

By Senator Burgess

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1 A bill to be entitled
2 An act relating to veterans' preference in employment;
3 amending s. 295.065, F.S.; revising legislative intent
4 to conform to changes made by the act; amending s.
5 295.07, F.S.; authorizing the state and its political
6 subdivisions to waive certain postsecondary
7 educational requirements for employment for
8 servicemembers and veterans who meet specified
9 criteria; revising the list of positions that are
10 exempt from veterans' preference requirements;
11 requiring, rather than authorizing, each political
12 subdivision to develop and implement a veterans'
13 recruitment plan for specified purposes; amending s.
14 295.08, F.S.; modifying point preferences given to
15 veterans and their family members when a numerically
16 based selection process is used for hiring; amending
17 ss. 295.085, 295.09, and 1002.36, F.S.; conforming
18 provisions and cross-references to changes made by the
19 act; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 295.065, Florida Statutes, is amended to
24 read:

25 295.065 Legislative intent.—It is the intent of the
26 Legislature to provide preference, ~~and~~ priority, and waivers for
27 certain educational requirements in the hiring practices of this
28 state and its political subdivisions as set forth in this
29 chapter. All written job announcements and audio and video

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30 advertisements used by employing agencies of the state and its
31 political subdivisions must include a notice stating that
32 certain servicemembers and veterans, and the spouses and family
33 members of such ~~the~~ servicemembers and veterans, receive
34 preference and priority, and that certain servicemembers may be
35 eligible to receive waivers for postsecondary educational
36 requirements, in employment by the state and its political
37 subdivisions and are encouraged to apply for the positions being
38 filled.

39 Section 2. Section 295.07, Florida Statutes, is amended to
40 read:

41 295.07 Preference in appointment and retention.—

42 (1) The state and its political subdivisions shall give
43 preference in appointment and retention in positions of
44 employment to:

45 (a) Those disabled veterans:

46 1. Who have served on active duty in any branch of the
47 United States Armed Forces, have received an honorable
48 discharge, and have established the present existence of a
49 service-connected disability that is compensable under public
50 laws administered by the United States Department of Veterans
51 Affairs; or

52 2. Who are receiving compensation, disability retirement
53 benefits, or pension pursuant to ~~by reason of~~ public laws
54 administered by the United States Department of Veterans Affairs
55 and the United States Department of Defense.

56 (b) The spouse of a person who has a total disability,
57 permanent in nature, resulting from a service-connected
58 disability and who, because of this disability, cannot qualify

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59 for employment, and the spouse of a person missing in action,
60 captured in line of duty by a hostile force, or forcibly
61 detained or interned in line of duty by a foreign government or
62 power.

63 (c) A wartime veteran as defined in s. 1.01(14), who has
64 served at least 1 day during a wartime period. Active duty for
65 training may not be allowed for eligibility under this
66 paragraph.

67 (d) The unremarried widow or widower of a veteran who died
68 of a service-connected disability.

69 (e) The mother, father, legal guardian, or unremarried
70 widow or widower of a member of the United States Armed Forces
71 who died in the line of duty under combat-related conditions, as
72 verified by the United States Department of Defense.

73 (f) A veteran as defined in s. 1.01(14). Active duty for
74 training may not be allowed for eligibility under this
75 paragraph.

76 (g) A current member of any reserve component of the United
77 States Armed Forces or the Florida National Guard.

78 (2) The state and its political subdivisions may waive a
79 postsecondary educational requirement for a position of
80 employment, other than those positions made exempt under
81 subsection (5), for a current member of any reserve component of
82 the United States Armed Forces or the Florida National Guard or
83 a veteran who has been honorably discharged if the person is
84 otherwise qualified for the position.

85 (3) The Department of Veterans' Affairs shall adopt rules
86 to ensure that veterans are given special consideration in the
87 employing agency's selection and retention processes. The rules

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88 must include the award of point values as articulated in s.
89 295.08, if applicable, or, where point values are not relevant,
90 must include procedures to ensure that veterans are given
91 special consideration at each step of the employment selection
92 process, unless the sponsoring governmental entity is a party to
93 a collective bargaining agreement, in which case the collective
94 bargaining agreement must comply within 90 days following
95 ratification of a successor collective bargaining agreement or
96 extension of any existing collective bargaining agreement.

97 (4)~~(3)~~ Preference in employment and retention, or
98 educational waivers, may be given only to eligible persons who
99 are described in subsection (1) or subsection (2).

100 (5)~~(4)~~ The following positions are exempt from this
101 section:

102 (a) Those positions that are exempt from the state Career
103 Service System under s. 110.205(2); however, all positions under
104 the University Support Personnel System of the State University
105 System as well as all Career Service System positions under the
106 Florida College System and the School for the Deaf and the
107 Blind, or the equivalent of such positions at state
108 universities, Florida College System institutions, or the School
109 for the Deaf and the Blind, are not exempt ~~included~~.

110 (b) Positions in political subdivisions ~~of the state~~ which
111 are filled by officers elected by popular vote or persons
112 appointed to fill vacancies in such offices ~~and the personal~~
113 ~~secretary of each such officer~~, members of boards and
114 commissions, persons employed on a temporary basis without
115 benefits, ~~heads of departments, positions that require licensure~~
116 ~~as a physician, licensure as an osteopathic physician, licensure~~

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117 ~~as a chiropractic physician,~~ and positions that require that the
118 employee be a member of The Florida Bar.

119 (6) (a) (5) (a) Each state agency and political subdivision
120 ~~shall, and each political subdivision of the state may,~~ develop
121 and implement a written veterans' recruitment plan that
122 establishes annual goals for ensuring the full use of veterans
123 in the agency's or political subdivision's workforce. Each
124 veterans' recruitment plan must be designed to meet the
125 established goals.

126 (b) The Department of Management Services shall collect
127 statistical data from each state agency on the number of persons
128 who claim veterans' preference, the number of persons who are
129 hired through veterans' preference, and the number of persons
130 who are hired as a result of the veterans' recruitment plan. The
131 department shall annually update the statistical data required
132 by this paragraph on its website and include such statistical
133 data in its annual workforce report.

134 (c) For purposes of this subsection, the veterans'
135 recruitment plan applies to the eligible persons described in
136 subsections subsection (1) and (2).

137 Section 3. Section 295.08, Florida Statutes, is amended to
138 read:

139 295.08 Positions for which a numerically based selection
140 process is used.—For positions for which an examination is used
141 to determine the qualifications for entrance into employment
142 with the state or any of its political subdivisions ~~in the~~
143 ~~state,~~ 20 15 points must shall be added to the earned ratings of
144 a person included under s. 295.07(1)(a) or (b), 15 10 points
145 must shall be added to the earned ratings of a person included

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146 under s. 295.07(1)(c), (d), or (e), and 10 ~~5~~ points must ~~shall~~
147 be added to the earned rating of a person included under s.
148 295.07(1)(f) or (g), if the person has obtained a qualifying
149 score on the examination for the position. The names of persons
150 eligible for preference must ~~shall~~ be entered on an appropriate
151 register or list in accordance with their respective augmented
152 ratings. However, except for classes of positions with Federal
153 Government designations of professional or technician, the names
154 of all persons who are qualified to receive a 20-point ~~15-point~~
155 preference whose service-connected disabilities have been rated
156 by the United States Department of Veterans Affairs or its
157 predecessor or the United States Department of Defense to be 30
158 percent or more must ~~shall~~ be placed at the top of the
159 appropriate register or employment list, in accordance with
160 their respective augmented ratings. The respective augmented
161 rating is the examination score or evaluated score in addition
162 to the applicable veteran's preference points.

163 Section 4. Section 295.085, Florida Statutes, is amended to
164 read:

165 295.085 Positions for which a numerically based selection
166 process is not used.—In all positions in which the appointment
167 or employment of persons is not subject to a written
168 examination, not including ~~with the exception of~~ positions that
169 are exempt under s. 295.07(5) ~~s. 295.07(4)~~, first preference in
170 appointment, employment, and retention must ~~shall~~ be given by
171 the state and political subdivisions in the state to a person
172 included under s. 295.07(1)(a) or (b), and second preference
173 must ~~shall~~ be given to a person included under s. 295.07(1)(c),
174 (d), (e), (f), or (g), who possess the minimum qualifications

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175 necessary to discharge the duties of the position involved.

176 Section 5. Paragraph (a) of subsection (1) of section
177 295.09, Florida Statutes, is amended to read:

178 295.09 Reinstatement or reemployment; promotion
179 preference.—

180 (1) (a) When an employee of the state or any of its
181 political subdivisions employed in a position subject or not
182 subject to a career service system or other merit-type system,
183 not including ~~with the exception of those positions that which~~
184 are exempt pursuant to s. 295.07(5) ~~s. 295.07(4)~~, has served in
185 the Armed Forces of the United States and is discharged or
186 separated therefrom with an honorable discharge, the state or
187 its political subdivision shall reemploy or reinstate such
188 person to the same position that he or she held before ~~prior to~~
189 such service in the armed forces, or to an equivalent position,
190 provided that such person returns to the position within 1 year
191 after ~~of~~ his or her date of separation or, in cases of extended
192 active duty, within 1 year after ~~of~~ the date of discharge or
193 separation subsequent to the extension. Such person must ~~shall~~
194 also be awarded preference in promotion and ~~shall~~ be promoted
195 ahead of all others who are as well qualified or less qualified
196 for the position. When an examination for promotion is used
197 ~~utilized~~, such person must ~~shall~~ be awarded preference points,
198 as provided in s. 295.08, and ~~shall~~ be promoted ahead of all
199 those who appear in an equal or lesser position on the
200 promotional register, provided that he or she first successfully
201 passes the examination for the promotional position.

202 Section 6. Paragraph (f) of subsection (4) of section
203 1002.36, Florida Statutes, is amended to read:

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204 1002.36 Florida School for the Deaf and the Blind.—
205 (4) BOARD OF TRUSTEES.—
206 (f) The board of trustees shall:
207 1. Prepare and submit legislative budget requests for
208 operations and fixed capital outlay, in accordance with chapter
209 216 and ss. 1011.56 and 1013.60, to the Department of Education
210 for review and approval. The department must analyze the amount
211 requested for fixed capital outlay to determine if the request
212 is consistent with the school's campus master plan, educational
213 plant survey, and facilities master plan. Projections of
214 facility space needs may exceed the norm space and occupant
215 design criteria established in the State Requirements for
216 Educational Facilities.
217 2. Approve and administer an annual operating budget in
218 accordance with ss. 1011.56 and 1011.57.
219 3. Require all funds received other than gifts, donations,
220 bequests, funds raised by or belonging to student clubs or
221 student organizations, and funds held for specific students or
222 in accounts for individual students to be deposited in the State
223 Treasury and expended as authorized in the General
224 Appropriations Act.
225 4. Require all purchases to be in accordance with the
226 provisions of chapter 287 except for purchases made with funds
227 received as gifts, donations, or bequests; funds raised by or
228 belonging to student clubs or student organizations; or funds
229 held for specific students or in accounts for individual
230 students.
231 5. Administer and maintain personnel programs for all
232 employees of the board of trustees and the Florida School for

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233 the Deaf and the Blind who shall be state employees, including
234 the personnel classification and pay plan established in
235 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
236 academic and academic administrative personnel, the provisions
237 of chapter 110, and the provisions of law that grant authority
238 to the Department of Management Services over such programs for
239 state employees.

240 6. Give preference in appointment and retention in
241 positions of employment as provided within s. 295.07(1) and (2).

242 7. Ensure that the Florida School for the Deaf and the
243 Blind complies with s. 1013.351 concerning the coordination of
244 planning between the Florida School for the Deaf and the Blind
245 and local governing bodies.

246 8. Ensure that the Florida School for the Deaf and the
247 Blind complies with s. 112.061 concerning per diem and travel
248 expenses of public officers, employees, and authorized persons
249 with respect to all funds other than funds received as gifts,
250 donations, or bequests; funds raised by or belonging to student
251 clubs or student organizations; or funds held for specific
252 students or in accounts for individual students.

253 9. Adopt a master plan which specifies the mission and
254 objectives of the Florida School for the Deaf and the Blind. The
255 plan shall include, but not be limited to, procedures for
256 systematically measuring the school's progress toward meeting
257 its objectives, analyzing changes in the student population, and
258 modifying school programs and services to respond to such
259 changes. The plan shall be for a period of 5 years and shall be
260 reviewed for needed modifications every 2 years. The board of
261 trustees shall submit the initial plan and subsequent

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262 modifications to the Speaker of the House of Representatives and
263 the President of the Senate.

264 10. Designate a portion of the school as "The Verle Allyn
265 Pope Complex for the Deaf," in tribute to the late Senator Verle
266 Allyn Pope.

267 Section 7. This act shall take effect July 1, 2021.