



617530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
	.	
	.	
	.	

The Committee on Budget (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

110.105 Employment policy of the state.—

(1) ~~It is~~ The purpose of this chapter is to establish a
system of personnel management. This system shall provide means
to recruit, select, train, develop, and maintain an effective
and responsible workforce and shall include policies and
procedures for employee hiring and advancement, training and
career development, position classification, salary



617530

14 administration, benefits, discipline, discharge, employee
15 performance evaluations, affirmative action, and other related
16 activities.

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

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

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

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

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



617530

43 ~~to be eligible for to receive~~ federal funds.

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

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

49 110.1127 Employee background screening and investigations
50 ~~security checks.~~

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

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

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



617530

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

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

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

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

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

95 ~~(c) All persons and employees in such positions of trust or~~
96 ~~responsibility shall be required to undergo security background~~
97 ~~investigations as a condition of employment and continued~~
98 ~~employment. For the purposes of this subsection, security~~
99 ~~background investigations shall be conducted as provided in~~
100 ~~chapter 435, using the level 2 standards for screening set forth~~



617530

101 ~~in that chapter.~~

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

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

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

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

121 ~~(3)(4)~~ Any person who is required to undergo such a
122 security background screening or investigation and who refuses
123 to cooperate in such screening or investigation or refuses to
124 submit fingerprints shall be disqualified for employment in such
125 position or, if employed, shall be dismissed.

126 ~~(4)(5)~~ ~~Such~~ Background screening and investigations shall
127 be conducted at the expense of the employing agency. ~~If~~ When
128 fingerprinting is required, the fingerprints ~~of the employee or~~
129 ~~applicant for employment~~ shall be taken by the employing agency,



617530

130 a law enforcement agency, or a vendor as authorized pursuant to
131 s. 435.04, ~~or by an authorized law enforcement officer~~ and
132 submitted to the Department of Law Enforcement for state
133 processing and forwarded by the Department of Law Enforcement
134 forwarding, when requested by the employing agency, to the
135 Federal Bureau of Investigation United States Department of
136 Justice for national processing. The employing agency or vendor
137 shall remit the processing fees required by s. 943.053 to
138 reimburse the Department of Law Enforcement for any costs
139 incurred by it in the processing of the fingerprints.

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

142 110.119 Administrative leave for military-service-connected
143 reeexamination or treatment with respect to service-connected
144 disability.—

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

154 Section 4. Section 110.1225, Florida Statutes, is amended
155 to read:

156 110.1225 Furloughs.—When a deficit is certified or
157 projected by the Revenue Estimating Conference pursuant to s.
158 216.136(3), in any fund that supports salary and benefit



617530

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

167 Section 5. Section 110.126, Florida Statutes, is amended to
168 read:

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

181 Section 6. Section 110.131, Florida Statutes, is amended to
182 read:

183 110.131 Other-personal-services ~~temporary~~ employment.—

184 (1) As used in this section, the term "agency" means any
185 official, officer, commission, board, authority, council,
186 committee, or department of the executive branch of state
187 government and means any officer, court, commission, or other



617530

188 unit of the judicial branch of state government supported in
189 whole or in part by appropriations made by the Legislature.

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

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

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

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



617530

217 that is identified by a specific appropriation or time-limited
218 grant.

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

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

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

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

242 ~~(3) The department shall adopt rules providing that other-~~
243 ~~personal-services temporary employment in an employer-employee~~
244 ~~relationship shall be used for short-term tasks. Such rules~~
245 ~~shall specify the employment categories, terms, conditions, rate~~



617530

246 ~~of pay, and frequency of other personal services temporary~~
247 ~~employment and the duration for which such employment may last;~~
248 ~~specify criteria for approving extensions beyond the time~~
249 ~~limitation provided in subsection (2); and prescribe~~
250 ~~recordkeeping and reporting requirements for other personal-~~
251 ~~services employment.~~

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

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

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

266 ~~(b) The name, social security number, employment category,~~
267 ~~employment commencement date, and number of hours worked for~~
268 ~~each individual whose initial other personal services temporary~~
269 ~~employment began before the start of the preceding fiscal year~~
270 ~~and who was still employed as an other personal services~~
271 ~~temporary employee at the end of the preceding fiscal year.~~

272 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~
273 ~~not apply to any employee for whom the Board of Governors of the~~
274 ~~State University System, or the board's designee, or the Board~~



617530

275 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
276 ~~the employer as defined in s. 447.203(2); except that, for~~
277 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
278 ~~School for the Deaf and the Blind shall comply with the~~
279 ~~recordkeeping and reporting requirements adopted by the~~
280 ~~department pursuant to subsection (3) with respect to those~~
281 ~~other personal services employees exempted by this subsection.~~

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

291 ~~(c) Notwithstanding the provisions of this section, the~~
292 ~~agency head or his or her designee may extend the other-~~
293 ~~personal services employment of a health care practitioner~~
294 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
295 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
296 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
297 ~~2,080 hours and may employ such practitioner on an hourly or~~
298 ~~other basis.~~

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

303 ~~Section 7. Section 110.1315, Florida Statutes, is amended~~



617530

304 to read:

305 110.1315 Alternative retirement benefits; other-personal-
306 services employees.-

307 (1) Upon review and recommendation of the department and
308 approval by of the Executive Office of the Governor, the
309 Department of Financial Services shall provide ~~may contract for~~
310 ~~the implementation of~~ an alternative retirement income security
311 program for eligible temporary and seasonal employees of the
312 state who are compensated from appropriations for other personal
313 services. The Department of Financial Services may contract with
314 ~~may provide for~~ a private vendor or vendors to administer the
315 program under a defined-contribution plan under ss. 401(a) and
316 403(b) or s. 457 of the Internal Revenue Code, and the program
317 must provide retirement benefits as required under s.
318 3121(b)(7)(F) of the Internal Revenue Code. The Department of
319 Financial Services may develop a request for proposals and
320 solicit qualified vendors to compete for the award of the
321 contract. A vendor shall be selected on the basis of the plan
322 that best serves the interest of the participating employees and
323 the state. The proposal must comply with all necessary federal
324 and state laws and rules.

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

327 Section 8. Section 110.171, Florida Statutes, is amended to
328 read:

329 110.171 State employee telework ~~telecommuting~~ program.-

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

331 (a) "Agency" means any official, officer, commission,
332 board, authority, council, committee, or department of state



617530

333 government.

334 (b) "Department" means the Department of Management
335 Services.

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

342 1. Performance of required work duties away from the
343 official worksite and outside of established work hours on an
344 occasional basis and sporadically working away from the official
345 worksite during all or some portion of the established work
346 hours. These arrangements may be used by an agency to
347 accommodate extenuating circumstances by allowing an employee to
348 maintain productivity away from the official worksite.

349 2. Duties and responsibilities that, by their nature, are
350 performed routinely in the field away from the official worksite
351 ~~perform the normal duties and responsibilities of their~~
352 ~~positions, through the use of computers or telecommunications,~~
353 ~~at home or another place apart from the employees' usual place~~
354 ~~of work.~~

355 (2) An agency may establish telework as an integral part of
356 the normal business operations of the agency and require that
357 specific work be performed through telework arrangements.
358 Telework may also be used as part of an agency's continuity of
359 operations plan where appropriate. An agency shall provide
360 telework as an optional alternative work arrangement to support
361 employee needs and implement telework arrangements where deemed



617530

362 appropriate.

363 (3) Each agency shall review all established positions and
364 designate those positions that the agency deems appropriate for
365 telework. The agency shall ensure that this information is
366 current and available to its employees and managers. In
367 addition, each agency shall identify all currently participating
368 employees and their respective positions in the human resource
369 information system used by that agency.

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

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

375 (b) Establish performance standards that ensure that
376 teleworkers maintain satisfactory performance levels.

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

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

382 (e) Establish a system for monitoring the productivity of
383 teleworkers that ensures that the work output remains at a
384 satisfactory level and that the duties and responsibilities of
385 the position remain suitable for a telework arrangement.

386 (f) Establish the appropriate physical and electronic
387 information security controls to be maintained by a teleworker
388 at the telework site.

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



617530

391 (5) At the discretion of the agency, if an employee is
392 approved by the agency to use telework as an optional
393 alternative work arrangement, the agency shall require a written
394 agreement between the teleworker and the agency that specifies
395 the terms and conditions of the telework arrangement and
396 provides for the termination of an employee's participation in
397 the program if the employee's continued participation is not in
398 the best interest of the agency.

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

401 (a) Include the requirement to telework and the associated
402 terms and conditions as part of the position description,
403 specifying the minimum amount of telework required.

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

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

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

412 (e) Specify the telework requirement in any recruitment
413 activities.

414 (7) Agencies that have a telework program shall establish
415 and track performance measures that support telework program
416 analysis and report data annually to the department in
417 accordance with s. 255.249(3)(d). Such measures must include,
418 but need not be limited to, those that quantify financial
419 impacts associated with changes in office space requirements



617530

420 resulting from the telework program. Agencies operating in
421 office space owned or managed by the department shall consult
422 the department to ensure consistency with the strategic leasing
423 plan required under s. 255.249(3)(b).

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

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

427 ~~(b) Appoint a statewide telecommuting coordinator to~~
428 ~~provide technical assistance to state agencies and to promote~~
429 ~~telecommuting in state government.~~

430 ~~(c) Identify state employees who are participating in a~~
431 ~~telecommuting program and their job classifications through the~~
432 ~~state personnel payroll information subsystem created under s.~~
433 ~~110.116.~~

434 ~~(3) By September 30, 2009, each state agency shall identify~~
435 ~~and maintain a current listing of the job classifications and~~
436 ~~positions that the agency considers appropriate for~~
437 ~~telecommuting. Agencies that adopt a state employee~~
438 ~~telecommuting program must:~~

439 ~~(a) Give equal consideration to career service and exempt~~
440 ~~positions in their selection of employees to participate in the~~
441 ~~telecommuting program.~~

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

445 ~~(c) Provide that participation by an employee in a~~
446 ~~telecommuting program is voluntary, and that the employee may~~
447 ~~elect to cease to participate in a telecommuting program at any~~
448 ~~time.~~



617530

449 ~~(d) Adopt provisions to allow for the termination of an~~
450 ~~employee's participation in the program if the employee's~~
451 ~~continued participation would not be in the best interests of~~
452 ~~the agency.~~

453 ~~(e) Provide that an employee is not currently under a~~
454 ~~performance improvement plan in order to participate in the~~
455 ~~program.~~

456 ~~(f) Ensure that employees participating in the program are~~
457 ~~subject to the same rules regarding attendance, leave,~~
458 ~~performance reviews, and separation action as are other~~
459 ~~employees.~~

460 ~~(g) Establish the reasonable conditions that the agency~~
461 ~~plans to impose in order to ensure the appropriate use and~~
462 ~~maintenance of any equipment or items provided for use at a~~
463 ~~participating employee's home or other place apart from the~~
464 ~~employee's usual place of work, including the installation and~~
465 ~~maintenance of any telephone equipment and ongoing~~
466 ~~communications costs at the telecommuting site which is to be~~
467 ~~used for official use only.~~

468 ~~(h) Prohibit state maintenance of an employee's personal~~
469 ~~equipment used in telecommuting, including any liability for~~
470 ~~personal equipment and costs for personal utility expenses~~
471 ~~associated with telecommuting.~~

472 ~~(i) Describe the security controls that the agency~~
473 ~~considers appropriate.~~

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

477 ~~(k) Prohibit employees engaged in a telecommuting program~~



617530

478 ~~from conducting face-to-face state business at the homesite.~~

479 ~~(1) Require a written agreement that specifies the terms~~
480 ~~and conditions of telecommuting, which includes verification by~~
481 ~~the employee that the home office provides work space that is~~
482 ~~free of safety and fire hazards, together with an agreement~~
483 ~~which holds the state harmless against any and all claims,~~
484 ~~excluding workers' compensation claims, resulting from an~~
485 ~~employee working in the home office, and which must be signed~~
486 ~~and agreed to by the telecommuter and the supervisor.~~

487 ~~(m) Provide measurable financial benefits associated with~~
488 ~~reduced office space requirements, reductions in energy~~
489 ~~consumption, and reductions in associated emissions of~~
490 ~~greenhouse gases resulting from telecommuting. State agencies~~
491 ~~operating in office space owned or managed by the department~~
492 ~~shall consult the facilities program to ensure its consistency~~
493 ~~with the strategic leasing plan required under s. 255.249(3)(b).~~

494 ~~(8)(4) Agencies that have a telework~~ The telecommuting
495 ~~program for each state agency and pertinent supporting documents~~
496 ~~shall post the agency telework plan and any pertinent supporting~~
497 ~~documents be posted on the agency's Internet website to allow~~
498 ~~access by employees and the public.~~

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

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

504 110.181 Florida State Employees' Charitable Campaign.—

505 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

506 (b) State officers' and employees' contributions toward the



617530

507 Florida State Employees' Charitable Campaign must be entirely
508 voluntary. State officers and employees must designate a
509 charitable organization to receive such contributions.

510 (2) SELECTION OF FISCAL AGENTS; COST.-

511 ~~(d) A local steering committee shall be established in each~~
512 ~~fiscal agent area to assist in conducting the campaign and to~~
513 ~~direct the distribution of undesignated funds remaining after~~
514 ~~partial distribution pursuant to paragraph (c). The committee~~
515 ~~shall be composed of state employees selected by the fiscal~~
516 ~~agent from among recommendations provided by interested~~
517 ~~participating organizations, if any, and approved by the~~
518 ~~Statewide Steering Committee.~~

519 ~~(e) Participating charitable organizations that provide~~
520 ~~direct services in a local fiscal agent's area shall receive the~~
521 ~~same percentage of undesignated funds as the percentage of~~
522 ~~designated funds they receive. The undesignated funds remaining~~
523 ~~following allocation to these charitable organizations shall be~~
524 ~~distributed by the local steering committee.~~

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

528 110.2035 Classification and compensation program.-

529 (6) The department shall establish and maintain an
530 equitable pay plan applicable to all occupations and ~~shall~~ be
531 responsible for the overall review, coordination, and
532 administration of the pay plan.

533 (a) The department shall provide for broad, market-based
534 pay bands for occupations and shall establish guidelines for the
535 employing agencies to move employees through these pay bands.



617530

536 The employing agencies may determine the appropriate salary
537 within the pay bands and guidelines adopted by the department.
538 Such pay bands, and the assignment of broadband levels to
539 positions, are ~~shall~~ not constitute rules within the meaning of
540 s. 120.52.

541 (b) The department, in consultation with the Executive
542 Office of the Governor and the legislative appropriations
543 committees, shall conduct wage and salary surveys as necessary
544 for the purpose of achieving ~~the goal of~~ an equitable,
545 competitive, market-based pay policy.

546 (7)(e) The department shall establish rules for the
547 administration of pay additives, by rule, guidelines with
548 respect to, and shall delegate to the employing agencies, if
549 where appropriate, the authority to implement pay additives. The
550 agency shall use pay additives, as appropriate, within the
551 guidelines established by the department and consistent with
552 directions contained in the General Appropriations Act.
553 ~~administer~~

554 (a) The following pay additives are authorized:

- 555 1. Shift differentials.
- 556 2. On call ~~On-call fees.~~
- 557 3. Hazardous duties ~~Hazardous-duty pay.~~
- 558 4. ~~Salary increase and decrease corrections.~~
- 559 4.5. Lead-worker duties ~~Lead-worker pay.~~
- 560 5.6. ~~Temporary special duties - general pay.~~
- 561 6. Temporary special duties - absent coworker.
- 562 7. Trainer duties ~~Trainer-additive pay.~~
- 563 8. Competitive area differentials.
- 564 9. Critical market pay.



617530

565 (b) Each state agency shall include in its annual
566 legislative budget request a proposed written plan for
567 implementing temporary special duties - general pay additives
568 during the next fiscal year. Proposed revisions to an approved
569 plan which become necessary during the fiscal year must be
570 submitted by the agency to the department for review and
571 recommendation to the Executive Office of the Governor. Such
572 revisions may be implemented only after approval by the
573 Executive Office of the Governor. A proposed revision is an
574 action that is subject to s. 216.177.

575 (c) A new competitive area differential or a new critical
576 market pay additive may not be implemented unless the department
577 has reviewed and recommended such action and the Legislature has
578 provided express authority to implement such action. This
579 applies to an increase in the level of competitive area
580 differentials or critical market pay additives, and to the
581 initial establishment and implementation of a competitive area
582 differential or critical market pay additive not in effect as of
583 January 1, 2012.

584 (d) An agency may implement shift differential additives,
585 on-call additives, hazardous duty additives, lead-worker
586 additives, temporary special duty - absent coworker additives,
587 and trainer duty additives as necessary to accomplish the
588 agency's mission and in accordance with department rules,
589 instructions contained in the General Appropriations Act, and
590 applicable collective bargaining agreements.

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



617530

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

596
597 ~~The employing agency must use such pay additives as are~~
598 ~~appropriate within the guidelines established by the department~~
599 ~~and consistent with the directions of the Legislature contained~~
600 ~~in the General Appropriations Act. The employing agency shall~~
601 ~~advise the department, the Executive Office of the Governor, and~~
602 ~~the Legislature in writing of the plan for implementing such pay~~
603 ~~additives prior to the implementation date. An agency may not~~
604 ~~implement any pay additive to a cohort of positions sharing job~~
605 ~~classifications or job occupations unless the Legislature has~~
606 ~~specifically authorized such pay additives and such pay~~
607 ~~additives do not conflict with any collective bargaining~~
608 ~~agreement for that specific cohort of positions. Any action by~~
609 ~~an employing agency to implement temporary special duties pay,~~
610 ~~competitive area differentials, or critical market pay may be~~
611 ~~implemented only after the department has reviewed and~~
612 ~~recommended such action; however, an employing agency may use~~
613 ~~temporary special duties pay for up to 3 months without prior~~
614 ~~review by the department. The department shall annually provide~~
615 ~~to the Executive Office of the Governor and the Legislature a~~
616 ~~summary report of the pay additives implemented pursuant to this~~
617 ~~section.~~

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

620 110.205 Career service; exemptions.—

621 ~~(7) CARRYING LEAVE FORWARD. If an employee is transferred~~
622 ~~or otherwise moves from the Career Service System into the~~



617530

623 ~~Selected Exempt Service, all of the employee's unused annual~~
624 ~~leave, unused sick leave, and unused compensatory leave shall~~
625 ~~carry forward with the employee.~~

626 Section 12. Section 110.217, Florida Statutes, is amended
627 to read:

628 110.217 Appointment actions and status ~~Appointments and~~
629 ~~promotion.~~

630 (1) ~~(a) The department, in consultation with agencies that~~
631 ~~must comply with these rules,~~ shall develop uniform rules
632 regarding original appointment, promotion, demotion,
633 reassignment, lateral action, separation, and status that ~~which~~
634 must be used by state ~~employing~~ agencies. ~~Such rules must be~~
635 ~~approved by the Administration Commission before their adoption~~
636 ~~by the department.~~

637 (2) An employee appointed on probationary status shall
638 attain permanent status in his or her current position upon
639 successful completion of at least a 1-year probationary period.
640 The length of the probationary period may not exceed 18 months.
641 An employee who has not attained permanent status in his or her
642 current position serves at the pleasure of the agency head and
643 may be dismissed at the discretion of the agency head.

644 (3) If an employee who has received an internal agency
645 promotion from a position in which the employee held permanent
646 status is to be dismissed from the promotional position for
647 failure to meet the established performance standards of the
648 promotional position while in probationary status, the agency,
649 before dismissal, shall return the employee to his or her former
650 position, or to a position with substantially similar duties and
651 responsibilities as the former position, if such a position is



617530

652 vacant. Such determinations by an agency are not appealable, and
653 this subsection does not apply to dismissals for any other
654 reason.

655 ~~(b) Employing agencies may seek exceptions to these uniform~~
656 ~~rules by filing a petition with the Administration Commission.~~
657 ~~The Administration Commission shall approve an exception when~~
658 ~~the exception is necessary to conform to any requirement imposed~~
659 ~~as a condition precedent to receipt of federal funds or to~~
660 ~~permit persons in this state to receive tax benefits under~~
661 ~~federal law, or as required for the most efficient operation of~~
662 ~~the agency as determined by the Administration Commission. The~~
663 ~~reasons for the exception must be published in the Florida~~
664 ~~Administrative Weekly.~~

665 ~~(c) Agency rules that provide exceptions to the uniform~~
666 ~~rules may not be filed with the Department of State unless the~~
667 ~~Administration Commission has approved the exceptions. Each~~
668 ~~agency that adopts rules that provide exceptions to the uniform~~
669 ~~rules or that must comply with statutory requirements that~~
670 ~~conflict with the uniform rules must have a separate chapter~~
671 ~~published in the Florida Administrative Code that delineates~~
672 ~~clearly the provisions of the agency's rules which provide~~
673 ~~exceptions or are based upon a conflicting statutory~~
674 ~~requirement. Each alternative chosen from those authorized by~~
675 ~~the uniform rules must be specified. Each chapter must be~~
676 ~~organized in the same manner as the uniform rules.~~

677 ~~(2) Each employing agency shall have the responsibility for~~
678 ~~the establishment and maintenance of rules and guidelines for~~
679 ~~determining eligibility of applicants for appointment to~~
680 ~~positions in the career service.~~



617530

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

685 ~~(4) The employing agency shall be responsible for~~
686 ~~developing an employee career advancement program which shall~~
687 ~~assure consideration of qualified permanent employees in the~~
688 ~~agency or career service who apply. However, such program shall~~
689 ~~also include provisions to bring persons into the career service~~
690 ~~through open competition. Promotion appointments shall be~~
691 ~~subject to postaudit by the department.~~

692 ~~(5) The department shall adopt any rules necessary to~~
693 ~~implement the provisions of this section. The rules must be~~
694 ~~approved by a majority vote of the Administration Commission~~
695 ~~prior to their adoption by the department.~~

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

698 110.227 Suspensions, dismissals, reductions in pay,
699 demotions, layoffs, transfers, and grievances.-

700 ~~(8) A career service employee who is serving a probationary~~
701 ~~period in a position to which he or she has been promoted may be~~
702 ~~removed from that promotional position at any time during the~~
703 ~~probationary period but must be returned to his or her former~~
704 ~~position, or a comparable position, if such a position is~~
705 ~~vacant. If such a position is not available, before dismissal,~~
706 ~~the agency shall make a reasonable effort to retain the employee~~
707 ~~in another vacant position. This subsection does not apply to~~
708 ~~terminations for cause as described in subsection (1), nor does~~
709 ~~it create a right to "bump" an employee from an occupied~~



617530

710 ~~position as described in paragraph (2)(a).~~

711 Section 14. Paragraph (d) of subsection (3) of section
712 255.249, Florida Statutes, is amended to read:

713 255.249 Department of Management Services; responsibility;
714 department rules.-

715 (3)

716 (d) By June 30 of each year, each state agency shall
717 annually provide to the department all information regarding
718 agency programs affecting the need for or use of space by that
719 agency, reviews of lease-expiration schedules for each
720 geographic area, active and planned full-time equivalent data,
721 business case analyses related to consolidation plans by an
722 agency, a telework telecommuting program, and current occupancy
723 and relocation costs, inclusive of furnishings, fixtures and
724 equipment, data, and communications.

725 Section 15. Section 402.3057, Florida Statutes, is amended
726 to read:

727 402.3057 Persons not required to be refingerprinted or
728 rescreened.-Notwithstanding any other provision of law to the
729 ~~contrary notwithstanding~~, human resource personnel who have been
730 fingerprinted or screened pursuant to chapters 393, 394, 397,
731 402, and 409, and teachers and noninstructional personnel who
732 have been fingerprinted pursuant to chapter 1012, who have not
733 been unemployed for more than 90 days thereafter, and who under
734 the penalty of perjury attest to the completion of such
735 fingerprinting or screening and to compliance with the
736 provisions of this section and the standards for good moral
737 character as contained in ~~such provisions as~~ ss. 110.1127(2)(c)
738 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and



617530

739 409.175(6), may ~~shall~~ not be required to be refingerprinted or
740 rescreened in order to comply with any caretaker screening or
741 fingerprinting requirements.

742 Section 16. Section 409.1757, Florida Statutes, is amended
743 to read:

744 409.1757 Persons not required to be refingerprinted or
745 rescreened.—Notwithstanding any other provision of law to the
746 ~~contrary notwithstanding~~, human resource personnel who have been
747 fingerprinted or screened pursuant to chapters 393, 394, 397,
748 402, and this chapter, and teachers who have been fingerprinted
749 pursuant to chapter 1012, who have not been unemployed for more
750 than 90 days thereafter, and who under the penalty of perjury
751 attest to the completion of such fingerprinting or screening and
752 to compliance with the provisions of this section and the
753 standards for good moral character as contained in such
754 provisions as ss. 110.1127(2)(c) ~~110.1127(3)~~, 393.0655(1),
755 394.457(6), 397.451, 402.305(2), and 409.175(6), may ~~shall~~ not
756 ~~be~~ required to be refingerprinted or rescreened in order to
757 comply with any caretaker screening or fingerprinting
758 requirements.

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

761 413.20 Definitions.—As used in this part, the term:

762 (9) "Employment outcome" means, with respect to an
763 individual, entering or retaining full-time or, if appropriate,
764 part-time competitive employment in the integrated labor market
765 to the greatest extent practicable, supported employment, or any
766 other type of employment, including self-employment, telework
767 ~~telecommuting~~, or business ownership, that is consistent with an



617530

768 individual's strengths, resources, priorities, concerns,
769 abilities, capabilities, interests, and informed choice.

770 Section 18. Paragraph (a) of subsection (4) of section
771 943.0585, Florida Statutes, is amended to read:

772 943.0585 Court-ordered expunction of criminal history
773 records.—The courts of this state have jurisdiction over their
774 own procedures, including the maintenance, expunction, and
775 correction of judicial records containing criminal history
776 information to the extent such procedures are not inconsistent
777 with the conditions, responsibilities, and duties established by
778 this section. Any court of competent jurisdiction may order a
779 criminal justice agency to expunge the criminal history record
780 of a minor or an adult who complies with the requirements of
781 this section. The court shall not order a criminal justice
782 agency to expunge a criminal history record until the person
783 seeking to expunge a criminal history record has applied for and
784 received a certificate of eligibility for expunction pursuant to
785 subsection (2). A criminal history record that relates to a
786 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
787 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
788 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
789 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
790 any violation specified as a predicate offense for registration
791 as a sexual predator pursuant to s. 775.21, without regard to
792 whether that offense alone is sufficient to require such
793 registration, or for registration as a sexual offender pursuant
794 to s. 943.0435, may not be expunged, without regard to whether
795 adjudication was withheld, if the defendant was found guilty of
796 or pled guilty or nolo contendere to the offense, or if the



617530

797 defendant, as a minor, was found to have committed, or pled
798 guilty or nolo contendere to committing, the offense as a
799 delinquent act. The court may only order expunction of a
800 criminal history record pertaining to one arrest or one incident
801 of alleged criminal activity, except as provided in this
802 section. The court may, at its sole discretion, order the
803 expunction of a criminal history record pertaining to more than
804 one arrest if the additional arrests directly relate to the
805 original arrest. If the court intends to order the expunction of
806 records pertaining to such additional arrests, such intent must
807 be specified in the order. A criminal justice agency may not
808 expunge any record pertaining to such additional arrests if the
809 order to expunge does not articulate the intention of the court
810 to expunge a record pertaining to more than one arrest. This
811 section does not prevent the court from ordering the expunction
812 of only a portion of a criminal history record pertaining to one
813 arrest or one incident of alleged criminal activity.

814 Notwithstanding any law to the contrary, a criminal justice
815 agency may comply with laws, court orders, and official requests
816 of other jurisdictions relating to expunction, correction, or
817 confidential handling of criminal history records or information
818 derived therefrom. This section does not confer any right to the
819 expunction of any criminal history record, and any request for
820 expunction of a criminal history record may be denied at the
821 sole discretion of the court.

822 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
823 criminal history record of a minor or an adult which is ordered
824 expunged by a court of competent jurisdiction pursuant to this
825 section must be physically destroyed or obliterated by any



617530

826 criminal justice agency having custody of such record; except
827 that any criminal history record in the custody of the
828 department must be retained in all cases. A criminal history
829 record ordered expunged that is retained by the department is
830 confidential and exempt from the provisions of s. 119.07(1) and
831 s. 24(a), Art. I of the State Constitution and not available to
832 any person or entity except upon order of a court of competent
833 jurisdiction. A criminal justice agency may retain a notation
834 indicating compliance with an order to expunge.

835 (a) The person who is the subject of a criminal history
836 record that is expunged under this section or under other
837 provisions of law, including former s. 893.14, former s. 901.33,
838 and former s. 943.058, may lawfully deny or fail to acknowledge
839 the arrests covered by the expunged record, unless ~~except when~~
840 the subject of the record:

- 841 1. Is a candidate for employment with a criminal justice
842 agency;
- 843 2. Is a defendant in a criminal prosecution;
- 844 3. Concurrently or subsequently petitions for relief under
845 this section or s. 943.059;
- 846 4. Is a candidate for admission to The Florida Bar;
- 847 5. Is seeking to be employed or licensed by or to contract
848 with the Department of Children and Family Services, the Agency
849 for Health Care Administration, the Agency for Persons with
850 Disabilities, or the Department of Juvenile Justice or to be
851 employed or used by such contractor or licensee in a sensitive
852 position having direct contact with children, the
853 developmentally disabled, the aged, or the elderly as provided
854 in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.



617530

855 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
856 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter
857 429;

858 6. Is seeking to be employed or licensed by the Department
859 of Education, any district school board, any university
860 laboratory school, any charter school, any private or parochial
861 school, or any local governmental entity that licenses child
862 care facilities; or

863 7. Is seeking authorization from a seaport listed in s.
864 311.09 for employment within or access to one or more of such
865 seaports pursuant to s. 311.12.

866 Section 19. Paragraph (a) of subsection (4) of section
867 943.059, Florida Statutes, is amended to read:

868 943.059 Court-ordered sealing of criminal history records.—
869 The courts of this state shall continue to have jurisdiction
870 over their own procedures, including the maintenance, sealing,
871 and correction of judicial records containing criminal history
872 information to the extent such procedures are not inconsistent
873 with the conditions, responsibilities, and duties established by
874 this section. Any court of competent jurisdiction may order a
875 criminal justice agency to seal the criminal history record of a
876 minor or an adult who complies with the requirements of this
877 section. The court shall not order a criminal justice agency to
878 seal a criminal history record until the person seeking to seal
879 a criminal history record has applied for and received a
880 certificate of eligibility for sealing pursuant to subsection
881 (2). A criminal history record that relates to a violation of s.
882 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
883 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter



617530

884 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
885 916.1075, a violation enumerated in s. 907.041, or any violation
886 specified as a predicate offense for registration as a sexual
887 predator pursuant to s. 775.21, without regard to whether that
888 offense alone is sufficient to require such registration, or for
889 registration as a sexual offender pursuant to s. 943.0435, may
890 not be sealed, without regard to whether adjudication was
891 withheld, if the defendant was found guilty of or pled guilty or
892 nolo contendere to the offense, or if the defendant, as a minor,
893 was found to have committed or pled guilty or nolo contendere to
894 committing the offense as a delinquent act. The court may only
895 order sealing of a criminal history record pertaining to one
896 arrest or one incident of alleged criminal activity, except as
897 provided in this section. The court may, at its sole discretion,
898 order the sealing of a criminal history record pertaining to
899 more than one arrest if the additional arrests directly relate
900 to the original arrest. If the court intends to order the
901 sealing of records pertaining to such additional arrests, such
902 intent must be specified in the order. A criminal justice agency
903 may not seal any record pertaining to such additional arrests if
904 the order to seal does not articulate the intention of the court
905 to seal records pertaining to more than one arrest. This section
906 does not prevent the court from ordering the sealing of only a
907 portion of a criminal history record pertaining to one arrest or
908 one incident of alleged criminal activity. Notwithstanding any
909 law to the contrary, a criminal justice agency may comply with
910 laws, court orders, and official requests of other jurisdictions
911 relating to sealing, correction, or confidential handling of
912 criminal history records or information derived therefrom. This



617530

913 section does not confer any right to the sealing of any criminal
914 history record, and any request for sealing a criminal history
915 record may be denied at the sole discretion of the court.

916 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
917 history record of a minor or an adult which is ordered sealed by
918 a court of competent jurisdiction pursuant to this section is
919 confidential and exempt from the provisions of s. 119.07(1) and
920 s. 24(a), Art. I of the State Constitution and is available only
921 to the person who is the subject of the record, to the subject's
922 attorney, to criminal justice agencies for their respective
923 criminal justice purposes, which include conducting a criminal
924 history background check for approval of firearms purchases or
925 transfers as authorized by state or federal law, to judges in
926 the state courts system for the purpose of assisting them in
927 their case-related decisionmaking responsibilities, as set forth
928 in s. 943.053(5), or to those entities set forth in
929 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
930 licensing, access authorization, and employment purposes.

931 (a) The subject of a criminal history record sealed under
932 this section or under other provisions of law, including former
933 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
934 deny or fail to acknowledge the arrests covered by the sealed
935 record, unless ~~except when~~ the subject of the record:

- 936 1. Is a candidate for employment with a criminal justice
937 agency;
- 938 2. Is a defendant in a criminal prosecution;
- 939 3. Concurrently or subsequently petitions for relief under
940 this section or s. 943.0585;
- 941 4. Is a candidate for admission to The Florida Bar;



617530

942 5. Is seeking to be employed or licensed by or to contract
943 with the Department of Children and Family Services, the Agency
944 for Health Care Administration, the Agency for Persons with
945 Disabilities, or the Department of Juvenile Justice or to be
946 employed or used by such contractor or licensee in a sensitive
947 position having direct contact with children, the
948 developmentally disabled, the aged, or the elderly as provided
949 in s. 110.1127(2)(c) ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
950 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
951 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or
952 chapter 429;

953 6. Is seeking to be employed or licensed by the Department
954 of Education, any district school board, any university
955 laboratory school, any charter school, any private or parochial
956 school, or any local governmental entity that licenses child
957 care facilities;

958 7. Is attempting to purchase a firearm from a licensed
959 importer, licensed manufacturer, or licensed dealer and is
960 subject to a criminal history check under state or federal law;
961 or

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

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

966
967 ===== T I T L E A M E N D M E N T =====

968 And the title is amended as follows:

969 Delete everything before the enacting clause
970 and insert:



617530

971 A bill to be entitled
972 An act relating to state employment; amending s.
973 110.105, F.S.; revising the employment policy of the
974 state system of personnel management; amending s.
975 110.1127, F.S.; revising provisions relating to
976 employee background screening; amending s. 110.119,
977 F.S.; revising provisions relating to administrative
978 leave for a service-connected disability; amending s.
979 110.1225, F.S.; revising provisions relating to agency
980 furloughs; amending s. 110.126, F.S.; revising
981 provisions relating to the authority of the Department
982 of Management Services to administer oaths; amending
983 s. 110.131, F.S.; revising the duties of state
984 agencies with respect to the employment of other-
985 personal-services employees; providing reporting
986 requirements; amending s. 110.1315, F.S.; revising
987 provisions relating to alternative retirement benefits
988 for other-personal-services employees; requiring the
989 Department of Financial Services to provide for,
990 rather than authorizing the Department of Management
991 Services to contract for the implementation of, an
992 alternative retirement income security program;
993 authorizing the Department of Financial Services,
994 rather than the Department of Management Services, to
995 contract with a private vendor to administer the
996 program and to develop a request for proposals and
997 solicit vendors; authorizing the Department of
998 Financial Services to adopt rules; amending s.
999 110.171, F.S.; revising provisions relating to state



617530

1000 employee telecommuting; providing for a telework
1001 program; providing program requirements for agencies
1002 and employees; amending s. 110.181, F.S.; revising
1003 provisions relating to the Florida State Employees'
1004 Charitable Campaign; requiring state officers and
1005 employees to designate a charitable organization to
1006 receive certain charitable contributions; deleting
1007 provisions relating to the establishment of local
1008 steering committees and the distribution of funds;
1009 amending s. 110.2035, F.S.; revising provisions
1010 relating to pay additives; amending s. 110.205, F.S.;;
1011 deleting a provision that allows career service
1012 employees to retain annual leave, sick leave, and
1013 compensatory leave credits upon appointment to a
1014 selected exempt position; amending s. 110.217, F.S.;;
1015 revising provisions relating to a change in an
1016 employee's position status; amending s. 110.227, F.S.;;
1017 deleting requirements for an agency that removes from
1018 a promotional position a career service employee who
1019 is serving a probationary period in such position to
1020 return such employee to the employee's former position
1021 or a comparable position, if such a position is
1022 vacant; amending ss. 255.249, 402.3057, 409.1757,
1023 413.20, 943.0585, and 943.059, F.S.;; conforming
1024 provisions and cross-references; providing an
1025 effective date.