

By Representative Feeney

1                                   A bill to be entitled  
2           An act relating to the Civil Service System for  
3           the Seminole County Sheriff's Office; amending  
4           ch. 70-942, Laws of Florida, as amended;  
5           providing that any decision of the board must  
6           be made by a majority vote of the members;  
7           lowering the minimum age for members; providing  
8           for designation of positions within the  
9           unclassified service; providing for  
10          responsibilities of the board chairman;  
11          providing for annual submission of table of  
12          organization; clarifying authority and powers  
13          of the board; deleting certain provisions and  
14          adding correctional officers to the act;  
15          amending time validity of the list for initial  
16          appointment and promotions; amending the time  
17          period for challenging a test; amending notice  
18          procedures; amending provisions relating to  
19          probationary periods; revising provisions  
20          relating to return of demoted employees in the  
21          unclassified service; revising provisions  
22          relating to transfer; eliminating certain  
23          positions; providing for rules to be used in  
24          hearings; amending provisions relating to  
25          hearings for classified employees; revising  
26          provisions relating to suspension of classified  
27          employees; revising provisions relating to time  
28          period for and subject matter of hearings;  
29          requiring written requests for hearings;  
30          providing an effective date.  
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1 Be It Enacted by the Legislature of the State of Florida:

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3 Section 1. Chapter 70-942, Laws of Florida, as  
4 amended, is amended to read:

5 (Substantial rewording of chapter. See  
6 ch. 70-942, Laws of Florida, as amended by chapters  
7 77-633, 80-612, 88-451, and 89-457, Laws of Florida,  
8 for present text.)

9 Section 1. There is hereby created a Civil Service  
10 Board, hereinafter referred to as the "board," composed of  
11 five members to administer the terms of this act which shall  
12 apply to all deputy sheriffs and employees of the Seminole  
13 County Sheriff's Office.

14 (1) The board shall consist of five members who shall  
15 be appointed or elected for 2-year terms.

16 (a) Two members of the board shall be appointed by the  
17 sheriff.

18 (b) Two members of the board are to be elected by a  
19 majority of the employees constituting the classified service  
20 as hereafter defined.

21 (c) The four members appointed or elected as provided  
22 herein shall select a fifth member on or before the second  
23 Tuesday every other year. If three of the four members cannot  
24 agree upon a fifth member by the second Tuesday of every other  
25 year, the Chairman of the Board of County Commissioners of  
26 Seminole County shall be the fifth member.

27 (2) The members of the board, except the board which  
28 is appointed or elected upon the effective date of this act,  
29 shall serve for a period of 2 years beginning the second  
30 Tuesday in January of each year. All vacancies on the board  
31 shall be filled by the procedure hereinabove set forth.

1           (3) A decision of the Civil Service Board must be made  
2 by a majority vote of its members.

3           Section 2. Members of the board shall be 19 years of  
4 age or over, of good moral character, a citizen of the United  
5 States of America, and a permanent resident of Florida.

6           Section 3. The Civil Service is hereby divided into  
7 the unclassified service and the classified service. The  
8 unclassified service shall consist of the position of Office  
9 of the Sheriff, persons holding the rank of captain or above,  
10 crossing guards, special deputies, reserve deputies, executive  
11 assistants, horticulturist, horticulturist assistant, police  
12 athletic league coordinator, programs/classifications  
13 supervisor, youth services coordinator, special projects  
14 coordinator, programs coordinator, employee relations manager,  
15 employee relations analyst, public information officer,  
16 network administrator, database administrator, medical  
17 administrator, planning and audit coordinator, chief deputy  
18 sheriff, department directors, deputy directors, legal  
19 advisor, training coordinator, victim advocate, fleet manager  
20 and all other positions hereinafter created within the  
21 Seminole County Sheriff's Office unless declared by the board  
22 to be classified. The classified service shall include all  
23 other positions, officers, classes thereof, or employees now  
24 existing in the Office of the Sheriff of Seminole County.

25           Section 4. The board shall upon its organization elect  
26 one member as Chairman and one as Secretary, and they shall  
27 perform such duties as provided for in this act. The Chairman  
28 of the Civil Service Board shall:

29           (1) Conduct each meeting using parliamentary rules of  
30 order.

31           (2) Schedule appeal hearings as lawfully requested.

1           (3) Provide copies to the board members of the written  
2 reasons given the employee which formulate the charges sought  
3 to be aggrieved.

4           (4) Oversee the proper administration of this act.

5           Section 5. The sheriff shall submit to the board  
6 annually, but no later than October 30th of each year, a table  
7 of organization and a list of all officers, positions or  
8 classes, and the pay scale of each position and class existing  
9 in the Office of the Sheriff of Seminole County. The sheriff  
10 shall also submit annually, but no later than October 30th of  
11 each year, a certification to the board that the Office of the  
12 Sheriff of Seminole County is properly and sufficiently  
13 organized and capable of functioning under Civil Service rules  
14 as hereafter provided for. When certification of capability  
15 has been filed by the sheriff, the board shall forthwith  
16 acknowledge such certification. Thereafter, the certification  
17 shall be irrevocable except by subsequent act of the  
18 legislature.

19           Section 6. The Civil Service Board, hereinafter  
20 referred to as the board, as a body shall have the power,  
21 subject to the minimum requirements of this act, to:

22           (1) Adopt and amend rules and regulations for the  
23 administration of this act.

24           (2) Make investigations concerning the enforcement and  
25 effect of this act, and to require observance of its  
26 provisions and the rules and regulations made thereunder.

27           (3) Hear and determine appeals of complaints  
28 respecting the administration of this act.

29           (4) Establish and maintain a roster of all employees  
30 in the classified service of the Office of the Sheriff showing  
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1 their position, rank, compensation, benefits, and place of  
2 residence.

3 (5) Ascertain and record the duties and  
4 responsibilities appertaining to all positions in the  
5 classified service.

6 (6) Except as otherwise provided in this act,  
7 formulate and hold competitive tests to determine the  
8 qualification of persons who seek initial employment or rank  
9 promotion in any classified position and as a result of such  
10 tests, establish employment lists of eligibles for the various  
11 positions.

12 (7) Certify to records of performance and service  
13 ratings to be used in determining promotions, the order of  
14 layoffs and reemployment, and for other purposes with  
15 reference to organization.

16 (8) Declare newly created positions to be classified  
17 upon consideration and input from the sheriff.

18 (9) Keep any other records as may be necessary for the  
19 proper administration of this act.

20 Section 7. All persons in the employ of the Office of  
21 the Sheriff at the time this act becomes operative who have  
22 served for a period longer than 6 months in a position and  
23 rank in the classified service shall be now under this act,  
24 retained as same, without preliminary or performance tests,  
25 but shall thereafter be subject in all other respects to the  
26 provisions of this act.

27 Section 8. The minimum standards and qualifications  
28 for an original applicant for employment as a deputy sheriff  
29 or correctional officer within the classified service shall be  
30 as required by chapter 943, Florida Statutes. Additional  
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1 standards and qualifications may be adopted by the board for  
2 these applicants.

3       Section 9. The sheriff shall keep the board informed  
4 by periodic reports of the employment needs of the office. The  
5 board may employ the services of an assessment center to hold  
6 tests for the purpose of establishing lists of eligibles for  
7 the various positions in the classified service. If such  
8 services are not employed, the board shall, as often as  
9 required by the necessities of the Office of Sheriff, hold  
10 tests for the purpose of establishing lists of eligibles for  
11 the various positions in the classified service. Such may be  
12 lawfully appointed under this act, other laws of the state,  
13 and the rules promulgated by the board and existing prior to  
14 the rules promulgated by the board and existing prior to the  
15 announcement of the examination. Such rules may set necessary  
16 prerequisites to the performance of the duties of the  
17 positions for which the examinations are designed.

18       (1) Rank promotion tests whether designed by an  
19 assessment center or the board shall be competitive and free  
20 to all persons examined and appointed under the provisions of  
21 the Civil Service Act who have completed their 1-year  
22 probationary periods in the classified service of the  
23 department. However, a person must have completed 1 year's  
24 continuous employment in the rank immediately below the level  
25 for which the promotional test is being given before he is  
26 eligible to take that test and must have at least 3 years'  
27 continuous employment as a sworn officer in the classified  
28 service of the department before he is eligible to take the  
29 promotional test for sergeant.

30       (2) All tests shall be practical and shall consist  
31 only of subjects which will fairly determine the capacity of

1 the person examined to perform the duties of the position to  
2 which the appointment is to be made. The tests may include  
3 examinations for physical fitness and for manual skill. No  
4 credit shall be allowed on the examination for service  
5 rendered under a temporary appointment. No questions in any  
6 test shall relate to religious or political opinions or  
7 affiliations. As many tests shall be held as may be necessary  
8 to provide eligibles for each position, and to fill all  
9 positions held by temporary appointees. From the results of  
10 such tests the board shall prepare a list of eligibles for  
11 each position consisting of the persons who shall attain such  
12 minimum marks as may be fixed for the various parts of the  
13 test and whose general average standing upon the test for such  
14 position is not less than the minimum fixed by the rules of  
15 the board, and who may be otherwise lawfully appointed. The  
16 eligibles shall take rank upon the list in the order of their  
17 relative excellence as determined by the test without  
18 reference to priority of the time of the test. The vacancy may  
19 be filled with eligibles from the list without reference to  
20 priority or rank within the list. The gradings of all tests  
21 shall be completed within a reasonable time and in any event  
22 not later than 60 days from the date of the test. No list of  
23 eligibles for rank promotion shall be valid after 18 months.  
24 No list of eligibles for initial hire shall be valid after 1  
25 year.

26 (3) Gradings and test papers for each applicant shall  
27 be open to his own inspection, and after the list of eligibles  
28 is published, the gradings and test papers must be open to  
29 members of the department upon request. An applicant must call  
30 any error in the gradings of any test to the attention of the  
31 board within 14 calendar days after that posting of the

1 eligible list. Provided, however, that if a correction is  
2 made, such corrections shall not invalidate any certification  
3 or appointment previously made. Notice of the time, place, and  
4 general scope of every test and of the duties, pay and  
5 experience requisite for all positions for which the test is  
6 to be held shall be given by the board to each applicant at  
7 least 1 week preceding the test. The notice must be in writing  
8 and supplied to the applicant. Notice of promotional tests  
9 shall be given as the board may prescribe, but it must be in  
10 such a manner as to give actual notice to all those who are  
11 eligible to take the particular test.

12           Section 10. Whenever a vacancy occurs for the position  
13 of entry level deputy sheriff or correction officer or rank  
14 promotions in the classified service of the Office of the  
15 Sheriff, the sheriff shall obtain the names and addresses of  
16 all persons eligible for appointment thereto, which the board  
17 has certified as being eligible for the position wherein the  
18 vacancy exists. The sheriff thereupon shall select and appoint  
19 from such list of eligibles the person or persons satisfactory  
20 to him to fill such vacancy or vacancies as may occur in the  
21 classified service of the Office of Sheriff. If there is no  
22 appropriate list of eligibles for the vacant position, the  
23 sheriff may, if he determines that the necessity of adequate  
24 law enforcement and operation efficiency so require, appoint a  
25 person without reference to an eligibles list to fill the  
26 vacant position on a provisional basis. The sheriff shall  
27 immediately inform the board of his actions. Such provisional  
28 appointee shall acquire no rights under the system by virtue  
29 of said appointment, and said appointment shall terminate  
30 immediately when an eligible person is certified to the  
31 sheriff by the board. Acceptance or refusal of a provisional



1 appointment shall not prejudice or in any way affect the  
2 standing of the person who is an applicant or who shall become  
3 an applicant for permanent appointment.

4 (1) No initial appointment in any position in the  
5 classified service shall be deemed complete until after the  
6 expiration of a period of 1 year's probationary service,  
7 during which time the sheriff may terminate the employment of  
8 any person certified and appointed, in his discretion during  
9 the probationary service time.

10 (2) When a position within the classified service is  
11 filled by rank promotion from the classified service the  
12 probationary period shall be 6 months and if the services of  
13 the person promoted are terminated by the sheriff during the  
14 probationary period, such person shall forthwith be returned  
15 to duty in the former rank and pay held by him in the  
16 classified service, unless said person's conduct during the  
17 promotional probationary period has given grounds for  
18 dismissal for cause.

19 (3) Any person dismissed during the probationary  
20 period shall not be entitled to a hearing before the board.

21 (4) Appointments shall be regarded as taking effect  
22 upon the date the person appointed reports for duty. A person  
23 certified to the sheriff who does not report for duty at the  
24 time so designated, and does not explain his failure to report  
25 in writing within 5 days, may be rejected by the sheriff, who  
26 shall forthwith notify the board of the action taken and the  
27 reason thereof. The board in its discretion may strike such  
28 person's name from all lists of eligibles, provided such  
29 person so stricken may be reinstated to the list if such  
30 person can satisfy the board that the failure to report in the  
31 first instance resulted from good cause. If reinstatement is

1 granted and if the position for which he was certified has  
2 been filled, such person must await his regular turn on the  
3 list.

4 (5) Any position within the unclassified service may  
5 be filled by appointment outside the classified service.

6 Persons so appointed shall be appointed by the sheriff and  
7 shall serve at the pleasure of the sheriff. However, whenever  
8 a person is appointed to an unclassified position from the  
9 classified service and persons currently appointed to the  
10 unclassified service who came from the classified service and  
11 the services of the person appointed are terminated by the  
12 sheriff, such person shall forthwith be returned to duty in  
13 the former rank and pay or classification and pay as  
14 applicable, held by him in the classified service, unless said  
15 person's conduct during his service in the unclassified  
16 position has given grounds for dismissal for cause.

17 (6) This section does not limit the sheriff's  
18 authority to transfer classified personnel within the office  
19 or eliminate vacant classified positions.

20 Section 11. The practice and procedure of the board  
21 with respect to any investigation by the board authorized by  
22 this act shall be in accordance with rules and regulations to  
23 be promulgated by the board, not in conflict with this act,  
24 which shall provide for a reasonable notice to all persons  
25 affected by orders to be made by the board after such  
26 investigation, with the opportunity to be heard either in  
27 person or by counsel, and to introduce testimony in their  
28 behalf at a hearing, which shall be public, to be held for  
29 that purpose. The board, when conducting any investigation or  
30 hearing authorized by this act, shall have the power to  
31 administer oaths, take depositions, issue subpoenas, compel

1 the attendance of witnesses and the production of books,  
2 accounts, papers, records, documents, and testimony. In case  
3 of disobedience of any person to comply with the order of the  
4 board or a subpoena issued by the board or any of its members,  
5 or on the refusal of a witness to testify on any matter  
6 regarding which he may be lawfully interrogated, the county  
7 judge of the county in which the person resides, on  
8 application of any member of the board, shall compel obedience  
9 by attachment proceedings as for contempt, as in the case of  
10 disobedience of the requirements of a subpoena issued from  
11 such court of a refusal to testify herein. Each officer who  
12 serves such subpoena shall receive the same fees as the  
13 sheriff and each witness who appears in obedience to a  
14 subpoena, before the board or a member thereof, shall receive  
15 for his or her attendance, fees and mileage provided for  
16 witnesses in civil cases in the courts of this state, which  
17 shall be audited and paid in the presentation of proper  
18 vouchers, approved by any three members of the board. The  
19 conduct of the hearing shall provide that:

20 (1) The board may receive verbal or written testimony  
21 concerning any matter considered relevant by the board and may  
22 receive any records including, but not limited to, performance  
23 evaluations and disciplinary files.

24 (2) Irrelevant, immaterial, or unduly repetitious  
25 evidence shall be excluded, but all other evidence of a type  
26 commonly relied upon by reasonably prudent persons in the  
27 conduct of their affairs shall be admissible, whether or not  
28 such evidence would be admissible in a trial in the courts of  
29 Florida. Any part of the evidence may be received in written  
30 form, and all testimony of parties and witnesses shall be made  
31 under oath. Hearsay evidence may be used for the purpose of

1 supplementing or explaining other evidence in accordance with  
2 rules established by the board.

3 (3) The sheriff has the burden of proving just cause  
4 for the disciplinary action by the preponderance of the  
5 evidence.

6 (4) The employee has the right to be present, to  
7 explain or defend his position, to call witnesses in his own  
8 behalf, to be represented by counsel or other representative  
9 of choice.

10 (5) Either party may cross-examine witnesses called by  
11 the other party and offer rebuttal evidence. The board may  
12 hear argument from both parties in support of the evidence  
13 presented. The sheriff shall go first and then again after the  
14 employee/representative has spoken.

15 (6) A decision of the board must be made by a majority  
16 vote of its members.

17 (7) All disciplinary review proceedings of the board  
18 shall be recorded by audio or stenographic means. Rest periods  
19 shall be duly noted and there shall be no unrecorded questions  
20 or statements by a party or witness. Recordings shall be  
21 properly marked and identified before filing.

22 Section 12. No person shall deceive or obstruct any  
23 person in respect to his or her right of test under the  
24 provisions of this act, or falsely mark, grade, estimate or  
25 report the test or standing of any person tested herein or aid  
26 in so doing; furnish to any person, except in answer to  
27 inquiries to the board, any special information for the  
28 purpose of either improving or injuring the rating of any such  
29 person for appointment of employment. No applicant shall  
30 deceive the board for the purpose of improving his chances or  
31 prospects for appointment. No person shall solicit orally or

1 by letter and no public officer or employee shall receive or  
2 be in any manner concerned in receiving or soliciting any  
3 money or valuable things from any officer or employee holding  
4 a position in the classified service for any political party  
5 or purpose whatsoever. No person shall use or promise to use  
6 his influence or official authority to secure any appointment  
7 or prospect of appointment to any position classified under  
8 this act as a reward or return for personal or partisan  
9 political service. No public officer or employee shall by  
10 means of threats or coercion induce or attempt to induce any  
11 person holding a position in the classified service to resign  
12 his position or to take a leave of absence from duty or to  
13 wave any rights under this act.

14           Section 13. Any person who shall willfully violate any  
15 of the provisions of this act, or of the rules of the board,  
16 shall be guilty of a misdemeanor and shall, upon conviction  
17 thereof, be punished by a fine of not more than \$500 or by  
18 imprisonment for a term not exceeding 6 months, or by both  
19 such fine or imprisonment in the discretion of the court.

20           Section 14. The sheriff shall give an immediate report  
21 in writing of all appointments, reinstatements, vacancies,  
22 absences or other matters affecting the status of any member  
23 of the classified service of the performance of duties of  
24 members of said classified service. The reports shall be in  
25 the manner and form prescribed by the board.

26           Section 15. (1) The sheriff may suspend, terminate  
27 from employment with the office or demote any employee within  
28 the classified service for any cause which will promote the  
29 efficiency of the service.

30           (a) Notice of the termination may be in the form of a  
31 30 calendar day suspension without pay, the termination to

1 take effect at the expiration of this suspension period.  
2 During the 30-day period of notice, the employee must be given  
3 an opportunity for a hearing before the board with all the  
4 rights and privileges accorded under section 11 of this act.  
5 All papers filed in the case shall be public records. The  
6 board may reinstate the person removed only in case it appears  
7 as a result of a proper hearing that the termination was made  
8 for reasons other than just cause.

9       (b) For disciplinary purposes, the sheriff may  
10 summarily suspend an employee for a reasonable period not  
11 exceeding 172 work hours in the case of classified deputy  
12 sheriffs and corrections officers and 160 work hours in the  
13 case of classified civilian employees. Every such suspension  
14 may be with or without pay, provided however, that the board  
15 shall have authority to investigate every suspension which is  
16 without pay and if it is found that the sheriff acted without  
17 just cause, it shall have power to restore pay to the employee  
18 for such suspended time.

19       (c) The sheriff may demote any employee. Every such  
20 demotion may be with or without a reduction in pay, provided  
21 however, that the board shall have authority to investigate  
22 every demotion in rank of deputy sheriffs and certified  
23 correctional personnel with the exception of captain or above  
24 and if it is found that the sheriff acted without just cause,  
25 it shall have power to restore the employee to his previous  
26 rank with pay.

27       (2) Subject to the foregoing provisions of this  
28 section, no person holding a position in the classified  
29 service shall be terminated, suspended, or demoted in rank  
30 except for just cause upon written charges after an  
31 opportunity to be heard in his own defense. Such charges shall

1 be filed by the sheriff and shall, within 30 calendar days  
2 after the filing, be heard, investigated and determined by the  
3 board as provided by section 11 of this act.

4 (3) The employee must make a request for hearing in  
5 writing to the Civil Service Board Chairman as provided by  
6 Civil Service Board rules.

7 (4) The board is without authority to hear: transfers,  
8 employment actions as they relate to any member of the  
9 unclassified service except as they relate to matters  
10 addressed in paragraph 5 of section 10, or demotions except as  
11 provided herein.

12 (5) A reduction in pay as a result of a transfer does  
13 not constitute a demotion unless accompanied by a demotion in  
14 rank.

15 (6) The decision of the board will be final and  
16 absolute.

17 Section 16. It shall be the duty of the authorities  
18 having charge of the public buildings of Seminole County to  
19 allow the reasonable use of public buildings and rooms for the  
20 holding of meetings of the board and any examinations or  
21 investigations provided for by this act.

22 Section 17. It shall be and is hereby made the duty of  
23 the Sheriff of Seminole County to provide annually in his  
24 budget a reasonable sum of money to enable the board to  
25 properly carry out the purposes of this act.

26 Section 18. The provisions of the act shall be  
27 severable and if any of the provisions shall be held to be  
28 unconstitutional the decision of the court shall not affect  
29 the validity of the remaining provisions. It is hereby  
30 declared the legislative intent of this act that it would have  
31 been adopted by the Legislature had such unconstitutional

1 provision not been included therein. The act shall not be held  
2 nor construed to create any property rights or any vested  
3 interests in any position in the classified service and the  
4 right is hereby reserved to repeal, alter or amend this act or  
5 any provision thereof at any time.

6           Section 19. Nothing in this act shall be construed as  
7 affecting the budget-making powers of the Board of County  
8 Commissioners of Seminole County.

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

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