



HB 0275

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CHAMBER ACTION

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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

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 for per diem for certain employees; providing severability; 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:



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

32 (b) Special deputy sheriffs appointed under section
33 30.09(4), Florida Statutes.

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

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

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

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

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

47 (3) INDEPENDENT MAINTENANCE.--This Act does not change the
48 independence of the Sheriff as set forth in section 30.53,
49 Florida Statutes, which reserves the final authority and
50 responsibility of dismissing employees and appointees solely to
51 the Sheriff's discretion.

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

55 (5) NONDISCIPLINARY DISMISSALS.--This Act does not cover
56 the nondisciplinary dismissal of employees or appointees. Such



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57 nondisciplinary dismissals include those arising from a
58 reduction in force, layoff, or partial or total abolition or
59 cessation of a program, service, operation, department,
60 subdivision, or grant-funded position, at the discretion of the
61 Sheriff.

62 (6) DEFINITIONS.--

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

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

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

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

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



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

87
88 For the purposes of this Act, "appointee" and "employee" are
89 synonymous and any derivative of "employ" refers to the persons
90 to whom this Act applies.

91 (7) CAREER STATUS.--

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

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

103 (c) Any person who has attained career status must be
104 provided with written notice of the reasons for the proposed
105 dismissal. If, however, the Sheriff perceives a significant
106 hazard in keeping the employee on the job, or where delay could
107 result in damage or injury, the employee may be immediately
108 dismissed without notice and reasons, provided, however, that
109 the employee is later provided with such notice and reasons
110 within 2 calendar days after from the date of dismissal, except



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111 where circumstances surrounding this situation make notice
112 within 2 days impracticable.

113 (d) An employee or appointee who has achieved career
114 status is entitled to appeal a disciplinary dismissal to the
115 Career Appeals Board.

116 (8) TRANSITION.--When a newly elected or appointed Sheriff
117 assumes office, all career status appointees and employees shall
118 remain employees of the new administration, including Bureau,
119 Division, and Judicial Services Commanders as defined in
120 paragraph (1)(a). Persons entitled to the rights of this
121 provision are those who have achieved career service status and
122 who hold the rank of Commander, Captain, Lieutenant, or the
123 positions of Personnel/Budget Director or Sheriff's Secretary
124 when the new Sheriff assumes office.

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

128 (b) The new Sheriff may assign the Personnel/Budget
129 Director and the Sheriff's Secretary to the next highest
130 position classification within the pay and classification
131 system.

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

136 (d) The salary of any displaced officer or person shall
137 not be reduced below the maximum of the new grade which is
138 applicable to his or her new position as set forth in the



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139 existing pay and classification guide or by an increment greater
140 than 6 percent of the person's rate of pay or salary for his or
141 her existing position, whichever results in the lower salary
142 minimum level.

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

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

152 Section 2. Career Appeals Board; creation; membership;
153 duties.--

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

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

164 (b) An employee or appointee who is dismissed is not
165 granted the right of appeal if said person is charged with a
166 crime, enters a plea of guilty or nolo contendere, or is



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167 adjudicated guilty or where adjudication of guilt is withheld
168 and the accused is placed on probation or in a pretrial
169 intervention plan with respect to any felony, misdemeanor, or
170 major traffic infraction.

171 (2) MEMBERSHIP OF BOARD.--Upon the call of the Sheriff or
172 upon the filing of an appeal, an Ad Hoc Career Appeals Board
173 shall be appointed. The membership of each Board shall consist
174 of five appointees or employees of the Office of Sheriff. Two
175 members shall be selected by the employee or appointee filing
176 the appeal, two members shall be selected by the Sheriff, and
177 the fifth member, who shall serve as the Chair of the Board,
178 shall be selected by the other four members. If these four
179 members are unable to agree upon the fifth member within 15 days
180 after the filing of the appeal and after exercising due
181 diligence, they shall request the circuit court to appoint the
182 fifth member who shall serve as Chair. Any employee may decline
183 to serve as a member of the Board.

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

188 (b) The hearing shall be conducted during the Sheriff's
189 Office administrative office hours; therefore, employees
190 selected to serve on the Board shall serve without additional
191 compensation. Once selected, the members of the Board shall
192 serve until the Board issues its recommendations to the
193 Sheriff's Office, and, unless reconvened, the Board shall be
194 dissolved.



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195 (c) The Director or his or her designee in charge of
196 personnel matters shall serve as an ex officio member of the
197 Board for the purpose of providing procedural guidance to the
198 Board concerning the application of this Act and any rules or
199 regulations of this Act and any rules or regulations adopted by
200 the Sheriff relating thereto, but such ex officio member shall
201 have no vote.

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

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

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

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

221 (d) The Board, in conducting such hearings, shall have the
222 power to administer oaths, issue subpoenas, compel the



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223 attendance of witnesses, and require the production of
224 documents. In case of disobedience of any person to comply with
225 the order of the Board or subpoena issued by the Board, or upon
226 the refusal of the witness to testify on any matter regarding
227 which he or she may be lawfully interrogated, a county judge of
228 the county in which a person resides, upon application of the
229 Board, shall compel obedience by proceeding as if it were
230 contempt. Each witness who appears in obedience to a subpoena
231 before the Board shall receive compensation for attendance fees
232 and mileage as provided for witnesses in civil cases and the
233 courts of this state. Such payment shall be made by the party
234 calling the witness, except that with respect to any witness
235 called by the Board, payment shall be made by the Sheriff upon
236 presentation of proper vouchers.

237 (e) The Board shall, by majority vote, dispose of the
238 appeal for which it was appointed by making a finding of fact
239 and issuing its written recommendations, including mitigating
240 circumstances, to the Sheriff for consideration. The Sheriff
241 shall retain the right of final determination and no person may
242 be reinstated with or without back pay or benefits without the
243 concurrence of the Sheriff.

244 Section 3. Per Diem.--Notwithstanding the provisions of
245 section 112.061(6)(d), Florida Statutes, the Glades County Board
246 of County Commissioners may reimburse the Chief Deputy of the
247 Glades County Sheriff's Office for Class C travel on a per diem
248 basis or on a subsistence allowance basis.

249 Section 4. Severability.--The provisions of this Act shall
250 be severable, and if any provision shall be unconstitutional,



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251 | the decision of the court shall not affect the validity of the
252 | remaining provisions.

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

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