

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

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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

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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.

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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.

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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.

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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

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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.;

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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,

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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.,

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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:

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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

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

292 ~~(5) Nothing in this chapter shall be construed either to~~
293 ~~infringe upon or to supersede the rights guaranteed public~~
294 ~~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

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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.

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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

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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

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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

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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.~~

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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

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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.

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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

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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.~~

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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

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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

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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. + 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 ~~ne~~ employee in the Civil ~~career~~ Service may not
667 ~~shall~~:

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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

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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~~

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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

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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

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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.

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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

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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.~~

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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

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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

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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~~

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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~~

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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~~

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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.

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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~~

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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

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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.

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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

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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

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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

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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

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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.~~

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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

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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)~~(l)~~ 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

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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

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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~~

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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.~~

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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

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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

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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~~

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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

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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~~

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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

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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

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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.

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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.

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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.

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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

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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:

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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

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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.~~

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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

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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~~

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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 An employee who has not attained merit status in his or her
1900 current position serves at the pleasure of the agency head and
1901 may be dismissed at the discretion of the agency head.

1902 (3) If an employee who has received an internal agency
1903 promotion from a position in which the employee held merit
1904 status is to be dismissed from the promotional position for
1905 failure to meet the established performance standards of the
1906 promotional position while in probationary status, the agency,
1907 before dismissal, shall attempt to return the employee to his or
1908 her former position, or to a position with the same duties and
1909 responsibilities as the former position, if such a position is
1910 vacant. Such determinations by an agency are not appealable and
1911 this subsection does not apply to dismissals for any other
1912 reason.

1913 ~~(2) Each employing agency shall have the responsibility for~~
1914 ~~the establishment and maintenance of rules and guidelines for~~

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1915 ~~determining eligibility of applicants for appointment to~~
1916 ~~positions in the career service.~~

1917 ~~(3) Eligibility shall be based on possession of required~~
1918 ~~minimum qualifications for the job class and any required entry-~~
1919 ~~level knowledge, skills, and abilities, and any certification~~
1920 ~~and licensure required for a particular position.~~

1921 ~~(4) The employing agency shall be responsible for~~
1922 ~~developing an employee career advancement program which shall~~
1923 ~~assure consideration of qualified permanent employees in the~~
1924 ~~agency or career service who apply. However, such program shall~~
1925 ~~also include provisions to bring persons into the career service~~
1926 ~~through open competition. Promotion appointments shall be~~
1927 ~~subject to postaudit by the department.~~

1928 ~~(5) The department shall adopt any rules necessary to~~
1929 ~~implement the provisions of this section. The rules must be~~
1930 ~~approved by a majority vote of the Administration Commission~~
1931 ~~prior to their adoption by the department.~~

1932 Section 32. Section 110.219, Florida Statutes, is amended
1933 to read:

1934 110.219 Attendance and leave; general policies.-

1935 (1) The workday for each full-time state employee shall be
1936 8 hours or as otherwise authorized ~~justified~~ by the agency head.

1937 (2) Overtime may be required for any employee.

1938 (3) The granting of any leave of absence, with or without
1939 pay, shall be in accordance with applicable state or federal
1940 laws and the rules of the State Personnel System ~~writing and~~
1941 ~~shall be approved by the agency head. Those employees who, at~~
1942 the discretion of the agency, are ~~An employee who is granted a~~
1943 leave of absence remain employees of the agency ~~with or without~~

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1944 ~~pay shall be an employee of the state while on such leave and~~
1945 ~~shall be returned to the same or comparable position ~~or a~~~~
1946 ~~different position in the same class and same work location upon~~
1947 ~~termination of the approved leave of absence in accordance with~~
1948 ~~the rules of the State Personnel System. The agency head and the~~
1949 ~~employee may agree in writing to other conditions and terms~~
1950 ~~under which the leave is to be granted.~~

1951 ~~(4) Each agency shall keep an accurate record of all hours~~
1952 ~~of work performed by each employee, as well as a complete and~~
1953 ~~accurate record of all authorized leave which is approved. The~~
1954 ~~ultimate responsibility for the accuracy and proper maintenance~~
1955 ~~of all attendance and leave records shall be with the agency~~
1956 ~~head.~~

1957 ~~(4)-(5) Rules shall be adopted by The department shall adopt~~
1958 ~~rules to administer in cooperation and consultation with the~~
1959 ~~agencies to implement the provisions of this section; however,~~
1960 ~~such rules must be approved by the Administration Commission~~
1961 ~~prior to their adoption. Such rules must provide for, but need~~
1962 ~~not be limited to:~~

1963 (a) The maximum responsibility and authority resting with
1964 each agency head to administer attendance and leave matters in
1965 the agency within the parameters of the rules ~~adopted by the~~
1966 ~~department.~~

1967 (b) ~~Creditable service in which 1 month of Service credit~~
1968 ~~as it relates to the accrual and payment of leave is awarded for~~
1969 ~~each calendar month that the employee is on the payroll of a~~
1970 ~~state agency or during which the employee is on authorized leave~~
1971 ~~without pay.~~

1972 (c) Holidays as provided in s. 112.929 ~~110.117.~~

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1973 (d) Overtime provisions.

1974 (e) Annual leave provisions.

1975 (f) Sick leave provisions.

1976 (g) Parental leave provisions.

1977 (h) Family medical leave provisions.

1978 (i) Disability leave provisions.

1979 (j) Compulsory disability leave provisions.

1980 (k) Administrative leave provisions.

1981 (l) Military leave provisions.

1982 (m) Educational leave with pay provisions.

1983 (n) Leave of absence without pay provisions.

1984 ~~(6) The leave benefits provided to Senior Management~~

1985 ~~Service employees shall not exceed those provided to employees~~

1986 ~~in the Selected Exempt Service.~~

1987 (5) (7) Subject to available funds, each December, a civil

1988 permanent career service employee who has merit status or who

1989 currently has probationary status due to a promotion that was

1990 preceded by the attainment of merit status is entitled shall be

1991 ~~entitled, subject to available funds, to a payout of up to 24~~

1992 ~~hours of unused annual leave if the as follows:~~

1993 ~~(a) A permanent career service employee has must have an~~

1994 ~~annual leave balance of at least no less than 24 hours, after~~

1995 ~~the payout, in order to qualify for this benefit.~~

1996 (6) (b) A civil No permanent career service employee may not

1997 ~~shall~~ receive a payout of greater than 240 hours over the course

1998 of the employee's career within ~~with~~ the Civil Service state,

1999 including any leave received at the time of separation.

2000 Section 33. Section 110.221, Florida Statutes, is amended

2001 to read:

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2002 110.221 Parental or family medical leave.—

2003 (1) As used in this section, the term:

2004 (a) "Family" means a child, parent, or spouse, ~~and the~~
2005 ~~term~~

2006 (b) "Family medical leave" means leave requested by an
2007 employee for a serious family illness including an accident,
2008 disease, or condition that poses imminent danger of death,
2009 requires hospitalization involving an organ transplant, limb
2010 amputation, or other procedure of similar severity, or any
2011 mental or physical condition that requires constant in-home
2012 care. ~~The term~~

2013 (c) "Parental leave" means leave for the father or mother
2014 of a child who is born to or adopted by that parent.

2015 (2) The state may ~~shall~~ not:

2016 (a) Terminate the employment of a civil service ~~any~~
2017 employee ~~in the career service~~ because of the pregnancy of the
2018 employee or the employee's spouse or the adoption of a child by
2019 that employee.

2020 (b) Refuse to grant to a civil ~~career~~ service employee
2021 parental or family medical leave without pay for a period not to
2022 exceed 6 months. Such leave commences ~~shall commence~~ on a date
2023 ~~that is~~ determined by the employee in consultation with the
2024 attending physician following notification to the employer in
2025 writing, and that is approved by the employer.

2026 (c) Deny a civil ~~career~~ service employee the use of and
2027 payment for annual leave credits for parental or family medical
2028 leave. Such leave commences ~~shall commence~~ on a date determined
2029 by the employee in consultation with the attending physician
2030 following notification to the employer in writing.

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2031 (d) Deny a civil ~~career~~ service employee the use of and
2032 payment for accrued sick leave or family sick leave for any
2033 reason deemed necessary by a physician or as established by
2034 policy.

2035 (e) Require that a civil ~~career~~ service employee take a
2036 mandatory parental or family medical leave.

2037 (3) Upon returning at the end of parental or family medical
2038 leave of absence, such employee shall be reinstated to the same
2039 job or ~~to~~ an equivalent position that has ~~with~~ equivalent pay
2040 and ~~with~~ seniority, retirement, fringe benefits, and other
2041 service credits accumulated before ~~prior to~~ the leave period. If
2042 any portion of the parental or family medical leave is paid
2043 leave, the employee is ~~shall be~~ entitled to accumulate all
2044 benefits granted under paid leave status.

2045 (4) The department may adopt rules necessary to administer
2046 this section.

2047 Section 34. Section 110.224, Florida Statutes, is amended
2048 to read:

2049 110.224 ~~Public~~ Employee performance evaluation system.—An A
2050 ~~public~~ employee performance evaluation system shall be
2051 established as a basis for evaluating and improving the
2052 performance of the state's workforce, to inform employees of
2053 strong and weak points in the employee's performance, to
2054 identify training needs, and to award lump-sum bonuses and other
2055 performance-based incentives in accordance with s. 110.1245 or
2056 other provisions of law ~~110.1245(2)~~.

2057 (1) Upon original appointment, promotion, demotion, or
2058 reassignment, a job description of the assigned position
2059 ~~assigned~~ must be made available to the civil ~~career~~ service

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2060 employee. The job description may be made available in an
2061 electronic format.

2062 (2) Each employee shall ~~must~~ have a performance evaluation
2063 conducted at least annually which involves both, ~~and the~~
2064 ~~employee must receive~~ an oral and written assessment of his or
2065 her performance ~~evaluation~~. The performance evaluation may
2066 include a plan of action for improvement of the employee's
2067 performance based on the work expectations or performance
2068 standards applicable to the position as determined by the agency
2069 head.

2070 (3) The department may adopt rules necessary to administer
2071 this section ~~the public employee performance evaluation system~~
2072 ~~which establish procedures for performance evaluation, review~~
2073 ~~periods, and forms~~.

2074 Section 35. Section 110.227, Florida Statutes, is amended
2075 to read:

2076 110.227 Suspensions, dismissals, reductions in pay,
2077 demotions, layoffs, transfers, and grievances.—

2078 (1) An ~~Any~~ employee who has satisfactorily completed at
2079 least a 1-year probationary period in his or her current
2080 position may be suspended or dismissed only for cause. Cause
2081 includes ~~shall include~~, but is not limited to, poor performance,
2082 negligence, inefficiency or inability to perform assigned
2083 duties, insubordination, violation of ~~the provisions of~~ law or
2084 agency rules, conduct unbecoming a public employee, misconduct,
2085 habitual drug abuse, or conviction of any crime. The agency head
2086 shall ensure that all employees of the agency have reasonable
2087 access to the agency's personnel policies and procedures ~~manual~~.

2088 (2) ~~(a)~~ The department shall establish rules and procedures

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2089 for the suspension, reduction in pay, transfer, layoff,
2090 demotion, and dismissal of employees in the Civil career
2091 Service.

2092 (a) Except with regard to law enforcement or correctional
2093 officers, firefighters, or professional health care providers,
2094 rules regarding layoff procedures may ~~shall~~ not include any
2095 provision system whereby a civil career service employee with
2096 greater seniority has the option of selecting a different
2097 position not being eliminated, but either vacant or already
2098 occupied by an employee who has ~~of~~ less seniority, and taking
2099 that position, commonly referred to as "bumping."

2100 (b) For the implementation of layoffs as defined in s.
2101 110.1054 ~~110.107~~, the department shall develop rules requiring
2102 retention of the agency's employees based upon objective
2103 measures that give consideration to comparative merit,
2104 demonstrated skills, the employee's experience, and the
2105 employee's length of service in the Civil Service. ~~Such rules~~
2106 ~~shall be approved by the Administration Commission before their~~
2107 ~~adoption by the department.~~

2108 (3) ~~(a)~~ With regard to law enforcement or correctional
2109 officers, firefighters, or professional health care providers: ~~7~~
2110 ~~when~~

2111 (a) If a layoff becomes necessary, such layoff shall be
2112 conducted within the competitive area identified by the agency
2113 head and approved by the department ~~of Management Services~~. Such
2114 competitive area shall be established taking into consideration
2115 the similarity of work; the organizational unit, which may be by
2116 agency, department, division, bureau, or other organizational
2117 unit; and the commuting area for the affected work ~~affected~~.

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2118 (b) ~~With regard to law enforcement or correctional~~
2119 ~~officers, firefighters, or professional health care providers,~~
2120 Layoff procedures shall be developed to establish the relative
2121 merit and fitness of employees and must ~~shall~~ include a formula
2122 for uniform application among all employees in the competitive
2123 area, taking into consideration the type of appointment, the
2124 length of service, and the evaluations of the employee's
2125 performance within the last 5 years of employment.

2126 (4) A grievance process shall be available to civil ~~career~~
2127 service employees who have satisfactorily completed at least a
2128 1-year probationary period in their current positions. A
2129 ~~grievance is defined as the dissatisfaction that~~ occurs when an
2130 employee believes that any condition affecting the employee is
2131 unjust, inequitable, or a hindrance to the effective performance
2132 of his or her job duties ~~operation~~. Claims of discrimination and
2133 sexual harassment or claims related to suspensions, reductions
2134 in pay, demotions, and dismissals are not subject to the civil
2135 ~~career~~ service grievance process. The following procedures ~~shall~~
2136 apply to any grievance filed pursuant to this subsection, except
2137 that all timeframes may be extended in writing by mutual
2138 agreement:

2139 (a) *Step One.*—The employee must ~~may~~ submit a signed,
2140 written grievance on a form provided by the agency to his or her
2141 supervisor within 14 calendar days following the occurrence of
2142 the event giving rise to the grievance. The supervisor must meet
2143 with the employee to discuss the grievance and provide a written
2144 response to the employee within 7 business days following
2145 receipt of the grievance.

2146 (b) *Step Two.*—If the employee is dissatisfied with the

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

2159 (5)~~(a)~~ A civil ~~career~~ service employee who has
2160 satisfactorily completed at least a 1-year probationary period
2161 and attained merit status in his or her current position and who
2162 is subject to a suspension, reduction in pay, demotion,
2163 involuntary transfer of more than 50 miles by highway, or
2164 dismissal shall receive written notice of such action at least
2165 10 calendar days before ~~prior to~~ the date such action is ~~to be~~
2166 taken.

2167 (a) Subsequent to such notice, and before ~~prior to~~ the date
2168 the action is ~~to be~~ taken, the affected employee shall be given
2169 an opportunity to appear before a designated agency official to
2170 rebut ~~the agency or official taking the action to answer orally~~
2171 ~~and in writing~~ the charges against him or her orally or in
2172 writing. The notice ~~to the employee required by this paragraph~~
2173 may be delivered to the employee personally or may be sent by
2174 certified mail with return receipt requested. Such actions are
2175 ~~shall be~~ appealable to the Public Employees Relations Commission

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

2181 (b) In extraordinary situations such as when the retention
2182 of a civil ~~career~~ service employee who has satisfactorily
2183 completed at least a 1-year probationary period in his or her
2184 current position may ~~would~~ result in damage to state property,
2185 may ~~would~~ be detrimental to the best interest of the state, or
2186 may ~~would~~ result in harm ~~injury~~ to the employee, a fellow
2187 employee, or some other person, such employee may be suspended
2188 or dismissed without 10 calendar days' prior notice if, ~~provided~~
2189 ~~that~~ written or oral notice of such action, including ~~evidence~~
2190 ~~of~~ the reasons therefor, and an opportunity to rebut the charges
2191 are furnished to the employee before ~~prior to~~ such dismissal or
2192 suspension. Such notice may be delivered to the employee
2193 personally or may be sent by certified mail with return receipt
2194 requested. ~~Agency compliance with the foregoing procedure~~
2195 ~~requiring notice, evidence, and an opportunity for rebuttal must~~
2196 ~~be substantiated.~~ Any employee who is suspended or dismissed
2197 pursuant to ~~the provisions of~~ this paragraph may appeal to the
2198 Public Employees Relations Commission as provided in subsection
2199 (6). Written notice of any such appeal shall be filed with the
2200 commission by the employee within 21 calendar days after the
2201 date on which the notice of suspension, ~~reduction in pay,~~
2202 ~~demotion,~~ or dismissal is received by the employee.

2203 (c) Merit status that was attained in a previous position
2204 does not give rise to appeal rights under this section.

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2205 (6) The following procedures ~~shall~~ apply to appeals filed
2206 pursuant to subsection (5) with the Public Employees Relations
2207 Commission, ~~hereinafter referred to as the commission:~~

2208 (a) The commission must conduct a hearing within 60
2209 calendar days following the filing of a notice of appeal. An ~~No~~
2210 extension of time for the hearing may not exceed 30 calendar
2211 days, absent exceptional circumstances, and ~~no extension of time~~
2212 may not be granted without the consent of all parties. Discovery
2213 may be granted only upon the showing of extraordinary
2214 circumstances. A party requesting discovery must ~~shall~~
2215 demonstrate a substantial need for the information requested and
2216 an inability to obtain relevant information by other means.
2217 Except where inconsistent with the requirements of this
2218 subsection, the provisions of s. 447.503(4) and (5) and chapter
2219 120 apply to proceedings held pursuant to this subsection.

2220 (b) A person may represent himself or herself in
2221 proceedings before the commission or may be represented by legal
2222 counsel or by an ~~any~~ individual who qualifies as a
2223 representative pursuant to rules adopted by the commission.

2224 (c) If the commission finds that cause did not exist for
2225 the agency action, the commission shall reverse the decision of
2226 the agency head and the employee shall be reinstated with or
2227 without back pay. If the commission finds that cause existed for
2228 the agency action, the commission shall affirm the decision of
2229 the agency head. The commission may not reduce the penalty
2230 imposed by the agency head, except in the case of law
2231 enforcement or correctional officers, firefighters, and
2232 professional health care providers, if the commission makes
2233 specific written findings of mitigation.

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2234 (d) A recommended order shall be issued by the hearing
2235 officer within 30 days following the hearing. Exceptions to the
2236 recommended order must ~~shall~~ be filed within 15 days after the
2237 recommended order is issued. The final order shall be filed by
2238 the commission within ~~no later than~~ 45 calendar days after the
2239 hearing or after the filing of exceptions or oral arguments if
2240 granted.

2241 (e) Final orders issued by the commission pursuant to
2242 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2243 (7) Other than for law enforcement or correctional
2244 officers, firefighters, and professional health care providers,
2245 each suspension, dismissal, demotion, or reduction in pay must
2246 be reviewed without consideration of any other case or set of
2247 facts.

2248 (8) Employees of the Department of Law Enforcement are
2249 subject to this section, except in matters relating to transfer.

2250 (9) The department may adopt rules necessary to administer
2251 this section.

2252 ~~(8) A career service employee who is serving a probationary~~
2253 ~~period in a position to which he or she has been promoted may be~~
2254 ~~removed from that promotional position at any time during the~~
2255 ~~probationary period but must be returned to his or her former~~
2256 ~~position, or a comparable position, if such a position is~~
2257 ~~vacant. If such a position is not available, before dismissal,~~
2258 ~~the agency shall make a reasonable effort to retain the employee~~
2259 ~~in another vacant position. This subsection does not apply to~~
2260 ~~terminations for cause as described in subsection (1), nor does~~
2261 ~~it create a right to "bump" an employee from an occupied~~
2262 ~~position as described in paragraph (2)(a).~~

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2263 Section 36. The Division of Statutory Revision is requested
 2264 to renumber part V of chapter 110, Florida Statutes, as part
 2265 III, consisting of ss. 110.302-110.3035, and to rename that part
 2266 as "Selected Exempt Service."

2267 Section 37. Section 110.601, Florida Statutes, is
 2268 transferred, renumbered as section 110.302, Florida Statutes,
 2269 and amended to read:

2270 110.302 ~~110.601~~ Declaration of policy.—This part creates a
 2271 system of personnel administration for ~~management~~ the purpose of
 2272 delivering ~~which is to deliver~~ high-quality performance by
 2273 selected exempt service ~~those~~ employees in the State Personnel
 2274 System ~~select exempt classifications~~ by facilitating the ~~state's~~
 2275 ability to attract and retain qualified personnel in these
 2276 positions, while also providing sufficient management
 2277 flexibility to ensure that the workforce is responsive to agency
 2278 needs. The Legislature recognizes that the public interest is
 2279 best served by developing and refining the technical and
 2280 managerial skills of these ~~its selected exempt service~~
 2281 ~~employees, and, to this end, technical training and management~~
 2282 ~~development programs are regarded as a major administrative~~
 2283 ~~function within agencies.~~

2284 Section 38. Section 110.602, Florida Statutes, is
 2285 transferred, renumbered as section 110.3021, Florida Statutes,
 2286 and amended to read:

2287 110.3021 ~~110.602~~ Selected Exempt Service; creation,
 2288 ~~coverage.~~—

2289 (1) The Selected Exempt Service is created as a separate
 2290 system of personnel administration for ~~select exempt~~ positions
 2291 in the State Personnel System which. ~~Such positions shall~~

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

2300 (2) Employees in the Selected Exempt Service shall serve at
2301 the pleasure of the agency head and are subject to personnel
2302 actions at the discretion of the agency head. Personnel actions
2303 that are tantamount to suspension, dismissal, reduction in pay,
2304 demotion, or transfer are exempt from chapter 120.

2305 Section 39. 110.605, Florida Statutes, is transferred,
2306 renumbered as section 110.3022, Florida Statutes, and amended to
2307 read:

2308 110.3022 110.605 Powers and duties; personnel rules,
2309 records, reports, and performance appraisal.—The department is
2310 responsible for the policy administration of the Selected Exempt
2311 Service. In carrying out that function the department shall:

2312 (1) Provide broad, market-based pay bands for occupations
2313 within the Selected Exempt Service and establish guidelines that
2314 allow state agencies flexibility to move employees through the
2315 pay bands. The agencies may determine the appropriate salary
2316 within the bands using the guidelines adopted by the department.
2317 The pay bands, and the assignment of bands to positions, do not
2318 constitute rules within the meaning of s. 120.52.

2319 (2) Establish a classification system and a salary and
2320 benefit plan for the Selected Exempt Service which provides for

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2321 greater pay and benefits overall than are provided for the Civil
2322 Service and less pay and benefits overall than are provided for
2323 the Senior Management Service.

2324 (3) In consultation with the Executive Office of the
2325 Governor and the appropriations committees of the Legislature,
2326 conduct compensation surveys as necessary for achieving an
2327 equitable, competitive, market-based compensation policy for
2328 selected exempt service employees.

2329 (4) Establish a performance evaluation system for selected
2330 exempt service employees which takes into consideration
2331 individual and organizational efficiency, productivity, and
2332 effectiveness.

2333 (5) Establish a system for documenting department actions
2334 taken on agency requests for the approval of position exemptions
2335 and pay increases for selected exempt service employees.

2336 (6) ~~(1) The department shall~~ Adopt and administer uniform
2337 personnel rules, records, and reports relating to employees and
2338 positions in the Selected Exempt Service, as well as any other
2339 rules and procedures relating to personnel administration which
2340 are necessary to carry out the purposes of this part.

2341 (a) The rules adopted by the department must comply with
2342 all federal regulations necessary to permit the agencies to
2343 receive federal funds.

2344 (b) Each agency shall operate within the uniform personnel
2345 rules adopted by the department pursuant to this part.

2346 (c) Each agency shall maintain up-to-date records and
2347 reports required by applicable rules.

2348 (d) ~~(a) The department may shall~~ develop uniform forms and
2349 instructions to be used for personnel ~~in reporting~~ transactions

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

2354 ~~(b) The department shall develop a uniform performance~~
2355 ~~appraisal system for employees and positions in the Selected~~
2356 ~~Exempt Service covered by a collective bargaining agreement.~~
2357 ~~Each employing agency shall develop a performance appraisal~~
2358 ~~system for all other employees and positions in the Selected~~
2359 ~~Exempt System. Such agency system shall take into consideration~~
2360 ~~individual and organizational efficiency, productivity, and~~
2361 ~~effectiveness.~~

2362 ~~(c) The employing agency must maintain, on a current basis,~~
2363 ~~all records and reports required by applicable rules. The~~
2364 ~~department shall periodically audit employing agency records to~~
2365 ~~determine compliance with the provisions of this part and the~~
2366 ~~rules of the department.~~

2367 ~~(d) The department shall develop a program of affirmative~~
2368 ~~and positive actions that will ensure full utilization of women~~
2369 ~~and minorities in Selected Exempt Service positions.~~

2370 ~~(2) Each employing agency shall operate within the uniform~~
2371 ~~personnel rules adopted by the department pursuant to the~~
2372 ~~provisions of this part. Each employing agency may adopt rules~~
2373 ~~as necessary to implement the provisions of this part, but such~~
2374 ~~rules shall not prescribe any personnel policies inconsistent~~
2375 ~~with the provisions of this part or the rules of the department.~~

2376 ~~(3) The rules adopted by the department and each employing~~
2377 ~~agency under this part shall comply with all federal regulations~~
2378 ~~necessary to permit the state agencies to be eligible to receive~~

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2379 ~~federal funds.~~

2380 ~~(4) The department shall adopt by rule procedures for~~
2381 ~~Selected Exempt Service employees that require disclosure to the~~
2382 ~~agency head of any application for or offer of employment, gift,~~
2383 ~~contractual relationship, or financial interest with any~~
2384 ~~individual, partnership, association, corporation, utility, or~~
2385 ~~other organization, whether public or private, doing business~~
2386 ~~with or subject to regulation by the agency.~~

2387 ~~(5) The secretary may periodically hire a consultant with~~
2388 ~~expertise in personnel management to advise him or her with~~
2389 ~~respect to the administration of the Selected Exempt Service.~~

2390 Section 40. Section 110.3023, Florida Statutes, is created
2391 to read:

2392 110.3023 Recruitment.-

2393 (1) Each state agency is responsible for establishing a
2394 process for employing, advancing, and deploying selected exempt
2395 service staff to meet agency needs.

2396 (2) If normal recruitment efforts of the agency through the
2397 use of the department's designated human resource information
2398 system, trade journals, or magazines are unsuccessful, the
2399 agency may contract with a person or firm to conduct a
2400 multistate search for hard-to-fill professional positions. The
2401 contracted search person or firm must satisfy the following
2402 criteria:

2403 (a) Willingness to accept contingency contracts with fees
2404 up to 30 percent of the annual salary of the applicant, to be
2405 paid upon employment of an applicant produced by the search.

2406 (b) Demonstrated capacity to perform effectively at
2407 competitive industry prices.

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2408 (c) Evidence of successful placements in the public sector
2409 by level and type of placement.

2410 (d) Agreement for the delivery of services within 90
2411 calendar days after the date of the requested search by the
2412 agency, unless an extension is granted by the agency.

2413 (e) Ability to attract minorities and women as evidenced by
2414 applicant pools generated for previous clients.

2415 Section 41. The Division of Statutory Revision is requested
2416 to renumber part III of chapter 110, Florida Statutes, as part
2417 IV, consisting of ss. 110.401-110.4035, and to rename that part
2418 as "Senior Management Service."

2419 Section 42. Section 110.401, Florida Statutes, is amended
2420 to read:

2421 110.401 Declaration of policy.—This part creates a ~~uniform~~
2422 system of personnel administration for attracting, retaining,
2423 and developing highly competent, executive-level ~~senior-level~~
2424 managers within the State Personnel System ~~at the highest~~
2425 ~~executive-management-level agency positions in order for the~~
2426 ~~highly complex programs and agencies of state government to~~
2427 ~~function effectively, efficiently, and productively.~~ The
2428 Legislature recognizes that executive-level ~~senior-level~~
2429 management is an established profession and that the public
2430 interest is best served by developing and refining the
2431 management skills of its senior management service employees.
2432 ~~Accordingly, training and management-development programs are~~
2433 ~~regarded as a major administrative function within agencies.~~

2434 Section 43. Section 110.402, Florida Statutes, is amended
2435 to read:

2436 110.402 Senior Management Service; ~~creation, coverage.~~—

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2437 (1) The Senior Management Service is created as a separate
2438 system of personnel administration for positions in the State
2439 Personnel System which perform executive branch the duties and
2440 responsibilities that ~~of which~~ are primarily and essentially
2441 policymaking or managerial in nature.

2442 ~~(2) Such positions are The Senior Management Service shall~~
2443 ~~be~~ limited to those positions that ~~which~~ are exempt from the
2444 Civil Career Service under System by s. 110.205(2) and for which
2445 the salaries and benefits are set by the department in
2446 accordance with the rules of the Senior Management Service.

2447 (2) Employees in the Senior Management Service shall serve
2448 at the pleasure of the agency head and are subject to personnel
2449 actions at the discretion of the agency head. Personnel actions
2450 that are tantamount to suspension, dismissal, reduction in pay,
2451 demotion, or transfer are exempt from chapter 120.

2452 Section 44. Section 110.403, Florida Statutes, is amended
2453 to read:

2454 110.403 Powers and duties of the department.—The department
2455 is responsible for the policy administration of the Senior
2456 Management Service. To carry out that function the department
2457 shall:

2458 ~~(1) In order to implement the purposes of this part, the~~
2459 ~~Department of Management Services, after approval by the~~
2460 ~~Administration Commission, shall adopt and amend rules providing~~
2461 ~~for:~~

2462 (1)(a) Establish a system for employing, advancing, and
2463 deploying senior management service employees which promoting,
2464 ~~or reassigning managers that~~ is responsive to organizational or
2465 program needs. ~~In no event shall~~ The number of positions

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2466 included in the Senior Management Service may not exceed 1.0
2467 percent of the total full-time equivalent positions in the Civil
2468 ~~career~~ Service. The department may not approve the establishment
2469 of ~~shall deny approval to establish~~ any position within the
2470 Senior Management Service which exceeds ~~would exceed~~ the
2471 limitation established in this paragraph. The department shall
2472 report that the limitation has been reached to the Governor, the
2473 President of the Senate, and the Speaker of the House of
2474 Representatives, as soon as practicable after it ~~such event~~
2475 occurs. ~~Employees in the Senior Management Service shall serve~~
2476 ~~at the pleasure of the agency head and shall be subject to~~
2477 ~~suspension, dismissal, reduction in pay, demotion, transfer, or~~
2478 ~~other personnel action at the discretion of the agency head.~~
2479 ~~Such personnel actions are exempt from the provisions of chapter~~
2480 ~~120.~~

2481 (2) Provide broad, market-based pay bands for occupations
2482 within the Senior Management Service and establish guidelines
2483 that allow state agencies flexibility to move employees through
2484 the pay bands. The agencies may determine the appropriate salary
2485 within the bands using the guidelines established by the
2486 department. Such pay bands and the assignment of bands to
2487 positions do not constitute rules within the meaning of s.
2488 120.52.

2489 ~~(b) A performance appraisal system which shall take into~~
2490 ~~consideration individual and organizational efficiency,~~
2491 ~~productivity, and effectiveness.~~

2492 (3) ~~(c)~~ Establish a classification system plan and a salary
2493 and benefit plan for senior management service employees which
2494 ~~that~~ provides appropriate incentives for the recruitment and

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2495 retention of outstanding management personnel and provides for
2496 salary increases based on performance.

2497 (4) In consultation with the Executive Office of the
2498 Governor and the appropriations committees of the Legislature,
2499 conduct compensation surveys as necessary for the purpose of
2500 achieving an equitable, competitive, market-based compensation
2501 policy for senior management service employees.

2502 (5) Establish a performance evaluation system for senior
2503 management service employees which takes into consideration
2504 individual and organizational efficiency, productivity, and
2505 effectiveness.

2506 ~~(d) A system of rating duties and responsibilities for~~
2507 ~~positions within the Senior Management Service and the~~
2508 ~~qualifications of candidates for those positions.~~

2509 (6)-(e) Establish a system for documenting actions taken on
2510 agency requests for approval of position exemptions and special
2511 pay increases for senior management service employees.

2512 (7) Adopt and administer personnel rules, records, and
2513 reports relating to employees and positions in the Senior
2514 Management Service, as well as any other rules or procedures
2515 relating to personnel administration which are necessary for
2516 carrying out the purposes of this part.

2517 (a) The rules adopted by the department must comply with
2518 all federal regulations necessary for state agencies to receive
2519 federal funds.

2520 (b) Each agency shall operate within the personnel rules
2521 adopted by the department pursuant to this part.

2522 (c) The agency shall maintain up-to-date records and
2523 reports required by applicable rules.

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2524 (d) The department may develop uniform forms and
2525 instructions to be used in connection with personnel
2526 transactions as the department deems appropriate.

2527 ~~(f) Requirements regarding recordkeeping by agencies with~~
2528 ~~respect to Senior Management Service positions. Such records~~
2529 ~~shall be audited periodically by the Department of Management~~
2530 ~~Services to determine agency compliance with the provisions of~~
2531 ~~this part and the rules of the Department of Management~~
2532 ~~Services.~~

2533 ~~(g) Other procedures relating to personnel administration~~
2534 ~~to carry out the purposes of this part.~~

2535 ~~(h) A program of affirmative and positive action that will~~
2536 ~~ensure full utilization of women and minorities in Senior~~
2537 ~~Management Service positions.~~

2538 ~~(2) The powers, duties, and functions of the department of~~
2539 ~~Management Services shall include responsibility for the policy~~
2540 ~~administration of the Senior Management Service.~~

2541 ~~(3) The department shall have the following additional~~
2542 ~~responsibilities:~~

2543 ~~(a) To establish and administer a professional development~~
2544 ~~program that shall provide for the systematic development of~~
2545 ~~managerial, executive, or administrative skills. Such a program~~
2546 ~~shall include the following topics:~~

2547 ~~1. Improving the performance of individual employees. This~~
2548 ~~topic provides skills in understanding and motivating individual~~
2549 ~~performance, providing effective and timely evaluations of~~
2550 ~~employees, and making recommendations on performance incentives~~
2551 ~~and disincentives.~~

2552 ~~2. Improving the performance of groups of employees. This~~

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2553 ~~topic provides skills in creating and maintaining productive~~
2554 ~~workgroups and making recommendations on performance incentives~~
2555 ~~and disincentives.~~

2556 ~~3. Relating the efforts of employees to the goals of the~~
2557 ~~organization. This topic provides skills in linking the work of~~
2558 ~~individual employees to the goals of the agency program,~~
2559 ~~service, or activity.~~

2560 ~~4. Strategic planning. This topic provides the skills for~~
2561 ~~defining agency business processes, measuring performance of~~
2562 ~~such processes, and reengineering such processes for improved~~
2563 ~~efficiency and effectiveness.~~

2564 ~~5. Team leadership. This topic provides skills in effective~~
2565 ~~group processes for organizational motivation and productivity~~
2566 ~~based on proven business and military applications that~~
2567 ~~emphasize respect for and courtesy to the public.~~

2568 ~~(b) To promote public understanding of the purposes,~~
2569 ~~policies, and programs of the Senior Management Service.~~

2570 ~~(c) To approve contracts of employing agencies with persons~~
2571 ~~engaged in the business of conducting multistate executive~~
2572 ~~searches to identify qualified and available applicants for~~
2573 ~~Senior Management Service positions for which the department~~
2574 ~~sets salaries in accordance with the classification and pay~~
2575 ~~plan. Such contracts may be entered by the agency head only~~
2576 ~~after completion of an unsuccessful in-house search. The~~
2577 ~~department shall establish, by rule, the minimum qualifications~~
2578 ~~for persons desiring to conduct executive searches, including a~~
2579 ~~requirement for the use of contingency contracts. These rules~~
2580 ~~shall ensure that such persons possess the requisite capacities~~
2581 ~~to perform effectively at competitive industry prices. These~~

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2582 ~~rules shall also comply with state and federal laws and~~
2583 ~~regulations governing equal opportunity employment.~~

2584 ~~(4) All policies and procedures adopted by the department~~
2585 ~~regarding the Senior Management Service shall comply with all~~
2586 ~~federal regulations necessary to permit the state agencies to be~~
2587 ~~eligible to receive federal funds.~~

2588 ~~(5) The department shall adopt, by rule, procedures for~~
2589 ~~Senior Management Service employees that require disclosure to~~
2590 ~~the agency head of any application for or offer of employment,~~
2591 ~~gift, contractual relationship, or financial interest with any~~
2592 ~~individual, partnership, association, corporation, utility, or~~
2593 ~~other organization, whether public or private, doing business~~
2594 ~~with or subject to regulation by the agency.~~

2595 Section 45. Section 110.4035, Florida Statutes, is created
2596 to read:

2597 110.4035 Recruitment.-

2598 (1) Each state agency is responsible for establishing a
2599 process for employing, advancing, and deploying executive level
2600 managers to meet agency needs.

2601 (2) If normal recruitment efforts are unsuccessful, the
2602 agency may contract with a person or firm to conduct a
2603 multistate search for executive level managers which satisfies
2604 the following criteria:

2605 (a) Willingness to accept contingency contracts with fees
2606 that do not exceed 30 percent of the annual salary of the
2607 applicant, to be paid upon employment of the applicant produced
2608 by the search.

2609 (b) Demonstrated capacity to perform effectively at
2610 competitive industry prices.

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2611 (c) Evidence of successful placements in the public sector
 2612 by level and type of placement.

2613 (d) Agreement for the delivery of services within 90
 2614 calendar days after the date of the requested search by the
 2615 agency, unless an extension is granted by the agency.

2616 (e) Ability to attract minorities and women as evidenced by
 2617 applicant pools generated for previous clients.

2618 Section 46. The Division of Statutory Revision is requested
 2619 to create part IX of chapter 112, Florida Statutes, to be
 2620 entitled "State Employment," and consisting of ss. 112.906-
 2621 112.933, Florida Statutes.

2622 Section 47. Section 112.906, Florida Statutes, is created
 2623 to read:

2624 112.906 Definitions.—As used in this part, the term:

2625 (1) "Department" means the Department of Management
 2626 Services.

2627 (2) "Other personal services" has the same meaning as in s.
 2628 216.011(1).

2629 (3) "State agency" or "agency" means any official, officer,
 2630 commission, board, authority, council, committee, or department
 2631 of the executive branch or judicial branch of state government
 2632 as defined in chapter 216, unless otherwise exempted by law.

2633 (4) "State employee" or "employee" means an employee of a
 2634 state agency.

2635 Section 48. Section 110.131, Florida Statutes, is
 2636 transferred, renumbered as section 112.907, Florida Statutes,
 2637 and amended to read:

2638 112.907 ~~110.131~~ Other-personal-services temporary
 2639 employment.—

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2640 ~~(1) As used in this section, the term "agency" means any~~
2641 ~~official, officer, commission, board, authority, council,~~
2642 ~~committee, or department of the executive branch of state~~
2643 ~~government and means any officer, court, commission, or other~~
2644 ~~unit of the judicial branch of state government supported in~~
2645 ~~whole or in part by appropriations made by the Legislature.~~

2646 (1)(2) An agency may employ any qualified individual in
2647 other-personal-services temporary employment for 1,040 hours
2648 within any 12-month period. For each other personal services
2649 employee, the agency shall:

2650 (a) Maintain employee records identifying, at a minimum,
2651 the person employed, hire date, type of other personal services
2652 employment, and the number of hours worked.

2653 (b) Determine the appropriate rate of pay and ensure that
2654 all payments are in compliance with the federal Fair Labor
2655 Standards Act and state law.

2656 (c) Review, determine, and document by June 30 of each year
2657 that the continuation of each other personal services employment
2658 position is necessary to the mission of the agency. This review
2659 process ~~An extension beyond a total of 1,040 hours within an~~
2660 ~~agency for any individual requires a recommendation by the~~
2661 ~~agency head and approval by the Executive Office of the~~
2662 ~~Governor. Approval of extensions shall be made in accordance~~
2663 ~~with criteria established by the department. Each agency shall~~
2664 ~~maintain employee information as specified by the department~~
2665 ~~regarding each extension of other personal-services temporary~~
2666 ~~employment. The time limitation established by this subsection~~
2667 ~~does not apply to board members; consultants; seasonal~~
2668 ~~employees; institutional clients employed as part of their~~

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

2675 (2) Unless specifically provided by law, other personal
2676 services employees are not eligible for any form of paid leave,
2677 paid holidays, paid personal day, participation in state group
2678 insurance or retirement benefits, or any other state employee
2679 benefit. Other personal services employees may be included in
2680 that part of an agency's recognition and reward program that
2681 recognizes and rewards employees who submit innovative ideas
2682 that increase productivity, eliminate or reduce state
2683 expenditures, improve operations, or generate additional
2684 revenue, or who meet or exceed the agency's established criteria
2685 for a project or goal.

2686 (3) Each agency that is authorized to adopt rules governing
2687 the terms and conditions of employment may adopt rules necessary
2688 to administer this section.

2689 ~~(3) The department shall adopt rules providing that other-~~
2690 ~~personal services temporary employment in an employer-employee~~
2691 ~~relationship shall be used for short-term tasks. Such rules~~
2692 ~~shall specify the employment categories, terms, conditions, rate~~
2693 ~~of pay, and frequency of other personal services temporary~~
2694 ~~employment and the duration for which such employment may last;~~
2695 ~~specify criteria for approving extensions beyond the time~~
2696 ~~limitation provided in subsection (2); and prescribe~~
2697 ~~recordkeeping and reporting requirements for other personal-~~

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2698 ~~services employment.~~

2699 ~~(4) The department shall prepare written material~~
2700 ~~explaining the terms and conditions of other personal services~~
2701 ~~employment and shall provide master copies to each agency. Each~~
2702 ~~agency shall provide each of its applicants for such employment~~
2703 ~~with a copy thereof at the time of application and shall discuss~~
2704 ~~the information contained thereon with each applicant at the~~
2705 ~~time of interview or employment commencement, whichever occurs~~
2706 ~~sooner.~~

2707 ~~(5) The department shall maintain information relating to~~
2708 ~~other personal services employment for each agency. Such~~
2709 ~~information shall include:~~

2710 ~~(a) The total amount of compensation for other personal~~
2711 ~~services personnel, by employment category, for the preceding~~
2712 ~~fiscal year.~~

2713 ~~(b) The name, social security number, employment category,~~
2714 ~~employment commencement date, and number of hours worked for~~
2715 ~~each individual whose initial other personal services temporary~~
2716 ~~employment began before the start of the preceding fiscal year~~
2717 ~~and who was still employed as an other personal services~~
2718 ~~temporary employee at the end of the preceding fiscal year.~~

2719 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~
2720 ~~not apply to any employee for whom the Board of Governors of the~~
2721 ~~State University System, or the board's designee, or the Board~~
2722 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
2723 ~~the employer as defined in s. 447.203(2); except that, for~~
2724 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
2725 ~~School for the Deaf and the Blind shall comply with the~~
2726 ~~recordkeeping and reporting requirements adopted by the~~

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2727 ~~department pursuant to subsection (3) with respect to those~~
2728 ~~other personal services employees exempted by this subsection.~~

2729 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
2730 ~~apply to any employee of the Division of Blind Services Library~~
2731 ~~for the Blind and Physically Handicapped for whom the Division~~
2732 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
2733 ~~except that, for purposes of subsection (5), the Division of~~
2734 ~~Blind Services shall comply with the recordkeeping and reporting~~
2735 ~~requirements adopted by the department pursuant to subsection~~
2736 ~~(3) with respect to those other personal services employees~~
2737 ~~exempted by this subsection.~~

2738 ~~(c) Notwithstanding the provisions of this section, the~~
2739 ~~agency head or his or her designee may extend the other-~~
2740 ~~personal services employment of a health care practitioner~~
2741 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
2742 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
2743 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
2744 ~~2,080 hours and may employ such practitioner on an hourly or~~
2745 ~~other basis.~~

2746 ~~(7) The Department of Management Services shall annually~~
2747 ~~assess agencies for the regulation of other personal services on~~
2748 ~~a pro rata share basis not to exceed an amount as provided in~~
2749 ~~the General Appropriations Act.~~

2750 Section 49. Section 110.1315, Florida Statutes, is
2751 transferred, renumbered as section 112.908, Florida Statutes,
2752 and amended to read:

2753 112.908 ~~110.1315~~ Alternative retirement benefits; other-
2754 personal-services employees.-

2755 (1) Upon review and ~~recommendation of the department and~~

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

2773 (2) The Department of Financial Services may adopt rules
2774 necessary to administer this section.

2775 Section 50. Section 110.1128, Florida Statutes, is
2776 transferred and renumbered as section 112.909, Florida Statutes.

2777 Section 51. Section 112.910, Florida Statutes, is created
2778 to read:

2779 112.910 Equal employment opportunity.-

2780 (1) It is the policy of this state to assist in ensuring
2781 equal employment opportunity through programs of affirmative and
2782 positive action which allow full utilization of women and
2783 minorities.

2784 (2) The head of each executive agency shall develop and

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2785 implement an affirmative action plan in accordance with this
2786 section and applicable state and federal laws.

2787 (a) Each executive agency shall establish annual goals for
2788 ensuring the full utilization of groups underrepresented in its
2789 workforce as compared to the relevant labor market as defined by
2790 the agency and shall design its affirmative action plan to meet
2791 those goals.

2792 (b) The head of each executive agency shall appoint an
2793 equal employment opportunity officer.

2794 (c) By October 1 of each year, each executive agency that
2795 is not part of the State Personnel System shall report to the
2796 Executive Office of the Governor information relating to the
2797 implementation, continuance, updating, and results of the
2798 agency's affirmative action plan for the previous fiscal year.

2799 (3) Each state attorney and public defender shall:

2800 (a) Develop and implement an affirmative action plan.

2801 (b) Establish annual goals for ensuring the full
2802 utilization of groups underrepresented in its workforce as
2803 compared to the relevant labor market in this state and design
2804 its affirmative action plan to meet those goals.

2805 (c) Appoint an affirmative action equal employment
2806 opportunity officer.

2807 (d) Report annually to the Justice Administrative
2808 Commission on the implementation, continuance, updating, and
2809 results of his or her affirmative action program for the
2810 previous fiscal year.

2811 (4) An individual claiming to be aggrieved by an unlawful
2812 employment practice may file a complaint with the Florida
2813 Commission on Human Relations as provided under s. 760.11.

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2814 Section 52. Section 112.911, Florida Statutes, is created
2815 to read:

2816 112.911 Nondiscrimination in employment.-

2817 (1) It is the policy of the state that all appointments,
2818 terminations, assignments, and maintenance of status,
2819 compensation, privileges, and other terms and conditions of
2820 employment be made without regard to age, sex, race, color,
2821 religion, national origin, political affiliation, marital
2822 status, disability, or genetic information unless a specific
2823 requirement constitutes a bona fide occupational qualification.

2824 (2) The state, its agencies, and officers shall ensure
2825 freedom from discrimination in employment as provided by the
2826 Florida Civil Rights Act of 1992, s. 112.044, and this chapter.

2827 Section 53. Section 110.1221, Florida Statutes, is
2828 transferred, renumbered as section 112.912, Florida Statutes,
2829 and amended to read:

2830 112.912 ~~110.1221~~ Sexual harassment policy; ~~executive agency~~
2831 ~~rules.-~~ It is the policy of the state that sexual harassment is a
2832 form of discrimination. Each agency that has authority to adopt
2833 rules governing the terms and conditions of employment ~~The~~
2834 ~~department~~ shall adopt uniform sexual harassment rules
2835 ~~applicable to all executive agencies.~~ Such ~~the~~ rules must define
2836 the term "sexual harassment" in a manner consistent with the
2837 federal definition.

2838 Section 54. Section 110.122, Florida Statutes, is
2839 transferred, renumbered as section 112.913, Florida Statutes,
2840 and amended to read:

2841 112.913 ~~110.122~~ Terminal payment for accumulated sick
2842 leave.-

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2843 (1) All state branches, ~~departments,~~ and agencies that are
2844 authorized ~~which have the authority~~ to establish or approve
2845 personnel policies for employees and to employ personnel and
2846 establish the conditions of their employment shall establish
2847 policies that ~~to~~ provide terminal "incentive" pay for
2848 accumulated and unused sick leave to each employee upon ~~normal~~
2849 ~~or regular~~ retirement ~~for reason other than disability~~ or upon
2850 termination of employment, or to the employee's beneficiary if
2851 service is terminated by death if, ~~provided~~ such retirement,
2852 termination, or death occurs after 10 years of creditable state
2853 employment.

2854 (2) Each entity that is authorized to adopt rules governing
2855 the terms and conditions of employment ~~The employing entity~~
2856 shall establish and publish rules governing the accumulation and
2857 use of sick leave. The employing entity shall ~~and~~ maintain
2858 accurate and reliable records showing the amount of sick leave
2859 that ~~which~~ has accumulated and is unused by the employee at the
2860 time of retirement, death, or termination.

2861 (3) The payments authorized by this section shall be
2862 determined by using the rate of pay received by the employee at
2863 the time of retirement, termination, or death, applied to the
2864 sick leave time for which the employee is qualified to receive
2865 terminal "incentive" pay under the rules adopted ~~by the~~
2866 ~~department~~ pursuant to ~~the provisions of~~ this section. The rules
2867 and policies must provide ~~adopted pursuant to this section shall~~
2868 ~~permit~~ terminal pay for sick leave equal to one-fourth ~~one-~~
2869 ~~eighth~~ of all unused sick leave credit ~~accumulated prior to~~
2870 ~~October 1, 1973,~~ plus ~~one-fourth of all unused sick leave~~
2871 ~~accumulated on or after October 1, 1973.~~ However, terminal pay

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

2877 (4) The payments made pursuant to this section are ~~shall~~
2878 not salary payments ~~be considered~~ in any state-administered
2879 retirement system ~~as salary payments~~ and may ~~shall~~ not be used
2880 in determining the average final compensation of an employee in
2881 any state-administered retirement system.

2882 (5) All rights and benefits provided under this section
2883 shall be forfeited by an ~~any~~ employee:

2884 (a) Who is found guilty in a court of competent
2885 jurisdiction of committing, aiding, or abetting any embezzlement
2886 or theft from the employee's employer or bribery in connection
2887 with the employment, committed before ~~prior to~~ retirement or 10
2888 years of 10-year normal creditable state employment termination;

2889 (b) Whose employment is terminated by reason of the
2890 employee having admitted committing, aiding, or abetting an
2891 embezzlement or theft from his or her employer or by reason of
2892 bribery;

2893 (c) Who, prior to 10 years of ~~10-year normal~~ creditable
2894 state employment termination or retirement is adjudged by a
2895 court of competent jurisdiction to have violated any state law
2896 against strikes by public employees; or

2897 (d) Who has been found guilty by a court of competent
2898 jurisdiction of violating any state law prohibiting strikes by
2899 public employees, ~~shall forfeit all rights and benefits under~~
2900 ~~this section.~~

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2901 (6) An employee whose employment terminates as a result of
2902 an act committed subject to this subsection may ~~shall~~ not be
2903 given credit for unused sick leave accumulated before ~~prior to~~
2904 termination if ~~should~~ the employee is ~~be~~ reemployed at a later
2905 date.

2906 Section 55. Section 110.121, Florida Statutes, is
2907 transferred, renumbered as section 112.914, Florida Statutes,
2908 and amended to read:

2909 112.914 ~~110.121~~ Sick leave pool.—Each entity that
2910 ~~department or agency of the state which~~ has authority to adopt
2911 rules governing the accumulation and use of sick leave for
2912 employees, and that ~~which~~ maintains accurate and reliable
2913 records showing the amount of sick leave which has been
2914 accumulated and is unused by employees, may, ~~in accordance with~~
2915 ~~guidelines which shall be established by the Department of~~
2916 ~~Management Services,~~ adopt rules establishing for the
2917 ~~establishment of a plan that allows~~ allowing participating
2918 employees to pool and use sick leave ~~and allowing any sick leave~~
2919 ~~thus pooled to be used by any participating employee who has~~
2920 ~~used all of the sick leave that has been personally accrued by~~
2921 ~~him or her. Although not limited to the following,~~ Such rules
2922 must ~~shall~~ provide, but need not be limited to:

2923 (1) Minimum eligibility criteria ~~That employees shall be~~
2924 eligible for participation in the sick leave pool ~~after 1 year~~
2925 ~~of employment with the state or agency of the state; provided~~
2926 ~~that such employee has accrued a minimum amount of unused sick~~
2927 ~~leave, which minimum shall be established by rule.~~

2928 (2) That participation in the sick leave pool is ~~shall,~~ ~~at~~
2929 ~~all times,~~ be voluntary on the part of the employees.

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2930 (3) That any sick leave pooled shall be removed from the
2931 personally accumulated sick leave balance of the employee
2932 contributing such leave.

2933 (4) That any sick leave in the pool which ~~leave~~ is used by
2934 a participating employee is ~~shall be~~ used only for the
2935 employee's personal illness, accident, or injury.

2936 (5) That a participating employee may ~~shall not be eligible~~
2937 ~~to~~ use sick leave accumulated in the pool until all of his or
2938 her personally accrued sick, annual, and compensatory leave, and
2939 personal day, have ~~has~~ been used.

2940 (6) The ~~A~~ maximum number of hours ~~days~~ of sick leave in the
2941 pool which any one employee may use.

2942 (7) That a participating employee who uses sick leave from
2943 the pool is ~~shall not be~~ required to recontribute such sick
2944 leave to the pool, except as otherwise provided in this section.

2945 (8) That an employee who cancels his or her membership in
2946 the sick leave pool may ~~shall not be eligible to~~ withdraw the
2947 hours ~~days~~ of sick leave contributed by that employee to the
2948 pool.

2949 (9) That an employee who moves ~~transfers~~ from a ~~one~~
2950 position in one agency ~~state government~~ to a ~~another~~ position in
2951 another agency ~~state government~~ may transfer from one pool to
2952 another if ~~the eligibility criteria of the pools are comparable~~
2953 ~~or~~ the administrators of the pools have agreed on the ~~a~~ formula
2954 ~~for~~ transfer of credits.

2955 (10) That alleged abuse of the use of the sick leave pool
2956 shall be investigated, and, on a finding of wrongdoing, the
2957 employee must ~~shall~~ repay all of the sick leave credits drawn
2958 from the sick leave pool and is ~~shall be~~ subject to such other

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2959 disciplinary action as is determined by the agency head.

2960 (11) That sick leave credits may be drawn from the sick
2961 leave pool by a part-time employee on a pro rata basis.

2962 Section 56. Section 110.119, Florida Statutes, is
2963 transferred, renumbered as section 112.915, Florida Statutes,
2964 and amended to read:

2965 112.915 ~~110.119~~ Administrative leave for military-service-
2966 connected ~~reexamination or treatment with respect to service-~~
2967 ~~connected~~ disability.-

2968 ~~(1) An~~ Any employee ~~of the state~~ who has been rated by the
2969 United States Department of Veterans Affairs or its predecessor
2970 to have incurred a service-connected disability and has been
2971 scheduled by the United States Department of Veterans Affairs to
2972 be reexamined or treated for the disability shall be granted
2973 administrative leave for such reexamination or treatment without
2974 loss of pay or benefits. However, such ~~In no event shall the~~
2975 paid leave may not ~~under this section~~ exceed 48 hours per 6
2976 calendar ~~days~~ a year.

2977 ~~(2) The department may adopt any rule necessary to carry~~
2978 ~~out the purpose of this section.~~

2979 Section 57. Section 110.120, Florida Statutes, is
2980 transferred, renumbered as section 112.916, Florida Statutes,
2981 and amended to read:

2982 112.916 ~~110.120~~ Administrative leave for disaster service
2983 volunteers.-

2984 (1) SHORT TITLE.-This section ~~shall be known and~~ may be
2985 cited as the "Florida Disaster Volunteer Leave Act."

2986 (2) DEFINITIONS.-As used in this section, the following
2987 terms shall apply:

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2988 (a) "State agency" means any official, officer, commission,
2989 board, authority, council, committee, or department of the
2990 executive branch of state government.

2991 (b) "Disaster" includes disasters designated at level II
2992 and above in the American National Red Cross regulations and
2993 procedures.

2994 (3) LEAVE OF ABSENCE.—An employee of a state agency who is
2995 a certified disaster service volunteer of the American Red Cross
2996 may be granted a leave of absence with pay for up to ~~not more~~
2997 ~~than~~ 15 working days in any 12-month period to participate in
2998 specialized disaster relief services for the American Red Cross.
2999 Such leave of absence may be granted upon the request of the
3000 American Red Cross and upon the approval of the employer
3001 ~~employee's employing~~ agency. An employee granted leave under
3002 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the
3003 state for purposes of workers' compensation. Leave under this
3004 section ~~act~~ may be granted only for services related to a
3005 disaster occurring within the boundaries of the State of
3006 Florida, except that, with the approval of the Governor and
3007 Cabinet, leave may be granted for services in response to a
3008 disaster occurring within the boundaries of the United States.

3009 Section 58. Section 110.1091, Florida Statutes, is
3010 transferred, renumbered as section 112.917, Florida Statutes,
3011 and amended to read:

3012 112.917 ~~110.1091~~ Employee assistance programs; public
3013 records exemption.—

3014 (1) A ~~An employing~~ state agency may provide a counseling,
3015 therapeutic, or other professional treatment program to assist a
3016 ~~any~~ state employee who has a behavioral disorder, medical

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

3022 (2) A state employee's personal identifying information
3023 contained in records held by a ~~an employing~~ state agency
3024 relating to an employee's participation in an employee
3025 assistance program is confidential and exempt from ~~the~~
3026 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
3027 Constitution.

3028 Section 59. Section 110.151, Florida Statutes, is
3029 transferred, renumbered as section 112.918, Florida Statutes,
3030 and amended to read:

3031 112.918 ~~110.151 State officers' and employees'~~ Child care
3032 services.—

3033 (1) A state agency may establish ~~The Department of~~
3034 ~~Management Services shall approve,~~ administer, and coordinate
3035 child care services for ~~state officers' and employees'~~ children
3036 or dependents. ~~Duties shall include, but not be limited to,~~
3037 ~~reviewing and approving requests from state agencies for child~~
3038 ~~care services; providing technical assistance on child care~~
3039 ~~program startup and operation; and assisting other agencies in~~
3040 ~~conducting needs assessments, designing centers, and selecting~~
3041 ~~service providers.~~ Primary emphasis for child care services
3042 shall be given to children who are not subject to compulsory
3043 school attendance pursuant to part II of chapter 1003, and, to
3044 the extent possible, emphasis shall be placed on child care for
3045 children aged 2 and under.

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3046 (2) Child care programs may be located in state-owned
3047 office buildings, educational facilities and institutions,
3048 custodial facilities and institutions, and, with the consent of
3049 the President of the Senate and the Speaker of the House of
3050 Representatives, in buildings or spaces used for legislative
3051 activities. In addition, centers may be located in privately
3052 owned buildings conveniently located to the place of employment
3053 of those ~~officers and~~ employees to be served by the centers. If
3054 a child care program is located in a state-owned office
3055 building, educational facility or institution, or custodial
3056 facility or institution, or in a privately owned building leased
3057 by the state, a portion of the service provider's rental fees
3058 for child care space may be waived by the sponsoring agency in
3059 accordance with the rules of the department's Facilities Program
3060 ~~Department of Management Services~~. Additionally, the sponsoring
3061 state agency may be responsible for the maintenance, utilities,
3062 and other operating costs associated with the child care center.

3063 (3) Except as otherwise provided in this section, the cost
3064 of child care services shall be offset by fees charged to
3065 employees who use the ~~child care~~ services. Requests for
3066 proposals may provide for a sliding fee schedule based on, ~~with~~
3067 ~~fees charged on the basis of~~ the employee's household income.

3068 (4) The provider of proposed child care services shall be
3069 selected by competitive contract. ~~Requests for proposals shall~~
3070 ~~be developed with the assistance of, and subject to the approval~~
3071 ~~of, the Department of Management Services~~. Management of the
3072 contract with the service provider is ~~shall be~~ the
3073 responsibility of the sponsoring state agency.

3074 (5) An operator selected to provide services must comply

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3075 with all state and local standards for the licensure and
3076 operation of child care facilities, maintain adequate liability
3077 insurance coverage, and assume financial and legal
3078 responsibility for the operation of the program. ~~Neither~~ The
3079 operator of and not any personnel employed by or at a child care
3080 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.
3081 However, the sponsoring state agency may be responsible for the
3082 operation of the child care center if ~~when~~:

3083 (a) A second request for proposals fails to procure a
3084 qualified service provider; or

3085 (b) The service provider's contract is canceled and
3086 attempts to procure another qualified service provider are
3087 unsuccessful;

3088
3089 ~~and plans for direct operation are approved by the Department of~~
3090 ~~Management Services.~~

3091 (6) In the areas where the state has an insufficient number
3092 of employees to justify a worksite center, a state agency may
3093 join in a consortium arrangement using ~~utilizing~~ available state
3094 facilities with not-for-profit corporations or other public
3095 employers to provide child care services to ~~both~~ public
3096 employees and employees of private sector employers. The
3097 consortium agreement must first address the unmet child care
3098 needs of the children of the public employees whose employers
3099 are members of the consortium, and then address the child care
3100 needs of private sector employees.

3101 ~~(7) The Department of Management Services may adopt any~~
3102 ~~rules necessary to achieve the purposes of this section.~~

3103 Section 60. Section 110.181, Florida Statutes, is

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3104 transferred and renumbered as section 112.919, Florida Statutes.

3105 Section 61. Section 110.1225, Florida Statutes, is
3106 transferred, renumbered as section 112.920, Florida Statutes,
3107 and amended to read:

3108 112.920 ~~110.1225~~ Furloughs.—~~If~~ When a deficit is projected
3109 ~~by the Revenue Estimating Conference pursuant to s. 216.136(3),~~
3110 in any state agency fund that supports salary and benefit
3111 appropriations, the agency Administration Commission may, upon
3112 the approval by the Governor or the Chief Justice of the Supreme
3113 Court, propose a furlough plan to the Legislative Budget
3114 Commission Legislature, which must approve or disapprove such
3115 plan. The plan must identify all affected positions and ensure
3116 that all affected employees within a budget entity are subject
3117 to the same reduction of hours for the same number of pay
3118 periods with a commensurate reduction in pay. If authorized by
3119 the Legislature as a cost-savings measure to address anticipated
3120 short-term shortfalls to funds that support salary and benefit
3121 appropriations for a specified fiscal year, an agency may also
3122 impose furloughs as directed by the Legislature in the General
3123 Appropriations Act. For the purposes of this section, the term
3124 “furlough” means a temporary reduction in the regular hours of
3125 employment administered as leave without pay.

3126 Section 62. Section 110.1155, Florida Statutes, is
3127 transferred and renumbered as section 112.921, Florida Statutes.

3128 Section 63. Section 110.191, Florida Statutes, is
3129 transferred, renumbered as section 112.922, Florida Statutes,
3130 and amended to read:

3131 112.922 ~~110.191~~ State employee leasing.—

3132 (1) ~~If~~ In situations where the Legislature has expressly

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3133 authorized a the state, ~~an agency, or the judicial branch as~~
3134 ~~defined in s. 110.107~~ to lease employees, the Executive Office
3135 of the Governor for the executive branch or the Chief Justice
3136 for the judicial branch may authorize ~~any of~~ the following
3137 actions related to such state employee leasing activities if,
3138 ~~provided that~~ the direct cost of such actions is to be paid or
3139 reimbursed within 30 days after payment by the entity or person
3140 to whom the employees are leased:

3141 (a) Creation of ~~Create~~ a separate budget entity from which
3142 leased employees are ~~shall be~~ paid and the transfer of the
3143 positions authorized to be leased to that budget entity.

3144 (b) ~~Provide~~ Increases in the operating budget entity.

3145 (c) ~~Authorized~~ Lump-sum salary bonuses to leased
3146 employees. + However, any lump-sum salary bonus above the
3147 automatic salary increases which may be contained in the General
3148 Appropriations Act must be funded from private sources.

3149 (d) ~~Approve~~ Increases in salary rate for positions that
3150 ~~which~~ are leased. + However, any salary rate above the automatic
3151 salary increases which may be contained in the General
3152 Appropriations Act must be funded from private sources.

3153 (e) The waiver of ~~Waive~~ any requirement for automatic
3154 salary increases that ~~which~~ may be contained in the General
3155 Appropriations Act.

3156 (2) Positions that ~~which~~ are in the Senior Management
3157 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day
3158 before the state employee lease agreement takes effect ~~shall~~
3159 remain in the respective system if the duties performed by the
3160 position during the assignment of the state employee lease
3161 agreement are comparable as determined by the department. Those

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3162 senior management service ~~system~~ or selected exempt service
3163 ~~system~~ positions that ~~which~~ are not determined comparable by the
3164 department, and positions that ~~which~~ are in other pay plans on
3165 the day before the lease agreement takes effect, ~~shall~~ have the
3166 same salaries and benefits provided to employees of the Office
3167 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3168 Section 64. Section 110.1082, Florida Statutes, is
3169 transferred, renumbered as section 112.923, Florida Statutes,
3170 and amended to read:

3171 112.923 ~~110.1082~~ Telephone ~~voice mail systems and telephone~~
3172 ~~menu options~~ systems.-

3173 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice
3174 mail system when the employee is at his or her regularly
3175 assigned work station where his or her telephone is functional
3176 and available for use, unless:

3177 (a) The telephone device is in use, ~~and/or;~~

3178 (b) The ~~Such~~ voice mail system alerts the caller to, and
3179 provides the caller with access to, a nonelectronic attendant;
3180 or

3181 (c) The ~~Such~~ voice mail system automatically transfers the
3182 caller to a nonelectronic attendant.

3183 (2) Telephone menu options systems used by state agencies
3184 ~~must, departments, or other state government units will alert~~
3185 the caller to, and provide the caller with access to, a
3186 nonelectronic attendant.

3187 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~
3188 ~~provisions of~~ this section.

3189 Section 65. Section 110.1165, Florida Statutes, is
3190 transferred, renumbered as section 112.924, Florida Statutes,

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3191 and subsections (1) and (2) of that section are amended to read:
3192 112.924 ~~110.1165~~ Executive branch personnel errors;
3193 limitation of actions for compensation.—

3194 (1) An agency of the executive branch, including the State
3195 University System, shall establish procedures for the receipt,
3196 consideration, and disposition of a claim regarding pay or
3197 benefits brought by an employee if the ~~when that~~ employee is
3198 damaged as a result of being provided with erroneous written
3199 information by the ~~employing~~ agency regarding his or her pay or
3200 benefits, and the employee detrimentally relies upon such
3201 written information. In order to qualify for the relief ~~provided~~
3202 ~~by this section~~, the employee's reliance on the representation
3203 must have been reasonable and based ~~only~~ upon only the written
3204 representations made by those persons authorized by the agency
3205 head to make such representations. ~~Furthermore,~~ The erroneous
3206 calculation and payment of an employee's salary, wages, or
3207 benefits is not among the written representations that ~~which~~
3208 ~~will~~ trigger relief under this section.

3209 (2) An agency of the executive branch, including the State
3210 University System, may ~~is authorized to~~ take appropriate ~~such~~
3211 ~~action as may be appropriate~~ to provide a remedy for an employee
3212 concerning his or her claim regarding detrimental reliance on
3213 erroneous written information provided by the ~~employing~~ agency
3214 relating to pay and benefits if, ~~provided~~ such remedy is within
3215 the purview of the agency's authority. The agency may not ~~has no~~
3216 ~~authority whatsoever~~ to modify the state retirement system or
3217 the state insurance program. Any monetary remedy afforded by the
3218 agency must fall within the agency's budgetary authority. Any
3219 person dissatisfied with the outcome of this process may file

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3220 ~~either~~ a grievance pursuant to the agency's internal grievance
3221 process or an appeal to the Division of Administrative Hearings
3222 pursuant to chapter 120, but not both.

3223 Section 66. Section 110.113, Florida Statutes, is
3224 transferred, renumbered as section 112.925, Florida Statutes,
3225 and amended to read:

3226 112.925 ~~110.113~~ Pay periods for state officers and
3227 employees; salary payments by direct deposit.—

3228 (1) ~~The normal pay period for salaries of state officers~~
3229 ~~and employees shall be 1 month.~~ The Department of Financial
3230 Services shall issue ~~either~~ monthly or biweekly salary payments
3231 to state officers and employees by state warrants or by direct
3232 deposit pursuant to s. 17.076 ~~or make semimonthly salary~~
3233 ~~payments by direct deposit pursuant to s. 17.076,~~ as requested
3234 by each state employment system and the head of each state
3235 ~~agency and approved by the Executive Office of the Governor and~~
3236 ~~the~~ Department of Financial Services.

3237 (2) As a condition of employment, a ~~person appointed to a~~
3238 ~~position in state~~ employee must ~~government is required to~~
3239 participate in the direct deposit program pursuant to s. 17.076.
3240 An employee may request an exemption from ~~the provisions of this~~
3241 subsection if the ~~when such~~ employee can demonstrate a hardship
3242 or if the ~~when such~~ employee is in an other-personal-services
3243 position.

3244 Section 67. Section 110.114, Florida Statutes, is
3245 transferred and renumbered as section 112.926, Florida Statutes.

3246 Section 68. Section 112.927, Florida Statutes, is created
3247 to read:

3248 112.927 Human resource information system.—The department

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3249 may contract with other agencies or state governmental entities
3250 outside the State Personnel System to establish and maintain
3251 positions and use the human resource information system
3252 established under s. 110.116 for its human resource
3253 functionality as well as benefits administration. The use and
3254 operation of the human resource information system shall be
3255 based upon the design rules set forth by the department, and
3256 such agencies and state governmental entities may be required to
3257 conform their respective human resource business rules and
3258 practices to the business rules and practices existing within
3259 the human resource information system in order to minimize
3260 additional system customization and to maximize system
3261 efficiencies. Payment for usage shall be in accordance with s.
3262 110.125(2).

3263 Section 69. Section 110.1127, Florida Statutes, is
3264 transferred, renumbered as section 112.928, Florida Statutes,
3265 and amended to read:

3266 112.928 ~~110.1127~~ Employee background screening and
3267 investigations security checks.—

3268 (1) Except as provided in subsection (2), each state agency
3269 shall designate those positions that, based on the position
3270 duties, require security background screening. All persons and
3271 employees in such positions must undergo employment screening in
3272 accordance with chapter 435, using level 1 screening standards,
3273 as a condition of employment and continued employment.

3274 (2) ~~(1)~~ Each state employing agency shall designate those
3275 employee positions that, because of the special trust or
3276 responsibility or sensitive location, require security
3277 background investigations. All persons and employees in such

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3278 positions must undergo employment screening in accordance with
3279 chapter 435, using level 2 screening standards ~~of those~~
3280 ~~positions, require that persons occupying those positions be~~
3281 ~~subject to a security background check, including~~
3282 ~~fingerprinting, as a condition of employment and continued~~
3283 ~~employment.~~

3284 ~~(2)~~(a) All positions within the Division of Treasury of the
3285 Department of Financial Services are deemed to be positions of
3286 special trust or responsibility. Persons seeking or holding such
3287 positions, ~~and a person~~ may be disqualified for employment ~~in~~
3288 ~~any such position~~ by reason of:

3289 1. The conviction or prior conviction of a crime that ~~which~~
3290 is reasonably related to the nature of the position sought or
3291 held by the individual; or

3292 2. The entering of a plea of nolo contendere or, when a
3293 jury verdict of guilty is rendered but adjudication of guilt is
3294 withheld, with respect to a crime that ~~which~~ is reasonably
3295 related to the nature of the position sought or held by the
3296 individual.

3297 ~~(b) All employees of the division shall be required to~~
3298 ~~undergo security background investigations, including~~
3299 ~~fingerprinting, as a condition of employment and continued~~
3300 ~~employment.~~

3301 (b)~~(3)~~(a) All positions in programs providing care to
3302 children, the developmentally disabled, or vulnerable adults for
3303 15 hours or more per week; all permanent and temporary employee
3304 positions of the central abuse hotline; and all persons working
3305 under contract who have access to abuse records are deemed to be
3306 persons and positions of special trust or responsibility, ~~and~~

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3307 ~~require employment screening pursuant to chapter 435, using the~~
3308 ~~level 2 standards set forth in that chapter.~~

3309 1.(b) The ~~employing~~ agency may grant exemptions from
3310 disqualification from working with children, the developmentally
3311 disabled, or vulnerable adults as provided in s. 435.07.

3312 ~~(c) All persons and employees in such positions of trust or~~
3313 ~~responsibility shall be required to undergo security background~~
3314 ~~investigations as a condition of employment and continued~~
3315 ~~employment. For the purposes of this subsection, security~~
3316 ~~background investigations shall be conducted as provided in~~
3317 ~~chapter 435, using the level 2 standards for screening set forth~~
3318 ~~in that chapter.~~

3319 2.(d) It is a misdemeanor of the first degree, punishable
3320 as provided in s. 775.082 or s. 775.083, for any person
3321 willfully, knowingly, or intentionally to:

3322 a.1. Fail, by false statement, misrepresentation,
3323 impersonation, or other fraudulent means, to disclose in any
3324 application for voluntary or paid employment a material fact
3325 used in making a determination as to such person's
3326 qualifications for a position of special trust;

3327 b.2. Use ~~records~~ information contained in records for
3328 purposes other than background screening or investigation for
3329 employment, or release such records information to other persons
3330 for purposes other than preemployment screening or investigation
3331 ~~for employment.~~

3332 3.(e) It is a felony of the third degree, punishable as
3333 provided in s. 775.082, s. 775.083, or s. 775.084, for any
3334 person to willfully, knowingly, or intentionally ~~to~~ use juvenile
3335 records information for any purposes other than those specified

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3336 in this section or to release such information to other persons
3337 for purposes other than those specified in this section.

3338 (3)~~(4)~~ Any person who is required to undergo such a
3339 security background screening or investigation and who refuses
3340 to cooperate in such screening or investigation or refuses to
3341 submit fingerprints shall be disqualified for employment in such
3342 position or, if employed, shall be dismissed.

3343 (4)~~(5)~~ ~~Such~~ Background screening and investigations shall
3344 be conducted at the expense of the employing agency. ~~If~~ When
3345 fingerprinting is required, the fingerprints ~~of the employee or~~
3346 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency
3347 or by an authorized law enforcement officer, ~~and~~ submitted to
3348 the Department of Law Enforcement for processing, and, if
3349 ~~forwarding, when~~ requested by the employing agency, forwarded to
3350 the United States Department of Justice for processing. The
3351 ~~employing~~ agency shall reimburse the Department of Law
3352 Enforcement for any costs incurred for ~~by it in the~~ processing
3353 ~~of~~ the fingerprints.

3354 Section 70. Section 110.117, Florida Statutes, is
3355 transferred, renumbered as section 112.929, Florida Statutes,
3356 and amended to read:

3357 112.929 ~~110.117~~ Paid holidays and personal day.-

3358 (1) The following holidays are ~~shall be~~ paid holidays
3359 observed by all state branches and agencies:

3360 (a) New Year's Day.

3361 (b) Birthday of Martin Luther King, Jr., third Monday in
3362 January.

3363 (c) Memorial Day.

3364 (d) Independence Day.

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- 3365 (e) Labor Day.
- 3366 (f) Veterans' Day, November 11.
- 3367 (g) Thanksgiving Day.
- 3368 (h) Friday after Thanksgiving.
- 3369 (i) Christmas Day.
- 3370 (j) If any of these holidays falls on Saturday, the
- 3371 preceding Friday shall be observed as a holiday. If any of these
- 3372 holidays falls on Sunday, the following Monday shall be observed
- 3373 as a holiday.

3374 (2) The Governor may declare, if ~~when~~ appropriate, a state

3375 day of mourning in observance of the death of a person in

3376 recognition of service rendered to the state or nation.

3377 (3) Each full-time employee in an authorized and

3378 established position is entitled to one personal day ~~holiday~~

3379 each year. Each part-time employee is entitled to a personal day

3380 ~~holiday~~ each year, which shall be calculated based on the full-

3381 time equivalency of the position proportionately to the personal

3382 ~~holiday allowed to a full-time employee.~~ The Such personal day

3383 ~~holiday~~ shall be credited to eligible employees on July 1 of

3384 each year and must ~~to~~ be taken by ~~prior to~~ June 30 of the

3385 following year or forfeited. The personal day must be taken as a

3386 whole day and may not be used incrementally. Members of the

3387 teaching and research faculty of the State University System and

3388 administrative and professional positions exempted under s.

3389 110.205(2) (d) are not eligible for this benefit.

3390 (4) Other personal services employees are not eligible for

3391 paid holidays or a personal day.

3392 Section 71. Section 112.930, Florida Statutes, is created

3393 to read:

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3394 112.930 Telework program.—

3395 (1) For the purposes of this section, the term "telework"
3396 means an alternative work arrangement that allows an employee to
3397 conduct all or some of his or her work away from the official
3398 work site during all or a portion of the employee's established
3399 work hours on a regular basis. The term does not include, and a
3400 telework agreement is not required for:

3401 (a) Performance of required work duties away from the
3402 official work site and outside of established work hours on an
3403 occasional basis and sporadically working away from the official
3404 work site during all or some portion of the established work
3405 hours. These arrangements may be used by an agency to
3406 accommodate extenuating circumstances by allowing an employee to
3407 maintain productivity outside of the official work site.

3408 (b) Duties and responsibilities that, by their nature, are
3409 performed routinely in the field away from the official work
3410 site.

3411 (2) An agency may establish telework as an integral part of
3412 the normal business operations of the agency and require that
3413 specific work be performed through telework arrangements.

3414 Telework may also be used as part of an agency's continuity of
3415 operations plan where appropriate. An agency shall provide
3416 telework as an optional alternative work arrangement to support
3417 employee needs and implement telework arrangements where deemed
3418 appropriate.

3419 (3) Each agency shall review all established positions and
3420 designate those positions that the agency deems appropriate for
3421 telework. The agency shall ensure this information is current
3422 and available to its employees and managers. In addition, each

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3423 agency shall identify all currently participating employees and
3424 their respective positions in the human resource information
3425 system used by that agency.

3426 (4) Agencies that have a telework program shall develop an
3427 agency plan that addresses the agency's telework policies and
3428 procedures. At a minimum, an agency telework plan must:

3429 (a) Establish criteria for evaluating the ability of
3430 employees to satisfactorily perform in a telework arrangement.

3431 (b) Establish performance standards that ensure that
3432 employees participating in the program maintain satisfactory
3433 performance levels.

3434 (c) Ensure teleworkers are subject to the same rules and
3435 disciplinary actions as other employees.

3436 (d) Establish the reasonable conditions that the agency
3437 plans to impose in order to ensure appropriate use and
3438 maintenance of any equipment issued by the agency.

3439 (e) Establish a system for monitoring the productivity of
3440 teleworking employees which ensures that the work output remains
3441 at a satisfactory level and that the duties and responsibilities
3442 of the position remain suitable for a telework arrangement.

3443 (f) Establish the appropriate physical and electronic
3444 information security controls to be maintained by a teleworker
3445 at the telework site.

3446 (g) Prohibit employees engaged in telework from conducting
3447 face-to-face state business at their residence.

3448 (5) Agencies that approve employees to use telework as an
3449 optional alternative work arrangement shall:

3450 (a) Require a written agreement between the teleworker and
3451 the agency which specifies the terms and conditions of the

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3452 telework arrangement and provides for the termination of an
3453 employee's participation in the program if the employee's
3454 continued participation is not in the best interest of the
3455 agency.

3456 (b) Ensure that participation by an employee is voluntary
3457 and that the employee may discontinue participation after
3458 providing reasonable notice to the agency.

3459 (6) Agencies that require certain employees to telework as
3460 a part of normal business operations shall:

3461 (a) Include the requirement to telework and the associated
3462 terms and conditions as part of the position description,
3463 specifying the minimum amount of telework time required.

3464 (b) Provide at least 30 calendar days' written notice to
3465 affected employees of intent to impose or remove a requirement
3466 to telework.

3467 (c) Provide at least 15 calendar days' written notice to
3468 affected employees of intent to revise the terms and conditions
3469 of their current telework arrangement.

3470 (d) Provide equipment and supplies to an employee necessary
3471 to carry out job functions from the telework site.

3472 (e) Specify the telework requirement in any recruitment
3473 activities.

3474 (7) Agencies that have a telework program shall establish
3475 and track performance measures that support telework program
3476 analysis and report data annually to the department's Facilities
3477 Program in accordance with s. 255.249(3)(d). Such measures must
3478 include, but need not be limited to, those that quantify:

3479 (a) Financial impacts associated with changes in office
3480 space requirements resulting from the telework program. State

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3481 agencies operating in office space owned or managed by the
3482 department shall consult the Facilities Program to ensure
3483 consistency with the strategic leasing plan required under s.
3484 255.249 (3) (b) .

3485 (b) Energy consumption changes resulting from the telework
3486 program.

3487 (c) Greenhouse gas emission changes resulting from the
3488 telework program.

3489 (8) Agencies that have a telework program shall post the
3490 agency telework plan and any pertinent supporting documents on
3491 the agency website to allow access by employees and the public.

3492 (9) Agencies may approve other-personal-services employees
3493 to participate in telework programs.

3494 (10) Each agency that is authorized to adopt rules
3495 governing the terms and conditions of employment may adopt rules
3496 necessary to administer this section.

3497 Section 72. Section 112.931, Florida Statutes, is created
3498 to read:

3499 112.931 Savings sharing program.—Each state agency that is
3500 authorized to adopt rules governing the terms and conditions of
3501 employment may adopt rules that prescribe procedures and promote
3502 a savings sharing program for an individual or group of
3503 employees who propose procedures or ideas that are adopted and
3504 that result in eliminating or reducing state expenditures if
3505 such proposals are placed in effect and may be implemented under
3506 current statutory authority.

3507 (1) The agency head shall recommend employees individually
3508 or by group for a monetary award that is directly related to the
3509 cost savings realized. Each proposed award and the amount of the

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3510 award must be approved by the Legislative Budget Commission.

3511 (2) Unless otherwise provided by law, all state agencies
3512 may participate in the program. The Chief Justice may establish
3513 a savings sharing program for employees of the judicial branch
3514 within the parameters established under this section. The
3515 program applies to all employees within the Civil Service, the
3516 Selected Exempt Service, and comparable employees within the
3517 judicial branch.

3518 (3) The department and the judicial branch shall annually
3519 submit information to the President of the Senate and the
3520 Speaker of the House of Representatives which outlines each
3521 agency's level of participation in the program. At a minimum,
3522 the information must include:

3523 (a) The number of proposals made.

3524 (b) The number of awards and amount of money awarded to
3525 employees or groups for adopted proposals.

3526 (c) The actual cost savings realized as a result of
3527 implementing the proposals.

3528 Section 73. Section 110.1156, Florida Statutes, is
3529 transferred and renumbered as section 112.932, Florida Statutes.

3530 Section 74. Section 112.933, Florida Statutes, is created
3531 to read:

3532 112.933 Penalties.—

3533 (1) Any person who willfully violates any provision of this
3534 part or any rules adopted pursuant to this part commits a
3535 misdemeanor of the second degree, punishable as provided in s.
3536 775.082 or s. 775.083.

3537 (2) Notwithstanding s. 112.011, any person who is convicted
3538 of a misdemeanor under this part is ineligible for appointment

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3539 to or employment in a state position for 5 years. If such person
3540 is an employee of the state, he or she must forfeit his or her
3541 position.

3542 (3) Imposition of the penalties provided in this section
3543 may not be in lieu of any action that may be taken or penalties
3544 that may be imposed pursuant to part III of this chapter.

3545 Section 75. The Division of Statutory Revision is requested
3546 to create part X of chapter 112, Florida Statutes, to be
3547 entitled "State Administered Benefits," and consisting of ss.
3548 112.940-112.952, Florida Statutes.

3549 Section 76. Section 110.1227, Florida Statutes, is
3550 transferred, renumbered as section 112.940, Florida Statutes,
3551 and paragraph (c) of subsection (1) of that section is amended
3552 to read:

3553 112.940 ~~110.1227~~ Florida Employee Long-Term-Care Plan Act.-

3554 (1) The Legislature finds that state expenditures for long-
3555 term-care services continue to increase at a rapid rate and that
3556 the state faces increasing pressure in its efforts to meet the
3557 long-term-care needs of the public.

3558 (c) This section does not affect ~~act in no way affects~~ the
3559 authority of the Department of Management Services' ~~authority~~
3560 pursuant to s. 112.942 ~~110.123~~.

3561 Section 77. Section 110.1228, Florida Statutes, is
3562 transferred, renumbered as section 112.941, Florida Statutes,
3563 and subsection (2) of that section is amended to read:

3564 112.941 ~~110.1228~~ Participation by small counties, small
3565 municipalities, and district school boards located in small
3566 counties.-

3567 (2) The governing body of a small county or small

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3568 municipality or a district school board may apply for
3569 participation in the state group health insurance program
3570 authorized in s. 112.942 ~~110.123~~ and the prescription drug
3571 coverage program authorized by s. 112.946 ~~110.12315~~ by
3572 submitting an application along with a \$500 nonrefundable fee to
3573 the department.

3574 Section 78. Section 110.123, Florida Statutes, is
3575 transferred, renumbered as section 112.942, Florida Statutes,
3576 and paragraphs (f) and (h) of subsection (3) and paragraph (c)
3577 of subsection (4) of that section are amended to read:

3578 112.942 ~~110.123~~ State group insurance program.—

3579 (3) STATE GROUP INSURANCE PROGRAM.—

3580 (f) Except as provided for in subparagraph (h)2., the state
3581 contribution toward the cost of any plan in the state group
3582 insurance program shall be uniform with respect to all state
3583 employees in a state collective bargaining unit participating in
3584 the same coverage tier in the same plan. This section does not
3585 prohibit the development of separate benefit plans for officers
3586 and employees exempt from the Civil ~~career~~ Service or the
3587 development of separate benefit plans for each collective
3588 bargaining unit.

3589 (h)1. In lieu of participating in the state group health
3590 insurance plan, a person eligible to participate in the state
3591 group insurance program may be authorized by department rules
3592 ~~adopted by the department, in lieu of participating in the state~~
3593 ~~group health insurance plan, to exercise an option to elect~~
3594 membership in a health maintenance organization (HMO) plan ~~which~~
3595 ~~is~~ under contract with the state in accordance with criteria
3596 established by this section and adopted ~~by said~~ rules. The offer

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3597 of optional membership in an HMO ~~a health maintenance~~
3598 ~~organization~~ plan ~~permitted by this paragraph~~ may be limited or
3599 conditioned by rule as ~~may be~~ necessary to meet the requirements
3600 of state and federal laws.

3601 2. The department shall contract with HMOs ~~health~~
3602 ~~maintenance organizations~~ seeking to participate in the state
3603 group insurance program through a request for proposal or other
3604 procurement process, as developed by the Department of
3605 Management Services and determined to be appropriate.

3606 a. The department shall establish a schedule of minimum
3607 benefits for HMO ~~health maintenance organization~~ coverage which
3608 includes, ~~and that schedule shall include:~~ physician services;
3609 inpatient and outpatient hospital services; emergency medical
3610 services, including out-of-area emergency coverage; diagnostic
3611 laboratory and diagnostic and therapeutic radiologic services;
3612 mental health, alcohol, and chemical dependency treatment
3613 services meeting the minimum requirements of state and federal
3614 law; skilled nursing facilities and services; prescription
3615 drugs; age-based and gender-based wellness benefits; and other
3616 benefits as may be required by the department. Additional
3617 services may be provided subject to the contract between the
3618 department and the HMO. As used in this paragraph, the term
3619 "age-based and gender-based wellness benefits" includes aerobic
3620 exercise, education in alcohol and substance abuse prevention,
3621 blood cholesterol screening, health risk appraisals, blood
3622 pressure screening and education, nutrition education, program
3623 planning, safety belt education, smoking cessation, stress
3624 management, weight management, and women's health education.

3625 b. The department may establish uniform deductibles,

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3626 copayments, coverage tiers, or coinsurance schedules for all
3627 participating HMO plans.

3628 c. The department may require detailed information from
3629 each HMO ~~health maintenance organization~~ participating in the
3630 procurement process, including information pertaining to
3631 organizational status, experience in providing prepaid health
3632 benefits, accessibility of services, financial stability of the
3633 plan, quality of management services, accreditation status,
3634 quality of medical services, network access and adequacy,
3635 performance measurement, ability to meet the department's
3636 reporting requirements, and the actuarial basis of the proposed
3637 rates and other data determined by the director to be necessary
3638 for the evaluation and selection of HMO ~~health maintenance~~
3639 ~~organization~~ plans and negotiation of appropriate rates for
3640 these plans. Upon receipt of proposals by HMO ~~health maintenance~~
3641 ~~organization~~ plans and the evaluation of those proposals, the
3642 department may enter into negotiations with all ~~of the plans~~ or
3643 a subset of the plans, as the department determines appropriate.
3644 ~~Nothing shall preclude~~ The department may negotiate ~~from~~
3645 ~~negotiating~~ regional or statewide contracts with HMO ~~health~~
3646 ~~maintenance organization~~ plans if ~~when this is~~ cost-effective
3647 and ~~when~~ the department determines that the plan offers high
3648 value to enrollees.

3649 d. The department may limit the number of HMOs that it
3650 contracts with in each service area based on the nature of the
3651 bids the department receives, the number of state employees in
3652 the service area, or any unique geographical characteristics of
3653 the service area. The department shall establish by rule service
3654 areas throughout the state.

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3655 e. All persons participating in the state group insurance
3656 program may be required to contribute toward ~~towards~~ a total
3657 state group health premium that may vary depending upon the plan
3658 and coverage tier selected by the enrollee and the level of
3659 state contribution authorized by the Legislature.

3660 3. The department may ~~is authorized to~~ negotiate and ~~to~~
3661 contract with specialty psychiatric hospitals for mental health
3662 benefits, on a regional basis, for alcohol, drug abuse, and
3663 mental and nervous disorders. ~~The department may establish,~~
3664 Subject to the approval of the Legislature pursuant to
3665 subsection (5), the department may establish any such regional
3666 plan upon completion of an actuarial study to determine any
3667 impact on plan benefits and premiums.

3668 ~~4. In addition to contracting pursuant to subparagraph 2.,~~
3669 ~~the department may enter into contract with any HMO to~~
3670 ~~participate in the state group insurance program which:~~

3671 a. ~~Serves greater than 5,000 recipients on a prepaid basis~~
3672 ~~under the Medicaid program;~~

3673 b. ~~Does not currently meet the 25-percent non-Medicare/non-~~
3674 ~~Medicaid enrollment composition requirement established by the~~
3675 ~~Department of Health excluding participants enrolled in the~~
3676 ~~state group insurance program;~~

3677 c. ~~Meets the minimum benefit package and copayments and~~
3678 ~~deductibles contained in sub-subparagraphs 2.a. and b.;~~

3679 d. ~~Is willing to participate in the state group insurance~~
3680 ~~program at a cost of premiums that is not greater than 95~~
3681 ~~percent of the cost of HMO premiums accepted by the department~~
3682 ~~in each service area; and~~

3683 e. ~~Meets the minimum surplus requirements of s. 641.225.~~

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3684
3685 ~~The department is authorized to contract with HMOs that meet the~~
3686 ~~requirements of sub-subparagraphs a. and d. prior to the open~~
3687 ~~enrollment period for state employees. The department is not~~
3688 ~~required to renew the contract with the HMOs as set forth in~~
3689 ~~this paragraph more than twice. Thereafter, the HMOs shall be~~
3690 ~~eligible to participate in the state group insurance program~~
3691 ~~only through the request for proposal or invitation to negotiate~~
3692 ~~process described in subparagraph 2.~~

3693 4.5. All enrollees in a state group health insurance plan,
3694 a TRICARE supplemental insurance plan, or an HMO ~~any health~~
3695 ~~maintenance organization~~ plan have the option of changing to
3696 another ~~any other~~ health plan ~~that is~~ offered by the state
3697 within an ~~any~~ open enrollment period designated by the
3698 department. Open enrollment shall be held at least once each
3699 calendar year.

3700 5.6. ~~If When~~ a contract between a treating provider and the
3701 state-contracted HMO ~~health maintenance organization~~ is
3702 terminated for any reason other than for cause, each party must
3703 ~~shall~~ allow an ~~any~~ enrollee for whom treatment was active to
3704 continue coverage and care when medically necessary, through
3705 completion of treatment of a condition for which the enrollee
3706 was receiving care at the time of the termination, until the
3707 enrollee selects another treating provider, or until the next
3708 open enrollment period ~~offered~~, whichever is later ~~longer~~, but
3709 no later ~~longer~~ than 6 months after termination of the contract.
3710 Each party to the terminated contract must ~~shall~~ allow an
3711 enrollee who has initiated a course of prenatal care, regardless
3712 of the trimester in which care was initiated, to continue care

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3713 and coverage until completion of postpartum care. This does not
3714 prevent a provider from refusing to continue to provide care to
3715 an enrollee who is abusive, noncompliant, or in arrears in
3716 payments for services provided. For care continued under this
3717 subparagraph, the program and the provider ~~shall~~ continue to be
3718 bound by the terms of the terminated contract. Changes made
3719 within 30 days before termination of a contract are effective
3720 only if agreed to by both parties.

3721 ~~6.7.~~ Any HMO participating in the state group insurance
3722 program shall submit health care utilization and cost data to
3723 the department, in such form and ~~in such~~ manner as the
3724 department requires ~~shall require~~, as a condition of
3725 participating in the program. The department shall enter into
3726 negotiations with its contracting HMOs to determine the nature
3727 and scope of the data submission and the final requirements,
3728 format, penalties associated with noncompliance, and timetables
3729 for submission. These determinations shall be adopted by rule.

3730 ~~7.8.~~ The department may establish and direct, with respect
3731 to collective bargaining issues, a comprehensive package of
3732 insurance benefits that may include supplemental health and life
3733 coverage, dental care, long-term care, vision care, and other
3734 benefits it determines necessary to enable state employees to
3735 select from among benefit options that best suit their
3736 individual and family needs.

3737 a. Based upon a desired benefit package, the department
3738 shall issue a request for proposal or invitation to negotiate
3739 for health insurance providers interested in participating in
3740 the state group insurance program, and ~~the department shall~~
3741 issue a request for proposal or invitation to negotiate for

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3742 insurance providers interested in participating in the non-
3743 health-related components of the state group insurance program.
3744 Upon receipt of all proposals, the department may enter into
3745 contract negotiations with insurance providers submitting bids
3746 or negotiate a specially designed benefit package. Insurance
3747 providers offering or providing supplemental coverage as of May
3748 30, 1991, which qualify for pretax benefit treatment pursuant to
3749 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more
3750 state employees currently enrolled may be included ~~by the~~
3751 ~~department~~ in the supplemental insurance benefit plan
3752 established by the department without participating in a request
3753 for proposal, submitting bids, negotiating contracts, or
3754 negotiating a specially designed benefit package. These
3755 contracts must ~~shall~~ provide state employees with the most cost-
3756 effective and comprehensive coverage available; however, ~~no~~
3757 state or agency funds may not be contributed ~~shall be~~
3758 ~~contributed~~ toward the cost of any part of the premium of such
3759 supplemental benefit plans. With respect to dental coverage, the
3760 division shall include in any solicitation or contract for any
3761 state group dental program ~~made after July 1, 2001,~~ a
3762 comprehensive indemnity dental plan option that ~~which~~ offers
3763 enrollees a completely unrestricted choice of dentists. If a
3764 dental plan is endorsed, or in some manner recognized as the
3765 preferred product, such plan must ~~shall~~ include a comprehensive
3766 indemnity dental plan option that ~~which~~ provides enrollees with
3767 a completely unrestricted choice of dentists.

3768 b. Pursuant to ~~the applicable provisions of~~ s. 112.951
3769 ~~110.161,~~ and s. 125 of the Internal Revenue Code of 1986, the
3770 department shall enroll in the pretax benefit program those

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3771 state employees who voluntarily elect coverage in any of the
3772 supplemental insurance benefit plans as provided by sub-
3773 subparagraph a.

3774 c. This subparagraph does not ~~Nothing herein contained~~
3775 ~~shall be construed to~~ prohibit insurance providers from
3776 continuing to provide or offer supplemental benefit coverage to
3777 state employees as provided under existing agency plans.

3778 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
3779 ON ACTIONS TO PAY AND COLLECT PREMIUMS.—

3780 (c) During each policy or budget year, no state agency
3781 shall contribute a greater dollar amount of the premium cost for
3782 its officers or employees for any plan option under the state
3783 group insurance program than any other agency for similar
3784 officers and employees, nor shall any greater dollar amount of
3785 premium cost be made for employees in one state collective
3786 bargaining unit than for those in any other state collective
3787 bargaining unit. Nothing in this section prohibits the use of
3788 different levels of state contributions for positions exempt
3789 from Civil ~~career~~ Service.

3790 Section 79. Section 110.12301, Florida Statutes is
3791 transferred, renumbered as section 112.943, Florida Statutes,
3792 and amended to read:

3793 112.943 ~~110.12301~~ Competitive procurement of postpayment
3794 claims review services.—The Division of State Group Insurance is
3795 directed to competitively procure:

3796 (1) Postpayment claims review services for the state group
3797 health insurance plans established pursuant to s. 112.942
3798 ~~110.123~~. Compensation under the contract shall be paid from
3799 amounts identified as claim overpayments that are made by or on

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3800 behalf of the health plans and that are recovered by the vendor.
 3801 The vendor may retain that portion of the amount recovered as
 3802 provided in the contract. The contract must require the vendor
 3803 to maintain all necessary documentation supporting the amounts
 3804 recovered, retained, and remitted to the division; and

3805 (2) A contingency-based contract for dependent eligibility
 3806 verification services for the state group insurance program;
 3807 however, compensation under the contract may not exceed
 3808 historical claim costs for the prior 12 months for the dependent
 3809 populations disenrolled as a result of the vendor's services.
 3810 The division may establish a 3-month grace period and hold
 3811 subscribers harmless for past claims of ineligible dependents.
 3812 The Department of Management Services shall submit budget
 3813 amendments pursuant to chapter 216 in order to obtain budget
 3814 authority necessary to expend funds from the State Employees'
 3815 Group Health Self-Insurance Trust Fund for payments to the
 3816 vendor as provided in the contract. The Department of Management
 3817 Services shall adopt rules providing a process for verifying
 3818 dependent eligibility.

3819 Section 80. Section 110.12302, Florida Statutes is
 3820 transferred and renumbered as section 112.944, Florida Statutes.

3821 Section 81. Section 110.12312, Florida Statutes, is
 3822 transferred, renumbered as section 112.945, Florida Statutes,
 3823 and amended to read:

3824 112.945 ~~110.12312~~ Open enrollment period for retirees.—On
 3825 or after July 1, 1997, the Department of Management Services
 3826 shall provide for an open enrollment period for retired state
 3827 employees who want to obtain health insurance coverage under ss.
 3828 112.942 and 112.946 ~~110.123~~ and ~~110.12315~~. The options offered

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3829 during the open enrollment period must provide the same health
3830 insurance coverage as the coverage provided to active employees
3831 under the same premium payment conditions in effect for covered
3832 retirees, including eligibility for health insurance subsidy
3833 payments under s. 112.363. A person who separates from
3834 employment subsequent to May 1, 1988, but whose date of
3835 retirement occurs on or after August 1, 1995, is eligible as of
3836 the first open enrollment period occurring after July 1, 1997,
3837 with an effective date of January 1, 1998, as long as the
3838 retiree's enrollment remains in effect.

3839 Section 82. Section 110.12315, Florida Statutes, is
3840 transferred and renumbered as section 112.946, Florida Statutes.

3841 Section 83. Section 110.1232, Florida Statutes, is
3842 transferred, renumbered as section 112.947, Florida Statutes,
3843 and amended to read:

3844 112.947 ~~110.1232~~ Health insurance coverage for persons
3845 retired under state-administered retirement systems before
3846 January 1, 1976, and for spouses.—Notwithstanding any provisions
3847 of law to the contrary, the Department of Management Services
3848 shall provide health insurance coverage under the state group
3849 insurance program for persons who retired before January 1,
3850 1976, under any of the state-administered retirement systems and
3851 who are not covered by social security and for the spouses and
3852 surviving spouses of such retirees who are also not covered by
3853 social security. Such health insurance coverage shall provide
3854 the same benefits as provided to other retirees who are entitled
3855 to participate under s. 112.942 ~~110.123~~. The claims experience
3856 of this group shall be commingled with the claims experience of
3857 other members covered under s. 112.942 ~~110.123~~.

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3858 Section 84. Section 110.1234, Florida Statutes, is
3859 transferred and renumbered as section 112.948, Florida Statutes.

3860 Section 85. Section 110.1238, Florida Statutes, is
3861 transferred and renumbered as section 112.949, Florida Statutes.

3862 Section 86. Section 110.1239, Florida Statutes, is
3863 transferred and renumbered as section 112.950, Florida Statutes.

3864 Section 87. Section 110.161, Florida Statutes, is
3865 transferred, renumbered as section 112.951, Florida Statutes,
3866 and paragraph (a) of subsection (6) of that section is amended
3867 to read:

3868 112.951 ~~110.161~~ State employees; pretax benefits program.—

3869 (6) The Department of Management Services is authorized to
3870 administer the pretax benefits program established for all
3871 employees so that employees may receive benefits that are not
3872 includable in gross income under the Internal Revenue Code of
3873 1986. The pretax benefits program:

3874 (a) Shall allow employee contributions to premiums for the
3875 state group insurance program administered under s. 112.942
3876 ~~110.123~~ to be paid on a pretax basis unless an employee elects
3877 not to participate.

3878 Section 88. Section 112.952, Florida Statutes, is created
3879 to read:

3880 112.952 Penalties.—

3881 (1) Any person who willfully violates any provision of this
3882 part or any rules adopted pursuant to this part commits a
3883 misdemeanor of the second degree, punishable as provided in s.
3884 775.082 or s. 775.083.

3885 (2) Notwithstanding s. 112.011, any person who is convicted
3886 of a misdemeanor under this part is ineligible for appointment

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3887 to or employment in a state position for 5 years, and, if an
3888 employee of the state, must forfeit his or her position.

3889 (3) Imposition of the penalties provided in this section
3890 may not be in lieu of any action that may be taken or penalties
3891 that may be imposed pursuant to part III of this chapter.

3892 Section 89. The Division of Statutory Revision is requested
3893 to renumber part IV of chapter 110, Florida Statutes, as part XI
3894 of chapter 112, consisting of ss. 112.961-112.965, and to rename
3895 that part as "State Volunteer Services."

3896 Section 90. Section 110.501, Florida Statutes, is
3897 transferred, renumbered as section 112.961, Florida Statutes,
3898 reordered, and amended to read:

3899 112.961 ~~110.501~~ Definitions.—As used in this part, the term
3900 act:

3901 (3) ~~(1)~~ "Volunteer" means any person who, of his or her own
3902 free will, provides goods or services, or conveys an interest in
3903 or otherwise consents to the use of real property pursuant to
3904 chapter 260, to any ~~state department or agency,~~ or nonprofit
3905 organization, with no monetary or material compensation. A
3906 person registered and serving in Older American Volunteer
3907 Programs authorized by the Domestic Volunteer Service Act of
3908 1973, as amended (Pub. L. No. 93-113), shall also be defined as
3909 a volunteer and shall incur no civil liability as provided by s.
3910 768.1355. A volunteer shall be eligible for payment of volunteer
3911 benefits as specified in Pub. L. No. 93-113, this section, and
3912 s. 430.204.

3913 ~~(2) "Regular-service volunteer" means any person engaged in~~
3914 ~~specific voluntary service activities on an ongoing or~~
3915 ~~continuous basis.~~

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3916 ~~(3) "Occasional service volunteer" means any person who~~
 3917 ~~offers to provide a one-time or occasional voluntary service.~~

3918 (1)~~(4)~~ "Material donor" means any person who provides
 3919 funds, materials, employment, or opportunities for clients of
 3920 state ~~departments or~~ agencies, without monetary or material
 3921 compensation.

3922 (2) "State agency" or "agency" means any official, officer,
 3923 commission, board, authority, council, committee, or department
 3924 of the executive branch or judicial branch of state government
 3925 as defined in chapter 216, unless otherwise exempted by law.

3926 Section 91. Section 110.502, Florida Statutes, is
 3927 transferred, renumbered as section 112.962, Florida Statutes,
 3928 and amended to read:

3929 112.962 ~~110.502~~ Scope of act; status of volunteers.-

3930 (1) Every ~~state department or~~ state agency may, with the
 3931 approval of the agency head, ~~through the head of the department~~
 3932 ~~or agency, secretary of the department, or executive director of~~
 3933 ~~the department, is authorized to~~ recruit, train, and accept,
 3934 without regard to the requirements of the Civil State Career
 3935 ~~Service System as set forth in part II of this chapter,~~ the
 3936 services of volunteers, ~~including regular-service volunteers,~~
 3937 ~~occasional-service volunteers,~~ or material donors, to assist in
 3938 programs administered by the ~~department or~~ agency.

3939 (2) Volunteers recruited, trained, or accepted by a ~~any~~
 3940 ~~state department or~~ agency are ~~shall~~ not be subject to any
 3941 provisions of law relating to state employment, a ~~to any~~
 3942 collective bargaining agreement between the state and an ~~any~~
 3943 employees' association or union, or ~~to any~~ laws relating to
 3944 hours of work, rates of compensation, leave time, and employee

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3945 benefits, except those consistent with s. 112.964 ~~110.504~~.
3946 However, all volunteers shall comply with applicable ~~department~~
3947 ~~or~~ agency rules. Volunteers may be required by the agency to
3948 submit to security background screenings.

3949 (3) Every state department ~~or~~ agency using ~~utilizing~~ the
3950 services of volunteers is ~~hereby~~ authorized to provide ~~such~~
3951 incidental reimbursement or benefit consistent with s. 112.964
3952 ~~the provisions of s. 110.504~~, including transportation costs,
3953 lodging, ~~and~~ subsistence, identification and safety apparel,
3954 recognition, and other accommodations as the ~~department or~~
3955 agency deems necessary to assist, recognize, reward, or
3956 encourage volunteers in performing their functions. An ~~No~~
3957 ~~department or~~ agency may not ~~shall~~ expend or authorize an
3958 expenditure greater than ~~therefor in excess of~~ the amount
3959 provided for to the ~~department or~~ agency by appropriation in any
3960 fiscal year.

3961 (4) Persons working with state agencies pursuant to this
3962 part are ~~shall be~~ considered ~~as~~ unpaid independent volunteers
3963 and are ~~shall~~ not be entitled to unemployment compensation.

3964 Section 92. Section 110.503, Florida Statutes, is
3965 transferred, renumbered as section 112.963, Florida Statutes,
3966 and amended to read:

3967 112.963 ~~110.503~~ Responsibilities of state departments ~~and~~
3968 agencies.—Each state department ~~or~~ agency using ~~utilizing~~ the
3969 services of volunteers shall take such actions as are:

3970 (1) ~~Take such actions as are~~ Necessary and appropriate to
3971 develop meaningful opportunities for volunteers involved in
3972 state-administered programs.

3973 (2) Necessary to ensure that volunteers are provided with

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3974 the state agency's policies and procedures applicable to their
3975 volunteer activities. ~~Comply with the uniform rules adopted by~~
3976 ~~the Department of Management Services governing the recruitment,~~
3977 ~~screening, training, responsibility, use, and supervision of~~
3978 ~~volunteers.~~

3979 (3) ~~Take such actions as are~~ Necessary to ensure that
3980 volunteers understand their duties and responsibilities.

3981 (4) Necessary to ensure that a state employee whose primary
3982 employment consists of duties and responsibilities similar to
3983 those associated with volunteer activities is not considered for
3984 volunteer work if such work would require payment for overtime
3985 in accordance with the Fair Labor Standards Act.

3986 (4) ~~Take such actions as are necessary and appropriate to~~
3987 ~~ensure a receptive climate for citizen volunteers.~~

3988 (5) ~~Provide for the recognition of volunteers who have~~
3989 ~~offered continuous and outstanding service to state-administered~~
3990 ~~programs. Each department or agency using the services of~~
3991 ~~volunteers is authorized to incur expenditures not to exceed~~
3992 ~~\$100 each plus applicable taxes for suitable framed~~
3993 ~~certificates, plaques, or other tokens of recognition to honor,~~
3994 ~~reward, or encourage volunteers for their service.~~

3995 (6) ~~Recognize prior volunteer service as partial~~
3996 ~~fulfillment of state employment requirements for training and~~
3997 ~~experience pursuant to rules adopted by the Department of~~
3998 ~~Management Services.~~

3999 Section 93. Section 110.504, Florida Statutes, is
4000 transferred, renumbered as section 112.964, Florida Statutes,
4001 and amended to read:

4002 112.964 ~~110.504~~ Volunteer benefits.—

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4003 (1) Meals may be furnished without charge to ~~regular-~~
4004 ~~service~~ volunteers serving state agencies if departments,
4005 ~~provided~~ the scheduled assignment extends over an established
4006 meal period, ~~and to occasional-service volunteers at the~~
4007 ~~discretion of the department head.~~ An agency may not ~~No~~
4008 ~~department shall~~ expend or authorize any expenditure greater
4009 than in excess of the amount provided for by appropriation in
4010 any fiscal year.

4011 (2) Lodging, if available, may be furnished temporarily, in
4012 case of an agency ~~a department~~ emergency, at no charge to
4013 ~~regular-service~~ volunteers.

4014 (3) Transportation reimbursement may be furnished to those
4015 volunteers whose presence is determined to be necessary to the
4016 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in
4017 the performance of agency-related ~~department-related~~ duties. An
4018 agency may not ~~No department shall~~ expend or authorize an
4019 expenditure greater than in excess of the amount appropriated in
4020 any fiscal year.

4021 (4) Volunteers are ~~shall be~~ covered by state liability
4022 protection in accordance with the definition of a volunteer and
4023 ~~the provisions of~~ s. 768.28.

4024 (5) Volunteers are ~~shall be~~ covered by workers'
4025 compensation in accordance with chapter 440.

4026 (6) Incidental recognition benefits or incidental
4027 nonmonetary awards may be furnished to volunteers serving in
4028 state agencies ~~departments~~ to award, recognize, or encourage
4029 volunteers for their service. The awards may not cost more than
4030 ~~in excess of~~ \$150 ~~\$100~~ each plus applicable taxes.

4031 (7) Volunteers, including volunteers receiving a stipend as

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4032 provided by the Domestic Service Volunteer Act of 1973, as
4033 amended, ~~(Pub. L. No. 93-113)~~, are shall be covered by s.
4034 768.1355, the Florida Volunteer Protection Act.

4035 Section 94. Section 112.965, Florida Statutes, is created
4036 to read:

4037 112.965 Penalties.—

4038 (1) Any person who willfully violates any provision of this
4039 part or any rules adopted pursuant to this part commits a
4040 misdemeanor of the second degree, punishable as provided in s.
4041 775.082 or s. 775.083.

4042 (2) Notwithstanding s. 112.011, any person who is convicted
4043 of a misdemeanor under this part is ineligible for appointment
4044 to or employment in a state position for 5 years, or, if an
4045 employee of the state, must forfeit his or her position.

4046 (3) Imposition of the penalties provided in this section
4047 may not be in lieu of any action that may be taken or penalties
4048 that may be imposed pursuant to part III of this chapter.

4049 Section 95. Sections 110.115, 110.118, 110.124, 110.129,
4050 110.1521, 110.1522, 110.1523, 110.171, 110.201, 110.2035,
4051 110.21, 110.406, 110.603, 110.604, and 110.606, Florida
4052 Statutes, are repealed.

4053 Section 96. Paragraph (b) of subsection (1) of section
4054 11.13, Florida Statutes, is amended to read:

4055 11.13 Compensation of members.—

4056 (1)

4057 (b) On Effective July 1, 1986, and each July 1 of each year
4058 thereafter, the annual salaries of members of the Senate and
4059 House of Representatives shall be adjusted by the average
4060 percentage increase in the salaries of civil state career

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4061 service employees for the fiscal year just concluded. The
4062 Appropriations Committee of each house shall certify to the
4063 Office of Legislative Services the average percentage increase
4064 in the salaries of civil ~~state-career~~ service employees before
4065 July 1 of each year. The Office of Legislative Services shall,
4066 as of July 1 of each year, determine the adjusted annual
4067 salaries as provided in this paragraph ~~herein~~.

4068 Section 97. Paragraph (c) of subsection (1) of section
4069 20.055, Florida Statutes, is amended to read:

4070 20.055 Agency inspectors general.—

4071 (1) For the purposes of this section:

4072 (c) "Individuals substantially affected" means natural
4073 persons who have established a real and sufficiently immediate
4074 injury in fact due to the findings, conclusions, or
4075 recommendations of a final report of a state agency inspector
4076 general, who are the subject of the audit or investigation, and
4077 who do not have or are not currently afforded an existing right
4078 to an independent review process. The term does not include:

4079 1. Employees of the state, including civil ~~career~~ service,
4080 probationary, other personal service, selected exempt service,
4081 and senior management service employees, ~~are not covered by this~~
4082 ~~definition. This definition also does not cover~~

4083 2. Former employees of the state if the final report of the
4084 state agency inspector general relates to matters arising during
4085 a former employee's term of state employment. ~~This definition~~
4086 ~~does not apply to~~

4087 3. Persons who are the subject of audits or investigations
4088 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
4089 which are otherwise confidential and exempt under s. 119.07.

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4090 Section 98. Subsection (6) of section 20.21, Florida
4091 Statutes, is amended to read:

4092 20.21 Department of Revenue.—There is created a Department
4093 of Revenue.

4094 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~
4095 ~~110.123~~, relating to the state group insurance program, the
4096 department may pay, or participate in the payment of, premiums
4097 for health, accident, and life insurance for its full-time out-
4098 of-state employees, pursuant to such rules as it may adopt,
4099 which and such payments are shall be in addition to the
4100 employees' ~~the regular salaries of such full-time out-of-state~~
4101 ~~employees.~~

4102 Section 99. Paragraph (e) of subsection (1) and subsection
4103 (6) of section 20.23, Florida Statutes, are amended to read:

4104 20.23 Department of Transportation.—There is created a
4105 Department of Transportation which shall be a decentralized
4106 agency.

4107 (1)

4108 (e) The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and the
4109 assistant secretaries are shall be exempt from part IV ~~the~~
4110 ~~provisions of part III~~ of chapter 110 and shall receive
4111 compensation commensurate with their qualifications and
4112 competitive with compensation for comparable responsibility in
4113 the private sector.

4114 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the
4115 Department of Management Services may ~~is authorized to~~ exempt
4116 positions within the Department of Transportation which are
4117 comparable to positions within the Senior Management Service
4118 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that

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4119 ~~which~~ are comparable to positions in the Selected Exempt Service
4120 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

4121 Section 100. Subsection (2) of section 20.255, Florida
4122 Statutes, is amended to read:

4123 20.255 Department of Environmental Protection.—There is
4124 created a Department of Environmental Protection.

4125 (2)(a) There shall be three deputy secretaries who are to
4126 be appointed by and shall serve at the pleasure of the
4127 secretary. The secretary may assign any deputy secretary the
4128 responsibility to supervise, coordinate, and formulate policy
4129 for any division, office, or district. The following special
4130 offices are established and headed by managers, each of whom is
4131 to be appointed by and serve at the pleasure of the secretary:

- 4132 1. Office of Chief of Staff;
- 4133 2. Office of General Counsel;
- 4134 3. Office of Inspector General;
- 4135 4. Office of External Affairs;
- 4136 5. Office of Legislative Affairs;
- 4137 6. Office of Intergovernmental Programs; and
- 4138 7. Office of Greenways and Trails.

4139 (b) There shall be six administrative districts involved in
4140 regulatory matters of waste management, water resource
4141 management, wetlands, and air resources, which shall be headed
4142 by managers, each of whom is to be appointed by and serve at the
4143 pleasure of the secretary. Divisions of the department may have
4144 one assistant or two deputy division directors, as required to
4145 facilitate effective operation.

4146
4147 The managers of all divisions and offices specifically named in

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4148 this section and the directors of the six administrative
4149 districts are exempt from part II of chapter 110 and are
4150 included in the Senior Management Service in accordance with s.
4151 110.205(2)(g) ~~110.205(2)(j)~~.

4152 Section 101. Paragraph (d) of subsection (19) of section
4153 24.105, Florida Statutes, is amended to read:

4154 24.105 Powers and duties of department.—The department
4155 shall:

4156 (19) Employ division directors and other staff as may be
4157 necessary to carry out the provisions of this act; however:

4158 (d) The department shall establish and maintain a personnel
4159 program for its employees, including a personnel classification
4160 and pay plan that ~~which~~ may provide ~~any or all of~~ the benefits
4161 provided in the Senior Management Service or Selected Exempt
4162 Service. Each officer or employee of the department is ~~shall be~~
4163 a member of the Florida Retirement System. The retirement class
4164 of each officer or employee is ~~shall be~~ the same as other
4165 persons performing comparable functions for other agencies.
4166 Employees of the department shall serve at the pleasure of the
4167 secretary and are ~~shall be~~ subject to suspension, dismissal,
4168 reduction in pay, demotion, transfer, or other personnel action
4169 at the discretion of the secretary. Such personnel actions are
4170 exempt from ~~the provisions of~~ chapter 120. All employees of the
4171 department are exempt from the Civil Career ~~Service System~~
4172 provided in chapter 110 and, notwithstanding ~~the provisions of~~
4173 s. 110.205(3) ~~110.205(5)~~, are not included in ~~either~~ the Senior
4174 Management Service or the Selected Exempt Service. However, all
4175 employees of the department are subject to all standards of
4176 conduct adopted by rule for civil ~~career~~ service and senior

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4177 management employees pursuant to chapter 110. In the event of a
4178 conflict between standards of conduct applicable to employees of
4179 the Department of the Lottery, the more restrictive standard
4180 applies shall apply. Interpretations as to the more restrictive
4181 standard may be provided by the Commission on Ethics upon
4182 request of an advisory opinion pursuant to s. 112.322(3)(a), and
4183 for purposes of this subsection, the opinion shall be considered
4184 final action.

4185 Section 102. Paragraph (d) of subsection (4) of section
4186 24.122, Florida Statutes, is amended to read:

4187 24.122 Exemption from taxation; state preemption;
4188 inapplicability of other laws.—

4189 (4) Any state or local law providing any penalty,
4190 disability, restriction, or prohibition for the possession,
4191 manufacture, transportation, distribution, advertising, or sale
4192 of any lottery ticket, including chapter 849, shall not apply to
4193 the tickets of the state lottery operated pursuant to this act;
4194 nor shall any such law apply to the possession of a ticket
4195 issued by any other government-operated lottery. In addition,
4196 activities of the department under this act are exempt from the
4197 provisions of:

4198 (d) Section 112.907 ~~110.131~~, relating to other personal
4199 services.

4200 Section 103. Paragraph (b) of subsection (1) of section
4201 30.071, Florida Statutes, is amended to read:

4202 30.071 Applicability and scope of act.—

4203 (1) This act applies to all deputy sheriffs, with the
4204 following exceptions:

4205 (b) Deputy sheriffs in a county that, by special act of the

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4206 Legislature, local charter, ordinance, or otherwise, has
4207 established a civil ~~or career~~ service system that ~~which~~ grants
4208 collective bargaining rights for deputy sheriffs, including, but
4209 not limited to, deputy sheriffs in the following counties:
4210 Broward, Miami-Dade, Duval, Escambia, and Volusia.

4211 Section 104. Subsection (4) of section 43.16, Florida
4212 Statutes, is amended to read:

4213 43.16 Justice Administrative Commission; membership, powers
4214 and duties.—

4215 (4) (a) The Justice Administrative Commission shall employ
4216 an executive director and fix his or her salary. The executive
4217 director shall employ any necessary personnel for the efficient
4218 performance of the commission according to a classification and
4219 pay plan annually approved by the commission.

4220 (b) Pursuant to s. 110.205(2)(r), all employees of ~~or~~
4221 ~~within~~ the commission are exempt from the Civil Career Service
4222 ~~System provided in chapter 110~~ and, notwithstanding s.
4223 110.205(3) ~~110.205(5)~~, are not included in the Senior Management
4224 Service or the Selected Exempt Service. The commission shall
4225 annually approve a classification plan and salary and benefits
4226 plan.

4227 (c) Employees in permanent positions must be offered
4228 benefits comparable to those offered under the Civil Career
4229 Service ~~System~~.

4230 (d) The commission may offer benefits greater than ~~in~~
4231 ~~excess of~~ those offered under the Civil Career Service ~~System~~
4232 only to employees who are appointed to positions designated as
4233 having managerial or policymaking duties or positions requiring
4234 membership in The Florida Bar.

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4235 (e) By January 15 ~~15th~~ of each year, the commission shall
4236 submit to the Executive Office of the Governor, the President of
4237 the Senate, and the Speaker of the House of Representatives a
4238 listing of all positions receiving benefits greater than those
4239 ~~benefits~~ offered under the Civil Career Service ~~System~~. Any
4240 change in the positions that are offered greater benefits or any
4241 change in the level of benefits is subject to the notice and
4242 objection procedures of s. 216.177.

4243 Section 105. Subsection (4) of section 104.31, Florida
4244 Statutes, is amended to read:

4245 104.31 Political activities of state, county, and municipal
4246 officers and employees.—

4247 (4) Nothing contained in this section or in any county or
4248 municipal charter shall be deemed to prohibit any public
4249 employee from expressing his or her opinions on any candidate or
4250 issue or from participating in any political campaign during the
4251 employee's off-duty hours, so long as such activities are not in
4252 conflict with ~~the provisions of~~ subsection (1) or s. 110.1075
4253 ~~110.233~~.

4254 Section 106. Subsection (4) of section 106.24, Florida
4255 Statutes, is amended to read:

4256 106.24 Florida Elections Commission; membership; powers;
4257 duties.—

4258 (4) The commission shall appoint an executive director, who
4259 shall serve under the direction, supervision, and control of the
4260 commission. The executive director, with the consent of the
4261 commission, shall employ such staff as are necessary to
4262 adequately perform the functions of the commission, within
4263 budgetary limitations. All employees, except the executive

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4264 director and attorneys, are subject to part II of chapter 110.
4265 The executive director shall serve at the pleasure of the
4266 commission and is ~~be~~ subject to part IV ~~III~~ of chapter 110,
4267 except that the commission shall have complete authority for
4268 setting the executive director's salary. Attorneys employed by
4269 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter
4270 110.

4271 Section 107. Subsection (4) of section 112.044, Florida
4272 Statutes, is amended to read:

4273 112.044 Public employers, employment agencies, labor
4274 organizations; discrimination based on age prohibited;
4275 exceptions; remedy.—

4276 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the
4277 state ~~who is~~ within the Civil Career Service System established
4278 by chapter 110 ~~and~~ who is aggrieved by a violation of this act
4279 may appeal to the Public Employees Relations Commission under
4280 the conditions and following the procedures prescribed in part
4281 II of chapter 447. Any person other than an employee ~~who is~~
4282 within the Civil Career Service System ~~established by chapter~~
4283 ~~110~~, or any person employed by the Public Employees Relations
4284 Commission, who is aggrieved by a violation of this act may
4285 bring a civil action ~~in any court of competent jurisdiction~~ for
4286 such legal or equitable relief as will effectuate the purposes
4287 of this act.

4288 Section 108. Section 112.0805, Florida Statutes, is amended
4289 to read:

4290 112.0805 Employer notice of insurance eligibility to
4291 employees who retire.—An ~~Any~~ employer who provides insurance
4292 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify

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4293 those employees who retire of their eligibility to participate
4294 in either the same group insurance plan or self-insurance plan
4295 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the
4296 insurance coverage ~~as~~ provided by this law.

4297 Section 109. Paragraph (a) of subsection (9) of section
4298 112.313, Florida Statutes, is amended to read:

4299 112.313 Standards of conduct for public officers, employees
4300 of agencies, and local government attorneys.—

4301 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
4302 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

4303 (a)1. It is the intent of the Legislature to implement by
4304 statute the provisions of s. 8(e), Art. II of the State
4305 Constitution relating to legislators, statewide elected
4306 officers, appointed state officers, and designated public
4307 employees.

4308 2. As used in this paragraph:

4309 a. "Employee" means:

4310 (I) Any person employed in the executive or legislative
4311 branch of government holding a position in the Senior Management
4312 Service as defined in s. 110.402 or any person holding a
4313 position in the Selected Exempt Service as defined in s.
4314 110.3021 ~~110.602~~ or any person having authority over policy or
4315 procurement employed by the Department of the Lottery.

4316 (II) The Auditor General, the director of the Office of
4317 Program Policy Analysis and Government Accountability, the
4318 Sergeant at Arms and Secretary of the Senate, and the Sergeant
4319 at Arms and Clerk of the House of Representatives.

4320 (III) The executive director and deputy executive director
4321 of the Commission on Ethics.

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4322 (IV) An executive director, staff director, or deputy staff
4323 director of each joint committee, standing committee, or select
4324 committee of the Legislature; an executive director, staff
4325 director, executive assistant, analyst, or attorney of the
4326 Office of the President of the Senate, the Office of the Speaker
4327 of the House of Representatives, the Senate Majority Party
4328 Office, Senate Minority Party Office, House Majority Party
4329 Office, or House Minority Party Office; or any person, hired on
4330 a contractual basis, having the power normally conferred upon
4331 such persons, by whatever title.

4332 (V) The Chancellor and Vice Chancellors of the State
4333 University System; the general counsel to the Board of Governors
4334 of the State University System; and the president, provost, vice
4335 presidents, and deans of each state university.

4336 (VI) Any person, including an other-personal-services
4337 employee, having the power normally conferred upon the positions
4338 referenced in this sub-subparagraph.

4339 b. "Appointed state officer" means any member of an
4340 appointive board, commission, committee, council, or authority
4341 of the executive or legislative branch of state government whose
4342 powers, jurisdiction, and authority are not solely advisory and
4343 include the final determination or adjudication of any personal
4344 or property rights, duties, or obligations, other than those
4345 relative to its internal operations.

4346 c. "State agency" means an entity of the legislative,
4347 executive, or judicial branch of state government over which the
4348 Legislature exercises plenary budgetary and statutory control.

4349 3. A ~~No~~ member of the Legislature, appointed state officer,
4350 or statewide elected officer may not ~~shall~~ personally represent

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4351 another person or entity for compensation before the government
4352 body or agency of which the individual was an officer or member
4353 for ~~a period of~~ 2 years following vacation of office. A ~~No~~
4354 member of the Legislature may not ~~shall~~ personally represent
4355 another person or entity for compensation during his or her term
4356 of office before any state agency other than judicial tribunals
4357 or in settlement negotiations after the filing of a lawsuit.

4358 4. An agency employee, including an agency employee who was
4359 employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~
4360 position that was transferred to the Selected Exempt Service
4361 ~~System~~ under chapter 2001-43, Laws of Florida, may not
4362 personally represent another person or entity for compensation
4363 before the agency with which he or she was employed for ~~a period~~
4364 ~~of~~ 2 years following vacation of position, unless employed by
4365 another agency of state government.

4366 5. Any person violating this paragraph is ~~shall be~~ subject
4367 to the penalties provided in s. 112.317 and a civil penalty ~~of~~
4368 ~~an amount~~ equal to the compensation that ~~which~~ the person
4369 receives for the prohibited conduct.

4370 6. This paragraph is not applicable to:

4371 a. A person employed by the Legislature or other agency
4372 before ~~prior to~~ July 1, 1989;

4373 b. A person who was employed by the Legislature or other
4374 agency on July 1, 1989, whether or not the person was a defined
4375 employee on July 1, 1989;

4376 c. A person who was a defined employee of the State
4377 University System or the Public Service Commission who held such
4378 employment on December 31, 1994;

4379 d. A person who has reached normal retirement age as

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4380 defined in s. 121.021(29), and who has retired under the
4381 provisions of chapter 121 by July 1, 1991; or

4382 e. Any appointed state officer whose term of office began
4383 before January 1, 1995, unless reappointed to that office on or
4384 after January 1, 1995.

4385 Section 110. Paragraph (b) of subsection (1) of section
4386 112.3145, Florida Statutes, is amended to read:

4387 112.3145 Disclosure of financial interests and clients
4388 represented before agencies.—

4389 (1) For purposes of this section, unless the context
4390 otherwise requires, the term:

4391 (b) "Specified state employee" means:

4392 1. Public counsel created by chapter 350, an assistant
4393 state attorney, an assistant public defender, a full-time state
4394 employee who serves as counsel or assistant counsel to any state
4395 agency, the Deputy Chief Judge of Compensation Claims, a judge
4396 of compensation claims, an administrative law judge, or a
4397 hearing officer.

4398 2. Any person employed in the office of the Governor or in
4399 the office of any member of the Cabinet if that person is exempt
4400 from the Civil Career Service System, except persons employed in
4401 clerical, secretarial, or similar positions.

4402 3. The State Surgeon General or each appointed secretary,
4403 assistant secretary, deputy secretary, executive director,
4404 assistant executive director, or deputy executive director of
4405 each state department, commission, board, or council; unless
4406 otherwise provided, the division director, assistant division
4407 director, deputy director, bureau chief, and assistant bureau
4408 chief of any state department or division; or any person having

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4409 the power normally conferred upon such persons, by whatever
4410 title.

4411 4. The superintendent or institute director of a state
4412 mental health institute established for training and research in
4413 the mental health field or the warden or director of any major
4414 state institution or facility established for corrections,
4415 training, treatment, or rehabilitation.

4416 5. Business managers, purchasing agents having the power to
4417 make any purchase exceeding the threshold amount provided for in
4418 s. 287.017 for CATEGORY ONE, finance and accounting directors,
4419 personnel officers, or grants coordinators for any state agency.

4420 6. Any person, other than a legislative assistant exempted
4421 by the presiding officer of the house that employs ~~by which~~ the
4422 legislative assistant ~~is employed~~, who is employed in the
4423 legislative branch of government, except persons employed in
4424 maintenance, clerical, secretarial, or similar positions.

4425 7. Each employee of the Commission on Ethics.

4426 Section 111. Paragraph (a) of subsection (2) of section
4427 112.363, Florida Statutes, is amended to read:

4428 112.363 Retiree health insurance subsidy.—

4429 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4430 (a) A person who is retired under a state-administered
4431 retirement system, or a beneficiary who is a spouse or financial
4432 dependent entitled to receive benefits under a state-
4433 administered retirement system, is eligible for health insurance
4434 subsidy payments ~~provided~~ under this section; except that
4435 pension recipients under ss. 121.40, 238.07(18) (a), and 250.22,
4436 recipients of health insurance coverage under s. 112.947
4437 ~~110.1232~~, or any other special pension or relief act are ~~shall~~

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4438 not ~~be~~ eligible for such payments.

4439 Section 112. Subsections (11) and (38) of section 121.021,
4440 Florida Statutes, are amended to read:

4441 121.021 Definitions.—The following words and phrases as
4442 used in this chapter have the respective meanings set forth
4443 unless a different meaning is plainly required by the context:

4444 (11) "Officer or employee" means any person receiving
4445 salary payments for work performed in a regularly established
4446 position and, if employed by a municipality, a metropolitan
4447 planning organization, or a special district, employed in a
4448 covered group. The term does not apply to state employees
4449 covered by a leasing agreement under s. 112.922 ~~110.191~~, other
4450 public employees covered by a leasing agreement, or a coemployer
4451 relationship.

4452 (38) "Continuous service" means creditable service as a
4453 member, beginning with the first day of employment with an
4454 employer covered under a state-administered retirement system
4455 consolidated herein and continuing for as long as the member
4456 remains in an employer-employee relationship with the ~~an~~
4457 employer ~~covered under this chapter~~. An absence of 1 calendar
4458 month or more from an employer's payroll is ~~shall be~~ considered
4459 a break in continuous service, except for periods of absence
4460 during which an employer-employee relationship continues to
4461 exist and such period of absence is creditable under this
4462 chapter or under one of the existing systems consolidated
4463 herein. However, a law enforcement officer as defined in s.
4464 121.0515(3) (a) who was a member of a state-administered
4465 retirement system under chapter 122 or chapter 321 and who
4466 resigned and was subsequently reemployed in a law enforcement

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4467 position within 12 calendar months of such resignation by an
4468 employer under a such state-administered retirement system is
4469 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.
4470 Further, with respect to a state-employed law enforcement
4471 officer who meets the criteria specified in s. 121.0515(3) (a),
4472 if the absence from the employer's payroll is the result of a
4473 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to
4474 run for an elected office that meets the criteria specified in
4475 s. 121.0515(3) (a), no break in continuous service shall be
4476 deemed to have occurred if the member is reemployed as a state
4477 law enforcement officer or is elected to an office that ~~which~~
4478 meets the criteria specified in s. 121.0515(3) (a) within 12
4479 calendar months after the date of the layoff or resignation,
4480 notwithstanding the fact that such period of layoff or
4481 resignation is not creditable service under this chapter. A
4482 withdrawal of contributions constitutes ~~will constitute~~ a break
4483 in service. Continuous service also includes past service
4484 purchased under this chapter if, ~~provided such~~ service is
4485 continuous ~~within this definition~~ and the rules established by
4486 the administrator. The administrator may establish
4487 administrative rules and procedures for applying this definition
4488 to creditable service authorized under this chapter. Any
4489 correctional officer, as defined in s. 943.10, whose
4490 participation in the state-administered retirement system is
4491 terminated due to the transfer of a county detention facility
4492 through a contractual agreement with a private entity pursuant
4493 to s. 951.062, is ~~shall be~~ deemed an employee with continuous
4494 service in the Special Risk Class if, ~~provided~~ return to
4495 employment with the former employer takes place within 3 years

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4496 due to contract termination or the officer is employed by a
4497 covered employer in a special risk position within 1 year after
4498 his or her initial termination of employment by such transfer of
4499 its detention facilities to the private entity.

4500 Section 113. Paragraph (f) of subsection (2) of section
4501 121.051, Florida Statutes, is amended to read:

4502 121.051 Participation in the system.—

4503 (2) OPTIONAL PARTICIPATION.—

4504 (f)1. If an employer that participates in the Florida
4505 Retirement System undertakes the transfer, merger, or
4506 consolidation of governmental services or assumes the functions
4507 and activities of an employing governmental entity that was not
4508 an employer under the system, the employer must notify the
4509 department at least 60 days before such action and provide
4510 documentation as required by the department. Such ~~The~~ transfer,
4511 merger, or consolidation ~~of governmental services or assumption~~
4512 ~~of governmental functions and activities~~ must occur between
4513 public employers. The current or former employer may pay the
4514 employees' past service cost, unless prohibited under this
4515 chapter. This subparagraph does not apply to the transfer,
4516 merger, or consolidation of governmental services or assumption
4517 of functions and activities of a public entity under a leasing
4518 agreement having a coemployer relationship. Employers and
4519 employees of a public governmental employer whose service is
4520 covered by a leasing agreement under s. 112.922 ~~110.191~~, any
4521 other leasing agreement, or a coemployer relationship may not
4522 ~~are not eligible to~~ participate in the Florida Retirement
4523 System.

4524 2. If the agency to which a member's employing unit is

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4525 transferred, merged, or consolidated does not participate in the
4526 Florida Retirement System, a member may elect in writing to
4527 remain in the ~~Florida Retirement~~ system or to transfer to the
4528 local retirement system operated by the agency. If the agency
4529 does not participate in a local retirement system, the member
4530 shall continue membership in the Florida Retirement System. In
4531 either case, membership continues for as long as the member is
4532 employed by the agency to which his or her unit was transferred,
4533 merged, or consolidated.

4534 Section 114. Paragraph (a) of subsection (1) of section
4535 121.055, Florida Statutes, is amended to read:

4536 121.055 Senior Management Service Class.—There is hereby
4537 established a separate class of membership within the Florida
4538 Retirement System to be known as the "Senior Management Service
4539 Class," which shall become effective February 1, 1987.

4540 (1) (a) Participation in the Senior Management Service Class
4541 is ~~shall be~~ limited to and compulsory for any member of the
4542 Florida Retirement System who holds a position in the Senior
4543 Management Service ~~of the State of Florida~~, established under ~~by~~
4544 part IV ~~III~~ of chapter 110, unless such member elects, within
4545 the time specified herein, to participate in the Senior
4546 Management Service Optional Annuity Program as established in
4547 subsection (6).

4548 Section 115. Paragraph (a) of subsection (2) of section
4549 121.35, Florida Statutes, is amended to read:

4550 121.35 Optional retirement program for the State University
4551 System.—

4552 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4553 (a) Participation in the optional retirement program is

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4554 ~~provided by this section shall be~~ limited to persons who are
4555 otherwise eligible for membership or renewed membership in the
4556 Florida Retirement System and who are employed in one of the
4557 following State University System positions:

4558 1. Positions classified as instructional and research
4559 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~
4560 ~~provisions of~~ s. 110.205(2) (d).

4561 2. Positions classified as administrative and professional
4562 which are exempt from the Civil ~~career~~ Service under ~~the~~
4563 ~~provisions of~~ s. 110.205(2) (d).

4564 3. The Chancellor and the university presidents.

4565 Section 116. Section 145.19, Florida Statutes, is amended
4566 to read:

4567 145.19 Annual percentage increases based on increase for
4568 civil ~~state-career~~ service employees; limitation.—

4569 (1) As used in this section, the term:

4570 (a) "Annual factor" means 1 plus the lesser of:

4571 1. The average percentage increase in the salaries of civil
4572 ~~state-career~~ service employees for the current fiscal year as
4573 determined by the Department of Management Services or as
4574 provided in the General Appropriations Act; or

4575 2. Seven percent.

4576 (b) "Cumulative annual factor" means the product of all
4577 annual factors certified under this act before ~~prior to~~ the
4578 fiscal year for which salaries are being calculated.

4579 (c) "Initial factor" means a factor of 1.292, which is a
4580 product, rounded to the nearest thousandth, of an earlier cost-
4581 of-living increase factor authorized by chapter 73-173, Laws of
4582 Florida, and intended by the Legislature to be preserved in

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4583 adjustments to salaries made before the ~~prior to~~ enactment of
4584 chapter 76-80, Laws of Florida, multiplied by the annual
4585 increase factor authorized by chapter 79-327, Laws of Florida.

4586 (2) Each fiscal year, the salaries of all officials listed
4587 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
4588 The adjusted salary rate is ~~shall be~~ the product, rounded to the
4589 nearest dollar, of the salary rate granted by the appropriate
4590 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
4591 first by the initial factor, then by the cumulative annual
4592 factor, and finally by the annual factor. The Department of
4593 Management Services shall certify the annual factor and the
4594 cumulative annual factors. Any special qualification salary
4595 received under this chapter, s. 1001.47, or the annual
4596 performance salary incentive available to elected
4597 superintendents under s. 1001.47 shall be added to the such
4598 adjusted salary rate. The special qualification salary is ~~shall~~
4599 ~~be \$2,000, but shall not exceed \$2,000.~~

4600 Section 117. Subsection (2) of section 216.011, Florida
4601 Statutes, is amended to read:

4602 216.011 Definitions.—

4603 (2) For purposes of this chapter, terms related to the
4604 State Personnel System are ~~personnel affairs of the state~~ shall
4605 ~~be~~ defined as set forth in s. 110.1054 ~~110.107~~.

4606 Section 118. Paragraph (b) of subsection (10) of section
4607 216.181, Florida Statutes, is amended to read:

4608 216.181 Approved budgets for operations and fixed capital
4609 outlay.—

4610 (10)

4611 (b) Lump-sum salary bonuses may be provided only if

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4612 specifically appropriated or provided pursuant to ~~s. 110.1245~~ or
4613 s. 216.1815.

4614 Section 119. Subsection (2) of section 260.0125, Florida
4615 Statutes, is amended to read:

4616 260.0125 Limitation on liability of private landowners
4617 whose property is designated as part of the statewide system of
4618 greenways and trails.—

4619 (2) A ~~Any~~ private landowner who consents to designation of
4620 his or her land as part of the statewide system of greenways and
4621 trails pursuant to s. 260.016(2)(d) without compensation is
4622 ~~shall be~~ considered a volunteer, as defined in s. 112.961
4623 ~~110.501~~, and is ~~shall be~~ covered by state liability protection
4624 pursuant to s. 768.28, ~~including s. 768.28(9)~~.

4625 Section 120. Section 287.175, Florida Statutes, is amended
4626 to read:

4627 287.175 Penalties.—A violation of this part or a rule
4628 adopted hereunder, pursuant to applicable constitutional and
4629 statutory procedures, constitutes misuse of public position as
4630 defined in s. 112.313(6), and is punishable as provided in s.
4631 112.317. The Chief Financial Officer shall report incidents of
4632 suspected misuse to the Commission on Ethics, and the commission
4633 shall investigate possible violations of this part or rules
4634 adopted hereunder when reported by the Chief Financial Officer,
4635 notwithstanding ~~the provisions of~~ s. 112.324. Any violation of
4636 this part or a rule is ~~adopted hereunder~~ shall be presumed to
4637 have been committed with wrongful intent, but such presumption
4638 is rebuttable. ~~Nothing in~~ This section is not intended to deny
4639 rights provided to civil ~~career~~ service employees by s. 110.227.

4640 Section 121. Paragraph (a) of subsection (4) of section

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4641 295.07, Florida Statutes, is amended to read:

4642 295.07 Preference in appointment and retention.—

4643 (4) The following positions are exempt from this section:

4644 (a) Those positions that are exempt from the Civil state
4645 ~~Career Service System~~ under s. 110.205.~~(2)~~; However, all
4646 positions under the University Support Personnel System of the
4647 State University System as well as all civil ~~Career~~ service
4648 ~~System~~ positions under the Florida Community College System and
4649 the School for the Deaf and the Blind, or the equivalent of such
4650 positions at state universities, community colleges, or the
4651 School for the Deaf and the Blind, are included.

4652 Section 122. Paragraph (a) of subsection (1) of section
4653 295.09, Florida Statutes, is amended to read:

4654 295.09 Reinstatement or reemployment; promotion
4655 preference.—

4656 (1) (a) If ~~When~~ an employee of the state or any of its
4657 political subdivisions employed in a position subject or not
4658 subject to a civil ~~career~~ service ~~system~~ or other merit-type
4659 system, with the exception of those positions that ~~which~~ are
4660 exempt pursuant to s. 295.07(4), has served in the Armed Forces
4661 of the United States and is discharged or separated ~~therefrom~~
4662 with an honorable discharge, the state or its political
4663 subdivision shall reemploy or reinstate such person to the same
4664 position that he or she held before ~~prior to~~ such service in the
4665 armed forces, or to an equivalent position, if ~~provided~~ such
4666 person returns to the position within 1 year after ~~of~~ his or her
4667 date of separation or, in cases of extended active duty, within
4668 1 year after ~~of~~ the date of discharge or separation subsequent
4669 to the extension. Such person shall also be awarded preference

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4670 in promotion and shall be promoted ahead of all others who are
4671 as well qualified or less qualified for the position. If ~~When~~ an
4672 examination for promotion is used ~~utilized~~, such person shall be
4673 awarded preference points, as provided in s. 295.08, and shall
4674 be promoted ahead of all those who appear in an equal or lesser
4675 position on the promotional register if, ~~provided~~ he or she
4676 first successfully passes the examination for the promotional
4677 position.

4678 Section 123. Subsection (3) of section 296.04, Florida
4679 Statutes, is amended to read:

4680 296.04 Administrator; duties and qualifications;
4681 responsibilities.—

4682 (3) The administrator position shall be assigned to the
4683 Selected Exempt Service under part III ~~V~~ of chapter 110. The
4684 director shall give veterans' preference in selecting an
4685 administrator, as provided in ss. 295.07 and 295.085. In
4686 addition, the administrator must have at least a 4-year degree
4687 from an accredited university or college and 3 years of
4688 administrative experience in a health care facility, or any
4689 equivalent combination of experience, training, and education
4690 totaling 7 years in work relating to administration of a health
4691 care facility.

4692 Section 124. Subsection (2) of section 296.34, Florida
4693 Statutes, is amended to read:

4694 296.34 Administrator; qualifications, duties, and
4695 responsibilities.—

4696 (2) The position shall be assigned to the Selected Exempt
4697 Service under part III ~~V~~ of chapter 110. The director shall give
4698 veterans preference in selecting an administrator, as provided

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4699 in ss. 295.07 and 295.085. The administrator, at the time of
4700 entering employment and at all times while employed as the
4701 administrator must hold a current valid license as a nursing
4702 home administrator under part II of chapter 468.

4703 Section 125. Subsection (2) of section 381.00315, Florida
4704 Statutes, is amended to read:

4705 381.00315 Public health advisories; public health
4706 emergencies.—The State Health Officer is responsible for
4707 declaring public health emergencies and issuing public health
4708 advisories.

4709 (2) Individuals who assist the State Health Officer at his
4710 or her request on a volunteer basis during a public health
4711 emergency are entitled to the benefits specified in s.
4712 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4713 Section 126. Paragraph (e) of subsection (3) of section
4714 381.85, Florida Statutes, is amended to read:

4715 381.85 Biomedical and social research.—

4716 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4717 (e) The council shall be staffed by an executive director
4718 and a secretary who shall be appointed by the council and who
4719 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter
4720 110 relating to the Civil Career Service System.

4721 Section 127. Paragraph (a) of subsection (3) of section
4722 394.47865, Florida Statutes, is amended to read:

4723 394.47865 South Florida State Hospital; privatization.—

4724 (3) (a) Current South Florida State Hospital employees who
4725 are affected by the privatization shall be given first
4726 preference for continued employment by the contractor. The
4727 department shall make reasonable efforts to find suitable job

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4728 placements for employees who wish to remain within the state
4729 Civil Career Service System.

4730 Section 128. Section 402.3057, Florida Statutes, is amended
4731 to read:

4732 402.3057 Persons not required to be refingerprinted or
4733 rescreened.—Notwithstanding any other provision of law ~~to the~~
4734 ~~contrary notwithstanding~~, human resource personnel who have been
4735 fingerprinted or screened pursuant to chapters 393, 394, 397,
4736 402, and 409, and teachers and noninstructional personnel who
4737 have been fingerprinted pursuant to chapter 1012, who have not
4738 been unemployed for more than 90 days thereafter, and who under
4739 the penalty of perjury attest to the completion of such
4740 fingerprinting or screening and to compliance with the
4741 provisions of this section and the standards for good moral
4742 character as contained in ~~such provisions as~~ ss. 112.928
4743 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and
4744 409.175(6), are ~~shall~~ not be required to be refingerprinted or
4745 rescreened in order to comply with any caretaker screening or
4746 fingerprinting requirements.

4747 Section 129. Paragraph (a) of subsection (2) of section
4748 402.55, Florida Statutes, is amended to read:

4749 402.55 Management fellows program.—

4750 (2) The departments are authorized to establish a
4751 management fellows program in order to provide highly qualified
4752 career candidates for key administrative and managerial
4753 positions in the departments. Such program shall include, but is
4754 not limited to:

4755 (a) The identification annually by the secretaries, the
4756 assistant secretaries, and the district administrator in each

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4757 district of one high-potential civil ~~career~~ service employee
4758 each, to be designated and appointed to serve as a full-time
4759 health and rehabilitative services management fellow for a
4760 ~~period of~~ 1 year.

4761 Section 130. Subsection (4) of section 402.7305, Florida
4762 Statutes, is amended to read:

4763 402.7305 Department of Children and Family Services;
4764 procurement of contractual services; contract management.-

4765 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.-The
4766 department shall establish contract monitoring units staffed by
4767 civil ~~career~~ service employees who report to a member of the
4768 Selected Exempt Service or Senior Management Service and who
4769 have been properly trained to perform contract monitoring. At
4770 least one member of the contract monitoring unit must possess
4771 specific knowledge and experience in the contract's program
4772 area. The department shall establish a contract monitoring
4773 process that includes, but is not limited to, the following
4774 requirements:

4775 (a) Performing a risk assessment at the start of each
4776 fiscal year and preparing an annual contract monitoring schedule
4777 that considers the level of risk assigned. The department may
4778 monitor any contract at any time regardless of whether such
4779 monitoring was originally included in the annual contract
4780 monitoring schedule.

4781 (b) Preparing a contract monitoring plan, including
4782 sampling procedures, before performing onsite monitoring at
4783 external locations of a service provider. The plan must include
4784 a description of the programmatic, fiscal, and administrative
4785 components that will be monitored on site. If appropriate,

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4786 clinical and therapeutic components may be included.

4787 (c) Conducting analyses of the performance and compliance
4788 of an external service provider by means of desk reviews if the
4789 external service provider will not be monitored on site during a
4790 fiscal year.

4791 (d) Unless the department sets forth in writing the need
4792 for an extension, providing a written report presenting the
4793 results of the monitoring within 30 days after the completion of
4794 the onsite monitoring or desk review.

4795 (e) Developing and maintaining a set of procedures
4796 describing the contract monitoring process.

4797
4798 Notwithstanding any other provision of this section, the
4799 department shall limit monitoring of a child-caring or child-
4800 placing services provider under this subsection to only once per
4801 year. Such monitoring may not duplicate administrative
4802 monitoring that is included in the survey of a child welfare
4803 provider conducted by a national accreditation organization
4804 specified under s. 402.7306(1).

4805 Section 131. Subsection (2) of section 402.731, Florida
4806 Statutes, is amended to read:

4807 402.731 Department of Children and Family Services
4808 certification programs for employees and service providers;
4809 employment provisions for transition to community-based care.—

4810 (2) The department shall develop and implement employment
4811 programs to attract and retain competent staff to support and
4812 facilitate the transition to privatized community-based care.
4813 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,
4814 salary incentives, relocation allowances, or severance pay. The

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4815 department shall also contract for the delivery or
4816 administration of outplacement services. The department shall
4817 establish time-limited exempt positions as provided in s.
4818 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority
4819 provided in s. 216.262(1)(c)1. Employees appointed to fill such
4820 exempt positions shall have the same salaries and benefits as
4821 civil ~~career~~ service employees.

4822 Section 132. Section 409.1757, Florida Statutes, is amended
4823 to read:

4824 409.1757 Persons not required to be refingerprinted or
4825 rescreened.—Notwithstanding any other provision of law ~~to the~~
4826 ~~contrary notwithstanding~~, human resource personnel who have been
4827 fingerprinted or screened pursuant to chapters 393, 394, 397,
4828 402, and this chapter, and teachers who have been fingerprinted
4829 pursuant to chapter 1012, who have not been unemployed for more
4830 than 90 days thereafter, and who under the penalty of perjury
4831 attest to the completion of such fingerprinting or screening and
4832 to compliance with ~~the provisions of~~ this section and the
4833 standards for good moral character as contained in such
4834 provisions as ss. 112.928 ~~110.1127(3)~~, 393.0655(1), 394.457(6),
4835 397.451, 402.305(2), and 409.175(6), are ~~shall~~ not be required
4836 to be refingerprinted or rescreened in order to comply with any
4837 caretaker screening or fingerprinting requirements.

4838 Section 133. Subsection (1) of section 409.9205, Florida
4839 Statutes, is amended to read:

4840 409.9205 Medicaid Fraud Control Unit.—

4841 (1) Except as provided in s. 110.205, all positions in the
4842 Medicaid Fraud Control Unit of the Department of Legal Affairs
4843 are ~~hereby~~ transferred to the Civil ~~Career~~ Service System.

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4844 Section 134. Section 414.37, Florida Statutes, is amended
4845 to read:

4846 414.37 Public assistance overpayment recovery
4847 privatization; reemployment of laid-off ~~career-service~~
4848 employees.—Should civil ~~career~~ service employees of the
4849 Department of Children and Family Services be subject to layoff
4850 after July 1, 1995, due to the privatization of public
4851 assistance overpayment recovery functions, the privatization
4852 contract must ~~shall~~ require the contracting firm to give
4853 priority consideration to employment of such employees. In
4854 addition, a task force composed of representatives from the
4855 Department of Children and Family Services and the Department of
4856 Management Services shall be established to provide reemployment
4857 assistance to such employees.

4858 Section 135. Subsection (7) of section 427.012, Florida
4859 Statutes, is amended to read:

4860 427.012 The Commission for the Transportation
4861 Disadvantaged.—There is created the Commission for the
4862 Transportation Disadvantaged in the Department of
4863 Transportation.

4864 (7) The commission shall appoint an executive director who
4865 shall serve under the direction, supervision, and control of the
4866 commission. The executive director, with the consent of the
4867 commission, shall employ such personnel as ~~may be~~ necessary to
4868 perform adequately the functions of the commission within
4869 budgetary limitations. Employees of the commission are exempt
4870 from the Civil ~~Career~~ Service System.

4871 Section 136. Paragraph (o) of subsection (1) of section
4872 440.102, Florida Statutes, is amended to read:

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4873 440.102 Drug-free workplace program requirements.—The
4874 following provisions apply to a drug-free workplace program
4875 implemented pursuant to law or to rules adopted by the Agency
4876 for Health Care Administration:

4877 (1) DEFINITIONS.—Except where the context otherwise
4878 requires, as used in this act:

4879 (o) "Safety-sensitive position" means, with respect to a
4880 public employer, a position in which a drug impairment
4881 constitutes an immediate and direct threat to public health or
4882 safety, such as a position that requires the employee to carry a
4883 firearm, perform life-threatening procedures, work with
4884 confidential information or documents pertaining to criminal
4885 investigations, or work with controlled substances; a position
4886 subject to s. 112.928 ~~110.1127~~; or a position in which a
4887 momentary lapse in attention could result in injury or death to
4888 another person.

4889 Section 137. Subsection (2) of section 447.203, Florida
4890 Statutes, is amended to read:

4891 447.203 Definitions.—As used in this part:

4892 (2) "Public employer" or "employer" means the state or any
4893 county, municipality, or special district, or any subdivision or
4894 agency thereof, which the commission determines has sufficient
4895 legal distinctiveness ~~properly~~ to properly carry out the
4896 functions of a public employer. With respect to all public
4897 employees determined by the commission as properly belonging to
4898 a statewide bargaining unit composed of state civil ~~Career~~
4899 ~~System~~ employees or selected exempt ~~Professional~~ service
4900 employees, the Governor is ~~shall be deemed to be~~ the public
4901 employer; and the Board of Governors of the State University

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4902 System, or the board's designee, ~~is shall be deemed to be~~ the
4903 public employer with respect to all public employees of each
4904 constituent state university. The board of trustees of a
4905 community college ~~is shall be deemed to be~~ the public employer
4906 with respect to all employees of the community college. The
4907 district school board ~~is shall be deemed to be~~ the public
4908 employer with respect to all employees of the school district.
4909 The Board of Trustees of the Florida School for the Deaf and the
4910 Blind ~~is shall be deemed to be~~ the public employer with respect
4911 to the academic and academic administrative personnel of the
4912 Florida School for the Deaf and the Blind. The Governor ~~is shall~~
4913 ~~be deemed to be~~ the public employer with respect to all
4914 employees in the Correctional Education Program of the
4915 Department of Corrections established pursuant to s. 944.801.

4916 Section 138. Subsection (8) and paragraph (a) of subsection
4917 (9) of section 447.207, Florida Statutes, are amended to read:

4918 447.207 Commission; powers and duties.—

4919 (8) The commission or its designated agent shall hear
4920 appeals arising out of any suspension, reduction in pay,
4921 demotion, or dismissal of any permanent employee in the Civil
4922 ~~State Career Service System~~ in the manner provided in s.
4923 110.227.

4924 (9) Pursuant to s. 447.208, the commission or its
4925 designated agent shall hear appeals, and enter such orders as it
4926 deems appropriate, arising out of:

4927 ~~(a) Section 110.124, relating to termination or transfer of~~
4928 ~~State Career Service System employees aged 65 or older.~~

4929 (a) ~~(b)~~ Section 112.044(4), relating to age discrimination.

4930 (b) ~~(c)~~ Section 295.11, relating to reasons for not

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4931 employing a preferred veteran applicant.

4932 Section 139. Section 447.209, Florida Statutes, is amended
4933 to read:

4934 447.209 Public employer's rights.—It is the right of the
4935 public employer to determine unilaterally the purpose of each of
4936 its constituent agencies, set standards of services to be
4937 offered to the public, and exercise control and discretion over
4938 its organization and operations. It is also the right of the
4939 public employer to direct its employees, take disciplinary
4940 action for proper cause, and relieve its employees from duty
4941 because of lack of work or for other legitimate reasons.
4942 However, the exercise of such rights does ~~shall~~ not preclude
4943 employees or their representatives from raising grievances,
4944 should decisions on the above matters have the practical
4945 consequence of violating the terms and conditions of any
4946 collective bargaining agreement in force or any civil ~~or career~~
4947 service rule ~~regulation~~.

4948 Section 140. Section 447.401, Florida Statutes, is amended
4949 to read:

4950 447.401 Grievance procedures.—Each public employer and
4951 bargaining agent shall negotiate a grievance procedure to be
4952 used for the settlement of disputes between employer and
4953 employee, or group of employees, involving the interpretation or
4954 application of a collective bargaining agreement. Such grievance
4955 procedure shall have as its terminal step a final and binding
4956 disposition by an impartial neutral, mutually selected by the
4957 parties; however, if ~~when~~ the issue under appeal is an
4958 allegation of abuse, abandonment, or neglect by an employee
4959 under s. 39.201 or s. 415.1034, the grievance may not be decided

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4960 until the abuse, abandonment, or neglect of a child has been
4961 judicially determined. However, an arbiter or other neutral may
4962 ~~shall not have the power to~~ add to, subtract from, modify, or
4963 alter the terms of a collective bargaining agreement. If an
4964 employee organization is certified as the bargaining agent of a
4965 unit, the grievance procedure ~~then~~ in existence may be the
4966 subject of collective bargaining, and any agreement that ~~which~~
4967 is reached supersedes ~~shall supersede~~ the previously existing
4968 procedure. All public employees shall have the right to a fair
4969 and equitable grievance procedure administered without regard to
4970 membership or nonmembership in any organization, except that
4971 certified employee organizations may ~~shall~~ not be required to
4972 process grievances for employees who are not members of the
4973 organization. A civil ~~career~~ service employee may use ~~shall have~~
4974 ~~the option of utilizing~~ the civil service appeal procedure, an
4975 unfair labor practice procedure, or a grievance procedure
4976 established under this section, but such employee may not avail
4977 ~~is precluded from availing~~ himself or herself of ~~to~~ more than
4978 one of these procedures.

4979 Section 141. Paragraph (a) of subsection (2) of section
4980 456.048, Florida Statutes, is amended to read:

4981 456.048 Financial responsibility requirements for certain
4982 health care practitioners.—

4983 (2) The board or department may grant exemptions upon
4984 application by practitioners meeting any of the following
4985 criteria:

4986 (a) Any person licensed under chapter 457, s. 458.3475, s.
4987 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
4988 chapter 467 who practices exclusively as an officer, employee,

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4989 or agent of the Federal Government or of the state or its
4990 agencies or its subdivisions. For the purposes of this
4991 subsection, an agent of the state, its agencies, or its
4992 subdivisions is a person who is eligible for coverage under any
4993 self-insurance or insurance program authorized by ~~the provisions~~
4994 ~~of~~ s. 768.28(16) or who is a volunteer as defined in s. 112.961
4995 ~~under s. 110.501(1).~~

4996 Section 142. Section 551.116, Florida Statutes, is amended
4997 to read:

4998 551.116 Days and hours of operation.—Slot machine gaming
4999 areas may be open daily throughout the year. The slot machine
5000 gaming areas may be open a total ~~cumulative amount~~ of 18 hours
5001 per day on Monday through Friday, ~~and~~ 24 hours per day on
5002 Saturday and Sunday, and on those holidays specified in s.
5003 112.929 ~~110.117(1).~~

5004 Section 143. Subsection (29) of section 570.07, Florida
5005 Statutes, is amended to read:

5006 570.07 Department of Agriculture and Consumer Services;
5007 functions, powers, and duties.—The department shall have and
5008 exercise the following functions, powers, and duties:

5009 (29) To advance funds monthly to civil ~~career~~ service
5010 employees to be used for the purchase of official state samples
5011 for state examination. Each monthly advance shall be ~~in an~~
5012 ~~amount~~ equal to one-twelfth of the actual expenses paid the
5013 position for samples in the previous fiscal year or, in the case
5014 of a new position, one-twelfth of the expenses paid for samples
5015 of a similar classification in the previous fiscal year;
5016 however, in the event of unusual circumstances, such advances
5017 may be increased for up to ~~a period not to exceed~~ 60 days.

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5018 Advances shall be granted only to civil ~~career~~ service employees
5019 who have executed a proper power of attorney with the department
5020 to ensure the collection of such advances if not timely repaid.

5021 Section 144. Paragraph (b) of subsection (3) of section
5022 601.10, Florida Statutes, is amended to read:

5023 601.10 Powers of the Department of Citrus.—The Department
5024 of Citrus shall have and shall exercise such general and
5025 specific powers as are delegated to it by this chapter and other
5026 statutes of the state, which powers shall include, but shall not
5027 be confined to, the following:

5028 (3) To employ and, at its pleasure, discharge an executive
5029 director as it deems necessary and to outline his or her powers
5030 and duties and fix his or her compensation.

5031 (b) The Department of Citrus may pay, or participate in the
5032 payment of, premiums for health, accident, and life insurance
5033 for its full-time employees, pursuant to such rules ~~or~~
5034 ~~regulations~~ as it may adopt; and such payments are in addition
5035 to the regular salaries of such full-time employees. The payment
5036 of such or similar benefits to its employees in foreign
5037 countries, including, but not limited to, social security,
5038 retirement, and other similar fringe benefit costs, may be in
5039 accordance with laws in effect in the country of employment,
5040 except that ~~no benefits will be payable to employees not~~
5041 ~~authorized for other state employees~~ are not payable to its
5042 employees, as provided in the Civil Career Service System.

5043 Section 145. Subsection (6) of section 624.307, Florida
5044 Statutes, is amended to read:

5045 624.307 General powers; duties.—

5046 (6) The department and office may each employ actuaries who

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5047 shall be at-will employees and who shall serve at the pleasure
5048 of the Chief Financial Officer, in the case of department
5049 employees, or at the pleasure of the director of the office, in
5050 the case of office employees. Actuaries employed pursuant to
5051 this paragraph must ~~shall~~ be members of the Society of Actuaries
5052 or the Casualty Actuarial Society and are ~~shall be~~ exempt from
5053 the Civil Career Service System established under chapter 110.
5054 The salaries of the actuaries employed pursuant to this
5055 paragraph ~~shall be set in accordance with s. 216.251(2)(a)5. and~~
5056 shall be set at levels ~~which are~~ commensurate with those ~~salary~~
5057 ~~levels~~ paid to actuaries by the insurance industry.

5058 Section 146. Subsection (3) of section 624.437, Florida
5059 Statutes, is amended to read:

5060 624.437 "Multiple-employer welfare arrangement" defined;
5061 certificate of authority required; penalty.-

5062 (3) This section does not apply to a multiple-employer
5063 welfare arrangement that ~~which~~ offers or provides benefits that
5064 ~~which~~ are fully insured by an authorized insurer, to an
5065 arrangement that ~~which~~ is exempt from state insurance regulation
5066 in accordance with Pub. L. No. 93-406, the Employee Retirement
5067 Income Security Act, or to the state group health insurance
5068 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

5069 Section 147. Paragraph (h) of subsection (4) of section
5070 627.6488, Florida Statutes, is amended to read:

5071 627.6488 Florida Comprehensive Health Association.-

5072 (4) The association shall:

5073 (h) Contract with preferred provider organizations and
5074 health maintenance organizations giving due consideration to
5075 those ~~the preferred provider organizations and health~~

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5076 ~~maintenance~~ organizations that ~~which~~ have contracted with the
5077 state group health insurance program pursuant to s. 112.942
5078 ~~110.123~~. If cost-effective and available in the county where the
5079 policyholder resides, the board, upon application or renewal of
5080 a policy, shall place a high-risk individual, as established
5081 under s. 627.6498(4)(a)4., with the plan case manager who shall
5082 determine the most cost-effective quality care system or health
5083 care provider and shall place the individual in such system or
5084 with such health care provider. If cost-effective and available
5085 in the county where the policyholder resides, the board, with
5086 the consent of the policyholder, may place a low-risk or medium-
5087 risk individual, as established under s. 627.6498(4)(a)4., with
5088 the plan case manager who may determine the most cost-effective
5089 quality care system or health care provider and shall place the
5090 individual in such system or with such health care provider.
5091 Before ~~Prior to~~ and during the implementation of case
5092 management, the plan case manager shall obtain input from the
5093 policyholder, parent, or guardian.

5094 Section 148. Paragraph (a) of subsection (1) of section
5095 627.649, Florida Statutes, is amended to read:

5096 627.649 Administrator.—

5097 (1) The board shall select an administrator, through a
5098 competitive bidding process, to administer the plan. The board
5099 shall evaluate bids submitted under this subsection based on
5100 criteria established by the board, which criteria shall include:

5101 (a) The administrator's proven ability to handle large
5102 group accident and health insurance. ~~and~~ Due consideration
5103 shall be given to an ~~any~~ administrator who has acted as a third-
5104 party administrator for the state group health insurance program

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5105 pursuant to s. 112.942 ~~110.123~~.

5106 Section 149. Paragraph (a) of subsection (2) and subsection
5107 (3) of section 627.6498, Florida Statutes, are amended to read:

5108 627.6498 Minimum benefits coverage; exclusions; premiums;
5109 deductibles.—

5110 (2) BENEFITS.—

5111 (a) The plan shall offer major medical expense coverage
5112 similar to that provided by the state group health insurance
5113 program under s. 112.942, ~~as defined in s. 110.123~~ except as
5114 specified in subsection (3), to every eligible person who is not
5115 eligible for Medicare. Major medical expense coverage offered
5116 under the plan ~~must~~ shall pay an eligible person's covered
5117 expenses, subject to limits on the deductible and coinsurance
5118 payments authorized under subsection (4), up to a lifetime limit
5119 of \$500,000 per covered individual. The maximum limit ~~may under~~
5120 this paragraph shall not be altered by the board, and ~~an~~ no
5121 actuarially equivalent benefit may ~~not~~ be substituted by the
5122 board.

5123 (3) COVERED EXPENSES.—The coverage ~~to be~~ issued by the
5124 association must ~~shall~~ be patterned after the state group health
5125 insurance program as provided in s. 112.942 ~~defined in s.~~
5126 ~~110.123~~, including its benefits, exclusions, and other
5127 limitations, except as otherwise provided in this act. The plan
5128 may cover the cost of experimental drugs that ~~which~~ have been
5129 approved for use by the Food and Drug Administration on an
5130 experimental basis if the cost is less than the usual and
5131 customary treatment. Such coverage applies ~~shall~~ only apply to
5132 those insureds who are in the case management system upon the
5133 approval of the insured, the case manager, and the board.

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5134 Section 150. Subsection (4) of section 627.6617, Florida
5135 Statutes, is amended to read:

5136 627.6617 Coverage for home health care services.—

5137 (4) The provisions of this section do ~~shall~~ not apply to a
5138 multiple-employer welfare arrangement as defined in s.
5139 624.437(1) and in the State Health Plan as provided in s.
5140 112.942 ~~110.123~~.

5141 Section 151. Paragraph (d) of subsection (2) of section
5142 627.6686, Florida Statutes, is amended to read:

5143 627.6686 Coverage for individuals with autism spectrum
5144 disorder required; exception.—

5145 (2) As used in this section, the term:

5146 (d) "Health insurance plan" means a group health insurance
5147 policy or group health benefit plan offered by an insurer which
5148 includes the state group insurance program provided under s.
5149 112.942 ~~110.123~~. The term does not include a any health
5150 insurance plan offered in the individual market which, ~~any~~
5151 ~~health insurance plan that~~ is individually underwritten, ~~or any~~
5152 ~~health insurance plan~~ provided to a small employer.

5153 Section 152. Paragraph (b) of subsection (7) of section
5154 849.086, Florida Statutes, is amended to read:

5155 849.086 Cardrooms authorized.—

5156 (7) CONDITIONS FOR OPERATING A CARDROOM.—

5157 (b) A ~~Any~~ cardroom operator may operate a cardroom at the
5158 pari-mutuel facility daily throughout the year, if the
5159 permitholder meets the requirements under paragraph (5) (b). The
5160 cardroom may be open a total ~~cumulative amount~~ of 18 hours per
5161 day on Monday through Friday, ~~and~~ 24 hours per day on Saturday
5162 and Sunday, and on the holidays specified in s. 112.929

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5163 ~~110.117(1).~~

5164 Section 153. Paragraph (a) of subsection (4) of section
5165 943.0585, Florida Statutes, is amended to read:

5166 943.0585 Court-ordered expunction of criminal history
5167 records.—The courts of this state have jurisdiction over their
5168 own procedures, including the maintenance, expunction, and
5169 correction of judicial records containing criminal history
5170 information to the extent such procedures are not inconsistent
5171 with the conditions, responsibilities, and duties established by
5172 this section. Any court of competent jurisdiction may order a
5173 criminal justice agency to expunge the criminal history record
5174 of a minor or an adult who complies with the requirements of
5175 this section. The court shall not order a criminal justice
5176 agency to expunge a criminal history record until the person
5177 seeking to expunge a criminal history record has applied for and
5178 received a certificate of eligibility for expunction pursuant to
5179 subsection (2). A criminal history record that relates to a
5180 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
5181 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
5182 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
5183 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
5184 any violation specified as a predicate offense for registration
5185 as a sexual predator pursuant to s. 775.21, without regard to
5186 whether that offense alone is sufficient to require such
5187 registration, or for registration as a sexual offender pursuant
5188 to s. 943.0435, may not be expunged, without regard to whether
5189 adjudication was withheld, if the defendant was found guilty of
5190 or pled guilty or nolo contendere to the offense, or if the
5191 defendant, as a minor, was found to have committed, or pled

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5192 guilty or nolo contendere to committing, the offense as a
5193 delinquent act. The court may only order expunction of a
5194 criminal history record pertaining to one arrest or one incident
5195 of alleged criminal activity, except as provided in this
5196 section. The court may, at its sole discretion, order the
5197 expunction of a criminal history record pertaining to more than
5198 one arrest if the additional arrests directly relate to the
5199 original arrest. If the court intends to order the expunction of
5200 records pertaining to such additional arrests, such intent must
5201 be specified in the order. A criminal justice agency may not
5202 expunge any record pertaining to such additional arrests if the
5203 order to expunge does not articulate the intention of the court
5204 to expunge a record pertaining to more than one arrest. This
5205 section does not prevent the court from ordering the expunction
5206 of only a portion of a criminal history record pertaining to one
5207 arrest or one incident of alleged criminal activity.
5208 Notwithstanding any law to the contrary, a criminal justice
5209 agency may comply with laws, court orders, and official requests
5210 of other jurisdictions relating to expunction, correction, or
5211 confidential handling of criminal history records or information
5212 derived therefrom. This section does not confer any right to the
5213 expunction of any criminal history record, and any request for
5214 expunction of a criminal history record may be denied at the
5215 sole discretion of the court.

5216 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
5217 criminal history record of a minor or an adult which is ordered
5218 expunged by a court of competent jurisdiction pursuant to this
5219 section must be physically destroyed or obliterated by any
5220 criminal justice agency having custody of such record; except

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5221 that any criminal history record in the custody of the
5222 department must be retained in all cases. A criminal history
5223 record ordered expunged that is retained by the department is
5224 confidential and exempt from the provisions of s. 119.07(1) and
5225 s. 24(a), Art. I of the State Constitution and not available to
5226 any person or entity except upon order of a court of competent
5227 jurisdiction. A criminal justice agency may retain a notation
5228 indicating compliance with an order to expunge.

5229 (a) The person who is the subject of a criminal history
5230 record that is expunged under this section or under other
5231 provisions of law, including former s. 893.14, former s. 901.33,
5232 and former s. 943.058, may lawfully deny or fail to acknowledge
5233 the arrests covered by the expunged record, unless ~~except when~~
5234 the subject of the record:

- 5235 1. Is a candidate for employment with a criminal justice
5236 agency;
- 5237 2. Is a defendant in a criminal prosecution;
- 5238 3. Concurrently or subsequently petitions for relief under
5239 this section or s. 943.059;
- 5240 4. Is a candidate for admission to The Florida Bar;
- 5241 5. Is seeking to be employed or licensed by or to contract
5242 with the Department of Children and Family Services, the Agency
5243 for Health Care Administration, the Agency for Persons with
5244 Disabilities, or the Department of Juvenile Justice or to be
5245 employed or used by such contractor or licensee in a sensitive
5246 position having direct contact with children, the
5247 developmentally disabled, the aged, or the elderly as provided
5248 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
5249 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.

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5250 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter
5251 429;

5252 6. Is seeking to be employed or licensed by the Department
5253 of Education, any district school board, any university
5254 laboratory school, any charter school, any private or parochial
5255 school, or any local governmental entity that licenses child
5256 care facilities; or

5257 7. Is seeking authorization from a seaport listed in s.
5258 311.09 for employment within or access to one or more of such
5259 seaports pursuant to s. 311.12.

5260 Section 154. Paragraph (a) of subsection (4) of section
5261 943.059, Florida Statutes, is amended to read:

5262 943.059 Court-ordered sealing of criminal history records.—
5263 The courts of this state shall continue to have jurisdiction
5264 over their own procedures, including the maintenance, sealing,
5265 and correction of judicial records containing criminal history
5266 information to the extent such procedures are not inconsistent
5267 with the conditions, responsibilities, and duties established by
5268 this section. Any court of competent jurisdiction may order a
5269 criminal justice agency to seal the criminal history record of a
5270 minor or an adult who complies with the requirements of this
5271 section. The court shall not order a criminal justice agency to
5272 seal a criminal history record until the person seeking to seal
5273 a criminal history record has applied for and received a
5274 certificate of eligibility for sealing pursuant to subsection
5275 (2). A criminal history record that relates to a violation of s.
5276 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
5277 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
5278 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.

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5279 916.1075, a violation enumerated in s. 907.041, or any violation
5280 specified as a predicate offense for registration as a sexual
5281 predator pursuant to s. 775.21, without regard to whether that
5282 offense alone is sufficient to require such registration, or for
5283 registration as a sexual offender pursuant to s. 943.0435, may
5284 not be sealed, without regard to whether adjudication was
5285 withheld, if the defendant was found guilty of or pled guilty or
5286 nolo contendere to the offense, or if the defendant, as a minor,
5287 was found to have committed or pled guilty or nolo contendere to
5288 committing the offense as a delinquent act. The court may only
5289 order sealing of a criminal history record pertaining to one
5290 arrest or one incident of alleged criminal activity, except as
5291 provided in this section. The court may, at its sole discretion,
5292 order the sealing of a criminal history record pertaining to
5293 more than one arrest if the additional arrests directly relate
5294 to the original arrest. If the court intends to order the
5295 sealing of records pertaining to such additional arrests, such
5296 intent must be specified in the order. A criminal justice agency
5297 may not seal any record pertaining to such additional arrests if
5298 the order to seal does not articulate the intention of the court
5299 to seal records pertaining to more than one arrest. This section
5300 does not prevent the court from ordering the sealing of only a
5301 portion of a criminal history record pertaining to one arrest or
5302 one incident of alleged criminal activity. Notwithstanding any
5303 law to the contrary, a criminal justice agency may comply with
5304 laws, court orders, and official requests of other jurisdictions
5305 relating to sealing, correction, or confidential handling of
5306 criminal history records or information derived therefrom. This
5307 section does not confer any right to the sealing of any criminal

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5308 history record, and any request for sealing a criminal history
5309 record may be denied at the sole discretion of the court.

5310 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
5311 history record of a minor or an adult which is ordered sealed by
5312 a court of competent jurisdiction pursuant to this section is
5313 confidential and exempt from the provisions of s. 119.07(1) and
5314 s. 24(a), Art. I of the State Constitution and is available only
5315 to the person who is the subject of the record, to the subject's
5316 attorney, to criminal justice agencies for their respective
5317 criminal justice purposes, which include conducting a criminal
5318 history background check for approval of firearms purchases or
5319 transfers as authorized by state or federal law, to judges in
5320 the state courts system for the purpose of assisting them in
5321 their case-related decisionmaking responsibilities, as set forth
5322 in s. 943.053(5), or to those entities set forth in
5323 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
5324 licensing, access authorization, and employment purposes.

5325 (a) The subject of a criminal history record sealed under
5326 this section or under other provisions of law, including former
5327 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
5328 deny or fail to acknowledge the arrests covered by the sealed
5329 record, except if ~~when~~ the subject of the record:

- 5330 1. Is a candidate for employment with a criminal justice
5331 agency;
- 5332 2. Is a defendant in a criminal prosecution;
- 5333 3. Concurrently or subsequently petitions for relief under
5334 this section or s. 943.0585;
- 5335 4. Is a candidate for admission to The Florida Bar;
- 5336 5. Is seeking to be employed or licensed by or to contract

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5337 with the Department of Children and Family Services, the Agency
5338 for Health Care Administration, the Agency for Persons with
5339 Disabilities, or the Department of Juvenile Justice or to be
5340 employed or used by such contractor or licensee in a sensitive
5341 position having direct contact with children, the
5342 developmentally disabled, the aged, or the elderly as provided
5343 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
5344 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
5345 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or
5346 chapter 429;

5347 6. Is seeking to be employed or licensed by the Department
5348 of Education, any district school board, any university
5349 laboratory school, any charter school, any private or parochial
5350 school, or any local governmental entity that licenses child
5351 care facilities;

5352 7. Is attempting to purchase a firearm from a licensed
5353 importer, licensed manufacturer, or licensed dealer and is
5354 subject to a criminal history check under state or federal law;
5355 or

5356 8. Is seeking authorization from a Florida seaport
5357 identified in s. 311.09 for employment within or access to one
5358 or more of such seaports pursuant to s. 311.12.

5359 Section 155. Subsection (2) of section 945.043, Florida
5360 Statutes, is amended to read:

5361 945.043 Department-operated day care services.—

5362 (2) The department is exempt from s. 112.918 ~~the~~
5363 ~~requirements of s. 110.151.~~

5364 Section 156. Subsection (1) of section 946.525, Florida
5365 Statutes, is amended to read:

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5366 946.525 Participation by the corporation in the state group
5367 health insurance and prescription drug programs.—

5368 (1) The board of directors of the corporation established
5369 under this part may apply for participation in the state group
5370 health insurance program authorized under s. 112.942 ~~in s.~~
5371 ~~110.123~~ and the prescription drug coverage program authorized
5372 under s. 112.946 ~~by s. 110.12315~~ by submitting an application
5373 along with a \$500 nonrefundable fee to the Department of
5374 Management Services.

5375 Section 157. Paragraph (e) of subsection (4) of section
5376 985.045, Florida Statutes, is amended to read:

5377 985.045 Court records.—

5378 (4) A court record of proceedings under this chapter is not
5379 admissible in evidence in any other civil or criminal
5380 proceeding, except that:

5381 (e) Records of proceedings under this chapter may be used
5382 to prove disqualification under ss. 112.928 ~~110.1127~~, 393.0655,
5383 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and
5384 985.644.

5385 Section 158. Paragraph (k) of subsection (2) of section
5386 1001.705, Florida Statutes, is amended to read:

5387 1001.705 Responsibility for the State University System
5388 under s. 7, Art. IX of the State Constitution.—

5389 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE
5390 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the
5391 State Constitution, the Board of Governors of the State
5392 University System has the duty to operate, regulate, control,
5393 and be fully responsible for the management of the whole
5394 publicly funded State University System and the board, or the

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5395 board's designee, has responsibility for:

5396 (k) Establishing a personnel system for all state
 5397 university employees; however, the Department of Management
 5398 Services shall retain authority over state university employees
 5399 for programs established in ss. 112.942 ~~110.123~~, 112.947
 5400 ~~110.1232~~, 112.948 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951
 5401 ~~110.161~~, and in chapters 121, 122, and 238.

5402 Section 159. Paragraph (b) of subsection (6) of section
 5403 1001.706, Florida Statutes, is amended to read:

5404 1001.706 Powers and duties of the Board of Governors.—

5405 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

5406 (b) The Department of Management Services shall retain
 5407 authority over state university employees for programs
 5408 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948
 5409 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters
 5410 121, 122, and 238. Unless specifically authorized by law,
 5411 neither the Board of Governors nor a state university may offer
 5412 group insurance programs for employees as a substitute for or as
 5413 an alternative to the health insurance programs offered pursuant
 5414 to chapter 112 ~~110~~.

5415 Section 160. Paragraph (c) of subsection (5) of section
 5416 1001.74, Florida Statutes, is amended to read:

5417 1001.74 Powers and duties of university boards of
 5418 trustees.—

5419 (5) POWERS AND DUTIES RELATING TO PERSONNEL.—

5420 (c) The Department of Management Services shall retain
 5421 authority over state university employees for programs
 5422 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948
 5423 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters

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5424 121, 122, and 238. Unless specifically authorized by law,
5425 neither the Board of Governors nor a state university may offer
5426 group insurance programs for employees as a substitute for or as
5427 an alternative to the health insurance programs offered pursuant
5428 to chapter 112 ~~110~~.

5429 Section 161. Paragraph (f) of subsection (4) and paragraph
5430 (f) of subsection (8) of section 1002.36, Florida Statutes, are
5431 amended to read:

5432 1002.36 Florida School for the Deaf and the Blind.—

5433 (4) BOARD OF TRUSTEES.—

5434 (f) The board of trustees shall:

5435 1. Prepare and submit legislative budget requests for
5436 operations and fixed capital outlay, in accordance with chapter
5437 216 and ss. 1011.56 and 1013.60, to the Department of Education
5438 for review and approval. The department must analyze the amount
5439 requested for fixed capital outlay to determine if the request
5440 is consistent with the school's campus master plan, educational
5441 plant survey, and facilities master plan. Projections of
5442 facility space needs may exceed the norm space and occupant
5443 design criteria established in the State Requirements for
5444 Educational Facilities.

5445 2. Approve and administer an annual operating budget in
5446 accordance with ss. 1011.56 and 1011.57.

5447 3. Require all funds received other than gifts, donations,
5448 bequests, funds raised by or belonging to student clubs or
5449 student organizations, and funds held for specific students or
5450 in accounts for individual students to be deposited in the State
5451 Treasury and expended as authorized in the General
5452 Appropriations Act.

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5453 4. Require all purchases to be in accordance with the
5454 provisions of chapter 287 except for purchases made with funds
5455 received as gifts, donations, or bequests; funds raised by or
5456 belonging to student clubs or student organizations; or funds
5457 held for specific students or in accounts for individual
5458 students.

5459 5. Administer and maintain personnel programs for all
5460 employees of the board of trustees and the Florida School for
5461 the Deaf and the Blind who shall be state employees, including
5462 the personnel classification and pay plan established in
5463 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and
5464 216.251(2)(a)2. for academic and academic administrative
5465 personnel, the provisions of chapter 110, and the provisions of
5466 law that grant authority to the Department of Management
5467 Services over such programs for state employees.

5468 6. Give preference in appointment and retention in
5469 positions of employment as provided within s. 295.07(1).

5470 7. Ensure that the Florida School for the Deaf and the
5471 Blind complies with s. 1013.351 concerning the coordination of
5472 planning between the Florida School for the Deaf and the Blind
5473 and local governing bodies.

5474 8. Ensure that the Florida School for the Deaf and the
5475 Blind complies with s. 112.061 concerning per diem and travel
5476 expenses of public officers, employees, and authorized persons
5477 with respect to all funds other than funds received as gifts,
5478 donations, or bequests; funds raised by or belonging to student
5479 clubs or student organizations; or funds held for specific
5480 students or in accounts for individual students.

5481 9. Adopt a master plan that ~~which~~ specifies the mission and

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5482 objectives of the Florida School for the Deaf and the Blind. The
5483 plan shall include, but not be limited to, procedures for
5484 systematically measuring the school's progress toward meeting
5485 its objectives, analyzing changes in the student population, and
5486 modifying school programs and services to respond to such
5487 changes. The plan shall be for a period of 5 years and shall be
5488 reviewed for needed modifications every 2 years. The board of
5489 trustees shall submit the initial plan and subsequent
5490 modifications to the Speaker of the House of Representatives and
5491 the President of the Senate.

5492 10. Designate a portion of the school as "The Verle Allyn
5493 Pope Complex for the Deaf," in tribute to the late Senator Verle
5494 Allyn Pope.

5495 (8) CAMPUS POLICE.—

5496 (f) The board of trustees shall adopt rules, including,
5497 without limitation, rules for the appointment, employment, and
5498 removal of campus police in accordance with the Civil State
5499 ~~Career~~ Service under chapter 110 System and shall establish in
5500 writing a policy manual, that includes, without limitation,
5501 procedures for managing routine law enforcement situations and
5502 emergency law enforcement situations. The board of trustees
5503 shall furnish a copy of the policy manual to each of the campus
5504 police officers it employs. A campus police officer appointed by
5505 the board of trustees must have completed the training required
5506 by the school in the special needs and proper procedures for
5507 dealing with students served by the school.

5508 Section 162. Section 1012.62, Florida Statutes, is amended
5509 to read:

5510 1012.62 Transfer of sick leave and annual leave.—In

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5511 implementing ~~the provisions of~~ ss. 402.22(1)(d) and
5512 1001.42(4)(m), educational personnel in Department of Children
5513 and Family Services residential care facilities who are employed
5514 by a district school board may request, and the district school
5515 board shall accept, a lump-sum transfer of accumulated sick
5516 leave for such personnel to the maximum allowed by policies of
5517 the district school board, notwithstanding ~~the provisions of~~ s.
5518 112.913 ~~110.122~~. Educational personnel in Department of Children
5519 and Family Services residential care facilities who are employed
5520 by a district school board under ~~the provisions of~~ s.
5521 402.22(1)(d) may request, and the district school board shall
5522 accept, a lump-sum transfer of accumulated annual leave for each
5523 person employed by the district school board in a position in
5524 the district eligible to accrue vacation leave under the
5525 policies of the district school board.

5526 Section 163. Subsection (5) of section 1012.79, Florida
5527 Statutes, is amended to read:

5528 1012.79 Education Practices Commission; organization.—

5529 (5) The commission, by a vote of three-fourths of the
5530 membership, shall employ an executive director, who shall be
5531 exempt from the Civil ~~career~~ Service. The executive director may
5532 be dismissed by a majority vote of the membership.

5533 Section 164. Subsection (6) of section 1012.88, Florida
5534 Statutes, is amended to read:

5535 1012.88 Florida College System institution police.—

5536 (6) The Florida College System institution, with the
5537 approval of the Department of Law Enforcement, shall adopt
5538 rules, including, without limitation, rules for the appointment,
5539 employment, and removal of Florida College System institution

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5540 police in accordance with the Civil ~~state~~ Career Service under
5541 chapter 110 ~~System~~ and shall establish in writing a policy
5542 manual, that includes, without limitation, procedures for
5543 managing routine law enforcement situations and emergency law
5544 enforcement situations. The Florida College System institution
5545 shall furnish a copy of the policy manual to each of the police
5546 officers it employs.

5547 Section 165. Section 1012.96, Florida Statutes, is amended
5548 to read:

5549 1012.96 IFAS extension personnel; federal health insurance
5550 ~~programs notwithstanding the provisions of s. 110.123.-~~
5551 Notwithstanding s. 112.942, the Institute of Food and
5552 Agricultural Sciences at the University of Florida may pay the
5553 employer's share of premiums to the Federal Health Benefits
5554 Insurance Program from its appropriated budget for any
5555 cooperative extension employee of the institute having both
5556 state and federal appointments and participating in the Federal
5557 Civil Service Retirement System.

5558 Section 166. This act shall take effect July 1, 2012.