

STORAGE NAME: h0569.ca

DATE: March 5, 1997

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

BILL #: HB 569

RELATING TO: Palm Beach County (Sheriff's Department)

SPONSOR(S): Representative Merchant

COMPANION BILL(S): SB 610 (i)

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

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

This bill revises the Palm Beach County Sheriff's Office career service system created by the 1993 Legislature. The bill excludes employees at captain rank or above from preservation of employment benefits. The bill also deletes the provision preserving current benefits when a newly elected sheriff takes office. The bill ensures that the budget making authority of the Board of County Commissioners is not impaired.

According to the attached Economic Impact Statement, this bill appears to have no significant fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 93-367, Laws of Florida, as amended by 96-450 Laws of Florida, created a career service system for employees of the Palm Beach County Sheriff's Office. All employees are covered-- certified and noncertified persons-- including deputy sheriffs, colonels, majors, directors, or their executive staff equivalents. Employees promoted through the ranks are considered career service employees, too. The Sheriff, the Undersheriff, members of the Sheriff's posse, reserve units, or persons appointed as part-time deputy sheriffs are not covered by the act.

The 1993 enabling act provides for:

1. causes for suspension or dismissal;
2. the status of employees when a newly elected Sheriff assumes office; and
3. an ad hoc hearing review board to hear personnel cases that may result in dismissal, suspension, demotion, or reduction in pay.

The Sheriff is given authority to adopt the necessary rules and regulations to administer and implement the career service system. Those rules and regulations must meet or exceed approved Standards of Accreditation for Law Enforcement Agencies.

Under current law, a newly elected or appointed Sheriff assuming office must continue the employment of all currently employed career service personnel, *including* colonels, majors, directors, or their executive staff equivalents for six months or until the end of the fiscal year, unless there is cause for dismissal. If the new Sheriff then decides to replace the persons in those capacities, those persons may not be reduced to a rank lower than captain or its equivalent.

B. EFFECT OF PROPOSED CHANGES:

This bill revises chapter 93-367, Laws of Florida, as amended by chapter 96-450, Laws of Florida, to enable a newly elected Sheriff to immediately replace persons serving in the capacities of colonel, major, director, or their executive staff equivalents. The salaries of persons in these capacities may be reduced, but their rank may not be reduced to a rank lower than that of captain or its equivalent. The bill ensures that the budget making authority of the Board of County Commissioners is not impaired.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 93-367, Laws of Florida, as amended by chapter 96-450, 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?

Not applicable.

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

Not applicable.

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

Not applicable.

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?

Not applicable.

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

Not applicable.

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

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

3. Personal Responsibility:

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

Not applicable.

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

Not applicable.

4. Individual Freedom:

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

Not applicable.

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

Not applicable.

5. Family Empowerment:

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

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- amends chapter 93-367, Laws of Florida, as amended by excluding employees above the rank of captain or its civilian equivalent from preservation of employment benefits; deleting provisions that preserve current benefits when a new Sheriff takes office; and adding a paragraph stating that this act shall not affect the budget-making authority and power of the Palm Beach County Board of County Commissioners.

Section 2 -- provides that this act shall take effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

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IF YES, WHEN? January 17, 1997

WHERE? The Palm Beach Post, Palm Beach County, Florida

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 []

IV. COMMENTS:

The Sheriff's Public and Governmental Affairs Advisor comments that this bill returns chapter 93-367, Laws of Florida to its original status, prior to the 1996 amendment, regarding the powers of a newly elected Sheriff during the transition period. The original enabling act provided that the new Sheriff *may* continue to employ the Undersheriff, colonels, majors, directors or their executive staff equivalents, but is *not required* to. The Advisor further commented that the intent of the bill is to enable a newly elected Sheriff to implement his or her policies and to offer psychological comfort to the employees by knowing who their boss and staff are as soon as possible.

The Florida Police Benevolent Association and the Florida Sheriff's Association support the bill.

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.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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