

RULES AMENDMENT

The Rules Committee offers the following amendment to File No. 2023-208:

- (1) On **page 1, line 14**, after "CHAPTER 33" insert "(EMPLOYEE SERVICES DEPARTMENT)";
- (2) On **page 1, line 17**, after "SUBSECTIONS;" insert "REPEALING SECTION 102.117 (DEPARTMENTAL RESIDENCY AUDIT), CHAPTER 102 (AUDITING REGULATIONS), *ORDINANCE CODE*, IN ITS ENTIRETY;";
- (3) On **page 1, line 28**, after "FLORIDA;" insert "CREATING A NEW SECTION 116.908 (CRIMINAL HISTORY RECORDS CHECK), PART 9 (PERSONNEL REGULATIONS), CHAPTER 116 (EMPLOYEES AND EMPLOYEE BENEFITS), *ORDINANCE CODE*, TO CODIFY CRIMINAL HISTORY RECORDS CHECKS AS REQUIRED BY SECTION 166.0442, *FLORIDA STATUTES*";
- (4) On **page 2, lines 4-13**, strike "REPEALING AND REPLACING SECTION 116.910 (RESIDENCE WITHIN CITY PREFERRED), PART 9 (PERSONNEL REGULATIONS), CHAPTER 116, (EMPLOYEES AND EMPLOYEE BENEFITS), *ORDINANCE CODE*, IN ITS ENTIRETY; CREATING A NEW SECTION 116.910, PART 9 (PERSONNEL REGULATIONS), CHAPTER 116, (EMPLOYEES AND EMPLOYEE BENEFITS), *ORDINANCE CODE*, TO CODIFY CRIMINAL HISTORY RECORDS CHECKS AS REQUIRED BY SEC. 166.0442, *FLORIDA STATUTES*";
- (5) On **page 2, line 15**, after "CHAPTER 116" insert "(EMPLOYEES AND EMPLOYEE BENEFITS)";
- (6) On **page 2, line 25**, after "ERRORS;" insert "AMENDING SECTION 129.112 (COUNCIL RELATED SALARIES), CHAPTER 129 (COMPENSATION OF CITY OFFICIALS AND EMPLOYEES), *ORDINANCE CODE*, TO REMOVE

THE AUTHORIZATION OF RETROACTIVE SALARY ADJUSTMENTS AND BONUSES;”;

- (7) On **page 4, line 22, strike** the line its entirety;
- (8) On **page 5, line 24, strike** “(ed)” and **insert** “(ed)”;
- (9) On **page 6, line 9½, insert** a new Section 3 to read as follows:

“**Section 3. Repealing Section 102.117 (Departmental residency audit), Chapter 102 (AUDITING REGULATIONS), Ordinance Code.** Section 102.117 (Departmental residency audit), Chapter 102 (AUDITING REGULATIONS), *Ordinance Code*, a copy of which is attached hereto as **Revised Exhibit 1**, labeled as “Revised Exhibit 1, Repealed Code Section 102.117, April 17, 2023 - Rules”, is hereby repealed in its entirety.”;
- (10) On **page 6, line 10, strike** “Section 3.” and **insert** “Section 4.”;
- (11) On **page 7, line 1, strike** “Section 4.” and **insert** “Section 5.”;
- (12) On **page 7, line 4, page 8, lines 8 and 10, and page 9, lines 26 and 29, strike** “116,” and **insert** “116”;
- (13) On **page 8, line 5½, insert** a new Section 6 to read as follows:

“**Section 6. Creating a new Section 116.908 (Criminal history records check), Part 9 (PERSONNEL REGULATIONS), Chapter 116 (EMPLOYEES AND EMPLOYEE BENEFITS), Ordinance Code.** A new Section 116.908 (Criminal history records check), Part 9 (PERSONNEL REGULATIONS), Chapter 116 (EMPLOYEES AND EMPLOYEE BENEFITS), *Ordinance Code*, is hereby created to read as follows:

Sec. 116. 908. - Criminal history records check.

Pursuant to Section 166.0442, *Florida Statutes*, the City may, in its sole discretion, require state and national criminal history screening for any position of municipal employment or appointment that the City finds is critical to security or public safety. Each person applying for, or continuing employment in, any such position shall be required to be fingerprinted. The fingerprints shall be submitted to the Florida Department of Law Enforcement for a state criminal history record check and to the Federal Bureau of Investigation for a national criminal history record check. The information obtained from these checks may be used by the City to determine a person's eligibility for such employment or appointment, or for continued employment or appointment. This section does not preempt or prevent any other background screening, including other criminal background checks, that the City may lawfully undertake. All prospective and current employees shall be required to authorize the City to conduct all appropriate background screening as a condition of employment with the City.";

- (14) On **page 8, line 6, strike "Section 5."** and **insert "Section 7."**;
- (15) On **page 8, line 24,** after "Council" **insert "or appointed by a Board or Commission"**;
- (16) On **page 8, line 25 through page 9, line 24, strike** all lines in their entirety";
- (17) On **page 12, line 8, strike "(a)"** and **insert "(a_c)"**;
- (18) On **page 14, line 25½, insert** a new Section 10 to read as follows:

"Section 10. Amending Section 129.112 (Council Related Salaries), Chapter 129 (COMPENSATION OF CITY OFFICIALS AND EMPLOYEES), Ordinance Code. Section 129.112 (Council Related Salaries), Chapter 129 (COMPENSATION OF CITY OFFICIALS AND EMPLOYEES), *Ordinance Code*, is hereby amended as follows:

Chapter 129 - COMPENSATION OF CITY OFFICIALS AND EMPLOYEES

* * *

Sec. 129.112. - Council Related Salaries

- (a) The Director of the Employee Services Department shall recommend to the Council Secretary and the Council Auditor the assignment of each appointed employee and official position in the Legislative Branch to one of the pay grades identified in subsection 129.101(~~b~~c), based on market studies, internal equity, and other relevant factors. Taking the recommendations of the Council Secretary and the Council Auditor into consideration, the Council President shall have final authority to assign each appointed employee and official position in the Legislative Branch to one of these pay grades.
- (b) The Council Executive Committee shall set specific salaries by written order for the Council Secretary, the Council Auditor, and the Assistant Council Auditor(s). Under the guidance of the Council President, the Council Secretary shall set the salaries of all employees who report to the Council Secretary. Under the guidance of the Council President, the Council Auditor shall set the salaries of all employees

who report to the Council Auditor. ~~The Council President is authorized to make any salary adjustments herein retroactive to the beginning of the current fiscal year or some other date within the current fiscal year as the Council President may determine.~~

(c) The Council President is authorized to set the specific salary for the Secretary (Executive Council Assistant) to the Council President within the pay grade determined by the City Council Executive Committee. ~~The Council President is authorized to make any salary adjustment herein retroactive to the beginning of the current fiscal year or some other date within the current fiscal year as the President may determine.~~

(d) Each Council Member is authorized to set the specific salary for the Executive Council Assistant that is employed for and reports to the Council Member within the pay grade determined by the City Council Executive Committee. ~~The Council Member is authorized to make any salary adjustment herein retroactive to the beginning of the current fiscal year or some other date within the current fiscal year as the Council Member may determine within the pay grade determined by the Council Executive Committee. The Council Member shall not authorize a retroactive salary amount or a bonus that would cause the total amount paid for that fiscal year to date to exceed the top of the authorized ECA salary range prorated to that date. Example: If the top of the range was \$55,000, then, as of June 30, not~~

~~more than \$41,250 in salary and bonus could have been paid (\$55,000 × 3/4 of a fiscal year).~~

* * *";

- (19) Renumber remaining Sections accordingly;
- (20) Remove **Exhibit 1** and replace with **Revised Exhibit 1**, attached hereto, which attaches a copy of repealed Code Section 102.117;
- (21) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Adina Teodorescu

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