

By Senator Powell

24-01337-23

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1 A bill to be entitled
2 An act relating to veterans' preference in promotion;
3 amending s. 295.07, F.S.; requiring the state and its
4 political subdivisions to give preference in promotion
5 in positions of employment to certain veterans or
6 their relatives; waiving postsecondary educational
7 requirements for promotion under certain
8 circumstances; requiring the Department of Veterans'
9 Affairs to adopt certain rules to ensure veterans are
10 given special consideration in the promotion process;
11 amending s. 295.08, F.S.; requiring a numerically
12 based selection process to be used to determine
13 qualifications for promotion; amending s. 295.085,
14 F.S.; requiring preference in promotion for positions
15 for which a numerically based selection process is not
16 used; amending s. 295.11, F.S.; providing for an
17 investigation and administrative hearing of a
18 complaint regarding not being awarded a promotion
19 according to veterans' promotion preference; amending
20 s. 295.155, F.S.; providing that military retirement
21 on the basis of longevity does not disqualify a person
22 from veterans' promotion preference; amending ss.
23 447.207 and 1002.36, F.S.; conforming provisions to
24 changes made by the act; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

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28 Section 1. Subsections (1) through (4) of section 295.07,
29 Florida Statutes, are amended to read:

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30 295.07 Preference in appointment, promotion, and
31 retention.—

32 (1) The state and its political subdivisions shall give
33 preference in appointment, promotion, and retention in positions
34 of employment to:

35 (a) Those disabled veterans:

36 1. Who have served on active duty in any branch of the
37 United States Armed Forces, have received an honorable
38 discharge, and have established the present existence of a
39 service-connected disability that is compensable under public
40 laws administered by the United States Department of Veterans
41 Affairs; or

42 2. Who are receiving compensation, disability retirement
43 benefits, or pension pursuant to public laws administered by the
44 United States Department of Veterans Affairs and the United
45 States Department of Defense.

46 (b) The spouse of a person who has a total disability,
47 permanent in nature, resulting from a service-connected
48 disability and who, because of this disability, cannot qualify
49 for employment, and the spouse of a person missing in action,
50 captured in line of duty by a hostile force, or forcibly
51 detained or interned in line of duty by a foreign government or
52 power.

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

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

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

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

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

68 (2) The state and its political subdivisions may waive a
69 postsecondary educational requirement for a position of
70 employment or for a promotion, other than in those positions
71 made exempt under subsection (5), for a current member of any
72 reserve component of the United States Armed Forces or the
73 Florida National Guard or a veteran who has been honorably
74 discharged if the person is otherwise qualified for the position
75 or promotion.

76 (3) The Department of Veterans' Affairs shall adopt rules
77 to ensure that veterans are given special consideration in the
78 employing agency's selection, promotion, and retention
79 processes. The rules must include the award of point values as
80 articulated in s. 295.08, if applicable, or, where point values
81 are not relevant, must include procedures to ensure that
82 veterans are given special consideration at each step of the
83 employment selection and promotion processes ~~process~~, unless the
84 sponsoring governmental entity is a party to a collective
85 bargaining agreement, in which case the collective bargaining
86 agreement must comply within 90 days after ~~following~~
87 ratification of a successor collective bargaining agreement or

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88 extension of any existing collective bargaining agreement.

89 (4) Preference in employment, promotion, and retention, or
90 educational waivers, may be given only to eligible persons who
91 are described in subsection (1) or subsection (2).

92 Section 2. Section 295.08, Florida Statutes, is amended to
93 read:

94 295.08 Positions for which a numerically based selection
95 process is used.—For positions for which an examination is used
96 to determine the qualifications for entrance into employment
97 with the state or any of its political subdivisions or for
98 promotion within such employment, 20 points must be added to the
99 earned ratings of a person included under s. 295.07(1)(a) or
100 (b), 15 points must be added to the earned ratings of a person
101 included under s. 295.07(1)(c), (d), or (e), and 10 points must
102 be added to the earned rating of a person included under s.
103 295.07(1)(f) or (g), if the person has obtained a qualifying
104 score on the examination for the position or promotion. The
105 names of persons eligible for preference must be entered on an
106 appropriate register or list in accordance with their respective
107 augmented ratings. However, except for classes of positions with
108 Federal Government designations of professional or technician,
109 the names of all persons who are qualified to receive a 20-point
110 preference whose service-connected disabilities have been rated
111 by the United States Department of Veterans Affairs or its
112 predecessor or the United States Department of Defense to be 30
113 percent or more must be placed at the top of the appropriate
114 register or employment list, in accordance with their respective
115 augmented ratings. The respective augmented rating is the
116 examination score or evaluated score in addition to the

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117 applicable veteran's preference points.

118 Section 3. Section 295.085, Florida Statutes, is amended to
119 read:

120 295.085 Positions for which a numerically based selection
121 process is not used.—In all positions in which the appointment,
122 ~~or~~ employment, or promotion of persons is not subject to a
123 written examination, not including positions that are exempt
124 under s. 295.07(5), first preference in appointment, employment,
125 promotion, and retention must be given by the state and
126 political subdivisions in the state to a person included under
127 s. 295.07(1)(a) or (b), and second preference must be given to a
128 person included under s. 295.07(1)(c), (d), (e), (f), or (g),
129 who possess the minimum qualifications necessary to discharge
130 the duties of the position involved.

131 Section 4. Subsection (1) of section 295.11, Florida
132 Statutes, is amended to read:

133 295.11 Investigation; administrative hearing for not
134 employing or promoting preferred applicant.—

135 (1) The Department of Veterans' Affairs or its designee
136 shall, upon the written request of any person specified in s.
137 295.07, investigate any complaint filed with the department by
138 such person when the person has applied to any state agency or
139 any agency of a political subdivision in the state for a
140 position of employment or for a promotion within such employment
141 which was awarded to a nonveteran and the person feels aggrieved
142 under this chapter. The Department of Veterans' Affairs shall
143 review each case and may issue an opinion to the Public
144 Employees Relations Commission as to the merit or lack of merit
145 in each case. The investigation must be accomplished within

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146 existing amounts appropriated to the department.

147 Section 5. Section 295.155, Florida Statutes, is amended to
148 read:

149 295.155 Military retirement based on longevity.—Military
150 retirement on the basis of longevity does not disqualify a
151 person eligible under s. 295.07 from veterans' employment or
152 promotion preference.

153 Section 6. Paragraph (c) of subsection (9) of section
154 447.207, Florida Statutes, is amended to read:

155 447.207 Commission; powers and duties.—

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

159 (c) Section 295.11, relating to reasons for not employing
160 or promoting a preferred veteran applicant.

161 Section 7. Paragraph (f) of subsection (4) of section
162 1002.36, Florida Statutes, is amended to read:

163 1002.36 Florida School for the Deaf and the Blind.—

164 (4) BOARD OF TRUSTEES.—

165 (f) The board of trustees shall:

166 1. Prepare and submit legislative budget requests for
167 operations and fixed capital outlay, in accordance with chapter
168 216 and ss. 1011.56 and 1013.60, to the Department of Education
169 for review and approval. The department must analyze the amount
170 requested for fixed capital outlay to determine if the request
171 is consistent with the school's campus master plan, educational
172 plant survey, and facilities master plan. Projections of
173 facility space needs may exceed the norm space and occupant
174 design criteria established in the State Requirements for

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175 Educational Facilities.

176 2. Approve and administer an annual operating budget in
177 accordance with ss. 1011.56 and 1011.57.

178 3. Require all funds received other than gifts, donations,
179 bequests, funds raised by or belonging to student clubs or
180 student organizations, and funds held for specific students or
181 in accounts for individual students to be deposited in the State
182 Treasury and expended as authorized in the General
183 Appropriations Act.

184 4. Require all purchases to be in accordance with the
185 provisions of chapter 287 except for purchases made with funds
186 received as gifts, donations, or bequests; funds raised by or
187 belonging to student clubs or student organizations; or funds
188 held for specific students or in accounts for individual
189 students.

190 5. Administer and maintain personnel programs for all
191 employees of the board of trustees and the Florida School for
192 the Deaf and the Blind who shall be state employees, including
193 the personnel classification and pay plan established in
194 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
195 academic and academic administrative personnel, the provisions
196 of chapter 110, and the provisions of law that grant authority
197 to the Department of Management Services over such programs for
198 state employees.

199 6. Give preference in appointment, promotion, and retention
200 in positions of employment as provided within s. 295.07(1) and
201 (2).

202 7. Ensure that the Florida School for the Deaf and the
203 Blind complies with s. 1013.351 concerning the coordination of

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204 planning between the Florida School for the Deaf and the Blind
205 and local governing bodies.

206 8. Ensure that the Florida School for the Deaf and the
207 Blind complies with s. 112.061 concerning per diem and travel
208 expenses of public officers, employees, and authorized persons
209 with respect to all funds other than funds received as gifts,
210 donations, or bequests; funds raised by or belonging to student
211 clubs or student organizations; or funds held for specific
212 students or in accounts for individual students.

213 9. Adopt a master plan which specifies the mission and
214 objectives of the Florida School for the Deaf and the Blind. The
215 plan shall include, but not be limited to, procedures for
216 systematically measuring the school's progress toward meeting
217 its objectives, analyzing changes in the student population, and
218 modifying school programs and services to respond to such
219 changes. The plan shall be for a period of 5 years and shall be
220 reviewed for needed modifications every 2 years. The board of
221 trustees shall submit the initial plan and subsequent
222 modifications to the Speaker of the House of Representatives and
223 the President of the Senate.

224 10. Designate a portion of the school as "The Verle Allyn
225 Pope Complex for the Deaf," in tribute to the late Senator Verle
226 Allyn Pope.

227 Section 8. This act shall take effect July 1, 2023.