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 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.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 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

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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

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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

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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

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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.

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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

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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

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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.