

By Senator Saunders

25-812A-99

1 A bill to be entitled
2 An act relating to Lee County; amending ch.
3 74-522, Laws of Florida, as amended;
4 redesignating the Lee County Sheriff's
5 Department as the Lee County Sheriff's Office;
6 revising qualifications for membership on the
7 civil service board; revising the date for
8 electing board members; deleting certain
9 limitations for classification as members of
10 the civil service; revising requirements for
11 demotions in rank following the election of a
12 new sheriff; deleting provisions authorizing a
13 specified amount of annual leave for certain
14 employees; deleting certain restrictions on the
15 age at which an applicant may be employed as a
16 deputy sheriff; deleting certain restrictions
17 on the employment of persons with a medical
18 discharge; revising requirements for the
19 posting of notices of employment; clarifying
20 provisions authorizing political activities
21 during off-duty hours; providing an effective
22 date.

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

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26 Section 1. Chapter 74-522, Laws of Florida, as amended
27 by chapter 87-446, Laws of Florida, chapter 87-547, Laws of
28 Florida, and chapter 95-514, Laws of Florida, is amended to
29 read:

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31 Section 1. There is hereby created a civil service
board, hereafter referred to as the "board", composed of five

1 (5) members to administer the terms of this act which shall
2 apply to all classified deputy sheriffs and employees of the
3 Lee County Sheriff's Office department.

4 (1) The board shall consist of five (5) members who
5 shall be elected or appointed as follows:

6 (a) One (1) member of the board will be the sheriff or
7 his designate.

8 (b) One (1) member of the board to be elected by a
9 majority of the employees with the rank of lieutenant or above
10 ~~through captain~~.

11 (c) One (1) member of the board to be elected by a
12 majority of the employees with the rank of deputy patrolman or
13 sergeant.

14 (d) One (1) member to be an upstanding resident of Lee
15 County to be elected by the board.

16 (e) One (1) member of the board to be the department
17 chaplain.

18 (f) Election of the three (3) members shall be held at
19 the first staff meeting in ~~on the second Tuesday of~~ September,
20 with the members taking office on the 1st day of October.

21 (g) If for any reason, a member of the board cannot
22 serve, an alternate member will be elected in the same manner
23 as provided in this section ~~above~~.

24 (h) All vacancies on the board will be filled by the
25 procedure established in this section ~~above~~.

26 Section 2. Members of the board shall be twenty-one
27 (21) years of age or over, of good moral character, a citizen
28 of the United States of America, a permanent resident of
29 Florida and must have resided in Lee County for at least one
30 (1) year prior to his appointment.

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1 Section 3. The civil service act, as set forth, will
2 encompass all classified members of the ~~sheriff's department~~
3 ~~of Lee County Sheriff's Office.~~

4 (1) All members of the sheriff's office department
5 under the rank of chief deputy colonel shall be classified
6 members of the civil service act.

7 (2) ~~All members of the Lee County sheriff's department~~
8 ~~above the rank of major will remain unclassified.~~

9 Section 4. The board shall, upon its organization,
10 elect one (1) member as chairman and one (1) secretary and
11 they shall perform their duties in accordance with the rules
12 and regulations to be adopted ~~promulgated~~ by the board.

13 Section 5. This act shall become operative upon the
14 certification to the board by the sheriff that the office of
15 the sheriff of Lee County is functioning under the civil
16 service rules as established in this document. When the
17 certification of organization and capability has been filed by
18 the sheriff, the board shall forthwith acknowledge such
19 certification. Thereafter, the certification shall be
20 irrevocable except by subsequent act of legislature.

21 Section 6. The board, as a body, shall have the power,
22 subject to minimum requirements, to act to:

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

26 (2) Hear and determine appeals of complaints
27 respecting the administration of this act.

28 (3) Establish and maintain a roster of all employees
29 in the classified service of the office of the sheriff showing
30 their position, rank, compensation, benefits and place of
31 residence.

1 (4) Ascertain and record the duties and
2 responsibilities appertaining to all positions in the
3 classified service and classify such positions in the manner
4 hereafter provided.

5 (5) Keep any other records as may be necessary for the
6 proper administration of this act.

7 Section 7. All classified persons in the employ of the
8 office of the sheriff at the time this act becomes operative,
9 who have served for a period longer than one (1) year in a
10 position and rank shall now be under this act, retained as
11 same, without preliminary or performance tests but shall
12 thereafter be subject in all other respects to the provisions
13 of this act. In the event a new sheriff is elected to office
14 in Lee County, all classified employees of the sheriff's
15 office department shall remain in the same position with the
16 exception of personnel who are ranked at captain or above,
17 ~~captains~~ who may ~~shall~~ be subject to a one (1) grade demotion
18 in rank to lieutenant or above in order to allow the sheriff
19 to establish his administration.

20 Section 8. The sheriff shall formulate reasonable
21 rules governing the granting of leaves of absence to members
22 of the sheriff's office department in good standing. Except
23 as hereinafter provided, no leave of absence shall be given
24 for more than one (1) year, however, such leaves may be
25 extended with the approval of the sheriff upon the showing of
26 good cause.

27 ~~(1)~~ All persons employed by the Lee County Sheriff's
28 office who shall be inducted in the armed forces of the United
29 States of America or who shall voluntarily by enlistment enter
30 into such forces in time of war or national emergency shall,
31 upon application to the sheriff, receive a military leave of

1 absence for the duration of the period of service required.
2 During the period of service, all persons shall be entitled to
3 all the benefits and privileges of this act and shall retain
4 all rights of seniority. All persons shall be entitled to
5 reemployment in the same capacity and position they held at
6 the time of entering said military service, provided, however,
7 that application for reinstatement in such position be made by
8 or on behalf of such employee within three (3) months after
9 termination of military service. Provided further that to be
10 entitled to the benefits of this subsection, such military
11 service must have been honorable.

12 ~~(2) All employees coming under the provision of this~~
13 ~~act shall be entitled to one and one fourth (1 1/4) days~~
14 ~~annual leave for each month of service after six (6) months of~~
15 ~~continuous service, which leave shall be taken at the time as~~
16 ~~the employee and the sheriff shall agree upon.~~

17 Section 9. The minimum standards and qualifications
18 for an original applicant for employment as a deputy sheriff,
19 or in any other capacity in the office of the sheriff of Lee
20 County, shall be as follows:

21 ~~(1) An applicant for employment as a deputy sheriff~~
22 ~~(road deputy) shall not be more than thirty-five (35) years of~~
23 ~~age.~~

24 ~~(2) Exception to (1) of this section is allowance of~~
25 ~~one (1) year of age per equal time in military service in the~~
26 ~~United States of America or one (1) year of age for each year~~
27 ~~of service as a member of a recognized law enforcement agency~~
28 ~~up to five (5) years but not to have reached his or her~~
29 ~~forty-first (41) birthday.~~

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1 (1)~~(3)~~ An applicant shall have graduated from a duly
2 accredited high school or shall have the equivalent of a high
3 school diploma.

4 (2)~~(4)~~ An applicant shall be physically capable of
5 performing all functions and duties of a deputy sheriff as
6 established by the board, and this physical capacity shall be
7 certified by a physician licensed in this state and selected
8 by the board.

9 (3)~~(5)~~ No person is eligible to receive public funds
10 as a salary or for services rendered as a deputy sheriff of
11 Lee County until such person has submitted to the sheriff, a
12 written application for employment and has passed an oral
13 examination.

14 (4)~~(6)~~ An applicant shall not have been convicted of a
15 felony or of a misdemeanor for which the penalty be more than
16 a three hundred dollar (\$300) fine and/or ninety (90) days
17 confinement.

18 (5)~~(7)~~ An applicant with military service shall have
19 an honorable discharge. ~~No person with a medical discharge or~~
20 ~~who is incapable of carrying out the functions or duties of~~
21 ~~the office of deputy sheriff shall hold a position with the~~
22 ~~department.~~

23 ~~(8) The sub-sections of section 9 shall apply only to~~
24 ~~the employees of the classified service and shall not apply to~~
25 ~~special deputy sheriffs appointed pursuant to the provisions~~
26 ~~of section 30.09(4), Florida Statutes.~~

27 Section 10. Promotions will be made on a merit basis
28 such as work performance, knowledge of job and other
29 qualifications. All promotions will be made by the sheriff.

30 (1) Whenever there is an opening in any division, this
31 opening will be publicly posted throughout the sheriff's

1 ~~office on the department bulletin board~~ for a period of five
2 (5) days to allow all persons eligible to apply for transfer
3 from their division to the division where the opening exists.
4 Those interested should apply in writing to the sheriff
5 requesting such transfer. The sheriff reserves the right to
6 transfer any employee for the betterment of the service;
7 provided, however, the employees shall not be reduced in rank.

8 (2) No appointment or promotion in any position in the
9 sheriff's office ~~department~~ shall be deemed complete until
10 after the expiration of a period of one (1) year's
11 probationary service, during which time the sheriff may
12 terminate the employment of any person certified and/or
13 appointed.

14 (3) Appointments shall be regarded as taking effect
15 upon the date the person appointed reports for duty. A person
16 certified by the sheriff who does not report for duty at the
17 time so designated, and who does not explain his said failure
18 to report, in writing, within five (5) days, may be rejected
19 by the sheriff.

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 adopted ~~promulgated~~ by the board which shall provide for a
24 reasonable notice to all persons affected by recommendations
25 to be made by the board after such investigation, with the
26 opportunity to be heard either in person or by counsel.

27 Section 12. No person shall solicit orally or by
28 letter, and no public officer or employee shall receive or be
29 in any manner concerned in receiving or soliciting any money
30 or valuable things from any employee of the sheriff's
31 department or political party for any purpose whatsoever. No

1 person shall use or promise to use his influence or official
2 authority to secure any appointment or prospect of appointment
3 to any position classified under this act as a reward or
4 return for personal or partisan political service. No public
5 officer or employee shall by means of threats or coercion
6 induce or attempt to induce any person holding a position in
7 the sheriff's office ~~department~~ to resign his position, or to
8 take a leave of absence from duty or to waive any rights under
9 this act.

10 Section 13. The sheriff may suspend or dismiss an
11 employee only for just cause. The employee so dismissed or
12 suspended will have fifteen (15) days to file an appeal with
13 the board. Officers with the rank of lieutenant and above
14 will have the authority to take immediate disciplinary action
15 including relieving an employee ~~a man~~ of duty, thereafter
16 securing the approval of the sheriff. The sheriff may
17 summarily suspend an employee for a reasonable period not
18 exceeding thirty (30) days. Every such suspension shall be
19 without pay; provided, however, that the board shall have the
20 authority to investigate every such suspension and if it is
21 found that the sheriff acted in bad faith, it shall have the
22 power to restore pay to the employee for such suspended time.

23 (1) Subject to the foregoing provisions of this
24 section, any person holding a position in the sheriff's office
25 ~~department~~ who has been removed or discharged, has the
26 opportunity to be heard in his own defense upon filing a
27 written request to the board within fifteen (15) days
28 following the action. The appeal shall, within thirty (30)
29 days after the filing be heard, investigated and determined by
30 the board as provided by section 13 of this act.

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1 (2) The decision of the board will be final and
2 absolute.

3 Section 14. It shall be the duty of the authorities
4 having charge of the public buildings of Lee County to allow
5 the reasonable use of public buildings and rooms for the
6 holding of meetings of the board and any examinations or
7 investigations provided for by this act.

8 Section 15. (1) It shall be and is hereby made the
9 duty of the sheriff of Lee County to provide annually in his
10 budget, a sufficient sum of money to enable the board to
11 properly carry out the purposes of this act.

12 (2) Effective October 1, 1986 and thereafter, it is
13 the duty of the sheriff of Lee County to provide annually in
14 his budget a sufficient sum of money to pay a percentage of
15 the cost of the health insurance of members of the Lee County
16 Sheriff's Office ~~Department~~ who retire from active service
17 after having accumulated at least 15 years of creditable
18 service under the Florida Retirement System. The health
19 insurance costs payable pursuant to this section include
20 premiums for major medical and hospitalization insurance, but
21 do not include premiums for dental insurance. When a retiree
22 receiving this health insurance benefit becomes eligible for
23 Medicare, his health coverage will convert to the Medicare
24 Supplement health insurance.

25 (a) In order to receive this benefit, the retiree must
26 have served with the Lee County Sheriff's Office ~~Department~~
27 for the 10 years immediately preceding his retirement. The
28 retiree may claim up to 5 years of creditable service earned
29 while in the employ of another member agency within the
30 Florida Retirement System. The Lee County Sheriff's Office
31 ~~Department~~ shall verify all years of creditable service

1 | claimed through the Division of Retirement of the Department
2 | of Administration.

3 | (b) If an employee retires from the Lee County
4 | Sheriff's Office ~~Department~~ after at least 10 years of service
5 | with the department, but before reaching retirement age, and
6 | has participated in the Florida Retirement System for at least
7 | 15 years, he may pay his and his dependent's health insurance
8 | costs until he begins to receive retirement benefits under the
9 | Florida Retirement System. The Lee County Sheriff's Office
10 | ~~Department~~ shall begin to pay a percentage of the employee's
11 | health insurance costs when he begins to receive such
12 | retirement benefits. The retiree shall give the sheriff's
13 | office ~~department~~ written notice of the date of payment of his
14 | initial retirement benefit. The Lee County Sheriff's Office
15 | ~~Department~~ shall verify this date through the Division of
16 | Retirement of the Department of Administration.

17 | (c) The Lee County Sheriff's Office ~~Department~~ shall
18 | base the percentage of a retiree's health insurance costs it
19 | will pay upon the number of years of creditable service that
20 | the retiree has accumulated in the Florida Retirement System.
21 | Fifteen years of creditable service entitles the retiree to
22 | have 75 percent of his health insurance premiums paid by the
23 | sheriff's office ~~department~~. The sheriff's office ~~department~~
24 | shall pay an additional 5 percent of the insurance premiums
25 | for each year of service in excess of 15 years until reaching
26 | a maximum of 100 percent of the premium at 20 years of
27 | service. The Lee County Sheriff's Office ~~Department~~ shall pay
28 | an additional one-twelfth of 1 percent of the premium for each
29 | month served until the full 100 percent is paid.

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1 (d) If an employee has health insurance coverage
2 through a previous employer, the Lee County Sheriff's Office
3 ~~Department~~ will be the secondary payor.

4 (e) If an employee receives a retiree health insurance
5 subsidy from the state, the Lee County Sheriff's Office
6 ~~Department~~ shall reduce the amount it pays of the employee's
7 health insurance premiums by the amount of the subsidy.

8 (f) The Lee County Sheriff's Office ~~Department~~ shall
9 pay for the health insurance coverage of the retiree only.
10 The retiree may pay for the health insurance of his
11 dependents. Upon a retiree's death, his spouse may continue
12 the health insurance coverage previously provided by the
13 retiree. Premiums must be paid to the Lee County Sheriff's
14 Office ~~Department~~.

15 (g) This retiree health insurance benefit is only
16 available to an employee when he retires. If the employee
17 does not elect to receive the insurance benefit upon retiring,
18 he does not have the option of receiving the benefit at a
19 later date.

20 Section 16. No person holding a classified position in
21 the sheriff's office ~~department~~ shall take an active part in
22 any political campaign while on duty. Nothing in this act
23 shall be construed to prohibit or prevent any such person from
24 exercising lawful political rights while off duty, from
25 becoming or continuing to be a member of a political club or
26 organization, or from attending any political meetings, or
27 from enjoying entire freedom from all interferences in casting
28 his vote. Any person violating the provisions of this section
29 may be dismissed from the service of the office of the sheriff
30 of Lee County.

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1 Section 17. The provisions of this act shall be
2 severable and if any of the provisions shall be held to be
3 unconstitutional, the decision of the court shall not affect
4 the validity of the remaining provisions. It is hereby
5 declared the legislative intent of this act that it would have
6 been adopted by the legislature had such unconstitutional
7 provision not have been included therein. This act shall not
8 be held or construed to create any property rights or any
9 vested interests in any position in the sheriff's office
10 ~~department~~ and the right is hereby reserved to repeal, alter
11 or amend this act, or any provision thereof at any time.

12 Section 18. All laws and parts of laws, insofar as
13 they are inconsistent with this act, or any provision thereof,
14 are, to the extent of such conflict, hereby repealed.

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

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