

# 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: CS/CS/SB 416

SPONSOR: Comprehensive Planning Local and Military Affairs Committee and Governmental Oversight and Productivity Committee and Senator Saunders

SUBJECT: Public Employment

DATE: March 5, 2002                      REVISED: \_\_\_\_\_

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

**I. Summary:**

The CS deletes the exemption for state “select exempt” positions from the veterans’ hiring and retention preference provisions in the statutes. It also requires all select exempt positions in the Department of Veterans’ Affairs be advertised through the State of Florida Internet-based job advertisement site. In addition, the executive director of the Department of Veterans’ Affairs must fill any vacant, select exempt position with a qualified veteran; however, the executive director may fill the position with a non-veteran applicant when a qualified veteran does not apply.

This CS amends section 295.07, Florida Statutes.

**II. Present Situation:**

The Florida Department of Veterans’ Affairs was created in 1988 in s. 20.37, F.S., following the ratification by the voters of a constitutional amendment providing creation by the Legislature. The department is the state and federally designated agency for the receipt of federal and state funds for military service veterans and retirees. The agency head is the Governor and Cabinet and the department is located in St. Petersburg.<sup>1</sup>

Title XX, F.S., contains three chapters that provide specific recognition of benefits for military service retirees, survivors, and their dependents. Section 295.07, F.S., specifies the types of circumstances that permit the extension of a preference in employment to persons who qualify as military service veterans. Appointment and retention preference is provided for disabled veterans

<sup>1</sup> The agency is one of three executive departments not headquartered in Tallahassee. The other two are the Department of Military Affairs (St. Augustine) and the Department of Citrus (Lakeland).

and their spouses where a service-connected total and permanent disability is present. The preference extends also to veterans of any war defined in s.1.01(14), F.S.<sup>2</sup>, and the surviving spouse of a deceased and disabled veteran.<sup>3</sup>

Subsection (4) of s. 295.07, F.S., exempts from the appointment and retention preference those positions exempt from the Career Service System under s. 110.205(2), F.S. This group was itself greatly expanded during the 2001 Regular Session as a result of the enactment of the Service First legislation, ch. 2001-43, Laws of Florida.

### III. Effect of Proposed Changes:

**Section 1.** Subsection (4) of s. 295.07, F.S., is amended to delete the exemption in current law for positions exempted from the Career Service System. In addition, all select exempt positions in the Department of Veterans' Affairs are required to be advertised through the State of Florida Internet-based job advertisement site.

A new subsection (5) is created to direct the executive director of the Department of Veterans' Affairs to fill any vacant, select exempt position with a veteran, as defined in subsection (1), who is qualified for the position. Subsection (1) requires the state and political subdivisions in the state to give preference in appointment and retention in positions of employment to certain disabled veterans; the spouse of certain disabled veterans; the spouse of any 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; a veteran of any war as defined in s. 1.01(14); or the un-remarried widow or widower of a veteran who died of a service-connected disability.

The executive director may fill the position with a non-veteran applicant when a qualified veteran does not apply.

**Section 2.** The act takes effect July 1, 2002.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

<sup>2</sup> This section cross-reference is used also for the purposes of qualifying member employees of the Florida Retirement System for the purchase of military service credit under s. 121.111, F.S.

<sup>3</sup> Section 110.2135, F.S., also restates the preference provided in ch. 295, F.S., as it affects state employment.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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