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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 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:

(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.



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

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

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

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

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

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

53 (6) DEFINITIONS.--

54 (a) "Appointee" means that person selected by the Sheriff
55 to serve in the position of Deputy Sheriff or Correctional



56 Officer who is certified within the meaning of chapter 943,
57 Florida Statutes.

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

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

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

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

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

78
79 For the purposes of this Act, "appointee" and "employee" are
80 synonymous and any derivative of "employ" refers to the persons
81 to whom this Act applies.

82 (7) CAREER STATUS.--



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

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

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

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

107 (8) TRANSITION.--When a newly elected or appointed Sheriff
108 assumes office, all career status appointees and employees shall
109 remain employees of the new administration, including Bureau,
110 Division, and Judicial Services Commanders as defined in



111 paragraph (1)(a). Persons entitled to the rights of this
112 provision are those who have achieved career service status and
113 who hold the rank of Commander, Captain, Lieutenant, or the
114 positions of Personnel/Budget Director or Sheriff's Secretary
115 when the new Sheriff assumes office.

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

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

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

127 (d) The salary of any displaced officer or person shall
128 not be reduced below the maximum of the new grade which is
129 applicable to his or her new position as set forth in the
130 existing pay and classification guide or by an increment greater
131 than 6 percent of the person's rate of pay or salary for his or
132 her existing position, whichever results in the lower salary
133 minimum level.

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



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

143 Section 2. Career Appeals Board; creation; membership;
144 duties.--

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

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

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

162 (2) MEMBERSHIP OF BOARD.--Upon the call of the Sheriff or
163 upon the filing of an appeal, an Ad Hoc Career Appeals Board
164 shall be appointed. The membership of each Board shall consist
165 of five appointees or employees of the Office of Sheriff. Two



166 members shall be selected by the employee or appointee filing
167 the appeal, two members shall be selected by the Sheriff, and
168 the fifth member, who shall serve as the Chair of the Board,
169 shall be selected by the other four members. If these four
170 members are unable to agree upon the fifth member within 15 days
171 after the filing of the appeal and after exercising due
172 diligence, they shall request the circuit court to appoint the
173 fifth member who shall serve as Chair. Any employee may decline
174 to serve as a member of the Board.

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

179 (b) The hearing shall be conducted during the Sheriff's
180 Office administrative office hours; therefore, employees
181 selected to serve on the Board shall serve without additional
182 compensation. Once selected, the members of the Board shall
183 serve until the Board issues its recommendations to the
184 Sheriff's Office, and, unless reconvened, the Board shall be
185 dissolved.

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



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

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

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

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

212 (d) The Board, in conducting such hearings, shall have the
213 power to administer oaths, issue subpoenas, compel the
214 attendance of witnesses, and require the production of
215 documents. In case of disobedience of any person to comply with
216 the order of the Board or subpoena issued by the Board, or upon
217 the refusal of the witness to testify on any matter regarding
218 which he or she may be lawfully interrogated, a county judge of
219 the county in which a person resides, upon application of the
220 Board, shall compel obedience by proceeding as if it were



221 contempt. Each witness who appears in obedience to a subpoena
222 before the Board shall receive compensation for attendance fees
223 and mileage as provided for witnesses in civil cases and the
224 courts of this state. Such payment shall be made by the party
225 calling the witness, except that with respect to any witness
226 called by the Board, payment shall be made by the Sheriff upon
227 presentation of proper vouchers.

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

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

240 Section 4. Severability.--The provisions of this Act shall
241 be severable, and if any provision shall be unconstitutional,
242 the decision of the court shall not affect the validity of the
243 remaining provisions.

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