

By Representatives Wallace, L. Miller, Henriquez, Hart,  
Ogles, Bradley, Murman, Bilirakis, Littlefield, Crist and Byrd

1                                   A bill to be entitled  
2           An act relating to Hillsborough County;  
3           consolidating, compiling, codifying, revising  
4           for the purposes of clarifying, and  
5           streamlining the extant law; vesting standard  
6           business practices in law and removing  
7           gender-specific references; continuing rights,  
8           privileges, and benefits accrued by certain  
9           employees; retaining membership in the  
10          classified service except under certain  
11          circumstances, and amending chapter 96-519,  
12          Laws of Florida, as amended, relating to the  
13          Civil Service Act; providing a statement of  
14          policy; providing a short title; providing  
15          mandatory and optional applicability of the  
16          act; providing, listing in a single section,  
17          and adding definitions for purposes of  
18          clarification; describing classes of employees  
19          and specifying those to whom the act is  
20          applicable; creating a civil service board and  
21          providing, listing in a single section, and  
22          adding powers and duties to vest in law  
23          standard business practices of the district not  
24          previously enumerated and deleting the  
25          requirement that prospective employees be  
26          ranked in accordance with relative  
27          qualifications; providing for the establishment  
28          and use of initial employment lists and  
29          promotional lists and deleting the requirement  
30          that employment eligibility lists be canceled  
31          after 6 months; requiring that the duration of

1 employment eligibility lists be established by  
2 rule; providing for the creation and abolition  
3 of positions and the filling of vacancies;  
4 providing for a probationary period and tenure;  
5 providing for the suspension, demotion, and  
6 dismissal of employees; providing for an appeal  
7 hearing procedure; providing for disciplinary  
8 hearings for certain employees of the  
9 administrative office of the Thirteenth  
10 Judicial Circuit but paid from funds of the  
11 county; providing for recommendation and  
12 adoption of classification and pay plans;  
13 providing an appropriation for the board;  
14 providing for a committee to review extant  
15 rules; providing for fiscal responsibility;  
16 prohibiting certain activities; providing  
17 restrictions on individuals qualifying for  
18 elective office; providing for an employee  
19 advisory committee; deleting the requirement  
20 that the board undergo regularly recurring  
21 performance audits mandated by special act;  
22 providing criminal penalties for violation of  
23 the act; providing for future review of the  
24 act; providing severability; repealing chapters  
25 96-519, 97-342, 97-343, 97-349, 97-350, 98-450,  
26 98-481, and 99-415, Laws of Florida, relating  
27 to the Civil Service Act and performance audits  
28 of the board; providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1  
2           Section 1. This act supersedes chapter 96-519, Laws of  
3 Florida, which establishes and provides for the Hillsborough  
4 County Civil Service Act, and all acts amendatory or  
5 supplementary thereto, and constitutes a consolidation,  
6 compilation, and codification of all laws expressly repealed  
7 by this act which pertain to the Hillsborough County Civil  
8 Service Act. This act guarantees continuance of all rights,  
9 privileges, or benefits accrued by any classified employee as  
10 a result of employment prior to the effective date of this  
11 act. Any position in the classified service as defined by  
12 chapter 82-301, Laws of Florida, through September 30, 1985,  
13 and which was occupied through that date, but which became  
14 exempt upon the effective date of chapter 85-424, Laws of  
15 Florida, may remain in the classified service pursuant to the  
16 provisions of this act until the occurrence of any one of the  
17 following: request by said person to be transferred to the  
18 exempt service; dismissal by the appointing authority;  
19 resignation; or retirement.

20           Section 2. Statement of policy.--It is the purpose of  
21 this act to establish a system for the formulation and  
22 implementation of procedures to ensure the uniform  
23 administration of the classified service on the following  
24 merit principles:

25           (1) Recruitment, selection, compensation, benefits,  
26 and advancement of employees on the basis of their relative  
27 job-related ability, knowledge, skills, and personal  
28 capabilities, including open consideration of qualified  
29 applicants for initial appointment;

30           (2) Retention of employees on the basis of the  
31 adequacy of their performance, allowing for correction of

1 inadequate performance when possible and separation of  
2 employees whose inadequate performance has not been corrected;  
3 and

4 (3) Fair treatment of applicants and employees in all  
5 aspects of personnel administration without regard to age,  
6 sex, race, religion, national origin, political affiliation,  
7 marital status, or disability, except when specific sex, age,  
8 or physical requirement is a bona fide occupational  
9 qualification.

10 Section 3. Short title.--This act may be cited as the  
11 "Civil Service Act of 2000."

12 Section 4. Application.--The provisions of this act  
13 apply to all classified personnel employed by the following  
14 agencies or authorities within the county: the commission, the  
15 county administrator, clerk of the circuit court, supervisor  
16 of elections, property appraiser, tax collector, sheriff,  
17 environmental protection commission, aviation authority, port  
18 authority, planning commission, public transportation  
19 commission, expressway authority, law library, legislative  
20 delegation, soil and water conservation district, civil  
21 service board, sports authority, children's board, county  
22 attorney, arts council, victim assistance, and any other  
23 agency or authority not expressly exempt from this act. Each  
24 municipality in the county, the judiciary, and the District  
25 School Board of the county are expressly exempt from this act  
26 until and unless each executes an interlocal agreement with  
27 the board pursuant to general law. Positions within the  
28 Administrative Office of the Courts which were classified as  
29 of January 1, 1998, and which are funded by the county are  
30 subject to section 13 of this act.

31 Section 5. Definitions.--As used in this act:

1       (1) "Appointing authority" means any person or agency  
2 authorized under this act or other statutory authority to  
3 employ personnel to carry out the responsibilities of the  
4 agency.

5       (2) "Appointment" means selection by an appointing  
6 authority of a certified eligible person to perform assigned  
7 duties and responsibilities in a specified position in the  
8 classified service.

9       (3) "Benefits plan" means a schedule of employment  
10 benefits to include all leave and holidays.

11       (4) "Board" means the County Civil Service Board.

12       (5) "Budget authority" means any agency or authority  
13 to which this act applies and which is empowered to develop  
14 and adopt its budget without approval by any other agency or  
15 authority.

16       (6) "Certification" means the process of providing the  
17 names of those eligible for a class of positions to be  
18 considered in filling a vacancy.

19       (7) "Civil service" means that part of the employment  
20 system within Hillsborough County to which this act is  
21 applicable pursuant to section 4.

22       (8) "Classified employee" means an employee whose  
23 position is subject to the rights contained in this act and in  
24 rules adopted by the board.

25       (9) "Class of positions/classification" means all  
26 positions that are sufficiently similar as to kind or subject  
27 matter of work, level of difficulty or responsibilities, and  
28 qualification requirements of the work to warrant the same  
29 treatment as to title, pay range, and other personnel  
30 transactions.

31

1       (10) "Classification plan" means a document that  
2 formally describes the concepts, rules, and class  
3 specifications used in the classification and reclassification  
4 of positions in the classified service.

5       (11) "Commission" means the board of county  
6 commissioners of the county.

7       (12) "County" means Hillsborough County, Florida.

8       (13) "Demotion" means moving an employee from a  
9 position in one class to a position in another class having a  
10 lesser degree of responsibility and lower pay grade.

11       (14) "Dismissal" means the discharge of an employee  
12 from the service by the appointing authority.

13       (15) "Executive manager" means a position so  
14 designated by any appointing authority. The identifying  
15 characteristics of an executive manager position are:

16       (a) Having primary responsibility for the  
17 administration of a department or division that is major in  
18 scope in terms of a countywide program except as may be  
19 limited by municipal programs; or

20       (b) Being entrusted with developmental and  
21 confidential information and high level responsibility for:

22       1. Program research, development, implementation, and  
23 monitorship;

24       2. Formulation of policies; or

25       3. Day-to-day operations, administration, and  
26 departmental or divisional decisionmaking.

27       (16) "Exempt employee," which may be used  
28 interchangeably with an "unclassified employee," means an  
29 employee whose position is subject to any rights provided by  
30 the employee's appointing authority and who is enumerated in  
31 section 6(2).

1       (17) "Grievance" means any dispute or disagreement  
2 between an employee and management involving wages, hours of  
3 work, or conditions of employment.

4       (18) "Initial probationary period" means a period of 6  
5 months of conditional employment in the same position which  
6 may be extended for an additional 6 months during which time  
7 an employee may be dismissed without appeal to the board.

8       (19) "Leave" means absence of a classified employee  
9 from employment authorized by the appointing authority in  
10 accordance with rules adopted by the board.

11       (20) "Part-time employee" means an employee who works  
12 less than 50 percent of the normal work period.

13       (21) "Pay plan" means a document containing one or  
14 more salary schedules.

15       (22) "Promotion" means moving an employee from a  
16 position in one class to a position in another class having a  
17 greater degree of responsibility and a higher pay grade.

18       (23) "Reduction in force" means dismissal, for reasons  
19 including, but not limited to, shortage of funds, abolition of  
20 a position, or material changes in job duties or  
21 organizational structure in accordance with rules adopted by  
22 the board.

23       (24) "Reemployment" means appointment of a person who  
24 was dismissed due to reduction in force in accordance with  
25 rules adopted by the board.

26       (25) "Resignation" means that an employee voluntarily  
27 elects to terminate the employee's employment.

28       (26) "Salary schedule" means a document which is  
29 adopted by the annual budget process or which is established  
30 by a collective bargaining or impasse procedure. Salary  
31 schedules must be adopted or established by any budget

1 authority for those employees whose positions it funds and who  
2 are subject to the terms of this act. A salary schedule must  
3 include the salary range and a minimum and a maximum rate of  
4 pay and any intermediate points within a salary range.

5 (27) "Substitute employee" means an employee who is  
6 temporarily employed to fill the position of a permanently  
7 employed person who is on approved leave. A substitute  
8 employee may not fill any given position for a period  
9 exceeding 120 calendar days after the first day of appointment  
10 by the appointing authority.

11 (28) "Suspension" means the removal of an employee  
12 from the service for a temporary period of time.

13 (29) "Temporary employee" means an employee whose  
14 employment is not intended to exceed 120 calendar days after  
15 the first day of appointment by the appointing authority.

16 (30) "Tenure" means a status granted after successful  
17 completion of an initial probationary period, entitling the  
18 employee to all rights and protections provided in this act.

19 (31) "Transfer" means the change of an employee from  
20 one position to another position.

21 Section 6. Classes of employees.--

22 (1) The employees of all agencies subject to this act  
23 are divided into the classified service and the exempt  
24 service.

25 (2) The following classes of employment are exempt  
26 from the classified service and are subject to any rights  
27 provided by their appointing authority. The exempt service  
28 includes:

29 (a) All elected officials and those appointed by the  
30 Governor;

31 (b) Members of any board, authority, or commission;



1           (c) Physicians and attorneys-at-law;  
2           (d) Executive managers;  
3           (e) Temporary, part-time, and substitute employees;

4 and

5           (f) Secretaries of and administrative aides to the  
6 county attorney, the chief executive officer of any board,  
7 authority, or commission, and each elected official.

8           Section 7. Creation of the board; method of conducting  
9 business; powers and duties.--

10           (1) There is created in the county a board known as  
11 the Hillsborough County Civil Service Board. The board shall  
12 consist of seven members who are qualified electors of the  
13 county; however, no person may be appointed to serve who is  
14 either an elected official or an employee of any appointing  
15 authority. Each appointment, except one made to fill an  
16 unexpired term, shall be for a period of 4 years. Each member  
17 shall continue to serve until the expiration of that member's  
18 term and until a successor has been appointed. The absence of  
19 a board member from more than 50 percent of the board's  
20 scheduled meetings during any calendar year constitutes his or  
21 her resignation. Upon death, resignation, or removal of a  
22 member, a successor shall be appointed for the unexpired  
23 portion of that member's term. All appointments shall be made  
24 by the Governor, subject to confirmation by the Senate.  
25 Members shall serve without compensation but may be reimbursed  
26 for certain expenses as provided in this act. The clerk of the  
27 circuit court shall serve as secretary ex officio and is not  
28 entitled to any salary or additional compensation for that  
29 service.

30           (2) The board shall:  
31

1       (a) Conduct the business of the district, including  
2 establishing an annual budget.

3       (b) Encumber and expend the funds appropriated for the  
4 purposes of this act, utilizing the policies and practices of  
5 the departments under the commission.

6       (c) Adopt and amend rules for the uniform  
7 administration of this act following a minimum of 30 days'  
8 notice of the proposed rule to each appointing authority.

9       (d) Meet at least once every 2 months to properly  
10 handle its business in accordance with the intent and purposes  
11 of this act, which meetings shall be open to the public in  
12 accordance with general law.

13       (e) Adopt written bylaws for its internal governance,  
14 including the election of a chair and vice chair, and written  
15 standard operating procedures for its internal operations as  
16 may be required.

17       (f) Employ a director and such other personnel  
18 necessary to carry out the purposes of this act and within the  
19 scope of its budget. The director must meet the following  
20 minimum qualifications: graduation from an accredited 4-year  
21 college or university with completion of a major course of  
22 study in business administration, public administration,  
23 psychology, or a related field and at least 5 years of  
24 progressively responsible personnel experience, including 3  
25 years in a responsible supervisory position. The director  
26 should possess broad knowledge of all aspects of personnel  
27 management. The director shall perform duties required by the  
28 board.

29       (g) Employ or contract for legal counsel as may be  
30 needed and within the scope of its budget.

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1       (h) Offer its employees the same benefits, which must  
2 include a retirement plan and life and health insurance plans  
3 and may include such other options as cafeteria-style health  
4 care provisions and one or more deferred income plans, as the  
5 commission offers its employees and under the same terms and  
6 conditions as provided by general law or policy of the  
7 commission.

8       (i) Authorize any of its employees to attend  
9 conferences and travel on behalf of the board and reimburse  
10 those employees for conference costs and travel and per diem  
11 expenses in accordance with general law.

12       (j) Upon submission of appropriate documentation and  
13 upon request, reimburse any member of the board for per diem  
14 and mileage in connection with the performance of his or her  
15 official duties and in accordance with general law.

16       (k) Deputize and designate, in any agency containing  
17 more than 500 classified positions, the person in charge of  
18 personnel in that agency as the agent for the board who shall  
19 perform duties delegated by the board.

20       (l) Ascertain and record the qualifications, duties,  
21 and responsibilities appertaining to all positions in the  
22 classified service and classify such positions in accordance  
23 with the requirements contained in this act.

24       (m) Recruit personnel for all classified positions,  
25 determine the qualifications of persons who seek employment in  
26 any class or position, and, as a result, establish certified  
27 employment lists for the classes of positions.

28       (n) Establish a system for evaluation of performance.

29       (o) Adopt classification, benefit, and pay plans for  
30 classified positions as provided in this act.

31

1       (p) Establish guidelines for leave without prior board  
2 approval for up to a period of 12 months. An extension may be  
3 granted by the appointing authority only if said appointing  
4 authority certifies to the board before the expiration of the  
5 initial period that the extension is not an avoidance of the  
6 duty to properly fill a classified position.

7       (q) Establish and maintain a roster of classified  
8 employees, including appointments, resignations, promotions,  
9 and transfers.

10       (r) Make investigations concerning the enforcement and  
11 effect of this act, and require observance of the provisions  
12 and rules adopted under it.

13       (s) Establish provisions and procedures for employee  
14 grievances, including appeals to the board. Such procedures  
15 may provide for appeals to be heard by three-member panels of  
16 the board.

17       (t) Hear and determine appeals from disciplinary  
18 actions as provided in this act.

19       (u) Establish a procedure for reductions in force and  
20 a method for reemployment.

21       (v) Keep records necessary for the proper  
22 administration of this act and make copies of those records  
23 available upon request in accordance with general law except  
24 those which may be exempt pursuant to general law.

25       (w) Make an annual report to be distributed to all  
26 appointing authorities.

27       (x) Contract for performance audits as may be required  
28 by law.

29       (y) Perform all other acts as may be necessary to  
30 accomplish the purposes of this act.

31

1           Section 8. Initial employment lists; promotional  
2 lists.--

3           (1) The board shall establish employment eligibility  
4 lists for the various classifications in the classified  
5 service. The qualifications, duties, pay, and experience  
6 applicable to the classification shall be posted by the board  
7 2 weeks preceding the establishment of such list. The list  
8 shall contain the names of all persons certified by tests or  
9 other evaluative procedures. The resulting employment list  
10 shall be published within 15 working days after the last day  
11 of the 2-week notification period. The board shall establish  
12 by rule the duration of each employment eligibility list.  
13 Scores shall be valid for a minimum of 2 years. However, the  
14 board may cancel any list when such list, in the board's  
15 opinion, fails to provide suitable candidates for the  
16 classification to be filled. An error in the assessment of any  
17 applicant's qualifications shall be corrected if called to the  
18 attention of the board within 30 days after notification by  
19 the board to the applicant. If an employee has satisfactorily  
20 completed a 6-month probationary period, such correction shall  
21 not invalidate any appointment made as a result of the error.

22           (2) The board shall establish promotion eligibility  
23 lists to fill vacancies in classifications whenever there is a  
24 lower classification, the duties of which directly tend to fit  
25 the incumbents thereof for the performance of the duties of  
26 the higher classification. An employee who has not completed  
27 the initial probationary period is not eligible for status on  
28 a promotion list.

29           Section 9. Creation and abolition of positions;  
30 filling vacancies.--

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1       (1) Each appointing authority shall promptly report to  
2 the board its intention to establish any new position that may  
3 be classified, and the board shall respond in accordance with  
4 the provisions of this act.

5       (2) Whenever a position in the classified service  
6 becomes vacant, the appointing authority may ask the board for  
7 the appropriate eligibility list. All classified appointments  
8 shall be made from persons certified by the board as eligible.  
9 Appointments shall be regarded as taking effect upon the date  
10 the person selected reports for duty.

11       (3) A temporary employee as defined in section 5 need  
12 not be on a certified eligibility list but must meet minimum  
13 qualifications for the classification of the position to which  
14 appointed. An appointing authority may make any temporary  
15 appointment without board approval; however, the board must be  
16 promptly notified of any such appointment. One extension of  
17 not more than 120 calendar days may be granted by  
18 certification to the board before the expiration of the  
19 initial 120-calendar-day appointment by the appointing  
20 authority as not being an avoidance of the duty to properly  
21 fill a valid classified position. Any further extension must  
22 receive the prior approval of the board.

23       (4) A substitute employee as defined in section 5 need  
24 not be on a certified eligibility list but must meet minimum  
25 qualifications for the classification of the position to which  
26 appointed.

27       (5) A written report shall be given immediately to the  
28 board and to each affected employee by each appointing  
29 authority of all appointments, reinstatements, vacancies,  
30 absences, or other matters affecting the status of positions  
31 or the performance of duties of officers or employees in the

1 classified service. Such notices shall be prepared in the  
2 manner and form prescribed by the board.

3 (6) A position in the classified service may not be  
4 abolished without the approval of the board. Positions may be  
5 abolished only in good faith.

6 Section 10. Probationary period; tenure.--

7 (1) All employees in the classified service are  
8 entitled to the protection of this act when they have  
9 successfully completed their initial probationary period,  
10 whether the probationary period began before or after the  
11 effective date of this act. It is the intent and purpose of  
12 this act to give the protection of tenure of employment to any  
13 classified employee of any appointing authority who has  
14 successfully completed the initial probationary period. Any  
15 person dismissed during the initial probationary period is not  
16 entitled to an appeal hearing before the board.

17 (2) Whenever a position in the classified service is  
18 filled by promotion, the person so promoted shall serve a  
19 period of conditional employment of 6 months in the new  
20 position which may be extended for an additional period of up  
21 to 6 months at the discretion of the appointing authority.  
22 However, if the probationary period and any extension thereof  
23 are not successfully completed, such person shall forthwith be  
24 returned to duty to the former classification held in the  
25 civil service, provided such person has served the initial  
26 probationary period. Unsuccessful completion of a probationary  
27 period in a position of promotion is not appealable to the  
28 board.

29 (3)(a) Any classified employee, upon transferring to  
30 another classified position, may not incur loss of benefits,  
31 including, but not limited to, pensions and leave.

1       (b) Any employee who is employed in an exempt position  
2 by an agency or authority within the county and who transfers  
3 to a classified position may not incur loss of benefits,  
4 including, but not limited to, pensions and leave.

5       Section 11. Suspension; demotions; dismissal.--

6       (1) Any nontenured employee in the classified service  
7 may be suspended, demoted, or dismissed for any reason.

8       (2) Any appointing authority may suspend, demote, or  
9 dismiss a tenured employee following written notice to the  
10 employee of the intended action, detailing the reasons  
11 therefor and providing an opportunity to respond thereto at an  
12 informal predisciplinary hearing scheduled for that purpose.  
13 The hearing must be scheduled no sooner than 5 working days  
14 after the date of notice of intent to discipline unless the  
15 employee waives this time and requests an earlier hearing. If  
16 the final decision is to discipline, the appointing authority  
17 must provide written notice to the employee as soon as  
18 possible following the hearing.

19       (3) Any employee may be suspended immediately, with or  
20 without pay and without the benefit of advanced written  
21 notice, upon determination by the appointing authority that  
22 such suspension is in the best interest of the county. The  
23 appointing authority must provide written notice to the  
24 employee as soon as possible and give the employee the  
25 opportunity to be heard as required in subsection (2).

26       (4) Any employee who has satisfactorily completed the  
27 initial probationary period and is thereafter suspended,  
28 demoted, or dismissed from employment may request a hearing to  
29 appeal that disciplinary action by making a written request to  
30 the board within 10 calendar days after the official date of  
31 receipt of the final notice to discipline. The request for an



1 appeal hearing must state clearly and simply the reason or  
2 reasons the employee believes the disciplinary action was not  
3 justified and must be received by the board within the 10-day  
4 limit, and the board must send a copy to the affected  
5 appointing authority within 3 working days after receipt  
6 thereof.

7 (5) The board may reverse the appointing authority's  
8 decision and restore the employee to that employee's former  
9 status only if it finds that the suspension, demotion, or  
10 dismissal was made for a reason other than just cause. The  
11 director, or a member of the board on behalf of the board,  
12 shall provide a letter to the affected parties within 10 days  
13 after the appeal hearing setting forth its findings and  
14 conclusions, and the specific reasons therefor.

15 Section 12. Appeal hearing procedure.--

16 (1) The practice and procedure of the board with  
17 respect to an appeal hearing authorized by this act shall be  
18 in accordance with adopted rules.

19 (2) The board shall make every reasonable effort to  
20 hear any timely filed appeal of demotion or dismissal within  
21 30 working days after receipt of notice of appeal unless an  
22 extension of time is requested by the employee or the  
23 appointing authority. At no time may an appeal hearing be  
24 delayed beyond 60 calendar days without the consent of both  
25 parties. Requests for appeal hearings of suspensions shall be  
26 scheduled as soon as possible. The board shall provide  
27 reasonable notice to all affected persons and provide an  
28 opportunity for all affected persons to be heard and to  
29 introduce relevant testimony and evidence at the appeal  
30 hearing, which shall be public. All testimony shall be under  
31 oath.

1       (3) Irrelevant, immaterial, or unduly repetitious  
2 evidence shall be excluded. All other evidence of the type  
3 commonly relied upon by reasonably prudent persons in the  
4 conduct of their affairs is admissible, whether or not such  
5 evidence would be admissible in the courts of this state.  
6 Hearsay evidence may be introduced and used for supplementing  
7 or explaining other evidence, but it shall not be sufficient  
8 in itself to support a finding by the board unless it would be  
9 admissible over objections in a civil action.

10       (4) For the purpose of such hearing, the director or a  
11 member of the board is authorized to issue subpoenas to compel  
12 the attendance of witnesses and the production of books,  
13 accounts, records, and documents. The board or any member of  
14 the board may administer oaths and compel testimony. In the  
15 case of disobedience by any person of an order of the board to  
16 testify to any matter regarding which the person may be  
17 lawfully interrogated, or of a subpoena to appear or produce  
18 documents in the person's possession, a county judge shall,  
19 upon application of the director or a member of the board,  
20 compel obedience by attachment proceedings for contempt, as in  
21 the case of a similar court order. Each person who serves such  
22 a subpoena shall receive the same fee as a sheriff and each  
23 witness who appears in obedience to a subpoena shall receive  
24 the same witness fee and mileage provided for witnesses in  
25 civil cases, which fees shall be audited and paid in the same  
26 manner as other expenses.

27       Section 13. Administrative Office of the Courts;  
28 hearing to review action of dismissal, demotion, or  
29 suspension.--Any employee holding a position within the  
30 Administrative Office of the Courts which was classified as of  
31 January 1, 1998, and which is funded by the county may request

1 a hearing to review such dismissal, demotion, or suspension  
2 action by making a written request to the board within 10  
3 calendar days after the official date of receipt of the final  
4 notice of the action. The request for a hearing must state  
5 clearly and simply the reason such employee believes the  
6 action was not justified. The board shall send a copy of any  
7 employee's request for hearing to the court administrator  
8 within 3 working days after receipt. The practice and  
9 procedure of the board with respect to a review hearing  
10 authorized in this section shall be in accordance with adopted  
11 rules. If the board finds that such court employee's  
12 dismissal, demotion, or suspension was for a reason other than  
13 just cause, it may recommend to the chief judge that such  
14 employee be restored to that employee's former status. Such  
15 recommendation is not binding on the chief judge.

16 Section 14. Recommendation and adoption of  
17 classification and pay plans.--

18 (1) At least once annually, on or before March 31, the  
19 board shall recommend any revisions to the classification and  
20 pay plan and shall immediately forward them to each appointing  
21 authority. The pay plan shall provide, for each class of  
22 position in the classification plan, a salary schedule with an  
23 initial entrance salary, intermediate points, a method of  
24 recognizing longevity, and a maximum salary. Thereafter, but  
25 not later than April 30, the board shall prepare a final  
26 recommendation, taking into consideration any responses  
27 received from any appointing authority and including as backup  
28 material copies of all such responses. If the final  
29 recommendation is for a change to the pay plan, the  
30 classification plan, or both, the recommendation shall be  
31 presented, along with the backup material, to each budget

1 authority for the classified employees whose positions it  
2 funds. Each budget authority must approve, amend, or reject a  
3 salary schedule for the classified employees it funds by the  
4 date of adoption of its annual budget. A budget authority  
5 shall not adopt a salary schedule for any employee whose  
6 salary is funded by any other budget authority. The board  
7 shall adopt the salary schedule adopted by each budget  
8 authority and include each in the board's pay plan. The board  
9 shall also adopt salary schedules established in accordance  
10 with any collective bargaining or impasse resolution  
11 procedures of any of the agencies or authorities to which this  
12 act applies, and shall also include each salary schedule so  
13 established within the board's pay plan.

14 (2) The maximum salary shall be established and used  
15 for each class within a salary schedule. The salary schedule  
16 shall be used unless the board makes a determination that:

17 (a) It is in the best interests of the county to  
18 approve a salary exceeding the maximum to avoid loss of pay  
19 for an employee, and one of the following conditions applies:

20 1. A pay grade is being reduced by administrative  
21 action, including reclassification to a position with a lower  
22 pay grade, regrading of a class to a lower pay grade, or  
23 demotion through reduction in force to a class with a lower  
24 pay grade;

25 2. An employee is voluntarily demoted; or

26 3. An employee's position is incorporated into civil  
27 service; or

28 (b) It is necessary to implement a court order,  
29 settlement, or contract or to avoid impairing a property  
30 interest.

31

1           Section 15. Appropriation for the board.--The  
2 commission shall appropriate to the board annually a sum of  
3 money equal to not less than sixty-five hundredths of 1  
4 percent of the classified personnel payroll of the fiscal year  
5 just ended to enable the board to properly carry out the  
6 purposes of this act. It is the duty of the authorities having  
7 charge of the public buildings of such county to allow the  
8 reasonable use of public buildings and rooms for the holding  
9 of any activity of the board provided for by this act and to  
10 provide quarters for the use of the board.

11           Section 16. Creation of review committee;  
12 transition.--A review committee shall be established  
13 consisting of the director of the board; eight persons, one to  
14 be designated by each of the following: the aviation  
15 authority, commission, clerk of the circuit court, port  
16 authority, property appraiser, sheriff, supervisor of  
17 elections, and tax collector; and a representative selected by  
18 the employee advisory committee. The director of the board  
19 shall call an organizational meeting in September of each year  
20 for the selection of officers, adoption of procedural rules,  
21 and formulation of a proposed agenda. The committee may meet  
22 as many times thereafter as necessary, and the staff of the  
23 board shall be available for its use. The review committee  
24 shall review the current rules adopted pursuant to this act  
25 and may propose changes as appropriate for the board's  
26 consideration. The board shall act upon the committee's  
27 recommendation within 60 days after the presentation to the  
28 board.

29           Section 17. Fiscal responsibility.--A salary, wage, or  
30 compensation for services may not be provided to any person in  
31 the classified service except upon certification by the board

1 or its agent that the position has been classified as required  
2 by this act and rules adopted pursuant thereto and that the  
3 incumbent in the position has been duly qualified and properly  
4 appointed. Any individual who in good faith accepts an  
5 appointment contrary to this act and becomes entitled to  
6 compensation therefor has a cause of action against the  
7 appointing authority for recovery of salary or other  
8 compensation due. The board may provide for the regular or  
9 occasional audit of payrolls to enforce this provision.

10 Section 18. Prohibited activities.--A person may not  
11 deceive or obstruct another person with respect to that  
12 person's right to apply for employment under this act. A  
13 person may not falsely evaluate an application or test for the  
14 purpose of improving or injuring an applicant's chances for  
15 employment. An applicant may not knowingly misrepresent the  
16 applicant's qualifications for the purpose of improving the  
17 applicant's chances for employment. A person may not use the  
18 authority of a position in the classified service to solicit  
19 or receive political contributions. A person may not use or  
20 promise to use influence or official authority to secure  
21 appointment to the classified service in return for political  
22 contribution or service. A public officer or employee may not  
23 by means of threats or coercion induce or attempt to induce  
24 any person in the classified service to resign, take leave, or  
25 waive any rights under this act. A resignation executed prior  
26 to appointment is of no effect.

27 Section 19. Restriction on individual qualifying for  
28 public office.--No subordinate personnel need resign upon  
29 qualifying for any compensated, elected public office unless  
30 such individual is seeking to qualify for a public office  
31 which is currently held by an individual who has the authority

1 to appoint, employ, promote, or otherwise supervise that  
2 subordinate personnel and who has qualified as a candidate for  
3 reelection to that public office. No subordinate personnel of  
4 the county administrator need resign upon qualifying for any  
5 compensated, elected public office unless such individual is  
6 seeking to qualify for a position on the commission in which  
7 the incumbent has qualified as a candidate for reelection.  
8 However, any such personnel shall take a leave without pay  
9 from public employment during the period in which the person  
10 is seeking election to public office. A classified employee  
11 may serve in an elected public office if service in such  
12 elected office does not conflict with the performance of the  
13 employee's duties in the classified service or present a  
14 conflict of interest between the elected office and the  
15 classified position. If a classified employee is elected, the  
16 appointing authority where that employee is employed shall  
17 determine whether the employee's service in public office  
18 conflicts with the performance of his or her duties with the  
19 appointing authority. If the employee disagrees with any  
20 finding that relates to a conflict with the performance of  
21 duties, the employee may file a grievance or appeal under the  
22 applicable processes.

23 Section 20. Employee advisory committee.--An employee  
24 advisory committee shall be elected from among the employees  
25 of the agencies or authorities named in section 4 in a manner  
26 and for terms prescribed by the board. The board shall also  
27 prescribe the manner by which any vacant unexpired term shall  
28 be filled. The employee advisory committee will serve as the  
29 medium to provide a continuous and meaningful exchange of  
30 ideas and practical solutions on personnel matters between the  
31 board and employees.

1           Section 21. Violation of act; penalty.--Any willful  
2 violation of this act is declared to be a criminal offense and  
3 misdemeanor as defined in s. 775.08(2), Florida Statutes, and  
4 shall be punishable as provided by general law.

5           Section 22. Recodification.--Prior to the end of  
6 calendar year 2010 and every 10 years thereafter, the County  
7 Legislative Delegation shall review this act, as amended, to  
8 determine whether there is a need for codification. If it is  
9 determined that there is such a need, the delegation may  
10 require the board to prepare such legislation and submit it to  
11 the delegation for further consideration.

12           Section 23. Severability.--If any provision of this  
13 act or its application to any person or circumstance is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the act which can be given effect without the  
16 invalid provision or application, and to this end the  
17 provisions of this act are declared severable.

18           Section 24. Chapters 96-519, 97-342, 97-343, 97-349,  
19 97-350, 98-450, 98-481, and 99-415, Laws of Florida, are  
20 repealed.

21           Section 25. This act shall take effect upon becoming a  
22 law.

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