

**FOR CONSIDERATION** By the Committee on Governmental Oversight and Accountability

585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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.

585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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,

585-00571A-16

20167010pb

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:

585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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.



585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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.

585-00571A-16

20167010pb

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

585-00571A-16

20167010pb

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.