

STORAGE NAME: s1636.ca

DATE: April 26, 1999

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

BILL #: SB 1636

RELATING TO: Hillsborough County/Civil Service Act

SPONSOR(S): Senator Hargrett and others

COMPANION BILL(S): None

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

(1) COMMUNITY AFFAIRS

(2)

(3)

(4)

(5)

I. SUMMARY:

The bill deletes language from the Hillsborough County civil service act, which terminates employment of a classified employee upon election to a compensated, elected public office. The bill adds language relating to assessments of conflict of interest between the elected public office and the employee's duties in the classified service.

The bill has no fiscal impact on the state's general revenue fund.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Hillsborough County Civil Service Act was created by special act in 1951, and amended by subsequent special acts. Most recently, in 1996, the act was recreated and codified. The act currently in effect is chapter 96-519, Laws of Florida.

According to information supplied by the sponsor, two Hillsborough County residents filed a lawsuit against Hillsborough County Civil Service Board, challenging the constitutionality of the language in chapter 96-519, Laws of Florida. The attorneys for both bodies concur that the best resolution to the suit is to accept the plaintiffs' proposal to seek amendatory language from the 1999 Legislature, and that the amended language is more consistent with case law interpreting similar provisions. Upon successful enactment and the bill becoming law, the plaintiffs have agreed to dismiss the lawsuit with prejudice.

B. EFFECT OF PROPOSED CHANGES:

The bill:

- removes language relating to termination of employment if employee is elected to public office;
- adds language relating to termination of employment if there is a conflict of interest; and
- adds language that an employee may file a grievance or appeal if the employee disagrees with a finding that there is a conflict of interest.

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?

No.

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

No.

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

No.

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

An agency or program is not 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?

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?

No.

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

No.

4. Individual Freedom:

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

No.

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:

The bill does not purport 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:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Amends chapter 96-519, L.O.F., allows a classified employee to serve in an elected public office if the service does not conflict with the performance of the employee's duties or present a conflict of interest; provides that the appointing authority determines whether the employee's service in public office conflicts with performance of duties; provides that if the employee disagrees with a conflict of interest finding, the employee may file a grievance or appeal under applicable processes.

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

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

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

IF YES, WHEN? January 30, 1999

WHERE? St. Petersburg Times

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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