

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Governmental Operations Committee

BILL: CS/SB 2978

INTRODUCER: Government Operations Committee and Senator Saunders

SUBJECT: Lee County (LOCAL BILL)

DATE: April 24, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wilson	Wilson	GO	Fav/CS
2.			RC	
3.				
4.				
5.				
6.				

I. Summary:

The bill substantially amends Chapter 74-522, Laws of Florida, which established a Civil Service Board in the Lee County Sheriff’s Department.

II. Present Situation:

Chapter 74-522, Laws of Florida established a Civil Service Board for designated employees in the Office of the Sheriff in Lee County, Florida. The State Constitution, Art. II, s.14, and chapter 125, Florida Statutes, each provide for the creation of civil service systems for public employees. Due to the prerogatives exercised by locally elected constitutional officers, such boards, as a practical matter, tend to derive their existence from the enactment of special acts, or local bills.

A typical civil service apparatus will provide for appointment of members, terms of office, the jurisdiction of covered employees, and, in the case of constitutional entities with membership in the Florida Retirement System, statements of discipline and benefit authorization for coverage other than pensions.

III. Effect of Proposed Changes:

The bill revises the composition and purposes of the board to provide for alternate members. It revises the standards for eligibility for board membership and redefines “classified employees” to include and exclude certain categories. Generally, the excluded categories are those who provide services but do not fill a budgeted or authorized position and whose services can be deemed to be contractual or temporary.

The civil service act is deemed to carry over from one sheriff to the successor without the necessity for recertification by the current office holder. In addition to its investigative powers the board is given the authority to compel the production of witnesses and documents by subpoena. Employment qualifications are revised to provide that applicants must submit a complete, written application with the ability of the employer to verify specific background qualifications in age, education, physical ability, prior civilian or military service.

Appointment, promotion, and transfer policies must conform to standards promulgated by the Commission on Accreditation of Law Enforcement Agencies or, in their absence due to non-compliance, by reference to merit.

The bill provides procedural and nomenclature changes to existing provisions in the special act relating to advertisement of vacancies, misconduct, and misconduct. It substantially revises provisions on discipline relative to procedural due process, burden of proof, and appellate rights.

SB 2978 takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Because this is a local bill, any estimate of fiscal impact is limited to Lee County and the Sheriff's Office.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill has the effect of changing the terms and conditions of employment. These two items are specified in ch. 447, Florida Statutes, as principal elements in collective bargaining. Whether these items have been or are currently the subject of collective bargaining negotiations cannot be determined. Regardless, they will have to be impact bargained to the extent that there are employee organizations established for this purpose.

The Committee Substitute removes a previous s. 15 that had made changes to retiree benefits but incorrectly stated the applicable statutory on the subject.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
