

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

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

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

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

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

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

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

(2) The members of the board, except the board which is appointed or elected upon the effective date of this act, shall serve for a period of 2 years beginning the second Tuesday in January of each year. All vacancies on the board 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 of capability shall be irrevocable except by subsequent act of
18 the 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 waive 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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