

1 A bill to be entitled
2 An act relating to state employment; amending s.
3 110.105, F.S.; revising the employment policy of the
4 state system of personnel management; amending s.
5 110.1127, F.S.; revising provisions relating to
6 employee background screening; amending s. 110.119,
7 F.S.; revising provisions relating to administrative
8 leave for a service-connected disability; amending s.
9 110.1225, F.S.; revising provisions relating to agency
10 furloughs; amending s. 110.126, F.S.; revising
11 provisions relating to the authority of the Department
12 of Management Services to administer oaths; amending
13 s. 110.131, F.S.; revising the duties of state
14 agencies with respect to the employment of other-
15 personal-services employees; providing reporting
16 requirements; amending s. 110.1315, F.S.; requiring
17 the Department of Financial Services to provide an
18 alternative retirement income security program for
19 eligible temporary and seasonal employees; authorizing
20 the department to adopt rules; amending s. 110.171,
21 F.S.; revising provisions relating to state employee
22 telecommuting; providing for a telework program;
23 providing program requirements for agencies and
24 employees; amending s. 110.181, F.S.; revising
25 provisions relating to the Florida State Employees'
26 Charitable Campaign; requiring state officers and
27 employees to designate a charitable organization to
28 receive certain charitable contributions; revising

29 | purposes for the establishment of local steering
 30 | committees; deleting provisions relating to the
 31 | distribution of funds; amending s. 110.2035, F.S.;
 32 | revising provisions relating to pay additives;
 33 | amending s. 110.205, F.S.; deleting a provision
 34 | authorizing the carrying forward of unused
 35 | compensatory leave by certain employees; amending s.
 36 | 110.217, F.S.; revising provisions relating to a
 37 | change in an employee's position status; amending s.
 38 | 110.227, F.S.; deleting requirements for an agency
 39 | that removes from a promotional position a career
 40 | service employee who is serving a probationary period
 41 | in such position to return such employee to the
 42 | employee's former position or a comparable position,
 43 | if such a position is vacant; amending ss. 255.249,
 44 | 402.3057, 409.1757, 413.20, 943.0585, and 943.059,
 45 | F.S.; conforming provisions and cross-references;
 46 | providing an effective date.

47 |
 48 | Be It Enacted by the Legislature of the State of Florida:

49 |
 50 | Section 1. Section 110.105, Florida Statutes, is amended
 51 | to read:

52 | 110.105 Employment policy of the state.—

53 | (1) It is the purpose of this chapter to establish a
 54 | System of personnel management. This system shall provide means
 55 | to recruit, select, train, develop, and maintain an effective
 56 | and responsible workforce and shall include policies and

57 | procedures for employee hiring and advancement, training and
 58 | career development, position classification, salary
 59 | administration, benefits, discipline, discharge, employee
 60 | performance evaluations, affirmative action, and other related
 61 | activities.

62 | (2) It is the policy of the state:

63 | (a) That all appointments, terminations, assignments, and
 64 | maintenance of status, compensation, privileges, and other terms
 65 | and conditions of employment in state government shall be made
 66 | without regard to age, sex, race, color, religion, national
 67 | origin, political affiliation, marital status, or disability,
 68 | unless handicap, except when a specific sex, age, or physical
 69 | requirement constitutes a bona fide occupational qualification
 70 | necessary to proper and efficient administration.

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

78 | (3) Except as expressly provided by law, Florida residency
 79 | is not required ~~there shall be no Florida residence requirement~~
 80 | for any person as a condition precedent to employment ~~by the~~
 81 | ~~state;~~ however, preference in hiring may be given to state
 82 | ~~Florida~~ residents ~~in hiring.~~

83 | (4) This chapter contains the requirements ~~and guides~~ for
 84 | establishing and maintaining a system of personnel management

85 ~~administration~~ on a merit basis. The system of personnel
 86 management administration shall be implemented so as to ensure
 87 that the ~~permit~~ state agencies participating in the system are
 88 ~~to be eligible for to receive~~ federal funds.

89 (5) ~~Nothing in~~ This chapter may not ~~shall~~ be construed
 90 either to infringe upon or to supersede the rights guaranteed
 91 public employees under chapter 447.

92 Section 2. Section 110.1127, Florida Statutes, is amended
 93 to read:

94 110.1127 Employee background screening and investigations
 95 ~~security checks.~~

96 (1) Except as provided in subsection (2), each agency
 97 shall designate those positions that, based on the position
 98 duties, require background screening. All persons and employees
 99 in such positions must undergo employment screening in
 100 accordance with chapter 435, using level 1 screening standards,
 101 as a condition of employment and continued employment.

102 (2) (a) ~~(1)~~ Each ~~employing~~ agency shall designate those
 103 ~~employee~~ positions that, because of the special trust or
 104 responsibility or sensitive location, require security
 105 background investigations. All persons and employees in such
 106 positions must undergo employment screening in accordance with
 107 chapter 435, using level 2 screening standards ~~of these~~
 108 ~~positions, require that persons occupying these positions be~~
 109 ~~subject to a security background check, including~~
 110 ~~fingerprinting, as a condition of employment and continued~~
 111 employment.

112 (b) ~~(2) (a)~~ All positions within the Division of Treasury of

113 the Department of Financial Services are deemed to be positions
114 of special trust or responsibility. Individuals seeking or
115 holding such positions, ~~and a person~~ may be disqualified for
116 employment ~~in any such position~~ by reason of:

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

120 2. The entering of a plea of nolo contendere, or, ~~when a~~
121 jury verdict of guilty is rendered but adjudication of guilt is
122 withheld, with respect to a crime that ~~which~~ is reasonably
123 related to the nature of the position sought or held by the
124 individual.

125 ~~(b) All employees of the division shall be required to~~
126 ~~undergo security background investigations, including~~
127 ~~fingerprinting, as a condition of employment and continued~~
128 ~~employment.~~

129 (c) 1. (3) (a) All positions in programs providing care to
130 children, the developmentally disabled, or vulnerable adults for
131 15 hours or more per week; all permanent and temporary employee
132 positions of the central abuse hotline; and all persons working
133 under contract who have access to abuse records are deemed to be
134 persons and positions of special trust or responsibility, ~~and~~
135 ~~require employment screening pursuant to chapter 435, using the~~
136 ~~level 2 standards set forth in that chapter.~~

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

140 ~~(c) All persons and employees in such positions of trust~~

141 ~~or responsibility shall be required to undergo security~~
 142 ~~background investigations as a condition of employment and~~
 143 ~~continued employment. For the purposes of this subsection,~~
 144 ~~security background investigations shall be conducted as~~
 145 ~~provided in chapter 435, using the level 2 standards for~~
 146 ~~screening set forth in that chapter.~~

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

150 1. Fail, by false statement, misrepresentation,
 151 impersonation, or other fraudulent means, to disclose in any
 152 application for voluntary or paid employment a material fact
 153 used in making a determination as to such person's
 154 qualifications for a position of special trust;

155 2. Use ~~records~~ information contained in records for
 156 purposes other than background screening or investigation for
 157 employment, or release such records information to other persons
 158 for purposes other than preemployment screening or investigation
 159 ~~for employment.~~

160 (e) It is a felony of the third degree, punishable as
 161 provided in s. 775.082, s. 775.083, or s. 775.084, for any
 162 person willfully, knowingly, or intentionally to use juvenile
 163 records information for any purposes other than those specified
 164 in this section or to release such information to other persons
 165 for purposes other than those specified in this section.

166 ~~(3)-(4)~~ Any person who is required to undergo such a
 167 security background screening or investigation and who refuses
 168 to cooperate in such screening or investigation or refuses to

169 submit fingerprints shall be disqualified for employment in such
170 position or, if employed, shall be dismissed.

171 ~~(4)(5) Such Background screening and investigations shall~~
172 ~~be conducted at the expense of the employing agency. If~~ When
173 ~~fingerprinting is required, the fingerprints of the employee or~~
174 ~~applicant for employment shall be taken by the employing agency,~~
175 a law enforcement agency, or a vendor as authorized pursuant to
176 s. 435.04, or by an authorized law enforcement officer and
177 submitted to the Department of Law Enforcement for state
178 processing, and forwarded by the Department of Law Enforcement
179 ~~forwarding, when requested by the employing agency, to the~~
180 Federal Bureau of Investigation United States Department of
181 Justice for national processing. The employing agency or vendor
182 shall remit the processing fees required by s. 943.053 to
183 ~~reimburse the Department of Law Enforcement for any costs~~
184 ~~incurred by it in the processing of the fingerprints.~~

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

187 110.119 Administrative leave for military-service-
188 connected reexamination or treatment with respect to service-
189 ~~connected~~ disability.-

190 (1) An ~~Any~~ employee ~~of the state~~ who has been rated by the
191 United States Department of Veterans Affairs or its predecessor
192 to have incurred a military-service-connected ~~service-connected~~
193 disability and has been scheduled by the United States
194 Department of Veterans Affairs to be reexamined or treated for
195 the disability shall be granted administrative leave for such
196 reexamination or treatment without loss of pay or benefits.

197 However, such ~~In no event shall the paid leave may not under~~
 198 ~~this section exceed 48 hours per 6 calendar days a year.~~

199 Section 4. Section 110.1225, Florida Statutes, is amended
 200 to read:

201 110.1225 Furloughs.—When a deficit is certified or
 202 projected by the Revenue Estimating Conference pursuant to s.
 203 216.136(3), in any fund that supports salary and benefit
 204 appropriations, the Governor or the Chief Justice of the Supreme
 205 Court, as appropriate, Administration Commission may propose a
 206 furlough plan for consideration by the Legislative Budget
 207 Commission to the Legislature, which must approve or disapprove
 208 ~~such plan~~. The plan must identify all affected positions and
 209 ensure that all affected employees are subject to the same
 210 reduction of hours for the same number of pay periods with a
 211 commensurate reduction in pay.

212 Section 5. Section 110.126, Florida Statutes, is amended
 213 to read:

214 110.126 Oaths, testimony, records; penalties.—The
 215 department may ~~shall have power to~~ administer oaths, subpoena
 216 witnesses, and compel the production of books, and papers, or
 217 other records, in written or electronic form, relevant ~~pertinent~~
 218 to any investigation of personnel practices or hearing
 219 authorized by this chapter. Any person who fails ~~shall fail~~ to
 220 appear in response to a subpoena or to answer any question or
 221 produce any books, ~~or~~ papers, or other records relevant
 222 ~~pertinent~~ to any such investigation or hearing or who ~~shall~~
 223 knowingly gives ~~give~~ false testimony commits ~~therein shall be~~
 224 ~~guilty of~~ a misdemeanor of the first degree, punishable as

225 provided in s. 775.082 or s. 775.083.

226 Section 6. Section 110.131, Florida Statutes, is amended
 227 to read:

228 110.131 Other-personal-services ~~temporary~~ employment.—

229 (1) As used in this section, the term "agency" means any
 230 official, officer, commission, board, authority, council,
 231 committee, or department of the executive branch of state
 232 government and means any officer, court, commission, or other
 233 unit of the judicial branch of state government supported in
 234 whole or in part by appropriations made by the Legislature.

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

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

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

245 (c) Review, determine, and document by June 30 of each
 246 year whether the continuation of each other-personal-services
 247 employment position is necessary to the mission of the agency.
 248 This review process ~~An extension beyond a total of 1,040 hours~~
 249 ~~within an agency for any individual requires a recommendation by~~
 250 ~~the agency head and approval by the Executive Office of the~~
 251 ~~Governor. Approval of extensions shall be made in accordance~~
 252 ~~with criteria established by the department. Each agency shall~~

253 ~~maintain employee information as specified by the department~~
254 ~~regarding each extension of other personal-services temporary~~
255 ~~employment. The time limitation established by this subsection~~
256 does not apply to board members; consultants; seasonal
257 employees; institutional clients employed as part of their
258 rehabilitation; bona fide, degree-seeking students in accredited
259 secondary or postsecondary educational programs; employees hired
260 to deal with an emergency situation that affects the public
261 health, safety, or welfare; or employees hired for a project
262 that is identified by a specific appropriation or time-limited
263 grant.

264 (3) Unless specifically provided by law, other-personal-
265 services employees are not eligible for any form of paid leave,
266 paid holidays, a paid personal day, participation in state group
267 insurance or retirement benefits, or any other state employee
268 benefit. Other-personal-services employees may be included in
269 that part of an agency's recognition and reward program that
270 recognizes and rewards employees who submit innovative ideas
271 that increase productivity, eliminate or reduce state
272 expenditures, improve operations, or generate additional revenue
273 or who meet or exceed the agency's established criteria for a
274 project or goal.

275 (4) Beginning August 15, 2012, and each August 15
276 thereafter, each agency employing an individual in other-
277 personal-services employment shall submit a report to the
278 Executive Office of the Governor and to the chairs of the
279 legislative appropriations committees containing the following
280 information for the previous fiscal year ending June 30, 2012,

281 and each June 30 thereafter:

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

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

287 ~~(3) The department shall adopt rules providing that other-~~
288 ~~personal-services temporary employment in an employer-employee~~
289 ~~relationship shall be used for short-term tasks. Such rules~~
290 ~~shall specify the employment categories, terms, conditions, rate~~
291 ~~of pay, and frequency of other personal-services temporary~~
292 ~~employment and the duration for which such employment may last;~~
293 ~~specify criteria for approving extensions beyond the time~~
294 ~~limitation provided in subsection (2); and prescribe~~
295 ~~recordkeeping and reporting requirements for other personal-~~
296 ~~services employment.~~

297 ~~(4) The department shall prepare written material~~
298 ~~explaining the terms and conditions of other personal-services~~
299 ~~employment and shall provide master copies to each agency. Each~~
300 ~~agency shall provide each of its applicants for such employment~~
301 ~~with a copy thereof at the time of application and shall discuss~~
302 ~~the information contained thereon with each applicant at the~~
303 ~~time of interview or employment commencement, whichever occurs~~
304 ~~sooner.~~

305 ~~(5) The department shall maintain information relating to~~
306 ~~other personal-services employment for each agency. Such~~
307 ~~information shall include:~~

308 ~~(a) The total amount of compensation for other personal-~~

309 ~~services personnel, by employment category, for the preceding~~
310 ~~fiscal year.~~

311 ~~(b) The name, social security number, employment category,~~
312 ~~employment commencement date, and number of hours worked for~~
313 ~~each individual whose initial other personal services temporary~~
314 ~~employment began before the start of the preceding fiscal year~~
315 ~~and who was still employed as an other personal services~~
316 ~~temporary employee at the end of the preceding fiscal year.~~

317 ~~(6)(a) The provisions of subsections (2), (3), and (4) do~~
318 ~~not apply to any employee for whom the Board of Governors of the~~
319 ~~State University System, or the board's designee, or the Board~~
320 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
321 ~~the employer as defined in s. 447.203(2); except that, for~~
322 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
323 ~~School for the Deaf and the Blind shall comply with the~~
324 ~~recordkeeping and reporting requirements adopted by the~~
325 ~~department pursuant to subsection (3) with respect to those~~
326 ~~other personal services employees exempted by this subsection.~~

327 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
328 ~~apply to any employee of the Division of Blind Services Library~~
329 ~~for the Blind and Physically Handicapped for whom the Division~~
330 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
331 ~~except that, for purposes of subsection (5), the Division of~~
332 ~~Blind Services shall comply with the recordkeeping and reporting~~
333 ~~requirements adopted by the department pursuant to subsection~~
334 ~~(3) with respect to those other personal services employees~~
335 ~~exempted by this subsection.~~

336 ~~(c) Notwithstanding the provisions of this section, the~~

337 ~~agency head or his or her designee may extend the other~~
338 ~~personal services employment of a health care practitioner~~
339 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
340 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
341 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
342 ~~2,080 hours and may employ such practitioner on an hourly or~~
343 ~~other basis.~~

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

348 Section 7. Section 110.1315, Florida Statutes, is amended
349 to read:

350 110.1315 Alternative retirement benefits; other-personal-
351 services employees.—

352 (1) Upon review and ~~recommendation of the department and~~
353 approval ~~by~~ of the Executive Office of the Governor, the
354 Department of Financial Services shall provide ~~may contract for~~
355 ~~the implementation of~~ an alternative retirement income security
356 program for eligible temporary and seasonal employees of the
357 state who are compensated from appropriations for other personal
358 services. The Department of Financial Services may contract with
359 ~~may provide for~~ a private vendor or vendors to administer the
360 program under a defined-contribution plan under ss. 401(a) and
361 403(b) or s. 457 of the Internal Revenue Code, and the program
362 must provide retirement benefits as required under s.
363 3121(b) (7) (F) of the Internal Revenue Code. The Department of
364 Financial Services may develop a request for proposals and

365 solicit qualified vendors to compete for the award of the
 366 contract. A vendor shall be selected on the basis of the plan
 367 that best serves the interest of the participating employees and
 368 the state. The proposal must comply with all necessary federal
 369 and state laws and rules.

370 (2) The Department of Financial Services may adopt rules
 371 necessary to administer this section.

372 Section 8. Section 110.171, Florida Statutes, is amended
 373 to read:

374 110.171 State employee telework ~~telecommuting~~ program.—

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

376 (a) "Agency" means any official, officer, commission,
 377 board, authority, council, committee, or department of state
 378 government.

379 (b) "Department" means the Department of Management
 380 Services.

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

387 1. Performance of required work duties away from the
 388 official worksite and outside of established work hours on an
 389 occasional basis and sporadically working away from the official
 390 worksite during all or some portion of the established work
 391 hours. These arrangements may be used by an agency to
 392 accommodate extenuating circumstances by allowing an employee to

393 maintain productivity away from the official worksite.

394 2. Duties and responsibilities that, by their nature, are
395 performed routinely in the field away from the official worksite
396 ~~perform the normal duties and responsibilities of their~~
397 ~~positions, through the use of computers or telecommunications,~~
398 ~~at home or another place apart from the employees' usual place~~
399 ~~of work.~~

400 (2) An agency may establish telework as an integral part
401 of the normal business operations of the agency and require that
402 specific work be performed through telework arrangements.
403 Telework may also be used as part of an agency's continuity of
404 operations plan where appropriate. An agency shall provide
405 telework as an optional alternative work arrangement to support
406 employee needs and implement telework arrangements where deemed
407 appropriate.

408 (3) Each agency shall review all established positions and
409 designate those positions that the agency deems appropriate for
410 telework. The agency shall ensure that this information is
411 current and available to its employees and managers. In
412 addition, each agency shall identify all currently participating
413 employees and their respective positions in the human resource
414 information system used by that agency.

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

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

420 (b) Establish performance standards that ensure that

421 teleworkers maintain satisfactory performance levels.

422 (c) Ensure that teleworkers are subject to the same rules
423 and disciplinary actions as other employees.

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

427 (e) Establish a system for monitoring the productivity of
428 teleworkers that ensures that the work output remains at a
429 satisfactory level and that the duties and responsibilities of
430 the position remain suitable for a telework arrangement.

431 (f) Establish the appropriate physical and electronic
432 information security controls to be maintained by a teleworker
433 at the telework site.

434 (g) Prohibit a teleworker from conducting face-to-face
435 state business at his or her residence.

436 (5) At the discretion of the agency, if an employee is
437 approved by the agency to use telework as an optional
438 alternative work arrangement, the agency shall require a written
439 agreement between the teleworker and the agency that specifies
440 the terms and conditions of the telework arrangement and
441 provides for the termination of an employee's participation in
442 the program if the employee's continued participation is not in
443 the best interest of the agency.

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

446 (a) Include the requirement to telework and the associated
447 terms and conditions as part of the position description,
448 specifying the minimum amount of telework required.

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

452 (c) Provide at least 15 calendar days' written notice to
453 affected employees of intent to revise the terms and conditions
454 of the current telework arrangement.

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

457 (e) Specify the telework requirement in any recruitment
458 activities.

459 (7) Agencies that have a telework program shall establish
460 and track performance measures that support telework program
461 analysis and report data annually to the department in
462 accordance with s. 255.249(3) (d). Such measures must include,
463 but need not be limited to, those that quantify financial
464 impacts associated with changes in office space requirements
465 resulting from the telework program. Agencies operating in
466 office space owned or managed by the department shall consult
467 the department to ensure consistency with the strategic leasing
468 plan required under s. 255.249(3) (b).

469 ~~(2) The department shall:~~

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

472 ~~(b) Appoint a statewide telecommuting coordinator to~~
473 ~~provide technical assistance to state agencies and to promote~~
474 ~~telecommuting in state government.~~

475 ~~(c) Identify state employees who are participating in a~~
476 ~~telecommuting program and their job classifications through the~~

477 ~~state personnel payroll information subsystem created under s.~~
478 ~~110.116.~~

479 ~~(3) By September 30, 2009, each state agency shall~~
480 ~~identify and maintain a current listing of the job~~
481 ~~classifications and positions that the agency considers~~
482 ~~appropriate for telecommuting. Agencies that adopt a state~~
483 ~~employee telecommuting program must:~~

484 ~~(a) Give equal consideration to career service and exempt~~
485 ~~positions in their selection of employees to participate in the~~
486 ~~telecommuting program.~~

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

490 ~~(c) Provide that participation by an employee in a~~
491 ~~telecommuting program is voluntary, and that the employee may~~
492 ~~elect to cease to participate in a telecommuting program at any~~
493 ~~time.~~

494 ~~(d) Adopt provisions to allow for the termination of an~~
495 ~~employee's participation in the program if the employee's~~
496 ~~continued participation would not be in the best interests of~~
497 ~~the agency.~~

498 ~~(e) Provide that an employee is not currently under a~~
499 ~~performance improvement plan in order to participate in the~~
500 ~~program.~~

501 ~~(f) Ensure that employees participating in the program are~~
502 ~~subject to the same rules regarding attendance, leave,~~
503 ~~performance reviews, and separation action as are other~~
504 ~~employees.~~

505 ~~(g) Establish the reasonable conditions that the agency~~
506 ~~plans to impose in order to ensure the appropriate use and~~
507 ~~maintenance of any equipment or items provided for use at a~~
508 ~~participating employee's home or other place apart from the~~
509 ~~employee's usual place of work, including the installation and~~
510 ~~maintenance of any telephone equipment and ongoing~~
511 ~~communications costs at the telecommuting site which is to be~~
512 ~~used for official use only.~~

513 ~~(h) Prohibit state maintenance of an employee's personal~~
514 ~~equipment used in telecommuting, including any liability for~~
515 ~~personal equipment and costs for personal utility expenses~~
516 ~~associated with telecommuting.~~

517 ~~(i) Describe the security controls that the agency~~
518 ~~considers appropriate.~~

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

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

524 ~~(l) Require a written agreement that specifies the terms~~
525 ~~and conditions of telecommuting, which includes verification by~~
526 ~~the employee that the home office provides work space that is~~
527 ~~free of safety and fire hazards, together with an agreement~~
528 ~~which holds the state harmless against any and all claims,~~
529 ~~excluding workers' compensation claims, resulting from an~~
530 ~~employee working in the home office, and which must be signed~~
531 ~~and agreed to by the telecommuter and the supervisor.~~

532 ~~(m) Provide measurable financial benefits associated with~~

533 ~~reduced office space requirements, reductions in energy~~
534 ~~consumption, and reductions in associated emissions of~~
535 ~~greenhouse gases resulting from telecommuting. State agencies~~
536 ~~operating in office space owned or managed by the department~~
537 ~~shall consult the facilities program to ensure its consistency~~
538 ~~with the strategic leasing plan required under s. 255.249(3)(b).~~

539 (8)(4) Agencies that have a telework ~~The telecommuting~~
540 ~~program for each state agency and pertinent supporting documents~~
541 ~~shall post the agency telework plan and any pertinent supporting~~
542 ~~documents be posted on the agency's Internet website to allow~~
543 ~~access by employees and the public.~~

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

546 Section 9. Paragraph (b) of subsection (1) and paragraphs
547 (d) and (e) of subsection (2) of section 110.181, Florida
548 Statutes, are amended to read:

549 110.181 Florida State Employees' Charitable Campaign.—

550 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

551 (b) State officers' and employees' contributions toward
552 the Florida State Employees' Charitable Campaign must be
553 entirely voluntary. State officers and employees must designate
554 a charitable organization to receive such contributions.

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

556 (d) A local steering committee shall be established in
557 each fiscal agent area to assist in conducting the campaign ~~and~~
558 ~~to direct the distribution of undesignated funds remaining after~~
559 ~~partial distribution pursuant to paragraph (c).~~ The committee
560 shall be composed of state employees selected by the fiscal

561 agent from among recommendations provided by interested
 562 participating organizations, if any, and approved by the
 563 Statewide Steering Committee.

564 ~~(c) Participating charitable organizations that provide~~
 565 ~~direct services in a local fiscal agent's area shall receive the~~
 566 ~~same percentage of undesignated funds as the percentage of~~
 567 ~~designated funds they receive. The undesignated funds remaining~~
 568 ~~following allocation to these charitable organizations shall be~~
 569 ~~distributed by the local steering committee.~~

570 Section 10. Subsection (6) of section 110.2035, Florida
 571 Statutes, is amended, and subsections (7) and (8) are added to
 572 that section, to read:

573 110.2035 Classification and compensation program.—

574 (6) The department shall establish and maintain an
 575 equitable pay plan applicable to all occupations and shall be
 576 responsible for the overall review, coordination, and
 577 administration of the pay plan.

578 (a) The department shall provide for broad, market-based
 579 pay bands for occupations and shall establish guidelines for the
 580 employing agencies to move employees through these pay bands.
 581 The employing agencies may determine the appropriate salary
 582 within the pay bands and guidelines adopted by the department.
 583 Such pay bands, and the assignment of broadband levels to
 584 positions, are ~~shall~~ not constitute rules within the meaning of
 585 s. 120.52.

586 (b) The department, in consultation with the Executive
 587 Office of the Governor and the legislative appropriations
 588 committees, shall conduct wage and salary surveys as necessary

589 for the purpose of achieving ~~the goal of~~ an equitable,
590 competitive, market-based pay policy.

591 ~~(7)(e)~~ The department shall establish rules for the
592 administration of pay additives, ~~by rule, guidelines with~~
593 ~~respect to,~~ and shall delegate to the employing agencies, if
594 ~~where~~ appropriate, the authority to implement pay additives. The
595 agency shall use pay additives, as appropriate, within the
596 guidelines established by the department and consistent with
597 directions contained in the General Appropriations Act.
598 ~~administer~~

599 (a) The following pay additives are authorized:

- 600 1. Shift differentials.
- 601 2. On call ~~On-call fees~~.
- 602 3. Hazardous duties ~~Hazardous-duty pay~~.
- 603 4. ~~Salary increase and decrease corrections.~~
- 604 4.5. Lead-worker duties ~~Lead-worker pay~~.
- 605 5.6. ~~Temporary special duties - general pay~~.
- 606 6. Temporary special duties - absent coworker.
- 607 7. Trainer duties ~~Trainer-additive pay~~.
- 608 8. Competitive area differentials.
- 609 9. Critical market pay.

610 (b) Each state agency shall include in its annual
611 legislative budget request a proposed written plan for
612 implementing temporary special duties - general pay additives
613 during the next fiscal year. Proposed revisions to an approved
614 plan which become necessary during the fiscal year must be
615 submitted by the agency to the department for review and
616 recommendation to the Executive Office of the Governor. Such

617 revisions may be implemented only after approval by the
618 Executive Office of the Governor. A proposed revision is an
619 action that is subject to s. 216.177.

620 (c) A new competitive area differential or a new critical
621 market pay additive may not be implemented unless the department
622 has reviewed and recommended such action and the Legislature has
623 provided express authority to implement such action. This
624 applies to an increase in the level of competitive area
625 differentials or critical market pay additives, and to the
626 initial establishment and implementation of a competitive area
627 differential or critical market pay additive not in effect as of
628 January 1, 2012.

629 (d) An agency may implement shift differential additives,
630 on-call additives, hazardous duty additives, lead-worker
631 additives, temporary special duty - absent coworker additives,
632 and trainer duty additives as necessary to accomplish the
633 agency's mission and in accordance with department rules,
634 instructions contained in the General Appropriations Act, and
635 applicable collective bargaining agreements.

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

639 (8) An agency may implement salary increase and decrease
640 corrections due to administrative errors.

641
642 ~~The employing agency must use such pay additives as are~~
643 ~~appropriate within the guidelines established by the department~~
644 ~~and consistent with the directions of the Legislature contained~~

645 ~~in the General Appropriations Act. The employing agency shall~~
 646 ~~advise the department, the Executive Office of the Governor, and~~
 647 ~~the Legislature in writing of the plan for implementing such pay~~
 648 ~~additives prior to the implementation date. An agency may not~~
 649 ~~implement any pay additive to a cohort of positions sharing job~~
 650 ~~classifications or job occupations unless the Legislature has~~
 651 ~~specifically authorized such pay additives and such pay~~
 652 ~~additives do not conflict with any collective bargaining~~
 653 ~~agreement for that specific cohort of positions. Any action by~~
 654 ~~an employing agency to implement temporary special duties pay,~~
 655 ~~competitive area differentials, or critical market pay may be~~
 656 ~~implemented only after the department has reviewed and~~
 657 ~~recommended such action; however, an employing agency may use~~
 658 ~~temporary special duties pay for up to 3 months without prior~~
 659 ~~review by the department. The department shall annually provide~~
 660 ~~to the Executive Office of the Governor and the Legislature a~~
 661 ~~summary report of the pay additives implemented pursuant to this~~
 662 ~~section.~~

663 Section 11. Subsection (7) of section 110.205, Florida
 664 Statutes, is amended to read:

665 110.205 Career service; exemptions.—

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

671 Section 12. Section 110.217, Florida Statutes, is amended
 672 to read:

673 110.217 Appointment actions and status ~~Appointments and~~
 674 ~~promotion.~~—

675 (1) ~~(a)~~ The department, ~~in consultation with agencies that~~
 676 ~~must comply with these rules,~~ shall develop uniform rules
 677 regarding original appointment, promotion, demotion,
 678 reassignment, lateral action, separation, and status that which
 679 must be used by state ~~employing~~ agencies. ~~Such rules must be~~
 680 ~~approved by the Administration Commission before their adoption~~
 681 ~~by the department.~~

682 (2) An employee appointed on probationary status shall
 683 attain permanent status in his or her current position upon
 684 successful completion of at least a 1-year probationary period.
 685 The length of the probationary period may not exceed 18 months.
 686 An employee who has not attained permanent status in his or her
 687 current position serves at the pleasure of the agency head and
 688 may be dismissed at the discretion of the agency head.

689 (3) If an employee who has received an internal agency
 690 promotion from a position in which the employee held permanent
 691 status is to be dismissed from the promotional position for
 692 failure to meet the established performance standards of the
 693 promotional position while in probationary status, the agency,
 694 before dismissal, shall return the employee to his or her former
 695 position, or to a position with substantially similar duties and
 696 responsibilities as the former position, if such a position is
 697 vacant. Such determinations by an agency are not appealable, and
 698 this subsection does not apply to dismissals for any other
 699 reason.

700 ~~(b)~~ ~~Employing agencies may seek exceptions to these~~

701 ~~uniform rules by filing a petition with the Administration~~
702 ~~Commission. The Administration Commission shall approve an~~
703 ~~exception when the exception is necessary to conform to any~~
704 ~~requirement imposed as a condition precedent to receipt of~~
705 ~~federal funds or to permit persons in this state to receive tax~~
706 ~~benefits under federal law, or as required for the most~~
707 ~~efficient operation of the agency as determined by the~~
708 ~~Administration Commission. The reasons for the exception must be~~
709 ~~published in the Florida Administrative Weekly.~~

710 ~~(c) Agency rules that provide exceptions to the uniform~~
711 ~~rules may not be filed with the Department of State unless the~~
712 ~~Administration Commission has approved the exceptions. Each~~
713 ~~agency that adopts rules that provide exceptions to the uniform~~
714 ~~rules or that must comply with statutory requirements that~~
715 ~~conflict with the uniform rules must have a separate chapter~~
716 ~~published in the Florida Administrative Code that delineates~~
717 ~~clearly the provisions of the agency's rules which provide~~
718 ~~exceptions or are based upon a conflicting statutory~~
719 ~~requirement. Each alternative chosen from those authorized by~~
720 ~~the uniform rules must be specified. Each chapter must be~~
721 ~~organized in the same manner as the uniform rules.~~

722 ~~(2) Each employing agency shall have the responsibility~~
723 ~~for the establishment and maintenance of rules and guidelines~~
724 ~~for determining eligibility of applicants for appointment to~~
725 ~~positions in the career service.~~

726 ~~(3) Eligibility shall be based on possession of required~~
727 ~~minimum qualifications for the job class and any required entry-~~
728 ~~level knowledge, skills, and abilities, and any certification~~

729 ~~and licensure required for a particular position.~~

730 ~~(4) The employing agency shall be responsible for~~
731 ~~developing an employee career advancement program which shall~~
732 ~~assure consideration of qualified permanent employees in the~~
733 ~~agency or career service who apply. However, such program shall~~
734 ~~also include provisions to bring persons into the career service~~
735 ~~through open competition. Promotion appointments shall be~~
736 ~~subject to postaudit by the department.~~

737 ~~(5) The department shall adopt any rules necessary to~~
738 ~~implement the provisions of this section. The rules must be~~
739 ~~approved by a majority vote of the Administration Commission~~
740 ~~prior to their adoption by the department.~~

741 Section 13. Subsection (8) of section 110.227, Florida
742 Statutes, is amended to read:

743 110.227 Suspensions, dismissals, reductions in pay,
744 demotions, layoffs, transfers, and grievances.-

745 ~~(8) A career service employee who is serving a~~
746 ~~probationary period in a position to which he or she has been~~
747 ~~promoted may be removed from that promotional position at any~~
748 ~~time during the probationary period but must be returned to his~~
749 ~~or her former position, or a comparable position, if such a~~
750 ~~position is vacant. If such a position is not available, before~~
751 ~~dismissal, the agency shall make a reasonable effort to retain~~
752 ~~the employee in another vacant position. This subsection does~~
753 ~~not apply to terminations for cause as described in subsection~~
754 ~~(1), nor does it create a right to "bump" an employee from an~~
755 ~~occupied position as described in paragraph (2) (a).~~

756 Section 14. Paragraph (d) of subsection (3) of section
 757 255.249, Florida Statutes, is amended to read:

758 255.249 Department of Management Services; responsibility;
 759 department rules.—

760 (3)

761 (d) By June 30 of each year, each state agency shall
 762 annually provide to the department all information regarding
 763 agency programs affecting the need for or use of space by that
 764 agency, reviews of lease-expiration schedules for each
 765 geographic area, active and planned full-time equivalent data,
 766 business case analyses related to consolidation plans by an
 767 agency, a telework ~~telecommuting~~ program, and current occupancy
 768 and relocation costs, inclusive of furnishings, fixtures and
 769 equipment, data, and communications.

770 Section 15. Section 402.3057, Florida Statutes, is amended
 771 to read:

772 402.3057 Persons not required to be refingerprinted or
 773 rescreened.—Any provision of law to the contrary
 774 notwithstanding, human resource personnel who have been
 775 fingerprinted or screened pursuant to chapters 393, 394, 397,
 776 402, and 409, and teachers and noninstructional personnel who
 777 have been fingerprinted pursuant to chapter 1012, who have not
 778 been unemployed for more than 90 days thereafter, and who under
 779 the penalty of perjury attest to the completion of such
 780 fingerprinting or screening and to compliance with the
 781 provisions of this section and the standards for good moral
 782 character as contained in such provisions as ss. 110.1127(2)(c)
 783 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and

784 409.175(6), shall not be required to be refingerprinted or
 785 rescreened in order to comply with any caretaker screening or
 786 fingerprinting requirements.

787 Section 16. Section 409.1757, Florida Statutes, is amended
 788 to read:

789 409.1757 Persons not required to be refingerprinted or
 790 rescreened.—Any provision of law to the contrary
 791 notwithstanding, human resource personnel who have been
 792 fingerprinted or screened pursuant to chapters 393, 394, 397,
 793 402, and this chapter, and teachers who have been fingerprinted
 794 pursuant to chapter 1012, who have not been unemployed for more
 795 than 90 days thereafter, and who under the penalty of perjury
 796 attest to the completion of such fingerprinting or screening and
 797 to compliance with the provisions of this section and the
 798 standards for good moral character as contained in such
 799 provisions as ss. 110.1127(2)(c) ~~110.1127(3)~~, 393.0655(1),
 800 394.457(6), 397.451, 402.305(2), and 409.175(6), shall not be
 801 required to be refingerprinted or rescreened in order to comply
 802 with any caretaker screening or fingerprinting requirements.

803 Section 17. Subsection (9) of section 413.20, Florida
 804 Statutes, is amended to read:

805 413.20 Definitions.—As used in this part, the term:

806 (9) "Employment outcome" means, with respect to an
 807 individual, entering or retaining full-time or, if appropriate,
 808 part-time competitive employment in the integrated labor market
 809 to the greatest extent practicable, supported employment, or any
 810 other type of employment, including self-employment, telework
 811 ~~telecommuting~~, or business ownership, that is consistent with an

812 individual's strengths, resources, priorities, concerns,
813 abilities, capabilities, interests, and informed choice.

814 Section 18. Paragraph (a) of subsection (4) of section
815 943.0585, Florida Statutes, is amended to read:

816 943.0585 Court-ordered expunction of criminal history
817 records.—The courts of this state have jurisdiction over their
818 own procedures, including the maintenance, expunction, and
819 correction of judicial records containing criminal history
820 information to the extent such procedures are not inconsistent
821 with the conditions, responsibilities, and duties established by
822 this section. Any court of competent jurisdiction may order a
823 criminal justice agency to expunge the criminal history record
824 of a minor or an adult who complies with the requirements of
825 this section. The court shall not order a criminal justice
826 agency to expunge a criminal history record until the person
827 seeking to expunge a criminal history record has applied for and
828 received a certificate of eligibility for expunction pursuant to
829 subsection (2). A criminal history record that relates to a
830 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
831 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
832 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
833 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
834 any violation specified as a predicate offense for registration
835 as a sexual predator pursuant to s. 775.21, without regard to
836 whether that offense alone is sufficient to require such
837 registration, or for registration as a sexual offender pursuant
838 to s. 943.0435, may not be expunged, without regard to whether
839 adjudication was withheld, if the defendant was found guilty of

840 or pled guilty or nolo contendere to the offense, or if the
841 defendant, as a minor, was found to have committed, or pled
842 guilty or nolo contendere to committing, the offense as a
843 delinquent act. The court may only order expunction of a
844 criminal history record pertaining to one arrest or one incident
845 of alleged criminal activity, except as provided in this
846 section. The court may, at its sole discretion, order the
847 expunction of a criminal history record pertaining to more than
848 one arrest if the additional arrests directly relate to the
849 original arrest. If the court intends to order the expunction of
850 records pertaining to such additional arrests, such intent must
851 be specified in the order. A criminal justice agency may not
852 expunge any record pertaining to such additional arrests if the
853 order to expunge does not articulate the intention of the court
854 to expunge a record pertaining to more than one arrest. This
855 section does not prevent the court from ordering the expunction
856 of only a portion of a criminal history record pertaining to one
857 arrest or one incident of alleged criminal activity.
858 Notwithstanding any law to the contrary, a criminal justice
859 agency may comply with laws, court orders, and official requests
860 of other jurisdictions relating to expunction, correction, or
861 confidential handling of criminal history records or information
862 derived therefrom. This section does not confer any right to the
863 expunction of any criminal history record, and any request for
864 expunction of a criminal history record may be denied at the
865 sole discretion of the court.

866 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
867 criminal history record of a minor or an adult which is ordered

868 | expunged by a court of competent jurisdiction pursuant to this
 869 | section must be physically destroyed or obliterated by any
 870 | criminal justice agency having custody of such record; except
 871 | that any criminal history record in the custody of the
 872 | department must be retained in all cases. A criminal history
 873 | record ordered expunged that is retained by the department is
 874 | confidential and exempt from the provisions of s. 119.07(1) and
 875 | s. 24(a), Art. I of the State Constitution and not available to
 876 | any person or entity except upon order of a court of competent
 877 | jurisdiction. A criminal justice agency may retain a notation
 878 | indicating compliance with an order to expunge.

879 | (a) The person who is the subject of a criminal history
 880 | record that is expunged under this section or under other
 881 | provisions of law, including former s. 893.14, former s. 901.33,
 882 | and former s. 943.058, may lawfully deny or fail to acknowledge
 883 | the arrests covered by the expunged record, except when the
 884 | subject of the record:

- 885 | 1. Is a candidate for employment with a criminal justice
 886 | agency;
- 887 | 2. Is a defendant in a criminal prosecution;
- 888 | 3. Concurrently or subsequently petitions for relief under
 889 | this section or s. 943.059;
- 890 | 4. Is a candidate for admission to The Florida Bar;
- 891 | 5. Is seeking to be employed or licensed by or to contract
 892 | with the Department of Children and Family Services, the Agency
 893 | for Health Care Administration, the Agency for Persons with
 894 | Disabilities, or the Department of Juvenile Justice or to be
 895 | employed or used by such contractor or licensee in a sensitive

896 | position having direct contact with children, the
 897 | developmentally disabled, the aged, or the elderly as provided
 898 | in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
 899 | 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
 900 | 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter
 901 | 429;

902 | 6. Is seeking to be employed or licensed by the Department
 903 | of Education, any district school board, any university
 904 | laboratory school, any charter school, any private or parochial
 905 | school, or any local governmental entity that licenses child
 906 | care facilities; or

907 | 7. Is seeking authorization from a seaport listed in s.
 908 | 311.09 for employment within or access to one or more of such
 909 | seaports pursuant to s. 311.12.

910 | Section 19. Paragraph (a) of subsection (4) of section
 911 | 943.059, Florida Statutes, is amended to read:

912 | 943.059 Court-ordered sealing of criminal history
 913 | records.—The courts of this state shall continue to have
 914 | jurisdiction over their own procedures, including the
 915 | maintenance, sealing, and correction of judicial records
 916 | containing criminal history information to the extent such
 917 | procedures are not inconsistent with the conditions,
 918 | responsibilities, and duties established by this section. Any
 919 | court of competent jurisdiction may order a criminal justice
 920 | agency to seal the criminal history record of a minor or an
 921 | adult who complies with the requirements of this section. The
 922 | court shall not order a criminal justice agency to seal a
 923 | criminal history record until the person seeking to seal a

924 criminal history record has applied for and received a
925 certificate of eligibility for sealing pursuant to subsection
926 (2). A criminal history record that relates to a violation of s.
927 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
928 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
929 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
930 916.1075, a violation enumerated in s. 907.041, or any violation
931 specified as a predicate offense for registration as a sexual
932 predator pursuant to s. 775.21, without regard to whether that
933 offense alone is sufficient to require such registration, or for
934 registration as a sexual offender pursuant to s. 943.0435, may
935 not be sealed, without regard to whether adjudication was
936 withheld, if the defendant was found guilty of or pled guilty or
937 nolo contendere to the offense, or if the defendant, as a minor,
938 was found to have committed or pled guilty or nolo contendere to
939 committing the offense as a delinquent act. The court may only
940 order sealing of a criminal history record pertaining to one
941 arrest or one incident of alleged criminal activity, except as
942 provided in this section. The court may, at its sole discretion,
943 order the sealing of a criminal history record pertaining to
944 more than one arrest if the additional arrests directly relate
945 to the original arrest. If the court intends to order the
946 sealing of records pertaining to such additional arrests, such
947 intent must be specified in the order. A criminal justice agency
948 may not seal any record pertaining to such additional arrests if
949 the order to seal does not articulate the intention of the court
950 to seal records pertaining to more than one arrest. This section
951 does not prevent the court from ordering the sealing of only a

952 | portion of a criminal history record pertaining to one arrest or
953 | one incident of alleged criminal activity. Notwithstanding any
954 | law to the contrary, a criminal justice agency may comply with
955 | laws, court orders, and official requests of other jurisdictions
956 | relating to sealing, correction, or confidential handling of
957 | criminal history records or information derived therefrom. This
958 | section does not confer any right to the sealing of any criminal
959 | history record, and any request for sealing a criminal history
960 | record may be denied at the sole discretion of the court.

961 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
962 | history record of a minor or an adult which is ordered sealed by
963 | a court of competent jurisdiction pursuant to this section is
964 | confidential and exempt from the provisions of s. 119.07(1) and
965 | s. 24(a), Art. I of the State Constitution and is available only
966 | to the person who is the subject of the record, to the subject's
967 | attorney, to criminal justice agencies for their respective
968 | criminal justice purposes, which include conducting a criminal
969 | history background check for approval of firearms purchases or
970 | transfers as authorized by state or federal law, to judges in
971 | the state courts system for the purpose of assisting them in
972 | their case-related decisionmaking responsibilities, as set forth
973 | in s. 943.053(5), or to those entities set forth in
974 | subparagraphs (a)1., 4., 5., 6., and 8. for their respective
975 | licensing, access authorization, and employment purposes.

976 | (a) The subject of a criminal history record sealed under
977 | this section or under other provisions of law, including former
978 | s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
979 | deny or fail to acknowledge the arrests covered by the sealed

980 record, except when the subject of the record:

981 1. Is a candidate for employment with a criminal justice
982 agency;

983 2. Is a defendant in a criminal prosecution;

984 3. Concurrently or subsequently petitions for relief under
985 this section or s. 943.0585;

986 4. Is a candidate for admission to The Florida Bar;

987 5. Is seeking to be employed or licensed by or to contract
988 with the Department of Children and Family Services, the Agency
989 for Health Care Administration, the Agency for Persons with
990 Disabilities, or the Department of Juvenile Justice or to be
991 employed or used by such contractor or licensee in a sensitive
992 position having direct contact with children, the
993 developmentally disabled, the aged, or the elderly as provided
994 in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
995 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
996 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or
997 chapter 429;

998 6. Is seeking to be employed or licensed by the Department
999 of Education, any district school board, any university
1000 laboratory school, any charter school, any private or parochial
1001 school, or any local governmental entity that licenses child
1002 care facilities;

1003 7. Is attempting to purchase a firearm from a licensed
1004 importer, licensed manufacturer, or licensed dealer and is
1005 subject to a criminal history check under state or federal law;
1006 or

CS/CS/CS/CS/HB 1261, Engrossed 1

2012

1007 8. Is seeking authorization from a Florida seaport
1008 identified in s. 311.09 for employment within or access to one
1009 or more of such seaports pursuant to s. 311.12.

1010 Section 20. This act shall take effect July 1, 2012.