

1988

## Session Law 88-333

Florida Senate & House of Representatives

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LEGISLATIVE SUPPLEMENT "B" - SESSION LAW ABSTRACT

Year 1988	Session Law No. 88-333	LOF Cite	#pp
Prime Bill# HB 533	Sponsor	Comp./Sim. Bills <del>SB 861</del> SB 861	
JLMC Hist. Leg. Cites	Senate pp.#s 149	House pp.#s 298	#pp
Committee of Ref.	Senate PRC House Gov Ops	Previous versions?	

Committee Records

H/S	Committee	Year	Record Series: Folder Title, etc.	Location Cite	#pp
H	JVC	1978	Misc.	19/1607	
"	"	"	PCB. G0-19 <del>Original SA: (11P ...)</del>	9/1500	✓
"	"	"	Subject per House file projects 1982-88	19/1707	X
S	PRUB	1988	Meeting files: 4-27-88	19/1801	"
"	"	"	Bill files SB 861	19/1802	✓
"	"	"	" " : HB 333	"	Ø

Senate/House Journals

Page	?	Date	#pp	Page	?	Date	#pp

Tape Recordings

H/S	Floor	Committee/subcommittee	Date	# Tapes	Location Cite

Other Documentation

Record series title, folder title, etc.	Location Cite	#pp

220-155-1-8

1	A bill to be entitled	1:btc
2	An act relating to state employment; amending	1.4
3	s. 110.131, F.S., relating to other-personal-	
4	services temporary employment; modifying	1.5
5	provisions relating to extended employment;	
6	providing an exemption; modifying requirements	1.6
7	for an annual report of the Department of	
8	Administration; providing an effective date.	
9		
10	Be It Enacted by the Legislature of the State of Florida:	1:enc
11		
12	Section 1. Subsections (2), (3), and (5) of section	1.7
13	110.131, Florida Statutes, are amended to read:	1.8
14	110.131 Other-personal-services temporary	1.10
15	employment.--	1.11
16	(2) No agency may employ any individual in other-	1.13
17	personal-services temporary employment for more than 1,040	
18	hours within any 12-month period without the approval of the	1.14
19	agency head. An agency head may extend such employment for no	1.15
20	more than 1,040 hours. An extension beyond a total of 2,080	1.17
21	hours <u>within an agency</u> for any individual shall require the	1.18
22	approval of <u>the department</u> . Approval of extensions shall be	1.20
23	made in accordance with criteria established by the	
24	department. Each agency shall maintain employee information	1.21
25	as specified by the department regarding each extension of	1.22
26	other-personal-services temporary employment. The time	1.23
27	limitation established by this subsection does not apply to	
28	board members, consultants, <u>seasonal employees</u> , or bona fide,	1.25
29	degree-seeking students in accredited secondary or	
30	postsecondary educational programs.	
31		

1	(3) The department shall adopt rules providing that	1.27
2	other-personal-services temporary employment in an employer-	1.28
3	employee relationship <u>shall</u> <del>should</del> be used for short-term	1:10s
4	tasks. Such rules shall specify the employment categories,	1.30
5	terms, conditions, rate of pay, and frequency of other-	1.32
6	personal-services temporary employment and the duration for	1.33
7	which such employment may last; specify criteria for approving	1.34
8	extensions beyond the time limitation provided in subsection	
9	(2); and prescribe recordkeeping and reporting requirements	1.35
10	for other-personal-services employment. Such rules shall be	1.36
11	approved by the Administration Commission and shall be adopted	
12	no later than December 31, 1983.	1.37
13	(5) The department shall prepare an annual other-	1.38
14	personal-services employment report and provide a copy thereof	1.40
15	to the Executive Office of the Governor, the President of the	
16	Senate, and the Speaker of the House of Representatives no	1.41
17	later than October 15 of each year, beginning in 1984. The	1.43
18	report shall include, but not be limited to, the following	
19	data for each agency <del>by-budget-entity-with-an-agency-summary</del>	1.45
20	for the preceding fiscal year:	
21	<del>(a)--The number of individuals, and full-time</del>	1.48
22	<del>equivalent, employed as other personal services personnel, by</del>	
23	<del>employment category, for each month of the fiscal year.</del>	1.49
24	<u>(a)</u> <del>(b)</del> The total amount of compensation for other-	1.51
25	personal-services personnel, by employment category, for the	1.52
26	fiscal year.	
27	<u>(b)</u> <del>(c)</del> For each individual whose initial other-	1.54
28	personal-services temporary employment began before the start	1.55
29	of the fiscal year covered and who was still employed as an	
30	other-personal-services temporary employee at the end of the	1.56
31	fiscal year covered, the name, social security number,	1.57

1	employment category, employment commencement date, and number	
2	of hours worked in each fiscal year employed.	1.58
3	Section 2. This act shall take effect October 1, 1988.	1.59
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1	*****	1:hbs
2	HOUSE SUMMARY	1:hbs
3	Specifies that Department of Administration approval of	1.62
4	extended employment of an other-personal-services (OPS)	1.63
5	temporary employee is required only if the employee's	1.64
6	hours within one agency will exceed annual time	1.65
7	limitations. Exempts seasonal employees from provisions	1.66
8	relating to annual time limitations. Modifies	
9	requirements relating to the department's annual OPS	
10	employment report.	
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STORAGE NAME: PCBGO 19 - 1988  
Date: February 8, 1988  
Revised: \_\_\_\_\_  
Final: \_\_\_\_\_

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HOUSE OF REPRESENTATIVES  
COMMITTEE ON GOVERNMENTAL OPERATIONS  
STAFF ANALYSIS

BILL #: PCB GO 19  
RELATING TO: Other-personal Services Temporary Employment  
SPONSOR(S): Governmental Operations  
EFFECTIVE DATE: October 1, 1988  
COMPANION BILLS: \_\_\_\_\_  
OTHER COMMITTEES OF REFERENCE: (1) \_\_\_\_\_  
(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

The bill adds seasonal employees to the list of those exempted from the provisions of section 110.131, Florida Statutes, which imposes annual employment time limitations on other-personal-services (OPS) temporary employees. The bill also: requires the Department of Administration to adopt rules mandating OPS services be used for short-term tasks and; modifies the requirements relating to the department's annual OPS employment report.

Presently, section 110.131, Florida Statutes: (i) requires agency head approval for OPS temporary employee services, performed within a 12-month period, that exceed 1,040 hours; and (ii) Department of Administration approval for OPS services performed that exceed the 2,080 hour annual time limitation.

Further, section 110.131, Florida Statutes, exempts board members, consultants and degree seeking secondary and postsecondary students from the annual time limitations.

Section 110.131, Florida Statutes, also requires the department to adopt rules to govern OPS employment policy and prepare an annual OPS employment report for each agency by budget entity with an agency summary.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

VI. PREPARED BY: Susan D. Tassell SDT

VII. STAFF DIRECTOR: Jack M. Holland



DHRS BILL ANALYSIS

**LP**

DATE: February 22, 1988 HOUSE BILL NUMBER: PCB GO 19  
ANALYST: Susan Cooper, Personnel SPONSOR: \_\_\_\_\_  
Services Specialist, Office of SENATE BILL NUMBER: \_\_\_\_\_  
Personnel Management, 488-6541 SPONSOR: \_\_\_\_\_  
REVIEWER: Vivian Pyle, Personnel COORDINATED WITH: \_\_\_\_\_  
Management Director, Office of REVIEWER: C. Merrill Moody,  
Personnel Management, 488-5091 Assistant Secretary for 1/20/88  
Administration

SUBJECT: This bill requires that the Department of Administration (DOA) approve extensions of Other Personal Services (OPS) employment beyond 2,080 hours only for work within one agency. The bill also adds seasonal workers to the list of those exempted from time limitations; mandates that OPS be used only for short term tasks and modifies the reporting requirements for DOA's annual report on OPS employment.

STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT:

1. SUMMARY

- A. Present Situation: Currently, seasonal employees on OPS employment are subjected to time limits for that employment; there is no requirement that OPS only be used for short term employment; and DOA is required to submit a very detailed annual report by budget entity for each agency.
- B. Effort of Proposed Changes: The proposed changes would have impact on HRS. Limitation of OPS to short term tasks will impact client employment and program operations. We would also have to make minor revisions to our regulations which govern OPS employment.

2. ECONOMIC IMPACT AND FISCAL NOTE

None. Additional staff, space or equipment would not be required.

*from HRS -  
Casey Morton /  
Sandra Storrall*

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3. COMMENTS

- A. Strongly suggest that our clients be included on the list of those types of employment which are exempted from time limitations. Many clients receive OPS funds for work done as part of their rehabilitation for all or most of their adult lives. This situation is tacitly understood by DOA and we continue to employ our clients without extensions being approved but we are not in strict compliance with the law.
- B. The proposed requirement that OPS employment only be used for short term tasks will affect our clients (if not exempted) and some of our programs, such as developmental disabilities, ICFMR facilities are required to have custodians working on premises. In order to comply with this requirement we have to rely on OPS employees because of an inability to get new positions established through the Legislative Budget Request process. We suggest this proposed change be deleted and that the original wording be retained.
- C. We also propose an additional change that agency heads be given delegated authority to approve extensions of OPS employment beyond 2,080 hours. As long as conditions, as set by law, are met these extensions are always approved. Delegation of this authority would reduce paperwork and much of the time currently required for completion of the approval process.

4. DISTRICT CONTACTS

Charles Durrett, District 10 Senior Personnel Manager  
Diane Tifton, District 2 Personnel Manager, Sunland Marianna  
C. T. Clagett, District 8 Senior Personnel Manager

1988 HRS LEGISLATIVE PROPOSAL

ORIGINATOR: ASA  
CONTACT: Sandra Stovall 488-6403  
DATE: September 18, 1987

1. SHORT TITLE FOR THE PROPOSAL/ISSUE:

OPS Employment - Gulliver. Authorizes the secretary of the Department of Health and Rehabilitative Services and his delegate to extend OPS employment beyond 2080 hours for health care professionals licensed and regulated by statute. These professionals may be employed on an hourly or other basis.

2. STATEMENT OF THE PROBLEM:

a. Description of problem areas addressed by the proposal.

All health care professionals are experiencing the exorbitant malpractice insurance rates and as a result many do not carry their own malpractice insurance. The department has difficulty in attracting health care professionals to provide services to the department's clients. Many professionals are unwilling to provide services pursuant to an independent contractor relationship because of the absence of private malpractice insurance. For these services to be provided, the professionals must be employed in an OPS capacity, thereby falling within the group covered by the state's risk management fund and subject to sovereign immunity. To limit the number of hours these professionals may provide services severely impacts the department's ability to adequately serve its clients. To require external approval to evaluate the justified need of extended employment is an inefficient exercise. HRS is in the best position to evaluate the situation and need.

b. How the problem was identified.

The issue has been a concern of the department and professionals for several years. It recently returned to the forefront as a major issue during an insurance workgroup (comprised of department employees) study.

3. PROPOSED SOLUTION:

a. Detailed description of proposal for solving the problem.

Section 110.131, Florida Statutes will be amended to authorize the secretary and his delegate to approve the extension of OPS employment for health care professionals licensed and regulated by statute. In addition to physicians and osteopaths to which this authority is currently granted, the group of health care professionals will include those licensed in the practice of: chiropractic; podiatry; optometry; nursing; dentistry; speech pathology and audiology, occupational therapy, radiologic technology, respiratory therapy; health testing services; physical therapy; and psychological services. These professionals may be employed on an hourly or other basis.

b. Existing statutes/law proposal replaces or alters.

Section 110.131, Florida Statutes.

c. Discussion of changes proposal entails and necessity for change.

Currently to employ any OPS employee other than a physician or osteopath in excess of a total of 2080 hours requires approval of a written justification submitted to the Department of Administration. The number of professionals used by the department makes this exercise an inefficient utilization of resources. Currently the Florida Statutes only authorize the Secretary to extend employment beyond 2080 hours for physicians and osteopaths.

d. Discussion of how the proposal is realistic and enforceable.

The proposal is realistic because this permission has already been granted for physicians and osteopaths used by the department. Other health care professionals are in the same situation regarding the purchase of malpractice insurance as the physicians were prior to the statutory change. An outside/external agency is not sufficiently knowledgeable of the conditions affecting the department to be able to effectively evaluate the justification for extension. As such, the authority should be delegated to the department and subject to further delegation to responsible managers within the department.

Enforcement is not an issue in this proposal.

- e. Discussion of affordability in relation to importance to the citizens of Florida.

The agency is responsible for the overall operation and management of its budget. The department is also responsible for assuring services are provided for its clients. By delegating the responsibility for evaluating extension of the OPS employment for health care physicians, it not only places responsibility within the appropriate agency for assuring services are provided, but eliminates inefficient waste in state government resulting from perpetuating a paper exchange which is neither beneficial or cost effective.

4. BILL DRAFT (OPTIONAL):

Attached.

## Florida House of Representatives - 1988

By the Committee on Governmental Operations and  
Representative Hodges

1                   A bill to be entitled  
2           An act relating to state employment; amending  
3           s. 110.131, F.S., relating to other-personal-  
4           services temporary employment; modifying  
5           provisions relating to extended employment;  
6           providing exemptions; modifying requirements  
7           for an annual report of the Department of  
8           Administration; authorizing the Department of  
9           Health and Rehabilitative Services to extend  
10          the employment of designated licensed health  
11          care practitioners; providing an effective  
12          date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16           Section 1. Subsections (2), (3), (5), and (6) of  
17 section 110.131, Florida Statutes, are amended to read:  
18           110.131 Other-personal-services temporary  
19 employment.--

20           (2) No agency may employ any individual in other-  
21 personal-services temporary employment for more than 1,040  
22 hours within any 12-month period without the approval of the  
23 agency head. An agency head may extend such employment for no  
24 more than 1,040 hours. An extension beyond a total of 2,080  
25 hours within an agency for any individual shall require the  
26 approval of the department. Approval of extensions shall be  
27 made in accordance with criteria established by the  
28 department. Each agency shall maintain employee information  
29 as specified by the department regarding each extension of  
30 other-personal-services temporary employment. The time  
31 limitation established by this subsection does not apply to

1 board members, consultants, seasonal employees, institutional  
2 clients employed as part of their rehabilitation, or bona  
3 fide, degree-seeking students in accredited secondary or  
4 postsecondary educational programs.

5 (3) The department shall adopt rules providing that  
6 other-personal-services temporary employment in an employer-  
7 employee relationship shall should be used for short-term  
8 tasks. Such rules shall specify the employment categories,  
9 terms, conditions, rate of pay, and frequency of other-  
10 personal-services temporary employment and the duration for  
11 which such employment may last; specify criteria for approving  
12 extensions beyond the time limitation provided in subsection  
13 (2); and prescribe recordkeeping and reporting requirements  
14 for other-personal-services employment. Such rules shall be  
15 approved by the Administration Commission and shall be adopted  
16 no later than December 31, 1983.

17 (5) The department shall prepare an annual other-  
18 personal-services employment report and provide a copy thereof  
19 to the Executive Office of the Governor, the President of the  
20 Senate, and the Speaker of the House of Representatives no  
21 later than October 15 of each year, beginning in 1984. The  
22 report shall include, but not be limited to, the following  
23 data for each agency ~~by-budget-entity-with-an-agency-summary~~  
24 for the preceding fiscal year:

25 ~~(a)--The number of individuals, and full-time~~  
26 ~~equivalency, employed as other-personal-services personnel, by~~  
27 ~~employment category, for each month of the fiscal year:~~

28 (a)~~(b)~~ The total amount of compensation for other-  
29 personal-services personnel, by employment category, for the  
30 fiscal year.

31

1           **(b)(e)** For each individual whose initial other-  
2 personal-services temporary employment began before the start  
3 of the fiscal year covered and who was still employed as an  
4 other-personal-services temporary employee at the end of the  
5 fiscal year covered, the name, social security number,  
6 employment category, employment commencement date, and number  
7 of hours worked in each fiscal year employed.

8           (6)(a) The provisions of subsections (2), (3), and (4)  
9 do not apply to any employee for whom the Board of Regents or  
10 the Board of Trustees of the Florida School for the Deaf and  
11 the Blind is the employer as defined in s. 447.203(2); except  
12 that, for purposes of subsection (5), the Board of Regents and  
13 the Board of Trustees of the Florida School for the Deaf and  
14 the Blind shall comply with the recordkeeping and reporting  
15 requirements adopted by the department pursuant to subsection  
16 (3) with respect to those other-personal-services employees  
17 exempted by this subsection.

18           (b) The provisions of subsections (2), (3), and (4) do  
19 not apply to any employee of the Division of Blind Services  
20 Library for the Blind and Physically Handicapped for whom the  
21 Division of Blind Services is the employer as defined in s.  
22 447.203(2); except that, for purposes of subsection (5), the  
23 Division of Blind Services shall comply with the recordkeeping  
24 and reporting requirements adopted by the department pursuant  
25 to subsection (3) with respect to those other-personal-  
26 services employees exempted by this subsection.

27           (c) Notwithstanding the provisions of this section,  
28 the Secretary of the Department of Health and Rehabilitative  
29 Services, or his delegate, may extend the other-personal-  
30 services employment of a health care practitioner licensed  
31 pursuant to chapter 458, chapter 459, chapter 460, chapter



1 461, chapter 463, chapter 464, chapter 466, chapter 468,  
2 chapter 483, chapter 486, or chapter 490 beyond 2,080 hours  
3 and may employ such practitioner on an hourly or other basis.  
4 ~~Effective October 1, 1986, and notwithstanding any other~~  
5 ~~provision of law, the secretary of the Department of Health~~  
6 ~~and Rehabilitative Services is authorized to extend the other~~  
7 ~~personal services employment of an osteopath licensed pursuant~~  
8 ~~to chapter 459 beyond 2,880 hours. The department is~~  
9 ~~authorized to employ such osteopath on an hourly or other~~  
10 ~~basis.~~

11 ~~(d) The secretary of the Department of Health and~~  
12 ~~Rehabilitative Services may extend the other personal services~~  
13 ~~employment of a physician licensed pursuant to chapter 458~~  
14 ~~beyond 2,880 hours and may employ such physician on an hourly~~  
15 ~~or other basis.~~

16 Section 2. This act shall take effect October 1, 1988.

18 \*\*\*\*\*

19 HOUSE SUMMARY

20 Specifies that Department of Administration approval of  
21 extended employment of an other personal services (OPS)  
22 temporary employee is required only if the employee's  
23 hours within one agency will exceed annual time  
24 limitations. Exempts seasonal employees and  
25 institutional clients employed as part of their  
26 rehabilitation from provisions relating to annual time  
27 limitations. Modifies requirements relating to the  
28 department's annual OPS employment report. Authorizes  
29 the Department of Health and Rehabilitative Services to  
30 extend the employment of designated licensed health care  
31 practitioners and to employ such practitioners on an  
hourly or other basis.

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This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

STORAGE NAME: HB 533  
Date: February 29, 1988  
Revised: March 11, 1988  
Final: \_\_\_\_\_

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HOUSE OF REPRESENTATIVES  
COMMITTEE ON GOVERNMENTAL OPERATIONS  
STAFF ANALYSIS

BILL #: HB 533  
RELATING TO: Other-personal Services Temporary Employment  
SPONSOR(S): Governmental Operations & Hodges  
EFFECTIVE DATE: October 1, 1988  
COMPANION BILLS: \_\_\_\_\_  
OTHER COMMITTEES OF REFERENCE: (1) \_\_\_\_\_  
(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

Section 110.131, Florida Statutes, places annual employment time limitations on other-personal-services (OPS) temporary employees. Board members, consultants and degree seeking secondary and postsecondary students are exempt from the annual time limitations. The bill would add seasonal employees, and institutional clients employed as part of their rehabilitation, to the list of those exempted from the statutory provisions.

Presently the statute requires agency head approval for OPS temporary employee services, performed within a 12-month period, that exceed 1,040 hours, and Department of Administration approval for OPS services performed that exceed the 2,080 hour annual time limitation. Notwithstanding these provisions, the secretary of the Department of Health and Rehabilitative services, or his delegate has authority to approve OPS time extensions beyond 2080 hours, for licensed physicians and osteopaths.

The bill would amend the statute to expand the authority of the secretary of the Department of Health and Rehabilitative services, or his delegate to approve time extensions of OPS employment beyond 2080 hours, for health care professionals licensed and regulated by statute in the practice of: chiropractic; podiatry; optometry; nursing; dentistry; speech pathology and audiology, occupational therapy, radiologic technology, respiratory therapy; health testing services; physical therapy; and psychological services.

The bill also requires the Department of Administration to adopt rules mandating OPS services be used for short-term tasks, and modifies the requirements relating to the department's annual OPS employment report by requiring the report only include data for each agency. Under current law, the department's annual OPS employment

~~1-#:~~ HB 533  
Date: March 11, 1988

report must include data for each agency by budget entity with an agency summary.

II. ECONOMIC IMPACT:

A. Public:

None

B. Government:

None

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

None.

VI. PREPARED BY: Susan D. Tassell

VII. STAFF DIRECTOR: Jack M. Holland

STORAGE NAME: H533.ap  
Date: February 8, 1988  
Revised: April 19, 1988  
Final: \_\_\_\_\_

HOUSE OF REPRESENTATIVES  
COMMITTEE ON GOVERNMENTAL OPERATIONS **HB 533**  
(As Revised by the Committee on Appropriations)  
STAFF ANALYSIS

BILL #: HB 533  
RELATING TO: Other-personal Services Temporary Employment  
SPONSOR(S): Governmental Operations  
EFFECTIVE DATE: October 1, 1988  
COMPANION BILLS: \_\_\_\_\_  
OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

\*\*\*\*\*

I. SUMMARY:

The bill adds seasonal employees to the list of those exempted from the provisions of section 110.131, Florida Statutes, which imposes annual employment time limitations on other-personal-services (OPS) temporary employees. The bill also: requires the Department of Administration to adopt rules mandating OPS services be used for short-term tasks and; modifies the requirements relating to the department's annual OPS employment report.

Presently, section 110.131, Florida Statutes, requires: (i) agency head approval for OPS temporary employee services, performed within a 12-month period, that exceed 1,040 hours; and (ii) Department of Administration approval for OPS services performed that exceed the 2,080 hour annual time limitation.

Further, section 110.131, Florida Statutes, exempts board members, consultants and degree seeking secondary and postsecondary students from the annual time limitations.

Section 110.131, Florida Statutes, also requires the department to adopt rules to govern OPS employment policy and prepare an annual OPS employment report for each agency by budget entity with an agency summary.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:    FY 88-89    FY 89-90    FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

927  
MAY 17 1988

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Currently the Department of Administration is directed to adopt rules providing that OPS employees should be used only for short term tasks. Amending the law to limit OPS to short-term tasks could have a limited impact on some state programs unless positions are established through the Legislative Budget Process.

The Department of Administration will experience a cost saving in two areas. First, the computer time required to generate the annual OPS report will be reduced significantly. Second, the staff time and documentation required to request extension of OPS employment will be reduced both for the initiating agency as well as the Department of Administration.

The Department of Health and Rehabilitative Services may experience some savings in processing paper work currently being done to gain extensions for institutional clients.

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

None

V. AMENDMENTS:

VI. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Susan D. Tassell

Staff Director:

Jack M. Holland

FINANCE & TAXATION:

Prepared by:

Staff Director:

APPROPRIATIONS:

Prepared by:

Lori Kilpatrick  
Lori Kilpatrick

Staff Director:

James A. Zingale  
Dr. James A. Zingale

STORAGE NAME: H533-f.go  
Date: June 21, 1988

HOUSE OF REPRESENTATIVES  
COMMITTEE ON GOVERNMENTAL OPERATIONS  
FINAL STAFF ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 533 (Passed)

RELATING TO: Other-personal-services (Temporary Employment)

SPONSOR(S): Governmental Operations and Hodges

EFFECTIVE DATE: October 1, 1988

DATE BECAME LAW: \_\_\_\_\_

CHAPTER #: 88- Laws of Florida

COMPANION BILL(S): SB 861

OTHER COMMITTEES OF REFERENCE: (1) Appropriations  
(2) \_\_\_\_\_

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I. SUMMARY:

The bill adds seasonal employees to the list of those exempted from the provisions of section 110.131, Florida Statutes, which imposes annual employment time limitations on other-personal-services (OPS) temporary employees. The bill also: requires the Department of Administration to adopt rules mandating OPS services be used for short-term tasks and; modifies the requirements relating to the department's annual OPS employment report.

Presently, section 110.131, Florida Statutes, requires: (i) agency head approval for OPS temporary employee services, performed within a 12-month period, that exceed 1,040 hours; and (ii) Department of Administration approval for OPS services performed that exceed the 2,080 hour annual time limitation.

Further, section 110.131, Florida Statutes, exempts board members, consultants and degree seeking secondary and postsecondary students from the annual time limitations.

Section 110.131, Florida Statutes, also requires the department to adopt rules to govern OPS employment policy and prepare an annual OPS employment report for each agency by budget entity with an agency summary.



II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:      FY 88-89      FY 89-90      FY 90-91

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

Indeterminate

3. Long Run Effects Other Than Normal Growth:

None

4. Appropriations Consequences:

Indeterminate

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring or First Year Start-Up Effects:

None

2. Recurring or Annualized Continuation Effects:

None

3. Long Run Effects Other Than Normal Growth:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None

2. Direct Private Sector Benefits:

None

3. Effects on Competition, Private Enterprise, and Employment Markets:

None

D. FISCAL COMMENTS:

Currently the Department of Administration is directed to adopt rules providing that OPS employees should be used only for short term tasks. Amending the law to limit OPS to short-term tasks could have a limited impact on some state

programs unless positions are established through the Legislative Budget Process.

The Department of Administration will experience a cost saving in two areas. First, the computer time required to generate the annual OPS report will be reduced significantly. Second, the staff time and documentation required to request extension of OPS employment will be reduced both for the initiating agency as well as the Department of Administration.

The Department of Health and Rehabilitative Services may experience some savings in processing paper work currently being done to gain extensions for institutional clients.

III. STATE COMPREHENSIVE PLAN IMPACT:

None

IV. COMMENTS:

HB 533 passed both houses.

V. SIGNATURES:

SUBSTANTIVE COMMITTEE:

Prepared by:

Susan D. Tassell *SDT*

Staff Director:

Jack M. Holland *JMH*

FINANCE & TAXATION:

Prepared by:

\_\_\_\_\_

Staff Director:

\_\_\_\_\_

APPROPRIATIONS:

Prepared by:

Lori Kilpatrick

Staff Director:

Dr. James A. Zingale

By Senator Kiser

This publication was produced at an average cost of 1.5 cents per page for the information of members of the legislature and the public.

1 A bill to be entitled  
 2 An act relating to state employment; amending  
 3 s. 110.131, F.S., relating to other-personal-  
 4 services temporary employment; modifying  
 5 provisions relating to extended employment;  
 6 providing exemptions; modifying requirements  
 7 for an annual report of the Department of  
 8 Administration; allowing the Department of  
 9 Health and Rehabilitative Services to extend  
 10 the employment of specified health care  
 11 practitioners; providing an effective date.

12  
 13 Be It Enacted by the Legislature of the State of Florida:

14  
 15 Section 1. Subsections (2), (3), (5), and (6) of  
 16 section 110.131, Florida Statutes, are amended to read:

17 110.131 Other-personal-services temporary  
 18 employment.--

19 (2) No agency may employ any individual in other-  
 20 personal-services temporary employment for more than 1,040  
 21 hours within any 12-month period without the approval of the  
 22 agency head. An agency head may extend such employment for no  
 23 more than 1,040 hours. An extension beyond a total of 2,080  
 24 hours within an agency for any individual shall require the  
 25 approval of the department. Approval of extensions shall be  
 26 made in accordance with criteria established by the  
 27 department. Each agency shall maintain employee information  
 28 as specified by the department regarding each extension of  
 29 other-personal-services temporary employment. The time  
 30 limitation established by this subsection does not apply to  
 31 board members, consultants, seasonal employees, institutional

1 clients employed as part of their rehabilitation, or bona  
 2 fide, degree-seeking students in accredited secondary or  
 3 postsecondary educational programs.

4 (3) The department shall adopt rules providing that  
 5 other-personal-services temporary employment in an employer-  
 6 employee relationship shall ~~should~~ be used for short-term  
 7 tasks. Such rules shall specify the employment categories,  
 8 terms, conditions, rate of pay, and frequency of other-  
 9 personal-services temporary employment and the duration for  
 10 which such employment may last; specify criteria for approving  
 11 extensions beyond the time limitation provided in subsection  
 12 (2); and prescribe recordkeeping and reporting requirements  
 13 for other-personal-services employment. Such rules shall be  
 14 approved by the Administration Commission and shall be adopted  
 15 no later than December 31, 1983.

16 (5) The department shall prepare an annual other-  
 17 personal-services employment report and provide a copy thereof  
 18 to the Executive Office of the Governor, the President of the  
 19 Senate, and the Speaker of the House of Representatives no  
 20 later than October 15 of each year, beginning in 1984. The  
 21 report shall include, but not be limited to, the following  
 22 data for each agency ~~by-budget-entity-with-an-agency-summary~~  
 23 for the preceding fiscal year:

24 ~~(a)--The number of individuals, and full-time~~  
 25 ~~equivalent, employed as other-personal-services personnel, by~~  
 26 ~~employment category, for each month of the fiscal year:~~

27 (a)~~(b)~~ The total amount of compensation for other-  
 28 personal-services personnel, by employment category, for the  
 29 fiscal year.

30 (b)~~(c)~~ For each individual whose initial other-  
 31 personal-services temporary employment began before the start

1 of the fiscal year covered and who was still employed as an  
 2 other-personal-services temporary employee at the end of the  
 3 fiscal year covered, the name, social security number,  
 4 employment category, employment commencement date, and number  
 5 of hours worked in each fiscal year employed.

6 (6)(a) The provisions of subsections (2), (3), and (4)  
 7 do not apply to any employee for whom the Board of Regents or  
 8 the Board of Trustees of the Florida School for the Deaf and  
 9 the Blind is the employer as defined in s. 447.203(2); except  
 10 that, for purposes of subsection (5), the Board of Regents and  
 11 the Board of Trustees of the Florida School for the Deaf and  
 12 the Blind shall comply with the recordkeeping and reporting  
 13 requirements adopted by the department pursuant to subsection  
 14 (3) with respect to those other-personal-services employees  
 15 exempted by this subsection.

16 (b) The provisions of subsections (2), (3), and (4) do  
 17 not apply to any employee of the Division of Blind Services  
 18 Library for the Blind and Physically Handicapped for whom the  
 19 Division of Blind Services is the employer as defined in s.  
 20 447.203(2); except that, for purposes of subsection (5), the  
 21 Division of Blind Services shall comply with the recordkeeping  
 22 and reporting requirements adopted by the department pursuant  
 23 to subsection (3) with respect to those other-personal-  
 24 services employees exempted by this subsection.

25 (c) ~~Effective-October-17-1986--and~~ Notwithstanding any  
 26 other provision of this section law, the secretary of the  
 27 Department of Health and Rehabilitative Services, or his  
 28 designee, may is-authorized-to extend the other-personal-  
 29 services employment of a health care practitioner an-osteopath  
 30 licensed pursuant to chapter 458, chapter 459, chapter 460,  
 31 chapter 461, chapter 463, chapter 464, chapter 466, chapter

1 468, chapter 483, chapter 486, or chapter 490 beyond 2,080  
2 hours and may ~~---The department is authorized to~~ employ such  
3 practitioner osteopath on an hourly or other basis.

4 ~~(d)---The secretary of the Department of Health and~~  
5 ~~Rehabilitative Services may extend the other personal services~~  
6 ~~employment of a physician licensed pursuant to chapter 458~~  
7 ~~beyond 2,000 hours and may employ such physician on an hourly~~  
8 ~~or other basis.~~

9 Section 2. This act shall take effect October 1, 1988.

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LEGISLATIVE SUMMARY

Specifies that Department of Administration approval of extended employment of an other-personal-services (OPS) temporary employee is required only if the employee's hours within one agency will exceed annual time limitations. Exempts seasonal employees and institutional clients employed as part of their rehabilitation from provisions relating to annual time limitations. Modifies requirements relating to the department's annual OPS employment report. Allows the Department of Health and Rehabilitative Services to extend the employment of specified health care professionals.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. <u>Hanna</u> <i>[Signature]</i>	<u>Jones</u> <i>[Signature]</i>	1. <u>PRCB</u>	<u>Fav/l amend.</u>
2. _____	_____	2. <u>AP</u>	_____
3. _____	_____	3. _____	_____
4. _____	_____	4. _____	_____

SUBJECT:

State Employment;  
OPS Extension

BILL NO. AND SPONSOR:

SB 861 by  
Senator Kiser

I. SUMMARY:

A. Present Situation:

Presently, s. 110.131, F.S., requires: (1) agency head approval for Other Personal Services (OPS) temporary employment, performed within a 12-month period, that exceeds 1,040 hours; and (2) Department of Administration approval for OPS services performed that exceed the 2,080 hour annual time limitation. However, present law allows the Secretary of Health and Rehabilitative Services to extend OPS employment beyond the 2,080 hour annual limitation for osteopaths licensed pursuant to Ch. 459, F.S.

Board members, consultants and degree-seeking secondary and postsecondary students are specifically exempted from the aforesated annual time limitations.

Section 110.131, F.S., also requires the Department of Administration to adopt rules to govern OPS employment policy and prepare an annual OPS employment report for each agency by budget entity with an agency summary.

B. Effect of Proposed Changes:

The bill adds seasonal employees and institutional clients employed as a part of their rehabilitation to the list of those exempted from the portion of the law which imposes annual employment time limitations on OPS temporary employees. Further, the bill allows the Secretary of Health and Rehabilitative Services to extend OPS employment beyond the 2,080 hour annual limitation for licensed health care practitioners such as physicians' assistants, chiropractic physicians, podiatrists, optometrists, nurses, dentists, etc. The bill also requires the Department of Administration to adopt rules limiting OPS services to short-term tasks. Also, the Department of Administration's annual OPS employment reporting requirements are substantially modified to require less detail.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

None.

B. Government:

Currently, the Department of Administration is directed to adopt rules providing that OPS employees should be used only for short-term tasks. Amending the law to require that OPS be limited to short-term tasks could have a limited impact on some state programs unless positions are established through the legislative budget process.

The Department of Administration will experience a cost saving in two areas. First, the computer time required to generate the annual OPS report will be reduced significantly. Second, the staff time and documentation required to request extension of OPS employment will be reduced both for the initiating agency as well as the Department of Administration.

The Department of Health and Rehabilitative Services may experience some savings in processing paper work currently being done to gain extensions for institutional clients.

III. COMMENTS:

None.

IV. AMENDMENTS:

#1 by Personnel, Retirement, and Collective Bargaining:  
Adds employees of legislatively or federally mandated emergency programs to the list of those exempted from the portion of the law which imposes annual employment time limitations on OPS temporary employees.



SENATE COMMITTEE AMENDMENT

SB 861

No. \_\_\_\_\_  
(reported favorably)

HB \_\_\_\_\_

The Committee on.....PR&CB.....recommended the following amendment which was moved by Senator.....and adopted: and failed:

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Senate Amendment

On page ....1....., line ...31.....,  
after the word employees,

If amendment is text from another bill insert:

Bill No.	Draft No.	With Changes?	No <input type="checkbox"/>	Yes <input type="checkbox"/>
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and insert:

employees of emergency programs which are mandated by the legislature or the federal government relating to pests and diseases of plants, animals, or humans,

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Series 18 Carton 1802

CODING: Words stricken are deletions; words underlined are additions.

\*\*\*\*\*  
\* Amendment No. \_\_, taken up by committee: Adopted \_\_ \*  
\* Offered by \_\_\_\_\_ Failed \_\_ \*  
\*\*\*\*\*  
(Amendment No. \_\_\_\_ Adopted \_\_ Failed \_\_ Date \_\_/\_\_/\_\_)

BILL VOTE SHEET

(VS-88: File with Secretary of Senate)

BILL NO. SB 861

COMMITTEE ON: Personnel, Retirement and Collective Bargaining

DATE: April 27, 1988

ACTION:

Favorably with 1 amendments

TIME: 2:00 - 5:00 p.m.

Favorably with Committee Substitute

PLACE: Room C, Senate Office Building

Unfavorably

OTHER COMMITTEE REFERENCES:  
(in order shown)

Submitted as a Committee Bill

AD

Temporarily Passed

Reconsidered

Not Considered

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THE VOTE WAS:

FINAL BILL VOTE		SENATORS	Amend 1 P 1 L 31 by Malchon											
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay
X		Crenshaw												
		Frank												
X		Hill												
X		Malchon												
		Meek												
		VICE-CHAIRMAN Lehtinen												
X		CHAIRMAN Hair												
4	* 0	TOTAL	W/O	-										
Aye	Nay		Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay	Aye	Nay

\* Present at the table without objection

Please Complete: The Key sponsor appeared ( )  
A Senator appeared ( )  
Sponsor's aide appeared ( )  
Other appearance ( X )

Florida Information Associates  
Florida Legislature  
Staff Analyses  
1988 Sessions

LAWS OF FLORIDA CHAPTER NO.

88-0333

PRIME BILL NUMBER

88/H0533

TYPE OF BILL

general

SPONSOR

H. Govt. Operations Comm.

PRIME BILL TITLE (short title)

State Employment / OPS Extension

SIMILAR/IDENTICAL BILL SUBSTITUTED BY PRIME BILL: 88/S0861

DOCUMENTATION REPRODUCED

Analysis

PRIME SENATE COMMITTEE:

n/a

( )

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FINAL SENATE COMMITTEE:

n/a

( )

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PRIME HOUSE COMMITTEE:

Governmental Operations

( X )

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FINAL HOUSE COMMITTEE:

Appropriations

( )

-----  
SUBSTITUTED BILL:

(88/S0861)

( X )

-----  
OTHER:

( )

NOTE: Consult the Final Legislative Bill Information (from Joint Legislative Management Committee, Division of Legislative Information, 1988) for more detailed bill history data. If prime bill number above is followed by an asterisk (\*), it was amended on the floor, and the staff analysis for that bill may not be in accordance with the enacted law. The analyses reproduced here were supplied by the appropriate committee, who is solely responsible for their accuracy and completeness.

ADDITIONAL INFORMATION:

(FRM 25-12/88)

HB \_\_\_\_\_

The Committee on.....PR&CB.....recommended the following amendment which was moved by Senator.....and adopted; and failed:

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Senate Amendment

On page ....1....., line ...31.....,  
after the word employees,

If amendment is text from another bill insert:  
Bill No. \_\_\_\_\_ Draft No. \_\_\_\_\_ With Changes? Yes  No

and insert:  
employees of emergency programs which are mandated by the legislature or the federal government relating to pests and diseases of plants, animals, or humans,

CODING: Words stricken are deletions; words underlined are additions.  
\*\*\*\*\*  
\* Amendment No. 1, taken up by committee: 4/27/88 Adopted x \*  
\* Offered by Senator Malchon Failed \_ \*  
\*\*\*\*\*  
(Amendment No. \_\_\_\_ Adopted \_\_ Failed \_\_ Date \_\_/\_\_/\_\_)