

ENROLLED  
 HB 507

2008 Legislature

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.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

12  
 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.

ENROLLED  
 HB 507

2008 Legislature

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

## ENROLLED

HB 507

2008 Legislature

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

ENROLLED  
 HB 507

2008 Legislature

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

ENROLLED  
 HB 507

2008 Legislature

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.

ENROLLED  
 HB 507

2008 Legislature

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

ENROLLED  
 HB 507

2008 Legislature

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

ENROLLED  
HB 507

2008 Legislature

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.