

1985

Session Law 85-424

Florida Senate & House of Representatives

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1 **HB 570** A bill to be entitled
 2 An act relating to Hillsborough County;
 3 creating the Civil Service Act of 1985;
 4 providing a statement of policy; providing a
 5 short title designation; providing for
 6 application and participation by
 7 municipalities; providing definitions;
 8 providing for classes of employees; providing
 9 for the creation of a civil service board, its
 10 method of conducting business, and its powers
 11 and duties; providing for employment and
 12 promotional lists; providing for the creation
 13 and abolition of positions and the filling of
 14 vacancies; providing for reporting by the
 15 appointing authorities; providing for
 16 probationary periods, tenure and retention of
 17 benefits upon certain transfers; providing for
 18 suspension, dismissal and reinstatement;
 19 providing an appeal hearing procedure;
 20 providing for recommendation and adoption of
 21 classification and pay plans; providing an
 22 appropriation; providing for the creation of a
 23 review committee and for transition; providing
 24 for payment of salaries, wages and
 25 compensation; providing for prohibited
 26 activities; providing for restrictions on
 27 employees qualifying for compensated, elected
 28 public office; providing for creation of an
 29 employee advisory committee; providing a
 30 penalty for violation of the act; providing for
 31 repeal of chapter 82-301, Laws of Florida;

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1 providing for codification; providing
 2 severability; providing effective dates. 1.17
 3
 4 Be It Enacted by the Legislature of the State of Florida: 1:enc
 5
 6 Section 1. Statement of Policy.--It is the purpose of 1.18
 7 this act to establish a system for the formulation and
 8 implementation of procedures to ensure the uniform 1.19
 9 administration of the classified service on the following
 10 merit principles:
 11 (1) Recruitment, selection, compensation, benefits and 1.20
 12 advancement of employees on the basis of their relative job- 1.21
 13 related ability, knowledge, skills and personal capabilities,
 14 including open consideration of qualified applicants for 1.22
 15 initial appointment;
 16 (2) Retention of employees on the basis of the 1.23
 17 adequacy of their performance, allowing for correction of
 18 inadequate performance when possible and separation of 1.24
 19 employees whose inadequate performance has not been corrected; 1.25
 20 and
 21 (3) Fair treatment of applicants and employees in all 1.26
 22 aspects of personnel administration without regard to age, 1.27
 23 sex, race, religion, national origin, political affiliation,
 24 marital status or handicap, except when specific sex, age or 1.28
 25 physical requirement is a bona fide occupational
 26 qualification. 1.29
 27 Section 2. Effect of Act on Employment.--This act 1.29
 28 guarantees continuance of all rights, privileges and/or 1 30
 29 benefits accrued by any classified employee as a result of 1.31
 30 employment prior to the effective date of this act. Any 1.32
 31 position in the classified service as defined by chapter 82-

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DEPARTMENT OF STATE
 R. A. GRAY BUILDING
 Tallahassee, FL 32399-0250

Series 19 Carton 1424

1 301, Laws of Florida, through September 30, 1985, and which is 1.33
 2 occupied through that date, but which becomes exempt upon the
 3 effective date of this act, may remain in the classified 1.34
 4 service pursuant to the provisions of this act until the 1.35
 5 occurrence of any one of the following: request by said
 6 person to be transferred to the exempt service; dismissal by 1.36
 7 the appointing authority; resignation; or retirement. 1.37
 8 Section 3. Short Title.--This act shall be known as 1.37
 9 the "Civil Service Act of 1985." 1.38
 10 Section 4. Application.--The provisions of this act 1.38
 11 shall apply to all classified personnel employed by the 1.39
 12 following agencies or authorities within Hillsborough County: 1.40
 13 the board of county commissioners, the county administrator, 1.41
 14 clerk of the circuit court, supervisor of elections, property 1.41
 15 appraiser, tax collector, sheriff, department of criminal 1.42
 16 justice information within the thirteenth judicial circuit, 1.42
 17 environmental protection commission, aviation authority, port 1.43
 18 authority, planning commission, school board, circuit court 1.43
 19 commissioner, public transportation commission, court 1.44
 20 administrator, expressway authority, law library, legal aid, 1.45
 21 legislative delegation, soil conservation, civil service board 1.46
 22 and any other agency or authority not expressly exempt from 1.46
 23 this act. Each municipality in Hillsborough County is 1.47
 24 expressly exempt from this act until and unless it executes an 1.48
 25 interlocal agreement with the Civil Service Board pursuant to 1.48
 26 general law. 1.49
 27 Section 5. Definitions.--As used in this chapter: 1.49
 28 (1) "Civil service" means that part of the employment 1.50
 29 system within Hillsborough County as may be applicable 1.50
 30 pursuant to section 4 herein. 1.51
 31

1 (2) "Appointing authority" means any person or agency 1.51
 2 authorized to employ personnel to carry out the 1.52
 3 responsibilities of the agency under the provisions of this 1.53
 4 act or other statutory authority.
 5 (3) "Appointment" means selection by an appointing 1.54
 6 authority of a certified eligible person to perform assigned 1.54
 7 duties and responsibilities in a specified position in the 1.55
 8 classified service.
 9 (4) "Benefits plan" means a schedule of employment 1.56
 10 benefits to include all leave and holidays. 1.57
 11 (5) "Certification" means the process of providing the 1.57
 12 names of eligibles for a class of positions to be considered 1.58
 13 in filling a vacancy.
 14 (6) "Classified employee" means one whose position is 1.59
 15 subject to the rights contained herein and as promulgated by 1.60
 16 rule of the Civil Service Board.
 17 (7) "Class of positions/classifications" means all 1.61
 18 positions which are sufficiently similar as to kind or subject 1.61
 19 matter of work, level of difficulty or responsibilities, and 1.62
 20 qualification requirements of the work to warrant the same 1.63
 21 treatment as to title, pay range, and other personnel 1.64
 22 transactions. 1.64
 23 (8) "Classification plan" means a document which 1.64
 24 formally describes the concepts, rules and regulations and 1.65
 25 class specifications utilized in the classification and 1.65
 26 reclassification of positions in the classified service. 1.66
 27 (9) "Demotion" means change of an employee from a 1.67
 28 position in one class to a position in another class having a 1.67
 29 lesser degree of responsibility and lower pay grade. 1.68
 30 (10) "Dismissal" means the discharge of an employee 1.69
 31 from the service by the appointing authority. 1.70

1	(11) "Executive manager" means a position so	1.70
2	designated by any appointing authority. The identifying	1.72
3	characteristics of an executive manager position are:	
4	(a) Having primary responsibility for the	1.73
5	administration of a department/division that is major in scope	
6	in terms of a county-wide program except as may be limited by	1.74
7	municipal programs; and/or	
8	(b) Being entrusted with developmental and/or	1.75
9	confidential information and high level responsibility for:	1.76
10	1. Program research, development, implementation, and	1.76
11	monitorship; or	
12	2. Formulation of policies; or	1.77
13	3. Day-to-day operations, administration, and	1.77
14	departmental/divisional decision making.	1.78
15	(12) "Exempt employee," which may be used	1.78
16	interchangeably with "unclassified employee," means one whose	1.79
17	position is subject to any rights as may be provided by his	1.80
18	appointing authority and who is enumerated in section 6(2)	
19	herein.	1.81
20	(13) "Initial probationary period" means a period of 6	1.81
21	months of conditional employment in the same position which	1.82
22	may be extended for an additional 6 months during which time \	
23	an employee may be dismissed without appeal to the Board.	1.83
24	(14) "Leave" or "leave of absence" means absence of a	1.84
25	classified employee from employment authorized by the	2.1
26	appointing authority in accordance with rules promulgated by	
27	the Board.	2.2
28	(15) "Part-time employee" means one who works less	2.2
29	than 50 percent of the normal work period.	2.3
30	(16) "Pay plan" means a schedule establishing an	2.3
31	appropriate salary range for each class of position, to	2.4

1	include an initial or entrance salary and a maximum salary and	2.5
2	a method of progression from initial to maximum.	
3	(17) "Promotion" means moving an employee from a	2.6
4	position in one class to a position in another class having a	
5	greater degree of responsibility and a higher pay grade.	2.8
6	(18) "Reduction in force" means dismissal, for reasons	2.9
7	including, but not limited to, shortage of funds, abolition of	
8	a position, or material changes in job duties or	2.10
9	organizational structure in accordance with rules promulgated	
10	by the Board.	2.11
11	(19) "Reemployment" means appointment of a person who	2.11
12	was dismissed due to reduction in force in accordance with	2.12
13	rules promulgated by the Board.	2.13
14	(20) "Resignation" means that an employee has	2.13
15	voluntarily elected to terminate his employment.	2.14
16	(21) "Substitute employee" means one who is	2.14
17	temporarily employed to fill the position of a permanently	2.15
18	employed person who is on approved leave of absence, provided,	
19	however, that said employee may not fill any given position	2.16
20	for a period exceeding 120 calendar days from the first day of	2.17
21	appointment by the appointing authority.	
22	(22) "Suspension" means the removal of an employee	2.18
23	from the service for a temporary period of time.	2.19
24	(23) "Temporary employee" means one whose employment	2.19
25	is not intended to exceed 120 calendar days from first day of	2.20
26	appointment by the appointing authority.	2.21
27	(24) "Tenure" means a status granted after successful	2.21
28	completion of an initial probationary period, entitling the	2.22
29	employee to all rights and protections provided herein.	2.23
30	(25) "Transfer" means the change of an employee from	2.23
31	one position to another position.	2.24

1 Section 6. Classes of Employees.--The employees of all 2.24
 2 agencies subject to this act are hereby divided into the 2.25
 3 classified service and the exempt service. 2.26
 4 (1) The classified service shall comprise all 2.26
 5 positions other than those identified herein as exempt and 2.27
 6 shall be subject to the rights contained herein and as
 7 promulgated by rule of the Civil Service Board. 2.28
 8 (2) The following classes of employment shall be 2.28
 9 deemed exempt from the classified service and shall be subject 2.29
 10 to any rights as may be provided by their appointing 2.30
 11 authority. The exempt service shall include: 2.31
 12 (a) All elected officials and those appointed by the 2.31
 13 Governor; 2.32
 14 (b) Members of any board, authority, or commission; 2.32
 15 (c) Physicians and attorneys-at-law; 2.33
 16 (d) All persons who are required to have a valid 2.33
 17 teacher's certificate for the performance of their duties and 2.34
 18 all assistant teachers, teachers' aides and instructors
 19 employed by the Hillsborough County School Board. 2.35
 20 (e) Persons employed in the school lunchrooms; 2.36
 21 (f) Executive managers as defined herein; 2.36
 22 (g) Temporary, part-time and substitute employees as 2.37
 23 defined herein;
 24 (h) Secretaries of and/or administrative aides to 2.38
 25 judges, school principals, the county attorney, the chief
 26 executive officer of any board, authority, or Commission and 2.39
 27 all elected officials.
 28 Section 7. Creation of Civil Service Board; Method of 2.40
 29 Conducting Business; Powers and Duties.--
 30 (1) There is hereby created in Hillsborough County a 2.41
 31 board known as the Hillsborough County Civil Service Board,

1 hereinafter called the Board. The Board shall consist of 2.43
 2 seven members who are qualified electors of the county,
 3 provided, however, no member may be appointed to serve who is 2.44
 4 either an elected official or an employee of any appointing 2.45
 5 authority. Each appointment, except those made to fill 2.46
 6 unexpired terms, shall be for a period of 4 years. To insure 2.47
 7 continuity of experience and efficiency of the Civil Service
 8 Board constituted herein, the members of the Civil Service 2.48
 9 Board existing under chapter 82-301, Laws of Florida, shall
 10 continue to serve until the expiration of their terms or until 2.49
 11 their successors have been appointed. The absence of a Board 2.51
 12 member at more than 50 percent of scheduled meetings during
 13 any calendar year shall constitute his resignation. Upon 2.53
 14 death, resignation or removal of a member, a successor shall
 15 be appointed for the unexpired portion of that member's term. 2.54
 16 All of said appointments shall be made by the Governor, 2.55
 17 subject to the confirmation by the Senate. 2.56
 18 (2) The Board shall meet at least once every 2 months 2.5b
 19 to properly handle its business in accordance with the intent 2.57
 20 and purposes of this act. The Board shall elect one of its 2.58
 21 members as chairman and another as vice-chairman. Members 2.59
 22 shall serve without compensation. However, each member shall 2.60
 23 be entitled to per diem and mileage reimbursement in
 24 connection with the performance of his or her official duties 2.61
 25 and in conformance with general law regulating the payment of 2.62
 26 said expenses. The clerk of the circuit court shall serve as 2.63
 27 secretary ex officio, but he shall not be entitled to any 2.64
 28 salary or additional compensation.
 29 (3) The Civil Service Board as a body shall have the 2.65
 30 power and duty:
 31

1	(a) To adopt and amend rules and regulations for the	2.65
2	uniform administration of this act following a minimum of 30	2.66
3	days' notice of the proposed rule to each appointing	2.67
4	authority.	
5	(b) To employ a director, legal counsel, and such	2.67
6	other employees as it may deem necessary to carry out the	2.69
7	purpose of this act. The director shall meet the following	2.70
8	minimum qualifications: graduation from an accredited 4-year	
9	college or university with major course of study in business	2.71
10	administration, public administration, psychology, or a	2.72
11	related field and at least 5 years of progressively	
12	responsible personnel experience, preferably in government,	2.73
13	including 3 years in a responsible supervisory position. He	2.74
14	should possess knowledge of all aspects of personnel management	
15	in which the agency engages. The director shall perform such	2.75
16	duties as may be required by the Civil Service Board.	2.76
17	(c) To deputize and designate, in any agency	2.76
18	containing more than 500 classified positions, the person in	2.77
19	charge of personnel in that agency as the agent for the Civil	
20	Service Board to perform such duties as delegated by said	2.78
21	Board.	
22	(d) To ascertain and record the qualifications, duties	2.79
23	and responsibilities appertaining to all positions in the	
24	classified service and classify such positions in accordance	2.80
25	with the requirements contained herein.	2.81
26	(e) To recruit personnel for all classified positions	2.81
27	and to determine the relative qualifications of persons who	2.82
28	seek employment in any class or position and, as a result	
29	thereof, establish certified employment lists for the classes	2.83
30	of positions.	
31		

1	(f) To establish a system for evaluation of	2.84
2	performance.	
3	(g) To adopt classification, benefits and pay plans	3.1
4	for classified positions as provided herein.	
5	(h) To establish guidelines for leaves of absence	3.2
6	without prior Board approval up to a period of 12 months. Any	3.3
7	extension may be granted by the appointing authority only if	
8	said appointing authority certifies to the Civil Service Board	3.5
9	prior to the expiration of the initial period that said	
10	extension is not an avoidance of the duty to properly fill a	3.6
11	classified position.	
12	(i) To establish and maintain a roster of classified	3.7
13	employees, including appointments, resignations, promotions,	
14	and transfers.	3.8
15	(j) To make investigations concerning the enforcement	3.8
16	and effect of this act, and to require observance of its	3.9
17	provisions and the rules and regulations made thereunder.	3.10
18	(k) To hear and determine appeals from disciplinary	3.10
19	actions as provided herein.	3.11
20	(l) To establish a procedure for reduction in force	3.11
21	and a method for reemployment.	3.12
22	(m) To keep such records as may be necessary for the	3.12
23	proper administration of this act.	3.13
24	(n) To make an annual report to be distributed to all	3.13
25	appointing authorities.	3.14
26	(o) To perform all other acts as may be necessary to	3.14
27	accomplish the purposes of this act.	3.15
28	Section 8. Initial Employment Lists; Promotional	3.15
29	Lists.--	3.16
30	(1) The Civil Service Board shall establish employment	3.16
31	eligibility lists for the various classifications in the	3.17

1 classified service. The qualifications, duties, pay, and 3.18
 2 experience applicable to the classification shall be posted by
 3 the Board 2 weeks preceding the establishment of such list. 3.19
 4 The list shall contain the names of all persons certified by 3.20
 5 tests or other evaluative procedures. Such persons shall take 3.21
 6 rank upon the list in the order of their relative excellence.
 7 The resulting employment list shall be published within 15 3.22
 8 days after the last day of the 2-week notification period. 3.23
 9 The Board shall ordinarily cancel such portion of any list as 3.24
 10 has been in force for more than 6 months. Scores shall be 3.26
 11 valid for a minimum of 2 years. However, the Board may cancel 3.28
 12 any list when such list, in its opinion, fails to provide
 13 suitable candidates for the classification to be filled. An 3.30
 14 error in the assessment of any applicant's qualifications
 15 shall be corrected if called to the attention of the Board 3.31
 16 within 30 days of notification by Civil Service Office to the
 17 applicant. If an employee has satisfactorily completed a 6- 3.32
 18 month probationary period, such correction shall not 3.33
 19 invalidate any appointment made as a result of the error.
 20 (2) The Board shall establish promotion eligibility 3.34
 21 lists to fill vacancies in classifications whenever there is a
 22 lower classification, the duties of which directly tend to fit 3.35
 23 the incumbents thereof for the performance of the duties of 3.36
 24 the higher classification. An employee who has not completed 3.37
 25 the initial probationary period shall not be eligible for
 26 status on a promotion list. 3.38
 27 Section 9. Creation and Abolition of Positions; 3.39
 28 Filling Vacancies.-- 3.40
 29 (1) Each appointing authority shall promptly report to 3.40
 30 the Board its intention to establish any new position which 3.41
 31

1 may be classified, and the Board shall respond in accordance 3.42
 2 with the provisions of this act.
 3 (2) Whenever a position in the classified service 3.43
 4 becomes vacant, the appointing authority may ask the Board for 3.44
 5 the appropriate eligibility list. All classified appointments 3.45
 6 shall be made from names certified by the Board as eligible.
 7 Appointments shall be regarded as taking effect upon the date 3.46
 8 when the person selected reports for duty. 3.47
 9 (3) A temporary employee as defined in section 5 3.48
 10 herein need not be on a certified eligibility list but must 3.49
 11 meet minimum qualifications for the classification of the
 12 position to which appointed. An appointing authority may make 3.51
 13 any temporary appointment without Board approval, provided,
 14 however, that the Board must be promptly notified of any such 3.52
 15 appointment. One extension of not more than 120 calendar days 3.53
 16 may be granted by certification to the Civil Service Board 3.54
 17 prior to the expiration of the initial 120 calendar day
 18 appointment by the appointing authority as not being an 3.55
 19 avoidance of the duty to properly fill a valid classified
 20 position. Any further extension must receive the prior 3.56
 21 approval of the Civil Service Board.
 22 (4) A substitute employee as defined in section 5 3.57
 23 herein need not be on a certified eligibility list but must 3.58
 24 meet minimum qualifications for the classification of the
 25 position to which appointed. 3.59
 26 (5) Immediate report in writing shall be given to the 3.60
 27 Board and to each affected employee by each appointing 3.61
 28 authority of all appointments, reinstatements, vacancies,
 29 absences, or other matters affecting the status of positions 3.62
 30 or the performance of duties of officers or employees in the 3.63
 31

1 classified service and all such notices shall be prepared in
 2 the manner and form prescribed by the Board. 3.64

3 (6) No position in the classified service shall be 3.64
 4 abolished without the approval of the Civil Service Board and 3.65
 5 positions may be abolished only in good faith. 3.66

6 Section 10. Probationary Period; Tenure.-- 3.66

7 (1) All employees in the classified service shall be 3.67
 8 entitled to the protection of this act when they have
 9 successfully completed their initial probationary period, 3.68
 10 whether said probationary period began before or after the 3.69
 11 effective date of this act. It is the intent and purpose 3.70
 12 hereof to give the protection of tenure of employment to any
 13 classified employee of any appointing authority after 3.71
 14 successfully completing the initial probationary period. Any 3.73
 15 person dismissed during the initial probationary period shall
 16 not be entitled to an appeal hearing before the Civil Service 3.74
 17 Board. 3.75

18 (2) Whenever a position in the classified service is 3.75
 19 filled by promotion, the person so promoted shall serve a 3.76
 20 period of conditional employment of 6 months in the new
 21 position, which may be extended for an additional period of up 3.77
 22 to 6 months at the discretion of the appointing authority, 3.79
 23 provided, however, that if the probationary period and/or any
 24 extension thereto is not successfully completed, such person 3.80
 25 shall forthwith be returned to duty to the former
 26 classification held by him in the civil service, provided such 3.82
 27 person has served his initial probationary period.
 28 Unsuccessful completion of a probationary period in a position 3.83
 29 of promotion is not appealable to the Civil Service Board. 3.84

30 (3) Any classified employee, upon transferring to 4.1
 31 another classified position, shall incur no loss of benefits 4.2

1 including, but not limited to, pensions, leaves, and any other
 2 benefits accrued due to employment. Any exempt employee, upon 4.4
 3 transferring to a classified position, shall incur no loss of
 4 benefits, except as provided herein, including, but not 4.5
 5 limited to, pensions, leaves, and any other benefits accrued 4.6
 6 due to employment, provided, however, that the amount of
 7 benefits retained shall not exceed the amount which would have 4.7
 8 been earned by a classified employee during the time period
 9 the employee was exempt. 4.8

10 Section 11. Suspension; Dismissal.-- 4.8

11 (1) Any nontenured employee in the classified service 4.10
 12 may be suspended or dismissed for any cause if that suspension
 13 or dismissal will promote the efficiency of the service. 4.11

14 (2) Any appointing authority may suspend or dismiss a 4.12
 15 tenured employee following written notice to the employee of
 16 the intended action, detailing the reasons therefor and 4.13
 17 providing an opportunity to respond thereto at an informal 4.14
 18 predisciplinary hearing scheduled for that purpose. The 4.15
 19 hearing shall be scheduled no sooner than 5 working days from
 20 the date of notice of intent to discipline unless the employee 4.16
 21 waives this time and requests an earlier hearing. If the 4.17
 22 final decision is to discipline, notice shall be provided the
 23 employee in writing as soon as possible following the hearing. 4.18

24 (3) Any employee may be suspended immediately, with or 4.18
 25 without pay and without the benefit of advanced written 4.19
 26 notice, upon determination by the appointing authority that 4.20
 27 such suspension is in the best interest of the public. The 4.21
 28 employee will be provided written notice as soon as possible
 29 and will be given the opportunity to be heard as required in 4.22
 30 subsection (2) herein.
 31

1 (4) Any employee who has satisfactorily completed the 4.23
2 initial probationary period and is thereafter suspended or 4.24
3 dismissed from employment may request a hearing to appeal said 4.25
4 disciplinary action by making a written request to the Board 4.26
5 within 10 calendar days from the official date of receipt of
6 the final notice to discipline. The request for an appeal
7 hearing must state clearly and simply the reason or reasons
8 the employee believes said disciplinary action was not 4.27
9 justified and be received by the Civil Service Office within 4.28
10 the 10-day limit, with the Civil Service Board sending a copy
11 to the affected appointing authority within 3 working days 4.29
12 from receipt thereof.

13 (5) The Civil Service Board may reverse the appointing 4.30
14 authority's decision and restore the employee to his former
15 status only if it finds that the suspension or dismissal was 4.31
16 made for a reason other than just cause. The director and/or 4.32
17 a member of the Board, on behalf of the Board, shall provide a
18 letter to the affected parties within 10 calendar days of the 4.33
19 appeal hearing, setting forth its findings, conclusions, and 4.34
20 the specific reasons therefore.

21 Section 12. Appeal Hearing Procedure.-- 4.35

22 (1) The practice and procedure of the Civil Service 4.35
23 Board with respect to an appeal hearing authorized by this law 4.36
24 shall be in accordance with adopted rules. 4.37

25 (2) The Board shall make every reasonable effort to 4.37
26 hear any timely filed appeal of dismissal within 30 days of 4.38
27 receipt of notice of appeal unless extension of time is
28 requested by the employee or the appointing authority. At no 4.40
29 time shall an appeal hearing be delayed beyond 60 calendar
30 days without the consent of both parties. Requests for appeal 4.42
31 hearings of suspensions shall be scheduled as soon as

1 possible. The Board shall provide reasonable notice to all 4.43
2 affected persons, providing an opportunity to be heard and to 4.44
3 introduce relevant testimony and evidence at the appeal
4 hearing which shall be public. All testimony shall be under 4.45
5 oath.

6 (3) Irrelevant, immaterial or unduly repetitious 4.45
7 evidence shall be excluded. All other evidence of the type 4.47
8 commonly relied upon by reasonably prudent persons in the
9 conduct of their affairs shall be admissible, whether or not 4.48
10 such evidence would be admissible in the courts of Florida. 4.49
11 Hearsay evidence may be introduced and used for supplementing 4.50
12 or explaining other evidence, but it shall not be sufficient 4.51
13 in itself to support a finding by the Board unless it would be
14 admissible over objections in a civil action. 4.52

15 (4) For the purpose of such hearing, the director 4.53
16 and/or a member of the Board is authorized to issue subpoenas 4.54
17 to compel the attendance of witnesses and the production of
18 books, accounts, records and documents. The Board or any 4.56
19 member thereof may administer oaths and compel testimony. In 4.57
20 the case of disobedience by any person of an order of the
21 Board to testify to any matter regarding which he may be 4.58
22 lawfully interrogated, or of a subpoena to appear or produce
23 documents in his possession, a county judge shall upon 4.59
24 application of the director and/or a member of the Board,
25 compel obedience by attachment proceedings for contempt, as in 4.60
26 the case of a similar court order. Each person who serves
27 such subpoena shall receive the same fee as a sheriff and each
28 witness who appears in obedience to a subpoena shall receive 4.62
29 the same witness fee and mileage provided for witnesses in 4.63
30 civil cases, which fees shall be audited and paid in the same
31 manner as other expenses. 4.64

1 Section 13. Recommendation and Adoption of 4.64
2 Classification and Pay Plans.--At least once annually, on or 4.65
3 before March 31, the Civil Service Board shall recommend any 4.66
4 revisions it deems necessary to the classification and pay 4.67
5 plans and shall immediately forward same to each appointing 4.68
6 authority. The pay plan shall provide, for each class of 4.69
7 position in the classification plan, a salary with an initial 4.71
8 entrance salary, intermediate steps, a method of recognizing 4.72
9 longevity, and a maximum salary. Thereafter, but not later 4.73
10 than April 30, the Board shall prepare a final recommendation, 4.74
11 taking into consideration any responses received from any 4.75
12 appointing authority and including as backup material copies 4.76
13 of all such responses. If the final recommendation is for a 4.77
14 change to the pay plan and/or classification plan, it shall be 4.78
15 presented, along with the backup material, to the school board 4.79
16 for its classified employees and to the board of county 4.80
17 commissioners for all other classified employees. The school 4.81
18 board and the board of county commissioners must approve, 4.82
19 amend or reject the amended pay plan for its classified 4.84
20 employees by the date of adoption of its annual budget. 5.2
21 Section 14. Appropriation for Civil Service.--The 5.3
22 salary of the director, legal counsel and other persons 5.5
23 employed by the Board shall, within the limits of the
24 appropriations set up in the annual budget, be fixed by the
25 Board. The county commission shall appropriate annually a sum
26 of money equal to not less than 1/2 of one percent (.005) of
27 the classified personnel payroll of the fiscal year just ended
28 to enable the Civil Service Board to properly carry out the
29 purposes of this act. It shall be the duty of the
30 Hillsborough County School Board to appropriate annually to
31 the Board of County Commissioners of Hillsborough County,

1 Florida, a sum of money equal to their pro rata share of the 5.6
2 previous years' classified personnel times the required budget 5.7
3 in order to share in the expense of operating and maintaining 5.8
4 the Hillsborough County Civil Service Board. It is the duty 5.9
5 of the authorities having charge of the public buildings of
6 such county to allow the reasonable use of public buildings 5.10
7 and rooms for the holding of any activity of the Board
8 provided for by this act and to provide quarters for the use 5.11
9 of the Board.
10 Section 15. Creation of Review Committee; 5.12
11 Transition.--
12 (1) A Review Committee shall be established consisting 5.13
13 of the director of the Civil Service Board; nine persons, one 5.14
14 to be designated by each of the following: the aviation 5.15
15 authority, board of county commissioners, clerk of the circuit 5.16
16 court, port authority, property appraiser, school board,
17 sheriff, supervisor of elections and tax collector; and a 5.17
18 representative selected by the employee advisory committee. 5.18
19 The director of the Civil Service Board shall call an 5.19
20 organizational meeting in September of each year for the
21 selection of officers, adoption of procedural rules and
22 formulation of a proposed agenda. The committee may meet as 5.21
23 many times thereafter as necessary, and the staff of the Civil
24 Service Board shall be available for its use. The Review 5.23
25 Committee shall review the current rules and regulations
26 adopted pursuant to this act and shall propose changes as 5.25
27 appropriate for the Board's consideration. The Civil Service 5.26
28 Board shall act upon the committee's recommendation within 60
29 days of their presentation to the Board. 5.27
30 (2) The existing civil service classification and pay 5.28
31 plan shall continue in full force and effect until acted upon 5.29

1 by the Board. Furthermore, within 30 days of the effective 5.30
 2 date of this section of the law, each entity and/or appointing 5.31
 3 authority named in subsection (1) herein shall appoint a
 4 representative to serve on the initial Review Committee, and 5.32
 5 the executive secretary of the Civil Service Board shall call
 6 an organizational meeting for the selection of officers and 5.33
 7 adoption of procedural rules. The committee may meet as many 5.34
 8 times thereafter as necessary and the staff of the Civil
 9 Service Board shall be available for its use. The initial 5.36
 10 Review Committee is charged with conforming the rules and
 11 regulations adopted by the Civil Service Board pursuant to 5.37
 12 chapter 82-301, Laws of Florida, with the requirements of this
 13 act. The committee is directed to complete its work not less 5.38
 14 than 30 days prior to October 1, 1985, at which time the 5.39
 15 conformed rules shall automatically become effective
 16 simultaneously with this act and shall remain in effect until 5.40
 17 and unless subsequently modified by the Civil Service Board
 18 pursuant to this act. 5.41
 19 Section 16. Fiscal Responsibility.--No salary, wage or 5.42
 20 compensation for services shall be provided to any person in 5.44
 21 the classified service except upon certification by the Civil
 22 Service Board or its agent that the position has been 5.45
 23 classified as required by this law and rules enacted pursuant 5.46
 24 thereto and that the incumbent in the position has been duly
 25 qualified and properly appointed. Any individual who in good 5.48
 26 faith accepts an appointment contrary to this law and becomes
 27 entitled to compensation therefor shall have a cause of action 5.50
 28 against the appointing authority for recovery of salary or 5.51
 29 other compensation due. The Civil Service Board may provide 5.52
 30 for the regular or occasional audit of payrolls to enforce
 31 this provision. 5.53

1 Section 17. Prohibited Activities.--No person shall 5.54
 2 deceive or obstruct another in respect to his right to apply 5.55
 3 for employment under this act, nor falsely evaluate an
 4 application or test for the purpose of improving or injuring 5.56
 5 an applicant's chances for employment. No applicant shall 5.57
 6 knowingly misrepresent his qualifications for the purpose of
 7 improving his chances for employment. No person shall use the 5.59
 8 authority of his position in the classified service to solicit
 9 or receive political contributions. No person shall use or 5.61
 10 promise to use his influence or official authority to secure
 11 appointment to the classified service in return for political 5.62
 12 contribution or service. No public officer or employee shall 5.63
 13 by means of threats or coercion induce or attempt to induce
 14 any person in the classified service to resign, take leave of 5.64
 15 absence or waive any of his rights under this act. A 5.66
 16 resignation executed prior to appointment shall be of no
 17 effect.
 18 Section 18. Restriction on Individuals Qualifying for 5.67
 19 Public Office.--No subordinate personnel need resign upon 5.68
 20 qualifying for any compensated, elected public office unless 5.69
 21 such individual is seeking to qualify for a public office 5.70
 22 which is currently held by an individual who has the authority 5.71
 23 to appoint, employ, promote, or otherwise supervise that
 24 subordinate personnel and who has qualified as a candidate for 5.73
 25 reelection to that public office. No subordinate personnel of 5.74
 26 the county administrator need resign upon qualifying for any
 27 compensated, elected public office unless such individual is 5.75
 28 seeking to qualify for a position on the board of county 5.77
 29 commissioners in which the incumbent has qualified as a
 30 candidate for reelection to that position on the board of 5.78
 31 county commissioners. However, any such personnel shall take 5.79

1 a leave of absence without pay from his employment during the 5.80
2 period in which he is seeking election to public office.
3 Employment in the classified service shall terminate upon 5.81
4 election to any compensated, elected public office. 5.82
5 Section 19. Employee Advisory Committee.--An employee 5.83
6 advisory committee shall be elected from among the employees 5.84
7 of the agencies or authorities named in section 4 herein in a
8 manner and for terms prescribed by the Civil Service Board. 6.1
9 Committee members serving upon the effective date of this act 6.2
10 shall serve for the remainder of their terms. The Civil 6.4
11 Service Board shall also prescribe the manner by which any
12 vacant unexpired term shall be filled. The employee advisory 6.6
13 committee will serve as the medium to provide a continuous and 6.7
14 meaningful exchange of ideas and practical solutions on
15 personnel matters between the Board and employees.
16 Section 20. Violation of Act; Penalty.--Any willful 6.8
17 violation of this act is declared to be a criminal offense and 6.9
18 misdemeanor within the meaning of s. 775.08(2), Florida
19 Statutes, and shall be punishable as provided by law. 6.10
20 Section 21. Chapter 82-301, Laws of Florida, is hereby 6.11
21 repealed.
22 Section 22. Prior to the end of calendar year 1995 and 6.12
23 every 10 years thereafter, the Hillsborough County Legislative 6.13
24 Delegation shall review this act, and all acts which amend or
25 otherwise modify this act, for the purpose of determining 6.14
26 whether there is a need for codification of such acts. If it 6.16
27 is determined that there is such a need, the Delegation may
28 require the Hillsborough County Civil Service Board to 6.17
29 accomplish same and to prepare, or cause to be prepared, such
30 legislation as may be necessary for such purpose. 6.18
31

1 Section 23. The provisions of this act shall be 6.19
2 severable, and if any of the provisions shall be held to be 6.20
3 unconstitutional, the decision of the court shall not affect 6.21
4 the validity of the remaining provisions. It is hereby 6.22
5 declared the legislative intent that this act would have been
6 adopted by this Legislature had such unconstitutional 6.23
7 provision not been included therein.
8 Section 24. This act shall take effect October 1, 6.24
9 1985, except that section 15 of this act shall take effect 6.26
10 upon becoming a law.
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COMMITTEE ON COMMUNITY AFFAIRS
HOUSE OF REPRESENTATIVES
STAFF ANALYSIS - LOCAL LEGISLATION

HB 570
(Bill Number)

Sponsor: Representative Davis

Area Affected:

Other Committees of Reference

Hillsborough County/

1. Appropriations

Civil Service

2. _____

CERTIFICATION:

1. Majority of House Delegation support bill? Yes

Vote: _____
(yea) (nay) X
(unanimous)

2. Required publication notice? Yes

Name of newspaper: The Tampa Tribune

Date of publication: February 21, 1985

3. E.I.S. required? No

4. Public hearing? Yes

Date: January 26 and February 14, 1985

Place: Hillsborough County Courthouse

5. Referendum required? No

Date: _____

6. Local bill certification filed? Yes

I. Explanation of Proposed Legislation:

A. New special act? Yes

B. Amends/Repeals existing special act? No

- C. Exception to general law? No
- D. General bill of local application? No
- E. Issue/Problem addressed:

This bill creates the Civil Service Act of 1985, the purpose of which is to "ensure the uniform administration of the classified service on [specified] merit principles." (Replaces chapter 82-301, Laws of Florida, and provides that all rights, privileges, and/or benefits accrued by any classified employee under that act are guaranteed.) Pursuant thereto:

- Establishes that employees of all agencies subject to the act are divided into the classified service and the exempt service.
- Creates the Hillsborough County Civil Service Board and provides for membership, terms, organization, meetings, and powers and duties thereof. Directs the board to establish employment eligibility lists containing the names of all persons certified by test or other evaluative procedure, in order of rank. Also directs the board to establish promotion eligibility lists for the filling of vacancies.
- Requires appointing authorities to report new positions and vacancies to the board and stipulates that all classified appointments must be made from names certified by the board as eligible. Provides for temporary and substitute employees. Provides for written reports to the board and to each affected employee as to appointments, reinstatements, vacancies, absences, and related matters.
- Provides for an initial probationary period of employment and for the protection of tenure thereafter. Provides for suspension and dismissal (and reversal thereof) under specified conditions. Provides for appeals, subject to certain notice and hearing requirements, and provides for introduction of evidence and the calling of witnesses with respect thereto.
- Provides for adoption of classification and pay plans and for revision thereof.

- Requires the Hillsborough County Commission and the Hillsborough County School Board to annually appropriate funds to enable the board to function. Provides for the use of public buildings and rooms by the board.
- Provides for establishment of a review committee (consisting of representatives of appointing authorities) to review rules and regulations and to propose changes therein for the board's consideration.
- Provides for fiscal responsibility.
- Prohibits certain fraudulent activities relative to employment or appointment.
- Specifies that certain personnel need not resign upon qualifying for elective office, but shall be required to take a leave of absence without pay during the campaign period.
- Provides for election of an employee advisory committee by employees of the agencies and authorities governed by the act to serve as an intermediary on personnel matters between the board and employees.
- Provides that it shall be a misdemeanor of the second degree to violate any provision of the act.
- Repeals chapter 82-301, Laws of Florida, the current civil service act for Hillsborough County, and provides for a 10-year cycle of review.

II. Comments:

None.

III. Analysis prepared by Sharon K. Lowe *SL*

IV. Staff Director's review Steve Paikowsky *SP*

V. Copy to Sponsor: _____

Senate Action

House Action

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If amendment is text of another bill insert:
Bill No. _____ Draft No. _____

Representative _____ offered the following
amendment:

Amendment

On page 9, lines 14 and 15,
strike

should possess knowledge of all aspects of personnel
management in which the agency engages.

and insert:

should possess broad knowledge of all aspects of
personnel management.

(technical)

Orig.
Journal
Third
Fourth

Code: h0570/ca01
Date:
Time:

Senate Action

House Action

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If amendment is text of another bill insert:
Bill No. _____ Draft No. _____

Representative _____ offered the following amendment:

Amendment

On page 14, lines 2-9,
strike all of said lines, and insert:

benefits accrued due to employment. Any employee who was employed in an exempt position by an agency or authority within Hillsborough County for a minimum of six (6) months immediately prior to the effective date of this act shall not, upon transferring to a classified position as a result of this act, be required to complete or pass any educational or testing requirements, or to serve an initial or any other probationary period, and, except as may otherwise be specifically provided herein, shall incur no loss of benefits. For the purposes of this subsection, any such exempt employee shall be considered to have accrued the same benefits as those benefits which would have accrued to a classified employee during the same time period that the employee was employed in such exempt position, including, but not limited to, tenure, pensions, leaves, and any other benefits which may accrue due to employment.

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