



COMMITTEE ON URBAN & LOCAL AFFAIRS

ACTION PACKET

**Wednesday, March 12, 2008
9:00 A.M.
306 HOB**

**Marco Rubio
Speaker**

**Julio Robaina
Chair**

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Julio Robaina (Chair)	X		
Thomas Anderson	X		
Oscar Braynon II	X		
Larry Cretul	X		
Don Davis			X
Joseph Gibbons	X		
Eduardo Gonzalez	X		
Michael Grant	X		
Matthew Meadows	X		
James Waldman	X		
Totals:	9	0	1

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

Summary:

Committee on Urban & Local Affairs

Wednesday March 12, 2008 09:00 am

HB 747	Favorable	Yeas: 9	Nays: 0
HB 791	Favorable	Yeas: 9	Nays: 0
HB 935	Favorable With Amendments (3)	Yeas: 9	Nays: 0
HB 999	Favorable	Yeas: 9	Nays: 0
HB 1069	Favorable	Yeas: 9	Nays: 0
HB 1071	Favorable With Amendments (2)	Yeas: 9	Nays: 0
HB 1077	Temporarily Deferred		
HB 1085	Favorable With Amendments (1)	Yeas: 9	Nays: 0
HB 1263	Favorable	Yeas: 9	Nays: 0
HB 1445	Favorable	Yeas: 9	Nays: 0

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 747 : Charter County Transit System Surtax

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Charter County Transit System Surtax

Trina Johnson, Government Affairs Manager (Lobbyist) - Proponent

Central Florida Regional Transportation Authority

455 N Garland Avenue

Orlando FL 32806

Phone: 321-662-2928

Charter County Transit System Surtax

Danny Ours, Executive Director, Lakeland Area Mass Transit District - Proponent

Interin Executive Director, Polk Transit Authority

1212 George Jenkins Boulevard

Lakeland FL 33815

Phone: 863-688-7433 ext. 121

Charter County Transit System Surtax

Jim Brainerd (Lobbyist) - Proponent

Polk County

2814 Rabbit Hill Road

Tallahassee FL 32308

Phone: 850-508-6716

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 791 : DeSoto County Hospital District

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul			X		
Don Davis	X				
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 791

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative(s) Kreegel offered the following:

4

5 **Amendment (with title amendments)**

6 Remove line(s) 31-34

7

8

9

10

11

T I T L E A M E N D M E N T

12

Remove line 4 and insert:

13

nature of the district;

14

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 791

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	(Y/N)
OTHER	___	

1 Council/Committee hearing bill: Committee on Urban & Local
 2 Affairs
 3 Representative Kreegel offered the following:

Amendment (with title amendments)

4
 5
 6 Remove line(s) 184-186 and insert:
 7 instrumentality or agency of the district.

8
 9
 10 -----
 11 **T I T L E A M E N D M E N T**

12 Remove line 4 and insert:
 13 nature of the district;
 14

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 935 : Marion County Hospital District

Favorable With Amendments (3)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Marion County Hospital District
Richard Mutarelli - Information Only
Monroe Regional Medical Center
1308 SE 14th Street
Ocala FL 34471
Phone: 352-351-7327

Marion County Hospital District
Robert Briggs - Opponent
Florida Justice Association
14440 SE 131st Place
Ocklawaha FL 32179
Phone: 352-288-3328

Marion County Hospital District
Mike Huey (Lobbyist) - Proponent
Munroe Regional Medical Center
1125 Carriage Road
Tallahassee FL 32312
Phone: 850-577-9090

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 0935

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative(s) Cretul offered the following:
4

5 **Amendment (with title amendments)**

6 Remove line 39 and insert:

7 special acts relating to the Marion County Hospital District, a
8 dependent special district. It
9

10 -----
11 **T I T L E A M E N D M E N T**

12 Remove line 4 and insert:

13 laws relating to the district; providing a status statement;
14 providing legislative
15

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 0935

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ✓ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ___ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs
3 Representative(s) Cretul offered the following:

Amendment

Remove line 406 and insert:

Section 24. Sale of the refunding bonds.--

10

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 0935

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative Cretul offered the following:

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Amendment

Remove line(s) 608-616 and insert:

said district, not exempt by law:

- (1) a sufficient tax necessary for the purposes and needs of the district incurred in the exercise of the powers and purposes herein granted, the rate of taxation per annum shall not exceed 1 mill on the dollar of the valuation of the property within the district for tax purposes, provided, however, that the 1 mill limitation herein shall apply only for the purposes and needs of the district and not for the purposes of debt service requirements for bonds that may be issued under this act.
- (2) One (1) mill on the dollar of valuation of the property within the district for tax purposes, for payment of the costs of financing the acquisition, erection and construction of additions, improvements and extensions,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

22 or the costs of acquisition, erection and construction of
23 additions, improvements and extensions to the hospital
24 operated by the board of trustees.

25

26 The levying of such tax is hereby determined to be for

27

28

29

30

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 999 : Fort Myers Beach Fire Control District, Lee County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1069 : Broward County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Broward County

Eddy Labradore (Lobbyist) - Proponent

Legislative Counsel

Government Center 115 S Andrews Avenue, Suite 406

Fort Lauderdale FL 33301

Phone: 954-357-7575

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1071 : Cities of Lauderhill, Plantation, and Fort Lauderdale, Broward County

Favorable With Amendments (2)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1071

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative(s) Seiler offered the following:

4
5 **Amendment**

6 Remove line(s) 179-186 and insert:

7 the effective date of the annexation. The responsibility for
8 police and emergency services shall be transferred to the
9 annexing municipality upon the effective date of the annexation.
10 No ownership, operation, maintenance,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1071

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative(s) Seiler offered the following:

4

5 **Amendment**

6 Remove line 192 and insert:

7 municipal powers granted in chapter 166, Florida Statutes, and
8 as otherwise provided by law,

9

10

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1077 : West Villages Improvement District, Sarasota County

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1085 : Pinellas County Sheriff's Office Civil Service System

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 1085

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Committee on Urban & Local
2 Affairs

3 Representative(s) Anderson offered the following:

4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Be It Enacted by the Legislature of the State of Florida:

8

9 Section 1. Chapter 89-404, Laws of Florida, as amended by
10 chapter 90-395, Laws of Florida, is amended to read:

11 Section 1. Intent. It is the intent of this act to create
12 a civil service system for members of the Classified Service, as
13 defined herein, within the service of the Sheriff of Pinellas
14 County, for the purposes of ensuring fairness and consistency in
15 discipline and dismissal. ~~It is also the intent of this act to~~
16 ~~maintain the existing legal limitations on the right of~~
17 ~~collective bargaining and other rights under part II of chapter~~
18 ~~447, Florida Statutes, and to not grant such rights to any~~
19 ~~deputy, member, or personnel of the Office of the Pinellas~~
20 ~~County Sheriff who, prior to the effective date of this act, did~~
21 ~~not possess such rights pursuant to law.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 Section 2. Personnel of Pinellas County Sheriff;
23 applicability of the act; authority of the Sheriff.

24 (1) The provisions of this act shall apply to all
25 certified, noncertified, and Certified Executive Staff persons
26 within the Office of the Pinellas County Sheriff, except as
27 otherwise provided herein. The provisions of this act shall not
28 apply to the Sheriff, special deputy sheriffs appointed pursuant
29 to s. 30.09(4), Florida Statutes, contract personnel, the
30 general counsel, the associate general counsel, the director of
31 human resources, the director of support services, the director
32 of fiscal affairs, the public information coordinator, the
33 director of labor relations, the jail medical director, the
34 grants administrator, the sheriff's executive secretary, any
35 person who is eligible to participate in the Florida Retirement
36 System's Senior Management Service Class legal advisers,
37 chaplains, or individuals appointed as part-time deputy
38 sheriffs, as defined by the Criminal Justice Standards and
39 Training Commission, unless any such part-time deputy sheriff is
40 also a full-time member in the Office of the Sheriff.

41 (2) For the purposes of this act, the term "personnel"
42 shall refer to all persons working for the Pinellas County
43 Sheriff's Office; ~~provided that nothing stated herein shall be~~
44 ~~construed as changing the status of certified personnel from~~
45 ~~appointed officers to members covered by the provisions of~~
46 ~~chapter 447, Florida Statutes.~~

47 (3) The Sheriff shall have the authority to adopt such
48 rules and regulations as are necessary for the implementation
49 and administration of this act. However, nothing in this act
50 shall be construed as affecting the budgetmaking powers of the
51 Board of County Commissioners of Pinellas County.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 Section 3. Classified and Unclassified Services; Certified
53 Executive Staff; status of members of the Classified Service,
54 Unclassified Service, and Certified Executive Staff.

55 (1) The Classified Service shall consist of full-time
56 positions held by detention deputy sheriffs ~~corrections~~
57 ~~officers~~, law enforcement deputy sheriffs, and noncertified
58 personnel, except those persons not covered by the act as set
59 forth in section 2(1), who have attained permanent status as
60 defined herein and who are serving in any position except those
61 persons serving in the Unclassified Service or as members of the
62 Sheriff's Certified Executive Staff.

63 (2)(a) The Unclassified Service shall consist of the
64 following positions: all part-time positions, all full-time
65 personnel who have not attained permanent status as defined
66 herein, all volunteer or unpaid ~~nonsalaried~~ positions, school
67 crossing guards, reserve deputies, ~~and~~ special deputies, and
68 personnel eligible to participate in the Florida Retirement
69 System's Senior Management Service Class subsequent to
70 membership in the Classified Service. Members of the
71 Unclassified Service shall serve at the pleasure of the Sheriff
72 and may be suspended, demoted, or terminated at any time without
73 cause and without any right to appeal to the Civil Service
74 Board.

75 (b) Consistent with the requirements of section
76 121.055(1)(b), Florida Statutes, all personnel who are members
77 of the Classified Service who are selected by the Sheriff to
78 serve in positions whereby they are eligible to serve in the
79 Florida Retirement System's Senior Management Service Class, are
80 no longer members of the Classified Service and serve without
81 civil service protection. These personnel may be suspended,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 demoted, or terminated at any time without cause and without any
83 right to appeal to the Civil Service Board.

84 (3) For the purposes of this act, the Sheriff's Certified
85 Executive Staff shall consist of all certified personnel who
86 have attained the rank of captain or above, ~~the Public~~
87 ~~Information Coordinator, the Sheriff's executive secretary and~~
88 ~~all noncertified personnel whose salary is equal to or greater~~
89 ~~than the base salary for the rank of law enforcement captain.~~

90 (4) Members of the Sheriff's Certified Executive Staff
91 shall serve in those positions at the pleasure of the Sheriff.
92 Except as provided herein, such personnel may be suspended,
93 demoted, or dismissed at any time without cause and without any
94 right of appeal to the Civil Service Board. However, persons
95 serving as members of the Sheriff's Certified Executive Staff
96 who have, previous to their appointment to the Certified
97 Executive Staff, attained permanent status in the Classified
98 Service may be returned to the highest rank ~~or position~~ such
99 person achieved in the Classified Service without cause and
100 without any right to appeal such return to Classified Service.

101 Section 4. Permanent status; effect of rehire; extension
102 of probation; status upon election or appointment of new
103 Sheriff.

104 (1) After ~~classified~~ personnel of the Sheriff, to whom the
105 provisions of this act apply, have served in any such position
106 for a period of 1 calendar year without break in service, such
107 personnel shall have attained permanent status in the Office of
108 the Sheriff, unless such personnel are placed on an extended
109 probation or are eligible to participate in the Florida
110 Retirement System's Senior Management Service Class.

111 (2) When Classified Service personnel are terminated,
112 resign, or are otherwise separated from service, and are rehired

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

113 at a later date, they shall be required to complete 1 calendar
114 year of service, without break in service, following such rehire
115 before attaining permanent status in the Office of the Sheriff.

116 (3) Personnel in the Classified Service who are required
117 to serve a probationary period attendant to a promotion shall
118 retain permanent status in the Office of the Sheriff, but may be
119 demoted to their prior rank during such probationary period for
120 any reason and without the right of appeal as provided in this
121 act.

122 (4) When, in the sole discretion of the Sheriff, an
123 extension of a probationary period for newly hired or newly
124 promoted personnel is warranted, such probationary period may be
125 extended for a period up to 6 additional months. In the case of
126 newly hired personnel, the affected personnel shall be required
127 to satisfactorily complete the extended probationary period
128 before attaining permanent status in the Office of the Pinellas
129 County Sheriff.

130 Section 5. Effect of election or appointment of new
131 Sheriff on status of personnel.

132 (1) When a newly elected or appointed Sheriff assumes
133 office, the new Sheriff shall continue the members of the
134 Classified Service at their existing rank and/or salary level
135 unless cause for demotion or dismissal, as provided herein,
136 exists.

137 (2) When a newly elected or appointed Sheriff assumes
138 office, persons then serving as members of the Sheriff's
139 Certified Executive Staff who, previous to their appointment to
140 the Certified Executive Staff, had attained permanent status in
141 the Classified Service, shall not be suspended without pay for
142 more than 1 working day or dismissed unless cause as provided
143 herein exists. However, such personnel may be demoted to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

144 highest rank achieved in the Classified Service without cause
145 and without any right to appeal.

146 Section 6. Members of Classified Service; certain members
147 of the Certified Executive Staff; suspension, demotion, or
148 dismissal only for cause.

149 (1) Members of the Classified Service may only be
150 suspended, for a period in excess of 1 working day, reduced in
151 rank or base pay, or dismissed from service for cause. Members
152 of the Certified Executive Staff who have, previous to their
153 appointment to the Certified Executive Staff, achieved permanent
154 status in the Classified Service may only be dismissed or
155 suspended for a period in excess of 1 working day or demoted to
156 a rank or rate of base pay less than the highest rank or base
157 pay the member attained while in the Classified Service for
158 cause. Prior to such action described above, the member shall be
159 furnished with written notice of the proposed action and an
160 explanation of the reasons for the action, and offered an
161 opportunity to respond to the reasons for the action. ~~However,~~
162 ~~nothing stated herein shall be construed as changing the status~~
163 ~~of deputy sheriffs from appointed officers to employees covered~~
164 ~~by the provisions of chapter 447, Florida Statutes.~~

165 (2) In situations where the delay occasioned by furnishing
166 members of the Classified Service personnel such written notice
167 and opportunity to respond could result in damage or injury,
168 personnel may be suspended or dismissed for cause immediately
169 and provided such written notice and opportunity to respond
170 within 24 hours.

171 (3) Written notice of disciplinary action to a ~~department~~
172 member shall be deemed to be effective upon hand delivery, or
173 upon mailing to the member's last known address.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

174 (4) Cause for suspension, dismissal, or demotion shall
175 include, but not be limited to: negligence, inefficiency, or
176 inadequate job performance; inability to perform assigned
177 duties, incompetence, dishonesty, insubordination, violation of
178 the provisions of law or the rules, regulations, and operating
179 procedures of the Office of the Sheriff, conduct unbecoming a
180 public servant, misconduct, or proof and/or admission of use of
181 illegal drugs. Cause for suspension or dismissal shall also
182 include a member's acceptance into a pretrial diversion or
183 intervention program, the adjudication of guilt by a court of
184 competent jurisdiction, a plea of guilty or of nolo contendere,
185 or a verdict of guilty where adjudication of guilt is withheld
186 and the accused is placed on probation, with respect to any
187 felony or misdemeanor. The filing of felony or misdemeanor
188 charges against Sheriff's Office personnel may also constitute
189 cause for suspension. Subsequent dropping of charges shall
190 result in automatic reinstatement, except where charges were
191 dropped because of completion of a pretrial intervention or
192 diversion program, provided that independent departmental
193 charges are not pending.

194 (5) The listing of causes for suspension, demotion, or
195 dismissal in this section is not intended to be exclusive. The
196 Sheriff may, by departmental rule, add to this listing of causes
197 for suspension, dismissal, or demotion.

198 Section 7. Creation and qualifications of the Civil
199 Service Board.

200 (1) The Sheriff of Pinellas County is hereby authorized to
201 create a Civil Service Board which shall be composed of five
202 members which shall be determined as follows:

203 (a) Two members of the Civil Service Board shall be
204 appointed by the Sheriff after being elected in an election

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

205 among the members of the Classified Service. The Sheriff shall
206 appoint the two persons receiving the highest number of votes in
207 such election.

208 (b) Two members shall be appointed by the Sheriff.

209 (c) The fifth member shall be selected by the majority of
210 the other four Board members within 15 days of their
211 appointments. In the event that the selection process of the
212 fifth member results in an impasse, within 15 days, the fifth
213 member shall be appointed by the Chief Judge of the Sixth
214 Judicial Circuit.

215 (d) The five members of the Board shall then select a
216 sixth or alternate member who shall serve upon the inability of
217 any other member to serve.

218 (e) The fifth member shall be chairperson of the Civil
219 Service Board, unless the Board elects otherwise.

220 (f) Four members of the Civil Service Board shall
221 constitute a quorum.

222 (2) Membership qualifications and term:

223 (a) All members of the Civil Service Board shall be at
224 least 21 years of age, of good moral character, of good
225 reputation in the community, citizens of the United States,
226 permanent residents of Florida, and permanent residents of
227 Pinellas County for at least 2 years prior to the date of their
228 appointment.

229 (b) No member of the Board may be:

230 1. A member of any national, state, or county committee of
231 a political party;

232 2. A candidate for or incumbent of any elected public
233 office;

234 3. A member of the Pinellas County Sheriff's Office, or
235 the spouse, parent, grandparent, child, grandchild, brother,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

236 sister, aunt, uncle, niece, or nephew, by consanguinity or
237 affinity of a member; or

238 4. Positioned as to have a conflict of interest in the
239 terms of his or her related business, duties, or
240 responsibilities in connection with the Civil Service Board.

241 (c) The members of the Board shall serve a term of 1 year
242 from the date of their election or appointment as the case may
243 be.

244 (d) Members of the Board will receive no salary, but will
245 be paid a stipend as determined by the Sheriff to offset
246 expenses incurred in performing the duties of the Civil Service
247 Board.

248 Section 8. Duties and authority of the Civil Service
249 Board.

250 (1) The Civil Service Board shall have the following
251 authority and duties:

252 (a) To adopt and amend reasonable rules and regulations
253 for its hearing procedures.

254 (b) To hear all appeals of the members of the Classified
255 Service arising from personnel actions brought under the
256 Sheriff's rules, procedures, or policies which result in
257 dismissal, suspension for more than 1 working day without pay,
258 demotion, or reduction in base pay for disciplinary or job
259 performance reasons.

260 (c) To hear appeals of members of the Certified Executive
261 Staff who have, previous to their appointment to the Certified
262 Executive Staff, achieved permanent status in the Classified
263 Service, arising from personnel actions brought under the
264 Sheriff's rules, procedures, or policies which result in
265 dismissal or suspension for more than 1 working day or demotion

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

266 to base pay less than the highest rank or base pay the member
267 attained while in the Classified Service.

268 (d) To contract with the Division of Administrative
269 Hearings to have hearings conducted pursuant to chapter 120,
270 Florida Statutes, as provided in section 11(8).

271 (2) Other than those appeals specified herein ~~in~~
272 ~~subsection (1)~~, the Civil Service Board shall not have authority
273 to hear appeals.

274 (3) The authority of the Civil Service Board, and the
275 authority of the Division of Administrative Hearings acting
276 under contract, shall not include the establishment or deletion
277 of the categories of conduct which constitute cause for
278 suspension, demotion, or dismissal. In hearing appeals, the
279 Civil Service Board shall:

280 (a) Determine whether the aggrieved member engaged in
281 conduct prohibited by section 6 or by a departmental rule
282 promulgated by the Sheriff;

283 (b) Determine whether the action taken against the
284 aggrieved member is consistent with action taken against other
285 members; and

286 (c) Make findings of fact and state a conclusion as
287 specified in subsection (6).

288 (4) The Civil Service Board may also provide assistance
289 and advice to the Sheriff in matters concerning disciplinary
290 actions and may take any other actions authorized by the
291 Sheriff.

292 (5) The Civil Service Board, pursuant to its authority to
293 hear appeals of members of the Classified Service, shall have
294 the power to schedule hearings, administer oaths, take or allow
295 the taking of depositions, and issue subpoenas to compel the
296 attendance of witnesses and the production of books, accounts,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

297 papers, records, documents, testimony, and other items to effect
298 such other discovery as it deems fit and proper upon the written
299 request of either party.

300 (a) The chairperson of the Civil Service Board or his or
301 her ~~his/her~~ designee shall be authorized to sign all notices,
302 subpoenas, and final orders, on behalf of the Board. In the case
303 of disobedience or failure of any person to comply with a
304 subpoena issued by the Board or any of its members, or upon the
305 refusal of a witness to testify on any matter on which he or she
306 may be lawfully interrogated, a Judge of the Circuit Court of
307 Pinellas County, on application of the Civil Service Board,
308 shall compel obedience by proceedings as for contempt.

309 (b) The service of a subpoena shall be made in the manner
310 provided by the Florida Rules of Civil Procedure. Each witness
311 subpoenaed by the Civil Service Board shall receive for his or
312 her attendance, from the party requesting the subpoena, fees and
313 mileage in the amount as provided for witnesses in civil cases.
314 Personnel of the Sheriff's Office appearing before the Civil
315 Service Board while on duty shall not receive witness fees or
316 reimbursements for mileage.

317 (6) Within 10 days of the conclusion of the appeals
318 hearing, or receipt of the proposed recommended order from the
319 Division of Administrative Hearings, whichever is longer, unless
320 the parties agree to a longer period, the Civil Service Board,
321 by a majority vote, shall dispose of the appeal and shall make
322 findings of fact and state a conclusion; such findings of fact
323 and conclusion shall be separately stated and shall be in
324 writing. Such conclusion shall either sustain, modify, or not
325 sustain the action being appealed. Upon a finding that cause did
326 not exist for a suspension, demotion, reduction in pay, or
327 dismissal, the Civil Service Board shall reinstate the appellant

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

328 and direct the Sheriff to pay the appellant for the period of
329 any suspension, demotion, loss of pay, or dismissal. The Civil
330 Service Board shall not have the authority to impose any penalty
331 more severe than that which formed the basis of the appeal.
332 Should the Civil Service Board be unable to reach a majority
333 decision on any appeal, the personnel action taken shall be
334 sustained.

335 (7) The decision of the Civil Service Board shall be final
336 and binding on all parties concerned.

337 Section 9. Appeals procedure.

338 (1) A member of the Classified Service who has been
339 suspended without pay for more than 1 working day, demoted,
340 reduced in base pay, or dismissed, and those members of the
341 Certified Executive Staff to whom rights of appeal are granted
342 pursuant to section 3, may obtain a hearing before the Civil
343 Service Board by filing a written Notice of Appeal with the
344 Sheriff or his or her designee. Filing shall be effected by
345 delivery in person to the Sheriff or his or her designee, when
346 that person is designated by the Sheriff in writing, or by U.S.
347 mail, registered, return receipt requested. Such Notice of
348 Appeal shall be received by 5 p.m. on the fifth ~~filed within 5~~
349 calendar day after ~~days of~~ receipt of notice of the suspension,
350 demotion, reduction in pay, or dismissal. The day upon which the
351 member receives the notice of suspension, demotion, reduction in
352 pay, or dismissal shall not be counted in computing the 5 days,
353 and the 5-day period shall begin on the first day after receipt
354 of the notice, regardless of whether that day is a weekend day
355 or holiday. The burden is on the member requesting the appeal
356 hearing to establish timely service in accordance with the
357 provisions herein. Failure to file a said written notice
358 requesting the appeal hearing as required ~~within the 5-day~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

359 ~~period prescribed~~ herein shall constitute a voluntary waiver of
360 all rights to an appeal under this act.

361 (2) The Notice of Appeal shall contain:

362 (a) A statement that the person filing the Notice of
363 Appeal is entitled to an appeal pursuant to the terms of this
364 act as a present or former member of the Classified Service;

365 (b) A statement of the disciplinary action complained of
366 and the basis for the appeal; and

367 (c) A request for relief consistent with relief that may
368 be ordered by the Civil Service Board as set forth herein.

369 (3) The appellant shall be limited in the scope of his or
370 her appeal to the issues raised in the Notice of Appeal.

371 Section 10. Settlements and precedent. In order to
372 encourage resolutions of appeals prior to hearing, any
373 settlement of an appeal acceptable to the appellant shall not
374 establish a precedent against either the Sheriff, any member of
375 the Classified Service, or any member of the Certified Executive
376 Staff to whom the right of appeal is afforded by this act. Such
377 settlement shall not conflict in any manner with the provisions
378 of this act and shall not be used in any subsequent appeal
379 hearing.

380 Section 11. Hearing procedure.

381 (1) The Civil Service Board shall commence a hearing on an
382 appeal within 30 days from the date upon which the Notice of
383 Appeal was received by the Sheriff, or his or her designee, and
384 shall proceed diligently to conclude such hearing in an
385 expeditious fashion while affording to all parties a full and
386 fair hearing. The Civil Service Board may grant a continuance of
387 a hearing for good cause shown upon its own or a party's motion.

388 (2) The Civil Service Board shall establish appropriate
389 rules and procedures for the conduct of all hearings pursuant to

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

390 this act. All testimony of the parties and witnesses shall be
391 made under oath or affirmation. Hearsay evidence may be used for
392 the purpose of supplementing or explaining other evidence, but
393 shall not be sufficient in and of itself to support a finding
394 unless it would be admissible over objections in civil actions.

395 (3) Each party shall be entitled to call witnesses on his
396 or her own behalf, to compel the attendance of witnesses through
397 the service of subpoenas, to cross-examine the witnesses, to
398 represent himself or herself, or to be represented by any other
399 representative of his or her choosing, and to be present at such
400 hearing.

401 (4) Each party shall bear his or her own costs and fees
402 incurred with respect to such hearings. No costs or fees shall
403 be reimbursed by one party to the other regardless of the
404 decision of the Civil Service Board under this act.

405 (5) Appeal hearings shall be open to the public in
406 accordance with the provisions of chapter 286, Florida Statutes.

407 (6) The Civil Service Board, its members, the Sheriff,
408 witnesses while giving truthful testimony, and all the
409 representatives of the parties shall be immune from all civil
410 liability arising from actions taken pursuant to the provisions
411 of this act.

412 (7) A tape recording shall be made of each Civil Service
413 Board hearing and minutes of the hearing shall be kept. Either
414 party shall be entitled to engage the services of a certified
415 court reporter to record such hearing. The party engaging
416 services of the court reporter shall be solely responsible for
417 payment for such services.

418 (8) The Civil Service Board may, upon stating its reasons,
419 elect at any stage of the hearing procedure to contract with the
420 Division of Administrative Hearings of the Department of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

421 ~~Management Services Administration~~ to have the hearing conducted
422 pursuant to chapter 120, Florida Statutes, in which case the
423 board shall limit its considerations to the findings and
424 recommendations of the division's ~~Department of Administration~~
425 hearing officer.

426 Section 12. Exemption from chapter 120, Florida Statutes.
427 Unless the election is made to proceed under section 11(8), the
428 actions of the Civil Service Board and the Sheriff taken
429 pursuant to this act shall be exempt from the provisions of
430 chapter 120, Florida Statutes.

431 Section 13. Members' Advisory Council. There shall be a
432 five-person Members' Advisory Council, which shall serve in an
433 advisory capacity to the Sheriff concerning personnel matters,
434 policies, rules, and regulations affecting members of the
435 Classified Service. The departmental representation of the
436 Members' Advisory Council shall be determined by the Sheriff.
437 All members of the Members' Advisory Council shall be permanent
438 members of the department and members of the Classified Service.
439 One member shall be elected from each of five areas to be
440 determined by the Sheriff and shall be elected to serve by
441 secret ballot of all members of the Classified Service within
442 each respective area. Members of the Members' Advisory Council
443 shall serve a 1-year term of office beginning July 1 of each
444 year. The initial council shall serve from the date elected
445 until July 1 of the following year.

446 ~~Section 14. Certified personnel to maintain status as~~
447 ~~appointed officers. Nothing herein shall be construed as~~
448 ~~altering the traditional status of certified personnel as~~
449 ~~appointed officers, who, as such, are excluded from coverage as~~
450 ~~employees under chapter 447, Florida Statutes.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

451 Section ~~14~~ 15. Sheriff to adopt rules and regulations for
452 review of citizen complaints and other actions. The Sheriff
453 shall, contemporaneous with the effective date of this act, by
454 department rule or regulation, establish a procedure to review
455 and resolve citizen complaints and disciplinary actions for
456 which an appeal is not provided by this act.

457 Section ~~15~~ 16. If any provision of this act or the
458 application thereof to any person or circumstance is held
459 invalid, the invalidity shall not affect other provisions or
460 applications of the act which can be given effect without the
461 invalid provision or application, and to this end the provisions
462 of this act are declared severable.

463 Section ~~16~~ 17. Chapter 84-514, Laws of Florida, as amended
464 by chapter 87-424, Laws of Florida, is hereby repealed.

465 Section ~~17~~ 18. This act shall take effect July 1, 1989, or
466 upon becoming a law, whichever occurs later.

467 Section 2. This act shall take effect upon becoming a law
468
469

470

T I T L E A M E N D M E N T

471
472 Remove the entire title and insert:

473 An act relating to the Pinellas County Sheriff's Civil Service
474 System; amending chapter 89-404, Laws of Florida, as amended;
475 deleting intent relating to collective bargaining; limiting
476 application; revising the definition of "personnel"; revising
477 positions covered in the Classified and Unclassified Services;
478 providing effect of participating in the Florida Retirement
479 System's Senior Management Service Class; providing for
480 Certified Executive Staff; providing additional causes for
481 member suspension or dismissal; providing duties of the Civil

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

482 Service Board regarding appeals; providing authority of the
483 Division of Administrative Hearings under certain circumstances;
484 revising provisions relating to the timeframe for filing a
485 notice of appeal and for disposing of appeals and making
486 findings of fact and stating a conclusion; removing a provision
487 relating to certified personnel status as appointed officers;
488 providing an effective date.
489

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1263 : Brevard County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

Brevard County

Jerry Sansom (Lobbyist) - Proponent

Organized Fishermen

P. O. Box 98

Cocoa FL 32923

Phone: 321-223-0212

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM

COMMITTEE MEETING REPORT

Committee on Urban & Local Affairs

3/12/2008 9:00:00AM

Location: 306 HOB

HB 1445 : City of Tallahassee, Leon County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Oscar Braynon II	X				
Larry Cretul	X				
Don Davis			X		
Joseph Gibbons	X				
Eduardo Gonzalez	X				
Michael Grant	X				
Matthew Meadows	X				
James Waldman	X				
Julio Robaina (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 12, 2008 10:29:39AM