

STORAGE NAME: h4319z.ca
DATE: June 24, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

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

BILL #: HB 4319
RELATING TO: Polk County
SPONSOR(S): Representative Putnam
COMPANION BILL(S): SB 2660 (i)

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

- (1) COMMUNITY AFFAIRS YEAS 8 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 4319 was introduced March 20, 1998 and referred to the Committee on Community Affairs on March 27, 1998. The committee considered the bill favorably on April 21, 1998 and the bill was placed on the House Local Calendar on April 24, 1998. The House approved the bill 120 YEAS 0 NAYS. The Senate received the bill April 28, 1998 and placed it on the Senate Local Calendar on May 1, 1998. The Senate approved the bill 40 YEAS 0 NAYS on May 1, 1998. The bill became law without the Governor's signature on May 23, 1998, as chapter 98-516, Laws of Florida.

II. SUMMARY:

This bill updates the existing special act to reflect changes in the organizational structure of the Polk County Sheriff's Office which have occurred within the past 10 years. The bill restructures a personnel committee, renames certain classified service positions, prescribes that board members serve 2 year terms, and authorizes the Sheriff's designee to perform certain duties.

This bill shall take effect upon becoming a law.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

In 1988, the Legislature authorized a personnel system for deputies, employees, and members of the Sheriff's Office of Polk County (chapter 88-443, Laws of Florida). Currently, the Sheriff appoints a 5 member personnel board to hear appeals and complaints and to make recommendations regarding the same, and designates a 7 person Members Advisory Council to appoint 2 members of the personnel board and to advise the Civil Service Administrator on various personnel issues. The Civil Service Administrator is responsible for publicly noticing vacancies for positions in the classified service.

Section 10, Article III of the State Constitution provides that no special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected. Section 11.02, Florida Statutes, provides implementing language for the constitutional provision.

B. EFFECT OF PROPOSED CHANGES:

House Bill 4319 updates the existing special act to reflect changes in the organizational structure of the Polk County Sheriff's Office. The bill corrects obsolete terminology with respect to certain employee positions and personnel offices. The bill renames the Members Advisory Committee as the Members Nominating Committee, reduces its membership from 7 persons to 3 persons, and provides for members to serve 2 year terms. The bill stipulates that personnel board members shall be appointed to 2 year terms on an alternating schedule effective the second Tuesday of January, and authorizes the personnel board to elect its chair for a 2 year period. The bill further provides that 3 members shall constitute a quorum for the purpose of hearing appeals and rendering decisions.

In addition, the bill authorizes the Sheriff's designee to create or alter positions, recommend acceptable candidates to the Human Resource Administrator, and make certain appointments. The bill provides that the Sheriff give verbal or written notice of the reasons for disciplinary action of a classified service member prior to such action taking effect. The bill also provides salary reduction guidelines for members replaced by an incoming sheriff.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 88-443, 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?

No.

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

No.

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

No.

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

E. SECTION-BY-SECTION RESEARCH:

Section 1: Amends sections 1 through 17 of chapter 88-443, Laws of Florida, as follows:

Section 1: Corrects obsolete personnel descriptions.

Section 2: Replaces the 7 person Members Advisory Committee with a 3 person Members Nominating Committee; renames the Civil Service Administrator as the Human Resources Administrator.

Section 3: Provides that personnel board members shall be appointed to 2 year terms on an alternating schedule.

Section 4: Provides that personnel board members shall receive a monthly allowance.

Section 5: Provides that the personnel board shall elect the chair for a 2 year period.

Section 6: Provides that the Sheriff shall give the personnel board a list of all employees and members, positions, and classes within the Sheriff's office.

Section 7: Provides for a quorum of the personnel board.

Section 8: Removes requirement that the Sheriff must approve all changes to job descriptions and classifications; provides rulemaking authority.

Section 9: Provides for the appointment of the Members Nominating Committee; deletes an obsolete provision relating to civil service positions.

Section 10: Authorizes the Sheriff or the Sheriff's designee to create or alter positions within the Sheriff's office.

Section 11: Corrects an obsolete personnel description.

Section 12: Authorizes the Sheriff's designee to perform certain functions relating to position vacancies.

Section 13: Authorizes the Sheriff's designee to discipline or terminate an appointee during the 1 year probationary period.

Section 14: Incorporates gender neutral language.

Section 15: Provides intent language.

Section 16: Incorporates gender neutral language; restricts certain powers of the board; provides salary guidelines regarding members replaced by an incoming sheriff.

Section 2: Provides this act shall take effect upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 12, 1998

WHERE? The Polk County Democrat, Bartow, Florida

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

STORAGE NAME: h4319z.ca

DATE: June 24, 1998

PAGE 7

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [X] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [X] No []

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Angela Price

Joan Highsmith-Smith

FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith