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1 A bill to be entitled
2 An act relating to Lee County; amending chapter 74-522,
3 Laws of Florida, as amended; redesignating the Lee County
4 Sheriff's Department as the Lee County Sheriff's Office;
5 revising qualifications for membership on the civil
6 service board; revising the date for electing board
7 members; deleting certain limitations for classification
8 as members of the civil service; revising requirements for
9 demotions in rank following the election of a new sheriff;
10 deleting provisions authorizing a specified amount of
11 annual leave for certain employees; deleting certain
12 restrictions on the age at which an applicant may be
13 employed as a deputy sheriff; deleting certain
14 restrictions on the employment of persons with a medical
15 discharge; revising requirements for the posting of
16 notices of employment; clarifying provisions authorizing
17 political activities during off-duty hours; providing an
18 effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Chapter 74-522, Laws of Florida, as amended by
23 chapters 99-434 and 2003-329, Laws of Florida, is amended to
24 read:

25 Section 1. Composition and purpose of board.--There is
26 hereby created a civil service board, hereafter referred to as
27 the "board", composed of five ~~(5)~~ members whose duty it is to
28 administer the terms of this act which shall apply to all

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29 classified appointees ~~deputy sheriffs~~ and employees of the Lee
 30 County Sheriff's Office. For purposes of this act, the term
 31 "employee" shall be synonymous and interchangeable with the term
 32 "appointee."

33 (1) The board shall consist of five ~~(5)~~ members who shall
 34 be elected by a majority of persons voting or appointed as
 35 follows:

36 (a) One ~~(1)~~ member of the board will be the sheriff or his
 37 or her designate.

38 (b) One ~~(1)~~ member of the board will ~~to~~ be elected by a
 39 majority of the employees with the rank of lieutenant or above.
 40 An alternate member shall be elected at the same time and in the
 41 same manner for this position.

42 (c) One ~~(1)~~ member of the board to be elected by a
 43 majority of the employees below ~~with~~ the rank of lieutenant
 44 deputy or sergeant. An alternate member shall be elected at the
 45 same time and in the same manner for this position.

46 (d) One ~~(1)~~ member to be an upstanding resident of Lee
 47 County to be selected and appointed ~~elected~~ by the board at the
 48 first organizational meeting held on the first business day of
 49 October after taking office.

50 (e) One ~~(1)~~ member of the board to be the lead department
 51 chaplain or his or her designee, as determined by the Sheriff.

52 (f) Election for board members and their alternates ~~of the~~
 53 ~~three (3) members~~ shall be held on the second Tuesday of ~~at the~~
 54 ~~first staff meeting in~~ September, and the newly elected member
 55 shall take ~~with the members taking~~ office on the 1st day of
 56 October.

57 (g) Civilian employees not assigned a rank may vote for
 58 the position identified in paragraph (b) or (c), but not both.
 59 ~~If for any reason, a member of the board cannot serve, an~~
 60 ~~alternate member will be elected in the same manner as provided~~
 61 ~~in this section.~~

62 (h) Alternate members shall serve if, for any reason, a
 63 member of the board cannot serve.

64 (i) ~~(h)~~ All vacancies on the board will be filled by the
 65 procedure established in this section.

66 (2) No board member shall be subject to any adverse action
 67 in retaliation for his or her service on the board, decisions of
 68 the board, or performance of his or her official duties in
 69 transacting business of the board.

70 (3) The term of office for elected board members shall be
 71 2 years.

72 Section 2. Qualifications for board members.--Members of
 73 the board shall be 18 ~~twenty one (21)~~ years of age or over, of
 74 good moral character, a citizen of the United States of America,
 75 a permanent resident of Florida, and must have resided in Lee
 76 County for at least 1 ~~one (1)~~ year prior to his or her
 77 appointment.

78 Section 3. Affected employees.--The civil service act, as
 79 set forth, will encompass all classified employees ~~members~~ of
 80 the Lee County Sheriff's Office. The term "classified employees"
 81 shall include all full-time deputy sheriffs, correctional
 82 officers, and civilian employees who have completed their
 83 original or reemployment probationary period. "Classified
 84 employees" shall not include: any contractual employees,

85 appointees, volunteers, or other persons who do not serve in a
 86 regularly budgeted position in the Sheriff's office on a full-
 87 time basis; and the Sheriff or his or her second in command,
 88 whether designated as chief deputy, undersheriff, or otherwise,
 89 except as to the Sheriff's obligations set forth under sections
 90 1, 2, and 15. All members of the sheriff's office under the rank
 91 of chief deputy shall be classified members of the civil service
 92 act.

93 Section 4. Board positions.--The board shall, upon its
 94 organization, elect one ~~(1)~~ member as chairperson ~~chairman~~ and
 95 one ~~(1)~~ member as secretary and they shall perform their duties
 96 in accordance with the rules and regulations ~~to be~~ adopted by
 97 the board from time to time as necessary to carry out the
 98 purpose of this act.

99 Section 5. Certification of the act.--This act shall
 100 become operative upon the certification to the board by the
 101 sheriff that the office of the Sheriff of Lee County is
 102 functioning under the civil service rules as established in this
 103 document. When the certification of organization and capability
 104 has been filed by the sheriff, the board shall forthwith
 105 acknowledge such certification. Thereafter, the certification
 106 shall be irrevocable except by subsequent act of Legislature.
 107 The act shall carry over from Sheriff to Sheriff and it shall
 108 not be necessary for subsequent Sheriffs to recertify the act.

109 Section 6. Powers of the board.--The board, as a body,
 110 shall have the power, ~~subject to minimum requirements,~~ to act
 111 to:

112 (1) Investigate and enforce compliance by the Sheriff and
 113 any and all classified and unclassified employees of the
 114 Sheriff's office with regards to the terms and conditions of the
 115 act and implement investigations and determinations ~~Make~~
 116 ~~investigations concerning the enforcement and effect of this~~
 117 ~~act, and to require observance of its provisions and the rules~~
 118 ~~and regulations made thereunder.~~

119 (2) Hear and determine appeals of complaints respecting
 120 the administration of this act.

121 (3) Establish and maintain a roster of all employees in
 122 the classified service of the office of the sheriff showing
 123 their position, rank, compensation, benefits and place of
 124 residence.

125 (4) Ascertain and record the duties and responsibilities
 126 of appertaining to all positions of the Sheriff's office in a
 127 manner approved by the board in the classified service and
 128 classify such positions in the manner hereafter provided.

129 (5) Keep any other records as may be necessary for the
 130 proper administration of this act.

131 (6) Issue subpoenas for the appearance of witnesses and
 132 production of documents and things in connection with
 133 investigations and hearings conducted pursuant to this act.

134 Section 7. Positions after adoption of the act and
 135 election of a new Sheriff.--All classified employees persons in
 136 the employ of the office of the Sheriff shall be retained in the
 137 same capacity, at the time this act becomes operative, who have
 138 ~~served for a period longer than one (1) year in a position and~~
 139 ~~rank shall now be under this act, retained as same, without~~

140 preliminary or performance tests but shall thereafter be subject
 141 in all other respects to the provisions of this act. In the
 142 event a new sheriff is elected to office in Lee County, all
 143 classified employees of the Sheriff's office shall remain in the
 144 same position with the exception of those serving in a rank or
 145 grade immediately below the chief deputy. These persons who
 146 comprise the Sheriff's executive and administrative staff and
 147 who command a major component, subdivision, or bureau of the
 148 Sheriff's office ~~personnel who are ranked at captain or above,~~
 149 ~~who~~ may be subject to a one ~~(1)~~ grade demotion in rank ~~to~~
 150 ~~lieutenant or above in order~~ to allow the Sheriff to establish
 151 his or her new administration. The salary of all persons so
 152 demoted may be reduced to no less than the top of the grade to
 153 which they are demoted. If transferred, the transfer shall be to
 154 a position equal in terms of rank, pay, and benefits to those in
 155 which other persons of the same rank serve. The elimination by a
 156 new Sheriff of a position or grade under a previous
 157 administration constitutes a demotion for purposes of this
 158 section.

159 Section 8. Leaves of absence and military service.--The
 160 Sheriff shall formulate reasonable rules governing the granting
 161 of leaves of absence to members of the Sheriff's office
 162 ~~sheriff's office~~ in good standing. Except as hereinafter
 163 provided, no leave of absence shall be approved ~~given~~ for more
 164 than 1 ~~one (1)~~ year, however, such leaves may be extended with
 165 the approval of the Sheriff upon the showing of good cause, so
 166 long as the leave period does not exceed the Sheriff's current
 167 term of office.

168 (1) All classified employees of ~~persons employed by the~~
 169 ~~Lee County Sheriff's office~~ who shall be inducted in the armed
 170 forces of the United States of America or who shall voluntarily
 171 by enlistment enter into such forces in time of war or national
 172 emergency shall, upon application to the Sheriff, receive a
 173 military leave of absence for the duration of the period of
 174 service required. During the period of service, all persons
 175 serving shall be entitled to all the benefits and privileges of
 176 this act and shall retain all rights of seniority. All persons
 177 shall be entitled to reemployment in the same capacity and
 178 position they held at the time of entering said military
 179 service, provided, however, that application for reinstatement
 180 to in such position must be made by or on behalf of such
 181 employee within 3 ~~three (3)~~ months after termination of military
 182 service. ~~Provided~~ Further ~~that~~ to be entitled to the benefits of
 183 this subsection, any discharge from such military service must
 184 have been honorable.

185 (2) This section shall not apply to persons who engage
 186 themselves as private contractors for any security or
 187 peacekeeping force or any service provider not directly under
 188 the supervision and control of the Armed Forces of the United
 189 States of America and the Commander In Chief of those forces.

190 Section 9. Qualifications for employment.--The minimum
 191 standards and qualifications for ~~an original applicant for~~
 192 employment or reemployment as a classified employee of deputy
 193 ~~sheriff, or in any other capacity in~~ the office of the Sheriff
 194 of Lee County, shall be as follows:

195 (1) All applicants for any position in the classified
 196 service of the Sheriff's office must submit a complete, written
 197 application for employment.

198 ~~(2)(1)~~ All applicants must be graduates of ~~An applicant~~
 199 ~~shall have graduated from~~ a duly accredited high school or
 200 possess shall have the equivalent of a high school diploma from
 201 a school recognized by the state.

202 ~~(3)(2)~~ All applicants must ~~An applicant shall be~~
 203 physically capable of performing all functions and duties of the
 204 position that they are seeking and must submit to a physical
 205 exam conducted by a physician licensed in this state ~~of a deputy~~
 206 ~~sheriff as established by the board, and this physical capacity~~
 207 ~~shall be certified by a physician licensed in this state and~~
 208 ~~selected by the board.~~

209 ~~(4)(3)~~ All applicants are required to submit to a
 210 background investigation, drug screen, polygraph, or CVSA
 211 examination and oral interview ~~No person is eligible to receive~~
 212 ~~public funds as a salary or for services rendered as a deputy~~
 213 ~~sheriff of Lee County until such person has submitted to the~~
 214 ~~sheriff, a written application for employment and has passed an~~
 215 ~~oral examination.~~

216 ~~(5)(4)~~ All applicants ~~An applicant~~ shall not have been
 217 convicted of a felony of any kind, a crime involving moral
 218 turpitude, or of a misdemeanor for which the penalty is greater
 219 ~~be more than a \$300 three hundred dollar (\$300) fine and/or 90~~
 220 ~~ninety (90) days confinement.~~

221 ~~(6)(5)~~ All applicants having military service must submit
 222 a DD 214 indicating that their military service and discharge

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223 were under honorable conditions. Persons discharged for medical
224 conditions or reasons must be able to perform all functions of
225 the position for which they are applying ~~An applicant with~~
226 ~~military service shall have an honorable discharge.~~

227 (7) In addition to the requirements in subsections (1)-
228 (6), all persons applying for certified law enforcement or
229 corrections positions must comply with the requirements of the
230 Florida Department of Law Enforcement and be eligible for state
231 certification.

232 Section 10. Appointments, promotions, and
233 transfers.--Promotional procedures with respect to all
234 classified employees shall conform to Sheriff's office policies
235 based on CALEA standards as adopted by the Sheriff's office for
236 so long as the Sheriff's office remains an accredited agency. In
237 the event that the Sheriff's office is no longer an accredited
238 agency, promotions will be made on a merit basis considering
239 work performance, knowledge of job, and other similar
240 qualifications. All promotions will be made by the Sheriff
241 ~~Promotions will be made on a merit basis such as work~~
242 ~~performance, knowledge of job and other qualifications. All~~
243 ~~promotions will be made by the sheriff.~~

244 (1) Open positions will be publicly posted throughout the
245 Sheriff's office on department bulletin boards and websites for
246 a period of 7 days to allow for application by qualified
247 Sheriff's office employees who shall be entitled to a preference
248 for any position of higher grade or rank than an entry level
249 position ~~Whenever there is an opening in any division, this~~
250 ~~opening will be publicly posted throughout the sheriff's office~~

251 ~~for a period of five (5) days to allow all persons eligible to~~
 252 ~~apply for transfer from their division to the division where the~~
 253 ~~opening exists.~~ Those interested should apply in writing to the
 254 Sheriff requesting a ~~such~~ transfer.

255 (2) The Sheriff reserves the right to transfer any
 256 employee for the betterment of the service; provided, however,
 257 the employees shall not be reduced in rank or compensation and
 258 such transfer shall not be considered disciplinary in nature.

259 (3)~~(2)~~ Employment or reemployment to ~~No appointment or~~
 260 ~~promotion in~~ any position in the Sheriff's office shall not be
 261 deemed complete until after the expiration of a period of 1 ~~one~~
 262 ~~(1)~~ year's probationary service, during which time the sheriff
 263 may terminate without cause the employment of any person
 264 ~~certified and/or appointed.~~

265 (4) No promotion shall be deemed complete until after the
 266 expiration of a period of 6 months of service during which time
 267 the Sheriff may return the promoted person to his or her former
 268 rank and pay for failure or inability to perform the duties of
 269 the position to which he or she had been promoted.

270 (5)~~(3)~~ Employment and reemployment ~~Appointments~~ shall be
 271 regarded as taking effect upon the date the employee is
 272 scheduled to report ~~person appointed reports~~ for duty. A person
 273 offered employment ~~certified~~ by the Sheriff who does not report
 274 for duty at the time so designated, and who does not explain his
 275 or her said failure to report, in writing, within 5 ~~five (5)~~
 276 days, may be rejected by the Sheriff.

277 Section 11. Practice and procedures of the board.--The
 278 practice and procedure of the board with respect to any

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279 investigation by the board authorized by this act shall be in
 280 accordance with rules and regulations to be adopted by the board
 281 which shall provide for a reasonable notice to all persons
 282 affected by recommendations to be made by the board after such
 283 investigation, with the opportunity to be heard either in person
 284 or by counsel.

285 Section 12. Misconduct and misuse of professional
 286 influence.--

287 (1) No person covered by this act shall use his or her
 288 official position or influence to solicit orally or in writing
 289 ~~by letter, and no public officer or employee shall receive or be~~
 290 ~~in any manner concerned in receiving or soliciting any money or~~
 291 valuable things from any employee of the Sheriff's office
 292 ~~department~~ or political party or private individual for any
 293 purpose whatsoever.

294 (2) No person shall use or promise to use his or her
 295 influence or official position authority to secure any
 296 appointment or prospect of appointment to any position
 297 classified under this act as a reward or return for personal or
 298 partisan political service.

299 (3) No public officer or employee of the Sheriff's office
 300 shall by means of threats or coercion induce or attempt to
 301 induce any person holding a position in the Sheriff's office to
 302 resign his or her position, or to take a leave of absence from
 303 duty or to waive any rights under this act.

304 Section 13. Discipline; suspensions; dismissal; appeals.--

305 (1) The sheriff may discipline, suspend up to 30 days
 306 without pay, terminate, or withdraw the appointment of ~~or~~

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307 ~~dismiss~~ an employee only for just cause. An employee subject to
 308 substantial discipline, which includes a loss of pay, accrued
 309 time, benefits, rank, or position; disciplinary transfer;
 310 suspension; or termination may, within 15 days of the
 311 discipline, suspension, termination, or withdrawal of
 312 appointment, file a notice of appeal with the board's secretary.
 313 The board shall schedule a hearing within 30 days of receipt of
 314 notice of appeal. Continuation of a hearing may be granted by
 315 the board upon a showing of good cause by either party or upon
 316 agreement of the parties. ~~The employee so dismissed or suspended~~
 317 ~~will have fifteen (15) days to file an appeal with the board.~~
 318 ~~Officers with the rank of lieutenant and above will have the~~
 319 ~~authority to take immediate disciplinary action including~~
 320 ~~relieving an employee of duty, thereafter securing the approval~~
 321 ~~of the sheriff. The sheriff may summarily suspend an employee~~
 322 ~~for a reasonable period not exceeding thirty (30) days. Every~~
 323 ~~such suspension shall be without pay; provided, however, that~~
 324 ~~the board shall have the authority to investigate every such~~
 325 ~~suspension and if it is found that the sheriff acted in bad~~
 326 ~~faith, it shall have the power to restore pay to the employee~~
 327 ~~for such suspended time.~~

328 ~~(1) Subject to the foregoing provisions of this section,~~
 329 ~~any person holding a position in the sheriff's office who has~~
 330 ~~been removed or discharged, has the opportunity to be heard in~~
 331 ~~his own defense upon filing a written request to the board~~
 332 ~~within fifteen (15) days following the action. The appeal shall,~~
 333 ~~within thirty (30) days after the filing be heard, investigated~~

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334 ~~and determined by the board as provided by section 13 of this~~
335 ~~act.~~

336 (2) At the hearing the employee has the burden of proving
337 that the Sheriff lacked just cause supported by competent and
338 substantial evidence for the disciplinary action under appeal.

339 (3) The board shall have the authority to investigate any
340 such discipline, suspension, termination, or withdrawal of
341 appointment and, should the board determine following a hearing
342 that the action taken by the Sheriff was without just cause, the
343 board has the authority to:

344 (a) Vacate the discipline, restore the employee's pay and
345 benefits as outlined in subsection (1), and, in the event the
346 suspension is not completed, void the remaining suspension time
347 and restore the employee to duty.

348 (b) Reinstate the employee's employment and pay without
349 loss of rank or seniority.

350

351 In no case shall back pay exceed 30 days.

352 (4) Should the board determine following the hearing that
353 the action taken by the Sheriff was with just cause it shall
354 uphold the disciplinary decision of the Sheriff. The board may
355 not substitute its judgment for that of the Sheriff regarding
356 the severity of the disciplinary action imposed, provided the
357 disciplinary action is authorized by law.

358 (5) Each party may make a timely appeal to the circuit
359 court upon receipt of the board's written order. In the event a
360 timely appeal is not taken and the Sheriff was found to not have
361 just cause for the discipline, the employee's record shall have

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362 the board's final order attached to and included in the
 363 employee's personnel file.

364 (6)(2) The board's decision is ~~The decision of the board~~
 365 ~~will be~~ final and absolute.

366 (7) Classified employees are free from retaliatory action
 367 based on the exercise of rights provided under this act.

368 Section 14. Public meetings.--It shall be the duty of the
 369 authorities having charge of the public buildings of Lee County
 370 to allow the reasonable use of public buildings and rooms for
 371 the holding of meetings of the board and any examinations or
 372 investigations provided for by this act. The term "public
 373 building" shall include any building under the lawful control of
 374 the Lee County Government or Lee County Sheriff's Office which
 375 provides for free public access under minimal restrictions, as
 376 necessary, to provide for the safety and security of its
 377 occupants.

378 Section 15. Retirement health insurance benefits.--

379 (1) It shall be and is hereby made the duty of the Sheriff
 380 of Lee County to provide annually in his or her budget, a
 381 sufficient sum of money to enable the board to properly carry
 382 out the purposes of this act.

383 (2) Effective October 1, 1986 and thereafter, it is the
 384 duty of the Sheriff of Lee County to provide annually in his or
 385 her budget a sufficient sum of money to pay a percentage of the
 386 cost of the health insurance of employees ~~members~~ of the Lee
 387 County Sheriff's Office who retire from active service after
 388 having accumulated at least 15 years of full-time ~~creditable~~
 389 ~~service under the Florida Retirement System.~~ The health

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390 insurance costs payable pursuant to this section include
391 premiums for major medical and hospitalization insurance, but do
392 not include premiums for dental or vision insurance. Upon
393 becoming eligible for Medicare, a retiree's Sheriff's office
394 health coverage will become a secondary payer. ~~When a retiree~~
395 ~~receiving this health insurance benefit becomes eligible for~~
396 ~~Medicare, his health coverage will convert to the Medicare~~
397 ~~Supplement health insurance.~~

398 ~~(a) In order to receive this benefit, the retiree must~~
399 ~~have served with the Lee County Sheriff's Office for the 10~~
400 ~~years immediately preceding his retirement. The retiree may~~
401 ~~claim up to 5 years of creditable service earned while in the~~
402 ~~employ of another member agency within the Florida Retirement~~
403 ~~System. The Lee County Sheriff's Office shall verify all years~~
404 ~~of creditable service claimed through the Division of Retirement~~
405 ~~of the Department of Administration.~~

406 (3)(e) The benefits provided in this section are available
407 only to a full-time employee who retires from the Lee County
408 Sheriff's Office after having participated in one or more
409 retirement programs (investment, defined benefit, DROP or
410 combination thereof) of the Florida Retirement System (FRS) for
411 a minimum of 15 years. A retiree may claim up to 5 years of
412 prior service with another FRS employer provided that the last
413 10 years of full-time employment must have been with the Lee
414 County Sheriff's Office. All prior years of service with another
415 FRS employer are subject to verification from the Division of
416 Retirement of the Department of Administration. ~~The Lee County~~
417 ~~Sheriff's Office shall base the percentage of a retiree's health~~

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418 ~~insurance costs it will pay upon the number of years of~~
419 ~~creditable service that the retiree has accumulated in the~~
420 ~~Florida Retirement System. Fifteen years of creditable service~~
421 ~~entitles the retiree to have 75 percent of his health insurance~~
422 ~~premiums paid by the sheriff's office. The sheriff's office~~
423 ~~shall pay an additional 5 percent of the insurance premiums for~~
424 ~~each year of service in excess of 15 years until reaching a~~
425 ~~maximum of 100 percent of the premium at 20 years of service.~~
426 ~~The Lee County Sheriff's Office shall pay an additional one-~~
427 ~~twelfth of 1 percent of the premium for each month served until~~
428 ~~the full 100 percent is paid.~~

429 (a) An employee is considered retired from the Florida
430 Retirement System at such time as he or she takes any form of
431 distribution from his or her FRS defined contribution, hybrid
432 option, or investment plan retirement account.

433 (b) The term "retirement distribution" means receiving a
434 monthly pension check, taking a lump-sum payment, or rolling
435 over any or all of the value of the retiree's account into a
436 personal or other annuity account.

437 (4)(b) If an employee retires from the Lee County
438 Sheriff's Office after at least 15 ~~10~~ years of full-time service
439 with the department, as provided in subsection (3), but prior to
440 receiving a retirement pension from the Florida Retirement
441 System, he or she may continue receiving group health insurance
442 benefits, individual or family, by paying the current premium
443 rate to the Lee County Sheriff's Office until he or she receives
444 their first pension payment from the FRS. Upon written
445 notification and documentation to the Lee County Sheriff's

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446 Office that the retiree is receiving FRS pension benefits, the
447 Sheriff's office will begin to pay a percentage of the retiree's
448 and dependent's if qualified, health insurance premium costs.
449 ~~but before reaching retirement age, and has participated in the~~
450 ~~Florida Retirement System for at least 15 years, he may pay his~~
451 ~~and his dependent's health insurance costs until he begins to~~
452 ~~receive retirement benefits under the Florida Retirement System.~~
453 ~~The Lee County Sheriff's Office shall begin to pay a percentage~~
454 ~~of the employee's health insurance costs when he begins to~~
455 ~~receive such retirement benefits. The retiree shall give the~~
456 ~~sheriff's office written notice of the date of payment of his~~
457 ~~initial retirement benefit. The Lee County Sheriff's Office~~
458 ~~shall verify this date through the Division of Retirement of the~~
459 ~~Department of Administration.~~

460 (5) The percentage of a retiree's health insurance
461 premiums costs payable by the Lee County Sheriff's Office is
462 dependent on the following schedule: at 15 years of full-time
463 service, as outlined in subsection (3), the Sheriff's office
464 will pay 75 percent of the retiree's health insurance premium
465 costs. For each additional year of full-time service beyond the
466 15-year mark, the Sheriff's office will pay an additional 5
467 percent of the health insurance premium costs until the maximum
468 of 100 percent of the health insurance premium is paid at 20
469 years of service. Fractional years will be paid at the rate of
470 .416 percent per month. In no case will the Sheriff's office pay
471 in excess of 100 percent of the retiree's health insurance
472 premium.

473 (6)(d) If an retiree is entitled to a ~~an employee has~~
 474 health insurance benefit from ~~coverage through~~ a previous
 475 employer, then the Lee County Sheriff's Office will be a ~~the~~
 476 secondary payor to that policy.

477 (7)(e) If a retiree is eligible to receive either an
 478 immediate or future ~~an employee receives a retiree health~~
 479 insurance subsidy (HIS) from the FRS ~~state~~, then the Lee County
 480 Sheriff's Office will ~~shall~~ reduce the amount of any it pays of
 481 ~~the employee's~~ health insurance premium it pays on behalf of the
 482 retiree premiums by an ~~the~~ amount equal to the value of the
 483 subsidy.

484 (8)(f) For retired employees having at least 15 years, but
 485 less than 20 years of full-time service as defined in subsection
 486 (3), the Lee County Sheriff's Office shall pay for a percentage
 487 of the health insurance coverage of the retiree. Retirees in
 488 this category may purchase health insurance for their spouse or
 489 qualified dependents at the prevailing Lee County Sheriff's
 490 Office group rate. For retired employees having 20 years or more
 491 of full-time service as defined in subsection (3), the Lee
 492 County Sheriff's Office shall pay 100 percent of the retiree's
 493 health insurance premium and 50 percent of the retiree's spouse
 494 or qualified dependent's health insurance premium ~~and 50 percent~~
 495 ~~of his or her dependents' health insurance coverage only if the~~
 496 ~~retiree's health insurance is paid at 100 percent of the premium~~
 497 ~~at 20 years of service. A retiree who obtains benefits without~~
 498 ~~attaining 20 years of service may pay for the health insurance~~
 499 ~~of his or her dependents. Upon a retiree's death, his or her~~
 500 spouse may continue any ~~the~~ health insurance coverage previously

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501 provided by the retiree and qualified spouses are entitled to
 502 the reduced premium rate. All premiums must be paid to the Lee
 503 County Sheriff's Office.

504 (9) ~~(9)~~ Retirement ~~This retiree~~ health insurance benefits
 505 are ~~benefit is~~ only available to an employee at the time he or
 506 she ~~when he~~ retires from the Lee County Sheriff's Office, has
 507 accumulated the minimum number of full-time service years as
 508 provided in subsection (3), and has filed to receive a pension
 509 disbursement from the FRS. If an ~~the~~ employee chooses not ~~does~~
 510 not elect to receive retirement health ~~the~~ insurance benefits at
 511 the time he or she submits his or her final retirement paperwork
 512 to the Sheriff's office ~~benefit upon retiring,~~ he or she does
 513 not have the option of receiving these benefits ~~the benefit~~ at a
 514 later date, except as provided in subsection (4). Benefits must
 515 be applied for within 60 days of the last physical day of work.
 516 It is the responsibility of the retiree to notify the Lee County
 517 Sheriff's Office if he or she continued insurance benefits under
 518 subsection (4) and later filed to receive a pension disbursement
 519 from the FRS.

520 (10) This section shall apply to all classified and
 521 unclassified members of this agency alike, provided they meet
 522 all qualifications found in this section.

523 Section 16. Political activity.--No employee person
 524 holding a classified position in the sheriff's office shall take
 525 an active part in any political campaign while on duty or while
 526 off duty and wearing any uniform or part thereof identifying the
 527 Sheriff's office. Nothing in this act shall be construed to
 528 prohibit or prevent any such person from exercising lawful

529 political rights while off duty, from becoming or continuing to
 530 be a member of a political club or organization, or from
 531 attending any political meetings, or from enjoying entire
 532 freedom from all interferences in casting his or her vote. Any
 533 person violating the provisions of this section may be dismissed
 534 from the service of the office of the sheriff of Lee County.

535 Section 17. Legal construction and amendment of the
 536 act.--The provisions of this act shall be severable and if any
 537 of the provisions shall be held to be unconstitutional, the
 538 decision of the court shall not affect the validity of the
 539 remaining provisions. It is hereby declared the legislative
 540 intent of this act that it would have been adopted by the
 541 legislature had such unconstitutional provision not have been
 542 included therein.

543 (1) This act shall not be held or construed to create any
 544 property rights or any vested interests in any position in the
 545 Sheriff's office beyond those specifically enumerated in the act
 546 ~~sheriff's office and the right is hereby reserved to repeal,~~
 547 ~~alter or amend this act, or any provision thereof at any time.~~

548 (2) All requests for changes or amendments to this act
 549 proposed by a board member or an alternate board member shall
 550 come before the five-member board in a public meeting and be
 551 approved by a majority vote of the board. The board as a whole
 552 has the authority to request the Legislature to amend the act on
 553 behalf of the classified employees of the Sheriff's office whose
 554 effect on all classified employees shall be immediate upon
 555 becoming law.

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556 Section 18. All laws and parts of laws, insofar as they
557 are inconsistent with this act, or any provision thereof, are,
558 to the extent of such conflict, hereby repealed.

559 Section 2. This act shall take effect upon becoming a law.