



26 "personnel," "employee," "employ," and "employment" shall refer  
27 to all persons, whether employed or appointed, to whom the act  
28 applies. It is not, however, the intent of this act to grant the  
29 right of collective bargaining to members of the Osceola County  
30 Sheriff's Office who do not otherwise have that right pursuant  
31 to law.

32 (2) Career Service positions.—

33 (a) The following Career Service positions are established  
34 and recognized:

35 1. Level 5 Captain.

36 ~~2.1.~~ Level 4 Lieutenant.

37 ~~3.2.~~ Level 3 Sergeant.

38 ~~4.3.~~ Level 2 Deputy Sheriff.

39 ~~5.4.~~ Level 1 nonappointed.

40 (b) Promotions ranging from above level 1 to level 4 shall  
41 be made by content-valid examinations according to the agency's  
42 promotional system. All promotions to the rank of sergeant and  
43 lieutenant made after the effective date of this act must be as  
44 a result of said competitive examinations.

45 (c) Promotions above level 4 shall be made by a resume or  
46 interview process. All promotions to the rank of captain made  
47 after the effective date of this act must be as a result of said  
48 resume or interview process.

49 (3) Career Service status.—

50 (a) After a member of the Sheriff's Office, to whom the  
51 provisions of this act apply, has served for a period of one (1)  
52 calendar year, such member shall have attained Career Service  
53 status, unless the member is placed on extended probation for  
54 just cause.

55 (b) Effective upon this act becoming a law, all current  
56 nonprobationary members of the Sheriff's Office will be granted  
57 Career Service status at the rank which they currently hold,  
58 provided that said member currently holds a Career Service rank.

59 (c) If a member is separated but later rejoins the  
60 Sheriff's Office, said member shall be required to complete one  
61 (1) further calendar year of service before being granted the  
62 right of appeal provided in section 4.

63 (d) Any member who is required to serve a probationary  
64 period attendant to a promotion shall retain Career Service  
65 status with the Sheriff, but may be demoted to his/her prior  
66 rank during such probationary period without the right of appeal  
67 as provided in section 4.

68 (e) At the discretion of the Sheriff, the rank of captain  
69 can be demoted to the last tested rank without cause.

70 (f)~~(e)~~ A member demoted to a Career Service rank from a  
71 non-Career Service rank shall complete a one (1) year  
72 probationary period in the Career Service rank before being  
73 eligible for ~~to~~ protection offered with Career Services status.

74        (g)~~(f)~~ Promotions or demotions of members or creation of  
 75 rank to circumvent the intent of this act shall be held as  
 76 invalid and shall not affect the Career Service status of any  
 77 member affected by such invalid action.

78        (4) Transition of Career Service members.—

79        (a) When a newly elected or appointed sheriff assumes  
 80 office, the new sheriff shall continue the status of current  
 81 Career Service personnel unless cause for dismissal or demotion  
 82 exists.

83        (b) Cause for dismissal shall be misfeasance, nonfeasance,  
 84 or malfeasance of office.

85        (c) Said Career Service members shall retain their Career  
 86 Service ranks up to and including the rank of captain  
 87 ~~lieutenant~~.

88        (5) Administration.—The sheriff has and shall continue to  
 89 have the authority to adopt such rules, regulations, and  
 90 procedures as are necessary for the implementation and  
 91 administration of this act, including, but not limited to,  
 92 appeal hearing proceedings. Nothing in this act shall be  
 93 construed as affecting the budgetmaking powers of the Board of  
 94 County Commissioners of Osceola County.

95        Section 3. Career Service Board; creation; membership  
 96 duties.—

97        (1) Function of the board.—A Career Service Appeals Board  
 98 shall be appointed herein for the purposes of hearing appeals of

99 Career Service members arising from disciplinary actions brought  
100 under the sheriff's rules, procedures, or policies which result  
101 in dismissal, suspension, demotion, or reduction in pay,  
102 provided that oral or written reprimand, probation, and  
103 suspension from work for three (3) work days or less as a result  
104 of a single investigation shall not be appealable to the board.

105 (2) Membership of the Career Service Board.—The Career  
106 Service Board shall consist of five (5) members, none of whom  
107 shall have been involved in the original event which resulted in  
108 the disciplinary process that is the subject of the appeal, none  
109 of whom are related to the appellant, none of whom have been  
110 terminated from a law enforcement agency within Osceola County  
111 due to a disciplinary action, none of whom have any ongoing  
112 litigation against ~~the~~ Osceola County due to a disciplinary  
113 action, none of whom have any ongoing litigation against the  
114 Osceola Sheriff's Office, and none of whom are on probation or  
115 have received discipline within the last year. A method of  
116 selection and terms of office are as follows:

117 (a) The sheriff shall appoint two full-time law  
118 enforcement officers from an agency within Osceola County to  
119 serve on the board only with regard to the appellant's  
120 particular appeal.

121 (b) The appellant shall appoint two full-time law  
122 enforcement officers from an agency within Osceola County to

123 | serve on the board only with regard to the appellant's  
124 | particular appeal.

125 |         (c) The four members of the board, having been selected as  
126 | per paragraphs (a) and (b) shall between them select a full-time  
127 | law enforcement officer employed at the Osceola County Sheriff's  
128 | Office to serve as the fifth member and chairperson of the  
129 | board. This chairperson/member shall serve only with regard to  
130 | the appellant's particular appeal.

131 |         (d) In the event that either the sheriff or the  
132 | appellant's appointees to the board do not qualify as per  
133 | subsection (2), an alternate name shall be submitted to the  
134 | career service administrator by the applicable party within  
135 | three (3) working days of notification of the disqualification.

136 |         (e) The appeal board will be declared at an impasse by the  
137 | administrator if the four members fail to agree on a fifth  
138 | member/chairperson. After declaring an impasse, the  
139 | administrator ~~shall notify the sheriff or his/her designated~~  
140 | ~~representative and the appellant. To break the impasse, the~~  
141 | ~~administrator~~ may utilize the following options:

142 |             1. The sheriff and/or appellant may choose to appoint new  
143 | board members or retain the present appointees.

144 |             2. If neither party wishes to replace their appointees, or  
145 | if new appointees still result in an impasse, the administrator  
146 | shall contact a circuit or county judge and request the court  
147 | appoint a fifth member to serve as a chairperson from a current

148 roster of law enforcement officers employed on a full-time basis  
149 at the Osceola Sheriff's Office.

150 (f) All five members, as provided for above, shall  
151 constitute a quorum.

152 (g) Seated board members may not be replaced or  
153 substituted without advanced approval of the ~~entire~~ remaining  
154 board.

155 (h) The sheriff shall select a member of the Osceola  
156 County Sheriff's Office to serve as the administrator of the  
157 Career Service Board. This administrator shall have no voting  
158 right as to the actions of the board and shall serve only to  
159 assist the board in scheduling, recording, the calling of  
160 witnesses, and other such administrative duties and shall be  
161 responsible for advising the board of the board's  
162 responsibilities under the provisions of this act.

163 Section 4. Career Service Board appeal procedure.—

164 (1) Timeliness.—A Career Service appeal of the final  
165 decision of the sheriff on a disciplinary action as specified in  
166 section 3 2(3)(e) shall be made in writing to the administrator  
167 of the Career Service Board. The Career Service appeal must be  
168 received by the administrator no later than five (5) working  
169 days after the disciplined individual is served with the  
170 sheriff's final decision. Said appeal shall include the names of  
171 the two members of the board selected by the appellant as  
172 provided in section 3(2)(b). The Career Service Board shall meet

173 for the purpose ~~purposes~~ of hearing the appeal no later than  
174 thirty (30) working days after the receipt of an appeal by the  
175 administrator.

176 (2) Conduct of hearing.—

177 (a) During any Career Service hearing the member filing  
178 the appeal shall have the right to be heard publicly, to be  
179 represented by an individual of his/her choice, other than an  
180 elected or appointed official of Osceola County or an attorney  
181 licensed to practice law in the State of Florida, and to present  
182 any evidentiary facts in his/her behalf, however, said facts  
183 shall be restricted to those presented during the disciplinary  
184 procedure.

185 (b) During such hearing ~~hearings~~, the technical rules of  
186 evidence shall not apply.

187 (c) The board shall, in the conduct of such hearings, have  
188 the power to administer oaths, issue subpoenas, compel the  
189 attendance of witnesses, and require the production of books,  
190 records, accounts, papers, documents, and testimony.

191 (d) In the event of disobedience by any person to comply  
192 with an order of the board or a subpoena issued by the board, or  
193 upon refusal of a witness to testify on any matter regarding  
194 which he/she may be lawfully interrogated, a Circuit Judge of  
195 the Ninth Judicial Circuit, upon application of the chairperson  
196 of the board, shall compel obedience by proceeding as for  
197 contempt.



198 (e) Each witness who appears in obedience to a subpoena  
199 before the board shall receive compensation for attendance fees  
200 and mileage as provided witnesses in civil cases in the courts  
201 of this state unless the witness is a law enforcement officer  
202 appearing before the board during normal duty hours. Such  
203 payments shall be made by the party calling the witness; except  
204 that with respect to any witness called by the board, payments  
205 shall be made by the sheriff upon presentation of proper  
206 vouchers and approval of the chairperson and administrator.

207 (f) The board shall have the power to enact, adopt, and  
208 amend rules and regulations governing procedures before the  
209 board.

210 (3) Board responsibilities and findings.—

211 (a) The board shall, by majority vote, dispose of the  
212 appeal by making a finding ~~findings~~ of fact and issuing a  
213 written decision to the sheriff and the appellant.

214 (b) Such decision shall either sustain or not sustain the  
215 action being appealed.

216 (c) If an action by the sheriff is not sustained by the  
217 board, the board shall offer such remedial action as is  
218 appropriate, which may include reinstatement with or without  
219 back pay and may modify any disciplinary action which was the  
220 subject of the appeal.

221 ~~(d) No board shall have the authority to impose on any~~  
222 ~~member any penalty which is more harsh than that which formed~~  
223 ~~the basis of the appeal.~~

224 (d)~~(e)~~ The decision of the board shall be final and  
225 binding on the appellant and the sheriff.

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