

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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input 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 ch. 93-367, L.O.F., relating to employees of the Palm Beach County Sheriff's Office and provides various clarifying language.

The bill includes the following within the term "career service employee" for eligibility with the career service system:

- nonsupervisory and nonmanagement positions within the term "career service employee;"
- employees hired directly into supervisory or management positions below the rank of Major or its civilian equivalent who have completed 10 years of full-time service;
- Colonels, Majors, Directors, or executive staff equivalents promoted through the ranks, which is now defined as having been hired at entry level and having successfully completed the probationary period as a nonsupervisory, nonmanagement employee and all successive promotions.

The bill provides that sworn officer status and Florida Retirement Service Special Risk status may not be affected through actions taken pursuant to s. 1 of the act.

The bill adds Assistant Directors directly appointed by the Sheriff laterally to that rank as an employee who must have 10 years of service in the appointed rank for career service status.

The bill provides the opportunity for a rank increase through subsequent promotions for those employees who were demoted to the rank of Captain by a new incoming sheriff.

The bill clarifies that a board member may only discuss matters presented to the board during the officially convened sessions of the board.

The bill provides the opportunity for an employee to be actively represented (including the presentation of opening and closing statements) by an attorney or other representative during the board proceedings; and further that neither the employee nor representative may be disruptive of the proceedings. Disruptive behavior is determined exclusively by the chairperson of the board. If an employee is represented by another, the employee must be present throughout the board hearing.

The bill provides for an employee's reinstatement within 72 hours of a board reversal. Additionally, the bill provides that the board's findings and decisions regarding discipline are binding upon the sheriff.

The bill extends the preservation of benefits and emoluments to both active and retired employees. The bill deletes an exception to those benefits which may not be reduced except in the case of exigent operational necessity, consequently eliminating provisions for disbursement of related funds resulting from such exceptions.

The bill makes several grammatical and gender related language amendments.

Background

A career service program for certain employees of the Palm Beach County Sheriff's Office was created by enactment of ch. 93-367, L.O.F. The enabling provisions were amended four times since as follows:

- Ch. 96-450, L.O.F., added s. 3 to ch. 93-367, L.O.F., regarding preservation of employment benefits and emoluments.
- Ch. 97-325, L.O.F., amended s. 3 of ch. 93-367, L.O.F., as created by ch. 96-450, L.O.F.
- Ch. 98-517, L.O.F., amended s. 2(1) of ch. 93-367, L.O.F., changing to a suspension of less than two days from a suspension of less than a day as a matter not appealable to the board; and, amending s. 3(2) of ch. 93-367, L.O.F., as amended by chs. 96-450 and 97-325, L.O.F., regarding longevity pay.
- Ch. 99-437, L.O.F., amended s. 1(3)(a) of ch. 93-367, L.O.F., as amended, relating to the definition of minimum service required for eligibility and excluding specified training activities from the calculation of minimum service.

C. SECTION DIRECTORY:

Section 1. Amends ch. 93-367, L.O.F., regarding employees of the Palm Beach County Sheriff.

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

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

October 2, 2003.

WHERE?

Sun-Sentinel, a daily newspaper published in Broward, Dade and Palm Beach Counties.

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:

None.

B. RULE-MAKING AUTHORITY:

The bill does not change previously provided rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The bill at line 131 provides for the discretionary decrease in the regular base salary for an employee who is demoted as a result of displacement occurring because of a new hire by an incoming sheriff. However, although the preceding lines (125-130) authorize a subsequent promotion, line 131 does not appear to authorize an increase in salary in conjunction with such promotion.

Comments

An attempt to contact the Sheriff Ed Bieluch of Palm Beach County went unanswered.¹

The Palm Beach County Police Benevolence Association supports this bill as a clarification of previous enactments and amendments, according to the association president.²

IV. AMENDMENT/COMMITTEE SUBSTITUTE CHANGES

The Subcommittee on Local Affairs at the March 3, 2004 meeting favorably recommended one amendment. The amendment allows for a potential increase in base salary in conjunction with a promotion subsequent to a demotion occasioned by an incoming sheriff.

¹ 2/9/04.

² Ernest George, President, Palm Beach County Police Benevolence Association, 2/9/04.