

1                                   A bill to be entitled  
 2           An act relating to Santa Rosa County; amending chapter  
 3           79-561, Laws of Florida, as amended; revising  
 4           definitions; removing the school board as a taxing  
 5           authority; revising the method of electing the civil  
 6           service board and budget appropriations; repealing  
 7           implementing rules relating to the classified pay  
 8           plan, leave, and holiday policies; providing that  
 9           actions related to suspensions, demotions, and  
 10          dismissals may be filed through the board of county  
 11          commissioners' human resources department; providing  
 12          an effective date.

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

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 16           Section 1. Subsections (2) and (9) through (18) of section  
 17   1, section 3, subsections (1), (2), and (3) of section 4,  
 18   sections 5, 6, 7, and 12, subsection (1) of section 16,  
 19   subsections (2), (3), (6), and (7) of section 21, and section 24  
 20   of chapter 79-561, Laws of Florida, as amended by chapter 2002-  
 21   385, Laws of Florida, are amended to read:

22           Section 1. Definitions.—As used in this act:

23           (2) "Appointing authority" means county commission, clerk  
 24   of the circuit and county courts, tax collector, property  
 25   appraiser, sheriff, and supervisor of elections, ~~superintendent~~

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26 ~~of schools, school board, and regional library.~~ Within the  
27 limitation of the foregoing words, appointing authority also  
28 means and includes all officers and agencies now or hereafter  
29 having the authority to make contracts of employment with  
30 persons in the classified service as defined in this act.

31 (9) "Constitutional officer" means the sheriff, clerk of  
32 circuit and county courts ~~court~~, tax collector, property  
33 appraiser, or supervisor of elections.

34 (10) "Demotion" means an involuntary change of job  
35 position that results in a reduction in pay.

36 ~~(11) "Department" means a major subdivision of the two~~  
37 ~~taxing authorities provided for in this act or as established by~~  
38 ~~an appointing authority.~~

39 ~~(12) "Division" means a subdivision of any department, as~~  
40 ~~established by that appointing authority.~~

41 ~~(11)-(13)~~ (11) "Employee" means any person who holds an  
42 appointment to any position within the classified service.

43 ~~(12)-(14)~~ (12) "Cause" means actions adversely affecting the  
44 orderly, efficient operation of the service, including, but not  
45 limited to, insubordination, immorality, drunkenness,  
46 inefficiency, neglect of duty, violation of any employment rule  
47 or regulation or any combination thereof.

48 ~~(13)-(15)~~ (13) "Employment" means the initial appointment to a  
49 position within the classified service of the county.

50 ~~(14)-(16)~~ (14) "Probationary employee" means an employee who has

51 served fewer than 365 continuous calendar days from the date of  
 52 employment.

53 ~~(15)-(17)~~ "Taxing authority" means ~~one of the following two~~  
 54 ~~major entities of Santa Rosa government:~~

55 ~~(a)~~ county commission.

56 ~~(b)~~ School board.

57 (16)~~(18)~~ "Unclassified service" includes any person  
 58 elected or appointed members of a board or commission; county  
 59 administrator, attorneys and assistant attorneys retained by the  
 60 county ~~or any person employed by them; Office of Management and~~  
 61 ~~Budget Director; Public Works Director; Public Service Director;~~  
 62 persons of highly technical or professional training maintaining  
 63 an independent practice employed on a part-time basis; patients  
 64 or inmates; persons under nonpermanent federal grants (unless  
 65 specifically accepted by the board into the service);  
 66 ~~instructional personnel and administrative personnel as~~  
 67 ~~described in section 228.041(9) and (10), Florida Statutes,~~  
 68 ~~respectively; executive director of Navarre Beach; county~~  
 69 ~~engineer; county project coordinator;~~ judicial clerk; court  
 70 reporters; chief deputy for: sheriff, tax collector, property  
 71 appraiser, supervisor of elections, and clerk of circuit and  
 72 county courts; one administrative assistant to: sheriff and  
 73 property appraiser; one secretary to each judge, ~~county~~  
 74 ~~commissioner, school board member, superintendent of schools,~~  
 75 tax collector, supervisor of elections, and clerk of the circuit

76 | and county courts, ~~and county administrator~~; and one  
 77 | supervisory-level-technical person employed or appointed by and  
 78 | at the discretion of an appointing authority for every 5 ~~10~~  
 79 | employees, or fraction thereof, employed in or appointed to the  
 80 | classified service by an appointing authority.

81 | Section 3. Organization of the system.—The various county  
 82 | governmental agencies shall be organized into the county  
 83 | commission ~~following two~~ taxing authority ~~authorities~~ for  
 84 | administration under the board as provided in this act. ~~The:~~

85 | ~~(1) COUNTY COMMISSION TAXING AUTHORITY.~~ This taxing  
 86 | authority shall include the classified employees of all agencies  
 87 | of government not specifically designated by this section as  
 88 | part of another taxing authority, and shall include but not be  
 89 | limited to all classified employees working for the county  
 90 | commissioners, sheriff, property appraiser, tax collector, clerk  
 91 | of the circuit and county courts, ~~West Florida Regional Library,~~  
 92 | and supervisor of elections.

93 | ~~(2) SCHOOL BOARD TAXING AUTHORITY.~~ This taxing authority  
 94 | ~~shall include all classified employees of the school board.~~

95 | Section 4. Civil service board created.—

96 | (1) A civil service board consisting of five members is  
 97 | hereby created. Members are seated in the following manner: two  
 98 | members ~~One member~~ elected by vote of the county commission  
 99 | classified employees, one member ~~elected by vote of the school~~  
 100 | ~~board~~ ~~classified employees~~, one member appointed by the county

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101 commission, ~~one member appointed by the school board,~~ and two  
102 members elected ~~one member~~ by vote of the constitutional  
103 officers. All members of the board shall serve a 4-year term. No  
104 member shall serve more than two appointed or elected full terms  
105 in succession.

106 (2) The supervisor of elections of the county shall be  
107 responsible for conducting the elections for the employee member  
108 ~~members~~ of the board. Said elections are exempt from the Florida  
109 Election Code. The election of members shall be by vote of the  
110 classified employees ~~of the respective taxing authorities as~~  
111 ~~outlined in this section,~~ and nominations of candidates for said  
112 positions shall be submitted in writing and signed by 15 members  
113 of the classified service employed within the taxing authority  
114 ~~authorities~~ holding the election and filed with the supervisor  
115 of elections at least 21 days prior to the date on which  
116 elections shall be held. The names of all persons nominated by  
117 the classified employees shall be printed upon a ballot. The  
118 classified employees shall be permitted to vote in the election  
119 by a secret ballot. The use of a mailout ballot is permitted.  
120 The election shall be by a majority of the votes cast.

121 (3) Any member of the board may be disqualified to hear  
122 and determine any cause if there exists any grounds under the  
123 laws of Florida which would disqualify the judge of any court,  
124 or which is a ground of challenge for cause to a juror. If any  
125 person charged with any offense or violation of any law or rule

126 of the board files an affidavit stating that he or she does not  
 127 believe that he or she will receive a fair hearing and sets  
 128 forth sufficient reasons for such belief, supported by two  
 129 affidavits of disinterested persons stating that they do not  
 130 reasonably believe that such member of the classified service  
 131 will receive a fair and impartial hearing, the board member so  
 132 challenged shall disqualify himself or herself. If sufficient  
 133 challenges are made to reduce the number sitting on the board to  
 134 less than three, then an alternate member shall be selected by  
 135 the remaining members of the board for the purpose of hearing  
 136 that particular cause before the board.

137 Section 5. Existing board to assume authority; election or  
 138 appointment date.—Elections or appointments shall be held or  
 139 made on the last Tuesday in May, ~~with the exception of the~~  
 140 ~~appointment of the fifth member of the board, which will be made~~  
 141 ~~at the next meeting~~. The board members shall take office at the  
 142 next meeting of the board. The oath of office shall be  
 143 administered to each of the board members by the clerk of the  
 144 circuit and county courts.

145 Section 6. Appropriations to be made for the board.—The  
 146 county commission is ~~and the school board are~~ hereby required to  
 147 appropriate and fund ~~between them~~ a sufficient sum of money for  
 148 the operations of the board and for the enforcement of this act.  
 149 The board shall submit an annual budget to the county commission  
 150 ~~and school board~~ at least 30 days prior to the beginning of the

151 new fiscal year ~~for each taxing authority. Each taxing authority~~  
152 ~~shall include one-half of this budget amount in each of their~~  
153 ~~respective budgets.~~ The actual legal expenses for hearings shall  
154 not be a budget item but will be billed ~~separately~~ by the board  
155 to the county commission ~~and school board for the hearings that~~  
156 ~~involve their taxing authority.~~ If the requested budget is  
157 disapproved by the county commission ~~both or either of the~~  
158 ~~taxing authorities,~~ said budget submitted shall be subject to  
159 review by the circuit court for unreasonableness upon the  
160 resolution of the civil service board requesting such review.

161 Section 7. Board to be independent; staff authorized;  
162 attorney.—The board shall be independent and is authorized to  
163 employ a staff and legal counsel as it may deem qualified and  
164 competent to carry out the purpose of this act. The board is  
165 also authorized to use personnel in the employ of the county,  
166 subject to approval from the appointing authority, to assist in  
167 carrying out the provisions of this act. The attorney chosen  
168 shall be independent of the county and its appointing  
169 authorities as defined in this act, and shall advise the board  
170 and staff with respect to all legal matters of policy and  
171 procedures. The board attorney shall act as counsel and/or  
172 hearing officer to the board at all hearings and trials. The  
173 attorneys for the appointing authorities enumerated in this act  
174 shall, when requested by the appointing authorities, appear and  
175 prosecute charges at trials or hearings before the board.

176 Section 12. Officers and meetings.—The board shall elect  
 177 one of its members as chairman and another member as vice-  
 178 chairman~~,~~ and shall meet at such time and place as specified by  
 179 call of the chairman with advance written notice to each member  
 180 at least 2 days prior to said meeting. Notice shall be deemed  
 181 sufficient when mailed to the current address of each member on  
 182 file with the board. All meetings shall be open to the public.  
 183 Three members of the board shall constitute a quorum for the  
 184 transaction of business.

185 Section 16. Rules for classified service; posting of  
 186 rules.—

187 (1) Rules implementing ~~a classified pay plan, leave and~~  
 188 ~~holiday policies,~~ reduction-in-force guidelines~~,~~ and procedures  
 189 relating to hearings of the Civil Service Board which have  
 190 general application to the classified employees under the board  
 191 of county commissioners and constitutional officers shall be  
 192 adopted and may be amended by vote of the board of county  
 193 commissioners and constitutional officers. Each county  
 194 commissioner and each constitutional officer shall have one  
 195 vote. If there is a tie vote, the majority vote of the board of  
 196 county commissioners shall prevail.

197 Section 21. Suspensions, demotions, dismissals, and  
 198 hearings.—

199 (2) Such action may be filed through ~~with~~ the board of  
 200 county commissioners' human resources department no more than 10



201 days excluding holidays of the ~~relevant~~ taxing authority after  
 202 the effective date of the disciplinary action, and if not  
 203 received ~~in the office of the board~~ within 10 days excluding  
 204 holidays of the ~~relevant~~ taxing authority of such action the  
 205 employee will be reinstated and reimbursed for loss of pay and  
 206 allowances. Such action may then be refiled by the relevant  
 207 appointing authority. Thereafter, the employee shall have 10  
 208 days excluding holidays of the ~~relevant~~ taxing authority after  
 209 the action has been filed through ~~with~~ the board of county  
 210 commissioners' human resources department within which to  
 211 request a hearing before the board on such action. If a hearing  
 212 is requested by an employee the same shall be heard within a  
 213 reasonable time thereafter. Any appointing authority may suspend  
 214 a classified employee for a reasonable period not to exceed 30  
 215 working days pending hearing and decision. Every such suspension  
 216 shall be without pay; provided, however, that the board shall  
 217 have authority to conduct a hearing upon appeal by the affected  
 218 employee for every such suspension and, in case of its  
 219 disapproval, shall have power to restore pay to the employee for  
 220 such suspended time.

221 (3) Subject to the foregoing provisions of this section,  
 222 no person in the classified service shall be demoted, suspended,  
 223 or dismissed except for cause upon written action and after an  
 224 opportunity to be heard in his or her own defense.

225 (6) In case of failure of any person to comply with an

226 | order of the board, or a subpoena issued by the board or any of  
 227 | its members ~~or director~~, or on the refusal of a witness to  
 228 | testify to any matter to which he or she may be lawfully  
 229 | interrogated, a judge of a court of competent jurisdiction in  
 230 | the county in which the person resides, on application of any  
 231 | member of the board or its designee, shall compel the person to  
 232 | testify or comply with said order or subpoena.

233 |         (7) The sheriff of any county shall serve such subpoena  
 234 | and shall receive the same fees as he or she normally charged  
 235 | ~~charges~~ for such service, and each witness who appears, in  
 236 | obedience to a subpoena before the board or a member or its  
 237 | designee, shall receive for his or her attendance the fees and  
 238 | mileage provided for witnesses in civil cases in the civil  
 239 | courts of this state, which shall be audited and paid in the  
 240 | same manner as other expenses are audited and paid, upon the  
 241 | presentation of proper vouchers approved by any two members of  
 242 | the board.

243 |         Section 24. Political activity.—Any member of the  
 244 | classified service who chooses to run for any elective county or  
 245 | state public office shall, upon qualifying for such office, be  
 246 | immediately deemed to have temporarily terminated his or her  
 247 | employment as a classified employee and all pay and other  
 248 | benefits accruing under this act shall cease to run until such  
 249 | time as said employee is no longer a candidate for elective  
 250 | public office. In the event said employee is not elected to said

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251 public office, the employee ~~he~~ shall be reinstated to his or her  
252 prior position without penalty except for the loss of pay and  
253 accrued benefits during the temporary suspension of employment.  
254 In the event said employee is elected to the elective office,  
255 the employee ~~he~~ shall be allowed to resume his or her employment  
256 within the classified service only for that period of time  
257 following the day of his or her election until the date he or  
258 she assumes said office, at which time his or her employment  
259 within the classified service shall terminate.

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