

By the Committees on Governmental Oversight and Accountability;  
and Governmental Oversight and Accountability

585-03095-12

20122084c1

1                                   A bill to be entitled  
2           An act relating to state employment; providing  
3           directives to the Division of Statutory Revision;  
4           amending s. 110.105, F.S.; revising provisions  
5           relating to the establishment of the State Personnel  
6           System; transferring, renumbering, reordering, and  
7           amending s. 110.107, F.S.; revising definitions  
8           relating to ch. 110, F.S.; amending s. 110.1055, F.S.;  
9           revising the rulemaking authority of the Department of  
10          Management Services; creating s. 110.1056, F.S.;  
11          providing for agency audits to determine compliance  
12          with laws and rules; transferring, renumbering, and  
13          amending s. 110.405, F.S.; revising provisions  
14          relating to the appointment of ad hoc advisory  
15          committees; creating s. 110.1065, F.S.; providing the  
16          employment policies of the State Personnel System;  
17          authorizing the department to adopt rules;  
18          transferring, renumbering, and amending s. 110.233,  
19          F.S.; conforming provisions to changes made by the  
20          act; authorizing the department to adopt rules;  
21          amending s. 110.1099, F.S.; revising provisions  
22          relating to educational opportunities for employees;  
23          transferring, renumbering, and amending s. 110.235,  
24          F.S.; revising provisions relating to training  
25          employees; authorizing the department to adopt rules;  
26          amending s. 110.112, F.S.; revising provisions  
27          relating to equal employment opportunities;  
28          authorizing the department to adopt rules; creating s.  
29          110.1135, F.S.; requiring state agencies to keep

585-03095-12

20122084c1

30 accurate records of work performed and leave; amending  
31 s. 110.116, F.S.; revising provisions relating to  
32 maintaining human resource information; authorizing  
33 the department to adopt rules; amending s. 110.1245,  
34 F.S.; revising provisions relating to bonuses and  
35 other awards; authorizing the department to adopt  
36 rules; amending s. 110.125, F.S.; revising provisions  
37 relating to payment for the administrative costs of  
38 operating the personnel program; authorizing the  
39 department to adopt rules; amending s. 110.126, F.S.;  
40 revising provisions relating to the department's  
41 authority to administer oaths; authorizing the  
42 department to adopt rules; amending s. 110.127, F.S.;  
43 revising provisions relating to penalties; authorizing  
44 the department to adopt rules; transferring,  
45 renumbering, and amending s. 110.2037, F.S.; revising  
46 provisions relating to tax-sheltered and special  
47 compensation benefits; authorizing the department to  
48 adopt rules; creating s. 110.183, F.S., consisting of  
49 provisions relating to collective bargaining  
50 discussions and providing a public records and public  
51 meetings exemption for those discussions which is  
52 currently contained in and transferred from s.  
53 110.201(4), F.S.; creating s. 110.184, F.S.; revising  
54 provisions relating to the department's annual  
55 workforce report; providing a directive to the  
56 Division of Statutory Revision; creating s. 110.202,  
57 F.S.; providing a declaration of policy with respect  
58 to the establishment of the Civil Service; amending s.

585-03095-12

20122084c1

59 110.205, F.S.; revising provisions relating to the  
60 list of positions that are exempted from the Civil  
61 Service; authorizing the department to adopt rules;  
62 creating s. 110.208, F.S.; providing for a uniform  
63 classification system for civil service positions;  
64 creating s. 110.2085, F.S.; providing a pay plan for  
65 civil service positions; authorizing the department to  
66 adopt rules; amending s. 110.211, F.S.; revising  
67 provisions relating to recruitment; authorizing the  
68 department to adopt rules; amending s. 110.213, F.S.;  
69 revising provisions relating to selecting a candidate  
70 for employment; authorizing the department to adopt  
71 rules; amending s. 110.2135, F.S.; revising provisions  
72 relating to veterans' preference; authorizing the  
73 department to adopt rules; amending s. 110.215, F.S.;  
74 revising provisions relating to employing persons with  
75 disabilities; authorizing the department to adopt  
76 rules; amending s. 110.217, F.S.; revising provisions  
77 relating to a change in an employee's position status;  
78 amending s. 110.219, F.S.; revising provisions  
79 relating to attendance and leave policies; amending s.  
80 110.221, F.S.; conforming provisions to changes made  
81 by the act; authorizing the department to adopt rules;  
82 amending s. 110.224, F.S.; revising provisions  
83 relating to employee evaluation; amending s. 110.227,  
84 F.S.; revising provisions relating to employee  
85 grievances; authorizing the department to adopt rules;  
86 providing a directive to the Division of Statutory  
87 Revision; transferring, renumbering, and amending s.

585-03095-12

20122084c1

88 110.601, F.S.; revising provisions relating to  
89 selected exempt service policy; transferring,  
90 renumbering, and amending s. 110.602, F.S.; revising  
91 provisions relating to the creation of the Selected  
92 Exempt Service; transferring, renumbering, and  
93 amending s. 110.605, F.S.; revising provisions  
94 relating to the powers and duties of the department;  
95 creating s. 110.3023, F.S.; providing for the  
96 recruitment of selected exempt service staff;  
97 providing a directive to the Division of Statutory  
98 Revision; amending s. 110.401, F.S.; revising  
99 provisions relating to policies for senior management  
100 employees; amending s. 110.402, F.S.; revising  
101 provisions relating to the establishment of the Senior  
102 Management Service; amending s. 110.403, F.S.;;  
103 revising provisions relating to the duties of the  
104 department with respect to the Senior Management  
105 Service; creating s. 110.4035, F.S.; providing  
106 recruitment requirements for senior management service  
107 employees; providing a directive to the Division of  
108 Statutory Revision; creating s. 112.906, F.S.;;  
109 providing definitions for part IX of ch. 112, F.S.,  
110 relating to state employment; transferring,  
111 renumbering, and amending s. 110.131, F.S.; revising  
112 the duties of state agencies with respect to the  
113 employment of personal services employees; authorizing  
114 state agencies having rulemaking authority with  
115 respect to the conditions of employment to adopt  
116 rules; transferring, renumbering and amending s.

585-03095-12

20122084c1

117 110.1315, F.S.; revising a provision relating to other  
118 personal service employment; authorizing the  
119 Department of Financial Services to adopt rules;  
120 transferring and renumbering s. 110.1128, F.S.,  
121 relating to selective service registration; creating  
122 s. 112.910, F.S.; providing for equal employment  
123 opportunity; creating s. 112.911, F.S.; providing for  
124 nondiscrimination in employment; transferring,  
125 renumbering, and amending s. 110.1221, F.S.; revising  
126 provisions relating to the state sexual harassment  
127 policy; transferring, renumbering, and amending s.  
128 110.122, F.S.; revising provisions relating to payment  
129 for sick leave; transferring, renumbering, and  
130 amending s. 110.121, F.S.; revising provisions  
131 relating to the sick leave pool; transferring,  
132 renumbering, and amending s. 110.119, F.S.; revising  
133 provisions relating to administrative leave for a  
134 service-connected disability; transferring,  
135 renumbering, and amending ss. 110.120 and 110.1091,  
136 F.S.; conforming provisions to changes made by the  
137 act; transferring, renumbering, and amending s.  
138 110.151, F.S.; revising provisions relating to child  
139 care services provided by a state agency; transferring  
140 and renumbering s. 110.181, F.S., relating to the  
141 Florida State Employees' Charitable Campaign;  
142 transferring, renumbering, and amending s. 110.1225,  
143 F.S.; revising provisions relating to agency  
144 furloughs; transferring and renumbering s. 110.1155,  
145 F.S., relating to travel to certain countries lacking

585-03095-12

20122084c1

146 diplomatic relations with the United States;  
147 transferring, renumbering, and amending s. 110.191,  
148 F.S.; revising provisions relating to state employee  
149 leasing; transferring, renumbering, and amending s.  
150 110.1082, F.S.; revising provisions related to  
151 telephone use; transferring, renumbering, and amending  
152 s. 110.1165, F.S.; revising provisions relating to  
153 executive branch personnel errors; transferring,  
154 renumbering, and amending s. 110.113, F.S.; revising  
155 provisions relating to pay periods; requiring state  
156 employees to participate in the direct deposit  
157 program; transferring and renumbering s. 110.114,  
158 F.S., relating to employee wage deductions; creating  
159 s. 112.927, F.S.; authorizing the department to use  
160 its human resource information system for resource  
161 functionality; transferring, renumbering, and amending  
162 s. 110.1127, F.S.; revising provisions relating to  
163 background screening; transferring, renumbering, and  
164 amending s. 110.117, F.S.; revising provisions  
165 relating to an employee's personal holiday; creating  
166 s. 112.930, F.S.; providing a telework program;  
167 creating s. 112.931, F.S.; providing requirements for  
168 the savings sharing program; transferring and,  
169 renumbering s. 110.1156, F.S., relating to the export  
170 of goods to countries that support terrorism; creating  
171 s. 112.933, F.S.; providing penalties for violations  
172 relating to state employment; providing a directive to  
173 the Division of Statutory Revision; transferring,  
174 renumbering, and amending s. 110.1227, F.S.;

585-03095-12

20122084c1

175 conforming a cross-reference; transferring,  
176 renumbering, and amending s. 110.1228, F.S.;

177 conforming a cross-reference; transferring,  
178 renumbering, and amending s. 110.123, F.S., relating  
179 to the state group insurance program; conforming  
180 terminology and making editorial changes;

181 transferring, renumbering, and amending s. 110.12301,  
182 F.S.; conforming a cross-reference; transferring and  
183 renumbering s. 110.12302, F.S., relating to costing  
184 options for state group insurance plans; transferring,  
185 renumbering, and amending s. 110.12312, F.S.;

186 conforming cross-references; transferring and  
187 renumbering s. 110.12315, F.S., relating to the state  
188 employees' prescription drug program; transferring,  
189 renumbering, and amending s. 110.1232, F.S.;

190 conforming cross-references; transferring and  
191 renumbering s. 110.1234, F.S., relating to health  
192 insurance for retirees under the Florida Retirement  
193 System; transferring and renumbering s. 110.1238,  
194 F.S., relating to state group health insurance plans;  
195 transferring and renumbering s. 110.1239, F.S.,  
196 relating to funding for the state group health  
197 insurance program; transferring, renumbering, and  
198 amending s. 110.161, F.S.; conforming a cross-  
199 reference; creating s. 112.952, F.S.; providing for  
200 penalties; providing a directive to the Division of  
201 Statutory Revision; transferring, renumbering, and  
202 amending s. 110.501, F.S.; revising definitions  
203 relating to state volunteer services; transferring,

585-03095-12

20122084c1

204 renumbering, and amending s. 110.502, F.S.; revising  
205 provisions relating to volunteer status; transferring,  
206 renumbering, and amending s. 110.503, F.S.; revising  
207 provisions relating to state agency responsibilities;  
208 transferring, renumbering, and amending s. 110.504,  
209 F.S.; revising provisions relating to volunteer  
210 benefits; creating s. 112.965, F.S.; providing for  
211 penalties; repealing s. 110.115, F.S., relating to  
212 employees of historical commissions; repealing s.  
213 110.118, F.S., relating to administrative leave for  
214 athletic competitions; repealing s. 110.124, F.S.,  
215 relating to the termination or transfer of employees  
216 65 years of age or older; repealing s. 110.129, F.S.,  
217 relating to technical personnel assistance to  
218 political subdivisions; repealing s. 110.1521, F.S.,  
219 relating to a short title; repealing s. 110.1522,  
220 F.S., relating to a model rule establishing family  
221 support personnel policies; repealing s. 110.1523,  
222 F.S., relating to the adoption of the model rule;  
223 repealing s. 110.171, F.S., relating to telecommuting;  
224 repealing s. 110.201, F.S., relating to personnel  
225 rules, records, and reports; repealing s. 110.2035,  
226 F.S., relating to the classification and compensation  
227 program for employment positions; repealing s. 110.21,  
228 F.S., relating to shared employment; repealing s.  
229 110.406, F.S., relating to senior management service  
230 data collection; repealing s. 110.603, F.S., relating  
231 to a classification plan and pay bands for selected  
232 exempt service positions; repealing s. 110.604, F.S.,

585-03095-12

20122084c1

233 relating to certain personnel actions for selected  
 234 exempt service employees; repealing s. 110.606, F.S.,  
 235 relating to selected exempt service data collection;  
 236 amending ss. 11.13, 20.055, 20.21, 20.23, 20.255,  
 237 24.105, 24.122, 30.071, 43.16, 104.31, 106.24,  
 238 112.044, 112.0805, 112.313, 112.3145, 112.363,  
 239 121.021, 121.051, 121.055, 121.35, 145.19, 216.011,  
 240 216.181, 260.0125, 287.175, 295.07, 295.09, 296.04,  
 241 296.34, 381.00315, 381.85, 394.47865, 402.3057,  
 242 402.55, 402.7305, 402.731, 409.1757, 409.9205, 414.37,  
 243 427.012, 440.102, 447.203, 447.207, 447.209, 447.401,  
 244 456.048, 551.116, 570.07, 601.10, 624.307, 624.437,  
 245 627.6488, 627.649, 627.6498, 627.6617, 627.6686,  
 246 849.086, 943.0585, 943.059, 945.043, 946.525, 985.045,  
 247 1001.705, 1001.706, 1001.74, 1002.36, 1012.62,  
 248 1012.79, 1012.88, and 1012.96 F.S.; conforming  
 249 provisions to changes made by the act; providing an  
 250 effective date.

251  
 252 Be It Enacted by the Legislature of the State of Florida:

253  
 254 Section 1. The Division of Statutory Revision is requested  
 255 to rename chapter 110, Florida Statutes, as "State Personnel  
 256 System."

257 Section 2. The Division of Statutory Revision is requested  
 258 to rename part I of chapter 110, Florida Statutes, as "General  
 259 Provisions."

260 Section 3. Section 110.105, Florida Statutes, is amended to  
 261 read:

585-03095-12

20122084c1

262           110.105 Establishment of the State Personnel System263 ~~Employment policy of the state.-~~

264           (1) ~~It is~~ The purpose of this chapter is to establish the  
265 State Personnel a System of personnel management. ~~The This~~  
266 system shall provide a means for maintaining ~~to recruit, select,~~  
267 ~~train, develop, and maintain~~ an effective and responsible  
268 workforce and include ~~shall include~~ policies, and procedures,  
269 and guidelines for employee hiring and advancement, training and  
270 career development, position classification, salary  
271 administration, benefits, attendance and leave, discipline,  
272 dismissal ~~discharge,~~ employee performance evaluations,  
273 affirmative action, and other related activities.

274           (2) ~~All appointments, terminations, assignments and~~  
275 ~~maintenance of status, compensation, privileges, and other terms~~  
276 ~~and conditions of employment in state government shall be made~~  
277 ~~without regard to age, sex, race, religion, national origin,~~  
278 ~~political affiliation, marital status, or handicap, except when~~  
279 ~~a specific sex, age, or physical requirement constitutes a bona~~  
280 ~~fide occupational qualification necessary to proper and~~  
281 ~~efficient administration.~~

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

286           (2)(4) This chapter contains the requirements and ~~guides~~  
287 for establishing and maintaining a system of personnel  
288 administration on a merit basis. The system ~~of personnel~~  
289 ~~administration~~ shall be implemented so as to ensure that the  
290 ~~permit~~ state agencies participating in the State Personnel

585-03095-12

20122084c1

291 System are ~~to be~~ eligible for ~~to receive~~ federal funds.

292 ~~(3)-(5) Nothing in This chapter does not shall be construed~~  
293 ~~either to~~ infringe upon or ~~to~~ supersede the rights guaranteed to  
294 public employees under chapter 447.

295 Section 4. Section 110.107, Florida Statutes, is  
296 transferred, renumbered as section 110.1054, Florida Statutes,  
297 reordered, and amended to read:

298 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the  
299 term:

300 ~~(5)-(1)~~ "Department" means the Department of Management  
301 Services.

302 ~~(30)-(2)~~ "Secretary" means the Secretary of Management  
303 Services.

304 ~~(3) "Furlough" means a temporary reduction in the regular~~  
305 ~~hours of employment in a pay period, or temporary leave without~~  
306 ~~pay for one or more pay periods, with a commensurate reduction~~  
307 ~~in pay, necessitated by a projected deficit in any fund that~~  
308 ~~supports salary and benefit appropriations. The deficit must be~~  
309 ~~projected by the Revenue Estimating Conference pursuant to s.~~  
310 ~~216.136(3).~~

311 ~~(31)-(4)~~ "State agency" or "agency" means any entity within  
312 the State Personnel System ~~official, officer, commission, board,~~  
313 ~~authority, council, committee, or department of the executive~~  
314 ~~branch or the judicial branch of state government as defined in~~  
315 ~~chapter 216.~~

316 ~~(32)~~ "State employee" or "employee" means an employee of a  
317 state agency.

318 ~~(33)~~ "State Personnel System" means the system of personnel  
319 administration for authorized civil service, selected exempt

585-03095-12

20122084c1

320 service, and senior management service positions and other  
321 personal services employment within the following state agencies  
322 and organizational units of such agencies as specified by law:

323 (a) Agency for Enterprise Information Technology.

324 (b) Agency for Health Care Administration.

325 (c) Agency for Persons with Disabilities.

326 (d) Department of Agriculture and Consumer Services.

327 (e) Department of Business and Professional Regulation.

328 (f) Department of Children and Family Services.

329 (g) Department of Citrus.

330 (h) Department of Corrections.

331 (i) Department of Economic Opportunity.

332 (j) Department of Education.

333 (k) Department of Elderly Affairs.

334 (l) Department of Environmental Protection.

335 (m) Department of Financial Services.

336 (n) Department of Health.

337 (o) Department of Highway Safety and Motor Vehicles.

338 (p) Department of Juvenile Justice.

339 (q) Department of Law Enforcement.

340 (r) Department of Legal Affairs.

341 (s) Department of Management Services.

342 (t) Department of Military Affairs.

343 (u) Department of Revenue.

344 (v) Department of State.

345 (w) Department of Transportation.

346 (x) Department of Veterans' Affairs.

347 (y) Executive Office of the Governor.

348 (z) Fish and Wildlife Conservation Commission.

585-03095-12

20122084c1

349 (aa) Florida Public Service Commission.

350 (bb) Florida School for the Deaf and the Blind.

351 (cc) Parole Commission.

352 ~~(22)(5)~~ "Position" means the work, consisting of duties and  
353 responsibilities, ~~assigned to be~~ performed by an officer or  
354 employee.

355 (23) "Position description" means the document that  
356 accurately describes the assigned duties, responsibilities, and  
357 other pertinent information, including licensure, certification,  
358 or registration requirements, of a position and that serves as  
359 the official record of the work and other requirements of the  
360 position.

361 ~~(10)(6)~~ "Full-time position" means a position authorized  
362 for the entire normally established work period, whether daily,  
363 weekly, monthly, or annually.

364 ~~(19)(7)~~ "Part-time position" means a position authorized  
365 for less than the entire normally established work period,  
366 whether daily, weekly, monthly, or annually.

367 ~~(16)(8)~~ "Occupation" means all positions that ~~which~~ are  
368 sufficiently similar in knowledge, skills, and abilities, and  
369 sufficiently similar as to kind or subject matter of work.

370 ~~(17)(9)~~ "Occupational group" means a group of occupations  
371 which are sufficiently similar in the kind of work performed to  
372 warrant the use of the same performance factors in determining  
373 the level of complexity for all occupations in that occupational  
374 group.

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

377 ~~(3)(10)~~ "Classification system plan" means a formal

585-03095-12

20122084c1

378 description of the concepts, rules, job family definitions,  
379 occupational group characteristics, ~~and~~ occupational profiles,  
380 and broadband levels used to classify in the classification of  
381 positions.

382 (21)~~(11)~~ "Pay plan" means a formal description of the  
383 philosophy, methods, procedures, and salary schedules for  
384 competitively compensating employees at market-based rates for  
385 work performed.

386 (29)~~(12)~~ "Salary schedule" means an official document that  
387 ~~which~~ contains a complete list of occupation titles, broadband  
388 level codes, ~~and~~ pay bands, and other related information.

389 (1)~~(13)~~ "Authorized position" means a position included in  
390 an approved budget. In counting the number of authorized  
391 positions, part-time positions may be converted to full-time  
392 equivalents.

393 (8)~~(14)~~ "Established position" means an authorized position  
394 that ~~which~~ has been classified in accordance with a  
395 classification system and pay plan as provided by law.

396 (24)~~(15)~~ "Position number" means the identification number  
397 assigned to an established position or other personal services  
398 employment position.

399 (28)~~(16)~~ "Reclassification" means changing an established  
400 position ~~in one broadband level in an occupational group~~ to a  
401 higher or lower broadband level within in the same occupation or  
402 changing an established position to a different occupation,  
403 either of which is the result of a change in the duties and  
404 responsibilities of the position ~~occupational group or to a~~  
405 ~~broadband level in a different occupational group.~~

406 (26)~~(17)~~ "Promotion" means moving a civil service employee

585-03095-12

20122084c1

407 to a higher broadband level within an occupation, or moving an  
408 employee to an occupation that has a broadband level having  
409 ~~changing the classification of an employee to a broadband level~~  
410 ~~having a higher maximum salary; or the changing of the~~  
411 ~~classification of an employee to a broadband level having the~~  
412 ~~same or a lower maximum salary but a higher level of~~  
413 ~~responsibility.~~

414 (4)~~(18)~~ "Demotion" means moving a civil service ~~changing~~  
415 ~~the classification of an~~ employee to a lower broadband level  
416 within an occupation, or moving an employee to an occupation  
417 that has a broadband level having a lower maximum salary; ~~or the~~  
418 ~~changing of the classification of an employee to a broadband~~  
419 ~~level having the same or a higher maximum salary but a lower~~  
420 ~~level of responsibility.~~

421 (35)~~(19)~~ "Transfer" means moving a civil service ~~an~~  
422 employee from one geographic location of the state to a  
423 different geographic location that is more than ~~in excess of~~ 50  
424 highway miles from the employee's current work location. The  
425 mileage shall be calculated using an official Department of  
426 Transportation map.

427 (27)~~(20)~~ "Reassignment" means moving a civil service ~~an~~  
428 employee from a position in an occupation to a position in the  
429 same occupation and ~~one~~ broadband level but which has different  
430 duties; or to a ~~different~~ position in a different occupation  
431 that has a the same broadband level with the same maximum  
432 salary; or to a position in the same occupation and ~~different~~  
433 broadband level regardless of the duties, but in a different  
434 agency having the same maximum salary.

435 (6)~~(21)~~ "Dismissal" means a disciplinary action taken by an

585-03095-12

20122084c1

436 agency pursuant to s. 110.227 against a civil service an  
437 employee which results ~~resulting~~ in the termination of his or  
438 her employment.

439 ~~(34)(22)~~ "Suspension" means a disciplinary action taken by  
440 an agency against a civil service employee pursuant to s.  
441 110.227 which ~~against an employee to~~ temporarily relieves  
442 ~~relieve~~ the employee of his or her duties and places ~~place~~ him  
443 or her on leave without pay.

444 ~~(14)(23)~~ "Layoff" means termination of employment due to a  
445 shortage of funds or work, or a material change in the duties or  
446 organization of an agency, including the outsourcing or  
447 privatization of an activity or function previously performed by  
448 civil ~~career~~ service employees.

449 (15) "Merit status" means the status attained by a civil  
450 service employee in his or her current position upon  
451 successfully completing the required probationary period by  
452 demonstrating competency in performing the duties and  
453 responsibilities of that position.

454 ~~(7)(24)~~ "Employing agency" means any agency authorized to  
455 employ personnel to carry out the responsibilities of the agency  
456 pursuant to ~~under the provisions of~~ chapter 20 or other law  
457 ~~statutory authority.~~

458 ~~(25)~~ "Shared employment" ~~means part-time career employment~~  
459 ~~whereby the duties and responsibilities of a full-time position~~  
460 ~~in the career service are divided among part-time employees who~~  
461 ~~are eligible for the position and who receive career service~~  
462 ~~benefits and wages pro rata. In no case shall "shared~~  
463 ~~employment" include the employment of persons paid from other-~~  
464 ~~personal services funds.~~

585-03095-12

20122084c1

465 ~~(9)(26)~~ "Firefighter" means a firefighter certified under  
466 chapter 633.

467 ~~(13)(27)~~ "Law enforcement or correctional officer" means a  
468 law enforcement officer, special agent, correctional officer,  
469 correctional probation officer, or institutional security  
470 specialist ~~required to be~~ certified under chapter 943.

471 ~~(25)(28)~~ "Professional health care provider" means  
472 registered nurses, physician's assistants, dentists,  
473 psychologists, nutritionists or dietitians, pharmacists,  
474 psychological specialists, physical therapists, and speech and  
475 hearing therapists.

476 ~~(11)(29)~~ "Job family" means a defined grouping of one or  
477 more similar occupational groups.

478 ~~(12)~~ "Lateral" means moving a civil service employee within  
479 an agency to a different position that is in the same  
480 occupation, that is at the same broadband level with the same  
481 maximum salary, and that has substantially the same duties and  
482 responsibilities.

483 ~~(20)(30)~~ "Pay band" means the minimum salary, the maximum  
484 salary, and intermediate rates that ~~which~~ are payable for work  
485 in a specific broadband level.

486 ~~(2)(31)~~ "Broadband level" means all positions that ~~which~~  
487 are sufficiently similar in knowledge, skills, and abilities;  
488 ~~the, and sufficiently similar as to~~ kind or subject matter of  
489 work; ~~the,~~ level of difficulty or responsibility;  
490 ~~responsibilities,~~ and qualification requirements ~~of the work so~~  
491 as to warrant the same treatment with respect ~~as~~ to title, pay  
492 band, and other personnel transactions.

493 Section 5. Section 110.1055, Florida Statutes, is amended

585-03095-12

20122084c1

494 to read:

495 110.1055 Rules; records and ~~rulemaking~~ authority.-

496 (1) The department ~~of Management Services~~ shall adopt rules  
497 as necessary to carry out its statutory duties ~~effectuate the~~  
498 ~~provisions of this chapter, as amended by this act, and in~~  
499 ~~accordance with the authority granted to the department in this~~  
500 ~~chapter. All existing rules relating to this chapter are~~  
501 ~~statutorily repealed January 1, 2002, unless otherwise~~  
502 ~~readopted.~~

503 (2) In consultation with the state agencies, the department  
504 shall develop uniform personnel rules, guidelines, records, and  
505 reports relating to employees in the State Personnel System. The  
506 department may adopt rules that provide alternative  
507 requirements.

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

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

511 1. The Administration Commission has granted an exception  
512 to a specific rule. An agency may request an exception to the  
513 uniform personnel rules by filing a petition with the  
514 commission. The commission shall approve an exception if the  
515 exception is necessary to conform to any requirement imposed as  
516 a condition precedent to receipt of federal funds or to permit  
517 persons in this state to receive tax benefits under federal law,  
518 or if required for the most efficient operation of the agency as  
519 determined by the commission. The reasons for the exception must  
520 be published in the Florida Administrative Weekly. Agency rules  
521 that provide exceptions to the uniform rules may not be adopted  
522 unless approved by the commission.

585-03095-12

20122084c1

523       2. The agency must comply with a statutory provision that  
524 conflicts with the uniform rules. In such case, the agency shall  
525 notify the department, the Administration Commission, the  
526 Administrative Procedures Committee, and the appropriate  
527 standing committees of the Legislature and advise the standing  
528 committees if the agency recommends revision of the statute to  
529 conform it to the uniform rules. Agencies are encouraged to  
530 propose methods for conforming statutory provisions to the  
531 uniform rules.

532       (b) An agency that adopts rules that provide an exception  
533 to the uniform rules or that comply with statutory requirements  
534 that conflict with the uniform rules must have a separate  
535 chapter published in the Florida Administrative Code. The  
536 chapter must clearly delineate the provisions of the agency's  
537 rules which provide an exception or which are based on a  
538 conflicting statutory requirement. Each alternative chosen from  
539 those authorized by the uniform rules must be specified. Each  
540 chapter must be organized in the same manner as the uniform  
541 rules.

542       (c) Any rule adopted by an agency which is an exception to  
543 the uniform rules or which is based upon a conflicting statutory  
544 provision may not prescribe personnel policies inconsistent with  
545 the provisions of this chapter. Such rules may not include any  
546 benefits for State Personnel System employees which are in  
547 addition to, or exceed, those authorized by this chapter, and  
548 must comply with all federal regulations necessary to allow the  
549 agency to receive federal funds.

550       (4) The department may develop uniform forms and  
551 instructions relating to personnel transactions as the

585-03095-12

20122084c1

552 department determines necessary.

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

556 Section 6. Section 110.1056, Florida Statutes, is created  
557 to read:

558 110.1056 Agency audits.—The department may periodically  
559 audit agency records to determine compliance with this chapter  
560 and department rules.

561 Section 7. Section 110.405, Florida Statutes, is  
562 transferred, renumbered as section 110.106, Florida Statutes,  
563 and amended to read:

564 110.106 ~~110.405~~ Advisory committees.—The secretary of  
565 ~~Management Services~~ may at any time appoint an ad hoc or  
566 continuing advisory committee consisting of members of the  
567 Senior Management Service or other persons knowledgeable in the  
568 field of personnel management. Advisory committees Any Such  
569 ~~committee shall consist of not more than nine members, who shall~~  
570 serve at the pleasure of and meet at the call of the secretary  
571 and, at the request of the secretary, provide consultation and  
572 advice, ~~to advise and consult with the secretary on such matters~~  
573 affecting the State Personnel System ~~Senior Management Service~~  
574 ~~as the secretary requests.~~ Members shall serve without  
575 compensation, but are shall be entitled to receive reimbursement  
576 for travel expenses as provided in s. 112.061. The secretary may  
577 periodically hire a consultant who has ~~with~~ expertise in  
578 personnel administration ~~management~~ to advise him or her with  
579 respect to the administration of the State Personnel System  
580 ~~Senior Management Service.~~

585-03095-12

20122084c1

581 Section 8. Section 110.1065, Florida Statutes, is created  
582 to read:

583 110.1065 General employment policies and requirements.—

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

585 (a) That all appointments, terminations, assignments, and  
586 maintenance of status, compensation, privileges, and other terms  
587 and conditions of employment in the State Personnel System be  
588 made without regard to age, sex, race, color, religion, national  
589 origin, political affiliation, marital status, disability, or  
590 genetic information, unless a specific requirement constitutes a  
591 bona fide occupational qualification.

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

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

603 (d) To adopt and comply with the federal Family and Medical  
604 Leave Act, except for those provisions that do not specifically  
605 apply to state government employers. With regard to those  
606 provisions, the sovereign immunity of the state is not waived  
607 and the rules of the department relating to leave control.

608 (2) Except as expressly provided by law, Florida residency  
609 may not be required for any person as a condition precedent to

585-03095-12

20122084c1

610 employment; however, preference in hiring may be given to state  
611 residents.

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

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

616 (5) This chapter may not be construed to infringe upon or  
617 supersede the rights guaranteed public employees under chapter  
618 447.

619 (6) The department may adopt rules necessary to administer  
620 this section.

621 (7) The provisions of parts IX and XI of chapter 112 are  
622 applicable to the State Personnel System. The department may  
623 adopt rules necessary to administer those sections.

624 Section 9. Section 110.233, Florida Statutes, is  
625 transferred, renumbered as section 110.1075, Florida Statutes,  
626 and amended to read:

627 110.1075 ~~110.233~~ Political activities and unlawful acts  
628 prohibited.—

629 (1) No person shall be appointed to, demoted, or dismissed  
630 from any position in the Civil ~~career~~ Service, or in any way  
631 favored or discriminated against with respect to employment in  
632 the Civil ~~career~~ Service, because of ~~race, color, national~~  
633 ~~origin, sex, handicap, religious creed, or political opinion or~~  
634 affiliation.

635 (2) No person may ~~shall~~ use or promise to use, directly or  
636 indirectly, any official authority or influence, whether  
637 possessed or anticipated, to secure or attempt to secure for any  
638 person an appointment or advantage in appointment to a position

585-03095-12

20122084c1

639 in the Civil ~~career~~ Service, or an increase in pay or other  
640 advantage in employment in any such position, for the purpose of  
641 influencing the vote or political action of any person or for  
642 any consideration.7 However, letters of inquiry,  
643 recommendations, and references by public employees or public  
644 officials are ~~shall~~ not ~~be~~ considered political pressure unless  
645 they contain ~~any such letter contains~~ a threat, intimidation, or  
646 irrelevant, derogatory, or false information. For the purposes  
647 of this section, the term "political pressure," in addition to  
648 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by  
649 lawful authority, includes the use of official authority or  
650 influence in any manner prohibited by this chapter.

651 (3) No person may ~~shall~~, directly or indirectly, give,  
652 render, pay, offer, solicit, or accept any money, service, or  
653 other valuable consideration for or on account of any  
654 appointment, proposed appointment, promotion or proposed  
655 promotion to, or any advantage in, a position in the Civil  
656 ~~career~~ Service. ~~The provisions of This subsection~~ does ~~de~~ not  
657 apply to a private employment agency if ~~licensed pursuant to the~~  
658 ~~provisions of chapter 449 when the services of~~ the ~~such~~ private  
659 employment agency are requested by a state agency, ~~board,~~  
660 ~~department, or commission~~ and neither the state nor any  
661 political subdivision pays the private employment agency for  
662 such services.

663 (4) As an individual, each employee retains all rights and  
664 obligations of citizenship provided in the Constitution and laws  
665 of the state and the Constitution and laws of the United States.  
666 However, an ~~no~~ employee in the Civil ~~career~~ Service may not  
667 ~~shall~~:

585-03095-12

20122084c1

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

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

684 (5) No State Personnel System employee or official may  
685 ~~shall~~ use any promise of reward or threat of loss to encourage  
686 or coerce any employee to support or contribute to any political  
687 issue, candidate, or party.

688 (6) The department shall adopt by rule procedures for State  
689 Personnel Career Service System employees which ~~that~~ require  
690 disclosure to the agency head of any application for or offer of  
691 employment, gift, contractual relationship, or financial  
692 interest with any individual, partnership, association,  
693 corporation, utility, or other organization, ~~whether~~ public or  
694 private, doing business with or subject to regulation by the  
695 agency.

696 (7) The department may adopt rules to administer this

585-03095-12

20122084c1

697 section.

698 Section 10. Section 110.1099, Florida Statutes, is amended  
699 to read:

700 110.1099 Elective education and professional development  
701 ~~and training~~ opportunities for state employees.-

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

719 ~~(2) The department, in conjunction with the agencies, shall~~  
720 ~~request that public universities provide evening and weekend~~  
721 ~~programs for state employees. When evening and weekend training~~  
722 ~~and educational programs are not available, an employee may be~~  
723 ~~authorized to take paid time off during his or her regular~~  
724 ~~working hours for training and career development, as provided~~  
725 ~~in s. 110.105(1), if such training benefits the employer as~~

585-03095-12

20122084c1

726 ~~determined by that employee's agency head.~~

727 (2)~~(3)~~ An employee who exhibits superior aptitude and  
728 performance may be authorized by his or her ~~that employee's~~  
729 agency head to take a paid educational leave of absence for up  
730 to 1 academic year at a time, for specific approved work-related  
731 education and professional development ~~training~~. The ~~That~~  
732 employee must enter into a contract to return to the agency  
733 granting the leave ~~state employment~~ for a period of time equal  
734 to the length of the leave of absence or refund the salary and  
735 benefits paid during the ~~his or her educational~~ leave of  
736 absence.

737 (3)~~(4)~~ As a precondition to approving an employee's  
738 training request for an educational, professional development,  
739 or training program, an agency ~~or the judicial branch~~ may  
740 require the ~~an~~ employee to enter into an agreement which  
741 provides that, if the employee voluntarily terminates employment  
742 or is dismissed from the agency within a specified period of  
743 time, not to exceed 2 years after the conclusion of the program,  
744 ~~requires~~ the employee must ~~to~~ reimburse the agency ~~or judicial~~  
745 ~~branch~~ for up to the total cost of fees and associated expenses  
746 for the program if the registration fee or similar expense for  
747 any training or training series when the total cost of the fee  
748 or similar expense exceeds \$1,000 if the employee voluntarily  
749 ~~terminates employment or is discharged for cause from the agency~~  
750 ~~or judicial branch within a specified period of time not to~~  
751 ~~exceed 4 years after the conclusion of the training~~. This  
752 subsection does not apply to any training program or course that  
753 an agency ~~or the judicial branch~~ requires an employee to attend.  
754 An agency ~~or the judicial branch~~ may pay the outstanding balance

585-03095-12

20122084c1

755 then due and owing on behalf of an ~~a state~~ employee under this  
756 subsection in connection with the recruitment and hiring of such  
757 state employee.

758 ~~(4)-(5) The department may of Management Services, in~~  
759 ~~consultation with the agencies and, to the extent applicable,~~  
760 ~~with Florida's public community colleges, public career centers,~~  
761 ~~and public universities, shall adopt rules to administer this~~  
762 section.

763 Section 11. Section 110.235, Florida Statutes, is  
764 transferred, renumbered as section 110.1115, Florida Statutes,  
765 and amended to read:

766 110.1115 ~~110.235~~ Training and professional development of  
767 employees.—

768 (1) State agencies shall implement training and  
769 professional development programs that encompass modern  
770 management principles, ~~and that provide the framework to develop~~  
771 human resources, through empowerment, training, and rewards for  
772 ~~productivity enhancement;~~ to continuously improve the quality of  
773 services, and to satisfy the expectations of the public.

774 (2) Each state employing agency shall provide the  
775 department with training information as requested for the  
776 purpose of analyzing statewide training needs annually evaluate  
777 ~~and report to the department the training it has implemented and~~  
778 ~~the progress it has made in the area of training.~~

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

782 (4) In order to promote the development of managerial,  
783 executive, or administrative skills among employees, each agency

585-03095-12

20122084c1

784 may establish and administer a training program that may  
785 include, but need not be limited to:

786 (a) Improving the performance of individuals and groups of  
787 employees.

788 (b) Relating the efforts of employees to the goals of the  
789 organization.

790 (c) Strategic planning.

791 (d) Team leadership.

792 (5) The department is responsible for ensuring that  
793 appropriate state agency personnel are adequately trained in the  
794 proper administration of state personnel system policies and  
795 procedures, compliance with all applicable federal and state  
796 workforce regulations, and the promotion of efficient and  
797 equitable employment practices. The department may host  
798 workshops, conferences, and other professional development  
799 activities that focus on the training needs of agency staff who  
800 are responsible for human resource management, training and  
801 development, and benefits administration.

802 (a) The department may coordinate with the appropriate  
803 business units of the state universities or community colleges  
804 for the purpose of sponsoring conferences and expositions that  
805 provide continuing professional development to the agencies in  
806 the areas of human resource management, payroll and benefits  
807 administration, and other topics critical to the proper  
808 administration of the state workforce.

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

585-03095-12

20122084c1

813       (6) The department may adopt rules necessary to administer  
814 this section.

815       Section 12. Section 110.112, Florida Statutes, is amended  
816 to read:

817       110.112 ~~Affirmative action;~~ Equal employment opportunity.-

818       (1) It is ~~shall be~~ the policy of the State Personnel System  
819 to assist in ensuring ~~providing the assurance of~~ equal  
820 employment opportunity through programs of affirmative and  
821 positive action that ~~will~~ allow full utilization of women and  
822 minorities.

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

828       (a) ~~(b)~~ Each ~~executive~~ agency shall establish annual goals  
829 for ensuring the full utilization of groups underrepresented in  
830 its workforce as compared to the relevant labor market, as  
831 defined by the agency. Each ~~executive~~ agency shall design its  
832 affirmative action plan to meet its established goals.

833       (b) ~~(c)~~ An equal ~~affirmative action~~ ~~equal~~ employment  
834 opportunity officer shall be appointed by the head of each  
835 ~~executive~~ agency. ~~The affirmative action~~ ~~equal~~ ~~employment~~  
836 ~~opportunity officer's responsibilities must include determining~~  
837 ~~annual goals, monitoring agency compliance, and providing~~  
838 ~~consultation to managers regarding progress, deficiencies, and~~  
839 ~~appropriate corrective action.~~

840       (c) ~~(d)~~ The department shall report information in its  
841 annual workforce report relating to the demographic composition

585-03095-12

20122084c1

842 of the workforce of the State Personnel System as compared to  
843 the relevant state labor market ~~the implementation, continuance,~~  
844 ~~updating, and results of each executive agency's affirmative~~  
845 ~~action plan for the previous fiscal year. The agencies shall~~  
846 provide the department with the information necessary to comply  
847 with this provision.

848 ~~(c) The department shall provide to all supervisory~~  
849 ~~personnel of the executive agencies training in the principles~~  
850 ~~of equal employment opportunity and affirmative action, the~~  
851 ~~development and implementation of affirmative action plans, and~~  
852 ~~the establishment of annual affirmative action goals. The~~  
853 ~~department may contract for training services, and each~~  
854 ~~participating agency shall reimburse the department for costs~~  
855 ~~incurred through such contract. After the department approves~~  
856 ~~the contents of the training program for the agencies, the~~  
857 ~~department may delegate this training to the executive agencies.~~

858 ~~(3) Each state attorney and public defender shall:~~

859 ~~(a) Develop and implement an affirmative action plan.~~

860 ~~(b) Establish annual goals for ensuring full utilization of~~  
861 ~~groups underrepresented in its workforce as compared to the~~  
862 ~~relevant labor market in this state. The state attorneys' and~~  
863 ~~public defenders' affirmative action plans must be designed to~~  
864 ~~meet the established goals.~~

865 ~~(c) Appoint an affirmative action-equal employment~~  
866 ~~opportunity officer.~~

867 ~~(d) Report annually to the Justice Administrative~~  
868 ~~Commission on the implementation, continuance, updating, and~~  
869 ~~results of his or her affirmative action program for the~~  
870 ~~previous fiscal year.~~

585-03095-12

20122084c1

871        (3)~~(4)~~ Each ~~The~~ state agency, ~~its agencies and officers~~  
872 shall ensure freedom from discrimination in employment in  
873 accordance with applicable state and federal laws as provided by  
874 the Florida Civil Rights Act of 1992, by s. 112.044, and by this  
875 chapter.

876        (4) All recruitment literature that references State  
877 Personnel System position vacancies must contain the phrase "An  
878 Equal Opportunity Employer."

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

882        (6) The department may adopt rules necessary to administer  
883 shall review and monitor executive agency actions in carrying  
884 out the rules adopted by the department pursuant to this  
885 section.

886        Section 13. Section 110.1135, Florida Statutes, is created  
887 to read:

888        110.1135 Attendance and leave records.—Each state agency  
889 shall keep an accurate record of all hours of work performed by  
890 each employee, as well as a complete and accurate record of all  
891 authorized leave. The ultimate responsibility for the accuracy  
892 and proper maintenance of all attendance and leave records is  
893 with the agency head.

894        Section 14. Section 110.116, Florida Statutes, is amended  
895 to read:

896        110.116 Human resource information ~~Personnel information~~  
897 system; payroll procedures.—

898        (1) The department ~~of Management Services~~ shall establish  
899 and maintain, in coordination with the payroll system of the

585-03095-12

20122084c1

900 Department of Financial Services, a complete human resource  
901 ~~personnel~~ information system for all authorized and established  
902 positions in the State Personnel System ~~service, with the~~  
903 ~~exception of employees of the Legislature, unless the~~  
904 ~~Legislature chooses to participate.~~ The department may contract  
905 with a vendor to provide the human resource ~~personnel~~  
906 information system. The specifications shall be developed in  
907 conjunction with the payroll system of the Department of  
908 Financial Services and in coordination with the Auditor General.  
909 The Department of Financial Services shall determine that the  
910 position occupied by each employee has been authorized and  
911 established in accordance with ~~the provisions of s. 216.251.~~ The  
912 human resource information system must include ~~Department of~~  
913 ~~Management Services shall develop and maintain~~ a position  
914 numbering system that identifies ~~will identify~~ each established  
915 position, and such information shall be a part of the payroll  
916 system of the Department of Financial Services. ~~The~~ With the  
917 ~~exception of employees of the Legislature, unless the~~  
918 ~~Legislature chooses to participate, this system must~~ shall  
919 include all civil ~~career~~ service positions and those positions  
920 exempted from the Civil ~~career~~ Service ~~provisions,~~  
921 notwithstanding the funding source of the salary payments, and  
922 information regarding persons receiving salary payments from  
923 other sources. Necessary revisions shall be made in the  
924 personnel and payroll procedures of the state to avoid  
925 duplication insofar as is feasible to do so. The information in  
926 the system must ~~A list shall~~ be organized by budget entity to  
927 show the employees or vacant positions within each budget  
928 entity. The information ~~This list~~ shall be made available to the

585-03095-12

20122084c1

929 Speaker of the House of Representatives and the President of the  
930 Senate upon request.

931 (2) The department may adopt rules necessary to administer  
932 this section.

933 Section 15. Section 110.1245, Florida Statutes, is amended  
934 to read:

935 110.1245 ~~Savings sharing program;~~ Bonus payments; other  
936 awards.-

937 ~~(1) (a) The Department of Management Services shall adopt~~  
938 ~~rules that prescribe procedures and promote a savings sharing~~  
939 ~~program for an individual or group of employees who propose~~  
940 ~~procedures or ideas that are adopted and that result in~~  
941 ~~eliminating or reducing state expenditures, if such proposals~~  
942 ~~are placed in effect and may be implemented under current~~  
943 ~~statutory authority.~~

944 ~~(b) Each agency head shall recommend employees individually~~  
945 ~~or by group to be awarded an amount of money, which amount shall~~  
946 ~~be directly related to the cost savings realized. Each proposed~~  
947 ~~award and amount of money must be approved by the Legislative~~  
948 ~~Budget Commission.~~

949 ~~(c) Each state agency, unless otherwise provided by law,~~  
950 ~~may participate in the program. The Chief Justice shall have the~~  
951 ~~authority to establish a savings sharing program for employees~~  
952 ~~of the judicial branch within the parameters established in this~~  
953 ~~section. The program shall apply to all employees within the~~  
954 ~~Career Service, the Selected Exempt Service, and comparable~~  
955 ~~employees within the judicial branch.~~

956 ~~(d) The department and the judicial branch shall submit~~  
957 ~~annually to the President of the Senate and the Speaker of the~~

585-03095-12

20122084c1

958 ~~House of Representatives information that outlines each agency's~~  
959 ~~level of participation in the savings sharing program. The~~  
960 ~~information shall include, but is not limited to:~~

961 ~~1. The number of proposals made.~~

962 ~~2. The number of dollars and awards made to employees or~~  
963 ~~groups for adopted proposals.~~

964 ~~3. The actual cost savings realized as a result of~~  
965 ~~implementing employee or group proposals.~~

966 ~~(1)(2) State agencies may pay In June of each year, bonuses~~  
967 ~~shall be paid to employees from funds authorized by the~~  
968 ~~Legislature in an appropriation specifically for bonuses.~~

969 ~~Bonuses shall be distributed in accordance with the criteria and~~  
970 ~~instructions provided in the General Appropriations Act. Each~~

971 ~~agency shall develop a plan for awarding lump-sum bonuses, which~~  
972 ~~plan shall be submitted no later than September 15 of each year~~  
973 ~~and approved by the Office of Policy and Budget in the Executive~~  
974 ~~Office of the Governor. Such plan shall include, at a minimum,~~  
975 ~~but is not limited to:~~

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

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

979 ~~1. The employee must have been employed prior to July 1 of~~  
980 ~~that fiscal year and have been continuously employed through the~~  
981 ~~date of distribution.~~

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

984 ~~3. The employee must have had no sustained disciplinary~~  
985 ~~action during the period beginning July 1 through the date the~~  
986 ~~bonus checks are distributed. Disciplinary actions include~~

585-03095-12

20122084c1

987 ~~written reprimands, suspensions, dismissals, and involuntary or~~  
988 ~~voluntary demotions that were associated with a disciplinary~~  
989 ~~action.~~

990 ~~4. The employee must have demonstrated a commitment to the~~  
991 ~~agency mission by reducing the burden on those served,~~  
992 ~~continually improving the way business is conducted, producing~~  
993 ~~results in the form of increased outputs, and working to improve~~  
994 ~~processes.~~

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

997 ~~6. The employee must have modeled the way for others by~~  
998 ~~displaying agency values of fairness, cooperation, respect,~~  
999 ~~commitment, honesty, excellence, and teamwork.~~

1000 ~~(c) A periodic evaluation process of the employee's~~  
1001 ~~performance.~~

1002 ~~(d) A process for peer input that is fair, respectful of~~  
1003 ~~employees, and affects the outcome of the bonus distribution.~~

1004 ~~(e) A division of the agency by work unit for purposes of~~  
1005 ~~peer input and bonus distribution.~~

1006 ~~(f) A limitation on bonus distributions equal to 35 percent~~  
1007 ~~of the agency's total authorized positions. This requirement may~~  
1008 ~~be waived by the Office of Policy and Budget in the Executive~~  
1009 ~~Office of the Governor upon a showing of exceptional~~  
1010 ~~circumstances.~~

1011 (2)(3) Consistent with the requirements of s. 215.425(3),  
1012 and limited to the funds provided in the agency's approved  
1013 operating budget for salaries and benefits, each agency head may  
1014 provide bonus awards to department head is authorized to incur  
1015 expenditures to award suitable framed certificates, pins, and

585-03095-12

20122084c1

1016 ~~other tokens of recognition to retiring state employees based on~~  
1017 ~~exemplary performance or whose service with the state has been~~  
1018 ~~satisfactory,~~ in appreciation of their role in the achievement  
1019 of the agency's mission, values, or goals and recognition of  
1020 ~~such service.~~

1021 (a) Each award ~~Such awards~~ may not exceed more than \$1,000  
1022 ~~cost in excess of \$100 each plus applicable taxes. No employee~~  
1023 may receive awards totaling more than \$1,000 plus applicable  
1024 taxes per fiscal year.

1025 (b) By September 1, agencies shall report to the Governor,  
1026 the President of the Senate, and the Speaker of the House of  
1027 Representatives the dollar value and number of such cash awards  
1028 given in the previous fiscal year.

1029 (3)-(4) Each agency department head may ~~is authorized to~~  
1030 ~~incur expenditures to award suitable framed certificates, pins,~~  
1031 and ~~or~~ other noncash tokens of recognition. Each token to state  
1032 ~~employees who demonstrate satisfactory service in the agency or~~  
1033 ~~to the state, in appreciation and recognition of such service.~~  
1034 ~~Such awards may not cost more than \$150 in excess of \$100 each~~  
1035 plus applicable taxes. Such tokens may be awarded to:

1036 (a) Current employees, in appreciation and recognition of  
1037 their service to the state.

1038 (b) Retiring employees, in appreciation and recognition of  
1039 their service to the state.

1040 (c) An appointed member of a state board or commission, in  
1041 appreciation and recognition of his or her service to the state  
1042 upon the expiration of the member's final term in such position.

1043 (4) The department may adopt rules necessary to administer  
1044 this section.

585-03095-12

20122084c1

1045       ~~(5) Each department head is authorized to incur~~  
1046 ~~expenditures not to exceed \$100 each plus applicable taxes for~~  
1047 ~~suitable framed certificates, plaques, or other tokens of~~  
1048 ~~recognition to any appointed member of a state board or~~  
1049 ~~commission whose service to the state has been satisfactory, in~~  
1050 ~~appreciation and recognition of such service upon the expiration~~  
1051 ~~of such board or commission member's final term in such~~  
1052 ~~position.~~

1053       Section 16. Section 110.125, Florida Statutes, is amended  
1054 to read:

1055       110.125 Administrative costs.—

1056       (1) The administrative expenses and costs of operating the  
1057 State Personnel System ~~program~~ established by this chapter shall  
1058 be paid by the state ~~various~~ agencies ~~of the state government,~~  
1059 and each such agency shall include in its budget estimates its  
1060 pro rata share of such cost as determined by the department ~~of~~  
1061 Management Services.

1062       (a) To establish an equitable division of ~~the~~ costs, the  
1063 amount to be paid by each agency shall be based on the number of  
1064 authorized full-time equivalent positions appropriated to the  
1065 agency, the average number of other personal services employees  
1066 paid by the agency, and the total administrative expenses and  
1067 costs of operating the State Personnel System ~~determined in such~~  
1068 ~~proportion as the service rendered to each agency bears to the~~  
1069 ~~total service rendered under the provisions of this chapter. The~~  
1070 ~~amounts paid to the Department of Management Services which are~~  
1071 ~~attributable to positions within the Senior Management Service~~  
1072 ~~and the Selected Professional Service shall be used for the~~  
1073 ~~administration of such services, training activities for~~

585-03095-12

20122084c1

1074 ~~positions within those services, and the development and~~  
1075 ~~implementation of a database of pertinent historical information~~  
1076 ~~on exempt positions.~~

1077 (b) If a ~~Should any~~ state agency is ~~become~~ more than 90  
1078 days delinquent in paying ~~payment of~~ this obligation, the  
1079 department shall certify to the Chief Financial Officer the  
1080 amount due and the Chief Financial Officer shall transfer that  
1081 ~~the amount due to the department~~ from any available debtor  
1082 agency funds ~~available~~.

1083 (2) A governmental entity outside the State Personnel  
1084 System which, by mutual agreement between the department and the  
1085 entity, receives or uses services of more than a de minimis  
1086 value from the personnel system shall pay the department for the  
1087 administrative expenses and costs associated with those services  
1088 as determined by the department. Each such entity shall include  
1089 such cost in its budget estimates. If a governmental entity  
1090 become more than 90 days delinquent in paying this obligation,  
1091 the department shall certify to the Chief Financial Officer the  
1092 amount due and the Chief Financial Officer shall transfer that  
1093 amount from any available debtor entity funds.

1094 (3) The department may adopt rules necessary to administer  
1095 this section.

1096 Section 17. Section 110.126, Florida Statutes, is amended  
1097 to read:

1098 110.126 Oaths, testimony, records; penalties.—

1099 (1) The department may ~~shall have power to~~ administer  
1100 oaths, subpoena witnesses, and compel the production of books,  
1101 ~~and~~ papers, or other records, in written or electronic form,  
1102 relevant ~~pertinent~~ to any investigation of personnel practices

585-03095-12

20122084c1

1103 or hearing authorized by this chapter. Any person who fails  
1104 ~~shall fail~~ to appear in response to a subpoena or to answer any  
1105 question or produce any books or papers relevant ~~pertinent~~ to  
1106 ~~any~~ such investigation or hearing or who ~~shall~~ knowingly gives  
1107 give false testimony commits ~~therein shall be guilty of~~ a  
1108 misdemeanor of the first degree, punishable as provided in s.  
1109 775.082 or s. 775.083.

1110 (2) The department may adopt rules necessary to administer  
1111 this section.

1112 Section 18. Section 110.127, Florida Statutes, is amended  
1113 to read:

1114 110.127 Penalties.—

1115 (1) Any person who willfully violates any provision of this  
1116 chapter or ~~of any~~ rules adopted pursuant to this chapter commits  
1117 ~~the authority herein granted is guilty of~~ a misdemeanor of the  
1118 second degree, punishable as provided in s. 775.082 or s.  
1119 775.083.

1120 ~~(2) The provisions of s. 112.011 to the contrary~~  
1121 Notwithstanding s. 112.011, any person who is convicted of a  
1122 misdemeanor under this chapter is ~~shall be, for a period of 5~~  
1123 ~~years,~~ ineligible for appointment to or employment in a state  
1124 position for 5 years ~~in the state service~~ and, if an employee of  
1125 the state, shall forfeit his or her position.

1126 (3) Imposition of the penalties provided in this section  
1127 may ~~shall~~ not be in lieu of any action that ~~which~~ may be taken  
1128 or penalties that ~~which~~ may be imposed pursuant to part III of  
1129 chapter 112.

1130 (4) The department may adopt rules necessary to administer  
1131 this section.

585-03095-12

20122084c1

1132 Section 19. Section 110.2037, Florida Statutes, is  
1133 transferred, renumbered as section 110.182, Florida Statutes,  
1134 and amended to read:

1135 110.182 ~~110.2037~~ ~~Alternative benefits~~; Tax-sheltered annual  
1136 leave and sick leave payments and special compensation  
1137 payments.—

1138 (1) The department may ~~of Management Services has authority~~  
1139 ~~to~~ adopt tax-sheltered plans under s. 401(a) of the Internal  
1140 Revenue Code for ~~state~~ employees who are eligible for payment  
1141 for accumulated leave. ~~The department~~, Upon adoption of the  
1142 plans, the department shall contract for a private vendor or  
1143 vendors to administer the plans.

1144 (a) These plans are ~~shall be~~ limited to ~~state~~ employees who  
1145 are over age 55 and who ~~are~~ eligible for accumulated leave and  
1146 special compensation payments and separating from employment  
1147 with 10 years of service in accordance with the Internal Revenue  
1148 Code, or who are participating in the Deferred Retirement Option  
1149 Program on or after July 1, 2001.

1150 (b) The plans must provide benefits in a manner that  
1151 minimizes the tax liability of the state and participants.

1152 (c) The plans must be funded by employer contributions of  
1153 payments for accumulated leave or special compensation payments,  
1154 or both, as specified by the department.

1155 (d) The plans must have received all necessary federal and  
1156 state approval as required by law, must not adversely impact the  
1157 qualified status of the Florida Retirement System defined  
1158 benefit or defined contribution plans or the pretax benefits  
1159 program, and must comply with ~~the provisions of~~ s. 112.65.

1160 Adoption of any plan is contingent on: the department receiving

585-03095-12

20122084c1

1161 appropriate favorable rulings from the Internal Revenue Service;  
1162 the department negotiating under the provisions of chapter 447,  
1163 where applicable; and the Chief Financial Officer making  
1164 appropriate changes to the state payroll system.

1165 (e) The department's request for proposals by vendors for  
1166 such plans may require that ~~the~~ vendors provide market-risk or  
1167 volatility ratings from recognized rating agencies for each of  
1168 their investment products.

1169 (f) The department shall provide ~~for~~ a system of continuous  
1170 quality assurance oversight to ensure that the program  
1171 objectives are achieved and that the program is prudently  
1172 managed.

1173 (2) Within 30 days after termination of employment, an  
1174 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty  
1175 may be assessed by the plan administrator. If an ~~any~~ employee is  
1176 adversely affected by payment of an excise tax or an ~~any~~  
1177 Internal Revenue Service penalty by withdrawing ~~electing to~~  
1178 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a  
1179 provision that provides ~~which will provide~~ the employee with no  
1180 less cash than if the employee had not participated in the plan.

1181 (3) These contracts may be used by any other pay plans or  
1182 personnel systems in the executive, legislative, or judicial  
1183 branches of government upon approval of the appropriate  
1184 administrative authority.

1185 (4) Notwithstanding the terminal pay provisions of s.  
1186 112.913 ~~110.122~~, the department may contract for a tax-sheltered  
1187 plan for leave and special compensation pay for employees who  
1188 are terminating over age 55 and have ~~with~~ 10 years of service,  
1189 and for employees participating in the Deferred Retirement

585-03095-12

20122084c1

1190 Option Program on or after July 1, 2001, ~~and~~ who are over age  
1191 55. The frequency of payments into the plan shall be determined  
1192 by the department or as provided in the General Appropriations  
1193 Act. This plan must ~~or plans shall~~ provide the greatest tax  
1194 benefits to the employees and maximize the savings to the state.

1195 (5) The department shall determine by rule the design of  
1196 the plans and the eligibility of participants.

1197 (6) ~~Nothing in~~ This section does not ~~shall be construed to~~  
1198 remove plan participants from the scope of s. 112.913(5)  
1199 ~~110.122(5)~~.

1200 (7) The department may adopt rules necessary to administer  
1201 this section.

1202 Section 20. Section 110.183, Florida Statutes, is created  
1203 to read:

1204 110.183 Collective bargaining.—The department shall  
1205 coordinate with the Governor and the state agencies on personnel  
1206 matters falling within the scope of collective bargaining and  
1207 shall represent the Governor in collective bargaining  
1208 negotiations and other collective bargaining matters as  
1209 necessary. All discussions relative to collective bargaining  
1210 between the department and the Governor, between the department  
1211 and the agency heads, or between any of their respective  
1212 representatives, are exempt from s. 286.011, and all work  
1213 products relative to collective bargaining developed in  
1214 conjunction with such discussions are confidential and exempt  
1215 from s. 119.07(1).

1216 Section 21. Section 110.184, Florida Statutes, is created  
1217 to read:

1218 110.184 Workforce report.—The department shall prepare a

585-03095-12

20122084c1

1219 workforce report on human resources in the State Personnel  
1220 System. The report shall provide data and identify trends for  
1221 planning and improving the management of the State Personnel  
1222 System. The department shall annually submit the report to the  
1223 Governor, the President of the Senate, and the Speaker of the  
1224 House of Representatives.

1225 Section 22. The Division of Statutory Revision is requested  
1226 to rename part II of chapter 110, Florida Statutes, as "Civil  
1227 Service."

1228 Section 23. Section 110.202, Florida Statutes, is created  
1229 to read:

1230 110.202 Declaration of policy.—This part creates the Civil  
1231 Service System within the State Personnel System as required by  
1232 s. 14, Art. III of the State Constitution.

1233 Section 24. Section 110.205, Florida Statutes, is amended  
1234 to read:

1235 110.205 Civil Career Service; exemptions.—

1236 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career  
1237 Service to which this part applies includes all positions within  
1238 the State Personnel System not specifically exempted by this  
1239 section part, notwithstanding any other provisions of law the  
1240 Florida Statutes to the contrary notwithstanding.

1241 (2) EXEMPT POSITIONS.—The exempt positions that are not  
1242 covered by this part include the following positions are  
1243 exempted from the Civil Service:

1244 (a) Elected officers.—All officers of the executive branch  
1245 elected by popular vote and persons appointed to fill vacancies  
1246 in such offices. Unless otherwise fixed by law, the salary and  
1247 benefits for an any such officer who serves as the head of an

585-03095-12

20122084c1

1248 agency ~~a department~~ shall be set by the Department of Management  
1249 Services in accordance with the rules of the Senior Management  
1250 Service.

1251 (b) Legislative branch.—All members, officers, and  
1252 employees of the legislative branch, except for the members,  
1253 officers, and employees of the Florida Public Service  
1254 Commission.

1255 (c) Judicial branch.—All members, officers, and employees  
1256 of the judicial branch.

1257 (d) State universities.—All officers and employees of the  
1258 state universities and ~~the academic personnel and academic~~  
1259 ~~administrative personnel of the Florida School for the Deaf and~~  
1260 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~  
1261 ~~salaries for academic personnel and academic administrative~~  
1262 ~~personnel of the Florida School for the Deaf and the Blind shall~~  
1263 ~~be set by the board of trustees for the school, subject only to~~  
1264 ~~the approval of the State Board of Education.~~

1265 (e) ~~The Chief Information Officer in the Agency for~~  
1266 ~~Enterprise Information Technology. Unless otherwise fixed by~~  
1267 ~~law, the Agency for Enterprise Information Technology shall set~~  
1268 ~~the salary and benefits of this position in accordance with the~~  
1269 ~~rules of the Senior Management Service.~~

1270 (e) ~~(f)~~ Members of boards and commissions.—All members of  
1271 state boards and commissions, however selected. Unless otherwise  
1272 fixed by law, the salary and benefits for any full-time board or  
1273 commission member shall be set by the Department of Management  
1274 Services in accordance with the rules of the Senior Management  
1275 Service.

1276 (g) ~~Judges, referees, and receivers.~~

585-03095-12

20122084c1

1277 ~~(h) Patients or inmates in state institutions.~~  
1278 (f)(i) Time-limited positions.—All positions that are  
1279 established for a limited period of time for the purpose of  
1280 conducting a special study, project, or investigation and any  
1281 person paid from an other-personal-services appropriation.  
1282 Unless otherwise fixed by law, the salaries for such positions  
1283 and persons shall be set in accordance with rules established by  
1284 the employing agency for other-personal-services payments  
1285 pursuant to s. 112.907 ~~110.131~~.

1286 (g)(j) Executive-level positions.—The appointed secretaries  
1287 and the State Surgeon General, assistant secretaries, deputy  
1288 secretaries, and deputy assistant secretaries of all agencies  
1289 ~~departments~~; the executive directors, assistant executive  
1290 directors, deputy executive directors, and deputy assistant  
1291 executive directors of all agencies ~~departments~~; the directors  
1292 of all divisions and those positions determined by the  
1293 Department of Management Services to have managerial  
1294 responsibilities comparable to such positions, including which  
1295 ~~positions include~~, but are not limited to, program directors,  
1296 assistant program directors, district administrators, deputy  
1297 district administrators, general counsels, chief cabinet aides,  
1298 public information administrators or comparable position for a  
1299 cabinet officer, inspectors general, or legislative affairs  
1300 directors ~~the Director of Central Operations Services of the~~  
1301 ~~Department of Children and Family Services~~, the State  
1302 Transportation Development Administrator, State Public  
1303 Transportation and Modal Administrator, district secretaries,  
1304 district directors of transportation development, transportation  
1305 operations, transportation support, ~~and~~ the managers of the

585-03095-12

20122084c1

1306 Department of Transportation offices specified in s.  
1307 20.23(4) (b), the county health department directors and county  
1308 health department administrators of the Department of Health,  
1309 and the one additional position that may be designated by each  
1310 agency and that reports directly to the agency head or to a  
1311 position in the Senior Management Service and whose additional  
1312 costs are absorbed from the existing budget of that agency of  
1313 ~~the Department of Transportation~~. Unless otherwise fixed by law,  
1314 the Department of Management Services shall set the salary and  
1315 benefits of these positions in accordance with the rules of the  
1316 Senior Management Service; ~~and the county health department~~  
1317 ~~directors and county health department administrators of the~~  
1318 ~~Department of Health~~.

1319 ~~(k) The personal secretary to the incumbent of each~~  
1320 ~~position exempted in paragraphs (a), (c), and (j). Unless~~  
1321 ~~otherwise fixed by law, the department shall set the salary and~~  
1322 ~~benefits of these positions in accordance with the rules of the~~  
1323 ~~Selected Exempt Service.~~

1324 ~~(h)(1)~~ Executive Office of the Governor.—All officers and  
1325 employees in the office of the Governor, including all employees  
1326 at the Governor's mansion, and employees within each separate  
1327 budget entity, as defined in chapter 216, assigned to the  
1328 Governor. Unless otherwise fixed by law, the salary and benefits  
1329 of these positions shall be set by the Department of Management  
1330 Services as follows:

1331 1. The chief of staff, the assistant or deputy chief of  
1332 staff, general counsel, Director of Legislative Affairs, chief  
1333 inspector general, Director of Cabinet Affairs, Director of  
1334 Press Relations, Director of Planning and Budgeting, Director of

585-03095-12

20122084c1

1335 Administration, director of state-federal relations, Director of  
1336 Appointments, Director of External Affairs, Deputy General  
1337 Counsel, Governor's liaison for community development, chief of  
1338 staff for the Lieutenant Governor, deputy director of planning  
1339 and budgeting, policy coordinators, and the director of each  
1340 separate budget entity shall have their salaries and benefits  
1341 set ~~established~~ by the department in accordance with the rules  
1342 of the Senior Management Service.

1343 2. The salaries and benefits of positions not established  
1344 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the  
1345 employing agency. Salaries and benefits of employees whose  
1346 professional training is comparable to that of licensed  
1347 professionals under paragraph (n) ~~(r)~~, or whose administrative  
1348 responsibility is comparable to a bureau chief shall be set by  
1349 the rules of the Selected Exempt Service. The Department of  
1350 Management Services shall make the comparability determinations.  
1351 Other employees shall have benefits set comparable to  
1352 legislative staff, except leave shall be comparable to civil  
1353 ~~career~~ service as ~~if career service~~ employees.

1354 (i) ~~(m)~~ Upper-management positions.—All assistant division  
1355 director, deputy division director, and bureau chief positions  
1356 in any agency department, and those positions determined by the  
1357 Department of Management Services to have managerial  
1358 responsibilities comparable to such positions. Unless otherwise  
1359 fixed by law, the salaries of benefits of these positions shall  
1360 be set by the Department of Management Services in accordance  
1361 with the rules of the Selected Exempt Service. These positions,  
1362 ~~which~~ include, but are not limited to:

1363 1. Positions in the Department of Health and the Department

585-03095-12

20122084c1

1364 of Children and Family Services which ~~that~~ are assigned primary  
1365 duties of serving as the superintendent or assistant  
1366 superintendent of an institution.

1367 2. Positions in the Department of Corrections which ~~that~~  
1368 are assigned primary duties of serving as the warden, assistant  
1369 warden, colonel, or major of an institution or which ~~that~~ are  
1370 assigned primary duties of serving as the circuit administrator  
1371 or deputy circuit administrator.

1372 3. Positions in the Department of Transportation which ~~that~~  
1373 are assigned primary duties of serving as regional toll managers  
1374 and managers of offices, as defined in s. 20.23(4)(b) and  
1375 (5)(c).

1376 4. Positions in the Department of Environmental Protection  
1377 which ~~that~~ are assigned the duty of an environmental  
1378 administrator or program administrator.

1379 5. Positions in the Department of Health which ~~that~~ are  
1380 assigned the duties of environmental administrator, assistant  
1381 county health department director, and county health department  
1382 financial administrator.

1383 6. Positions in the Department of Children and Family  
1384 Services which are assigned the duties of staff director,  
1385 assistant staff director, district program manager, district  
1386 program coordinator, district administrator, district  
1387 administrative services director, district attorney, and the  
1388 deputy director of central operations services.

1389  
1390 ~~Unless otherwise fixed by law, the department shall set the~~  
1391 ~~salary and benefits of the positions listed in this paragraph in~~  
1392 ~~accordance with the rules established for the Selected Exempt~~

585-03095-12

20122084c1

1393 ~~Service.~~

1394 ~~(j)-(n) Other managerial or policymaking positions.~~

1395 ~~1.a.~~ In addition to those positions exempted by other  
1396 paragraphs of this subsection, each agency ~~department~~ head may  
1397 designate a maximum of 20 policymaking or managerial positions,  
1398 as defined by the Department of Management Services and approved  
1399 by the Administration Commission, as being exempt from the Civil  
1400 ~~Career Service System~~. Civil Career service employees who occupy  
1401 a position designated as a position in the Selected Exempt  
1402 Service under this paragraph may ~~shall have the right to~~ remain  
1403 in the Civil Career Service System by opting to serve in a  
1404 position not exempted by the employing agency. Unless otherwise  
1405 fixed by law, the Department of Management Services shall set  
1406 the salary and benefits of these positions in accordance with  
1407 the rules of the Selected Exempt Service; ~~provided, however,~~  
1408 ~~that if the agency head determines that the general counsel,~~  
1409 ~~chief Cabinet aide, public information administrator or~~  
1410 ~~comparable position for a Cabinet officer, inspector general, or~~  
1411 ~~legislative affairs director has both policymaking and~~  
1412 ~~managerial responsibilities and if the department determines~~  
1413 ~~that any such position has both policymaking and managerial~~  
1414 ~~responsibilities, the salary and benefits for each such position~~  
1415 ~~shall be established by the department in accordance with the~~  
1416 ~~rules of the Senior Management Service.~~

1417 ~~b.~~ In addition, each department may designate one  
1418 additional position in the Senior Management Service if that  
1419 position reports directly to the agency head or to a position in  
1420 the Senior Management Service and if any additional costs are  
1421 absorbed from the existing budget of that department.

585-03095-12

20122084c1

1422           2. If otherwise exempt from the Civil Service, employees of  
1423 the Public Employees Relations Commission, the Commission on  
1424 Human Relations, and the Unemployment Appeals Commission, upon  
1425 the certification of their respective commission heads, may, if  
1426 otherwise qualified, be provided for ~~under this paragraph~~ as  
1427 members of the Senior Management Service, ~~if otherwise~~  
1428 ~~qualified~~. However, the deputy general counsel of the Public  
1429 Employees Relations Commission shall be compensated in  
1430 accordance with ~~as members of~~ the Selected Exempt Service.

1431           (k) Specialized managerial positions.-

1432           1. The Department of Management Services shall set the  
1433 salary and benefits for the following positions in accordance  
1434 with the rules of the Selected Exempt Service.

1435           a. Pursuant to s. 447.203(4), managerial employees who  
1436 perform jobs that are not of a routine, clerical, or ministerial  
1437 nature and require the exercise of independent judgment in the  
1438 performance of such jobs and to whom one or more of the  
1439 following applies: formulate or assist in formulating policies  
1440 applicable to bargaining unit employees; assist in the  
1441 preparation for the conduct of collective bargaining  
1442 negotiations; administer agreements resulting from collective  
1443 bargaining negotiations; have a significant role in personnel  
1444 administration; have a significant role in employee relations;  
1445 or have a significant role in the preparation or administration  
1446 of the final budget for any public agency or institution or  
1447 subdivision including having the authority to select and approve  
1448 among alternative expenditures when necessary.

1449           b. Pursuant to s. 447.203(5), employees who act in a  
1450 confidential capacity to assist or aid managerial employees who

585-03095-12

20122084c1

1451 are performing work and who have access to information that  
1452 would provide an employee labor organization with an advantage  
1453 at the bargaining table or in the administration of collective  
1454 bargaining agreements.

1455 c. All supervisory employees, including supervisors,  
1456 administrators and directors, who customarily and regularly plan  
1457 and direct the work of two or more full-time employees or the  
1458 equivalent, and who communicate with, motivate, train, and  
1459 evaluate employees, and who have the authority to hire,  
1460 transfer, suspend, layoff, recall, promote, discharge, assign,  
1461 reward, or discipline subordinate employees or, effectively, to  
1462 recommend such action.

1463 2. The exemptions provided in this paragraph are not  
1464 applicable to the following:

1465 a. Managerial and supervisory employees who are designated  
1466 as special risk or special risk administrative support;

1467 b. Attorneys who serve as administrative law judges  
1468 pursuant to s. 120.65 or for hearings conducted pursuant to s.  
1469 120.57(1)(a); and

1470 c. Professional health care providers as defined in s.  
1471 110.1054, unless otherwise collectively bargained.

1472 (1) ~~(e)~~ *Public Service Commission.*—The executive director,  
1473 deputy executive director, general counsel, inspector general,  
1474 official reporters, and division directors within the Public  
1475 Service Commission and the personal secretary and personal  
1476 assistant to each member of the Public Service Commission.  
1477 Unless otherwise fixed by law, the salary and benefits of the  
1478 executive director, deputy executive directors, general counsel,  
1479 inspector general, and the directors of all divisions and those

585-03095-12

20122084c1

1480 positions determined to have managerial responsibilities  
1481 comparable to such positions ~~Director of Administration,~~  
1482 ~~Director of Appeals, Director of Auditing and Financial~~  
1483 ~~Analysis, Director of Communications, Director of Consumer~~  
1484 ~~Affairs, Director of Electric and Gas, Director of Information~~  
1485 ~~Processing, Director of Legal Services, Director of Records and~~  
1486 ~~Reporting, Director of Research, and Director of Water and Sewer~~  
1487 ~~shall be set by the department~~ in accordance with the rules of  
1488 the Senior Management Service. The salary and benefits of the  
1489 personal secretary and the personal assistant of each member of  
1490 the commission and the official reporters shall be set by the  
1491 Department of Management Services in accordance with the rules  
1492 of the Selected Exempt Service, ~~notwithstanding any salary~~  
1493 ~~limitations imposed by law for the official reporters.~~

1494 (m) ~~(p)~~ Department of Military Affairs.-

1495 1. All military personnel of the Department of Military  
1496 Affairs. Unless otherwise fixed by law, the salary and benefits  
1497 for ~~such~~ military personnel shall be set by the Department of  
1498 Military Affairs in accordance with the appropriate military pay  
1499 schedule.

1500 2. The salary and benefits of military police chiefs,  
1501 military police officers, firefighter trainers, firefighter-  
1502 rescuers, and electronic security system technicians shall be  
1503 ~~have salary and benefits~~ the same as civil ~~career~~ service  
1504 employees.

1505 ~~(g) The staff directors, assistant staff directors,~~  
1506 ~~district program managers, district program coordinators,~~  
1507 ~~district subdistrict administrators, district administrative~~  
1508 ~~services directors, district attorneys, and the Deputy Director~~

585-03095-12

20122084c1

1509 ~~of Central Operations Services of the Department of Children and~~  
1510 ~~Family Services. Unless otherwise fixed by law, the Department~~  
1511 ~~shall establish the pay band and benefits for these positions in~~  
1512 ~~accordance with the rules of the Selected Exempt Service.~~

1513 (n)~~(r)~~ Professional licensure.—All positions not otherwise  
1514 exempt under this subsection which require as a prerequisite to  
1515 employment: licensure as a physician pursuant to chapter 458;r  
1516 licensure as an osteopathic physician pursuant to chapter 459;r  
1517 licensure as a chiropractic physician pursuant to chapter 460,  
1518 including those positions that ~~which~~ are occupied by employees  
1519 who are exempted from licensure pursuant to s. 409.352;  
1520 licensure as an engineer pursuant to chapter 471, which are  
1521 supervisory positions; or for 12 calendar months, which require  
1522 as a prerequisite to employment that the employee have received  
1523 the degree of Bachelor of Laws or Juris Doctor from a law school  
1524 accredited by the American Bar Association and thereafter  
1525 membership in The Florida Bar, except for any attorney who  
1526 serves as an administrative law judge pursuant to s. 120.65 or  
1527 for hearings conducted pursuant to s. 120.57(1)(a). Unless  
1528 otherwise fixed by law, the Department of Management Services  
1529 shall set the salary and benefits for these positions in  
1530 accordance with the rules of established ~~for~~ the Selected Exempt  
1531 Service.

1532 (o)~~(s)~~ Statewide prosecutor.—The statewide prosecutor in  
1533 charge of the Office of Statewide Prosecution of the Department  
1534 of Legal Affairs and all employees in the office. The Department  
1535 of Legal Affairs shall set the salary of these positions.

1536 (p)~~(t)~~ Executive directors of regulatory boards and  
1537 commissions.—The executive director of each board or commission

585-03095-12

20122084c1

1538 established within the Department of Business and Professional  
1539 Regulation or the Department of Health. Unless otherwise fixed  
1540 by law, the Department of Management Services shall set  
1541 ~~establish~~ the salary and benefits for these positions in  
1542 accordance with the rules of ~~established for~~ the Selected Exempt  
1543 Service.

1544 (q) ~~(u)~~ State Board of Administration.—All officers and  
1545 employees of the State Board of Administration. The State Board  
1546 of Administration shall set the salary ~~salaries~~ and benefits of  
1547 these positions.

1548 ~~(v) Positions that are leased pursuant to a state employee~~  
1549 ~~lease agreement expressly authorized by the Legislature pursuant~~  
1550 ~~to s. 110.191.~~

1551 ~~(w) Managerial employees, as defined in s. 447.203(4),~~  
1552 ~~confidential employees, as defined in s. 447.203(5), and~~  
1553 ~~supervisory employees who spend the majority of their time~~  
1554 ~~communicating with, motivating, training, and evaluating~~  
1555 ~~employees, and planning and directing employees' work, and who~~  
1556 ~~have the authority to hire, transfer, suspend, lay off, recall,~~  
1557 ~~promote, discharge, assign, reward, or discipline subordinate~~  
1558 ~~employees or effectively recommend such action, including all~~  
1559 ~~employees serving as supervisors, administrators, and directors.~~  
1560 ~~Excluded are employees also designated as special risk or~~  
1561 ~~special risk administrative support and attorneys who serve as~~  
1562 ~~administrative law judges pursuant to s. 120.65 or for hearings~~  
1563 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~  
1564 ~~nurses licensed under chapter 464, dentists licensed under~~  
1565 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~  
1566 ~~491, nutritionists or dietitians licensed under part X of~~

585-03095-12

20122084c1

1567 ~~chapter 468, pharmacists licensed under chapter 465,~~  
1568 ~~psychological specialists licensed under chapter 491, physical~~  
1569 ~~therapists licensed under chapter 486, and speech therapists~~  
1570 ~~licensed under part I of chapter 468 are excluded, unless~~  
1571 ~~otherwise collectively bargained.~~

1572 (r) ~~(\*)~~ Justice Administration Commission and similar  
1573 entities.—All officers and employees of the Justice  
1574 Administrative Commission, Office of the State Attorney, Office  
1575 of the Public Defender, regional offices of capital collateral  
1576 counsel, offices of criminal conflict and civil regional  
1577 counsel, and Statewide Guardian Ad Litem Office, including the  
1578 circuit guardian ad litem programs and the Florida Clerks of  
1579 Court Operations Corporation.

1580 (s) Florida School for the Deaf and the Blind.—In  
1581 accordance with s. 1002.36, the salaries for academic personnel  
1582 and academic administrative personnel of the Florida School for  
1583 the Deaf and the Blind shall be set by the board of trustees for  
1584 the school, subject only to the approval of the State Board of  
1585 Education.

1586 (t) Miscellaneous positions.—

1587 1. The Chief Information Officer in the Agency for  
1588 Enterprise Information Technology. Unless otherwise fixed by  
1589 law, the agency shall set the salary and benefits of this  
1590 position in accordance with the rules of the Senior Management  
1591 Service.

1592 2. The chief inspector of the boiler inspection program of  
1593 the Department of Financial Services. The pay band of this  
1594 position shall be set by the Department of Management Services  
1595 in accordance with the classification and pay plan established

585-03095-12

20122084c1

1596 for the Selected Exempt Service.

1597 3. The personal assistant to the incumbent of each position  
1598 exempted in paragraph (a), paragraph (g), or subparagraph 1.

1599 Unless otherwise fixed by law, the Department of Management  
1600 Services shall set the salary and benefits of these positions in  
1601 accordance with the rules of the Selected Exempt Service.

1602 4. Positions that are leased pursuant to a state employee  
1603 lease agreement expressly authorized by the Legislature pursuant  
1604 to s. 112.922.

1605 5. Judges, referees, and receivers of the executive branch.

1606 6. Positions held by patients or inmates in state  
1607 institutions.

1608 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~  
1609 ~~Employees of the Department of Law Enforcement shall be subject~~  
1610 ~~to the provisions of s. 110.227, except in matters relating to~~  
1611 ~~transfer.~~

1612 ~~(4) DEFINITION OF DEPARTMENT. When used in this section,~~  
1613 ~~the term "department" shall mean all departments and commissions~~  
1614 ~~of the executive branch, whether created by the State~~  
1615 ~~Constitution or chapter 20; the office of the Governor; and the~~  
1616 ~~Public Service Commission; however, the term "department" shall~~  
1617 ~~mean the Department of Management Services when used in the~~  
1618 ~~context of the authority to establish pay bands and benefits.~~

1619 ~~(3)(5) POSITIONS EXEMPTED BY OTHER STATUTES.—~~If any  
1620 position is exempted from the Civil ~~career~~ Service by any other  
1621 statute and the personnel system to which that position is  
1622 assigned is not specifically included in the statute, the  
1623 position shall be placed in the Selected Exempt Service, and the  
1624 Department of Management Services shall set ~~establish~~ the pay

585-03095-12

20122084c1

1625 band and benefits for that position in accordance with the rules  
1626 of the Selected Exempt Service.

1627 (4) RULES.—The Department of Management Services may adopt  
1628 rules necessary to administer this section.

1629 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~  
1630 ~~DEPARTMENT OF FINANCIAL SERVICES.—In addition to those positions~~  
1631 ~~exempted from this part, there is hereby exempted from the~~  
1632 ~~Career Service System the chief inspector of the boiler~~  
1633 ~~inspection program of the Department of Financial Services. The~~  
1634 ~~pay band of this position shall be established by the Department~~  
1635 ~~of Management Services in accordance with the classification and~~  
1636 ~~pay plan established for the Selected Exempt Service.~~

1637 ~~(7) CARRYING LEAVE FORWARD.—If an employee is transferred~~  
1638 ~~or otherwise moves from the Career Service System into the~~  
1639 ~~Selected Exempt Service, all of the employee's unused annual~~  
1640 ~~leave, unused sick leave, and unused compensatory leave shall~~  
1641 ~~carry forward with the employee.~~

1642 Section 25. Section 110.208, Florida Statutes, is created  
1643 to read:

1644 110.208 Classification system.—The department shall  
1645 establish and maintain a uniform classification system  
1646 applicable to all positions in the Civil Service and shall be  
1647 responsible for the overall coordination, review, and  
1648 maintenance of the system. A position may not be filled until it  
1649 has been classified in accordance with the system.

1650 (1) The system must include:

1651 (a) A position classification system using job families,  
1652 occupational groups, and a broadband level structure for each  
1653 occupation within an occupational group.

585-03095-12

20122084c1

1654 (b) A pay plan that provides broad-based pay bands for each  
1655 occupational group.

1656 (2) In establishing and administering the system, the  
1657 department:

1658 (a) Shall develop occupation profiles necessary for the  
1659 establishment of new occupations or for the revision of existing  
1660 occupations, and shall establish the appropriate occupation  
1661 title and broadband level code for each occupation. The  
1662 occupation profiles, titles, and codes are not rules within the  
1663 meaning of s. 120.52.

1664 (b) Shall be responsible for conducting periodic studies  
1665 and surveys to ensure that the classification system is  
1666 maintained on a current basis.

1667 (c) May review in a postaudit capacity the action taken by  
1668 an agency in classifying or reclassifying a position.

1669 (d) Shall effect a classification change on any  
1670 classification or reclassification action taken by an agency if  
1671 the action taken by the agency was not based on the duties and  
1672 responsibilities officially assigned the position as they relate  
1673 to the concepts and description contained in the official  
1674 occupation profile and the level definition provided in the  
1675 occupational group characteristics adopted by the department.

1676 (e) Shall adopt rules necessary to administer the  
1677 classification system.

1678 (3) Each state agency is responsible for the day-to-day  
1679 application of the classification system established by the  
1680 department. The agency:

1681 (a) Shall maintain an up-to-date position description for  
1682 each authorized and established position assigned to the agency.

585-03095-12

20122084c1

1683 The position description must include an accurate description of  
1684 assigned duties and responsibilities and other pertinent  
1685 information relating to a position and serves as a record of the  
1686 official assignment of duties to the position. The description  
1687 shall be used to compare positions in order to ensure the  
1688 uniformity of classifications.

1689 (b) May classify positions authorized by the Legislature or  
1690 pursuant to s. 216.262, classify positions that are added in  
1691 lieu of positions deleted pursuant to s. 216.262, and reclassify  
1692 established positions. Classification and reclassification  
1693 actions taken by an agency must be within the classification  
1694 system occupations established by the department, shall be  
1695 funded within the limits of currently authorized appropriations,  
1696 and must be in accordance with the uniform procedures  
1697 established by the department.

1698 Section 26. Section 110.2085, Florida Statutes, is created  
1699 to read:

1700 110.2085 Pay plan.—

1701 (1) The department shall establish and maintain an  
1702 equitable pay plan that applies to all positions in the Civil  
1703 Service and shall be responsible for the overall review,  
1704 coordination, and administration of the pay plan.

1705 (2) The department shall provide market-based pay bands for  
1706 occupational groups and establish guidelines for state agencies  
1707 to use when moving employees through such pay bands.

1708 (a) The agencies may determine the appropriate salary  
1709 within the pay bands using the guidelines developed by the  
1710 department. Such pay bands, and the assignment of broadband  
1711 levels to positions, are not rules within the meaning of s.

585-03095-12

20122084c1

1712 120.52.

1713 (b) The department, in consultation with the Executive  
1714 Office of the Governor and the legislative appropriations  
1715 committees, shall conduct compensation surveys as necessary for  
1716 the purpose of achieving an equitable, competitive, market-based  
1717 pay policy.

1718 (3) The department shall establish rules for the  
1719 administration of pay additives and shall delegate to the state  
1720 agencies, where appropriate, the authority to implement pay  
1721 additives. The agency must use pay additives, as appropriate,  
1722 within the guidelines established by the department and  
1723 consistent with directions contained in the General  
1724 Appropriations Act.

1725 (a) The following pay additives are authorized:

- 1726 1. Shift differentials.
- 1727 2. On-call.
- 1728 3. Hazardous duty.
- 1729 4. Lead-worker duty.
- 1730 5. Temporary special duties - general.
- 1731 6. Temporary special duties - absent coworker.
- 1732 7. Trainer duties.
- 1733 8. Competitive area differentials.
- 1734 9. Critical market pay.

1735 (b) Each state agency shall include in its annual  
1736 legislative budget request a proposed written plan for  
1737 implementing temporary special duties - general pay additives  
1738 during the next fiscal year. Proposed revisions to an approved  
1739 plan which become necessary during the fiscal year must be  
1740 submitted by the agency to the department for review and

585-03095-12

20122084c1

1741 recommendation to the Executive Office of the Governor. Such  
1742 revisions may be implemented only after approval by the  
1743 Executive Office of the Governor. A proposed revision is deemed  
1744 to be action subject to s. 216.177.

1745 (c) A new competitive area differential or a new critical  
1746 market pay additive may not be implemented unless the department  
1747 has reviewed and recommended such action and the Legislature has  
1748 provided express authority to implement such action. This  
1749 applies to an increase in the level of competitive area  
1750 differentials and critical market pay additives, and to the  
1751 initial establishment and implementation of a competitive area  
1752 differential or critical market pay additive not in effect as of  
1753 January 1, 2012.

1754 (d) An agency may implement shift differential additives,  
1755 on-call additives, hazardous duty additives, lead-worker  
1756 additives, temporary special duties - absent coworker additives,  
1757 and trainer additives as necessary to accomplish the mission of  
1758 the agency and in accordance with department rules, instructions  
1759 contained in the General Appropriations Act, and applicable  
1760 collective bargaining agreements.

1761 (e) The department shall annually provide to the Executive  
1762 Office of the Governor and the Legislature a summary report of  
1763 the pay additives implemented pursuant to this section.

1764 (4) A state agency may implement salary increase and  
1765 decrease corrections due to administrative errors.

1766 (5) The department may adopt rules necessary to administer  
1767 this section.

1768 Section 27. Section 110.211, Florida Statutes, is amended  
1769 to read:

585-03095-12

20122084c1

1770 110.211 Recruitment.—

1771 (1) Recruiting shall be planned and carried out to ensure  
1772 ~~in a manner that assures~~ open competition based upon current and  
1773 projected ~~employing~~ agency needs, taking into consideration the  
1774 number and types of positions to be filled and the labor market  
1775 conditions, with special emphasis placed on recruiting efforts  
1776 that ~~to~~ attract minorities, women, or other groups ~~that are~~  
1777 underrepresented in the workforce of a state ~~the employing~~  
1778 agency.

1779 (2) Recruiting efforts to fill current or projected  
1780 vacancies shall be carried out in the sound discretion of the  
1781 agency head.

1782 (3) ~~Recruiting shall seek efficiency in advertising and may~~  
1783 ~~be assisted by a contracted vendor responsible for maintenance~~  
1784 ~~of the personnel data.~~

1785 (4) The department may adopt rules necessary to administer  
1786 this section. All recruitment literature involving state  
1787 ~~position vacancies shall contain the phrase "An Equal~~  
1788 ~~Opportunity Employer/Affirmative Action Employer."~~

1789 Section 28. Section 110.213, Florida Statutes, is amended  
1790 to read:

1791 110.213 Selection.—

1792 (1) Selection for appointment from among the ~~most~~ qualified  
1793 candidates is ~~shall be~~ the sole responsibility of the ~~employing~~  
1794 state agency. ~~All new employees must successfully complete at~~  
1795 ~~least a 1-year probationary period before attainment of~~  
1796 ~~permanent status.~~

1797 (2) ~~Selection shall reflect efficiency and simplicity in~~  
1798 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee

585-03095-12

20122084c1

1799 shall ~~be required to~~ document the qualifications of the selected  
1800 candidate to ensure that the candidate meets the position  
1801 ~~minimum~~ requirements as specified by the ~~employing agency;~~  
1802 meets the licensure, certification, or registration  
1803 requirements, if any, as specified by statute;~~;~~ and possesses  
1804 the requisite knowledge, skills, and abilities for the position.  
1805 No other documentation or justification is ~~shall be~~ required  
1806 before ~~prior to~~ selecting a candidate for a position.

1807 (3) The department may adopt rules necessary to administer  
1808 this section.

1809 Section 29. Section 110.2135, Florida Statutes, is amended  
1810 to read:

1811 110.2135 Veterans' preference ~~in employment, reemployment,~~  
1812 ~~promotion, and retention.~~-

1813 (1) Preference in employment, reemployment, promotion, and  
1814 retention shall be given to an eligible veteran pursuant to ss.  
1815 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran  
1816 meets the minimum eligibility requirements and has the  
1817 knowledge, skills, and abilities required for the particular  
1818 position.

1819 (2) A disabled veteran employed as the result of being  
1820 placed at the top of the appropriate employment list under ~~the~~  
1821 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a  
1822 probationary period of 1 year. At the end of such period, if the  
1823 work of the veteran has been satisfactorily performed, the  
1824 veteran will acquire merit permanent employment status in his or  
1825 her position and ~~will~~ be subject to the employment rules of the  
1826 department ~~of Management Services~~ and the agency employing the  
1827 veteran ~~veteran's employing agency.~~

585-03095-12

20122084c1

1828       (3) The department may adopt rules necessary to administer  
1829 this section.

1830       Section 30. Section 110.215, Florida Statutes, is amended  
1831 to read:

1832       110.215 Examinations and other employment qualification  
1833 assessments administered to persons having disabilities.—

1834       (1) The purpose of this section is to further the policy of  
1835 the State Personnel System to encourage and assist persons  
1836 having disabilities to achieve maximum personal and vocational  
1837 independence through useful and productive gainful employment by  
1838 eliminating unwarranted barriers to their qualifying  
1839 competitively for civil ~~state career~~ service jobs.

1840       (2) As used in this section, the term:

1841       ~~(a) "Agency" includes each department and agency of the~~  
1842 ~~state.~~

1843       (a) ~~(b)~~ "Disability" means, with respect to an individual, a  
1844 physical or mental impairment that substantially limits one or  
1845 more of the major life activities of the individual, or a record  
1846 of having such an impairment, or being regarded as having such  
1847 an impairment.

1848       (b) ~~(c)~~ "Examination" includes employment tests and other  
1849 structured, systematic instruments used to assess the essential  
1850 knowledge, skills, abilities, minimum qualifications, and other  
1851 job-related requirements possessed by an applicant as a basis  
1852 for any employment decision by an agency.

1853       (3) An applicant for employment within the Civil State  
1854 ~~Career Service System~~ who has a disability that impairs sensory,  
1855 speaking, or manual skills may require an agency to administer  
1856 an ~~any~~ examination to him or her in a format and manner that

585-03095-12

20122084c1

1857 does not require use of an impaired skill, unless the test is  
1858 designed to measure that skill. An applicant may request a  
1859 reasonable accommodation in a test format on the basis of a  
1860 disability.

1861 (4) The department may adopt rules necessary to administer  
1862 this section.

1863 Section 31. Section 110.217, Florida Statutes, is amended  
1864 to read:

1865 110.217 Appointment actions and status ~~Appointments and~~  
1866 ~~promotion.~~

1867 ~~(1)(a) The department, in consultation with agencies that~~  
1868 ~~must comply with these rules,~~ shall develop uniform rules  
1869 regarding original appointment, promotion, demotion,  
1870 reassignment, lateral action, separation, and status which must  
1871 be used by state ~~employing~~ agencies. ~~Such rules must be approved~~  
1872 ~~by the Administration Commission before their adoption by the~~  
1873 ~~department.~~

1874 ~~(b) Employing agencies may seek exceptions to these uniform~~  
1875 ~~rules by filing a petition with the Administration Commission.~~  
1876 ~~The Administration Commission shall approve an exception when~~  
1877 ~~the exception is necessary to conform to any requirement imposed~~  
1878 ~~as a condition precedent to receipt of federal funds or to~~  
1879 ~~permit persons in this state to receive tax benefits under~~  
1880 ~~federal law, or as required for the most efficient operation of~~  
1881 ~~the agency as determined by the Administration Commission. The~~  
1882 ~~reasons for the exception must be published in the Florida~~  
1883 ~~Administrative Weekly.~~

1884 ~~(c) Agency rules that provide exceptions to the uniform~~  
1885 ~~rules may not be filed with the Department of State unless the~~

585-03095-12

20122084c1

1886 ~~Administration Commission has approved the exceptions. Each~~  
1887 ~~agency that adopts rules that provide exceptions to the uniform~~  
1888 ~~rules or that must comply with statutory requirements that~~  
1889 ~~conflict with the uniform rules must have a separate chapter~~  
1890 ~~published in the Florida Administrative Code that delineates~~  
1891 ~~clearly the provisions of the agency's rules which provide~~  
1892 ~~exceptions or are based upon a conflicting statutory~~  
1893 ~~requirement. Each alternative chosen from those authorized by~~  
1894 ~~the uniform rules must be specified. Each chapter must be~~  
1895 ~~organized in the same manner as the uniform rules.~~

1896 (2) An employee appointed on probationary status shall  
1897 attain merit status in his or her current position upon  
1898 successful completion of at least a 1-year probationary period.  
1899 The length of the probationary period may not exceed 18 months.  
1900 An employee who has not attained merit status in his or her  
1901 current position serves at the pleasure of the agency head and  
1902 may be dismissed at the discretion of the agency head.

1903 (3) If an employee who has received an internal agency  
1904 promotion from a position in which the employee held merit  
1905 status is to be dismissed from the promotional position for  
1906 failing to meet the established performance standards of the  
1907 promotional position while in probationary status, the agency,  
1908 before such dismissal, shall return the employee to his or her  
1909 former position or to a position having substantially similar  
1910 duties and responsibilities as the former position, if such a  
1911 position is vacant. Such determinations by an agency are not  
1912 appealable and this subsection does not apply to dismissals for  
1913 any other reason.

1914 ~~(2) Each employing agency shall have the responsibility for~~

585-03095-12

20122084c1

1915 ~~the establishment and maintenance of rules and guidelines for~~  
1916 ~~determining eligibility of applicants for appointment to~~  
1917 ~~positions in the career service.~~

1918 ~~(3) Eligibility shall be based on possession of required~~  
1919 ~~minimum qualifications for the job class and any required entry-~~  
1920 ~~level knowledge, skills, and abilities, and any certification~~  
1921 ~~and licensure required for a particular position.~~

1922 ~~(4) The employing agency shall be responsible for~~  
1923 ~~developing an employee career advancement program which shall~~  
1924 ~~assure consideration of qualified permanent employees in the~~  
1925 ~~agency or career service who apply. However, such program shall~~  
1926 ~~also include provisions to bring persons into the career service~~  
1927 ~~through open competition. Promotion appointments shall be~~  
1928 ~~subject to postaudit by the department.~~

1929 ~~(5) The department shall adopt any rules necessary to~~  
1930 ~~implement the provisions of this section. The rules must be~~  
1931 ~~approved by a majority vote of the Administration Commission~~  
1932 ~~prior to their adoption by the department.~~

1933 Section 32. Section 110.219, Florida Statutes, is amended  
1934 to read:

1935 110.219 Attendance and leave; general policies.-

1936 (1) The workday for each full-time state employee shall be  
1937 8 hours or as otherwise authorized ~~justified~~ by the agency head.

1938 (2) Overtime may be required for any employee.

1939 (3) The granting of any leave of absence, with or without  
1940 pay, shall be in accordance with applicable state or federal  
1941 laws and the rules of the State Personnel System ~~writing and~~  
1942 ~~shall be approved by the agency head. Those employees who, at~~  
1943 the discretion of the agency, are ~~An employee who is granted a~~

585-03095-12

20122084c1

1944 leave of absence remain employees of the agency ~~with or without~~  
1945 ~~pay shall be an employee of the state~~ while on such leave and  
1946 shall be returned to the same or comparable position ~~or a~~  
1947 ~~different position in the same class and same work location~~ upon  
1948 termination of the approved leave of absence in accordance with  
1949 the rules of the State Personnel System. ~~The agency head and the~~  
1950 ~~employee may agree in writing to other conditions and terms~~  
1951 ~~under which the leave is to be granted.~~

1952 ~~(4) Each agency shall keep an accurate record of all hours~~  
1953 ~~of work performed by each employee, as well as a complete and~~  
1954 ~~accurate record of all authorized leave which is approved. The~~  
1955 ~~ultimate responsibility for the accuracy and proper maintenance~~  
1956 ~~of all attendance and leave records shall be with the agency~~  
1957 ~~head.~~

1958 ~~(4) (5) Rules shall be adopted by~~ The department shall adopt  
1959 rules to administer ~~in cooperation and consultation with the~~  
1960 ~~agencies to implement the provisions of this section; however,~~  
1961 ~~such rules must be approved by the Administration Commission~~  
1962 ~~prior to their adoption.~~ Such rules must provide for, but need  
1963 not be limited to:

1964 (a) The maximum responsibility and authority resting with  
1965 each agency head to administer attendance and leave matters in  
1966 the agency within the parameters of the rules ~~adopted by the~~  
1967 ~~department.~~

1968 (b) ~~Creditable service in which 1 month of~~ Service credit  
1969 as it relates to the accrual and payment of leave ~~is awarded for~~  
1970 ~~each calendar month that the employee is on the payroll of a~~  
1971 ~~state agency or during which the employee is on authorized leave~~  
1972 ~~without pay.~~

585-03095-12

20122084c1

- 1973 (c) Holidays as provided in s. 112.929 ~~110.117~~.
- 1974 (d) Overtime provisions.
- 1975 (e) Annual leave provisions.
- 1976 (f) Sick leave provisions.
- 1977 (g) Parental leave provisions.
- 1978 (h) Family medical leave provisions.
- 1979 (i) Disability leave provisions.
- 1980 (j) Compulsory disability leave provisions.
- 1981 (k) Administrative leave provisions.
- 1982 (l) Military leave provisions.
- 1983 (m) Educational leave with pay provisions.
- 1984 (n) Leave of absence without pay provisions.
- 1985 ~~(6) The leave benefits provided to Senior Management~~
- 1986 ~~Service employees shall not exceed those provided to employees~~
- 1987 ~~in the Selected Exempt Service.~~
- 1988 (5) ~~(7)~~ Subject to available funds, each December, a civil
- 1989 permanent career service employee who has merit status or who
- 1990 currently has probationary status due to a promotion that was
- 1991 preceded by the attainment of merit status is entitled ~~shall be~~
- 1992 ~~entitled, subject to available funds,~~ to a payout of up to 24
- 1993 hours of unused annual leave if the ~~as follows:~~
- 1994 ~~(a) A permanent career service employee has~~ must have an
- 1995 annual leave balance of at least ~~no less than~~ 24 hours, after
- 1996 the payout, ~~in order to qualify for this benefit.~~
- 1997 (6) ~~(b)~~ A civil ~~No permanent career service employee may not~~
- 1998 ~~shall~~ receive a payout of greater than 240 hours over the course
- 1999 of the employee's career within ~~with~~ the Civil Service ~~state,~~
- 2000 including any leave received at the time of separation.
- 2001 Section 33. Section 110.221, Florida Statutes, is amended

585-03095-12

20122084c1

2002 to read:

2003 110.221 Parental or family medical leave.—

2004 (1) As used in this section, the term:

2005 (a) "Family" means a child, parent, or spouse, ~~and the~~  
2006 ~~term~~

2007 (b) "Family medical leave" means leave requested by an  
2008 employee for a serious family illness including an accident,  
2009 disease, or condition that poses imminent danger of death,  
2010 requires hospitalization involving an organ transplant, limb  
2011 amputation, or other procedure of similar severity, or any  
2012 mental or physical condition that requires constant in-home  
2013 care. ~~The term~~

2014 (c) "Parental leave" means leave for the father or mother  
2015 of a child who is born to or adopted by that parent.

2016 (2) The state may ~~shall~~ not:

2017 (a) Terminate the employment of a civil service ~~any~~  
2018 employee ~~in the career service~~ because of the pregnancy of the  
2019 employee or the employee's spouse or the adoption of a child by  
2020 that employee.

2021 (b) Refuse to grant to a civil ~~career~~ service employee  
2022 parental or family medical leave without pay for a period not to  
2023 exceed 6 months. Such leave commences ~~shall commence~~ on a date  
2024 ~~that is~~ determined by the employee in consultation with the  
2025 attending physician following notification to the employer in  
2026 writing, and that is approved by the employer.

2027 (c) Deny a civil ~~career~~ service employee the use of and  
2028 payment for annual leave credits for parental or family medical  
2029 leave. Such leave commences ~~shall commence~~ on a date determined  
2030 by the employee in consultation with the attending physician

585-03095-12

20122084c1

2031 following notification to the employer in writing.

2032 (d) Deny a civil ~~career~~ service employee the use of and  
2033 payment for accrued sick leave or family sick leave for any  
2034 reason deemed necessary by a physician or as established by  
2035 policy.

2036 (e) Require that a civil ~~career~~ service employee take a  
2037 mandatory parental or family medical leave.

2038 (3) Upon returning at the end of parental or family medical  
2039 leave of absence, such employee shall be reinstated to the same  
2040 job or ~~to~~ an equivalent position that has ~~with~~ equivalent pay  
2041 and ~~with~~ seniority, retirement, fringe benefits, and other  
2042 service credits accumulated before ~~prior to~~ the leave period. If  
2043 any portion of the parental or family medical leave is paid  
2044 leave, the employee is ~~shall be~~ entitled to accumulate all  
2045 benefits granted under paid leave status.

2046 (4) The department may adopt rules necessary to administer  
2047 this section.

2048 Section 34. Section 110.224, Florida Statutes, is amended  
2049 to read:

2050 110.224 ~~Public~~ Employee performance evaluation system.—An A  
2051 ~~public~~ employee performance evaluation system shall be  
2052 established as a basis for evaluating and improving the  
2053 performance of the state's workforce, to inform employees of  
2054 strong and weak points in the employee's performance, to  
2055 identify training needs, and to award lump-sum bonuses and other  
2056 performance-based incentives in accordance with s. 110.1245 or  
2057 other provisions of law ~~110.1245(2)~~.

2058 (1) Upon original appointment, promotion, demotion, or  
2059 reassignment, a job description of the assigned position

585-03095-12

20122084c1

2060 ~~assigned~~ must be made available to the civil career service  
2061 employee. The job description may be made available in an  
2062 electronic format.

2063 (2) Each employee shall ~~must~~ have a performance evaluation  
2064 conducted at least annually which involves both, ~~and the~~  
2065 ~~employee must receive~~ an oral and written assessment of his or  
2066 her performance ~~evaluation~~. The performance evaluation may  
2067 include a plan of action for improvement of the employee's  
2068 performance based on the work expectations or performance  
2069 standards applicable to the position as determined by the agency  
2070 head.

2071 (3) The department may adopt rules necessary to administer  
2072 this section ~~the public employee performance evaluation system~~  
2073 ~~which establish procedures for performance evaluation, review~~  
2074 ~~periods, and forms.~~

2075 Section 35. Section 110.227, Florida Statutes, is amended  
2076 to read:

2077 110.227 Suspensions, dismissals, reductions in pay,  
2078 demotions, layoffs, transfers, and grievances.—

2079 (1) An ~~Any~~ employee who has satisfactorily completed at  
2080 least a 1-year probationary period in his or her current  
2081 position may be suspended or dismissed only for cause. Cause  
2082 includes ~~shall include~~, but is not limited to, poor performance,  
2083 negligence, inefficiency or inability to perform assigned  
2084 duties, insubordination, violation of ~~the provisions of~~ law or  
2085 agency rules, conduct unbecoming a public employee, misconduct,  
2086 habitual drug abuse, or conviction of any crime. The agency head  
2087 shall ensure that all employees of the agency have reasonable  
2088 access to the agency's personnel policies and procedures ~~manual~~.

585-03095-12

20122084c1

2089           (2)~~(a)~~ The department shall establish rules and procedures  
2090 for the suspension, reduction in pay, transfer, layoff,  
2091 demotion, and dismissal of employees in the Civil career  
2092 Service.

2093           (a) Except with regard to law enforcement or correctional  
2094 officers, firefighters, or professional health care providers,  
2095 rules regarding layoff procedures may ~~shall~~ not include any  
2096 provision system whereby a civil career service employee with  
2097 greater seniority has the option of selecting a different  
2098 position not being eliminated, but either vacant or already  
2099 occupied by an employee who has ~~of~~ less seniority, and taking  
2100 that position, commonly referred to as "bumping."

2101           (b) For the implementation of layoffs as defined in s.  
2102 110.1054 ~~110.107~~, the department shall develop rules requiring  
2103 retention of the agency's employees based upon objective  
2104 measures that give consideration to comparative merit,  
2105 demonstrated skills, the employee's experience, and the  
2106 employee's length of service in the Civil Service. ~~Such rules~~  
2107 ~~shall be approved by the Administration Commission before their~~  
2108 ~~adoption by the department.~~

2109           (3)~~(a)~~ With regard to law enforcement or correctional  
2110 officers, firefighters, or professional health care providers:7  
2111 ~~when~~

2112           (a) If a layoff becomes necessary, such layoff shall be  
2113 conducted within the competitive area identified by the agency  
2114 head and approved by the department ~~of Management Services~~. Such  
2115 competitive area shall be established taking into consideration  
2116 the similarity of work; the organizational unit, which may be by  
2117 agency, department, division, bureau, or other organizational

585-03095-12

20122084c1

2118 unit; and the commuting area for the affected work ~~affected~~.

2119 (b) ~~With regard to law enforcement or correctional~~  
2120 ~~officers, firefighters, or professional health care providers,~~  
2121 Layoff procedures shall be developed to establish the relative  
2122 merit and fitness of employees and must ~~shall~~ include a formula  
2123 for uniform application among all employees in the competitive  
2124 area, taking into consideration the type of appointment, the  
2125 length of service, and the evaluations of the employee's  
2126 performance within the last 5 years of employment.

2127 (4) A grievance process shall be available to civil ~~career~~  
2128 service employees who have satisfactorily completed at least a  
2129 1-year probationary period in their current positions. A  
2130 ~~grievance is defined as the dissatisfaction that~~ occurs when an  
2131 employee believes that any condition affecting the employee is  
2132 unjust, inequitable, or a hindrance to the effective performance  
2133 of his or her job duties ~~operation~~. Claims of discrimination and  
2134 sexual harassment or claims related to suspensions, reductions  
2135 in pay, demotions, and dismissals are not subject to the civil  
2136 ~~career~~ service grievance process. The following procedures ~~shall~~  
2137 apply to any grievance filed pursuant to this subsection, except  
2138 that all timeframes may be extended in writing by mutual  
2139 agreement:

2140 (a) *Step One.*—The employee must ~~may~~ submit a signed,  
2141 written grievance on a form provided by the agency to his or her  
2142 supervisor within 14 calendar days following the occurrence of  
2143 the event giving rise to the grievance. The supervisor must meet  
2144 with the employee to discuss the grievance and provide a written  
2145 response to the employee within 7 business days following  
2146 receipt of the grievance.

585-03095-12

20122084c1

2147 (b) *Step Two.*—If the employee is dissatisfied with the  
2148 response of his or her supervisor, the employee must ~~may~~ submit  
2149 the written grievance to the agency head or ~~his or her~~ designee  
2150 within 7 business days following receipt of the supervisor's  
2151 written response. The agency head's ~~head or his or her~~ designee  
2152 may ~~must~~ meet with the employee to discuss the grievance within  
2153 5 business days following receipt of the grievance. The agency  
2154 head or his or her designee must respond in writing to the  
2155 employee within 5 business days following receipt of the  
2156 grievance or the meeting. The written decision of the agency  
2157 head or designee is ~~shall be the~~ final and binding ~~authority~~ for  
2158 all grievances filed pursuant to this subsection. Such  
2159 grievances may not be appealed beyond Step Two.

2160 (5) ~~(a)~~ A civil ~~career~~ service employee who has  
2161 satisfactorily completed at least a 1-year probationary period  
2162 and attained merit status in his or her current position and who  
2163 is subject to a suspension, reduction in pay, demotion,  
2164 involuntary transfer of more than 50 miles by highway, or  
2165 dismissal shall receive written notice of such action at least  
2166 10 calendar days before ~~prior to~~ the date such action is ~~to be~~  
2167 taken.

2168 (a) Subsequent to such notice, and before ~~prior to~~ the date  
2169 the action is ~~to be~~ taken, the affected employee shall be given  
2170 an opportunity to appear before a designated agency official to  
2171 rebut the agency or official taking the action to answer orally  
2172 ~~and in writing~~ the charges against him or her orally or in  
2173 writing. The notice ~~to the employee required by this paragraph~~  
2174 may be delivered to the employee personally or may be sent by  
2175 certified mail with return receipt requested. Such actions are

585-03095-12

20122084c1

2176 ~~shall be~~ appealable to the Public Employees Relations Commission  
2177 as provided in subsection (6). Written notice of ~~any~~ such appeal  
2178 shall be filed by the employee with the commission within 21  
2179 calendar days after the date on which the notice of suspension,  
2180 reduction in pay, demotion, involuntary transfer of more than 50  
2181 miles by highway, or dismissal is received by the employee.

2182 (b) In extraordinary situations such as when the retention  
2183 of a civil career service employee who has satisfactorily  
2184 completed at least a 1-year probationary period in his or her  
2185 current position may ~~would~~ result in damage to state property,  
2186 may ~~would~~ be detrimental to the best interest of the state, or  
2187 may ~~would~~ result in harm ~~injury~~ to the employee, a fellow  
2188 employee, or some other person, such employee may be suspended  
2189 or dismissed without 10 calendar days' prior notice if, ~~provided~~  
2190 ~~that~~ written or oral notice of such action, including evidence  
2191 ~~of~~ the reasons therefor, and an opportunity to rebut the charges  
2192 are furnished to the employee before ~~prior to~~ such dismissal or  
2193 suspension. Such notice may be delivered to the employee  
2194 personally or may be sent by certified mail with return receipt  
2195 requested. ~~Agency compliance with the foregoing procedure~~  
2196 ~~requiring notice, evidence, and an opportunity for rebuttal must~~  
2197 ~~be substantiated.~~ Any employee who is suspended or dismissed  
2198 pursuant to ~~the provisions of~~ this paragraph may appeal to the  
2199 Public Employees Relations Commission as provided in subsection  
2200 (6). Written notice of any such appeal shall be filed with the  
2201 commission by the employee within 21 calendar days after the  
2202 date on which the notice of suspension, ~~reduction in pay,~~  
2203 ~~demotion,~~ or dismissal is received by the employee.

2204 (c) Merit status that was attained in a previous position

585-03095-12

20122084c1

2205 does not give rise to appeal rights under this section.

2206 (6) The following procedures ~~shall~~ apply to appeals filed  
2207 pursuant to subsection (5) with the Public Employees Relations  
2208 Commission, ~~hereinafter referred to as the commission:~~

2209 (a) The commission must conduct a hearing within 60  
2210 calendar days following the filing of a notice of appeal. An ~~No~~  
2211 extension of time for the hearing may not exceed 30 calendar  
2212 days, absent exceptional circumstances, and ~~no extension of time~~  
2213 may not be granted without the consent of all parties. Discovery  
2214 may be granted only upon the showing of extraordinary  
2215 circumstances. A party requesting discovery must ~~shall~~  
2216 demonstrate a substantial need for the information requested and  
2217 an inability to obtain relevant information by other means.  
2218 Except where inconsistent with the requirements of this  
2219 subsection, the provisions of s. 447.503(4) and (5) and chapter  
2220 120 apply to proceedings held pursuant to this subsection.

2221 (b) A person may represent himself or herself in  
2222 proceedings before the commission or may be represented by legal  
2223 counsel or by an ~~any~~ individual who qualifies as a  
2224 representative pursuant to rules adopted by the commission.

2225 (c) If the commission finds that cause did not exist for  
2226 the agency action, the commission shall reverse the decision of  
2227 the agency head and the employee shall be reinstated with or  
2228 without back pay. If the commission finds that cause existed for  
2229 the agency action, the commission shall affirm the decision of  
2230 the agency head. The commission may not reduce the penalty  
2231 imposed by the agency head, except in the case of law  
2232 enforcement or correctional officers, firefighters, and  
2233 professional health care providers, if the commission makes

585-03095-12

20122084c1

2234 specific written findings of mitigation.

2235 (d) A recommended order shall be issued by the hearing  
2236 officer within 30 days following the hearing. Exceptions to the  
2237 recommended order must ~~shall~~ be filed within 15 days after the  
2238 recommended order is issued. The final order shall be filed by  
2239 the commission within ~~no later than~~ 45 calendar days after the  
2240 hearing or after the filing of exceptions or oral arguments if  
2241 granted.

2242 (e) Final orders issued by the commission pursuant to  
2243 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2244 (7) Other than for law enforcement or correctional  
2245 officers, firefighters, and professional health care providers,  
2246 each suspension, dismissal, demotion, or reduction in pay must  
2247 be reviewed without consideration of any other case or set of  
2248 facts.

2249 (8) Employees of the Department of Law Enforcement are  
2250 subject to this section, except in matters relating to transfer.

2251 (9) The department may adopt rules necessary to administer  
2252 this section.

2253 ~~(8) A career service employee who is serving a probationary~~  
2254 ~~period in a position to which he or she has been promoted may be~~  
2255 ~~removed from that promotional position at any time during the~~  
2256 ~~probationary period but must be returned to his or her former~~  
2257 ~~position, or a comparable position, if such a position is~~  
2258 ~~vacant. If such a position is not available, before dismissal,~~  
2259 ~~the agency shall make a reasonable effort to retain the employee~~  
2260 ~~in another vacant position. This subsection does not apply to~~  
2261 ~~terminations for cause as described in subsection (1), nor does~~  
2262 ~~it create a right to "bump" an employee from an occupied~~

585-03095-12

20122084c1

2263 ~~position as described in paragraph (2)(a).~~

2264 Section 36. The Division of Statutory Revision is requested  
2265 to renumber part V of chapter 110, Florida Statutes, as part  
2266 III, consisting of ss. 110.302-110.3035, and to rename that part  
2267 as "Selected Exempt Service."

2268 Section 37. Section 110.601, Florida Statutes, is  
2269 transferred, renumbered as section 110.302, Florida Statutes,  
2270 and amended to read:

2271 110.302 ~~110.601~~ Declaration of policy.—This part creates a  
2272 system of personnel administration for management the purpose of  
2273 delivering ~~which is to deliver~~ high-quality performance by  
2274 selected exempt service ~~those~~ employees in the State Personnel  
2275 System ~~select exempt classifications~~ by facilitating the ~~state's~~  
2276 ability to attract and retain qualified personnel in these  
2277 positions, while also providing sufficient management  
2278 flexibility to ensure that the workforce is responsive to agency  
2279 needs. The Legislature recognizes that the public interest is  
2280 best served by developing and refining the technical and  
2281 managerial skills of these ~~its selected exempt service~~  
2282 employees, ~~and, to this end, technical training and management~~  
2283 ~~development programs are regarded as a major administrative~~  
2284 ~~function within agencies.~~

2285 Section 38. Section 110.602, Florida Statutes, is  
2286 transferred, renumbered as section 110.3021, Florida Statutes,  
2287 and amended to read:

2288 110.3021 ~~110.602~~ Selected Exempt Service; creation,  
2289 ~~coverage.~~

2290 (1) The Selected Exempt Service is created as a separate  
2291 system of personnel administration for ~~select exempt~~ positions

585-03095-12

20122084c1

2292 in the State Personnel System which. ~~Such positions shall~~  
2293 ~~include, and shall be limited to, those positions which are~~  
2294 ~~exempt from the Civil Career Service System pursuant to s.~~  
2295 ~~110.205(2) and (5) and for which the salaries and benefits are~~  
2296 ~~set by the department in accordance with the rules of the~~  
2297 ~~Selected Exempt Service. The department shall designate all~~  
2298 ~~positions included in the Selected Exempt Service as either~~  
2299 ~~managerial/policymaking, professional, or~~  
2300 ~~nonmanagerial/nonpolicymaking.~~

2301 (2) Employees in the Selected Exempt Service shall serve at  
2302 the pleasure of the agency head and are subject to personnel  
2303 actions at the discretion of the agency head. Personnel actions  
2304 that are tantamount to suspension, dismissal, reduction in pay,  
2305 demotion, or transfer are exempt from chapter 120.

2306 Section 39. 110.605, Florida Statutes, is transferred,  
2307 renumbered as section 110.3022, Florida Statutes, and amended to  
2308 read:

2309 110.3022 110.605 Powers and duties; personnel rules,  
2310 records, reports, and performance appraisal. ~~The department is~~  
2311 responsible for the policy administration of the Selected Exempt  
2312 Service. In carrying out that function the department shall:

2313 (1) Provide broad, market-based pay bands for occupations  
2314 within the Selected Exempt Service and establish guidelines that  
2315 allow state agencies flexibility to move employees through the  
2316 pay bands. The agencies may determine the appropriate salary  
2317 within the bands using the guidelines adopted by the department.  
2318 The pay bands, and the assignment of bands to positions, do not  
2319 constitute rules within the meaning of s. 120.52.

2320 (2) Establish a classification system and a salary and

585-03095-12

20122084c1

2321 benefit plan for the Selected Exempt Service which provides for  
2322 greater pay and benefits overall than are provided for the Civil  
2323 Service and less pay and benefits overall than are provided for  
2324 the Senior Management Service.

2325 (3) In consultation with the Executive Office of the  
2326 Governor and the appropriations committees of the Legislature,  
2327 conduct compensation surveys as necessary for achieving an  
2328 equitable, competitive, market-based compensation policy for  
2329 selected exempt service employees.

2330 (4) Establish a performance evaluation system for selected  
2331 exempt service employees which takes into consideration  
2332 individual and organizational efficiency, productivity, and  
2333 effectiveness.

2334 (5) Establish a system for documenting department actions  
2335 taken on agency requests for the approval of position exemptions  
2336 and pay increases for selected exempt service employees.

2337 (6)~~(1)~~ The department shall Adopt and administer uniform  
2338 personnel rules, records, and reports relating to employees and  
2339 positions in the Selected Exempt Service, as well as any other  
2340 rules and procedures relating to personnel administration which  
2341 are necessary to carry out the purposes of this part.

2342 (a) The rules adopted by the department must comply with  
2343 all federal regulations necessary to permit the agencies to  
2344 receive federal funds.

2345 (b) Each agency shall operate within the uniform personnel  
2346 rules adopted by the department pursuant to this part.

2347 (c) Each agency shall maintain up-to-date records and  
2348 reports required by applicable rules.

2349 (d)~~(a)~~ The department may ~~shall~~ develop uniform forms and

585-03095-12

20122084c1

2350 instructions to be used for personnel in reporting transactions  
2351 ~~which involve changes in an employee's salary, status,~~  
2352 ~~performance, leave, fingerprint record, loyalty oath, payroll~~  
2353 ~~change, or appointment action or any additional transactions as~~  
2354 the department deems ~~may deem~~ appropriate.

2355 ~~(b) The department shall develop a uniform performance~~  
2356 ~~appraisal system for employees and positions in the Selected~~  
2357 ~~Exempt Service covered by a collective bargaining agreement.~~  
2358 ~~Each employing agency shall develop a performance appraisal~~  
2359 ~~system for all other employees and positions in the Selected~~  
2360 ~~Exempt System. Such agency system shall take into consideration~~  
2361 ~~individual and organizational efficiency, productivity, and~~  
2362 ~~effectiveness.~~

2363 ~~(c) The employing agency must maintain, on a current basis,~~  
2364 ~~all records and reports required by applicable rules. The~~  
2365 ~~department shall periodically audit employing agency records to~~  
2366 ~~determine compliance with the provisions of this part and the~~  
2367 ~~rules of the department.~~

2368 ~~(d) The department shall develop a program of affirmative~~  
2369 ~~and positive actions that will ensure full utilization of women~~  
2370 ~~and minorities in Selected Exempt Service positions.~~

2371 ~~(2) Each employing agency shall operate within the uniform~~  
2372 ~~personnel rules adopted by the department pursuant to the~~  
2373 ~~provisions of this part. Each employing agency may adopt rules~~  
2374 ~~as necessary to implement the provisions of this part, but such~~  
2375 ~~rules shall not prescribe any personnel policies inconsistent~~  
2376 ~~with the provisions of this part or the rules of the department.~~

2377 ~~(3) The rules adopted by the department and each employing~~  
2378 ~~agency under this part shall comply with all federal regulations~~

585-03095-12

20122084c1

2379 ~~necessary to permit the state agencies to be eligible to receive~~  
2380 ~~federal funds.~~

2381 ~~(4) The department shall adopt by rule procedures for~~  
2382 ~~Selected Exempt Service employees that require disclosure to the~~  
2383 ~~agency head of any application for or offer of employment, gift,~~  
2384 ~~contractual relationship, or financial interest with any~~  
2385 ~~individual, partnership, association, corporation, utility, or~~  
2386 ~~other organization, whether public or private, doing business~~  
2387 ~~with or subject to regulation by the agency.~~

2388 ~~(5) The secretary may periodically hire a consultant with~~  
2389 ~~expertise in personnel management to advise him or her with~~  
2390 ~~respect to the administration of the Selected Exempt Service.~~

2391 Section 40. Section 110.3023, Florida Statutes, is created  
2392 to read:

2393 110.3023 Recruitment.-

2394 (1) Each state agency is responsible for establishing a  
2395 process for employing, advancing, and deploying selected exempt  
2396 service staff to meet agency needs.

2397 (2) If normal recruitment efforts of the agency through the  
2398 use of the department's designated human resource information  
2399 system, trade journals, or magazines are unsuccessful, the  
2400 agency may contract with a person or firm to conduct a  
2401 multistate search for hard-to-fill professional positions. The  
2402 contracted search person or firm must satisfy the following  
2403 criteria:

2404 (a) Willingness to accept contingency contracts with fees  
2405 up to 30 percent of the annual salary of the applicant, to be  
2406 paid upon employment of an applicant produced by the search.

2407 (b) Demonstrated capacity to perform effectively at

585-03095-12

20122084c1

2408 competitive industry prices.

2409 (c) Evidence of successful placements in the public sector  
2410 by level and type of placement.

2411 (d) Agreement for the delivery of services within 90  
2412 calendar days after the date of the requested search by the  
2413 agency, unless an extension is granted by the agency.

2414 (e) Ability to attract minorities and women as evidenced by  
2415 applicant pools generated for previous clients.

2416 Section 41. The Division of Statutory Revision is requested  
2417 to renumber part III of chapter 110, Florida Statutes, as part  
2418 IV, consisting of ss. 110.401-110.4035, and to rename that part  
2419 as "Senior Management Service."

2420 Section 42. Section 110.401, Florida Statutes, is amended  
2421 to read:

2422 110.401 Declaration of policy.—This part creates a ~~uniform~~  
2423 system of personnel administration for attracting, retaining,  
2424 and developing highly competent, executive-level senior-level  
2425 managers within the State Personnel System ~~at the highest~~  
2426 ~~executive-management-level agency positions in order for the~~  
2427 ~~highly complex programs and agencies of state government to~~  
2428 ~~function effectively, efficiently, and productively.~~ The  
2429 Legislature recognizes that executive-level senior-level  
2430 management is an established profession and that the public  
2431 interest is best served by developing and refining the  
2432 management skills of its senior management service employees.  
2433 ~~Accordingly, training and management development programs are~~  
2434 ~~regarded as a major administrative function within agencies.~~

2435 Section 43. Section 110.402, Florida Statutes, is amended  
2436 to read:

585-03095-12

20122084c1

2437 110.402 Senior Management Service; creation, ~~coverage.~~

2438 (1) The Senior Management Service is created as a separate  
2439 system of personnel administration for positions in the State  
2440 Personnel System which perform ~~executive branch~~ the duties and  
2441 responsibilities ~~that of which~~ are primarily and essentially  
2442 policymaking or managerial in nature.

2443 ~~(2) Such positions are~~ The Senior Management Service shall  
2444 be limited to those positions that which are exempt from the  
2445 Civil Career Service under System by s. 110.205 ~~(2)~~ and for which  
2446 the salaries and benefits are set by the department in  
2447 accordance with the rules of the Senior Management Service.

2448 (2) Employees in the Senior Management Service shall serve  
2449 at the pleasure of the agency head and are subject to personnel  
2450 actions at the discretion of the agency head. Personnel actions  
2451 that are tantamount to suspension, dismissal, reduction in pay,  
2452 demotion, or transfer are exempt from chapter 120.

2453 Section 44. Section 110.403, Florida Statutes, is amended  
2454 to read:

2455 110.403 Powers and duties of the department. ~~The department~~  
2456 is responsible for the policy administration of the Senior  
2457 Management Service. To carry out that function the department  
2458 shall:

2459 ~~(1) In order to implement the purposes of this part, the~~  
2460 ~~Department of Management Services, after approval by the~~  
2461 ~~Administration Commission, shall adopt and amend rules providing~~  
2462 ~~for:~~

2463 (1) (a) Establish a system for employing, advancing, and  
2464 deploying senior management service employees which promoting,  
2465 ~~or reassigning managers that~~ is responsive to organizational or

585-03095-12

20122084c1

2466 program needs. ~~In no event shall~~ The number of positions  
2467 included in the Senior Management Service may not exceed 1.0  
2468 percent of the total full-time equivalent positions in the Civil  
2469 ~~career~~ Service. The department may not approve the establishment  
2470 of ~~shall deny approval to establish~~ any position within the  
2471 Senior Management Service which exceeds ~~would exceed~~ the  
2472 limitation established in this paragraph. The department shall  
2473 report that the limitation has been reached to the Governor, the  
2474 President of the Senate, and the Speaker of the House of  
2475 Representatives, as soon as practicable after it ~~such event~~  
2476 occurs. ~~Employees in the Senior Management Service shall serve~~  
2477 ~~at the pleasure of the agency head and shall be subject to~~  
2478 ~~suspension, dismissal, reduction in pay, demotion, transfer, or~~  
2479 ~~other personnel action at the discretion of the agency head.~~  
2480 ~~Such personnel actions are exempt from the provisions of chapter~~  
2481 ~~120.~~

2482 (2) Provide broad, market-based pay bands for occupations  
2483 within the Senior Management Service and establish guidelines  
2484 that allow state agencies flexibility to move employees through  
2485 the pay bands. The agencies may determine the appropriate salary  
2486 within the bands using the guidelines established by the  
2487 department. Such pay bands and the assignment of bands to  
2488 positions do not constitute rules within the meaning of s.  
2489 120.52.

2490 ~~(b) A performance appraisal system which shall take into~~  
2491 ~~consideration individual and organizational efficiency,~~  
2492 ~~productivity, and effectiveness.~~

2493 (3)(e) Establish a classification system plan and a salary  
2494 and benefit plan for senior management service employees which

585-03095-12

20122084c1

2495 ~~that~~ provides appropriate incentives for the recruitment and  
2496 retention of outstanding management personnel and provides for  
2497 salary increases based on performance.

2498 (4) In consultation with the Executive Office of the  
2499 Governor and the appropriations committees of the Legislature,  
2500 conduct compensation surveys as necessary for the purpose of  
2501 achieving an equitable, competitive, market-based compensation  
2502 policy for senior management service employees.

2503 (5) Establish a performance evaluation system for senior  
2504 management service employees which takes into consideration  
2505 individual and organizational efficiency, productivity, and  
2506 effectiveness.

2507 ~~(d) A system of rating duties and responsibilities for~~  
2508 ~~positions within the Senior Management Service and the~~  
2509 ~~qualifications of candidates for those positions.~~

2510 ~~(6)-(e)~~ Establish a system for documenting actions taken on  
2511 agency requests for approval of position exemptions and special  
2512 pay increases for senior management service employees.

2513 (7) Adopt and administer personnel rules, records, and  
2514 reports relating to employees and positions in the Senior  
2515 Management Service, as well as any other rules or procedures  
2516 relating to personnel administration which are necessary for  
2517 carrying out the purposes of this part.

2518 (a) The rules adopted by the department must comply with  
2519 all federal regulations necessary for state agencies to receive  
2520 federal funds.

2521 (b) Each agency shall operate within the personnel rules  
2522 adopted by the department pursuant to this part.

2523 (c) The agency shall maintain up-to-date records and

585-03095-12

20122084c1

2524 reports required by applicable rules.

2525 (d) The department may develop uniform forms and  
2526 instructions to be used in connection with personnel  
2527 transactions as the department deems appropriate.

2528 ~~(f) Requirements regarding recordkeeping by agencies with~~  
2529 ~~respect to Senior Management Service positions. Such records~~  
2530 ~~shall be audited periodically by the Department of Management~~  
2531 ~~Services to determine agency compliance with the provisions of~~  
2532 ~~this part and the rules of the Department of Management~~  
2533 ~~Services.~~

2534 ~~(g) Other procedures relating to personnel administration~~  
2535 ~~to carry out the purposes of this part.~~

2536 ~~(h) A program of affirmative and positive action that will~~  
2537 ~~ensure full utilization of women and minorities in Senior~~  
2538 ~~Management Service positions.~~

2539 ~~(2) The powers, duties, and functions of the department of~~  
2540 ~~Management Services shall include responsibility for the policy~~  
2541 ~~administration of the Senior Management Service.~~

2542 ~~(3) The department shall have the following additional~~  
2543 ~~responsibilities:~~

2544 ~~(a) To establish and administer a professional development~~  
2545 ~~program that shall provide for the systematic development of~~  
2546 ~~managerial, executive, or administrative skills. Such a program~~  
2547 ~~shall include the following topics:~~

2548 ~~1. Improving the performance of individual employees. This~~  
2549 ~~topic provides skills in understanding and motivating individual~~  
2550 ~~performance, providing effective and timely evaluations of~~  
2551 ~~employees, and making recommendations on performance incentives~~  
2552 ~~and disincentives.~~

585-03095-12

20122084c1

2553 ~~2. Improving the performance of groups of employees. This~~  
2554 ~~topic provides skills in creating and maintaining productive~~  
2555 ~~workgroups and making recommendations on performance incentives~~  
2556 ~~and disincentives.~~

2557 ~~3. Relating the efforts of employees to the goals of the~~  
2558 ~~organization. This topic provides skills in linking the work of~~  
2559 ~~individual employees to the goals of the agency program,~~  
2560 ~~service, or activity.~~

2561 ~~4. Strategic planning. This topic provides the skills for~~  
2562 ~~defining agency business processes, measuring performance of~~  
2563 ~~such processes, and reengineering such processes for improved~~  
2564 ~~efficiency and effectiveness.~~

2565 ~~5. Team leadership. This topic provides skills in effective~~  
2566 ~~group processes for organizational motivation and productivity~~  
2567 ~~based on proven business and military applications that~~  
2568 ~~emphasize respect for and courtesy to the public.~~

2569 ~~(b) To promote public understanding of the purposes,~~  
2570 ~~policies, and programs of the Senior Management Service.~~

2571 ~~(c) To approve contracts of employing agencies with persons~~  
2572 ~~engaged in the business of conducting multistate executive~~  
2573 ~~searches to identify qualified and available applicants for~~  
2574 ~~Senior Management Service positions for which the department~~  
2575 ~~sets salaries in accordance with the classification and pay~~  
2576 ~~plan. Such contracts may be entered by the agency head only~~  
2577 ~~after completion of an unsuccessful in-house search. The~~  
2578 ~~department shall establish, by rule, the minimum qualifications~~  
2579 ~~for persons desiring to conduct executive searches, including a~~  
2580 ~~requirement for the use of contingency contracts. These rules~~  
2581 ~~shall ensure that such persons possess the requisite capacities~~

585-03095-12

20122084c1

2582 ~~to perform effectively at competitive industry prices. These~~  
2583 ~~rules shall also comply with state and federal laws and~~  
2584 ~~regulations governing equal opportunity employment.~~

2585 ~~(4) All policies and procedures adopted by the department~~  
2586 ~~regarding the Senior Management Service shall comply with all~~  
2587 ~~federal regulations necessary to permit the state agencies to be~~  
2588 ~~eligible to receive federal funds.~~

2589 ~~(5) The department shall adopt, by rule, procedures for~~  
2590 ~~Senior Management Service employees that require disclosure to~~  
2591 ~~the agency head of any application for or offer of employment,~~  
2592 ~~gift, contractual relationship, or financial interest with any~~  
2593 ~~individual, partnership, association, corporation, utility, or~~  
2594 ~~other organization, whether public or private, doing business~~  
2595 ~~with or subject to regulation by the agency.~~

2596 Section 45. Section 110.4035, Florida Statutes, is created  
2597 to read:

2598 110.4035 Recruitment.-

2599 (1) Each state agency is responsible for establishing a  
2600 process for employing, advancing, and deploying executive level  
2601 managers to meet agency needs.

2602 (2) If normal recruitment efforts are unsuccessful, the  
2603 agency may contract with a person or firm to conduct a  
2604 multistate search for executive level managers which satisfies  
2605 the following criteria:

2606 (a) Willingness to accept contingency contracts with fees  
2607 that do not exceed 30 percent of the annual salary of the  
2608 applicant, to be paid upon employment of the applicant produced  
2609 by the search.

2610 (b) Demonstrated capacity to perform effectively at

585-03095-12

20122084c1

2611 competitive industry prices.

2612 (c) Evidence of successful placements in the public sector  
2613 by level and type of placement.

2614 (d) Agreement for the delivery of services within 90  
2615 calendar days after the date of the requested search by the  
2616 agency, unless an extension is granted by the agency.

2617 (e) Ability to attract minorities and women as evidenced by  
2618 applicant pools generated for previous clients.

2619 Section 46. The Division of Statutory Revision is requested  
2620 to create part IX of chapter 112, Florida Statutes, to be  
2621 entitled "State Employment," and consisting of ss. 112.906-  
2622 112.933, Florida Statutes.

2623 Section 47. Section 112.906, Florida Statutes, is created  
2624 to read:

2625 112.906 Definitions.—As used in this part, the term:

2626 (1) "Department" means the Department of Management  
2627 Services.

2628 (2) "Other personal services" has the same meaning as in s.  
2629 216.011(1).

2630 (3) "State agency" or "agency" means any official, officer,  
2631 commission, board, authority, council, committee, or department  
2632 of the executive branch or judicial branch of state government  
2633 as defined in chapter 216, unless otherwise exempted by law.

2634 (4) "State employee" or "employee" means an employee of a  
2635 state agency.

2636 Section 48. Section 110.131, Florida Statutes, is  
2637 transferred, renumbered as section 112.907, Florida Statutes,  
2638 and amended to read:

2639 112.907 ~~110.131~~ Other-personal-services temporary

585-03095-12

20122084c1

2640 employment.-

2641 ~~(1) As used in this section, the term "agency" means any~~  
2642 ~~official, officer, commission, board, authority, council,~~  
2643 ~~committee, or department of the executive branch of state~~  
2644 ~~government and means any officer, court, commission, or other~~  
2645 ~~unit of the judicial branch of state government supported in~~  
2646 ~~whole or in part by appropriations made by the Legislature.~~

2647 (1)(2) An agency may employ any qualified individual in  
2648 other-personal-services temporary employment for 1,040 hours  
2649 within any 12-month period. For each other personal services  
2650 employee, the agency shall:

2651 (a) Maintain employee records identifying, at a minimum,  
2652 the person employed, hire date, type of other personal services  
2653 employment, and the number of hours worked.

2654 (b) Determine the appropriate rate of pay and ensure that  
2655 all payments are in compliance with the federal Fair Labor  
2656 Standards Act and state law.

2657 (c) Review, determine, and document by June 30 of each year  
2658 that the continuation of each other personal services employment  
2659 position is necessary to the mission of the agency. This review  
2660 process ~~An extension beyond a total of 1,040 hours within an~~  
2661 ~~agency for any individual requires a recommendation by the~~  
2662 ~~agency head and approval by the Executive Office of the~~  
2663 ~~Governor. Approval of extensions shall be made in accordance~~  
2664 ~~with criteria established by the department. Each agency shall~~  
2665 ~~maintain employee information as specified by the department~~  
2666 ~~regarding each extension of other-personal-services temporary~~  
2667 ~~employment. The time limitation established by this subsection~~  
2668 does not apply to board members; consultants; seasonal

585-03095-12

20122084c1

2669 employees; institutional clients employed as part of their  
2670 rehabilitation; bona fide, degree-seeking students in accredited  
2671 secondary or postsecondary educational programs; employees hired  
2672 to deal with an emergency situation that affects the public  
2673 health, safety, or welfare; or employees hired for a project  
2674 that is identified by a specific appropriation or time-limited  
2675 grant.

2676 (2) Unless specifically provided by law, other personal  
2677 services employees are not eligible for any form of paid leave,  
2678 paid holidays, paid personal day, participation in state group  
2679 insurance or retirement benefits, or any other state employee  
2680 benefit. Other personal services employees may be included in  
2681 that part of an agency's recognition and reward program that  
2682 recognizes and rewards employees who submit innovative ideas  
2683 that increase productivity, eliminate or reduce state  
2684 expenditures, improve operations, or generate additional  
2685 revenue, or who meet or exceed the agency's established criteria  
2686 for a project or goal.

2687 (3) Each agency that is authorized to adopt rules governing  
2688 the terms and conditions of employment may adopt rules necessary  
2689 to administer this section.

2690 ~~(3) The department shall adopt rules providing that other-~~  
2691 ~~personal services temporary employment in an employer-employee~~  
2692 ~~relationship shall be used for short-term tasks. Such rules~~  
2693 ~~shall specify the employment categories, terms, conditions, rate~~  
2694 ~~of pay, and frequency of other personal services temporary~~  
2695 ~~employment and the duration for which such employment may last;~~  
2696 ~~specify criteria for approving extensions beyond the time~~  
2697 ~~limitation provided in subsection (2); and prescribe~~

585-03095-12

20122084c1

2698 ~~recordkeeping and reporting requirements for other personal-~~  
2699 ~~services employment.~~

2700 ~~(4) The department shall prepare written material~~  
2701 ~~explaining the terms and conditions of other personal services~~  
2702 ~~employment and shall provide master copies to each agency. Each~~  
2703 ~~agency shall provide each of its applicants for such employment~~  
2704 ~~with a copy thereof at the time of application and shall discuss~~  
2705 ~~the information contained thereon with each applicant at the~~  
2706 ~~time of interview or employment commencement, whichever occurs~~  
2707 ~~sooner.~~

2708 ~~(5) The department shall maintain information relating to~~  
2709 ~~other personal services employment for each agency. Such~~  
2710 ~~information shall include:~~

2711 ~~(a) The total amount of compensation for other personal-~~  
2712 ~~services personnel, by employment category, for the preceding~~  
2713 ~~fiscal year.~~

2714 ~~(b) The name, social security number, employment category,~~  
2715 ~~employment commencement date, and number of hours worked for~~  
2716 ~~each individual whose initial other personal services temporary~~  
2717 ~~employment began before the start of the preceding fiscal year~~  
2718 ~~and who was still employed as an other personal services~~  
2719 ~~temporary employee at the end of the preceding fiscal year.~~

2720 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~  
2721 ~~not apply to any employee for whom the Board of Governors of the~~  
2722 ~~State University System, or the board's designee, or the Board~~  
2723 ~~of Trustees of the Florida School for the Deaf and the Blind is~~  
2724 ~~the employer as defined in s. 447.203(2); except that, for~~  
2725 ~~purposes of subsection (5), the Board of Trustees of the Florida~~  
2726 ~~School for the Deaf and the Blind shall comply with the~~

585-03095-12

20122084c1

2727 ~~recordkeeping and reporting requirements adopted by the~~  
2728 ~~department pursuant to subsection (3) with respect to those~~  
2729 ~~other personal services employees exempted by this subsection.~~

2730 ~~(b) The provisions of subsections (2), (3), and (4) do not~~  
2731 ~~apply to any employee of the Division of Blind Services Library~~  
2732 ~~for the Blind and Physically Handicapped for whom the Division~~  
2733 ~~of Blind Services is the employer as defined in s. 447.203(2);~~  
2734 ~~except that, for purposes of subsection (5), the Division of~~  
2735 ~~Blind Services shall comply with the recordkeeping and reporting~~  
2736 ~~requirements adopted by the department pursuant to subsection~~  
2737 ~~(3) with respect to those other personal services employees~~  
2738 ~~exempted by this subsection.~~

2739 ~~(c) Notwithstanding the provisions of this section, the~~  
2740 ~~agency head or his or her designee may extend the other-~~  
2741 ~~personal services employment of a health care practitioner~~  
2742 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~  
2743 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~  
2744 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~  
2745 ~~2,080 hours and may employ such practitioner on an hourly or~~  
2746 ~~other basis.~~

2747 ~~(7) The Department of Management Services shall annually~~  
2748 ~~assess agencies for the regulation of other personal services on~~  
2749 ~~a pro rata share basis not to exceed an amount as provided in~~  
2750 ~~the General Appropriations Act.~~

2751 Section 49. Section 110.1315, Florida Statutes, is  
2752 transferred, renumbered as section 112.908, Florida Statutes,  
2753 and amended to read:

2754 112.908 ~~110.1315~~ Alternative retirement benefits; other-  
2755 personal-services employees.-

585-03095-12

20122084c1

2756       (1) Upon review and ~~recommendation of the department and~~  
2757 approval of the Executive Office of the Governor, the Department  
2758 of Financial Services shall provide ~~department may contract for~~  
2759 ~~the implementation of~~ an alternative retirement income security  
2760 program for eligible temporary and seasonal employees of the  
2761 state who are compensated from appropriations for other personal  
2762 services. The Department of Financial Services may contract with  
2763 ~~may provide for~~ a private vendor or vendors to administer the  
2764 program under a defined-contribution plan under ss. 401(a) and  
2765 403(b) or s. 457 of the Internal Revenue Code, and the program  
2766 must provide retirement benefits as required under s.  
2767 3121(b)(7)(F) of the Internal Revenue Code. The Department of  
2768 Financial Services ~~department~~ may develop a request for  
2769 proposals and solicit qualified vendors to compete for the award  
2770 of the contract. A vendor shall be selected on the basis of the  
2771 plan that best serves the interest of the participating  
2772 employees and the state. The proposal must comply with all  
2773 necessary federal and state laws and rules.

2774       (2) The Department of Financial Services may adopt rules  
2775 necessary to administer this section.

2776       Section 50. Section 110.1128, Florida Statutes, is  
2777 transferred and renumbered as section 112.909, Florida Statutes.

2778       Section 51. Section 112.910, Florida Statutes, is created  
2779 to read:

2780       112.910 Equal employment opportunity.-

2781       (1) It is the policy of this state to assist in ensuring  
2782 equal employment opportunity through programs of affirmative and  
2783 positive action which allow full utilization of women and  
2784 minorities.

585-03095-12

20122084c1

2785 (2) The head of each executive agency shall develop and  
2786 implement an affirmative action plan in accordance with this  
2787 section and applicable state and federal laws.

2788 (a) Each executive agency shall establish annual goals for  
2789 ensuring the full utilization of groups underrepresented in its  
2790 workforce as compared to the relevant labor market as defined by  
2791 the agency and shall design its affirmative action plan to meet  
2792 those goals.

2793 (b) The head of each executive agency shall appoint an  
2794 equal employment opportunity officer.

2795 (c) By October 1 of each year, each executive agency that  
2796 is not part of the State Personnel System shall report to the  
2797 Executive Office of the Governor information relating to the  
2798 implementation, continuance, updating, and results of the  
2799 agency's affirmative action plan for the previous fiscal year.

2800 (3) Each state attorney and public defender shall:

2801 (a) Develop and implement an affirmative action plan.

2802 (b) Establish annual goals for ensuring the full  
2803 utilization of groups underrepresented in its workforce as  
2804 compared to the relevant labor market in this state and design  
2805 its affirmative action plan to meet those goals.

2806 (c) Appoint an affirmative action equal employment  
2807 opportunity officer.

2808 (d) Report annually to the Justice Administrative  
2809 Commission on the implementation, continuance, updating, and  
2810 results of his or her affirmative action program for the  
2811 previous fiscal year.

2812 (4) An individual claiming to be aggrieved by an unlawful  
2813 employment practice may file a complaint with the Florida

585-03095-12

20122084c1

2814 Commission on Human Relations as provided under s. 760.11.

2815 Section 52. Section 112.911, Florida Statutes, is created  
2816 to read:

2817 112.911 Nondiscrimination in employment.—

2818 (1) It is the policy of the state that all appointments,  
2819 terminations, assignments, and maintenance of status,  
2820 compensation, privileges, and other terms and conditions of  
2821 employment be made without regard to age, sex, race, color,  
2822 religion, national origin, political affiliation, marital  
2823 status, disability, or genetic information unless a specific  
2824 requirement constitutes a bona fide occupational qualification.

2825 (2) The state, its agencies, and officers shall ensure  
2826 freedom from discrimination in employment as provided by the  
2827 Florida Civil Rights Act of 1992, s. 112.044, and this chapter.

2828 Section 53. Section 110.1221, Florida Statutes, is  
2829 transferred, renumbered as section 112.912, Florida Statutes,  
2830 and amended to read:

2831 112.912 ~~110.1221~~ Sexual harassment policy; ~~executive agency~~  
2832 rules.—It is the policy of the state that sexual harassment is a  
2833 form of discrimination. Each agency that has authority to adopt  
2834 rules governing the terms and conditions of employment ~~The~~  
2835 ~~department~~ shall adopt uniform sexual harassment rules  
2836 ~~applicable to all executive agencies.~~ Such the rules must define  
2837 the term "sexual harassment" in a manner consistent with the  
2838 federal definition.

2839 Section 54. Section 110.122, Florida Statutes, is  
2840 transferred, renumbered as section 112.913, Florida Statutes,  
2841 and amended to read:

2842 112.913 ~~110.122~~ Terminal payment for accumulated sick

585-03095-12

20122084c1

2843 leave.—

2844 (1) All state branches, ~~departments,~~ and agencies that are  
2845 authorized ~~which have the authority~~ to establish or approve  
2846 personnel policies for employees and to employ personnel and  
2847 establish the conditions of their employment shall establish  
2848 policies that ~~to~~ provide terminal "incentive" pay for  
2849 accumulated and unused sick leave to each employee upon ~~normal~~  
2850 ~~or regular~~ retirement ~~for reason other than disability~~ or upon  
2851 termination of employment, or to the employee's beneficiary if  
2852 service is terminated by death if, ~~provided~~ such retirement,  
2853 termination, or death occurs after 10 years of creditable state  
2854 employment.

2855 (2) Each entity that is authorized to adopt rules governing  
2856 the terms and conditions of employment ~~The employing entity~~  
2857 shall establish and publish rules governing the accumulation and  
2858 use of sick leave. The employing entity shall ~~and~~ maintain  
2859 accurate and reliable records showing the amount of sick leave  
2860 that ~~which~~ has accumulated and is unused by the employee at the  
2861 time of retirement, death, or termination.

2862 (3) The payments authorized by this section shall be  
2863 determined by using the rate of pay received by the employee at  
2864 the time of retirement, termination, or death, applied to the  
2865 sick leave time for which the employee is qualified to receive  
2866 terminal "incentive" pay under the rules adopted ~~by the~~  
2867 ~~department~~ pursuant to ~~the provisions of~~ this section. The rules  
2868 and policies must provide ~~adopted pursuant to this section shall~~  
2869 ~~permit~~ terminal pay for sick leave equal to one-fourth ~~one-~~  
2870 ~~eighth~~ of all unused sick leave credit ~~accumulated prior to~~  
2871 ~~October 1, 1973, plus one-fourth of all unused sick leave~~

585-03095-12

20122084c1

2872 ~~accumulated on or after October 1, 1973.~~ However, terminal pay  
2873 allowable for unused sick leave may ~~accumulated on or after~~  
2874 ~~October 1, 1973,~~ shall not exceed a ~~maximum of~~ 480 hours of  
2875 actual payment. ~~Employees shall be required to use all sick~~  
2876 ~~leave accumulated prior to October 1, 1973, before using sick~~  
2877 ~~leave accumulated on or after October 1, 1973.~~

2878 (4) The payments made pursuant to this section are ~~shall~~  
2879 not salary payments ~~be considered~~ in any state-administered  
2880 retirement system ~~as salary payments~~ and may ~~shall~~ not be used  
2881 in determining the average final compensation of an employee in  
2882 any state-administered retirement system.

2883 (5) All rights and benefits provided under this section  
2884 shall be forfeited by an any employee:

2885 (a) Who is found guilty in a court of competent  
2886 jurisdiction of committing, aiding, or abetting any embezzlement  
2887 or theft from the employee's employer or bribery in connection  
2888 with the employment, committed before ~~prior to~~ retirement or 10  
2889 years of 10-year normal creditable state employment termination;

2890 (b) Whose employment is terminated by reason of the  
2891 employee having admitted committing, aiding, or abetting an  
2892 embezzlement or theft from his or her employer or by reason of  
2893 bribery;

2894 (c) Who, prior to 10 years of ~~10-year normal~~ creditable  
2895 state employment termination or retirement is adjudged by a  
2896 court of competent jurisdiction to have violated any state law  
2897 against strikes by public employees; or

2898 (d) Who has been found guilty by a court of competent  
2899 jurisdiction of violating any state law prohibiting strikes by  
2900 public employees, ~~shall forfeit all rights and benefits under~~

585-03095-12

20122084c1

2901 ~~this section.~~

2902 (6) An employee whose employment terminates as a result of  
2903 an act committed subject to this subsection may ~~shall~~ not be  
2904 given credit for unused sick leave accumulated before ~~prior to~~  
2905 termination if ~~should~~ the employee is ~~be~~ reemployed at a later  
2906 date.

2907 Section 55. Section 110.121, Florida Statutes, is  
2908 transferred, renumbered as section 112.914, Florida Statutes,  
2909 and amended to read:

2910 112.914 ~~110.121~~ Sick leave pool.—Each entity that  
2911 ~~department or agency of the state which~~ has authority to adopt  
2912 rules governing the accumulation and use of sick leave for  
2913 employees, and that ~~which~~ maintains accurate and reliable  
2914 records showing the amount of sick leave which has been  
2915 accumulated and is unused by employees, may, ~~in accordance with~~  
2916 ~~guidelines which shall be established by the Department of~~  
2917 ~~Management Services,~~ adopt rules establishing ~~for the~~  
2918 ~~establishment of a plan that allows~~ allowing participating  
2919 employees to pool and use sick leave ~~and allowing any sick leave~~  
2920 ~~thus pooled to be used by any participating employee who has~~  
2921 ~~used all of the sick leave that has been personally accrued by~~  
2922 ~~him or her. Although not limited to the following,~~ Such rules  
2923 must ~~shall~~ provide, but need not be limited to:

2924 (1) Minimum eligibility criteria ~~That employees shall be~~  
2925 eligible for participation in the sick leave pool ~~after 1 year~~  
2926 ~~of employment with the state or agency of the state; provided~~  
2927 ~~that such employee has accrued a minimum amount of unused sick~~  
2928 ~~leave, which minimum shall be established by rule.~~

2929 (2) That participation in the sick leave pool is ~~shall~~, at

585-03095-12

20122084c1

2930 ~~all times, be~~ voluntary on the part of the employees.

2931 (3) That any sick leave pooled shall be removed from the  
2932 personally accumulated sick leave balance of the employee  
2933 contributing such leave.

2934 (4) That any sick leave in the pool which ~~leave~~ is used by  
2935 a participating employee is ~~shall be~~ used only for the  
2936 employee's personal illness, accident, or injury.

2937 (5) That a participating employee may ~~shall not be eligible~~  
2938 ~~to~~ use sick leave accumulated in the pool until all of his or  
2939 her personally accrued sick, annual, and compensatory leave, and  
2940 personal day, have ~~has~~ been used.

2941 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in the  
2942 pool which any one employee may use.

2943 (7) That a participating employee who uses sick leave from  
2944 the pool is ~~shall not be~~ required to recontribute such sick  
2945 leave to the pool, except as otherwise provided in this section.

2946 (8) That an employee who cancels his or her membership in  
2947 the sick leave pool may ~~shall not be eligible to~~ withdraw the  
2948 hours ~~days~~ of sick leave contributed by that employee to the  
2949 pool.

2950 (9) That an employee who moves ~~transfers~~ from a ~~one~~  
2951 position in one agency state government to a ~~another~~ position in  
2952 another agency state government may transfer from one pool to  
2953 another if ~~the eligibility criteria of the pools are comparable~~  
2954 ~~or~~ the administrators of the pools have agreed on the ~~a~~ formula  
2955 ~~for~~ transfer of credits.

2956 (10) That alleged abuse of the use of the sick leave pool  
2957 shall be investigated, and, on a finding of wrongdoing, the  
2958 employee must ~~shall~~ repay all of the sick leave credits drawn

585-03095-12

20122084c1

2959 from the sick leave pool and is ~~shall be~~ subject to such other  
2960 disciplinary action as is determined by the agency head.

2961 (11) That sick leave credits may be drawn from the sick  
2962 leave pool by a part-time employee on a pro rata basis.

2963 Section 56. Section 110.119, Florida Statutes, is  
2964 transferred, renumbered as section 112.915, Florida Statutes,  
2965 and amended to read:

2966 112.915 ~~110.119~~ Administrative leave for military-service-  
2967 connected ~~reexamination or treatment with respect to service-~~  
2968 ~~connected~~ disability.-

2969 ~~(1) An~~ Any employee ~~of the state~~ who has been rated by the  
2970 United States Department of Veterans Affairs or its predecessor  
2971 to have incurred a service-connected disability and has been  
2972 scheduled by the United States Department of Veterans Affairs to  
2973 be reexamined or treated for the disability shall be granted  
2974 administrative leave for such reexamination or treatment without  
2975 loss of pay or benefits. However, such ~~In no event shall the~~  
2976 paid leave may not under this section exceed 48 hours per 6  
2977 calendar ~~days~~ a year.

2978 ~~(2) The department may adopt any rule necessary to carry~~  
2979 ~~out the purpose of this section.~~

2980 Section 57. Section 110.120, Florida Statutes, is  
2981 transferred, renumbered as section 112.916, Florida Statutes,  
2982 and amended to read:

2983 112.916 ~~110.120~~ Administrative leave for disaster service  
2984 volunteers.-

2985 (1) SHORT TITLE.-This section ~~shall be known and~~ may be  
2986 cited as the "Florida Disaster Volunteer Leave Act."

2987 (2) DEFINITIONS.-As used in this section, the following

585-03095-12

20122084c1

2988 terms shall apply:

2989 (a) "State agency" means any official, officer, commission,  
2990 board, authority, council, committee, or department of the  
2991 executive branch of state government.

2992 (b) "Disaster" includes disasters designated at level II  
2993 and above in the American National Red Cross regulations and  
2994 procedures.

2995 (3) LEAVE OF ABSENCE.—An employee of a state agency who is  
2996 a certified disaster service volunteer of the American Red Cross  
2997 may be granted a leave of absence with pay for up to ~~not more~~  
2998 ~~than~~ 15 working days in any 12-month period to participate in  
2999 specialized disaster relief services for the American Red Cross.  
3000 Such leave of absence may be granted upon the request of the  
3001 American Red Cross and upon the approval of the employer  
3002 ~~employee's employing~~ agency. An employee granted leave under  
3003 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the  
3004 state for purposes of workers' compensation. Leave under this  
3005 section ~~act~~ may be granted only for services related to a  
3006 disaster occurring within the boundaries of the State of  
3007 Florida, except that, with the approval of the Governor and  
3008 Cabinet, leave may be granted for services in response to a  
3009 disaster occurring within the boundaries of the United States.

3010 Section 58. Section 110.1091, Florida Statutes, is  
3011 transferred, renumbered as section 112.917, Florida Statutes,  
3012 and amended to read:

3013 112.917 ~~110.1091~~ Employee assistance programs; public  
3014 records exemption.—

3015 (1) ~~A An employing~~ state agency may provide a counseling,  
3016 therapeutic, or other professional treatment program to assist a

585-03095-12

20122084c1

3017 ~~any~~ state employee who has a behavioral disorder, medical  
3018 disorder, or substance abuse problem or who has an emotional  
3019 difficulty that affects the employee's job performance. ~~The Each~~  
3020 ~~employing~~ state agency may designate community diagnostic and  
3021 referral resources as necessary to implement ~~the provisions of~~  
3022 this subsection.

3023 (2) A state employee's personal identifying information  
3024 contained in records held by ~~a an~~ ~~employing~~ state agency  
3025 relating to an employee's participation in an employee  
3026 assistance program is confidential and exempt from ~~the~~  
3027 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
3028 Constitution.

3029 Section 59. Section 110.151, Florida Statutes, is  
3030 transferred, renumbered as section 112.918, Florida Statutes,  
3031 and amended to read:

3032 112.918 ~~110.151~~ ~~State officers' and employees'~~ Child care  
3033 services.—

3034 (1) A state agency may establish ~~The Department of~~  
3035 ~~Management Services shall approve~~, administer, and coordinate  
3036 child care services for ~~state officers' and employees'~~ children  
3037 or dependents. ~~Duties shall include, but not be limited to,~~  
3038 ~~reviewing and approving requests from state agencies for child~~  
3039 ~~care services; providing technical assistance on child care~~  
3040 ~~program startup and operation; and assisting other agencies in~~  
3041 ~~conducting needs assessments, designing centers, and selecting~~  
3042 ~~service providers.~~ Primary emphasis for child care services  
3043 shall be given to children who are not subject to compulsory  
3044 school attendance pursuant to part II of chapter 1003, and, to  
3045 the extent possible, emphasis shall be placed on child care for

585-03095-12

20122084c1

3046 children aged 2 and under.

3047 (2) Child care programs may be located in state-owned  
3048 office buildings, educational facilities and institutions,  
3049 custodial facilities and institutions, and, with the consent of  
3050 the President of the Senate and the Speaker of the House of  
3051 Representatives, in buildings or spaces used for legislative  
3052 activities. In addition, centers may be located in privately  
3053 owned buildings conveniently located to the place of employment  
3054 of those ~~officers and~~ employees to be served by the centers. If  
3055 a child care program is located in a state-owned office  
3056 building, educational facility or institution, or custodial  
3057 facility or institution, or in a privately owned building leased  
3058 by the state, a portion of the service provider's rental fees  
3059 for child care space may be waived by the sponsoring agency in  
3060 accordance with the rules of the department's Facilities Program  
3061 ~~Department of Management Services~~. Additionally, the sponsoring  
3062 state agency may be responsible for the maintenance, utilities,  
3063 and other operating costs associated with the child care center.

3064 (3) Except as otherwise provided in this section, the cost  
3065 of child care services shall be offset by fees charged to  
3066 employees who use the ~~child care~~ services. Requests for  
3067 proposals may provide for a sliding fee schedule based on, ~~with~~  
3068 ~~fees charged on the basis of~~ the employee's household income.

3069 (4) The provider of proposed child care services shall be  
3070 selected by competitive contract. ~~Requests for proposals shall~~  
3071 ~~be developed with the assistance of, and subject to the approval~~  
3072 ~~of, the Department of Management Services~~. Management of the  
3073 contract with the service provider is ~~shall be~~ the  
3074 responsibility of the sponsoring state agency.

585-03095-12

20122084c1

3075 (5) An operator selected to provide services must comply  
3076 with all state and local standards for the licensure and  
3077 operation of child care facilities, maintain adequate liability  
3078 insurance coverage, and assume financial and legal  
3079 responsibility for the operation of the program. ~~Neither~~ The  
3080 operator of and ~~nor~~ any personnel employed by or at a child care  
3081 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.  
3082 However, the sponsoring state agency may be responsible for the  
3083 operation of the child care center if ~~when~~:

3084 (a) A second request for proposals fails to procure a  
3085 qualified service provider; or

3086 (b) The service provider's contract is canceled and  
3087 attempts to procure another qualified service provider are  
3088 unsuccessful;

3089  
3090 ~~and plans for direct operation are approved by the Department of~~  
3091 ~~Management Services.~~

3092 (6) In the areas where the state has an insufficient number  
3093 of employees to justify a worksite center, a state agency may  
3094 join in a consortium arrangement using ~~utilizing~~ available state  
3095 facilities with not-for-profit corporations or other public  
3096 employers to provide child care services to ~~both~~ public  
3097 employees and employees of private sector employers. The  
3098 consortium agreement must first address the unmet child care  
3099 needs of the children of the public employees whose employers  
3100 are members of the consortium, and then address the child care  
3101 needs of private sector employees.

3102 ~~(7) The Department of Management Services may adopt any~~  
3103 ~~rules necessary to achieve the purposes of this section.~~

585-03095-12

20122084c1

3104           Section 60. Section 110.181, Florida Statutes, is  
3105 transferred and renumbered as section 112.919, Florida Statutes.

3106           Section 61. Section 110.1225, Florida Statutes, is  
3107 transferred, renumbered as section 112.920, Florida Statutes,  
3108 and amended to read:

3109           112.920 ~~110.1225~~ Furloughs.—~~If~~ When a deficit is projected  
3110 or certified to occur ~~by the Revenue Estimating Conference~~  
3111 pursuant to s. 216.221 ~~216.136(3)~~, in any state agency fund that  
3112 supports salary and benefit appropriations for state employees,  
3113 the affected state agency or the judicial branch, upon approval  
3114 of the Governor or the Chief Justice of the Supreme Court, as  
3115 applicable, Administration Commission may propose a furlough  
3116 plan and related budget amendments for consideration by the  
3117 Legislative Budget Commission. The commission, after consulting  
3118 with the Revenue Estimating Conference regarding the projected  
3119 deficit, may ~~to the Legislature, which must~~ approve or  
3120 disapprove such plan and budget amendments in total. This  
3121 section is subject to the notice and review procedures set forth  
3122 in s. 216.177. The plan must identify all affected positions and  
3123 ensure that all affected employees within a budget entity are  
3124 subject to the same reduction of hours for the same number of  
3125 pay periods with a commensurate reduction in pay.

3126           (1) If authorized by the Legislature as a cost-savings  
3127 measure to address anticipated short-term shortfalls to funds  
3128 that support salary and benefit appropriations for state  
3129 employees for a specified fiscal year, a state agency or the  
3130 judicial branch may also impose furloughs as directed by the  
3131 Legislature in the General Appropriations Act.

3132           (2) For the purposes of this section, the term "furlough"

585-03095-12

20122084c1

3133 means a temporary reduction in the regular hours of employment  
3134 administered as leave without pay.

3135 Section 62. Section 110.1155, Florida Statutes, is  
3136 transferred and renumbered as section 112.921, Florida Statutes.

3137 Section 63. Section 110.191, Florida Statutes, is  
3138 transferred, renumbered as section 112.922, Florida Statutes,  
3139 and amended to read:

3140 112.922 ~~110.191~~ State employee leasing.—

3141 (1) ~~If in situations where~~ the Legislature has expressly  
3142 authorized a ~~the state, an agency, or the judicial branch as~~  
3143 ~~defined in s. 110.107~~ to lease employees, the Executive Office  
3144 of the Governor for the executive branch or the Chief Justice  
3145 for the judicial branch may authorize ~~any of~~ the following  
3146 actions related to such state employee leasing activities if,  
3147 ~~provided that~~ the direct cost of such actions is to be paid or  
3148 reimbursed within 30 days after payment by the entity or person  
3149 to whom the employees are leased:

3150 (a) Creation of ~~Create~~ a separate budget entity from which  
3151 leased employees are ~~shall be~~ paid and the transfer of the  
3152 positions authorized to be leased to that budget entity.

3153 (b) ~~Provide~~ Increases in the operating budget entity.

3154 (c) ~~Authorized~~ Lump-sum salary bonuses to leased  
3155 employees. ~~+~~ However, any lump-sum salary bonus above the  
3156 automatic salary increases which may be contained in the General  
3157 Appropriations Act must be funded from private sources.

3158 (d) ~~Approve~~ Increases in salary rate for positions that  
3159 ~~which~~ are leased. ~~+~~ However, any salary rate above the automatic  
3160 salary increases which may be contained in the General  
3161 Appropriations Act must be funded from private sources.

585-03095-12

20122084c1

3162 (e) The waiver of ~~Waive~~ any requirement for automatic  
 3163 salary increases that ~~which~~ may be contained in the General  
 3164 Appropriations Act.

3165 (2) Positions that ~~which~~ are in the Senior Management  
 3166 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day  
 3167 before the state employee lease agreement takes effect ~~shall~~  
 3168 remain in the respective system if the duties performed by the  
 3169 position during the assignment of the state employee lease  
 3170 agreement are comparable as determined by the department. Those  
 3171 senior management service ~~system~~ or selected exempt service  
 3172 ~~system~~ positions that ~~which~~ are not determined comparable by the  
 3173 department, and positions that ~~which~~ are in other pay plans on  
 3174 the day before the lease agreement takes effect, ~~shall~~ have the  
 3175 same salaries and benefits provided to employees of the Office  
 3176 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3177 Section 64. Section 110.1082, Florida Statutes, is  
 3178 transferred, renumbered as section 112.923, Florida Statutes,  
 3179 and amended to read:

3180 112.923 ~~110.1082~~ Telephone ~~voice mail systems and telephone~~  
 3181 ~~menu options~~ systems.-

3182 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice  
 3183 mail system when the employee is at his or her regularly  
 3184 assigned work station where his or her telephone is functional  
 3185 and available for use, unless:

3186 (a) The telephone ~~device~~ is in use, ~~and/or;~~

3187 (b) The ~~Such~~ voice mail system alerts the caller to, and  
 3188 provides the caller with access to, a nonelectronic attendant;  
 3189 or

3190 (c) The ~~Such~~ voice mail system automatically transfers the

585-03095-12

20122084c1

3191 caller to a nonelectronic attendant.

3192 (2) Telephone menu options systems used by state agencies  
3193 ~~must, departments, or other state government units will~~ alert  
3194 the caller to, and provide the caller with access to, a  
3195 nonelectronic attendant.

3196 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~  
3197 ~~provisions of~~ this section.

3198 Section 65. Section 110.1165, Florida Statutes, is  
3199 transferred, renumbered as section 112.924, Florida Statutes,  
3200 and subsections (1) and (2) of that section are amended to read:

3201 112.924 ~~110.1165~~ Executive branch personnel errors;  
3202 limitation of actions for compensation.—

3203 (1) An agency of the executive branch, including the State  
3204 University System, shall establish procedures for the receipt,  
3205 consideration, and disposition of a claim regarding pay or  
3206 benefits brought by an employee if the ~~when that~~ employee is  
3207 damaged as a result of being provided with erroneous written  
3208 information by the ~~employing~~ agency regarding his or her pay or  
3209 benefits, and the employee detrimentally relies upon such  
3210 written information. In order to qualify for the relief ~~provided~~  
3211 ~~by this section~~, the employee's reliance on the representation  
3212 must have been reasonable and based ~~only~~ upon only the written  
3213 representations made by those persons authorized by the agency  
3214 head to make such representations. ~~Furthermore,~~ The erroneous  
3215 calculation and payment of an employee's salary, wages, or  
3216 benefits is not among the written representations that ~~which~~  
3217 ~~will~~ trigger relief under this section.

3218 (2) An agency of the executive branch, including the State  
3219 University System, may ~~is authorized to~~ take appropriate ~~such~~

585-03095-12

20122084c1

3220 action ~~as may be appropriate~~ to provide a remedy for an employee  
3221 concerning his or her claim regarding detrimental reliance on  
3222 erroneous written information provided by the ~~employing~~ agency  
3223 relating to pay and benefits ~~if, provided~~ such remedy is within  
3224 the purview of the agency's authority. The agency may not ~~has no~~  
3225 ~~authority whatsoever~~ to modify the state retirement system or  
3226 the state insurance program. Any monetary remedy afforded by the  
3227 agency must fall within the agency's budgetary authority. Any  
3228 person dissatisfied with the outcome of this process may file  
3229 ~~either~~ a grievance pursuant to the agency's internal grievance  
3230 process or an appeal to the Division of Administrative Hearings  
3231 pursuant to chapter 120, but not both.

3232 Section 66. Section 110.113, Florida Statutes, is  
3233 transferred, renumbered as section 112.925, Florida Statutes,  
3234 and amended to read:

3235 112.925 ~~110.113~~ Pay periods for state officers and  
3236 employees; salary payments by direct deposit.—

3237 (1) ~~The normal pay period for salaries of state officers~~  
3238 ~~and employees shall be 1 month.~~ The Department of Financial  
3239 Services shall issue ~~either~~ monthly or biweekly salary payments  
3240 to state officers and employees by state warrants or by direct  
3241 deposit pursuant to s. 17.076 ~~or make semimonthly salary~~  
3242 ~~payments by direct deposit pursuant to s. 17.076,~~ as requested  
3243 by each state employment system and the head of each state  
3244 ~~agency and approved by the Executive Office of the Governor and~~  
3245 ~~the~~ Department of Financial Services.

3246 (2) As a condition of employment, a ~~person appointed to a~~  
3247 ~~position in state~~ employee must ~~government is required to~~  
3248 participate in the direct deposit program pursuant to s. 17.076.

585-03095-12

20122084c1

3249 An employee may request an exemption from ~~the provisions of this~~  
3250 subsection if the ~~when such~~ employee can demonstrate a hardship  
3251 or if the ~~when such~~ employee is in an other-personal-services  
3252 position.

3253 Section 67. Section 110.114, Florida Statutes, is  
3254 transferred and renumbered as section 112.926, Florida Statutes.

3255 Section 68. Section 112.927, Florida Statutes, is created  
3256 to read:

3257 112.927 Human resource information system.—The department  
3258 may contract with other agencies or state governmental entities  
3259 outside the State Personnel System to establish and maintain  
3260 positions and use the human resource information system  
3261 established under s. 110.116 for its human resource  
3262 functionality as well as benefits administration. The use and  
3263 operation of the human resource information system shall be  
3264 based upon the design rules set forth by the department, and  
3265 such agencies and state governmental entities may be required to  
3266 conform their respective human resource business rules and  
3267 practices to the business rules and practices existing within  
3268 the human resource information system in order to minimize  
3269 additional system customization and to maximize system  
3270 efficiencies. Payment for usage shall be in accordance with s.  
3271 110.125(2).

3272 Section 69. Section 110.1127, Florida Statutes, is  
3273 transferred, renumbered as section 112.928, Florida Statutes,  
3274 and amended to read:

3275 112.928 ~~110.1127~~ Employee background screening and  
3276 investigations ~~security checks.~~—

3277 (1) Except as provided in subsection (2), each state agency

585-03095-12

20122084c1

3278 shall designate those positions that, based on the position  
3279 duties, require security background screening. All persons and  
3280 employees in such positions must undergo employment screening in  
3281 accordance with chapter 435, using level 1 screening standards,  
3282 as a condition of employment and continued employment.

3283 ~~(2)(1)~~ Each state ~~employing~~ agency shall designate those  
3284 ~~employee~~ positions that, because of the special trust or  
3285 responsibility or sensitive location, require security  
3286 background investigations. All persons and employees in such  
3287 positions must undergo employment screening in accordance with  
3288 chapter 435, using level 2 screening standards ~~of those~~  
3289 ~~positions, require that persons occupying those positions be~~  
3290 ~~subject to a security background check, including~~  
3291 ~~fingerprinting, as a condition of employment~~ and continued  
3292 employment.

3293 ~~(2)~~(a) All positions within the Division of Treasury of the  
3294 Department of Financial Services are deemed to be positions of  
3295 special trust or responsibility. Persons seeking or holding such  
3296 positions, ~~and a person~~ may be disqualified for employment ~~in~~  
3297 ~~any such position~~ by reason of:

3298 1. The conviction or prior conviction of a crime that ~~which~~  
3299 is reasonably related to the nature of the position sought or  
3300 held by the individual; or

3301 2. The entering of a plea of nolo contendere or, when a  
3302 jury verdict of guilty is rendered but adjudication of guilt is  
3303 withheld, with respect to a crime that ~~which~~ is reasonably  
3304 related to the nature of the position sought or held by the  
3305 individual.

3306 ~~(b) All employees of the division shall be required to~~

585-03095-12

20122084c1

3307 ~~undergo security background investigations, including~~  
3308 ~~fingerprinting, as a condition of employment and continued~~  
3309 ~~employment.~~

3310 ~~(b)(3)(a)~~ All positions in programs providing care to  
3311 children, the developmentally disabled, or vulnerable adults for  
3312 15 hours or more per week; all permanent and temporary employee  
3313 positions of the central abuse hotline; and all persons working  
3314 under contract who have access to abuse records are deemed to be  
3315 persons and positions of special trust or responsibility, ~~and~~  
3316 ~~require employment screening pursuant to chapter 435, using the~~  
3317 ~~level 2 standards set forth in that chapter.~~

3318 1.(b) The employing agency may grant exemptions from  
3319 disqualification from working with children, the developmentally  
3320 disabled, or vulnerable adults as provided in s. 435.07.

3321 ~~(c) All persons and employees in such positions of trust or~~  
3322 ~~responsibility shall be required to undergo security background~~  
3323 ~~investigations as a condition of employment and continued~~  
3324 ~~employment. For the purposes of this subsection, security~~  
3325 ~~background investigations shall be conducted as provided in~~  
3326 ~~chapter 435, using the level 2 standards for screening set forth~~  
3327 ~~in that chapter.~~

3328 2.(d) It is a misdemeanor of the first degree, punishable  
3329 as provided in s. 775.082 or s. 775.083, for any person  
3330 willfully, knowingly, or intentionally to:

3331 a.1. Fail, by false statement, misrepresentation,  
3332 impersonation, or other fraudulent means, to disclose in any  
3333 application for voluntary or paid employment a material fact  
3334 used in making a determination as to such person's  
3335 qualifications for a position of special trust;

585-03095-12

20122084c1

3336 b.2. Use ~~records~~ information contained in records for  
3337 purposes other than background screening or investigation for  
3338 employment, or release such records information to other persons  
3339 for purposes other than preemployment screening or investigation  
3340 ~~for employment.~~

3341 3.(e) It is a felony of the third degree, punishable as  
3342 provided in s. 775.082, s. 775.083, or s. 775.084, for any  
3343 person to willfully, knowingly, or intentionally ~~to~~ use juvenile  
3344 records information for any purposes other than those specified  
3345 in this section or to release such information to other persons  
3346 for purposes other than those specified in this section.

3347 (3)(4) Any person who is required to undergo such a  
3348 security background screening or investigation and who refuses  
3349 to cooperate in such screening or investigation or refuses to  
3350 submit fingerprints shall be disqualified for employment in such  
3351 position or, if employed, shall be dismissed.

3352 (4)(5) ~~Such~~ Background screening and investigations shall  
3353 be conducted at the expense of the employing agency. If ~~When~~  
3354 fingerprinting is required, the fingerprints ~~of the employee or~~  
3355 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency  
3356 or by an authorized law enforcement officer, ~~and~~ and submitted to  
3357 the Department of Law Enforcement for processing, and, if  
3358 ~~forwarding, when~~ requested by the employing agency, forwarded to  
3359 the United States Department of Justice for processing. The  
3360 ~~employing~~ agency shall reimburse the Department of Law  
3361 Enforcement for any costs incurred for ~~by it in the~~ processing  
3362 ~~of~~ the fingerprints.

3363 Section 70. Section 110.117, Florida Statutes, is  
3364 transferred, renumbered as section 112.929, Florida Statutes,

585-03095-12

20122084c1

3365 and amended to read:

3366 112.929 ~~110.117~~ Paid holidays and personal day.-

3367 (1) The following holidays are ~~shall be~~ paid holidays  
3368 observed by all state branches and agencies:

3369 (a) New Year's Day.

3370 (b) Birthday of Martin Luther King, Jr., third Monday in  
3371 January.

3372 (c) Memorial Day.

3373 (d) Independence Day.

3374 (e) Labor Day.

3375 (f) Veterans' Day, November 11.

3376 (g) Thanksgiving Day.

3377 (h) Friday after Thanksgiving.

3378 (i) Christmas Day.

3379 (j) If any of these holidays falls on Saturday, the  
3380 preceding Friday shall be observed as a holiday. If any of these  
3381 holidays falls on Sunday, the following Monday shall be observed  
3382 as a holiday.

3383 (2) The Governor may declare, if ~~when~~ appropriate, a state  
3384 day of mourning in observance of the death of a person in  
3385 recognition of service rendered to the state or nation.

3386 (3) Each full-time employee in an authorized and  
3387 established position is entitled to one personal day ~~holiday~~  
3388 each year. Each part-time employee is entitled to a personal day  
3389 ~~holiday~~ each year, which shall be calculated based on the full-  
3390 time equivalency of the position ~~proportionately to the personal~~  
3391 ~~holiday allowed to a full-time employee.~~ The Such personal day  
3392 ~~holiday~~ shall be credited to eligible employees on July 1 of  
3393 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the

585-03095-12

20122084c1

3394 following year or forfeited. The personal day must be taken as a  
3395 whole day and may not be used incrementally. Members of the  
3396 teaching and research faculty of the State University System and  
3397 administrative and professional positions exempted under s.  
3398 110.205(2) (d) are not eligible for this benefit.

3399 (4) Other personal services employees are not eligible for  
3400 paid holidays or a personal day.

3401 Section 71. Section 112.930, Florida Statutes, is created  
3402 to read:

3403 112.930 Telework program.—

3404 (1) For the purposes of this section, the term "telework"  
3405 means an alternative work arrangement that allows an employee to  
3406 conduct all or some of his or her work away from the official  
3407 work site during all or a portion of the employee's established  
3408 work hours on a regular basis. The term does not include, and a  
3409 telework agreement is not required for:

3410 (a) Performance of required work duties away from the  
3411 official work site and outside of established work hours on an  
3412 occasional basis and sporadically working away from the official  
3413 work site during all or some portion of the established work  
3414 hours. These arrangements may be used by an agency to  
3415 accommodate extenuating circumstances by allowing an employee to  
3416 maintain productivity outside of the official work site.

3417 (b) Duties and responsibilities that, by their nature, are  
3418 performed routinely in the field away from the official work  
3419 site.

3420 (2) An agency may establish telework as an integral part of  
3421 the normal business operations of the agency and require that  
3422 specific work be performed through telework arrangements.

585-03095-12

20122084c1

3423 Telework may also be used as part of an agency's continuity of  
3424 operations plan where appropriate. An agency shall provide  
3425 telework as an optional alternative work arrangement to support  
3426 employee needs and implement telework arrangements where deemed  
3427 appropriate.

3428 (3) Each agency shall review all established positions and  
3429 designate those positions that the agency deems appropriate for  
3430 telework. The agency shall ensure this information is current  
3431 and available to its employees and managers. In addition, each  
3432 agency shall identify all currently participating employees and  
3433 their respective positions in the human resource information  
3434 system used by that agency.

3435 (4) Agencies that have a telework program shall develop an  
3436 agency plan that addresses the agency's telework policies and  
3437 procedures. At a minimum, an agency telework plan must:

3438 (a) Establish criteria for evaluating the ability of  
3439 employees to satisfactorily perform in a telework arrangement.

3440 (b) Establish performance standards that ensure that  
3441 employees participating in the program maintain satisfactory  
3442 performance levels.

3443 (c) Ensure teleworkers are subject to the same rules and  
3444 disciplinary actions as other employees.

3445 (d) Establish the reasonable conditions that the agency  
3446 plans to impose in order to ensure appropriate use and  
3447 maintenance of any equipment issued by the agency.

3448 (e) Establish a system for monitoring the productivity of  
3449 teleworking employees which ensures that the work output remains  
3450 at a satisfactory level and that the duties and responsibilities  
3451 of the position remain suitable for a telework arrangement.

585-03095-12

20122084c1

3452       (f) Establish the appropriate physical and electronic  
3453 information security controls to be maintained by a teleworker  
3454 at the telework site.

3455       (g) Prohibit employees engaged in telework from conducting  
3456 face-to-face state business at their residence.

3457       (5) Agencies that approve employees to use telework as an  
3458 optional alternative work arrangement shall:

3459       (a) Require a written agreement between the teleworker and  
3460 the agency which specifies the terms and conditions of the  
3461 telework arrangement and provides for the termination of an  
3462 employee's participation in the program if the employee's  
3463 continued participation is not in the best interest of the  
3464 agency.

3465       (b) Ensure that participation by an employee is voluntary  
3466 and that the employee may discontinue participation after  
3467 providing reasonable notice to the agency.

3468       (6) Agencies that require certain employees to telework as  
3469 a part of normal business operations shall:

3470       (a) Include the requirement to telework and the associated  
3471 terms and conditions as part of the position description,  
3472 specifying the minimum amount of telework time required.

3473       (b) Provide at least 30 calendar days' written notice to  
3474 affected employees of intent to impose or remove a requirement  
3475 to telework.

3476       (c) Provide at least 15 calendar days' written notice to  
3477 affected employees of intent to revise the terms and conditions  
3478 of their current telework arrangement.

3479       (d) Provide equipment and supplies to an employee necessary  
3480 to carry out job functions from the telework site.

585-03095-12

20122084c1

3481 (e) Specify the telework requirement in any recruitment  
3482 activities.

3483 (7) Agencies that have a telework program shall establish  
3484 and track performance measures that support telework program  
3485 analysis and report data annually to the department's Facilities  
3486 Program in accordance with s. 255.249(3)(d). Such measures must  
3487 include, but need not be limited to, those that quantify:

3488 (a) Financial impacts associated with changes in office  
3489 space requirements resulting from the telework program. State  
3490 agencies operating in office space owned or managed by the  
3491 department shall consult the Facilities Program to ensure  
3492 consistency with the strategic leasing plan required under s.  
3493 255.249(3)(b).

3494 (b) Energy consumption changes resulting from the telework  
3495 program.

3496 (c) Greenhouse gas emission changes resulting from the  
3497 telework program.

3498 (8) Agencies that have a telework program shall post the  
3499 agency telework plan and any pertinent supporting documents on  
3500 the agency website to allow access by employees and the public.

3501 (9) Agencies may approve other-personal-services employees  
3502 to participate in telework programs.

3503 (10) Each agency that is authorized to adopt rules  
3504 governing the terms and conditions of employment may adopt rules  
3505 necessary to administer this section.

3506 Section 72. Section 112.931, Florida Statutes, is created  
3507 to read:

3508 112.931 Savings sharing program.—Each state agency that is  
3509 authorized to adopt rules governing the terms and conditions of

585-03095-12

20122084c1

3510 employment may adopt rules that prescribe procedures and promote  
3511 a savings sharing program for an individual or group of  
3512 employees who propose procedures or ideas that are adopted and  
3513 that result in eliminating or reducing state expenditures if  
3514 such proposals are placed in effect and may be implemented under  
3515 current statutory authority.

3516 (1) The agency head shall recommend employees individually  
3517 or by group for a monetary award that is directly related to the  
3518 cost savings realized. Each proposed award and the amount of the  
3519 award must be approved by the Legislative Budget Commission.

3520 (2) Unless otherwise provided by law, all state agencies  
3521 may participate in the program. The Chief Justice may establish  
3522 a savings sharing program for employees of the judicial branch  
3523 within the parameters established under this section. The  
3524 program applies to all employees within the Civil Service, the  
3525 Selected Exempt Service, and comparable employees within the  
3526 judicial branch.

3527 (3) The department and the judicial branch shall annually  
3528 submit information to the President of the Senate and the  
3529 Speaker of the House of Representatives which outlines each  
3530 agency's level of participation in the program. At a minimum,  
3531 the information must include:

3532 (a) The number of proposals made.

3533 (b) The number of awards and amount of money awarded to  
3534 employees or groups for adopted proposals.

3535 (c) The actual cost savings realized as a result of  
3536 implementing the proposals.

3537 Section 73. Section 110.1156, Florida Statutes, is  
3538 transferred and renumbered as section 112.932, Florida Statutes.

585-03095-12

20122084c1

3539 Section 74. Section 112.933, Florida Statutes, is created  
3540 to read:

3541 112.933 Penalties.—

3542 (1) Any person who willfully violates any provision of this  
3543 part or any rules adopted pursuant to this part commits a  
3544 misdemeanor of the second degree, punishable as provided in s.  
3545 775.082 or s. 775.083.

3546 (2) Notwithstanding s. 112.011, any person who is convicted  
3547 of a misdemeanor under this part is ineligible for appointment  
3548 to or employment in a state position for 5 years. If such person  
3549 is an employee of the state, he or she must forfeit his or her  
3550 position.

3551 (3) Imposition of the penalties provided in this section  
3552 may not be in lieu of any action that may be taken or penalties  
3553 that may be imposed pursuant to part III of this chapter.

3554 Section 75. The Division of Statutory Revision is requested  
3555 to create part X of chapter 112, Florida Statutes, to be  
3556 entitled "State Administered Benefits," and consisting of ss.  
3557 112.940-112.952, Florida Statutes.

3558 Section 76. Section 110.1227, Florida Statutes, is  
3559 transferred, renumbered as section 112.940, Florida Statutes,  
3560 and paragraph (c) of subsection (1) of that section is amended  
3561 to read:

3562 112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan Act.—

3563 (1) The Legislature finds that state expenditures for long-  
3564 term-care services continue to increase at a rapid rate and that  
3565 the state faces increasing pressure in its efforts to meet the  
3566 long-term-care needs of the public.

3567 (c) This section does not affect ~~act in no way affects~~ the

585-03095-12

20122084c1

3568 authority of the Department of Management Services' ~~authority~~  
3569 pursuant to s. 112.942 ~~110.123~~.

3570 Section 77. Section 110.1228, Florida Statutes, is  
3571 transferred, renumbered as section 112.941, Florida Statutes,  
3572 and subsection (2) of that section is amended to read:

3573 112.941 ~~110.1228~~ Participation by small counties, small  
3574 municipalities, and district school boards located in small  
3575 counties.—

3576 (2) The governing body of a small county or small  
3577 municipality or a district school board may apply for  
3578 participation in the state group health insurance program  
3579 authorized in s. 112.942 ~~110.123~~ and the prescription drug  
3580 coverage program authorized by s. 112.946 ~~110.12315~~ by  
3581 submitting an application along with a \$500 nonrefundable fee to  
3582 the department.

3583 Section 78. Section 110.123, Florida Statutes, is  
3584 transferred, renumbered as section 112.942, Florida Statutes,  
3585 and paragraphs (f) and (h) of subsection (3) and paragraph (c)  
3586 of subsection (4) of that section are amended to read:

3587 112.942 ~~110.123~~ State group insurance program.—

3588 (3) STATE GROUP INSURANCE PROGRAM.—

3589 (f) Except as provided for in subparagraph (h)2., the state  
3590 contribution toward the cost of any plan in the state group  
3591 insurance program shall be uniform with respect to all state  
3592 employees in a state collective bargaining unit participating in  
3593 the same coverage tier in the same plan. This section does not  
3594 prohibit the development of separate benefit plans for officers  
3595 and employees exempt from the Civil ~~career~~ Service or the  
3596 development of separate benefit plans for each collective

585-03095-12

20122084c1

3597 bargaining unit.

3598 (h)1. In lieu of participating in the state group health  
3599 insurance plan, a person eligible to participate in the state  
3600 group insurance program may be authorized by department rules  
3601 ~~adopted by the department, in lieu of participating in the state~~  
3602 ~~group health insurance plan, to exercise an option to elect~~  
3603 membership in a health maintenance organization (HMO) plan ~~which~~  
3604 ~~is~~ under contract with the state in accordance with criteria  
3605 established by this section and adopted ~~by said~~ rules. The offer  
3606 of optional membership in an HMO ~~a health maintenance~~  
3607 ~~organization~~ plan ~~permitted by this paragraph~~ may be limited or  
3608 conditioned by rule as ~~may be~~ necessary to meet the requirements  
3609 of state and federal laws.

3610 2. The department shall contract with HMOs ~~health~~  
3611 ~~maintenance organizations~~ seeking to participate in the state  
3612 group insurance program through a request for proposal or other  
3613 procurement process, as developed by the Department of  
3614 Management Services and determined to be appropriate.

3615 a. The department shall establish a schedule of minimum  
3616 benefits for HMO ~~health maintenance organization~~ coverage which  
3617 includes, ~~and that schedule shall include~~: physician services;  
3618 inpatient and outpatient hospital services; emergency medical  
3619 services, including out-of-area emergency coverage; diagnostic  
3620 laboratory and diagnostic and therapeutic radiologic services;  
3621 mental health, alcohol, and chemical dependency treatment  
3622 services meeting the minimum requirements of state and federal  
3623 law; skilled nursing facilities and services; prescription  
3624 drugs; age-based and gender-based wellness benefits; and other  
3625 benefits as may be required by the department. Additional

585-03095-12

20122084c1

3626 services may be provided subject to the contract between the  
3627 department and the HMO. As used in this paragraph, the term  
3628 "age-based and gender-based wellness benefits" includes aerobic  
3629 exercise, education in alcohol and substance abuse prevention,  
3630 blood cholesterol screening, health risk appraisals, blood  
3631 pressure screening and education, nutrition education, program  
3632 planning, safety belt education, smoking cessation, stress  
3633 management, weight management, and women's health education.

3634 b. The department may establish uniform deductibles,  
3635 copayments, coverage tiers, or coinsurance schedules for all  
3636 participating HMO plans.

3637 c. The department may require detailed information from  
3638 each HMO ~~health maintenance organization~~ participating in the  
3639 procurement process, including information pertaining to  
3640 organizational status, experience in providing prepaid health  
3641 benefits, accessibility of services, financial stability of the  
3642 plan, quality of management services, accreditation status,  
3643 quality of medical services, network access and adequacy,  
3644 performance measurement, ability to meet the department's  
3645 reporting requirements, and the actuarial basis of the proposed  
3646 rates and other data determined by the director to be necessary  
3647 for the evaluation and selection of HMO ~~health maintenance~~  
3648 ~~organization~~ plans and negotiation of appropriate rates for  
3649 these plans. Upon receipt of proposals by HMO ~~health maintenance~~  
3650 ~~organization~~ plans and the evaluation of those proposals, the  
3651 department may enter into negotiations with all ~~of the plans~~ or  
3652 a subset of the plans, as the department determines appropriate.  
3653 ~~Nothing shall preclude~~ The department may negotiate ~~from~~  
3654 ~~negotiating~~ regional or statewide contracts with HMO ~~health~~

585-03095-12

20122084c1

3655 ~~maintenance organization~~ plans if ~~when this is~~ cost-effective  
3656 and ~~when~~ the department determines that the plan offers high  
3657 value to enrollees.

3658 d. The department may limit the number of HMOs that it  
3659 contracts with in each service area based on the nature of the  
3660 bids the department receives, the number of state employees in  
3661 the service area, or any unique geographical characteristics of  
3662 the service area. The department shall establish by rule service  
3663 areas throughout the state.

3664 e. All persons participating in the state group insurance  
3665 program may be required to contribute toward ~~towards~~ a total  
3666 state group health premium that may vary depending upon the plan  
3667 and coverage tier selected by the enrollee and the level of  
3668 state contribution authorized by the Legislature.

3669 3. The department may ~~is authorized to~~ negotiate and ~~to~~  
3670 contract with specialty psychiatric hospitals for mental health  
3671 benefits, on a regional basis, for alcohol, drug abuse, and  
3672 mental and nervous disorders. ~~The department may establish,~~  
3673 Subject to the approval of the Legislature pursuant to  
3674 subsection (5), the department may establish any such regional  
3675 plan upon completion of an actuarial study to determine any  
3676 impact on plan benefits and premiums.

3677 ~~4. In addition to contracting pursuant to subparagraph 2.,~~  
3678 ~~the department may enter into contract with any HMO to~~  
3679 ~~participate in the state group insurance program which:~~

3680 a. ~~Serves greater than 5,000 recipients on a prepaid basis~~  
3681 ~~under the Medicaid program;~~

3682 b. ~~Does not currently meet the 25-percent non-Medicare/non-~~  
3683 ~~Medicaid enrollment composition requirement established by the~~

585-03095-12

20122084c1

3684 ~~Department of Health excluding participants enrolled in the~~  
3685 ~~state group insurance program;~~

3686 ~~e. Meets the minimum benefit package and copayments and~~  
3687 ~~deductibles contained in sub-subparagraphs 2.a. and b.;~~

3688 ~~d. Is willing to participate in the state group insurance~~  
3689 ~~program at a cost of premiums that is not greater than 95~~  
3690 ~~percent of the cost of HMO premiums accepted by the department~~  
3691 ~~in each service area; and~~

3692 ~~e. Meets the minimum surplus requirements of s. 641.225.~~

3693

3694 ~~The department is authorized to contract with HMOs that meet the~~  
3695 ~~requirements of sub-subparagraphs a.-d. prior to the open~~  
3696 ~~enrollment period for state employees. The department is not~~  
3697 ~~required to renew the contract with the HMOs as set forth in~~  
3698 ~~this paragraph more than twice. Thereafter, the HMOs shall be~~  
3699 ~~eligible to participate in the state group insurance program~~  
3700 ~~only through the request for proposal or invitation to negotiate~~  
3701 ~~process described in subparagraph 2.~~

3702 ~~4.5.~~ All enrollees in a state group health insurance plan,  
3703 a TRICARE supplemental insurance plan, or an HMO ~~any health~~  
3704 ~~maintenance organization~~ plan have the option of changing to  
3705 another ~~any other~~ health plan ~~that is~~ offered by the state  
3706 within an ~~any~~ open enrollment period designated by the  
3707 department. Open enrollment shall be held at least once each  
3708 calendar year.

3709 ~~5.6. If~~ When a contract between a treating provider and the  
3710 state-contracted HMO ~~health maintenance organization~~ is  
3711 terminated for any reason other than for cause, each party must  
3712 ~~shall~~ allow an ~~any~~ enrollee for whom treatment was active to

585-03095-12

20122084c1

3713 continue coverage and care when medically necessary, through  
3714 completion of treatment of a condition for which the enrollee  
3715 was receiving care at the time of the termination, until the  
3716 enrollee selects another treating provider, or until the next  
3717 open enrollment period ~~offered~~, whichever is later ~~longer~~, but  
3718 no later ~~longer~~ than 6 months after termination of the contract.  
3719 Each party to the terminated contract must ~~shall~~ allow an  
3720 enrollee who has initiated a course of prenatal care, regardless  
3721 of the trimester in which care was initiated, to continue care  
3722 and coverage until completion of postpartum care. This does not  
3723 prevent a provider from refusing to continue to provide care to  
3724 an enrollee who is abusive, noncompliant, or in arrears in  
3725 payments for services provided. For care continued under this  
3726 subparagraph, the program and the provider ~~shall~~ continue to be  
3727 bound by the terms of the terminated contract. Changes made  
3728 within 30 days before termination of a contract are effective  
3729 only if agreed to by both parties.

3730 ~~6.7.~~ Any HMO participating in the state group insurance  
3731 program shall submit health care utilization and cost data to  
3732 the department, in such form and ~~in such~~ manner as the  
3733 department requires ~~shall require~~, as a condition of  
3734 participating in the program. The department shall enter into  
3735 negotiations with its contracting HMOs to determine the nature  
3736 and scope of the data submission and the final requirements,  
3737 format, penalties associated with noncompliance, and timetables  
3738 for submission. These determinations shall be adopted by rule.

3739 ~~7.8.~~ The department may establish and direct, with respect  
3740 to collective bargaining issues, a comprehensive package of  
3741 insurance benefits that may include supplemental health and life

585-03095-12

20122084c1

3742 coverage, dental care, long-term care, vision care, and other  
3743 benefits it determines necessary to enable state employees to  
3744 select from among benefit options that best suit their  
3745 individual and family needs.

3746 a. Based upon a desired benefit package, the department  
3747 shall issue a request for proposal or invitation to negotiate  
3748 for health insurance providers interested in participating in  
3749 the state group insurance program, and ~~the department shall~~  
3750 issue a request for proposal or invitation to negotiate for  
3751 insurance providers interested in participating in the non-  
3752 health-related components of the state group insurance program.  
3753 Upon receipt of all proposals, the department may enter into  
3754 contract negotiations with insurance providers submitting bids  
3755 or negotiate a specially designed benefit package. Insurance  
3756 providers offering or providing supplemental coverage as of May  
3757 30, 1991, which qualify for pretax benefit treatment pursuant to  
3758 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more  
3759 state employees currently enrolled may be included ~~by the~~  
3760 ~~department~~ in the supplemental insurance benefit plan  
3761 established by the department without participating in a request  
3762 for proposal, submitting bids, negotiating contracts, or  
3763 negotiating a specially designed benefit package. These  
3764 contracts must ~~shall~~ provide state employees with the most cost-  
3765 effective and comprehensive coverage available; however, ~~no~~  
3766 state or agency funds may not be contributed ~~shall be~~  
3767 ~~contributed~~ toward the cost of any part of the premium of such  
3768 supplemental benefit plans. With respect to dental coverage, the  
3769 division shall include in any solicitation or contract for any  
3770 state group dental program ~~made after July 1, 2001,~~ a

585-03095-12

20122084c1

3771 comprehensive indemnity dental plan option that ~~which~~ offers  
3772 enrollees a completely unrestricted choice of dentists. If a  
3773 dental plan is endorsed, or in some manner recognized as the  
3774 preferred product, such plan must ~~shall~~ include a comprehensive  
3775 indemnity dental plan option that ~~which~~ provides enrollees with  
3776 a completely unrestricted choice of dentists.

3777 b. Pursuant to ~~the applicable provisions of s. 112.951~~  
3778 ~~110.161~~, and s. 125 of the Internal Revenue Code of 1986, the  
3779 department shall enroll in the pretax benefit program those  
3780 state employees who voluntarily elect coverage in any of the  
3781 supplemental insurance benefit plans as provided by sub-  
3782 subparagraph a.

3783 c. This subparagraph does not ~~Nothing herein contained~~  
3784 ~~shall be construed to~~ prohibit insurance providers from  
3785 continuing to provide or offer supplemental benefit coverage to  
3786 state employees as provided under existing agency plans.

3787 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION  
3788 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3789 (c) During each policy or budget year, no state agency  
3790 shall contribute a greater dollar amount of the premium cost for  
3791 its officers or employees for any plan option under the state  
3792 group insurance program than any other agency for similar  
3793 officers and employees, nor shall any greater dollar amount of  
3794 premium cost be made for employees in one state collective  
3795 bargaining unit than for those in any other state collective  
3796 bargaining unit. Nothing in this section prohibits the use of  
3797 different levels of state contributions for positions exempt  
3798 from Civil ~~career~~ Service.

3799 Section 79. Section 110.12301, Florida Statutes is

585-03095-12

20122084c1

3800 transferred, renumbered as section 112.943, Florida Statutes,  
3801 and amended to read:

3802 112.943 ~~110.12301~~ Competitive procurement of postpayment  
3803 claims review services.—The Division of State Group Insurance is  
3804 directed to competitively procure:

3805 (1) Postpayment claims review services for the state group  
3806 health insurance plans established pursuant to s. 112.942  
3807 ~~110.123~~. Compensation under the contract shall be paid from  
3808 amounts identified as claim overpayments that are made by or on  
3809 behalf of the health plans and that are recovered by the vendor.  
3810 The vendor may retain that portion of the amount recovered as  
3811 provided in the contract. The contract must require the vendor  
3812 to maintain all necessary documentation supporting the amounts  
3813 recovered, retained, and remitted to the division; and

3814 (2) A contingency-based contract for dependent eligibility  
3815 verification services for the state group insurance program;  
3816 however, compensation under the contract may not exceed  
3817 historical claim costs for the prior 12 months for the dependent  
3818 populations disenrolled as a result of the vendor's services.  
3819 The division may establish a 3-month grace period and hold  
3820 subscribers harmless for past claims of ineligible dependents.  
3821 The Department of Management Services shall submit budget  
3822 amendments pursuant to chapter 216 in order to obtain budget  
3823 authority necessary to expend funds from the State Employees'  
3824 Group Health Self-Insurance Trust Fund for payments to the  
3825 vendor as provided in the contract. The Department of Management  
3826 Services shall adopt rules providing a process for verifying  
3827 dependent eligibility.

3828 Section 80. Section 110.12302, Florida Statutes is

585-03095-12

20122084c1

3829 transferred and renumbered as section 112.944, Florida Statutes.

3830 Section 81. Section 110.12312, Florida Statutes, is  
3831 transferred, renumbered as section 112.945, Florida Statutes,  
3832 and amended to read:

3833 112.945 ~~110.12312~~ Open enrollment period for retirees.—On  
3834 or after July 1, 1997, the Department of Management Services  
3835 shall provide for an open enrollment period for retired state  
3836 employees who want to obtain health insurance coverage under ss.  
3837 112.942 and 112.946 ~~110.123 and 110.12315~~. The options offered  
3838 during the open enrollment period must provide the same health  
3839 insurance coverage as the coverage provided to active employees  
3840 under the same premium payment conditions in effect for covered  
3841 retirees, including eligibility for health insurance subsidy  
3842 payments under s. 112.363. A person who separates from  
3843 employment subsequent to May 1, 1988, but whose date of  
3844 retirement occurs on or after August 1, 1995, is eligible as of  
3845 the first open enrollment period occurring after July 1, 1997,  
3846 with an effective date of January 1, 1998, as long as the  
3847 retiree's enrollment remains in effect.

3848 Section 82. Section 110.12315, Florida Statutes, is  
3849 transferred and renumbered as section 112.946, Florida Statutes.

3850 Section 83. Section 110.1232, Florida Statutes, is  
3851 transferred, renumbered as section 112.947, Florida Statutes,  
3852 and amended to read:

3853 112.947 ~~110.1232~~ Health insurance coverage for persons  
3854 retired under state-administered retirement systems before  
3855 January 1, 1976, and for spouses.—Notwithstanding any provisions  
3856 of law to the contrary, the Department of Management Services  
3857 shall provide health insurance coverage under the state group

585-03095-12

20122084c1

3858 insurance program for persons who retired before January 1,  
3859 1976, under any of the state-administered retirement systems and  
3860 who are not covered by social security and for the spouses and  
3861 surviving spouses of such retirees who are also not covered by  
3862 social security. Such health insurance coverage shall provide  
3863 the same benefits as provided to other retirees who are entitled  
3864 to participate under s. 112.942 ~~110.123~~. The claims experience  
3865 of this group shall be commingled with the claims experience of  
3866 other members covered under s. 112.942 ~~110.123~~.

3867 Section 84. Section 110.1234, Florida Statutes, is  
3868 transferred and renumbered as section 112.948, Florida Statutes.

3869 Section 85. Section 110.1238, Florida Statutes, is  
3870 transferred and renumbered as section 112.949, Florida Statutes.

3871 Section 86. Section 110.1239, Florida Statutes, is  
3872 transferred and renumbered as section 112.950, Florida Statutes.

3873 Section 87. Section 110.161, Florida Statutes, is  
3874 transferred, renumbered as section 112.951, Florida Statutes,  
3875 and paragraph (a) of subsection (6) of that section is amended  
3876 to read:

3877 112.951 ~~110.161~~ State employees; pretax benefits program.—

3878 (6) The Department of Management Services is authorized to  
3879 administer the pretax benefits program established for all  
3880 employees so that employees may receive benefits that are not  
3881 includable in gross income under the Internal Revenue Code of  
3882 1986. The pretax benefits program:

3883 (a) Shall allow employee contributions to premiums for the  
3884 state group insurance program administered under s. 112.942  
3885 ~~110.123~~ to be paid on a pretax basis unless an employee elects  
3886 not to participate.

585-03095-12

20122084c1

3887 Section 88. Section 112.952, Florida Statutes, is created  
3888 to read:

3889 112.952 Penalties.—

3890 (1) Any person who willfully violates any provision of this  
3891 part or any rules adopted pursuant to this part commits a  
3892 misdemeanor of the second degree, punishable as provided in s.  
3893 775.082 or s. 775.083.

3894 (2) Notwithstanding s. 112.011, any person who is convicted  
3895 of a misdemeanor under this part is ineligible for appointment  
3896 to or employment in a state position for 5 years, and, if an  
3897 employee of the state, must forfeit his or her position.

3898 (3) Imposition of the penalties provided in this section  
3899 may not be in lieu of any action that may be taken or penalties  
3900 that may be imposed pursuant to part III of this chapter.

3901 Section 89. The Division of Statutory Revision is requested  
3902 to renumber part IV of chapter 110, Florida Statutes, as part XI  
3903 of chapter 112, consisting of ss. 112.961-112.965, and to rename  
3904 that part as "State Volunteer Services."

3905 Section 90. Section 110.501, Florida Statutes, is  
3906 transferred, renumbered as section 112.961, Florida Statutes,  
3907 reordered, and amended to read:

3908 112.961 ~~110.501~~ Definitions.—As used in this part, the term  
3909 act:

3910 (3)~~(1)~~ "Volunteer" means any person who, of his or her own  
3911 free will, provides goods or services, or conveys an interest in  
3912 or otherwise consents to the use of real property pursuant to  
3913 chapter 260, to any ~~state department or~~ agency~~7~~, or nonprofit  
3914 organization, with no monetary or material compensation. A  
3915 person registered and serving in Older American Volunteer

585-03095-12

20122084c1

3916 Programs authorized by the Domestic Volunteer Service Act of  
3917 1973, as amended (Pub. L. No. 93-113), shall also be defined as  
3918 a volunteer and shall incur no civil liability as provided by s.  
3919 768.1355. A volunteer shall be eligible for payment of volunteer  
3920 benefits as specified in Pub. L. No. 93-113, this section, and  
3921 s. 430.204.

3922 ~~(2) "Regular service volunteer" means any person engaged in~~  
3923 ~~specific voluntary service activities on an ongoing or~~  
3924 ~~continuous basis.~~

3925 ~~(3) "Occasional service volunteer" means any person who~~  
3926 ~~offers to provide a one-time or occasional voluntary service.~~

3927 (1)~~(4)~~ "Material donor" means any person who provides  
3928 funds, materials, employment, or opportunities for clients of  
3929 state ~~departments or~~ agencies, without monetary or material  
3930 compensation.

3931 (2) "State agency" or "agency" means any official, officer,  
3932 commission, board, authority, council, committee, or department  
3933 of the executive branch or judicial branch of state government  
3934 as defined in chapter 216, unless otherwise exempted by law.

3935 Section 91. Section 110.502, Florida Statutes, is  
3936 transferred, renumbered as section 112.962, Florida Statutes,  
3937 and amended to read:

3938 112.962 ~~110.502~~ Scope of act; status of volunteers.—

3939 (1) Every ~~state department or~~ state agency may, with the  
3940 approval of the agency head, through the head of the department  
3941 ~~or agency, secretary of the department, or executive director of~~  
3942 ~~the department, is authorized to~~ recruit, train, and accept,  
3943 without regard to the requirements of the Civil State Career  
3944 ~~Service System as set forth in part II of this chapter, the~~

585-03095-12

20122084c1

3945 services of volunteers, ~~including regular service volunteers,~~  
3946 ~~occasional service volunteers,~~ or material donors, to assist in  
3947 programs administered by the ~~department or~~ agency.

3948 (2) Volunteers recruited, trained, or accepted by a ~~any~~  
3949 state ~~department or~~ agency are ~~shall~~ not be subject to any  
3950 provisions of law relating to state employment, a ~~to any~~  
3951 collective bargaining agreement between the state and an ~~any~~  
3952 employees' association or union, or ~~to any~~ laws relating to  
3953 hours of work, rates of compensation, leave time, and employee  
3954 benefits, except those consistent with s. 112.964 ~~110.504~~.  
3955 However, all volunteers shall comply with applicable ~~department~~  
3956 ~~or~~ agency rules. Volunteers may be required by the agency to  
3957 submit to security background screenings.

3958 (3) Every state ~~department or~~ agency using ~~utilizing~~ the  
3959 services of volunteers is ~~hereby~~ authorized to provide ~~such~~  
3960 incidental reimbursement or benefit consistent with s. 112.964  
3961 ~~the provisions of s. 110.504,~~ including transportation costs,  
3962 lodging, ~~and~~ subsistence, identification and safety apparel,  
3963 recognition, and other accommodations as the ~~department or~~  
3964 agency deems necessary to assist, recognize, reward, or  
3965 encourage volunteers in performing their functions. An ~~No~~  
3966 ~~department or~~ agency may not ~~shall~~ expend or authorize an  
3967 expenditure greater than ~~therefor in excess of~~ the amount  
3968 provided for to the ~~department or~~ agency by appropriation in any  
3969 fiscal year.

3970 (4) Persons working with state agencies pursuant to this  
3971 part are ~~shall be~~ considered ~~as~~ unpaid independent volunteers  
3972 and are ~~shall~~ not be entitled to unemployment compensation.

3973 Section 92. Section 110.503, Florida Statutes, is

585-03095-12

20122084c1

3974 transferred, renumbered as section 112.963, Florida Statutes,  
3975 and amended to read:

3976 112.963 ~~110.503~~ Responsibilities of state departments and  
3977 agencies.—Each state department or agency using ~~utilizing~~ the  
3978 services of volunteers shall take such actions as are:

3979 (1) ~~Take such actions as are~~ Necessary and appropriate to  
3980 develop meaningful opportunities for volunteers involved in  
3981 state-administered programs.

3982 (2) Necessary to ensure that volunteers are provided with  
3983 the state agency's policies and procedures applicable to their  
3984 volunteer activities. ~~Comply with the uniform rules adopted by~~  
3985 ~~the Department of Management Services governing the recruitment,~~  
3986 ~~screening, training, responsibility, use, and supervision of~~  
3987 ~~volunteers.~~

3988 (3) ~~Take such actions as are~~ Necessary to ensure that  
3989 volunteers understand their duties and responsibilities.

3990 (4) Necessary to ensure that a state employee whose primary  
3991 employment consists of duties and responsibilities similar to  
3992 those associated with volunteer activities is not considered for  
3993 volunteer work if such work would require payment for overtime  
3994 in accordance with the Fair Labor Standards Act.

3995 (4) ~~Take such actions as are necessary and appropriate to~~  
3996 ~~ensure a receptive climate for citizen volunteers.~~

3997 (5) ~~Provide for the recognition of volunteers who have~~  
3998 ~~offered continuous and outstanding service to state-administered~~  
3999 ~~programs. Each department or agency using the services of~~  
4000 ~~volunteers is authorized to incur expenditures not to exceed~~  
4001 ~~\$100 each plus applicable taxes for suitable framed~~  
4002 ~~certificates, plaques, or other tokens of recognition to honor,~~

585-03095-12

20122084c1

4003 ~~reward, or encourage volunteers for their service.~~

4004 ~~(6) Recognize prior volunteer service as partial~~  
4005 ~~fulfillment of state employment requirements for training and~~  
4006 ~~experience pursuant to rules adopted by the Department of~~  
4007 ~~Management Services.~~

4008 Section 93. Section 110.504, Florida Statutes, is  
4009 transferred, renumbered as section 112.964, Florida Statutes,  
4010 and amended to read:

4011 112.964 ~~110.504~~ Volunteer benefits.—

4012 (1) Meals may be furnished without charge to ~~regular-~~  
4013 ~~service~~ volunteers serving state agencies if ~~departments,~~  
4014 ~~provided~~ the scheduled assignment extends over an established  
4015 meal period, ~~and to occasional-service volunteers at the~~  
4016 ~~discretion of the department head. An agency may not~~ No  
4017 ~~department shall~~ expend or authorize any expenditure greater  
4018 than ~~in excess of~~ the amount provided for by appropriation in  
4019 any fiscal year.

4020 (2) Lodging, if available, may be furnished temporarily, in  
4021 case of an agency ~~a department~~ emergency, at no charge to  
4022 ~~regular-service~~ volunteers.

4023 (3) Transportation reimbursement may be furnished to those  
4024 volunteers whose presence is determined to be necessary to the  
4025 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in  
4026 the performance of agency-related ~~department-related~~ duties. An  
4027 agency may not ~~No department shall~~ expend or authorize an  
4028 expenditure greater than ~~in excess of~~ the amount appropriated in  
4029 any fiscal year.

4030 (4) Volunteers are ~~shall be~~ covered by state liability  
4031 protection in accordance with the definition of a volunteer and

585-03095-12

20122084c1

4032 ~~the provisions of s. 768.28.~~

4033 (5) Volunteers are ~~shall be~~ covered by workers'  
4034 compensation in accordance with chapter 440.

4035 (6) Incidental recognition benefits or incidental  
4036 nonmonetary awards may be furnished to volunteers serving in  
4037 state agencies ~~departments~~ to award, recognize, or encourage  
4038 volunteers for their service. The awards may not cost more than  
4039 ~~in excess of \$150~~ \$100 each plus applicable taxes.

4040 (7) Volunteers, including volunteers receiving a stipend as  
4041 provided by the Domestic Service Volunteer Act of 1973, as  
4042 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.  
4043 768.1355, the Florida Volunteer Protection Act.

4044 Section 94. Section 112.965, Florida Statutes, is created  
4045 to read:

4046 112.965 Penalties.-

4047 (1) Any person who willfully violates any provision of this  
4048 part or any rules adopted pursuant to this part commits a  
4049 misdemeanor of the second degree, punishable as provided in s.  
4050 775.082 or s. 775.083.

4051 (2) Notwithstanding s. 112.011, any person who is convicted  
4052 of a misdemeanor under this part is ineligible for appointment  
4053 to or employment in a state position for 5 years, or, if an  
4054 employee of the state, must forfeit his or her position.

4055 (3) Imposition of the penalties provided in this section  
4056 may not be in lieu of any action that may be taken or penalties  
4057 that may be imposed pursuant to part III of this chapter.

4058 Section 95. Sections 110.115, 110.118, 110.124, 110.129,  
4059 110.1521, 110.1522, 110.1523, 110.171, 110.201, 110.2035,  
4060 110.21, 110.406, 110.603, 110.604, and 110.606, Florida

585-03095-12

20122084c1

4061 Statutes, are repealed.

4062 Section 96. Paragraph (b) of subsection (1) of section  
4063 11.13, Florida Statutes, is amended to read:

4064 11.13 Compensation of members.—

4065 (1)

4066 (b) On Effective July 1, 1986, and each July 1 of each year  
4067 ~~thereafter~~, the annual salaries of members of the Senate and  
4068 House of Representatives shall be adjusted by the average  
4069 percentage increase in the salaries of civil ~~state career~~  
4070 service employees for the fiscal year just concluded. The  
4071 Appropriations Committee of each house shall certify to the  
4072 Office of Legislative Services the average percentage increase  
4073 in the salaries of civil ~~state career~~ service employees before  
4074 July 1 of each year. The Office of Legislative Services shall,  
4075 as of July 1 of each year, determine the adjusted annual  
4076 salaries as provided in this paragraph herein.

4077 Section 97. Paragraph (c) of subsection (1) of section  
4078 20.055, Florida Statutes, is amended to read:

4079 20.055 Agency inspectors general.—

4080 (1) For the purposes of this section:

4081 (c) "Individuals substantially affected" means natural  
4082 persons who have established a real and sufficiently immediate  
4083 injury in fact due to the findings, conclusions, or  
4084 recommendations of a final report of a state agency inspector  
4085 general, who are the subject of the audit or investigation, and  
4086 who do not have or are not currently afforded an existing right  
4087 to an independent review process. The term does not include:

4088 1. Employees of the state, including civil ~~career~~ service,  
4089 probationary, other personal service, selected exempt service,

585-03095-12

20122084c1

4090 and senior management service employees, ~~are not covered by this~~  
4091 ~~definition. This definition also does not cover~~

4092 2. Former employees of the state if the final report of the  
4093 state agency inspector general relates to matters arising during  
4094 a former employee's term of state employment. ~~This definition~~  
4095 ~~does not apply to~~

4096 3. Persons who are the subject of audits or investigations  
4097 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or  
4098 which are otherwise confidential and exempt under s. 119.07.

4099 Section 98. Subsection (6) of section 20.21, Florida  
4100 Statutes, is amended to read:

4101 20.21 Department of Revenue.—There is created a Department  
4102 of Revenue.

4103 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~  
4104 ~~110.123~~, relating to the state group insurance program, the  
4105 department may pay, or participate in the payment of, premiums  
4106 for health, accident, and life insurance for its full-time out-  
4107 of-state employees, pursuant to such rules as it may adopt,  
4108 which and such payments are shall be in addition to the  
4109 employees' the regular salaries of such full-time out-of-state  
4110 employees.

4111 Section 99. Paragraph (e) of subsection (1) and subsection  
4112 (6) of section 20.23, Florida Statutes, are amended to read:

4113 20.23 Department of Transportation.—There is created a  
4114 Department of Transportation which shall be a decentralized  
4115 agency.

4116 (1)

4117 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989~~, and the  
4118 assistant secretaries are shall be exempt from part IV the

585-03095-12

20122084c1

4119 ~~provisions of part III~~ of chapter 110 and shall receive  
4120 compensation commensurate with their qualifications and  
4121 competitive with compensation for comparable responsibility in  
4122 the private sector.

4123 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the  
4124 Department of Management Services may ~~is authorized to~~ exempt  
4125 positions within the Department of Transportation which are  
4126 comparable to positions within the Senior Management Service  
4127 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that  
4128 ~~which~~ are comparable to positions in the Selected Exempt Service  
4129 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

4130 Section 100. Subsection (2) of section 20.255, Florida  
4131 Statutes, is amended to read:

4132 20.255 Department of Environmental Protection.—There is  
4133 created a Department of Environmental Protection.

4134 (2) (a) There shall be three deputy secretaries who are to  
4135 be appointed by and shall serve at the pleasure of the  
4136 secretary. The secretary may assign any deputy secretary the  
4137 responsibility to supervise, coordinate, and formulate policy  
4138 for any division, office, or district. The following special  
4139 offices are established and headed by managers, each of whom is  
4140 to be appointed by and serve at the pleasure of the secretary:

- 4141 1. Office of Chief of Staff;
- 4142 2. Office of General Counsel;
- 4143 3. Office of Inspector General;
- 4144 4. Office of External Affairs;
- 4145 5. Office of Legislative Affairs;
- 4146 6. Office of Intergovernmental Programs; and
- 4147 7. Office of Greenways and Trails.

585-03095-12

20122084c1

4148 (b) There shall be six administrative districts involved in  
4149 regulatory matters of waste management, water resource  
4150 management, wetlands, and air resources, which shall be headed  
4151 by managers, each of whom is to be appointed by and serve at the  
4152 pleasure of the secretary. Divisions of the department may have  
4153 one assistant or two deputy division directors, as required to  
4154 facilitate effective operation.

4155  
4156 The managers of all divisions and offices specifically named in  
4157 this section and the directors of the six administrative  
4158 districts are exempt from part II of chapter 110 and are  
4159 included in the Senior Management Service in accordance with s.  
4160 110.205(2)(g) ~~110.205(2)(j)~~.

4161 Section 101. Paragraph (d) of subsection (19) of section  
4162 24.105, Florida Statutes, is amended to read:

4163 24.105 Powers and duties of department.—The department  
4164 shall:

4165 (19) Employ division directors and other staff as may be  
4166 necessary to carry out the provisions of this act; however:

4167 (d) The department shall establish and maintain a personnel  
4168 program for its employees, including a personnel classification  
4169 and pay plan that ~~which~~ may provide ~~any or all of~~ the benefits  
4170 provided in the Senior Management Service or Selected Exempt  
4171 Service. Each officer or employee of the department is ~~shall be~~  
4172 a member of the Florida Retirement System. The retirement class  
4173 of each officer or employee is ~~shall be~~ the same as other  
4174 persons performing comparable functions for other agencies.  
4175 Employees of the department shall serve at the pleasure of the  
4176 secretary and are ~~shall be~~ subject to suspension, dismissal,

585-03095-12

20122084c1

4177 reduction in pay, demotion, transfer, or other personnel action  
4178 at the discretion of the secretary. Such personnel actions are  
4179 exempt from ~~the provisions of~~ chapter 120. All employees of the  
4180 department are exempt from the Civil Career Service System  
4181 provided in chapter 110 and, notwithstanding ~~the provisions of~~  
4182 s. 110.205(3) ~~110.205(5)~~, are not included in ~~either~~ the Senior  
4183 Management Service or the Selected Exempt Service. However, all  
4184 employees of the department are subject to all standards of  
4185 conduct adopted by rule for civil career ~~career~~ service and senior  
4186 management employees pursuant to chapter 110. In the event of a  
4187 conflict between standards of conduct applicable to employees of  
4188 the Department of the Lottery, the more restrictive standard  
4189 applies shall apply. Interpretations as to the more restrictive  
4190 standard may be provided by the Commission on Ethics upon  
4191 request of an advisory opinion pursuant to s. 112.322(3)(a), and  
4192 for purposes of this subsection, the opinion shall be considered  
4193 final action.

4194 Section 102. Paragraph (d) of subsection (4) of section  
4195 24.122, Florida Statutes, is amended to read:

4196 24.122 Exemption from taxation; state preemption;  
4197 inapplicability of other laws.—

4198 (4) Any state or local law providing any penalty,  
4199 disability, restriction, or prohibition for the possession,  
4200 manufacture, transportation, distribution, advertising, or sale  
4201 of any lottery ticket, including chapter 849, shall not apply to  
4202 the tickets of the state lottery operated pursuant to this act;  
4203 nor shall any such law apply to the possession of a ticket  
4204 issued by any other government-operated lottery. In addition,  
4205 activities of the department under this act are exempt from the

585-03095-12

20122084c1

4206 provisions of:

4207 (d) Section 112.907 ~~110.131~~, relating to other personal  
4208 services.

4209 Section 103. Paragraph (b) of subsection (1) of section  
4210 30.071, Florida Statutes, is amended to read:

4211 30.071 Applicability and scope of act.—

4212 (1) This act applies to all deputy sheriffs, with the  
4213 following exceptions:

4214 (b) Deputy sheriffs in a county that, by special act of the  
4215 Legislature, local charter, ordinance, or otherwise, has  
4216 established a civil ~~or career~~ service system that ~~which~~ grants  
4217 collective bargaining rights for deputy sheriffs, including, but  
4218 not limited to, deputy sheriffs in the following counties:  
4219 Broward, Miami-Dade, Duval, Escambia, and Volusia.

4220 Section 104. Subsection (4) of section 43.16, Florida  
4221 Statutes, is amended to read:

4222 43.16 Justice Administrative Commission; membership, powers  
4223 and duties.—

4224 (4) (a) The Justice Administrative Commission shall employ  
4225 an executive director and fix his or her salary. The executive  
4226 director shall employ any necessary personnel for the efficient  
4227 performance of the commission according to a classification and  
4228 pay plan annually approved by the commission.

4229 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~  
4230 ~~within~~ the commission are exempt from the Civil ~~Career~~ Service  
4231 ~~System provided in chapter 110~~ and, notwithstanding s.  
4232 110.205(3) ~~110.205(5)~~, are not included in the Senior Management  
4233 Service or the Selected Exempt Service. The commission shall  
4234 annually approve a classification plan and salary and benefits

585-03095-12

20122084c1

4235 plan.

4236 (c) Employees in permanent positions must be offered  
4237 benefits comparable to those offered under the Civil Career  
4238 Service System.

4239 (d) The commission may offer benefits greater than in  
4240 excess of those offered under the Civil Career Service System  
4241 only to employees who are appointed to positions designated as  
4242 having managerial or policymaking duties or positions requiring  
4243 membership in The Florida Bar.

4244 (e) By January 15 ~~15th~~ of each year, the commission shall  
4245 submit to the Executive Office of the Governor, the President of  
4246 the Senate, and the Speaker of the House of Representatives a  
4247 listing of all positions receiving benefits greater than those  
4248 ~~benefits~~ offered under the Civil Career Service System. Any  
4249 change in the positions that are offered greater benefits or any  
4250 change in the level of benefits is subject to the notice and  
4251 objection procedures of s. 216.177.

4252 Section 105. Subsection (4) of section 104.31, Florida  
4253 Statutes, is amended to read:

4254 104.31 Political activities of state, county, and municipal  
4255 officers and employees.—

4256 (4) Nothing contained in this section or in any county or  
4257 municipal charter shall be deemed to prohibit any public  
4258 employee from expressing his or her opinions on any candidate or  
4259 issue or from participating in any political campaign during the  
4260 employee's off-duty hours, so long as such activities are not in  
4261 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075  
4262 ~~110.233~~.

4263 Section 106. Subsection (4) of section 106.24, Florida

585-03095-12

20122084c1

4264 Statutes, is amended to read:

4265 106.24 Florida Elections Commission; membership; powers;  
4266 duties.—

4267 (4) The commission shall appoint an executive director, who  
4268 shall serve under the direction, supervision, and control of the  
4269 commission. The executive director, with the consent of the  
4270 commission, shall employ such staff as are necessary to  
4271 adequately perform the functions of the commission, within  
4272 budgetary limitations. All employees, except the executive  
4273 director and attorneys, are subject to part II of chapter 110.  
4274 The executive director shall serve at the pleasure of the  
4275 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,  
4276 except that the commission shall have complete authority for  
4277 setting the executive director's salary. Attorneys employed by  
4278 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter  
4279 110.

4280 Section 107. Subsection (4) of section 112.044, Florida  
4281 Statutes, is amended to read:

4282 112.044 Public employers, employment agencies, labor  
4283 organizations; discrimination based on age prohibited;  
4284 exceptions; remedy.—

4285 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the  
4286 state ~~who is~~ within the Civil Career Service System established  
4287 by chapter 110 ~~and~~ who is aggrieved by a violation of this act  
4288 may appeal to the Public Employees Relations Commission under  
4289 the conditions and following the procedures prescribed in part  
4290 II of chapter 447. Any person other than an employee ~~who is~~  
4291 within the Civil Career Service System ~~established by chapter~~  
4292 ~~110~~, or any person employed by the Public Employees Relations

585-03095-12

20122084c1

4293 Commission, who is aggrieved by a violation of this act may  
4294 bring a civil action ~~in any court of competent jurisdiction~~ for  
4295 such legal or equitable relief as will effectuate the purposes  
4296 of this act.

4297 Section 108. Section 112.0805, Florida Statutes, is amended  
4298 to read:

4299 112.0805 Employer notice of insurance eligibility to  
4300 employees who retire.—An ~~Any~~ employer who provides insurance  
4301 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify  
4302 those employees who retire of their eligibility to participate  
4303 in either the same group insurance plan or self-insurance plan  
4304 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the  
4305 insurance coverage ~~as~~ provided by this law.

4306 Section 109. Paragraph (a) of subsection (9) of section  
4307 112.313, Florida Statutes, is amended to read:

4308 112.313 Standards of conduct for public officers, employees  
4309 of agencies, and local government attorneys.—

4310 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR  
4311 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

4312 (a)1. It is the intent of the Legislature to implement by  
4313 statute the provisions of s. 8(e), Art. II of the State  
4314 Constitution relating to legislators, statewide elected  
4315 officers, appointed state officers, and designated public  
4316 employees.

4317 2. As used in this paragraph:

4318 a. "Employee" means:

4319 (I) Any person employed in the executive or legislative  
4320 branch of government holding a position in the Senior Management  
4321 Service as defined in s. 110.402 or any person holding a

585-03095-12

20122084c1

4322 position in the Selected Exempt Service as defined in s.  
4323 110.3021 ~~110.602~~ or any person having authority over policy or  
4324 procurement employed by the Department of the Lottery.

4325 (II) The Auditor General, the director of the Office of  
4326 Program Policy Analysis and Government Accountability, the  
4327 Sergeant at Arms and Secretary of the Senate, and the Sergeant  
4328 at Arms and Clerk of the House of Representatives.

4329 (III) The executive director and deputy executive director  
4330 of the Commission on Ethics.

4331 (IV) An executive director, staff director, or deputy staff  
4332 director of each joint committee, standing committee, or select  
4333 committee of the Legislature; an executive director, staff  
4334 director, executive assistant, analyst, or attorney of the  
4335 Office of the President of the Senate, the Office of the Speaker  
4336 of the House of Representatives, the Senate Majority Party  
4337 Office, Senate Minority Party Office, House Majority Party  
4338 Office, or House Minority Party Office; or any person, hired on  
4339 a contractual basis, having the power normally conferred upon  
4340 such persons, by whatever title.

4341 (V) The Chancellor and Vice Chancellors of the State  
4342 University System; the general counsel to the Board of Governors  
4343 of the State University System; and the president, provost, vice  
4344 presidents, and deans of each state university.

4345 (VI) Any person, including an other-personal-services  
4346 employee, having the power normally conferred upon the positions  
4347 referenced in this sub-subparagraph.

4348 b. "Appointed state officer" means any member of an  
4349 appointive board, commission, committee, council, or authority  
4350 of the executive or legislative branch of state government whose

585-03095-12

20122084c1

4351 powers, jurisdiction, and authority are not solely advisory and  
4352 include the final determination or adjudication of any personal  
4353 or property rights, duties, or obligations, other than those  
4354 relative to its internal operations.

4355 c. "State agency" means an entity of the legislative,  
4356 executive, or judicial branch of state government over which the  
4357 Legislature exercises plenary budgetary and statutory control.

4358 3. A ~~No~~ member of the Legislature, appointed state officer,  
4359 or statewide elected officer may not ~~shall~~ personally represent  
4360 another person or entity for compensation before the government  
4361 body or agency of which the individual was an officer or member  
4362 for ~~a period of~~ 2 years following vacation of office. A ~~No~~  
4363 member of the Legislature may not ~~shall~~ personally represent  
4364 another person or entity for compensation during his or her term  
4365 of office before any state agency other than judicial tribunals  
4366 or in settlement negotiations after the filing of a lawsuit.

4367 4. An agency employee, including an agency employee who was  
4368 employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~  
4369 position that was transferred to the Selected Exempt Service  
4370 ~~System~~ under chapter 2001-43, Laws of Florida, may not  
4371 personally represent another person or entity for compensation  
4372 before the agency with which he or she was employed for ~~a period~~  
4373 ~~of~~ 2 years following vacation of position, unless employed by  
4374 another agency of state government.

4375 5. Any person violating this paragraph is ~~shall be~~ subject  
4376 to the penalties provided in s. 112.317 and a civil penalty ~~of~~  
4377 ~~an amount~~ equal to the compensation that ~~which~~ the person  
4378 receives for the prohibited conduct.

4379 6. This paragraph is not applicable to:

585-03095-12

20122084c1

- 4380 a. A person employed by the Legislature or other agency  
4381 before ~~prior to~~ July 1, 1989;
- 4382 b. A person who was employed by the Legislature or other  
4383 agency on July 1, 1989, whether or not the person was a defined  
4384 employee on July 1, 1989;
- 4385 c. A person who was a defined employee of the State  
4386 University System or the Public Service Commission who held such  
4387 employment on December 31, 1994;
- 4388 d. A person who has reached normal retirement age as  
4389 defined in s. 121.021(29), and who has retired under the  
4390 provisions of chapter 121 by July 1, 1991; or
- 4391 e. Any appointed state officer whose term of office began  
4392 before January 1, 1995, unless reappointed to that office on or  
4393 after January 1, 1995.
- 4394 Section 110. Paragraph (b) of subsection (1) of section  
4395 112.3145, Florida Statutes, is amended to read:
- 4396 112.3145 Disclosure of financial interests and clients  
4397 represented before agencies.—
- 4398 (1) For purposes of this section, unless the context  
4399 otherwise requires, the term:
- 4400 (b) "Specified state employee" means:
- 4401 1. Public counsel created by chapter 350, an assistant  
4402 state attorney, an assistant public defender, a full-time state  
4403 employee who serves as counsel or assistant counsel to any state  
4404 agency, the Deputy Chief Judge of Compensation Claims, a judge  
4405 of compensation claims, an administrative law judge, or a  
4406 hearing officer.
- 4407 2. Any person employed in the office of the Governor or in  
4408 the office of any member of the Cabinet if that person is exempt

585-03095-12

20122084c1

4409 from the Civil Career Service System, except persons employed in  
4410 clerical, secretarial, or similar positions.

4411 3. The State Surgeon General or each appointed secretary,  
4412 assistant secretary, deputy secretary, executive director,  
4413 assistant executive director, or deputy executive director of  
4414 each state department, commission, board, or council; unless  
4415 otherwise provided, the division director, assistant division  
4416 director, deputy director, bureau chief, and assistant bureau  
4417 chief of any state department or division; or any person having  
4418 the power normally conferred upon such persons, by whatever  
4419 title.

4420 4. The superintendent or institute director of a state  
4421 mental health institute established for training and research in  
4422 the mental health field or the warden or director of any major  
4423 state institution or facility established for corrections,  
4424 training, treatment, or rehabilitation.

4425 5. Business managers, purchasing agents having the power to  
4426 make any purchase exceeding the threshold amount provided for in  
4427 s. 287.017 for CATEGORY ONE, finance and accounting directors,  
4428 personnel officers, or grants coordinators for any state agency.

4429 6. Any person, other than a legislative assistant exempted  
4430 by the presiding officer of the house that employs ~~by which~~ the  
4431 legislative assistant ~~is employed~~, who is employed in the  
4432 legislative branch of government, except persons employed in  
4433 maintenance, clerical, secretarial, or similar positions.

4434 7. Each employee of the Commission on Ethics.

4435 Section 111. Paragraph (a) of subsection (2) of section  
4436 112.363, Florida Statutes, is amended to read:

4437 112.363 Retiree health insurance subsidy.—

585-03095-12

20122084c1

4438 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4439 (a) A person who is retired under a state-administered  
4440 retirement system, or a beneficiary who is a spouse or financial  
4441 dependent entitled to receive benefits under a state-  
4442 administered retirement system, is eligible for health insurance  
4443 subsidy payments ~~provided~~ under this section; except that  
4444 pension recipients under ss. 121.40, 238.07(18)(a), and 250.22,  
4445 recipients of health insurance coverage under s. 112.947  
4446 ~~110.1232~~, or any other special pension or relief act are ~~shall~~  
4447 not ~~be~~ eligible for such payments.

4448 Section 112. Subsections (11) and (38) of section 121.021,  
4449 Florida Statutes, are amended to read:

4450 121.021 Definitions.—The following words and phrases as  
4451 used in this chapter have the respective meanings set forth  
4452 unless a different meaning is plainly required by the context:

4453 (11) "Officer or employee" means any person receiving  
4454 salary payments for work performed in a regularly established  
4455 position and, if employed by a municipality, a metropolitan  
4456 planning organization, or a special district, employed in a  
4457 covered group. The term does not apply to state employees  
4458 covered by a leasing agreement under s. 112.922 ~~110.191~~, other  
4459 public employees covered by a leasing agreement, or a coemployer  
4460 relationship.

4461 (38) "Continuous service" means creditable service as a  
4462 member, beginning with the first day of employment with an  
4463 employer covered under a state-administered retirement system  
4464 consolidated herein and continuing for as long as the member  
4465 remains in an employer-employee relationship with the an  
4466 employer ~~covered under this chapter~~. An absence of 1 calendar

585-03095-12

20122084c1

4467 month or more from an employer's payroll is ~~shall be~~ considered  
4468 a break in continuous service, except for periods of absence  
4469 during which an employer-employee relationship continues to  
4470 exist and such period of absence is creditable under this  
4471 chapter or under one of the existing systems consolidated  
4472 herein. However, a law enforcement officer as defined in s.  
4473 121.0515(3) (a) who was a member of a state-administered  
4474 retirement system under chapter 122 or chapter 321 and who  
4475 resigned and was subsequently reemployed in a law enforcement  
4476 position within 12 calendar months of such resignation by an  
4477 employer under a ~~such~~ state-administered retirement system is  
4478 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.  
4479 Further, with respect to a state-employed law enforcement  
4480 officer who meets the criteria specified in s. 121.0515(3) (a),  
4481 if the absence from the employer's payroll is the result of a  
4482 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to  
4483 run for an elected office that meets the criteria specified in  
4484 s. 121.0515(3) (a), no break in continuous service shall be  
4485 deemed to have occurred if the member is reemployed as a state  
4486 law enforcement officer or is elected to an office that ~~which~~  
4487 meets the criteria specified in s. 121.0515(3) (a) within 12  
4488 calendar months after the date of the layoff or resignation,  
4489 notwithstanding the fact that such period of layoff or  
4490 resignation is not creditable service under this chapter. A  
4491 withdrawal of contributions constitutes ~~will constitute~~ a break  
4492 in service. Continuous service also includes past service  
4493 purchased under this chapter if, ~~provided such~~ service is  
4494 continuous ~~within this definition~~ and the rules established by  
4495 the administrator. The administrator may establish

585-03095-12

20122084c1

4496 administrative rules and procedures for applying this definition  
4497 to creditable service authorized under this chapter. Any  
4498 correctional officer, as defined in s. 943.10, whose  
4499 participation in the state-administered retirement system is  
4500 terminated due to the transfer of a county detention facility  
4501 through a contractual agreement with a private entity pursuant  
4502 to s. 951.062, is ~~shall be~~ deemed an employee with continuous  
4503 service in the Special Risk Class if, ~~provided~~ return to  
4504 employment with the former employer takes place within 3 years  
4505 due to contract termination or the officer is employed by a  
4506 covered employer in a special risk position within 1 year after  
4507 his or her initial termination of employment by such transfer of  
4508 its detention facilities to the private entity.

4509 Section 113. Paragraph (f) of subsection (2) of section  
4510 121.051, Florida Statutes, is amended to read:

4511 121.051 Participation in the system.—

4512 (2) OPTIONAL PARTICIPATION.—

4513 (f)1. If an employer that participates in the Florida  
4514 Retirement System undertakes the transfer, merger, or  
4515 consolidation of governmental services or assumes the functions  
4516 and activities of an employing governmental entity that was not  
4517 an employer under the system, the employer must notify the  
4518 department at least 60 days before such action and provide  
4519 documentation as required by the department. Such ~~The~~ transfer,  
4520 merger, or consolidation ~~of governmental services or assumption~~  
4521 ~~of governmental functions and activities~~ must occur between  
4522 public employers. The current or former employer may pay the  
4523 employees' past service cost, unless prohibited under this  
4524 chapter. This subparagraph does not apply to the transfer,

585-03095-12

20122084c1

4525 merger, or consolidation of governmental services or assumption  
 4526 of functions and activities of a public entity under a leasing  
 4527 agreement having a coemployer relationship. Employers and  
 4528 employees of a public governmental employer whose service is  
 4529 covered by a leasing agreement under s. 112.922 ~~110.191~~, any  
 4530 other leasing agreement, or a coemployer relationship may not  
 4531 ~~are not eligible to~~ participate in the Florida Retirement  
 4532 System.

4533 2. If the agency to which a member's employing unit is  
 4534 transferred, merged, or consolidated does not participate in the  
 4535 Florida Retirement System, a member may elect in writing to  
 4536 remain in the ~~Florida Retirement~~ system or to transfer to the  
 4537 local retirement system operated by the agency. If the agency  
 4538 does not participate in a local retirement system, the member  
 4539 shall continue membership in the Florida Retirement System. In  
 4540 either case, membership continues for as long as the member is  
 4541 employed by the agency to which his or her unit was transferred,  
 4542 merged, or consolidated.

4543 Section 114. Paragraph (a) of subsection (1) of section  
 4544 121.055, Florida Statutes, is amended to read:

4545 121.055 Senior Management Service Class.—There is hereby  
 4546 established a separate class of membership within the Florida  
 4547 Retirement System to be known as the "Senior Management Service  
 4548 Class," which shall become effective February 1, 1987.

4549 (1) (a) Participation in the Senior Management Service Class  
 4550 is ~~shall be~~ limited to and compulsory for any member of the  
 4551 Florida Retirement System who holds a position in the Senior  
 4552 Management Service ~~of the State of Florida~~, established under ~~by~~  
 4553 part IV ~~III~~ of chapter 110, unless such member elects, within

585-03095-12

20122084c1

4554 the time specified herein, to participate in the Senior  
4555 Management Service Optional Annuity Program as established in  
4556 subsection (6).

4557 Section 115. Paragraph (a) of subsection (2) of section  
4558 121.35, Florida Statutes, is amended to read:

4559 121.35 Optional retirement program for the State University  
4560 System.—

4561 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4562 (a) Participation in the optional retirement program is  
4563 ~~provided by this section shall be~~ limited to persons who are  
4564 otherwise eligible for membership or renewed membership in the  
4565 Florida Retirement System and who are employed in one of the  
4566 following State University System positions:

4567 1. Positions classified as instructional and research  
4568 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~  
4569 ~~provisions of~~ s. 110.205(2) (d).

4570 2. Positions classified as administrative and professional  
4571 which are exempt from the Civil ~~career~~ Service under ~~the~~  
4572 ~~provisions of~~ s. 110.205(2) (d).

4573 3. The Chancellor and the university presidents.

4574 Section 116. Section 145.19, Florida Statutes, is amended  
4575 to read:

4576 145.19 Annual percentage increases based on increase for  
4577 civil ~~state-career~~ service employees; limitation.—

4578 (1) As used in this section, the term:

4579 (a) "Annual factor" means 1 plus the lesser of:

4580 1. The average percentage increase in the salaries of civil  
4581 ~~state-career~~ service employees for the current fiscal year as  
4582 determined by the Department of Management Services or as

585-03095-12

20122084c1

4583 provided in the General Appropriations Act; or

4584 2. Seven percent.

4585 (b) "Cumulative annual factor" means the product of all  
4586 annual factors certified under this act before ~~prior to~~ the  
4587 fiscal year for which salaries are being calculated.

4588 (c) "Initial factor" means a factor of 1.292, which is a  
4589 product, rounded to the nearest thousandth, of an earlier cost-  
4590 of-living increase factor authorized by chapter 73-173, Laws of  
4591 Florida, and intended by the Legislature to be preserved in  
4592 adjustments to salaries made before the ~~prior to~~ enactment of  
4593 chapter 76-80, Laws of Florida, multiplied by the annual  
4594 increase factor authorized by chapter 79-327, Laws of Florida.

4595 (2) Each fiscal year, the salaries of all officials listed  
4596 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.  
4597 The adjusted salary rate is ~~shall be~~ the product, rounded to the  
4598 nearest dollar, of the salary rate granted by the appropriate  
4599 section of this chapter, s. 1001.395, or s. 1001.47 multiplied  
4600 first by the initial factor, then by the cumulative annual  
4601 factor, and finally by the annual factor. The Department of  
4602 Management Services shall certify the annual factor and the  
4603 cumulative annual factors. Any special qualification salary  
4604 received under this chapter, s. 1001.47, or the annual  
4605 performance salary incentive available to elected  
4606 superintendents under s. 1001.47 shall be added to the ~~such~~  
4607 adjusted salary rate. The special qualification salary is ~~shall~~  
4608 ~~be \$2,000, but shall not exceed \$2,000.~~

4609 Section 117. Subsection (2) of section 216.011, Florida  
4610 Statutes, is amended to read:

4611 216.011 Definitions.—

585-03095-12

20122084c1

4612 (2) For purposes of this chapter, terms related to the  
 4613 State Personnel System are ~~personnel affairs of the state shall~~  
 4614 ~~be~~ defined as set forth in s. 110.1054 ~~110.107~~.

4615 Section 118. Paragraph (b) of subsection (10) of section  
 4616 216.181, Florida Statutes, is amended to read:

4617 216.181 Approved budgets for operations and fixed capital  
 4618 outlay.—

4619 (10)

4620 (b) Lump-sum salary bonuses may be provided only if  
 4621 specifically appropriated or provided pursuant to ~~s. 110.1245~~ or  
 4622 s. 216.1815.

4623 Section 119. Subsection (2) of section 260.0125, Florida  
 4624 Statutes, is amended to read:

4625 260.0125 Limitation on liability of private landowners  
 4626 whose property is designated as part of the statewide system of  
 4627 greenways and trails.—

4628 (2) A ~~Any~~ private landowner who consents to designation of  
 4629 his or her land as part of the statewide system of greenways and  
 4630 trails pursuant to s. 260.016(2)(d) without compensation is  
 4631 ~~shall be~~ considered a volunteer, as defined in s. 112.961  
 4632 ~~110.501~~, and is ~~shall be~~ covered by state liability protection  
 4633 pursuant to s. 768.28, ~~including s. 768.28(9)~~.

4634 Section 120. Section 287.175, Florida Statutes, is amended  
 4635 to read:

4636 287.175 Penalties.—A violation of this part or a rule  
 4637 adopted hereunder, pursuant to applicable constitutional and  
 4638 statutory procedures, constitutes misuse of public position as  
 4639 defined in s. 112.313(6), and is punishable as provided in s.  
 4640 112.317. The Chief Financial Officer shall report incidents of

585-03095-12

20122084c1

4641 suspected misuse to the Commission on Ethics, and the commission  
4642 shall investigate possible violations of this part or rules  
4643 adopted hereunder when reported by the Chief Financial Officer,  
4644 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of  
4645 this part or a rule is adopted hereunder shall be presumed to  
4646 have been committed with wrongful intent, but such presumption  
4647 is rebuttable. ~~Nothing in~~ This section is not intended to deny  
4648 rights provided to civil career service employees by s. 110.227.

4649 Section 121. Paragraph (a) of subsection (4) of section  
4650 295.07, Florida Statutes, is amended to read:

4651 295.07 Preference in appointment and retention.—

4652 (4) The following positions are exempt from this section:

4653 (a) Those positions that are exempt from the Civil state  
4654 ~~Career Service System~~ under s. 110.205 ~~.(2)~~; However, all  
4655 positions under the University Support Personnel System of the  
4656 State University System as well as all civil Career service  
4657 ~~System~~ positions under the Florida Community College System and  
4658 the School for the Deaf and the Blind, or the equivalent of such  
4659 positions at state universities, community colleges, or the  
4660 School for the Deaf and the Blind, are included.

4661 Section 122. Paragraph (a) of subsection (1) of section  
4662 295.09, Florida Statutes, is amended to read:

4663 295.09 Reinstatement or reemployment; promotion  
4664 preference.—

4665 (1) (a) If ~~When~~ an employee of the state or any of its  
4666 political subdivisions employed in a position subject or not  
4667 subject to a civil career service ~~system~~ or other merit-type  
4668 system, with the exception of those positions that ~~which~~ are  
4669 exempt pursuant to s. 295.07(4), has served in the Armed Forces

585-03095-12

20122084c1

4670 of the United States and is discharged or separated ~~therefrom~~  
4671 with an honorable discharge, the state or its political  
4672 subdivision shall reemploy or reinstate such person to the same  
4673 position that he or she held before ~~prior to~~ such service in the  
4674 armed forces, or to an equivalent position, if ~~provided~~ such  
4675 person returns to the position within 1 year after ~~of~~ his or her  
4676 date of separation or, in cases of extended active duty, within  
4677 1 year after ~~of~~ the date of discharge or separation subsequent  
4678 to the extension. Such person shall also be awarded preference  
4679 in promotion and shall be promoted ahead of all others who are  
4680 as well qualified or less qualified for the position. If ~~When~~ an  
4681 examination for promotion is used ~~utilized~~, such person shall be  
4682 awarded preference points, as provided in s. 295.08, and shall  
4683 be promoted ahead of all those who appear in an equal or lesser  
4684 position on the promotional register if, ~~provided~~ he or she  
4685 first successfully passes the examination for the promotional  
4686 position.

4687 Section 123. Subsection (3) of section 296.04, Florida  
4688 Statutes, is amended to read:

4689 296.04 Administrator; duties and qualifications;  
4690 responsibilities.-

4691 (3) The administrator position shall be assigned to the  
4692 Selected Exempt Service under part III ~~V~~ of chapter 110. The  
4693 director shall give veterans' preference in selecting an  
4694 administrator, as provided in ss. 295.07 and 295.085. In  
4695 addition, the administrator must have at least a 4-year degree  
4696 from an accredited university or college and 3 years of  
4697 administrative experience in a health care facility, or any  
4698 equivalent combination of experience, training, and education

585-03095-12

20122084c1

4699 totaling 7 years in work relating to administration of a health  
4700 care facility.

4701 Section 124. Subsection (2) of section 296.34, Florida  
4702 Statutes, is amended to read:

4703 296.34 Administrator; qualifications, duties, and  
4704 responsibilities.—

4705 (2) The position shall be assigned to the Selected Exempt  
4706 Service under part III ~~IV~~ of chapter 110. The director shall give  
4707 veterans preference in selecting an administrator, as provided  
4708 in ss. 295.07 and 295.085. The administrator, at the time of  
4709 entering employment and at all times while employed as the  
4710 administrator must hold a current valid license as a nursing  
4711 home administrator under part II of chapter 468.

4712 Section 125. Subsection (2) of section 381.00315, Florida  
4713 Statutes, is amended to read:

4714 381.00315 Public health advisories; public health  
4715 emergencies.—The State Health Officer is responsible for  
4716 declaring public health emergencies and issuing public health  
4717 advisories.

4718 (2) Individuals who assist the State Health Officer at his  
4719 or her request on a volunteer basis during a public health  
4720 emergency are entitled to the benefits specified in s.  
4721 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4722 Section 126. Paragraph (e) of subsection (3) of section  
4723 381.85, Florida Statutes, is amended to read:

4724 381.85 Biomedical and social research.—

4725 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4726 (e) The council shall be staffed by an executive director  
4727 and a secretary who shall be appointed by the council and who

585-03095-12

20122084c1

4728 ~~are shall be~~ exempt from ~~the provisions of~~ part II of chapter  
4729 110 relating to the Civil Career Service System.

4730 Section 127. Paragraph (a) of subsection (3) of section  
4731 394.47865, Florida Statutes, is amended to read:

4732 394.47865 South Florida State Hospital; privatization.—

4733 (3) (a) Current South Florida State Hospital employees who  
4734 are affected by the privatization shall be given first  
4735 preference for continued employment by the contractor. The  
4736 department shall make reasonable efforts to find suitable job  
4737 placements for employees who wish to remain within the state  
4738 Civil Career Service System.

4739 Section 128. Section 402.3057, Florida Statutes, is amended  
4740 to read:

4741 402.3057 Persons not required to be refingerprinted or  
4742 rescreened.—Notwithstanding any other provision of law to the  
4743 ~~contrary notwithstanding~~, human resource personnel who have been  
4744 fingerprinted or screened pursuant to chapters 393, 394, 397,  
4745 402, and 409, and teachers and noninstructional personnel who  
4746 have been fingerprinted pursuant to chapter 1012, who have not  
4747 been unemployed for more than 90 days thereafter, and who under  
4748 the penalty of perjury attest to the completion of such  
4749 fingerprinting or screening and to compliance with the  
4750 provisions of this section and the standards for good moral  
4751 character as contained in ~~such provisions as~~ ss. 112.928  
4752 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and  
4753 409.175(6), are shall not be required to be refingerprinted or  
4754 rescreened in order to comply with any caretaker screening or  
4755 fingerprinting requirements.

4756 Section 129. Paragraph (a) of subsection (2) of section

585-03095-12

20122084c1

4757 402.55, Florida Statutes, is amended to read:

4758 402.55 Management fellows program.—

4759 (2) The departments are authorized to establish a  
4760 management fellows program in order to provide highly qualified  
4761 career candidates for key administrative and managerial  
4762 positions in the departments. Such program shall include, but is  
4763 not limited to:

4764 (a) The identification annually by the secretaries, the  
4765 assistant secretaries, and the district administrator in each  
4766 district of one high-potential civil ~~career~~ service employee  
4767 each, to be designated and appointed to serve as a full-time  
4768 health and rehabilitative services management fellow for a  
4769 ~~period of~~ 1 year.

4770 Section 130. Subsection (4) of section 402.7305, Florida  
4771 Statutes, is amended to read:

4772 402.7305 Department of Children and Family Services;  
4773 procurement of contractual services; contract management.—

4774 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The  
4775 department shall establish contract monitoring units staffed by  
4776 civil ~~career~~ service employees who report to a member of the  
4777 Selected Exempt Service or Senior Management Service and who  
4778 have been properly trained to perform contract monitoring. At  
4779 least one member of the contract monitoring unit must possess  
4780 specific knowledge and experience in the contract's program  
4781 area. The department shall establish a contract monitoring  
4782 process that includes, but is not limited to, the following  
4783 requirements:

4784 (a) Performing a risk assessment at the start of each  
4785 fiscal year and preparing an annual contract monitoring schedule

585-03095-12

20122084c1

4786 that considers the level of risk assigned. The department may  
4787 monitor any contract at any time regardless of whether such  
4788 monitoring was originally included in the annual contract  
4789 monitoring schedule.

4790 (b) Preparing a contract monitoring plan, including  
4791 sampling procedures, before performing onsite monitoring at  
4792 external locations of a service provider. The plan must include  
4793 a description of the programmatic, fiscal, and administrative  
4794 components that will be monitored on site. If appropriate,  
4795 clinical and therapeutic components may be included.

4796 (c) Conducting analyses of the performance and compliance  
4797 of an external service provider by means of desk reviews if the  
4798 external service provider will not be monitored on site during a  
4799 fiscal year.

4800 (d) Unless the department sets forth in writing the need  
4801 for an extension, providing a written report presenting the  
4802 results of the monitoring within 30 days after the completion of  
4803 the onsite monitoring or desk review.

4804 (e) Developing and maintaining a set of procedures  
4805 describing the contract monitoring process.

4806  
4807 Notwithstanding any other provision of this section, the  
4808 department shall limit monitoring of a child-caring or child-  
4809 placing services provider under this subsection to only once per  
4810 year. Such monitoring may not duplicate administrative  
4811 monitoring that is included in the survey of a child welfare  
4812 provider conducted by a national accreditation organization  
4813 specified under s. 402.7306(1).

4814 Section 131. Subsection (2) of section 402.731, Florida

585-03095-12

20122084c1

4815 Statutes, is amended to read:

4816 402.731 Department of Children and Family Services  
4817 certification programs for employees and service providers;  
4818 employment provisions for transition to community-based care.—

4819 (2) The department shall develop and implement employment  
4820 programs to attract and retain competent staff to support and  
4821 facilitate the transition to privatized community-based care.  
4822 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,  
4823 salary incentives, relocation allowances, or severance pay. The  
4824 department shall also contract for the delivery or  
4825 administration of outplacement services. The department shall  
4826 establish time-limited exempt positions as provided in s.  
4827 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority  
4828 provided in s. 216.262(1)(c)1. Employees appointed to fill such  
4829 exempt positions shall have the same salaries and benefits as  
4830 civil ~~career~~ service employees.

4831 Section 132. Section 409.1757, Florida Statutes, is amended  
4832 to read:

4833 409.1757 Persons not required to be refingerprinted or  
4834 rescreened.—Notwithstanding any other provision of law to the  
4835 ~~contrary notwithstanding~~, human resource personnel who have been  
4836 fingerprinted or screened pursuant to chapters 393, 394, 397,  
4837 402, and this chapter, and teachers who have been fingerprinted  
4838 pursuant to chapter 1012, who have not been unemployed for more  
4839 than 90 days thereafter, and who under the penalty of perjury  
4840 attest to the completion of such fingerprinting or screening and  
4841 to compliance with ~~the provisions of~~ this section and the  
4842 standards for good moral character as contained in such  
4843 provisions as ss. 112.928 ~~110.1127(3)~~, 393.0655(1), 394.457(6),

585-03095-12

20122084c1

4844 397.451, 402.305(2), and 409.175(6), are ~~shall~~ not be required  
4845 to be refingerprinted or rescreened in order to comply with any  
4846 caretaker screening or fingerprinting requirements.

4847 Section 133. Subsection (1) of section 409.9205, Florida  
4848 Statutes, is amended to read:

4849 409.9205 Medicaid Fraud Control Unit.—

4850 (1) Except as provided in s. 110.205, all positions in the  
4851 Medicaid Fraud Control Unit of the Department of Legal Affairs  
4852 are ~~hereby~~ transferred to the Civil Career Service System.

4853 Section 134. Section 414.37, Florida Statutes, is amended  
4854 to read:

4855 414.37 Public assistance overpayment recovery  
4856 privatization; reemployment of laid-off ~~career-service~~  
4857 employees.—Should civil ~~career~~ service employees of the  
4858 Department of Children and Family Services be subject to layoff  
4859 after July 1, 1995, due to the privatization of public  
4860 assistance overpayment recovery functions, the privatization  
4861 contract must ~~shall~~ require the contracting firm to give  
4862 priority consideration to employment of such employees. In  
4863 addition, a task force composed of representatives from the  
4864 Department of Children and Family Services and the Department of  
4865 Management Services shall be established to provide reemployment  
4866 assistance to such employees.

4867 Section 135. Subsection (7) of section 427.012, Florida  
4868 Statutes, is amended to read:

4869 427.012 The Commission for the Transportation  
4870 Disadvantaged.—There is created the Commission for the  
4871 Transportation Disadvantaged in the Department of  
4872 Transportation.

585-03095-12

20122084c1

4873 (7) The commission shall appoint an executive director who  
4874 shall serve under the direction, supervision, and control of the  
4875 commission. The executive director, with the consent of the  
4876 commission, shall employ such personnel as ~~may be~~ necessary to  
4877 perform adequately the functions of the commission within  
4878 budgetary limitations. Employees of the commission are exempt  
4879 from the Civil Career Service System.

4880 Section 136. Paragraph (o) of subsection (1) of section  
4881 440.102, Florida Statutes, is amended to read:

4882 440.102 Drug-free workplace program requirements.—The  
4883 following provisions apply to a drug-free workplace program  
4884 implemented pursuant to law or to rules adopted by the Agency  
4885 for Health Care Administration:

4886 (1) DEFINITIONS.—Except where the context otherwise  
4887 requires, as used in this act:

4888 (o) "Safety-sensitive position" means, with respect to a  
4889 public employer, a position in which a drug impairment  
4890 constitutes an immediate and direct threat to public health or  
4891 safety, such as a position that requires the employee to carry a  
4892 firearm, perform life-threatening procedures, work with  
4893 confidential information or documents pertaining to criminal  
4894 investigations, or work with controlled substances; a position  
4895 subject to s. 112.928 ~~110.1127~~; or a position in which a  
4896 momentary lapse in attention could result in injury or death to  
4897 another person.

4898 Section 137. Subsection (2) of section 447.203, Florida  
4899 Statutes, is amended to read:

4900 447.203 Definitions.—As used in this part:

4901 (2) "Public employer" or "employer" means the state or any

585-03095-12

20122084c1

4902 county, municipality, or special district, or any subdivision or  
4903 agency thereof, which the commission determines has sufficient  
4904 legal distinctiveness ~~properly~~ to properly carry out the  
4905 functions of a public employer. With respect to all public  
4906 employees determined by the commission as properly belonging to  
4907 a statewide bargaining unit composed of state civil Career  
4908 service ~~System~~ employees or selected exempt Professional service  
4909 employees, the Governor is ~~shall be deemed to be~~ the public  
4910 employer; and the Board of Governors of the State University  
4911 System, or the board's designee, is ~~shall be deemed to be~~ the  
4912 public employer with respect to all public employees of each  
4913 constituent state university. The board of trustees of a  
4914 community college is ~~shall be deemed to be~~ the public employer  
4915 with respect to all employees of the community college. The  
4916 district school board is ~~shall be deemed to be~~ the public  
4917 employer with respect to all employees of the school district.  
4918 The Board of Trustees of the Florida School for the Deaf and the  
4919 Blind is ~~shall be deemed to be~~ the public employer with respect  
4920 to the academic and academic administrative personnel of the  
4921 Florida School for the Deaf and the Blind. The Governor is ~~shall~~  
4922 ~~be deemed to be~~ the public employer with respect to all  
4923 employees in the Correctional Education Program of the  
4924 Department of Corrections established pursuant to s. 944.801.

4925 Section 138. Subsection (8) and paragraph (a) of subsection  
4926 (9) of section 447.207, Florida Statutes, are amended to read:

4927 447.207 Commission; powers and duties.—

4928 (8) The commission or its designated agent shall hear  
4929 appeals arising out of any suspension, reduction in pay,  
4930 demotion, or dismissal of any permanent employee in the Civil

585-03095-12

20122084c1

4931 ~~State Career Service System~~ in the manner provided in s.  
4932 110.227.

4933 (9) Pursuant to s. 447.208, the commission or its  
4934 designated agent shall hear appeals, and enter such orders as it  
4935 deems appropriate, arising out of:

4936 ~~(a) Section 110.124, relating to termination or transfer of~~  
4937 ~~State Career Service System employees aged 65 or older.~~

4938 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

4939 (b) ~~(c)~~ Section 295.11, relating to reasons for not  
4940 employing a preferred veteran applicant.

4941 Section 139. Section 447.209, Florida Statutes, is amended  
4942 to read:

4943 447.209 Public employer's rights.—It is the right of the  
4944 public employer to determine unilaterally the purpose of each of  
4945 its constituent agencies, set standards of services to be  
4946 offered to the public, and exercise control and discretion over  
4947 its organization and operations. It is also the right of the  
4948 public employer to direct its employees, take disciplinary  
4949 action for proper cause, and relieve its employees from duty  
4950 because of lack of work or for other legitimate reasons.  
4951 However, the exercise of such rights does ~~shall~~ not preclude  
4952 employees or their representatives from raising grievances,  
4953 should decisions on the above matters have the practical  
4954 consequence of violating the terms and conditions of any  
4955 collective bargaining agreement in force or any civil ~~or career~~  
4956 service rule ~~regulation~~.

4957 Section 140. Section 447.401, Florida Statutes, is amended  
4958 to read:

4959 447.401 Grievance procedures.—Each public employer and

585-03095-12

20122084c1

4960 bargaining agent shall negotiate a grievance procedure to be  
4961 used for the settlement of disputes between employer and  
4962 employee, or group of employees, involving the interpretation or  
4963 application of a collective bargaining agreement. Such grievance  
4964 procedure shall have as its terminal step a final and binding  
4965 disposition by an impartial neutral, mutually selected by the  
4966 parties; however, if ~~when~~ the issue under appeal is an  
4967 allegation of abuse, abandonment, or neglect by an employee  
4968 under s. 39.201 or s. 415.1034, the grievance may not be decided  
4969 until the abuse, abandonment, or neglect of a child has been  
4970 judicially determined. However, an arbiter or other neutral may  
4971 ~~shall not have the power to~~ add to, subtract from, modify, or  
4972 alter the terms of a collective bargaining agreement. If an  
4973 employee organization is certified as the bargaining agent of a  
4974 unit, the grievance procedure ~~then~~ in existence may be the  
4975 subject of collective bargaining, and any agreement that ~~which~~  
4976 is reached supersedes ~~shall supersede~~ the previously existing  
4977 procedure. All public employees shall have the right to a fair  
4978 and equitable grievance procedure administered without regard to  
4979 membership or nonmembership in any organization, except that  
4980 certified employee organizations may ~~shall~~ not be required to  
4981 process grievances for employees who are not members of the  
4982 organization. A civil ~~career~~ service employee may use ~~shall have~~  
4983 ~~the option of utilizing~~ the civil service appeal procedure, an  
4984 unfair labor practice procedure, or a grievance procedure  
4985 established under this section, but such employee may not avail  
4986 ~~is precluded from availing~~ himself or herself of ~~to~~ more than  
4987 one of these procedures.

4988 Section 141. Paragraph (a) of subsection (2) of section

585-03095-12

20122084c1

4989 456.048, Florida Statutes, is amended to read:

4990 456.048 Financial responsibility requirements for certain  
4991 health care practitioners.—

4992 (2) The board or department may grant exemptions upon  
4993 application by practitioners meeting any of the following  
4994 criteria:

4995 (a) Any person licensed under chapter 457, s. 458.3475, s.  
4996 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or  
4997 chapter 467 who practices exclusively as an officer, employee,  
4998 or agent of the Federal Government or of the state or its  
4999 agencies or its subdivisions. For the purposes of this  
5000 subsection, an agent of the state, its agencies, or its  
5001 subdivisions is a person who is eligible for coverage under any  
5002 self-insurance or insurance program authorized by ~~the provisions~~  
5003 ~~of~~ s. 768.28(16) or who is a volunteer as defined in s. 112.961  
5004 ~~under s. 110.501(1).~~

5005 Section 142. Section 551.116, Florida Statutes, is amended  
5006 to read:

5007 551.116 Days and hours of operation.—Slot machine gaming  
5008 areas may be open daily throughout the year. The slot machine  
5009 gaming areas may be open a total ~~cumulative amount~~ of 18 hours  
5010 per day on Monday through Friday, and 24 hours per day on  
5011 Saturday and Sunday, and on those holidays specified in s.  
5012 112.929 ~~110.117(1).~~

5013 Section 143. Subsection (29) of section 570.07, Florida  
5014 Statutes, is amended to read:

5015 570.07 Department of Agriculture and Consumer Services;  
5016 functions, powers, and duties.—The department shall have and  
5017 exercise the following functions, powers, and duties:

585-03095-12

20122084c1

5018 (29) To advance funds monthly to civil ~~career~~ service  
5019 employees to be used for the purchase of official state samples  
5020 for state examination. Each monthly advance shall be ~~in an~~  
5021 ~~amount~~ equal to one-twelfth of the actual expenses paid the  
5022 position for samples in the previous fiscal year or, in the case  
5023 of a new position, one-twelfth of the expenses paid for samples  
5024 of a similar classification in the previous fiscal year;  
5025 however, in the event of unusual circumstances, such advances  
5026 may be increased for up to a period not to exceed 60 days.  
5027 Advances shall be granted only to civil ~~career~~ service employees  
5028 who have executed a proper power of attorney with the department  
5029 to ensure the collection of such advances if not timely repaid.

5030 Section 144. Paragraph (b) of subsection (3) of section  
5031 601.10, Florida Statutes, is amended to read:

5032 601.10 Powers of the Department of Citrus.—The Department  
5033 of Citrus shall have and shall exercise such general and  
5034 specific powers as are delegated to it by this chapter and other  
5035 statutes of the state, which powers shall include, but shall not  
5036 be confined to, the following:

5037 (3) To employ and, at its pleasure, discharge an executive  
5038 director as it deems necessary and to outline his or her powers  
5039 and duties and fix his or her compensation.

5040 (b) The Department of Citrus may pay, or participate in the  
5041 payment of, premiums for health, accident, and life insurance  
5042 for its full-time employees, pursuant to such rules ~~or~~  
5043 ~~regulations~~ as it may adopt; and such payments are in addition  
5044 to the regular salaries of such full-time employees. The payment  
5045 of such or similar benefits to its employees in foreign  
5046 countries, including, but not limited to, social security,

585-03095-12

20122084c1

5047 retirement, and other similar fringe benefit costs, may be in  
5048 accordance with laws in effect in the country of employment,  
5049 except that ~~no~~ benefits ~~will be payable to employees~~ not  
5050 authorized for other state employees are not payable to its  
5051 employees, as provided in the Civil Career Service System.

5052 Section 145. Subsection (6) of section 624.307, Florida  
5053 Statutes, is amended to read:

5054 624.307 General powers; duties.—

5055 (6) The department and office may each employ actuaries who  
5056 shall be at-will employees and who shall serve at the pleasure  
5057 of the Chief Financial Officer, in the case of department  
5058 employees, or at the pleasure of the director of the office, in  
5059 the case of office employees. Actuaries employed pursuant to  
5060 this paragraph must ~~shall~~ be members of the Society of Actuaries  
5061 or the Casualty Actuarial Society and are ~~shall be~~ exempt from  
5062 the Civil Career Service System established under chapter 110.  
5063 The salaries of the actuaries employed pursuant to this  
5064 paragraph ~~shall be set in accordance with s. 216.251(2)(a)5. and~~  
5065 shall be set at levels ~~which are~~ commensurate with those salary  
5066 ~~levels~~ paid to actuaries by the insurance industry.

5067 Section 146. Subsection (3) of section 624.437, Florida  
5068 Statutes, is amended to read:

5069 624.437 "Multiple-employer welfare arrangement" defined;  
5070 certificate of authority required; penalty.—

5071 (3) This section does not apply to a multiple-employer  
5072 welfare arrangement that ~~which~~ offers or provides benefits that  
5073 ~~which~~ are fully insured by an authorized insurer, to an  
5074 arrangement that ~~which~~ is exempt from state insurance regulation  
5075 in accordance with Pub. L. No. 93-406, the Employee Retirement

585-03095-12

20122084c1

5076 Income Security Act, or to the state group health insurance  
5077 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

5078 Section 147. Paragraph (h) of subsection (4) of section  
5079 627.6488, Florida Statutes, is amended to read:

5080 627.6488 Florida Comprehensive Health Association.—

5081 (4) The association shall:

5082 (h) Contract with preferred provider organizations and  
5083 health maintenance organizations giving due consideration to  
5084 those ~~the preferred provider organizations and health~~  
5085 ~~maintenance~~ organizations that ~~which~~ have contracted with the  
5086 state group health insurance program pursuant to s. 112.942  
5087 ~~110.123~~. If cost-effective and available in the county where the  
5088 policyholder resides, the board, upon application or renewal of  
5089 a policy, shall place a high-risk individual, as established  
5090 under s. 627.6498(4)(a)4., with the plan case manager who shall  
5091 determine the most cost-effective quality care system or health  
5092 care provider and shall place the individual in such system or  
5093 with such health care provider. If cost-effective and available  
5094 in the county where the policyholder resides, the board, with  
5095 the consent of the policyholder, may place a low-risk or medium-  
5096 risk individual, as established under s. 627.6498(4)(a)4., with  
5097 the plan case manager who may determine the most cost-effective  
5098 quality care system or health care provider and shall place the  
5099 individual in such system or with such health care provider.  
5100 Before ~~Prior to~~ and during the implementation of case  
5101 management, the plan case manager shall obtain input from the  
5102 policyholder, parent, or guardian.

5103 Section 148. Paragraph (a) of subsection (1) of section  
5104 627.649, Florida Statutes, is amended to read:

585-03095-12

20122084c1

5105 627.649 Administrator.—

5106 (1) The board shall select an administrator, through a  
5107 competitive bidding process, to administer the plan. The board  
5108 shall evaluate bids submitted under this subsection based on  
5109 criteria established by the board, which criteria shall include:

5110 (a) The administrator's proven ability to handle large  
5111 group accident and health insurance, ~~and~~ Due consideration  
5112 shall be given to an any administrator who has acted as a third-  
5113 party administrator for the state group health insurance program  
5114 pursuant to s. 112.942 ~~110.123~~.

5115 Section 149. Paragraph (a) of subsection (2) and subsection  
5116 (3) of section 627.6498, Florida Statutes, are amended to read:

5117 627.6498 Minimum benefits coverage; exclusions; premiums;  
5118 deductibles.—

5119 (2) BENEFITS.—

5120 (a) The plan shall offer major medical expense coverage  
5121 similar to that provided by the state group health insurance  
5122 program under s. 112.942, ~~as defined in s. 110.123~~ except as  
5123 specified in subsection (3), to every eligible person who is not  
5124 eligible for Medicare. Major medical expense coverage offered  
5125 under the plan must ~~shall~~ pay an eligible person's covered  
5126 expenses, subject to limits on the deductible and coinsurance  
5127 payments authorized under subsection (4), up to a lifetime limit  
5128 of \$500,000 per covered individual. The maximum limit may ~~under~~  
5129 ~~this paragraph shall~~ not be altered by the board, and an ~~no~~  
5130 actuarially equivalent benefit may not be substituted by the  
5131 board.

5132 (3) COVERED EXPENSES.—The coverage ~~to be~~ issued by the  
5133 association must ~~shall~~ be patterned after the state group health

585-03095-12

20122084c1

5134 insurance program as provided in s. 112.942 ~~defined in s.~~  
5135 ~~110.123~~, including its benefits, exclusions, and other  
5136 limitations, except as otherwise provided in this act. The plan  
5137 may cover the cost of experimental drugs that ~~which~~ have been  
5138 approved for use by the Food and Drug Administration on an  
5139 experimental basis if the cost is less than the usual and  
5140 customary treatment. Such coverage applies ~~shall~~ only ~~apply~~ to  
5141 those insureds who are in the case management system upon the  
5142 approval of the insured, the case manager, and the board.

5143 Section 150. Subsection (4) of section 627.6617, Florida  
5144 Statutes, is amended to read:

5145 627.6617 Coverage for home health care services.—

5146 (4) The provisions of this section do ~~shall~~ not apply to a  
5147 multiple-employer welfare arrangement as defined in s.  
5148 624.437(1) and in the State Health Plan as provided in s.  
5149 112.942 ~~110.123~~.

5150 Section 151. Paragraph (d) of subsection (2) of section  
5151 627.6686, Florida Statutes, is amended to read:

5152 627.6686 Coverage for individuals with autism spectrum  
5153 disorder required; exception.—

5154 (2) As used in this section, the term:

5155 (d) "Health insurance plan" means a group health insurance  
5156 policy or group health benefit plan offered by an insurer which  
5157 includes the state group insurance program provided under s.  
5158 112.942 ~~110.123~~. The term does not include a ~~any~~ health  
5159 insurance plan offered in the individual market which, ~~any~~  
5160 ~~health insurance plan that~~ is individually underwritten, or ~~any~~  
5161 ~~health insurance plan~~ provided to a small employer.

5162 Section 152. Paragraph (b) of subsection (7) of section

585-03095-12

20122084c1

5163 849.086, Florida Statutes, is amended to read:

5164 849.086 Cardrooms authorized.—

5165 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5166 (b) A ~~Any~~ cardroom operator may operate a cardroom at the  
5167 pari-mutuel facility daily throughout the year, if the  
5168 permitholder meets the requirements under paragraph (5) (b). The  
5169 cardroom may be open a total ~~cumulative amount~~ of 18 hours per  
5170 day on Monday through Friday, ~~and~~ 24 hours per day on Saturday  
5171 and Sunday, and on the holidays specified in s. 112.929  
5172 ~~110.117(1)~~.

5173 Section 153. Paragraph (a) of subsection (4) of section  
5174 943.0585, Florida Statutes, is amended to read:

5175 943.0585 Court-ordered expunction of criminal history  
5176 records.—The courts of this state have jurisdiction over their  
5177 own procedures, including the maintenance, expunction, and  
5178 correction of judicial records containing criminal history  
5179 information to the extent such procedures are not inconsistent  
5180 with the conditions, responsibilities, and duties established by  
5181 this section. Any court of competent jurisdiction may order a  
5182 criminal justice agency to expunge the criminal history record  
5183 of a minor or an adult who complies with the requirements of  
5184 this section. The court shall not order a criminal justice  
5185 agency to expunge a criminal history record until the person  
5186 seeking to expunge a criminal history record has applied for and  
5187 received a certificate of eligibility for expunction pursuant to  
5188 subsection (2). A criminal history record that relates to a  
5189 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,  
5190 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.  
5191 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.

585-03095-12

20122084c1

5192 893.135, s. 916.1075, a violation enumerated in s. 907.041, or  
5193 any violation specified as a predicate offense for registration  
5194 as a sexual predator pursuant to s. 775.21, without regard to  
5195 whether that offense alone is sufficient to require such  
5196 registration, or for registration as a sexual offender pursuant  
5197 to s. 943.0435, may not be expunged, without regard to whether  
5198 adjudication was withheld, if the defendant was found guilty of  
5199 or pled guilty or nolo contendere to the offense, or if the  
5200 defendant, as a minor, was found to have committed, or pled  
5201 guilty or nolo contendere to committing, the offense as a  
5202 delinquent act. The court may only order expunction of a  
5203 criminal history record pertaining to one arrest or one incident  
5204 of alleged criminal activity, except as provided in this  
5205 section. The court may, at its sole discretion, order the  
5206 expunction of a criminal history record pertaining to more than  
5207 one arrest if the additional arrests directly relate to the  
5208 original arrest. If the court intends to order the expunction of  
5209 records pertaining to such additional arrests, such intent must  
5210 be specified in the order. A criminal justice agency may not  
5211 expunge any record pertaining to such additional arrests if the  
5212 order to expunge does not articulate the intention of the court  
5213 to expunge a record pertaining to more than one arrest. This  
5214 section does not prevent the court from ordering the expunction  
5215 of only a portion of a criminal history record pertaining to one  
5216 arrest or one incident of alleged criminal activity.  
5217 Notwithstanding any law to the contrary, a criminal justice  
5218 agency may comply with laws, court orders, and official requests  
5219 of other jurisdictions relating to expunction, correction, or  
5220 confidential handling of criminal history records or information

585-03095-12

20122084c1

5221 derived therefrom. This section does not confer any right to the  
5222 expunction of any criminal history record, and any request for  
5223 expunction of a criminal history record may be denied at the  
5224 sole discretion of the court.

5225 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any  
5226 criminal history record of a minor or an adult which is ordered  
5227 expunged by a court of competent jurisdiction pursuant to this  
5228 section must be physically destroyed or obliterated by any  
5229 criminal justice agency having custody of such record; except  
5230 that any criminal history record in the custody of the  
5231 department must be retained in all cases. A criminal history  
5232 record ordered expunged that is retained by the department is  
5233 confidential and exempt from the provisions of s. 119.07(1) and  
5234 s. 24(a), Art. I of the State Constitution and not available to  
5235 any person or entity except upon order of a court of competent  
5236 jurisdiction. A criminal justice agency may retain a notation  
5237 indicating compliance with an order to expunge.

5238 (a) The person who is the subject of a criminal history  
5239 record that is expunged under this section or under other  
5240 provisions of law, including former s. 893.14, former s. 901.33,  
5241 and former s. 943.058, may lawfully deny or fail to acknowledge  
5242 the arrests covered by the expunged record, unless ~~except when~~  
5243 the subject of the record:

- 5244 1. Is a candidate for employment with a criminal justice  
5245 agency;
- 5246 2. Is a defendant in a criminal prosecution;
- 5247 3. Concurrently or subsequently petitions for relief under  
5248 this section or s. 943.059;
- 5249 4. Is a candidate for admission to The Florida Bar;

585-03095-12

20122084c1

5250           5. Is seeking to be employed or licensed by or to contract  
5251 with the Department of Children and Family Services, the Agency  
5252 for Health Care Administration, the Agency for Persons with  
5253 Disabilities, or the Department of Juvenile Justice or to be  
5254 employed or used by such contractor or licensee in a sensitive  
5255 position having direct contact with children, the  
5256 developmentally disabled, the aged, or the elderly as provided  
5257 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
5258 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
5259 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter  
5260 429;

5261           6. Is seeking to be employed or licensed by the Department  
5262 of Education, any district school board, any university  
5263 laboratory school, any charter school, any private or parochial  
5264 school, or any local governmental entity that licenses child  
5265 care facilities; or

5266           7. Is seeking authorization from a seaport listed in s.  
5267 311.09 for employment within or access to one or more of such  
5268 seaports pursuant to s. 311.12.

5269           Section 154. Paragraph (a) of subsection (4) of section  
5270 943.059, Florida Statutes, is amended to read:

5271           943.059 Court-ordered sealing of criminal history records.—  
5272 The courts of this state shall continue to have jurisdiction  
5273 over their own procedures, including the maintenance, sealing,  
5274 and correction of judicial records containing criminal history  
5275 information to the extent such procedures are not inconsistent  
5276 with the conditions, responsibilities, and duties established by  
5277 this section. Any court of competent jurisdiction may order a  
5278 criminal justice agency to seal the criminal history record of a

585-03095-12

20122084c1

5279 minor or an adult who complies with the requirements of this  
5280 section. The court shall not order a criminal justice agency to  
5281 seal a criminal history record until the person seeking to seal  
5282 a criminal history record has applied for and received a  
5283 certificate of eligibility for sealing pursuant to subsection  
5284 (2). A criminal history record that relates to a violation of s.  
5285 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
5286 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
5287 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
5288 916.1075, a violation enumerated in s. 907.041, or any violation  
5289 specified as a predicate offense for registration as a sexual  
5290 predator pursuant to s. 775.21, without regard to whether that  
5291 offense alone is sufficient to require such registration, or for  
5292 registration as a sexual offender pursuant to s. 943.0435, may  
5293 not be sealed, without regard to whether adjudication was  
5294 withheld, if the defendant was found guilty of or pled guilty or  
5295 nolo contendere to the offense, or if the defendant, as a minor,  
5296 was found to have committed or pled guilty or nolo contendere to  
5297 committing the offense as a delinquent act. The court may only  
5298 order sealing of a criminal history record pertaining to one  
5299 arrest or one incident of alleged criminal activity, except as  
5300 provided in this section. The court may, at its sole discretion,  
5301 order the sealing of a criminal history record pertaining to  
5302 more than one arrest if the additional arrests directly relate  
5303 to the original arrest. If the court intends to order the  
5304 sealing of records pertaining to such additional arrests, such  
5305 intent must be specified in the order. A criminal justice agency  
5306 may not seal any record pertaining to such additional arrests if  
5307 the order to seal does not articulate the intention of the court

585-03095-12

20122084c1

5308 to seal records pertaining to more than one arrest. This section  
5309 does not prevent the court from ordering the sealing of only a  
5310 portion of a criminal history record pertaining to one arrest or  
5311 one incident of alleged criminal activity. Notwithstanding any  
5312 law to the contrary, a criminal justice agency may comply with  
5313 laws, court orders, and official requests of other jurisdictions  
5314 relating to sealing, correction, or confidential handling of  
5315 criminal history records or information derived therefrom. This  
5316 section does not confer any right to the sealing of any criminal  
5317 history record, and any request for sealing a criminal history  
5318 record may be denied at the sole discretion of the court.

5319 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
5320 history record of a minor or an adult which is ordered sealed by  
5321 a court of competent jurisdiction pursuant to this section is  
5322 confidential and exempt from the provisions of s. 119.07(1) and  
5323 s. 24(a), Art. I of the State Constitution and is available only  
5324 to the person who is the subject of the record, to the subject's  
5325 attorney, to criminal justice agencies for their respective  
5326 criminal justice purposes, which include conducting a criminal  
5327 history background check for approval of firearms purchases or  
5328 transfers as authorized by state or federal law, to judges in  
5329 the state courts system for the purpose of assisting them in  
5330 their case-related decisionmaking responsibilities, as set forth  
5331 in s. 943.053(5), or to those entities set forth in  
5332 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
5333 licensing, access authorization, and employment purposes.

5334 (a) The subject of a criminal history record sealed under  
5335 this section or under other provisions of law, including former  
5336 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully

585-03095-12

20122084c1

- 5337 deny or fail to acknowledge the arrests covered by the sealed  
5338 record, except if ~~when~~ the subject of the record:
- 5339 1. Is a candidate for employment with a criminal justice  
5340 agency;
  - 5341 2. Is a defendant in a criminal prosecution;
  - 5342 3. Concurrently or subsequently petitions for relief under  
5343 this section or s. 943.0585;
  - 5344 4. Is a candidate for admission to The Florida Bar;
  - 5345 5. Is seeking to be employed or licensed by or to contract  
5346 with the Department of Children and Family Services, the Agency  
5347 for Health Care Administration, the Agency for Persons with  
5348 Disabilities, or the Department of Juvenile Justice or to be  
5349 employed or used by such contractor or licensee in a sensitive  
5350 position having direct contact with children, the  
5351 developmentally disabled, the aged, or the elderly as provided  
5352 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.  
5353 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.  
5354 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or  
5355 chapter 429;
  - 5356 6. Is seeking to be employed or licensed by the Department  
5357 of Education, any district school board, any university  
5358 laboratory school, any charter school, any private or parochial  
5359 school, or any local governmental entity that licenses child  
5360 care facilities;
  - 5361 7. Is attempting to purchase a firearm from a licensed  
5362 importer, licensed manufacturer, or licensed dealer and is  
5363 subject to a criminal history check under state or federal law;  
5364 or
  - 5365 8. Is seeking authorization from a Florida seaport

585-03095-12

20122084c1

5366 identified in s. 311.09 for employment within or access to one  
5367 or more of such seaports pursuant to s. 311.12.

5368 Section 155. Subsection (2) of section 945.043, Florida  
5369 Statutes, is amended to read:

5370 945.043 Department-operated day care services.—

5371 (2) The department is exempt from s. 112.918 ~~the~~  
5372 ~~requirements of s. 110.151.~~

5373 Section 156. Subsection (1) of section 946.525, Florida  
5374 Statutes, is amended to read:

5375 946.525 Participation by the corporation in the state group  
5376 health insurance and prescription drug programs.—

5377 (1) The board of directors of the corporation established  
5378 under this part may apply for participation in the state group  
5379 health insurance program authorized under s. 112.942 ~~in s.~~  
5380 ~~110.123~~ and the prescription drug coverage program authorized  
5381 under s. 112.946 ~~by s. 110.123~~ ~~15~~ by submitting an application  
5382 along with a \$500 nonrefundable fee to the Department of  
5383 Management Services.

5384 Section 157. Paragraph (e) of subsection (4) of section  
5385 985.045, Florida Statutes, is amended to read:

5386 985.045 Court records.—

5387 (4) A court record of proceedings under this chapter is not  
5388 admissible in evidence in any other civil or criminal  
5389 proceeding, except that:

5390 (e) Records of proceedings under this chapter may be used  
5391 to prove disqualification under ss. 112.928 ~~110.1127~~, 393.0655,  
5392 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and  
5393 985.644.

5394 Section 158. Paragraph (k) of subsection (2) of section

585-03095-12

20122084c1

5395 1001.705, Florida Statutes, is amended to read:

5396 1001.705 Responsibility for the State University System  
5397 under s. 7, Art. IX of the State Constitution.—

5398 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE  
5399 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the  
5400 State Constitution, the Board of Governors of the State  
5401 University System has the duty to operate, regulate, control,  
5402 and be fully responsible for the management of the whole  
5403 publicly funded State University System and the board, or the  
5404 board's designee, has responsibility for:

5405 (k) Establishing a personnel system for all state  
5406 university employees; however, the Department of Management  
5407 Services shall retain authority over state university employees  
5408 for programs established in ss. 112.942 ~~110.123~~, 112.947  
5409 ~~110.1232~~, 112.948 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951  
5410 ~~110.161~~, and in chapters 121, 122, and 238.

5411 Section 159. Paragraph (b) of subsection (6) of section  
5412 1001.706, Florida Statutes, is amended to read:

5413 1001.706 Powers and duties of the Board of Governors.—

5414 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

5415 (b) The Department of Management Services shall retain  
5416 authority over state university employees for programs  
5417 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948  
5418 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters  
5419 121, 122, and 238. Unless specifically authorized by law,  
5420 neither the Board of Governors nor a state university may offer  
5421 group insurance programs for employees as a substitute for or as  
5422 an alternative to the health insurance programs offered pursuant  
5423 to chapter 112 ~~110~~.

585-03095-12

20122084c1

5424 Section 160. Paragraph (c) of subsection (5) of section  
5425 1001.74, Florida Statutes, is amended to read:

5426 1001.74 Powers and duties of university boards of  
5427 trustees.—

5428 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

5429 (c) The Department of Management Services shall retain  
5430 authority over state university employees for programs  
5431 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948  
5432 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters  
5433 121, 122, and 238. Unless specifically authorized by law,  
5434 neither the Board of Governors nor a state university may offer  
5435 group insurance programs for employees as a substitute for or as  
5436 an alternative to the health insurance programs offered pursuant  
5437 to chapter 112 ~~110~~.

5438 Section 161. Paragraph (f) of subsection (4) and paragraph  
5439 (f) of subsection (8) of section 1002.36, Florida Statutes, are  
5440 amended to read:

5441 1002.36 Florida School for the Deaf and the Blind.—

5442 (4) BOARD OF TRUSTEES.—

5443 (f) The board of trustees shall:

5444 1. Prepare and submit legislative budget requests for  
5445 operations and fixed capital outlay, in accordance with chapter  
5446 216 and ss. 1011.56 and 1013.60, to the Department of Education  
5447 for review and approval. The department must analyze the amount  
5448 requested for fixed capital outlay to determine if the request  
5449 is consistent with the school's campus master plan, educational  
5450 plant survey, and facilities master plan. Projections of  
5451 facility space needs may exceed the norm space and occupant  
5452 design criteria established in the State Requirements for

585-03095-12

20122084c1

5453 Educational Facilities.

5454         2. Approve and administer an annual operating budget in  
5455 accordance with ss. 1011.56 and 1011.57.

5456         3. Require all funds received other than gifts, donations,  
5457 bequests, funds raised by or belonging to student clubs or  
5458 student organizations, and funds held for specific students or  
5459 in accounts for individual students to be deposited in the State  
5460 Treasury and expended as authorized in the General  
5461 Appropriations Act.

5462         4. Require all purchases to be in accordance with the  
5463 provisions of chapter 287 except for purchases made with funds  
5464 received as gifts, donations, or bequests; funds raised by or  
5465 belonging to student clubs or student organizations; or funds  
5466 held for specific students or in accounts for individual  
5467 students.

5468         5. Administer and maintain personnel programs for all  
5469 employees of the board of trustees and the Florida School for  
5470 the Deaf and the Blind who shall be state employees, including  
5471 the personnel classification and pay plan established in  
5472 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and  
5473 216.251(2)(a)2. for academic and academic administrative  
5474 personnel, the provisions of chapter 110, and the provisions of  
5475 law that grant authority to the Department of Management  
5476 Services over such programs for state employees.

5477         6. Give preference in appointment and retention in  
5478 positions of employment as provided within s. 295.07(1).

5479         7. Ensure that the Florida School for the Deaf and the  
5480 Blind complies with s. 1013.351 concerning the coordination of  
5481 planning between the Florida School for the Deaf and the Blind

585-03095-12

20122084c1

5482 and local governing bodies.

5483 8. Ensure that the Florida School for the Deaf and the  
5484 Blind complies with s. 112.061 concerning per diem and travel  
5485 expenses of public officers, employees, and authorized persons  
5486 with respect to all funds other than funds received as gifts,  
5487 donations, or bequests; funds raised by or belonging to student  
5488 clubs or student organizations; or funds held for specific  
5489 students or in accounts for individual students.

5490 9. Adopt a master plan that ~~which~~ specifies the mission and  
5491 objectives of the Florida School for the Deaf and the Blind. The  
5492 plan shall include, but not be limited to, procedures for  
5493 systematically measuring the school's progress toward meeting  
5494 its objectives, analyzing changes in the student population, and  
5495 modifying school programs and services to respond to such  
5496 changes. The plan shall be for a period of 5 years and shall be  
5497 reviewed for needed modifications every 2 years. The board of  
5498 trustees shall submit the initial plan and subsequent  
5499 modifications to the Speaker of the House of Representatives and  
5500 the President of the Senate.

5501 10. Designate a portion of the school as "The Verle Allyn  
5502 Pope Complex for the Deaf," in tribute to the late Senator Verle  
5503 Allyn Pope.

5504 (8) CAMPUS POLICE.—

5505 (f) The board of trustees shall adopt rules, including,  
5506 without limitation, rules for the appointment, employment, and  
5507 removal of campus police in accordance with the Civil State  
5508 ~~Career~~ Service under chapter 110 System and shall establish in  
5509 writing a policy manual, ~~7~~ that includes, without limitation,  
5510 procedures for managing routine law enforcement situations and

585-03095-12

20122084c1

5511 emergency law enforcement situations. The board of trustees  
5512 shall furnish a copy of the policy manual to each of the campus  
5513 police officers it employs. A campus police officer appointed by  
5514 the board of trustees must have completed the training required  
5515 by the school in the special needs and proper procedures for  
5516 dealing with students served by the school.

5517 Section 162. Section 1012.62, Florida Statutes, is amended  
5518 to read:

5519 1012.62 Transfer of sick leave and annual leave.—In  
5520 implementing ~~the provisions of~~ ss. 402.22(1)(d) and  
5521 1001.42(4)(m), educational personnel in Department of Children  
5522 and Family Services residential care facilities who are employed  
5523 by a district school board may request, and the district school  
5524 board shall accept, a lump-sum transfer of accumulated sick  
5525 leave for such personnel to the maximum allowed by policies of  
5526 the district school board, notwithstanding ~~the provisions of~~ s.  
5527 112.913 ~~110.122~~. Educational personnel in Department of Children  
5528 and Family Services residential care facilities who are employed  
5529 by a district school board under ~~the provisions of~~ s.  
5530 402.22(1)(d) may request, and the district school board shall  
5531 accept, a lump-sum transfer of accumulated annual leave for each  
5532 person employed by the district school board in a position in  
5533 the district eligible to accrue vacation leave under the  
5534 policies of the district school board.

5535 Section 163. Subsection (5) of section 1012.79, Florida  
5536 Statutes, is amended to read:

5537 1012.79 Education Practices Commission; organization.—

5538 (5) The commission, by a vote of three-fourths of the  
5539 membership, shall employ an executive director, who shall be

585-03095-12

20122084c1

5540 exempt from the Civil ~~career~~ Service. The executive director may  
5541 be dismissed by a majority vote of the membership.

5542 Section 164. Subsection (6) of section 1012.88, Florida  
5543 Statutes, is amended to read:

5544 1012.88 Florida College System institution police.—

5545 (6) The Florida College System institution, with the  
5546 approval of the Department of Law Enforcement, shall adopt  
5547 rules, including, without limitation, rules for the appointment,  
5548 employment, and removal of Florida College System institution  
5549 police in accordance with the Civil ~~state~~ ~~Career~~ Service under  
5550 chapter 110 ~~System~~ and shall establish in writing a policy  
5551 manual, that includes, without limitation, procedures for  
5552 managing routine law enforcement situations and emergency law  
5553 enforcement situations. The Florida College System institution  
5554 shall furnish a copy of the policy manual to each of the police  
5555 officers it employs.

5556 Section 165. Section 1012.96, Florida Statutes, is amended  
5557 to read:

5558 1012.96 IFAS extension personnel; federal health insurance  
5559 ~~programs notwithstanding the provisions of s. 110.123.—~~

5560 Notwithstanding s. 112.942, the Institute of Food and  
5561 Agricultural Sciences at the University of Florida may pay the  
5562 employer's share of premiums to the Federal Health Benefits  
5563 Insurance Program from its appropriated budget for any  
5564 cooperative extension employee of the institute having both  
5565 state and federal appointments and participating in the Federal  
5566 Civil Service Retirement System.

5567 Section 166. This act shall take effect July 1, 2012.