

STORAGE NAME: h1283a.ca

DATE: April 4, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT - LOCAL LEGISLATION**

BILL #: HB 1283

RELATING TO: Hillsborough County (Civil Service Act)

SPONSOR(S): Representative Crist and others

COMPANION BILL(S): None

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

- (1) COMMUNITY AFFAIRS 7 YEAS 0 NAYS
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill provides procedures for the demotion of tenured and non-tenured employees. The bill also provides procedures for the appeal of a demotion.

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

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Hillsborough County Home Rule Charter took effect May 1985. The charter provides for local self-determination and grants all powers of a chartered county under Section I, Article VIII, Florida Constitution, 1968, as amended. One of the features of the Hillsborough County charter as described in "Home Rule Charter for Hillsborough County Florida, Approved by Hillsborough County Voters, September, 1983," is:

Special laws enacted by the Florida Legislature may be effective in Hillsborough County without approval by County electors if they relate to the following: ***civil service***, aviation, the port, sports, transportation, hospitals, planning, environment, solid waste management, consumer affairs, resource recovery, criminal justice, historic preservation, and the arts. [Emphasis added.]

The Hillsborough County Civil Service Act (Act) was created by special act in 1951 and amended by subsequent special acts. In 1982 and 1985, the Act was recreated (codified) and provided for repeal of all existing prior acts. The Act currently in effect is chapter 96-519, Laws of Florida, which repealed chapters 85-424, 86-408, 87-575, and 94-407.

Currently the act does not include procedures relating to the demotion of tenured or non-tenured employees.

B. EFFECT OF PROPOSED CHANGES:

The bill would put procedures into place regarding the demotion of tenured or non-tenured employees, including procedures for an appeal of those demotions.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 96-519, Laws of Florida.

D. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

This bill gives the Hillsborough County Civil Service Board the authority to hear appeals of demotions.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Not applicable.

(3) any entitlement to a government service or benefit?

Not applicable.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Not applicable.

b. Does the bill require or authorize an increase in any fees?

Not applicable.

c. Does the bill reduce total taxes, both rates and revenues?

Not applicable.

d. Does the bill reduce total fees, both rates and revenues?

Not applicable.

e. Does the bill authorize any fee or tax increase by any local government?

Not applicable.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Not applicable.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Not applicable.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

- (5) Are families penalized for not participating in a program?

Not applicable.

- b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 provides for procedures regarding the demotion of tenured and non-tenured employees.

Section 2 provides procedures for an appeal of a demotion.

Section 3 provides that this act shall be effective upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes ☒ No ☐

IF YES, WHEN? February 7, 1997

WHERE? The Times, Hillsborough County, Florida

B. REFERENDUM(S) REQUIRED? Yes ☐ No ☒

IF YES, WHEN? Not applicable.

C. LOCAL BILL CERTIFICATION FILED? Yes, attached ☒ No ☐

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached ☒ No ☐

IV. COMMENTS:

According to the Hillsborough County Legislative Delegation Explanatory Memorandum, it is necessary to provide the civil service board with the authority to hear appeals to demotions because a civil service position may be seen as an appealable property right.

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House Rule 92(a), provides that “if a committee determines that a local bill may be enacted into law under the authority of a local governing body, that committee shall not report the bill to the Clerk.” The purposes of this local bill could be accomplished by a local ordinance *but* would require that the special acts related to the career service system be repealed by the Legislature and be converted to local ordinances.

The ordinances would then be subject to modification or repeal by the local governing body as are other local ordinances. The entire contents of the act would remain in full force and effect during the conversion process.

Because the special acts related to the career service system have not been repealed and converted to local ordinances, House Rule 92(a) does not apply in this instance.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

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