

1 A bill to be entitled
 2 An act relating to Bradford County; providing career
 3 service status for certain employees of the Bradford
 4 County Sheriff's Office; providing definitions; providing
 5 for transition between administrations; providing for
 6 appeals procedures; providing for career service appeals
 7 boards; providing proceedings and provisions with respect
 8 to disciplinary suspension and dismissal; providing
 9 severability; providing an effective date.

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

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 13 Section 1. Employees and appointees of the Bradford County
 14 Sheriff's Office; applicability of act; definitions; career
 15 service status; transitions; administration.--

16 (1) APPLICABILITY.--The provisions of this act apply to
 17 all certified and noncertified persons appointed or employed by
 18 the Bradford County Sheriff's Office, with the following
 19 exceptions:

20 (a) Majors or, in the event of a title change, the highest
 21 ranked certified law enforcement officers reporting directly to
 22 the sheriff.

23 (b) Special deputy sheriffs appointed under section
 24 30.09(4), Florida Statutes.

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

26 (d) Part-time appointees and employees.

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

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

32 (2) APPLICATION TO COLLECTIVE BARGAINING.--This act does
33 not grant the right of collective bargaining to employees of the
34 sheriff's office who do not otherwise have that right pursuant
35 to law.

36 (3) NONDISCIPLINARY DISMISSALS.--This act does not cover
37 the nondisciplinary dismissal of employees or appointees. Such
38 nondisciplinary dismissals include those arising from a
39 reduction in force, layoff, or partial or total abolition or
40 cessation of a program, service, operation, department,
41 subdivision, or grant-funded position.

42 (4) DEFINITIONS.--

43 (a) "Appointee" means a person selected by the sheriff to
44 serve in the position of deputy sheriff or correctional officer
45 who is certified within the meaning of chapter 943, Florida
46 Statutes.

47 (b) "Career appeals board" means the ad hoc board
48 authorized under this act to hear disciplinary appeals.

49 (c) "Dismissal" means the discharge or withdrawal of
50 appointment by the sheriff or his or her designee of a person
51 employed or appointed to a position with the sheriff's office.

52 (d) "Employee" means any person employed by the sheriff
53 for a position that does not require certification under chapter
54 943, Florida Statutes.

55 (e) "Initial probationary period" means 1 year of
56 conditional employment or appointment commencing on the initial

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57 date of actual work and continuing for 12 months in a regularly
58 established position. This probationary period may be extended
59 at the discretion of the sheriff for a period equal to any work
60 absences during the 12-month period. For the purpose of
61 determining career service status pursuant to paragraph (5)(a),
62 all time in the employment of the sheriff's office, while in a
63 Criminal Justice Standards and Training Commission-approved
64 academy or other comparable training for certification as a
65 sworn officer or deputy sheriff, shall not be considered in any
66 manner in determining whether the employee has attained a
67 minimum of 1 calendar year of service.

68 (f) "Reemployment" means the reappointment or reemployment
69 of a person who was previously an appointee or employee of the
70 sheriff's office.

71
72 For the purposes of this act, "appointee" and "employee" are
73 synonymous and any derivative of "employ" refers to the persons
74 to whom this act applies.

75 (5) CAREER SERVICE STATUS.--

76 (a) After any employee or appointee of the sheriff to whom
77 the provisions of this act apply has completed the initial or
78 extended probationary period, such person shall have attained
79 career service status in the sheriff's office. If such person is
80 reemployed at a later date, said person shall be required to
81 again complete the probationary period before being granted the
82 right of appeal provided in section 2.

83 (b) The sheriff may dismiss an appointee or employee who
84 has not completed the initial or extended probationary period at

85 any time without granting the right of appeal provided in
86 section 2.

87 (c) Any person who has attained career service status with
88 the sheriff's office may only be suspended or dismissed for
89 cause, provided that, prior to such action, the employee must be
90 provided with written notice of the proposed action and offered
91 an opportunity to respond to the reasons for the suspension or
92 dismissal. If, however, the sheriff perceives a significant
93 hazard in keeping the employee on the job, or where delay could
94 result in damage or injury, the employee may be immediately
95 suspended or dismissed without notice, provided, that the
96 employee is provided with such notice and reasons within 24
97 hours. Cause for suspension or dismissal includes, but is not
98 limited to, negligence, inefficiency or inability to perform
99 assigned duties, insubordination, violation of provisions of law
100 or office rules, conduct unbecoming a public employee,
101 misconduct, alcohol abuse, prescription drug abuse, or illegal
102 drug use. Cause for suspension or dismissal also includes, but
103 is not limited to, adjudication of guilt by a court of competent
104 jurisdiction, a plea of guilty or of nolo contendere, or a
105 verdict of guilty when adjudication of guilt is withheld and the
106 accused is placed on probation with respect to any felony,
107 misdemeanor, or major traffic infraction charges.

108 (d) An employee or appointee who has achieved career
109 service status is entitled to appeal a disciplinary suspension
110 or dismissal to a career service appeals board.

111 (6) TRANSITION.--When a newly elected or appointed sheriff
112 assumes office, all career service status appointees and

113 employees shall remain employees of the new administration,
 114 unless cause for dismissal exists.

115 (a) The new sheriff may demote employees holding the rank
 116 of captain or lieutenant one rank below that held on the day
 117 before the new sheriff assumes office. The regular base salaries
 118 of these employees may be adjusted accordingly.

119 (b) The new sheriff may assign the personnel/budget
 120 director and the sheriff's secretary to the next lowest position
 121 classification within the pay and classification system, and
 122 adjust their regular base salaries accordingly.

123 (7) ADMINISTRATION.--The sheriff shall have the authority
 124 to adopt such rules and regulations as are necessary for the
 125 implementation and administration of this act; however, nothing
 126 in this act shall be construed as affecting the budget-making
 127 powers of the Board of County Commissioners of Bradford County.

128 Section 2. Career service appeals boards; creation;
 129 membership; duties.--

130 (1) FUNCTION OF BOARDS.--Ad hoc career service appeals
 131 boards shall be appointed for the purpose of hearing appeals of
 132 employees having career service status arising from their
 133 disciplinary suspension or dismissal. A career service appeals
 134 board shall be utilized to make a nonbinding recommendation to
 135 the sheriff as to whether the suspension or dismissal was for a
 136 violation of sheriff's office policy, rule, regulation,
 137 procedure, or practice. Any such board may also provide
 138 assistance and advice to the sheriff in matters concerning
 139 disciplinary suspension or dismissal and may take any other
 140 actions authorized by the sheriff.

141 (2) MEMBERSHIP OF BOARD.--Upon the call of the sheriff or
142 upon the filing of an appeal, an ad hoc career service appeals
143 board shall be appointed. The membership of each board shall
144 consist of four appointees or employees of the sheriff's office
145 and one citizen who is not an employee of the sheriff's office.
146 Two members shall be selected by the employee or appointee
147 filing the appeal; two members shall be selected by the sheriff;
148 and the fifth member, who shall not be an employee of the
149 sheriff's office and shall serve as the chair of the board,
150 shall be selected by the other four members. Any employee may
151 decline to serve as a member of the board.

152 (a) The hearing shall be conducted during the sheriff's
153 office administrative office hours; therefore, employees
154 selected to serve on the board shall serve without additional
155 compensation. Once selected, the members of the board shall
156 serve until the board issues its recommendations to the
157 sheriff's office and, unless reconvened, the board shall be
158 dissolved.

159 (b) The personnel/budget director or his or her designee
160 shall serve as an ex officio member of the board for the purpose
161 of providing procedural guidance to the board concerning the
162 application of this act and any rules or regulations adopted by
163 the sheriff relating thereto, but such ex officio member shall
164 have no vote.

165 (3) PROCEDURE WITH RESPECT TO APPEALS.--An employee or
166 appointee who has achieved career service status may submit a
167 written request for a hearing to the sheriff or his or her
168 designee within 7 calendar days after receiving a notice of

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169 suspension or dismissal that shall be hand delivered or sent
170 certified mail, return receipt requested. The appeal must
171 contain a brief statement of the matters to be considered by the
172 career service appeals board and the names of the employees
173 selected to serve on the board.

174 (a) A career appeals board shall be selected and shall
175 meet for the purpose of hearing the appeal within 30 calendar
176 days after receipt of the notice of appeal. However, an
177 extension of time may be granted by the chair for good cause or
178 upon agreement of the parties.

179 (b) The person filing the appeal has the right to a public
180 hearing; to be represented by a person of his or her choice; to
181 present relevant evidence; and to cross-examine witnesses.

182 (c) The rules of evidence and civil procedure are not
183 applicable to hearings conducted under this act.

184 (d) The board, in conducting such hearings, shall have the
185 power to issue subpoenas upon the request of any party or upon
186 its own motion.

187 (e) The board shall, by majority vote, dispose of the
188 appeal for which it was appointed by making findings of fact and
189 issuing its written recommendations to the sheriff for
190 consideration. The sheriff shall retain the right of final
191 determination and no person may be reinstated with or without
192 back pay or benefits without the concurrence of the sheriff.

193 Section 3. Severability.--The provisions of this act shall
194 be severable, and if any provision is held invalid by a court of
195 competent jurisdiction, the decision of the court shall not
196 affect the validity of the remaining provisions except to the

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197 extent that an entire section or part of a section may be
198 inseparably connected in meaning and effect with the section or
199 part of a section to which such holding directly applies.

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