

STORAGE NAME: h1649.ca

DATE: April 13, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1649

RELATING TO: Civil Service Act of 2000

SPONSOR(S): Representative Wallace and others

TIED BILL(S): None

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

- (1) GOVERNMENTAL OPERATIONS (PRC) YEAS 4 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill codifies all prior special acts relating to the Civil Service Act in Hillsborough County into a single act and repeals all prior special acts.

This bill provides for repeal of all performance auditing requirements relating to the Hillsborough County Civil Service Board.

No fiscal impacts are anticipated for either fiscal year 2000-01 or 2001-02 according to the Economic Impact Statement.

The Committee on Governmental Operations adopted two amendments which are traveling with the bill. As indicated in the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section, the first amendment added a definition and the second amendment added "discipline, and terminate" a director, to the board's duty to employ a director.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The Hillsborough County Home Rule Charter took effect May 1985. The charter provides for local self-determination and grants all powers of a chartered county under Section I, Article VIII, Florida Constitution, 1968, as amended. One of the features of the Hillsborough County charter as described in "Home Rule Charter for Hillsborough County Florida, Approved by Hillsborough County Voters, September, 1983," is:

Special laws enacted by the Florida Legislature may be effective in Hillsborough County without approval by County electors if they relate to the following: ***civil service***, aviation, the port, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts. [Emphasis added.]

The Hillsborough County Civil Service Act (Act) was initially created by special act in 1951 and amended by subsequent special acts. Most recently, in 1996, the Act was recreated (codified) and provided for repeal of all existing prior acts. The Act currently in effect is Chapter 96-519, Laws of Florida, as amended by chapters 97-342, 97-343, 97-349, 97-350, 98-450, 98-481 and 99-415, Laws of Florida.

The Delegation Oversight Committee recommended, with concurrence of the executive director of the Civil Service Board, recodification during the 2000 Session of the Legislature.

The Committee on Community Affairs of the Florida House of Representatives reviewed proposed changes in 1999.

Codification

Codification is the process of bringing up-to-date a special act. Special acts are not codified and, after the Legislature passes the initial enabling act, special acts continuously amend or alter previously enacted special acts. To ascertain the current status of any special act, it is necessary to research all amendments or changes made to the act since its inception or original passage by the Legislature. Codification of special district charters is important because it allows readers to go to one special act to determine the current charter of a district, instead of two, ten, twenty, or sometimes more special acts.

Codification of special districts' charters was authorized by the 1997 Legislature when it amended chapter 189, Florida Statutes. The 1997 Legislature amended chapter 189, Florida Statutes, to provide for codification of all special districts' charters either by December 1, 2001, or when any act relating to such district is introduced to the Legislature, whichever occurs first. In addition, section 189.429, Florida Statutes, requires that no changes be made to a district's charter as it exists on October 1, 1997, in the codifying legislation and that all prior Legislative acts relating to the district be repealed.

The 1998 Legislature further amended section 189.429, Florida Statutes, by (1) extending the deadline to codify to December 1, 2004, (2) allowing for the adoption of the codification schedule provided for in an October 3, 1997 memorandum issued by the Chair of the Committee on Community Affairs, (3) removing the prohibition of substantive amendments in a district's codification bill, and (4) removing the requirement that a codified charter must be submitted prior to the introduction of any act relating to the charter or prior to the scheduled deadline.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies all prior special acts relating to the Hillsborough County Civil Service Act.

The bill defines the terms: "Board", as the County Civil Service Board; "Commission", as the board of county commissioners of the county; "County", as Hillsborough County, Florida (these changes are added for streamlining, and clarity); "Grievance", as any dispute or disagreement involving wages, hours of work, or conditions of employment between an employee and management.

The bill amends the methods used for conducting business, and the powers and duties of the board.

This bill provides for the repeal of provisions requiring performance audits.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides for codification of existing special acts and applicability of this Act over all other acts establishing the Hillsborough County Civil Service System; establishes continuity of the rights, privileges, or benefits to covered employees; provides for employees currently under protected status that may have their positions changed as a result of this codification to either choose to stay in the protected status or to go to the exempt position, or to resign, retire, or if employee is terminated, the position, when filled, would be filled under the provisions of this act.

Section 2: Provides for statement of policy and purpose in establishing a system for the formulation and implementation of civil service procedures.

Section 3: Titles the Act as the Civil Service Act of 2000.

Section 4: Provides applicability to all classified personnel of Hillsborough County's governmental agencies not expressly exempt from the Act; adds or codifies municipalities in the county, the judiciary, and the District School Board of the County as being expressly exempt from the Act unless an interlocal agreement with the Civil Service Board is agreed to; provides for positions

within the Administrative Office of the Courts are subject to section 13 of this Act.

- Section 5:** Provides for definitions; adds definitions of “Commission”, “County”, and “Grievance” to the definition section.
- Section 6:** Clarifies classes of employees into classified service and exempt service.
- Section 7:** Creates the Hillsborough County Civil Service seven-member Board who are qualified electors of the county; provides for term-limits; provides for expiration of the member’s term; provides for the member’s resignation; provides for the appointment of a successor for the unexpired portion of the member’s term; provides appointments are made by the Governor, subject to confirmation by the Senate; prohibits compensation but may be reimbursed for expenses as provided in this act; provides for the clerk of the circuit court serve as secretary ex officio and not entitled to salary or additional compensation for that service; provides for the method of conducting business.
- Section 8:** Provides for the initial employment lists and promotional lists.
- Section 9:** Provides mechanism for creation and abolition of positions; provides for vacancies; provides technical changes.
- Section 10:** Provides for the probationary period section; provides for tenure.
- Section 11:** Provides for suspensions, demotions, and dismissals.
- Section 12:** Provides for practices and procedures to an appeal hearing.
- Section 13:** Provides for an Administrative Office of the Courts employee to request a hearing to review dismissal, demotion, or suspension.
- Section 14:** Provides for recommendation and adoption of the classification and pay plans.
- Section 15:** Provides for an annual appropriation for the board.
- Section 16:** Establishes a review committee; provides for meetings; provides for the duties and responsibilities of the committee; provides for transition.
- Section 17:** Prohibits a salary, wage, or compensation for services to any person in the classified service except upon certification by the board or its agent; provides for a cause of action against the appointing authority for recovery of salary or other compensation due; provides for a regular or occasional audit of payrolls.
- Section 18:** Provides for prohibited activities.
- Section 19:** Provides for the restriction on individuals qualifying for public office.
- Section 20:** Provides for an employee advisory committee.

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Section 21: Provides any violation of this act is declared a criminal offense and misdemeanor and will be punishable by general law.

Section 22: Provides a schedule for recodification to occur every 10 years with the first codification to begin during the calendar year 2010, if the legislative delegation considers there is a need for codification.

Section 23: Provides for a severability clause.

Section 24: Provides for repeal of chapters 96-519, 97-342, 97-343, 97-349, 97-350, 98-450, 98-481, and 99-415, Laws of Florida.

Section 25: 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 25, 2000.

WHERE? The Saint Petersburg Times in Saint Petersburg, Florida.

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:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

HB 1627 relating to Hillsborough County/Performance Audits which provides for repeal of all performance auditing requirements relating to the Hillsborough County Aviation Authority, Hillsborough County Civil Service Board, Hillsborough County Environmental Protection Commission, Hillsborough County Hospital Authority, Hillsborough County City-County Planning Commission, Tampa Port Authority, Hillsborough County Public Transportation Commission, and the Tampa Sports Authority, has favorably passed out of the Committee on Community Affairs on March 30, 2000.

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V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Governmental Operations adopted two amendments on April 5, 2000, traveling with the bill. The first amendment added a definition for "certified employment lists", and the second amendment added "discipline, and terminate" a director, to the board's duty to employ a director.

One amendment is offered by Representative Wallace to add "discipline, and terminate" for legal counsel, to the board's duty to employ or contract legal counsel.

VI. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Russell J. Cyphers, Jr.

Jimmy O. Helms

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Terri S. Boggis

Joan Highsmith-Smith