

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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FOR MARCH 19, 2001



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Note: Both House bills CS/HB 367 and [HB 369](#) were heard by the House Rules, Ethics and Elections Committee and the House Procedural & Redistricting Council today.

Court Reform

CS/HB 367 by Rep. Fred Brummer (R-Apopka) was discussed in the House Rules, Ethics and Elections Committee today largely for the purpose of establishing the rules for its debate on the House floor. The rule for the bill's consideration on the floor then moved to the House Procedural & Redistricting Council for final adoption.

As you may recall, the bill changes the law as it relates to the selection of Judicial Nominating Commission. Under HB-367, the Governor selects all nine members. Of the nine, five would have to be "actively practicing" lawyers and the other four lay persons. The bill stipulates that the Governor must make appointments to each JNC. They must include representatives of each of the circuits or districts that comprise the court for which the JNC will make nominations. The bill removes all current JNC members and permits the Governor to select replacements. The bill does not prohibit the Governor from re-appointing the members currently in service. Finally, the bill provides that the terms of the JNC members are concurrent with the term of the Governor. All member terms end at midnight on the evening prior to the inauguration of the Governor following the next general election.

The bill will be considered on the House floor on Wednesday, March 21, 2001. The rule for consideration on the floor designates the bill as "closed." This is not an unusual maneuver for a bill that is potentially controversial or enjoys vigorous support by the House Speaker and his leadership team. "Closed" means that the bill will not entertain any amendments, but will simply be considered on an up or down basis, as written. This provides for a clean debate on the merits of the bill instead of dealing with numerous and tangled amendments that are designed for the purpose of slowing the debate or creating confusion.

AIF supports the bill as an important reform to a court system that is drifting further and further into the role as arbiter of what is good or bad law, instead of simply evaluating the constitutionality of law as set forth by the by the legislature and the will of the people.

Civil Service Reform

[HB 369](#) by Rep. Mario Diaz-Balart (R-Miami) is a bill designed to reform the State of Florida's civil service system. The State civil service employee remains trapped in an antiquated, creaking system that promotes inefficiency, largess and inhibits outstanding performance and commitment. As a result, according to the Florida State University's annual public policy survey, more than 60 percent of the public does not trust state government to what is right most of the time. The Governor and the Speaker of the House are openly promoting bold reforms of the system that will create accountability within the state employee system, reward productivity and generate efficiency.

In the Career Service System, as provided for in Section 110.227, F. S., employees with "permanent status" can be suspended or dismissed only for "cause." This provision effects approximately 120,000 Career Service employees and insures them, legally, of a "property right" of guaranteed employment. In other words, it's almost impossible to release or fire an employee. This "property right" can only be undone by a seemingly bottomless flow chart of "due process." This statute dramatically inhibits the ability of managers to manage, endlessly complicates the movement of human resources and diminishes the stature of state employees.

Rep. Diaz-Balart's bill does the following:

- Develops a statutory framework that enables "at will" employment for all of Florida's state employees – the same status as private sector employees.
- Provides for group and individual performance-based bonus systems instead of across-the-board pay increases.
- Eliminates the practice of "bumping," where a senior employee moved from a position can take an equal or lower position anywhere within the system at the same pay grade, pushing out an employee with lesser seniority status, although the employee may be better suited for the position. That bumped employee must then scout about looking for someone else to bump.
- Revises Florida's compensation for state employees in key management and particular skill-set positions.
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This bill will be heard on the House floor Wednesday, March 21, 2001. The rule adopted for the consideration of this bill on the floor will be "structured." An amendment has been approved for consideration on the floor, making adjustments to the bill at the request of the representatives of the state employees. The bill, as written eliminates the Public Employees Relations Commission and places grievances and employee disputes under an office of Employee Relations. The amendment re-established PERC for the purposes of labor issues under Ch. 447, F. S.

Business people in this state continually are frustrated by a state system that seems unable to master simple, common operations. Hopefully, these reforms will provide for relief from a system that is burdensome and costly to the business community and to the employees themselves.

AIF supports these politically bold reforms. Florida's civil service employee system must move into the 21st Century to meet the demands of this growing and dynamic state. Any reforms that encourage creative thinking, initiative compensate employees competitively and aggressively are to be encouraged. Our brightest lights are seeking employment elsewhere. These reforms promise to stop the hemorrhage.

Stay tuned to our daily brief and to our web site at www.fbnet.com as the legislature makes some very important decisions on the state's economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

- For more information on all of the important legislative information concerning the business community, go to our "members only" Florida Business Network web site at <http://fbnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.