

STORAGE NAME: h0449a.ca

DATE: March 17, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 449

RELATING TO: Palm Beach County Sheriff's Employees

SPONSOR(S): Representative Warner

COMPANION BILL(S): SB 910 (i)

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

- (1) COMMUNITY AFFAIRS YEAS 9 NAYS 0
 - (2) GENERAL GOVERNMENT APPROPRIATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

The bill amends the existing law governing the career service system for the office of the Palm Beach County Sheriff. The bill clarifies that the one calendar year prerequisite for attaining career status begins when the employee enters the orientation program or begins field training. Time while in the police academy or other comparable training for certification as a sworn officer or deputy sheriff will not be counted in determining whether the employee has met the 1 year requirement for career service protection.

The bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 93-367, L.O.F., as amended, establishes a career service system for Palm Beach County Sheriff employees. The act defines a "career service employee" as those employees hired at the entry level who have completed their probationary period, and Colonels, Majors, Directors, and their executive staff equivalents. Employees attain service career status when they have served in such employment for a period of 1 calendar year. Presently, the one year requirement starts when the individual *begins employment*.

The act prohibits an employee who has attained career status below the rank of Major, or its civilian equivalent from being subject to dismissal or demotion without just cause. The employee must be furnished with written notice of the proposed action and offered an opportunity to respond to the reasons for the suspension or dismissal. However, the act provides that in extraordinary situations, an employee may be suspended or dismissed immediately and then provided notice for the reasons of suspension or dismissal. Examples of cause for suspension or dismissal provided for in the act include negligence, inefficiency, or inability to perform assigned duties, insubordination, violation of provisions of law or office rules, conduct unbecoming a public employee, misconduct, proof of alcohol abuse, proof of abuse of prescription drugs, proof of use of illegal drugs, adjudication of guilt by a court of competent jurisdiction, pleas of guilty or nolo contendere, and a verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation, with respect to any felony misdemeanor, or major traffic infraction. In addition, the filing by a law enforcement agency of a felony, misdemeanor, or major traffic infraction against the employee, or an arrest of the employee of such infraction may constitute cause for suspension or dismissal.

B. EFFECT OF PROPOSED CHANGES:

The bill clarifies when protection of career service status begins for employees of the Palm Beach County Sheriff. The one calendar year prerequisite for attaining career status begins when the employee enters the orientation program or begins field training. Time spent in the police academy or other comparable training for certification as a sworn officer or deputy Sheriff will not be counted toward the 1 year requirement for career service protection.

According to the Palm Beach County Sheriff's Office, the bill allows the office to send individuals to the police academy or other comparable training without time accruing to the one year requirement for career service protection. This allows the Sheriff's office to judge the performance of the probationary employee, and place the individuals on the payroll earlier, during their stay at the academy, without reducing the one year requirement time.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

This bill amends paragraph (a) of subsection (3) of section 1 of chapter 93-367, Laws of Florida. Other special acts relating to the Palm Beach County Sheriff Career Service System are Chapter 96-450, 97-325, and 98-517, 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?

N/A

b. If an agency or program is eliminated or reduced:

An agency or program is not 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?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

No.

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

No.

4. Individual Freedom:

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

No.

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

No.

5. Family Empowerment:

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

This bill does not purport to give 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?

No.

- 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:

This bill does not create or change a program providing services to families or children.

- (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 paragraph (a) of subsection (3) of section 1 of chapter 93-367, L.O.F.; clarifies when the one year requirement for career service protection begins; specifies that time while in the police academy or other comparable training for certification as a sworn officer or deputy sheriff is not counted toward the one year requirement for career service protection.

Section 2 -- Provides an effective date upon becoming law.

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III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? December 18, 1998

WHERE? The Palm Beach Post

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:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Aimee Diaz

Joan Highsmith-Smith