

## CHAPTER 2010-79

### Committee Substitute for Senate Bill No. 464

An act relating to military affairs; amending s. 115.07, F.S., relating to provisions authorizing leave of absence for officers and employees of the state or counties, municipalities, or political subdivisions who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or who are members of the National Guard; providing that such officers and employees are entitled to 240 working hours rather than 17 working days of annual leave of absence without loss of time or efficiency rating; removing an obsolete provision calculating leaves of absence as measured in working days; amending s. 250.10, F.S.; providing for the appointment of a second Assistant Adjutant General for the Florida National Guard Army; providing a finding that the act fulfills an important state interest; providing an effective date.

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

Section 1. Section 115.07, Florida Statutes, is amended to read:

115.07 Officers and employees' leaves of absence for reserve or guard training.—

(1) All officers or employees of the state, of the several counties of the state, and of the municipalities or political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

(2) Leaves of absence granted as a matter of legal right under the provisions of this section ~~may shall~~ not exceed 240 ~~17~~ working hours ~~days~~ in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted by the employing or appointing authority of any state, county, municipal, or political subdivision employee and when so granted shall be without loss of time or efficiency rating.

~~(3) With respect to any officer or employee whose working day consists of a shift measured in hours, each such 12-hour shift or less shall equal 1 working day leave of absence. All other shifts over 12 hours and up to 24 hours shall equal 2 working days leave of absence.~~

~~(3)(4)~~ When an employee's assigned employment duty conflicts with ordered active or inactive duty training, it is ~~shall be~~ the responsibility of the

employing agency of the state, county, municipal, or political subdivision to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the such training.

(4)(5) It is the intent of the Legislature that the state, its several counties, and its municipalities and political subdivisions shall grant leaves of absence for active or inactive training to all employees who are members of the United States Reserve Forces or the National Guard, to ensure the state and national security at all times through a strong armed force of qualified and mobilization-ready personnel.

Section 2. Subsection (4) of section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(4)(a) The Adjutant General shall, subject to confirmation by the Senate, employ a federally recognized officer of the Florida National Guard, who has served in the Florida Army Guard for the preceding 5 years and attained the rank of colonel or higher at the time of appointment, to be the Assistant Adjutant General for Army.

(b) The Adjutant General may, subject to confirmation by the Senate, employ an additional, federally recognized officer of the Florida National Guard, who has served in the Florida Army Guard for the preceding 5 years and attained the rank of colonel or higher at the time of appointment, to be a second Assistant Adjutant General for Army.

Each The officer shall perform the duties required by the Adjutant General.

Section 3. The Legislature finds and declares that this act fulfills an important state interest.

Section 4. This act shall take effect July 1, 2010.

Approved by the Governor May 12, 2010.

Filed in Office Secretary of State May 12, 2010.