

**STORAGE NAME:** h4323z.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 #:** 1ST ENG/HB 4323  
**RELATING TO:** Palm Beach County/Sheriff's Civil Service System  
**SPONSOR(S):** Representative Warner  
**COMPANION BILL(S):** SB 2582 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

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**I. FINAL ACTION STATUS:**

House Bill 4323 was introduced March 20, 1998 and referred to the Committee on Community Affairs on March 27, 1998. The Committee considered the bill on April 7, 1998 and voted the bill favorably with one amendment. The bill was placed on the House Local Calendar on April 24, 1998. The bill, with the amendment traveling, was approved by the House April 24, 1998, by a vote of 120 YEAS 0 NAYS. The Senate received the bill on April 29, 1998, placed it on the Senate Local Calendar on May 1, 1998, and voted to approve the bill on that date by a vote of 40 YEAS 0 NAYS. On May 23, 1998, the bill became law without the Governor's signature and is chapter 98-517, Laws of Florida.

**II. SUMMARY:**

This bill amends the special act for the Palm Beach County Sheriff's Civil Service System. The revisions relate to the procedures for appeal of disciplinary actions and complaints against employees. The bill also revises the distribution of funds allocated for longevity pay for certain employees to allow for distribution based on objective performance-related criteria.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Chapter 93-367, Laws of Florida, provides for a civil service system for the Office of the Sheriff of Palm Beach County. Section 2 of chapter 93-367, Laws of Florida, provides for the functions of the ad hoc hearing review boards for the purpose of hearing appeals of career service employees. Currently, offenses resulting in suspensions of less than one working day are not appealable to the board.

According to the Sheriff, some examples of actions which may require one to two day suspensions are:

- ▶ Failure to respond to radio calls
- ▶ Tardiness
- ▶ Failure to appear at a line-up
- ▶ Absence from duty
- ▶ Misuse of sick leave benefits

Section 3 of chapter 93-367, Laws of Florida, as amended by chapters 96-450 and 97-325, Laws of Florida, provides for the preservation of certain employment benefits and emoluments. This section, however, does not apply to employees beyond the rank of *captain* or the civilian equivalent.

Existing employer-paid benefits and emoluments with regard to the pay plan, longevity plan, tuition-reimbursement plan, and other benefits, do not currently include merit pay for those at the rank of captain or the civilian equivalent.

B. EFFECT OF PROPOSED CHANGES:

Offenses resulting in suspensions amounting to two working days or less are non-appealable to the review board. The goal of this change is to reduce the time spent by officers serving on the review board hearing appealable issues.

The provisions of the preservation of employment benefits and emoluments do not apply to employees beyond the rank of *lieutenant* or the civilian equivalent. The bill allows disbursement of funds based on merit pay, rather than longevity. The disbursements must be in accordance with objective performance-related criteria. Consideration of input from a committee including employees at the rank of captain or its civilian equivalent must be considered.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapters 93-367, 96-450 and 97-325, 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?

N/A

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 subsection (1) of section 2 of chapter 93-367, Laws of Florida, to provide that offenses resulting in suspensions amounting to two working days or less are non-appealable to the review board.

Section 2 -- Amends subsection (1) and (2) of section 3 of chapter 93-367, Laws of Florida, as amended, to revise that the preservation of employment benefits and emoluments do not apply to employees beyond the rank of *lieutenant* or the civilian equivalent; and allows funds based on merit pay, rather than longevity, to be disbursed. The disbursements must be in accordance with objective performance-related criteria. Consideration of input from a committee including employees at the rank of captain or its civilian equivalent must be considered.

Section 3 -- Provides for an effective date of upon becoming a law.

IV. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [X] No [ ]

IF YES, WHEN? February 4, 1998

WHERE? West Palm Beach, FL The Palm Beach Post

B. REFERENDUM(S) REQUIRED? Yes [ ] No [X]

IF YES, WHEN?

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:

The Committee on Community Affairs adopted an amendment, offered by the sponsor, at its meeting on April 7, 1998. The amendment replaced current law providing that persons beyond the rank of captain or the civilian equivalent are not entitled to the preservation of benefits provisions. The amendment was subsequently adopted by the House and engrossed in the bill.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Legislative Research Director:

Joan E. Highsmith-Smith

Joan E. Highsmith-Smith

**FINAL RESEARCH PREPARED BY COMMITTEE ON COMMUNITY AFFAIRS:**

Prepared by:

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Joan E. Highsmith-Smith

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