

STORAGE NAME: h4173.ca

DATE: April 1, 1998

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

BILL #: HB 4173

RELATING TO: Hillsborough County Civil Service

SPONSOR(S): Representative Byrd

COMPANION BILL(S): SB 2586 (i)

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

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

The bill removes county employees employed by the Thirteenth Judicial Circuit from the county civil service system.

The bill allows certain employees of the Administrative Office of the Courts to appeal adverse decisions to the Hillsborough Civil Service Board.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Hillsborough County Home Rule

The Hillsborough County Home Rule Charter took effect May, 1985. The charter provides for local self-determination and grants all powers of a chartered county under Section I, Article VIII, Florida Constitution, 1968, as amended. One of the features of the Hillsborough County charter as described in "Home Rule Charter for Hillsborough County Florida, Approved by Hillsborough County Voters, September, 1983," is:

Special laws enacted by the Florida Legislature may be effective in Hillsborough County without approval by County electors if they relate to the following: ***civil service***, aviation, the port, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts. [Emphasis added.]

The Hillsborough County Civil Service Act (Act) was created by special act in 1951 and amended by subsequent special acts. Most recently, in 1982 and 1985, the Act was recreated (codified) and provided for repeal of all existing prior acts. The Act currently in effect is Chapter 96-519, Laws of Florida, as amended by chapter 97-349, Laws of Florida.

Hillsborough County Civil Service Act

The Hillsborough County Civil Service Act was created in order to establish a system for the formulation and implementation of procedures to ensure the uniform administration of the classified service regarding recruitment, compensation, benefits, retention, and fair treatment. Employees appeal adverse decisions to the Hillsborough County Civil Service Board which makes final decisions in the matter.

Statutes relating to the Judiciary

Section 25.382, Florida Statutes, provides that the Supreme Court shall determine by rule the selection of employees, employee qualifications and compensation, and policies relating to work of judicial employees for the state courts system. Divisions of the Supreme Court, district courts of appeal, circuit courts, and county courts are included within the state courts system. Section 110.205, Florida Statutes, provides the State's career service system. Under subsection (2)(c), all employees of the judicial branch are exempted from the system.

B. EFFECT OF PROPOSED CHANGES:

The bill removes county employees employed by the Thirteenth Judicial Circuit from the county civil service system. It allows one set of personnel rules, the Supreme Court Personnel Regulations, to apply to all employees of the court and ensures that court staff are treated equally. It allows the court, not the Civil Service Board, to establish job descriptions that accurately reflect the duties of its employees. Currently, the court is required to utilize job descriptions established to meet the needs of the county rather than the specialized needs of the court.

The bill allows certain employees of the Administrative Office of the Courts to appeal adverse decisions to the Hillsborough Civil Service Board. The Board then makes a recommendation to the Chief Judge, who makes the final decision.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Section 4 of chapter 96-519, Laws of Florida; Paragraph (f) of subsection (2) of section 6 of chapter 96-519, Laws of Florida; Sections 13 through 25 of chapter 96-519, Laws of Florida, as amended by chapter 97-349, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

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

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

N/A

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

N/A

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

The bill eliminates the rights of Hillsborough county-funded judicial employees to appeal an adverse employment decision to the Civil Service Board and have the Board make the final decision.

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

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

N/A

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

N/A

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?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

STORAGE NAME: h4173.ca

DATE: April 1, 1998

PAGE 6

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends section 4 of chapter 96-519, Laws of Florida; removes the circuit court commissioner and court administrator offices from the Hillsborough County Civil Service Act; exempts the judiciary from the act; and provides that positions within the Administrative Office of the Courts may appeal adverse employment decisions.

Section 2: Amends paragraph (f) of subsection (2) of section 6 of chapter 96-519, Laws of Florida; and removes language referring to secretaries of judges.

Section 3: Creates a new section 13 of chapter 96-519, Laws of Florida; provides that classified employees within the Administrative Office of the Courts, hired prior to January 1998, may appeal adverse decisions to the Hillsborough Civil Service Board which has the authority to make recommendations to the Chief Judge; and provides that the Board recommendations are not binding on the Chief Judge.

Section 4: Provides an effective date of upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? February 12, 1998

WHERE? Tampa, Florida; The Times

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:

Chapter 96-519, Laws of Florida, conflicts with the provisions of sections 25.382, and 111.205(2)(c), Florida Statutes. Chapter 96-519 also contradicts the Rules of the Judicial Administration which supersedes all conflicting rules or statutes and imposes upon the chief judge the duty and authority to manage the court. This bill eliminates the conflicts and brings the county-funded court employees under the same regulations as division of Supreme Court, district courts of appeal, circuit courts, and county courts employees.

The bill also corrects a possible separation of powers problem and prevents a formal challenge to the inclusion of court system employees in the Hillsborough County's Civil Service system. Currently, the Civil Service Board has the authority to reverse a disciplinary

STORAGE NAME: h4173.ca

DATE: April 1, 1998

PAGE 7

action by the court. The Florida Supreme Court held in Chiles v. Children A, B, C, D, E and E, 589 So. 2d 260 (Fla. 1991) that “the judicial branch cannot be subjected in any manner to oversight by the executive branch.”

In addition, it appears as though this bill creates an unnecessary step in that it allows employees to appeal to the Civil Service Board any adverse employment decision. The Board then has the authority to make recommendations, not decisions, to the Chief Judge. The Chief Judge has the last say in the matter and makes the final decision. Appealing to the Civil Service Board seems unnecessary and time consuming since its decision has no binding effect.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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