

STORAGE NAME: h1621.ca

DATE: March 18, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS - LOCAL LEGISLATION**

BILL #: HB 1621

RELATING TO: Lee County Sheriff's Office

SPONSOR(S): Representative C. Green

COMPANION BILL(S): SB 2678 (i)

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

(1) COMMUNITY AFFAIRS (PRC)

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill redesignates the "Lee County Sheriff's Department" as the "Lee County Sheriff's Office." The bill revises several provisions relating to:

- Civil service board membership and elections;
- Demotions following the election of a new sheriff;
- Annual leave for certain employees; and
- Political activities during off-duty by employees of the sheriff's office.

There does not appear to be a fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Chapter 74-522, Laws of Florida, as amended by chapters 87-466, 87-547, and 95-514, Laws of Florida, creates a civil service board (board) for employees of the office of the sheriff of Lee County. Throughout the special act, reference is made to the "Lee County Sheriff's Department" (department).

Membership on the board consists of three elected and two appointed members. The sheriff or sheriff's designee and the department's chaplain are appointed to the board. Elected members must be elected: (1) by a majority of the department employees with the rank of lieutenant through **captain**; (2) by a majority of the department employees with the rank of **patrolman** or sergeant, and (3) as an upstanding resident of Lee County. Elections of the three members are held on the second Tuesday of September.

All members of the sheriff's department under the rank of colonel must be classified members of the civil service system. All members of the Lee County sheriff's department above the rank of major remain unclassified.

In the event a new sheriff is elected to the Lee County Sheriff's Department, captains must be subject to one grade demotion in rank in order to allow the sheriff to establish his administration.

All employees coming under the provisions of the current special acts are entitled to one and one fourth days annual leave for each month of service after six months of continuous service, which leave must be taken at a time agreed upon by the employee and the sheriff.

Applicants must be 35 years of age or under to work as a deputy sheriff. However, the act provides an exception to this age requirement. The exception allows one year of age per equal time in the service of the United States military or one year of age for each year of service as a member of a recognized law enforcement agency up to five years but prior to his or her forty-first birthday.

Applicants with military service must have an honorable discharge. However, persons with a medical discharge or who are capable of carrying out the functions or duties of the office of deputy sheriff cannot hold a position with the sheriff's department. The minimum standards and qualifications provisions established for an original applicant for employment as a deputy sheriff applies only to employees of the classified service and does not apply to special deputy sheriffs appointed pursuant to the provisions of s. 30.09(4), Florida Statutes. Section 30.09(4), Florida Statutes, provides surety bond requirement exceptions to the appointment of special deputy sheriff when appointed by the sheriff, under certain circumstances.

Whenever there is an opening in any division of the sheriff's department, the opening is posted on the department bulletin board for a certain amount of time.

Regarding suspension or dismissal of an employee, officers with the rank of lieutenant and above have the authority to take immediate disciplinary action including relieving "a man" of duty, thereafter securing the approval of the sheriff.

No person holding a classified position in the sheriff's department can take an active part in any political campaign. The act makes no provisions regarding employees exercising their lawful political rights while off duty.

B. EFFECT OF PROPOSED CHANGES:

The "Lee County Sheriff's Department" is redesignated as the "Lee County Sheriff's Office" throughout the bill. The bill revises the qualification for membership on the civil service board by requiring two of the three elected members be elected by: (1) a majority of the sheriff's office employees with the rank of lieutenant **or above**; and (2) a majority of the sheriff's office employees with the rank of **deputy** or sergeant. Elections of the non-appointed members to the civil service board are held at the first staff meeting in September.

All members of the sheriff's office under the rank of chief deputy, replacing the rank of colonel, must be classified members of the civil service act. The bill eliminates the provision that all members of the sheriff's office above the rank of major remain unclassified.

The bill revises the requirements for demotions associated with the election of a new sheriff. At such time, personnel who are ranked at captain or above **may** be subject to a one grade demotion in rank to lieutenant or above.

The bill deletes the provision entitling certain employees to one and one fourth days annual leave for each month of service after six months of continuous service, and which leave must be taken at a time agreed upon by the employee and the sheriff. Also, the bill deletes the age restriction of sheriff deputy applicants and any exceptions to the age restriction.

The bill deletes the restriction of a person with a medical discharge or who is incapable of carrying out the functions or duties of the sheriff's office from holding a position with the sheriff's office.

Under the bill, employment openings in any division of the sheriff's office must be publicly posted throughout the sheriff's office for a certain amount of time.

The bill updates the section regarding suspension or dismissal of an employee. The bill provides that officers with the rank of lieutenant and above have the authority to take immediate disciplinary action including relieving "an employee" of duty, thereafter securing the approval of the sheriff; thus, rendering a gender neutral application of this provision.

The bill clarifies that persons holding a classified position with the sheriff's office must not take an active part in any political campaign while on duty. It further clarifies, that the provisions of this bill cannot be construed to prohibit or prevent any such person from exercising lawful political rights while off duty, or from membership of a political club or organization, or from any other similar political activities.

C. LAWS OF FLORIDA/FLORIDA STATUTES AFFECTED:

Chapter 74-522, Laws of Florida, as amended by chapters 87-466, 87-547, and 95-514, 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?

N/A

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

The civil service board for the classified sheriff deputies and employees of the Lee County Sheriff's Office must hold the appropriate elections at the first staff meeting in September.

The Lee County Sheriff's Department must recognize its name change to the "Lee County Sheriff's Office," and print appropriate stationary and/or business cards to reflect the change.

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

The bill eliminates an annual leave entitlement to employees covered by the bill.

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?

N/A

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

N/A

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

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

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

No.

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

No.

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

No.

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

No.

3. Personal Responsibility:

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

N/A

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

N/A

4. Individual Freedom:

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

Yes. The bill allows employees of the Lee County Sheriff's Office to participate in political campaign activities while off-duty without threat of penalty.

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

No.

5. Family Empowerment:

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

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

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

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

N/A

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

N/A

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

N/A

- 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?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends chapter 74-522, Laws of Florida, as amended by chapters 87-446, 87-547, and 95-514, Laws of Florida; renames the "Lee County Sheriff's Department" as the "Lee County Sheriff's Office" throughout the bill; revises the qualifications for membership on the civil service board; provides for a new election date for members of the civil service board; deletes certain limitations for classification as members of the civil service; revises the requirements for demotions in rank following the election of a new sheriff; deletes provisions authorizing a specified amount of annual leave for certain employees; deletes certain restrictions on the age at which an applicant may be employed as a deputy sheriff; deletes certain restrictions on the employment of persons with medical

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discharge or otherwise incapable of carrying out the functions or duties of the sheriff's office; requires a public posting of job openings throughout the sheriff's office; provides for a gender neutral reference; and clarifying provisions authorizing political activities during off-duty hours.

Section 2. Provides that the bill is effective upon becoming law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes [x] No []

IF YES, WHEN? February 9, 1995

WHERE? New-Press, Fort Myers, Florida

B. REFERENDUM(S) REQUIRED? Yes [] No [x]

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached [x] No []

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached [x] No []

IV. COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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