

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: H 371 City of Jacksonville/Civil Service
SPONSOR(S): D. Davis
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Local Affairs (Sub)</u>	<u>9 Y, 0 N</u>	<u>Nelson</u>	<u>Highsmith-Smith</u>
2) <u>Local Government & Veterans' Affairs</u>	_____	_____	_____
3) <u>State Administration</u>	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

This bill amends the Charter of the City of Jacksonville to exempt additional positions from the civil service system of the Consolidated Government.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | 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. EFFECT OF PROPOSED CHANGES:

This bill amends s. 17.06 of the Charter of the City of Jacksonville, as created by Chapter 92-341, Laws of Florida, and exempts additional positions from the civil service system of the Consolidated Government.

Background

The civil service provisions of the Charter of the City of Jacksonville Consolidated Government apply to all employees who are not specifically exempted. The City is in the process of consolidating its housing programs within a newly-created Housing Community Development Commission and Housing Community Development Finance Authority. The City intends to appoint employees to these agencies, while ensuring that present employees retain the right to their civil service positions. The City and the Property Appraiser also wish to codify the status of appointed employees in that office and to confirm the status of employees who have elected to retain their civil service rights.

Current Law

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 subsequently has been amended by the Legislature in 1993, 1994, 1995, 1996, 97, 98, 99, 2000 and 2001.

Pursuant to House Rule 5.5(a), if the Committee on Local Government & Veterans' Affairs determines that the substance of a local bill may be enacted into law by ordinance of a local governing body, the committee shall not report the bill. However, if a local governing body would be required to call a referendum to enact the substance of a local bill into law, the committee may report the local bill. Section 18.05 of the City of Jacksonville Charter provides that when an amendment to the charter has been properly proposed, a public referendum must be held. Thus, this bill is not subject to House Rule 5.5 (a).

C. SECTION DIRECTORY:

Section 1: Amends s. 17.06 of the Charter of the City of Jacksonville, as created by Chapter 92-341, Laws of Florida.

- The bill adds subsection (gg) which provides that all persons employed by the Housing and Community Development Commission (HCDC) and the Housing and Community Development Finance Commission (HCDFC) are exempt from the civil service system except those employees who were transferred into the agencies on July 1, 2003, as the result of the creation

of the HCDC and the HCDFC pursuant to the City Ordinance Code and who elected to retain civil service status.

- The bill also adds subsection (hh) which exempts all persons employed by the Office of the Property Appraiser from the civil service system, except those employees who elected to retain civil service status prior to January 1, 2000.

The bill provides that any person in the civil service who is appointed to a position exempted from the civil service system by this section shall be entitled to return to the same or a comparable civil service classification, with the same rights and status held immediately prior to such appointment. The compensation of an employee returning to a civil service classification will be based on the rate the employee received before the appointment was made. The bill further provides that this provision does not apply to specified employees exempted from the civil service.

Section 2: Provides an effective date of upon becoming law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 28, 2003

WHERE? *Financial News and Daily Record*, a newspaper of general circulation in Duval County.

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

III. COMMENTS

A. CONSTITUTIONAL ISSUES: Not applicable.

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

At line 34 the bill states "pursuant to Ordinance Code Chapter..." This ordinance has yet to be adopted, and thus this language should read "pursuant to the City Ordinance Code."

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Local Affairs Subcommittee recommended a curative amendment to resolve the technical drafting issue at its meeting on March 20, 2003.