

Senate Bill No. 2678

An act relating to Lee County; amending ch. 74-522, Laws of Florida, as amended; redesignating the Lee County Sheriff's Department as the Lee County Sheriff's Office; revising qualifications for membership on the civil service board; revising the date for electing board members; deleting certain limitations for classification as members of the civil service; revising requirements for demotions in rank following the election of a new sheriff; deleting provisions authorizing a specified amount of annual leave for certain employees; deleting certain restrictions on the age at which an applicant may be employed as a deputy sheriff; deleting certain restrictions on the employment of persons with a medical discharge; revising requirements for the posting of notices of employment; clarifying provisions authorizing political activities during off-duty hours; providing an effective date.

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

Section 1. Chapter 74-522, Laws of Florida, as amended by chapter 87-446, Laws of Florida, chapter 87-547, Laws of Florida, and chapter 95-514, Laws of Florida, is amended to read:

Section 1. There is hereby created a civil service board, hereafter referred to as the "board", composed of five (5) members to administer the terms of this act which shall apply to all classified deputy sheriffs and employees of the Lee County Sheriff's Office ~~department~~.

(1) The board shall consist of five (5) members who shall be elected or appointed as follows:

(a) One (1) member of the board will be the sheriff or his designate.

(b) One (1) member of the board to be elected by a majority of the employees with the rank of lieutenant or above ~~through captain~~.

(c) One (1) member of the board to be elected by a majority of the employees with the rank of deputy patrolman ~~or sergeant~~.

(d) One (1) member to be an upstanding resident of Lee County to be elected by the board.

(e) One (1) member of the board to be the department chaplain.

(f) Election of the three (3) members shall be held at the first staff meeting in ~~on the second Tuesday~~ of September, with the members taking office on the 1st day of October.

(g) If for any reason, a member of the board cannot serve, an alternate member will be elected in the same manner as provided in this section 1 ~~above~~.

(h) All vacancies on the board will be filled by the procedure established in this section ~~1 above~~.

Section 2. Members of the board shall be twenty-one (21) years of age or over, of good moral character, a citizen of the United States of America, a permanent resident of Florida and must have resided in Lee County for at least one (1) year prior to his appointment.

Section 3. The civil service act, as set forth, will encompass all classified members of the ~~sheriff's department~~ of Lee County Sheriff's Office.

(1) All members of the ~~sheriff's office department~~ under the rank of chief deputy colonel shall be classified members of the civil service act.

(2) ~~All members of the Lee County sheriff's department above the rank of major will remain unclassified.~~

Section 4. The board shall, upon its organization, elect one (1) member as chairman and one (1) secretary and they shall perform their duties in accordance with the rules and regulations to be adopted ~~promulgated~~ by the board.

Section 5. This act shall become operative upon the certification to the board by the sheriff that the office of the sheriff of Lee County is functioning under the civil service rules as established in this document. When the certification of organization and capability has been filed by the sheriff, the board shall forthwith acknowledge such certification. Thereafter, the certification shall be irrevocable except by subsequent act of legislature.

Section 6. The board, as a body, shall have the power, subject to minimum requirements, to act to:

(1) Make investigations concerning the enforcement and effect of this act, and to require observance of its provisions and the rules and regulations made thereunder.

(2) Hear and determine appeals of complaints respecting the administration of this act.

(3) Establish and maintain a roster of all employees in the classified service of the office of the sheriff showing their position, rank, compensation, benefits and place of residence.

(4) Ascertain and record the duties and responsibilities appertaining to all positions in the classified service and classify such positions in the manner hereafter provided.

(5) Keep any other records as may be necessary for the proper administration of this act.

Section 7. All classified persons in the employ of the office of the sheriff at the time this act becomes operative, who have served for a period longer than one (1) year in a position and rank shall now be under this act, retained as same, without preliminary or performance tests but shall thereafter be

subject in all other respects to the provisions of this act. In the event a new sheriff is elected to office in Lee County, all classified employees of the sheriff's office department shall remain in the same position with the exception of personnel who are ranked at captain or above, captains who may shall be subject to a one (1) grade demotion in rank to lieutenant or above in order to allow the sheriff to establish his administration.

Section 8. The sheriff shall formulate reasonable rules governing the granting of leaves of absence to members of the sheriff's office department in good standing. Except as hereinafter provided, no leave of absence shall be given for more than one (1) year, however, such leaves may be extended with the approval of the sheriff upon the showing of good cause.

(1) All persons employed by the Lee County Sheriff's office who shall be inducted in the armed forces of the United States of America or who shall voluntarily by enlistment enter into such forces in time of war or national emergency shall, upon application to the sheriff, receive a military leave of absence for the duration of the period of service required. During the period of service, all persons shall be entitled to all the benefits and privileges of this act and shall retain all rights of seniority. All persons shall be entitled to reemployment in the same capacity and position they held at the time of entering said military service, provided, however, that application for reinstatement in such position be made by or on behalf of such employee within three (3) months after termination of military service. Provided further that to be entitled to the benefits of this subsection, such military service must have been honorable.

~~(2) All employees coming under the provision of this act shall be entitled to one and one fourth (1 1/4) days annual leave for each month of service after six (6) months of continuous service, which leave shall be taken at the time as the employee and the sheriff shall agree upon.~~

Section 9. The minimum standards and qualifications for an original applicant for employment as a deputy sheriff, or in any other capacity in the office of the sheriff of Lee County, shall be as follows:

~~(1) An applicant for employment as a deputy sheriff (road deputy) shall not be more than thirty five (35) years of age.~~

~~(2) Exception to (1) of this section is allowance of one (1) year of age per equal time in military service in the United States of America or one (1) year of age for each year of service as a member of a recognized law enforcement agency up to five (5) years but not to have reached his or her forty first (41) birthday.~~

~~(1)(3)~~ An applicant shall have graduated from a duly accredited high school or shall have the equivalent of a high school diploma.

~~(2)(4)~~ An applicant shall be physically capable of performing all functions and duties of a deputy sheriff as established by the board, and this physical capacity shall be certified by a physician licensed in this state and selected by the board.

~~(3)~~(5) No person is eligible to receive public funds as a salary or for services rendered as a deputy sheriff of Lee County until such person has submitted to the sheriff, a written application for employment and has passed an oral examination.

~~(4)~~(6) An applicant shall not have been convicted of a felony or of a misdemeanor for which the penalty be more than a three hundred dollar (\$300) fine and/or ninety (90) days confinement.

~~(5)~~(7) An applicant with military service shall have an honorable discharge. ~~No person with a medical discharge or who is incapable of carrying out the functions or duties of the office of deputy sheriff shall hold a position with the department.~~

~~(8) The sub-sections of section 9 shall apply only to the employees of the classified service and shall not apply to special deputy sheriffs appointed pursuant to the provisions of section 30.09(4), Florida Statutes.~~

Section 10. Promotions will be made on a merit basis such as work performance, knowledge of job and other qualifications. All promotions will be made by the sheriff.

(1) Whenever there is an opening in any division, this opening will be publicly posted throughout the sheriff's office on the department bulletin board for a period of five (5) days to allow all persons eligible to apply for transfer from their division to the division where the opening exists. Those interested should apply in writing to the sheriff requesting such transfer. The sheriff reserves the right to transfer any employee for the betterment of the service; provided, however, the employees shall not be reduced in rank.

(2) No appointment or promotion in any position in the sheriff's office department shall be deemed complete until after the expiration of a period of one (1) year's probationary service, during which time the sheriff may terminate the employment of any person certified and/or appointed.

(3) Appointments shall be regarded as taking effect upon the date the person appointed reports for duty. A person certified by the sheriff who does not report for duty at the time so designated, and who does not explain his said failure to report, in writing, within five (5) days, may be rejected by the sheriff.

Section 11. The practice and procedure of the board with respect to any investigation by the board authorized by this act shall be in accordance with rules and regulations to be adopted promulgated by the board which shall provide for a reasonable notice to all persons affected by recommendations to be made by the board after such investigation, with the opportunity to be heard either in person or by counsel.

Section 12. No person shall solicit orally or by letter, and no public officer or employee shall receive or be in any manner concerned in receiving or soliciting any money or valuable things from any employee of the sheriff's department or political party for any purpose whatsoever. No person shall

use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this act as a reward or return for personal or partisan political service. No public officer or employee shall by means of threats or coercion induce or attempt to induce any person holding a position in the sheriff's office department to resign his position, or to take a leave of absence from duty or to waive any rights under this act.

Section 13. The sheriff may suspend or dismiss an employee only for just cause. The employee so dismissed or suspended will have fifteen (15) days to file an appeal with the board. Officers with the rank of lieutenant and above will have the authority to take immediate disciplinary action including relieving an employee ~~a man~~ of duty, thereafter securing the approval of the sheriff. The sheriff may summarily suspend an employee for a reasonable period not exceeding thirty (30) days. Every such suspension shall be without pay; provided, however, that the board shall have the authority to investigate every such suspension and if it is found that the sheriff acted in bad faith, it shall have the power to restore pay to the employee for such suspended time.

(1) Subject to the foregoing provisions of this section, any person holding a position in the sheriff's office department who has been removed or discharged, has the opportunity to be heard in his own defense upon filing a written request to the board within fifteen (15) days following the action. The appeal shall, within thirty (30) days after the filing be heard, investigated and determined by the board as provided by section 13 of this act.

(2) The decision of the board will be final and absolute.

Section 14. It shall be the duty of the authorities having charge of the public buildings of Lee County to allow the reasonable use of public buildings and rooms for the holding of meetings of the board and any examinations or investigations provided for by this act.

Section 15. (1) It shall be and is hereby made the duty of the sheriff of Lee County to provide annually in his budget, a sufficient sum of money to enable the board to properly carry out the purposes of this act.

(2) Effective October 1, 1986 and thereafter, it is the duty of the sheriff of Lee County to provide annually in his budget a sufficient sum of money to pay a percentage of the cost of the health insurance of members of the Lee County Sheriff's Office Department who retire from active service after having accumulated at least 15 years of creditable service under the Florida Retirement System. The health insurance costs payable pursuant to this section include premiums for major medical and hospitalization insurance, but do not include premiums for dental insurance. When a retiree receiving this health insurance benefit becomes eligible for Medicare, his health coverage will convert to the Medicare Supplement health insurance.

(a) In order to receive this benefit, the retiree must have served with the Lee County Sheriff's Office Department for the 10 years immediately preceding his retirement. The retiree may claim up to 5 years of creditable service earned while in the employ of another member agency within the

Florida Retirement System. The Lee County Sheriff's Office Department shall verify all years of creditable service claimed through the Division of Retirement of the Department of Administration.

(b) If an employee retires from the Lee County Sheriff's Office Department after at least 10 years of service with the department, but before reaching retirement age, and has participated in the Florida Retirement System for at least 15 years, he may pay his and his dependent's health insurance costs until he begins to receive retirement benefits under the Florida Retirement System. The Lee County Sheriff's Office Department shall begin to pay a percentage of the employee's health insurance costs when he begins to receive such retirement benefits. The retiree shall give the sheriff's office department written notice of the date of payment of his initial retirement benefit. The Lee County Sheriff's Office Department shall verify this date through the Division of Retirement of the Department of Administration.

(c) The Lee County Sheriff's Office Department shall base the percentage of a retiree's health insurance costs it will pay upon the number of years of creditable service that the retiree has accumulated in the Florida Retirement System. Fifteen years of creditable service entitles the retiree to have 75 percent of his health insurance premiums paid by the sheriff's office department. The sheriff's office department shall pay an additional 5 percent of the insurance premiums for each year of service in excess of 15 years until reaching a maximum of 100 percent of the premium at 20 years of service. The Lee County Sheriff's Office Department shall pay an additional one-twelfth of 1 percent of the premium for each month served until the full 100 percent is paid.

(d) If an employee has health insurance coverage through a previous employer, the Lee County Sheriff's Office Department will be the secondary payor.

(e) If an employee receives a retiree health insurance subsidy from the state, the Lee County Sheriff's Office Department shall reduce the amount it pays of the employee's health insurance premiums by the amount of the subsidy.

(f) The Lee County Sheriff's Office Department shall pay for the health insurance coverage of the retiree only. The retiree may pay for the health insurance of his dependents. Upon a retiree's death, his spouse may continue the health insurance coverage previously provided by the retiree. Premiums must be paid to the Lee County Sheriff's Office Department.

(g) This retiree health insurance benefit is only available to an employee when he retires. If the employee does not elect to receive the insurance benefit upon retiring, he does not have the option of receiving the benefit at a later date.

Section 16. No person holding a classified position in the sheriff's office department shall take an active part in any political campaign while on duty. Nothing in this act shall be construed to prohibit or prevent any such person from exercising lawful political rights while off duty, from becoming

or continuing to be a member of a political club or organization, or from attending any political meetings, or from enjoying entire freedom from all interferences in casting his vote. Any person violating the provisions of this section may be dismissed from the service of the office of the sheriff of Lee County.

Section 17. The provisions of this act shall be severable and if any of the provisions shall be held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions. It is hereby declared the legislative intent of this act that it would have been adopted by the legislature had such unconstitutional provision not have been included therein. This act shall not be held or construed to create any property rights or any vested interests in any position in the sheriff's office ~~department~~ and the right is hereby reserved to repeal, alter or amend this act, or any provision thereof at any time.

Section 18. All laws and parts of laws, insofar as they are inconsistent with this act, or any provision thereof, are, to the extent of such conflict, hereby repealed.

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

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.