

HB 43

2011

1 A bill to be entitled
2 An act relating to public officers; prohibiting severance
3 pay for nonelected public officers except under specified
4 circumstances; prohibiting certain limitations on
5 discussing an employment dispute or settlement; providing
6 an effective date.

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8 Be It Enacted by the Legislature of the State of Florida:

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10 Section 1. Limitations on severance pay for nonelected
11 public officers.—

12 (1) As used in this section, the term "severance pay"
13 means the actual or constructive compensation, including salary,
14 benefits, or perquisites, for employment services yet to be
15 rendered for a term greater than 4 weeks before or immediately
16 following termination of employment. The term does not include
17 compensation for:

18 (a) Earned and accrued annual, sick, compensatory, and
19 administrative leave.

20 (b) Early retirement under provisions established in an
21 actuarially funded pension plan subject to part VII of chapter
22 112, Florida Statutes.

23 (2) On or after July 1, 2011, a public officer serving in
24 a nonelected position may not receive severance pay unless:

25 (a) The severance pay is paid from wholly private funds,
26 the payment and receipt of which do not otherwise violate part
27 III of chapter 112, Florida Statutes.

28 (b) The severance pay is administered under part II of

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29 chapter 112, Florida Statutes, on behalf of an agency outside
30 this state and would be permitted under that agency's personnel
31 system.

32 (c) The severance pay represents the settlement of an
33 employment dispute; however, such settlement may not include
34 provisions that limit the ability of any party to the settlement
35 to discuss the dispute or settlement.

36 (3) This section does not create an entitlement to
37 severance pay in the absence of its authorization.

38 Section 2. This act shall take effect July 1, 2011.