

House Bill No. 1277

An act relating to the City of Jacksonville, Duval County; amending Article 17 of chapter 92-341, Laws of Florida, as amended, being the Charter of the City of Jacksonville; revising the membership of the Civil Service Board; revising restrictions to membership; revising criteria in determining a vacancy; providing for transition to the amended method of appointment and terms of members; revising provisions relating to ex parte communications; revising the two-term limit requirement to conform to the appointed status of board members; providing an effective date.

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

Section 1. Sections 17.02, 17.10, and 17.12 of the Charter of the City of Jacksonville, as created by chapter 92-341, Laws of Florida, as amended, are amended to read:

PART A CHARTER LAWS CHARTER OF CITY OF JACKSONVILLE,
FLORIDA
ARTICLE 17. CIVIL SERVICE

Section 17.02. Civil service board.—

(a) There shall be a civil service board of the consolidated government which shall consist of nine ~~seven~~ (7) members. Each member shall be a resident and qualified elector of the City of Jacksonville.

(b) The members of the board shall serve without compensation and shall be appointed for 3-year ~~three year~~ overlapping terms. Five ~~Three~~ members shall be appointed by the Mayor, one of whom shall be a member of a union, two members shall be appointed by JEA, one member ~~three members~~ shall be appointed by the Duval County School Board, and the ninth ~~seventh~~ member shall be chosen by the other eight ~~six~~, with all appointments subject to confirmation ~~being confirmed~~ by the City Council. ~~The original Members shall be appointed for staggered terms commencing July 1, 1995. The board shall elect annually one (1) of its members as chair and one as vice chair chairman. Five (5) members of the board shall constitute a quorum.~~

(c) No member of the Civil Service Board shall be an agent of or employed by the City of Jacksonville, the JEA, the Duval County School Board, or any collective bargaining organization representing employees of the City of Jacksonville, the JEA, or the Duval County School Board ~~or be connected with the city administration. The City Council shall be empowered to remove members of the board for cause under due process of law.~~

(d) Each member of the board shall continue to hold office until the member's ~~his~~ successor is chosen and qualified.

The office of a board member shall become vacant upon the member's ~~his~~ death, resignation, relocating outside the boundaries of the City of Jacksonville, or removal from office in any manner provided by law. If any member

of the board fails to attend three consecutive meetings or fails to attend 50 percent of the meetings in a calendar year, the chair shall make a recommendation of retention or removal to the Mayor, who may declare the member's office vacant and notify the appointing body of the Mayor's recommendation. The vacancy shall be filled as provided in this act. The City Council shall also be empowered to remove members of the board for cause under due process of law. Vacancies shall be filled and confirmed in the same manner as the original appointment for the remainder of the term.

(e) A board member appointed before or on the effective date of this act shall serve through the end of his or her respective term. Thereafter, the first two of the current positions appointed by the Duval County School Board to become vacant shall be filled by the Mayor and the JEA, respectively, and confirmed by the City Council. The Mayor and JEA shall each immediately appoint a member to one of the two new positions created by this act, whose terms shall expire on June 30, 2005, and June 30, 2006, respectively. Thereafter, all vacancies shall be filled in the same manner as provided in this act.

Section 17.10. Ex parte communication.—Board members shall not have any ex parte communications regarding complaints, grievances, and appeals that are pending or are reasonably anticipated to be considered by the board.

~~(a) This section shall apply to any proceeding under section 17.04(b) or (d), where an ex parte communication relative to the merits, threat, or offer of reward is made to any member of the elected civil service board by:~~

~~(1) A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the proposed board action, or his authorized representative or counsel, or any member of the public.~~

~~(2) Any elected or appointed official or employee of the city engaged in prosecution or advocacy in connection with the matter under consideration or a factually related matter.~~

(b) In the event a Any board member who is involved in the decisional process and who receives a prohibited an ex parte communication, the board member as provided in subsection (a) shall place on the record of the pending matter all written communications received, all written responses to such communications, and a memorandum stating the substance of all oral communications received and all oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party desiring to rebut the ex parte communication shall be allowed to do so, if such party requests the opportunity for rebuttal in writing within 10 days after notice of such communication. The board member may, if deemed he deems it necessary to eliminate the effect of an ex parte communication received by him, recuse himself or herself from the proceeding.

Section 17.12. Two-term limit.—No person appointed elected and qualified for two consecutive full terms as a member of the Civil Service Board shall be eligible for appointment election as a member of the Civil Service Board for the next succeeding term. The two-term limitation shall apply to any full term which began in 1992 or thereafter.

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

Approved by the Governor June 17, 2004.

Filed in Office Secretary of State June 17, 2004.