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A bill to be entitled  
 An act relating to the Walton County Sheriff's Office;  
 providing for applicability; providing for a transition  
 period; providing for career service for the Walton County  
 Sheriff's Office; providing for permanent status of  
 employees; providing for cause for suspension, demotion,  
 or dismissal; providing for administration; providing for  
 a disciplinary procedure; providing for the creation of a  
 career service appeals board; providing a procedure for  
 appeals; providing an effective date.

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

Section 1. Employees of the Walton County Sheriff's  
 Office; applicability of the act; permanent status of the  
 employees; administration.--

(1) APPLICABILITY.-- The transition provisions of this act  
 shall apply to all full-time sworn and civilian persons in the  
 employ of the Walton County Sheriff's Office. The disciplinary  
 provisions of this act shall not apply to those in the rank of  
 Lieutenant and above, including the Financial Officers and the  
 Executive Secretary. The provisions of this act shall not apply  
 to the Sheriff, or to special deputy sheriffs appointed pursuant  
 to section 30.09(4), Florida Statutes, members of the Sheriff's  
 Reserve and Auxiliary, and individuals appointed as part-time  
 deputy sheriffs, as defined by the Criminal Justice Standards  
 and Training Commission, unless such persons are also employed  
 full-time by the Walton County Sheriff's Office. As used in  
 this act, the terms "employee," "employ," and "employment" shall  
 refer to all persons, whether employed or appointed, to whom the



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31 act applies. It is not, however, the intent of this act to  
32 grant the right of collective bargaining to the persons in the  
33 employ of the Walton County Sheriff's Office who do not  
34 otherwise have that right pursuant to law.

35 (2) PERMANENT STATUS; CAUSE FOR SUSPENSION, DEMOTION, OR  
36 DISMISSAL.--

37 (a) After an employee of the Sheriff, to whom the  
38 provisions of this act apply, has served in such employment for  
39 a period of 1 calendar year, such employee shall have attained  
40 permanent status with the Walton County Sheriff's Office;  
41 provided that if such an employee is terminated and rehired at a  
42 later date, said employee shall be required to complete 1  
43 calendar year of service from the date of rehire before being  
44 granted the right of appeal provided in section 3.

45 (b) Any employee who has achieved permanent status, and is  
46 not exempt from the disciplinary provisions as defined in  
47 section 2, with the Walton County Sheriff's Office may only be  
48 suspended for longer than 3 working days, demoted, or dismissed  
49 for cause; provided that prior to such action, the employee must  
50 be furnished written notice of the proposed action and offered  
51 an opportunity to respond to the reasons for the suspension,  
52 demotion, or dismissal. However, in extraordinary situations  
53 such as when delay could result in damage or injury, an employee  
54 may be suspended or dismissed immediately and provided notice  
55 thereof and reasons therefor within 24 hours. Cause for  
56 suspension, demotion, or dismissal shall include, but not be  
57 limited to, negligence, inefficiency or inability to perform  
58 assigned duties, insubordination, willful violation of the  
59 provisions of law or office rules, conduct unbecoming a public  
60 employee, misconduct, or habitual drug abuse. Cause for



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61 suspension, demotion, or dismissal shall also include  
62 adjudication of guilt by a court of competent jurisdiction, a  
63 plea of guilty or of nolo contendere, or a jury verdict of  
64 guilty when the adjudication of guilt is withheld and the  
65 accused is placed on probation, with respect to any felony,  
66 misdemeanor, or major traffic infraction. The filing of felony,  
67 misdemeanor, or major traffic infraction charges against an  
68 employee shall constitute cause for suspension. It is not a  
69 demotion under this act for any employee of the Walton County  
70 Sheriff's Office to be reassigned from special duties or from  
71 one shift or zone assignment to another, or to be transferred  
72 from one division to another, even if a reduction in pay  
73 results.

74 (3) TRANSITION OF CAREER SERVICE EMPLOYEES.-- When a newly  
75 elected or appointed Sheriff assumes office, the new Sheriff  
76 shall continue the employment of all currently employed  
77 permanent personnel unless cause for dismissal, as herein  
78 provided, exists. However, the incoming Sheriff shall have the  
79 option of maintaining the current personnel assigned to the  
80 positions of Captain and above, Financial Officers, and the  
81 Executive Secretary. If the incoming Sheriff fills the  
82 positions of Captain and above with new personnel, the current  
83 occupant of the position shall be reduced to the next lower  
84 then-existing rank at the current maximum pay step for that  
85 rank, which rank shall be permanent unless later reduced by  
86 disciplinary demotion. If the incoming Sheriff fills the  
87 Financial Officers positions or the Executive Secretary position  
88 with a new employee, the current occupant of the position shall  
89 be reduced to the position of Administrative Assistant at the  
90 current maximum pay step, which rank shall be permanent unless



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91 later reduced by disciplinary demotion. Actions taken pursuant  
92 to this subsection affecting the Captain and above positions,  
93 Financial Officers positions, and the Executive Secretary  
94 position shall not be appealable under section 4.

95 (4) ADMINISTRATION.-- The Sheriff shall have the authority  
96 to adopt such rules and regulations as are necessary for the  
97 implementation and administration of this act; however, nothing  
98 in this act shall be construed as affecting the budget making  
99 powers of the Board of Commissioners of Walton County.

100 Section 2. Disciplinary procedure; disciplinary appeal  
101 procedure.--

102 (1) DISCIPLINARY PROCEDURE.--

103 (a) A disciplinary procedure shall be established in which  
104 the aggrieved employee may respond to the charges and request a  
105 meeting with the appropriate administrator prior to the  
106 imposition of the action. A decision by an administrator to  
107 impose a disciplinary action covered under this act shall result  
108 in the completion of a Notice of Disciplinary Action Form.

109 (b) No dismissal, demotion, or suspension without pay of  
110 over 3 days shall be taken against any law enforcement officer,  
111 correctional officer, or nonsworn employee covered by this act  
112 unless such law enforcement officer, correctional officer, or  
113 nonsworn employee is notified by the receipt of a Notice of  
114 Disciplinary Action Form prior to the effective date of such  
115 action.

116 (2) DISCIPLINARY APPEAL PROCEDURE.--

117 (a) A written appeal of a Notice of Disciplinary Action  
118 must be made in accordance with the Sheriff's disciplinary  
119 procedure and shall result in a hearing by a disciplinary  
120 appeals board as specified in said procedure.



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121 (b) Following the hearing, the board shall report to the  
122 Sheriff whether the appeal is affirmed or denied.

123 (c) The Sheriff, or the Sheriff's designee, shall review  
124 the appeals board report and shall prepare, or cause to be  
125 prepared, a personnel order, with the Sheriff's final  
126 disposition on the appeal.

127 Section 3. Career service appeals boards; creation;  
128 membership; duties.--

129 (1) FUNCTION OF BOARDS.-- Ad hoc career service appeals  
130 boards shall be appointed as provided herein for the purpose of  
131 hearing appeals of permanent employees arising from applicable  
132 personnel actions which result in dismissal, suspension without  
133 pay for more than 3 days, demotion, or reduction in pay;  
134 provided that reprimands, oral or written, and suspensions of 3  
135 working days or less shall not be appealable to a career service  
136 appeals board. Such a board may also take any other action  
137 authorized by the Sheriff.

138 (2) MEMBERSHIP OF BOARDS.-- When needed, upon the call of  
139 the Sheriff or the filing of an appeal, an ad hoc career service  
140 appeals board shall be appointed. The membership of such board  
141 shall consist of two members selected by the Sheriff from among  
142 eligible Walton County Sheriff's Office employees; two members  
143 selected by the employee filing the appeal from among eligible  
144 Walton County Sheriff's Office employees; one member, a  
145 certified Law Enforcement or Correctional Officer currently  
146 eligible and employed by the Walton County Sheriff's Office,  
147 selected by the other members of the board, who shall serve as  
148 chairperson. If an impartial chairperson cannot be agreed upon  
149 within 10 working days after the appeal is submitted, the  
150 Sheriff shall forward a list of current qualified Sheriff's



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151 Office employees to a First Judicial Circuit Court Judge or  
152 Walton County Judge who shall appoint a chairperson.

153 (a) Any employee shall have the right to decline to serve  
154 as a member of the board, and employees selected to serve on the  
155 board shall serve without additional compensation or overtime  
156 compensation with respect to such service.

157 (b) Once selected to the board, the members thereof shall  
158 serve until final action is taken with respect to the purpose  
159 for which the board was selected. The aggrieved employee must  
160 make his/her selections as to members at the time he/she files  
161 the appeal.

162 (c) No person shall serve as a member of the ad hoc career  
163 service appeals board who:

164 1. Was involved in the original incident that resulted in  
165 the disciplinary action that is the subject of the appeal.

166 2. Is related to the appellant.

167 3. Has been terminated from a law enforcement agency due  
168 to a disciplinary action.

169 4. Has any ongoing litigation against the Walton County  
170 Sheriff's Office.

171 5. Is on probation or has received discipline within the  
172 past year.

173 (3) PROCEDURE WITH RESPECT TO APPEALS.--

174 (a) An appeal of an action specified in section 2 shall be  
175 made to the Sheriff in writing, and must be received by the  
176 Sheriff no later than 5 working days after the employee is  
177 notified of the action on which the appeal is based. The  
178 Sheriff's designee shall stamp the date and time received on the  
179 original complaint.

180 (b) A career service appeals board shall be selected and



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181 must meet for the purposes of hearing the appeal no later than  
182 15 days, excluding weekends and holidays, after the receipt of  
183 an appeal by the Sheriff. The time for hearing may be extended  
184 by mutual agreement of the parties. If the action of the  
185 aggrieved officer prevents the completion of the hearing within  
186 the 15 days, the appeal shall be waived.

187 (c) During any hearing, the employee filing the appeal  
188 shall have the right to be heard by the board and to be  
189 represented by a person of his or her choice, and to present any  
190 relevant evidence on his or her behalf, and during such hearings  
191 the technical rules of evidence shall not apply. The board  
192 shall, in the conduct of such hearings, have the power to  
193 administer oaths, issue subpoenas, compel the attendance of  
194 witnesses, and require the production of books, records,  
195 accounts, papers, documents, and testimony. In case of  
196 disobedience of any person to comply with an order of the board  
197 or a subpoena issued by the board, or upon refusal of a witness  
198 to testify on any matter regarding which he or she may be  
199 lawfully interrogated, a county judge of the county in which the  
200 person resides, upon application of any member of the board,  
201 shall compel obedience by proceeding as for contempt. Each  
202 witness who appears in obedience to a subpoena before the board  
203 shall receive compensation for attendance fees and mileage as  
204 provided for witnesses in civil cases in the courts of the State  
205 of Florida. The party calling the witness shall make such  
206 payments; except that with respect to any witnesses called by  
207 the board, payments shall be made by the Sheriff upon  
208 presentation of proper vouchers and approval by three members of  
209 the board. This board is not governed by the Administrative  
210 Procedure Act, as codified in chapter 120, Florida Statutes.



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211 (4) DISPOSITION WITH RESPECT TO CAREER SERVICE APPEALS.--

212 (a) The board shall, by majority vote, dispose of the  
 213 appeal for which it was appointed by making findings of fact and  
 214 issuing a written decision. Such decision shall either affirm  
 215 or deny the action being appealed. If the board denies an  
 216 action by the Sheriff, the board may provide for a restoration  
 217 of the status quo, which may include reinstatement with back pay  
 218 and may modify any personnel action that was the subject of the  
 219 appeal. No board shall have the authority to impose on any  
 220 employee any penalty that is more harsh than that which formed  
 221 the basis of the appeal.

222 (b) The decision of the board shall be a recommendation to  
 223 the Sheriff. The Sheriff shall have 10 days from receipt of the  
 224 board's written decision to review same and prepare, or cause to  
 225 be prepared, a personnel order stating the final disposition of  
 226 the appeal, which shall be binding on the employee.

227 Section 4. Miscellaneous provisions.--

228 (1) PERMANENT STATUS.-- All sworn and civilian persons in  
 229 the employ of the Walton County Sheriff's Office on the  
 230 effective date of this act who have served for a period of 1  
 231 calendar year or more as of such date shall be permanent  
 232 employees subject to the provisions of this act, except those  
 233 employees above the rank of Lieutenant, including the Financial  
 234 Officers and the Executive Secretary, are exempt from the  
 235 disciplinary provisions, except as regards dismissal. All other  
 236 employees shall become permanent employees subject to the  
 237 provisions of this act upon reaching their 1 calendar year  
 238 service anniversary date.

239 (2) SEVERABILITY.-- The provisions of this act shall be  
 240 severable and, if any of the provisions shall be





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241 unconstitutional, the decision of the court shall not affect the  
242 validity of the remaining provisions. It is hereby declared to  
243 be the intent of the Legislature that this act would have been  
244 adopted had such unconstitutional provisions not been included  
245 therein.

246 (3) PROMOTIONS.-- Notwithstanding anything herein  
247 contained to the contrary, any career service employee required  
248 to serve a probationary period attendant or incidental to a  
249 promotion may be demoted with or without cause to the employee's  
250 prior rank at any time during such probationary period, but any  
251 such employee does not lose career service status.

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