

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [CS/CS/HB 4073](#)

**TITLE:** Leon County

**SPONSOR(S):** Tant

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 114 Y's 0 N's

**GOVERNOR'S ACTION:** Approved

### SUMMARY

#### Effect of the Bill:

The bill revises the Leon County Sheriff's Office Career Service Employees' Act to clarify the powers of the sheriff in making personnel decisions, update the appeals process for permanent status employees, and repeal provisions relating to a complaint review process.

#### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill revises the applicability of the [Leon County Sheriff's Office \(LCSO\) Career Service Employees' Act](#) to remove sworn personnel of the rank of captain or higher and civilian personnel of the rank of director or higher from its protections, except for those provisions related to [transition](#) to a new sheriff. (Section [1](#))

The bill specifies that an employee who is placed on disciplinary probation or terminated and rehired at a later date must complete the year-long probationary period before being granted [permanent status](#) again regardless of the reason for the disciplinary probation or termination. (Section [1](#))

The bill revises transition provisions to allow the sheriff to replace officers at the ranks of captain and above, moving the prior occupants of those positions to a prior permanent non-exempt position or rank held prior to their appointment of exempt status, reducing the member to the rank of deputy sheriff, or offering the prior occupant a transfer to any position he or she is qualified for at a pay rate commensurate with the position. (Section [1](#))

The bill revises the [appeals](#) process by:

- Requiring the ranking officer in charge of personnel to schedule the time and location of Career Service Appeals Board meetings, notify board members of the meeting, and post notice as required by law;
  - Requiring any unpaid suspension to be stayed during the appeals process;
  - Clarifying that the sheriff is represented by his or her general counsel or other representative; and
  - Providing that irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence, including hearsay, is admissible.
- (Section [1](#))

The bill repeals provisions concerning the [complaint review process](#). (Section [1](#))

The bill provides for severability. (Section [2](#))

The bill was approved by the Governor on June 5, 2025, ch. 2025-250, L.O.F. and became effective on that date. (Section [3](#))

**STORAGE NAME:** h4073z1.IAS

**DATE:** 7/15/2025

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### Employment Protections for Deputy Sheriffs

Sheriffs may appoint deputies to serve as “the sheriff’s alter ego” with all of the powers of the sheriff except the power to appoint other deputies.<sup>1</sup> Each sheriff, as a constitutional officer, possesses significant independence concerning the selection of personnel, including the hiring and firing of officers and setting of their salaries.<sup>2</sup>

#### Law Enforcement Officers’ Bill of Rights

Law enforcement officers and correctional officers are provided with specified rights when they are being investigated for misconduct by their own agencies. The Law Enforcement Officers’ Bill of Rights (LEOBOR)<sup>3</sup> provides specific rights when a law enforcement officer<sup>4</sup> or correctional officer<sup>5</sup> is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal. The LEOBOR prescribes the conditions under which an interrogation of an officer must be conducted, including limitations on the time, place, manner, and length of the interrogation, as well as restrictions on the interrogation techniques that may be employed.<sup>6</sup> The LEOBOR further affords officers the right to:

- Be informed of the nature of the investigation;
- Be provided with all evidence against the officer before any interrogation;
- Counsel during any interrogation;
- Have the interrogation recorded;
- A complete copy of the investigative file;
- Be notified of the reason for disciplinary action before it is imposed; and
- Address the findings in the investigative file with the employing agency before disciplinary action is imposed.<sup>7</sup>

In addition to providing a law enforcement officer or correctional officer with a list of rights that may be exercised while he or she is being investigated for misconduct by an agency, the LEOBOR also requires every law enforcement agency and correctional agency to establish and put into operation a system for the receipt, investigation, and determination of misconduct complaints received by such agency from any person.<sup>8</sup>

No law enforcement officer or correctional officer may be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against as it relates to employment while exercising his or her rights under the LEOBOR.<sup>9</sup>

Each law enforcement agency is responsible for establishing a system to receive, investigate, and make determinations of complaint against its officers.<sup>10</sup> A law enforcement agency may not suspend, demote, dismiss, or take other disciplinary action against an officer based on an act, omission, or complaint if the investigation of the allegation is not completed within 180 days of the agency receiving notice of the complaint.<sup>11</sup> If the agency

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<sup>1</sup> *Tanner v. McCall*, 625 F.2d 1183 (5th Cir. 1980).

<sup>2</sup> S. [30.53, F.S.](#)

<sup>3</sup> [Chapter 112, part VI, F.S.](#), is commonly known as the Law Enforcement Officers’ Bill of Rights.

<sup>4</sup> “Law enforcement officer” is defined as any person, other than a chief of police, who is employed full time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to [s. 30.07, F.S.](#) S. [112.531\(3\), F.S.](#)

<sup>5</sup> “Correctional officer” is defined as any or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in [s. 943.10\(3\), F.S.](#) However, the term “correctional officer” does not include any secretarial, clerical, or professionally trained personnel. S. [112.531\(2\), F.S.](#)

<sup>6</sup> S. [112.532\(1\), F.S.](#)

<sup>7</sup> S. [112.532\(1\) and \(4\), F.S.](#)

<sup>8</sup> S. [112.533\(4\)\(a\), F.S.](#)

<sup>9</sup> S. [112.532\(5\), F.S.](#)

<sup>10</sup> S. [112.533\(4\)\(a\), F.S.](#)

<sup>11</sup> S. [112.532\(6\)\(a\), F.S.](#)

determines disciplinary action is appropriate, the agency must give written notice to the officer specifying the proposed disciplinary action. This notice must be given within 180 days after the date the agency receives notice of the alleged misconduct, with the following exceptions:

- If a law enforcement or correctional officer waives the limitation in writing;
- While any criminal investigation or prosecution is ongoing in connection with the act, omission, or other claim of wrongdoing;
- If an officer involved in the investigation is incapacitated;
- In a multijurisdictional investigation for as long as needed to allow authorities to collaborate;
- If the governor declares a state of emergency within the territory of the applicable agency; or
- While the officer's compliance hearing proceeding is ongoing.<sup>12</sup>

An investigation against a law enforcement officer or correctional officer may be reopened if significant new evidence is discovered that can likely affect the outcome of the investigation or if the evidence could not have been reasonably discovered during the normal course of an investigation or the evidence came from a pre-disciplinary response from the officer.<sup>13</sup> Any reopened disciplinary action must be completed within 90 days after the investigation is reopened.<sup>14</sup>

### Protections from Termination for Political or Discriminatory Reasons

Deputy sheriffs are protected from termination for political or discriminatory reasons.<sup>15</sup> When a newly elected or appointed sheriff takes office, however, the incoming sheriff may replace deputy sheriffs assigned to managerial, confidential, or policymaking positions or part-time deputy sheriffs.<sup>16</sup>

Each sheriff is required to establish a review board to evaluate appeals by deputy sheriffs alleging termination for lawful off-duty political activity or for discriminatory reasons.<sup>17</sup> Members of the review board are selected based on their reputations for fairness, objectivity, and impartiality.<sup>18</sup> The review board does not have investigative powers, instead serving as a fact finder to assist in arriving at a fair and equitable recommendation. Members of the board may not have a conflict of interest in the matter being considered and serve without compensation. If a sheriff's office employs 150 or more deputy sheriffs, the review board must consist of:

- Two certified law enforcement officers within the county, selected by the sheriff;
- Two certified law enforcement officers within the county, selected by the deputy appealing the termination; and
- One member chosen by the other four members, who serves as chairperson.<sup>19</sup>

If a sheriff's office employs fewer than 150 deputy sheriffs, the review board consists of a certified law enforcement officer selected by each party and a third member who is selected by the other two.<sup>20</sup>

A deputy sheriff must make a written request for a hearing to his or her immediate supervisor within 10 working days after receiving a termination notice for off-duty political activity.<sup>21</sup> The request must contain a brief statement on the subject of the appeal and the names of the two law enforcement officers the deputy has selected for the review board. The supervisor must forward the request to the sheriff and appropriate division commander.<sup>22</sup>

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<sup>12</sup> *Id.*

<sup>13</sup> S. [112.532\(6\)\(b\), F.S.](#)

<sup>14</sup> *Id.*

<sup>15</sup> Ch. 94-143, Laws of Fla. Sections 2-10 of that act were codified as ss. [30.071-30.079, F.S.](#) A "deputy sheriff" is defined as a law enforcement officer appointed by the sheriff and certified under chapter 943, F.S., but does not include those performing managerial, confidential, or policymaking duties. S. [30.072\(2\), F.S.](#)

<sup>16</sup> S. [30.078, F.S.](#)

<sup>17</sup> S. [30.075\(1\), F.S.](#)

<sup>18</sup> S. [30.075\(2\), F.S.](#)

<sup>19</sup> S. [30.075\(4\)\(a\), F.S.](#)

<sup>20</sup> S. [30.075\(4\)\(b\), F.S.](#)

<sup>21</sup> S. [30.076\(3\)\(a\), F.S.](#)

<sup>22</sup> S. [30.076\(3\)\(b\), F.S.](#)

The review board must be empaneled and a hearing scheduled within 10 working days after receiving the request.<sup>23</sup> At the hearing, the sheriff has the burden of approving the termination was appropriate by the preponderance of evidence.<sup>24</sup> After the hearing, the board has 10 working days to make its findings.<sup>25</sup> Each complaint receives a separate finding from the review board, with the board taking into account the seriousness of the complaint, any extenuating circumstances, and the tenure and past conduct record of the deputy sheriff.<sup>26</sup>

The sheriff must notify the deputy sheriff of the final recommendations of the review board.<sup>27</sup> If the sheriff's action on appeal is not sustained, the deputy sheriff must be reinstated without prejudice or penalty.<sup>28</sup>

These provisions do not apply to:

- Deputy sheriffs in a county that has established rights and procedures for deputy sheriffs which are equivalent to or greater than those above;
- Deputy sheriffs in a county that has established a civil or career service system which grants collective bargaining rights for deputy sheriffs, including, but not limited to, deputy sheriffs in Broward, Miami-Dade, Duval, Escambia, and Volusia Counties;
- Special deputy sheriffs appointed under [s. 30.09\(4\), F.S.](#);
- Members of a sheriff's posse or reserve unit; and
- Part-time deputy sheriffs.<sup>29</sup>

#### [Leon County Sheriff's Office \(LCSO\) Career Service Employees' Act](#)

A career service system for the LCSO was established by special act in 1983.<sup>30</sup> The act applies to all employees of the LCSO, except the sheriff, special deputy sheriffs, members of the sheriff's posse or reserve unit, and individuals appointed as part-time deputy sheriffs.<sup>31</sup>

#### [Permanent Status](#)

After completing a period of one calendar year, an employee of the LCSO achieves permanent status.<sup>32</sup> If any employee is placed on disciplinary probation for six months or more or is terminated and rehired at a later date, that employee must complete the probationary period again. Upon completion of the probationary period, an employee can challenge their dismissal before an appeals board. If an employee is required to undergo a probationary period due to a promotion, the employee retains his or her permanent status in the LCSO, but may be reduced to his or her prior rank without a right of appeal during the probationary period.<sup>33</sup>

An employee who has achieved permanent status may only be suspended or dismissed for cause.<sup>34</sup> The employee must be given written notice of the proposed action and offered an opportunity to respond except in extraordinary circumstances, in which case the employee may be suspended or dismissed immediately with notice given within 24 hours.

Employees may be suspended or dismissed if they are found guilty of a crime, have pleaded nolo contendere to crime, or for negligence, inefficiency or inability to perform assigned duties, insubordination, willful violation of the provisions of law or office rules, conduct unbecoming a public employee, misconduct, or habitual drug abuse.<sup>35</sup>

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<sup>23</sup> *Id.*

<sup>24</sup> S. [30.076\(3\)\(c\), F.S.](#)

<sup>25</sup> S. [30.076\(3\)\(i\), F.S.](#)

<sup>26</sup> S. [30.076\(3\)\(k\), F.S.](#)

<sup>27</sup> S. [30.076\(3\)\(l\), F.S.](#)

<sup>28</sup> S. [30.076\(3\)\(m\), F.S.](#)

<sup>29</sup> S. [30.071, F.S.](#)

<sup>30</sup> Ch. 83-456, Laws of Fla.

<sup>31</sup> Ch. 83-456, s. 1(1), Laws of Fla.

<sup>32</sup> Ch. 83-456, s. 1(2)(a), Laws of Fla.

<sup>33</sup> *Id.*

<sup>34</sup> Ch. 83-456, s. 1(2)(b), Laws of Fla.

<sup>35</sup> *Id.*

## Transition

When a newly elected or appointed sheriff takes office, all permanent employees of the LCSO continue as permanent personnel.<sup>36</sup> However, the incoming sheriff may replace the positions of executive secretary, administrative major, and operations major. If the incoming sheriff fills the major positions with new personnel, the existing employees are reduced to the rank of captain. This rank is permanent unless the employee is later reduced by disciplinary demotion. If the position of executive secretary is filled with new personnel, the former executive secretary will be transferred to another position he or she is qualified for in the LCSO. These actions are not subject to appeal.<sup>37</sup>

## Appeals

A permanent employee can submit an appeal to the sheriff in writing within three working days after the employee receives notice of dismissal, suspension, demotion, or reduction in pay and receive a hearing by a Career Service Appeals Board.<sup>38</sup> The appeals board consists of two employees selected by the sheriff, two employees selected by the employee filing the appeal, and a fifth member selected by the other four members.<sup>39</sup> Additionally, the ranking officer in charge of personnel serves as an ex officio member of the board.<sup>40</sup> The Career Service Appeals Board must meet no later than 15 working days after the sheriff receives the appeal notice.<sup>41</sup> The decision of the board is final and binding.<sup>42</sup>

## Complaint Review Process

The 1983 special act also established a procedure for receiving and processing complaints against employees of the LCSO.<sup>43</sup> Any employee of the LCSO may receive a complaint against any other employee.<sup>44</sup> Complaints are referred to the appropriate division commander for review, unless the complaint can be resolved by the officer taking the complaint or the complaint was received after hours and the watch commander determines immediate action is necessary.

The sheriff is responsible for reviewing all complaints.<sup>45</sup> If the sheriff determines a violation has occurred, the employee is subject to disciplinary action.<sup>46</sup> All employees may appeal a disciplinary action to the Career Service Appeals Board, but deputies may first request a hearing from a complaint review board.<sup>47</sup>

A complaint review board consists of five law enforcement officers, with two selected by the sheriff from outside of the employee's chain of command, two selected by the employee, and the remaining member selected by the other four board members who serves as chair.<sup>48</sup> The board, upon investigating and deliberating, must determine if a complaint has been clearly proven, has been clearly disproved, or if the evidence is not sufficient to make such a determination.<sup>49</sup> If the board determines the complaint has been proven, the sheriff must consult with the employee's chain of command and determine appropriate disciplinary measures.<sup>50</sup> An employee may appeal resulting disciplinary action to the Career Service Appeals Board.<sup>51</sup>

## **Local Bill Forms**

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval

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<sup>36</sup> Ch. 83-456, s. 1(3), Laws of Fla.

<sup>37</sup> *Id.*

<sup>38</sup> Ch. 83-456, s. 2(1) and (3)(a), Laws of Fla.

<sup>39</sup> Ch. 83-456, s. 2(2), Laws of Fla.

<sup>40</sup> *Id.*

<sup>41</sup> Ch. 83-456, s. 2(3)(b), Laws of Fla.

<sup>42</sup> Ch. 83-456, s. 2(3)(e), Laws of Fla.

<sup>43</sup> Ch. 83-456, s. 3, Laws of Fla.

<sup>44</sup> Ch. 83-456, s. 3(2)(a), Laws of Fla.

<sup>45</sup> Ch. 83-456, s. 3(2)(b), Laws of Fla.

<sup>46</sup> Ch. 83-456, s. 3(2)(d), Laws of Fla.

<sup>47</sup> Ch. 83-456, s. 3(2)(e)-(f), Laws of Fla.

<sup>48</sup> Ch. 83-456, s. 4(1), Laws of Fla.

<sup>49</sup> Ch. 83-456, s. 4(2)(b), Laws of Fla.

<sup>50</sup> Ch. 83-456, s. 4(2)(d)2., Laws of Fla.

<sup>51</sup> Ch. 83-456, s. 4(2)(d)3., Laws of Fla.

by referendum vote of the electors in the area affected.<sup>52</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>53</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>54</sup> The bill was noticed in the [Tallahassee Democrat on January 29, 2025](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement Form be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>55</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement Form](#)

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<sup>52</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>53</sup> [S. 50.0311\(2\), F.S.](#)

<sup>54</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>55</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Mar. 15, 2025).