

By Senator Brown-Waite

10-634-00

1 A bill to be entitled
2 An act relating to Hernando County; providing
3 for application of the act to career-service
4 members of the Hernando County Sheriff's
5 Office; providing certain exceptions; defining
6 the term "member" with respect to
7 career-service personnel of the Hernando County
8 Sheriff's Office; specifying the period of
9 employment required to qualify for
10 career-service membership; providing for
11 implementation of the act; authorizing the
12 Sheriff to adopt rules; creating the Career
13 Service Appeals Board; providing for membership
14 of the board; providing for the board to make
15 nonbinding recommendations to the Sheriff with
16 respect to the dismissal of a member; providing
17 for compensation for witnesses appearing before
18 the board; specifying rights and procedures for
19 hearings before the board; providing that
20 actions of the board and Sheriff are exempt
21 from ch. 120, F.S.; providing immunity from
22 civil liability for certain actions; exempting
23 certain appeals from application of the act;
24 providing for severability; providing an
25 effective date.

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

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29 Section 1. Members of Hernando County Sheriff's
30 Office; applicability of the act; career-service status.--
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1 (1) This act applies to members of the Hernando County
2 Sheriff's Office, with the following exceptions:

3 (a) Members serving in full-time positions during the
4 initial probationary period.

5 (b) Part-time members.

6 (c) Reserve and auxiliary deputy sheriffs.

7 (d) Special deputies.

8 (e) Members holding the position of Chief Deputy or
9 Undersheriff.

10 (f) Members holding the position of Captain or above.

11 (2) This act does not apply to the dismissal of a
12 member which arises from a layoff or from the partial or total
13 abolition or cessation of a program, service, operation,
14 department, or grant-funded position, at the discretion of the
15 Sheriff.

16 (3) This act does not grant the right of collective
17 bargaining to members of the Hernando County Sheriff's Office
18 who do not otherwise have that right pursuant to law.

19 (4) As used in this act, the term "member" means all
20 persons, whether employed by or appointed to the Hernando
21 County Sheriff's Office, including personnel certified under
22 chapter 943, Florida Statutes, and noncertified personnel.

23 (5)(a) A member attains the status as a career-service
24 member if the member serves for 1 calendar year and is not
25 placed upon extended probation during that period. Any member
26 who is placed on extended probation attains status as a
27 career-service member following the 1-year period upon
28 successful completion of the extended probation.

29 (b) For the purpose of determining career-service
30 status under this act, all time in the employment of the
31 Hernando County Sheriff's Office while attending the police

1 academy, or other comparable training, for certification as a
2 sworn officer or deputy sheriff does not count toward the 1
3 calendar year of minimum service required for purposes of
4 qualifying as a career-service member.

5 (c) Effective July 1, 2000, all nonprobationary
6 members who hold the rank of lieutenant or below, through a
7 competitive promotional process, shall be granted
8 career-service status at such rank or level.

9 (d) Any member who is required to serve a probationary
10 period attendant to a promotion shall retain his or her status
11 as a career-service member of the Sheriff's Office, but may be
12 demoted to his or her prior position during the probationary
13 period.

14 (e) Any member who leaves the employment of the
15 Sheriff's Office must, after rejoining the employment of the
16 Sheriff's Office, complete 1 additional calendar year of
17 service before being granted status as a career-service
18 member.

19 (6) The Sheriff shall implement this act on July 1,
20 2000. Any career-service member of the Sheriff's Office who
21 holds the rank of lieutenant or below, through a competitive
22 promotional process, on July 1, 2000, shall retain his or her
23 career-service rank, unless cause exists for demotion. Cause
24 shall be misfeasance, nonfeasance, or malfeasance in office,
25 or for any just cause for which certification of a law
26 enforcement officer may be revoked under chapter 943, Florida
27 Statutes.

28 Section 2. Administration.--The Hernando County
29 Sheriff may adopt rules to administer this act. However, this
30 act does not affect the authority of the Hernando County Board
31 of County Commissioners to adopt a budget.

1 Section 3. Career Service Appeals Board; creation;
2 membership; duties.--

3 (1) An ad hoc Career Service Appeals Board is created
4 for the purpose of hearing appeals of career-service members
5 arising from disciplinary dismissal. The board may also
6 provide assistance and advice to the Sheriff in matters
7 concerning disciplinary dismissal and may take any other
8 action authorized by the Sheriff.

9 (2) The Career Service Appeals Board shall be composed
10 of:

11 (a) Two individuals selected by a majority vote of the
12 career-service members of the Sheriff's Office.

13 (b) Two individuals selected by the Sheriff.

14 (c) One individual, selected by a majority of the
15 other four members of the board, who shall serve as
16 chairperson, unless otherwise determined by the board.

17 (3)(a) Each individual appointed to the board must be
18 of good moral character and reputation within the community,
19 be a citizen of the United States, and have been a permanent
20 resident of Hernando County for at least 2 years.

21 (b) Board members shall be appointed to terms of 2
22 years each, except that of the initial appointments, one of
23 the individuals appointed by the Sheriff and one of the
24 individuals appointed by the career-service members shall be
25 appointed to terms of 1 year.

26 (4) A board member may not be:

27 (a) A member of any national, state, or county
28 committee of a political party.

29 (b) A candidate for or an incumbent of any elected
30 public office.

31 (c) A member of the Hernando County Sheriff's Office.

1 (d) The spouse, parent, grandparent, child,
2 grandchild, brother, sister, aunt, uncle, niece, or nephew, by
3 consanguinity or affinity, of a member of the Sheriff's
4 Office.

5 (e) Positioned so as to have a conflict of interest
6 with the duties and responsibilities of board membership.

7 (5) The Career Service Appeals Board shall make a
8 nonbinding recommendation to the Sheriff as to whether a
9 member's dismissal was for a violation of a policy, rule,
10 procedure, or practice of the Sheriff's Office.

11 (a) The chairperson of the board may sign all notices,
12 subpoenas, and recommendations on behalf of the board. A judge
13 of the circuit court of Hernando County, on application of the
14 Career Service Appeals Board, shall compel obedience by
15 proceedings as for contempt upon failure of any person to
16 comply with a subpoena or testify upon any matter on which he
17 or she may be lawfully interrogated.

18 (b) Each witness who appears in obedience to a
19 subpoena before the board shall receive the same compensation
20 for attendance and mileage as is provided to witnesses in
21 civil cases who appear before the courts of this state.
22 Payment is the responsibility of the party calling the
23 witness, except that with respect to any witness called by the
24 board, payment shall be made by the Sheriff upon presentation
25 of proper documentation.

26 (6)(a) Any person who files an appeal concerning his
27 or her status as a career-service member of the Sheriff's
28 Office has a right to a hearing before the Career Service
29 Appeals Board, may be represented by a person of his or her
30 choice, may present relevant evidence and argument, and may
31 cross-examine witnesses.

1 **(b) The board shall, by a majority vote, dispose of**
2 **the appeal by making a finding of fact and issuing its written**
3 **recommendations, including any mitigating circumstances, to**
4 **the Sheriff for his or her consideration. The Sheriff retains**
5 **the right of final determination and a person may not be**
6 **reinstated with or without back pay or benefits without the**
7 **concurrence of the Sheriff.**

8 **(7) The actions of the Career Service Appeals Board**
9 **and the Sheriff are exempt from chapter 120, Florida Statutes.**
10 **The actions of the Sheriff are final and not subject to**
11 **appeal.**

12 **(8) The Career Service Appeals Board, its members, the**
13 **Sheriff, witnesses while giving truthful testimony, and all**
14 **representatives of parties appearing before the board are**
15 **immune from civil liability arising from actions taken**
16 **pursuant to this section.**

17 Section 4. **Nonapplicability of act.--This act does not**
18 **apply to any appeal by a deputy sheriff claiming dismissal due**
19 **to lawful off-duty political activity or discriminatory**
20 **reasons, which may be appealed under chapter 30, Florida**
21 **Statutes.**

22 Section 5. **If any provision of this act or the**
23 **application thereof to any person or circumstance is held**
24 **invalid, the invalidity does not affect other provisions or**
25 **applications of the act which can be given effect without the**
26 **invalid provision or application, and to this end the**
27 **provisions of this act are declared severable.**

28 Section 6. This act shall take effect July 1, 2000.
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