

755-105BX-21

Bill No. CS/HB 65

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11 Representative(s) Brutus offered the following:

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Amendment (with title amendment)

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On page 1, line 12, of the bill

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16 insert:

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Section 1. Section 295.07, Florida Statutes, is amended to read:

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295.07 Preference in appointment and retention.--

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(1) The state and political subdivisions in the state shall give preference in appointment and retention in positions of employment to:

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(a) Those disabled veterans:

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1. Who have served on active duty in any branch of the Armed Forces of the United States, have been separated

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therefrom under honorable conditions, and have established the present existence of a service-connected disability which is

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compensable under public laws administered by the United

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States ~~U.S.~~ Department of Veterans ~~Veterans~~ Affairs, or

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2. Who are receiving compensation, disability

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retirement benefits, or pension by reason of public laws

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1 administered by the United States ~~U.S.~~ Department of Veterans
2 ~~Veterans'~~ Affairs and the Department of Defense.

3 (b) The spouse of any person who has a total
4 disability, permanent in nature, resulting from a
5 service-connected disability and who, because of this
6 disability, cannot qualify for employment, and the spouse of
7 any person missing in action, captured in line of duty by a
8 hostile force, or forcibly detained or interned in line of
9 duty by a foreign government or power.

10 (c) A veteran of any war as defined in s. 1.01(14).

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

13 (2) The Department of Veterans' Affairs shall adopt
14 rules to ensure that veterans are given special consideration
15 in the employing agency's selection and retention processes.
16 The rules must include the award of point values as
17 articulated in s. 295.08, if applicable, or, where point
18 values are not relevant, must include procedures to ensure
19 that veterans are given special consideration at each step of
20 the employment selection process, unless the sponsoring
21 governmental entity is a party to a collective bargaining
22 agreement, in which case the collective bargaining agreement
23 must comply within 90 days following ratification of a
24 successor collective bargaining agreement or extension of any
25 existing collective bargaining agreement.

26 (3) Preference in employment and retention may be
27 given only to eligible persons who are described in subsection
28 (1) and who are residents of this state.

29 (4) All select exempt positions shall be advertised in
30 either the Florida Administrative Weekly or through the State
31 of Florida electronic job advertisement site or through both

1 mediums.

2 (5)~~(4)~~ The following positions are exempt from this
3 section:

4 (a) Those positions that are exempt from the state
5 Career Service System under s. 110.205(2); however, all
6 positions under the University Support Personnel System of the
7 State University System as well as all Career Service System
8 positions under the Florida Community College System and the
9 School for the Deaf and the Blind are included.

10 (b) Positions in political subdivisions of the state
11 which are filled by officers elected by popular vote or
12 persons appointed to fill vacancies in such offices and the
13 personal secretary of each such officer, members of boards and
14 commissions, persons employed on a temporary basis without
15 benefits, heads of departments, positions that require
16 licensure as a physician, licensure as an osteopathic
17 physician, licensure as a chiropractic physician, and
18 positions that require that the employee be a member of The
19 Florida Bar.

20 (6) The executive director of the Department of
21 Veterans' Affairs shall fill any vacant select exempt position
22 in the department with a qualified veteran as defined in
23 subsection (1). In the event no qualified veteran has applied
24 by the closing date, the executive director may offer the
25 position to a nonveteran applicant.

26 Section 2. Section 295.085, Florida Statutes, is
27 amended to read:

28 295.085 Positions for which a numerically based
29 selection process is not used.--In all positions in which the
30 appointment or employment of persons is not subject to a
31 written examination, with the exception of positions that are

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1 exempt under s. 295.07(5)~~(4)~~, first preference in appointment,
2 employment, and retention shall be given by the state and
3 political subdivisions in the state to persons included under
4 s. 295.07(1)(a) and (b), and second preference shall be given
5 to persons included under s. 295.07(1)(c) and (d) who possess
6 the minimum qualifications necessary to discharge the duties
7 of the position involved.

8 Section 3. Paragraph (a) of subsection (1) of section
9 295.09, Florida Statutes, is amended to read:

10 295.09 Reinstatement or reemployment; promotion
11 preference.--

12 (1)(a) When an employee of the state or any of its
13 political subdivisions employed in a position subject or not
14 subject to a career service system or other merit-type system,
15 with the exception of those positions which are exempt
16 pursuant to s. 295.07(5)~~(4)~~, has served in the Armed Forces of
17 the United States and is discharged or separated therefrom
18 with an honorable discharge, the state or its political
19 subdivision shall reemploy or reinstate such person to the
20 same position that he or she held prior to such service in the
21 armed forces, or to an equivalent position, provided such
22 person returns to the position within 1 year of his or her
23 date of separation or, in cases of extended active duty,
24 within 1 year of the date of discharge or separation
25 subsequent to the extension. Such person shall also be awarded
26 preference in promotion and shall be promoted ahead of all
27 others who are as well qualified or less qualified for the
28 position. When an examination for promotion is utilized, such
29 person shall be awarded preference points, as provided in s.
30 295.08, and shall be promoted ahead of all those who appear in
31 an equal or lesser position on the promotional register,

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1 provided he or she first successfully passes the examination
2 for the promotional position.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, lines 2-3,
8 remove: all of said lines

9
10 and insert:

11 An act relating to public employment; amending
12 s. 295.07, F.S.; requiring all select exempt
13 positions to be advertised; requiring vacant
14 select exempt positions in the Department of
15 Veterans' Affairs to be filled with qualified
16 veterans; providing an exception; amending ss.
17 295.085 and 295.09, F.S.; conforming cross
18 references;

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