

STORAGE NAME: h0815a.ca

DATE: March 8, 2000

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

BILL #: HB 815

RELATING TO: Osceola County Sheriff's Office

SPONSOR(S): Representative Irlo Bronson and other

TIED BILL(S): None

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS (PRC)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill codifies and repeals the Osceola Sheriff's Office Career Service Act, Chapter 89-516, Laws of Florida.

This bill provides additional clarity to the existing law in the following manner: provides that the sheriff has authority over appeal hearings, limits Career Service Board membership, provides for an alternate appointee to the board, creates rules regarding an impasse on appointment of fifth board member, provides rules for replacement of board member, and stipulates that a law enforcement officer appearing as a witness during office hours does not receive travel compensation.

This bill establishes an effective date upon the bill becoming a law.

This bill contains no fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment-</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

This bill expressly provides the sheriff with authority to adopt rules in appeal proceedings; however, the sheriff already has existing authority under this act and this additional language would likely be interpreted as simply clarifying language.

B. PRESENT SITUATION:

On July 6, 1989, House Bill 1709 passed, which provides career service status to certain members of the Osceola County Sheriff's Office, specifically all appointed deputy sheriffs and other members of the sheriff's office who have served for one calendar year. This bill also provides for a disciplinary policy and appeal proceedings relating to career service employees.

This law has never been amended since its enactment over ten years ago. Although this law, in practice, has provided sufficient guidance and direction to the Osceola County Sheriff's Office regarding career service status and procedure, it does not address certain unanticipated challenges that have arisen over the years.

C. EFFECT OF PROPOSED CHANGES:

This bill codifies and repeals Ch. 89-516, Laws of Florida. This bill provides additional instruction, particularly in the area of appeal procedure. Section 3, which limits board membership based on certain criteria, is currently part of Osceola County Sheriff's Office policy. Similarly, the language pertaining to the procedure for resolution of a board member impasse is already followed by the Sheriff's Office. This bill simply makes these existing practices part of Florida law. This bill also extends the time frame from fifteen to thirty days for the Career Service Board to hear an appeal, which gives the board greater flexibility.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 - Codifies Chapter 89-516, L.O.F.; provides for legislative intent

Section 2 - Codifies and repeals Chapter 89-516, L.O.F.

Section 3 - Amends and codifies current provisions relating to career service position and status determination; Additionally, provides that sheriff has authority over appeal hearing proceedings.

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- Section 4 - Codifies current provisions relating to member complaints and discipline appeals.
- Section 5 - Amends and codifies current provisions relating to creation of Career Service Board; Additionally, provides further criteria for selection of board members to preclude service of certain candidates; Requires law enforcement appointees to be full-time law enforcement and requires the members to select a current Osceola County Sheriff's Office law enforcement officer; Provides for an alternate name to be submitted where an appointee fails to qualify under this section and sets a time limit for submission; Provides procedure where members unable to agree on fifth member, including resolving selection through court appointment; Clarifies that a quorum is composed of all five members; Requires that seated members cannot be replaced without remaining board approval.
- Section 6 - Amends and codifies current provisions relating to Career Service Board appeal procedure; Additionally, increases number of days for Career Service Board to hear appeal from fifteen to thirty working days; Changes gender specific reference to gender neutral reference; Precludes law enforcement from receiving travel compensation where appearing during normal duty hours.
- Section 7 - Codifies current provisions relating to career service qualification.
- Section 8 - Codifies current provisions relating to a severability clause.
- Section 9 - Repeals Chapter 89-516, Laws of Florida.
- Section 10 - Codifies current provision providing that this act takes effect upon becoming a law.

III. NOTICE/REFERENDUM AND OTHER REQUIREMENTS:

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? September 27, 1999

WHERE? The Orlando Sentinel

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

IV. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A strike-everything amendment was adopted at the March 8, 2000 Community Affairs committee meeting. This amendment provides for codification of the Osceola Sheriff's Office Career Service Act.

VI. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Cindy M. Brown, Esq.

Joan Highsmith-Smith