

By the Committee on Governmental Oversight and Accountability

585-00726-16

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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; creating the "Employment

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30 First Act"; providing legislative findings and intent;
31 providing a purpose; requiring specified state
32 agencies and organizations to develop and implement an
33 interagency cooperative agreement; requiring the
34 interagency cooperative agreement to provide the
35 roles, responsibilities, and objectives of state
36 agencies and organizations; providing appropriations;
37 providing an effective date.
38

39 Be It Enacted by the Legislature of the State of Florida:
40

41 Section 1. Section 110.107, Florida Statutes, is reordered
42 and amended to read:

43 110.107 Definitions.—As used in this chapter, the term:

44 (5)~~(1)~~ "Department" means the Department of Management
45 Services.

46 (28)~~(2)~~ "Secretary" means the Secretary of Management
47 Services.

48 (11)~~(3)~~ "Furlough" means a temporary reduction in the
49 regular hours of employment in a pay period, or temporary leave
50 without pay for one or more pay periods, with a commensurate
51 reduction in pay, which is necessitated by a projected deficit
52 in any fund that supports salary and benefit appropriations. The
53 deficit must be projected by the Revenue Estimating Conference
54 pursuant to s. 216.136(3).

55 (30)~~(4)~~ "State agency" or "agency" means any official,
56 officer, commission, board, authority, council, committee, or
57 department of the executive branch or the judicial branch of
58 state government as defined in chapter 216.

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59 (21)~~(5)~~ "Position" means the work, consisting of duties and
60 responsibilities, assigned to be performed by an officer or
61 employee.

62 (10)~~(6)~~ "Full-time position" means a position authorized
63 for the entire normally established work period, whether daily,
64 weekly, monthly, or annually.

65 (18)~~(7)~~ "Part-time position" means a position authorized
66 for less than the entire normally established work period,
67 whether daily, weekly, monthly, or annually.

68 (16)~~(8)~~ "Occupation" means all positions that ~~which~~ are
69 sufficiently similar in knowledge, skills, ~~and~~ abilities, and
70 the ~~sufficiently similar as to~~ kind or subject matter of work.

71 (17)~~(9)~~ "Occupational group" means a group of occupations
72 that ~~which~~ are sufficiently similar in the kind of work
73 performed to warrant the use of the same performance factors in
74 determining the level of complexity for all occupations in that
75 occupational group.

76 (3)~~(10)~~ "Classification plan" means a formal description of
77 the concepts, rules, job family definitions, occupational group
78 characteristics, and occupational profiles used in the
79 classification of positions.

80 (20)~~(11)~~ "Pay plan" means a formal description of the
81 philosophy, methods, procedures, and salary schedules for
82 competitively compensating employees at market-based rates for
83 work performed.

84 (27)~~(12)~~ "Salary schedule" means an official document that
85 ~~which~~ contains a complete list of occupation titles, broadband
86 level codes, and pay bands.

87 (1)~~(13)~~ "Authorized position" means a position included in

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88 an approved budget. In counting the number of authorized
89 positions, part-time positions may be converted to full-time
90 equivalents.

91 (8)~~(14)~~ "Established position" means an authorized position
92 that ~~which~~ has been classified in accordance with a
93 classification and pay plan as provided by law.

94 (22)~~(15)~~ "Position number" means the identification number
95 assigned to an established position.

96 (26)~~(16)~~ "Reclassification" means the changing of an
97 established position in one broadband level in an occupational
98 group to a higher or lower broadband level in the same
99 occupational group or to a broadband level in a different
100 occupational group.

101 (24)~~(17)~~ "Promotion" means the changing of the
102 classification of an employee to a broadband level having a
103 higher maximum salary; or the changing of the classification of
104 an employee to a broadband level having the same or a lower
105 maximum salary but a higher level of responsibility.

106 (4)~~(18)~~ "Demotion" means the changing of the classification
107 of an employee to a broadband level having a lower maximum
108 salary; or the changing of the classification of an employee to
109 a broadband level having the same or a higher maximum salary but
110 a lower level of responsibility.

111 (32)~~(19)~~ "Transfer" means moving an employee from one
112 geographic location of the state to a different geographic
113 location more than ~~in excess of~~ 50 miles from the employee's
114 current work location.

115 (25)~~(20)~~ "Reassignment" means moving an employee from a
116 position in one broadband level to a different position in the

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117 same broadband level or to a different broadband level having
118 the same maximum salary.

119 (6)~~(21)~~ "Dismissal" means a disciplinary action taken by an
120 agency pursuant to s. 110.227 against an employee which results
121 ~~resulting~~ in the termination of his or her employment.

122 (31)~~(22)~~ "Suspension" means a disciplinary action taken by
123 an agency pursuant to s. 110.227 against an employee which ~~to~~
124 temporarily relieves ~~relieve~~ the employee of his or her duties
125 and places ~~place~~ him or her on leave without pay.

126 (15)~~(23)~~ "Layoff" means termination of employment due to a
127 shortage of funds or work, or a material change in the duties or
128 organization of an agency, including the outsourcing or
129 privatization of an activity or function previously performed by
130 career service employees.

131 (7)~~(24)~~ "Employing agency" means any agency authorized to
132 employ personnel to carry out the responsibilities of the agency
133 under the provisions of chapter 20 or other law ~~statutory~~
134 ~~authority~~.

135 (29)~~(25)~~ "Shared employment" means part-time career
136 employment in which ~~whereby~~ the duties and responsibilities of a
137 full-time position in the career service are divided among part-
138 time employees who are eligible for the position and who receive
139 career service benefits and wages pro rata. The term ~~In no case~~
140 ~~shall "shared employment"~~ does not include the employment of
141 persons paid from other-personal-services funds.

142 (9)~~(26)~~ "Firefighter" means a firefighter certified under
143 chapter 633.

144 (14)~~(27)~~ "Law enforcement or correctional officer" means a
145 law enforcement officer, special agent, correctional officer,

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146 correctional probation officer, or institutional security
147 specialist ~~required to be~~ certified under chapter 943.

148 (23)~~(28)~~ "Professional health care provider" means
149 registered nurses, physician's assistants, dentists,
150 psychologists, nutritionists or dietitians, pharmacists,
151 psychological specialists, physical therapists, and speech and
152 hearing therapists.

153 (13)~~(29)~~ "Job family" means a defined grouping of one or
154 more occupational groups.

155 (19)~~(30)~~ "Pay band" means the minimum salary, the maximum
156 salary, and intermediate rates that ~~which~~ are payable for work
157 in a specific broadband level.

158 (2)~~(31)~~ "Broadband level" means all positions that ~~which~~
159 are sufficiently similar in knowledge, skills, and abilities;
160 ~~the, and sufficiently similar as to~~ kind or subject matter of
161 work; the~~7~~ level of difficulty or the level of
162 responsibilities;7 and the qualification requirements of the
163 work so as to warrant the same treatment with respect ~~as~~ to
164 title, pay band, and other personnel transactions.

165 (12) "Individual who has a disability" means a person who
166 has a physical or intellectual impairment that substantially
167 limits one or more major life activities; a person who has a
168 history or record of such an impairment; or a person who is
169 perceived by others as having such an impairment.

170 Section 2. Subsections (1) and (2) of section 110.112,
171 Florida Statutes, are amended, present subsections (3) through
172 (6) of that section are redesignated as subsections (4) through
173 (7), respectively, and a new subsection (3) is added to that
174 section, to read:

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175 110.112 Affirmative action; equal employment opportunity.-

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

181 (2) (a) The head of each executive agency shall develop and
182 implement an affirmative action plan in accordance with rules
183 adopted by the department and approved by a majority vote of the
184 Administration Commission before their adoption.

185 (b) Each executive agency shall establish annual goals for
186 ensuring full utilization of groups underrepresented in the
187 agency's ~~its~~ workforce, including women, minorities, and
188 individuals who have a disability, as compared to the relevant
189 labor market, as defined by the agency. Each executive agency
190 shall design its affirmative action plan to meet its established
191 goals.

192 (c) Each executive agency shall annually report to the
193 department regarding the agency's progress toward increasing
194 employment among women, minorities, and individuals who have a
195 disability.

196 (d) ~~(e)~~ An affirmative action-equal employment opportunity
197 officer shall be appointed by the head of each executive agency.
198 The affirmative action-equal employment opportunity officer's
199 responsibilities must include determining annual goals,
200 monitoring agency compliance, and providing consultation to
201 managers regarding progress, deficiencies, and appropriate
202 corrective action.

203 (e) ~~(d)~~ The department shall report information in its

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204 annual workforce report relating to the implementation,
205 continuance, updating, and results of each executive agency's
206 affirmative action plan for the previous fiscal year. The annual
207 workforce report must also include data for each executive
208 agency relating to employment levels among women, minorities,
209 and individuals who have a disability.

210 (f)~~(e)~~ The department shall provide to all supervisory
211 personnel of the executive agencies training in the principles
212 of equal employment opportunity and affirmative action, the
213 development and implementation of affirmative action plans, and
214 the establishment of annual affirmative action goals. The
215 department may contract for training services, and each
216 participating agency shall reimburse the department for costs
217 incurred through such contract. After the department approves
218 the contents of the training program for the agencies, the
219 department may delegate this training to the executive agencies.

220 (3) (a) The department, in consultation with the Agency for
221 Persons with Disabilities, the Division of Vocational
222 Rehabilitation and the Division of Blind Services of the
223 Department of Education, the Department of Economic Opportunity,
224 and the Executive Office of the Governor, shall develop and
225 implement programs that incorporate internships, mentoring, on-
226 the-job training, unpaid work experience, situational
227 assessments, and other innovative strategies that are
228 specifically geared toward individuals who have a disability.

229 (b) By January 1, 2017, the department shall develop
230 mandatory training programs for human resources personnel and
231 hiring managers of executive agencies which support the
232 employment of individuals who have a disability.

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233 (c)1. By January 1, 2017, each executive agency shall
234 develop an agency-specific plan that addresses how to promote
235 employment opportunities for individuals who have a disability.

236 2. The department shall assist executive agencies in the
237 implementation of agency-specific plans. The department shall
238 regularly report to the Governor, the President of the Senate,
239 and the Speaker of the House of Representatives the progress of
240 executive agencies in implementing these plans. Such reports
241 shall be made at least biannually.

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

245 (e) The department shall assist executive agencies in
246 identifying and implementing strategies for retaining employees
247 who have a disability which include, but are not limited to,
248 training programs, funding reasonable accommodations, increasing
249 access to appropriate technologies, and ensuring accessibility
250 of physical and virtual workplaces.

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

254 (g) This subsection does not create any substantive or
255 procedural right or benefit enforceable at law or in equity
256 against the state or a state agency, or an officer, employee, or
257 agent thereof.

258 Section 3. Employment First Act.-

259 (1) SHORT TITLE.-This section may be cited as the
260 "Employment First Act."

261 (2) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds

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262 that employment is the most direct and cost-effective means to
263 assist an individual in achieving independence and fulfillment;
264 however, individuals with disabilities are confronted by unique
265 barriers to employment which inhibit their opportunities to
266 compete fairly in the labor force. It is the intent of the
267 Legislature to provide a framework for a long-term commitment to
268 improving employment outcomes for individuals with disabilities
269 in this state through the implementation of this act.

270 (3) PURPOSE.—The purpose of this act is to prioritize
271 employment of individuals with disabilities and to change the
272 employment system to better integrate individuals with
273 disabilities into the workforce. This act encourages a
274 collaborative effort between state agencies and organizations to
275 achieve better employment outcomes for individuals with
276 disabilities.

277 (4) INTERAGENCY COOPERATIVE AGREEMENT.—The following state
278 agencies and organizations, and others, as appropriate, shall
279 develop an interagency cooperative agreement to implement this
280 act:

281 (a) The Division of Vocational Rehabilitation of the
282 Department of Education.

283 (b) The Division of Blind Services of the Department of
284 Education.

285 (c) The Bureau of Exceptional Education and Student
286 Services of the Department of Education.

287 (d) The Agency for Persons with Disabilities.

288 (e) The Substance Abuse and Mental Health Program of the
289 Department of Children and Families.

290 (f) The Department of Economic Opportunity.

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- 291 (g) CareerSource Florida, Inc.
- 292 (h) The Florida Developmental Disabilities Council.
- 293 (i) The Florida Association of Rehabilitation Facilities.
- 294 (j) Other appropriate organizations.
- 295 (5) ROLES, RESPONSIBILITIES, AND OBJECTIVES.—The
- 296 interagency cooperative agreement must identify the roles and
- 297 responsibilities of the state agencies and organizations
- 298 identified in subsection (4) and the objectives of the
- 299 interagency cooperative agreement, which must include all of the
- 300 following:
- 301 (a) Establishing a commitment by leadership of the state
- 302 agencies and organizations to maximize resources and
- 303 coordination to improve employment outcomes for individuals with
- 304 disabilities who seek publicly funded services.
- 305 (b) Developing strategic goals and benchmarks to assist the
- 306 state agencies and organizations in the implementation of this
- 307 agreement.
- 308 (c) Identifying financing and contracting methods that will
- 309 help to prioritize employment for individuals with disabilities
- 310 by state agencies and organizations.
- 311 (d) Establishing training methods to better integrate
- 312 individuals with disabilities into the workforce.
- 313 (e) Ensuring collaborative efforts between multiple
- 314 agencies to achieve the purposes of this act.
- 315 (f) Promoting service innovations to better assist
- 316 individuals with disabilities in the workplace.
- 317 (g) Identifying accountability measures to ensure the
- 318 sustainability of this agreement.
- 319 Section 4. For the 2016-2017 fiscal year, the following

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320 sums are appropriated for the purpose of implementing the
321 amendments made by this act to s. 110.112, Florida Statutes,
322 relating to the employment of individuals who have a disability:

323 (1) The sums of \$138,692 in recurring funds and \$26,264 in
324 nonrecurring funds are appropriated from the State Personnel
325 System Trust Fund to the Department of Management Services, and
326 two full-time equivalent positions with associated salary rate
327 of 92,762 are authorized.

328 (2) The sum of \$88,285 from the General Revenue Fund and
329 the sum of \$76,671 from trust funds are appropriated to
330 Administered Funds in the "Special Categories - Transfer to
331 Department of Management Services - Human Resources Services
332 Purchased per Statewide Contract" appropriations category for
333 distribution among agencies.

334 Section 5. This act shall take effect July 1, 2016.