

HB 1277

2004

1 A bill to be entitled
 2 An act relating to the City of Jacksonville, Duval County;
 3 amending Article 17 of chapter 92-341, Laws of Florida, as
 4 amended, being the Charter of the City of Jacksonville;
 5 revising the membership of the Civil Service Board;
 6 revising restrictions to membership; revising criteria in
 7 determining a vacancy; providing for transition to the
 8 amended method of appointment and terms of members;
 9 revising provisions relating to ex parte communications;
 10 revising the two-term limit requirement to conform to the
 11 appointed status of board members; providing an effective
 12 date.

14 Be It Enacted by the Legislature of the State of Florida:

16 Section 1. Sections 17.02, 17.10, and 17.12 of the Charter
 17 of the City of Jacksonville, as created by chapter 92-341, Laws
 18 of Florida, as amended, are amended to read:

19 PART A CHARTER LAWS CHARTER OF CITY OF JACKSONVILLE, FLORIDA
 20 ARTICLE 17. CIVIL SERVICE

21 Section 17.02. Civil service board.--

22 (a) There shall be a civil service board of the
 23 consolidated government which shall consist of nine ~~seven~~-(7)
 24 members. Each member shall be a resident and qualified elector
 25 of the City of Jacksonville.

26 (b) The members of the board shall serve without
 27 compensation and shall be appointed for 3-year ~~three year~~
 28 overlapping terms. Five ~~Three~~ members shall be appointed by the
 29 Mayor, one of whom shall be a member of a union, two members

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30 shall be appointed by JEA, one member ~~three members~~ shall be
 31 appointed by the Duval County School Board, and the ninth
 32 ~~seventh~~ member shall be chosen by the other eight ~~six~~, with all
 33 appointments subject to confirmation ~~being confirmed~~ by the City
 34 Council. ~~The original~~ Members shall be appointed for staggered
 35 terms ~~commencing July 1, 1995~~. The board shall elect annually
 36 one ~~(1)~~ of its members as chair and one as vice chair ~~chairman~~.
 37 Five ~~(5)~~ members of the board shall constitute a quorum.

38 (c) No member of the Civil Service Board shall be an agent
 39 of or employed by the City of Jacksonville, the JEA, the Duval
 40 County School Board, or any collective bargaining organization
 41 representing employees of the City of Jacksonville, the JEA, or
 42 the Duval County School Board ~~or be connected with the city~~
 43 ~~administration. The City Council shall be empowered to remove~~
 44 ~~members of the board for cause under due process of law.~~

45 (d) Each member of the board shall continue to hold office
 46 until the member's ~~his~~ successor is chosen and qualified.
 47 The office of a board member shall become vacant upon the
 48 member's ~~his~~ death, resignation, relocating outside the
 49 boundaries of the City of Jacksonville, or removal from office
 50 in any manner provided by law. If any member of the board fails
 51 to attend three consecutive meetings or fails to attend 50
 52 percent of the meetings in a calendar year, the chair shall make
 53 a recommendation of retention or removal to the Mayor, who may
 54 declare the member's office vacant and notify the appointing
 55 body of the Mayor's recommendation. The vacancy shall be filled
 56 as provided in this act. The City Council shall also be
 57 empowered to remove members of the board for cause under due
 58 process of law ~~Vacancies shall be filled and confirmed in the~~

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59 ~~same manner as the original appointment for the remainder of the~~
60 ~~term.~~

61 (e) A board member appointed before or on the effective
62 date of this act shall serve through the end of his or her
63 respective term. Thereafter, the first two of the current
64 positions appointed by the Duval County School Board to become
65 vacant shall be filled by the Mayor and the JEA, respectively,
66 and confirmed by the City Council. The Mayor and JEA shall each
67 immediately appoint a member to one of the two new positions
68 created by this act, whose terms shall expire on June 30, 2005,
69 and June 30, 2006, respectively. Thereafter, all vacancies shall
70 be filled in the same manner as provided in this act.

71 Section 17.10. Ex parte communication.--Board members
72 shall not have any ex parte communications regarding complaints,
73 grievances, and appeals that are pending or are reasonably
74 anticipated to be considered by the board.

75 ~~(a) This section shall apply to any proceeding under~~
76 ~~section 17.04(b) or (d), where an ex parte communication~~
77 ~~relative to the merits, threat, or offer of reward is made to~~
78 ~~any member of the elected civil service board by:~~

79 ~~(1) A party to the proceeding or any person who, directly~~
80 ~~or indirectly, would have a substantial interest in the proposed~~
81 ~~board action, or his authorized representative or counsel, or~~
82 ~~any member of the public.~~

83 ~~(2) Any elected or appointed official or employee of the~~
84 ~~city engaged in prosecution or advocacy in connection with the~~
85 ~~matter under consideration or a factually related matter.~~

86 ~~(b) In the event a Any board member who is involved in the~~
87 ~~decisional process and who receives a prohibited an ex parte~~

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88 ~~communication, the board member as provided in subsection (a)~~
89 shall place on the record of the pending matter all written
90 communications received, all written responses to such
91 communications, and a memorandum stating the substance of all
92 oral communications received and all oral responses made, and
93 shall also advise all parties that such matters have been placed
94 on the record. Any party desiring to rebut the ex parte
95 communication shall be allowed to do so, if such party requests
96 the opportunity for rebuttal in writing within 10 days after
97 notice of such communication. The board member may, if deemed ~~he~~
98 ~~deems it~~ necessary to eliminate the effect of an ex parte
99 communication received ~~by him~~, recuse himself or herself from
100 the proceeding.

101 Section 17.12. Two-term limit.--No person appointed
102 ~~elected~~ and qualified for two consecutive full terms as a member
103 of the Civil Service Board shall be eligible for appointment
104 ~~election~~ as a member of the Civil Service Board for the next
105 succeeding term. The two-term limitation shall apply to any full
106 term which began in 1992 or thereafter.

107 Section 2. This act shall take effect upon becoming a law.