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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:
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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) "Certified employment lists" means employment
20 eligibility lists and promotion eligibility lists.

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

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

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

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

7 (12) "Commission" means the board of county
8 commissioners of the county.

9 (13) "County" means Hillsborough County, Florida.

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

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

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

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

22 (b) Being entrusted with developmental and
23 confidential information and high level responsibility for:

24 1. Program research, development, implementation, and
25 monitorship;

26 2. Formulation of policies; or

27 3. Day-to-day operations, administration, and
28 departmental or divisional decisionmaking.

29 (17) "Exempt employee," which may be used
30 interchangeably with an "unclassified employee," means an
31 employee whose position is subject to any rights provided by

1 the employee's appointing authority and who is enumerated in
2 section 6(2).

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

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

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

13 (21) "Part-time employee" means an employee who works
14 less than 50 percent of the normal work period.

15 (22) "Pay plan" means a document containing one or
16 more salary schedules.

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

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

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

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

30 (27) "Salary schedule" means a document which is
31 adopted by the annual budget process or which is established

1 by a collective bargaining or impasse procedure. Salary
2 schedules must be adopted or established by any budget
3 authority for those employees whose positions it funds and who
4 are subject to the terms of this act. A salary schedule must
5 include the salary range and a minimum and a maximum rate of
6 pay and any intermediate points within a salary range.

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

13 (29) "Suspension" means the removal of an employee
14 from the service for a temporary period of time.

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

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

21 (32) "Transfer" means the change of an employee from
22 one position to another position.

23 Section 6. Classes of employees.--

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

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

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1 (a) All elected officials and those appointed by the
2 Governor;

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

4 (c) Physicians and attorneys-at-law;

5 (d) Executive managers;

6 (e) Temporary, part-time, and substitute employees;

7 and

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

11 Section 7. Creation of the board; method of conducting
12 business; powers and duties.--

13 (1) There is created in the county a board known as
14 the Hillsborough County Civil Service Board. The board shall
15 consist of seven members who are qualified electors of the
16 county; however, no person may be appointed to serve who is
17 either an elected official or an employee of any appointing
18 authority. Each appointment, except one made to fill an
19 unexpired term, shall be for a period of 4 years. Each member
20 shall continue to serve until the expiration of that member's
21 term and until a successor has been appointed. The absence of
22 a board member from more than 50 percent of the board's
23 scheduled meetings during any calendar year constitutes his or
24 her resignation. Upon death, resignation, or removal of a
25 member, a successor shall be appointed for the unexpired
26 portion of that member's term. All appointments shall be made
27 by the Governor, subject to confirmation by the Senate.

28 Members shall serve without compensation but may be reimbursed
29 for certain expenses as provided in this act. The clerk of the
30 circuit court shall serve as secretary ex officio and is not
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1 entitled to any salary or additional compensation for that
2 service.

3 (2) The board shall:

4 (a) Conduct the business of the district, including
5 establishing an annual budget.

6 (b) Encumber and expend the funds appropriated for the
7 purposes of this act, utilizing the policies and practices of
8 the departments under the commission.

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

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

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

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

1 (g) Employ, discipline, and terminate or contract for
2 legal counsel as may be needed and within the scope of its
3 budget.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (u) Establish a procedure for reductions in force and
22 a method for reemployment.

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

27 (w) Make an annual report to be distributed to all
28 appointing authorities.

29 (x) Contract for performance audits as may be required
30 by law.

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

3 Section 8. Initial employment lists; promotional
4 lists.--

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

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

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1 Section 9. Creation and abolition of positions;
2 filling vacancies.--

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

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

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

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

29 (5) A written report shall be given immediately to the
30 board and to each affected employee by each appointing
31 authority of all appointments, reinstatements, vacancies,

1 absences, or other matters affecting the status of positions
2 or the performance of duties of officers or employees in the
3 classified service. Such notices shall be prepared in the
4 manner and form prescribed by the board.

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

8 Section 10. Probationary period; tenure.--

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

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

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

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

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

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

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

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

29 (4) Any employee who has satisfactorily completed the
30 initial probationary period and is thereafter suspended,
31 demoted, or dismissed from employment may request a hearing to

1 appeal that disciplinary action by making a written request to
2 the board within 10 calendar days after the official date of
3 receipt of the final notice to discipline. The request for an
4 appeal hearing must state clearly and simply the reason or
5 reasons the employee believes the disciplinary action was not
6 justified and must be received by the board within the 10-day
7 limit, and the board must send a copy to the affected
8 appointing authority within 3 working days after receipt
9 thereof.

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

18 Section 12. Appeal hearing procedure.--

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

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

1 introduce relevant testimony and evidence at the appeal
2 hearing, which shall be public. All testimony shall be under
3 oath.

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

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

30 Section 13. Administrative Office of the Courts;
31 hearing to review action of dismissal, demotion, or

1 suspension.--Any employee holding a position within the
2 Administrative Office of the Courts which was classified as of
3 January 1, 1998, and which is funded by the county may request
4 a hearing to review such dismissal, demotion, or suspension
5 action by making a written request to the board within 10
6 calendar days after the official date of receipt of the final
7 notice of the action. The request for a hearing must state
8 clearly and simply the reason such employee believes the
9 action was not justified. The board shall send a copy of any
10 employee's request for hearing to the court administrator
11 within 3 working days after receipt. The practice and
12 procedure of the board with respect to a review hearing
13 authorized in this section shall be in accordance with adopted
14 rules. If the board finds that such court employee's
15 dismissal, demotion, or suspension was for a reason other than
16 just cause, it may recommend to the chief judge that such
17 employee be restored to that employee's former status. Such
18 recommendation is not binding on the chief judge.

19 Section 14. Recommendation and adoption of
20 classification and pay plans.--

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

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

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

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

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

28 2. An employee is voluntarily demoted; or

29 3. An employee's position is incorporated into civil
30 service; or

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1 (b) It is necessary to implement a court order,
2 settlement, or contract or to avoid impairing a property
3 interest.

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

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

1 Section 17. Fiscal responsibility.--A salary, wage, or
2 compensation for services may not be provided to any person in
3 the classified service except upon certification by the board
4 or its agent that the position has been classified as required
5 by this act and rules adopted pursuant thereto and that the
6 incumbent in the position has been duly qualified and properly
7 appointed. Any individual who in good faith accepts an
8 appointment contrary to this act and becomes entitled to
9 compensation therefor has a cause of action against the
10 appointing authority for recovery of salary or other
11 compensation due. The board may provide for the regular or
12 occasional audit of payrolls to enforce this provision.

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

30 Section 19. Restriction on individual qualifying for
31 public office.--No subordinate personnel need resign upon

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

26 Section 20. Employee advisory committee.--An employee
27 advisory committee shall be elected from among the employees
28 of the agencies or authorities named in section 4 in a manner
29 and for terms prescribed by the board. The board shall also
30 prescribe the manner by which any vacant unexpired term shall
31 be filled. The employee advisory committee will serve as the

1 medium to provide a continuous and meaningful exchange of
2 ideas and practical solutions on personnel matters between the
3 board and employees.

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

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

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

21 Section 24. Chapters 96-519, 97-342, 97-343, 97-349,
22 97-350, 98-450, 98-481, and 99-415, Laws of Florida, are
23 repealed.

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