

STORAGE NAME: h0815.go
DATE: March 13, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 815
RELATING TO: Osceola County Sheriff's Office
SPONSOR(S): Representative Bronson and others
TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS YEAS 9 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends the Osceola Sheriff's Office Career Service Act, Chapter 89-516, Laws of Florida.

This bill provides the sheriff with authority to adopt rules, regulations and procedures relative to appeal hearing proceedings.

This bill establishes conditions relative to Career Service Board membership, eliminates the requirement for a board administrator, and provides for an alternate appointee to the board.

This bill defines an impasse condition, and creates rules regarding impasse resolution.

This bill provides that all five qualified board members constitutes a quorum, and that seated members may not be replaced or substituted without advanced approval of the entire remaining board.

This bill extends the period the Career Service Board has to hear an appeal, from 15 days, to 30 days, and exempts law enforcement officers from receiving witness attendance fees and mileage under certain circumstances.

This bill provides an effective date of upon becoming a law.

This bill has no fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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:

This bill expressly provides the sheriff with authority to adopt rules in appeal proceedings; however, the sheriff already has authority under this act to adopt rules, regulations, and procedures to implement and administer ch. 89-515, L.O.F., so this additional language may be interpreted as simply clarifying language.

B. PRESENT SITUATION:

On July 6, 1989, House Bill 1709 became law in ch. 89-516, L.O.F., providing career service status to certain members of the Osceola County Sheriff's Office, specifically all appointed deputy sheriffs and other members of the sheriff's office who have served for one calendar year.

Chapter 89-516, L.O.F., also provides disciplinary policy and appeal proceedings relating to career service employees.

This law has never been amended since its enactment over ten years ago. Although this law, in practice, has provided sufficient guidance and direction to the Osceola County Sheriff's Office regarding career service status and procedure, there are concerns that it does not address unanticipated challenges that have arisen over the years.

C. EFFECT OF PROPOSED CHANGES:

See D. SECTION-BY-SECTION ANALYSIS

D. SECTION-BY-SECTION ANALYSIS:

Section 1 - Amends Section 1 of ch. 516, L.O.F., specifying that in addition to general authority to make rules, regulations and procedures necessary to implement and administer ch. 89-516, L.O.F., the sheriff's rule-making authority includes, but is not limited to, appeal hearing proceedings.

Section 2 - Amends Section 3 of ch. 89-516, L.O.F, specifying qualifications of members of the Career Service Board; eliminating the requirement of a board administrator; requiring

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each appointee be a full-time law enforcement officer; providing for an alternate board member; modifying language with respect to a quorum; providing procedures relative to an appeal impasse; and providing that seated board members may not be replaced or substituted without advanced approval of the entire remaining board.

Section 3 - Amends Section 4 of ch. 89-516, L.O.F., lengthening the period given to the Career Service Board to meet to hear appeals, from 15 working days, to 30 working days after receipt of an appeal by an administrator; and prohibiting witness attendance fees and mileage reimbursement for law enforcement officers appearing during normal duty hours.

Section 4 - Provides an effective date of upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 27, 1999

WHERE? The Orlando Sentinel

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:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its meeting on March 8, 2000, the Committee on Community Affairs adopted a strike-everything amendment which amends and codifies the Osceola Sheriff's Office Career Service Act., and repeals ch. 89-516, Laws of Florida.

This amendment provides additional instruction, particularly in the area of appeal procedure.

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Section 5 of this amendment, which limits board membership based on certain criteria, is currently part of Osceola County Sheriff's Office policy. Similarly, the language pertaining to the procedure for resolution of a board member impasse is already followed by the Sheriff's Office.

This amendment also extends the time frame from fifteen, to thirty working days for the Career Service Board to hear an appeal, giving the board greater flexibility in such matters.

Following is a Section-by-Section Analysis of the amendment:

Section 1 - Codifies Chapter 89-516, L.O.F.; provides for legislative intent;

Section 2 - Codifies and repeals Chapter 89-516, L.O.F.;

Section 3 - Amends and codifies current provisions relating to career service position and status determination; and provides that the sheriff has authority to adopt rules, regulations and procedures relative to appeal hearing proceedings;

Section 4 - Codifies current provisions relating to complaints against members, standards of conduct, and discipline of members;

Section 5 - Amends and codifies current provisions relating to creation and function of a Career Service Appeals Board (or Career Service Board); provides modified criteria for selection of board members, precluding service of certain candidates; requires all 5 law enforcement appointees to be full-time law enforcement officers, and requires the members to select a current Osceola County Sheriff's Office law enforcement officer who serves as the fifth member and chairperson; provides for an alternate name to be submitted where an appointee fails to qualify under this section and sets a time limit for submission; provides impasse procedure when members are unable to agree on fifth member/chairperson, including resolving selection through court appointment; clarifies that a quorum is composed of all five members; and provides that seated members cannot be replaced without advanced approval of the entire remaining board;

Section 6 - Amends and codifies current provisions relating to Career Service Board appeal procedure; increases number of days for Career Service Board to hear appeal from fifteen to thirty working days; changes gender specific reference to gender neutral reference; precludes law enforcement from receiving witness appearance fees and travel compensation when appearing during normal duty hours;

Section 7 - Codifies current provisions relating to career service qualification;

Section 8 - Codifies current provisions relating to a severability clause;

Section 9 - Repeals Chapter 89-516, Laws of Florida; and

Section 10 - Provides an effect date of upon becoming a law.

This amendment is traveling separately with the bill.

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VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Cindy M. Brown, Esq.

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AS REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

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