

**STATE OF FLORIDA
DEPARTMENT OF MANAGEMENT SERVICES**

IN RE: SUSPENSION OF RULES,
PURSUANT TO EXECUTIVE ORDER
NUMBER 20-52, MADE NECESSARY
BY THE COVID-19 PUBLIC HEALTH
EMERGENCY.

DMS EO 20-01

EMERGENCY ORDER

WHEREAS, the Governor of the State of Florida issued Executive Order No. 20-52 in response to the COVID-19 Public Health Emergency which poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State;

WHEREAS, Section 4(B) of Executive Order No. 20-52 provides that each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the order or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency, including rules affecting the conditions of employment and the compensation of employees; and

WHEREAS, Rule 60L-34.0042(5), Florida Administrative Code, currently allows intra-agency and inter-agency transfers of sick leave only when an employee has completely exhausted all of their personal leave balances.

NOW THEREFORE, I hereby find that the Department of Management Services' timely performance of disaster response functions related to the COVID-19 Public Health Emergency is hindered by the application of procedures imposed by Rule 60L-34.0042(5), Florida Administrative Code.

Therefore, pursuant to Section 4(B) of Executive Order No. 20-52, I hereby issue the following authorization(s):

1. Suspend Rule 60L-34.0041, Florida Administrative Code, and Rule 60L-34.0042(5), Florida Administrative Code, for the particular purpose of allowing state employees of the State Personnel System the flexibility to donate and transfer leave (sick, annual and personal) to other state employees of the State Personnel System (intra and inter-agency) to mitigate the impacts of school closures and adopt Centers for Disease Control and Department of Health social distancing recommendations, within the following parameters:
 - a. A donating employee must retain at least 80 hours of sick leave in case of future illness;
 - b. A donating employee must transfer at least eight hours of leave to a receiving employee;
 - c. The provisions of Rule 60L-34.0042(5)(e)3., Florida Administrative Code remain in effect, meaning that any state employee who is eligible for disability leave is not eligible to receive donated or transferred leave.
2. Suspend Rule 60L-34.0042(3), Florida Administrative Code, for the particular purpose of allowing state employees of the State Personnel System the flexibility to utilize sick leave for childcare or dependent care purposes.

The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52.

(Signature Page Follows)

By Order of the Secretary of the Department of Management Services executed this 16th day of March, 2020, in Tallahassee, Leon County, Florida.



JONATHAN R. SATTER, Agency Secretary
Department of Management Services
4050 Esplanade Way, Suite 285
Tallahassee, Florida 32399

Certificate of Clerk:

Filed in the office of the Clerk of
the Department of Management Services
on this 16th day of March, 2020.



Agency Clerk