

STORAGE NAME: h0521.ca

DATE: March 5, 1997

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

BILL #: HB 521

RELATING TO: City of Delray Beach (Palm Beach County)

SPONSOR(S): Representative Jacobs

COMPANION BILL(S): None

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

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

This bill amends the civil service system act for employees of the City of Delray Beach (City). The bill specifies that in addition to City department heads, the assistant city manager and police major(s) are exempt from the act. The amended act also clarifies and updates current usage of terms describing job classifications or positions rather than grades. The bill ensures that the budget making authority of the Board of County Commissioners is not impaired.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The civil service system for the employees of the City of Delray Beach, Florida (City) was established by special act in 1949. The special act has been amended several times since 1949. Currently, the positions specifically exempted from the civil service system by the special acts are city department heads. There are other exemptions that have occurred as a result of collective bargaining agreements between the City and certain employees represented by a bargaining unit. The assistant city manager is an exempt position by virtue of the fact he/she is a department head. The City's police major is not currently an exempt position.

The current law provides that in the event of a reduction in employees in any department or a reduction of any departments, employees are retained in the positions remaining within their grade based on seniority and those employees "bumped back" to a lower grade are paid the wages of the lower grade. The conditions under which an affected employee may be allowed the opportunity to "bump back" to another position in another City department, is not clear.

B. EFFECT OF PROPOSED CHANGES:

The bill excepts the assistant city managers and the police majors from the civil service act for employees of the City of Delray Beach. The bill also distinguishes the term "classifications" or "positions" from "grades." The bill clarifies the conditions under which an affected employee may "bump back" to another position in another City department. The bill specifies that the employee's performance evaluation for the preceding year must be satisfactory in order to be considered for a vacant position in another City department. The bill allows the employee appointed, after October 1, 1996, to the position of major in the police department, to return to his/her previously held civil service position.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 25784 Laws of Florida, 1949, as amended, by chapter 80-496, 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:

- 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?

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(2) service providers?

(3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends section 2 of chapter 25784, Laws of Florida, 1949, as amended by chapter 80-496, Laws of Florida, to except the assistant city managers and the police majors from the City of Delray Beach's civil service act.

Section 2 -- Amends section 7 of chapter 25784, Laws of Florida, 1949, as amended by chapters 67-1287 and 80-496, Laws of Florida, to distinguish "classifications" and "positions" from "grades"; also clarifies the conditions under which an affected employee may "bump back" to another position in another City department.

Section 3 -- Amends section 15 of chapter 25784, Laws of Florida, 1949, as amended by chapter 80-496, Laws of Florida, to specify that the employee's performance evaluation for the preceding year must be satisfactory in order to be considered for a vacant position in another City department.

Section 4 -- Amends section 17 of chapter 25784, Laws of Florida, 1949, as amended by chapter 80-496, Laws of Florida, to allow the employee appointed, after October 1, 1996, to the position of major in the police department, to return to his/her previously held civil service position.

Section 5 -- Provides a severability clause.

Section 6 -- Provides for an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 9, 1997

WHERE? The News, Boca Raton, Delray Beach, Palm Beach County, FL

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

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

IV. COMMENTS:

House Rule 92(a), provides that “if a committee determines that a local bill may be enacted into law under the authority of a local governing body, that committee shall not report the bill to the Clerk.” The purposes of this local bill could be accomplished by a local ordinance *but* would require that the special acts related to the career service system be repealed by the Legislature and be converted to local ordinances.

The ordinances are then subject to modification or repeal by the local governing body as are other local ordinances. The entire contents of the act remain in full force and effect during the conversion process.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:
Prepared by:

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