

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1344

SPONSOR: Senator Saunders

SUBJECT: Preference in appointment and retention of public employees

DATE: April 12, 2001 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cooper	Yeatman	CA	Favorable
2.	Wilson	Wilson	GO	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill eliminates the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to “the veterans’ preference” for appointment and retention for positions of employment in state and local governments provided for in chapter 295, F.S.

This bill amends section 295.07 of the Florida Statutes.

II. Present Situation:

The Florida “veterans’ preference” law was enacted in 1947. Chapter 24201, L.O.F., provided that honorably discharged war veterans, their wives, and widows “be entered ahead of all others having the same rating.”

This law is now found in s. 110.2135 and ch. 295, F.S. Section 295.07, F.S., provides that the state and its political subdivisions must give preference in appointment and retention in positions of employment to certain disabled veterans, certain spouses of disabled veterans, veterans of specified wars and un-remarried widows or widowers of veterans who died of a service-connected disability.

While the term "political subdivision" is not defined in Chapter 295, F.S., the term is generally defined in s. 1.01(8), F.S., to include:

[C]ounties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.

A person must be a Florida resident to be eligible for veterans' preference for this benefit.

Section 295.07(2), F.S., requires the Department of Veterans' Affairs to adopt rules to ensure that veterans are given special consideration in the employing agency's selection and retention processes. The rules must include the award of point values as articulated in s. 295.08, F.S., if applicable, or, where point values are not relevant, must include procedures to ensure that veterans are given special consideration at each step of the employment selection process, unless the sponsoring governmental entity is a party to a collective bargaining agreement, in which case the collective bargaining agreement must comply within 90 days following ratification of a successor collective bargaining agreement or extension of any existing collective bargaining agreement.

The following positions are exempt from the veterans' preference law:

- Positions that are exempt from the state Career Service System under s. 110.205(2), F.S., except for positions in the University Support Personnel System of the State University System and all career service positions within the state's community colleges and the School for the Deaf and the Blind;
- Positions in political subdivisions of the state that are filled by elected officers or persons appointed to fill vacancies in such offices and the personal secretary of each such officer;
- Members of boards and commissions;
- Persons employed on a temporary basis without benefits;
- City managers and county managers;
- Heads of departments;
- Management positions;
- Policy-making positions;
- Positions that require licensure as a physician, osteopathic physician, chiropractic physician; and
- Positions that require the employee be a member of the Florida Bar.

III. Effect of Proposed Changes:

Section 1 amends s. 295.07(4), F.S., to delete the exemption of the positions of city and county managers, management positions, and policymaking positions from being subject to the veterans' preference requirements.

Section 2 provides that the act will take effect July 1, 2001.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Qualified veterans will receive preference in hiring or retention for the following positions of employment in state and local governments: city and county managers, management positions, and policymaking positions.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.