



FOR MARCH 21, 2001

HOUSE CONSIDERS COURT REFORM & CIVIL SERVICE REFORM

The House is ready to adopt two bills crafted to improve state employees' service to taxpayers and to loosen the Florida Bar's liberal-leaning control on the selection of state judges. Both bills—[HB 369](#) on state employees and CS/HB 367 on Judicial Nominating Commissions—survived hostile attempts at amending them during "second reading" Wednesday and were sent to "third reading" for final consideration on Thursday.

[HB 369](#) would shift 16,000 managers and supervisors into at-will service positions and give managers discretion to dismiss other employees who are performing poorly, just like in the private sector. The employees would have to prove discrimination. An amendment by Rep. Loranne Ausley (D-Tallahassee) to retain the present requirement that the manager show "just cause" for dismissal [was voted down 75-43](#). "Just cause" is a much higher legal standard and would confer on the state employees a status of virtually guaranteed employment – totally counter to the original intent of the bill.

The current state civil service system is hopelessly antiquated, promoting inefficiency, largesse and it does little to motivate or reward excellence. The state performs countless operations and services, many of which include interaction, regulation, enforcement and service to the business community. A streamlined, competitive, highly qualified and justly compensated state work force would be of great benefit to the business community, therefore, AIF supports HB 369.

The nine members of Judicial Nominating Commissions now are appointed three by the Governor, three by the Florida Bar and three selected by the other six. CS/HB 367 would have all nine appointed by the Governor. The House waived a "no-amendment" rule that was governing the consideration and debate of the bill to hear an amendment by Rep. Joe Negron (R-Stuart), an attorney, that dramatically altered the bill. The amendment stipulated that the Judicial Nominating Commissions be appointed by three members appointed by the Governor, three by the Speaker of the House and three by the President of the Senate. It failed on a voice vote. The chief argument against the reform efforts is that, in sum, the process would be made more "political." The problem is that the current system is warped, lacking accountability with the very people it is intended to serve. Time and again, Florida's courts have struck down court cases or supported plaintiff's cases against the business community in clear violation of statute or the intent of the legislature. The will of the people is often foiled under the guise of special rights and prerogatives granted to individuals at the expense of public policy that was argued, tested and passed into law.

AIF supports HB 367, because any mechanism that can both ensure that the courts are not a prisoner to fads or the temperament of the times yet not hostile to the will of the people would be a great improvement. The legislature has the right, authority and obligation to review these matters.

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.