



HB 0275

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A bill to be entitled  
 An act relating to Glades County; providing for career service; specifying rights of certain employees of the Glades County Sheriff; providing definitions; providing proceedings and provisions with respect to dismissal; providing for transition between administrations; providing for appeals procedures; providing for career appeals boards; providing an effective date.

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

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

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

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

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

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

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

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



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

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

36       (3) INDEPENDENT MAINTENANCE.--This Act does not change the  
37 independence of the Sheriff as set forth in section 30.53,  
38 Florida Statutes, which reserves the final authority and  
39 responsibility of dismissing employees and appointees solely to  
40 the Sheriff's discretion.

41       (4) APPLICATION TO COLLECTIVE BARGAINING.--This Act does  
42 not grant the right of collective bargaining to the Sheriff's  
43 employees who do not otherwise have that right pursuant to law.

44       (5) NONDISCIPLINARY DISMISSALS.--This Act does not cover  
45 the nondisciplinary dismissal of employees or appointees. Such  
46 nondisciplinary dismissals include those arising from a  
47 reduction in force, layoff, or partial or total abolition or  
48 cessation of a program, service, operation, department,  
49 subdivision, or grant-funded position, at the discretion of the  
50 Sheriff.

51       (6) DEFINITIONS.--

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

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



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

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

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

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

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

(7) CAREER STATUS.--

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



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

92 (c) Any person who has attained career status must be  
93 provided with written notice of the reasons for the proposed  
94 dismissal. If, however, the Sheriff perceives a significant  
95 hazard in keeping the employee on the job, or where delay could  
96 result in damage or injury, the employee may be immediately  
97 dismissed without notice and reasons, provided, however, that  
98 the employee is later provided with such notice and reasons  
99 within 2 calendar days from the date of dismissal except where  
100 circumstances surrounding this situation make notice within 2  
101 days impracticable.

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

105 (8) TRANSITION.--When a newly elected or appointed Sheriff  
106 assumes office, all career status appointees and employees shall  
107 remain employees of the new administration including Bureau,  
108 Division, and Judicial Services Commanders as defined in  
109 paragraph (1)(a). Persons entitled to the rights of this  
110 provision are those who have achieved career service status and  
111 who hold the rank of Commander, Captain, Lieutenant, or the  
112 positions of Personnel/Budget Director or Sheriff's Secretary  
113 when the new Sheriff assumes office.

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



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117 (b) The new Sheriff may assign the Personnel/Budget  
118 Director and the Sheriff's Secretary to the next highest  
119 position classification within the pay and classification  
120 system.

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

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

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

134 (9) ADMINISTRATION.--The Sheriff shall have the authority  
135 to adopt such rules and regulations as are necessary for the  
136 implementation and administration of this Act; however, nothing  
137 in this Act shall be construed as affecting the budget-making  
138 powers of the Board of County Commissioners of Glades County.

139 Section 2. Career Appeals Board; creation; membership;  
140 duties.--

141 (1) FUNCTION OF BOARDS.--Ad Hoc Career Appeals Boards  
142 shall be appointed for the purpose of hearing appeals of  
143 employees having career status arising from their disciplinary  
144 dismissal. Any such Board may also provide assistance and advice  
145 to the Sheriff in matters concerning disciplinary dismissal and  
146 may take any other actions authorized by the Sheriff.



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

151 (b) An employee or appointee who is dismissed is not  
152 granted the right of appeal if said person is charged with a  
153 crime, enters a plea of guilty or nolo contendere, or is  
154 adjudicated guilty or where adjudication of guilt is withheld  
155 and the accused is placed on probation or a pretrial  
156 intervention plan with respect to any felony, misdemeanor, or  
157 major traffic infraction.

158 (2) MEMBERSHIP OF BOARD.--Upon the call of the Sheriff or  
159 upon the filing of an appeal, an Ad Hoc Career Appeals Board  
160 shall be appointed. The membership of each Board shall consist  
161 of five appointees or employees of the Office of Sheriff. Two  
162 members shall be selected by the employee or appointee filing  
163 the appeal, the Sheriff shall select two members, and the fifth  
164 member, who shall serve as the Chair of the Board, shall be  
165 selected by the other four members. If these four members are  
166 unable to agree upon the fifth member within 15 days after the  
167 filing of the appeal and after exercising due diligence, they  
168 shall request the circuit court to appoint the fifth member who  
169 shall serve as Chair. Any employee may decline to serve as a  
170 member of the Board.

171 (a) The Chair of the Board shall have the authority to  
172 decide all motions or preliminary matters which are raised prior  
173 to the opening of the appeals hearing. Any such decision may be  
174 renewed before the Board.

175 (b) The hearing will be conducted during the Sheriff's  
176 Office administrative office hours; therefore, employees



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177 selected to serve on the Board shall serve without additional  
178 compensation. Once selected, the members of the Board shall  
179 serve until the Board issues its recommendations to the  
180 Sheriff's Office, and unless reconvened, the Board shall be  
181 dissolved.

182 (c) The Director or his or her designee in charge of  
183 personnel matters shall serve as an ex officio member of the  
184 Board for the purpose of providing procedural guidance to the  
185 Board concerning the application of this Act and any rules or  
186 regulations of this Act and any rules or regulations adopted by  
187 the Sheriff relating thereto, but such ex officio member shall  
188 have no vote.

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

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

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



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

208       (d) The Board ,in conducting such hearings, shall have the  
 209       power to administer oaths, issue subpoenas, compel the  
 210       attendance of witnesses, and require the production of  
 211       documents. In case of disobedience of any person to comply with  
 212       the order of the Board or subpoena issued by the Board, or upon  
 213       the refusal of the witness to testify on any matter regarding  
 214       which he or she may be lawfully interrogated, a county judge of  
 215       the county in which a person resides, upon application of the  
 216       Board, shall compel obedience by proceeding as if it were  
 217       contempt. Each witness who appears in obedience to a subpoena  
 218       before the Board shall receive compensation for attendance fees  
 219       and mileage as provided for witnesses in civil cases and the  
 220       courts of this state. Such payment shall be made by the party  
 221       calling the witness, except that with respect to any witness  
 222       called by the Board, payment shall be made by the Sheriff upon  
 223       presentation of proper vouchers.

224       (e) The Board shall, by majority vote, dispose of the  
 225       appeal for which it was appointed by making a finding of fact  
 226       and issuing its written recommendations, including mitigating  
 227       circumstances, to the Sheriff for consideration. The Sheriff  
 228       shall retain the right of final determination and no person may  
 229       be reinstated with or without back pay or benefits without the  
 230       concurrence of the Sheriff.

231       (f) The Board shall confine its deliberations to the  
 232       evidence presented at the hearing, and such deliberations are  
 233       exempt from the public meeting requirements of chapter 286,  
 234       Florida Statutes.





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235        (g) The actions of the Board and the Sheriff shall be  
236 exempt from the provisions of chapter 120, Florida Statutes. The  
237 actions of the Sheriff are executory and not subject to  
238 certiorari appeal.

239        Section 3. Severability.--The provisions of this Act shall  
240 be severable, and if any provision shall be unconstitutional,  
241 the decision of the Court shall not affect the validity of the  
242 remaining provisions.

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