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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.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
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 upon successful completion of the  
28 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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