

CHAPTER 2021-57

Senate Bill No. 922

An act relating to veterans' preference in employment; amending s. 295.065, F.S.; revising legislative intent to conform to changes made by the act; amending s. 295.07, F.S.; authorizing the state and its political subdivisions to waive certain postsecondary educational requirements for employment for servicemembers and veterans who meet specified criteria; revising the list of positions that are exempt from veterans' preference requirements; requiring, rather than authorizing, each political subdivision to develop and implement a veterans' recruitment plan for specified purposes; amending s. 295.08, F.S.; modifying point preferences given to veterans and their family members when a numerically based selection process is used for hiring; amending ss. 295.085, 295.09, and 1002.36, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

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

Section 1. Section 295.065, Florida Statutes, is amended to read:

295.065 Legislative intent.—It is the intent of the Legislature to provide preference, and priority, and waivers for certain educational requirements in the hiring practices of this state and its political subdivisions as set forth in this chapter. All written job announcements and audio and video advertisements used by employing agencies of the state and its political subdivisions must include a notice stating that certain servicemembers and veterans, and the spouses and family members of such the servicemembers and veterans, receive preference and priority, and that certain servicemembers may be eligible to receive waivers for postsecondary educational requirements, in employment by the state and its political subdivisions and are encouraged to apply for the positions being filled.

Section 2. Section 295.07, Florida Statutes, is amended to read:

295.07 Preference in appointment and retention.—

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

(a) Those disabled veterans:

1. Who have served on active duty in any branch of the United States Armed Forces, have received an honorable discharge, and have established the present existence of a service-connected disability that is compensable under public laws administered by the United States Department of Veterans Affairs; or

2. Who are receiving compensation, disability retirement benefits, or pension pursuant to ~~by reason of~~ public laws administered by the United States Department of Veterans Affairs and the United States Department of Defense.

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

(c) A wartime veteran as defined in s. 1.01(14), who has served at least 1 day during a wartime period. Active duty for training may not be allowed for eligibility under this paragraph.

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

(e) The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

(f) A veteran as defined in s. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

(g) A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

(2) The state and its political subdivisions may waive a postsecondary educational requirement for a position of employment, other than those positions made exempt under subsection (5), for a current member of any reserve component of the United States Armed Forces or the Florida National Guard or a veteran who has been honorably discharged if the person is otherwise qualified for the position.

(3) The Department of Veterans' Affairs shall 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, 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.

(4)(3) Preference in employment and retention, or educational waivers, may be given only to eligible persons who are described in subsection (1) or subsection (2).

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

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt included.

(b) Positions in political subdivisions ~~of the state~~ which are filled by officers elected by popular vote 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, ~~heads of departments, positions that require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician,~~ and positions that require that the employee be a member of The Florida Bar.

~~(6)(a)(5)(a)~~ Each state agency and political subdivision shall, ~~and each political subdivision of the state may,~~ develop and implement a written veterans' recruitment plan that establishes annual goals for ensuring the full use of veterans in the agency's or political subdivision's workforce. Each veterans' recruitment plan must be designed to meet the established goals.

(b) The Department of Management Services shall collect statistical data from each state agency on the number of persons who claim veterans' preference, the number of persons who are hired through veterans' preference, and the number of persons who are hired as a result of the veterans' recruitment plan. The department shall annually update the statistical data required by this paragraph on its website and include such statistical data in its annual workforce report.

(c) For purposes of this subsection, the veterans' recruitment plan applies to the eligible persons described in subsections subsection (1) and (2).

Section 3. Section 295.08, Florida Statutes, is amended to read:

295.08 Positions for which a numerically based selection process is used. For positions for which an examination is used to determine the qualifications for entrance into employment with the state or any of its political subdivisions ~~in the state~~, 20 15 points must shall be added to the earned ratings of a person included under s. 295.07(1)(a) or (b), 15 10 points must shall be added to the earned ratings of a person included under s. 295.07(1)(c), (d), or (e), and 10 5 points must shall be added to the earned rating of a person included under s. 295.07(1)(f) or (g), if the person has obtained a qualifying score on the examination for the position. The names of persons eligible for preference must shall be entered on an appropriate register or list in accordance with their respective augmented ratings. However, except for classes of positions with Federal Government

designations of professional or technician, the names of all persons who are qualified to receive a 20-point ~~15-point~~ preference whose service-connected disabilities have been rated by the United States Department of Veterans Affairs or its predecessor or the United States Department of Defense to be 30 percent or more must shall be placed at the top of the appropriate register or employment list, in accordance with their respective augmented ratings. The respective augmented rating is the examination score or evaluated score in addition to the applicable veteran's preference points.

Section 4. Section 295.085, Florida Statutes, is amended to read:

295.085 Positions for which a numerically based selection process is not used.—In all positions in which the appointment or employment of persons is not subject to a written examination, not including with the exception of positions that are exempt under s. 295.07(5) ~~s. 295.07(4)~~, first preference in appointment, employment, and retention must shall be given by the state and political subdivisions in the state to a person included under s. 295.07(1)(a) or (b), and second preference must shall be given to a person included under s. 295.07(1)(c), (d), (e), (f), or (g), who possess the minimum qualifications necessary to discharge the duties of the position involved.

Section 5. Paragraph (a) of subsection (1) of section 295.09, Florida Statutes, is amended to read:

295.09 Reinstatement or reemployment; promotion preference.—

(1)(a) When an employee of the state or any of its political subdivisions employed in a position subject or not subject to a career service system or other merit-type system, not including with the exception of those positions that which are exempt pursuant to s. 295.07(5) ~~s. 295.07(4)~~, has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the state or its political subdivision shall reemploy or reinstate such person to the same position that he or she held before ~~prior to~~ such service in the armed forces, or to an equivalent position, provided that such person returns to the position within 1 year after of his or her date of separation or, in cases of extended active duty, within 1 year after of the date of discharge or separation subsequent to the extension. Such person must shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. When an examination for promotion is used ~~utilized~~, such person must shall be awarded preference points, as provided in s. 295.08, and shall be promoted ahead of all those who appear in an equal or lesser position on the promotional register, provided that he or she first successfully passes the examination for the promotional position.

Section 6. Paragraph (f) of subsection (4) of section 1002.36, Florida Statutes, is amended to read:

1002.36 Florida School for the Deaf and the Blind.—

(4) BOARD OF TRUSTEES.—

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests for operations and fixed capital outlay, in accordance with chapter 216 and ss. 1011.56 and 1013.60, to the Department of Education for review and approval. The department must analyze the amount requested for fixed capital outlay to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan. Projections of facility space needs may exceed the norm space and occupant design criteria established in the State Requirements for Educational Facilities.

2. Approve and administer an annual operating budget in accordance with ss. 1011.56 and 1011.57.

3. Require all funds received other than gifts, donations, bequests, funds raised by or belonging to student clubs or student organizations, and funds held for specific students or in accounts for individual students to be deposited in the State Treasury and expended as authorized in the General Appropriations Act.

4. Require all purchases to be in accordance with the provisions of chapter 287 except for purchases made with funds received as gifts, donations, or bequests; funds raised by or belonging to student clubs or student organizations; or funds held for specific students or in accounts for individual students.

5. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

6. Give preference in appointment and retention in positions of employment as provided within s. 295.07(1) and (2).

7. Ensure that the Florida School for the Deaf and the Blind complies with s. 1013.351 concerning the coordination of planning between the Florida School for the Deaf and the Blind and local governing bodies.

8. Ensure that the Florida School for the Deaf and the Blind complies with s. 112.061 concerning per diem and travel expenses of public officers, employees, and authorized persons with respect to all funds other than funds received as gifts, donations, or bequests; funds raised by or belonging to student clubs or student organizations; or funds held for specific students or in accounts for individual students.

9. Adopt a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and the President of the Senate.

10. Designate a portion of the school as "The Verle Allyn Pope Complex for the Deaf," in tribute to the late Senator Verle Allyn Pope.

Section 7. This act shall take effect July 1, 2021.

Approved by the Governor June 4, 2021.

Filed in Office Secretary of State June 4, 2021.