Session Law 88-333

Florida Senate & House of Representatives

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A bill to be entitled
An act relating to state employment; amending
s. 110.131, F.S., relating to other-personal-
services temporary employment; modifying
provisions relating to extended employment;
providing an exemption; modifying requirements
for an annual report of the Department of
Administration; providing an effective date.

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

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

110.131 Other-personal-services temporary
employment.--

(2) No agency may employ any individual in other-
personal-services temporary employment for more than 1,040
hours within any 12-month period without the approval of the
agency head. An agency head may extend such employment for no
more than 1,040 hours. An extension beyond a total of 2,080
hours within an agency for any individual shall require the
approval of the department. Approval of extensions shall be
made in accordance with criteria established by the
department. Each agency shall maintain employee information
as specified by the department regarding each extension of
other-personal-services temporary employment. The time
limitation established by this subsection does not apply to
board members, consultants, seasonal employees, or bona fide,
degree-seeking students in accredited secondary or
postsecondary educational programs.

CODING: Words stricken are deletions; words underlined are additions.
(3) The department shall adopt rules providing that other-personal-services temporary employment in an employer-employee relationship shall be used for short-term tasks. Such rules shall specify the employment categories, terms, conditions, rate of pay, and frequency of other-personal-services temporary employment and the duration for which such employment may last; specify criteria for approving extensions beyond the time limitation provided in subsection (2); and prescribe recordkeeping and reporting requirements for other-personal-services employment. Such rules shall be approved by the Administration Commission and shall be adopted no later than December 31, 1983.

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

(a) The number of individuals, and full-time equivalently employed as other-personal-services personnel, by employment category, for each month of the fiscal year.

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

(b) For each individual whose initial other-personal-services temporary employment began before the start of the fiscal year covered and who was still employed as an other-personal-services temporary employee at the end of the fiscal year covered, the name, social security number,  

CODING: Words stricken are deletions; words underlined are additions.
employment category, employment commencement date, and number
of hours worked in each fiscal year employed.

Section 2. This act shall take effect October 1, 1988.
HOUSE 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 from provisions relating to annual time limitations. Modifies requirements relating to the department's annual OPS employment report.

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

VII. STAFF DIRECTOR:  Jack M. Holland
DHS BILL ANALYSIS

DATE: February 22, 1988

ANALYST: Susan Cooper, Personnel Services Specialist, Office of Personnel Management, 488-6541

REVIEWER: Vivian Pyle, Personnel Management Director, Office of Personnel Management, 488-5091

HOUSE BILL NUMBER: PCB GO 19

SPONSOR: ________________

SENATE BILL NUMBER: ________________

COORDINATED WITH: ________________

REVIEWER: E. Merrill Moody, Assistant Secretary for 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.
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.
A bill to be entitled
An act relating to state employment; amending
s. 110.131, F.S., relating to other-personal-
services temporary employment; modifying
provisions relating to extended employment;
providing exemptions; modifying requirements
for an annual report of the Department of
Administration; authorizing the Department of
Health and Rehabilitative Services to extend
the employment of designated licensed health
care practitioners; providing an effective
date.

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

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

(2) No agency may employ any individual in other-
personal-services temporary employment for more than 1,040
hours within any 12-month period without the approval of the
agency head. An agency head may extend such employment for no
more than 1,040 hours. An extension beyond a total of 2,080
hours within an agency for any individual shall require the
approval of the department. Approval of extensions shall be
made in accordance with criteria established by the
department. Each agency shall maintain employee information
as specified by the department regarding each extension of
other-personal-services temporary employment. The time
limitation established by this subsection does not apply to
CODING: Words stricken are deletions; words underlined are additions.
The department shall adopt rules providing that other-personal-services temporary employment in an employer-employee relationship shall be used for short-term tasks. Such rules shall specify the employment categories, terms, conditions, rate of pay, and frequency of other-personal-services temporary employment and the duration for which such employment may last; specify criteria for approving extensions beyond the time limitation provided in subsection (2); and prescribe recordkeeping and reporting requirements for other-personal-services employment. Such rules shall be approved by the Administration Commission and shall be adopted no later than December 31, 1983.

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

{a}--The-number-of-individuals-and-full-time equivalently-employed-as-other-personal-services-personnel-by employment-category-for-each-month-of-the-fiscal-year;

{a+b} The total amount of compensation for other-personal-services personnel, by employment category, for the fiscal year.
For each individual whose initial other-personal-services temporary employment began before the start of the fiscal year covered and who was still employed as an other-personal-services temporary employee at the end of the fiscal year covered, the name, social security number, employment category, employment commencement date, and number of hours worked in each fiscal year employed.

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

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

(c) Notwithstanding the provisions of this section, the Secretary of the Department of Health and Rehabilitative Services, or his delegate, may extend the other-personal-services employment of a health care practitioner licensed pursuant to chapter 658, chapter 459, chapter 460, chapter...
461, chapter 463, chapter 464, chapter 466, chapter 468, chapter 483, chapter 486, or chapter 490 beyond 2,000 hours and may employ such practitioner on an hourly or other basis. Effective-October-1-1986, and notwithstanding any other provision of law, the secretary of the Department of Health and Rehabilitative Services is authorized to extend the other-personal-services-employment-of-an-osteopath-licensed-pursuant to chapter 459 beyond 2,000 hours; the department is authorized to employ such osteopath on an hourly or other basis. The secretary of the Department of Health and Rehabilitative Services may extend the other-personal-services-employment-of-a-physician-licensed-pursuant-to-chapter-458 beyond 2,000 hours and may employ such physician on an hourly or other basis.

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

Specifications 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. Authorizes the Department of Health and Rehabilitative Services to extend the employment of designated licensed health care 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.
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
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
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 paperwork 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

FINANCE & TAXATION:
Prepared by: Lori Kilpatrick

APPROPRIATIONS:
Prepared by: Lori Kilpatrick

Staff Director: Jack M. Holland

Staff Director: Dr. James A. Zingale

929
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

FINANCE & TAXATION:
Prepared by:

APPROPRIATIONS:
Prepared by: Lori Kilpatrick

Staff Director: Jack M. Holland

Staff Director: Dr. James A. Zingale
Florida Senate - 1988

By Senator Kiser

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

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

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

110.131 Other-personal-services temporary
employment.--

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

CODING: Words stricken are deletions; words underlined are additions.
clients employed as part of their rehabilitation, or bona

fide, degree-seeking students in accredited secondary or
postsecondary educational programs.

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

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

(a) The number of individuals employed full-time
and equivalent time for personal services personnel by
employment category for each month of the fiscal year;

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

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

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

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

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

(c) Effective October 1, 1986, and Notwithstanding any 
other provision of this section law, the secretary of the 
Department of Health and Rehabilitative Services, or his 
designee, may authorize to extend the other-personal-
services employment of a health care practitioner an-osteopath 
licensed pursuant to chapter 458, chapter 459, chapter 460, 
chapter 461, chapter 463, chapter 464, chapter 466, chapter 

CODING: Words stricken are deletions; words underlined are additions.
Section 2. This act shall take effect October 1, 1988.
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 aforesaid 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.
The Committee on.......PR&CB........recommended the following amendment which was moved by Senator............and adopted:

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

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.
**BILL VOTE SHEET**

(For Reference: File with Secretary of Senate)

BILL NO. SB 861

COMMITTEE ON: Personnel, Retirement and Collective Bargaining

DATE: April 27, 1988

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

PLACE: Room C, Senate Office Building

OTHER COMMITTEE REFERENCES:

The vote was:

**THE VOTE WAS:**

<table>
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<tr>
<th>FINAL BILL VOTE</th>
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4 * 0 TOTAL W/O -

Aye Nay

* Present at the table without objection

Please Complete: The Key sponsor appeared ( )
A Senator appeared ( )
Sponsor's aide appeared ( )
Other appearance ( X )
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<tr>
<th>PRIME BILL NUMBER</th>
<th>TYPE OF BILL</th>
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<td>88/H0533</td>
<td>general</td>
<td>H. Govt. Operations Comm.</td>
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**PRIME BILL TITLE (short title)**

State Employment / OPS Extension

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

**DOCUMENTATION REPRODUCED**

<table>
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<tr>
<td>Prime Senate Committee: n/a</td>
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<td>Final Senate Committee: n/a</td>
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<tr>
<td>Prime House Committee: Governmental Operations (X)</td>
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<td>Final House Committee: Appropriations</td>
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<td>Substituted Bill: (88/S0861) (X)</td>
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<td>Other:</td>
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**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:**
SENATE COMMITTEE AMENDMENT

No. 1

SB 861

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

and failed:

Senate Amendment

On page , line , after the word employees.

If amendment is text from another bill insert:

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

(Amendment No. Adopted Failed Date / / )