

By Senator Alexander

17-1020-03

See HB 275

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 employees, or
31 contract 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.--This 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, or 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 this 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 the reappointment or
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, to present argument, and
28 to cross 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. Severability.--The provisions of this Act
2 shall be severable, and if any provision shall be
3 unconstitutional, the decision of the Court shall not affect
4 the validity of the remaining provisions.

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

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