

Committee Substitute for Senate Bill No. 844

An act relating to state employees; amending s. 39.8296, F.S.; requiring that the Justice Administrative Commission approve the classification plan and salary and benefits for employees of the Statewide Guardian Ad Litem Office; amending s. 43.16, F.S.; providing that the employees of the Justice Administrative Commission are exempt from the Career Service System and not included in the Senior Management Service or Selected Exempt Service; requiring that such employees be offered benefits comparable to those of the Career Service System, with certain exceptions; requiring that the commission annually submit information concerning certain positions to the Executive Office of the Governor and the Legislature; providing that changes in such positions or level of benefits are subject to requirements for notice and objection; amending s. 110.123, F.S.; specifying the amount of the employer contribution to employee health savings accounts for the 2006-2007 fiscal year; amending s. 110.12315, F.S.; continuing the current schedules of copayments for the prescription drug program for state employees; deleting obsolete provisions; amending s. 110.2035, F.S.; requiring that the Department of Management Services conduct wage and salary surveys in consultation with the Executive Office of the Governor and legislative appropriations committees; requiring that an employing agency advise the Executive Office of the Governor and the Legislature of pay additives before the date of implementation; prohibiting pay additives for a cohort of positions unless specifically authorized by the Legislature and not in conflict with any collective bargaining agreement for that cohort of positions; requiring that the Department of Management Services annually report pay additives to the Executive Office of the Governor and the Legislature; amending s. 112.061, F.S.; prohibiting the use of moneys from the State Treasury for per diem or subsistence related to Class C travel; providing an effective date.

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

Section 1. Subsection (2) of section 39.8296, Florida Statutes, is amended to read:

39.8296 Statewide Guardian Ad Litem Office; legislative findings and intent; creation; appointment of executive director; duties of office.—

(2) STATEWIDE GUARDIAN AD LITEM OFFICE.—There is created a Statewide Guardian Ad Litem Office within the Justice Administrative Commission. The Justice Administrative Commission shall provide administrative support and service to the office to the extent requested by the executive director within the available resources of the commission. The Statewide Guardian Ad Litem Office shall not be subject to control, supervision, or direction by the Justice Administrative Commission in the performance of its duties, but the employees of the office shall be governed by the

classification plan and salary and benefits plan approved by the Justice Administrative Commission.

(a) The head of the Statewide Guardian Ad Litem Office is the executive director, who shall be appointed by the Governor from a list of a minimum of three eligible applicants submitted by a Guardian Ad Litem Qualifications Committee. The Guardian Ad Litem Qualifications Committee shall be composed of five persons, two persons appointed by the Governor, two persons appointed by the Chief Justice of the Supreme Court, and one person appointed by the Statewide Guardian Ad Litem Association. The committee shall provide for statewide advertisement and the receiving of applications for the position of executive director. The Governor shall appoint an executive director from among the recommendations, or the Governor may reject the nominations and request the submission of new nominees. The executive director must have knowledge in dependency law and knowledge of social service delivery systems available to meet the needs of children who are abused, neglected, or abandoned. The executive director shall serve on a full-time basis and shall personally, or through representatives of the office, carry out the purposes and functions of the Statewide Guardian Ad Litem Office in accordance with state and federal law. The executive director shall report to the Governor. The executive director shall serve a 3-year term, subject to removal for cause by the Governor. Any person appointed to serve as the executive director may be permitted to serve more than one term.

(b) The Statewide Guardian Ad Litem Office shall, within available resources, have oversight responsibilities for and provide technical assistance to all guardian ad litem and attorney ad litem programs located within the judicial circuits.

1. The office shall identify the resources required to implement methods of collecting, reporting, and tracking reliable and consistent case data.

2. The office shall review the current guardian ad litem programs in Florida and other states.

3. The office, in consultation with local guardian ad litem offices, shall develop statewide performance measures and standards.

4. The office shall develop a guardian ad litem training program. The office shall establish a curriculum committee to develop the training program specified in this subparagraph. The curriculum committee shall include, but not be limited to, dependency judges, directors of circuit guardian ad litem programs, active certified guardians ad litem, a mental health professional who specializes in the treatment of children, a member of a child advocacy group, a representative of the Florida Coalition Against Domestic Violence, and a social worker experienced in working with victims and perpetrators of child abuse.

5. The office shall review the various methods of funding guardian ad litem programs, shall maximize the use of those funding sources to the extent possible, and shall review the kinds of services being provided by circuit guardian ad litem programs.

6. The office shall determine the feasibility or desirability of new concepts of organization, administration, financing, or service delivery designed to preserve the civil and constitutional rights and fulfill other needs of dependent children.

7. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court an interim report describing the progress of the office in meeting the goals as described in this section. No later than October 1, 2004, the office shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court a proposed plan including alternatives for meeting the state's guardian ad litem and attorney ad litem needs. This plan may include recommendations for less than the entire state, may include a phase-in system, and shall include estimates of the cost of each of the alternatives. Each year thereafter, the office shall provide a status report and provide further recommendations to address the need for guardian ad litem services and related issues.

Section 2. Subsection (4) of section 43.16, Florida Statutes, is amended to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(4)(a) The Justice Administrative Commission shall employ an executive director and fix his or her salary. The executive director shall employ any necessary personnel for the efficient performance of the commission according to a classification and pay plan annually approved by the commission.

(b) All employees of or within the commission are exempt from the Career Service System provided in chapter 110 and, notwithstanding s. 110.205(5), are not included in the Senior Management Service or the Selected Exempt Service. The commission shall annually approve a classification plan and salary and benefits plan.

(c) Employees in permanent positions must be offered benefits comparable to those offered under the Career Service System.

(d) The commission may offer benefits in excess of those offered under the Career Service System only to employees who are appointed to positions designated as having managerial or policymaking duties or positions requiring membership in The Florida Bar.

(e) By January 15th of each year, the commission shall submit to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a listing of all positions receiving benefits greater than those benefits offered under the Career Service System. Any change in the positions that are offered greater benefits or any change in the level of benefits is subject to the notice and objection procedures of s. 216.177.

Section 3. Subsection (12) of section 110.123, Florida Statutes, is amended to read:

110.123 State group insurance program.—

(12) HEALTH SAVINGS ACCOUNTS.—The department is authorized to establish health savings accounts for full-time and part-time state employees in association with a health insurance plan option authorized by the Legislature and conforming to the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

(a)1. A member participating in this health insurance plan option shall be eligible to receive an employer contribution into the employee’s health savings account from the State Employees Health Insurance Trust Fund in an amount to be determined by the Legislature. A member is not eligible for an employer contribution upon termination of employment. For the 2006-2007 ~~2005-2006~~ fiscal year, the state’s monthly contribution for employees having individual coverage shall be \$41.66 and the monthly contribution for employees having family coverage shall be \$83.33.

2. A member participating in this health insurance plan option shall be eligible to deposit the member’s own funds into a health savings account.

(b) The monthly premiums paid by the employer for a member participating in this health insurance plan option shall include an amount equal to the monthly employer contribution authorized by the Legislature for that fiscal year.

(c) The health savings accounts shall be administered in accordance with the requirements and limitations of federal provisions relating to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

Section 4. Subsection (7) of section 110.12315, Florida Statutes, is amended to read:

110.12315 Prescription drug program.—The state employees’ prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(7) Under the state employees’ prescription drug program copayments must be made as follows:

~~(a) Effective January 1, 2004, through December 31, 2005:~~

- ~~1. For generic drug with card \$10.~~
- ~~2. For preferred brand name drug with card \$25.~~
- ~~3. For nonpreferred brand name drug with card \$40.~~
- ~~4. For generic mail order drug \$20.~~
- ~~5. For preferred brand name mail order drug \$50.~~

~~6. For nonpreferred brand name mail order drug \$80.~~

~~(a)(b)~~ Effective January 1, 2006, ~~through December 31, 2006~~, for the State Group Health Insurance Standard Plan:

- 1. For generic drug with card \$10.
- 2. For preferred brand name drug with card \$25.
- 3. For nonpreferred brand name drug with card \$40.
- 4. For generic mail order drug \$20.
- 5. For preferred brand name mail order drug \$50.
- 6. For nonpreferred brand name mail order drug \$80.

~~(b)(c)~~ Effective January 1, 2006, ~~through December 31, 2006~~, for the State Group Health Insurance High Deductible Plan:

- 1. Retail coinsurance for generic drug with card 30%.
- 2. Retail coinsurance for preferred brand name drug with card . . 30%.
- 3. Retail coinsurance for nonpreferred brand name drug with card 50%.
- 4. Mail order coinsurance for generic drug 30%.
- 5. Mail order coinsurance for preferred brand name drug 30%.
- 6. Mail order coinsurance for nonpreferred brand name drug . . . 50%.

~~(c)(d)~~ The Department of Management Services shall create a preferred brand name drug list to be used in the administration of the state employees' prescription drug program.

Section 5. Subsection (6) of section 110.2035, Florida Statutes, is amended to read:

110.2035 Classification and compensation program.—

(6) The department shall establish and maintain an equitable pay plan applicable to all occupations and shall be responsible for the overall review, coordination, and administration of the pay plan.

(a) The department shall provide for broad, market-based pay bands for occupations and shall establish guidelines for the employing agencies to move employees through these pay bands. The employing agencies may determine the appropriate salary within the pay bands and guidelines adopted by the department. Such pay bands, and the assignment of broad-band levels to positions, shall not constitute rules within the meaning of s. 120.52.

(b) The department, in consultation with the Executive Office of the Governor and the legislative appropriations committees, shall conduct wage

and salary surveys as necessary for the purpose of achieving the goal of an equitable, competitive, market-based pay policy.

(c) The department shall establish, by rule, guidelines with respect to, and shall delegate to the employing agencies, where appropriate, the authority to administer the following:

1. Shift differentials.
2. On-call fees.
3. Hazardous-duty pay.
4. Salary increase and decrease corrections.
5. Lead-worker pay.
6. Temporary special duties pay.
7. Trainer-additive pay.
8. Competitive area differentials.
9. Critical market pay.

The employing agency must use such pay additives as are appropriate within the guidelines established by the department and consistent with the directions of the Legislature contained in the General Appropriations Act. ~~The employing agency and shall advise the department, the Executive Office of the Governor, and the Legislature in writing of the plan for implementing such pay additives prior to the implementation date. An agency may not implement any pay additive to a cohort of positions sharing job classifications or job occupations unless the Legislature has specifically authorized such pay additives and such pay additives do not conflict with any collective bargaining agreement for that specific cohort of positions.~~ Any action by an employing agency to implement temporary special duties pay, competitive area differentials, or critical market pay may be implemented only after the department has reviewed and recommended such action; however, an employing agency may use temporary special duties pay for up to 3 months without prior review by the department. The department shall annually provide to the Executive Office of the Governor and the Legislature a summary report of the pay additives implemented pursuant to this section.

Section 6. Subsection (15) is added to section 112.061, Florida Statutes, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(15) CLASS C TRAVEL.—Moneys appropriated from the State Treasury may not be used to pay per diem or subsistence related to Class C travel.

Section 7. This act shall take effect July 1, 2006.

Approved by the Governor May 25, 2006.

Filed in Office Secretary of State May 25, 2006.