

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** HB 1135 Santa Rosa County

**SPONSOR(S):** Williamson

**TIED BILLS:**           **IDEN./SIM. BILLS:**

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**FINAL HOUSE FLOOR ACTION:** 107 Y's      0 N's            **GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

HB 1135 passed the House on February 25, 2022, and subsequently passed the Senate on March 10, 2022.

The Santa Rosa County Civil Service Act (Act) was established by special act in 1979. The Act created the Santa Rosa County Civil Service Board (Board), a five-member body consisting of:

- One member elected by the “classified” employees of the county commission;
- One member elected by the “classified” employees of the school district;
- One member appointed by the county commission;
- One member appointed by the school board; and
- One member appointed by vote of the county’s constitutional officers.

The Board is responsible for reviewing demotions, suspensions, and dismissals of employees by any of the appointing authorities by receiving documentation of personnel actions and conducting hearings.

The bill removes the Santa Rosa County School District and the West Florida Regional Library from being subject to the Act and makes conforming changes throughout, including changing the selection mechanism for members of the Board to:

- Two members elected by the “classified” employees of the county commission;
- Two members elected by the county’s constitutional officers; and
- One member appointed by the county commission.

The bill also makes several other changes to the Board and its powers, including:

- Amending the definition of “unclassified service” to exclude administrative support personnel of the county attorney’s office and the county’s constitutional officers;
- Repealing rule-making authority for a classified pay plan and leave and holiday policies;
- Requiring the county commission and county constitutional officers to file notice of demotions, suspensions, and dismissals with the county commissioners’ human resources department; and
- Updating certain terms in the Act to use gender-neutral language.

The bill does not appear to have a fiscal impact on state or local government.

The bill was approved by the Governor on May 6, 2022, ch. 2022-247, L.O.F., and became effective on that date.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### **Background**

The Santa Rosa County Civil Service Act (Act) was established by special act in 1979.<sup>1</sup> The Act was subsequently revised in 1994 and 2002.<sup>2</sup> The Act created the Santa Rosa County Civil Service Board (Board), a five-member body consisting of:

- One member elected by the “classified” employees of the county commission;<sup>3</sup>
- One member elected by the “classified” employees of the school district;
- One member appointed by the county commission;
- One member appointed by the school board; and
- One member appointed by vote of the county’s constitutional officers.<sup>4</sup>

Members of the Board serve a four-year term and are limited to two consecutive terms. Candidates for elected positions must submit a petition signed by at least 15 percent of the employees within the group that elects them.<sup>5</sup> All members of the Board must be residents of Santa Rosa County and may not be an elected official, an employee of any appointing body, or a person who has been convicted of a felony or a crime involving moral turpitude.<sup>6</sup> Members of the Board receive a fixed monthly allowance set by joint resolution of the county commission and school board, with a minimum allowance of \$150 per month (\$200 for the Board’s chairperson).<sup>7</sup>

The Board is funded by appropriations from the county commission and the school board, with each entity providing half of the administrative cost of the Board and being responsible for the cost of any hearing that involves that entity.<sup>8</sup> The budget is subject to the approval of both the county commission and the school board. If either entity objects, the Board may request the circuit court review the budget for unreasonableness.

The Board is responsible for reviewing demotions, suspensions, and dismissals of employees by any of the appointing authorities.<sup>9</sup> The appointing authority must submit the reason for its decision, in writing, to the Board and the affected employee. The action must be submitted within 10 days, excluding legal holidays, after the effective date of the disciplinary action.<sup>10</sup> If the action is not submitted within the 10-day period, the employee must be reinstated and reimbursed for loss of pay and allowances, but the action may be refiled by the authority.

The employee must be given an opportunity to respond orally or in writing.<sup>11</sup> The employee may also request a hearing before the Board within 10 days of receipt of the written action.<sup>12</sup> The authority may suspend the employee for up to 30 working days without pay pending the hearing. If the Board does not approve of the action in hearing, it may require the authority to pay the employee for the

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<sup>1</sup> Ch. 79-561, Laws of Fla.

<sup>2</sup> See chs. 94-490 and 2002-385, Laws of Fla.

<sup>3</sup> “Classified employees” include all employees of the taxing authority that are not elected officials or serving in certain supervisory roles. See ch. 79-561, s. (1)(18), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla. (definition of “unclassified service”) and ch. 79-561, s. 8, Laws of Fla. (dividing each administrative service of the county into classified and unclassified service categories).

<sup>4</sup> Ch. 79-561, s. (4)(1), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

<sup>5</sup> Ch. 79-561, s. (4)(2), Laws of Fla.

<sup>6</sup> Ch. 79-561, ss. (4)(4) and 11, Laws of Fla.

<sup>7</sup> Ch. 79-561, s. 10, Laws of Fla.

<sup>8</sup> Ch. 79-561, s. 6, Laws of Fla.

<sup>9</sup> Ch. 79-561, s. 21(1), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

<sup>10</sup> Ch. 79-561, s. 21(2), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

<sup>11</sup> Ch. 79-561, s. 21(1), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

<sup>12</sup> Ch. 79-561, s. 21(2), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

suspension period. The Board may only reinstate any employee if it finds in a public hearing that the employee was not removed for just cause.<sup>13</sup>

These provisions do not apply to an employee of an appointing authority who has been employed by the authority for less than one year and do not apply to dismissals that occur as part of a reduction in force.<sup>14</sup>

Unless otherwise provided by law, school district personnel are governed by the policies adopted by the school board.<sup>15</sup> The Santa Rosa County School District has adopted policies and procedures for school personnel.<sup>16</sup>

**Effect of the Bill**

The bill removes the Santa Rosa County School District and the West Florida Regional Library from being subject to the Act and makes conforming changes throughout, including changing the selection mechanism for members of the Board to:

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**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

<sup>13</sup> Ch. 79-561, s. 21(4), Laws of Fla.

<sup>14</sup> Ch. 79-561, ss. 16(2) and 21(1), Laws of Fla., as amended by ch. 2002-385, s. 1, Laws of Fla.

<sup>15</sup> S. 1012.23, F.S.

<sup>16</sup> School Board Policy, ch. 6.00, Human Resources, at <https://www.santarosa.k12.fl.us/school-board/policytoc/> (last visited Jan. 29, 2022).

C. ECONOMIC IMPACT STATEMENT FILED? Yes  No

D. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 4, 2021.

WHERE? The *Pensacola News-Journal*, a daily newspaper of general circulation in Santa Rosa County, Florida.

E. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN?