



Government Operations Subcommittee

**Wednesday, January 25, 2012
8:00 AM
306 HOB**

Action Packet

**Dean Cannon
Speaker**

**Jimmy Patronis
Chair**

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

Summary:

Government Operations Subcommittee

Wednesday January 25, 2012 08:00 am

HB 153	Favorable	Yeas: 15	Nays: 0
HB 221	Favorable	Yeas: 15	Nays: 0
HB 355	Favorable With Committee Substitute	Yeas: 14	Nays: 0
CS/HB 645	Favorable With Committee Substitute	Yeas: 14	Nays: 0
CS/HB 657	Favorable	Yeas: 12	Nays: 2
CS/HB 1193	Favorable	Yeas: 14	Nays: 0
HB 1205	Favorable With Committee Substitute	Yeas: 9	Nays: 4
HB 1239	Favorable	Yeas: 15	Nays: 0
HB 1261	Favorable With Committee Substitute	Yeas: 13	Nays: 1
HB 1305	Favorable	Yeas: 15	Nays: 0
PCB GVOPS 12-10	Favorable	Yeas: 9	Nays: 3

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Jimmy Patronis (Chair)	X		
Larry Ahern	X		
Douglas Broxson	X		
Jeff Clemens	X		
Janet Cruz	X		
Ana Logan	X		
Debbie Mayfield	X		
George Moraitis, Jr.	X		
Bryan Nelson	X		
H. Marlene O'Toole	X		
Kenneth Roberson	X		
Irving Slosberg	X		
Cynthia Stafford	X		
Barbara Watson	X		
Dana Young	X		
Totals:	15	0	0

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee

1/25/2012 8:00:00AM

Location: 306 HOB

HB 153 : Preference to Florida Businesses in Procurement of Personal Property and Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz	X				
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Duncanson, Chair, Harry - Proponent
 Printing Association of Florida
 9704 Waters Bee Drive
 Tallahassee FL 32312
 Phone: 954-401-5933

Hogge, Stephen (Lobbyist) - Opponent
 Florida League of Cities
 117 S. Gadsden Street
 Tallahassee FL

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee

1/25/2012 8:00:00AM

Location: 306 HOB

HB 221 : Business Enterprise Opportunities for Wartime Veterans

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz	X				
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Pitts, Brian - Waive In Support
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee

1/25/2012 8:00:00AM

Location: 306 HOB

HB 355 : Public Meetings

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz			X		
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Ridings, Dean (Lobbyist) - Waive In Support
 Florida Press Association
 336 E College Ave Ste 201
 Tallahassee FL 32301
 Phone: (850)521-1162

Conn, Kraig (Lobbyist) - Opponent
 Florida League of Cities
 301 S. Bronough
 Tallahassee FL 32301
 Phone: 850-222-9684

Pitts, Brian - Information Only
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

Public Meetings

Uhlfelder, Steven (Lobbyist) - Information Only
 Florida Press Association
 519 E College Ave
 Tallahassee FL 32301
 Phone: (850)980-6438

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

HB 355 : Public Meetings (continued)

Appearances: (continued)

Clarification re HB 355

Pennington, Katherine (Lobbyist) - Information Only

Public Service Commission

2540 Shumard Oak Blvd

Tallahassee FL 32309

Phone: (850)413-6960

Cullen, David (Lobbyist) - Proponent

Sierra Club

1674 University Pkwy #296

Sarasota FL 34243

Phone: (941)323-2404

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 355 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Kiar offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 286.0114, Florida Statutes, is created
8 to read:

9 286.0114 Public meetings; reasonable opportunity to be
10 heard.—

11 (1) Members of the public shall be given a reasonable
12 opportunity to be heard on a proposition before a board or
13 commission. The opportunity to be heard need not occur at the
14 same meeting at which the board or commission takes official
15 action on the item, if the opportunity occurs at a meeting that
16 meets the same notice requirements as the meeting at which the
17 board or commission takes official action on the item, occurs at
18 a meeting that is during the decisionmaking process, and is
19 within reasonable proximity before the meeting at which the

269415 - HB 355.strikeall.Kiar.docx

Published On: 1/24/2012 4:54:10 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 355 (2012)

Amendment No.

20 board or commission takes the official action. The opportunity
21 to be heard is subject to reasonable rules or policies adopted
22 by the board or commission to ensure the orderly conduct of a
23 public meeting, as provided in subsection (3).

24 (2) The requirements in subsection (1) do not apply to:

25 (a) An official act that must be taken to deal with an
26 emergency situation affecting the public health, welfare, or
27 safety, when compliance with the requirements would cause an
28 unreasonable delay in the ability of the board or commission to
29 act;

30 (b) An official act involving no more than a ministerial
31 act; or

32 (c) A meeting in which the board or commission is acting
33 in a quasi-judicial capacity with respect to the rights or
34 interests of a person. This paragraph does not affect the right
35 of a person to be heard as otherwise provided by law.

36 (3) Rules or policies of a board or commission adopted
37 under subsection (5) must be limited to rules or policies that:

38 (a) Limit the time an individual has to address the board
39 or commission;

40 (b) Require, at meetings in which a large number of
41 individuals wish to be heard, that representatives of groups or
42 factions on an item, rather than all of the members of the
43 groups or factions, address the board or commission; or

44 (c) Prescribe procedures or forms for an individual to use
45 in order to inform the board or commission of a desire to be
46 heard, to indicate his or her support, opposition, or neutrality
47 on a proposition, and to indicate his or her designation of a

269415 - HB 355.strikeall.Kiar.docx

Published On: 1/24/2012 4:54:10 PM

Am to Strike-All



Council/Committee/Subcommittee on
Government Operations

Date Jan 25, 2012

Action _____

HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. _____

Bill No. 355

(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on Young

offered the following amendment:

Amendment to strike-all amendment

on page 2, line(s) Between lines 37 and 38, insert:

(a) Designate a specified period
of time for public comment;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 355 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> x </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Young offered the following:

4

5 **Amendment to Amendment (269415) by Representative Kiar**

6 Between lines 37 and 38 of the amendment, insert:

7 (a) Designate a specified period of time for public comment;

8

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

CS/HB 645 : Pub. Rec./Title Insurance Data/DFS

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz			X		
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 645 (2012)

Amendment No.

20 information. Without this exemption, title insurance agencies
21 and title insurers, whose records are generally not required to
22 be open to the public, might refrain from providing accurate and
23 unbiased data, thus impairing the Office of Insurance
24 Regulation's ability to set fair and adequate title insurance
25 rates. Proprietary business information derives actual or
26 potential independent economic value from not being generally
27 known to, and not being readily ascertainable by proper means
28 by, other persons who can derive economic value from its
29 disclosure or use. The Office of Insurance Regulation, in
30 performing its lawful duties and responsibilities, may need to
31 obtain information from the proprietary business information.
32 Without an exemption from public records requirements for
33 proprietary business information provided to the Office of
34 Insurance Regulation, such information becomes a public record
35 when received and must be divulged upon request. Divulgence of
36 any proprietary business information under the public records
37 law would destroy the value of that property to the proprietor,
38 causing a financial loss not only to the proprietor but also to
39 the residents of this state due to the loss of reliable
40 financial data necessary for fair and adequate rate regulation.
41 Release of proprietary business information would give business
42 competitors an unfair advantage and weaken the position in the
43 marketplace of the proprietor that owns or controls the
44 proprietary business information. The harm to businesses in the
45 marketplace and to the effective administration of the
46 ratemaking function caused by the public disclosure of such
47 information far outweighs the public benefits derived from its

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 645 (2012)

Amendment No.

48 release. In addition, the confidentiality provided by this act
49 does not preclude the reporting of statistics in the aggregate
50 concerning the collection of data, as well as the names of the
51 title insurance agencies and title insurers participating in the
52 data collection. Such aggregate reported data is available to
53 the public and is important to an assessment of the setting of
54 title insurance premiums. Thus, the Legislature declares that it
55 is a public necessity that proprietary business information of
56 title insurers and title insurance agencies provided to the
57 Office of Insurance Regulation be made confidential and exempt
58 from s.
59

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

CS/HB 657 : Pub. Rec./Biomedical Research

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz				X	
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford		X			
Barbara Watson		X			
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 12		Total Nays: 2			

Appearances:

Pitts, Brian - Opponent
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee

1/25/2012 8:00:00AM

Location: 306 HOB

CS/HB 1193 : Pub. Rec./Victims of Violence

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz			X		
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

Pitts, Brian - Proponent
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

HB 1205 : Drug-Free Workplace Act

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens		X			
Janet Cruz			X		
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg		X			
Cynthia Stafford		X			
Barbara Watson		X			
Dana Young	X				
Jimmy Patronis (Chair)			X		
Total Yeas: 9		Total Nays: 4			

Appearances:

Drug Testing

Templin, Rich (Lobbyist) - Opponent

Florida AFL-CIO

135 S. Monroe

Tallahassee FL 32301

Phone: 850-224-6926

Random Drug Testing

Martin, Douglas (Lobbyist) - Opponent

AFSCME Florida Council 79

3064 Highland Oaks Ter

Tallahassee FL 32301

Phone: (850)222-0842

Pitts, Brian - Information Only

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	___	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Smith offered the following:
4

5 **Amendment (with title amendment)**
6 -----

7 **T I T L E A M E N D M E N T**

8 Remove lines 3-5 and insert:
9 amending s. 112.0455, F.S.; revising the definition of the term
10 "job applicant"; defining the term "random testing"; removing
11 the definition of the term "safety-sensitive position";
12 authorizing an agency within
13

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Smith offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 369-397 and insert:

7 1. If an employer refers an employee to an employee
8 assistance program or an alcohol and drug rehabilitation
9 program, the employer must determine whether the employee is
10 able to safely and effectively perform the job duties assigned
11 to the employee while the employee participates in the employee
12 assistance program or the alcohol and drug rehabilitation
13 program.

14 2. An employee whose assigned duties require the employee
15 to carry a firearm, work closely with an employee who carries a
16 firearm, perform life-threatening procedures, work with heavy or
17 dangerous machinery, work as a safety inspector, work with
18 children, work with detainees in the correctional system, work
19 with confidential information or documents pertaining to

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Published On: 1/24/2012 6:42:56 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2012)

Amendment No.

20 criminal investigations, work with controlled substances, hold a
21 position subject to s. 110.1127, or hold a position in which a
22 momentary lapse in attention could result in injury or death to
23 another person, is deemed unable to safely and effectively
24 perform the job duties assigned to the employee while the
25 employee participates in the employee assistance program or the
26 alcohol and drug rehabilitation program.

27 3. If an employer refers an employee to an employee
28 assistance program or an alcohol and drug rehabilitation program
29 and the employer determines that the employee is unable, or the
30 employee is deemed unable, to safely and effectively perform the
31 job duties assigned to the employee before he or she completes
32 the employee assistance program or the alcohol and drug
33 rehabilitation program, the employer shall place the employee in
34 a job assignment that the employer determines the employee can
35 safely and effectively perform while participating in the
36 employee assistance program or the alcohol and drug
37 rehabilitation program.

38 4. If a job assignment in which the employee may safely and
39 effectively perform is unavailable, the employer shall place the
40 employee on leave status while the employee is participating in
41 an employee assistance program or an alcohol and drug
42 rehabilitation program. If placed on leave status

43
44
45
46 -----
47 **T I T L E A M E N D M E N T**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1205 (2012)

Amendment No.

48 Remove lines 20-33 and insert:
49 assistance program or an alcohol and drug rehabilitation program
50 at the employee's own expense; requiring the employer to
51 determine if the employee is able to safely and effectively
52 perform the job duties assigned to the employee while the
53 employee is participating in the employee assistance program or
54 alcohol and drug rehabilitation program; deeming that certain
55 specified job activities cannot be performed safely and
56 effectively while the employee is participating in the employee
57 assistance program or alcohol and drug rehabilitation program;
58 requiring the employer to transfer the employee to a job
59 assignment that he or she can perform safely and effectively
60 while the employee participates in the employee assistance
61 program of alcohol and drug rehabilitation program; requiring
62 the employer to place the employee on leave status while the
63 employee is participating in an employee assistance program or
64 an alcohol and drug rehabilitation program. if
65

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

HB 1239 : Pub. Rec./Department of Citrus

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz	X				
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Pitts, Brian - Opponent
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

HB 1261 : State Employment

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz			X		
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford		X			
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Appearances:

State Employment
Puckett, Matthew (Lobbyist) - Information Only
Florida Police Benevolent Association, Inc
300 E Brevard St
Tallahassee FL 32301
Phone: (850)222-3329

State Employment
Parkerson, Dean - Waive In Opposition
Florida Professional Firefighters
345 Madison
Tallahassee FL

State Employment
Martin, Douglas (Lobbyist) - Opponent
AFSCME Florida Council 79
3064 Highland Oaks Ter
Tallahassee FL 32301
Phone: (850)222-0842

Pitts, Brian - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Government Operations
2 Subcommittee

3 Representative Mayfield offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. The Division of Statutory Revision is requested
8 to rename chapter 110, Florida Statutes, as "State Personnel
9 System."

10 Section 2. The Division of Statutory Revision is requested
11 to rename part I of chapter 110, Florida Statutes, as "General
12 Provisions."

13 Section 3. Section 110.105, Florida Statutes, is amended
14 to read:

15 110.105 Establishment of the State Personnel System
16 Employment policy of the state.-

17 (1) ~~It is~~ The purpose of this chapter is to establish the
18 State Personnel a System ~~of personnel management.~~ This
19 system shall provide a means for maintaining to recruit, select,

039399 - amendmentdraft40101.docx

Published On: 1/24/2012 10:08:01 AM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

20 ~~train, develop, and maintain~~ an effective and responsible
21 workforce and include ~~shall include~~ policies, and procedures,
22 and guidelines for employee hiring and advancement, training and
23 career development, position classification, salary
24 administration, benefits, attendance and leave, discipline,
25 dismissal ~~discharge~~, employee performance evaluations,
26 affirmative action, and other related activities.

27 ~~(2) All appointments, terminations, assignments and~~
28 ~~maintenance of status, compensation, privileges, and other terms~~
29 ~~and conditions of employment in state government shall be made~~
30 ~~without regard to age, sex, race, religion, national origin,~~
31 ~~political affiliation, marital status, or handicap, except when~~
32 ~~a specific sex, age, or physical requirement constitutes a bona~~
33 ~~fide occupational qualification necessary to proper and~~
34 ~~efficient administration.~~

35 ~~(3) Except as expressly provided by law, there shall be no~~
36 ~~Florida residence requirement for any person as a condition~~
37 ~~precedent to employment by the state; however, preference may be~~
38 ~~given to Florida residents in hiring.~~

39 ~~(2)-(4)~~ This chapter contains the requirements and guides
40 for establishing and maintaining a system of personnel
41 administration on a merit basis. The system ~~of personnel~~
42 ~~administration~~ shall be implemented so as to ensure that the
43 permit state agencies participating in the State Personnel
44 System are to be eligible for to receive federal funds.

45 ~~(5) Nothing in this chapter shall be construed either to~~
46 ~~infringe upon or to supersede the rights guaranteed public~~
47 ~~employees under chapter 447.~~

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48 Section 4. Section 110.107, Florida Statutes, is
49 transferred, renumbered as section 110.1054, Florida Statutes,
50 reordered, and amended to read:

51 110.1054 ~~110.107~~ Definitions.—As used in this chapter, the
52 term:

53 (5)~~(1)~~ "Department" means the Department of Management
54 Services.

55 (30)~~(2)~~ "Secretary" means the Secretary of Management
56 Services.

57 ~~(3) "Furlough" means a temporary reduction in the regular
58 hours of employment in a pay period, or temporary leave without
59 pay for one or more pay periods, with a commensurate reduction
60 in pay, necessitated by a projected deficit in any fund that
61 supports salary and benefit appropriations. The deficit must be
62 projected by the Revenue Estimating Conference pursuant to s.
63 216.136(3).~~

64 (31)~~(4)~~ "State agency" or "agency" means any entity within
65 the State Personnel System ~~official, officer, commission, board,~~
66 ~~authority, council, committee, or department of the executive~~
67 ~~branch or the judicial branch of state government as defined in~~
68 ~~chapter 216.~~

69 (32) "State employee" or "employee" means an employee of a
70 state agency.

71 (33) "State Personnel System" means the system of
72 personnel administration for authorized civil service, selected
73 exempt service, and senior management service positions and
74 other personal services employment within the following state

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75 agencies and organizational units of such agencies as specified
76 by law:

77 (a) Agency for Enterprise Information Technology.

78 (b) Agency for Health Care Administration.

79 (c) Agency for Persons with Disabilities.

80 (d) Department of Agriculture and Consumer Services.

81 (e) Department of Business and Professional Regulation.

82 (f) Department of Children and Family Services.

83 (g) Department of Citrus.

84 (h) Department of Corrections.

85 (i) Department of Economic Opportunity.

86 (j) Department of Education.

87 (k) Department of Elderly Affairs.

88 (l) Department of Environmental Protection.

89 (m) Department of Financial Services.

90 (n) Department of Health.

91 (o) Department of Highway Safety and Motor Vehicles.

92 (p) Department of Juvenile Justice.

93 (q) Department of Law Enforcement.

94 (r) Department of Legal Affairs.

95 (s) Department of Management Services.

96 (t) Department of Military Affairs.

97 (u) Department of Revenue.

98 (v) Department of State.

99 (w) Department of Transportation.

100 (x) Department of Veterans' Affairs.

101 (y) Executive Office of the Governor.

102 (z) Fish and Wildlife Conservation Commission.

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103 (aa) Florida Public Service Commission.

104 (bb) Florida School for the Deaf and the Blind.

105 (cc) Parole Commission.

106 (22)-(5) "Position" means the work, consisting of duties
107 and responsibilities, assigned to be performed by an officer or
108 employee.

109 (23) "Position description" means the document that
110 accurately describes the assigned duties, responsibilities, and
111 other pertinent information, including licensure, certification,
112 or registration requirements, of a position and that serves as
113 the official record of the work and other requirements of the
114 position.

115 (10)-(6) "Full-time position" means a position authorized
116 for the entire normally established work period, whether daily,
117 weekly, monthly, or annually.

118 (19)-(7) "Part-time position" means a position authorized
119 for less than the entire normally established work period,
120 whether daily, weekly, monthly, or annually.

121 (16)-(8) "Occupation" means all positions that which are
122 sufficiently similar in knowledge, skills, and abilities, and
123 sufficiently similar as to kind or subject matter of work.

124 (17)-(9) "Occupational group" means a group of occupations
125 which are sufficiently similar in the kind of work performed to
126 warrant the use of the same performance factors in determining
127 the level of complexity for all occupations in that occupational
128 group.

129 (18) "Other personal services" means temporary employment
130 as provided in s. 112.907.

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131 ~~(3)-(10)~~ "Classification system plan" means a formal
132 description of the concepts, rules, job family definitions,
133 occupational group characteristics, ~~and~~ occupational profiles,
134 and broadband levels used to classify in the classification of
135 positions.

136 ~~(21)-(11)~~ "Pay plan" means a formal description of the
137 philosophy, methods, procedures, and salary schedules for
138 competitively compensating employees at market-based rates for
139 work performed.

140 ~~(29)-(12)~~ "Salary schedule" means an official document that
141 ~~which~~ contains a complete list of occupation titles, broadband
142 level codes, ~~and~~ pay bands, and other related information.

143 ~~(1)-(13)~~ "Authorized position" means a position included in
144 an approved budget. In counting the number of authorized
145 positions, part-time positions may be converted to full-time
146 equivalents.

147 ~~(8)-(14)~~ "Established position" means an authorized
148 position that ~~which~~ has been classified in accordance with a
149 classification system and pay plan as provided by law.

150 ~~(24)-(15)~~ "Position number" means the identification number
151 assigned to an established position or other-personal-services
152 employment position.

153 ~~(28)-(16)~~ "Reclassification" means changing an established
154 position ~~in one broadband level in an occupational group~~ to a
155 higher or lower broadband level within in the same occupation or
156 changing an established position to a different occupation,
157 either of which is the result of a change in the duties and

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158 responsibilities of the position occupational group or to a
159 broadband level in a different occupational group.

160 (26)-(17) "Promotion" means moving a civil service employee
161 to a higher broadband level within an occupation, or moving an
162 employee to an occupation that has a broadband level having
163 changing the classification of an employee to a broadband level
164 having a higher maximum salary; or the changing of the
165 classification of an employee to a broadband level having the
166 same or a lower maximum salary but a higher level of
167 responsibility.

168 (4)-(18) "Demotion" means moving a civil service changing
169 the classification of an employee to a lower broadband level
170 within an occupation, or moving an employee to an occupation
171 that has a broadband level having a lower maximum salary; or the
172 changing of the classification of an employee to a broadband
173 level having the same or a higher maximum salary but a lower
174 level of responsibility.

175 (35)-(19) "Transfer" means moving a civil service an
176 employee from one geographic location of the state to a
177 different geographic location that is more than in excess of 50
178 highway miles from the employee's current work location. The
179 mileage shall be calculated using an official Department of
180 Transportation map.

181 (27)-(20) "Reassignment" means moving a civil service an
182 employee from a position in an occupation to a position in the
183 same occupation and one broadband level which has different
184 duties; or to a different position in a different occupation
185 that has a the same broadband level with the same maximum

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186 salary; or to a position in the same occupation and different
187 broadband level regardless of the duties, but in a different
188 agency having the same maximum salary.

189 ~~(6)-(21)~~ "Dismissal" means a disciplinary action taken by
190 an agency pursuant to s. 110.227 against a civil service an
191 employee which results resulting in the termination of his or
192 her employment.

193 ~~(34)-(22)~~ "Suspension" means a disciplinary action taken by
194 an agency against a civil service employee pursuant to s.
195 110.227 which against an employee to temporarily relieves
196 relieve the employee of his or her duties and places place him
197 or her on leave without pay.

198 ~~(14)-(23)~~ "Layoff" means termination of employment due to a
199 shortage of funds or work, or a material change in the duties or
200 organization of an agency, including the outsourcing or
201 privatization of an activity or function previously performed by
202 civil career service employees.

203 ~~(15)~~ "Merit status" means the status attained by a civil
204 service employee in his or her current position upon
205 successfully completing the required probationary period by
206 demonstrating competency in performing the duties and
207 responsibilities of that position.

208 ~~(7)-(24)~~ "Employing agency" means any agency authorized to
209 employ personnel to carry out the responsibilities of the agency
210 pursuant to under the provisions of chapter 20 or other law
211 statutory authority.

212 ~~(25)~~ "Shared employment" means part-time career employment
213 whereby the duties and responsibilities of a full-time position

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214 ~~in the career service are divided among part-time employees who~~
215 ~~are eligible for the position and who receive career service~~
216 ~~benefits and wages pro rata. In no case shall "shared~~
217 ~~employment" include the employment of persons paid from other-~~
218 ~~personal services funds.~~

219 ~~(9)-(26)~~ "Firefighter" means a firefighter certified under
220 chapter 633.

221 ~~(13)-(27)~~ "Law enforcement or correctional officer" means a
222 law enforcement officer, special agent, correctional officer,
223 correctional probation officer, or institutional security
224 specialist ~~required to be~~ certified under chapter 943.

225 ~~(25)-(28)~~ "Professional health care provider" means
226 registered nurses, physician's assistants, dentists,
227 psychologists, nutritionists or dietitians, pharmacists,
228 psychological specialists, physical therapists, and speech and
229 hearing therapists.

230 ~~(11)-(29)~~ "Job family" means a defined grouping of one or
231 more similar occupational groups.

232 ~~(12)~~ "Lateral" means moving a civil service employee
233 within an agency to a different position that is in the same
234 occupation, that is at the same broadband level with the same
235 maximum salary, and that has substantially the same duties and
236 responsibilities.

237 ~~(20)-(30)~~ "Pay band" means the minimum salary, the maximum
238 salary, and intermediate rates that ~~which~~ are payable for work
239 in a specific broadband level.

240 ~~(2)-(31)~~ "Broadband level" means all positions that ~~which~~
241 are sufficiently similar in knowledge, skills, and abilities;

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242 ~~the, and sufficiently similar as to~~ kind or subject matter of
243 ~~work; the,~~ level of difficulty or responsibility;
244 ~~responsibilities,~~ and qualification requirements ~~of the work so~~
245 as to warrant the same treatment with respect as to title, pay
246 band, and other personnel transactions.

247 Section 5. Section 110.1055, Florida Statutes, is amended
248 to read:

249 110.1055 Rules; records and rulemaking authority.-

250 (1) The department of Management Services shall adopt
251 rules as necessary to carry out its statutory duties effectuate
252 ~~the provisions of this chapter, as amended by this act, and in~~
253 ~~accordance with the authority granted to the department in this~~
254 ~~chapter. All existing rules relating to this chapter are~~
255 ~~statutorily repealed January 1, 2002, unless otherwise~~
256 ~~readopted.~~

257 (2) In consultation with the state agencies, the
258 department shall develop uniform personnel rules, guidelines,
259 records, and reports relating to employees in the State
260 Personnel System. The department may adopt rules that provide
261 alternative requirements.

262 (3) Upon adoption, the uniform personnel rules constitute
263 the personnel rules for each state agency.

264 (a) Each agency must comply with the uniform rules unless:

265 1. The Administration Commission has granted an exception
266 to a specific rule. An agency may request an exception to the
267 uniform personnel rules by filing a petition with the
268 commission. The commission shall approve an exception if the
269 exception is necessary to conform to any requirement imposed as

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270 a condition precedent to receipt of federal funds or to permit
271 persons in this state to receive tax benefits under federal law,
272 or if required for the most efficient operation of the agency as
273 determined by the commission. The reasons for the exception must
274 be published in the Florida Administrative Weekly. Agency rules
275 that provide exceptions to the uniform rules may not be adopted
276 unless approved by the commission.

277 2. The agency must comply with a statutory provision that
278 conflicts with the uniform rules. In such case, the agency shall
279 notify the department, the Administration Commission, the
280 Administrative Procedures Committee, and the appropriate
281 standing committees of the Legislature and advise the standing
282 committees if the agency recommends revision of the statute to
283 conform it to the uniform rules. Agencies are encouraged to
284 propose methods for conforming statutory provisions to the
285 uniform rules.

286 (b) An agency that adopts rules that provide an exception
287 to the uniform rules or that comply with statutory requirements
288 that conflict with the uniform rules must have a separate
289 chapter published in the Florida Administrative Code. The
290 chapter must clearly delineate the provisions of the agency's
291 rules which provide an exception or which are based on a
292 conflicting statutory requirement. Each alternative chosen from
293 those authorized by the uniform rules must be specified. Each
294 chapter must be organized in the same manner as the uniform
295 rules.

296 (c) Any rule adopted by an agency which is an exception to
297 the uniform rules or which is based upon a conflicting statutory

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298 provision may not prescribe personnel policies inconsistent with
299 the provisions of this chapter. Such rules may not include any
300 benefits for State Personnel System employees which are in
301 addition to, or exceed, those authorized by this chapter and
302 must comply with all federal regulations necessary to allow the
303 agency to receive federal funds.

304 (4) The department may develop uniform forms and
305 instructions relating to personnel transactions as the
306 department determines necessary.

307 (5) The agency is responsible for maintaining up-to-date
308 personnel records and reports in accordance with applicable
309 rules and laws.

310 Section 6. Section 110.1056, Florida Statutes, is created
311 to read:

312 110.1056 Agency audits.—The department may periodically
313 audit agency records to determine compliance with this chapter
314 and department rules.

315 Section 7. Section 110.405, Florida Statutes, is
316 transferred, renumbered as section 110.106, Florida Statutes,
317 and amended to read:

318 110.106 ~~110.405~~ Advisory committees.—The secretary of
319 ~~Management Services~~ may at any time appoint an ad hoc or
320 continuing advisory committee consisting of members of the
321 Senior Management Service or other persons knowledgeable in the
322 field of personnel management. Advisory committees ~~Any such~~
323 ~~committee shall consist of not more than nine members, who shall~~
324 serve at the pleasure of and meet at the call of the secretary
325 and, at the request of the secretary, provide consultation and

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326 ~~advice, to advise and consult with the secretary on such matters~~
327 ~~affecting the State Personnel System Senior Management Service~~
328 ~~as the secretary requests.~~ Members shall serve without
329 compensation, ~~but are~~ shall be entitled to ~~receive~~ reimbursement
330 for travel expenses as provided in s. 112.061. The secretary may
331 periodically hire a consultant who has ~~with~~ expertise in
332 personnel administration management ~~management~~ to advise him or her with
333 respect to the administration of the State Personnel System
334 ~~Senior Management Service.~~

335 Section 8. Section 110.1065, Florida Statutes, is created
336 to read:

337 110.1065 General employment policies and requirements.—

338 (1) It is the policy of the State Personnel System:

339 (a) That all appointments, terminations, assignments, and
340 maintenance of status, compensation, privileges, and other terms
341 and conditions of employment in the State Personnel System be
342 made without regard to age, sex, race, color, religion, national
343 origin, political affiliation, marital status, disability, or
344 genetic information, unless a specific requirement constitutes a
345 bona fide occupational qualification.

346 (b) That sexual harassment is a form of discrimination
347 and, therefore, is prohibited and shall be defined in a manner
348 consistent with federal law.

349 (c) To support employees in balancing their personal needs
350 and work responsibilities. This policy is designed to enhance
351 the employee's ability to blend the competing demands of work
352 and personal life and produce a more skilled, accountable, and
353 committed workforce for the State Personnel System. Provisions

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354 may include, but need not be limited to, flexible work
355 schedules, telework, part-time employment, and leaves of absence
356 with or without pay.

357 (d) To adopt and comply with the federal Family and
358 Medical Leave Act, except for those provisions that do not
359 specifically apply to state government employers. With regard to
360 those provisions, the sovereign immunity of the state is not
361 waived and the rules of the department relating to leave
362 control.

363 (2) Except as expressly provided by law, Florida residency
364 may not be required for any person as a condition precedent to
365 employment; however, preference in hiring may be given to state
366 residents.

367 (3) State agencies that use other personal services
368 employment must comply with s. 112.907.

369 (4) Employees of the State Personnel System may be
370 furloughed pursuant to s. 112.920.

371 (5) This chapter may not be construed to infringe upon or
372 supersede the rights guaranteed public employees under chapter
373 447.

374 (6) The department may adopt rules necessary to administer
375 this section.

376 (7) Parts IX and XI of chapter 112 are applicable to the
377 State Personnel System. The department may adopt rules necessary
378 to administer those parts.

379 Section 9. Section 110.233, Florida Statutes, is
380 transferred, renumbered as section 110.1075, Florida Statutes,
381 and amended to read:

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382 110.1075 ~~110.233~~ Political activities and unlawful acts
383 prohibited.-

384 (1) No person shall be appointed to, demoted, or dismissed
385 from any position in the Civil ~~career~~ Service, or in any way
386 favored or discriminated against with respect to employment in
387 the Civil ~~career~~ Service, because of ~~race, color, national~~
388 ~~origin, sex, handicap, religious creed, or~~ political opinion or
389 affiliation.

390 (2) No person may ~~shall~~ use or promise to use, directly or
391 indirectly, any official authority or influence, whether
392 possessed or anticipated, to secure or attempt to secure for any
393 person an appointment or advantage in appointment to a position
394 in the Civil ~~career~~ Service, or an increase in pay or other
395 advantage in employment in any such position, for the purpose of
396 influencing the vote or political action of any person or for
397 any consideration. + However, letters of inquiry,
398 recommendations, and references by public employees or public
399 officials are ~~shall~~ not be considered political pressure unless
400 they contain ~~any such letter contains~~ a threat, intimidation, or
401 irrelevant, derogatory, or false information. For the purposes
402 of this section, the term "political pressure," in addition to
403 any appropriate meaning that ~~which~~ may be ascribed ~~thereto~~ by
404 lawful authority, includes the use of official authority or
405 influence in any manner prohibited by this chapter.

406 (3) No person may ~~shall~~, directly or indirectly, give,
407 render, pay, offer, solicit, or accept any money, service, or
408 other valuable consideration for or on account of any
409 appointment, proposed appointment, promotion or proposed

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410 promotion to, or any advantage in a position in the Civil
411 ~~career~~ Service. ~~The provisions of~~ This subsection ~~does~~ ~~do~~ not
412 apply to a private employment agency if ~~licensed pursuant to the~~
413 ~~provisions of chapter 449 when~~ the services of the ~~such~~ private
414 employment agency are requested by a state agency, ~~board,~~
415 ~~department, or commission~~ and neither the state nor any
416 political subdivision pays the private employment agency for
417 such services.

418 (4) As an individual, each employee retains all rights and
419 obligations of citizenship provided in the Constitution and laws
420 of the state and the Constitution and laws of the United States.
421 However, an ~~no~~ employee in the Civil ~~career~~ Service may not
422 ~~shall~~:

423 (a) Hold, or be a candidate for, public office while in
424 the employment of the state or take an ~~any~~ active part in a
425 political campaign while on duty or within any period of time
426 during which the employee is expected to perform services for
427 which he or she receives compensation from the state. However,
428 if ~~when~~ authorized by his or her agency head and approved by the
429 department as not involving an ~~no~~ interest that ~~which~~ conflicts
430 or activity that ~~which~~ interferes with his or her state
431 employment, an employee in the Civil ~~career~~ Service may be a
432 candidate for or hold local public office. The department shall
433 prepare and make available to all affected personnel who make
434 such request a definite set of rules and procedures consistent
435 with this paragraph ~~the provisions herein~~.

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436 (b) Use the authority of his or her position to secure
437 support for, or oppose, any candidate, party, or issue in a
438 partisan election or affect the results thereof.

439 (5) No State Personnel System employee or official may
440 ~~shall~~ use any promise of reward or threat of loss to encourage
441 or coerce any employee to support or contribute to any political
442 issue, candidate, or party.

443 (6) The department shall adopt by rule procedures for
444 State Personnel Career Service System employees which that
445 require disclosure to the agency head of any application for or
446 offer of employment, gift, contractual relationship, or
447 financial interest with any individual, partnership,
448 association, corporation, utility, or other organization,
449 whether public or private, doing business with or subject to
450 regulation by the agency.

451 (7) The department may adopt rules necessary to administer
452 this section.

453 Section 10. Section 110.1099, Florida Statutes, is amended
454 to read:

455 110.1099 Elective education and professional development
456 ~~and training~~ opportunities for ~~state~~ employees.-

457 (1) The education and professional development of
458 employees training are ~~an~~ integral components ~~component~~ in
459 improving the delivery of services to the public. Recognizing
460 that the application of productivity-enhancing technology and
461 practice demands continuous educational and professional
462 development training opportunities, an a-state employee may be
463 ~~authorized to~~ receive a voucher, ~~or~~ grant, or tuition

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464 reimbursement for matriculation fees, to attend work-related
465 courses at public community colleges, public career centers, or
466 public universities, or other accredited postsecondary
467 educational institutions. ~~The department may implement the~~
468 ~~provisions of this section from funds appropriated to the~~
469 ~~department for this purpose. In the event insufficient funds are~~
470 ~~appropriated to the department, Each state agency may supplement~~
471 ~~these funds to support the educational and professional~~
472 development training and education needs of its employees from
473 funds appropriated to the agency.

474 ~~(2) The department, in conjunction with the agencies,~~
475 ~~shall request that public universities provide evening and~~
476 ~~weekend programs for state employees. When evening and weekend~~
477 ~~training and educational programs are not available, an employee~~
478 ~~may be authorized to take paid time off during his or her~~
479 ~~regular working hours for training and career development, as~~
480 ~~provided in s. 110.105(1), if such training benefits the~~
481 ~~employer as determined by that employee's agency head.~~

482 ~~(2)(3)~~ An employee who exhibits superior aptitude and
483 performance may be authorized by his or her ~~that employee's~~
484 agency head to take a paid educational leave of absence for up
485 to 1 academic year at a time, for specific approved work-related
486 education and professional development training. ~~The~~ That
487 employee must enter into a contract to return to the agency
488 granting the leave ~~state employment~~ for a period of time equal
489 to the length of the leave of absence or refund the salary and
490 benefits paid during the ~~his or her educational~~ leave of
491 absence.

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492 (3)(4) As a precondition to approving an employee's
493 training request for an educational, professional development,
494 or training program, an agency ~~or the judicial branch~~ may
495 require the an employee to enter into an agreement which
496 provides that, if the employee voluntarily terminates employment
497 or is dismissed from the agency within a specified period of
498 time, not to exceed 2 years after the conclusion of the program,
499 ~~requires the employee must to~~ reimburse the agency ~~or judicial~~
500 ~~branch~~ for up to the total cost of fees and associated expenses
501 for the program if the registration fee or similar expense for
502 any training or training series when the total cost of the fee
503 or similar expense exceeds \$1,000 if the employee voluntarily
504 ~~terminates employment or is discharged for cause from the agency~~
505 ~~or judicial branch within a specified period of time not to~~
506 ~~exceed 4 years after the conclusion of the training.~~ This
507 subsection does not apply to any training program or course that
508 an agency ~~or the judicial branch~~ requires an employee to attend.
509 An agency ~~or the judicial branch~~ may pay the outstanding balance
510 then due and owing on behalf of an a state employee under this
511 subsection in connection with the recruitment and hiring of such
512 state employee.

513 (4)(5) The department may ~~of Management Services, in~~
514 ~~consultation with the agencies and, to the extent applicable,~~
515 ~~with Florida's public community colleges, public career centers,~~
516 ~~and public universities, shall adopt rules necessary to~~
517 administer this section.

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518 Section 11. Section 110.235, Florida Statutes, is
519 transferred, renumbered as section 110.1115, Florida Statutes,
520 and amended to read:

521 110.1115 ~~110.235~~ Training and professional development of
522 employees.-

523 (1) State agencies shall implement training and
524 professional development programs that encompass modern
525 management principles, and that provide the framework to develop
526 human resources, ~~through empowerment, training, and rewards for~~
527 ~~productivity enhancement;~~ to continuously improve the quality of
528 services, ~~+~~ and to satisfy the expectations of the public.

529 (2) Each state employing agency shall provide the
530 department with training information as requested for the
531 purpose of analyzing statewide training needs annually evaluate
532 ~~and report to the department the training it has implemented and~~
533 ~~the progress it has made in the area of training.~~

534 (3) ~~As approved by the Legislature by law,~~ Each state
535 ~~employing~~ agency may use a portion specified percentage of its
536 salary budget to implement training programs.

537 (4) In order to promote the development of managerial,
538 executive, or administrative skills among employees, each agency
539 may establish and administer a training program that may
540 include, but need not be limited to:

541 (a) Improving the performance of individuals and groups of
542 employees.

543 (b) Relating the efforts of employees to the goals of the
544 agency.

545 (c) Strategic planning.

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546 (d) Team leadership.

547 (5) The department is responsible for ensuring that
548 appropriate state agency personnel are adequately trained in the
549 proper administration of State Personnel System policies and
550 procedures, compliance with all applicable federal and state
551 workforce regulations, and the promotion of efficient and
552 equitable employment practices. The department may host
553 workshops, conferences, and other professional development
554 activities that focus on the training needs of agency staff who
555 are responsible for human resource management, training and
556 development, and benefits administration.

557 (a) The department may coordinate with the appropriate
558 business units of the state universities or community colleges
559 for the purpose of sponsoring conferences and expositions that
560 provide continuing professional development to the agencies in
561 the areas of human resource management, payroll and benefits
562 administration, and other topics critical to the proper
563 administration of the state workforce.

564 (b) For the purposes of leveraging resources and promoting
565 best practices, the department may open such conferences to all
566 state and local public employers who have shared interests in
567 public-sector human resource management and related topics.

568 (6) The department may adopt rules necessary to administer
569 this section.

570 Section 12. Section 110.112, Florida Statutes, is amended
571 to read:

572 110.112 ~~Affirmative action;~~ Equal employment opportunity.-

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573 (1) It ~~is shall be~~ the policy of the State Personnel
574 System to assist in ensuring ~~providing the assurance of~~ equal
575 employment opportunity through programs of affirmative and
576 positive action that ~~will~~ allow full utilization of women and
577 minorities.

578 (2) ~~(a)~~ The head of each state ~~executive~~ agency shall
579 develop and implement an affirmative action plan in accordance
580 with this section and applicable state and federal laws ~~rules~~
581 ~~adopted by the department and approved by a majority vote of the~~
582 ~~Administration Commission before their adoption.~~

583 ~~(a)~~ ~~(b)~~ Each ~~executive~~ agency shall establish annual goals
584 for ensuring the full utilization of groups underrepresented in
585 its workforce as compared to the relevant labor market, as
586 defined by the agency. Each ~~executive~~ agency shall design its
587 affirmative action plan to meet its established goals.

588 ~~(b)~~ ~~(c)~~ An equal ~~affirmative action equal~~ employment
589 opportunity officer shall be appointed by the head of each
590 ~~executive~~ agency. ~~The affirmative action equal employment~~
591 ~~opportunity officer's responsibilities must include determining~~
592 ~~annual goals, monitoring agency compliance, and providing~~
593 ~~consultation to managers regarding progress, deficiencies, and~~
594 ~~appropriate corrective action.~~

595 ~~(c)~~ ~~(d)~~ The department shall report information in its
596 annual workforce report relating to the demographic composition
597 of the workforce of the State Personnel System as compared to
598 the relevant state labor market ~~implementation, continuance,~~
599 ~~updating, and results of each executive agency's affirmative~~
600 ~~action plan~~ for the previous fiscal year. The agencies shall

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601 provide the department with the information necessary to comply
602 with this paragraph.

603 ~~(c) The department shall provide to all supervisory~~
604 ~~personnel of the executive agencies training in the principles~~
605 ~~of equal employment opportunity and affirmative action, the~~
606 ~~development and implementation of affirmative action plans, and~~
607 ~~the establishment of annual affirmative action goals. The~~
608 ~~department may contract for training services, and each~~
609 ~~participating agency shall reimburse the department for costs~~
610 ~~incurred through such contract. After the department approves~~
611 ~~the contents of the training program for the agencies, the~~
612 ~~department may delegate this training to the executive agencies.~~

613 ~~(3) Each state attorney and public defender shall:~~

614 ~~(a) Develop and implement an affirmative action plan.~~

615 ~~(b) Establish annual goals for ensuring full utilization~~
616 ~~of groups underrepresented in its workforce as compared to the~~
617 ~~relevant labor market in this state. The state attorneys' and~~
618 ~~public defenders' affirmative action plans must be designed to~~
619 ~~meet the established goals.~~

620 ~~(c) Appoint an affirmative action equal employment~~
621 ~~opportunity officer.~~

622 ~~(d) Report annually to the Justice Administrative~~
623 ~~Commission on the implementation, continuance, updating, and~~
624 ~~results of his or her affirmative action program for the~~
625 ~~previous fiscal year.~~

626 (3)-(4) Each The state agency, ~~its agencies and officers~~
627 ~~shall ensure freedom from discrimination in employment in~~
628 accordance with applicable state and federal laws as provided by

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629 ~~the Florida Civil Rights Act of 1992, by s. 112.044, and by this~~
630 ~~chapter.~~

631 (4) All recruitment literature that references State
632 Personnel System position vacancies must contain the phrase "An
633 Equal Opportunity Employer."

634 (5) An ~~Any~~ individual claiming to be aggrieved by an
635 unlawful employment practice may file a complaint with the
636 Florida Commission on Human Relations as provided by s. 760.11.

637 (6) The department may adopt rules necessary to administer
638 ~~shall review and monitor executive agency actions in carrying~~
639 ~~out the rules adopted by the department pursuant to this~~
640 section.

641 Section 13. Section 110.1135, Florida Statutes, is created
642 to read:

643 110.1135 Attendance and leave records.—Each state agency
644 shall keep an accurate record of all hours of work performed by
645 each employee, as well as a complete and accurate record of all
646 authorized leave. The ultimate responsibility for the accuracy
647 and proper maintenance of all attendance and leave records is
648 with the agency head.

649 Section 14. Section 110.116, Florida Statutes, is amended
650 to read:

651 110.116 Human resource ~~Personnel~~ information system;
652 payroll procedures.—

653 (1) The department ~~of Management Services~~ shall establish
654 and maintain, in coordination with the payroll system of the
655 Department of Financial Services, a complete human resource
656 ~~personnel~~ information system for all authorized and established

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657 | positions in the State Personnel System ~~service, with the~~
658 | ~~exception of employees of the Legislature, unless the~~
659 | ~~Legislature chooses to participate.~~ The department may contract
660 | with a vendor to provide the human resource personnel
661 | information system. The specifications shall be developed in
662 | conjunction with the payroll system of the Department of
663 | Financial Services and in coordination with the Auditor General.
664 | The Department of Financial Services shall determine that the
665 | position occupied by each employee has been authorized and
666 | established in accordance with ~~the provisions of s. 216.251.~~ The
667 | human resource information system must include ~~Department of~~
668 | ~~Management Services shall develop and maintain~~ a position
669 | numbering system that identifies ~~will identify~~ each established
670 | position, and such information shall be a part of the payroll
671 | system of the Department of Financial Services. ~~The With the~~
672 | ~~exception of employees of the Legislature, unless the~~
673 | ~~Legislature chooses to participate, this system must shall~~
674 | include all civil career service positions and those positions
675 | exempted from the Civil career Service provisions,
676 | notwithstanding the funding source of the salary payments, and
677 | information regarding persons receiving salary payments from
678 | other sources. Necessary revisions shall be made in the
679 | personnel and payroll procedures of the state to avoid
680 | duplication insofar as is feasible to do so. The information in
681 | the system must ~~A list shall~~ be organized by budget entity to
682 | show the employees or vacant positions within each budget
683 | entity. The information ~~This list shall~~ be made available to the

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684 Speaker of the House of Representatives and the President of the
685 Senate upon request.

686 (2) The department may adopt rules necessary to administer
687 this section.

688 Section 15. Section 110.1245, Florida Statutes, is amended
689 to read:

690 110.1245 ~~Savings sharing program~~; Bonus payments; other
691 awards.—

692 ~~(1)(a) The Department of Management Services shall adopt~~
693 ~~rules that prescribe procedures and promote a savings sharing~~
694 ~~program for an individual or group of employees who propose~~
695 ~~procedures or ideas that are adopted and that result in~~
696 ~~eliminating or reducing state expenditures, if such proposals~~
697 ~~are placed in effect and may be implemented under current~~
698 ~~statutory authority.~~

699 ~~(b) Each agency head shall recommend employees~~
700 ~~individually or by group to be awarded an amount of money, which~~
701 ~~amount shall be directly related to the cost savings realized.~~
702 ~~Each proposed award and amount of money must be approved by the~~
703 ~~Legislative Budget Commission.~~

704 ~~(c) Each state agency, unless otherwise provided by law,~~
705 ~~may participate in the program. The Chief Justice shall have the~~
706 ~~authority to establish a savings sharing program for employees~~
707 ~~of the judicial branch within the parameters established in this~~
708 ~~section. The program shall apply to all employees within the~~
709 ~~Career Service, the Selected Exempt Service, and comparable~~
710 ~~employees within the judicial branch.~~

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711 ~~(d) The department and the judicial branch shall submit~~
712 ~~annually to the President of the Senate and the Speaker of the~~
713 ~~House of Representatives information that outlines each agency's~~
714 ~~level of participation in the savings sharing program. The~~
715 ~~information shall include, but is not limited to:~~

716 ~~1. The number of proposals made.~~

717 ~~2. The number of dollars and awards made to employees or~~
718 ~~groups for adopted proposals.~~

719 ~~3. The actual cost savings realized as a result of~~
720 ~~implementing employee or group proposals.~~

721 ~~(1)(2) State agencies may pay in June of each year,~~
722 ~~bonuses shall be paid to employees from funds authorized by the~~
723 ~~Legislature in an appropriation specifically for bonuses.~~
724 ~~Bonuses shall be distributed in accordance with the criteria and~~
725 ~~instructions provided in the General Appropriations Act. Each~~
726 ~~agency shall develop a plan for awarding lump sum bonuses, which~~
727 ~~plan shall be submitted no later than September 15 of each year~~
728 ~~and approved by the Office of Policy and Budget in the Executive~~
729 ~~Office of the Governor. Such plan shall include, at a minimum,~~
730 ~~but is not limited to:~~

731 ~~(a) A statement that bonuses are subject to specific~~
732 ~~appropriation by the Legislature.~~

733 ~~(b) Eligibility criteria as follows:~~

734 ~~1. The employee must have been employed prior to July 1 of~~
735 ~~that fiscal year and have been continuously employed through the~~
736 ~~date of distribution.~~

737 ~~2. The employee must not have been on leave without pay~~
738 ~~consecutively for more than 6 months during the fiscal year.~~

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739 ~~3. The employee must have had no sustained disciplinary~~
740 ~~action during the period beginning July 1 through the date the~~
741 ~~bonus checks are distributed. Disciplinary actions include~~
742 ~~written reprimands, suspensions, dismissals, and involuntary or~~
743 ~~voluntary demotions that were associated with a disciplinary~~
744 ~~action.~~

745 ~~4. The employee must have demonstrated a commitment to the~~
746 ~~agency mission by reducing the burden on those served,~~
747 ~~continually improving the way business is conducted, producing~~
748 ~~results in the form of increased outputs, and working to improve~~
749 ~~processes.~~

750 ~~5. The employee must have demonstrated initiative in work~~
751 ~~and have exceeded normal job expectations.~~

752 ~~6. The employee must have modeled the way for others by~~
753 ~~displaying agency values of fairness, cooperation, respect,~~
754 ~~commitment, honesty, excellence, and teamwork.~~

755 ~~(c) A periodic evaluation process of the employee's~~
756 ~~performance.~~

757 ~~(d) A process for peer input that is fair, respectful of~~
758 ~~employees, and affects the outcome of the bonus distribution.~~

759 ~~(e) A division of the agency by work unit for purposes of~~
760 ~~peer input and bonus distribution.~~

761 ~~(f) A limitation on bonus distributions equal to 35~~
762 ~~percent of the agency's total authorized positions. This~~
763 ~~requirement may be waived by the Office of Policy and Budget in~~
764 ~~the Executive Office of the Governor upon a showing of~~
765 ~~exceptional circumstances.~~

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766 (2)-(3) Consistent with the requirements of s. 215.425(3),
767 and limited to the funds provided in the agency's approved
768 operating budget for salaries and benefits, each agency head may
769 provide bonus awards to department head is authorized to incur
770 expenditures to award suitable framed certificates, pins, and
771 other tokens of recognition to retiring state employees based on
772 exemplary performance or whose service with the state has been
773 satisfactory, in appreciation of their role in the achievement
774 of the agency's mission, values, or goals and recognition of
775 such service.

776 (a) Each award Such awards may not exceed \$1,000 cost in
777 excess of \$100 each plus applicable taxes. No employee may
778 receive awards totaling more than \$1,000 plus applicable taxes
779 per fiscal year.

780 (b) By September 1, agencies shall report to the Governor,
781 the President of the Senate, and the Speaker of the House of
782 Representatives the dollar value and number of such bonus awards
783 given in the previous fiscal year.

784 (3)-(4) Each agency department head may is authorized to
785 incur expenditures to award suitable framed certificates, pins,
786 and or other noncash tokens of recognition. Each token to state
787 employees who demonstrate satisfactory service in the agency or
788 to the state, in appreciation and recognition of such service.
789 Such awards may not cost more than \$150 in excess of \$100 each
790 plus applicable taxes. Such tokens may be awarded to:

791 (a) Current employees, in appreciation and recognition of
792 their service to the state.

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793 (b) Retiring employees, in appreciation and recognition of
794 their service to the state.

795 (c) An appointed member of a state board or commission, in
796 appreciation and recognition of his or her service to the state
797 upon the expiration of the member's final term in such position.

798 (4) The department may adopt rules necessary to administer
799 this section.

800 ~~(5) Each department head is authorized to incur~~
801 ~~expenditures not to exceed \$100 each plus applicable taxes for~~
802 ~~suitable framed certificates, plaques, or other tokens of~~
803 ~~recognition to any appointed member of a state board or~~
804 ~~commission whose service to the state has been satisfactory, in~~
805 ~~appreciation and recognition of such service upon the expiration~~
806 ~~of such board or commission member's final term in such~~
807 ~~position.~~

808 Section 16. Section 110.125, Florida Statutes, is amended
809 to read:

810 110.125 Administrative costs.-

811 (1) The administrative expenses and costs of operating the
812 State Personnel System program established by this chapter shall
813 be paid by the state various agencies of the state government,
814 and each such agency shall include in its budget estimates its
815 pro rata share of such cost as determined by the department of
816 Management Services.

817 (a) To establish an equitable division of the costs, the
818 amount to be paid by each agency shall be based on the number of
819 authorized full-time equivalent positions appropriated to the
820 agency, the average number of other-personal-services-employees

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821 paid by the agency, and the total administrative expenses and
822 costs of operating the State Personnel System determined in such
823 ~~proportion as the service rendered to each agency bears to the~~
824 ~~total service rendered under the provisions of this chapter. The~~
825 ~~amounts paid to the Department of Management Services which are~~
826 ~~attributable to positions within the Senior Management Service~~
827 ~~and the Selected Professional Service shall be used for the~~
828 ~~administration of such services, training activities for~~
829 ~~positions within those services, and the development and~~
830 ~~implementation of a database of pertinent historical information~~
831 ~~on exempt positions.~~

832 (b) If a ~~Should~~ any state agency is ~~become~~ more than 90
833 days delinquent in paying ~~payment of~~ this obligation, the
834 department shall certify to the Chief Financial Officer the
835 amount due and the Chief Financial Officer shall transfer that
836 ~~the amount due to the department~~ from any available debtor
837 agency funds available.

838 (2) A governmental entity outside the State Personnel
839 System which receives or uses services of more than a de minimis
840 value from the personnel system shall pay the department for the
841 administrative expenses and costs associated with those services
842 as determined by the department. Each such entity shall include
843 such cost in its budget estimates. If a governmental entity
844 becomes more than 90 days delinquent in paying this obligation,
845 the department shall certify to the Chief Financial Officer the
846 amount due and the Chief Financial Officer shall transfer that
847 amount from any available debtor entity funds.

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848 (3) The department may adopt rules necessary to administer
849 this section.

850 Section 17. Section 110.126, Florida Statutes, is amended
851 to read:

852 110.126 Oaths, testimony, records; penalties.-

853 (1) The department may ~~shall have power to~~ administer
854 oaths, subpoena witnesses, and compel the production of books,
855 and papers, or other records, in written or electronic form,
856 relevant ~~pertinent~~ to any investigation of personnel practices
857 or hearing authorized by this chapter. Any person who fails
858 ~~shall fail~~ to appear in response to a subpoena or to answer any
859 question or produce any books, ~~or~~ papers, or other records
860 relevant ~~pertinent~~ to any such investigation or hearing or who
861 ~~shall~~ knowingly gives ~~give~~ false testimony commits ~~therein shall~~
862 be guilty of a misdemeanor of the first degree, punishable as
863 provided in s. 775.082 or s. 775.083.

864 (2) The department may adopt rules necessary to administer
865 this section.

866 Section 18. Section 110.127, Florida Statutes, is amended
867 to read:

868 110.127 Penalties.-

869 (1) Any person who willfully violates any provision of
870 this chapter or ~~of any rules adopted pursuant to this chapter~~
871 commits the authority herein granted is guilty of a misdemeanor
872 of the second degree, punishable as provided in s. 775.082 or s.
873 775.083.

874 (2) ~~The provisions of s. 112.011 to the contrary~~
875 Notwithstanding s. 112.011, any person who is convicted of a

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876 | misdemeanor under this chapter ~~is shall be, for a period of 5~~
877 | ~~years,~~ ineligible for appointment to or employment in a state
878 | position for 5 years ~~in the state service~~ and, if an employee of
879 | the state, must ~~shall~~ forfeit his or her position.

880 | (3) Imposition of the penalties provided in this section
881 | may ~~shall~~ not be in lieu of any action that ~~which~~ may be taken
882 | or penalties that ~~which~~ may be imposed pursuant to part III of
883 | chapter 112.

884 | (4) The department may adopt rules necessary to administer
885 | this section.

886 | Section 19. Section 110.2037, Florida Statutes, is
887 | transferred, renumbered as section 110.182, Florida Statutes,
888 | and amended to read:

889 | 110.182 ~~110.2037~~ ~~Alternative benefits;~~ Tax-sheltered
890 | annual leave and sick leave payments and special compensation
891 | payments.-

892 | (1) The department may ~~of Management Services has~~
893 | ~~authority to~~ adopt tax-sheltered plans under s. 401(a) of the
894 | Internal Revenue Code for ~~state~~ employees who are eligible for
895 | payment for accumulated leave. ~~The department,~~ Upon adoption of
896 | the plans, the department shall contract for a private vendor or
897 | vendors to administer the plans.

898 | (a) These plans are ~~shall be~~ limited to ~~state~~ employees
899 | who are over age 55 and who are+ eligible for accumulated leave
900 | and special compensation payments and separating from employment
901 | with 10 years of service in accordance with the Internal Revenue
902 | Code, or who are participating in the Deferred Retirement Option
903 | Program on or after July 1, 2001.

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904 (b) The plans must provide benefits in a manner that
905 minimizes the tax liability of the state and participants.

906 (c) The plans must be funded by employer contributions of
907 payments for accumulated leave or special compensation payments,
908 or both, as specified by the department.

909 (d) The plans must have received all necessary federal and
910 state approval as required by law, must not adversely impact the
911 qualified status of the Florida Retirement System defined
912 benefit or defined contribution plans or the pretax benefits
913 program, and must comply with ~~the provisions of~~ s. 112.65.

914 Adoption of any plan is contingent on: the department receiving
915 appropriate favorable rulings from the Internal Revenue Service;
916 the department negotiating under the provisions of chapter 447,
917 where applicable; and the Chief Financial Officer making
918 appropriate changes to the state payroll system.

919 (e) The department's request for proposals by vendors for
920 such plans may require that ~~the~~ vendors provide market-risk or
921 volatility ratings from recognized rating agencies for each of
922 their investment products.

923 (f) The department shall provide ~~for~~ a system of
924 continuous quality assurance oversight to ensure that the
925 program objectives are achieved and that the program is
926 prudently managed.

927 (2) Within 30 days after termination of employment, an
928 employee may ~~elect to~~ withdraw the moneys and no ~~without~~ penalty
929 may be assessed by the plan administrator. If an ~~any~~ employee is
930 adversely affected by payment of an excise tax or an ~~any~~
931 Internal Revenue Service penalty by withdrawing ~~electing to~~

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932 ~~withdraw~~ funds within 30 days, the plan must ~~shall~~ include a
933 provision that provides ~~which will provide~~ the employee with no
934 less cash than if the employee had not participated in the plan.

935 (3) These contracts may be used by any other pay plans or
936 personnel systems in the executive, legislative, or judicial
937 branches of government upon approval of the appropriate
938 administrative authority.

939 (4) Notwithstanding the terminal pay provisions of s.
940 112.913 ~~110.122~~, the department may contract for a tax-sheltered
941 plan for leave and special compensation pay for employees who
942 are terminating over age 55 and have with 10 years of service,
943 and for employees participating in the Deferred Retirement
944 Option Program on or after July 1, 2001, ~~and~~ who are over age
945 55. The frequency of payments into the plan shall be determined
946 by the department or as provided in the General Appropriations
947 Act. This plan must ~~or plans shall~~ provide the greatest tax
948 benefits to the employees and maximize the savings to the state.

949 (5) The department shall determine by rule the design of
950 the plans and the eligibility of participants.

951 (6) ~~Nothing in This section does not shall be construed to~~
952 remove plan participants from the scope of s. 112.913(5)
953 ~~110.122(5)~~.

954 (7) The department may adopt rules necessary to administer
955 this section.

956 Section 20. Section 110.201, Florida Statutes, is
957 transferred, renumbered as section 110.183, Florida Statutes,
958 and amended to read:

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959 110.183 ~~110.201~~ Collective bargaining Personnel rules,
960 records, and reports.-

961 ~~(1) (a) The department, in consultation with agencies that~~
962 ~~must comply with these rules, shall develop uniform personnel~~
963 ~~rules, guidelines, records, and reports relating to employees~~
964 ~~and positions in the career service. Agencies must comply with~~
965 ~~the uniform rules, except as provided in this section. The~~
966 ~~department may adopt rules that provide alternative~~
967 ~~requirements. Upon filing with the Department of State, the~~
968 ~~appropriate uniform rules will constitute the personnel rules~~
969 ~~for each agency subject to this act unless the Administration~~
970 ~~Commission grants an exception to a specific rule to an agency~~
971 ~~upon the agency's request or unless the agency must comply with~~
972 ~~a statutory provision that conflicts with the uniform rules. If~~
973 ~~an agency must comply with a statutory provision that conflicts~~
974 ~~with the uniform rules, the agency must notify the~~
975 ~~Administration Commission, the Administrative Procedures~~
976 ~~Committee, and the appropriate standing committees of the~~
977 ~~Legislature and advise the standing committees whether the~~
978 ~~agency recommends revision of the statute to conform it to the~~
979 ~~uniform rules. Agencies are encouraged to propose methods of~~
980 ~~conforming statutory provisions to the uniform personnel rules.~~

981 ~~(b) An agency may request an exception to the uniform~~
982 ~~personnel rules by filing a petition with the Administration~~
983 ~~Commission. The Administration Commission shall approve an~~
984 ~~exception when the exception is necessary to conform to any~~
985 ~~requirement imposed as a condition precedent to receipt of~~
986 ~~federal funds or to permit persons in this state to receive tax~~

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987 ~~benefits under federal law, or as required for the most~~
988 ~~efficient operation of the agency as determined by the~~
989 ~~Administration Commission. The reasons for the exception must be~~
990 ~~published in the Florida Administrative Weekly.~~

991 ~~(c) Agency rules that provide exceptions to the uniform~~
992 ~~personnel rules may not be filed with the Department of State~~
993 ~~unless the Administration Commission has approved the~~
994 ~~exceptions. Each agency that adopts rules that provide~~
995 ~~exceptions to the uniform rules or that must comply with~~
996 ~~statutory requirements that conflict with the uniform rules must~~
997 ~~have a separate chapter published in the Florida Administrative~~
998 ~~Code which clearly delineates the provisions of the agency's~~
999 ~~rules which provide exceptions or are based upon a conflicting~~
1000 ~~statutory requirement. Each alternative chosen from those~~
1001 ~~authorized by the uniform rules must be specified. Each chapter~~
1002 ~~must be organized in the same manner as the uniform rules.~~

1003 ~~(d) The department shall develop uniform forms and~~
1004 ~~instructions to be used in reporting transactions which involve~~
1005 ~~changes in an employee's salary, status, performance, leave,~~
1006 ~~fingerprint record, loyalty oath, payroll change, appointment~~
1007 ~~action, or any additional transactions as the department may~~
1008 ~~determine appropriate.~~

1009 ~~(e) It is the responsibility of the employing agency to~~
1010 ~~maintain these records and all other records and reports~~
1011 ~~prescribed in applicable rules on a current basis.~~

1012 ~~(2) Each employing agency shall operate within the uniform~~
1013 ~~personnel rules promulgated by the department under this~~
1014 ~~chapter. Any rule adopted by an employing agency that is an~~

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1015 ~~exception to the uniform personnel rules or that is based upon a~~
1016 ~~statutory provision that an agency must follow but which~~
1017 ~~conflicts with the uniform personnel rules may not prescribe any~~
1018 ~~personnel policies inconsistent with the provisions of this~~
1019 ~~chapter. Neither the rules of the department nor the rules of an~~
1020 ~~employing agency may include any benefits for career service~~
1021 ~~employees which are in excess of, or in addition to, those~~
1022 ~~authorized by this chapter.~~

1023 ~~(3) The rules adopted by the department and each employing~~
1024 ~~agency under this part shall comply with all federal regulations~~
1025 ~~necessary to permit the state agencies to be eligible to receive~~
1026 ~~federal funds.~~

1027 ~~(4) The department shall coordinate with the Governor and~~
1028 ~~the state agencies consult with the Administration Commission on~~
1029 ~~personnel matters falling within the scope of collective~~
1030 ~~bargaining and shall represent the Governor in collective~~
1031 ~~bargaining negotiations and other collective bargaining matters~~
1032 ~~as may be necessary. All discussions relative to collective~~
1033 ~~bargaining between the department and the Governor, ~~and~~ between~~
1034 ~~the department and the ~~Administration Commission~~ or agency~~
1035 ~~heads, or between any of their respective representatives are~~
1036 ~~relative to collective bargaining, shall be exempt from the~~
1037 ~~provisions of s. 286.011, and all work products relative to~~
1038 ~~collective bargaining developed in conjunction with such~~
1039 ~~discussions are shall be confidential and exempt from the~~
1040 ~~provisions of s. 119.07(1).~~

1041 ~~(5) The department shall develop a workforce report that~~
1042 ~~contains data representative of the state's human resources. The~~

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1043 ~~report should identify trends for planning and improving the~~
1044 ~~management of the state's human resources. The department shall~~
1045 ~~submit this report annually to the Governor, the President of~~
1046 ~~the Senate, and the Speaker of the House of Representatives.~~

1047 Section 21. Section 110.184, Florida Statutes, is created
1048 to read:

1049 110.184 Workforce report.—The department shall prepare a
1050 workforce report on human resources in the State Personnel
1051 System. The report shall provide data and identify trends for
1052 planning and improving the management of the State Personnel
1053 System. The department shall annually submit the report to the
1054 Governor, the President of the Senate, and the Speaker of the
1055 House of Representatives.

1056 Section 22. The Division of Statutory Revision is
1057 requested to rename part II of chapter 110, Florida Statutes, as
1058 "Civil Service."

1059 Section 23. Section 110.202, Florida Statutes, is created
1060 to read:

1061 110.202 Declaration of policy.—This part creates the Civil
1062 Service System within the State Personnel System as required by
1063 s. 14, Art. III of the State Constitution.

1064 Section 24. Section 110.205, Florida Statutes, is amended
1065 to read:

1066 110.205 Civil Career Service; exemptions.—

1067 (1) CIVIL SERVICE CAREER POSITIONS.—The Civil career
1068 Service to which this part applies includes all positions within
1069 the State Personnel System not specifically exempted by this

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1070 ~~section part, notwithstanding any other provisions of law the~~
1071 ~~Florida Statutes to the contrary notwithstanding.~~

1072 (2) EXEMPT POSITIONS.—~~The exempt positions that are not~~
1073 ~~covered by this part include the following positions are~~
1074 ~~exempted from the Civil Service:~~

1075 (a) Elected officers.—All officers of the executive branch
1076 elected by popular vote and persons appointed to fill vacancies
1077 in such offices. Unless otherwise fixed by law, the salary and
1078 benefits for an any such officer who serves as the head of an
1079 agency a department shall be set by the department in accordance
1080 with the rules of the Senior Management Service.

1081 (b) Legislative branch.—All members, officers, and
1082 employees of the legislative branch, except for the members,
1083 officers, and employees of the Florida Public Service
1084 Commission.

1085 (c) Judicial branch.—All members, officers, and employees
1086 of the judicial branch.

1087 (d) State universities.—All officers and employees of the
1088 state universities ~~and the academic personnel and academic~~
1089 ~~administrative personnel of the Florida School for the Deaf and~~
1090 ~~the Blind. In accordance with the provisions of s. 1002.36, the~~
1091 ~~salaries for academic personnel and academic administrative~~
1092 ~~personnel of the Florida School for the Deaf and the Blind shall~~
1093 ~~be set by the board of trustees for the school, subject only to~~
1094 ~~the approval of the State Board of Education.~~

1095 ~~(e) The Chief Information Officer in the Agency for~~
1096 ~~Enterprise Information Technology. Unless otherwise fixed by~~
1097 ~~law, the Agency for Enterprise Information Technology shall set~~

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1098 ~~the salary and benefits of this position in accordance with the~~
1099 ~~rules of the Senior Management Service.~~

1100 (e)-(f) Members of boards and commissions.-All members of
1101 state boards and commissions, however selected. Unless otherwise
1102 fixed by law, the salary and benefits for any full-time board or
1103 commission member shall be set by the department in accordance
1104 with the rules of the Senior Management Service.

1105 ~~(g) Judges, referees, and receivers.~~

1106 ~~(h) Patients or inmates in state institutions.~~

1107 (f)-(i) Time-limited positions.-All positions that are
1108 established for a limited period of time for the purpose of
1109 conducting a special study, project, or investigation and any
1110 person paid from an other-personal-services appropriation.
1111 Unless otherwise fixed by law, the salaries for such positions
1112 and persons shall be set in accordance with rules established by
1113 the employing agency for other-personal-services payments
1114 pursuant to s. 112.907 ~~110.131~~.

1115 (g)-(j) Executive-level positions.-The appointed
1116 secretaries and the State Surgeon General, assistant
1117 secretaries, deputy secretaries, and deputy assistant
1118 secretaries of all agencies ~~departments~~; the executive
1119 directors, assistant executive directors, deputy executive
1120 directors, and deputy assistant executive directors of all
1121 agencies ~~departments~~; the directors of all divisions and those
1122 positions determined by the department to have managerial
1123 responsibilities comparable to such positions, including which
1124 ~~positions include~~, but are not limited to, program directors,
1125 assistant program directors, district administrators, deputy

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1126 district administrators, general counsels, chief cabinet aides,
1127 public information administrators or comparable positions for a
1128 cabinet officer, inspectors general, or legislative affairs
1129 directors; and ~~the Director of Central Operations Services of~~
1130 ~~the Department of Children and Family Services,~~ the State
1131 Transportation Development Administrator, the State Public
1132 Transportation and Modal Administrator, district secretaries,
1133 district directors of transportation development, transportation
1134 operations, and transportation support, ~~and~~ the managers of the
1135 Department of Transportation offices specified in s.

1136 20.23(4) (b), the county health department directors and county
1137 health department administrators of the Department of Health,
1138 and the one additional position that may be designated by each
1139 agency and that reports directly to the agency head or to a
1140 position in the Senior Management Service and whose additional
1141 costs are absorbed from the existing budget of that agency ~~of~~
1142 ~~the Department of Transportation.~~ Unless otherwise fixed by law,
1143 the department shall set the salary and benefits of these
1144 positions in accordance with the rules of the Senior Management
1145 Service; ~~and the county health department directors and county~~
1146 ~~health department administrators of the Department of Health.~~

1147 ~~(k) The personal secretary to the incumbent of each~~
1148 ~~position exempted in paragraphs (a), (c), and (j). Unless~~
1149 ~~otherwise fixed by law, the department shall set the salary and~~
1150 ~~benefits of these positions in accordance with the rules of the~~
1151 ~~Selected Exempt Service.~~

1152 (h) ~~(l)~~ Executive Office of the Governor.—All officers and
1153 employees in the office of the Governor, including all employees

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1154 at the Governor's mansion, and employees within each separate
1155 budget entity, as defined in chapter 216, assigned to the
1156 Governor. Unless otherwise fixed by law, the salary and benefits
1157 of these positions shall be set by the department as follows:

1158 1. The chief of staff, ~~the~~ assistant or deputy chief of
1159 staff, general counsel, Director of Legislative Affairs, chief
1160 inspector general, Director of Cabinet Affairs, Director of
1161 Press Relations, Director of Planning and Budgeting, Director of
1162 Administration, director of state-federal relations, Director of
1163 Appointments, Director of External Affairs, Deputy General
1164 Counsel, Governor's liaison for community development, chief of
1165 staff for the Lieutenant Governor, deputy director of planning
1166 and budgeting, policy coordinators, and ~~the~~ director of each
1167 separate budget entity shall have their salaries and benefits
1168 set ~~established~~ by the department in accordance with the rules
1169 of the Senior Management Service.

1170 2. The salaries and benefits of positions not established
1171 in subparagraph 1. ~~sub-subparagraph a.~~ shall be set by the
1172 employing agency. Salaries and benefits of employees whose
1173 professional training is comparable to that of licensed
1174 professionals under paragraph (n) ~~(r)~~, or whose administrative
1175 responsibility is comparable to a bureau chief shall be set by
1176 the rules of the Selected Exempt Service. The department shall
1177 make the comparability determinations. Other employees shall
1178 have benefits set comparable to legislative staff, except leave
1179 shall be comparable to civil ~~career~~ service ~~as if career service~~
1180 employees.

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1181 (i) ~~(m)~~ Upper-management positions. All assistant division
1182 director, deputy division director, and bureau chief positions
1183 in any agency department, and those positions determined by the
1184 department to have managerial responsibilities comparable to
1185 such positions. Unless otherwise fixed by law, the salaries of
1186 benefits of these positions shall be set by the department in
1187 accordance with the rules of the Selected Exempt Service. These
1188 positions, which include, but are not limited to:

1189 1. Positions in the Department of Health and the
1190 Department of Children and Family Services which ~~that~~ are
1191 assigned primary duties of serving as the superintendent or
1192 assistant superintendent of an institution.

1193 2. Positions in the Department of Corrections which ~~that~~
1194 are assigned primary duties of serving as the warden, assistant
1195 warden, colonel, or major of an institution or which ~~that~~ are
1196 assigned primary duties of serving as the circuit administrator
1197 or deputy circuit administrator.

1198 3. Positions in the Department of Transportation which
1199 ~~that~~ are assigned primary duties of serving as regional toll
1200 managers and managers of offices, as defined in s. 20.23(4)(b)
1201 and (5)(c).

1202 4. Positions in the Department of Environmental Protection
1203 which ~~that~~ are assigned the duty of an environmental
1204 administrator or program administrator.

1205 5. Positions in the Department of Health which ~~that~~ are
1206 assigned the duties of environmental administrator, assistant
1207 county health department director, and county health department
1208 financial administrator.

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1209 6. Positions in the Department of Children and Family
1210 Services which are assigned the duties of staff director,
1211 assistant staff director, district program manager, district
1212 program coordinator, district administrator, district
1213 administrative services director, district attorney, and deputy
1214 director of central operations services.

1215

1216 ~~Unless otherwise fixed by law, the department shall set the~~
1217 ~~salary and benefits of the positions listed in this paragraph in~~
1218 ~~accordance with the rules established for the Selected Exempt~~
1219 ~~Service.~~

1220 (j)(n) Other managerial or policymaking positions.-

1221 1.a. In addition to those positions exempted by other
1222 paragraphs of this subsection, each agency ~~department~~ head may
1223 designate a maximum of 20 policymaking or managerial positions,
1224 as defined by the department and approved by the Administration
1225 Commission, as being exempt from the Civil Career Service
1226 ~~System~~. Civil Career service employees who occupy a position
1227 designated as a position in the Selected Exempt Service under
1228 this paragraph may ~~shall have the right to~~ remain in the Civil
1229 ~~Career~~ Service ~~System~~ by opting to serve in a position not
1230 exempted by the employing agency. Unless otherwise fixed by law,
1231 the department shall set the salary and benefits of these
1232 positions in accordance with the rules of the Selected Exempt
1233 Service; ~~provided, however, that if the agency head determines~~
1234 ~~that the general counsel, chief Cabinet aide, public information~~
1235 ~~administrator or comparable position for a Cabinet officer,~~
1236 ~~inspector general, or legislative affairs director has both~~

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1237 ~~policy-making and managerial responsibilities and if the~~
1238 ~~department determines that any such position has both~~
1239 ~~policy-making and managerial responsibilities, the salary and~~
1240 ~~benefits for each such position shall be established by the~~
1241 ~~department in accordance with the rules of the Senior Management~~
1242 ~~Service.~~

1243 ~~b. In addition, each department may designate one~~
1244 ~~additional position in the Senior Management Service if that~~
1245 ~~position reports directly to the agency head or to a position in~~
1246 ~~the Senior Management Service and if any additional costs are~~
1247 ~~absorbed from the existing budget of that department.~~

1248 2. If otherwise exempt from the Civil Service, employees
1249 of the Public Employees Relations Commission, the Commission on
1250 Human Relations, and the Unemployment Appeals Commission, upon
1251 the certification of their respective commission heads, may, if
1252 otherwise qualified, be provided for ~~under this paragraph~~ as
1253 members of the Senior Management Service, ~~if otherwise~~
1254 ~~qualified~~. However, the deputy general counsel of the Public
1255 Employees Relations Commission shall be compensated in
1256 accordance with the rules ~~as members~~ of the Selected Exempt
1257 Service.

1258 (k) Specialized managerial positions.-

1259 1. The department shall set the salary and benefits for
1260 the following positions in accordance with the rules of the
1261 Selected Exempt Service:

1262 a. Pursuant to s. 447.203(4), managerial employees who
1263 perform jobs that are not of a routine, clerical, or ministerial
1264 nature and require the exercise of independent judgment in the

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1265 performance of such jobs and to whom one or more of the
1266 following applies: formulate or assist in formulating policies
1267 applicable to bargaining unit employees; assist in the
1268 preparation for the conduct of collective bargaining
1269 negotiations; administer agreements resulting from collective
1270 bargaining negotiations; have a significant role in personnel
1271 administration; have a significant role in employee relations;
1272 or have a significant role in the preparation or administration
1273 of the final budget for any public agency or institution or
1274 subdivision, including having the authority to select and
1275 approve among alternative expenditures when necessary.

1276 b. Pursuant to s. 447.203(5), employees who act in a
1277 confidential capacity to assist or aid managerial employees who
1278 are performing work and who have access to information that
1279 would provide an employee labor organization with an advantage
1280 at the bargaining table or in the administration of collective
1281 bargaining agreements.

1282 c. All supervisory employees, including supervisors,
1283 administrators, and directors, who customarily and regularly
1284 plan and direct the work of two or more full-time employees or
1285 the equivalent, and who communicate with, motivate, train, and
1286 evaluate employees, and who have the authority to hire,
1287 transfer, suspend, lay off, recall, promote, discharge, assign,
1288 reward, or discipline subordinate employees or, effectively, to
1289 recommend such action.

1290 2. The exemptions provided in this paragraph are not
1291 applicable to the following:

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1292 a. Managerial and supervisory employees who are designated
1293 as special risk or special risk administrative support;

1294 b. Attorneys who serve as administrative law judges
1295 pursuant to s. 120.65 or for hearings conducted pursuant to s.
1296 120.57(1) (a); or

1297 c. Professional health care providers as defined in s.
1298 110.1054, unless otherwise collectively bargained.

1299 (1)(e) Public Service Commission.—The executive director,
1300 deputy executive director, general counsel, inspector general,
1301 official reporters, and division directors within the Public
1302 Service Commission and the personal secretary and personal
1303 assistant to each member of the Public Service Commission.
1304 Unless otherwise fixed by law, the salary and benefits of the
1305 executive director, deputy executive directors, general counsel,
1306 inspector general, and directors of all divisions and those
1307 positions determined to have managerial responsibilities
1308 comparable to such positions ~~Director of Administration,~~
1309 ~~Director of Appeals, Director of Auditing and Financial~~
1310 ~~Analysis, Director of Communications, Director of Consumer~~
1311 ~~Affairs, Director of Electric and Gas, Director of Information~~
1312 ~~Processing, Director of Legal Services, Director of Records and~~
1313 ~~Reporting, Director of Research, and Director of Water and Sewer~~
1314 shall be set ~~by the department~~ in accordance with the rules of
1315 the Senior Management Service. The salary and benefits of the
1316 personal secretary and the personal assistant of each member of
1317 the commission and the official reporters shall be set ~~by the~~
1318 ~~department~~ in accordance with the rules of the Selected Exempt

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1319 Service, notwithstanding any salary limitations imposed by law
1320 for the official reporters.

1321 (m)-(p) Department of Military Affairs.-

1322 1. All military personnel of the Department of Military
1323 Affairs. Unless otherwise fixed by law, the salary and benefits
1324 for such military personnel shall be set by the Department of
1325 Military Affairs in accordance with the appropriate military pay
1326 schedule.

1327 2. The salary and benefits of military police chiefs,
1328 military police officers, firefighter trainers, firefighter-
1329 rescuers, and electronic security system technicians shall be
1330 have salary and benefits the same as civil career service
1331 employees.

1332 ~~(q) The staff directors, assistant staff directors,~~
1333 ~~district program managers, district program coordinators,~~
1334 ~~district subdistrict administrators, district administrative~~
1335 ~~services directors, district attorneys, and the Deputy Director~~
1336 ~~of Central Operations Services of the Department of Children and~~
1337 ~~Family Services. Unless otherwise fixed by law, the Department~~
1338 ~~shall establish the pay band and benefits for these positions in~~
1339 ~~accordance with the rules of the Selected Exempt Service.~~

1340 (n)-(r) Professional licensure.-All positions not otherwise
1341 exempt under this subsection which require as a prerequisite to
1342 employment: licensure as a physician pursuant to chapter 458;
1343 licensure as an osteopathic physician pursuant to chapter 459;
1344 licensure as a chiropractic physician pursuant to chapter 460,
1345 including those positions that which are occupied by employees
1346 who are exempted from licensure pursuant to s. 409.352;

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1347 licensure as an engineer pursuant to chapter 471, which are
1348 supervisory positions; or for 12 calendar months, which require
1349 as a prerequisite to employment that the employee have received
1350 the degree of Bachelor of Laws or Juris Doctor from a law school
1351 accredited by the American Bar Association and thereafter
1352 membership in The Florida Bar, except for any attorney who
1353 serves as an administrative law judge pursuant to s. 120.65 or
1354 for hearings conducted pursuant to s. 120.57(1)(a). Unless
1355 otherwise fixed by law, the department shall set the salary and
1356 benefits for these positions in accordance with the rules of
1357 ~~established for~~ the Selected Exempt Service.

1358 (o)-(s) Statewide prosecutor.—The statewide prosecutor in
1359 charge of the Office of Statewide Prosecution of the Department
1360 of Legal Affairs and all employees in the office. The Department
1361 of Legal Affairs shall set the salary of these positions.

1362 (p)-(t) Executive directors of regulatory boards and
1363 commissions.—The executive director of each board or commission
1364 established within the Department of Business and Professional
1365 Regulation or the Department of Health. Unless otherwise fixed
1366 by law, the Department of Management Services shall set
1367 ~~establish~~ the salary and benefits for these positions in
1368 accordance with the rules of ~~established for~~ the Selected Exempt
1369 Service.

1370 (q)-(u) State Board of Administration.—All officers and
1371 employees of the State Board of Administration. The State Board
1372 of Administration shall set the salary ~~salaries~~ and benefits of
1373 these positions.

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1374 ~~(v) Positions that are leased pursuant to a state employee~~
1375 ~~lease agreement expressly authorized by the Legislature pursuant~~
1376 ~~to s. 110.191.~~

1377 ~~(w) Managerial employees, as defined in s. 447.203(4),~~
1378 ~~confidential employees, as defined in s. 447.203(5), and~~
1379 ~~supervisory employees who spend the majority of their time~~
1380 ~~communicating with, motivating, training, and evaluating~~
1381 ~~employees, and planning and directing employees' work, and who~~
1382 ~~have the authority to hire, transfer, suspend, lay off, recall,~~
1383 ~~promote, discharge, assign, reward, or discipline subordinate~~
1384 ~~employees or effectively recommend such action, including all~~
1385 ~~employees serving as supervisors, administrators, and directors.~~
1386 ~~Excluded are employees also designated as special risk or~~
1387 ~~special risk administrative support and attorneys who serve as~~
1388 ~~administrative law judges pursuant to s. 120.65 or for hearings~~
1389 ~~conducted pursuant to s. 120.57(1)(a). Additionally, registered~~
1390 ~~nurses licensed under chapter 464, dentists licensed under~~
1391 ~~chapter 466, psychologists licensed under chapter 490 or chapter~~
1392 ~~491, nutritionists or dietitians licensed under part X of~~
1393 ~~chapter 468, pharmacists licensed under chapter 465,~~
1394 ~~psychological specialists licensed under chapter 491, physical~~
1395 ~~therapists licensed under chapter 486, and speech therapists~~
1396 ~~licensed under part I of chapter 468 are excluded, unless~~
1397 ~~otherwise collectively bargained.~~

1398 ~~(r)(x) Justice Administration Commission and similar~~
1399 ~~entities.-All officers and employees of the Justice~~
1400 ~~Administrative Commission, Office of the State Attorney, Office~~
1401 ~~of the Public Defender, regional offices of capital collateral~~

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1402 counsel, offices of criminal conflict and civil regional
1403 counsel, and Statewide Guardian Ad Litem Office, including the
1404 circuit guardian ad litem programs and the Florida Clerks of
1405 Court Operations Corporation.

1406 (s) Florida School for the Deaf and the Blind.-In
1407 accordance with s. 1002.36, the salaries for academic personnel
1408 and academic administrative personnel of the Florida School for
1409 the Deaf and the Blind shall be set by the board of trustees for
1410 the school, subject only to the approval of the State Board of
1411 Education.

1412 (t) Miscellaneous positions.-

1413 1. The Chief Information Officer in the Agency for
1414 Enterprise Information Technology. Unless otherwise fixed by
1415 law, the agency shall set the salary and benefits of this
1416 position in accordance with the rules of the Senior Management
1417 Service.

1418 2. The chief inspector of the boiler inspection program of
1419 the Department of Financial Services. The pay band of this
1420 position shall be set by the Department of Management Services
1421 in accordance with the classification and pay plan established
1422 for the Selected Exempt Service.

1423 3. The personal assistant to the incumbent of each
1424 position exempted in subparagraph 1., paragraph (a), or
1425 paragraph (g). Unless otherwise fixed by law, the department
1426 shall set the salary and benefits of these positions in
1427 accordance with the rules of the Selected Exempt Service.

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1428 4. Positions that are leased pursuant to a state employee
1429 lease agreement expressly authorized by the Legislature pursuant
1430 to s. 112.922.

1431 5. Judges, referees, and receivers of the executive
1432 branch.

1433 6. Positions held by patients or inmates in state
1434 institutions.

1435 ~~(3) PARTIAL EXEMPTION OF DEPARTMENT OF LAW ENFORCEMENT.—~~
1436 ~~Employees of the Department of Law Enforcement shall be subject~~
1437 ~~to the provisions of s. 110.227, except in matters relating to~~
1438 ~~transfer.~~

1439 ~~(4) DEFINITION OF DEPARTMENT.—When used in this section,~~
1440 ~~the term "department" shall mean all departments and commissions~~
1441 ~~of the executive branch, whether created by the State~~
1442 ~~Constitution or chapter 20; the office of the Governor; and the~~
1443 ~~Public Service Commission; however, the term "department" shall~~
1444 ~~mean the Department of Management Services when used in the~~
1445 ~~context of the authority to establish pay bands and benefits.~~

1446 (3)(5) POSITIONS EXEMPTED BY OTHER STATUTES.—If any
1447 position is exempted from the Civil career Service by any other
1448 statute and the personnel system to which that position is
1449 assigned is not specifically included in the statute, the
1450 position shall be placed in the Selected Exempt Service, and the
1451 department shall set ~~establish~~ the pay band and benefits for
1452 that position in accordance with the rules of the Selected
1453 Exempt Service.

1454 (4) RULES.—The department may adopt rules necessary to
1455 administer this section.

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1456 ~~(6) EXEMPTION OF CHIEF INSPECTOR OF BOILER SAFETY PROGRAM,~~
1457 ~~DEPARTMENT OF FINANCIAL SERVICES. In addition to those positions~~
1458 ~~exempted from this part, there is hereby exempted from the~~
1459 ~~Career Service System the chief inspector of the boiler~~
1460 ~~inspection program of the Department of Financial Services. The~~
1461 ~~pay band of this position shall be established by the Department~~
1462 ~~of Management Services in accordance with the classification and~~
1463 ~~pay plan established for the Selected Exempt Service.~~

1464 ~~(7) CARRYING LEAVE FORWARD. If an employee is transferred~~
1465 ~~or otherwise moves from the Career Service System into the~~
1466 ~~Selected Exempt Service, all of the employee's unused annual~~
1467 ~~leave, unused sick leave, and unused compensatory leave shall~~
1468 ~~carry forward with the employee.~~

1469 Section 25. Section 110.208, Florida Statutes, is created
1470 to read:

1471 110.208 Classification system.—The department shall
1472 establish and maintain a uniform classification system
1473 applicable to all positions in the Civil Service and shall be
1474 responsible for the overall coordination, review, and
1475 maintenance of the system. A position may not be filled until it
1476 has been classified in accordance with the system.

1477 (1) The system must include:

1478 (a) A position classification system using job families,
1479 occupational groups, and a broadband level structure for each
1480 occupation within an occupational group.

1481 (b) A pay plan that provides broad-based pay bands for
1482 each occupational group.

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1483 (2) In establishing and administering the system, the
1484 department:

1485 (a) Shall develop occupation profiles necessary for the
1486 establishment of new occupations or for the revision of existing
1487 occupations and shall establish the appropriate occupation title
1488 and broadband level code for each occupation. The occupation
1489 profiles, titles, and codes are not rules as defined in s.
1490 120.52.

1491 (b) Shall be responsible for conducting periodic studies
1492 and surveys to ensure that the classification system is
1493 maintained on a current basis.

1494 (c) May review in a postaudit capacity the action taken by
1495 an agency in classifying or reclassifying a position.

1496 (d) Shall effect a classification change on any
1497 classification or reclassification action taken by an agency if
1498 the action taken by the agency was not based on the duties and
1499 responsibilities officially assigned the position as they relate
1500 to the concepts and description contained in the official
1501 occupation profile and the level definition provided in the
1502 occupational group characteristics adopted by the department.

1503 (e) Shall adopt rules necessary to administer the
1504 classification system.

1505 (3) Each state agency is responsible for the day-to-day
1506 application of the classification system established by the
1507 department. The agency:

1508 (a) Shall maintain an up-to-date position description for
1509 each authorized and established position assigned to the agency.
1510 The position description must include an accurate description of

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1511 assigned duties and responsibilities and other pertinent
1512 information relating to a position and serves as a record of the
1513 official assignment of duties to the position. The description
1514 shall be used to compare positions in order to ensure the
1515 uniformity of classifications.

1516 (b) May classify positions authorized by the Legislature
1517 or pursuant to s. 216.262, classify positions that are added in
1518 lieu of positions deleted pursuant to s. 216.262, and reclassify
1519 established positions. Classification and reclassification
1520 actions taken by an agency must be within the classification
1521 system occupations established by the department, shall be
1522 funded within the limits of currently authorized appropriations,
1523 and must be in accordance with the uniform procedures
1524 established by the department.

1525 Section 26. Section 110.2085, Florida Statutes, is created
1526 to read:

1527 110.2085 Pay plan.-

1528 (1) The department shall establish and maintain an
1529 equitable pay plan that applies to all positions in the Civil
1530 Service and shall be responsible for the overall review,
1531 coordination, and administration of the pay plan.

1532 (2) The department shall provide market-based pay bands
1533 for occupational groups and establish guidelines for state
1534 agencies to use when moving employees through such pay bands.

1535 (a) The agencies may determine the appropriate salary
1536 within the pay bands using the guidelines developed by the
1537 department. Such pay bands, and the assignment of broadband
1538 levels to positions, are not rules as defined in s. 120.52.

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1539 (b) The department, in consultation with the Executive
1540 Office of the Governor and the legislative appropriations
1541 committees, shall conduct compensation surveys as necessary for
1542 the purpose of achieving an equitable, competitive, market-based
1543 pay policy.

1544 (3) The department shall establish rules for the
1545 administration of pay additives and shall delegate to the state
1546 agencies, where appropriate, the authority to implement pay
1547 additives. The agency must use pay additives, as appropriate,
1548 within the guidelines established by the department and
1549 consistent with directions contained in the General
1550 Appropriations Act.

1551 (a) The following pay additives are authorized:

- 1552 1. Shift differentials.
1553 2. On call.
1554 3. Hazardous duty.
1555 4. Lead-worker duty.
1556 5. Temporary special duties, general.
1557 6. Temporary special duties, absent coworker.
1558 7. Trainer duties.
1559 8. Competitive area differentials.
1560 9. Critical market pay.

1561 (b) Each state agency shall include in its annual
1562 legislative budget request a proposed written plan for
1563 implementing general temporary special duty pay additives during
1564 the next fiscal year. Proposed revisions to an approved plan
1565 which become necessary during the fiscal year must be submitted
1566 by the agency to the department for review and recommendation to

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1567 the Executive Office of the Governor. Such revisions may be
1568 implemented only after approval by the Executive Office of the
1569 Governor. A proposed revision is deemed to be action subject to
1570 s. 216.177.

1571 (c) A new competitive area differential or a new critical
1572 market pay additive may not be implemented unless the department
1573 has reviewed and recommended such action and the Legislature has
1574 provided express authority to implement such action. This
1575 applies to an increase in the level of competitive area
1576 differentials and critical market pay additives and to the
1577 initial establishment and implementation of a competitive area
1578 differential or critical market pay additive not in effect as of
1579 January 1, 2012.

1580 (d) An agency may implement the pay additives set forth in
1581 subparagraphs (a)1., 2., 3., 4., 6., and 7. as necessary to
1582 accomplish the mission of the agency and in accordance with
1583 department rules, instructions contained in the General
1584 Appropriations Act, and applicable collective bargaining
1585 agreements.

1586 (e) The department shall annually provide to the Executive
1587 Office of the Governor and the Legislature a summary report of
1588 the pay additives implemented pursuant to this section.

1589 (4) A state agency may implement salary increase and
1590 decrease corrections due to administrative errors.

1591 (5) The department may adopt rules necessary to administer
1592 this section.

1593 Section 27. Section 110.211, Florida Statutes, is amended
1594 to read:

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1595 110.211 Recruitment.-

1596 (1) Recruiting shall be planned and carried out to ensure
1597 ~~in a manner that assures~~ open competition based upon current and
1598 projected ~~employing~~ agency needs, taking into consideration the
1599 number and types of positions to be filled and the labor market
1600 conditions, with special emphasis placed on recruiting efforts
1601 that ~~to~~ attract minorities, women, or other groups ~~that are~~
1602 underrepresented in the workforce of a state ~~the employing~~
1603 agency.

1604 (2) Recruiting efforts to fill current or projected
1605 vacancies shall be carried out in the sound discretion of the
1606 agency head.

1607 (3) Recruiting ~~shall seek efficiency in advertising and~~
1608 may be assisted by a contracted vendor ~~responsible for~~
1609 ~~maintenance of the personnel data.~~

1610 (4) The department may adopt rules necessary to administer
1611 this section. ~~All recruitment literature involving state~~
1612 ~~position vacancies shall contain the phrase "An Equal~~
1613 ~~Opportunity Employer/Affirmative Action Employer."~~

1614 Section 28. Section 110.213, Florida Statutes, is amended
1615 to read:

1616 110.213 Selection.-

1617 (1) Selection for appointment from among the ~~most~~
1618 qualified candidates is ~~shall be~~ the sole responsibility of the
1619 state employing agency. ~~All new employees must successfully~~
1620 ~~complete at least a 1-year probationary period before attainment~~
1621 ~~of permanent status.~~

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1622 (2) ~~Selection shall reflect efficiency and simplicity in~~
1623 ~~hiring procedures.~~ The agency head or a ~~his or her~~ designee
1624 shall ~~be required to~~ document the qualifications of the selected
1625 candidate to ensure that the candidate meets the position
1626 ~~minimum~~ requirements ~~as~~ specified by the ~~employing~~ agency;;
1627 meets the licensure, certification, or registration
1628 requirements, if any, ~~as~~ specified by statute;; and possesses
1629 the requisite knowledge, skills, and abilities for the position.
1630 No other documentation or justification is ~~shall be~~ required
1631 before ~~prior to~~ selecting a candidate for a position.

1632 (3) The department may adopt rules necessary to administer
1633 this section.

1634 Section 29. Section 110.2135, Florida Statutes, is amended
1635 to read:

1636 110.2135 Veterans' preference ~~in employment, reemployment,~~
1637 ~~promotion, and retention.-~~

1638 (1) Preference in employment, reemployment, promotion, and
1639 retention shall be given to an eligible veteran pursuant to ss.
1640 295.07, 295.08, 295.085, and 295.09 if ~~as long as~~ the veteran
1641 meets the minimum eligibility requirements and has the
1642 knowledge, skills, and abilities required for the particular
1643 position.

1644 (2) A disabled veteran employed as the result of being
1645 placed at the top of the appropriate employment list under ~~the~~
1646 ~~provisions of~~ s. 295.08 or s. 295.085 shall be appointed for a
1647 probationary period of 1 year. At the end of such period, if the
1648 work of the veteran has been satisfactorily performed, the
1649 veteran will acquire merit permanent employment status in his or

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1650 her position and ~~will~~ be subject to the employment rules of the
1651 department ~~of Management Services~~ and the agency employing the
1652 veteran ~~veteran's employing agency~~.

1653 (3) The department may adopt rules necessary to administer
1654 this section.

1655 Section 30. Section 110.215, Florida Statutes, is amended
1656 to read:

1657 110.215 Examinations and other employment qualification
1658 assessments administered to persons having disabilities.-

1659 (1) The purpose of this section is to further the policy
1660 of the State Personnel System to encourage and assist persons
1661 having disabilities to achieve maximum personal and vocational
1662 independence through useful and productive gainful employment by
1663 eliminating unwarranted barriers to their qualifying
1664 competitively for civil ~~state-career~~ service jobs.

1665 (2) As used in this section, the term:

1666 ~~(a) "Agency" includes each department and agency of the~~
1667 ~~state.~~

1668 ~~(a)-(b)~~ "Disability" means, with respect to an individual,
1669 a physical or mental impairment that substantially limits one or
1670 more of the major life activities of the individual, or a record
1671 of having such an impairment, or being regarded as having such
1672 an impairment.

1673 ~~(b)-(e)~~ "Examination" includes employment tests and other
1674 structured, systematic instruments used to assess the essential
1675 knowledge, skills, abilities, minimum qualifications, and other
1676 job-related requirements possessed by an applicant as a basis
1677 for any employment decision by an agency.

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1678 (3) An applicant for employment within the Civil State
1679 ~~Career Service System~~ who has a disability that impairs sensory,
1680 speaking, or manual skills may require an agency to administer
1681 an any examination to him or her in a format and manner that
1682 does not require use of an impaired skill, unless the test is
1683 designed to measure that skill. An applicant may request a
1684 reasonable accommodation in a test format on the basis of a
1685 disability.

1686 (4) The department may adopt rules necessary to administer
1687 this section.

1688 Section 31. Section 110.217, Florida Statutes, is amended
1689 to read:

1690 110.217 Appointment actions and status ~~Appointments and~~
1691 ~~promotion.~~

1692 (1) ~~(a) The department, in consultation with agencies that~~
1693 ~~must comply with these rules, shall develop uniform rules~~
1694 regarding original appointment, promotion, demotion,
1695 reassignment, lateral action, separation, and status which must
1696 be used by state ~~employing~~ agencies. ~~Such rules must be approved~~
1697 ~~by the Administration Commission before their adoption by the~~
1698 ~~department.~~

1699 ~~(b) Employing agencies may seek exceptions to these~~
1700 ~~uniform rules by filing a petition with the Administration~~
1701 ~~Commission. The Administration Commission shall approve an~~
1702 ~~exception when the exception is necessary to conform to any~~
1703 ~~requirement imposed as a condition precedent to receipt of~~
1704 ~~federal funds or to permit persons in this state to receive tax~~
1705 ~~benefits under federal law, or as required for the most~~

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1706 ~~efficient operation of the agency as determined by the~~
1707 ~~Administration Commission. The reasons for the exception must be~~
1708 ~~published in the Florida Administrative Weekly.~~

1709 ~~(c) Agency rules that provide exceptions to the uniform~~
1710 ~~rules may not be filed with the Department of State unless the~~
1711 ~~Administration Commission has approved the exceptions. Each~~
1712 ~~agency that adopts rules that provide exceptions to the uniform~~
1713 ~~rules or that must comply with statutory requirements that~~
1714 ~~conflict with the uniform rules must have a separate chapter~~
1715 ~~published in the Florida Administrative Code that delineates~~
1716 ~~clearly the provisions of the agency's rules which provide~~
1717 ~~exceptions or are based upon a conflicting statutory~~
1718 ~~requirement. Each alternative chosen from those authorized by~~
1719 ~~the uniform rules must be specified. Each chapter must be~~
1720 ~~organized in the same manner as the uniform rules.~~

1721 (2) An employee appointed on probationary status shall
1722 attain merit status in his or her current position upon
1723 successful completion of at least a 1-year probationary period.
1724 An employee who has not attained merit status in his or her
1725 current position serves at the pleasure of the agency head and
1726 may be dismissed at the discretion of the agency head.

1727 (3) If an employee who has received an internal agency
1728 promotion from a position in which the employee held merit
1729 status is to be dismissed from the promotional position for
1730 failure to meet the established performance standards of the
1731 promotional position while in probationary status, the agency,
1732 before dismissal, shall attempt to return the employee to his or
1733 her former position, or to a position with the same duties and

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1734 responsibilities as the former position, if such a position is
1735 vacant. Such determinations by an agency are not appealable and
1736 this subsection does not apply to dismissals for any other
1737 reason.

1738 ~~(2) Each employing agency shall have the responsibility~~
1739 ~~for the establishment and maintenance of rules and guidelines~~
1740 ~~for determining eligibility of applicants for appointment to~~
1741 ~~positions in the career service.~~

1742 ~~(3) Eligibility shall be based on possession of required~~
1743 ~~minimum qualifications for the job class and any required entry-~~
1744 ~~level knowledge, skills, and abilities, and any certification~~
1745 ~~and licensure required for a particular position.~~

1746 ~~(4) The employing agency shall be responsible for~~
1747 ~~developing an employee career advancement program which shall~~
1748 ~~assure consideration of qualified permanent employees in the~~
1749 ~~agency or career service who apply. However, such program shall~~
1750 ~~also include provisions to bring persons into the career service~~
1751 ~~through open competition. Promotion appointments shall be~~
1752 ~~subject to postaudit by the department.~~

1753 ~~(5) The department shall adopt any rules necessary to~~
1754 ~~implement the provisions of this section. The rules must be~~
1755 ~~approved by a majority vote of the Administration Commission~~
1756 ~~prior to their adoption by the department.~~

1757 Section 32. Section 110.219, Florida Statutes, is amended
1758 to read:

1759 110.219 Attendance and leave; general policies.—

1760 (1) The workday for each full-time state employee shall be
1761 8 hours or as otherwise authorized justified by the agency head.

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1762 (2) Overtime may be required for any employee.

1763 (3) The granting of any leave of absence, with or without
1764 pay, shall be in accordance with applicable state or federal
1765 laws and the rules of the State Personnel System ~~writing and~~
1766 ~~shall be approved by the agency head. Those employees who, at~~
1767 the discretion of the agency, are ~~An employee who is granted a~~
1768 leave of absence remain employees of the agency ~~with or without~~
1769 ~~pay shall be an employee of the state while on such leave and~~
1770 ~~shall be returned to the same or comparable position or a~~
1771 ~~different position in the same class and same work location upon~~
1772 ~~termination of the approved leave of absence in accordance with~~
1773 the rules of the State Personnel System. ~~The agency head and the~~
1774 ~~employee may agree in writing to other conditions and terms~~
1775 ~~under which the leave is to be granted.~~

1776 ~~(4) Each agency shall keep an accurate record of all hours~~
1777 ~~of work performed by each employee, as well as a complete and~~
1778 ~~accurate record of all authorized leave which is approved. The~~
1779 ~~ultimate responsibility for the accuracy and proper maintenance~~
1780 ~~of all attendance and leave records shall be with the agency~~
1781 ~~head.~~

1782 ~~(4)(5) Rules shall be adopted by The department shall~~
1783 adopt rules necessary to administer ~~in cooperation and~~
1784 ~~consultation with the agencies to implement the provisions of~~
1785 ~~this section; however, such rules must be approved by the~~
1786 ~~Administration Commission prior to their adoption. Such rules~~
1787 ~~must provide for, but need not be limited to:~~

1788 (a) The maximum responsibility and authority resting with
1789 each agency head to administer attendance and leave matters in

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1790 the agency within the parameters of the rules ~~adopted by the~~
1791 ~~department.~~

1792 (b) ~~Creditable service in which 1 month of Service credit~~
1793 ~~as it relates to the accrual and payment of leave is awarded for~~
1794 ~~each calendar month that the employee is on the payroll of a~~
1795 ~~state agency or during which the employee is on authorized leave~~
1796 ~~without pay.~~

1797 (c) Holidays as provided in s. 112.929 ~~110.117~~.

1798 (d) Overtime provisions.

1799 (e) Annual leave provisions.

1800 (f) Sick leave provisions.

1801 (g) Parental leave provisions.

1802 (h) Family medical leave provisions.

1803 (i) Disability leave provisions.

1804 (j) Compulsory disability leave provisions.

1805 (k) Administrative leave provisions.

1806 (l) Military leave provisions.

1807 (m) Educational leave with pay provisions.

1808 (n) Leave of absence without pay provisions.

1809 ~~(6) The leave benefits provided to Senior Management~~
1810 ~~Service employees shall not exceed those provided to employees~~
1811 ~~in the Selected Exempt Service.~~

1812 (5)~~(7)~~ Subject to available funds, each December, a civil
1813 permanent career service employee who has merit status or who
1814 currently has probationary status due to a promotion that was
1815 preceded by the attainment of merit status is entitled ~~shall be~~
1816 ~~entitled, subject to available funds,~~ to a payout of up to 24
1817 hours of unused annual leave if the ~~as follows:~~

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1818 ~~(a) A permanent career service employee has ~~must~~ have an~~
1819 annual leave balance of at least ~~no less than~~ 24 hours, after
1820 the payout, ~~in order to qualify for this benefit.~~

1821 (6)(b) ~~A civil~~ No permanent career service employee may
1822 ~~not shall~~ receive a payout of greater than 240 hours over the
1823 course of the employee's career within ~~with~~ the Civil Service
1824 state, including any leave received at the time of separation.

1825 Section 33. Section 110.221, Florida Statutes, is amended
1826 to read:

1827 110.221 Parental or family medical leave.—

1828 (1) As used in this section, the term:

1829 (a) "Family" means a child, parent, or spouse, ~~and the~~
1830 term

1831 (b) "Family medical leave" means leave requested by an
1832 employee for a serious family illness including an accident,
1833 disease, or condition that poses imminent danger of death,
1834 requires hospitalization involving an organ transplant, limb
1835 amputation, or other procedure of similar severity, or any
1836 mental or physical condition that requires constant in-home
1837 care. ~~The term~~

1838 (c) "Parental leave" means leave for the father or mother
1839 of a child who is born to or adopted by that parent.

1840 (2) The state may ~~shall~~ not:

1841 (a) Terminate the employment of a civil service ~~any~~
1842 employee ~~in the career service~~ because of the pregnancy of the
1843 employee or the employee's spouse or the adoption of a child by
1844 that employee.

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1845 (b) Refuse to grant to a civil ~~career~~ service employee
1846 parental or family medical leave without pay for a period not to
1847 exceed 6 months. Such leave commences ~~shall commence~~ on a date
1848 that is determined by the employee in consultation with the
1849 attending physician following notification to the employer in
1850 writing, and that is approved by the employer.

1851 (c) Deny a civil ~~career~~ service employee the use of and
1852 payment for annual leave credits for parental or family medical
1853 leave. Such leave commences ~~shall commence~~ on a date determined
1854 by the employee in consultation with the attending physician
1855 following notification to the employer in writing.

1856 (d) Deny a civil ~~career~~ service employee the use of and
1857 payment for accrued sick leave or family sick leave for any
1858 reason deemed necessary by a physician or as established by
1859 policy.

1860 (e) Require that a civil ~~career~~ service employee take a
1861 mandatory parental or family medical leave.

1862 (3) Upon returning at the end of parental or family
1863 medical leave of absence, such employee shall be reinstated to
1864 the same job or ~~to~~ an equivalent position that has with
1865 equivalent pay and ~~with~~ seniority, retirement, fringe benefits,
1866 and other service credits accumulated before ~~prior to~~ the leave
1867 period. If any portion of the parental or family medical leave
1868 is paid leave, the employee is ~~shall be~~ entitled to accumulate
1869 all benefits granted under paid leave status.

1870 (4) The department may adopt rules necessary to administer
1871 this section.

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1872 Section 34. Section 110.224, Florida Statutes, is amended
1873 to read:

1874 110.224 ~~Public~~ Employee performance evaluation system.—An
1875 ~~A public~~ employee performance evaluation system shall be
1876 established as a basis for evaluating and improving the
1877 performance of the state's workforce, to inform employees of
1878 strong and weak points in the employee's performance, to
1879 identify training needs, and to award ~~lump-sum~~ bonuses and other
1880 performance-based incentives in accordance with s. 110.1245 or
1881 other provisions of law 110.1245(2).

1882 (1) Upon original appointment, promotion, demotion, or
1883 reassignment, a job description of the assigned position
1884 ~~assigned~~ must be made available to the civil career service
1885 employee. The job description may be made available in an
1886 electronic format.

1887 (2) Each employee shall ~~must~~ have a performance evaluation
1888 conducted at least annually which involves both, ~~and the~~
1889 ~~employee must receive~~ an oral and written assessment of his or
1890 her performance ~~evaluation~~. The performance evaluation may
1891 include a plan of action for improvement of the employee's
1892 performance based on the work expectations or performance
1893 standards applicable to the position as determined by the agency
1894 head.

1895 (3) The department may adopt rules necessary to administer
1896 this section ~~the public employee performance evaluation system~~
1897 ~~which establish procedures for performance evaluation, review~~
1898 ~~periods, and forms~~.

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1899 Section 35. Section 110.227, Florida Statutes, is amended
1900 to read:

1901 110.227 Suspensions, dismissals, reductions in pay,
1902 demotions, layoffs, transfers, and grievances.—

1903 (1) ~~An Any~~ employee who has satisfactorily completed at
1904 least a 1-year probationary period in his or her current
1905 position may be suspended or dismissed only for cause. Cause
1906 includes ~~shall include~~, but is not limited to, poor performance,
1907 negligence, inefficiency or inability to perform assigned
1908 duties, insubordination, violation of ~~the provisions of~~ law or
1909 agency rules, conduct unbecoming a public employee, misconduct,
1910 habitual drug abuse, or conviction of any crime. The agency head
1911 shall ensure that all employees of the agency have reasonable
1912 access to the agency's personnel policies and procedures ~~manual~~.

1913 (2)~~(a)~~ The department shall establish rules and procedures
1914 for the suspension, reduction in pay, transfer, layoff,
1915 demotion, and dismissal of employees in the Civil ~~career~~
1916 Service.

1917 (a) Except with regard to law enforcement or correctional
1918 officers, firefighters, or professional health care providers,
1919 rules regarding layoff procedures may ~~shall~~ not include any
1920 provision ~~system~~ whereby a civil ~~career~~ service employee with
1921 greater seniority has the option of selecting a different
1922 position not being eliminated, but either vacant or already
1923 occupied by an employee who has ~~of~~ less seniority, and taking
1924 that position, commonly referred to as "bumping."

1925 (b) For the implementation of layoffs as defined in s.
1926 110.1054 ~~110.107~~, the department shall develop rules requiring

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1927 retention of the agency's employees based upon objective
1928 measures that give consideration to comparative merit,
1929 demonstrated skills, the employee's experience, and the
1930 employee's length of service in the Civil Service. ~~Such rules~~
1931 ~~shall be approved by the Administration Commission before their~~
1932 ~~adoption by the department.~~

1933 (3) ~~(a)~~ With regard to law enforcement or correctional
1934 officers, firefighters, or professional health care providers: 7
1935 ~~when~~

1936 (a) If a layoff becomes necessary, such layoff shall be
1937 conducted within the competitive area identified by the agency
1938 head and approved by the department ~~of Management Services~~. Such
1939 competitive area shall be established taking into consideration
1940 the similarity of work; the organizational unit, which may be by
1941 agency, department, division, bureau, or other organizational
1942 unit; and the commuting area for the affected work ~~affected~~.

1943 ~~(b) With regard to law enforcement or correctional~~
1944 ~~officers, firefighters, or professional health care providers,~~
1945 Layoff procedures shall be developed to establish the relative
1946 merit and fitness of employees and must ~~shall~~ include a formula
1947 for uniform application among all employees in the competitive
1948 area, taking into consideration the type of appointment, the
1949 length of service, and the evaluations of the employee's
1950 performance within the last 5 years of employment.

1951 (4) A grievance process shall be available to civil career
1952 service employees who have satisfactorily completed at least a
1953 1-year probationary period in their current positions. A
1954 ~~grievance is defined as the dissatisfaction that~~ occurs when an

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1955 employee believes that any condition affecting the employee is
1956 unjust, inequitable, or a hindrance to the effective performance
1957 of his or her job duties ~~operation~~. Claims of discrimination and
1958 sexual harassment or claims related to suspensions, reductions
1959 in pay, demotions, and dismissals are not subject to the civil
1960 ~~career~~ service grievance process. The following procedures ~~shall~~
1961 apply to any grievance filed pursuant to this subsection, except
1962 that all timeframes may be extended in writing by mutual
1963 agreement:

1964 (a) *Step One.*—The employee must ~~may~~ submit a signed,
1965 written grievance on a form provided by the agency to his or her
1966 supervisor within 14 calendar days following the occurrence of
1967 the event giving rise to the grievance. The supervisor must meet
1968 with the employee to discuss the grievance and provide a written
1969 response to the employee within 7 business days following
1970 receipt of the grievance.

1971 (b) *Step Two.*—If the employee is dissatisfied with the
1972 response of his or her supervisor, the employee must ~~may~~ submit
1973 the written grievance to the agency head or ~~his or her~~ designee
1974 within 7 business days following receipt of the supervisor's
1975 written response. The agency head's ~~head or his or her~~ designee
1976 may ~~must~~ meet with the employee to discuss the grievance within
1977 5 business days following receipt of the grievance. The agency
1978 head or his or her designee must respond in writing to the
1979 employee within 5 business days following receipt of the
1980 grievance or the meeting. The written decision of the agency
1981 head or designee is ~~shall be the~~ final and binding ~~authority~~ for

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1982 all grievances filed pursuant to this subsection. Such
1983 grievances may not be appealed beyond Step Two.

1984 (5)(a) A civil ~~career~~ service employee who has
1985 satisfactorily completed at least a 1-year probationary period
1986 and attained merit status in his or her current position and who
1987 is subject to a suspension, reduction in pay, demotion,
1988 involuntary transfer of more than 50 miles by highway, or
1989 dismissal shall receive written notice of such action at least
1990 10 calendar days before ~~prior to~~ the date such action is ~~to be~~
1991 taken.

1992 (a) Subsequent to such notice, and before ~~prior to~~ the
1993 date the action is ~~to be~~ taken, the affected employee shall be
1994 given an opportunity to appear before a designated agency
1995 official to rebut ~~the agency or official taking the action to~~
1996 ~~answer orally and in writing~~ the charges against him or her
1997 orally or in writing. The notice ~~to the employee required by~~
1998 ~~this paragraph~~ may be delivered to the employee personally or
1999 may be sent by certified mail with return receipt requested.
2000 Such actions are ~~shall be~~ appealable to the Public Employees
2001 Relations Commission as provided in subsection (6). Written
2002 notice of ~~any~~ such appeal shall be filed by the employee with
2003 the commission within 21 calendar days after the date on which
2004 the notice of suspension, reduction in pay, demotion,
2005 involuntary transfer of more than 50 miles by highway, or
2006 dismissal is received by the employee.

2007 (b) In extraordinary situations such as when the retention
2008 of a civil ~~career~~ service employee who has satisfactorily
2009 completed at least a 1-year probationary period in his or her

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2010 current position ~~may would~~ result in damage to state property,
2011 ~~may would~~ be detrimental to the best interest of the state, or
2012 ~~may would~~ result in harm injury to the employee, a fellow
2013 employee, or some other person, such employee may be suspended
2014 or dismissed without 10 calendar days' prior notice ~~if, provided~~
2015 ~~that~~ written or oral notice of such action, including evidence
2016 ~~of~~ the reasons therefor, and an opportunity to rebut the charges
2017 are furnished to the employee before ~~prior to~~ such dismissal or
2018 suspension. Such notice may be delivered to the employee
2019 personally or may be sent by certified mail with return receipt
2020 requested. ~~Agency compliance with the foregoing procedure~~
2021 ~~requiring notice, evidence, and an opportunity for rebuttal must~~
2022 ~~be substantiated.~~ Any employee who is suspended or dismissed
2023 pursuant to ~~the provisions of~~ this paragraph may appeal to the
2024 Public Employees Relations Commission as provided in subsection
2025 (6). Written notice of ~~any~~ such appeal shall be filed with the
2026 commission by the employee within 21 calendar days after the
2027 date on which the notice of suspension, ~~reduction in pay,~~
2028 ~~demotion,~~ or dismissal is received by the employee.

2029 (c) Merit status that was attained in a previous position
2030 does not give rise to appeal rights under this section.

2031 (6) The following procedures ~~shall~~ apply to appeals filed
2032 pursuant to subsection (5) with the Public Employees Relations
2033 Commission, ~~hereinafter referred to as the commission:~~

2034 (a) The commission must conduct a hearing within 60
2035 calendar days following the filing of a notice of appeal. An ~~No~~
2036 extension of time for the hearing may not exceed 30 calendar
2037 days, absent exceptional circumstances, and ~~no extension of time~~

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2038 may not be granted without the consent of all parties. Discovery
2039 may be granted only upon the showing of extraordinary
2040 circumstances. A party requesting discovery must ~~shall~~
2041 demonstrate a substantial need for the information requested and
2042 an inability to obtain relevant information by other means.
2043 Except where inconsistent with the requirements of this
2044 subsection, ~~the provisions of~~ s. 447.503(4) and (5) and chapter
2045 120 apply to proceedings held pursuant to this subsection.

2046 (b) A person may represent himself or herself in
2047 proceedings before the commission or may be represented by legal
2048 counsel or by an ~~any~~ individual who qualifies as a
2049 representative pursuant to rules adopted by the commission.

2050 (c) If the commission finds that cause did not exist for
2051 the agency action, the commission shall reverse the decision of
2052 the agency head and the employee shall be reinstated with or
2053 without back pay. If the commission finds that cause existed for
2054 the agency action, the commission shall affirm the decision of
2055 the agency head. The commission may not reduce the penalty
2056 imposed by the agency head, except in the case of law
2057 enforcement or correctional officers, firefighters, and
2058 professional health care providers, if the commission makes
2059 specific written findings of mitigation.

2060 (d) A recommended order shall be issued by the hearing
2061 officer within 30 days following the hearing. Exceptions to the
2062 recommended order must ~~shall~~ be filed within 15 days after the
2063 recommended order is issued. The final order shall be filed by
2064 the commission within ~~no later than~~ 45 calendar days after the

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2065 hearing or after the filing of exceptions or oral arguments if
2066 granted.

2067 (e) Final orders issued by the commission pursuant to
2068 paragraph (d) are ~~shall be~~ reviewable as provided in s. 447.504.

2069 (7) Other than for law enforcement or correctional
2070 officers, firefighters, and professional health care providers,
2071 each suspension, dismissal, demotion, or reduction in pay must
2072 be reviewed without consideration of any other case or set of
2073 facts.

2074 (8) Employees of the Department of Law Enforcement are
2075 subject to this section, except in matters relating to transfer.

2076 (9) The department may adopt rules necessary to administer
2077 this section.

2078 ~~(8) A career service employee who is serving a~~
2079 ~~probationary period in a position to which he or she has been~~
2080 ~~promoted may be removed from that promotional position at any~~
2081 ~~time during the probationary period but must be returned to his~~
2082 ~~or her former position, or a comparable position, if such a~~
2083 ~~position is vacant. If such a position is not available, before~~
2084 ~~dismissal, the agency shall make a reasonable effort to retain~~
2085 ~~the employee in another vacant position. This subsection does~~
2086 ~~not apply to terminations for cause as described in subsection~~
2087 ~~(1), nor does it create a right to "bump" an employee from an~~
2088 ~~occupied position as described in paragraph (2)(a).~~

2089 Section 36. The Division of Statutory Revision is
2090 requested to renumber part V of chapter 110, Florida Statutes,
2091 as part III of that chapter, consisting of ss. 110.302-110.3023,

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2092 Florida Statutes, and to rename that part as "Selected Exempt
2093 Service."

2094 Section 37. Section 110.601, Florida Statutes, is
2095 transferred, renumbered as section 110.302, Florida Statutes,
2096 and amended to read:

2097 110.302 ~~110.601~~ Declaration of policy.—This part creates a
2098 system of personnel administration for management the purpose of
2099 delivering ~~which is to deliver~~ high-quality performance by
2100 selected exempt service ~~these~~ employees in the State Personnel
2101 System ~~select exempt classifications~~ by facilitating the state's
2102 ability to attract and retain qualified personnel in these
2103 positions, while also providing sufficient management
2104 flexibility to ensure that the workforce is responsive to agency
2105 needs. The Legislature recognizes that the public interest is
2106 best served by developing and refining the technical and
2107 managerial skills of these ~~its selected exempt service~~
2108 employees, ~~and, to this end, technical training and management~~
2109 ~~development programs are regarded as a major administrative~~
2110 ~~function within agencies.~~

2111 Section 38. Section 110.602, Florida Statutes, is
2112 transferred, renumbered as section 110.3021, Florida Statutes,
2113 and amended to read:

2114 110.3021 ~~110.602~~ Selected Exempt Service; creation,
2115 ~~coverage.~~

2116 (1) The Selected Exempt Service is created as a separate
2117 system of personnel administration for ~~select exempt~~ positions
2118 in the State Personnel System. ~~Such positions shall include, and~~
2119 ~~shall be limited to, these positions~~ which are exempt from the

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2120 ~~Civil Career Service System~~ pursuant to s. 110.205(2) and (5)
2121 and for which the salaries and benefits are set by the
2122 department in accordance with the rules of the Selected Exempt
2123 Service. ~~The department shall designate all positions included~~
2124 ~~in the Selected Exempt Service as either~~
2125 ~~managerial/policymaking, professional, or~~
2126 ~~nonmanagerial/nonpolicymaking.~~

2127 (2) Employees in the Selected Exempt Service shall serve
2128 at the pleasure of the agency head and are subject to personnel
2129 actions at the discretion of the agency head. Personnel actions
2130 that are tantamount to suspension, dismissal, reduction in pay,
2131 demotion, or transfer are exempt from chapter 120.

2132 Section 39. Section 110.605, Florida Statutes, is
2133 transferred, renumbered as section 110.3022, Florida Statutes,
2134 and amended to read:

2135 110.3022 110.605 Powers and duties, personnel rules,
2136 records, reports, and performance appraisal. The department is
2137 responsible for the policy administration of the Selected Exempt
2138 Service. In carrying out that function, the department shall:

2139 (1) Provide broad, market-based pay bands for occupations
2140 within the Selected Exempt Service and establish guidelines that
2141 allow state agencies flexibility to move employees through the
2142 pay bands. The agencies may determine the appropriate salary
2143 within the bands using the guidelines adopted by the department.
2144 The pay bands, and the assignment of bands to positions, do not
2145 constitute rules as defined in s. 120.52.

2146 (2) Establish a classification system and a salary and
2147 benefit plan for the Selected Exempt Service which provide for

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2148 | greater pay and benefits overall than are provided for the Civil
2149 | Service and less pay and benefits overall than are provided for
2150 | the Senior Management Service.

2151 | (3) In consultation with the Executive Office of the
2152 | Governor and the appropriations committees of the Legislature,
2153 | conduct compensation surveys as necessary for achieving an
2154 | equitable, competitive, market-based compensation policy for
2155 | selected exempt service employees.

2156 | (4) Establish a performance evaluation system for selected
2157 | exempt service employees which takes into consideration
2158 | individual and organizational efficiency, productivity, and
2159 | effectiveness.

2160 | (5) Establish a system for documenting department actions
2161 | taken on agency requests for the approval of position exemptions
2162 | and pay increases for selected exempt service employees.

2163 | (6) (1) The department shall Adopt and administer uniform
2164 | personnel rules, records, and reports relating to employees and
2165 | positions in the Selected Exempt Service, as well as any other
2166 | rules and procedures relating to personnel administration which
2167 | are necessary to carry out the purposes of this part.

2168 | (a) The rules adopted by the department must comply with
2169 | all federal regulations necessary to permit the agencies to
2170 | receive federal funds.

2171 | (b) Each agency shall operate within the uniform personnel
2172 | rules adopted by the department pursuant to this part.

2173 | (c) Each agency shall maintain up-to-date records and
2174 | reports required by applicable rules.

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2175 ~~(d)(a)~~ The department may ~~shall~~ develop uniform forms and
2176 instructions to be used for personnel ~~in reporting~~ transactions
2177 ~~which involve changes in an employee's salary, status,~~
2178 ~~performance, leave, fingerprint record, loyalty oath, payroll~~
2179 ~~change, or appointment action or any additional transactions as~~
2180 the department deems ~~may deem~~ appropriate.

2181 ~~(b)~~ The department shall develop a uniform performance
2182 appraisal system for employees and positions in the Selected
2183 Exempt Service covered by a collective bargaining agreement.
2184 Each employing agency shall develop a performance appraisal
2185 system for all other employees and positions in the Selected
2186 Exempt System. Such agency system shall take into consideration
2187 individual and organizational efficiency, productivity, and
2188 effectiveness.

2189 ~~(c)~~ The employing agency must maintain, on a current
2190 basis, all records and reports required by applicable rules. The
2191 department shall periodically audit employing agency records to
2192 determine compliance with the provisions of this part and the
2193 rules of the department.

2194 ~~(d)~~ The department shall develop a program of affirmative
2195 and positive actions that will ensure full utilization of women
2196 and minorities in Selected Exempt Service positions.

2197 ~~(2)~~ Each employing agency shall operate within the uniform
2198 personnel rules adopted by the department pursuant to the
2199 provisions of this part. Each employing agency may adopt rules
2200 as necessary to implement the provisions of this part, but such
2201 rules shall not prescribe any personnel policies inconsistent
2202 with the provisions of this part or the rules of the department.

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2203 ~~(3) The rules adopted by the department and each employing~~
2204 ~~agency under this part shall comply with all federal regulations~~
2205 ~~necessary to permit the state agencies to be eligible to receive~~
2206 ~~federal funds.~~

2207 ~~(4) The department shall adopt by rule procedures for~~
2208 ~~Selected Exempt Service employees that require disclosure to the~~
2209 ~~agency head of any application for or offer of employment, gift,~~
2210 ~~contractual relationship, or financial interest with any~~
2211 ~~individual, partnership, association, corporation, utility, or~~
2212 ~~other organization, whether public or private, doing business~~
2213 ~~with or subject to regulation by the agency.~~

2214 ~~(5) The secretary may periodically hire a consultant with~~
2215 ~~expertise in personnel management to advise him or her with~~
2216 ~~respect to the administration of the Selected Exempt Service.~~

2217 Section 40. Section 110.3023, Florida Statutes, is created
2218 to read:

2219 110.3023 Recruitment.-

2220 (1) Each state agency is responsible for establishing a
2221 process for employing, advancing, and deploying selected exempt
2222 service staff to meet agency needs.

2223 (2) If normal recruitment efforts of the agency through
2224 the use of the department's designated human resource
2225 information system, trade journals, or magazines are
2226 unsuccessful, the agency may contract with a person or firm to
2227 conduct a multistate search for hard-to-fill professional
2228 positions. The contracted search person or firm must satisfy the
2229 following criteria:

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2230 (a) Willingness to accept contingency contracts with fees
2231 of up to 30 percent of the annual salary of the applicant, to be
2232 paid upon employment of an applicant produced by the search.

2233 (b) Demonstrated capacity to perform effectively at
2234 competitive industry prices.

2235 (c) Evidence of successful placements in the public sector
2236 by level and type of placement.

2237 (d) Agreement for the delivery of services within 90
2238 calendar days after the date of the requested search by the
2239 agency, unless an extension is granted by the agency.

2240 (e) Ability to attract minorities and women as evidenced
2241 by applicant pools generated for previous clients.

2242 Section 41. The Division of Statutory Revision is
2243 requested to renumber part III of chapter 110, Florida Statutes,
2244 as part IV of that chapter, consisting of ss. 110.401-110.4035,
2245 Florida Statutes, and to rename that part as "Senior Management
2246 Service."

2247 Section 42. Section 110.401, Florida Statutes, is amended
2248 to read:

2249 110.401 Declaration of policy.—This part creates a ~~uniform~~
2250 system of personnel administration for attracting, retaining,
2251 and developing highly competent, executive-level senior-level
2252 managers within the State Personnel System ~~at the highest~~
2253 ~~executive-management-level agency positions in order for the~~
2254 ~~highly complex programs and agencies of state government to~~
2255 ~~function effectively, efficiently, and productively.~~ The
2256 Legislature recognizes that executive-level senior-level
2257 management is an established profession and that the public

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2258 interest is best served by developing and refining the
2259 management skills of its senior management service employees.

2260 ~~Accordingly, training and management development programs are~~
2261 ~~regarded as a major administrative function within agencies.~~

2262 Section 43. Section 110.402, Florida Statutes, is amended
2263 to read:

2264 110.402 Senior Management Service; creation, ~~coverage.~~

2265 (1) The Senior Management Service is created as a separate
2266 system of personnel administration for positions in the State
2267 Personnel System which perform executive branch the duties and
2268 responsibilities that of which are primarily and essentially
2269 policymaking or managerial in nature.

2270 ~~(2) Such positions are~~ The Senior Management Service shall
2271 be limited to those positions that which are exempt from the
2272 Civil Career Service under System by s. 110.205(2) and for which
2273 the salaries and benefits are set by the department in
2274 accordance with the rules of the Senior Management Service.

2275 (2) Employees in the Senior Management Service shall serve
2276 at the pleasure of the agency head and are subject to personnel
2277 actions at the discretion of the agency head. Personnel actions
2278 that are tantamount to suspension, dismissal, reduction in pay,
2279 demotion, or transfer are exempt from chapter 120.

2280 Section 44. Section 110.403, Florida Statutes, is amended
2281 to read:

2282 110.403 Powers and duties of the department. The
2283 department is responsible for the policy administration of the
2284 Senior Management Service. In carrying out that function, the
2285 department shall:

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2286 ~~(1) In order to implement the purposes of this part, the~~
2287 ~~Department of Management Services, after approval by the~~
2288 ~~Administration Commission, shall adopt and amend rules providing~~
2289 ~~for:~~

2290 (1)(a) Establish a system for employing, advancing, and
2291 deploying senior management service employees which promoting,
2292 ~~or reassigning managers that~~ is responsive to organizational or
2293 program needs. ~~In no event shall~~ The number of positions
2294 included in the Senior Management Service may not exceed 1.0
2295 percent of the total full-time equivalent positions in the Civil
2296 ~~career~~ Service. The department may not approve the establishment
2297 of shall deny approval to establish any position within the
2298 Senior Management Service which exceeds would exceed the
2299 limitation established in this subsection paragraph. The
2300 department shall report that the limitation has been reached to
2301 the Governor, the President of the Senate, and the Speaker of
2302 the House of Representatives, as soon as practicable after it
2303 ~~such event~~ occurs. ~~Employees in the Senior Management Service~~
2304 ~~shall serve at the pleasure of the agency head and shall be~~
2305 ~~subject to suspension, dismissal, reduction in pay, demotion,~~
2306 ~~transfer, or other personnel action at the discretion of the~~
2307 ~~agency head. Such personnel actions are exempt from the~~
2308 ~~provisions of chapter 120.~~

2309 (2) Provide broad, market-based pay bands for occupations
2310 within the Senior Management Service and establish guidelines
2311 that allow state agencies flexibility to move employees through
2312 the pay bands. The agencies may determine the appropriate salary
2313 within the bands using the guidelines established by the

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2314 department. Such pay bands and the assignment of bands to
2315 positions do not constitute rules as defined in s. 120.52.

2316 ~~(b) A performance appraisal system which shall take into~~
2317 ~~consideration individual and organizational efficiency,~~
2318 ~~productivity, and effectiveness.~~

2319 (3)-(e) Establish a classification system plan and a salary
2320 and benefit plan for senior management service employees which
2321 provide that provides appropriate incentives for the recruitment
2322 and retention of outstanding management personnel and provide
2323 provides for salary increases based on performance.

2324 (4) In consultation with the Executive Office of the
2325 Governor and the appropriations committees of the Legislature,
2326 conduct compensation surveys as necessary for the purpose of
2327 achieving an equitable, competitive, market-based compensation
2328 policy for senior management service employees.

2329 (5) Establish a performance evaluation system for senior
2330 management service employees which takes into consideration
2331 individual and organizational efficiency, productivity, and
2332 effectiveness.

2333 ~~(d) A system of rating duties and responsibilities for~~
2334 ~~positions within the Senior Management Service and the~~
2335 ~~qualifications of candidates for those positions.~~

2336 (6)-(e) Establish a system for documenting actions taken on
2337 agency requests for approval of position exemptions and special
2338 pay increases for senior management service employees.

2339 (7) Adopt and administer personnel rules, records, and
2340 reports relating to employees and positions in the Senior
2341 Management Service, as well as any other rules or procedures

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2342 relating to personnel administration which are necessary for
2343 carrying out the purposes of this part.

2344 (a) The rules adopted by the department must comply with
2345 all federal regulations necessary for state agencies to receive
2346 federal funds.

2347 (b) Each agency shall operate within the personnel rules
2348 adopted by the department pursuant to this part.

2349 (c) Each agency shall maintain up-to-date records and
2350 reports required by applicable rules.

2351 (d) The department may develop uniform forms and
2352 instructions to be used in connection with personnel
2353 transactions as the department deems appropriate.

2354 ~~(e) Requirements regarding recordkeeping by agencies with~~
2355 ~~respect to Senior Management Service positions. Such records~~
2356 ~~shall be audited periodically by the Department of Management~~
2357 ~~Services to determine agency compliance with the provisions of~~
2358 ~~this part and the rules of the Department of Management~~
2359 ~~Services.~~

2360 ~~(g) Other procedures relating to personnel administration~~
2361 ~~to carry out the purposes of this part.~~

2362 ~~(h) A program of affirmative and positive action that will~~
2363 ~~ensure full utilization of women and minorities in Senior~~
2364 ~~Management Service positions.~~

2365 ~~(2) The powers, duties, and functions of the department of~~
2366 ~~Management Services shall include responsibility for the policy~~
2367 ~~administration of the Senior Management Service.~~

2368 ~~(3) The department shall have the following additional~~
2369 ~~responsibilities:~~

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2370 ~~(a) To establish and administer a professional development~~
2371 ~~program that shall provide for the systematic development of~~
2372 ~~managerial, executive, or administrative skills. Such a program~~
2373 ~~shall include the following topics:~~

2374 ~~1. Improving the performance of individual employees. This~~
2375 ~~topic provides skills in understanding and motivating individual~~
2376 ~~performance, providing effective and timely evaluations of~~
2377 ~~employees, and making recommendations on performance incentives~~
2378 ~~and disincentives.~~

2379 ~~2. Improving the performance of groups of employees. This~~
2380 ~~topic provides skills in creating and maintaining productive~~
2381 ~~workgroups and making recommendations on performance incentives~~
2382 ~~and disincentives.~~

2383 ~~3. Relating the efforts of employees to the goals of the~~
2384 ~~organization. This topic provides skills in linking the work of~~
2385 ~~individual employees to the goals of the agency program,~~
2386 ~~service, or activity.~~

2387 ~~4. Strategic planning. This topic provides the skills for~~
2388 ~~defining agency business processes, measuring performance of~~
2389 ~~such processes, and reengineering such processes for improved~~
2390 ~~efficiency and effectiveness.~~

2391 ~~5. Team leadership. This topic provides skills in~~
2392 ~~effective group processes for organizational motivation and~~
2393 ~~productivity based on proven business and military applications~~
2394 ~~that emphasize respect for and courtesy to the public.~~

2395 ~~(b) To promote public understanding of the purposes,~~
2396 ~~policies, and programs of the Senior Management Service.~~

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2397 ~~(c) To approve contracts of employing agencies with~~
2398 ~~persons engaged in the business of conducting multistate~~
2399 ~~executive searches to identify qualified and available~~
2400 ~~applicants for Senior Management Service positions for which the~~
2401 ~~department sets salaries in accordance with the classification~~
2402 ~~and pay plan. Such contracts may be entered by the agency head~~
2403 ~~only after completion of an unsuccessful in-house search. The~~
2404 ~~department shall establish, by rule, the minimum qualifications~~
2405 ~~for persons desiring to conduct executive searches, including a~~
2406 ~~requirement for the use of contingency contracts. These rules~~
2407 ~~shall ensure that such persons possess the requisite capacities~~
2408 ~~to perform effectively at competitive industry prices. These~~
2409 ~~rules shall also comply with state and federal laws and~~
2410 ~~regulations governing equal opportunity employment.~~

2411 ~~(4) All policies and procedures adopted by the department~~
2412 ~~regarding the Senior Management Service shall comply with all~~
2413 ~~federal regulations necessary to permit the state agencies to be~~
2414 ~~eligible to receive federal funds.~~

2415 ~~(5) The department shall adopt, by rule, procedures for~~
2416 ~~Senior Management Service employees that require disclosure to~~
2417 ~~the agency head of any application for or offer of employment,~~
2418 ~~gift, contractual relationship, or financial interest with any~~
2419 ~~individual, partnership, association, corporation, utility, or~~
2420 ~~other organization, whether public or private, doing business~~
2421 ~~with or subject to regulation by the agency.~~

2422 Section 45. Section 110.4035, Florida Statutes, is created
2423 to read:

2424 110.4035 Recruitment.—

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2425 (1) Each state agency is responsible for establishing a
2426 process for employing, advancing, and deploying executive-level
2427 managers to meet agency needs.

2428 (2) If normal recruitment efforts are unsuccessful, the
2429 agency may contract with a person or firm to conduct a
2430 multistate search for executive-level managers. The contracted
2431 search person or firm must satisfy the following criteria:

2432 (a) Willingness to accept contingency contracts with fees
2433 that do not exceed 30 percent of the annual salary of the
2434 applicant, to be paid upon employment of the applicant produced
2435 by the search.

2436 (b) Demonstrated capacity to perform effectively at
2437 competitive industry prices.

2438 (c) Evidence of successful placements in the public sector
2439 by level and type of placement.

2440 (d) Agreement for the delivery of services within 90
2441 calendar days after the date of the requested search by the
2442 agency, unless an extension is granted by the agency.

2443 (e) Ability to attract minorities and women as evidenced
2444 by applicant pools generated for previous clients.

2445 Section 46. The Division of Statutory Revision is
2446 requested to create part IX of chapter 112, Florida Statutes,
2447 consisting of ss. 112.906-112.933, Florida Statutes, to be
2448 entitled "State Employment."

2449 Section 47. Section 112.906, Florida Statutes, is created
2450 to read:

2451 112.906 Definitions.—As used in this part, the term:

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2452 (1) "Department" means the Department of Management
2453 Services.

2454 (2) "Other personal services" has the same meaning as in
2455 s. 216.011(1).

2456 (3) "State agency" or "agency" means any official,
2457 officer, commission, board, authority, council, committee, or
2458 department of the executive branch or judicial branch of state
2459 government as defined in chapter 216, unless otherwise exempted
2460 by law.

2461 (4) "State employee" or "employee" means an employee of a
2462 state agency.

2463 Section 48. Section 110.131, Florida Statutes, is
2464 transferred, renumbered as section 112.907, Florida Statutes,
2465 and amended to read:

2466 112.907 ~~110.131~~ ~~Other-personal-services temporary~~
2467 ~~employment.-~~

2468 ~~(1) As used in this section, the term "agency" means any~~
2469 ~~official, officer, commission, board, authority, council,~~
2470 ~~committee, or department of the executive branch of state~~
2471 ~~government and means any officer, court, commission, or other~~
2472 ~~unit of the judicial branch of state government supported in~~
2473 ~~whole or in part by appropriations made by the Legislature.~~

2474 (1)-(2) An agency may employ any qualified individual in
2475 other-personal-services temporary employment for ~~1,040~~ hours
2476 ~~within any 12-month period.~~ For each other-personal-services
2477 employee, the agency shall:

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2478 (a) Maintain employee records identifying, at a minimum,
2479 the person employed, the hire date, the type of other-personal-
2480 services employment, and the number of hours worked.

2481 (b) Determine the appropriate rate of pay and ensure that
2482 all payments are in compliance with the federal Fair Labor
2483 Standards Act and state law.

2484 (c) Review, determine, and document by June 30 of each
2485 year whether the continuation of each other-personal-services
2486 employment position is necessary to the mission of the agency.
2487 This review process ~~An extension beyond a total of 1,040 hours~~
2488 ~~within an agency for any individual requires a recommendation by~~
2489 ~~the agency head and approval by the Executive Office of the~~
2490 ~~Governor. Approval of extensions shall be made in accordance~~
2491 ~~with criteria established by the department. Each agency shall~~
2492 ~~maintain employee information as specified by the department~~
2493 ~~regarding each extension of other personal services temporary~~
2494 ~~employment. The time limitation established by this subsection~~
2495 ~~does not apply to board members; consultants; seasonal~~
2496 ~~employees; institutional clients employed as part of their~~
2497 ~~rehabilitation; bona fide, degree-seeking students in accredited~~
2498 ~~secondary or postsecondary educational programs; employees hired~~
2499 ~~to deal with an emergency situation that affects the public~~
2500 ~~health, safety, or welfare; or employees hired for a project~~
2501 ~~that is identified by a specific appropriation or time-limited~~
2502 ~~grant.~~

2503 (2) Unless specifically provided by law, other-personal-
2504 services employees are not eligible for any form of paid leave,
2505 paid holidays, a paid personal day, participation in state group

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2506 insurance or retirement benefits, or any other state employee
2507 benefit. Other-personal-services employees may be included in
2508 that part of an agency's recognition and reward program that
2509 recognizes and rewards employees who submit innovative ideas
2510 that increase productivity, eliminate or reduce state
2511 expenditures, improve operations, or generate additional revenue
2512 or who meet or exceed the agency's established criteria for a
2513 project or goal.

2514 (3) Each agency that is authorized to adopt rules
2515 governing the terms and conditions of employment may adopt rules
2516 necessary to administer this section. ~~The department shall adopt~~
2517 ~~rules providing that other-personal-services temporary~~
2518 ~~employment in an employer-employee relationship shall be used~~
2519 ~~for short-term tasks. Such rules shall specify the employment~~
2520 ~~categories, terms, conditions, rate of pay, and frequency of~~
2521 ~~other-personal-services temporary employment and the duration~~
2522 ~~for which such employment may last; specify criteria for~~
2523 ~~approving extensions beyond the time limitation provided in~~
2524 ~~subsection (2); and prescribe recordkeeping and reporting~~
2525 ~~requirements for other-personal-services employment.~~

2526 ~~(4) The department shall prepare written material~~
2527 ~~explaining the terms and conditions of other personal services~~
2528 ~~employment and shall provide master copies to each agency. Each~~
2529 ~~agency shall provide each of its applicants for such employment~~
2530 ~~with a copy thereof at the time of application and shall discuss~~
2531 ~~the information contained thereon with each applicant at the~~
2532 ~~time of interview or employment commencement, whichever occurs~~
2533 ~~sooner.~~

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2534 ~~(5) The department shall maintain information relating to~~
2535 ~~other personal services employment for each agency. Such~~
2536 ~~information shall include:~~

2537 ~~(a) The total amount of compensation for other personal~~
2538 ~~services personnel, by employment category, for the preceding~~
2539 ~~fiscal year.~~

2540 ~~(b) The name, social security number, employment category,~~
2541 ~~employment commencement date, and number of hours worked for~~
2542 ~~each individual whose initial other personal services temporary~~
2543 ~~employment began before the start of the preceding fiscal year~~
2544 ~~and who was still employed as an other personal services~~
2545 ~~temporary employee at the end of the preceding fiscal year.~~

2546 ~~(6) (a) The provisions of subsections (2), (3), and (4) do~~
2547 ~~not apply to any employee for whom the Board of Governors of the~~
2548 ~~State University System, or the board's designee, or the Board~~
2549 ~~of Trustees of the Florida School for the Deaf and the Blind is~~
2550 ~~the employer as defined in s. 447.203(2); except that, for~~
2551 ~~purposes of subsection (5), the Board of Trustees of the Florida~~
2552 ~~School for the Deaf and the Blind shall comply with the~~
2553 ~~recordkeeping and reporting requirements adopted by the~~
2554 ~~department pursuant to subsection (3) with respect to those~~
2555 ~~other personal services employees exempted by this subsection.~~

2556 ~~(b) The provisions of subsections (2), (3), and (4) do not~~
2557 ~~apply to any employee of the Division of Blind Services Library~~
2558 ~~for the Blind and Physically Handicapped for whom the Division~~
2559 ~~of Blind Services is the employer as defined in s. 447.203(2);~~
2560 ~~except that, for purposes of subsection (5), the Division of~~
2561 ~~Blind Services shall comply with the recordkeeping and reporting~~

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2562 ~~requirements adopted by the department pursuant to subsection~~
2563 ~~(3) with respect to those other personal services employees~~
2564 ~~exempted by this subsection.~~

2565 ~~(c) Notwithstanding the provisions of this section, the~~
2566 ~~agency head or his or her designee may extend the other-~~
2567 ~~personal services employment of a health care practitioner~~
2568 ~~licensed pursuant to chapter 458, chapter 459, chapter 460,~~
2569 ~~chapter 461, chapter 463, part I of chapter 464, chapter 466,~~
2570 ~~chapter 468, chapter 483, chapter 486, or chapter 490 beyond~~
2571 ~~2,080 hours and may employ such practitioner on an hourly or~~
2572 ~~other basis.~~

2573 ~~(7) The Department of Management Services shall annually~~
2574 ~~assess agencies for the regulation of other personal services on~~
2575 ~~a pro rata share basis not to exceed an amount as provided in~~
2576 ~~the General Appropriations Act.~~

2577 Section 49. Section 110.1315, Florida Statutes, is
2578 transferred, renumbered as section 112.908, Florida Statutes,
2579 and amended to read:

2580 112.908 ~~110.1315~~ Alternative retirement benefits; other-
2581 personal-services employees.-

2582 (1) Upon review and ~~recommendation of the department and~~
2583 approval of the Executive Office of the Governor, the Department
2584 of Financial Services shall provide ~~may contract for the~~
2585 ~~implementation of~~ an alternative retirement income security
2586 program for eligible temporary and seasonal employees of the
2587 state who are compensated from appropriations for other personal
2588 services. The Department of Financial Services may contract with
2589 ~~may provide for~~ a private vendor or vendors to administer the

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2590 program under a defined-contribution plan under ss. 401(a) and
2591 403(b) or s. 457 of the Internal Revenue Code, and the program
2592 must provide retirement benefits as required under s.
2593 3121(b) (7) (F) of the Internal Revenue Code. The Department of
2594 Financial Services may develop a request for proposals and
2595 solicit qualified vendors to compete for the award of the
2596 contract. A vendor shall be selected on the basis of the plan
2597 that best serves the interest of the participating employees and
2598 the state. The proposal must comply with all necessary federal
2599 and state laws and rules.

2600 (2) The Department of Financial Services may adopt rules
2601 necessary to administer this section.

2602 Section 50. Section 110.1128, Florida Statutes, is
2603 transferred and renumbered as section 112.909, Florida Statutes.

2604 Section 51. Section 112.910, Florida Statutes, is created
2605 to read:

2606 112.910 Equal employment opportunity.—

2607 (1) It is the policy of this state to assist in ensuring
2608 equal employment opportunity through programs of affirmative and
2609 positive action which allow full utilization of women and
2610 minorities.

2611 (2) The head of each executive agency shall develop and
2612 implement an affirmative action plan in accordance with this
2613 section and applicable state and federal laws.

2614 (a) Each executive agency shall establish annual goals for
2615 ensuring the full utilization of groups underrepresented in its
2616 workforce as compared to the relevant labor market as defined by

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2617 the agency and shall design its affirmative action plan to meet
2618 those goals.

2619 (b) The head of each executive agency shall appoint an
2620 equal employment opportunity officer.

2621 (c) By October 1 of each year, each executive agency that
2622 is not part of the State Personnel System shall report to the
2623 Executive Office of the Governor information relating to the
2624 implementation, continuance, updating, and results of the
2625 agency's affirmative action plan for the previous fiscal year.

2626 (3) Each state attorney and public defender shall:

2627 (a) Develop and implement an affirmative action plan.

2628 (b) Establish annual goals for ensuring the full
2629 utilization of groups underrepresented in its workforce as
2630 compared to the relevant labor market in this state and design
2631 its affirmative action plan to meet those goals.

2632 (c) Appoint an affirmative action equal employment
2633 opportunity officer.

2634 (d) Report annually to the Justice Administrative
2635 Commission on the implementation, continuance, updating, and
2636 results of his or her affirmative action program for the
2637 previous fiscal year.

2638 (4) An individual claiming to be aggrieved by an unlawful
2639 employment practice may file a complaint with the Florida
2640 Commission on Human Relations as provided under s. 760.11.

2641 Section 52. Section 112.911, Florida Statutes, is created
2642 to read:

2643 112.911 Nondiscrimination in employment.—

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2644 (1) It is the policy of the state that all appointments,
2645 terminations, assignments, and maintenance of status,
2646 compensation, privileges, and other terms and conditions of
2647 employment be made without regard to age, sex, race, color,
2648 religion, national origin, political affiliation, marital
2649 status, disability, or genetic information unless a specific
2650 requirement constitutes a bona fide occupational qualification.

2651 (2) The state, its agencies, and its officers shall ensure
2652 freedom from discrimination in employment as provided by the
2653 Florida Civil Rights Act of 1992, s. 112.044, and this chapter.

2654 Section 53. Section 110.1221, Florida Statutes, is
2655 transferred, renumbered as section 112.912, Florida Statutes,
2656 and amended to read:

2657 112.912 ~~110.1221~~ Sexual harassment policy; ~~executive~~
2658 ~~agency rules.~~—It is the policy of the state that sexual
2659 harassment is a form of discrimination. Each agency that has
2660 authority to adopt rules governing the terms and conditions of
2661 employment ~~The department~~ shall adopt uniform sexual harassment
2662 rules ~~applicable to all executive agencies.~~ Such the rules must
2663 define the term "sexual harassment" in a manner consistent with
2664 the federal definition.

2665 Section 54. Section 110.122, Florida Statutes, is
2666 transferred, renumbered as section 112.913, Florida Statutes,
2667 and amended to read:

2668 112.913 ~~110.122~~ Terminal payment for accumulated sick
2669 leave.—

2670 (1) All state branches, ~~departments,~~ and agencies that are
2671 authorized ~~which have the authority~~ to establish or approve

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2672 personnel policies for employees and to employ personnel and
2673 establish the conditions of their employment shall establish
2674 policies that ~~to~~ provide terminal "incentive" pay for
2675 accumulated and unused sick leave to each employee upon ~~normal~~
2676 ~~or regular retirement for reason other than disability~~ or upon
2677 termination of employment, or to the employee's beneficiary if
2678 service is terminated by death, if provided such retirement,
2679 termination, or death occurs after 10 years of creditable state
2680 employment.

2681 (2) Each entity that is authorized to adopt rules
2682 governing the terms and conditions of employment ~~The employing~~
2683 ~~entity~~ shall establish and publish rules governing the
2684 accumulation and use of sick leave. The employing entity shall
2685 ~~and~~ maintain accurate and reliable records showing the amount of
2686 sick leave that ~~which~~ has accumulated and is unused by the
2687 employee at the time of retirement, death, or termination.

2688 (3) The payments authorized by this section shall be
2689 determined by using the rate of pay received by the employee at
2690 the time of retirement, termination, or death, applied to the
2691 sick leave time for which the employee is qualified to receive
2692 terminal "incentive" pay under the rules adopted ~~by the~~
2693 ~~department~~ pursuant to ~~the provisions of~~ this section. The rules
2694 and policies must provide ~~adopted pursuant to this section~~ shall
2695 ~~permit~~ terminal pay for sick leave equal to one-fourth ~~one-~~
2696 ~~eighth~~ of all unused sick leave credit ~~accumulated prior to~~
2697 ~~October 1, 1973, plus one-fourth of all unused sick leave~~
2698 ~~accumulated on or after October 1, 1973.~~ However, terminal pay
2699 allowable for unused sick leave may ~~accumulated on or after~~

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2700 ~~October 1, 1973, shall not exceed a maximum of 480 hours of~~
2701 ~~actual payment. Employees shall be required to use all sick~~
2702 ~~leave accumulated prior to October 1, 1973, before using sick~~
2703 ~~leave accumulated on or after October 1, 1973.~~

2704 (4) The payments made pursuant to this section are ~~shall~~
2705 not salary payments ~~be considered~~ in any state-administered
2706 retirement system as ~~salary payments~~ and may ~~shall~~ not be used
2707 in determining the average final compensation of an employee in
2708 any state-administered retirement system.

2709 (5) All rights and benefits provided under this section
2710 shall be forfeited by an any employee:

2711 (a) Who is found guilty in a court of competent
2712 jurisdiction of committing, aiding, or abetting any embezzlement
2713 or theft from the employee's employer or bribery in connection
2714 with the employment, committed before ~~prior to~~ retirement or 10
2715 years of 10-year normal creditable state employment termination;

2716 (b) Whose employment is terminated by reason of the
2717 employee having admitted committing, aiding, or abetting an
2718 embezzlement or theft from his or her employer or by reason of
2719 bribery;

2720 (c) Who, prior to 10 years of 10-year normal creditable
2721 state employment termination or retirement, is adjudged by a
2722 court of competent jurisdiction to have violated any state law
2723 against strikes by public employees; or

2724 (d) Who has been found guilty by a court of competent
2725 jurisdiction of violating any state law prohibiting strikes by
2726 public employees, ~~shall forfeit all rights and benefits under~~
2727 ~~this section.~~

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2728 (6) An employee whose employment terminates as a result of
2729 an act committed subject to ~~this~~ subsection (5) ~~may shall~~ not be
2730 given credit for unused sick leave accumulated before ~~prior to~~
2731 termination ~~if should~~ the employee is ~~be~~ reemployed at a later
2732 date.

2733 Section 55. Section 110.121, Florida Statutes, is
2734 transferred, renumbered as section 112.914, Florida Statutes,
2735 and amended to read:

2736 112.914 ~~110.121~~ Sick leave pool.—Each entity that
2737 ~~department or agency of the state which~~ has authority to adopt
2738 rules governing the accumulation and use of sick leave for
2739 employees, and that which maintains accurate and reliable
2740 records showing the amount of sick leave that which has been
2741 accumulated and is unused by employees, may, ~~in accordance with~~
2742 ~~guidelines which shall be established by the Department of~~
2743 ~~Management Services,~~ adopt rules establishing for the
2744 ~~establishment of a plan that allows~~ allowing participating
2745 employees to pool and use sick leave ~~and allowing any sick leave~~
2746 ~~thus pooled to be used by any participating employee who has~~
2747 ~~used all of the sick leave that has been personally accrued by~~
2748 ~~him or her. Although not limited to the following,~~ Such rules
2749 must shall provide, but need not be limited to:

2750 (1) Minimum eligibility criteria ~~That employees shall be~~
2751 ~~eligible for participation in the sick leave pool after 1 year~~
2752 ~~of employment with the state or agency of the state; provided~~
2753 ~~that such employee has accrued a minimum amount of unused sick~~
2754 ~~leave, which minimum shall be established by rule.~~

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2755 (2) That participation in the sick leave pool is ~~shall, at~~
2756 ~~all times, be~~ voluntary on the part of the employees.

2757 (3) That any sick leave pooled shall be removed from the
2758 personally accumulated sick leave balance of the employee
2759 contributing such leave.

2760 (4) That any sick leave in the pool which ~~leave~~ is used by
2761 a participating employee is ~~shall be~~ used only for the
2762 employee's personal illness, accident, or injury.

2763 (5) That a participating employee may ~~shall~~ not be
2764 ~~eligible to~~ use sick leave accumulated in the pool until all of
2765 his or her personally accrued sick, annual, and compensatory
2766 leave and personal day have ~~has~~ been used.

2767 (6) The A maximum number of hours ~~days~~ of sick leave in
2768 the pool which any one employee may use.

2769 (7) That a participating employee who uses sick leave from
2770 the pool is ~~shall~~ not be required to recontribute such sick
2771 leave to the pool, except as otherwise provided in this section.

2772 (8) That an employee who cancels his or her membership in
2773 the sick leave pool may ~~shall~~ not be ~~eligible to~~ withdraw the
2774 hours ~~days~~ of sick leave contributed by that employee to the
2775 pool.

2776 (9) That an employee who moves ~~transfers~~ from a ~~one~~
2777 position in one agency state government to a ~~another~~ position in
2778 another agency state government may transfer from one pool to
2779 another if ~~the eligibility criteria of the pools are comparable~~
2780 ~~or~~ the administrators of the pools have agreed on the ~~a~~ formula
2781 ~~for~~ transfer of credits.

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2782 (10) That alleged abuse of the use of the sick leave pool
2783 shall be investigated, and, on a finding of wrongdoing, the
2784 employee must ~~shall~~ repay all of the sick leave credits drawn
2785 from the sick leave pool and is ~~shall be~~ subject to such other
2786 disciplinary action as is determined by the agency head.

2787 (11) That sick leave credits may be drawn from the sick
2788 leave pool by a part-time employee on a pro rata basis.

2789 Section 56. Section 110.119, Florida Statutes, is
2790 transferred, renumbered as section 112.915, Florida Statutes,
2791 and amended to read:

2792 112.915 ~~110.119~~ Administrative leave for military-service-
2793 connected ~~reexamination or treatment with respect to service-~~
2794 ~~connected~~ disability.-

2795 ~~(1)~~ An ~~Any~~ employee ~~of the state~~ who has been rated by the
2796 United States Department of Veterans Affairs or its predecessor
2797 to have incurred a service-connected disability and has been
2798 scheduled by the United States Department of Veterans Affairs to
2799 be reexamined or treated for the disability shall be granted
2800 administrative leave for such reexamination or treatment without
2801 loss of pay or benefits. However, such ~~In no event shall the~~
2802 paid leave may not under this section exceed 48 hours per 6
2803 calendar ~~days~~ a year.

2804 ~~(2)~~ ~~The department may adopt any rule necessary to carry~~
2805 ~~out the purpose of this section.~~

2806 Section 57. Section 110.120, Florida Statutes, is
2807 transferred, renumbered as section 112.916, Florida Statutes,
2808 and amended to read:

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2809 112.916 ~~110.120~~ Administrative leave for disaster service
2810 volunteers.-

2811 (1) SHORT TITLE.-This section ~~shall be known and~~ may be
2812 cited as the "Florida Disaster Volunteer Leave Act."

2813 (2) DEFINITIONS.-As used in this section, the following
2814 terms shall apply:

2815 (a) "State agency" means any official, officer,
2816 commission, board, authority, council, committee, or department
2817 of the executive branch of state government.

2818 (b) "Disaster" includes disasters designated at level II
2819 and above in the American National Red Cross regulations and
2820 procedures.

2821 (3) LEAVE OF ABSENCE.-An employee of a state agency who is
2822 a certified disaster service volunteer of the American Red Cross
2823 may be granted a leave of absence with pay for up to ~~not more~~
2824 ~~than~~ 15 working days in any 12-month period to participate in
2825 specialized disaster relief services for the American Red Cross.
2826 Such leave of absence may be granted upon the request of the
2827 American Red Cross and upon the approval of the employer
2828 ~~employee's employing agency~~. An employee granted leave under
2829 this section may ~~shall~~ not be deemed ~~to be~~ an employee of the
2830 state for purposes of workers' compensation. Leave under this
2831 section ~~act~~ may be granted only for services related to a
2832 disaster occurring within the boundaries of the State of
2833 Florida, except that, with the approval of the Governor and
2834 Cabinet, leave may be granted for services in response to a
2835 disaster occurring within the boundaries of the United States.

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2836 Section 58. Section 110.1091, Florida Statutes, is
2837 transferred, renumbered as section 112.917, Florida Statutes,
2838 and amended to read:

2839 112.917 ~~110.1091~~ Employee assistance programs; public
2840 records exemption.—

2841 (1) ~~A An employing~~ state agency may provide a counseling,
2842 therapeutic, or other professional treatment program to assist a
2843 ~~any~~ state employee who has a behavioral disorder, medical
2844 disorder, or substance abuse problem or who has an emotional
2845 difficulty that affects the employee's job performance. The ~~Each~~
2846 ~~employing~~ state agency may designate community diagnostic and
2847 referral resources as necessary to implement ~~the provisions of~~
2848 this subsection.

2849 (2) A state employee's personal identifying information
2850 contained in records held by a ~~an employing~~ state agency
2851 relating to an employee's participation in an employee
2852 assistance program is confidential and exempt from ~~the~~
2853 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
2854 Constitution.

2855 Section 59. Section 110.151, Florida Statutes, is
2856 transferred, renumbered as section 112.918, Florida Statutes,
2857 and amended to read:

2858 112.918 ~~110.151~~ ~~State officers' and employees'~~ Child care
2859 services.—

2860 (1) A state agency may establish ~~The Department of~~
2861 ~~Management Services shall approve,~~ administer, and coordinate
2862 child care services for ~~state officers' and employees'~~ children
2863 or dependents. ~~Duties shall include, but not be limited to,~~

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2864 ~~reviewing and approving requests from state agencies for child~~
2865 ~~care services; providing technical assistance on child care~~
2866 ~~program startup and operation; and assisting other agencies in~~
2867 ~~conducting needs assessments, designing centers, and selecting~~
2868 ~~service providers.~~ Primary emphasis for child care services
2869 shall be given to children who are not subject to compulsory
2870 school attendance pursuant to part II of chapter 1003, and, to
2871 the extent possible, emphasis shall be placed on child care for
2872 children aged 2 and under.

2873 (2) Child care programs may be located in state-owned
2874 office buildings, educational facilities and institutions,
2875 custodial facilities and institutions, and, with the consent of
2876 the President of the Senate and the Speaker of the House of
2877 Representatives, ~~in~~ buildings or spaces used for legislative
2878 activities. In addition, centers may be located in privately
2879 owned buildings conveniently located to the place of employment
2880 of those ~~officers and~~ employees to be served by the centers. If
2881 a child care program is located in a state-owned office
2882 building, educational facility or institution, or custodial
2883 facility or institution, or in a privately owned building leased
2884 by the state, a portion of the service provider's rental fees
2885 for child care space may be waived by the sponsoring agency in
2886 accordance with the rules of the department's Facilities Program
2887 ~~Department of Management Services~~. Additionally, the sponsoring
2888 state agency may be responsible for the maintenance, utilities,
2889 and other operating costs associated with the child care center.

2890 (3) Except as otherwise provided in this section, the cost
2891 of child care services shall be offset by fees charged to

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2892 employees who use the ~~child care~~ services. Requests for
2893 proposals may provide for a sliding fee schedule based on, ~~with~~
2894 ~~fees charged on the basis of~~ the employee's household income.

2895 (4) The provider of proposed child care services shall be
2896 selected by competitive contract. ~~Requests for proposals shall~~
2897 ~~be developed with the assistance of, and subject to the approval~~
2898 ~~of, the Department of Management Services.~~ Management of the
2899 contract with the service provider is ~~shall be~~ the
2900 responsibility of the sponsoring state agency.

2901 (5) An operator selected to provide services must comply
2902 with all state and local standards for the licensure and
2903 operation of child care facilities, maintain adequate liability
2904 insurance coverage, and assume financial and legal
2905 responsibility for the operation of the program. ~~Neither~~ The
2906 operator of and ~~nor~~ any personnel employed by or at a child care
2907 facility may not ~~shall~~ be deemed ~~to be~~ employees of the state.
2908 However, the sponsoring state agency may be responsible for the
2909 operation of the child care center if ~~when~~:

2910 (a) A second request for proposals fails to procure a
2911 qualified service provider; or

2912 (b) The service provider's contract is canceled and
2913 attempts to procure another qualified service provider are
2914 unsuccessful;

2915
2916 ~~and plans for direct operation are approved by the Department of~~
2917 ~~Management Services.~~

2918 (6) In the areas where the state has an insufficient
2919 number of employees to justify a worksite center, a state agency

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2920 may join in a consortium arrangement using ~~utilizing~~ available
2921 state facilities with not-for-profit corporations or other
2922 public employers to provide child care services to ~~both~~ public
2923 employees and employees of private sector employers. The
2924 consortium agreement must first address the unmet child care
2925 needs of the children of the public employees whose employers
2926 are members of the consortium, and then address the child care
2927 needs of private-sector ~~private-sector~~ employees.

2928 ~~(7) The Department of Management Services may adopt any~~
2929 ~~rules necessary to achieve the purposes of this section.~~

2930 Section 60. Section 110.181, Florida Statutes, is
2931 transferred and renumbered as section 112.919, Florida Statutes,
2932 and paragraph (b) of subsection (1) and paragraphs (d) and (e)
2933 of subsection (2) of that section are amended to read:

2934 112.919 110.181 Florida State Employees' Charitable,
2935 Campaign.—

2936 (1) CREATION AND ORGANIZATION OF CAMPAIGN.—

2937 (b) State officers' and employees' contributions toward
2938 the Florida State Employees' Charitable Campaign must be
2939 entirely voluntary. State officers and employees must designate
2940 a charitable organization to receive such contributions.

2941 (2) SELECTION OF FISCAL AGENTS; COST.—

2942 ~~(d) A local steering committee shall be established in~~
2943 ~~each fiscal agent area to assist in conducting the campaign and~~
2944 ~~to direct the distribution of undesignated funds remaining after~~
2945 ~~partial distribution pursuant to paragraph (c). The committee~~
2946 ~~shall be composed of state employees selected by the fiscal~~
2947 ~~agent from among recommendations provided by interested~~

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2948 ~~participating organizations, if any, and approved by the~~
2949 ~~Statewide Steering Committee.~~

2950 ~~(c) Participating charitable organizations that provide~~
2951 ~~direct services in a local fiscal agent's area shall receive the~~
2952 ~~same percentage of undesignated funds as the percentage of~~
2953 ~~designated funds they receive. The undesignated funds remaining~~
2954 ~~following allocation to these charitable organizations shall be~~
2955 ~~distributed by the local steering committee.~~

2956 Section 61. Section 110.1225, Florida Statutes, is
2957 transferred, renumbered as section 112.920, Florida Statutes,
2958 and amended to read:

2959 112.920 ~~110.1225~~ Furloughs.—~~If~~ When a deficit is projected
2960 ~~by the Revenue Estimating Conference pursuant to s. 216.136(3),~~
2961 in any state agency fund that supports salary and benefit
2962 appropriations, the agency Administration Commission may, upon
2963 the approval by the Governor or the Chief Justice of the Supreme
2964 Court, propose a furlough plan to the Legislative Budget
2965 Commission Legislature, which must approve or disapprove such
2966 plan. The plan must identify all affected positions and ensure
2967 that all affected employees within a budget entity are subject
2968 to the same reduction of hours for the same number of pay
2969 periods with a commensurate reduction in pay. If authorized by
2970 the Legislature as a cost-savings measure to address anticipated
2971 short-term shortfalls to funds that support salary and benefit
2972 appropriations for a specified fiscal year, an agency may also
2973 impose furloughs as directed by the Legislature in the General
2974 Appropriations Act. For the purposes of this section, the term

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2975 "furlough" means a temporary reduction in the regular hours of
2976 employment administered as leave without pay.

2977 Section 62. Section 110.1155, Florida Statutes, is
2978 transferred and renumbered as section 112.921, Florida Statutes.

2979 Section 63. Section 110.191, Florida Statutes, is
2980 transferred, renumbered as section 112.922, Florida Statutes,
2981 and amended to read:

2982 112.922 ~~110.191~~ State employee leasing.-

2983 (1) ~~If in situations where~~ the Legislature has expressly
2984 authorized ~~a the state, an agency, or the judicial branch as~~
2985 ~~defined in s. 110.107~~ to lease employees, the Executive Office
2986 of the Governor for the executive branch or the Chief Justice
2987 for the judicial branch may authorize ~~any of~~ the following
2988 actions related to such state employee leasing activities,
2989 provided that the direct cost of such actions is to be paid or
2990 reimbursed within 30 days after payment by the entity or person
2991 to whom the employees are leased:

2992 (a) ~~Creation of~~ Create a separate budget entity from which
2993 leased employees are ~~shall be~~ paid and the ~~transfer of~~ the
2994 positions authorized to be leased to that budget entity.

2995 (b) ~~Provide~~ Increases in the operating budget entity.

2996 (c) ~~Authorized~~ Lump-sum salary bonuses to leased
2997 employees. ~~‡~~ However, any lump-sum salary bonus above the
2998 automatic salary increases which may be contained in the General
2999 Appropriations Act must be funded from private sources.

3000 (d) ~~Approve~~ Increases in salary rate for positions that
3001 ~~which~~ are leased. ~~‡~~ However, any salary rate above the automatic

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3002 salary increases which may be contained in the General
3003 Appropriations Act must be funded from private sources.

3004 (e) The waiver of ~~Waive~~ any requirement for automatic
3005 salary increases which may be contained in the General
3006 Appropriations Act.

3007 (2) Positions that ~~which~~ are in the Senior Management
3008 Service ~~System~~ or the Selected Exempt Service ~~System~~ on the day
3009 before the state employee lease agreement takes effect ~~shall~~
3010 remain in the respective system if the duties performed by the
3011 position during the assignment of the state employee lease
3012 agreement are comparable as determined by the department. Those
3013 senior management service ~~system~~ or selected exempt service
3014 ~~system~~ positions that ~~which~~ are not determined comparable by the
3015 department, and positions that ~~which~~ are in other pay plans on
3016 the day before the lease agreement takes effect, ~~shall~~ have the
3017 same salaries and benefits provided to employees of the Office
3018 of the Governor pursuant to s. 110.205(2)(h)2. ~~110.205(2)(1)2.~~

3019 Section 64. Section 110.1082, Florida Statutes, is
3020 transferred, renumbered as section 112.923, Florida Statutes,
3021 and amended to read:

3022 112.923 ~~110.1082~~ Telephone ~~voice mail systems and~~
3023 ~~telephone menu options~~ systems.—

3024 (1) A ~~No~~ state employee may not use ~~shall utilize~~ a voice
3025 mail system when the employee is at his or her regularly
3026 assigned work station where his or her telephone is functional
3027 and available for use, unless:

3028 (a) The telephone ~~device~~ is in use, ~~and/or;~~

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3029 (b) The ~~Such~~ voice mail system alerts the caller to, and
3030 provides the caller with access to, a nonelectronic attendant;
3031 or

3032 (c) The ~~Such~~ voice mail system automatically transfers the
3033 caller to a nonelectronic attendant.

3034 (2) Telephone menu options systems used by state agencies
3035 ~~must, departments, or other state government units will~~ alert
3036 the caller to, and provide the caller with access to, a
3037 nonelectronic attendant.

3038 (3) Agency heads shall ~~will~~ ensure compliance with ~~the~~
3039 ~~provisions of~~ this section.

3040 Section 65. Section 110.1165, Florida Statutes, is
3041 transferred and renumbered as section 112.924, Florida Statutes,
3042 and subsections (1) and (2) of that section are amended to read:
3043 112.924 ~~110.1165~~ Executive branch personnel errors;
3044 limitation of actions for compensation.-

3045 (1) An agency of the executive branch, including the State
3046 University System, shall establish procedures for the receipt,
3047 consideration, and disposition of a claim regarding pay or
3048 benefits brought by an employee if the ~~when that~~ employee is
3049 damaged as a result of being provided with erroneous written
3050 information by the ~~employing~~ agency regarding his or her pay or
3051 benefits, and the employee detrimentally relies upon such
3052 written information. In order to qualify for ~~the relief provided~~
3053 ~~by this section~~, the employee's reliance on the representation
3054 must have been reasonable and based ~~only~~ upon only the written
3055 representations made by those persons authorized by the agency
3056 head to make such representations. ~~Furthermore,~~ The erroneous

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3057 calculation and payment of an employee's salary, wages, or
3058 benefits is not among the written representations that ~~which~~
3059 ~~will~~ trigger relief under this section.

3060 (2) An agency of the executive branch, including the State
3061 University System, may ~~is authorized to~~ take appropriate ~~such~~
3062 ~~action as may be appropriate~~ to provide a remedy for an employee
3063 concerning his or her claim regarding detrimental reliance on
3064 erroneous written information provided by the ~~employing~~ agency
3065 relating to pay and benefits if, ~~provided~~ such remedy is within
3066 the purview of the agency's authority. The agency may not ~~has no~~
3067 ~~authority whatsoever~~ to modify the state retirement system or
3068 the state insurance program. Any monetary remedy afforded by the
3069 agency must fall within the agency's budgetary authority. Any
3070 person dissatisfied with the outcome of this process may file
3071 ~~either~~ a grievance pursuant to the agency's internal grievance
3072 process or an appeal to the Division of Administrative Hearings
3073 pursuant to chapter 120, but not both.

3074 Section 66. Section 110.113, Florida Statutes, is
3075 transferred, renumbered as section 112.925, Florida Statutes,
3076 and amended to read:

3077 112.925 ~~110.113~~ Pay periods for state officers and
3078 employees; salary payments by direct deposit.-

3079 (1) ~~The normal pay period for salaries of state officers~~
3080 ~~and employees shall be 1 month.~~ The Department of Financial
3081 Services shall issue ~~either~~ monthly or biweekly salary payments
3082 to state officers and employees by state warrants or by direct
3083 ~~deposit~~ pursuant to s. 17.076 ~~or make semimonthly salary~~
3084 ~~payments by direct deposit pursuant to s. 17.076,~~ as requested

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3085 by each state employment system and the head of each state
3086 agency and approved by the Executive Office of the Governor and
3087 the Department of Financial Services.

3088 (2) As a condition of employment, a ~~person appointed to a~~
3089 ~~position in state employee must government is required to~~
3090 participate in the direct deposit program pursuant to s. 17.076.
3091 An employee may request an exemption from ~~the provisions of this~~
3092 subsection if the ~~when such~~ employee can demonstrate a hardship
3093 or if the ~~when such~~ employee is in an other-personal-services
3094 position.

3095 Section 67. Section 110.114, Florida Statutes, is
3096 transferred and renumbered as section 112.926, Florida Statutes.

3097 Section 68. Section 112.927, Florida Statutes, is created
3098 to read:

3099 112.927 Human resource information system.—The department
3100 may contract with other agencies or state governmental entities
3101 outside the State Personnel System to establish and maintain
3102 positions and use the human resource information system
3103 established under s. 110.116 for its human resource
3104 functionality as well as benefits administration. The use and
3105 operation of the human resource information system shall be
3106 based upon the design rules set forth by the department, and
3107 such agencies and state governmental entities may be required to
3108 conform their respective human resource business rules and
3109 practices to the business rules and practices existing within
3110 the human resource information system in order to minimize
3111 additional system customization and to maximize system

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3112 efficiencies. Payment for usage shall be in accordance with s.
3113 110.125(2).

3114 Section 69. Section 110.1127, Florida Statutes, is
3115 transferred, renumbered as section 112.928, Florida Statutes,
3116 and amended to read:

3117 112.928 ~~110.1127~~ Employee background screening and
3118 investigations security checks.-

3119 (1) Except as provided in subsection (2), each state
3120 agency shall designate those positions that, based on the
3121 position duties, require security background screening. All
3122 persons and employees in such positions must undergo employment
3123 screening in accordance with chapter 435, using level 1
3124 screening standards, as a condition of employment and continued
3125 employment.

3126 (2) ~~(1)~~ Each state ~~employing~~ agency shall designate those
3127 employee positions that, because of the special trust or
3128 responsibility or sensitive location, require security
3129 background investigations. All persons and employees in such
3130 positions must undergo employment screening in accordance with
3131 chapter 435, using level 2 screening standards ~~of those~~
3132 positions, ~~require that persons occupying those positions be~~
3133 subject to a security background check, including
3134 fingerprinting, as a condition of employment and continued
3135 employment.

3136 ~~(2)~~(a) All positions within the Division of Treasury of
3137 the Department of Financial Services are deemed to be positions
3138 of special trust or responsibility. Individuals seeking or

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3139 ~~holding such positions, and a person~~ may be disqualified for
3140 employment ~~in any such position~~ by reason of:

3141 1. The conviction or prior conviction of a crime that
3142 ~~which~~ is reasonably related to the nature of the position sought
3143 or held by the individual; or

3144 2. The entering of a plea of nolo contendere, ~~or~~ when a
3145 jury verdict of guilty is rendered but adjudication of guilt is
3146 withheld, with respect to a crime that ~~which~~ is reasonably
3147 related to the nature of the position sought or held by the
3148 individual.

3149 ~~(b) All employees of the division shall be required to~~
3150 ~~undergo security background investigations, including~~
3151 ~~fingerprinting, as a condition of employment and continued~~
3152 ~~employment.~~

3153 ~~(b)(3)(a)~~ All positions in programs providing care to
3154 children, the developmentally disabled, or vulnerable adults for
3155 15 hours or more per week; all permanent and temporary employee
3156 positions of the central abuse hotline; and all persons working
3157 under contract who have access to abuse records are deemed to be
3158 persons and positions of special trust or responsibility, ~~and~~
3159 ~~require employment screening pursuant to chapter 435, using the~~
3160 ~~level 2 standards set forth in that chapter.~~

3161 1.(b) The employing agency may grant exemptions from
3162 disqualification from working with children, the developmentally
3163 disabled, or vulnerable adults as provided in s. 435.07.

3164 ~~(c) All persons and employees in such positions of trust~~
3165 ~~or responsibility shall be required to undergo security~~
3166 ~~background investigations as a condition of employment and~~

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3167 ~~continued employment. For the purposes of this subsection,~~
3168 ~~security background investigations shall be conducted as~~
3169 ~~provided in chapter 435, using the level 2 standards for~~
3170 ~~screening set forth in that chapter.~~

3171 2.(d) It is a misdemeanor of the first degree, punishable
3172 as provided in s. 775.082 or s. 775.083, for any person
3173 willfully, knowingly, or intentionally to:

3174 a.1 Fail, by false statement, misrepresentation,
3175 impersonation, or other fraudulent means, to disclose in any
3176 application for voluntary or paid employment a material fact
3177 used in making a determination as to such person's
3178 qualifications for a position of special trust;

3179 b.2 Use ~~records~~ information contained in records for
3180 purposes other than background screening or investigation for
3181 employment, or release such ~~records~~ information to other persons
3182 for purposes other than preemployment screening or investigation
3183 ~~for employment.~~

3184 3.(e) It is a felony of the third degree, punishable as
3185 provided in s. 775.082, s. 775.083, or s. 775.084, for any
3186 person willfully, knowingly, or intentionally to use juvenile
3187 records information for any purposes other than those specified
3188 in this section or to release such information to other persons
3189 for purposes other than those specified in this section.

3190 (3)(4) Any person who is required to undergo such a
3191 security background screening or investigation and who refuses
3192 to cooperate in such screening or investigation or refuses to
3193 submit fingerprints shall be disqualified for employment in such
3194 position or, if employed, shall be dismissed.

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3195 ~~(4)(5) Such~~ Background screening and investigations shall
3196 be conducted at the expense of the employing agency. If ~~When~~
3197 fingerprinting is required, the fingerprints ~~of the employee or~~
3198 ~~applicant for employment~~ shall be taken by the ~~employing~~ agency
3199 or by an authorized law enforcement officer, ~~and~~ submitted to
3200 the Department of Law Enforcement for processing, and, if
3201 ~~forwarding,~~ when requested by the employing agency, forwarded to
3202 the United States Department of Justice for processing. The
3203 ~~employing~~ agency shall reimburse the Department of Law
3204 Enforcement for any costs incurred for ~~by it in the~~ processing
3205 ~~of~~ the fingerprints.

3206 Section 70. Section 110.117, Florida Statutes, is
3207 transferred, renumbered as section 112.929, Florida Statutes,
3208 and amended to read:

3209 112.929 ~~110.117~~ Paid holidays and personal day.—

3210 (1) The following holidays are ~~shall be~~ paid holidays
3211 observed by all state branches and agencies:

3212 (a) New Year's Day.

3213 (b) Birthday of Martin Luther King, Jr., third Monday in
3214 January.

3215 (c) Memorial Day.

3216 (d) Independence Day.

3217 (e) Labor Day.

3218 (f) Veterans' Day, November 11.

3219 (g) Thanksgiving Day.

3220 (h) Friday after Thanksgiving.

3221 (i) Christmas Day.

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3222 (j) If any of these holidays falls on Saturday, the
3223 preceding Friday shall be observed as a holiday. If any of these
3224 holidays falls on Sunday, the following Monday shall be observed
3225 as a holiday.

3226 (2) The Governor may declare, if when appropriate, a state
3227 day of mourning in observance of the death of a person in
3228 recognition of service rendered to the state or nation.

3229 (3) Each full-time employee in an authorized and
3230 established position is entitled to one personal day holiday
3231 each year. Each part-time employee is entitled to a personal day
3232 holiday each year, which shall be calculated based on the full-
3233 time equivalency of the position proportionately to the personal
3234 holiday allowed to a full-time employee. The Such personal day
3235 holiday shall be credited to eligible employees on July 1 of
3236 each year and must ~~to~~ be taken by ~~or prior to~~ June 30 of the
3237 following year or forfeited. The personal day must be taken as a
3238 whole day and may not be used incrementally. Members of the
3239 teaching and research faculty of the State University System and
3240 administrative and professional positions exempted under s.
3241 110.205(2) (d) are not eligible for this benefit.

3242 (4) Other-personal-services employees are not eligible for
3243 paid holidays or a personal day.

3244 Section 71. Section 112.930, Florida Statutes, is created
3245 to read:

3246 112.930 Telework program.--

3247 (1) For the purposes of this section, the term "telework"
3248 means an alternative work arrangement that allows an employee to
3249 conduct all or some of his or her work away from the official

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3250 worksite during all or a portion of the employee's established
3251 work hours on a regular basis. The term does not include, and a
3252 telework agreement is not required for:

3253 (a) Performance of required work duties away from the
3254 official worksite and outside of established work hours on an
3255 occasional basis and sporadically working away from the official
3256 worksite during all or some portion of the established work
3257 hours. These arrangements may be used by an agency to
3258 accommodate extenuating circumstances by allowing an employee to
3259 maintain productivity away from the official worksite.

3260 (b) Duties and responsibilities that, by their nature, are
3261 performed routinely in the field away from the official
3262 worksite.

3263 (2) An agency may establish telework as an integral part
3264 of the normal business operations of the agency and require that
3265 specific work be performed through telework arrangements.
3266 Telework may also be used as part of an agency's continuity of
3267 operations plan where appropriate. An agency shall provide
3268 telework as an optional alternative work arrangement to support
3269 employee needs and implement telework arrangements where deemed
3270 appropriate.

3271 (3) Each agency shall review all established positions and
3272 designate those positions that the agency deems appropriate for
3273 telework. The agency shall ensure this information is current
3274 and available to its employees and managers. In addition, each
3275 agency shall identify all currently participating employees and
3276 their respective positions in the human resource information
3277 system used by that agency.

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3278 (4) Agencies that have a telework program shall develop an
3279 agency plan that addresses the agency's telework policies and
3280 procedures. At a minimum, an agency telework plan must:

3281 (a) Establish criteria for evaluating the ability of
3282 employees to satisfactorily perform in a telework arrangement.

3283 (b) Establish performance standards that ensure that
3284 employees participating in the program maintain satisfactory
3285 performance levels.

3286 (c) Ensure teleworkers are subject to the same rules and
3287 disciplinary actions as other employees.

3288 (d) Establish the reasonable conditions that the agency
3289 plans to impose in order to ensure appropriate use and
3290 maintenance of any equipment issued by the agency.

3291 (e) Establish a system for monitoring the productivity of
3292 teleworking employees which ensures that the work output remains
3293 at a satisfactory level and that the duties and responsibilities
3294 of the position remain suitable for a telework arrangement.

3295 (f) Establish the appropriate physical and electronic
3296 information security controls to be maintained by a teleworker
3297 at the telework site.

3298 (g) Prohibit employees engaged in telework from conducting
3299 face-to-face state business at their residence.

3300 (5) Agencies that approve employees to use telework as an
3301 optional alternative work arrangement shall:

3302 (a) Require a written agreement between the teleworker and
3303 the agency which specifies the terms and conditions of the
3304 telework arrangement and provides for the termination of an
3305 employee's participation in the program if the employee's

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3306 continued participation is not in the best interest of the
3307 agency.

3308 (b) Ensure that participation by an employee is voluntary
3309 and that the employee may discontinue participation after
3310 providing reasonable notice to the agency.

3311 (6) Agencies that require certain employees to telework as
3312 a part of normal business operations shall:

3313 (a) Include the requirement to telework and the associated
3314 terms and conditions as part of the position description,
3315 specifying the minimum amount of telework time required.

3316 (b) Provide at least 30 calendar days' written notice to
3317 affected employees of intent to impose or remove a requirement
3318 to telework.

3319 (c) Provide at least 15 calendar days' written notice to
3320 affected employees of intent to revise the terms and conditions
3321 of their current telework arrangement.

3322 (d) Provide equipment and supplies to an employee
3323 necessary to carry out job functions from the telework site.

3324 (e) Specify the telework requirement in any recruitment
3325 activities.

3326 (7) Agencies that have a telework program shall establish
3327 and track performance measures that support telework program
3328 analysis and report data annually to the department's Facilities
3329 Program in accordance with s. 255.249(3)(d). Such measures must
3330 include, but need not be limited to, those that quantify:

3331 (a) Financial impacts associated with changes in office
3332 space requirements resulting from the telework program. State
3333 agencies operating in office space owned or managed by the

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3334 department shall consult the Facilities Program to ensure
3335 consistency with the strategic leasing plan required under s.
3336 255.249(3)(b).

3337 (b) Energy consumption changes resulting from the telework
3338 program.

3339 (c) Greenhouse gas emission changes resulting from the
3340 telework program.

3341 (8) Agencies that have a telework program shall post the
3342 agency telework plan and any pertinent supporting documents on
3343 the agency website to allow access by employees and the public.

3344 (9) Agencies may approve other-personal-services employees
3345 to participate in telework programs.

3346 (10) Each agency that is authorized to adopt rules
3347 governing the terms and conditions of employment may adopt rules
3348 necessary to administer this section.

3349 Section 72. Section 112.931, Florida Statutes, is created
3350 to read:

3351 112.931 Savings sharing program.—Each state agency that is
3352 authorized to adopt rules governing the terms and conditions of
3353 employment may adopt rules that prescribe procedures and promote
3354 a savings sharing program for an individual or group of
3355 employees who propose procedures or ideas that are adopted and
3356 that result in eliminating or reducing state expenditures if
3357 such proposals are placed in effect and may be implemented under
3358 current statutory authority.

3359 (1) The agency head shall recommend employees individually
3360 or by group for a monetary award that is directly related to the

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3361 cost savings realized. Each proposed award and the amount of the
3362 award must be approved by the Legislative Budget Commission.

3363 (2) Unless otherwise provided by law, all state agencies
3364 may participate in the program. The Chief Justice may establish
3365 a savings sharing program for employees of the judicial branch
3366 within the parameters established under this section. The
3367 program applies to all employees within the Civil Service and
3368 the Selected Exempt Service and comparable employees within the
3369 judicial branch.

3370 (3) The department and the judicial branch shall annually
3371 submit information to the President of the Senate and the
3372 Speaker of the House of Representatives which outlines each
3373 agency's level of participation in the program. At a minimum,
3374 the information must include:

3375 (a) The number of proposals made.

3376 (b) The number of awards and amount of money awarded to
3377 employees or groups for adopted proposals.

3378 (c) The actual cost savings realized as a result of
3379 implementing the proposals.

3380 Section 73. Section 110.1156, Florida Statutes, is
3381 transferred and renumbered as section 112.932, Florida Statutes.

3382 Section 74. Section 112.933, Florida Statutes, is created
3383 to read:

3384 112.933 Penalties.-

3385 (1) Any person who willfully violates any provision of
3386 this part or any rules adopted pursuant to this part commits a
3387 misdemeanor of the second degree, punishable as provided in s.
3388 775.082 or s. 775.083.

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3389 (2) Notwithstanding s. 112.011, any person who is
3390 convicted of a misdemeanor under this part is ineligible for
3391 appointment to or employment in a state position for 5 years. If
3392 such person is an employee of the state, he or she must forfeit
3393 his or her position.

3394 (3) Imposition of the penalties provided in this section
3395 may not be in lieu of any action that may be taken or penalties
3396 that may be imposed pursuant to part III of this chapter.

3397 Section 75. The Division of Statutory Revision is
3398 requested to create part X of chapter 112, Florida Statutes,
3399 consisting of ss. 112.940-112.952, Florida Statutes, to be
3400 entitled "State Administered Benefits."

3401 Section 76. Section 110.1227, Florida Statutes, is
3402 transferred, renumbered as section 112.940, Florida Statutes,
3403 and paragraph (c) of subsection (1) of that section is amended
3404 to read:

3405 112.940 110.1227 Florida Employee Long-Term-Care Plan
3406 Act.—

3407 (1) The Legislature finds that state expenditures for
3408 long-term-care services continue to increase at a rapid rate and
3409 that the state faces increasing pressure in its efforts to meet
3410 the long-term-care needs of the public.

3411 (c) This section does not affect ~~act in no way affects~~ the
3412 authority of the Department of Management Services Services'
3413 authority pursuant to s. 112.942 110.123.

3414 Section 77. Section 110.1228, Florida Statutes, is
3415 transferred and renumbered as section 112.941, Florida Statutes,
3416 and subsection (2) of that section is amended to read:

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3417 112.941 ~~110.1228~~ Participation by small counties, small
3418 municipalities, and district school boards located in small
3419 counties.-

3420 (2) The governing body of a small county or small
3421 municipality or a district school board may apply for
3422 participation in the state group health insurance program
3423 authorized in s. 112.942 ~~110.123~~ and the prescription drug
3424 coverage program authorized by s. 112.946 ~~110.12315~~ by
3425 submitting an application along with a \$500 nonrefundable fee to
3426 the department.

3427 Section 78. Section 110.123, Florida Statutes, is
3428 transferred and renumbered as section 112.942, Florida Statutes,
3429 and paragraphs (f) and (h) of subsection (3) and paragraph (c)
3430 of subsection (4) of that section are amended to read:

3431 112.942 ~~110.123~~ State group insurance program.-

3432 (3) STATE GROUP INSURANCE PROGRAM.-

3433 (f) Except as provided for in subparagraph (h)2., the
3434 state contribution toward the cost of any plan in the state
3435 group insurance program shall be uniform with respect to all
3436 state employees in a state collective bargaining unit
3437 participating in the same coverage tier in the same plan. This
3438 section does not prohibit the development of separate benefit
3439 plans for officers and employees exempt from the Civil career
3440 Service or the development of separate benefit plans for each
3441 collective bargaining unit.

3442 (h)1. In lieu of participating in the state group health
3443 insurance plan, a person eligible to participate in the state
3444 group insurance program may be authorized by department rules

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3445 ~~adopted by the department, in lieu of participating in the state~~
3446 ~~group health insurance plan, to exercise an option to elect~~
3447 membership in a health maintenance organization (HMO) plan which
3448 ~~is~~ under contract with the state in accordance with criteria
3449 established by this section and adopted ~~by said~~ rules. The offer
3450 of optional membership in an HMO ~~a health maintenance~~
3451 ~~organization~~ plan ~~permitted by this paragraph~~ may be limited or
3452 conditioned by rule as ~~may be~~ necessary to meet the requirements
3453 of state and federal laws.

3454 2. The department shall contract with HMOs ~~health~~
3455 ~~maintenance organizations~~ seeking to participate in the state
3456 group insurance program through a request for proposal or other
3457 procurement process, as developed by the Department of
3458 Management Services and determined to be appropriate.

3459 a. The department shall establish a schedule of minimum
3460 benefits for HMO ~~health maintenance organization~~ coverage which
3461 ~~includes, and that schedule shall include:~~ physician services;
3462 inpatient and outpatient hospital services; emergency medical
3463 services, including out-of-area emergency coverage; diagnostic
3464 laboratory and diagnostic and therapeutic radiologic services;
3465 mental health, alcohol, and chemical dependency treatment
3466 services meeting the minimum requirements of state and federal
3467 law; skilled nursing facilities and services; prescription
3468 drugs; age-based and gender-based wellness benefits; and other
3469 benefits as may be required by the department. Additional
3470 services may be provided subject to the contract between the
3471 department and the HMO. As used in this paragraph, the term
3472 "age-based and gender-based wellness benefits" includes aerobic

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3473 exercise, education in alcohol and substance abuse prevention,
3474 blood cholesterol screening, health risk appraisals, blood
3475 pressure screening and education, nutrition education, program
3476 planning, safety belt education, smoking cessation, stress
3477 management, weight management, and women's health education.

3478 b. The department may establish uniform deductibles,
3479 copayments, coverage tiers, or coinsurance schedules for all
3480 participating HMO plans.

3481 c. The department may require detailed information from
3482 each HMO ~~health maintenance organization~~ participating in the
3483 procurement process, including information pertaining to
3484 organizational status, experience in providing prepaid health
3485 benefits, accessibility of services, financial stability of the
3486 plan, quality of management services, accreditation status,
3487 quality of medical services, network access and adequacy,
3488 performance measurement, ability to meet the department's
3489 reporting requirements, and the actuarial basis of the proposed
3490 rates and other data determined by the director to be necessary
3491 for the evaluation and selection of HMO ~~health maintenance~~
3492 ~~organization~~ plans and negotiation of appropriate rates for
3493 these plans. Upon receipt of proposals by HMO ~~health maintenance~~
3494 ~~organization~~ plans and the evaluation of those proposals, the
3495 department may enter into negotiations with all ~~of the plans~~ or
3496 a subset of the plans, as the department determines appropriate.
3497 ~~Nothing shall preclude~~ The department may negotiate from
3498 ~~negotiating~~ regional or statewide contracts with HMO ~~health~~
3499 ~~maintenance organization~~ plans if ~~when this is~~ cost-effective

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3500 and ~~if when~~ the department determines that the plan offers high
3501 value to enrollees.

3502 d. The department may limit the number of HMOs that it
3503 contracts with in each service area based on the nature of the
3504 bids the department receives, the number of state employees in
3505 the service area, or any unique geographical characteristics of
3506 the service area. The department shall establish by rule service
3507 areas throughout the state.

3508 e. All persons participating in the state group insurance
3509 program may be required to contribute toward ~~towards~~ a total
3510 state group health premium that may vary depending upon the plan
3511 and coverage tier selected by the enrollee and the level of
3512 state contribution authorized by the Legislature.

3513 3. The department may ~~is authorized to~~ negotiate and ~~to~~
3514 contract with specialty psychiatric hospitals for mental health
3515 benefits, on a regional basis, for alcohol, drug abuse, and
3516 mental and nervous disorders. ~~The department may establish,~~
3517 Subject to the approval of the Legislature pursuant to
3518 subsection (5), the department may establish any such regional
3519 plan upon completion of an actuarial study to determine any
3520 impact on plan benefits and premiums.

3521 ~~4. In addition to contracting pursuant to subparagraph 2.7~~
3522 ~~the department may enter into contract with any HMO to~~
3523 ~~participate in the state group insurance program which:~~

3524 a. ~~Serves greater than 5,000 recipients on a prepaid basis~~
3525 ~~under the Medicaid program;~~

3526 b. ~~Does not currently meet the 25 percent non-~~
3527 ~~Medicare/non-Medicaid enrollment composition requirement~~

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3528 ~~established by the Department of Health excluding participants~~
3529 ~~enrolled in the state group insurance program;~~

3530 ~~e. Meets the minimum benefit package and copayments and~~
3531 ~~deductibles contained in sub-subparagraphs 2.a. and b.;~~

3532 ~~d. Is willing to participate in the state group insurance~~
3533 ~~program at a cost of premiums that is not greater than 95~~
3534 ~~percent of the cost of HMO premiums accepted by the department~~
3535 ~~in each service area; and~~

3536 ~~e. Meets the minimum surplus requirements of s. 641.225.~~

3537

3538 ~~The department is authorized to contract with HMOs that meet the~~
3539 ~~requirements of sub-subparagraphs a. d. prior to the open~~
3540 ~~enrollment period for state employees. The department is not~~
3541 ~~required to renew the contract with the HMOs as set forth in~~
3542 ~~this paragraph more than twice. Thereafter, the HMOs shall be~~
3543 ~~eligible to participate in the state group insurance program~~
3544 ~~only through the request for proposal or invitation to negotiate~~
3545 ~~process described in subparagraph 2.~~

3546 4.5. All enrollees in a state group health insurance plan,
3547 a TRICARE supplemental insurance plan, or an HMO ~~any health~~
3548 ~~maintenance organization~~ plan have the option of changing to
3549 another ~~any other~~ health plan that is offered by the state
3550 within an ~~any~~ open enrollment period designated by the
3551 department. Open enrollment shall be held at least once each
3552 calendar year.

3553 5.6. ~~If When~~ a contract between a treating provider and
3554 the state-contracted HMO ~~health maintenance organization~~ is
3555 terminated for any reason other than for cause, each party must

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3556 ~~shall~~ allow an any enrollee for whom treatment was active to
3557 continue coverage and care when medically necessary, through
3558 completion of treatment of a condition for which the enrollee
3559 was receiving care at the time of the termination, until the
3560 enrollee selects another treating provider, or until the next
3561 open enrollment period ~~offered~~, whichever is later ~~longer~~, but
3562 no later ~~longer~~ than 6 months after termination of the contract.
3563 Each party to the terminated contract must ~~shall~~ allow an
3564 enrollee who has initiated a course of prenatal care, regardless
3565 of the trimester in which care was initiated, to continue care
3566 and coverage until completion of postpartum care. This does not
3567 prevent a provider from refusing to continue to provide care to
3568 an enrollee who is abusive, noncompliant, or in arrears in
3569 payments for services provided. For care continued under this
3570 subparagraph, the program and the provider ~~shall~~ continue to be
3571 bound by the terms of the terminated contract. Changes made
3572 within 30 days before termination of a contract are effective
3573 only if agreed to by both parties.

3574 6.7. Any HMO participating in the state group insurance
3575 program shall submit health care utilization and cost data to
3576 the department, in such form and ~~in such~~ manner as the
3577 department requires ~~shall require~~, as a condition of
3578 participating in the program. The department shall enter into
3579 negotiations with its contracting HMOs to determine the nature
3580 and scope of the data submission and the final requirements,
3581 format, penalties associated with noncompliance, and timetables
3582 for submission. These determinations shall be adopted by rule.

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3583 7.8. The department may establish and direct, with respect
3584 to collective bargaining issues, a comprehensive package of
3585 insurance benefits that may include supplemental health and life
3586 coverage, dental care, long-term care, vision care, and other
3587 benefits it determines necessary to enable state employees to
3588 select from among benefit options that best suit their
3589 individual and family needs.

3590 a. Based upon a desired benefit package, the department
3591 shall issue a request for proposal or invitation to negotiate
3592 for health insurance providers interested in participating in
3593 the state group insurance program, ~~and the department shall~~
3594 issue a request for proposal or invitation to negotiate for
3595 insurance providers interested in participating in the non-
3596 health-related components of the state group insurance program.
3597 Upon receipt of all proposals, the department may enter into
3598 contract negotiations with insurance providers submitting bids
3599 or negotiate a specially designed benefit package. Insurance
3600 providers offering or providing supplemental coverage as of May
3601 30, 1991, which qualify for pretax benefit treatment pursuant to
3602 s. 125 of the Internal Revenue Code of 1986, with 5,500 or more
3603 state employees currently enrolled may be included ~~by the~~
3604 ~~department~~ in the supplemental insurance benefit plan
3605 established by the department without participating in a request
3606 for proposal, submitting bids, negotiating contracts, or
3607 negotiating a specially designed benefit package. These
3608 contracts must ~~shall~~ provide state employees with the most cost-
3609 effective and comprehensive coverage available; however, ~~no~~
3610 state or agency funds may not ~~shall~~ be contributed toward the

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3611 cost of any part of the premium of such supplemental benefit
3612 plans. With respect to dental coverage, the division shall
3613 include in any solicitation or contract for any state group
3614 dental program ~~made after July 1, 2001,~~ a comprehensive
3615 indemnity dental plan option that ~~which~~ offers enrollees a
3616 completely unrestricted choice of dentists. If a dental plan is
3617 endorsed, or in some manner recognized as the preferred product,
3618 such plan must ~~shall~~ include a comprehensive indemnity dental
3619 plan option that ~~which~~ provides enrollees with a completely
3620 unrestricted choice of dentists.

3621 b. Pursuant to ~~the applicable provisions of s. 112.951~~
3622 ~~110.161,~~ and s. 125 of the Internal Revenue Code of 1986, the
3623 department shall enroll in the pretax benefit program those
3624 state employees who voluntarily elect coverage in any of the
3625 supplemental insurance benefit plans as provided by sub-
3626 subparagraph a.

3627 c. This subparagraph does not ~~Nothing herein contained~~
3628 ~~shall be construed to~~ prohibit insurance providers from
3629 continuing to provide or offer supplemental benefit coverage to
3630 state employees as provided under existing agency plans.

3631 (4) PAYMENT OF PREMIUMS; CONTRIBUTION BY STATE; LIMITATION
3632 ON ACTIONS TO PAY AND COLLECT PREMIUMS.-

3633 (c) During each policy or budget year, no state agency
3634 shall contribute a greater dollar amount of the premium cost for
3635 its officers or employees for any plan option under the state
3636 group insurance program than any other agency for similar
3637 officers and employees, nor shall any greater dollar amount of
3638 premium cost be made for employees in one state collective

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3639 bargaining unit than for those in any other state collective
3640 bargaining unit. Nothing in this section prohibits the use of
3641 different levels of state contributions for positions exempt
3642 from Civil career Service.

3643 Section 79. Section 110.12301, Florida Statutes is
3644 transferred and renumbered as section 112.943, Florida Statutes,
3645 and subsection (1) of that section is amended to read:

3646 112.943 ~~110.12301~~ Competitive procurement of postpayment
3647 claims review services.—The Division of State Group Insurance is
3648 directed to competitively procure:

3649 (1) Postpayment claims review services for the state group
3650 health insurance plans established pursuant to s. 112.942
3651 ~~110.123~~. Compensation under the contract shall be paid from
3652 amounts identified as claim overpayments that are made by or on
3653 behalf of the health plans and that are recovered by the vendor.
3654 The vendor may retain that portion of the amount recovered as
3655 provided in the contract. The contract must require the vendor
3656 to maintain all necessary documentation supporting the amounts
3657 recovered, retained, and remitted to the division; and

3658 Section 80. Section 110.12302, Florida Statutes is
3659 transferred and renumbered as section 112.944, Florida Statutes.

3660 Section 81. Section 110.12312, Florida Statutes, is
3661 transferred, renumbered as section 112.945, Florida Statutes,
3662 and amended to read:

3663 112.945 ~~110.12312~~ Open enrollment period for retirees.—On
3664 or after July 1, 1997, the Department of Management Services
3665 shall provide for an open enrollment period for retired state
3666 employees who want to obtain health insurance coverage under ss.

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3667 112.942 and 112.946 ~~110.123 and 110.12315~~. The options offered
3668 during the open enrollment period must provide the same health
3669 insurance coverage as the coverage provided to active employees
3670 under the same premium payment conditions in effect for covered
3671 retirees, including eligibility for health insurance subsidy
3672 payments under s. 112.363. A person who separates from
3673 employment subsequent to May 1, 1988, but whose date of
3674 retirement occurs on or after August 1, 1995, is eligible as of
3675 the first open enrollment period occurring after July 1, 1997,
3676 with an effective date of January 1, 1998, as long as the
3677 retiree's enrollment remains in effect.

3678 Section 82. Section 110.12315, Florida Statutes, is
3679 transferred and renumbered as section 112.946, Florida Statutes.

3680 Section 83. Section 110.1232, Florida Statutes, is
3681 transferred, renumbered as section 112.947, Florida Statutes,
3682 and amended to read:

3683 112.947 ~~110.1232~~ Health insurance coverage for persons
3684 retired under state-administered retirement systems before
3685 January 1, 1976, and for spouses.—Notwithstanding any provisions
3686 of law to the contrary, the Department of Management Services
3687 shall provide health insurance coverage under the state group
3688 insurance program for persons who retired before January 1,
3689 1976, under any of the state-administered retirement systems and
3690 who are not covered by social security and for the spouses and
3691 surviving spouses of such retirees who are also not covered by
3692 social security. Such health insurance coverage shall provide
3693 the same benefits as provided to other retirees who are entitled
3694 to participate under s. 112.942 ~~110.123~~. The claims experience

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3695 of this group shall be commingled with the claims experience of
3696 other members covered under s. 112.942 ~~110.123~~.

3697 Section 84. Section 110.1234, Florida Statutes, is
3698 transferred and renumbered as section 112.948, Florida Statutes.

3699 Section 85. Section 110.1238, Florida Statutes, is
3700 transferred and renumbered as section 112.949, Florida Statutes.

3701 Section 86. Section 110.1239, Florida Statutes, is
3702 transferred and renumbered as section 112.950, Florida Statutes.

3703 Section 87. Section 110.161, Florida Statutes, is
3704 transferred and renumbered as section 112.951, Florida Statutes,
3705 and paragraph (a) of subsection (6) of that section is amended
3706 to read:

3707 112.951 ~~110.161~~ State employees; pretax benefits program.—

3708 (6) The Department of Management Services is authorized to
3709 administer the pretax benefits program established for all
3710 employees so that employees may receive benefits that are not
3711 includable in gross income under the Internal Revenue Code of
3712 1986. The pretax benefits program:

3713 (a) Shall allow employee contributions to premiums for the
3714 state group insurance program administered under s. 112.942
3715 ~~110.123~~ to be paid on a pretax basis unless an employee elects
3716 not to participate.

3717 Section 88. Section 112.952, Florida Statutes, is created
3718 to read:

3719 112.952 Penalties.—

3720 (1) Any person who willfully violates any provision of
3721 this part or any rules adopted pursuant to this part commits a

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3722 misdemeanor of the second degree, punishable as provided in s.
3723 775.082 or s. 775.083.

3724 (2) Notwithstanding s. 112.011, any person who is
3725 convicted of a misdemeanor under this part is ineligible for
3726 appointment to or employment in a state position for 5 years
3727 and, if an employee of the state, must forfeit his or her
3728 position.

3729 (3) Imposition of the penalties provided in this section
3730 may not be in lieu of any action that may be taken or penalties
3731 that may be imposed pursuant to part III of this chapter.

3732 Section 89. The Division of Statutory Revision is
3733 requested to renumber part IV of chapter 110, Florida Statutes,
3734 as part XI of chapter 112, Florida Statutes, consisting of ss.
3735 112.961-112.965, Florida Statutes, and to rename that part as
3736 "State Volunteer Services."

3737 Section 90. Section 110.501, Florida Statutes, is
3738 transferred, renumbered as section 112.961, Florida Statutes,
3739 reordered, and amended to read:

3740 112.961 110.501 Definitions.—As used in this part, the
3741 term ~~act~~:

3742 (3)~~(1)~~ "Volunteer" means any person who, of his or her own
3743 free will, provides goods or services, or conveys an interest in
3744 or otherwise consents to the use of real property pursuant to
3745 chapter 260, to any ~~state department or agency,~~ or nonprofit
3746 organization, with no monetary or material compensation. A
3747 person registered and serving in Older American Volunteer
3748 Programs authorized by the Domestic Volunteer Service Act of
3749 1973, as amended (Pub. L. No. 93-113), shall also be defined as

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3750 a volunteer and shall incur no civil liability as provided by s.
3751 768.1355. A volunteer shall be eligible for payment of volunteer
3752 benefits as specified in Pub. L. No. 93-113, this section, and
3753 s. 430.204.

3754 ~~(2) "Regular service volunteer" means any person engaged~~
3755 ~~in specific voluntary service activities on an ongoing or~~
3756 ~~continuous basis.~~

3757 ~~(3) "Occasional service volunteer" means any person who~~
3758 ~~offers to provide a one-time or occasional voluntary service.~~

3759 ~~(1)(4)~~ "Material donor" means any person who provides
3760 funds, materials, employment, or opportunities for clients of
3761 state departments or agencies, without monetary or material
3762 compensation.

3763 (2) "State agency" or "agency" means any official,
3764 officer, commission, board, authority, council, committee, or
3765 department of the executive branch or judicial branch of state
3766 government as defined in chapter 216, unless otherwise exempted
3767 by law.

3768 Section 91. Section 110.502, Florida Statutes, is
3769 transferred, renumbered as section 112.962, Florida Statutes,
3770 and amended to read:

3771 112.962 110.502 Scope of act; status of volunteers.-

3772 (1) Every ~~state department or state agency may, with the~~
3773 ~~approval of the agency head, through the head of the department~~
3774 ~~or agency, secretary of the department, or executive director of~~
3775 ~~the department, is authorized to recruit, train, and accept,~~
3776 without regard to the requirements of the Civil State Career
3777 Service System as set forth in part II of this chapter, the

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3778 services of volunteers, ~~including regular service volunteers,~~
3779 ~~occasional service volunteers,~~ or material donors, to assist in
3780 programs administered by the ~~department or~~ agency.

3781 (2) Volunteers recruited, trained, or accepted by a any
3782 ~~state department or~~ agency are ~~shall~~ not be subject to any
3783 provisions of law relating to state employment, a ~~to any~~
3784 collective bargaining agreement between the state and an any
3785 employees' association or union, or ~~to any~~ laws relating to
3786 hours of work, rates of compensation, leave time, and employee
3787 benefits, except those consistent with s. 112.964 ~~110.504~~.
3788 However, all volunteers shall comply with applicable ~~department~~
3789 ~~or~~ agency rules. Volunteers may be required by the agency to
3790 submit to security background screenings.

3791 (3) Every state department or agency using ~~utilizing~~ the
3792 services of volunteers is ~~hereby~~ authorized to provide ~~such~~
3793 incidental reimbursement or benefit consistent with s. 112.964
3794 ~~the provisions of s. 110.504,~~ including transportation costs,
3795 lodging, ~~and~~ subsistence, identification and safety apparel,
3796 recognition, and other accommodations as the ~~department or~~
3797 agency deems necessary to assist, recognize, reward, or
3798 encourage volunteers in performing their functions. An ~~No~~
3799 ~~department or~~ agency may not ~~shall~~ expend or authorize an
3800 expenditure greater than ~~therefor in excess of~~ the amount
3801 provided for to the ~~department or~~ agency by appropriation in any
3802 fiscal year.

3803 (4) Persons working with state agencies pursuant to this
3804 part are ~~shall be~~ considered as unpaid independent volunteers
3805 and are ~~shall~~ not be entitled to unemployment compensation.

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3806 Section 92. Section 110.503, Florida Statutes, is
3807 transferred, renumbered as section 112.963, Florida Statutes,
3808 and amended to read:

3809 112.963 ~~110.503~~ Responsibilities of state departments and
3810 agencies. ~~Each state department or agency using utilizing the~~
3811 services of volunteers shall take such actions as are:

3812 (1) ~~Take such actions as are~~ Necessary and appropriate to
3813 develop meaningful opportunities for volunteers involved in
3814 state-administered programs.

3815 (2) Necessary to ensure that volunteers are provided with
3816 the state agency's policies and procedures applicable to their
3817 volunteer activities. ~~Comply with the uniform rules adopted by~~
3818 ~~the Department of Management Services governing the recruitment,~~
3819 ~~screening, training, responsibility, use, and supervision of~~
3820 ~~volunteers.~~

3821 (3) ~~Take such actions as are~~ Necessary to ensure that
3822 volunteers understand their duties and responsibilities.

3823 (4) Necessary to ensure that a state employee whose
3824 primary employment consists of duties and responsibilities
3825 similar to those associated with volunteer activities is not
3826 considered for volunteer work if such work would require payment
3827 for overtime in accordance with the Fair Labor Standards Act.

3828 ~~(4) Take such actions as are necessary and appropriate to~~
3829 ~~ensure a receptive climate for citizen volunteers.~~

3830 ~~(5) Provide for the recognition of volunteers who have~~
3831 ~~offered continuous and outstanding service to state-administered~~
3832 ~~programs. Each department or agency using the services of~~
3833 ~~volunteers is authorized to incur expenditures not to exceed~~

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3834 ~~\$100 each plus applicable taxes for suitable framed~~
3835 ~~certificates, plaques, or other tokens of recognition to honor,~~
3836 ~~reward, or encourage volunteers for their service.~~

3837 ~~(6) Recognize prior volunteer service as partial~~
3838 ~~fulfillment of state employment requirements for training and~~
3839 ~~experience pursuant to rules adopted by the Department of~~
3840 ~~Management Services.~~

3841 Section 93. Section 110.504, Florida Statutes, is
3842 transferred, renumbered as section 112.964, Florida Statutes,
3843 and amended to read:

3844 112.964 ~~110.504~~ Volunteer benefits.-

3845 (1) Meals may be furnished without charge to ~~regular-~~
3846 ~~service~~ volunteers serving state agencies ~~if departments,~~
3847 ~~provided~~ the scheduled assignment extends over an established
3848 meal period, ~~and to occasional service volunteers at the~~
3849 ~~discretion of the department head.~~ An agency may not ~~No~~
3850 ~~department shall~~ expend or authorize any expenditure greater
3851 than in excess of the amount provided for by appropriation in
3852 any fiscal year.

3853 (2) Lodging, if available, may be furnished temporarily,
3854 in case of an agency ~~a department~~ emergency, at no charge to
3855 ~~regular-service~~ volunteers.

3856 (3) Transportation reimbursement may be furnished to those
3857 volunteers whose presence is determined to be necessary to the
3858 agency ~~department~~. Volunteers may use ~~utilize~~ state vehicles in
3859 the performance of agency-related ~~department-related~~ duties. An
3860 agency may not ~~No department shall~~ expend or authorize an

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3861 expenditure greater than ~~in excess of~~ the amount appropriated in
3862 any fiscal year.

3863 (4) Volunteers are ~~shall be~~ covered by state liability
3864 protection in accordance with the definition of a volunteer and
3865 ~~the provisions of~~ s. 768.28.

3866 (5) Volunteers are ~~shall be~~ covered by workers'
3867 compensation in accordance with chapter 440.

3868 (6) Incidental recognition benefits or incidental
3869 nonmonetary awards may be furnished to volunteers serving in
3870 state agencies ~~departments~~ to award, recognize, or encourage
3871 volunteers for their service. The awards may not cost more than
3872 \$150 ~~in excess of \$100~~ each plus applicable taxes.

3873 (7) Volunteers, including volunteers receiving a stipend
3874 as provided by the Domestic Service Volunteer Act of 1973, as
3875 amended, ~~(Pub. L. No. 93-113)~~, are ~~shall be~~ covered by s.
3876 768.1355, the Florida Volunteer Protection Act.

3877 Section 94. Section 112.965, Florida Statutes, is created
3878 to read:

3879 112.965 Penalties.-

3880 (1) Any person who willfully violates any provision of
3881 this part or any rules adopted pursuant to this part commits a
3882 misdemeanor of the second degree, punishable as provided in s.
3883 775.082 or s. 775.083.

3884 (2) Notwithstanding s. 112.011, any person who is
3885 convicted of a misdemeanor under this part is ineligible for
3886 appointment to or employment in a state position for 5 years
3887 and, if an employee of the state, must forfeit his or her
3888 position.

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3889 (3) Imposition of the penalties provided in this section
3890 may not be in lieu of any action that may be taken or penalties
3891 that may be imposed pursuant to part III of this chapter.

3892 Section 95. Sections 110.115, 110.118, 110.124, 110.129,
3893 110.1521, 110.1522, 110.1523, 110.171, 110.2035, 110.21,
3894 110.406, 110.603, 110.604, and 110.606, Florida Statutes, are
3895 repealed.

3896 Section 96. Paragraph (b) of subsection (1) of section
3897 11.13, Florida Statutes, is amended to read:

3898 11.13 Compensation of members.—

3899 (1)

3900 (b) On Effective July 1, 1986, and each July 1 of each
3901 year thereafter, the annual salaries of members of the Senate
3902 and House of Representatives shall be adjusted by the average
3903 percentage increase in the salaries of civil ~~state-career~~
3904 service employees for the fiscal year just concluded. The
3905 Appropriations Committee of each house shall certify to the
3906 Office of Legislative Services the average percentage increase
3907 in the salaries of civil ~~state-career~~ service employees before
3908 July 1 of each year. The Office of Legislative Services shall,
3909 as of July 1 of each year, determine the adjusted annual
3910 salaries as provided in this paragraph herein.

3911 Section 97. Paragraph (c) of subsection (1) of section
3912 20.055, Florida Statutes, is amended to read:

3913 20.055 Agency inspectors general.—

3914 (1) For the purposes of this section:

3915 (c) "Individuals substantially affected" means natural
3916 persons who have established a real and sufficiently immediate

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3917 injury in fact due to the findings, conclusions, or
3918 recommendations of a final report of a state agency inspector
3919 general, who are the subject of the audit or investigation, and
3920 who do not have or are not currently afforded an existing right
3921 to an independent review process. The term does not include:

3922 1. Employees of the state, including civil ~~career~~ service,
3923 probationary, other personal service, selected exempt service,
3924 and senior management service employees, ~~are not covered by this~~
3925 ~~definition. This definition also does not cover~~

3926 2. Former employees of the state if the final report of
3927 the state agency inspector general relates to matters arising
3928 during a former employee's term of state employment. ~~This~~
3929 ~~definition does not apply to~~

3930 3. Persons who are the subject of audits or investigations
3931 conducted pursuant to ss. 112.3187-112.31895 or s. 409.913 or
3932 which are otherwise confidential and exempt under s. 119.07.

3933 Section 98. Subsection (6) of section 20.21, Florida
3934 Statutes, is amended to read:

3935 20.21 Department of Revenue.—There is created a Department
3936 of Revenue.

3937 (6) Notwithstanding s. 112.942 ~~the provisions of s.~~
3938 ~~110.123~~, relating to the state group insurance program, the
3939 department may pay, or participate in the payment of, premiums
3940 for health, accident, and life insurance for its full-time out-
3941 of-state employees, pursuant to such rules as it may adopt,
3942 which and such payments are ~~shall be~~ in addition to the
3943 employees' regular salaries ~~of such full-time out-of-state~~
3944 ~~employees.~~

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3945 Section 99. Paragraph (e) of subsection (1) and subsection
3946 (6) of section 20.23, Florida Statutes, are amended to read:

3947 20.23 Department of Transportation.—There is created a
3948 Department of Transportation which shall be a decentralized
3949 agency.

3950 (1)

3951 (e) ~~The Any~~ secretary appointed after July 5, 1989, and
3952 the assistant secretaries are shall be exempt from part IV the
3953 ~~provisions of part III~~ of chapter 110 and shall receive
3954 compensation commensurate with their qualifications and
3955 competitive with compensation for comparable responsibility in
3956 the private sector.

3957 (6) Notwithstanding ~~the provisions of~~ s. 110.205, the
3958 Department of Management Services may ~~is authorized to~~ exempt
3959 positions within the Department of Transportation that ~~which~~ are
3960 comparable to positions within the Senior Management Service
3961 pursuant to s. 110.205(2)(g) ~~110.205(2)(j)~~ or positions that
3962 ~~which~~ are comparable to positions in the Selected Exempt Service
3963 under s. 110.205(2)(i) ~~110.205(2)(m)~~.

3964 Section 100. Subsection (2) of section 20.255, Florida
3965 Statutes, is amended to read:

3966 20.255 Department of Environmental Protection.—There is
3967 created a Department of Environmental Protection.

3968 (2) (a) There shall be three deputy secretaries who are to
3969 be appointed by and shall serve at the pleasure of the
3970 secretary. The secretary may assign any deputy secretary the
3971 responsibility to supervise, coordinate, and formulate policy
3972 for any division, office, or district. The following special

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3973 offices are established and headed by managers, each of whom is
3974 to be appointed by and serve at the pleasure of the secretary:

- 3975 1. Office of Chief of Staff;
- 3976 2. Office of General Counsel;
- 3977 3. Office of Inspector General;
- 3978 4. Office of External Affairs;
- 3979 5. Office of Legislative Affairs;
- 3980 6. Office of Intergovernmental Programs; and
- 3981 7. Office of Greenways and Trails.

3982 (b) There shall be six administrative districts involved
3983 in regulatory matters of waste management, water resource
3984 management, wetlands, and air resources, which shall be headed
3985 by managers, each of whom is to be appointed by and serve at the
3986 pleasure of the secretary. Divisions of the department may have
3987 one assistant or two deputy division directors, as required to
3988 facilitate effective operation.

3989
3990 The managers of all divisions and offices specifically named in
3991 this section and the directors of the six administrative
3992 districts are exempt from part II of chapter 110 and are
3993 included in the Senior Management Service in accordance with s.
3994 110.205(2)(g) ~~110.205(2)(j)~~.

3995 Section 101. Paragraph (d) of subsection (19) of section
3996 24.105, Florida Statutes, is amended to read:

3997 24.105 Powers and duties of department.—The department
3998 shall:

3999 (19) Employ division directors and other staff as may be
4000 necessary to carry out the provisions of this act; however:

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4113 the commission are ~~shall be~~ subject to part III ~~V~~ of chapter
4114 110.

4115 Section 107. Subsection (4) of section 112.044, Florida
4116 Statutes, is amended to read:

4117 112.044 Public employers, employment agencies, labor
4118 organizations; discrimination based on age prohibited;
4119 exceptions; remedy.—

4120 (4) APPEAL; CIVIL SUIT AUTHORIZED.—Any employee of the
4121 state ~~who is~~ within the Civil Career Service System established
4122 by chapter 110 ~~and~~ who is aggrieved by a violation of this act
4123 may appeal to the Public Employees Relations Commission under
4124 the conditions and following the procedures prescribed in part
4125 II of chapter 447. Any person other than an employee ~~who is~~
4126 within the Civil Career Service System ~~established by chapter~~
4127 ~~110~~, or any person employed by the Public Employees Relations
4128 Commission, who is aggrieved by a violation of this act may
4129 bring a civil action ~~in any court of competent jurisdiction~~ for
4130 such legal or equitable relief as will effectuate the purposes
4131 of this act.

4132 Section 108. Section 112.0805, Florida Statutes, is
4133 amended to read:

4134 112.0805 Employer notice of insurance eligibility to
4135 employees who retire.—An ~~Any~~ employer who provides insurance
4136 coverage under s. 112.942 ~~110.123~~ or s. 112.0801 shall notify
4137 those employees who retire of their eligibility to participate
4138 in ~~either~~ the same group insurance plan or self-insurance plan
4139 as provided in ss. 112.942 ~~110.123~~ and 112.0801, or the
4140 insurance coverage ~~as~~ provided by this law.

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4141 Section 109. Paragraph (a) of subsection (9) of section
4142 112.313, Florida Statutes, is amended to read:

4143 112.313 Standards of conduct for public officers,
4144 employees of agencies, and local government attorneys.—

4145 (9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR
4146 LEGISLATORS AND LEGISLATIVE EMPLOYEES.—

4147 (a)1. It is the intent of the Legislature to implement by
4148 statute the provisions of s. 8(e), Art. II of the State
4149 Constitution relating to legislators, statewide elected
4150 officers, appointed state officers, and designated public
4151 employees.

4152 2. As used in this paragraph:

4153 a. "Employee" means:

4154 (I) Any person employed in the executive or legislative
4155 branch of government holding a position in the Senior Management
4156 Service as defined in s. 110.402 or any person holding a
4157 position in the Selected Exempt Service as defined in s.
4158 110.3021 ~~110.602~~ or any person having authority over policy or
4159 procurement employed by the Department of the Lottery.

4160 (II) The Auditor General, the director of the Office of
4161 Program Policy Analysis and Government Accountability, the
4162 Sergeant at Arms and Secretary of the Senate, and the Sergeant
4163 at Arms and Clerk of the House of Representatives.

4164 (III) The executive director and deputy executive director
4165 of the Commission on Ethics.

4166 (IV) An executive director, staff director, or deputy
4167 staff director of each joint committee, standing committee, or
4168 select committee of the Legislature; an executive director,

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4169 staff director, executive assistant, analyst, or attorney of the
4170 Office of the President of the Senate, the Office of the Speaker
4171 of the House of Representatives, the Senate Majority Party
4172 Office, Senate Minority Party Office, House Majority Party
4173 Office, or House Minority Party Office; or any person, hired on
4174 a contractual basis, having the power normally conferred upon
4175 such persons, by whatever title.

4176 (V) The Chancellor and Vice Chancellors of the State
4177 University System; the general counsel to the Board of Governors
4178 of the State University System; and the president, provost, vice
4179 presidents, and deans of each state university.

4180 (VI) Any person, including an other-personal-services
4181 employee, having the power normally conferred upon the positions
4182 referenced in this sub-subparagraph.

4183 b. "Appointed state officer" means any member of an
4184 appointive board, commission, committee, council, or authority
4185 of the executive or legislative branch of state government whose
4186 powers, jurisdiction, and authority are not solely advisory and
4187 include the final determination or adjudication of any personal
4188 or property rights, duties, or obligations, other than those
4189 relative to its internal operations.

4190 c. "State agency" means an entity of the legislative,
4191 executive, or judicial branch of state government over which the
4192 Legislature exercises plenary budgetary and statutory control.

4193 3. A ~~No~~ member of the Legislature, appointed state
4194 officer, or statewide elected officer may not shall personally
4195 represent another person or entity for compensation before the
4196 government body or agency of which the individual was an officer

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4197 or member for ~~a period of~~ 2 years following vacation of office.

4198 A ~~No~~ member of the Legislature may not shall personally

4199 represent another person or entity for compensation during his

4200 or her term of office before any state agency other than

4201 judicial tribunals or in settlement negotiations after the

4202 filing of a lawsuit.

4203 4. An agency employee, including an agency employee who

4204 was employed on July 1, 2001, in a civil ~~Career~~ service ~~System~~

4205 position that was transferred to the Selected Exempt Service

4206 ~~System~~ under chapter 2001-43, Laws of Florida, may not

4207 personally represent another person or entity for compensation

4208 before the agency with which he or she was employed for ~~a period~~

4209 ~~of~~ 2 years following vacation of position, unless employed by

4210 another agency of state government.

4211 5. Any person violating this paragraph is ~~shall be~~ subject

4212 to the penalties provided in s. 112.317 and a civil penalty ~~of~~

4213 ~~an amount~~ equal to the compensation that ~~which~~ the person

4214 receives for the prohibited conduct.

4215 6. This paragraph is not applicable to:

4216 a. A person employed by the Legislature or other agency

4217 before ~~prior to~~ July 1, 1989;

4218 b. A person who was employed by the Legislature or other

4219 agency on July 1, 1989, whether or not the person was a defined

4220 employee on July 1, 1989;

4221 c. A person who was a defined employee of the State

4222 University System or the Public Service Commission who held such

4223 employment on December 31, 1994;

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4224 d. A person who has reached normal retirement age as
4225 defined in s. 121.021(29), and who has retired under the
4226 provisions of chapter 121 by July 1, 1991; or

4227 e. Any appointed state officer whose term of office began
4228 before January 1, 1995, unless reappointed to that office on or
4229 after January 1, 1995.

4230 Section 110. Paragraph (b) of subsection (1) of section
4231 112.3145, Florida Statutes, is amended to read:

4232 112.3145 Disclosure of financial interests and clients
4233 represented before agencies.—

4234 (1) For purposes of this section, unless the context
4235 otherwise requires, the term:

4236 (b) "Specified state employee" means:

4237 1. Public counsel created by chapter 350, an assistant
4238 state attorney, an assistant public defender, a full-time state
4239 employee who serves as counsel or assistant counsel to any state
4240 agency, the Deputy Chief Judge of Compensation Claims, a judge
4241 of compensation claims, an administrative law judge, or a
4242 hearing officer.

4243 2. Any person employed in the office of the Governor or in
4244 the office of any member of the Cabinet if that person is exempt
4245 from the Civil Career Service System, except persons employed in
4246 clerical, secretarial, or similar positions.

4247 3. The State Surgeon General or each appointed secretary,
4248 assistant secretary, deputy secretary, executive director,
4249 assistant executive director, or deputy executive director of
4250 each state department, commission, board, or council; unless
4251 otherwise provided, the division director, assistant division

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4252 director, deputy director, bureau chief, and assistant bureau
4253 chief of any state department or division; or any person having
4254 the power normally conferred upon such persons, by whatever
4255 title.

4256 4. The superintendent or institute director of a state
4257 mental health institute established for training and research in
4258 the mental health field or the warden or director of any major
4259 state institution or facility established for corrections,
4260 training, treatment, or rehabilitation.

4261 5. Business managers, purchasing agents having the power
4262 to make any purchase exceeding the threshold amount provided for
4263 in s. 287.017 for CATEGORY ONE, finance and accounting
4264 directors, personnel officers, or grants coordinators for any
4265 state agency.

4266 6. Any person, other than a legislative assistant exempted
4267 by the presiding officer of the house that employs ~~by which~~ the
4268 legislative assistant ~~is employed~~, who is employed in the
4269 legislative branch of government, except persons employed in
4270 maintenance, clerical, secretarial, or similar positions.

4271 7. Each employee of the Commission on Ethics.

4272 Section 111. Paragraph (a) of subsection (2) of section
4273 112.363, Florida Statutes, is amended to read:

4274 112.363 Retiree health insurance subsidy.—

4275 (2) ELIGIBILITY FOR RETIREE HEALTH INSURANCE SUBSIDY.—

4276 (a) A person who is retired under a state-administered
4277 retirement system, or a beneficiary who is a spouse or financial
4278 dependent entitled to receive benefits under a state-
4279 administered retirement system, is eligible for health insurance

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4280 subsidy payments ~~provided~~ under this section; except that
4281 pension recipients under ss. 121.40, 238.07(18) (a), and 250.22,
4282 recipients of health insurance coverage under s. 112.947
4283 ~~110.1232~~, or recipients of any other special pension or relief
4284 act are shall not be eligible for such payments.

4285 Section 112. Subsections (11) and (38) of section 121.021,
4286 Florida Statutes, are amended to read:

4287 121.021 Definitions.—The following words and phrases as
4288 used in this chapter have the respective meanings set forth
4289 unless a different meaning is plainly required by the context:

4290 (11) "Officer or employee" means any person receiving
4291 salary payments for work performed in a regularly established
4292 position and, if employed by a municipality, a metropolitan
4293 planning organization, or a special district, employed in a
4294 covered group. The term does not apply to state employees
4295 covered by a leasing agreement under s. 112.922 ~~110.191~~, other
4296 public employees covered by a leasing agreement, or a coemployer
4297 relationship.

4298 (38) "Continuous service" means creditable service as a
4299 member, beginning with the first day of employment with an
4300 employer covered under a state-administered retirement system
4301 consolidated herein and continuing for as long as the member
4302 remains in an employer-employee relationship with the an
4303 employer ~~covered under this chapter~~. An absence of 1 calendar
4304 month or more from an employer's payroll is shall be considered
4305 a break in continuous service, except for periods of absence
4306 during which an employer-employee relationship continues to
4307 exist and such period of absence is creditable under this

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4308 chapter or under one of the existing systems consolidated
4309 herein. However, a law enforcement officer as defined in s.
4310 121.0515(3)(a) who was a member of a state-administered
4311 retirement system under chapter 122 or chapter 321 and who
4312 resigned and was subsequently reemployed in a law enforcement
4313 position within 12 calendar months after ~~of~~ such resignation by
4314 an employer under a ~~such~~ state-administered retirement system is
4315 ~~shall be~~ deemed not to have ~~not~~ experienced a break in service.
4316 Further, with respect to a state-employed law enforcement
4317 officer who meets the criteria specified in s. 121.0515(3)(a),
4318 if the absence from the employer's payroll is the result of a
4319 "layoff" as defined in s. 110.1054 ~~110.107~~ or a resignation to
4320 run for an elected office that meets the criteria specified in
4321 s. 121.0515(3)(a), no break in continuous service shall be
4322 deemed to have occurred if the member is reemployed as a state
4323 law enforcement officer or is elected to an office that ~~which~~
4324 meets the criteria specified in s. 121.0515(3)(a) within 12
4325 calendar months after the date of the layoff or resignation,
4326 notwithstanding the fact that such period of layoff or
4327 resignation is not creditable service under this chapter. A
4328 withdrawal of contributions constitutes ~~will constitute~~ a break
4329 in service. Continuous service also includes past service
4330 purchased under this chapter if, ~~provided such~~ service is
4331 continuous within ~~this definition and~~ the rules established by
4332 the administrator. The administrator may establish
4333 administrative rules and procedures for applying this definition
4334 to creditable service authorized under this chapter. Any
4335 correctional officer, as defined in s. 943.10, whose

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4336 participation in the state-administered retirement system is
4337 terminated due to the transfer of a county detention facility
4338 through a contractual agreement with a private entity pursuant
4339 to s. 951.062 ~~is, shall be~~ deemed an employee with continuous
4340 service in the Special Risk Class ~~if, provided~~ return to
4341 employment with the former employer takes place within 3 years
4342 due to contract termination or the officer is employed by a
4343 covered employer in a special risk position within 1 year after
4344 his or her initial termination of employment by such transfer of
4345 its detention facilities to the private entity.

4346 Section 113. Paragraph (f) of subsection (2) of section
4347 121.051, Florida Statutes, is amended to read:

4348 121.051 Participation in the system.—

4349 (2) OPTIONAL PARTICIPATION.—

4350 (f)1. If an employer that participates in the Florida
4351 Retirement System undertakes the transfer, merger, or
4352 consolidation of governmental services or assumes the functions
4353 and activities of an employing governmental entity that was not
4354 an employer under the system, the employer must notify the
4355 department at least 60 days before such action and provide
4356 documentation as required by the department. Such ~~The~~ transfer,
4357 merger, ~~or~~ consolidation, ~~of governmental services~~ or assumption
4358 ~~of governmental functions and activities~~ must occur between
4359 public employers. The current or former employer may pay the
4360 employees' past service cost, unless prohibited under this
4361 chapter. This subparagraph does not apply to the transfer,
4362 merger, or consolidation of governmental services or assumption
4363 of functions and activities of a public entity under a leasing

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4364 agreement having a coemployer relationship. Employers and
4365 employees of a public governmental employer whose service is
4366 covered by a leasing agreement under s. 112.922 ~~110.191~~, any
4367 other leasing agreement, or a coemployer relationship may not
4368 ~~are not eligible to~~ participate in the Florida Retirement
4369 System.

4370 2. If the agency to which a member's employing unit is
4371 transferred, merged, or consolidated does not participate in the
4372 Florida Retirement System, a member may elect in writing to
4373 remain in the ~~Florida Retirement~~ system or to transfer to the
4374 local retirement system operated by the agency. If the agency
4375 does not participate in a local retirement system, the member
4376 shall continue membership in the Florida Retirement System. In
4377 either case, membership continues for as long as the member is
4378 employed by the agency to which his or her unit was transferred,
4379 merged, or consolidated.

4380 Section 114. Paragraph (a) of subsection (1) of section
4381 121.055, Florida Statutes, is amended to read:

4382 121.055 Senior Management Service Class.—There is hereby
4383 established a separate class of membership within the Florida
4384 Retirement System to be known as the "Senior Management Service
4385 Class," which shall become effective February 1, 1987.

4386 (1) (a) Participation in the Senior Management Service
4387 Class is ~~shall be~~ limited to and compulsory for any member of
4388 the Florida Retirement System who holds a position in the Senior
4389 Management Service ~~of the State of Florida~~, established under ~~by~~
4390 part IV ~~III~~ of chapter 110, unless such member elects, within
4391 the time specified herein, to participate in the Senior

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4392 Management Service Optional Annuity Program as established in
4393 subsection (6).

4394 Section 115. Paragraph (a) of subsection (2) of section
4395 121.35, Florida Statutes, is amended to read:

4396 121.35 Optional retirement program for the State
4397 University System.—

4398 (2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

4399 (a) Participation in the optional retirement program is
4400 ~~provided by this section shall be~~ limited to persons who are
4401 otherwise eligible for membership or renewed membership in the
4402 Florida Retirement System and who are employed in one of the
4403 following State University System positions:

4404 1. Positions classified as instructional and research
4405 faculty which are exempt from the Civil ~~career~~ Service under ~~the~~
4406 ~~provisions of~~ s. 110.205(2)(d).

4407 2. Positions classified as administrative and professional
4408 which are exempt from the Civil ~~career~~ Service under ~~the~~
4409 ~~provisions of~~ s. 110.205(2)(d).

4410 3. The Chancellor and the university presidents.

4411 Section 116. Section 145.19, Florida Statutes, is amended
4412 to read:

4413 145.19 Annual percentage increases based on increase for
4414 civil ~~state career~~ service employees; limitation.—

4415 (1) As used in this section, the term:

4416 (a) "Annual factor" means 1 plus the lesser of:

4417 1. The average percentage increase in the salaries of
4418 civil ~~state career~~ service employees for the current fiscal year

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4419 as determined by the Department of Management Services or as
4420 provided in the General Appropriations Act; or

4421 2. Seven percent.

4422 (b) "Cumulative annual factor" means the product of all
4423 annual factors certified under this act before ~~prior to~~ the
4424 fiscal year for which salaries are being calculated.

4425 (c) "Initial factor" means a factor of 1.292, which is a
4426 product, rounded to the nearest thousandth, of an earlier cost-
4427 of-living increase factor authorized by chapter 73-173, Laws of
4428 Florida, and intended by the Legislature to be preserved in
4429 adjustments to salaries made before the ~~prior to~~ enactment of
4430 chapter 76-80, Laws of Florida, multiplied by the annual
4431 increase factor authorized by chapter 79-327, Laws of Florida.

4432 (2) Each fiscal year, the salaries of all officials listed
4433 in this chapter, s. 1001.395, and s. 1001.47 shall be adjusted.
4434 The adjusted salary rate is ~~shall be~~ the product, rounded to the
4435 nearest dollar, of the salary rate granted by the appropriate
4436 section of this chapter, s. 1001.395, or s. 1001.47 multiplied
4437 first by the initial factor, then by the cumulative annual
4438 factor, and finally by the annual factor. The Department of
4439 Management Services shall certify the annual factor and the
4440 cumulative annual factors. Any special qualification salary
4441 received under this chapter, s. 1001.47, or the annual
4442 performance salary incentive available to elected
4443 superintendents under s. 1001.47 shall be added to the ~~such~~
4444 adjusted salary rate. The special qualification salary is ~~shall~~
4445 be \$2,000, ~~but shall not exceed \$2,000.~~

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4446 Section 117. Subsection (2) of section 216.011, Florida
4447 Statutes, is amended to read:

4448 216.011 Definitions.—

4449 (2) For purposes of this chapter, terms related to the
4450 State Personnel System are ~~personnel affairs of the state~~ shall
4451 ~~be~~ defined as set forth in s. 110.1054 ~~110.107~~.

4452 Section 118. Paragraph (b) of subsection (10) of section
4453 216.181, Florida Statutes, is amended to read:

4454 216.181 Approved budgets for operations and fixed capital
4455 outlay.—

4456 (10)

4457 (b) Lump-sum salary bonuses may be provided only if
4458 specifically appropriated or provided pursuant to ~~s. 110.1245 or~~
4459 s. 216.1815.

4460 Section 119. Subsection (2) of section 260.0125, Florida
4461 Statutes, is amended to read:

4462 260.0125 Limitation on liability of private landowners
4463 whose property is designated as part of the statewide system of
4464 greenways and trails.—

4465 (2) A ~~Any~~ private landowner who consents to designation of
4466 his or her land as part of the statewide system of greenways and
4467 trails pursuant to s. 260.016(2)(d) without compensation is
4468 ~~shall be~~ considered a volunteer, as defined in s. 112.961
4469 ~~110.501~~, and is ~~shall be~~ covered by state liability protection
4470 pursuant to s. 768.28, ~~including s. 768.28(9)~~.

4471 Section 120. Section 287.175, Florida Statutes, is amended
4472 to read:

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4473 287.175 Penalties.—A violation of this part or a rule
4474 adopted hereunder, pursuant to applicable constitutional and
4475 statutory procedures, constitutes misuse of public position as
4476 defined in s. 112.313(6) and is punishable as provided in s.
4477 112.317. The Chief Financial Officer shall report incidents of
4478 suspected misuse to the Commission on Ethics, and the commission
4479 shall investigate possible violations of this part or rules
4480 adopted hereunder when reported by the Chief Financial Officer,
4481 notwithstanding the provisions of s. 112.324. Any violation of
4482 this part or a rule is adopted hereunder shall be presumed to
4483 have been committed with wrongful intent, but such presumption
4484 is rebuttable. ~~Nothing in~~ This section is not intended to deny
4485 rights provided to civil career service employees by s. 110.227.

4486 Section 121. Paragraph (a) of subsection (4) of section
4487 295.07, Florida Statutes, is amended to read:

4488 295.07 Preference in appointment and retention.—

4489 (4) The following positions are exempt from this section:

4490 (a) Those positions that are exempt from the Civil state
4491 ~~Career Service System~~ under s. 110.205 ~~(2)~~; However, all
4492 positions under the University Support Personnel System of the
4493 State University System as well as all civil Career service
4494 ~~System~~ positions under the Florida Community College System and
4495 the School for the Deaf and the Blind, or the equivalent of such
4496 positions at state universities, community colleges, or the
4497 School for the Deaf and the Blind, are included.

4498 Section 122. Paragraph (a) of subsection (1) of section
4499 295.09, Florida Statutes, is amended to read:

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4500 295.09 Reinstatement or reemployment; promotion
4501 preference.-

4502 (1) (a) ~~If~~ ~~When~~ an employee of the state or any of its
4503 political subdivisions employed in a position subject or not
4504 subject to a civil career service system or other merit-type
4505 system, with the exception of those positions that ~~which~~ are
4506 exempt pursuant to s. 295.07(4), has served in the Armed Forces
4507 of the United States and is discharged or separated ~~therefrom~~
4508 with an honorable discharge, the state or its political
4509 subdivision shall reemploy or reinstate such person to the same
4510 position that he or she held before ~~prior to~~ such service in the
4511 armed forces, or to an equivalent position, if ~~provided~~ such
4512 person returns to the position within 1 year after ~~of~~ his or her
4513 date of separation or, in cases of extended active duty, within
4514 1 year after ~~of~~ the date of discharge or separation subsequent
4515 to the extension. Such person shall also be awarded preference
4516 in promotion and shall be promoted ahead of all others who are
4517 as well qualified or less qualified for the position. ~~If~~ ~~When~~ an
4518 examination for promotion is used ~~utilized~~, such person shall be
4519 awarded preference points, as provided in s. 295.08, and shall
4520 be promoted ahead of all those who appear in an equal or lesser
4521 position on the promotional register if, ~~provided~~ he or she
4522 first successfully passes the examination for the promotional
4523 position.

4524 Section 123. Subsection (3) of section 296.04, Florida
4525 Statutes, is amended to read:

4526 296.04 Administrator; duties and qualifications;
4527 responsibilities.-

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4528 (3) The administrator position shall be assigned to the
4529 Selected Exempt Service under part III ¶ of chapter 110. The
4530 director shall give veterans' preference in selecting an
4531 administrator, as provided in ss. 295.07 and 295.085. In
4532 addition, the administrator must have at least a 4-year degree
4533 from an accredited university or college and 3 years of
4534 administrative experience in a health care facility, or any
4535 equivalent combination of experience, training, and education
4536 totaling 7 years in work relating to administration of a health
4537 care facility.

4538 Section 124. Subsection (2) of section 296.34, Florida
4539 Statutes, is amended to read:

4540 296.34 Administrator; qualifications, duties, and
4541 responsibilities.—

4542 (2) The position shall be assigned to the Selected Exempt
4543 Service under part III ¶ of chapter 110. The director shall give
4544 veterans' ~~veterans~~ preference in selecting an administrator, as
4545 provided in ss. 295.07 and 295.085. The administrator, at the
4546 time of entering employment and at all times while employed as
4547 the administrator, must hold a current valid license as a
4548 nursing home administrator under part II of chapter 468.

4549 Section 125. Subsection (2) of section 381.00315, Florida
4550 Statutes, is amended to read:

4551 381.00315 Public health advisories; public health
4552 emergencies.—The State Health Officer is responsible for
4553 declaring public health emergencies and issuing public health
4554 advisories.

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4555 (2) Individuals who assist the State Health Officer at his
4556 or her request on a volunteer basis during a public health
4557 emergency are entitled to the benefits specified in s.
4558 112.964(2)-(5) ~~110.504(2), (3), (4), and (5)~~.

4559 Section 126. Paragraph (e) of subsection (3) of section
4560 381.85, Florida Statutes, is amended to read:

4561 381.85 Biomedical and social research.—

4562 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL RESEARCH.—

4563 (e) The council shall be staffed by an executive director
4564 and a secretary who shall be appointed by the council and who
4565 are ~~shall be~~ exempt from ~~the provisions of~~ part II of chapter
4566 110 relating to the Civil Career Service System.

4567 Section 127. Paragraph (a) of subsection (3) of section
4568 394.47865, Florida Statutes, is amended to read:

4569 394.47865 South Florida State Hospital; privatization.—

4570 (3)(a) Current South Florida State Hospital employees who
4571 are affected by the privatization shall be given first
4572 preference for continued employment by the contractor. The
4573 department shall make reasonable efforts to find suitable job
4574 placements for employees who wish to remain within the state
4575 Civil Career Service System.

4576 Section 128. Section 402.3057, Florida Statutes, is
4577 amended to read:

4578 402.3057 Persons not required to be refingerprinted or
4579 rescreened.—Notwithstanding any other provision of law ~~to the~~
4580 ~~contrary notwithstanding~~, human resource personnel who have been
4581 fingerprinted or screened pursuant to chapters 393, 394, 397,
4582 402, and 409, and teachers and noninstructional personnel who

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4583 have been fingerprinted pursuant to chapter 1012, who have not
4584 been unemployed for more than 90 days thereafter, and who under
4585 the penalty of perjury attest to the completion of such
4586 fingerprinting or screening and to compliance with ~~the~~
4587 ~~provisions of this~~ section and the standards for good moral
4588 character as contained in ~~such provisions as~~ ss. 112.928
4589 ~~110.1127(3)~~, 393.0655(1), 394.457(6), 397.451, 402.305(2), and
4590 409.175(6), are shall not be required to be refingerprinted or
4591 rescreened in order to comply with any caretaker screening or
4592 fingerprinting requirements.

4593 Section 129. Paragraph (a) of subsection (2) of section
4594 402.55, Florida Statutes, is amended to read:

4595 402.55 Management fellows program.—

4596 (2) The departments are authorized to establish a
4597 management fellows program in order to provide highly qualified
4598 career candidates for key administrative and managerial
4599 positions in the departments. Such program shall include, but is
4600 not limited to:

4601 (a) The identification annually by the secretaries, the
4602 assistant secretaries, and the district administrator in each
4603 district of one high-potential civil ~~career~~ service employee
4604 each, to be designated and appointed to serve as a full-time
4605 health and rehabilitative services management fellow for a
4606 ~~period of~~ 1 year.

4607 Section 130. Subsection (4) of section 402.7305, Florida
4608 Statutes, is amended to read:

4609 402.7305 Department of Children and Family Services;
4610 procurement of contractual services; contract management.—

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4611 (4) CONTRACT MONITORING REQUIREMENTS AND PROCESS.—The
4612 department shall establish contract monitoring units staffed by
4613 civil ~~career~~ service employees who report to a member of the
4614 Selected Exempt Service or Senior Management Service and who
4615 have been properly trained to perform contract monitoring. At
4616 least one member of the contract monitoring unit must possess
4617 specific knowledge and experience in the contract's program
4618 area. The department shall establish a contract monitoring
4619 process that includes, but is not limited to, the following
4620 requirements:

4621 (a) Performing a risk assessment at the start of each
4622 fiscal year and preparing an annual contract monitoring schedule
4623 that considers the level of risk assigned. The department may
4624 monitor any contract at any time regardless of whether such
4625 monitoring was originally included in the annual contract
4626 monitoring schedule.

4627 (b) Preparing a contract monitoring plan, including
4628 sampling procedures, before performing onsite monitoring at
4629 external locations of a service provider. The plan must include
4630 a description of the programmatic, fiscal, and administrative
4631 components that will be monitored on site. If appropriate,
4632 clinical and therapeutic components may be included.

4633 (c) Conducting analyses of the performance and compliance
4634 of an external service provider by means of desk reviews if the
4635 external service provider will not be monitored on site during a
4636 fiscal year.

4637 (d) Unless the department sets forth in writing the need
4638 for an extension, providing a written report presenting the

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4639 results of the monitoring within 30 days after the completion of
4640 the onsite monitoring or desk review.

4641 (e) Developing and maintaining a set of procedures
4642 describing the contract monitoring process.

4643

4644 Notwithstanding any other provision of this section, the
4645 department shall limit monitoring of a child-caring or child-
4646 placing services provider under this subsection to only once per
4647 year. Such monitoring may not duplicate administrative
4648 monitoring that is included in the survey of a child welfare
4649 provider conducted by a national accreditation organization
4650 specified under s. 402.7306(1).

4651 Section 131. Subsection (2) of section 402.731, Florida
4652 Statutes, is amended to read:

4653 402.731 Department of Children and Family Services
4654 certification programs for employees and service providers;
4655 employment provisions for transition to community-based care.—

4656 (2) The department shall develop and implement employment
4657 programs to attract and retain competent staff to support and
4658 facilitate the transition to privatized community-based care.
4659 Such ~~employment~~ programs must ~~shall~~ include lump-sum bonuses,
4660 salary incentives, relocation allowances, or severance pay. The
4661 department shall also contract for the delivery or
4662 administration of outplacement services. The department shall
4663 establish time-limited exempt positions as provided in s.
4664 110.205(2)(f) ~~110.205(2)(i)~~, in accordance with the authority
4665 provided in s. 216.262(1)(c)1. Employees appointed to fill such

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4666 exempt positions shall have the same salaries and benefits as
4667 civil career service employees.

4668 Section 132. Section 409.1757, Florida Statutes, is
4669 amended to read:

4670 409.1757 Persons not required to be refingerprinted or
4671 rescreened. Notwithstanding any other provision of law to the
4672 ~~contrary notwithstanding~~, human resource personnel who have been
4673 fingerprinted or screened pursuant to chapters 393, 394, 397,
4674 402, and this chapter, and teachers who have been fingerprinted
4675 pursuant to chapter 1012, who have not been unemployed for more
4676 than 90 days thereafter, and who under the penalty of perjury
4677 attest to the completion of such fingerprinting or screening and
4678 to compliance with ~~the provisions of~~ this section and the
4679 standards for good moral character as contained in ~~such~~
4680 ~~provisions as~~ ss. 112.928 ~~110.1127(3)~~, 393.0655(1), 394.457(6),
4681 397.451, 402.305(2), and 409.175(6), are ~~shall~~ not be required
4682 to be refingerprinted or rescreened in order to comply with any
4683 caretaker screening or fingerprinting requirements.

4684 Section 133. Subsection (1) of section 409.9205, Florida
4685 Statutes, is amended to read:

4686 409.9205 Medicaid Fraud Control Unit.—

4687 (1) Except as provided in s. 110.205, all positions in the
4688 Medicaid Fraud Control Unit of the Department of Legal Affairs
4689 are ~~hereby~~ transferred to the Civil Career Service System.

4690 Section 134. Section 414.37, Florida Statutes, is amended
4691 to read:

4692 414.37 Public assistance overpayment recovery
4693 privatization; reemployment of laid-off ~~career service~~

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4694 employees.—Should civil ~~career~~ service employees of the
4695 Department of Children and Family Services be subject to layoff
4696 after July 1, 1995, due to the privatization of public
4697 assistance overpayment recovery functions, the privatization
4698 contract must ~~shall~~ require the contracting firm to give
4699 priority consideration to employment of such employees. In
4700 addition, a task force composed of representatives from the
4701 Department of Children and Family Services and the Department of
4702 Management Services shall be established to provide reemployment
4703 assistance to such employees.

4704 Section 135. Subsection (7) of section 427.012, Florida
4705 Statutes, is amended to read:

4706 427.012 The Commission for the Transportation
4707 Disadvantaged.—There is created the Commission for the
4708 Transportation Disadvantaged in the Department of
4709 Transportation.

4710 (7) The commission shall appoint an executive director who
4711 shall serve under the direction, supervision, and control of the
4712 commission. The executive director, with the consent of the
4713 commission, shall employ such personnel as ~~may be~~ necessary to
4714 perform adequately the functions of the commission within
4715 budgetary limitations. Employees of the commission are exempt
4716 from the Civil Career Service System.

4717 Section 136. Paragraph (o) of subsection (1) of section
4718 440.102, Florida Statutes, is amended to read:

4719 440.102 Drug-free workplace program requirements.—The
4720 following provisions apply to a drug-free workplace program

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4721 implemented pursuant to law or to rules adopted by the Agency
4722 for Health Care Administration:

4723 (1) DEFINITIONS.—Except where the context otherwise
4724 requires, as used in this act:

4725 (o) "Safety-sensitive position" means, with respect to a
4726 public employer, a position in which a drug impairment
4727 constitutes an immediate and direct threat to public health or
4728 safety, such as a position that requires the employee to carry a
4729 firearm, perform life-threatening procedures, work with
4730 confidential information or documents pertaining to criminal
4731 investigations, or work with controlled substances; a position
4732 subject to s. 112.928 ~~110.1127~~; or a position in which a
4733 momentary lapse in attention could result in injury or death to
4734 another person.

4735 Section 137. Subsection (2) of section 447.203, Florida
4736 Statutes, is amended to read:

4737 447.203 Definitions.—As used in this part:

4738 (2) "Public employer" or "employer" means the state or any
4739 county, municipality, or special district, or any subdivision or
4740 agency thereof, which the commission determines has sufficient
4741 legal distinctiveness ~~properly~~ to properly carry out the
4742 functions of a public employer. With respect to all public
4743 employees determined by the commission as properly belonging to
4744 a statewide bargaining unit composed of state civil Career
4745 service ~~System~~ employees or selected exempt ~~Professional~~ service
4746 employees, the Governor is ~~shall be deemed to be~~ the public
4747 employer; and the Board of Governors of the State University
4748 System, or the board's designee, is ~~shall be deemed to be~~ the

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4749 public employer with respect to all public employees of each
4750 constituent state university. The board of trustees of a
4751 community college ~~is shall be deemed to be~~ the public employer
4752 with respect to all employees of the community college. The
4753 district school board ~~is shall be deemed to be~~ the public
4754 employer with respect to all employees of the school district.
4755 The Board of Trustees of the Florida School for the Deaf and the
4756 Blind ~~is shall be deemed to be~~ the public employer with respect
4757 to the academic and academic administrative personnel of the
4758 Florida School for the Deaf and the Blind. The Governor ~~is shall~~
4759 ~~be deemed to be~~ the public employer with respect to all
4760 employees in the Correctional Education Program of the
4761 Department of Corrections established pursuant to s. 944.801.

4762 Section 138. Subsections (8) and (9) of section 447.207,
4763 Florida Statutes, are amended to read:

4764 447.207 Commission; powers and duties.—

4765 (8) The commission or its designated agent shall hear
4766 appeals arising out of any suspension, reduction in pay,
4767 demotion, or dismissal of any permanent employee in the Civil
4768 ~~State Career Service System~~ in the manner provided in s.
4769 110.227.

4770 (9) Pursuant to s. 447.208, the commission or its
4771 designated agent shall hear appeals, and enter such orders as it
4772 deems appropriate, arising out of:

4773 ~~(a) Section 110.124, relating to termination or transfer~~
4774 ~~of State Career Service System employees aged 65 or older.~~

4775 ~~(a)-(b)~~ Section 112.044(4), relating to age discrimination.

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4776 **(b)**~~(e)~~ Section 295.11, relating to reasons for not
4777 employing a preferred veteran applicant.

4778 Section 139. Section 447.209, Florida Statutes, is amended
4779 to read:

4780 447.209 Public employer's rights.—It is the right of the
4781 public employer to determine unilaterally the purpose of each of
4782 its constituent agencies, set standards of services to be
4783 offered to the public, and exercise control and discretion over
4784 its organization and operations. It is also the right of the
4785 public employer to direct its employees, take disciplinary
4786 action for proper cause, and relieve its employees from duty
4787 because of lack of work or for other legitimate reasons.
4788 However, the exercise of such rights does ~~shall~~ not preclude
4789 employees or their representatives from raising grievances,
4790 should decisions on the above matters have the practical
4791 consequence of violating the terms and conditions of any
4792 collective bargaining agreement in force or any civil ~~or career~~
4793 service rule ~~regulation~~.

4794 Section 140. Section 447.401, Florida Statutes, is amended
4795 to read:

4796 447.401 Grievance procedures.—Each public employer and
4797 bargaining agent shall negotiate a grievance procedure to be
4798 used for the settlement of disputes between employer and
4799 employee, or group of employees, involving the interpretation or
4800 application of a collective bargaining agreement. Such grievance
4801 procedure shall have as its terminal step a final and binding
4802 disposition by an impartial neutral, mutually selected by the
4803 parties; however, if ~~when~~ the issue under appeal is an

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4804 allegation of abuse, abandonment, or neglect by an employee
4805 under s. 39.201 or s. 415.1034, the grievance may not be decided
4806 until the abuse, abandonment, or neglect of a child has been
4807 judicially determined. However, an arbiter or other neutral may
4808 ~~shall not have the power to~~ add to, subtract from, modify, or
4809 alter the terms of a collective bargaining agreement. If an
4810 employee organization is certified as the bargaining agent of a
4811 unit, the grievance procedure ~~then~~ in existence may be the
4812 subject of collective bargaining, and any agreement that ~~which~~
4813 is reached supersedes ~~shall supersede~~ the previously existing
4814 procedure. All public employees shall have the right to a fair
4815 and equitable grievance procedure administered without regard to
4816 membership or nonmembership in any organization, except that
4817 certified employee organizations may ~~shall~~ not be required to
4818 process grievances for employees who are not members of the
4819 organization. A civil career service employee may use ~~shall have~~
4820 ~~the option of utilizing~~ the civil service appeal procedure, an
4821 unfair labor practice procedure, or a grievance procedure
4822 established under this section, but such employee may not avail
4823 ~~is precluded from availing~~ himself or herself of ~~to~~ more than
4824 one of these procedures.

4825 Section 141. Paragraph (a) of subsection (2) of section
4826 456.048, Florida Statutes, is amended to read:

4827 456.048 Financial responsibility requirements for certain
4828 health care practitioners.—

4829 (2) The board or department may grant exemptions upon
4830 application by practitioners meeting any of the following
4831 criteria:

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4832 (a) Any person licensed under chapter 457, s. 458.3475, s.
4833 459.023, chapter 460, chapter 461, s. 464.012, chapter 466, or
4834 chapter 467 who practices exclusively as an officer, employee,
4835 or agent of the Federal Government or of the state or its
4836 agencies or its subdivisions. For the purposes of this
4837 subsection, an agent of the state, its agencies, or its
4838 subdivisions is a person who is eligible for coverage under any
4839 self-insurance or insurance program authorized by ~~the provisions~~
4840 ~~of~~ s. 768.28(16) or who is a volunteer as defined in s. 112.961
4841 ~~under s. 110.501(1).~~

4842 Section 142. Section 551.116, Florida Statutes, is amended
4843 to read:

4844 551.116 Days and hours of operation.—Slot machine gaming
4845 areas may be open daily throughout the year. The slot machine
4846 gaming areas may be open a total ~~cumulative amount~~ of 18 hours
4847 per day on Monday through Friday, ~~and~~ 24 hours per day on
4848 Saturday and Sunday, ~~and~~ on those holidays specified in s.
4849 112.929 ~~110.117(1).~~

4850 Section 143. Subsection (29) of section 570.07, Florida
4851 Statutes, is amended to read:

4852 570.07 Department of Agriculture and Consumer Services;
4853 functions, powers, and duties.—The department shall have and
4854 exercise the following functions, powers, and duties:

4855 (29) To advance funds monthly to civil ~~career~~ service
4856 employees to be used for the purchase of official state samples
4857 for state examination. Each monthly advance shall be ~~in an~~
4858 ~~amount~~ equal to one-twelfth of the actual expenses paid the
4859 position for samples in the previous fiscal year or, in the case

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4860 of a new position, one-twelfth of the expenses paid for samples
4861 of a similar classification in the previous fiscal year;
4862 however, in the event of unusual circumstances, such advances
4863 may be increased for up to a period not to exceed 60 days.
4864 Advances shall be granted only to civil career service employees
4865 who have executed a proper power of attorney with the department
4866 to ensure the collection of such advances if not timely repaid.

4867 Section 144. Paragraph (b) of subsection (3) of section
4868 601.10, Florida Statutes, is amended to read:

4869 601.10 Powers of the Department of Citrus.—The Department
4870 of Citrus shall have and shall exercise such general and
4871 specific powers as are delegated to it by this chapter and other
4872 statutes of the state, which powers shall include, but shall not
4873 be confined to, the following:

4874 (3) To employ and, at its pleasure, discharge an executive
4875 director as it deems necessary and to outline his or her powers
4876 and duties and fix his or her compensation.

4877 (b) The Department of Citrus may pay, or participate in
4878 the payment of, premiums for health, accident, and life
4879 insurance for its full-time employees, pursuant to such rules ~~or~~
4880 ~~regulations~~ as it may adopt; and such payments are in addition
4881 to the regular salaries of such full-time employees. The payment
4882 of such or similar benefits to its employees in foreign
4883 countries, including, but not limited to, social security,
4884 retirement, and other similar fringe benefit costs, may be in
4885 accordance with laws in effect in the country of employment,
4886 except that ~~no benefits will be payable to employees not~~

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4887 authorized for other state employees are not payable to its
4888 employees, as provided in the Civil Career Service System.

4889 Section 145. Subsection (6) of section 624.307, Florida
4890 Statutes, is amended to read:

4891 624.307 General powers; duties.-

4892 (6) The department and office may each employ actuaries
4893 who shall be at-will employees and who shall serve at the
4894 pleasure of the Chief Financial Officer, in the case of
4895 department employees, or at the pleasure of the director of the
4896 office, in the case of office employees. Actuaries employed
4897 pursuant to this paragraph must ~~shall~~ be members of the Society
4898 of Actuaries or the Casualty Actuarial Society and are ~~shall be~~
4899 exempt from the Civil Career Service System established under
4900 chapter 110. The salaries of the actuaries employed pursuant to
4901 this paragraph ~~shall be set in accordance with s.~~
4902 ~~216.251(2)(a)5.~~ and shall be set at levels ~~which are~~
4903 commensurate with those ~~salary levels~~ paid to actuaries by the
4904 insurance industry.

4905 Section 146. Subsection (3) of section 624.437, Florida
4906 Statutes, is amended to read:

4907 624.437 "Multiple-employer welfare arrangement" defined;
4908 certificate of authority required; penalty.-

4909 (3) This section does not apply to a multiple-employer
4910 welfare arrangement that ~~which~~ offers or provides benefits that
4911 ~~which~~ are fully insured by an authorized insurer, to an
4912 arrangement that ~~which~~ is exempt from state insurance regulation
4913 in accordance with Pub. L. No. 93-406, the Employee Retirement

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4914 Income Security Act, or to the state group health insurance
4915 program administered under s. 112.942 ~~pursuant to s. 110.123.~~

4916 Section 147. Paragraph (h) of subsection (4) of section
4917 627.6488, Florida Statutes, is amended to read:

4918 627.6488 Florida Comprehensive Health Association.-

4919 (4) The association shall:

4920 (h) Contract with preferred provider organizations and
4921 health maintenance organizations giving due consideration to
4922 ~~those the preferred provider organizations and health~~
4923 ~~maintenance~~ organizations that ~~which~~ have contracted with the
4924 state group health insurance program pursuant to s. 112.942
4925 ~~110.123~~. If cost-effective and available in the county where the
4926 policyholder resides, the board, upon application or renewal of
4927 a policy, shall place a high-risk individual, as established
4928 under s. 627.6498(4)(a)4., with the plan case manager who shall
4929 determine the most cost-effective quality care system or health
4930 care provider and shall place the individual in such system or
4931 with such health care provider. If cost-effective and available
4932 in the county where the policyholder resides, the board, with
4933 the consent of the policyholder, may place a low-risk or medium-
4934 risk individual, as established under s. 627.6498(4)(a)4., with
4935 the plan case manager who may determine the most cost-effective
4936 quality care system or health care provider and shall place the
4937 individual in such system or with such health care provider.
4938 Before ~~Prior to~~ and during the implementation of case
4939 management, the plan case manager shall obtain input from the
4940 policyholder, parent, or guardian.

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4941 Section 148. Paragraph (a) of subsection (1) of section
4942 627.649, Florida Statutes, is amended to read:

4943 627.649 Administrator.—

4944 (1) The board shall select an administrator, through a
4945 competitive bidding process, to administer the plan. The board
4946 shall evaluate bids submitted under this subsection based on
4947 criteria established by the board, which criteria shall include:

4948 (a) The administrator's proven ability to handle large
4949 group accident and health insurance, ~~and~~ Due consideration
4950 shall be given to an ~~any~~ administrator who has acted as a third-
4951 party administrator for the state group health insurance program
4952 pursuant to s. 112.942 ~~110.123~~.

4953 Section 149. Paragraph (a) of subsection (2) and
4954 subsection (3) of section 627.6498, Florida Statutes, are
4955 amended to read:

4956 627.6498 Minimum benefits coverage; exclusions; premiums;
4957 deductibles.—

4958 (2) BENEFITS.—

4959 (a) The plan shall offer major medical expense coverage
4960 similar to that provided by the state group health insurance
4961 program under s. 112.942, ~~as defined in s. 110.123~~ except as
4962 specified in subsection (3), to every eligible person who is not
4963 eligible for Medicare. Major medical expense coverage offered
4964 under the plan must ~~shall~~ pay an eligible person's covered
4965 expenses, subject to limits on the deductible and coinsurance
4966 payments authorized under subsection (4), up to a lifetime limit
4967 of \$500,000 per covered individual. The maximum limit may ~~under~~
4968 this paragraph ~~shall~~ not be altered by the board, and an ~~no~~

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4969 actuarially equivalent benefit may not be substituted by the
4970 board.

4971 (3) COVERED EXPENSES.—The coverage ~~to be~~ issued by the
4972 association must ~~shall~~ be patterned after the state group health
4973 insurance program as provided in s. 112.942 ~~defined in s.~~
4974 ~~110.123~~, including its benefits, exclusions, and other
4975 limitations, except as otherwise provided in this act. The plan
4976 may cover the cost of experimental drugs that ~~which~~ have been
4977 approved for use by the Food and Drug Administration on an
4978 experimental basis if the cost is less than the usual and
4979 customary treatment. Such coverage applies ~~shall~~ only ~~apply~~ to
4980 those insureds who are in the case management system upon the
4981 approval of the insured, the case manager, and the board.

4982 Section 150. Subsection (4) of section 627.6617, Florida
4983 Statutes, is amended to read:

4984 627.6617 Coverage for home health care services.—

4985 (4) ~~The provisions of~~ This section does ~~shall~~ not apply to
4986 a multiple-employer welfare arrangement as defined in s.
4987 624.437(1) and in the State Health Plan as provided in s.
4988 112.942 ~~110.123~~.

4989 Section 151. Paragraph (d) of subsection (2) of section
4990 627.6686, Florida Statutes, is amended to read:

4991 627.6686 Coverage for individuals with autism spectrum
4992 disorder required; exception.—

4993 (2) As used in this section, the term:

4994 (d) "Health insurance plan" means a group health insurance
4995 policy or group health benefit plan offered by an insurer which
4996 includes the state group insurance program provided under s.

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4997 | 112.942 ~~110.123~~. The term does not include a any health
4998 | insurance plan offered in the individual market which, ~~any~~
4999 | ~~health insurance plan that~~ is individually underwritten, ~~or any~~
5000 | ~~health insurance plan~~ provided to a small employer.

5001 | Section 152. Paragraph (b) of subsection (7) of section
5002 | 849.086, Florida Statutes, is amended to read:

5003 | 849.086 Cardrooms authorized.—

5004 | (7) CONDITIONS FOR OPERATING A CARDROOM.—

5005 | (b) A ~~Any~~ cardroom operator may operate a cardroom at the
5006 | pari-mutuel facility daily throughout the year, if the
5007 | permitholder meets the requirements under paragraph (5) (b). The
5008 | cardroom may be open a total ~~cumulative amount~~ of 18 hours per
5009 | day on Monday through Friday, ~~and~~ 24 hours per day on Saturday
5010 | and Sunday, and on the holidays specified in s. 112.929
5011 | ~~110.117(1)~~.

5012 | Section 153. Paragraph (a) of subsection (4) of section
5013 | 943.0585, Florida Statutes, is amended to read:

5014 | 943.0585 Court-ordered expunction of criminal history
5015 | records.—The courts of this state have jurisdiction over their
5016 | own procedures, including the maintenance, expunction, and
5017 | correction of judicial records containing criminal history
5018 | information to the extent such procedures are not inconsistent
5019 | with the conditions, responsibilities, and duties established by
5020 | this section. Any court of competent jurisdiction may order a
5021 | criminal justice agency to expunge the criminal history record
5022 | of a minor or an adult who complies with the requirements of
5023 | this section. The court shall not order a criminal justice
5024 | agency to expunge a criminal history record until the person

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5025 seeking to expunge a criminal history record has applied for and
5026 received a certificate of eligibility for expunction pursuant to
5027 subsection (2). A criminal history record that relates to a
5028 violation of s. 393.135, s. 394.4593, s. 787.025, chapter 794,
5029 s. 796.03, s. 800.04, s. 810.14, s. 817.034, s. 825.1025, s.
5030 827.071, chapter 839, s. 847.0133, s. 847.0135, s. 847.0145, s.
5031 893.135, s. 916.1075, a violation enumerated in s. 907.041, or
5032 any violation specified as a predicate offense for registration
5033 as a sexual predator pursuant to s. 775.21, without regard to
5034 whether that offense alone is sufficient to require such
5035 registration, or for registration as a sexual offender pursuant
5036 to s. 943.0435, may not be expunged, without regard to whether
5037 adjudication was withheld, if the defendant was found guilty of
5038 or pled guilty or nolo contendere to the offense, or if the
5039 defendant, as a minor, was found to have committed, or pled
5040 guilty or nolo contendere to committing, the offense as a
5041 delinquent act. The court may only order expunction of a
5042 criminal history record pertaining to one arrest or one incident
5043 of alleged criminal activity, except as provided in this
5044 section. The court may, at its sole discretion, order the
5045 expunction of a criminal history record pertaining to more than
5046 one arrest if the additional arrests directly relate to the
5047 original arrest. If the court intends to order the expunction of
5048 records pertaining to such additional arrests, such intent must
5049 be specified in the order. A criminal justice agency may not
5050 expunge any record pertaining to such additional arrests if the
5051 order to expunge does not articulate the intention of the court
5052 to expunge a record pertaining to more than one arrest. This

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5053 section does not prevent the court from ordering the expunction
5054 of only a portion of a criminal history record pertaining to one
5055 arrest or one incident of alleged criminal activity.
5056 Notwithstanding any law to the contrary, a criminal justice
5057 agency may comply with laws, court orders, and official requests
5058 of other jurisdictions relating to expunction, correction, or
5059 confidential handling of criminal history records or information
5060 derived therefrom. This section does not confer any right to the
5061 expunction of any criminal history record, and any request for
5062 expunction of a criminal history record may be denied at the
5063 sole discretion of the court.

5064 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.—Any
5065 criminal history record of a minor or an adult which is ordered
5066 expunged by a court of competent jurisdiction pursuant to this
5067 section must be physically destroyed or obliterated by any
5068 criminal justice agency having custody of such record; except
5069 that any criminal history record in the custody of the
5070 department must be retained in all cases. A criminal history
5071 record ordered expunged that is retained by the department is
5072 confidential and exempt from the provisions of s. 119.07(1) and
5073 s. 24(a), Art. I of the State Constitution and not available to
5074 any person or entity except upon order of a court of competent
5075 jurisdiction. A criminal justice agency may retain a notation
5076 indicating compliance with an order to expunge.

5077 (a) The person who is the subject of a criminal history
5078 record that is expunged under this section or under other
5079 provisions of law, including former s. 893.14, former s. 901.33,
5080 and former s. 943.058, may lawfully deny or fail to acknowledge

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5081 | the arrests covered by the expunged record, unless ~~except when~~
5082 | the subject of the record:

- 5083 | 1. Is a candidate for employment with a criminal justice
5084 | agency;
- 5085 | 2. Is a defendant in a criminal prosecution;
- 5086 | 3. Concurrently or subsequently petitions for relief under
5087 | this section or s. 943.059;
- 5088 | 4. Is a candidate for admission to The Florida Bar;
- 5089 | 5. Is seeking to be employed or licensed by or to contract
5090 | with the Department of Children and Family Services, the Agency
5091 | for Health Care Administration, the Agency for Persons with
5092 | Disabilities, or the Department of Juvenile Justice or to be
5093 | employed or used by such contractor or licensee in a sensitive
5094 | position having direct contact with children, the
5095 | developmentally disabled, the aged, or the elderly as provided
5096 | in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
5097 | 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
5098 | 415.102(5), chapter 916, s. 985.644, chapter 400, or chapter
5099 | 429;
- 5100 | 6. Is seeking to be employed or licensed by the Department
5101 | of Education, any district school board, any university
5102 | laboratory school, any charter school, any private or parochial
5103 | school, or any local governmental entity that licenses child
5104 | care facilities; or
- 5105 | 7. Is seeking authorization from a seaport listed in s.
5106 | 311.09 for employment within or access to one or more of such
5107 | seaports pursuant to s. 311.12.

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5108 Section 154. Paragraph (a) of subsection (4) of section
5109 943.059, Florida Statutes, is amended to read:
5110 943.059 Court-ordered sealing of criminal history
5111 records.—The courts of this state shall continue to have
5112 jurisdiction over their own procedures, including the
5113 maintenance, sealing, and correction of judicial records
5114 containing criminal history information to the extent such
5115 procedures are not inconsistent with the conditions,
5116 responsibilities, and duties established by this section. Any
5117 court of competent jurisdiction may order a criminal justice
5118 agency to seal the criminal history record of a minor or an
5119 adult who complies with the requirements of this section. The
5120 court shall not order a criminal justice agency to seal a
5121 criminal history record until the person seeking to seal a
5122 criminal history record has applied for and received a
5123 certificate of eligibility for sealing pursuant to subsection
5124 (2). A criminal history record that relates to a violation of s.
5125 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
5126 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
5127 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
5128 916.1075, a violation enumerated in s. 907.041, or any violation
5129 specified as a predicate offense for registration as a sexual
5130 predator pursuant to s. 775.21, without regard to whether that
5131 offense alone is sufficient to require such registration, or for
5132 registration as a sexual offender pursuant to s. 943.0435, may
5133 not be sealed, without regard to whether adjudication was
5134 withheld, if the defendant was found guilty of or pled guilty or
5135 nolo contendere to the offense, or if the defendant, as a minor,

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5136 | was found to have committed or pled guilty or nolo contendere to
5137 | committing the offense as a delinquent act. The court may only
5138 | order sealing of a criminal history record pertaining to one
5139 | arrest or one incident of alleged criminal activity, except as
5140 | provided in this section. The court may, at its sole discretion,
5141 | order the sealing of a criminal history record pertaining to
5142 | more than one arrest if the additional arrests directly relate
5143 | to the original arrest. If the court intends to order the
5144 | sealing of records pertaining to such additional arrests, such
5145 | intent must be specified in the order. A criminal justice agency
5146 | may not seal any record pertaining to such additional arrests if
5147 | the order to seal does not articulate the intention of the court
5148 | to seal records pertaining to more than one arrest. This section
5149 | does not prevent the court from ordering the sealing of only a
5150 | portion of a criminal history record pertaining to one arrest or
5151 | one incident of alleged criminal activity. Notwithstanding any
5152 | law to the contrary, a criminal justice agency may comply with
5153 | laws, court orders, and official requests of other jurisdictions
5154 | relating to sealing, correction, or confidential handling of
5155 | criminal history records or information derived therefrom. This
5156 | section does not confer any right to the sealing of any criminal
5157 | history record, and any request for sealing a criminal history
5158 | record may be denied at the sole discretion of the court.

5159 | (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
5160 | history record of a minor or an adult which is ordered sealed by
5161 | a court of competent jurisdiction pursuant to this section is
5162 | confidential and exempt from the provisions of s. 119.07(1) and
5163 | s. 24(a), Art. I of the State Constitution and is available only

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5164 to the person who is the subject of the record, to the subject's
5165 attorney, to criminal justice agencies for their respective
5166 criminal justice purposes, which include conducting a criminal
5167 history background check for approval of firearms purchases or
5168 transfers as authorized by state or federal law, to judges in
5169 the state courts system for the purpose of assisting them in
5170 their case-related decisionmaking responsibilities, as set forth
5171 in s. 943.053(5), or to those entities set forth in
5172 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
5173 licensing, access authorization, and employment purposes.

5174 (a) The subject of a criminal history record sealed under
5175 this section or under other provisions of law, including former
5176 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
5177 deny or fail to acknowledge the arrests covered by the sealed
5178 record, unless ~~except when~~ the subject of the record:

- 5179 1. Is a candidate for employment with a criminal justice
5180 agency;
- 5181 2. Is a defendant in a criminal prosecution;
- 5182 3. Concurrently or subsequently petitions for relief under
5183 this section or s. 943.0585;
- 5184 4. Is a candidate for admission to The Florida Bar;
- 5185 5. Is seeking to be employed or licensed by or to contract
5186 with the Department of Children and Family Services, the Agency
5187 for Health Care Administration, the Agency for Persons with
5188 Disabilities, or the Department of Juvenile Justice or to be
5189 employed or used by such contractor or licensee in a sensitive
5190 position having direct contact with children, the
5191 developmentally disabled, the aged, or the elderly as provided

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5192 in s. 112.928 ~~110.1127(3)~~, s. 393.063, s. 394.4572(1), s.
5193 397.451, s. 402.302(3), s. 402.313(3), s. 409.175(2)(i), s.
5194 415.102(5), s. 415.103, chapter 916, s. 985.644, chapter 400, or
5195 chapter 429;

5196 6. Is seeking to be employed or licensed by the Department
5197 of Education, any district school board, any university
5198 laboratory school, any charter school, any private or parochial
5199 school, or any local governmental entity that licenses child
5200 care facilities;

5201 7. Is attempting to purchase a firearm from a licensed
5202 importer, licensed manufacturer, or licensed dealer and is
5203 subject to a criminal history check under state or federal law;
5204 or

5205 8. Is seeking authorization from a Florida seaport
5206 identified in s. 311.09 for employment within or access to one
5207 or more of such seaports pursuant to s. 311.12.

5208 Section 155. Subsection (2) of section 945.043, Florida
5209 Statutes, is amended to read:

5210 945.043 Department-operated day care services.—

5211 (2) The department is exempt from s. 112.918 ~~the~~
5212 ~~requirements of s. 110.151.~~

5213 Section 156. Subsection (1) of section 946.525, Florida
5214 Statutes, is amended to read:

5215 946.525 Participation by the corporation in the state
5216 group health insurance and prescription drug programs.—

5217 (1) The board of directors of the corporation established
5218 under this part may apply for participation in the state group
5219 health insurance program authorized under s. 112.942 ~~in s.~~

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5220 ~~110.123~~ and the prescription drug coverage program authorized
5221 under s. 112.946 ~~by s. 110.12315~~ by submitting an application
5222 along with a \$500 nonrefundable fee to the Department of
5223 Management Services.

5224 Section 157. Paragraph (e) of subsection (4) of section
5225 985.045, Florida Statutes, is amended to read:

5226 985.045 Court records.—

5227 (4) A court record of proceedings under this chapter is
5228 not admissible in evidence in any other civil or criminal
5229 proceeding, except that:

5230 (e) Records of proceedings under this chapter may be used
5231 to prove disqualification under ss. 112.928 ~~110.1127~~, 393.0655,
5232 394.457, 397.451, 402.305, 402.313, 409.175, 409.176, and
5233 985.644.

5234 Section 158. Paragraph (k) of subsection (2) of section
5235 1001.705, Florida Statutes, is amended to read:

5236 1001.705 Responsibility for the State University System
5237 under s. 7, Art. IX of the State Constitution.—

5238 (2) CONSTITUTIONAL DUTIES OF THE BOARD OF GOVERNORS OF THE
5239 STATE UNIVERSITY SYSTEM.—In accordance with s. 7, Art. IX of the
5240 State Constitution, the Board of Governors of the State
5241 University System has the duty to operate, regulate, control,
5242 and be fully responsible for the management of the whole
5243 publicly funded State University System and the board, or the
5244 board's designee, has responsibility for:

5245 (k) Establishing a personnel system for all state
5246 university employees; however, the Department of Management
5247 Services shall retain authority over state university employees

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5248 for programs established in ss. 112.942 ~~110.123~~, 112.947
5249 ~~110.1232~~, 112.948 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951
5250 ~~110.161~~, and in chapters 121, 122, and 238.

5251 Section 159. Paragraph (b) of subsection (6) of section
5252 1001.706, Florida Statutes, is amended to read:

5253 1001.706 Powers and duties of the Board of Governors.—

5254 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

5255 (b) The Department of Management Services shall retain
5256 authority over state university employees for programs
5257 established in ss. 112.942 ~~110.123~~, 112.947 ~~110.1232~~, 112.948
5258 ~~110.1234~~, 112.949 ~~110.1238~~, and 112.951 ~~110.161~~ and in chapters
5259 121, 122, and 238. Unless specifically authorized by law,
5260 neither the Board of Governors nor a state university may offer
5261 group insurance programs for employees as a substitute for or as
5262 an alternative to the health insurance programs offered pursuant
5263 to chapter 112 ~~110~~.

5264 Section 160. Paragraph (f) of subsection (4) and paragraph
5265 (f) of subsection (8) of section 1002.36, Florida Statutes, are
5266 amended to read:

5267 1002.36 Florida School for the Deaf and the Blind.—

5268 (4) BOARD OF TRUSTEES.—

5269 (f) The board of trustees shall:

5270 1. Prepare and submit legislative budget requests for
5271 operations and fixed capital outlay, in accordance with chapter
5272 216 and ss. 1011.56 and 1013.60, to the Department of Education
5273 for review and approval. The department must analyze the amount
5274 requested for fixed capital outlay to determine if the request
5275 is consistent with the school's campus master plan, educational

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5276 plant survey, and facilities master plan. Projections of
5277 facility space needs may exceed the norm space and occupant
5278 design criteria established in the State Requirements for
5279 Educational Facilities.

5280 2. Approve and administer an annual operating budget in
5281 accordance with ss. 1011.56 and 1011.57.

5282 3. Require all funds received other than gifts, donations,
5283 bequests, funds raised by or belonging to student clubs or
5284 student organizations, and funds held for specific students or
5285 in accounts for individual students to be deposited in the State
5286 Treasury and expended as authorized in the General
5287 Appropriations Act.

5288 4. Require all purchases to be in accordance with ~~the~~
5289 ~~provisions of~~ chapter 287 except for purchases made with funds
5290 received as gifts, donations, or bequests; funds raised by or
5291 belonging to student clubs or student organizations; or funds
5292 held for specific students or in accounts for individual
5293 students.

5294 5. Administer and maintain personnel programs for all
5295 employees of the board of trustees and the Florida School for
5296 the Deaf and the Blind who shall be state employees, including
5297 the personnel classification and pay plan established in
5298 accordance with ss. 110.205(2)(s) ~~110.205(2)(d)~~ and
5299 216.251(2)(a)2. for academic and academic administrative
5300 personnel, the provisions of chapter 110, and the provisions of
5301 law that grant authority to the Department of Management
5302 Services over such programs for state employees.

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- 5303 6. Give preference in appointment and retention in
5304 positions of employment as provided within s. 295.07(1).
5305 7. Ensure that the Florida School for the Deaf and the
5306 Blind complies with s. 1013.351 concerning the coordination of
5307 planning between the Florida School for the Deaf and the Blind
5308 and local governing bodies.
5309 8. Ensure that the Florida School for the Deaf and the
5310 Blind complies with s. 112.061 concerning per diem and travel
5311 expenses of public officers, employees, and authorized persons
5312 with respect to all funds other than funds received as gifts,
5313 donations, or bequests; funds raised by or belonging to student
5314 clubs or student organizations; or funds held for specific
5315 students or in accounts for individual students.
5316 9. Adopt a master plan that ~~which~~ specifies the mission
5317 and objectives of the Florida School for the Deaf and the Blind.
5318 The plan shall include, but not be limited to, procedures for
5319 systematically measuring the school's progress toward meeting
5320 its objectives, analyzing changes in the student population, and
5321 modifying school programs and services to respond to such
5322 changes. The plan shall be for a period of 5 years and shall be
5323 reviewed for needed modifications every 2 years. The board of
5324 trustees shall submit the initial plan and subsequent
5325 modifications to the Speaker of the House of Representatives and
5326 the President of the Senate.
5327 10. Designate a portion of the school as "The Verle Allyn
5328 Pope Complex for the Deaf," in tribute to the late Senator Verle
5329 Allyn Pope.
5330 (8) CAMPUS POLICE.—

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5331 (f) The board of trustees shall adopt rules, including,
5332 without limitation, rules for the appointment, employment, and
5333 removal of campus police in accordance with the Civil State
5334 ~~Career Service under chapter 110, System~~ and shall establish in
5335 writing a policy manual, that includes, without limitation,
5336 procedures for managing routine law enforcement situations and
5337 emergency law enforcement situations. The board of trustees
5338 shall furnish a copy of the policy manual to each of the campus
5339 police officers it employs. A campus police officer appointed by
5340 the board of trustees must have completed the training required
5341 by the school in the special needs and proper procedures for
5342 dealing with students served by the school.

5343 Section 161. Section 1012.62, Florida Statutes, is amended
5344 to read:

5345 1012.62 Transfer of sick leave and annual leave.—In
5346 implementing ~~the provisions of~~ ss. 402.22(1)(d) and
5347 1001.42(4)(m), educational personnel in Department of Children
5348 and Family Services residential care facilities who are employed
5349 by a district school board may request, and the district school
5350 board shall accept, a lump-sum transfer of accumulated sick
5351 leave for such personnel to the maximum allowed by policies of
5352 the district school board, notwithstanding ~~the provisions of~~ s.
5353 112.913 ~~110.122~~. Educational personnel in Department of Children
5354 and Family Services residential care facilities who are employed
5355 by a district school board under ~~the provisions of~~ s.
5356 402.22(1)(d) may request, and the district school board shall
5357 accept, a lump-sum transfer of accumulated annual leave for each
5358 person employed by the district school board in a position in

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5359 the district eligible to accrue vacation leave under the
5360 policies of the district school board.

5361 Section 162. Subsection (5) of section 1012.79, Florida
5362 Statutes, is amended to read:

5363 1012.79 Education Practices Commission; organization.—

5364 (5) The commission, by a vote of three-fourths of the
5365 membership, shall employ an executive director, who shall be
5366 exempt from the Civil ~~career~~ Service. The executive director may
5367 be dismissed by a majority vote of the membership.

5368 Section 163. Subsection (6) of section 1012.88, Florida
5369 Statutes, is amended to read:

5370 1012.88 Florida College System institution police.—

5371 (6) The Florida College System institution, with the
5372 approval of the Department of Law Enforcement, shall adopt
5373 rules, including, without limitation, rules for the appointment,
5374 employment, and removal of Florida College System institution
5375 police in accordance with the Civil ~~state Career~~ Service under
5376 chapter 110, System and shall establish in writing a policy
5377 manual, that includes, without limitation, procedures for
5378 managing routine law enforcement situations and emergency law
5379 enforcement situations. The Florida College System institution
5380 shall furnish a copy of the policy manual to each of the police
5381 officers it employs.

5382 Section 164. Section 1012.96, Florida Statutes, is amended
5383 to read:

5384 1012.96 IFAS extension personnel; federal health insurance
5385 ~~programs notwithstanding the provisions of s. 110.123.—~~

5386 Notwithstanding s. 112.942, the Institute of Food and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5387 Agricultural Sciences at the University of Florida may pay the
5388 employer's share of premiums to the Federal Health Benefits
5389 Insurance Program from its appropriated budget for any
5390 cooperative extension employee of the institute having both
5391 state and federal appointments and participating in the Federal
5392 Civil Service Retirement System.

5393 Section 165. On or before December 31, 2012, the
5394 Department of Management Services shall provide to the Executive
5395 Office of the Governor, the President of the Senate, and the
5396 Speaker of the House of Representatives a proposal to
5397 restructure and modernize the leave benefits of the State
5398 Personnel System. The proposal shall consider current leave
5399 policies of the state's private-sector employers and provide
5400 recommendations that will more closely align the state's leave
5401 benefits with those of the private sector, ensure better
5402 management of benefits, and leverage leave benefit expenditures
5403 to maximize the state's return on investment to competitively
5404 recruit and retain a high-performing workforce.

5405 Section 166. This act shall take effect July 1, 2012.

5406

5407

5408

T I T L E A M E N D M E N T

5409 Remove the entire title and insert:

5411 A bill to be entitled

5412 An act relating to state employment; providing
5413 directives to the Division of Statutory Revision;
5414 amending s. 110.105, F.S.; revising provisions

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5415 relating to the establishment of the State Personnel
5416 System; transferring, renumbering, reordering, and
5417 amending s. 110.107, F.S.; revising definitions
5418 relating to ch. 110, F.S.; amending s. 110.1055, F.S.;
5419 revising the rulemaking authority of the Department of
5420 Management Services; creating s. 110.1056, F.S.;
5421 providing for agency audits to determine compliance
5422 with laws and rules; transferring, renumbering, and
5423 amending s. 110.405, F.S.; revising provisions
5424 relating to the appointment of ad hoc advisory
5425 committees; creating s. 110.1065, F.S.; providing the
5426 employment policies of the State Personnel System;
5427 authorizing the department to adopt rules;
5428 transferring, renumbering, and amending s. 110.233,
5429 F.S.; conforming provisions to changes made by the
5430 act; authorizing the department to adopt rules;
5431 amending s. 110.1099, F.S.; revising provisions
5432 relating to educational opportunities for employees;
5433 transferring, renumbering, and amending s. 110.235,
5434 F.S.; revising provisions relating to training
5435 employees; authorizing the department to adopt rules;
5436 amending s. 110.112, F.S.; revising provisions
5437 relating to equal employment opportunities;
5438 authorizing the department to adopt rules; creating s.
5439 110.1135, F.S.; requiring state agencies to keep
5440 accurate records of work performed and leave; amending
5441 s. 110.116, F.S.; revising provisions relating to
5442 maintaining human resource information; authorizing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5443 the department to adopt rules; amending s. 110.1245,
5444 F.S.; revising provisions relating to bonuses and
5445 other awards; authorizing the department to adopt
5446 rules; amending s. 110.125, F.S.; revising provisions
5447 relating to payment for the administrative costs of
5448 operating the personnel program; authorizing the
5449 department to adopt rules; amending s. 110.126, F.S.;
5450 revising provisions relating to the department's
5451 authority to administer oaths; authorizing the
5452 department to adopt rules; amending s. 110.127, F.S.;
5453 revising provisions relating to penalties; authorizing
5454 the department to adopt rules; transferring,
5455 renumbering, and amending s. 110.2037, F.S.; revising
5456 provisions relating to tax-sheltered and special
5457 compensation benefits; authorizing the department to
5458 adopt rules; transferring, renumbering, and amending
5459 s. 110.201, F.S., relating to personnel rules,
5460 records, and reports; deleting provisions requiring
5461 the department, in consultation with affected
5462 agencies, to develop certain personnel rules,
5463 guidelines, records, and reports relating to employees
5464 and positions in the career service; creating s.
5465 110.184, F.S.; revising provisions relating to the
5466 department's annual workforce report; providing a
5467 directive to the Division of Statutory Revision;
5468 creating s. 110.202, F.S.; providing a declaration of
5469 policy with respect to the establishment of the Civil
5470 Service; amending s. 110.205, F.S.; revising

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5471 provisions relating to the list of positions that are
5472 exempted from the Civil Service; authorizing the
5473 department to adopt rules; creating s. 110.208, F.S.;
5474 providing for a uniform classification system for
5475 civil service positions; creating s. 110.2085, F.S.;
5476 providing a pay plan for civil service positions;
5477 authorizing the department to adopt rules; amending s.
5478 110.211, F.S.; revising provisions relating to
5479 recruitment; authorizing the department to adopt
5480 rules; amending s. 110.213, F.S.; revising provisions
5481 relating to selecting a candidate for employment;
5482 authorizing the department to adopt rules; amending s.
5483 110.2135, F.S.; revising provisions relating to
5484 veterans' preference; authorizing the department to
5485 adopt rules; amending s. 110.215, F.S.; revising
5486 provisions relating to employing persons with
5487 disabilities; authorizing the department to adopt
5488 rules; amending s. 110.217, F.S.; revising provisions
5489 relating to a change in an employee's position status;
5490 amending s. 110.219, F.S.; revising provisions
5491 relating to attendance and leave policies; amending s.
5492 110.221, F.S.; conforming provisions to changes made
5493 by the act; authorizing the department to adopt rules;
5494 amending s. 110.224, F.S.; revising provisions
5495 relating to employee evaluation; amending s. 110.227,
5496 F.S.; revising provisions relating to employee
5497 grievances; authorizing the department to adopt rules;
5498 providing a directive to the Division of Statutory

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5499 Revision; transferring, renumbering, and amending s.
5500 110.601, F.S.; revising provisions relating to
5501 selected exempt service policy; transferring,
5502 renumbering, and amending s. 110.602, F.S.; revising
5503 provisions relating to the creation of the Selected
5504 Exempt Service; transferring, renumbering, and
5505 amending s. 110.605, F.S.; revising provisions
5506 relating to the powers and duties of the department;
5507 creating s. 110.3023, F.S.; providing for the
5508 recruitment of selected exempt service staff;
5509 providing a directive to the Division of Statutory
5510 Revision; amending s. 110.401, F.S.; revising
5511 provisions relating to policies for senior management
5512 employees; amending s. 110.402, F.S.; revising
5513 provisions relating to the establishment of the Senior
5514 Management Service; amending s. 110.403, F.S.;
5515 revising provisions relating to the duties of the
5516 department with respect to the Senior Management
5517 Service; creating s. 110.4035, F.S.; providing
5518 recruitment requirements for senior management service
5519 employees; providing a directive to the Division of
5520 Statutory Revision; creating s. 112.906, F.S.;
5521 providing definitions for part IX of ch. 112, F.S.,
5522 relating to state employment; transferring,
5523 renumbering, and amending s. 110.131, F.S.; revising
5524 the duties of state agencies with respect to the
5525 employment of other-personal-services employees;
5526 authorizing state agencies having rulemaking authority

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5527 with respect to the conditions of employment to adopt
5528 rules; transferring, renumbering, and amending s.
5529 110.1315, F.S.; revising a provision relating to
5530 other-personal-services employment; authorizing the
5531 Department of Financial Services to adopt rules;
5532 transferring and renumbering s. 110.1128, F.S.,
5533 relating to selective service registration; creating
5534 s. 112.910, F.S.; providing for equal employment
5535 opportunity; creating s. 112.911, F.S.; providing for
5536 nondiscrimination in employment; transferring,
5537 renumbering, and amending s. 110.1221, F.S.; revising
5538 provisions relating to the state sexual harassment
5539 policy; transferring, renumbering, and amending s.
5540 110.122, F.S.; revising provisions relating to payment
5541 for sick leave; transferring, renumbering, and
5542 amending s. 110.121, F.S.; revising provisions
5543 relating to the sick leave pool; transferring,
5544 renumbering, and amending s. 110.119, F.S.; revising
5545 provisions relating to administrative leave for a
5546 service-connected disability; transferring,
5547 renumbering, and amending ss. 110.120 and 110.1091,
5548 F.S.; conforming provisions to changes made by the
5549 act; transferring, renumbering, and amending s.
5550 110.151, F.S.; revising provisions relating to child
5551 care services provided by a state agency;
5552 transferring, renumbering, and amending s. 110.181,
5553 F.S.; revising provisions relating to the Florida
5554 State Employees' Charitable Campaign; requiring state

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5555 officers and employees to designate a charitable
5556 organization to receive certain charitable
5557 contributions; deleting provisions relating to the
5558 establishment of local steering committees and the
5559 distribution of funds; transferring, renumbering, and
5560 amending s. 110.1225, F.S.; revising provisions
5561 relating to agency furloughs; transferring and
5562 renumbering s. 110.1155, F.S., relating to travel to
5563 certain countries lacking diplomatic relations with
5564 the United States; transferring, renumbering, and
5565 amending s. 110.191, F.S.; revising provisions
5566 relating to state employee leasing; transferring,
5567 renumbering, and amending s. 110.1082, F.S.; revising
5568 provisions related to telephone use; transferring,
5569 renumbering, and amending s. 110.1165, F.S.; revising
5570 provisions relating to executive branch personnel
5571 errors; transferring, renumbering, and amending s.
5572 110.113, F.S.; revising provisions relating to pay
5573 periods; requiring state employees to participate in
5574 the direct deposit program; transferring and
5575 renumbering s. 110.114, F.S., relating to employee
5576 wage deductions; creating s. 112.927, F.S.;
5577 authorizing the Department of Management Services to
5578 use its human resource information system for resource
5579 functionality; transferring, renumbering, and amending
5580 s. 110.1127, F.S.; revising provisions relating to
5581 background screening; transferring, renumbering, and
5582 amending s. 110.117, F.S.; revising provisions

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5583 relating to an employee's personal holiday; creating
5584 s. 112.930, F.S.; providing a telework program;
5585 creating s. 112.931, F.S.; providing requirements for
5586 the savings sharing program; transferring and
5587 renumbering s. 110.1156, F.S., relating to the export
5588 of goods to countries that support terrorism; creating
5589 s. 112.933, F.S.; providing penalties for violations
5590 relating to state employment; providing a directive to
5591 the Division of Statutory Revision; transferring,
5592 renumbering, and amending ss. 110.1227 and 110.1228,
5593 F.S.; conforming cross-references; transferring,
5594 renumbering, and amending s. 110.123, F.S., relating
5595 to the state group insurance program; conforming
5596 terminology and making editorial changes;
5597 transferring, renumbering, and amending s. 110.12301,
5598 F.S.; conforming a cross-reference; transferring and
5599 renumbering s. 110.12302, F.S., relating to costing
5600 options for state group insurance plans; transferring,
5601 renumbering, and amending s. 110.12312, F.S.;
5602 conforming cross-references; transferring and
5603 renumbering s. 110.12315, F.S., relating to the state
5604 employees' prescription drug program; transferring,
5605 renumbering, and amending s. 110.1232, F.S.;
5606 conforming cross-references; transferring and
5607 renumbering s. 110.1234, F.S., relating to health
5608 insurance for retirees under the Florida Retirement
5609 System; transferring and renumbering s. 110.1238,
5610 F.S., relating to state group health insurance plans;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5611 transferring and renumbering s. 110.1239, F.S.,
5612 relating to funding for the state group health
5613 insurance program; transferring, renumbering, and
5614 amending s. 110.161, F.S.; conforming a cross-
5615 reference; creating s. 112.952, F.S.; providing for
5616 penalties; providing a directive to the Division of
5617 Statutory Revision; transferring, renumbering,
5618 reordering, and amending s. 110.501, F.S.; revising
5619 definitions relating to state volunteer services;
5620 transferring, renumbering, and amending s. 110.502,
5621 F.S.; revising provisions relating to volunteer
5622 status; transferring, renumbering, and amending s.
5623 110.503, F.S.; revising provisions relating to state
5624 agency responsibilities; transferring, renumbering,
5625 and amending s. 110.504, F.S.; revising provisions
5626 relating to volunteer benefits; creating s. 112.965,
5627 F.S.; providing for penalties; repealing s. 110.115,
5628 F.S., relating to employees of historical commissions;
5629 repealing s. 110.118, F.S., relating to administrative
5630 leave for athletic competitions; repealing s. 110.124,
5631 F.S., relating to the termination or transfer of
5632 employees 65 years of age or older; repealing s.
5633 110.129, F.S., relating to technical personnel
5634 assistance to political subdivisions; repealing s.
5635 110.1521, F.S., relating to a short title; repealing
5636 s. 110.1522, F.S., relating to a model rule
5637 establishing family support personnel policies;
5638 repealing s. 110.1523, F.S., relating to the adoption

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5639 of the model rule; repealing s. 110.171, F.S.,
5640 relating to telecommuting; repealing s. 110.2035,
5641 F.S., relating to the classification and compensation
5642 program for employment positions; repealing s. 110.21,
5643 F.S., relating to shared employment; repealing s.
5644 110.406, F.S., relating to senior management service
5645 data collection; repealing s. 110.603, F.S., relating
5646 to a classification plan and pay bands for selected
5647 exempt service positions; repealing s. 110.604, F.S.,
5648 relating to certain personnel actions for selected
5649 exempt service employees; repealing s. 110.606, F.S.,
5650 relating to selected exempt service data collection;
5651 amending ss. 11.13, 20.055, 20.21, 20.23, 20.255,
5652 24.105, 24.122, 30.071, 43.16, 104.31, 106.24,
5653 112.044, 112.0805, 112.313, 112.3145, 112.363,
5654 121.021, 121.051, 121.055, 121.35, 145.19, 216.011,
5655 216.181, 260.0125, 287.175, 295.07, 295.09, 296.04,
5656 296.34, 381.00315, 381.85, 394.47865, 402.3057,
5657 402.55, 402.7305, 402.731, 409.1757, 409.9205, 414.37,
5658 427.012, 440.102, 447.203, 447.207, 447.209, 447.401,
5659 456.048, 551.116, 570.07, 601.10, 624.307, 624.437,
5660 627.6488, 627.649, 627.6498, 627.6617, 627.6686,
5661 849.086, 943.0585, 943.059, 945.043, 946.525, 985.045,
5662 1001.705, 1001.706, 1002.36, 1012.62, 1012.79,
5663 1012.88, and 1012.96, F.S.; conforming provisions to
5664 changes made by the act; requiring the department to
5665 provide a proposal to restructure and modernize the
5666 leave benefits of the State Personnel System to the

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1261 (2012)

Amendment No.

5667 Executive Office of the Governor, the President of the
5668 Senate, and the Speaker of the House of
5669 Representatives; providing an effective date.

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

HB 1305 : Pub. Rec./Officers-Elect

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz	X				
Ana Logan	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson	X				
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg	X				
Cynthia Stafford	X				
Barbara Watson	X				
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Pitts, Brian - Waive In Support
 Trustee-Justice-2-Jesus
 1119 Newton Avenue South
 S. Petersburg Florida 33705
 Phone: 727-897-9291

COMMITTEE MEETING REPORT
Government Operations Subcommittee
1/25/2012 8:00:00AM

Location: 306 HOB

PCB GVOPS 12-10 : State Retirement

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Larry Ahern	X				
Douglas Broxson	X				
Jeff Clemens	X				
Janet Cruz			X		
Ana Logan			X		
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Bryan Nelson			X		
H. Marlene O'Toole	X				
Kenneth Roberson	X				
Irving Slosberg		X			
Cynthia Stafford		X			
Barbara Watson		X			
Dana Young	X				
Jimmy Patronis (Chair)	X				
Total Yeas: 9		Total Nays: 3			

Appearances:

State Retirement
 Parkerson, Dean - Waive In Opposition
 Florida Professional Firefighters
 345 Madison
 Tallahassee FL
 Phone: 305-525-6250

State Retirement
 Suarez, Robert (Lobbyist) - Opponent
 Florida Professional Firefighters
 345 W Madison
 Tallahassee FL

Committee meeting was reported out: Wednesday, January 25, 2012 12:00:51PM

COMMITTEE/SUBCOMMITTEE AMENDMENT
PCB Name: PCB GVOPS 12-10 (2012)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing PCB: Government Operations
2 Subcommittee
3 Representative Patronis offered the following:

4
5 **Amendment**
6 Between lines 493 and 494, insert:
7 121.4501 Florida Retirement System Investment Plan.-
8