny approval to establish~~ any position within the  
 2554 Senior Management Service which exceeds ~~would exceed~~ the  
 2555 limitation established in this subsection ~~paragraph~~. The  
 2556 department shall report that the limitation has been reached to  
 2557 the Governor, the President of the Senate, and the Speaker of  
 2558 the House of Representatives, as soon as practicable after it  
 2559 ~~such event~~ occurs. ~~Employees in the Senior Management Service~~  
 2560 ~~shall serve at the pleasure of the agency head and shall be~~  
 2561 ~~subject to suspension, dismissal, reduction in pay, demotion,~~  
 2562 ~~transfer, or other personnel action at the discretion of the~~  
 2563 ~~agency head. Such personnel actions are exempt from the~~  
 2564 ~~provisions of chapter 120.~~

2565 (2) Provide broad, market-based pay bands for occupations  
 2566 within the Senior Management Service and establish guidelines  
 2567 that allow state agencies flexibility to move employees through  
 2568 the pay bands. The agencies may determine the appropriate salary  
 2569 within the bands using the guidelines established by the  
 2570 department. Such pay bands and the assignment of bands to  
 2571 positions do not constitute rules as defined in s. 120.52.

2572 ~~(b) A performance appraisal system which shall take into~~  
 2573 ~~consideration individual and organizational efficiency,~~  
 2574 ~~productivity, and effectiveness.~~

2575 (3)(e) Establish a classification system plan and a salary  
 2576 and benefit plan for senior management service employees which

2577 ~~provide that provides~~ appropriate incentives for the recruitment  
 2578 and retention of outstanding management personnel and provide  
 2579 ~~provides~~ for salary increases based on performance.

2580 (4) In consultation with the Executive Office of the  
 2581 Governor and the appropriations committees of the Legislature,  
 2582 conduct compensation surveys as necessary for the purpose of  
 2583 achieving an equitable, competitive, market-based compensation  
 2584 policy for senior management service employees.

2585 (5) Establish a performance evaluation system for senior  
 2586 management service employees which takes into consideration  
 2587 individual and organizational efficiency, productivity, and  
 2588 effectiveness.

2589 ~~(d) A system of rating duties and responsibilities for~~  
 2590 ~~positions within the Senior Management Service and the~~  
 2591 ~~qualifications of candidates for those positions.~~

2592 (6)-(e) Establish a system for documenting actions taken on  
 2593 agency requests for approval of position exemptions and special  
 2594 pay increases for senior management service employees.

2595 (7) Adopt and administer personnel rules, records, and  
 2596 reports relating to employees and positions in the Senior  
 2597 Management Service, as well as any other rules or procedures  
 2598 relating to personnel administration which are necessary for  
 2599 carrying out the purposes of this part.

2600 (a) The rules adopted by the department must comply with  
 2601 all federal regulations necessary for state agencies to receive  
 2602 federal funds.

2603 (b) Each agency shall operate within the personnel rules  
 2604 adopted by the department pursuant to this part.

2605 (c) Each agency shall maintain up-to-date records and  
 2606 reports required by applicable rules.

2607 (d) The department may develop uniform forms and  
 2608 instructions to be used in connection with personnel  
 2609 transactions as the department deems appropriate.

2610 ~~(f) Requirements regarding recordkeeping by agencies with~~  
 2611 ~~respect to Senior Management Service positions. Such records~~  
 2612 ~~shall be audited periodically by the Department of Management~~  
 2613 ~~Services to determine agency compliance with the provisions of~~  
 2614 ~~this part and the rules of the Department of Management~~  
 2615 ~~Services.~~

2616 ~~(g) Other procedures relating to personnel administration~~  
 2617 ~~to carry out the purposes of this part.~~

2618 ~~(h) A program of affirmative and positive action that will~~  
 2619 ~~ensure full utilization of women and minorities in Senior~~  
 2620 ~~Management Service positions.~~

2621 ~~(2) The powers, duties, and functions of the department of~~  
 2622 ~~Management Services shall include responsibility for the policy~~  
 2623 ~~administration of the Senior Management Service.~~

2624 ~~(3) The department shall have the following additional~~  
 2625 ~~responsibilities:~~

2626 ~~(a) To establish and administer a professional development~~  
 2627 ~~program that shall provide for the systematic development of~~  
 2628 ~~managerial, executive, or administrative skills. Such a program~~  
 2629 ~~shall include the following topics:~~

2630 ~~1. Improving the performance of individual employees. This~~  
 2631 ~~topic provides skills in understanding and motivating individual~~  
 2632 ~~performance, providing effective and timely evaluations of~~

2633 ~~employees, and making recommendations on performance incentives~~  
 2634 ~~and disincentives.~~

2635 ~~2. Improving the performance of groups of employees. This~~  
 2636 ~~topic provides skills in creating and maintaining productive~~  
 2637 ~~workgroups and making recommendations on performance incentives~~  
 2638 ~~and disincentives.~~

2639 ~~3. Relating the efforts of employees to the goals of the~~  
 2640 ~~organization. This topic provides skills in linking the work of~~  
 2641 ~~individual employees to the goals of the agency program,~~  
 2642 ~~service, or activity.~~

2643 ~~4. Strategic planning. This topic provides the skills for~~  
 2644 ~~defining agency business processes, measuring performance of~~  
 2645 ~~such processes, and reengineering such processes for improved~~  
 2646 ~~efficiency and effectiveness.~~

2647 ~~5. Team leadership. This topic provides skills in~~  
 2648 ~~effective group processes for organizational motivation and~~  
 2649 ~~productivity based on proven business and military applications~~  
 2650 ~~that emphasize respect for and courtesy to the public.~~

2651 ~~(b) To promote public understanding of the purposes,~~  
 2652 ~~policies, and programs of the Senior Management Service.~~

2653 ~~(c) To approve contracts of employing agencies with~~  
 2654 ~~persons engaged in the business of conducting multistate~~  
 2655 ~~executive searches to identify qualified and available~~  
 2656 ~~applicants for Senior Management Service positions for which the~~  
 2657 ~~department sets salaries in accordance with the classification~~  
 2658 ~~and pay plan. Such contracts may be entered by the agency head~~  
 2659 ~~only after completion of an unsuccessful in-house search. The~~  
 2660 ~~department shall establish, by rule, the minimum qualifications~~

2661 ~~for persons desiring to conduct executive searches, including a~~  
 2662 ~~requirement for the use of contingency contracts. These rules~~  
 2663 ~~shall ensure that such persons possess the requisite capacities~~  
 2664 ~~to perform effectively at competitive industry prices. These~~  
 2665 ~~rules shall also comply with state and federal laws and~~  
 2666 ~~regulations governing equal opportunity employment.~~

2667 ~~(4) All policies and procedures adopted by the department~~  
 2668 ~~regarding the Senior Management Service shall comply with all~~  
 2669 ~~federal regulations necessary to permit the state agencies to be~~  
 2670 ~~eligible to receive federal funds.~~

2671 ~~(5) The department shall adopt, by rule, procedures for~~  
 2672 ~~Senior Management Service employees that require disclosure to~~  
 2673 ~~the agency head of any application for or offer of employment,~~  
 2674 ~~gift, contractual relationship, or financial interest with any~~  
 2675 ~~individual, partnership, association, corporation, utility, or~~  
 2676 ~~other organization, whether public or private, doing business~~  
 2677 ~~with or subject to regulation by the agency.~~

2678 Section 45. Section 110.4035, Florida Statutes, is created  
 2679 to read:

2680 110.4035 Recruitment.-

2681 (1) Each state agency is responsible for establishing a  
 2682 process for employing, advancing, and deploying executive-level  
 2683 managers to meet agency needs.

2684 (2) If normal recruitment efforts are unsuccessful, the  
 2685 agency may contract with a person or firm to conduct a  
 2686 multistate search for executive-level managers. The contracted  
 2687 search person or firm must satisfy the following criteria:

2688 (a) Willingness to accept contingency contracts with fees



2689 that do not exceed 30 percent of the annual salary of the  
 2690 applicant, to be paid upon employment of the applicant produced  
 2691 by the search.

2692 (b) Demonstrated capacity to perform effectively at  
 2693 competitive industry prices.

2694 (c) Evidence of successful placements in the public sector  
 2695 by level and type of placement.

2696 (d) Agreement for the delivery of services within 90  
 2697 calendar days after the date of the requested search by the  
 2698 agency, unless an extension is granted by the agency.

2699 (e) Ability to attract minorities and women as evidenced  
 2700 by applicant pools generated for previous clients.

2701 Section 46. The Division of Statutory Revision is  
 2702 requested to create part IX of chapter 112, Florida Statutes,  
 2703 consisting of ss. 112.906-112.933, Florida Statutes, to be  
 2704 entitled "State Employment."

2705 Section 47. Section 112.906, Florida Statutes, is created  
 2706 to read:

2707 112.906 Definitions.—As used in this part, the term:

2708 (1) "Department" means the Department of Management  
 2709 Services.

2710 (2) "Other personal services" has the same meaning as in  
 2711 s. 216.011(1).

2712 (3) "State agency" or "agency" means any official,  
 2713 officer, commission, board, authority, council, committee, or  
 2714 department of the executive branch or judicial branch of state  
 2715 government as defined in chapter 216, unless otherwise exempted  
 2716 by law.

2717 (4) "State employee" or "employee" means an employee of a  
 2718 state agency.

2719 Section 48. Section 110.131, Florida Statutes, is  
 2720 transferred, renumbered as section 112.907, Florida Statutes,  
 2721 and amended to read:

2722 112.907 ~~110.131~~ Other-personal-services temporary  
 2723 employment.-

2724 ~~(1) As used in this section, the term "agency" means any~~  
 2725 ~~official, officer, commission, board, authority, council,~~  
 2726 ~~committee, or department of the executive branch of state~~  
 2727 ~~government and means any officer, court, commission, or other~~  
 2728 ~~unit of the judicial branch of state government supported in~~  
 2729 ~~whole or in part by appropriations made by the Legislature.~~

2730 (1) ~~(2)~~ An agency may employ any qualified individual in  
 2731 other-personal-services temporary employment for ~~1,040~~ hours  
 2732 within any ~~12-month~~ period. For each other-personal-services  
 2733 employee, the agency shall:

2734 (a) Maintain employee records identifying, at a minimum,  
 2735 the person employed, the hire date, the type of other-personal-  
 2736 services employment, and the number of hours worked.

2737 (b) Determine the appropriate rate of pay and ensure that  
 2738 all payments are in compliance with the federal Fair Labor  
 2739 Standards Act and state law.

2740 (c) Review, determine, and document by June 30 of each  
 2741 year whether the continuation of each other-personal-services  
 2742 employment position is necessary to the mission of the agency.  
 2743 This review process ~~An extension beyond a total of 1,040 hours~~  
 2744 ~~within an agency for any individual requires a recommendation by~~

2745 ~~the agency head and approval by the Executive Office of the~~  
 2746 ~~Governor. Approval of extensions shall be made in accordance~~  
 2747 ~~with criteria established by the department. Each agency shall~~  
 2748 ~~maintain employee information as specified by the department~~  
 2749 ~~regarding each extension of other-personal-services temporary~~  
 2750 ~~employment. The time limitation established by this subsection~~  
 2751 ~~does not apply to board members; consultants; seasonal~~  
 2752 ~~employees; institutional clients employed as part of their~~  
 2753 ~~rehabilitation; bona fide, degree-seeking students in accredited~~  
 2754 ~~secondary or postsecondary educational programs; employees hired~~  
 2755 ~~to deal with an emergency situation that affects the public~~  
 2756 ~~health, safety, or welfare; or employees hired for a project~~  
 2757 ~~that is identified by a specific appropriation or time-limited~~  
 2758 ~~grant.~~

2759 (2) Unless specifically provided by law, other-personal-  
 2760 services employees are not eligible for any form of paid leave,  
 2761 paid holidays, a paid personal day, participation in state group  
 2762 insurance or retirement benefits, or any other state employee  
 2763 benefit. Other-personal-services employees may be included in  
 2764 that part of an agency's recognition and reward program that  
 2765 recognizes and rewards employees who submit innovative ideas  
 2766 that increase productivity, eliminate or reduce state  
 2767 expenditures, improve operations, or generate additional revenue  
 2768 or who meet or exceed the agency's established criteria for a  
 2769 project or goal.

2770 (3) Each agency that is authorized to adopt rules  
 2771 governing the terms and conditions of employment may adopt rules  
 2772 necessary to administer this section. ~~The department shall adopt~~

2773 ~~rules providing that other personal services temporary~~  
 2774 ~~employment in an employer-employee relationship shall be used~~  
 2775 ~~for short-term tasks. Such rules shall specify the employment~~  
 2776 ~~categories, terms, conditions, rate of pay, and frequency of~~  
 2777 ~~other personal services temporary employment and the duration~~  
 2778 ~~for which such employment may last; specify criteria for~~  
 2779 ~~approving extensions beyond the time limitation provided in~~  
 2780 ~~subsection (2); and prescribe recordkeeping and reporting~~  
 2781 ~~requirements for other personal services employment.~~

2782 ~~(4) The department shall prepare written material~~  
 2783 ~~explaining the terms and conditions of other personal services~~  
 2784 ~~employment and shall provide master copies to each agency. Each~~  
 2785 ~~agency shall provide each of its applicants for such employment~~  
 2786 ~~with a copy thereof at the time of application and shall discuss~~  
 2787 ~~the information contained thereon with each applicant at the~~  
 2788 ~~time of interview or employment commencement, whichever occurs~~  
 2789 ~~sooner.~~

2790 ~~(5) The department shall maintain information relating to~~  
 2791 ~~other personal services employment for each agency. Such~~  
 2792 ~~information shall include:~~

2793 ~~(a) The total amount of compensation for other personal~~  
 2794 ~~services personnel, by employment category, for the preceding~~  
 2795 ~~fiscal year.~~

2796 ~~(b) The name, social security number, employment category,~~  
 2797 ~~employment commencement date, and number of hours worked for~~  
 2798 ~~each individual whose initial other personal services temporary~~  
 2799 ~~employment began before the start of the preceding fiscal year~~  
 2800 ~~and who was still employed as an other personal services~~

2801 ~~temporary employee at the end of the preceding fiscal year.~~

2802 ~~(6)(a) The provisions of subsections (2), (3), and (4) do~~  
 2803 ~~not apply to any employee for whom the Board of Governors of the~~  
 2804 ~~State University System, or the board's designee, or the Board~~  
 2805 ~~of Trustees of the Florida School for the Deaf and the Blind is~~  
 2806 ~~the employer as defined in s. 447.203(2); except that, for~~  
 2807 ~~purposes of subsection (5), the Board of Trustees of the Florida~~  
 2808 ~~School for the Deaf and the Blind shall comply with the~~  
 2809 ~~recordkeeping and reporting requirements adopted by the~~  
 2810 ~~department pursuant to subsection (3) with respect to those~~  
 2811 ~~other personal services employees exempted by this subsection.~~

2812 ~~(b) The provisions of subsections (2), (3), and (4) do not~~  
 2813 ~~apply to any employee of the Division of Blind Services Library~~  
 2814 ~~for the Blind and Physically Handicapped for whom the Division~~  
 2815 ~~of Blind Services is the employer as defined in s. 447.203(2);~~  
 2816 ~~except that, for purposes of subsection (5), the Division of~~  
 2817 ~~Blind Services shall comply with the recordkeeping and reporting~~  
 2818 ~~requirements adopted by the department pursuant to subsection~~  
 2819 ~~(3) with respect to those other personal services employees~~  
 2820 ~~exempted by this subsection.~~

2821 ~~(c) Notwithstanding the provisions of this section, the~~  
 2822 ~~agency head or his or her designee may extend the other-~~  
 2823 ~~personal services employment of a health care practitioner~~  
 2824 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~  
 2825 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~  
 2826 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~  
 2827 ~~2,080 hours and may employ such practitioner on an hourly or~~  
 2828 ~~other basis.~~

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2829 ~~(7) The Department of Management Services shall annually~~  
 2830 ~~assess agencies for the regulation of other personal services on~~  
 2831 ~~a pro rata share basis not to exceed an amount as provided in~~  
 2832 ~~the General Appropriations Act.~~

2833 Section 49. Section 110.1315, Florida Statutes, is  
 2834 transferred, renumbered as section 112.908, Florida Statutes,  
 2835 and amended to read:

2836 112.908 ~~110.1315~~ Alternative retirement benefits; other-  
 2837 personal-services employees.-

2838 (1) Upon review and ~~recommendation of the department and~~  
 2839 approval of the Executive Office of the Governor, the Department  
 2840 of Financial Services shall provide ~~may contract for the~~  
 2841 ~~implementation of~~ an alternative retirement income security  
 2842 program for eligible temporary and seasonal employees of the  
 2843 state who are compensated from appropriations for other personal  
 2844 services. The Department of Financial Services may contract with  
 2845 ~~may provide for~~ a private vendor or vendors to administer the  
 2846 program under a defined-contribution plan under ss. 401(a) and  
 2847 403(b) or s. 457 of the Internal Revenue Code, and the program  
 2848 must provide retirement benefits as required under s.  
 2849 3121(b)(7)(F) of the Internal Revenue Code. The Department of  
 2850 Financial Services may develop a request for proposals and  
 2851 solicit qualified vendors to compete for the award of the  
 2852 contract. A vendor shall be selected on the basis of the plan  
 2853 that best serves the interest of the participating employees and  
 2854 the state. The proposal must comply with all necessary federal  
 2855 and state laws and rules.

2856 (2) The Department of Financial Services may adopt rules

2857 necessary to administer this section.

2858 Section 50. Section 110.1128, Florida Statutes, is  
 2859 transferred and renumbered as section 112.909, Florida Statutes.

2860 Section 51. Section 112.910, Florida Statutes, is created  
 2861 to read:

2862 112.910 Equal employment opportunity.-

2863 (1) It is the policy of this state to assist in ensuring  
 2864 equal employment opportunity through programs of affirmative and  
 2865 positive action which allow full utilization of women and  
 2866 minorities.

2867 (2) The head of each executive agency shall develop and  
 2868 implement an affirmative action plan in accordance with this  
 2869 section and applicable state and federal laws.

2870 (a) Each executive agency shall establish annual goals for  
 2871 ensuring the full utilization of groups underrepresented in its  
 2872 workforce as compared to the relevant labor market as defined by  
 2873 the agency and shall design its affirmative action plan to meet  
 2874 those goals.

2875 (b) The head of each executive agency shall appoint an  
 2876 equal employment opportunity officer.

2877 (c) By October 1 of each year, each executive agency that  
 2878 is not part of the State Personnel System shall report to the  
 2879 Executive Office of the Governor information relating to the  
 2880 implementation, continuance, updating, and results of the  
 2881 agency's affirmative action plan for the previous fiscal year.

2882 (3) Each state attorney and public defender shall:

2883 (a) Develop and implement an affirmative action plan.

2884 (b) Establish annual goals for ensuring the full

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2885 utilization of groups underrepresented in its workforce as  
 2886 compared to the relevant labor market in this state and design  
 2887 its affirmative action plan to meet those goals.

2888 (c) Appoint an affirmative action equal employment  
 2889 opportunity officer.

2890 (d) Report annually to the Justice Administrative  
 2891 Commission on the implementation, continuance, updating, and  
 2892 results of his or her affirmative action program for the  
 2893 previous fiscal year.

2894 (4) An individual claiming to be aggrieved by an unlawful  
 2895 employment practice may file a complaint with the Florida  
 2896 Commission on Human Relations as provided under s. 760.11.

2897 Section 52. Section 112.911, Florida Statutes, is created  
 2898 to read:

2899 112.911 Nondiscrimination in employment.-

2900 (1) It is the policy of the state that all appointments,  
 2901 terminations, assignments, and maintenance of status,  
 2902 compensation, privileges, and other terms and conditions of  
 2903 employment be made without regard to age, sex, race, color,  
 2904 religion, national origin, political affiliation, marital  
 2905 status, disability, or genetic information unless a specific  
 2906 requirement constitutes a bona fide occupational qualification.

2907 (2) The state, its agencies, and its officers shall ensure  
 2908 freedom from discrimination in employment as provided by the  
 2909 Florida Civil Rights Act of 1992, s. 112.044, and this chapter.

2910 Section 53. Section 110.1221, Florida Statutes, is  
 2911 transferred, renumbered as section 112.912, Florida Statutes,  
 2912 and amended to read:



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2913            112.912 ~~110.1221~~ Sexual harassment policy; ~~executive~~  
 2914 ~~agency rules.~~ It is the policy of the state that sexual  
 2915 harassment is a form of discrimination. Each agency that has  
 2916 authority to adopt rules governing the terms and conditions of  
 2917 employment ~~The department~~ shall adopt uniform sexual harassment  
 2918 rules ~~applicable to all executive agencies.~~ Such ~~the~~ rules must  
 2919 define the term "sexual harassment" in a manner consistent with  
 2920 the federal definition.

2921            Section 54. Section 110.122, Florida Statutes, is  
 2922 transferred, renumbered as section 112.913, Florida Statutes,  
 2923 and amended to read:

2924            112.913 ~~110.122~~ Terminal payment for accumulated sick  
 2925 leave.-

2926            (1) All state branches, ~~departments,~~ and agencies that are  
 2927 authorized ~~which have the authority~~ to establish or approve  
 2928 personnel policies for employees and to employ personnel and  
 2929 establish the conditions of their employment shall establish  
 2930 policies that ~~to~~ provide terminal "incentive" pay for  
 2931 accumulated and unused sick leave to each employee upon ~~normal~~  
 2932 ~~or regular~~ retirement ~~for reason other than disability~~ or upon  
 2933 termination of employment, or to the employee's beneficiary if  
 2934 service is terminated by death, if ~~provided~~ such retirement,  
 2935 termination, or death occurs after 10 years of creditable state  
 2936 employment.

2937            (2) Each entity that is authorized to adopt rules  
 2938 governing the terms and conditions of employment ~~The employing~~  
 2939 ~~entity~~ shall establish and publish rules governing the  
 2940 accumulation and use of sick leave. The employing entity shall

2941 ~~and~~ maintain accurate and reliable records showing the amount of  
 2942 sick leave that ~~which~~ has accumulated and is unused by the  
 2943 employee at the time of retirement, death, or termination.

2944 (3) The payments authorized by this section shall be  
 2945 determined by using the rate of pay received by the employee at  
 2946 the time of retirement, termination, or death, applied to the  
 2947 sick leave time for which the employee is qualified to receive  
 2948 terminal "incentive" pay under the rules adopted ~~by the~~  
 2949 ~~department~~ pursuant to ~~the provisions of~~ this section. The rules  
 2950 and policies must provide ~~adopted pursuant to this section shall~~  
 2951 ~~permit~~ terminal pay for sick leave equal to one-fourth ~~one-~~  
 2952 ~~eighth~~ of all unused sick leave credit ~~accumulated prior to~~  
 2953 ~~October 1, 1973, plus one-fourth of all unused sick leave~~  
 2954 ~~accumulated on or after October 1, 1973.~~ However, terminal pay  
 2955 allowable for unused sick leave may ~~accumulated on or after~~  
 2956 ~~October 1, 1973, shall not exceed a maximum of 480 hours of~~  
 2957 ~~actual payment. Employees shall be required to use all sick~~  
 2958 ~~leave accumulated prior to October 1, 1973, before using sick~~  
 2959 ~~leave accumulated on or after October 1, 1973.~~

2960 (4) The payments made pursuant to this section are ~~shall~~  
 2961 not salary payments ~~be considered~~ in any state-administered  
 2962 retirement system ~~as salary payments~~ and may ~~shall~~ not be used  
 2963 in determining the average final compensation of an employee in  
 2964 any state-administered retirement system.

2965 (5) All rights and benefits provided under this section  
 2966 shall be forfeited by an ~~any~~ employee:

2967 (a) Who is found guilty in a court of competent  
 2968 jurisdiction of committing, aiding, or abetting any embezzlement

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2969 or theft from the employee's employer or bribery in connection  
 2970 with the employment, committed before ~~prior to~~ retirement or 10  
 2971 years of 10-year normal creditable state employment termination;

2972 (b) Whose employment is terminated by reason of the  
 2973 employee having admitted committing, aiding, or abetting an  
 2974 embezzlement or theft from his or her employer or by reason of  
 2975 bribery;

2976 (c) Who, prior to 10 years of ~~10-year normal~~ creditable  
 2977 state employment termination or retirement, is adjudged by a  
 2978 court of competent jurisdiction to have violated any state law  
 2979 against strikes by public employees; or

2980 (d) Who has been found guilty by a court of competent  
 2981 jurisdiction of violating any state law prohibiting strikes by  
 2982 public employees, ~~shall forfeit all rights and benefits under~~  
 2983 ~~this section.~~

2984 (6) An employee whose employment terminates as a result of  
 2985 an act committed subject to ~~this~~ subsection (5) may ~~shall~~ not be  
 2986 given credit for unused sick leave accumulated before ~~prior to~~  
 2987 termination if ~~should~~ the employee is ~~be~~ reemployed at a later  
 2988 date.

2989 Section 55. Section 110.121, Florida Statutes, is  
 2990 transferred, renumbered as section 112.914, Florida Statutes,  
 2991 and amended to read:

2992 112.914 ~~110.121~~ Sick leave pool.—Each entity that  
 2993 ~~department or agency of the state which~~ has authority to adopt  
 2994 rules governing the accumulation and use of sick leave for  
 2995 employees, and that ~~which~~ maintains accurate and reliable  
 2996 records showing the amount of sick leave that ~~which~~ has been

2997 accumulated and is unused by employees, ~~may, in accordance with~~  
 2998 ~~guidelines which shall be established by the Department of~~  
 2999 ~~Management Services,~~ adopt rules establishing for the  
 3000 ~~establishment of a plan that allows~~ allowing participating  
 3001 employees to pool and use sick leave ~~and allowing any sick leave~~  
 3002 ~~thus pooled to be used by any participating employee who has~~  
 3003 ~~used all of the sick leave that has been personally accrued by~~  
 3004 ~~him or her. Although not limited to the following,~~ Such rules  
 3005 must shall provide, but need not be limited to:

3006 (1) Minimum eligibility criteria ~~That employees shall be~~  
 3007 ~~eligible~~ for participation in the sick leave pool ~~after 1 year~~  
 3008 ~~of employment with the state or agency of the state; provided~~  
 3009 ~~that such employee has accrued a minimum amount of unused sick~~  
 3010 ~~leave, which minimum shall be established by rule.~~

3011 (2) That participation in the sick leave pool is shall, ~~at~~  
 3012 ~~all times,~~ be voluntary on the part of the employees.

3013 (3) That any sick leave pooled shall be removed from the  
 3014 personally accumulated sick leave balance of the employee  
 3015 contributing such leave.

3016 (4) That any sick leave in the pool which ~~leave~~ is used by  
 3017 a participating employee is shall be used only for the  
 3018 employee's personal illness, accident, or injury.

3019 (5) That a participating employee may shall not ~~be~~  
 3020 ~~eligible to~~ use sick leave accumulated in the pool until all of  
 3021 his or her personally accrued sick, annual, and compensatory  
 3022 leave and personal day have ~~has~~ been used.

3023 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in  
 3024 the pool which any one employee may use.

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3025 (7) That a participating employee who uses sick leave from  
 3026 the pool is ~~shall~~ not ~~be~~ required to re contribute such sick  
 3027 leave to the pool, except as otherwise provided in this section.

3028 (8) That an employee who cancels his or her membership in  
 3029 the sick leave pool may ~~shall~~ not ~~be~~ ~~eligible~~ ~~to~~ withdraw the  
 3030 hours ~~days~~ of sick leave contributed by that employee to the  
 3031 pool.

3032 (9) That an employee who moves ~~transfers~~ from a ~~one~~  
 3033 position in one agency ~~state government~~ to a ~~another~~ position in  
 3034 another agency ~~state government~~ may transfer from one pool to  
 3035 another if ~~the eligibility criteria of the pools are comparable~~  
 3036 ~~or~~ the administrators of the pools have agreed on the ~~a~~ ~~formula~~  
 3037 ~~for~~ transfer of credits.

3038 (10) That alleged abuse of the use of the sick leave pool  
 3039 shall be investigated, and, on a finding of wrongdoing, the  
 3040 employee must ~~shall~~ repay all of the sick leave credits drawn  
 3041 from the sick leave pool and is ~~shall~~ ~~be~~ subject to such other  
 3042 disciplinary action as is determined by the agency head.

3043 (11) That sick leave credits may be drawn from the sick  
 3044 leave pool by a part-time employee on a pro rata basis.

3045 Section 56. Section 110.119, Florida Statutes, is  
 3046 transferred, renumbered as section 112.915, Florida Statutes,  
 3047 and amended to read:

3048 112.915 ~~110.119~~ Administrative leave for military-service-  
 3049 connected ~~reexamination or treatment with respect to service-~~  
 3050 ~~connected~~ disability.-

3051 (1) An ~~Any~~ employee ~~of the state~~ who has been rated by the  
 3052 United States Department of Veterans Affairs or its predecessor

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3053 to have incurred a service-connected disability and has been  
 3054 scheduled by the United States Department of Veterans Affairs to  
 3055 be reexamined or treated for the disability shall be granted  
 3056 administrative leave for such reexamination or treatment without  
 3057 loss of pay or benefits. However, such ~~In no event shall the~~  
 3058 paid leave may not under this section exceed 48 hours per 6  
 3059 calendar ~~days~~ a year.

3060 ~~(2) The department may adopt any rule necessary to carry~~  
 3061 ~~out the purpose of this section.~~

3062 Section 57. Section 110.120, Florida Statutes, is  
 3063 transferred, renumbered as section 112.916, Florida Statutes,  
 3064 and amended to read:

3065 112.916 ~~110.120~~ Administrative leave for disaster service  
 3066 volunteers.—

3067 (1) SHORT TITLE.—This section ~~shall be known and~~ may be  
 3068 cited as the "Florida Disaster Volunteer Leave Act."

3069 (2) DEFINITIONS.—As used in this section, the following  
 3070 terms shall apply:

3071 (a) "State agency" means any official, officer,  
 3072 commission, board, authority, council, committee, or department  
 3073 of the executive branch of state government.

3074 (b) "Disaster" includes disasters designated at level II  
 3075 and above in the American National Red Cross regulations and  
 3076 procedures.

3077 (3) LEAVE OF ABSENCE.—An employee of a state agency who is  
 3078 a certified disaster service volunteer of the American Red Cross  
 3079 may be granted a leave of absence with pay for up to ~~not more~~  
 3080 ~~than~~ 15 working days in any 12-month period to participate in

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3081 specialized disaster relief services for the American Red Cross.  
 3082 Such leave of absence may be granted upon the request of the  
 3083 American Red Cross and upon the approval of the employer  
 3084 ~~employee's employing agency~~. An employee granted leave under  
 3085 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the  
 3086 state for purposes of workers' compensation. Leave under this  
 3087 section ~~act~~ may be granted only for services related to a  
 3088 disaster occurring within the boundaries of the State of  
 3089 Florida, except that, with the approval of the Governor and  
 3090 Cabinet, leave may be granted for services in response to a  
 3091 disaster occurring within the boundaries of the United States.

3092 Section 58. Section 110.1091, Florida Statutes, is  
 3093 transferred, renumbered as section 112.917, Florida Statutes,  
 3094 and amended to read:

3095 112.917 ~~110.1091~~ Employee assistance programs; public  
 3096 records exemption.—

3097 (1) A ~~An employing~~ state agency may provide a counseling,  
 3098 therapeutic, or other professional treatment program to assist a  
 3099 ~~any~~ state employee who has a behavioral disorder, medical  
 3100 disorder, or substance abuse problem or who has an emotional  
 3101 difficulty that affects the employee's job performance. The ~~Each~~  
 3102 ~~employing~~ state agency may designate community diagnostic and  
 3103 referral resources as necessary to implement ~~the provisions of~~  
 3104 this subsection.

3105 (2) A state employee's personal identifying information  
 3106 contained in records held by a ~~an employing~~ state agency  
 3107 relating to an employee's participation in an employee  
 3108 assistance program is confidential and exempt from ~~the~~

3109 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
 3110 ~~Constitution.~~

3111 Section 59. Section 110.151, Florida Statutes, is  
 3112 transferred, renumbered as section 112.918, Florida Statutes,  
 3113 and amended to read:

3114 112.918 ~~110.151~~ ~~State officers' and employees'~~ Child care  
 3115 services.—

3116 (1) A state agency may establish ~~The Department of~~  
 3117 ~~Management Services shall approve,~~ administer, and coordinate  
 3118 child care services for ~~state officers' and employees'~~ children  
 3119 or dependents. ~~Duties shall include, but not be limited to,~~  
 3120 ~~reviewing and approving requests from state agencies for child~~  
 3121 ~~care services; providing technical assistance on child care~~  
 3122 ~~program startup and operation; and assisting other agencies in~~  
 3123 ~~conducting needs assessments, designing centers, and selecting~~  
 3124 ~~service providers.~~ Primary emphasis for child care services  
 3125 shall be given to children who are not subject to compulsory  
 3126 school attendance pursuant to part II of chapter 1003, and, to  
 3127 the extent possible, emphasis shall be placed on child care for  
 3128 children aged 2 and under.

3129 (2) Child care programs may be located in state-owned  
 3130 office buildings, educational facilities and institutions,  
 3131 custodial facilities and institutions, and, with the consent of  
 3132 the President of the Senate and the Speaker of the House of  
 3133 Representatives, ~~in~~ buildings or spaces used for legislative  
 3134 activities. In addition, centers may be located in privately  
 3135 owned buildings conveniently located to the place of employment  
 3136 of those ~~officers and employees~~ to be served by the centers. If



3137 a child care program is located in a state-owned office  
 3138 building, educational facility or institution, or custodial  
 3139 facility or institution, or in a privately owned building leased  
 3140 by the state, a portion of the service provider's rental fees  
 3141 for child care space may be waived by the sponsoring agency in  
 3142 accordance with the rules of the department's Facilities Program  
 3143 ~~Department of Management Services~~. Additionally, the sponsoring  
 3144 state agency may be responsible for the maintenance, utilities,  
 3145 and other operating costs associated with the child care center.

3146 (3) Except as otherwise provided in this section, the cost  
 3147 of child care services shall be offset by fees charged to  
 3148 employees who use the ~~child care~~ services. Requests for  
 3149 proposals may provide for a sliding fee schedule based on, ~~with~~  
 3150 ~~fees charged on the basis of~~ the employee's household income.

3151 (4) The provider of proposed child care services shall be  
 3152 selected by competitive contract. ~~Requests for proposals shall~~  
 3153 ~~be developed with the assistance of, and subject to the approval~~  
 3154 ~~of, the Department of Management Services~~. Management of the  
 3155 contract with the service provider is ~~shall be~~ the  
 3156 responsibility of the sponsoring state agency.

3157 (5) An operator selected to provide services must comply  
 3158 with all state and local standards for the licensure and  
 3159 operation of child care facilities, maintain adequate liability  
 3160 insurance coverage, and assume financial and legal  
 3161 responsibility for the operation of the program. ~~Neither~~ The  
 3162 operator of and ~~nor~~ any personnel employed by or at a child care  
 3163 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
 3164 However, the sponsoring state agency may be responsible for the

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3165 operation of the child care center if ~~when~~:

3166 (a) A second request for proposals fails to procure a

3167 qualified service provider; or

3168 (b) The service provider's contract is canceled and

3169 attempts to procure another qualified service provider are

3170 unsuccessful;

3171

3172 ~~and plans for direct operation are approved by the Department of~~

3173 ~~Management Services.~~

3174 (6) In the areas where the state has an insufficient

3175 number of employees to justify a worksite center, a state agency

3176 may join in a consortium arrangement using ~~utilizing~~ available

3177 state facilities with not-for-profit corporations or other

3178 public employers to provide child care services to ~~both~~ public

3179 employees and employees of private sector employers. The

3180 consortium agreement must first address the unmet child care

3181 needs of the children of the public employees whose employers

3182 are members of the consortium, ~~and then address the child care~~

3183 ~~needs of private-sector~~ private-sector employees.

3184 ~~(7) The Department of Management Services may adopt any~~

3185 ~~rules necessary to achieve the purposes of this section.~~

3186 Section 60. Section 110.181, Florida Statutes, is

3187 transferred and renumbered as section 112.919, Florida Statutes,

3188 and paragraph (b) of subsection (1) and paragraphs (d) and (e)

3189 of subsection (2) of that section are amended to read:

3190 112.919 ~~110.181~~ Florida State Employees' Charitable

3191 Campaign.—

3192 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

3193 (b) State officers' and employees' contributions toward  
 3194 the Florida State Employees' Charitable Campaign must be  
 3195 entirely voluntary. State officers and employees must designate  
 3196 a charitable organization to receive such contributions.

3197 (2) SELECTION OF FISCAL AGENTS; COST.—

3198 ~~(d) A local steering committee shall be established in~~  
 3199 ~~each fiscal agent area to assist in conducting the campaign and~~  
 3200 ~~to direct the distribution of undesignated funds remaining after~~  
 3201 ~~partial distribution pursuant to paragraph (c). The committee~~  
 3202 ~~shall be composed of state employees selected by the fiscal~~  
 3203 ~~agent from among recommendations provided by interested~~  
 3204 ~~participating organizations, if any, and approved by the~~  
 3205 ~~Statewide Steering Committee.~~

3206 ~~(e) Participating charitable organizations that provide~~  
 3207 ~~direct services in a local fiscal agent's area shall receive the~~  
 3208 ~~same percentage of undesignated funds as the percentage of~~  
 3209 ~~designated funds they receive. The undesignated funds remaining~~  
 3210 ~~following allocation to these charitable organizations shall be~~  
 3211 ~~distributed by the local steering committee.~~

3212 Section 61. Section 110.1225, Florida Statutes, is  
 3213 transferred, renumbered as section 112.920, Florida Statutes,  
 3214 and amended to read:

3215 112.920 ~~110.1225~~ Furloughs.—If ~~When~~ a deficit is projected  
 3216 ~~by the Revenue Estimating Conference pursuant to s. 216.136(3),~~  
 3217 in any state agency fund that supports salary and benefit  
 3218 appropriations, the agency Administration Commission may, upon  
 3219 the approval by the Governor or the Chief Justice of the Supreme  
 3220 Court, propose a furlough plan to the Legislative Budget

3221 Commission ~~Legislature~~, which must approve or disapprove such  
 3222 plan. The plan must identify all affected positions and ensure  
 3223 that all affected employees within a budget entity are subject  
 3224 to the same reduction of hours for the same number of pay  
 3225 periods with a commensurate reduction in pay. If authorized by  
 3226 the Legislature as a cost-savings measure to address anticipated  
 3227 short-term shortfalls to funds that support salary and benefit  
 3228 appropriations for a specified fiscal year, an agency may also  
 3229 impose furloughs as directed by the Legislature in the General  
 3230 Appropriations Act. For the purposes of this section, the term  
 3231 "furlough" means a temporary reduction in the regular hours of  
 3232 employment administered as leave without pay.

3233 Section 62. Section 110.1155, Florida Statutes, is  
 3234 transferred and renumbered as section 112.921, Florida Statutes.

3235 Section 63. Section 110.191, Florida Statutes, is  
 3236 transferred, renumbered as section 112.922, Florida Statutes,  
 3237 and amended to read:

3238 112.922 ~~110.191~~ State employee leasing.—

3239 (1) ~~If in situations where~~ the Legislature has expressly  
 3240 authorized a ~~the state, an agency, or the judicial branch as~~  
 3241 ~~defined in s. 110.107~~ to lease employees, the Executive Office  
 3242 of the Governor for the executive branch or the Chief Justice  
 3243 for the judicial branch may authorize ~~any of~~ the following  
 3244 actions related to such state employee leasing activities,  
 3245 provided that the direct cost of such actions is to be paid or  
 3246 reimbursed within 30 days after payment by the entity or person  
 3247 to whom the employees are leased:

3248 (a) Creation of ~~Create~~ a separate budget entity from which

3249 leased employees are ~~shall be~~ paid and the transfer of the  
 3250 positions authorized to be leased to that budget entity.

3251 (b) ~~Provide~~ Increases in the operating budget entity.

3252 (c) ~~Authorized~~ Lump-sum salary bonuses to leased  
 3253 employees.; However, any lump-sum salary bonus above the  
 3254 automatic salary increases which may be contained in the General  
 3255 Appropriations Act must be funded from private sources.

3256 (d) ~~Approve~~ Increases in salary rate for positions that  
 3257 ~~which~~ are leased.; However, any salary rate above the automatic  
 3258 salary increases which may be contained in the General  
 3259 Appropriations Act must be funded from private sources.

3260 (e) The waiver of ~~Waive~~ any requirement for automatic  
 3261 salary increases which may be contained in the General  
 3262 Appropriations Act.

3263 (2) Positions that ~~which~~ are in the Senior Management  
 3264 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day  
 3265 before the state employee lease agreement takes effect ~~shall~~  
 3266 remain in the respective system if the duties performed by the  
 3267 position during the assignment of the state employee lease  
 3268 agreement are comparable as determined by the department. Those  
 3269 senior management service ~~system~~ or selected exempt service  
 3270 ~~system~~ positions that ~~which~~ are not determined comparable by the  
 3271 department, and positions that ~~which~~ are in other pay plans on  
 3272 the day before the lease agreement takes effect, shall have the  
 3273 same salaries and benefits provided to employees of the Office  
 3274 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3275 Section 64. Section 110.1082, Florida Statutes, is  
 3276 transferred, renumbered as section 112.923, Florida Statutes,

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3277 and amended to read:

3278 112.923 ~~110.1082~~ Telephone ~~voice mail systems and~~  
 3279 ~~telephone menu options systems.~~—

3280 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice  
 3281 mail system when the employee is at his or her regularly  
 3282 assigned work station where his or her telephone is functional  
 3283 and available for use, unless:

3284 (a) The telephone device ~~is in use, and/or;~~

3285 (b) The ~~Such~~ voice mail system alerts the caller to, and  
 3286 provides the caller with access to, a nonelectronic attendant;  
 3287 or

3288 (c) The ~~Such~~ voice mail system automatically transfers the  
 3289 caller to a nonelectronic attendant.

3290 (2) Telephone menu options systems used by state agencies  
 3291 ~~must, departments, or other state government units will alert~~  
 3292 the caller to, and provide the caller with access to, a  
 3293 nonelectronic attendant.

3294 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~  
 3295 ~~provisions of~~ this section.

3296 Section 65. Section 110.1165, Florida Statutes, is  
 3297 transferred and renumbered as section 112.924, Florida Statutes,  
 3298 and subsections (1) and (2) of that section are amended to read:

3299 112.924 ~~110.1165~~ Executive branch personnel errors;  
 3300 limitation of actions for compensation.—

3301 (1) An agency of the executive branch, including the State  
 3302 University System, shall establish procedures for the receipt,  
 3303 consideration, and disposition of a claim regarding pay or  
 3304 benefits brought by an employee if the ~~when that~~ employee is

3305 | damaged as a result of being provided with erroneous written  
 3306 | information by the ~~employing~~ agency regarding his or her pay or  
 3307 | benefits, and the employee detrimentally relies upon such  
 3308 | written information. In order to qualify for ~~the relief provided~~  
 3309 | ~~by this section~~, the employee's reliance on the representation  
 3310 | must have been reasonable and based ~~only~~ upon only the written  
 3311 | representations made by those persons authorized by the agency  
 3312 | head to make such representations. ~~Furthermore,~~ The erroneous  
 3313 | calculation and payment of an employee's salary, wages, or  
 3314 | benefits is not among the written representations that ~~which~~  
 3315 | ~~will~~ trigger relief under this section.

3316 |         (2) An agency of the executive branch, including the State  
 3317 | University System, may ~~is authorized to~~ take appropriate ~~such~~  
 3318 | action ~~as may be appropriate~~ to provide a remedy for an employee  
 3319 | concerning his or her claim regarding detrimental reliance on  
 3320 | erroneous written information provided by the ~~employing~~ agency  
 3321 | relating to pay and benefits if, ~~provided~~ such remedy is within  
 3322 | the purview of the agency's authority. The agency may not ~~has no~~  
 3323 | ~~authority whatsoever~~ to modify the state retirement system or  
 3324 | the state insurance program. Any monetary remedy afforded by the  
 3325 | agency must fall within the agency's budgetary authority. Any  
 3326 | person dissatisfied with the outcome of this process may file  
 3327 | ~~either~~ a grievance pursuant to the agency's internal grievance  
 3328 | process or an appeal to the Division of Administrative Hearings  
 3329 | pursuant to chapter 120, but not both.

3330 |         Section 66. Section 110.113, Florida Statutes, is  
 3331 | transferred, renumbered as section 112.925, Florida Statutes,  
 3332 | and amended to read:

3333 112.925 ~~110.113~~ Pay periods for state officers and  
 3334 employees; salary payments by direct deposit.—

3335 (1) ~~The normal pay period for salaries of state officers~~  
 3336 ~~and employees shall be 1 month.~~ The Department of Financial  
 3337 Services shall issue ~~either~~ monthly or biweekly salary payments  
 3338 to state officers and employees by state warrants or by direct  
 3339 deposit pursuant to s. 17.076 ~~or make semimonthly salary~~  
 3340 ~~payments by direct deposit pursuant to s. 17.076,~~ as requested  
 3341 by each state employment system and the head of each state  
 3342 ~~agency and approved by the Executive Office of the Governor and~~  
 3343 ~~the~~ Department of Financial Services.

3344 (2) As a condition of employment, a ~~person appointed to a~~  
 3345 ~~position in state employee must~~ government is required to  
 3346 participate in the direct deposit program pursuant to s. 17.076.  
 3347 An employee may request an exemption from ~~the provisions of this~~  
 3348 subsection if the ~~when such~~ employee can demonstrate a hardship  
 3349 or if the ~~when such~~ employee is in an other-personal-services  
 3350 position.

3351 Section 67. Section 110.114, Florida Statutes, is  
 3352 transferred and renumbered as section 112.926, Florida Statutes.

3353 Section 68. Section 112.927, Florida Statutes, is created  
 3354 to read:

3355 112.927 Human resource information system.—The department  
 3356 may contract with other agencies or state governmental entities  
 3357 outside the State Personnel System to establish and maintain  
 3358 positions and use the human resource information system  
 3359 established under s. 110.116 for its human resource  
 3360 functionality as well as benefits administration. The use and



3361 operation of the human resource information system shall be  
 3362 based upon the design rules set forth by the department, and  
 3363 such agencies and state governmental entities may be required to  
 3364 conform their respective human resource business rules and  
 3365 practices to the business rules and practices existing within  
 3366 the human resource information system in order to minimize  
 3367 additional system customization and to maximize system  
 3368 efficiencies. Payment for usage shall be in accordance with s.  
 3369 110.125(2).

3370 Section 69. Section 110.1127, Florida Statutes, is  
 3371 transferred, renumbered as section 112.928, Florida Statutes,  
 3372 and amended to read:

3373 112.928 ~~110.1127~~ Employee background screening and  
 3374 investigations ~~security checks.~~

3375 (1) Except as provided in subsection (2), each state  
 3376 agency shall designate those positions that, based on the  
 3377 position duties, require security background screening. All  
 3378 persons and employees in such positions must undergo employment  
 3379 screening in accordance with chapter 435, using level 1  
 3380 screening standards, as a condition of employment and continued  
 3381 employment.

3382 (2) ~~(1)~~ Each state ~~employing~~ agency shall designate those  
 3383 ~~employee~~ positions that, because of the special trust or  
 3384 responsibility or sensitive location, require security  
 3385 background investigations. All persons and employees in such  
 3386 positions must undergo employment screening in accordance with  
 3387 chapter 435, using level 2 screening standards ~~of those~~  
 3388 ~~positions, require that persons occupying those positions be~~

3389 ~~subject to a security background check, including~~  
 3390 fingerprinting, as a condition of employment and continued  
 3391 employment.

3392 ~~(2)~~(a) All positions within the Division of Treasury of  
 3393 the Department of Financial Services are deemed to be positions  
 3394 of special trust or responsibility. Individuals seeking or  
 3395 holding such positions, ~~and a person~~ may be disqualified for  
 3396 employment ~~in any such position~~ by reason of:

3397 1. The conviction or prior conviction of a crime that  
 3398 ~~which~~ is reasonably related to the nature of the position sought  
 3399 or held by the individual; or

3400 2. The entering of a plea of nolo contendere, or ~~and~~ when a  
 3401 jury verdict of guilty is rendered but adjudication of guilt is  
 3402 withheld, with respect to a crime that ~~which~~ is reasonably  
 3403 related to the nature of the position sought or held by the  
 3404 individual.

3405 ~~(b) All employees of the division shall be required to~~  
 3406 ~~undergo security background investigations, including~~  
 3407 ~~fingerprinting, as a condition of employment and continued~~  
 3408 ~~employment.~~

3409 ~~(b)(3)(a)~~ All positions in programs providing care to  
 3410 children, the developmentally disabled, or vulnerable adults for  
 3411 15 hours or more per week; all permanent and temporary employee  
 3412 positions of the central abuse hotline; and all persons working  
 3413 under contract who have access to abuse records are deemed to be  
 3414 persons and positions of special trust or responsibility, ~~and~~  
 3415 ~~require employment screening pursuant to chapter 435, using the~~  
 3416 ~~level 2 standards set forth in that chapter.~~

3417        1.(b) The ~~employing~~ agency may grant exemptions from  
3418 disqualification from working with children, the developmentally  
3419 disabled, or vulnerable adults as provided in s. 435.07.

3420        ~~(c) All persons and employees in such positions of trust~~  
3421 ~~or responsibility shall be required to undergo security~~  
3422 ~~background investigations as a condition of employment and~~  
3423 ~~continued employment. For the purposes of this subsection,~~  
3424 ~~security background investigations shall be conducted as~~  
3425 ~~provided in chapter 435, using the level 2 standards for~~  
3426 ~~screening set forth in that chapter.~~

3427        2.(d) It is a misdemeanor of the first degree, punishable  
3428 as provided in s. 775.082 or s. 775.083, for any person  
3429 willfully, knowingly, or intentionally to:

3430        a.1. Fail, by false statement, misrepresentation,  
3431 impersonation, or other fraudulent means, to disclose in any  
3432 application for voluntary or paid employment a material fact  
3433 used in making a determination as to such person's  
3434 qualifications for a position of special trust;

3435        b.2. Use ~~records~~ information contained in records for  
3436 purposes other than background screening or investigation for  
3437 employment, or release such records information to other persons  
3438 for purposes other than preemployment screening or investigation  
3439 ~~for employment.~~

3440        3.(e) It is a felony of the third degree, punishable as  
3441 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
3442 person willfully, knowingly, or intentionally to use juvenile  
3443 records information for any purposes other than those specified  
3444 in this section or to release such information to other persons

3445 for purposes other than those specified in this section.

3446 ~~(3)(4)~~ Any person who is required to undergo such a  
 3447 security background screening or investigation and who refuses  
 3448 to cooperate in such screening or investigation or refuses to  
 3449 submit fingerprints shall be disqualified for employment in such  
 3450 position or, if employed, shall be dismissed.

3451 ~~(4)(5)~~ ~~Such~~ Background screening and investigations shall  
 3452 be conducted at the expense of the employing agency. If ~~When~~  
 3453 fingerprinting is required, the fingerprints ~~of the employee or~~  
 3454 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency  
 3455 or by an authorized law enforcement officer, ~~and~~ submitted to  
 3456 the Department of Law Enforcement for processing, and, if  
 3457 ~~forwarding, when~~ requested by the employing agency, forwarded to  
 3458 the United States Department of Justice for processing. The  
 3459 ~~employing~~ agency shall reimburse the Department of Law  
 3460 Enforcement for any costs incurred for ~~by it in the~~ processing  
 3461 ~~of~~ the fingerprints.

3462 Section 70. Section 110.117, Florida Statutes, is  
 3463 transferred, renumbered as section 112.929, Florida Statutes,  
 3464 and amended to read:

3465 112.929 ~~110.117~~ Paid holidays and personal day.—

3466 (1) The following holidays are ~~shall be~~ paid holidays  
 3467 observed by all state branches and agencies:

3468 (a) New Year's Day.

3469 (b) Birthday of Martin Luther King, Jr., third Monday in  
 3470 January.

3471 (c) Memorial Day.

3472 (d) Independence Day.

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3473 (e) Labor Day.

3474 (f) Veterans' Day, November 11.

3475 (g) Thanksgiving Day.

3476 (h) Friday after Thanksgiving.

3477 (i) Christmas Day.

3478 (j) If any of these holidays falls on Saturday, the

3479 preceding Friday shall be observed as a holiday. If any of these

3480 holidays falls on Sunday, the following Monday shall be observed

3481 as a holiday.

3482 (2) The Governor may declare, if ~~when~~ appropriate, a state

3483 day of mourning in observance of the death of a person in

3484 recognition of service rendered to the state or nation.

3485 (3) Each full-time employee in an authorized and

3486 established position is entitled to one personal day ~~holiday~~

3487 each year. Each part-time employee is entitled to a personal day

3488 ~~holiday~~ each year, which shall be calculated based on the full-

3489 time equivalency of the position ~~proportionately to the personal~~

3490 ~~holiday allowed to a full-time employee.~~ The ~~Such~~ personal day

3491 ~~holiday~~ shall be credited to eligible employees on July 1 of

3492 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the

3493 following year or forfeited. The personal day must be taken as a

3494 whole day and may not be used incrementally. Members of the

3495 teaching and research faculty of the State University System and

3496 administrative and professional positions exempted under s.

3497 110.205(2) (d) are not eligible for this benefit.

3498 (4) Other-personal-services employees are not eligible for

3499 paid holidays or a personal day.

3500 Section 71. Section 112.930, Florida Statutes, is created

3501 to read:

3502 112.930 Telework program.—

3503 (1) For the purposes of this section, the term "telework"  
 3504 means an alternative work arrangement that allows an employee to  
 3505 conduct all or some of his or her work away from the official  
 3506 worksite during all or a portion of the employee's established  
 3507 work hours on a regular basis. The term does not include, and a  
 3508 telework agreement is not required for:

3509 (a) Performance of required work duties away from the  
 3510 official worksite and outside of established work hours on an  
 3511 occasional basis and sporadically working away from the official  
 3512 worksite during all or some portion of the established work  
 3513 hours. These arrangements may be used by an agency to  
 3514 accommodate extenuating circumstances by allowing an employee to  
 3515 maintain productivity away from the official worksite.

3516 (b) Duties and responsibilities that, by their nature, are  
 3517 performed routinely in the field away from the official  
 3518 worksite.

3519 (2) An agency may establish telework as an integral part  
 3520 of the normal business operations of the agency and require that  
 3521 specific work be performed through telework arrangements.  
 3522 Telework may also be used as part of an agency's continuity of  
 3523 operations plan where appropriate. An agency shall provide  
 3524 telework as an optional alternative work arrangement to support  
 3525 employee needs and implement telework arrangements where deemed  
 3526 appropriate.

3527 (3) Each agency shall review all established positions and  
 3528 designate those positions that the agency deems appropriate for

3529 telework. The agency shall ensure this information is current  
3530 and available to its employees and managers. In addition, each  
3531 agency shall identify all currently participating employees and  
3532 their respective positions in the human resource information  
3533 system used by that agency.

3534 (4) Agencies that have a telework program shall develop an  
3535 agency plan that addresses the agency's telework policies and  
3536 procedures. At a minimum, an agency telework plan must:

3537 (a) Establish criteria for evaluating the ability of  
3538 employees to satisfactorily perform in a telework arrangement.

3539 (b) Establish performance standards that ensure that  
3540 employees participating in the program maintain satisfactory  
3541 performance levels.

3542 (c) Ensure teleworkers are subject to the same rules and  
3543 disciplinary actions as other employees.

3544 (d) Establish the reasonable conditions that the agency  
3545 plans to impose in order to ensure appropriate use and  
3546 maintenance of any equipment issued by the agency.

3547 (e) Establish a system for monitoring the productivity of  
3548 teleworking employees which ensures that the work output remains  
3549 at a satisfactory level and that the duties and responsibilities  
3550 of the position remain suitable for a telework arrangement.

3551 (f) Establish the appropriate physical and electronic  
3552 information security controls to be maintained by a teleworker  
3553 at the telework site.

3554 (g) Prohibit employees engaged in telework from conducting  
3555 face-to-face state business at their residence.

3556 (5) Agencies that approve employees to use telework as an

3557 optional alternative work arrangement shall:  
 3558 (a) Require a written agreement between the teleworker and  
 3559 the agency which specifies the terms and conditions of the  
 3560 telework arrangement and provides for the termination of an  
 3561 employee's participation in the program if the employee's  
 3562 continued participation is not in the best interest of the  
 3563 agency.  
 3564 (b) Ensure that participation by an employee is voluntary  
 3565 and that the employee may discontinue participation after  
 3566 providing reasonable notice to the agency.  
 3567 (6) Agencies that require certain employees to telework as  
 3568 a part of normal business operations shall:  
 3569 (a) Include the requirement to telework and the associated  
 3570 terms and conditions as part of the position description,  
 3571 specifying the minimum amount of telework time required.  
 3572 (b) Provide at least 30 calendar days' written notice to  
 3573 affected employees of intent to impose or remove a requirement  
 3574 to telework.  
 3575 (c) Provide at least 15 calendar days' written notice to  
 3576 affected employees of intent to revise the terms and conditions  
 3577 of their current telework arrangement.  
 3578 (d) Provide equipment and supplies to an employee  
 3579 necessary to carry out job functions from the telework site.  
 3580 (e) Specify the telework requirement in any recruitment  
 3581 activities.  
 3582 (7) Agencies that have a telework program shall establish  
 3583 and track performance measures that support telework program  
 3584 analysis and report data annually to the department's Facilities



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3585 Program in accordance with s. 255.249(3)(d). Such measures must  
3586 include, but need not be limited to, those that quantify:

3587 (a) Financial impacts associated with changes in office  
3588 space requirements resulting from the telework program. State  
3589 agencies operating in office space owned or managed by the  
3590 department shall consult the Facilities Program to ensure  
3591 consistency with the strategic leasing plan required under s.  
3592 255.249(3)(b).

3593 (b) Energy consumption changes resulting from the telework  
3594 program.

3595 (c) Greenhouse gas emission changes resulting from the  
3596 telework program.

3597 (8) Agencies that have a telework program shall post the  
3598 agency telework plan and any pertinent supporting documents on  
3599 the agency website to allow access by employees and the public.

3600 (9) Agencies may approve other-personal-services employees  
3601 to participate in telework programs.

3602 (10) Each agency that is authorized to adopt rules  
3603 governing the terms and conditions of employment may adopt rules  
3604 necessary to administer this section.

3605 Section 72. Section 112.931, Florida Statutes, is created  
3606 to read:

3607 112.931 Savings sharing program.—Each state agency that is  
3608 authorized to adopt rules governing the terms and conditions of  
3609 employment may adopt rules that prescribe procedures and promote  
3610 a savings sharing program for an individual or group of  
3611 employees who propose procedures or ideas that are adopted and  
3612 that result in eliminating or reducing state expenditures if

3613 such proposals are placed in effect and may be implemented under  
 3614 current statutory authority.

3615 (1) The agency head shall recommend employees individually  
 3616 or by group for a monetary award that is directly related to the  
 3617 cost savings realized. Each proposed award and the amount of the  
 3618 award must be approved by the Legislative Budget Commission.

3619 (2) Unless otherwise provided by law, all state agencies  
 3620 may participate in the program. The Chief Justice may establish  
 3621 a savings sharing program for employees of the judicial branch  
 3622 within the parameters established under this section. The  
 3623 program applies to all employees within the Civil Service and  
 3624 the Selected Exempt Service and comparable employees within the  
 3625 judicial branch.

3626 (3) The department and the judicial branch shall annually  
 3627 submit information to the President of the Senate and the  
 3628 Speaker of the House of Representatives which outlines each  
 3629 agency's level of participation in the program. At a minimum,  
 3630 the information must include:

3631 (a) The number of proposals made.

3632 (b) The number of awards and amount of money awarded to  
 3633 employees or groups for adopted proposals.

3634 (c) The actual cost savings realized as a result of  
 3635 implementing the proposals.

3636 Section 73. Section 110.1156, Florida Statutes, is  
 3637 transferred and renumbered as section 112.932, Florida Statutes.

3638 Section 74. Section 112.933, Florida Statutes, is created  
 3639 to read:

3640 112.933 Penalties.—

3641           (1) Any person who willfully violates any provision of  
 3642 this part or any rules adopted pursuant to this part commits a  
 3643 misdemeanor of the second degree, punishable as provided in s.  
 3644 775.082 or s. 775.083.

3645           (2) Notwithstanding s. 112.011, any person who is  
 3646 convicted of a misdemeanor under this part is ineligible for  
 3647 appointment to or employment in a state position for 5 years. If  
 3648 such person is an employee of the state, he or she must forfeit  
 3649 his or her position.

3650           (3) Imposition of the penalties provided in this section  
 3651 may not be in lieu of any action that may be taken or penalties  
 3652 that may be imposed pursuant to part III of this chapter.

3653           Section 75. The Division of Statutory Revision is  
 3654 requested to create part X of chapter 112, Florida Statutes,  
 3655 consisting of ss. 112.940-112.952, Florida Statutes, to be  
 3656 entitled "State Administered Benefits."

3657           Section 76. Section 110.1227, Florida Statutes, is  
 3658 transferred, renumbered as section 112.940, Florida Statutes,  
 3659 and paragraph (c) of subsection (1) of that section is amended  
 3660 to read:

3661           112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan  
 3662 Act.—

3663           (1) The Legislature finds that state expenditures for  
 3664 long-term-care services continue to increase at a rapid rate and  
 3665 that the state faces increasing pressure in its efforts to meet  
 3666 the long-term-care needs of the public.

3667           (c) This section does not affect ~~act in no way affects~~ the  
 3668 authority of the Department of Management Services Services—

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3669 ~~authority~~ pursuant to s. 112.942 ~~110.123~~.

3670 Section 77. Section 110.1228, Florida Statutes, is  
 3671 transferred and renumbered as section 112.941, Florida Statutes,  
 3672 and subsection (2) of that section is amended to read:

3673 112.941 ~~110.1228~~ Participation by small counties, small  
 3674 municipalities, and district school boards located in small  
 3675 counties.—

3676 (2) The governing body of a small county or small  
 3677 municipality or a district school board may apply for  
 3678 participation in the state group health insurance program  
 3679 authorized in s. 112.942 ~~110.123~~ and the prescription drug  
 3680 coverage program authorized by s. 112.946 ~~110.12315~~ by  
 3681 submitting an application along with a \$500 nonrefundable fee to  
 3682 the department.

3683 Section 78. Section 110.123, Florida Statutes, is  
 3684 transferred and renumbered as section 112.942, Florida Statutes,  
 3685 and paragraphs (f) and (h) of subsection (3) and paragraph (c)  
 3686 of subsection (4) of that section are amended to read:

3687 112.942 ~~110.123~~ State group insurance program.—

3688 (3) STATE GROUP INSURANCE PROGRAM.—

3689 (f) Except as provided for in subparagraph (h)2., the  
 3690 state contribution toward the cost of any plan in the state  
 3691 group insurance program shall be uniform with respect to all  
 3692 state employees in a state collective bargaining unit  
 3693 participating in the same coverage tier in the same plan. This  
 3694 section does not prohibit the development of separate benefit  
 3695 plans for officers and employees exempt from the Civil ~~career~~  
 3696 Service or the development of separate benefit plans for each

3697 collective bargaining unit.

3698 (h)1. In lieu of participating in the state group health  
 3699 insurance plan, a person eligible to participate in the state  
 3700 group insurance program may be authorized by department rules  
 3701 ~~adopted by the department, in lieu of participating in the state~~  
 3702 ~~group health insurance plan, to exercise an option to elect~~  
 3703 membership in a health maintenance organization (HMO) plan ~~which~~  
 3704 ~~is~~ under contract with the state in accordance with criteria  
 3705 established by this section and adopted ~~by said~~ rules. The offer  
 3706 of optional membership in an HMO ~~a health maintenance~~  
 3707 ~~organization~~ plan ~~permitted by this paragraph~~ may be limited or  
 3708 conditioned by rule as ~~may be~~ necessary to meet the requirements  
 3709 of state and federal laws.

3710 2. The department shall contract with HMOs ~~health~~  
 3711 ~~maintenance organizations~~ seeking to participate in the state  
 3712 group insurance program through a request for proposal or other  
 3713 procurement process, as developed by the Department of  
 3714 Management Services and determined to be appropriate.

3715 a. The department shall establish a schedule of minimum  
 3716 benefits for HMO ~~health maintenance organization~~ coverage which  
 3717 includes, ~~and that schedule shall include~~: physician services;  
 3718 inpatient and outpatient hospital services; emergency medical  
 3719 services, including out-of-area emergency coverage; diagnostic  
 3720 laboratory and diagnostic and therapeutic radiologic services;  
 3721 mental health, alcohol, and chemical dependency treatment  
 3722 services meeting the minimum requirements of state and federal  
 3723 law; skilled nursing facilities and services; prescription  
 3724 drugs; age-based and gender-based wellness benefits; and other

3725 benefits as may be required by the department. Additional  
 3726 services may be provided subject to the contract between the  
 3727 department and the HMO. As used in this paragraph, the term  
 3728 "age-based and gender-based wellness benefits" includes aerobic  
 3729 exercise, education in alcohol and substance abuse prevention,  
 3730 blood cholesterol screening, health risk appraisals, blood  
 3731 pressure screening and education, nutrition education, program  
 3732 planning, safety belt education, smoking cessation, stress  
 3733 management, weight management, and women's health education.

3734 b. The department may establish uniform deductibles,  
 3735 copayments, coverage tiers, or coinsurance schedules for all  
 3736 participating HMO plans.

3737 c. The department may require detailed information from  
 3738 each HMO ~~health maintenance organization~~ participating in the  
 3739 procurement process, including information pertaining to  
 3740 organizational status, experience in providing prepaid health  
 3741 benefits, accessibility of services, financial stability of the  
 3742 plan, quality of management services, accreditation status,  
 3743 quality of medical services, network access and adequacy,  
 3744 performance measurement, ability to meet the department's  
 3745 reporting requirements, and the actuarial basis of the proposed  
 3746 rates and other data determined by the director to be necessary  
 3747 for the evaluation and selection of HMO ~~health maintenance~~  
 3748 ~~organization~~ plans and negotiation of appropriate rates for  
 3749 these plans. Upon receipt of proposals by HMO ~~health maintenance~~  
 3750 ~~organization~~ plans and the evaluation of those proposals, the  
 3751 department may enter into negotiations with all ~~of the plans~~ or  
 3752 a subset of the plans, as the department determines appropriate.

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3753 ~~Nothing shall preclude~~ The department may negotiate ~~from~~  
 3754 ~~negotiating~~ regional or statewide contracts with HMO health  
 3755 ~~maintenance organization~~ plans if ~~when this is~~ cost-effective  
 3756 and if ~~when~~ the department determines that the plan offers high  
 3757 value to enrollees.

3758 d. The department may limit the number of HMOs that it  
 3759 contracts with in each service area based on the nature of the  
 3760 bids the department receives, the number of state employees in  
 3761 the service area, or any unique geographical characteristics of  
 3762 the service area. The department shall establish by rule service  
 3763 areas throughout the state.

3764 e. All persons participating in the state group insurance  
 3765 program may be required to contribute toward ~~towards~~ a total  
 3766 state group health premium that may vary depending upon the plan  
 3767 and coverage tier selected by the enrollee and the level of  
 3768 state contribution authorized by the Legislature.

3769 3. The department may ~~is authorized to~~ negotiate and ~~to~~  
 3770 contract with specialty psychiatric hospitals for mental health  
 3771 benefits, on a regional basis, for alcohol, drug abuse, and  
 3772 mental and nervous disorders. ~~The department may establish,~~  
 3773 Subject to the approval of the Legislature pursuant to  
 3774 subsection (5), the department may establish ~~any~~ such regional  
 3775 plan upon completion of an actuarial study to determine any  
 3776 impact on plan benefits and premiums.

3777 ~~4. In addition to contracting pursuant to subparagraph 2.,~~  
 3778 ~~the department may enter into contract with any HMO to~~  
 3779 ~~participate in the state group insurance program which:~~

3780 a. ~~Serves greater than 5,000 recipients on a prepaid basis~~

3781 ~~under the Medicaid program;~~  
 3782 ~~b. Does not currently meet the 25 percent non-~~  
 3783 ~~Medicare/non-Medicaid enrollment composition requirement~~  
 3784 ~~established by the Department of Health excluding participants~~  
 3785 ~~enrolled in the state group insurance program;~~  
 3786 ~~e. Meets the minimum benefit package and copayments and~~  
 3787 ~~deductibles contained in sub-subparagraphs 2.a. and b.;~~  
 3788 ~~d. Is willing to participate in the state group insurance~~  
 3789 ~~program at a cost of premiums that is not greater than 95~~  
 3790 ~~percent of the cost of HMO premiums accepted by the department~~  
 3791 ~~in each service area; and~~  
 3792 ~~e. Meets the minimum surplus requirements of s. 641.225.~~  
 3793  
 3794 ~~The department is authorized to contract with HMOs that meet the~~  
 3795 ~~requirements of sub-subparagraphs a. d. prior to the open~~  
 3796 ~~enrollment period for state employees. The department is not~~  
 3797 ~~required to renew the contract with the HMOs as set forth in~~  
 3798 ~~this paragraph more than twice. Thereafter, the HMOs shall be~~  
 3799 ~~eligible to participate in the state group insurance program~~  
 3800 ~~only through the request for proposal or invitation to negotiate~~  
 3801 ~~process described in subparagraph 2.~~  
 3802 4.5. All enrollees in a state group health insurance plan,  
 3803 a TRICARE supplemental insurance plan, or an HMO ~~any health~~  
 3804 ~~maintenance organization~~ plan have the option of changing to  
 3805 another ~~any other~~ health plan that is offered by the state  
 3806 within an ~~any~~ open enrollment period designated by the  
 3807 department. Open enrollment shall be held at least once each  
 3808 calendar year.



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3809        5.6. ~~If~~ When a contract between a treating provider and  
3810 the state-contracted HMO ~~health maintenance organization~~ is  
3811 terminated for any reason other than for cause, each party must  
3812 ~~shall~~ allow an ~~any~~ enrollee for whom treatment was active to  
3813 continue coverage and care when medically necessary, through  
3814 completion of treatment of a condition for which the enrollee  
3815 was receiving care at the time of the termination, until the  
3816 enrollee selects another treating provider, or until the next  
3817 open enrollment period ~~offered~~, whichever is later ~~longer~~, but  
3818 no later ~~longer~~ than 6 months after termination of the contract.  
3819 Each party to the terminated contract must ~~shall~~ allow an  
3820 enrollee who has initiated a course of prenatal care, regardless  
3821 of the trimester in which care was initiated, to continue care  
3822 and coverage until completion of postpartum care. This does not  
3823 prevent a provider from refusing to continue to provide care to  
3824 an enrollee who is abusive, noncompliant, or in arrears in  
3825 payments for services provided. For care continued under this  
3826 subparagraph, the program and the provider ~~shall~~ continue to be  
3827 bound by the terms of the terminated contract. Changes made  
3828 within 30 days before termination of a contract are effective  
3829 only if agreed to by both parties.

3830        6.7. Any HMO participating in the state group insurance  
3831 program shall submit health care utilization and cost data to  
3832 the department, ~~in such form and in such manner as the~~  
3833 department requires ~~shall require~~, as a condition of  
3834 participating in the program. The department shall enter into  
3835 negotiations with its contracting HMOs to determine the nature  
3836 and scope of the data submission and the final requirements,

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3837 format, penalties associated with noncompliance, and timetables  
 3838 for submission. These determinations shall be adopted by rule.

3839 7.8. The department may establish and direct, with respect  
 3840 to collective bargaining issues, a comprehensive package of  
 3841 insurance benefits that may include supplemental health and life  
 3842 coverage, dental care, long-term care, vision care, and other  
 3843 benefits it determines necessary to enable state employees to  
 3844 select from among benefit options that best suit their  
 3845 individual and family needs.

3846 a. Based upon a desired benefit package, the department  
 3847 shall issue a request for proposal or invitation to negotiate  
 3848 for health insurance providers interested in participating in  
 3849 the state group insurance program, ~~and the department shall~~  
 3850 issue a request for proposal or invitation to negotiate for  
 3851 insurance providers interested in participating in the non-  
 3852 health-related components of the state group insurance program.  
 3853 Upon receipt of all proposals, the department may enter into  
 3854 contract negotiations with insurance providers submitting bids  
 3855 or negotiate a specially designed benefit package. Insurance  
 3856 providers offering or providing supplemental coverage as of May  
 3857 30, 1991, which qualify for pretax benefit treatment pursuant to  
 3858 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more  
 3859 state employees currently enrolled may be included ~~by the~~  
 3860 ~~department~~ in the supplemental insurance benefit plan  
 3861 established by the department without participating in a request  
 3862 for proposal, submitting bids, negotiating contracts, or  
 3863 negotiating a specially designed benefit package. These  
 3864 contracts must ~~shall~~ provide state employees with the most cost-

3865 effective and comprehensive coverage available; however, ~~no~~  
 3866 state or agency funds may not ~~shall~~ be contributed toward the  
 3867 cost of any part of the premium of such supplemental benefit  
 3868 plans. With respect to dental coverage, the division shall  
 3869 include in any solicitation or contract for any state group  
 3870 dental program ~~made after July 1, 2001,~~ a comprehensive  
 3871 indemnity dental plan option that ~~which~~ offers enrollees a  
 3872 completely unrestricted choice of dentists. If a dental plan is  
 3873 endorsed, or in some manner recognized as the preferred product,  
 3874 such plan must ~~shall~~ include a comprehensive indemnity dental  
 3875 plan option that ~~which~~ provides enrollees with a completely  
 3876 unrestricted choice of dentists.

3877 b. Pursuant to ~~the applicable provisions of s. 112.951~~  
 3878 ~~110.161,~~ and s. 125 of the Internal Revenue Code of 1986, the  
 3879 department shall enroll in the pretax benefit program those  
 3880 state employees who voluntarily elect coverage in any of the  
 3881 supplemental insurance benefit plans as provided by sub-  
 3882 subparagraph a.

3883 c. This subparagraph does not ~~Nothing herein contained~~  
 3884 ~~shall be construed to~~ prohibit insurance providers from  
 3885 continuing to provide or offer supplemental benefit coverage to  
 3886 state employees as provided under existing agency plans.

3887 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION  
 3888 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3889 (c) During each policy or budget year, no state agency  
 3890 shall contribute a greater dollar amount of the premium cost for  
 3891 its officers or employees for any plan option under the state  
 3892 group insurance program than any other agency for similar

3893 officers and employees, nor shall any greater dollar amount of  
 3894 premium cost be made for employees in one state collective  
 3895 bargaining unit than for those in any other state collective  
 3896 bargaining unit. Nothing in this section prohibits the use of  
 3897 different levels of state contributions for positions exempt  
 3898 from Civil ~~career~~ Service.

3899 Section 79. Section 110.12301, Florida Statutes is  
 3900 transferred and renumbered as section 112.943, Florida Statutes,  
 3901 and subsection (1) of that section is amended to read:

3902 112.943 ~~110.12301~~ Competitive procurement of postpayment  
 3903 claims review services.—The Division of State Group Insurance is  
 3904 directed to competitively procure:

3905 (1) Postpayment claims review services for the state group  
 3906 health insurance plans established pursuant to s. 112.942  
 3907 ~~110.123~~. Compensation under the contract shall be paid from  
 3908 amounts identified as claim overpayments that are made by or on  
 3909 behalf of the health plans and that are recovered by the vendor.  
 3910 The vendor may retain that portion of the amount recovered as  
 3911 provided in the contract. The contract must require the vendor  
 3912 to maintain all necessary documentation supporting the amounts  
 3913 recovered, retained, and remitted to the division; and

3914 Section 80. Section 110.12302, Florida Statutes is  
 3915 transferred and renumbered as section 112.944, Florida Statutes.

3916 Section 81. Section 110.12312, Florida Statutes, is  
 3917 transferred, renumbered as section 112.945, Florida Statutes,  
 3918 and amended to read:

3919 112.945 ~~110.12312~~ Open enrollment period for retirees.—On  
 3920 or after July 1, 1997, the Department of Management Services

3921 shall provide for an open enrollment period for retired state  
 3922 employees who want to obtain health insurance coverage under ss.  
 3923 112.942 and 112.946 ~~110.123 and 110.12315~~. The options offered  
 3924 during the open enrollment period must provide the same health  
 3925 insurance coverage as the coverage provided to active employees  
 3926 under the same premium payment conditions in effect for covered  
 3927 retirees, including eligibility for health insurance subsidy  
 3928 payments under s. 112.363. A person who separates from  
 3929 employment subsequent to May 1, 1988, but whose date of  
 3930 retirement occurs on or after August 1, 1995, is eligible as of  
 3931 the first open enrollment period occurring after July 1, 1997,  
 3932 with an effective date of January 1, 1998, as long as the  
 3933 retiree's enrollment remains in effect.

3934 Section 82. Section 110.12315, Florida Statutes, is  
 3935 transferred and renumbered as section 112.946, Florida Statutes.

3936 Section 83. Section 110.1232, Florida Statutes, is  
 3937 transferred, renumbered as section 112.947, Florida Statutes,  
 3938 and amended to read:

3939 112.947 ~~110.1232~~ Health insurance coverage for persons  
 3940 retired under state-administered retirement systems before  
 3941 January 1, 1976, and for spouses.—Notwithstanding any provisions  
 3942 of law to the contrary, the Department of Management Services  
 3943 shall provide health insurance coverage under the state group  
 3944 insurance program for persons who retired before January 1,  
 3945 1976, under any of the state-administered retirement systems and  
 3946 who are not covered by social security and for the spouses and  
 3947 surviving spouses of such retirees who are also not covered by  
 3948 social security. Such health insurance coverage shall provide

3949 the same benefits as provided to other retirees who are entitled  
 3950 to participate under s. 112.942 ~~110.123~~. The claims experience  
 3951 of this group shall be commingled with the claims experience of  
 3952 other members covered under s. 112.942 ~~110.123~~.

3953 Section 84. Section 110.1234, Florida Statutes, is  
 3954 transferred and renumbered as section 112.948, Florida Statutes.

3955 Section 85. Section 110.1238, Florida Statutes, is  
 3956 transferred and renumbered as section 112.949, Florida Statutes.

3957 Section 86. Section 110.1239, Florida Statutes, is  
 3958 transferred and renumbered as section 112.950, Florida Statutes.

3959 Section 87. Section 110.161, Florida Statutes, is  
 3960 transferred and renumbered as section 112.951, Florida Statutes,  
 3961 and paragraph (a) of subsection (6) of that section is amended  
 3962 to read:

3963 112.951 ~~110.161~~ State employees; pretax benefits program.—

3964 (6) The Department of Management Services is authorized to  
 3965 administer the pretax benefits program established for all  
 3966 employees so that employees may receive benefits that are not  
 3967 includable in gross income under the Internal Revenue Code of  
 3968 1986. The pretax benefits program:

3969 (a) Shall allow employee contributions to premiums for the  
 3970 state group insurance program administered under s. 112.942  
 3971 ~~110.123~~ to be paid on a pretax basis unless an employee elects  
 3972 not to participate.

3973 Section 88. Section 112.952, Florida Statutes, is created  
 3974 to read:

3975 112.952 Penalties.—

3976 (1) Any person who willfully violates any provision of

3977 this part or any rules adopted pursuant to this part commits a  
 3978 misdemeanor of the second degree, punishable as provided in s.  
 3979 775.082 or s. 775.083.

3980 (2) Notwithstanding s. 112.011, any person who is  
 3981 convicted of a misdemeanor under this part is ineligible for  
 3982 appointment to or employment in a state position for 5 years  
 3983 and, if an employee of the state, must forfeit his or her  
 3984 position.

3985 (3) Imposition of the penalties provided in this section  
 3986 may not be in lieu of any action that may be taken or penalties  
 3987 that may be imposed pursuant to part III of this chapter.

3988 Section 89. The Division of Statutory Revision is  
 3989 requested to renumber part IV of chapter 110, Florida Statutes,  
 3990 as part XI of chapter 112, Florida Statutes, consisting of ss.  
 3991 112.961-112.965, Florida Statutes, and to rename that part as  
 3992 "State Volunteer Services."

3993 Section 90. Section 110.501, Florida Statutes, is  
 3994 transferred, renumbered as section 112.961, Florida Statutes,  
 3995 reordered, and amended to read:

3996 112.961 ~~110.501~~ Definitions.—As used in this part, the  
 3997 term ~~act~~:

3998 (3) ~~(1)~~ "Volunteer" means any person who, of his or her own  
 3999 free will, provides goods or services, or conveys an interest in  
 4000 or otherwise consents to the use of real property pursuant to  
 4001 chapter 260, to any state department or agency, or nonprofit  
 4002 organization, with no monetary or material compensation. A  
 4003 person registered and serving in Older American Volunteer  
 4004 Programs authorized by the Domestic Volunteer Service Act of

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4005 1973, as amended (Pub. L. No. 93-113), shall also be defined as  
 4006 a volunteer and shall incur no civil liability as provided by s.  
 4007 768.1355. A volunteer shall be eligible for payment of volunteer  
 4008 benefits as specified in Pub. L. No. 93-113, this section, and  
 4009 s. 430.204.

4010 ~~(2) "Regular service volunteer" means any person engaged~~  
 4011 ~~in specific voluntary service activities on an ongoing or~~  
 4012 ~~continuous basis.~~

4013 ~~(3) "Occasional service volunteer" means any person who~~  
 4014 ~~offers to provide a one-time or occasional voluntary service.~~

4015 (1) ~~(4)~~ "Material donor" means any person who provides  
 4016 funds, materials, employment, or opportunities for clients of  
 4017 state ~~departments or~~ agencies, without monetary or material  
 4018 compensation.

4019 (2) "State agency" or "agency" means any official,  
 4020 officer, commission, board, authority, council, committee, or  
 4021 department of the executive branch or judicial branch of state  
 4022 government as defined in chapter 216, unless otherwise exempted  
 4023 by law.

4024 Section 91. Section 110.502, Florida Statutes, is  
 4025 transferred, renumbered as section 112.962, Florida Statutes,  
 4026 and amended to read:

4027 112.962 ~~110.502~~ Scope of act; status of volunteers.-

4028 (1) Every ~~state department or~~ state agency may, with the  
 4029 approval of the agency head, through the head of the department  
 4030 ~~or agency, secretary of the department, or executive director of~~  
 4031 ~~the department, is authorized to~~ recruit, train, and accept,  
 4032 without regard to the requirements of the Civil State Career



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4033 Service ~~System as set forth in part II of this chapter,~~ the  
 4034 services of volunteers, ~~including regular service volunteers,~~  
 4035 ~~occasional service volunteers,~~ or material donors, to assist in  
 4036 programs administered by the ~~department or~~ agency.

4037 (2) Volunteers recruited, trained, or accepted by a ~~any~~  
 4038 state ~~department or~~ agency are ~~shall~~ not be subject to any  
 4039 provisions of law relating to state employment, a ~~to any~~  
 4040 collective bargaining agreement between the state and an ~~any~~  
 4041 employees' association or union, or ~~to any~~ laws relating to  
 4042 hours of work, rates of compensation, leave time, and employee  
 4043 benefits, except those consistent with s. 112.964 ~~110.504~~.  
 4044 However, all volunteers shall comply with applicable ~~department~~  
 4045 ~~or~~ agency rules. Volunteers may be required by the agency to  
 4046 submit to security background screenings.

4047 (3) Every state ~~department or~~ agency using ~~utilizing~~ the  
 4048 services of volunteers is ~~hereby~~ authorized to provide such  
 4049 incidental reimbursement or benefit consistent with s. 112.964  
 4050 ~~the provisions of s. 110.504,~~ including transportation costs,  
 4051 lodging, ~~and~~ subsistence, identification and safety apparel,  
 4052 recognition, and other accommodations as the ~~department or~~  
 4053 agency deems necessary to assist, recognize, reward, or  
 4054 encourage volunteers in performing their functions. An ~~No~~  
 4055 ~~department or~~ agency may not ~~shall~~ expend or authorize an  
 4056 expenditure greater than ~~therefor in excess of~~ the amount  
 4057 provided for to the ~~department or~~ agency by appropriation in any  
 4058 fiscal year.

4059 (4) Persons working with state agencies pursuant to this  
 4060 part are ~~shall be~~ considered as unpaid independent volunteers

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4061 and ~~are shall~~ not be entitled to unemployment compensation.

4062 Section 92. Section 110.503, Florida Statutes, is  
 4063 transferred, renumbered as section 112.963, Florida Statutes,  
 4064 and amended to read:

4065 112.963 ~~110.503~~ Responsibilities of state departments and  
 4066 agencies.—Each state department or agency using ~~utilizing~~ the  
 4067 services of volunteers shall take such actions as are:

4068 (1) ~~Take such actions as are~~ Necessary and appropriate to  
 4069 develop meaningful opportunities for volunteers involved in  
 4070 state-administered programs.

4071 (2) Necessary to ensure that volunteers are provided with  
 4072 the state agency's policies and procedures applicable to their  
 4073 volunteer activities. ~~Comply with the uniform rules adopted by~~  
 4074 ~~the Department of Management Services governing the recruitment,~~  
 4075 ~~screening, training, responsibility, use, and supervision of~~  
 4076 ~~volunteers.~~

4077 (3) ~~Take such actions as are~~ Necessary to ensure that  
 4078 volunteers understand their duties and responsibilities.

4079 (4) Necessary to ensure that a state employee whose  
 4080 primary employment consists of duties and responsibilities  
 4081 similar to those associated with volunteer activities is not  
 4082 considered for volunteer work if such work would require payment  
 4083 for overtime in accordance with the Fair Labor Standards Act.

4084 ~~(4) Take such actions as are necessary and appropriate to~~  
 4085 ~~ensure a receptive climate for citizen volunteers.~~

4086 ~~(5) Provide for the recognition of volunteers who have~~  
 4087 ~~offered continuous and outstanding service to state-administered~~  
 4088 ~~programs. Each department or agency using the services of~~

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4089 ~~volunteers is authorized to incur expenditures not to exceed~~  
 4090 ~~\$100 each plus applicable taxes for suitable framed~~  
 4091 ~~certificates, plaques, or other tokens of recognition to honor,~~  
 4092 ~~reward, or encourage volunteers for their service.~~

4093 ~~(6) Recognize prior volunteer service as partial~~  
 4094 ~~fulfillment of state employment requirements for training and~~  
 4095 ~~experience pursuant to rules adopted by the Department of~~  
 4096 ~~Management Services.~~

4097 Section 93. Section 110.504, Florida Statutes, is  
 4098 transferred, renumbered as section 112.964, Florida Statutes,  
 4099 and amended to read:

4100 112.964 ~~110.504~~ Volunteer benefits.—

4101 (1) Meals may be furnished without charge to ~~regular-~~  
 4102 ~~service~~ volunteers serving state agencies if ~~departments,~~  
 4103 ~~provided~~ the scheduled assignment extends over an established  
 4104 meal period, ~~and to occasional-service volunteers at the~~  
 4105 ~~discretion of the department head.~~ An agency may not ~~No~~  
 4106 ~~department shall~~ expend or authorize any expenditure greater  
 4107 than in excess of the amount provided for by appropriation in  
 4108 any fiscal year.

4109 (2) Lodging, if available, may be furnished temporarily,  
 4110 in case of an agency ~~a department~~ emergency, at no charge to  
 4111 ~~regular-service~~ volunteers.

4112 (3) Transportation reimbursement may be furnished to those  
 4113 volunteers whose presence is determined to be necessary to the  
 4114 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in  
 4115 the performance of agency-related ~~department-related~~ duties. An  
 4116 agency may not ~~No department shall~~ expend or authorize an

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4117 expenditure greater than ~~in excess of~~ the amount appropriated in  
 4118 any fiscal year.

4119 (4) Volunteers are ~~shall be~~ covered by state liability  
 4120 protection in accordance with the definition of a volunteer and  
 4121 ~~the provisions of s. 768.28.~~

4122 (5) Volunteers are ~~shall be~~ covered by workers'  
 4123 compensation in accordance with chapter 440.

4124 (6) Incidental recognition benefits or incidental  
 4125 nonmonetary awards may be furnished to volunteers serving in  
 4126 state agencies ~~departments~~ to award, recognize, or encourage  
 4127 volunteers for their service. The awards may not cost more than  
 4128 \$150 ~~in excess of \$100~~ each plus applicable taxes.

4129 (7) Volunteers, including volunteers receiving a stipend  
 4130 as provided by the Domestic Service Volunteer Act of 1973, as  
 4131 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.  
 4132 768.1355, the Florida Volunteer Protection Act.

4133 Section 94. Section 112.965, Florida Statutes, is created  
 4134 to read:

4135 112.965 Penalties.—

4136 (1) Any person who willfully violates any provision of  
 4137 this part or any rules adopted pursuant to this part commits a  
 4138 misdemeanor of the second degree, punishable as provided in s.  
 4139 775.082 or s. 775.083.

4140 (2) Notwithstanding s. 112.011, any person who is  
 4141 convicted of a misdemeanor under this part is ineligible for  
 4142 appointment to or employment in a state position for 5 years  
 4143 and, if an employee of the state, must forfeit his or her  
 4144 position.

4145           (3) Imposition of the penalties provided in this section  
 4146 may not be in lieu of any action that may be taken or penalties  
 4147 that may be imposed pursuant to part III of this chapter.

4148           Section 95. Sections 110.115, 110.118, 110.124, 110.129,  
 4149 110.1521, 110.1522, 110.1523, 110.171, 110.2035, 110.21,  
 4150 110.406, 110.603, 110.604, and 110.606, Florida Statutes, are  
 4151 repealed.

4152           Section 96. Paragraph (b) of subsection (1) of section  
 4153 11.13, Florida Statutes, is amended to read:

4154           11.13 Compensation of members.—

4155           (1)

4156           (b) On Effective July 1, 1986, and each July 1 of each  
 4157 year thereafter, the annual salaries of members of the Senate  
 4158 and House of Representatives shall be adjusted by the average  
 4159 percentage increase in the salaries of civil state-career  
 4160 service employees for the fiscal year just concluded. The  
 4161 Appropriations Committee of each house shall certify to the  
 4162 Office of Legislative Services the average percentage increase  
 4163 in the salaries of civil state-career service employees before  
 4164 July 1 of each year. The Office of Legislative Services shall,  
 4165 as of July 1 of each year, determine the adjusted annual  
 4166 salaries as provided in this paragraph herein.

4167           Section 97. Paragraph (c) of subsection (1) of section  
 4168 20.055, Florida Statutes, is amended to read:

4169           20.055 Agency inspectors general.—

4170           (1) For the purposes of this section:

4171           (c) "Individuals substantially affected" means natural  
 4172 persons who have established a real and sufficiently immediate

4173 injury in fact due to the findings, conclusions, or  
 4174 recommendations of a final report of a state agency inspector  
 4175 general, who are the subject of the audit or investigation, and  
 4176 who do not have or are not currently afforded an existing right  
 4177 to an independent review process. The term does not include:

4178 1. Employees of the state, including civil ~~career~~ service,  
 4179 probationary, other personal service, selected exempt service,  
 4180 and senior management service employees, ~~are not covered by this~~  
 4181 ~~definition. This definition also does not cover~~

4182 2. Former employees of the state if the final report of  
 4183 the state agency inspector general relates to matters arising  
 4184 during a former employee's term of state employment. ~~This~~  
 4185 ~~definition does not apply to~~

4186 3. Persons who are the subject of audits or investigations  
 4187 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
 4188 which are otherwise confidential and exempt under s. 119.07.

4189 Section 98. Subsection (6) of section 20.21, Florida  
 4190 Statutes, is amended to read:

4191 20.21 Department of Revenue.—There is created a Department  
 4192 of Revenue.

4193 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~  
 4194 ~~110.123~~, relating to the state group insurance program, the  
 4195 department may pay, or participate in the payment of, premiums  
 4196 for health, accident, and life insurance for its full-time out-  
 4197 of-state employees, pursuant to such rules as it may adopt,  
 4198 which and such payments are shall be in addition to the  
 4199 employees' regular salaries ~~of such full-time out-of-state~~  
 4200 ~~employees.~~

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4201 Section 99. Paragraph (e) of subsection (1) and subsection  
 4202 (6) of section 20.23, Florida Statutes, are amended to read:

4203 20.23 Department of Transportation.—There is created a  
 4204 Department of Transportation which shall be a decentralized  
 4205 agency.

4206 (1)

4207 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and  
 4208 ~~the~~ assistant secretaries are ~~shall be~~ exempt from part IV ~~the~~  
 4209 ~~provisions of part III~~ of chapter 110 and shall receive  
 4210 compensation commensurate with their qualifications and  
 4211 competitive with compensation for comparable responsibility in  
 4212 the private sector.

4213 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the  
 4214 Department of Management Services may ~~is authorized to~~ exempt  
 4215 positions within the Department of Transportation that ~~which~~ are  
 4216 comparable to positions within the Senior Management Service  
 4217 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that  
 4218 ~~which~~ are comparable to positions in the Selected Exempt Service  
 4219 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

4220 Section 100. Subsection (2) of section 20.255, Florida  
 4221 Statutes, is amended to read:

4222 20.255 Department of Environmental Protection.—There is  
 4223 created a Department of Environmental Protection.

4224 (2) (a) There shall be three deputy secretaries who are to  
 4225 be appointed by and shall serve at the pleasure of the  
 4226 secretary. The secretary may assign any deputy secretary the  
 4227 responsibility to supervise, coordinate, and formulate policy  
 4228 for any division, office, or district. The following special

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4229 offices are established and headed by managers, each of whom is  
 4230 to be appointed by and serve at the pleasure of the secretary:

- 4231 1. Office of Chief of Staff;
- 4232 2. Office of General Counsel;
- 4233 3. Office of Inspector General;
- 4234 4. Office of External Affairs;
- 4235 5. Office of Legislative Affairs;
- 4236 6. Office of Intergovernmental Programs; and
- 4237 7. Office of Greenways and Trails.

4238 (b) There shall be six administrative districts involved  
 4239 in regulatory matters of waste management, water resource  
 4240 management, wetlands, and air resources, which shall be headed  
 4241 by managers, each of whom is to be appointed by and serve at the  
 4242 pleasure of the secretary. Divisions of the department may have  
 4243 one assistant or two deputy division directors, as required to  
 4244 facilitate effective operation.

4245  
 4246 The managers of all divisions and offices specifically named in  
 4247 this section and the directors of the six administrative  
 4248 districts are exempt from part II of chapter 110 and are  
 4249 included in the Senior Management Service in accordance with s.  
 4250 110.205(2)(g) ~~110.205(2)(j)~~.

4251 Section 101. Paragraph (d) of subsection (19) of section  
 4252 24.105, Florida Statutes, is amended to read:

4253 24.105 Powers and duties of department.—The department  
 4254 shall:

4255 (19) Employ division directors and other staff as may be  
 4256 necessary to carry out the provisions of this act; however:



4257 (d) The department shall establish and maintain a  
 4258 personnel program for its employees, including a personnel  
 4259 classification and pay plan that ~~which~~ may provide ~~any or all of~~  
 4260 the benefits provided in the Senior Management Service or  
 4261 Selected Exempt Service. Each officer or employee of the  
 4262 department is ~~shall be~~ a member of the Florida Retirement  
 4263 System. The retirement class of each officer or employee is  
 4264 ~~shall be~~ the same as other persons performing comparable  
 4265 functions for other agencies. Employees of the department shall  
 4266 serve at the pleasure of the secretary and are ~~shall be~~ subject  
 4267 to suspension, dismissal, reduction in pay, demotion, transfer,  
 4268 or other personnel action at the discretion of the secretary.  
 4269 Such personnel actions are exempt from ~~the provisions of~~ chapter  
 4270 120. All employees of the department are exempt from the Civil  
 4271 ~~Career Service System~~ provided in chapter 110 and,  
 4272 notwithstanding ~~the provisions of~~ s. 110.205(3) ~~110.205(5)~~, are  
 4273 not included in ~~either~~ the Senior Management Service or the  
 4274 Selected Exempt Service. However, all employees of the  
 4275 department are subject to all standards of conduct adopted by  
 4276 rule for civil ~~career~~ service and senior management employees  
 4277 pursuant to chapter 110. In the event of a conflict between  
 4278 standards of conduct applicable to employees of the Department  
 4279 of the Lottery, the more restrictive standard applies ~~shall~~  
 4280 ~~apply~~. Interpretations as to the more restrictive standard may  
 4281 be provided by the Commission on Ethics upon request of an  
 4282 advisory opinion pursuant to s. 112.322(3)(a), and for purposes  
 4283 of this subsection, the opinion shall be considered final  
 4284 action.

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4285 Section 102. Paragraph (d) of subsection (4) of section  
 4286 24.122, Florida Statutes, is amended to read:

4287 24.122 Exemption from taxation; state preemption;  
 4288 inapplicability of other laws.—

4289 (4) Any state or local law providing any penalty,  
 4290 disability, restriction, or prohibition for the possession,  
 4291 manufacture, transportation, distribution, advertising, or sale  
 4292 of any lottery ticket, including chapter 849, shall not apply to  
 4293 the tickets of the state lottery operated pursuant to this act;  
 4294 nor shall any such law apply to the possession of a ticket  
 4295 issued by any other government-operated lottery. In addition,  
 4296 activities of the department under this act are exempt from the  
 4297 provisions of:

4298 (d) Section 112.907 ~~110.131~~, relating to other personal  
 4299 services.

4300 Section 103. Paragraph (b) of subsection (1) of section  
 4301 30.071, Florida Statutes, is amended to read:

4302 30.071 Applicability and scope of act.—

4303 (1) This act applies to all deputy sheriffs, with the  
 4304 following exceptions:

4305 (b) Deputy sheriffs in a county that, by special act of  
 4306 the Legislature, local charter, ordinance, or otherwise, has  
 4307 established a civil ~~or career~~ service system that ~~which~~ grants  
 4308 collective bargaining rights for deputy sheriffs, including, but  
 4309 not limited to, deputy sheriffs in the following counties:  
 4310 Broward, Miami-Dade, Duval, Escambia, and Volusia.

4311 Section 104. Subsection (4) of section 43.16, Florida  
 4312 Statutes, is amended to read:

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4313 43.16 Justice Administrative Commission; membership,  
4314 powers and duties.—

4315 (4) (a) The Justice Administrative Commission shall employ  
4316 an executive director and fix his or her salary. The executive  
4317 director shall employ any necessary personnel for the efficient  
4318 performance of the commission according to a classification and  
4319 pay plan annually approved by the commission.

4320 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~  
4321 ~~within~~ the commission are exempt from the Civil Career Service  
4322 ~~System provided in chapter 110~~ and, notwithstanding s.  
4323 110.205(3) ~~110.205(5)~~, are not included in the Senior Management  
4324 Service or the Selected Exempt Service. The commission shall  
4325 annually approve a classification plan and salary and benefits  
4326 plan.

4327 (c) Employees in permanent positions must be offered  
4328 benefits comparable to those offered under the Civil Career  
4329 Service ~~System~~.

4330 (d) The commission may offer benefits greater than ~~in~~  
4331 ~~excess of~~ those offered under the Civil Career Service ~~System~~  
4332 only to employees who are appointed to positions designated as  
4333 having managerial or policymaking duties or positions requiring  
4334 membership in The Florida Bar.

4335 (e) By January 15 ~~15th~~ of each year, the commission shall  
4336 submit to the Executive Office of the Governor, the President of  
4337 the Senate, and the Speaker of the House of Representatives a  
4338 listing of all positions receiving benefits greater than those  
4339 ~~benefits~~ offered under the Civil Career Service ~~System~~. Any  
4340 change in the positions that are offered greater benefits or any

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4341 change in the level of benefits is subject to the notice and  
 4342 objection procedures of s. 216.177.

4343 Section 105. Subsection (4) of section 104.31, Florida  
 4344 Statutes, is amended to read:

4345 104.31 Political activities of state, county, and  
 4346 municipal officers and employees.—

4347 (4) Nothing contained in this section or in any county or  
 4348 municipal charter shall be deemed to prohibit any public  
 4349 employee from expressing his or her opinions on any candidate or  
 4350 issue or from participating in any political campaign during the  
 4351 employee's off-duty hours, so long as such activities are not in  
 4352 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075  
 4353 ~~110.233~~.

4354 Section 106. Subsection (4) of section 106.24, Florida  
 4355 Statutes, is amended to read:

4356 106.24 Florida Elections Commission; membership; powers;  
 4357 duties.—

4358 (4) The commission shall appoint an executive director,  
 4359 who shall serve under the direction, supervision, and control of  
 4360 the commission. The executive director, with the consent of the  
 4361 commission, shall employ such staff as are necessary to  
 4362 adequately perform the functions of the commission, within  
 4363 budgetary limitations. All employees, except the executive  
 4364 director and attorneys, are subject to part II of chapter 110.  
 4365 The executive director shall serve at the pleasure of the  
 4366 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,  
 4367 except that the commission shall have complete authority for  
 4368 setting the executive director's salary. Attorneys employed by

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4369 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter  
 4370 110.

4371 Section 107. Subsection (4) of section 112.044, Florida  
 4372 Statutes, is amended to read:

4373 112.044 Public employers, employment agencies, labor  
 4374 organizations; discrimination based on age prohibited;  
 4375 exceptions; remedy.—

4376 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the  
 4377 state ~~who is~~ within the Civil Career Service System established  
 4378 by chapter 110 ~~and~~ who is aggrieved by a violation of this act  
 4379 may appeal to the Public Employees Relations Commission under  
 4380 the conditions and following the procedures prescribed in part  
 4381 II of chapter 447. Any person other than an employee ~~who is~~  
 4382 within the Civil Career Service System ~~established by chapter~~  
 4383 ~~110~~, or any person employed by the Public Employees Relations  
 4384 Commission, who is aggrieved by a violation of this act may  
 4385 bring a civil action ~~in any court of competent jurisdiction~~ for  
 4386 such legal or equitable relief as will effectuate the purposes  
 4387 of this act.

4388 Section 108. Section 112.0805, Florida Statutes, is  
 4389 amended to read:

4390 112.0805 Employer notice of insurance eligibility to  
 4391 employees who retire.—An ~~Any~~ employer who provides insurance  
 4392 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify  
 4393 those employees who retire of their eligibility to participate  
 4394 in ~~either~~ the same group insurance plan or self-insurance plan  
 4395 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the  
 4396 insurance coverage ~~as~~ provided by this law.

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4397 Section 109. Paragraph (a) of subsection (9) of section  
 4398 112.313, Florida Statutes, is amended to read:

4399 112.313 Standards of conduct for public officers,  
 4400 employees of agencies, and local government attorneys.—

4401 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
 4402 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

4403 (a)1. It is the intent of the Legislature to implement by  
 4404 statute the provisions of s. 8(e), Art. II of the State  
 4405 Constitution relating to legislators, statewide elected  
 4406 officers, appointed state officers, and designated public  
 4407 employees.

4408 2. As used in this paragraph:

4409 a. "Employee" means:

4410 (I) Any person employed in the executive or legislative  
 4411 branch of government holding a position in the Senior Management  
 4412 Service as defined in s. 110.402 or any person holding a  
 4413 position in the Selected Exempt Service as defined in s.  
 4414 110.3021 ~~110.602~~ or any person having authority over policy or  
 4415 procurement employed by the Department of the Lottery.

4416 (II) The Auditor General, the director of the Office of  
 4417 Program Policy Analysis and Government Accountability, the  
 4418 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
 4419 at Arms and Clerk of the House of Representatives.

4420 (III) The executive director and deputy executive director  
 4421 of the Commission on Ethics.

4422 (IV) An executive director, staff director, or deputy  
 4423 staff director of each joint committee, standing committee, or  
 4424 select committee of the Legislature; an executive director,

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4425 staff director, executive assistant, analyst, or attorney of the  
 4426 Office of the President of the Senate, the Office of the Speaker  
 4427 of the House of Representatives, the Senate Majority Party  
 4428 Office, Senate Minority Party Office, House Majority Party  
 4429 Office, or House Minority Party Office; or any person, hired on  
 4430 a contractual basis, having the power normally conferred upon  
 4431 such persons, by whatever title.

4432 (V) The Chancellor and Vice Chancellors of the State  
 4433 University System; the general counsel to the Board of Governors  
 4434 of the State University System; and the president, provost, vice  
 4435 presidents, and deans of each state university.

4436 (VI) Any person, including an other-personal-services  
 4437 employee, having the power normally conferred upon the positions  
 4438 referenced in this sub-subparagraph.

4439 b. "Appointed state officer" means any member of an  
 4440 appointive board, commission, committee, council, or authority  
 4441 of the executive or legislative branch of state government whose  
 4442 powers, jurisdiction, and authority are not solely advisory and  
 4443 include the final determination or adjudication of any personal  
 4444 or property rights, duties, or obligations, other than those  
 4445 relative to its internal operations.

4446 c. "State agency" means an entity of the legislative,  
 4447 executive, or judicial branch of state government over which the  
 4448 Legislature exercises plenary budgetary and statutory control.

4449 3. A ~~No~~ member of the Legislature, appointed state  
 4450 officer, or statewide elected officer may not ~~shall~~ personally  
 4451 represent another person or entity for compensation before the  
 4452 government body or agency of which the individual was an officer

4453 or member for ~~a period of~~ 2 years following vacation of office.  
 4454 A ~~No~~ member of the Legislature may not ~~shall~~ personally  
 4455 represent another person or entity for compensation during his  
 4456 or her term of office before any state agency other than  
 4457 judicial tribunals or in settlement negotiations after the  
 4458 filing of a lawsuit.

4459 4. An agency employee, including an agency employee who  
 4460 was employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~  
 4461 position that was transferred to the Selected Exempt Service  
 4462 ~~System~~ under chapter 2001-43, Laws of Florida, may not  
 4463 personally represent another person or entity for compensation  
 4464 before the agency with which he or she was employed for ~~a period~~  
 4465 ~~of~~ 2 years following vacation of position, unless employed by  
 4466 another agency of state government.

4467 5. Any person violating this paragraph is ~~shall be~~ subject  
 4468 to the penalties provided in s. 112.317 and a civil penalty ~~of~~  
 4469 ~~an amount~~ equal to the compensation that ~~which~~ the person  
 4470 receives for the prohibited conduct.

4471 6. This paragraph is not applicable to:

4472 a. A person employed by the Legislature or other agency  
 4473 before ~~prior to~~ July 1, 1989;

4474 b. A person who was employed by the Legislature or other  
 4475 agency on July 1, 1989, whether or not the person was a defined  
 4476 employee on July 1, 1989;

4477 c. A person who was a defined employee of the State  
 4478 University System or the Public Service Commission who held such  
 4479 employment on December 31, 1994;

4480 d. A person who has reached normal retirement age as



4481 defined in s. 121.021(29), and who has retired under ~~the~~  
 4482 ~~provisions of~~ chapter 121 by July 1, 1991; or

4483 e. Any appointed state officer whose term of office began  
 4484 before January 1, 1995, unless reappointed to that office on or  
 4485 after January 1, 1995.

4486 Section 110. Paragraph (b) of subsection (1) of section  
 4487 112.3145, Florida Statutes, is amended to read:

4488 112.3145 Disclosure of financial interests and clients  
 4489 represented before agencies.—

4490 (1) For purposes of this section, unless the context  
 4491 otherwise requires, the term:

4492 (b) "Specified state employee" means:

4493 1. Public counsel created by chapter 350, an assistant  
 4494 state attorney, an assistant public defender, a full-time state  
 4495 employee who serves as counsel or assistant counsel to any state  
 4496 agency, the Deputy Chief Judge of Compensation Claims, a judge  
 4497 of compensation claims, an administrative law judge, or a  
 4498 hearing officer.

4499 2. Any person employed in the office of the Governor or in  
 4500 the office of any member of the Cabinet if that person is exempt  
 4501 from the Civil Career Service System, except persons employed in  
 4502 clerical, secretarial, or similar positions.

4503 3. The State Surgeon General or each appointed secretary,  
 4504 assistant secretary, deputy secretary, executive director,  
 4505 assistant executive director, or deputy executive director of  
 4506 each state department, commission, board, or council; unless  
 4507 otherwise provided, the division director, assistant division  
 4508 director, deputy director, bureau chief, and assistant bureau

4509 chief of any state department or division; or any person having  
 4510 the power normally conferred upon such persons, by whatever  
 4511 title.

4512 4. The superintendent or institute director of a state  
 4513 mental health institute established for training and research in  
 4514 the mental health field or the warden or director of any major  
 4515 state institution or facility established for corrections,  
 4516 training, treatment, or rehabilitation.

4517 5. Business managers, purchasing agents having the power  
 4518 to make any purchase exceeding the threshold amount provided for  
 4519 in s. 287.017 for CATEGORY ONE, finance and accounting  
 4520 directors, personnel officers, or grants coordinators for any  
 4521 state agency.

4522 6. Any person, other than a legislative assistant exempted  
 4523 by the presiding officer of the house that employs ~~by which~~ the  
 4524 legislative assistant ~~is employed~~, who is employed in the  
 4525 legislative branch of government, except persons employed in  
 4526 maintenance, clerical, secretarial, or similar positions.

4527 7. Each employee of the Commission on Ethics.

4528 Section 111. Paragraph (a) of subsection (2) of section  
 4529 112.363, Florida Statutes, is amended to read:

4530 112.363 Retiree health insurance subsidy.—

4531 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4532 (a) A person who is retired under a state-administered  
 4533 retirement system, or a beneficiary who is a spouse or financial  
 4534 dependent entitled to receive benefits under a state-  
 4535 administered retirement system, is eligible for health insurance  
 4536 subsidy payments ~~provided~~ under this section; except that

4537 pension recipients under ss. 121.40, 238.07(18)(a), and 250.22,  
 4538 recipients of health insurance coverage under s. 112.947  
 4539 ~~110.1232~~, or recipients of any other special pension or relief  
 4540 act are ~~shall~~ not be eligible for such payments.

4541 Section 112. Subsections (11) and (38) of section 121.021,  
 4542 Florida Statutes, are amended to read:

4543 121.021 Definitions.—The following words and phrases as  
 4544 used in this chapter have the respective meanings set forth  
 4545 unless a different meaning is plainly required by the context:

4546 (11) "Officer or employee" means any person receiving  
 4547 salary payments for work performed in a regularly established  
 4548 position and, if employed by a municipality, a metropolitan  
 4549 planning organization, or a special district, employed in a  
 4550 covered group. The term does not apply to state employees  
 4551 covered by a leasing agreement under s. 112.922 ~~110.191~~, other  
 4552 public employees covered by a leasing agreement, or a coemployer  
 4553 relationship.

4554 (38) "Continuous service" means creditable service as a  
 4555 member, beginning with the first day of employment with an  
 4556 employer covered under a state-administered retirement system  
 4557 consolidated herein and continuing for as long as the member  
 4558 remains in an employer-employee relationship with the ~~an~~  
 4559 employer ~~covered under this chapter~~. An absence of 1 calendar  
 4560 month or more from an employer's payroll is ~~shall be~~ considered  
 4561 a break in continuous service, except for periods of absence  
 4562 during which an employer-employee relationship continues to  
 4563 exist and such period of absence is creditable under this  
 4564 chapter or under one of the existing systems consolidated

4565 herein. However, a law enforcement officer as defined in s.  
 4566 121.0515(3) (a) who was a member of a state-administered  
 4567 retirement system under chapter 122 or chapter 321 and who  
 4568 resigned and was subsequently reemployed in a law enforcement  
 4569 position within 12 calendar months after ~~of~~ such resignation by  
 4570 an employer under a ~~such~~ state-administered retirement system is  
 4571 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.  
 4572 Further, with respect to a state-employed law enforcement  
 4573 officer who meets the criteria specified in s. 121.0515(3) (a),  
 4574 if the absence from the employer's payroll is the result of a  
 4575 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to  
 4576 run for an elected office that meets the criteria specified in  
 4577 s. 121.0515(3) (a), no break in continuous service shall be  
 4578 deemed to have occurred if the member is reemployed as a state  
 4579 law enforcement officer or is elected to an office that ~~which~~  
 4580 meets the criteria specified in s. 121.0515(3) (a) within 12  
 4581 calendar months after the date of the layoff or resignation,  
 4582 notwithstanding the fact that such period of layoff or  
 4583 resignation is not creditable service under this chapter. A  
 4584 withdrawal of contributions constitutes ~~will constitute~~ a break  
 4585 in service. Continuous service also includes past service  
 4586 purchased under this chapter if, ~~provided such~~ service is  
 4587 continuous within ~~this definition and~~ the rules established by  
 4588 the administrator. The administrator may establish  
 4589 administrative rules and procedures for applying this definition  
 4590 to creditable service authorized under this chapter. Any  
 4591 correctional officer, as defined in s. 943.10, whose  
 4592 participation in the state-administered retirement system is

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4593 terminated due to the transfer of a county detention facility  
 4594 through a contractual agreement with a private entity pursuant  
 4595 to s. 951.062 is, ~~shall be~~ deemed an employee with continuous  
 4596 service in the Special Risk Class if, ~~provided~~ return to  
 4597 employment with the former employer takes place within 3 years  
 4598 due to contract termination or the officer is employed by a  
 4599 covered employer in a special risk position within 1 year after  
 4600 his or her initial termination of employment by such transfer of  
 4601 its detention facilities to the private entity.

4602 Section 113. Paragraph (f) of subsection (2) of section  
 4603 121.051, Florida Statutes, is amended to read:

4604 121.051 Participation in the system.—

4605 (2) OPTIONAL PARTICIPATION.—

4606 (f)1. If an employer that participates in the Florida  
 4607 Retirement System undertakes the transfer, merger, or  
 4608 consolidation of governmental services or assumes the functions  
 4609 and activities of an employing governmental entity that was not  
 4610 an employer under the system, the employer must notify the  
 4611 department at least 60 days before such action and provide  
 4612 documentation as required by the department. Such ~~The~~ transfer,  
 4613 merger, ~~or consolidation, of governmental services~~ or assumption  
 4614 ~~of governmental functions and activities~~ must occur between  
 4615 public employers. The current or former employer may pay the  
 4616 employees' past service cost, unless prohibited under this  
 4617 chapter. This subparagraph does not apply to the transfer,  
 4618 merger, or consolidation of governmental services or assumption  
 4619 of functions and activities of a public entity under a leasing  
 4620 agreement having a coemployer relationship. Employers and

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4621 employees of a public governmental employer whose service is  
 4622 covered by a leasing agreement under s. 112.922 ~~110.191~~, any  
 4623 other leasing agreement, or a coemployer relationship may not  
 4624 ~~are not eligible to~~ participate in the Florida Retirement  
 4625 System.

4626 2. If the agency to which a member's employing unit is  
 4627 transferred, merged, or consolidated does not participate in the  
 4628 Florida Retirement System, a member may elect in writing to  
 4629 remain in the ~~Florida Retirement~~ system or to transfer to the  
 4630 local retirement system operated by the agency. If the agency  
 4631 does not participate in a local retirement system, the member  
 4632 shall continue membership in the Florida Retirement System. In  
 4633 either case, membership continues for as long as the member is  
 4634 employed by the agency to which his or her unit was transferred,  
 4635 merged, or consolidated.

4636 Section 114. Paragraph (a) of subsection (1) of section  
 4637 121.055, Florida Statutes, is amended to read:

4638 121.055 Senior Management Service Class.—There is hereby  
 4639 established a separate class of membership within the Florida  
 4640 Retirement System to be known as the "Senior Management Service  
 4641 Class," which shall become effective February 1, 1987.

4642 (1)(a) Participation in the Senior Management Service  
 4643 Class is ~~shall be~~ limited to and compulsory for any member of  
 4644 the Florida Retirement System who holds a position in the Senior  
 4645 Management Service ~~of the State of Florida~~, established under ~~by~~  
 4646 part IV ~~III~~ of chapter 110, unless such member elects, within  
 4647 the time specified herein, to participate in the Senior  
 4648 Management Service Optional Annuity Program as established in

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4649 subsection (6).

4650 Section 115. Paragraph (a) of subsection (2) of section

4651 121.35, Florida Statutes, is amended to read:

4652 121.35 Optional retirement program for the State

4653 University System.—

4654 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4655 (a) Participation in the optional retirement program is

4656 ~~provided by this section shall be~~ limited to persons who are

4657 otherwise eligible for membership or renewed membership in the

4658 Florida Retirement System and who are employed in one of the

4659 following State University System positions:

4660 1. Positions classified as instructional and research

4661 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~

4662 ~~provisions of~~ s. 110.205(2) (d).

4663 2. Positions classified as administrative and professional

4664 which are exempt from the Civil ~~career~~ Service under ~~the~~

4665 ~~provisions of~~ s. 110.205(2) (d).

4666 3. The Chancellor and the university presidents.

4667 Section 116. Section 145.19, Florida Statutes, is amended

4668 to read:

4669 145.19 Annual percentage increases based on increase for

4670 civil ~~state-career~~ service employees; limitation.—

4671 (1) As used in this section, the term:

4672 (a) "Annual factor" means 1 plus the lesser of:

4673 1. The average percentage increase in the salaries of

4674 civil ~~state-career~~ service employees for the current fiscal year

4675 as determined by the Department of Management Services or as

4676 provided in the General Appropriations Act; or

4677 2. Seven percent.

4678 (b) "Cumulative annual factor" means the product of all  
 4679 annual factors certified under this act before ~~prior to~~ the  
 4680 fiscal year for which salaries are being calculated.

4681 (c) "Initial factor" means a factor of 1.292, which is a  
 4682 product, rounded to the nearest thousandth, of an earlier cost-  
 4683 of-living increase factor authorized by chapter 73-173, Laws of  
 4684 Florida, and intended by the Legislature to be preserved in  
 4685 adjustments to salaries made before the ~~prior to~~ enactment of  
 4686 chapter 76-80, Laws of Florida, multiplied by the annual  
 4687 increase factor authorized by chapter 79-327, Laws of Florida.

4688 (2) Each fiscal year, the salaries of all officials listed  
 4689 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.  
 4690 The adjusted salary rate is ~~shall be~~ the product, rounded to the  
 4691 nearest dollar, of the salary rate granted by the appropriate  
 4692 section of this chapter, s. 1001.395, or s. 1001.47 multiplied  
 4693 first by the initial factor, then by the cumulative annual  
 4694 factor, and finally by the annual factor. The Department of  
 4695 Management Services shall certify the annual factor and the  
 4696 cumulative annual factors. Any special qualification salary  
 4697 received under this chapter, s. 1001.47, or the annual  
 4698 performance salary incentive available to elected  
 4699 superintendents under s. 1001.47 shall be added to the ~~such~~  
 4700 adjusted salary rate. The special qualification salary is ~~shall~~  
 4701 ~~be \$2,000, but shall not exceed \$2,000.~~

4702 Section 117. Subsection (2) of section 216.011, Florida  
 4703 Statutes, is amended to read:

4704 216.011 Definitions.—



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4705 (2) For purposes of this chapter, terms related to the  
 4706 State Personnel System are ~~personnel affairs of the state shall~~  
 4707 ~~be~~ defined as set forth in s. 110.1054 ~~110.107~~.

4708 Section 118. Paragraph (b) of subsection (10) of section  
 4709 216.181, Florida Statutes, is amended to read:

4710 216.181 Approved budgets for operations and fixed capital  
 4711 outlay.—

4712 (10)

4713 (b) Lump-sum salary bonuses may be provided only if  
 4714 specifically appropriated or provided pursuant to ~~s. 110.1245 or~~  
 4715 s. 216.1815.

4716 Section 119. Subsection (2) of section 260.0125, Florida  
 4717 Statutes, is amended to read:

4718 260.0125 Limitation on liability of private landowners  
 4719 whose property is designated as part of the statewide system of  
 4720 greenways and trails.—

4721 (2) A ~~Any~~ private landowner who consents to designation of  
 4722 his or her land as part of the statewide system of greenways and  
 4723 trails pursuant to s. 260.016(2)(d) without compensation is  
 4724 ~~shall be~~ considered a volunteer, as defined in s. 112.961  
 4725 ~~110.501~~, and is ~~shall be~~ covered by state liability protection  
 4726 pursuant to s. 768.28, ~~including s. 768.28(9)~~.

4727 Section 120. Section 287.175, Florida Statutes, is amended  
 4728 to read:

4729 287.175 Penalties.—A violation of this part or a rule  
 4730 adopted hereunder, pursuant to applicable constitutional and  
 4731 statutory procedures, constitutes misuse of public position as  
 4732 defined in s. 112.313(6) ~~7~~ and is punishable as provided in s.

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4733 112.317. The Chief Financial Officer shall report incidents of  
 4734 suspected misuse to the Commission on Ethics, and the commission  
 4735 shall investigate possible violations of this part or rules  
 4736 adopted hereunder when reported by the Chief Financial Officer,  
 4737 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of  
 4738 this part or a rule is adopted hereunder shall be presumed to  
 4739 have been committed with wrongful intent, but such presumption  
 4740 is rebuttable. ~~Nothing in~~ This section is not intended to deny  
 4741 rights provided to civil career service employees by s. 110.227.

4742 Section 121. Paragraph (a) of subsection (4) of section  
 4743 295.07, Florida Statutes, is amended to read:

4744 295.07 Preference in appointment and retention.—

4745 (4) The following positions are exempt from this section:

4746 (a) Those positions that are exempt from the Civil state  
 4747 ~~Career Service System~~ under s. 110.205 ~~.(2)~~; However, all  
 4748 positions under the University Support Personnel System of the  
 4749 State University System as well as all civil Career service  
 4750 ~~System~~ positions under the Florida Community College System and  
 4751 the School for the Deaf and the Blind, or the equivalent of such  
 4752 positions at state universities, community colleges, or the  
 4753 School for the Deaf and the Blind, are included.

4754 Section 122. Paragraph (a) of subsection (1) of section  
 4755 295.09, Florida Statutes, is amended to read:

4756 295.09 Reinstatement or reemployment; promotion  
 4757 preference.—

4758 (1) (a) If ~~When~~ an employee of the state or any of its  
 4759 political subdivisions employed in a position subject or not  
 4760 subject to a civil career service ~~system~~ or other merit-type

4761 system, with the exception of those positions that ~~which~~ are  
 4762 exempt pursuant to s. 295.07(4), has served in the Armed Forces  
 4763 of the United States and is discharged or separated ~~therefrom~~  
 4764 with an honorable discharge, the state or its political  
 4765 subdivision shall reemploy or reinstate such person to the same  
 4766 position that he or she held before ~~prior to~~ such service in the  
 4767 armed forces, or to an equivalent position, if ~~provided~~ such  
 4768 person returns to the position within 1 year after ~~of~~ his or her  
 4769 date of separation or, in cases of extended active duty, within  
 4770 1 year after ~~of~~ the date of discharge or separation subsequent  
 4771 to the extension. Such person shall also be awarded preference  
 4772 in promotion and shall be promoted ahead of all others who are  
 4773 as well qualified or less qualified for the position. If ~~When~~ an  
 4774 examination for promotion is used ~~utilized~~, such person shall be  
 4775 awarded preference points, as provided in s. 295.08, and shall  
 4776 be promoted ahead of all those who appear in an equal or lesser  
 4777 position on the promotional register if, ~~provided~~ he or she  
 4778 first successfully passes the examination for the promotional  
 4779 position.

4780 Section 123. Subsection (3) of section 296.04, Florida  
 4781 Statutes, is amended to read:

4782 296.04 Administrator; duties and qualifications;  
 4783 responsibilities.—

4784 (3) The administrator position shall be assigned to the  
 4785 Selected Exempt Service under part III ~~V~~ of chapter 110. The  
 4786 director shall give veterans' preference in selecting an  
 4787 administrator, as provided in ss. 295.07 and 295.085. In  
 4788 addition, the administrator must have at least a 4-year degree

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4789 from an accredited university or college and 3 years of  
 4790 administrative experience in a health care facility, or any  
 4791 equivalent combination of experience, training, and education  
 4792 totaling 7 years in work relating to administration of a health  
 4793 care facility.

4794 Section 124. Subsection (2) of section 296.34, Florida  
 4795 Statutes, is amended to read:

4796 296.34 Administrator; qualifications, duties, and  
 4797 responsibilities.—

4798 (2) The position shall be assigned to the Selected Exempt  
 4799 Service under part III ~~V~~ of chapter 110. The director shall give  
 4800 veterans' ~~veterans~~ preference in selecting an administrator, as  
 4801 provided in ss. 295.07 and 295.085. The administrator, at the  
 4802 time of entering employment and at all times while employed as  
 4803 the administrator, must hold a current valid license as a  
 4804 nursing home administrator under part II of chapter 468.

4805 Section 125. Subsection (2) of section 381.00315, Florida  
 4806 Statutes, is amended to read:

4807 381.00315 Public health advisories; public health  
 4808 emergencies.—The State Health Officer is responsible for  
 4809 declaring public health emergencies and issuing public health  
 4810 advisories.

4811 (2) Individuals who assist the State Health Officer at his  
 4812 or her request on a volunteer basis during a public health  
 4813 emergency are entitled to the benefits specified in s.  
 4814 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4815 Section 126. Paragraph (e) of subsection (3) of section  
 4816 381.85, Florida Statutes, is amended to read:

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4817 381.85 Biomedical and social research.—

4818 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4819 (e) The council shall be staffed by an executive director  
 4820 and a secretary who shall be appointed by the council and who  
 4821 are ~~shall be~~ exempt from the provisions of part II of chapter  
 4822 110 relating to the Civil Career Service System.

4823 Section 127. Paragraph (a) of subsection (3) of section  
 4824 394.47865, Florida Statutes, is amended to read:

4825 394.47865 South Florida State Hospital; privatization.—

4826 (3) (a) Current South Florida State Hospital employees who  
 4827 are affected by the privatization shall be given first  
 4828 preference for continued employment by the contractor. The  
 4829 department shall make reasonable efforts to find suitable job  
 4830 placements for employees who wish to remain within the state  
 4831 Civil Career Service System.

4832 Section 128. Section 402.3057, Florida Statutes, is  
 4833 amended to read:

4834 402.3057 Persons not required to be refingerprinted or  
 4835 rescreened.—Notwithstanding any other provision of law ~~to the~~  
 4836 ~~contrary notwithstanding~~, human resource personnel who have been  
 4837 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 4838 402, and 409, and teachers and noninstructional personnel who  
 4839 have been fingerprinted pursuant to chapter 1012, who have not  
 4840 been unemployed for more than 90 days thereafter, and who under  
 4841 the penalty of perjury attest to the completion of such  
 4842 fingerprinting or screening and to compliance with ~~the~~  
 4843 ~~provisions of this~~ section and the standards for good moral  
 4844 character as contained in ~~such provisions as~~ ss. 112.928

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4845 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and  
 4846 409.175(6), are ~~shall~~ not ~~be~~ required to be refingerprinted or  
 4847 rescreened in order to comply with any caretaker screening or  
 4848 fingerprinting requirements.

4849 Section 129. Paragraph (a) of subsection (2) of section  
 4850 402.55, Florida Statutes, is amended to read:

4851 402.55 Management fellows program.—

4852 (2) The departments are authorized to establish a  
 4853 management fellows program in order to provide highly qualified  
 4854 career candidates for key administrative and managerial  
 4855 positions in the departments. Such program shall include, but is  
 4856 not limited to:

4857 (a) The identification annually by the secretaries, the  
 4858 assistant secretaries, and the district administrator in each  
 4859 district of one high-potential civil ~~career~~ service employee  
 4860 each, to be designated and appointed to serve as a full-time  
 4861 health and rehabilitative services management fellow for a  
 4862 ~~period of~~ 1 year.

4863 Section 130. Subsection (4) of section 402.7305, Florida  
 4864 Statutes, is amended to read:

4865 402.7305 Department of Children and Family Services;  
 4866 procurement of contractual services; contract management.—

4867 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The  
 4868 department shall establish contract monitoring units staffed by  
 4869 civil ~~career~~ service employees who report to a member of the  
 4870 Selected Exempt Service or Senior Management Service and who  
 4871 have been properly trained to perform contract monitoring. At  
 4872 least one member of the contract monitoring unit must possess

4873 specific knowledge and experience in the contract's program  
 4874 area. The department shall establish a contract monitoring  
 4875 process that includes, but is not limited to, the following  
 4876 requirements:

4877 (a) Performing a risk assessment at the start of each  
 4878 fiscal year and preparing an annual contract monitoring schedule  
 4879 that considers the level of risk assigned. The department may  
 4880 monitor any contract at any time regardless of whether such  
 4881 monitoring was originally included in the annual contract  
 4882 monitoring schedule.

4883 (b) Preparing a contract monitoring plan, including  
 4884 sampling procedures, before performing onsite monitoring at  
 4885 external locations of a service provider. The plan must include  
 4886 a description of the programmatic, fiscal, and administrative  
 4887 components that will be monitored on site. If appropriate,  
 4888 clinical and therapeutic components may be included.

4889 (c) Conducting analyses of the performance and compliance  
 4890 of an external service provider by means of desk reviews if the  
 4891 external service provider will not be monitored on site during a  
 4892 fiscal year.

4893 (d) Unless the department sets forth in writing the need  
 4894 for an extension, providing a written report presenting the  
 4895 results of the monitoring within 30 days after the completion of  
 4896 the onsite monitoring or desk review.

4897 (e) Developing and maintaining a set of procedures  
 4898 describing the contract monitoring process.

4899

4900 Notwithstanding any other provision of this section, the

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4901 department shall limit monitoring of a child-caring or child-  
 4902 placing services provider under this subsection to only once per  
 4903 year. Such monitoring may not duplicate administrative  
 4904 monitoring that is included in the survey of a child welfare  
 4905 provider conducted by a national accreditation organization  
 4906 specified under s. 402.7306(1).

4907 Section 131. Subsection (2) of section 402.731, Florida  
 4908 Statutes, is amended to read:

4909 402.731 Department of Children and Family Services  
 4910 certification programs for employees and service providers;  
 4911 employment provisions for transition to community-based care.—

4912 (2) The department shall develop and implement employment  
 4913 programs to attract and retain competent staff to support and  
 4914 facilitate the transition to privatized community-based care.  
 4915 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,  
 4916 salary incentives, relocation allowances, or severance pay. The  
 4917 department shall also contract for the delivery or  
 4918 administration of outplacement services. The department shall  
 4919 establish time-limited exempt positions as provided in s.  
 4920 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority  
 4921 provided in s. 216.262(1)(c)1. Employees appointed to fill such  
 4922 exempt positions shall have the same salaries and benefits as  
 4923 civil ~~career~~ service employees.

4924 Section 132. Section 409.1757, Florida Statutes, is  
 4925 amended to read:

4926 409.1757 Persons not required to be refingerprinted or  
 4927 rescreened.—Notwithstanding any other provision of law ~~to the~~  
 4928 ~~contrary notwithstanding~~, human resource personnel who have been



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4929 fingerprinted or screened pursuant to chapters 393, 394, 397,  
 4930 402, and this chapter, and teachers who have been fingerprinted  
 4931 pursuant to chapter 1012, who have not been unemployed for more  
 4932 than 90 days thereafter, and who under the penalty of perjury  
 4933 attest to the completion of such fingerprinting or screening and  
 4934 to compliance with ~~the provisions of~~ this section and the  
 4935 standards for good moral character as contained in ~~such~~  
 4936 ~~provisions as~~ ss. 112.928 ~~110.1127(3)~~, 393.0655(1), 394.457(6),  
 4937 397.451, 402.305(2), and 409.175(6), ~~are shall~~ not be required  
 4938 to be refingerprinted or rescreened in order to comply with any  
 4939 caretaker screening or fingerprinting requirements.

4940 Section 133. Subsection (1) of section 409.9205, Florida  
 4941 Statutes, is amended to read:

4942 409.9205 Medicaid Fraud Control Unit.—

4943 (1) Except as provided in s. 110.205, all positions in the  
 4944 Medicaid Fraud Control Unit of the Department of Legal Affairs  
 4945 are ~~hereby~~ transferred to the Civil Career Service System.

4946 Section 134. Section 414.37, Florida Statutes, is amended  
 4947 to read:

4948 414.37 Public assistance overpayment recovery  
 4949 privatization; reemployment of laid-off ~~career service~~  
 4950 employees.—Should civil ~~career~~ service employees of the  
 4951 Department of Children and Family Services be subject to layoff  
 4952 after July 1, 1995, due to the privatization of public  
 4953 assistance overpayment recovery functions, the privatization  
 4954 contract must ~~shall~~ require the contracting firm to give  
 4955 priority consideration to employment of such employees. In  
 4956 addition, a task force composed of representatives from the

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4957 Department of Children and Family Services and the Department of  
 4958 Management Services shall be established to provide reemployment  
 4959 assistance to such employees.

4960 Section 135. Subsection (7) of section 427.012, Florida  
 4961 Statutes, is amended to read:

4962 427.012 The Commission for the Transportation  
 4963 Disadvantaged.—There is created the Commission for the  
 4964 Transportation Disadvantaged in the Department of  
 4965 Transportation.

4966 (7) The commission shall appoint an executive director who  
 4967 shall serve under the direction, supervision, and control of the  
 4968 commission. The executive director, with the consent of the  
 4969 commission, shall employ such personnel as ~~may be~~ necessary to  
 4970 perform adequately the functions of the commission within  
 4971 budgetary limitations. Employees of the commission are exempt  
 4972 from the Civil Career Service System.

4973 Section 136. Paragraph (o) of subsection (1) of section  
 4974 440.102, Florida Statutes, is amended to read:

4975 440.102 Drug-free workplace program requirements.—The  
 4976 following provisions apply to a drug-free workplace program  
 4977 implemented pursuant to law or to rules adopted by the Agency  
 4978 for Health Care Administration:

4979 (1) DEFINITIONS.—Except where the context otherwise  
 4980 requires, as used in this act:

4981 (o) "Safety-sensitive position" means, with respect to a  
 4982 public employer, a position in which a drug impairment  
 4983 constitutes an immediate and direct threat to public health or  
 4984 safety, such as a position that requires the employee to carry a

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4985 | firearm, perform life-threatening procedures, work with  
 4986 | confidential information or documents pertaining to criminal  
 4987 | investigations, or work with controlled substances; a position  
 4988 | subject to s. 112.928 ~~110.1127~~; or a position in which a  
 4989 | momentary lapse in attention could result in injury or death to  
 4990 | another person.

4991 | Section 137. Subsection (2) of section 447.203, Florida  
 4992 | Statutes, is amended to read:

4993 | 447.203 Definitions.—As used in this part:

4994 | (2) "Public employer" or "employer" means the state or any  
 4995 | county, municipality, or special district, or any subdivision or  
 4996 | agency thereof, which the commission determines has sufficient  
 4997 | legal distinctiveness ~~properly~~ to properly carry out the  
 4998 | functions of a public employer. With respect to all public  
 4999 | employees determined by the commission as properly belonging to  
 5000 | a statewide bargaining unit composed of state civil ~~Career~~  
 5001 | ~~service~~ ~~System~~ employees or selected exempt ~~Professional~~ service  
 5002 | employees, the Governor is ~~shall be deemed to be~~ the public  
 5003 | employer; and the Board of Governors of the State University  
 5004 | System, or the board's designee, is ~~shall be deemed to be~~ the  
 5005 | public employer with respect to all public employees of each  
 5006 | constituent state university. The board of trustees of a  
 5007 | community college is ~~shall be deemed to be~~ the public employer  
 5008 | with respect to all employees of the community college. The  
 5009 | district school board is ~~shall be deemed to be~~ the public  
 5010 | employer with respect to all employees of the school district.  
 5011 | The Board of Trustees of the Florida School for the Deaf and the  
 5012 | Blind is ~~shall be deemed to be~~ the public employer with respect

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5013 to the academic and academic administrative personnel of the  
 5014 Florida School for the Deaf and the Blind. The Governor is ~~shall~~  
 5015 ~~be deemed to be~~ the public employer with respect to all  
 5016 employees in the Correctional Education Program of the  
 5017 Department of Corrections established pursuant to s. 944.801.

5018 Section 138. Subsections (8) and (9) of section 447.207,  
 5019 Florida Statutes, are amended to read:

5020 447.207 Commission; powers and duties.—

5021 (8) The commission or its designated agent shall hear  
 5022 appeals arising out of any suspension, reduction in pay,  
 5023 demotion, or dismissal of any permanent employee in the Civil  
 5024 ~~State Career Service System~~ in the manner provided in s.  
 5025 110.227.

5026 (9) Pursuant to s. 447.208, the commission or its  
 5027 designated agent shall hear appeals, and enter such orders as it  
 5028 deems appropriate, arising out of:

5029 ~~(a) Section 110.124, relating to termination or transfer~~  
 5030 ~~of State Career Service System employees aged 65 or older.~~

5031 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

5032 (b) ~~(e)~~ Section 295.11, relating to reasons for not  
 5033 employing a preferred veteran applicant.

5034 Section 139. Section 447.209, Florida Statutes, is amended  
 5035 to read:

5036 447.209 Public employer's rights.—It is the right of the  
 5037 public employer to determine unilaterally the purpose of each of  
 5038 its constituent agencies, set standards of services to be  
 5039 offered to the public, and exercise control and discretion over  
 5040 its organization and operations. It is also the right of the

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5041 public employer to direct its employees, take disciplinary  
 5042 action for proper cause, and relieve its employees from duty  
 5043 because of lack of work or for other legitimate reasons.  
 5044 However, the exercise of such rights does ~~shall~~ not preclude  
 5045 employees or their representatives from raising grievances,  
 5046 should decisions on the above matters have the practical  
 5047 consequence of violating the terms and conditions of any  
 5048 collective bargaining agreement in force or any civil ~~or career~~  
 5049 service rule ~~regulation~~.

5050 Section 140. Section 447.401, Florida Statutes, is amended  
 5051 to read:

5052 447.401 Grievance procedures.—Each public employer and  
 5053 bargaining agent shall negotiate a grievance procedure to be  
 5054 used for the settlement of disputes between employer and  
 5055 employee, or group of employees, involving the interpretation or  
 5056 application of a collective bargaining agreement. Such grievance  
 5057 procedure shall have as its terminal step a final and binding  
 5058 disposition by an impartial neutral, mutually selected by the  
 5059 parties; however, if ~~when~~ the issue under appeal is an  
 5060 allegation of abuse, abandonment, or neglect by an employee  
 5061 under s. 39.201 or s. 415.1034, the grievance may not be decided  
 5062 until the abuse, abandonment, or neglect of a child has been  
 5063 judicially determined. However, an arbiter or other neutral may  
 5064 ~~shall not have the power to~~ add to, subtract from, modify, or  
 5065 alter the terms of a collective bargaining agreement. If an  
 5066 employee organization is certified as the bargaining agent of a  
 5067 unit, the grievance procedure ~~then~~ in existence may be the  
 5068 subject of collective bargaining, and any agreement that ~~which~~

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5069 is reached supersedes ~~shall supersede~~ the previously existing  
 5070 procedure. All public employees shall have the right to a fair  
 5071 and equitable grievance procedure administered without regard to  
 5072 membership or nonmembership in any organization, except that  
 5073 certified employee organizations may ~~shall~~ not be required to  
 5074 process grievances for employees who are not members of the  
 5075 organization. A civil ~~career~~ service employee may use ~~shall have~~  
 5076 ~~the option of utilizing~~ the civil service appeal procedure, an  
 5077 unfair labor practice procedure, or a grievance procedure  
 5078 established under this section, but such employee may not avail  
 5079 ~~is precluded from availing~~ himself or herself of ~~to~~ more than  
 5080 one of these procedures.

5081 Section 141. Paragraph (a) of subsection (2) of section  
 5082 456.048, Florida Statutes, is amended to read:

5083 456.048 Financial responsibility requirements for certain  
 5084 health care practitioners.-

5085 (2) The board or department may grant exemptions upon  
 5086 application by practitioners meeting any of the following  
 5087 criteria:

5088 (a) Any person licensed under chapter 457, s. 458.3475, s.  
 5089 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or  
 5090 chapter 467 who practices exclusively as an officer, employee,  
 5091 or agent of the Federal Government or of the state or its  
 5092 agencies or its subdivisions. For the purposes of this  
 5093 subsection, an agent of the state, its agencies, or its  
 5094 subdivisions is a person who is eligible for coverage under any  
 5095 self-insurance or insurance program authorized by ~~the provisions~~  
 5096 ~~of~~ s. 768.28(16) or who is a volunteer as defined in s. 112.961

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5097 ~~under s. 110.501(1).~~

5098 Section 142. Section 551.116, Florida Statutes, is amended  
5099 to read:

5100 551.116 Days and hours of operation.—Slot machine gaming  
5101 areas may be open daily throughout the year. The slot machine  
5102 gaming areas may be open a total ~~cumulative amount~~ of 18 hours  
5103 per day on Monday through Friday, and 24 hours per day on  
5104 Saturday and Sunday, and on those holidays specified in s.  
5105 112.929 ~~110.117(1)~~.

5106 Section 143. Subsection (29) of section 570.07, Florida  
5107 Statutes, is amended to read:

5108 570.07 Department of Agriculture and Consumer Services;  
5109 functions, powers, and duties.—The department shall have and  
5110 exercise the following functions, powers, and duties:

5111 (29) To advance funds monthly to civil ~~career~~ service  
5112 employees to be used for the purchase of official state samples  
5113 for state examination. Each monthly advance shall be ~~in an~~  
5114 ~~amount~~ equal to one-twelfth of the actual expenses paid the  
5115 position for samples in the previous fiscal year or, in the case  
5116 of a new position, one-twelfth of the expenses paid for samples  
5117 of a similar classification in the previous fiscal year;  
5118 however, in the event of unusual circumstances, such advances  
5119 may be increased for up to ~~a period not to exceed~~ 60 days.  
5120 Advances shall be granted only to civil ~~career~~ service employees  
5121 who have executed a proper power of attorney with the department  
5122 to ensure the collection of such advances if not timely repaid.

5123 Section 144. Paragraph (b) of subsection (3) of section  
5124 601.10, Florida Statutes, is amended to read:

5125           601.10 Powers of the Department of Citrus.—The Department  
 5126 of Citrus shall have and shall exercise such general and  
 5127 specific powers as are delegated to it by this chapter and other  
 5128 statutes of the state, which powers shall include, but shall not  
 5129 be confined to, the following:

5130           (3) To employ and, at its pleasure, discharge an executive  
 5131 director as it deems necessary and to outline his or her powers  
 5132 and duties and fix his or her compensation.

5133           (b) The Department of Citrus may pay, or participate in  
 5134 the payment of, premiums for health, accident, and life  
 5135 insurance for its full-time employees, pursuant to such rules ~~or~~  
 5136 ~~regulations~~ as it may adopt; and such payments are in addition  
 5137 to the regular salaries of such full-time employees. The payment  
 5138 of such or similar benefits to its employees in foreign  
 5139 countries, including, but not limited to, social security,  
 5140 retirement, and other similar fringe benefit costs, may be in  
 5141 accordance with laws in effect in the country of employment,  
 5142 except that ~~no benefits will be payable to employees not~~  
 5143 ~~authorized for other state employees~~ are not payable to its  
 5144 employees, as provided in the Civil Career Service System.

5145           Section 145. Subsection (6) of section 624.307, Florida  
 5146 Statutes, is amended to read:

5147           624.307 General powers; duties.—

5148           (6) The department and office may each employ actuaries  
 5149 who shall be at-will employees and who shall serve at the  
 5150 pleasure of the Chief Financial Officer, in the case of  
 5151 department employees, or at the pleasure of the director of the  
 5152 office, in the case of office employees. Actuaries employed



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5153 | pursuant to this paragraph must ~~shall~~ be members of the Society  
 5154 | of Actuaries or the Casualty Actuarial Society and are ~~shall be~~  
 5155 | exempt from the Civil Career Service System established under  
 5156 | chapter 110. The salaries of the actuaries employed pursuant to  
 5157 | this paragraph ~~shall be set in accordance with s.~~  
 5158 | ~~216.251(2)(a)5.~~ and shall be set at levels ~~which are~~  
 5159 | commensurate with those ~~salary levels~~ paid to actuaries by the  
 5160 | insurance industry.

5161 | Section 146. Subsection (3) of section 624.437, Florida  
 5162 | Statutes, is amended to read:

5163 | 624.437 "Multiple-employer welfare arrangement" defined;  
 5164 | certificate of authority required; penalty.-

5165 | (3) This section does not apply to a multiple-employer  
 5166 | welfare arrangement that ~~which~~ offers or provides benefits that  
 5167 | ~~which~~ are fully insured by an authorized insurer, to an  
 5168 | arrangement that ~~which~~ is exempt from state insurance regulation  
 5169 | in accordance with Pub. L. No. 93-406, the Employee Retirement  
 5170 | Income Security Act, or to the state group health insurance  
 5171 | program administered under s. 112.942 ~~pursuant to s. 110.123.~~

5172 | Section 147. Paragraph (h) of subsection (4) of section  
 5173 | 627.6488, Florida Statutes, is amended to read:

5174 | 627.6488 Florida Comprehensive Health Association.-

5175 | (4) The association shall:

5176 | (h) Contract with preferred provider organizations and  
 5177 | health maintenance organizations giving due consideration to  
 5178 | those ~~the preferred provider organizations and health~~  
 5179 | ~~maintenance~~ organizations that ~~which~~ have contracted with the  
 5180 | state group health insurance program pursuant to s. 112.942

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5181 ~~110.123~~. If cost-effective and available in the county where the  
 5182 policyholder resides, the board, upon application or renewal of  
 5183 a policy, shall place a high-risk individual, as established  
 5184 under s. 627.6498(4)(a)4., with the plan case manager who shall  
 5185 determine the most cost-effective quality care system or health  
 5186 care provider and shall place the individual in such system or  
 5187 with such health care provider. If cost-effective and available  
 5188 in the county where the policyholder resides, the board, with  
 5189 the consent of the policyholder, may place a low-risk or medium-  
 5190 risk individual, as established under s. 627.6498(4)(a)4., with  
 5191 the plan case manager who may determine the most cost-effective  
 5192 quality care system or health care provider and shall place the  
 5193 individual in such system or with such health care provider.  
 5194 Before ~~Prior to~~ and during the implementation of case  
 5195 management, the plan case manager shall obtain input from the  
 5196 policyholder, parent, or guardian.

5197 Section 148. Paragraph (a) of subsection (1) of section  
 5198 627.649, Florida Statutes, is amended to read:

5199 627.649 Administrator.—

5200 (1) The board shall select an administrator, through a  
 5201 competitive bidding process, to administer the plan. The board  
 5202 shall evaluate bids submitted under this subsection based on  
 5203 criteria established by the board, which criteria shall include:

5204 (a) The administrator's proven ability to handle large  
 5205 group accident and health insurance, ~~and~~ Due consideration  
 5206 shall be given to an ~~any~~ administrator who has acted as a third-  
 5207 party administrator for the state group health insurance program  
 5208 pursuant to s. 112.942 ~~110.123~~.

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5209 Section 149. Paragraph (a) of subsection (2) and  
 5210 subsection (3) of section 627.6498, Florida Statutes, are  
 5211 amended to read:

5212 627.6498 Minimum benefits coverage; exclusions; premiums;  
 5213 deductibles.—

5214 (2) BENEFITS.—

5215 (a) The plan shall offer major medical expense coverage  
 5216 similar to that provided by the state group health insurance  
 5217 program under s. 112.942, ~~as defined in s. 110.123~~ except as  
 5218 specified in subsection (3), to every eligible person who is not  
 5219 eligible for Medicare. Major medical expense coverage offered  
 5220 under the plan must ~~shall~~ pay an eligible person's covered  
 5221 expenses, subject to limits on the deductible and coinsurance  
 5222 payments authorized under subsection (4), up to a lifetime limit  
 5223 of \$500,000 per covered individual. The maximum limit may ~~under~~  
 5224 ~~this paragraph shall~~ not be altered by the board, and an ~~no~~  
 5225 actuarially equivalent benefit may not be substituted by the  
 5226 board.

5227 (3) COVERED EXPENSES.—The coverage ~~to be~~ issued by the  
 5228 association must ~~shall~~ be patterned after the state group health  
 5229 insurance program as provided in s. 112.942 ~~defined in s.~~  
 5230 ~~110.123~~, including its benefits, exclusions, and other  
 5231 limitations, except as otherwise provided in this act. The plan  
 5232 may cover the cost of experimental drugs that ~~which~~ have been  
 5233 approved for use by the Food and Drug Administration on an  
 5234 experimental basis if the cost is less than the usual and  
 5235 customary treatment. Such coverage applies ~~shall~~ ~~only apply~~ to  
 5236 those insureds who are in the case management system upon the

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5237 approval of the insured, the case manager, and the board.

5238 Section 150. Subsection (4) of section 627.6617, Florida  
5239 Statutes, is amended to read:

5240 627.6617 Coverage for home health care services.—

5241 (4) ~~The provisions of~~ This section does ~~shall~~ not apply to  
5242 a multiple-employer welfare arrangement as defined in s.  
5243 624.437(1) and in the State Health Plan as provided in s.  
5244 112.942 ~~110.123~~.

5245 Section 151. Paragraph (d) of subsection (2) of section  
5246 627.6686, Florida Statutes, is amended to read:

5247 627.6686 Coverage for individuals with autism spectrum  
5248 disorder required; exception.—

5249 (2) As used in this section, the term:

5250 (d) "Health insurance plan" means a group health insurance  
5251 policy or group health benefit plan offered by an insurer which  
5252 includes the state group insurance program provided under s.  
5253 112.942 ~~110.123~~. The term does not include a ~~any~~ health  
5254 insurance plan offered in the individual market which, ~~any~~  
5255 ~~health insurance plan that~~ is individually underwritten, ~~or any~~  
5256 ~~health insurance plan~~ provided to a small employer.

5257 Section 152. Paragraph (b) of subsection (7) of section  
5258 849.086, Florida Statutes, is amended to read:

5259 849.086 Cardrooms authorized.—

5260 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5261 (b) A ~~Any~~ cardroom operator may operate a cardroom at the  
5262 pari-mutuel facility daily throughout the year, if the  
5263 permitholder meets the requirements under paragraph (5) (b). The  
5264 cardroom may be open a total ~~cumulative amount~~ of 18 hours per

5265 day on Monday through Friday, and 24 hours per day on Saturday  
 5266 and Sunday, and on the holidays specified in s. 112.929  
 5267 ~~110.117(1)~~.

5268 Section 153. Paragraph (a) of subsection (4) of section  
 5269 943.0585, Florida Statutes, is amended to read:

5270 943.0585 Court-ordered expunction of criminal history  
 5271 records.—The courts of this state have jurisdiction over their  
 5272 own procedures, including the maintenance, expunction, and  
 5273 correction of judicial records containing criminal history  
 5274 information to the extent such procedures are not inconsistent  
 5275 with the conditions, responsibilities, and duties established by  
 5276 this section. Any court of competent jurisdiction may order a  
 5277 criminal justice agency to expunge the criminal history record  
 5278 of a minor or an adult who complies with the requirements of  
 5279 this section. The court shall not order a criminal justice  
 5280 agency to expunge a criminal history record until the person  
 5281 seeking to expunge a criminal history record has applied for and  
 5282 received a certificate of eligibility for expunction pursuant to  
 5283 subsection (2). A criminal history record that relates to a  
 5284 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
 5285 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
 5286 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.  
 5287 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
 5288 any violation specified as a predicate offense for registration  
 5289 as a sexual predator pursuant to s. 775.21, without regard to  
 5290 whether that offense alone is sufficient to require such  
 5291 registration, or for registration as a sexual offender pursuant  
 5292 to s. 943.0435, may not be expunged, without regard to whether

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5293 adjudication was withheld, if the defendant was found guilty of  
 5294 or pled guilty or nolo contendere to the offense, or if the  
 5295 defendant, as a minor, was found to have committed, or pled  
 5296 guilty or nolo contendere to committing, the offense as a  
 5297 delinquent act. The court may only order expunction of a  
 5298 criminal history record pertaining to one arrest or one incident  
 5299 of alleged criminal activity, except as provided in this  
 5300 section. The court may, at its sole discretion, order the  
 5301 expunction of a criminal history record pertaining to more than  
 5302 one arrest if the additional arrests directly relate to the  
 5303 original arrest. If the court intends to order the expunction of  
 5304 records pertaining to such additional arrests, such intent must  
 5305 be specified in the order. A criminal justice agency may not  
 5306 expunge any record pertaining to such additional arrests if the  
 5307 order to expunge does not articulate the intention of the court  
 5308 to expunge a record pertaining to more than one arrest. This  
 5309 section does not prevent the court from ordering the expunction  
 5310 of only a portion of a criminal history record pertaining to one  
 5311 arrest or one incident of alleged criminal activity.  
 5312 Notwithstanding any law to the contrary, a criminal justice  
 5313 agency may comply with laws, court orders, and official requests  
 5314 of other jurisdictions relating to expunction, correction, or  
 5315 confidential handling of criminal history records or information  
 5316 derived therefrom. This section does not confer any right to the  
 5317 expunction of any criminal history record, and any request for  
 5318 expunction of a criminal history record may be denied at the  
 5319 sole discretion of the court.

5320 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any

5321 criminal history record of a minor or an adult which is ordered  
 5322 expunged by a court of competent jurisdiction pursuant to this  
 5323 section must be physically destroyed or obliterated by any  
 5324 criminal justice agency having custody of such record; except  
 5325 that any criminal history record in the custody of the  
 5326 department must be retained in all cases. A criminal history  
 5327 record ordered expunged that is retained by the department is  
 5328 confidential and exempt from the provisions of s. 119.07(1) and  
 5329 s. 24(a), Art. I of the State Constitution and not available to  
 5330 any person or entity except upon order of a court of competent  
 5331 jurisdiction. A criminal justice agency may retain a notation  
 5332 indicating compliance with an order to expunge.

5333 (a) The person who is the subject of a criminal history  
 5334 record that is expunged under this section or under other  
 5335 provisions of law, including former s. 893.14, former s. 901.33,  
 5336 and former s. 943.058, may lawfully deny or fail to acknowledge  
 5337 the arrests covered by the expunged record, unless ~~except when~~  
 5338 the subject of the record:

- 5339 1. Is a candidate for employment with a criminal justice  
 5340 agency;
- 5341 2. Is a defendant in a criminal prosecution;
- 5342 3. Concurrently or subsequently petitions for relief under  
 5343 this section or s. 943.059;
- 5344 4. Is a candidate for admission to The Florida Bar;
- 5345 5. Is seeking to be employed or licensed by or to contract  
 5346 with the Department of Children and Family Services, the Agency  
 5347 for Health Care Administration, the Agency for Persons with  
 5348 Disabilities, or the Department of Juvenile Justice or to be

5349 employed or used by such contractor or licensee in a sensitive  
 5350 position having direct contact with children, the  
 5351 developmentally disabled, the aged, or the elderly as provided  
 5352 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
 5353 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
 5354 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter  
 5355 429;

5356 6. Is seeking to be employed or licensed by the Department  
 5357 of Education, any district school board, any university  
 5358 laboratory school, any charter school, any private or parochial  
 5359 school, or any local governmental entity that licenses child  
 5360 care facilities; or

5361 7. Is seeking authorization from a seaport listed in s.  
 5362 311.09 for employment within or access to one or more of such  
 5363 seaports pursuant to s. 311.12.

5364 Section 154. Paragraph (a) of subsection (4) of section  
 5365 943.059, Florida Statutes, is amended to read:

5366 943.059 Court-ordered sealing of criminal history  
 5367 records.—The courts of this state shall continue to have  
 5368 jurisdiction over their own procedures, including the  
 5369 maintenance, sealing, and correction of judicial records  
 5370 containing criminal history information to the extent such  
 5371 procedures are not inconsistent with the conditions,  
 5372 responsibilities, and duties established by this section. Any  
 5373 court of competent jurisdiction may order a criminal justice  
 5374 agency to seal the criminal history record of a minor or an  
 5375 adult who complies with the requirements of this section. The  
 5376 court shall not order a criminal justice agency to seal a



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5377 criminal history record until the person seeking to seal a  
5378 criminal history record has applied for and received a  
5379 certificate of eligibility for sealing pursuant to subsection  
5380 (2). A criminal history record that relates to a violation of s.  
5381 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
5382 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
5383 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
5384 916.1075, a violation enumerated in s. 907.041, or any violation  
5385 specified as a predicate offense for registration as a sexual  
5386 predator pursuant to s. 775.21, without regard to whether that  
5387 offense alone is sufficient to require such registration, or for  
5388 registration as a sexual offender pursuant to s. 943.0435, may  
5389 not be sealed, without regard to whether adjudication was  
5390 withheld, if the defendant was found guilty of or pled guilty or  
5391 nolo contendere to the offense, or if the defendant, as a minor,  
5392 was found to have committed or pled guilty or nolo contendere to  
5393 committing the offense as a delinquent act. The court may only  
5394 order sealing of a criminal history record pertaining to one  
5395 arrest or one incident of alleged criminal activity, except as  
5396 provided in this section. The court may, at its sole discretion,  
5397 order the sealing of a criminal history record pertaining to  
5398 more than one arrest if the additional arrests directly relate  
5399 to the original arrest. If the court intends to order the  
5400 sealing of records pertaining to such additional arrests, such  
5401 intent must be specified in the order. A criminal justice agency  
5402 may not seal any record pertaining to such additional arrests if  
5403 the order to seal does not articulate the intention of the court  
5404 to seal records pertaining to more than one arrest. This section

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5405 does not prevent the court from ordering the sealing of only a  
5406 portion of a criminal history record pertaining to one arrest or  
5407 one incident of alleged criminal activity. Notwithstanding any  
5408 law to the contrary, a criminal justice agency may comply with  
5409 laws, court orders, and official requests of other jurisdictions  
5410 relating to sealing, correction, or confidential handling of  
5411 criminal history records or information derived therefrom. This  
5412 section does not confer any right to the sealing of any criminal  
5413 history record, and any request for sealing a criminal history  
5414 record may be denied at the sole discretion of the court.

5415 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
5416 history record of a minor or an adult which is ordered sealed by  
5417 a court of competent jurisdiction pursuant to this section is  
5418 confidential and exempt from the provisions of s. 119.07(1) and  
5419 s. 24(a), Art. I of the State Constitution and is available only  
5420 to the person who is the subject of the record, to the subject's  
5421 attorney, to criminal justice agencies for their respective  
5422 criminal justice purposes, which include conducting a criminal  
5423 history background check for approval of firearms purchases or  
5424 transfers as authorized by state or federal law, to judges in  
5425 the state courts system for the purpose of assisting them in  
5426 their case-related decisionmaking responsibilities, as set forth  
5427 in s. 943.053(5), or to those entities set forth in  
5428 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
5429 licensing, access authorization, and employment purposes.

5430 (a) The subject of a criminal history record sealed under  
5431 this section or under other provisions of law, including former  
5432 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully

5433 deny or fail to acknowledge the arrests covered by the sealed  
 5434 record, unless ~~except when~~ the subject of the record:  
 5435 1. Is a candidate for employment with a criminal justice  
 5436 agency;  
 5437 2. Is a defendant in a criminal prosecution;  
 5438 3. Concurrently or subsequently petitions for relief under  
 5439 this section or s. 943.0585;  
 5440 4. Is a candidate for admission to The Florida Bar;  
 5441 5. Is seeking to be employed or licensed by or to contract  
 5442 with the Department of Children and Family Services, the Agency  
 5443 for Health Care Administration, the Agency for Persons with  
 5444 Disabilities, or the Department of Juvenile Justice or to be  
 5445 employed or used by such contractor or licensee in a sensitive  
 5446 position having direct contact with children, the  
 5447 developmentally disabled, the aged, or the elderly as provided  
 5448 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
 5449 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
 5450 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or  
 5451 chapter 429;  
 5452 6. Is seeking to be employed or licensed by the Department  
 5453 of Education, any district school board, any university  
 5454 laboratory school, any charter school, any private or parochial  
 5455 school, or any local governmental entity that licenses child  
 5456 care facilities;  
 5457 7. Is attempting to purchase a firearm from a licensed  
 5458 importer, licensed manufacturer, or licensed dealer and is  
 5459 subject to a criminal history check under state or federal law;  
 5460 or

5461 8. Is seeking authorization from a Florida seaport  
 5462 identified in s. 311.09 for employment within or access to one  
 5463 or more of such seaports pursuant to s. 311.12.

5464 Section 155. Subsection (2) of section 945.043, Florida  
 5465 Statutes, is amended to read:

5466 945.043 Department-operated day care services.—

5467 (2) The department is exempt from s. 112.918 ~~the~~  
 5468 ~~requirements of s. 110.151.~~

5469 Section 156. Subsection (1) of section 946.525, Florida  
 5470 Statutes, is amended to read:

5471 946.525 Participation by the corporation in the state  
 5472 group health insurance and prescription drug programs.—

5473 (1) The board of directors of the corporation established  
 5474 under this part may apply for participation in the state group  
 5475 health insurance program authorized under s. 112.942 ~~in s.~~  
 5476 ~~110.123~~ and the prescription drug coverage program authorized  
 5477 under s. 112.946 ~~by s. 110.12315~~ by submitting an application  
 5478 along with a \$500 nonrefundable fee to the Department of  
 5479 Management Services.

5480 Section 157. Paragraph (e) of subsection (4) of section  
 5481 985.045, Florida Statutes, is amended to read:

5482 985.045 Court records.—

5483 (4) A court record of proceedings under this chapter is  
 5484 not admissible in evidence in any other civil or criminal  
 5485 proceeding, except that:

5486 (e) Records of proceedings under this chapter may be used  
 5487 to prove disqualification under ss. 112.928 ~~110.1127~~, 393.0655,  
 5488 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and

5489 985.644.

5490 Section 158. Paragraph (k) of subsection (2) of section  
5491 1001.705, Florida Statutes, is amended to read:

5492 1001.705 Responsibility for the State University System  
5493 under s. 7, Art. IX of the State Constitution.—

5494 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE  
5495 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the  
5496 State Constitution, the Board of Governors of the State  
5497 University System has the duty to operate, regulate, control,  
5498 and be fully responsible for the management of the whole  
5499 publicly funded State University System and the board, or the  
5500 board's designee, has responsibility for:

5501 (k) Establishing a personnel system for all state  
5502 university employees; however, the Department of Management  
5503 Services shall retain authority over state university employees  
5504 for programs established in ss. 112.942 ~~110.123~~, 112.947  
5505 ~~110.1232~~, 112.948 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951  
5506 ~~110.161~~, and in chapters 121, 122, and 238.

5507 Section 159. Paragraph (b) of subsection (6) of section  
5508 1001.706, Florida Statutes, is amended to read:

5509 1001.706 Powers and duties of the Board of Governors.—

5510 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

5511 (b) The Department of Management Services shall retain  
5512 authority over state university employees for programs  
5513 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948  
5514 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters  
5515 121, 122, and 238. Unless specifically authorized by law,  
5516 neither the Board of Governors nor a state university may offer

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5517 | group insurance programs for employees as a substitute for or as  
 5518 | an alternative to the health insurance programs offered pursuant  
 5519 | to chapter 112 ~~110~~.

5520 | Section 160. Paragraph (f) of subsection (4) and paragraph  
 5521 | (f) of subsection (8) of section 1002.36, Florida Statutes, are  
 5522 | amended to read:

5523 | 1002.36 Florida School for the Deaf and the Blind.—

5524 | (4) BOARD OF TRUSTEES.—

5525 | (f) The board of trustees shall:

5526 | 1. Prepare and submit legislative budget requests for  
 5527 | operations and fixed capital outlay, in accordance with chapter  
 5528 | 216 and ss. 1011.56 and 1013.60, to the Department of Education  
 5529 | for review and approval. The department must analyze the amount  
 5530 | requested for fixed capital outlay to determine if the request  
 5531 | is consistent with the school's campus master plan, educational  
 5532 | plant survey, and facilities master plan. Projections of  
 5533 | facility space needs may exceed the norm space and occupant  
 5534 | design criteria established in the State Requirements for  
 5535 | Educational Facilities.

5536 | 2. Approve and administer an annual operating budget in  
 5537 | accordance with ss. 1011.56 and 1011.57.

5538 | 3. Require all funds received other than gifts, donations,  
 5539 | bequests, funds raised by or belonging to student clubs or  
 5540 | student organizations, and funds held for specific students or  
 5541 | in accounts for individual students to be deposited in the State  
 5542 | Treasury and expended as authorized in the General  
 5543 | Appropriations Act.

5544 | 4. Require all purchases to be in accordance with ~~the~~

5545 ~~provisions of~~ chapter 287 except for purchases made with funds  
 5546 received as gifts, donations, or bequests; funds raised by or  
 5547 belonging to student clubs or student organizations; or funds  
 5548 held for specific students or in accounts for individual  
 5549 students.

5550         5. Administer and maintain personnel programs for all  
 5551 employees of the board of trustees and the Florida School for  
 5552 the Deaf and the Blind who shall be state employees, including  
 5553 the personnel classification and pay plan established in  
 5554 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and  
 5555 216.251(2)(a)2. for academic and academic administrative  
 5556 personnel, the provisions of chapter 110, and the provisions of  
 5557 law that grant authority to the Department of Management  
 5558 Services over such programs for state employees.

5559         6. Give preference in appointment and retention in  
 5560 positions of employment as provided within s. 295.07(1).

5561         7. Ensure that the Florida School for the Deaf and the  
 5562 Blind complies with s. 1013.351 concerning the coordination of  
 5563 planning between the Florida School for the Deaf and the Blind  
 5564 and local governing bodies.

5565         8. Ensure that the Florida School for the Deaf and the  
 5566 Blind complies with s. 112.061 concerning per diem and travel  
 5567 expenses of public officers, employees, and authorized persons  
 5568 with respect to all funds other than funds received as gifts,  
 5569 donations, or bequests; funds raised by or belonging to student  
 5570 clubs or student organizations; or funds held for specific  
 5571 students or in accounts for individual students.

5572         9. Adopt a master plan that ~~which~~ specifies the mission

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5573 and objectives of the Florida School for the Deaf and the Blind.  
 5574 The plan shall include, but not be limited to, procedures for  
 5575 systematically measuring the school's progress toward meeting  
 5576 its objectives, analyzing changes in the student population, and  
 5577 modifying school programs and services to respond to such  
 5578 changes. The plan shall be for a period of 5 years and shall be  
 5579 reviewed for needed modifications every 2 years. The board of  
 5580 trustees shall submit the initial plan and subsequent  
 5581 modifications to the Speaker of the House of Representatives and  
 5582 the President of the Senate.

5583 10. Designate a portion of the school as "The Verle Allyn  
 5584 Pope Complex for the Deaf," in tribute to the late Senator Verle  
 5585 Allyn Pope.

5586 (8) CAMPUS POLICE.—

5587 (f) The board of trustees shall adopt rules, including,  
 5588 without limitation, rules for the appointment, employment, and  
 5589 removal of campus police in accordance with the Civil State  
 5590 ~~Career~~ Service under chapter 110, System and shall establish in  
 5591 writing a policy manual, that includes, without limitation,  
 5592 procedures for managing routine law enforcement situations and  
 5593 emergency law enforcement situations. The board of trustees  
 5594 shall furnish a copy of the policy manual to each of the campus  
 5595 police officers it employs. A campus police officer appointed by  
 5596 the board of trustees must have completed the training required  
 5597 by the school in the special needs and proper procedures for  
 5598 dealing with students served by the school.

5599 Section 161. Section 1012.62, Florida Statutes, is amended  
 5600 to read:



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5601           1012.62 Transfer of sick leave and annual leave.—In  
 5602 implementing ~~the provisions of~~ ss. 402.22(1)(d) and  
 5603 1001.42(4)(m), educational personnel in Department of Children  
 5604 and Family Services residential care facilities who are employed  
 5605 by a district school board may request, and the district school  
 5606 board shall accept, a lump-sum transfer of accumulated sick  
 5607 leave for such personnel to the maximum allowed by policies of  
 5608 the district school board, notwithstanding ~~the provisions of~~ s.  
 5609 112.913 ~~110.122~~. Educational personnel in Department of Children  
 5610 and Family Services residential care facilities who are employed  
 5611 by a district school board under ~~the provisions of~~ s.  
 5612 402.22(1)(d) may request, and the district school board shall  
 5613 accept, a lump-sum transfer of accumulated annual leave for each  
 5614 person employed by the district school board in a position in  
 5615 the district eligible to accrue vacation leave under the  
 5616 policies of the district school board.

5617           Section 162. Subsection (5) of section 1012.79, Florida  
 5618 Statutes, is amended to read:

5619           1012.79 Education Practices Commission; organization.—

5620           (5) The commission, by a vote of three-fourths of the  
 5621 membership, shall employ an executive director, who shall be  
 5622 exempt from the Civil ~~career~~ Service. The executive director may  
 5623 be dismissed by a majority vote of the membership.

5624           Section 163. Subsection (6) of section 1012.88, Florida  
 5625 Statutes, is amended to read:

5626           1012.88 Florida College System institution police.—

5627           (6) The Florida College System institution, with the  
 5628 approval of the Department of Law Enforcement, shall adopt

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5629 | rules, including, without limitation, rules for the appointment,  
 5630 | employment, and removal of Florida College System institution  
 5631 | police in accordance with the Civil state-Career Service under  
 5632 | chapter 110, System and shall establish in writing a policy  
 5633 | manual, that includes, without limitation, procedures for  
 5634 | managing routine law enforcement situations and emergency law  
 5635 | enforcement situations. The Florida College System institution  
 5636 | shall furnish a copy of the policy manual to each of the police  
 5637 | officers it employs.

5638 |         Section 164. Section 1012.96, Florida Statutes, is amended  
 5639 | to read:

5640 |         1012.96 IFAS extension personnel; federal health insurance  
 5641 | ~~programs notwithstanding the provisions of s. 110.123.-~~

5642 | Notwithstanding s. 112.942, the Institute of Food and  
 5643 | Agricultural Sciences at the University of Florida may pay the  
 5644 | employer's share of premiums to the Federal Health Benefits  
 5645 | Insurance Program from its appropriated budget for any  
 5646 | cooperative extension employee of the institute having both  
 5647 | state and federal appointments and participating in the Federal  
 5648 | Civil Service Retirement System.

5649 |         Section 165. On or before December 31, 2012, the  
 5650 | Department of Management Services shall provide to the Executive  
 5651 | Office of the Governor, the President of the Senate, and the  
 5652 | Speaker of the House of Representatives a proposal to  
 5653 | restructure and modernize the leave benefits of the State  
 5654 | Personnel System. The proposal shall consider current leave  
 5655 | policies of the state's private-sector employers and provide  
 5656 | recommendations that will more closely align the state's leave

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5657 benefits with those of the private sector, ensure better  
5658 management of benefits, and leverage leave benefit expenditures  
5659 to maximize the state's return on investment to competitively  
5660 recruit and retain a high-performing workforce.

5661 Section 166. This act shall take effect July 1, 2012.