

By Representative Spratt

1                                   A bill to be entitled  
2           An act relating to Glades County; providing for  
3           career service; specifying rights of certain  
4           employees of the Glades County Sheriff;  
5           providing definitions; providing proceedings  
6           and provisions with respect to dismissal;  
7           providing for transition between  
8           administrations; providing for appeals  
9           procedures; providing for career appeals  
10          boards; providing an effective date.

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

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14           Section 1. Employees and appointees of Glades County  
15 Sheriff; applicability of Act; career status and  
16 administration; definitions; transitions; administration.--

17           (1) APPLICABILITY.--The provisions of this Act apply  
18 to all certified and noncertified persons appointed or  
19 employed by the Glades County Sheriff, with the following  
20 exceptions:

21           (a) Commanders, or in the event of a title change, the  
22 highest ranked certified law enforcement officers reporting  
23 directly to the Sheriff.

24           (b) Special deputy sheriffs appointed under section  
25 30.09(4), Florida Statutes.

26           (c) Members of a sheriff's posse or reserve unit.

27           (d) Part-time appointees and employees, whether  
28 salaried or hourly paid, who are scheduled to work less than  
29 24 hours per week.

30           (e) Independent contractors, temporary, or contract  
31 employees.

1       (f) Appointees and employees employed pursuant to a  
2 grant whose continued existence or funding is subject to the  
3 expiration or withdrawal of the grant provider.

4       (2) APPLICATION TO CERTAIN DISMISSED PERSONS.--This  
5 Act does not apply to an otherwise covered person who claims  
6 that a dismissal was for lawful off-duty political activity or  
7 discriminatory reasons.

8       (3) INDEPENDENT MAINTENANCE.--This Act does not change  
9 the independence of the Sheriff as set forth in section 30.53,  
10 Florida Statutes, which reserves the final authority and  
11 responsibility of dismissing employees and appointees solely  
12 to the Sheriff's discretion.

13       (4) APPLICATION TO COLLECTIVE BARGAINING.--The Act  
14 does not grant the right of collective bargaining to the  
15 Sheriff's employees who do not otherwise have that right  
16 pursuant to law.

17       (5) NONDISCIPLINARY DISMISSALS.--This Act does not  
18 cover the nondisciplinary dismissal of employees or  
19 appointees. Such nondisciplinary dismissals include those  
20 arising from a reduction in force, layoff, partial or total  
21 abolition or cessation of a program, service, operation,  
22 department, subdivision or grant-funded position, at the  
23 discretion of the Sheriff.

24       (6) DEFINITIONS.--

25       (a) "Appointee" means that person selected by the  
26 Sheriff to serve in the position of Deputy Sheriff or  
27 Correctional Officer who is certified within the meaning of  
28 chapter 943, Florida Statutes.

29       (b) "Employee" means any person employed by the  
30 Sheriff for a position which does not require certification  
31 under chapter 943, Florida Statutes.

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2 For the purpose of the Act, "appointee" and "employee" are  
3 synonymous and any derivative of "employ" refers to the  
4 persons to whom this Act applies.

5 (c) "Dismissal" means the discharge or withdrawal of  
6 appointment by the Sheriff or his or her designee of a person  
7 employed or appointed to a position with the Office of  
8 Sheriff.

9 (d) "Initial probationary period" means 1 year of  
10 conditional employment or appointment commencing on the  
11 initial date of actual work and continuing for 12 months in a  
12 regularly established position. This probationary period may  
13 be extended at the discretion of the Sheriff for a period  
14 equal to any work time taken off during the 12-month period.  
15 This initial 12-month probationary period may also be extended  
16 at the discretion of the Sheriff for an additional 6 months.

17 (e) "Career Appeals Board" means the ad hoc board  
18 authorized under this Act to hear disciplinary dismissal  
19 appeals.

20 (f) "Reemployment" means reappointment or the  
21 reemployment of a person who was previously an appointee or  
22 employee of the Office of Sheriff.

23 (7) CAREER STATUS.--

24 (a) After any employee or appointee of the Sheriff to  
25 whom the provisions of this Act apply has completed the  
26 initial or extended probationary period, such person shall  
27 have attained career status in the Office of Sheriff. If such  
28 person is reemployed at a later date, said person shall be  
29 required to again complete the probationary period before  
30 being granted the right of appeal provided in section 2 of  
31 this Act.

1       (b) At any time the Sheriff may dismiss an appointee  
2 or employee who has not completed the initial or extended  
3 probationary period without granting the right of appeal  
4 provided in section 2.

5       (c) Any person who has attained career status must be  
6 provided with written notice of the reasons for the proposed  
7 dismissal. If, however, the Sheriff perceives a significant  
8 hazard in keeping the employee on the job, or where delay  
9 could result in damage or injury, the employee may be  
10 immediately dismissed without notice and reasons, provided,  
11 however, that the employee is later provided with such notice  
12 and reasons within 2 calendar days from the date of dismissal  
13 except where circumstances surrounding this situation make  
14 notice within 2 days impracticable.

15       (d) An employee or appointee, who has achieved career  
16 status, is entitled to appeal a disciplinary dismissal to the  
17 Career Appeals Board.

18       (8) TRANSITION.--When a newly elected or appointed  
19 Sheriff assumes office, all career status appointees and  
20 employees shall remain employees of the new administration  
21 including Bureau, Division, and Judicial Services Commanders  
22 as defined in paragraph (1)(a). Persons entitled to the rights  
23 of this provision are those who have achieved career service  
24 status and who hold the rank of Commander, Captain,  
25 Lieutenant, or the positions of Personnel/Budget Director or  
26 Sheriff's Secretary, when the new Sheriff assumes office.

27       (a) The new Sheriff may only reduce a Commander,  
28 Captain, and Lieutenant one rank below the rank held on the  
29 day before the new Sheriff assumes office.

30       (b) The new Sheriff may assign the Personnel/Budget  
31 Director and the Sheriff's Secretary to the next highest

1 position classification within the pay and classification  
2 system.

3 (c) The reductions in rank and reassignments stated in  
4 paragraphs (a) and (b) above shall remain in effect for no  
5 more than 6 months and thereafter their position or assignment  
6 shall be at the Sheriff's discretion.

7 (d) The salary of any displaced officer or person  
8 shall not be reduced below the maximum of the new grade which  
9 is applicable to his or her new position as set forth in the  
10 existing pay and classification guide or 6 percent of the  
11 person's former rate of pay or salary, whichever is less.

12 (e) The Commanders, Directors, and other employees and  
13 appointees set forth in paragraphs (a) and (b) shall retain  
14 career service appeal rights applicable to their reduced rank  
15 or reassigned position as set forth in this section.

16 (9) ADMINISTRATION.--The Sheriff shall have the  
17 authority to adopt such rules and regulations as are necessary  
18 for the implementation and administration of this Act,  
19 however, nothing in this Act shall be construed as affecting  
20 the budget-making powers of the Board of County Commissioners  
21 of Glades County.

22 Section 2. Career Appeals Board; creation; membership;  
23 duties.--

24 (1) FUNCTION OF BOARDS.--Ad Hoc Career Appeals Boards  
25 shall be appointed for the purpose of hearing appeals of  
26 employees having career status arising from their disciplinary  
27 dismissal. Any such Board may also provide assistance and  
28 advice to the Sheriff in matters concerning disciplinary  
29 dismissal and may take any other actions authorized by the  
30 Sheriff.

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1       (a) A Career Appeals Board shall be utilized to make a  
2 nonbinding recommendation to the Sheriff as to whether the  
3 dismissal was for a violation of Sheriff's Office policy,  
4 rule, regulation, procedure, or practice.

5       (b) An employee or appointee who is dismissed is not  
6 granted the right of appeal if said person is charged with a  
7 crime, enters a plea of guilty or nolo contendere, or is  
8 adjudicated guilty or where adjudication of guilt is withheld  
9 and the accused is placed on probation or a pretrial  
10 intervention plan with respect to any felony, misdemeanor, or  
11 major traffic infraction.

12       (2) MEMBERSHIP OF BOARD.--Upon the call of the Sheriff  
13 or upon the filing of an appeal, an Ad Hoc Career Appeals  
14 Board shall be appointed. The membership of each Board shall  
15 consist of five appointees or employees of the Office of  
16 Sheriff. Two members shall be selected by the employee or  
17 appointee filing the appeal, the Sheriff shall select two  
18 members, and the fifth member, who shall serve as the Chair of  
19 the Board, shall be selected by the other four members. If  
20 these four members are unable to agree upon the fifth member  
21 within 15 days after the filing of the appeal and after  
22 exercising due diligence, they shall request the circuit court  
23 to appoint the fifth member who shall serve as Chair. Any  
24 employee may decline to serve as a member of the Board.

25       (a) The Chair of the Board shall have the authority to  
26 decide all motions or preliminary matters, which are raised  
27 prior to the opening of the appeals hearing. Any such decision  
28 may be renewed before the Board.

29       (b) The hearing will be conducted during the Sheriff's  
30 Office administrative office hours therefore; employees  
31 selected to serve on the Board shall serve without additional

1 compensation. Once selected the members of the Board shall  
2 serve until the Board issues its recommendations to the  
3 Sheriff's Office and unless reconvened, the Board shall be  
4 dissolved.

5 (c) The Director or his or her designee in charge of  
6 personnel matters shall serve as an ex officio member of the  
7 Board for the purpose of providing procedural guidance to the  
8 Board concerning the application of this Act and any rules or  
9 regulations of this Act and any rules or regulations adopted  
10 by the Sheriff relating thereto, but such ex officio member  
11 shall have no vote.

12 (3) PROCEDURE WITH RESPECT TO APPEALS.--An employee or  
13 appointee who has achieved career status may submit a written  
14 request for a hearing to the Sheriff or his or her designee  
15 within 7 calendar days after receiving a Notice of Dismissal  
16 which shall be hand-delivered or sent certified mail, return  
17 receipt requested. The appeal must contain a brief statement  
18 of the matters to be considered by the Career Appeals Board  
19 and the names of the employees selected to serve on the Board.

20 (a) A Career Appeals Board shall be selected and shall  
21 meet for the purpose of hearing the appeal within 30 calendar  
22 days after receipt of the Notice of Appeal. However, an  
23 extension of time may be granted by the Chair for good cause  
24 or upon agreement of the parties.

25 (b) The person filing the appeal has the right to a  
26 public hearing, to be represented by a person of his or her  
27 choice, to present relevant evidence, argument, and to cross  
28 examine witnesses.

29 (c) The rules of evidence and civil procedure are not  
30 applicable to hearings conducted under this Act.

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1       (d) The Board in conducting such hearings shall have  
2 the power to administer oaths, issue subpoenas, compel the  
3 attendance of witnesses, and require the production of  
4 documents. In case of disobedience of any person to comply  
5 with the order of the Board or subpoena issued by the Board,  
6 or upon the refusal of the witness to testify on any matter  
7 regarding which he or she may be lawfully interrogated, a  
8 county judge of the county in which a person resides, upon  
9 application of the Board, shall compel obedience by proceeding  
10 as if it were contempt. Each witness who appears in obedience  
11 to a subpoena before the Board shall receive compensation for  
12 attendance fees and mileage as provided for witnesses in civil  
13 cases and the courts of this state. Such payment shall be made  
14 by the party calling the witness, except that with respect to  
15 any witness called by the Board, payment shall be made by the  
16 Sheriff upon presentation of proper vouchers.

17       (e) The Board shall, by majority vote, dispose of the  
18 appeal for which it was appointed by making a finding of fact  
19 and issuing its written recommendations, including mitigating  
20 circumstances to the Sheriff for consideration. The Sheriff  
21 shall retain the right of final determination and no person  
22 may be reinstated with or without back pay or benefits without  
23 the concurrence of the Sheriff.

24       (f) The Board shall confine its deliberations to the  
25 evidence presented at the hearing and such deliberations are  
26 exempt from the public meeting requirements of chapter 286,  
27 Florida Statutes.

28       (g) The actions of the Board and the Sheriff shall be  
29 exempt from the provisions of chapter 120, Florida Statutes.  
30 The actions of the Sheriff are executory and not subject to  
31 certiorari appeal.



1           Section 3. The provisions of this Act shall be  
2 severable and if any provision shall be unconstitutional, the  
3 decision of the Court shall not affect the validity of the  
4 remaining provisions.

5           Section 4. This act shall take effect upon becoming a  
6 law.

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