

STORAGE NAME: h0783a.ca

DATE: March 27, 1997

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

BILL #: HB 783

RELATING TO: The City of Jacksonville (Duval County)

SPONSOR(S): Representative Fuller

COMPANION BILL(S): SB 938 (i)

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

- (1) COMMUNITY AFFAIRS YEAS 5 NAYS 0
 - (2) FINANCE AND TAXATION
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill exempts certain positions from the City of Jacksonville's civil service system.

According to the Economic Impact Statement, this bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The 1992 Legislature enacted chapter 92-341, Laws of Florida, which readopted the entire Charter of the City of Jacksonville, as amended locally and by special acts. The Charter has been amended subsequently in 1993, 1994, 1995 and 1996.

The Charter contains the following directions to the Jacksonville City Council:

The City Council of the City of Jacksonville is directed to advise the Legislature of any home rule or referendum amendments or revisions to the Charter of the City of Jacksonville which are made and become effective subsequent to the effective date of this act. Such advice shall be in the form of a reviser's bill for such further legislative revision of the Legislature after such local charter amendments or revisions have occurred.

A policy adopted by the Florida House of Representatives requires certification from the local legislative delegation that the purposes of the bill cannot be accomplished at the local level. This bill contains the requisite certification, but the Charter for the City of Jacksonville provides for local amendment of the Charter without an act of the Legislature. The Charter also provides that it may be amended only by ordinance or by petition signed by qualified Duval County voters followed by public referendum; however, any change in the Charter made by ordinance that affects any rights of municipal employees cannot become effective *without approval by referendum*.

B. EFFECT OF PROPOSED CHANGES:

This bill exempts certain positions from the City of Jacksonville's civil service system in the following manner:

Persons employed as city council staff:

- ✓ Adds positions of executive council assistants appointed by city council members; removes obsolete language providing civil service protection to certain council aids.

Persons employed by the judicial branch:

- ✓ Allows more than one Mediator.

Persons employed with the department of administration and finance:

- ✓ Removes assistant communications officer and includes information technology analysts. The persons presently in these positions are allowed to retain civil service status for the duration of their continuous employment.
- ✓ Managers of accounting services.

Persons employed by the Sheriff's Office:

- ✓ Chaplains, except persons employed in this position as of January 1, 1997 may remain under the civil service system.

Persons in positions previously exempted by legislation:

- ✓ Executive Director, heads of activities, and professional employees of the Downtown Development Authority appointed under Section 20 of the City of Jacksonville's Charter.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 92-341, Laws of Florida, as amended by chapters 93-355, 93-356, 94-468, 95-518 and 96-504, 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:

Not applicable.

- 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?
 - (2) service providers?
 - (3) government employees/agencies?

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends subsections (k), (1), (t), (u), and (aa) of section 17.06 of Article 17 of chapter 92-341, Laws of Florida, as amended, and subsection (gg) is added to said section, to provide changes to the civil service system, adding exempt positions in the staff positions of the City Council, persons employed with the judicial branch, Department of Administration and Finance, employees of the sheriff's office and positions previously exempted by legislation.

Section 2 -- Provides for an effective date of upon becoming a law.

STORAGE NAME: h0783a.ca

DATE: March 27, 1997

PAGE 6

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? November 4, 1996

WHERE? Financial News & Daily Record, Jacksonville, Duval County, FL

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:

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 authority of the Charter for the City of Jacksonville which provides for local amendment of the Charter without an act of the Legislature. The Charter also provides that it may be amended only by ordinance or by petition signed by qualified Duval County voters followed by public referendum; however, any change in the Charter made by ordinance that affects any rights of municipal employees cannot become effective *without approval by referendum*.

Written clarification of House Rule 92(a) was provided to the Committee on March 26, 1997 by the Co-Chairs of the Committee on Rules, Resolutions & Ethics. The clarification reads:

In response to your request for a clarification of Rule 92(a) concerning Local Bills, it is our opinion that the Rule implies that if a local governing authority may enact an ordinance, achieving the same purpose as the substance of a proposed local bill, the committee should not report the bill to the Clerk. In the event that a referendum would be required in order to achieve the purpose of a local bill, the committee may report the bill.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

An clarifying, technical amendment, eliminating confusing language, was adopted by the Committee on Community Affairs at its meeting on March 27, 1997.

STORAGE NAME: h0783a.ca

DATE: March 27, 1997

PAGE 8

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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