

FOR CONSIDERATION By the Committee on Governmental Oversight and Accountability

585-01403A-15

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1 A bill to be entitled
2 An act relating to individuals with disabilities;
3 reordering and amending s. 110.107, F.S.; revising
4 definitions and defining the term "individual who has
5 a disability"; amending s. 110.112, F.S.; revising the
6 state's equal employment opportunity policy to include
7 individuals who have a disability; requiring each
8 executive agency to annually report to the Department
9 of Management Services regarding the agency's progress
10 in increasing employment among certain
11 underrepresented groups; revising the required content
12 of the department's annual workforce report; requiring
13 the department to develop and implement certain
14 programs geared toward individuals who have a
15 disability; requiring the department to develop
16 training programs by a specified date; requiring each
17 executive agency to develop a plan regarding the
18 employment of individuals who have a disability by a
19 specified date; requiring the department to report to
20 the Governor and the Legislature regarding
21 implementation; requiring the department to compile
22 and post data regarding the hiring practices of
23 executive agencies regarding the employment of
24 individuals who have a disability; requiring the
25 department to assist executive agencies in identifying
26 strategies to retain employees who have a disability;
27 requiring the department to adopt certain rules;
28 specifying that the act does not create any
29 enforceable right or benefit; providing an effective

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30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Section 110.107, Florida Statutes, is reordered
35 and amended to read:

36 110.107 Definitions.—As used in this chapter, the term:

37 (5)~~(1)~~ "Department" means the Department of Management
38 Services.

39 (28)~~(2)~~ "Secretary" means the Secretary of Management
40 Services.

41 (11)~~(3)~~ "Furlough" means a temporary reduction in the
42 regular hours of employment in a pay period, or temporary leave
43 without pay for one or more pay periods, with a commensurate
44 reduction in pay, which is necessitated by a projected deficit
45 in any fund that supports salary and benefit appropriations. The
46 deficit must be projected by the Revenue Estimating Conference
47 pursuant to s. 216.136(3).

48 (30)~~(4)~~ "State agency" or "agency" means any official,
49 officer, commission, board, authority, council, committee, or
50 department of the executive branch or the judicial branch of
51 state government as defined in chapter 216.

52 (21)~~(5)~~ "Position" means the work, consisting of duties and
53 responsibilities, assigned to be performed by an officer or
54 employee.

55 (10)~~(6)~~ "Full-time position" means a position authorized
56 for the entire normally established work period, whether daily,
57 weekly, monthly, or annually.

58 (18)~~(7)~~ "Part-time position" means a position authorized

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59 for less than the entire normally established work period,
60 whether daily, weekly, monthly, or annually.

61 (16)~~(8)~~ "Occupation" means all positions that ~~which~~ are
62 sufficiently similar in knowledge, skills, ~~and~~ abilities, and
63 the ~~sufficiently similar as to~~ kind or subject matter of work.

64 (17)~~(9)~~ "Occupational group" means a group of occupations
65 that ~~which~~ are sufficiently similar in the kind of work
66 performed to warrant the use of the same performance factors in
67 determining the level of complexity for all occupations in that
68 occupational group.

69 (3)~~(10)~~ "Classification plan" means a formal description of
70 the concepts, rules, job family definitions, occupational group
71 characteristics, and occupational profiles used in the
72 classification of positions.

73 (20)~~(11)~~ "Pay plan" means a formal description of the
74 philosophy, methods, procedures, and salary schedules for
75 competitively compensating employees at market-based rates for
76 work performed.

77 (27)~~(12)~~ "Salary schedule" means an official document that
78 ~~which~~ contains a complete list of occupation titles, broadband
79 level codes, and pay bands.

80 (1)~~(13)~~ "Authorized position" means a position included in
81 an approved budget. In counting the number of authorized
82 positions, part-time positions may be converted to full-time
83 equivalents.

84 (8)~~(14)~~ "Established position" means an authorized position
85 that ~~which~~ has been classified in accordance with a
86 classification and pay plan as provided by law.

87 (22)~~(15)~~ "Position number" means the identification number

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88 assigned to an established position.

89 ~~(26)~~~~(16)~~ "Reclassification" means the changing of an
90 established position in one broadband level in an occupational
91 group to a higher or lower broadband level in the same
92 occupational group or to a broadband level in a different
93 occupational group.

94 ~~(24)~~~~(17)~~ "Promotion" means the changing of the
95 classification of an employee to a broadband level having a
96 higher maximum salary; or the changing of the classification of
97 an employee to a broadband level having the same or a lower
98 maximum salary but a higher level of responsibility.

99 ~~(4)~~~~(18)~~ "Demotion" means the changing of the classification
100 of an employee to a broadband level having a lower maximum
101 salary; or the changing of the classification of an employee to
102 a broadband level having the same or a higher maximum salary but
103 a lower level of responsibility.

104 ~~(32)~~~~(19)~~ "Transfer" means moving an employee from one
105 geographic location of the state to a different geographic
106 location more than ~~in excess of~~ 50 miles from the employee's
107 current work location.

108 ~~(25)~~~~(20)~~ "Reassignment" means moving an employee from a
109 position in one broadband level to a different position in the
110 same broadband level or to a different broadband level having
111 the same maximum salary.

112 ~~(6)~~~~(21)~~ "Dismissal" means a disciplinary action taken by an
113 agency pursuant to s. 110.227 against an employee which results
114 ~~resulting~~ in the termination of his or her employment.

115 ~~(31)~~~~(22)~~ "Suspension" means a disciplinary action taken by
116 an agency pursuant to s. 110.227 against an employee which ~~to~~

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117 temporarily relieves ~~relieve~~ the employee of his or her duties
118 and places ~~place~~ him or her on leave without pay.

119 (15)~~(23)~~ "Layoff" means termination of employment due to a
120 shortage of funds or work, or a material change in the duties or
121 organization of an agency, including the outsourcing or
122 privatization of an activity or function previously performed by
123 career service employees.

124 (7)~~(24)~~ "Employing agency" means any agency authorized to
125 employ personnel to carry out the responsibilities of the agency
126 under the provisions of chapter 20 or other law ~~statutory~~
127 ~~authority~~.

128 (29)~~(25)~~ "Shared employment" means part-time career
129 employment in which ~~whereby~~ the duties and responsibilities of a
130 full-time position in the career service are divided among part-
131 time employees who are eligible for the position and who receive
132 career service benefits and wages pro rata. The term ~~In no case~~
133 ~~shall~~ "shared employment" does not include the employment of
134 persons paid from other-personal-services funds.

135 (9)~~(26)~~ "Firefighter" means a firefighter certified under
136 chapter 633.

137 (14)~~(27)~~ "Law enforcement or correctional officer" means a
138 law enforcement officer, special agent, correctional officer,
139 correctional probation officer, or institutional security
140 specialist ~~required to be~~ certified under chapter 943.

141 (23)~~(28)~~ "Professional health care provider" means
142 registered nurses, physician's assistants, dentists,
143 psychologists, nutritionists or dietitians, pharmacists,
144 psychological specialists, physical therapists, and speech and
145 hearing therapists.

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146 ~~(13)(29)~~ "Job family" means a defined grouping of one or
147 more occupational groups.

148 ~~(19)(30)~~ "Pay band" means the minimum salary, the maximum
149 salary, and intermediate rates that ~~which~~ are payable for work
150 in a specific broadband level.

151 ~~(2)(31)~~ "Broadband level" means all positions that ~~which~~
152 are sufficiently similar in knowledge, skills, and abilities;
153 ~~the, and sufficiently similar as to~~ kind or subject matter of
154 work; the, level of difficulty of ~~or~~ responsibilities; ; and the
155 qualification requirements of the work so as to warrant the same
156 treatment with respect ~~as~~ to title, pay band, and other
157 personnel transactions.

158 (12) "Individual who has a disability" means a person who
159 has a physical or intellectual impairment that substantially
160 limits one or more major life activities; a person who has a
161 history or record of such an impairment; or a person who is
162 perceived by others as having such an impairment.

163 Section 2. Subsections (1) and (2) of section 110.112,
164 Florida Statutes, are amended, present subsections (3) through
165 (6) of that section are redesignated as subsections (4) through
166 (7), respectively, and a new subsection (3) is added to that
167 section, to read:

168 110.112 Affirmative action; equal employment opportunity.—

169 (1) It is ~~shall be~~ the policy of this ~~the~~ state to assist
170 in providing the assurance of equal employment opportunity
171 through programs of affirmative and positive action that will
172 allow full utilization of women, and minorities, and individuals
173 who have a disability.

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

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175 implement an affirmative action plan in accordance with rules
176 adopted by the department and approved by a majority vote of the
177 Administration Commission before their adoption.

178 (b) Each executive agency shall establish annual goals for
179 ensuring full utilization of groups underrepresented in the
180 agency's ~~its~~ workforce, including women, minorities, and
181 individuals who have a disability, as compared to the relevant
182 labor market, as defined by the agency. Each executive agency
183 shall design its affirmative action plan to meet its established
184 goals.

185 (c) Each executive agency shall annually report to the
186 department regarding the agency's progress toward increasing
187 employment among women, minorities, and individuals who have a
188 disability.

189 (d)~~(e)~~ An affirmative action-equal employment opportunity
190 officer shall be appointed by the head of each executive agency.
191 The affirmative action-equal employment opportunity officer's
192 responsibilities must include determining annual goals,
193 monitoring agency compliance, and providing consultation to
194 managers regarding progress, deficiencies, and appropriate
195 corrective action.

196 (e)~~(d)~~ The department shall report information in its
197 annual workforce report relating to the implementation,
198 continuance, updating, and results of each executive agency's
199 affirmative action plan for the previous fiscal year. The annual
200 workforce report must also include data for each executive
201 agency relating to employment levels among women, minorities,
202 and individuals who have a disability.

203 (f)~~(e)~~ The department shall provide to all supervisory

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204 personnel of the executive agencies training in the principles
205 of equal employment opportunity and affirmative action, the
206 development and implementation of affirmative action plans, and
207 the establishment of annual affirmative action goals. The
208 department may contract for training services, and each
209 participating agency shall reimburse the department for costs
210 incurred through such contract. After the department approves
211 the contents of the training program for the agencies, the
212 department may delegate this training to the executive agencies.

213 (3) (a) The department, in consultation with the Agency for
214 Persons with Disabilities, the Division of Vocational
215 Rehabilitation of the Department of Education, the Department of
216 Economic Opportunity, and the Executive Office of the Governor,
217 shall develop and implement programs that incorporate
218 internships, mentoring, on-the-job training, unpaid work
219 experience, situational assessments, and other innovative
220 strategies that are specifically geared toward individuals who
221 have a disability.

222 (b) By January 1, 2016, the department shall develop
223 mandatory training programs for human resources personnel and
224 hiring managers of executive agencies which support the
225 employment of individuals who have a disability.

226 (c)1. By January 1, 2016, each executive agency shall
227 develop an agency-specific plan that addresses how to promote
228 employment opportunities for individuals who have a disability.

229 2. The department shall assist executive agencies in the
230 implementation of agency-specific plans. The department shall
231 regularly report to the Governor, the President of the Senate,
232 and the Speaker of the House of Representatives the progress of

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233 executive agencies in implementing these plans. Such reports
234 shall be made at least biannually.

235 (d) The department shall compile data regarding the hiring
236 practices of executive agencies with regard to individuals who
237 have a disability and make such data available on its website.

238 (e) The department shall assist executive agencies in
239 identifying and implementing strategies for retaining employees
240 who have a disability which include, but are not limited to,
241 training programs, funding reasonable accommodations, increasing
242 access to appropriate technologies, and ensuring accessibility
243 of physical and virtual workplaces.

244 (f) The department shall adopt rules relating to forms that
245 provide for the voluntary self-identification of individuals who
246 a disability who are employed by an executive agency.

247 (g) This subsection does not create any substantive or
248 procedural right or benefit enforceable at law or in equity
249 against the state or a state agency, or an officer, employee, or
250 agent thereof.

251 Section 3. This act shall take effect July 1, 2015.