

STORAGE NAME: h2027.ca

DATE: April 16, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 2027

RELATING TO: Seminole County (Sheriff's Office Civil Service System)

SPONSOR(S): Representative Feeney

COMPANION BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY AFFAIRS
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

This bill re-creates the civil service system for employees of the Office of Sheriff of Seminole County.

According to the Economic Impact Statement, this bill has no fiscal impact but it is expected that efficiency of the Sheriff's Office will increase.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The initial civil service system for the Seminole County Sheriff's Office was created by chapter 70-941, Laws of Florida. That act provided a Civil Service Board (Board) to hear complaints and appeals. The Board consisted of three members: one appointed by the Sheriff, one elected by a majority of the employees of the system, and the third to be appointed or elected by the first two members. The system was divided into "classified" and "unclassified" service.

The act stipulated certain age and employment criteria and established competitive testing for applicants. The probation period under the initial act was one year. A process was established for handling complaints and for the Sheriff to report on the performance of members of the system.

A 1977 amendment to the enabling act stipulated the offices to be in the "unclassified" service as: (1) the Sheriff, (2) his administrative aides, (3) his personal secretary, (4) persons holding the rank of major or above, (5) the impounding officer, (6) bailiff, (7) crossing guards, (8) special deputies, and (9) kitchen help. The "classified" service includes all other positions, officers, classes or employees. The 1977 act also made changes to the compilation of the eligibility list. Positions of major and above are outside the "classified" service. The Sheriff is authorized to suspend or dismiss any employee for any cause after a reasonable notice process is followed.

The 1980 special act changed the term of Board members from *one year to two years*. The Sheriff is required to periodically report to the Board on the employment needs of his office. This act also provides that promotion tests are to be available periodically and consideration given to ability, efficiency and seniority in service. Persons not eligible for promotion are employees who have served less than three years in the position of deputy or less than one year in the position of corporal, sergeant, lieutenant or captain.

The 1988 special act *changed the number of Board members to five*. The term remains at two years. Two members of the Board are appointed by the Sheriff, two members elected by a majority of employees of the system, and these four members appoint or elect the fifth member. This act also provides that deputy Sheriffs and all other applicants for employment meet minimum standards and qualifications. Investigations by the Board are to be guided by rules promulgated by the Board, providing reasonable notice to all affected persons.

The 1989 special act changed the persons considered in the "unclassified" service. Those persons holding the rank of captain or above, rather than major or above, are included. The impounding officer is not included. Other changes made to the enabling act relate to promotion tests and criteria which must be met before testing.

B. EFFECT OF PROPOSED CHANGES:

Provides a re-creation of the Seminole County Sheriff's Office Civil Service System (System), addressing components of the System. The bill:

- Establishes that membership on the Civil Service Board is five members appointed or elected for two years.
- Establishes the Board's authority to contract with an assessment center for the purpose of assessing eligible candidates for positions in the classified and non-classified civil service system.
- Establishes age and other qualifications for Board members.
- Establishes persons in "unclassified" and "classified" service.
- Provides for the organization of the Board and the conduct of its meetings.
- Requires the Sheriff to submit a table of organization to the Board annually outlining the pay scale of each position and class in the Sheriff's Office. The Sheriff must certify the capability of the Sheriff's office to properly and sufficiently function under the civil service rules. When certification is received by the Board, the Board must acknowledge so. *The certification may only be changed by subsequent act of the Legislature.*
- Establishes powers of the Civil Service Board.
- Provides that present employees who have served at least six months are grandfathered in under the provisions of this act.
- Provides all deputy sheriffs must meet the requirements of chapter 943, Florida Statutes, and any other qualifications or standards imposed by the Board.
- Provides that the Sheriff inform the Board periodically of the employment needs of his office; provides for rank promotion tests and requirements comprising tests. Gradings and test papers are open to inspection.
- Requires the Sheriff to select from the eligibility list when filling vacancies; if there are no eligibles, the Sheriff may appoint a person to the vacancy on a provisional basis. The provisional employee is not entitled to acquire any rights under the system.
- Provides positions in the "classified" service filled by virtue of a rank promotion from the "classified" service is probationary for six months. Probationary periods for initial appointments are one year. Termination during the probationary period does not entitle a person to a hearing before the Board.
- Provides that any position in the "unclassified" service may be filled outside the classified service and that person serves at the pleasure of the Sheriff. If a person comes from the "classified" service to the "unclassified" service and the services are terminated by the Sheriff, that person must be returned to duty in the former rank and pay held by him or her in the "classified" service, unless the

person's conduct during service in the "unclassified" position is grounds for dismissal. The Sheriff's authority is not limited in transferring classified personnel within the office or eliminating vacant "classified" positions.

- Authorizes the Board, when conducting investigations or hearings, to administer oaths, take depositions, issue subpoenas, compel attendance of witnesses and produce books accounts, etc. and testimony. Persons disobeying orders or subpoenas of the Board may be held in contempt of court.
- Provides processes for the Board to receive testimony and evidence.
- Provides that the burden of proving just cause for the disciplinary action by the preponderance of the evidence is on the Sheriff.
- Provides that decisions of the Board are by majority vote.
- Provides that no person deceive or obstruct any person regarding testing, grading, or a person's test standing. Other provisions disallow use of influence or official authority to secure any appointment or promise of appointment, threats, coercion or attempt to induce a person to resign from the civil service system or take a leave of absence or waive any rights under this act.
- Provides that any person guilty of violating the provisions of this act is guilty of a misdemeanor, punishable by a fine of not more than \$500 or not more than 6 months imprisonment, at the discretion of the court.
- Authorizes the Sheriff to suspend, terminate or demote any employee in the "classified" service for any cause to promote the efficiency of the service. The bill provides for a notice process prior to any of these processes taking place. The employee has an opportunity to be heard in his own defense and, under certain conditions, may appeal to the Board. The Board is authorized to hear complaints about certain actions and without authority to hear other actions. However, the decision of the Board is final when acting under its authority provided by this bill.
- Establishes duty of authorities having charge of public buildings in Seminole County to allow reasonable use of public buildings and rooms for the Board to hold meetings and administer exams.
- Requires the Sheriff to provide for a reasonable sum of money each year to carry out the purposes of this bill.
- Provides that nothing in the bill is to be construed as affecting the budget-making powers of the Board of County Commissioners of Seminole County.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 70-942, 77-653, 80-612, 88-451, and 89-457, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

Not applicable.

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

(3) any entitlement to a government service or benefit?

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

Not applicable.

a. Does the bill increase anyone's taxes?

b. Does the bill require or authorize an increase in any fees?

c. Does the bill reduce total taxes, both rates and revenues?

d. Does the bill reduce total fees, both rates and revenues?

- e. Does the bill authorize any fee or tax increase by any local government?

3. Personal Responsibility:

Not applicable.

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

4. Individual Freedom:

Not applicable.

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?
- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

5. Family Empowerment:

Not applicable.

- a. If the bill purports to provide services to families or children:
 - (1) Who evaluates the family's needs?
 - (2) Who makes the decisions?
 - (3) Are private alternatives permitted?
 - (4) Are families required to participate in a program?

- (5) Are families penalized for not participating in a program?

- b. Does the bill directly affect the legal rights and obligations between family members?

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:
 - (1) parents and guardians?

 - (2) service providers?

 - (3) government employees/agencies?

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends various sections of chapter 70-942, Laws of Florida, as amended, as follows:

Section 1: -- Provides for a re-creation of the Seminole County Sheriff's Office Civil Service Board; provides for membership, terms of office, composition, and vacancies;

Section 2: -- Provides for individual qualifications of the Board members;

Section 3: -- Provides for classified and unclassified service;

Section 4: -- Provides meetings of the Board and for its organization;

Section 5: -- Provides that no later than October 30th each year the Sheriff must certify to the Board an organizational table of the employees of the Sheriff's Office including their pay and positions or class; provides that the certification, after acknowledged by the Board, may only be revoked by the Legislature;

Section 6: -- Provides the Board must make rules to conduct investigations for enforcing this act, to hear and determine appeals, establish and maintain a roster of all employees in the Service with certain information about each position, and perform other functions in the administration of their duties under this act;

Section 7: -- Provides that current employees of the Sheriff's Office serving for longer than 6 months are not subject to a probationary period or other performance criteria;

Section 8: -- Provides that deputies or correctional officers must meet the qualifications of chapter 943, Florida Statutes;

Section 9: -- Provides that the Sheriff is responsible for informing the Board periodically on the employment needs of the Office of Sheriff. Provides the Board may employ an assessment center's services for the purpose of providing eligible employees for the Office of the Sheriff or, in the alternative, the Board may conduct its own tests for the purpose of establishing lists of eligible employees; provides for promotion testing either in-house or by an assessment center; provides criteria for tests and grading and for correction of grading errors; provides for appointment by the Sheriff of entry level deputy or corrections officers from list supplied to Sheriff by the Board;

Section 10: -- Provides for appointment by the Sheriff when no appropriate list of eligibles is available; establishes rules for probationary period and appointments;

Section 11: -- Provides for investigations of complaints by the Board to be established by rule and regulation promulgated by the Board;

Section 12: -- Prohibits deception or obstruction of the Board's information gathering activities; prohibits the obstruction of a person's rights under this act;

Section 13: -- Provides that violations of this act are a misdemeanor punishable by a fine of not more than \$500 or by both fine and imprisonment for a term not exceeding 6 months;

Section 14: -- Provides that the Sheriff must give a written report of all appointments, reinstatements, vacancies, absences or other matters affecting the status of any member of the classified service on a form prescribed by the Board;

Section 15: -- Provides that the Sheriff is authorized to terminate, suspend or demote any employee in the classified service for any cause which promotes efficiency of the Service; provides for termination, suspension, demotion or disciplinary actions;

Section 16: -- Authorizes the Board to use public facilities of the county to hold meetings and conduct examinations;

Section 17: -- Provides that the Sheriff must budget annually to carry out the purposes of this act;

Section 18: -- Provides a severability clause; provides the act does not create any property rights or vested interests in any classified service position; and

Section 19: -- Provides that the budget-making power of the Seminole County Board of County Commissioners is not affected by this act.

Section 2: Provides for an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 18, 1997

WHERE? Sanford Herald, Sanford, Seminole County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

The Chief Deputy of the Seminole County Sheriff's Office indicated in recent comments that the bill is needed to streamline procedures, update the civil service act, and make housekeeping changes.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A technical, clarifying amendment is agreed to by the sponsor. The amendment adds "of capability" to modify the certification made by the Sheriff to the Board which becomes irrevocable except by a subsequent act of the Legislature.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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