

House Bill No. 1649

An act relating to Hillsborough County; consolidating, compiling, codifying, revising for the purposes of clarifying, and streamlining the extant law; vesting standard business practices in law and removing gender-specific references; continuing rights, privileges, and benefits accrued by certain employees; retaining membership in the classified service except under certain circumstances, and amending chapter 96-519, Laws of Florida, as amended, relating to the Civil Service Act; providing a statement of policy; providing a short title; providing mandatory and optional applicability of the act; providing, listing in a single section, and adding definitions for purposes of clarification; describing classes of employees and specifying those to whom the act is applicable; creating a civil service board and providing, listing in a single section, and adding powers and duties to vest in law standard business practices of the district not previously enumerated and deleting the requirement that prospective employees be ranked in accordance with relative qualifications; providing for the establishment and use of initial employment lists and promotional lists and deleting the requirement that employment eligibility lists be canceled after 6 months; requiring that the duration of employment eligibility lists be established by rule; providing for the creation and abolition of positions and the filling of vacancies; providing for a probationary period and tenure; providing for the suspension, demotion, and dismissal of employees; providing for an appeal hearing procedure; providing for disciplinary hearings for certain employees of the administrative office of the Thirteenth Judicial Circuit but paid from funds of the county; providing for recommendation and adoption of classification and pay plans; providing an appropriation for the board; providing for a committee to review extant rules; providing for fiscal responsibility; prohibiting certain activities; providing restrictions on individuals qualifying for elective office; providing for an employee advisory committee; deleting the requirement that the board undergo regularly recurring performance audits mandated by special act; providing criminal penalties for violation of the act; providing for future review of the act; providing severability; repealing chapters 96-519, 97-342, 97-343, 97-349, 97-350, 98-450, 98-481, and 99-415, Laws of Florida, relating to the Civil Service Act and performance audits of the board; providing an effective date.

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

Section 1. This act supersedes chapter 96-519, Laws of Florida, which establishes and provides for the Hillsborough County Civil Service Act, and all acts amendatory or supplementary thereto, and constitutes a consolidation, compilation, and codification of all laws expressly repealed by this act which pertain to the Hillsborough County Civil Service Act. This act guarantees continuance of all rights, privileges, or benefits accrued by any classified employee as a result of employment prior to the effective date of this act.

Any position in the classified service as defined by chapter 82-301, Laws of Florida, through September 30, 1985, and which was occupied through that date, but which became exempt upon the effective date of chapter 85-424, Laws of Florida, may remain in the classified service pursuant to the provisions of this act until the occurrence of any one of the following: request by said person to be transferred to the exempt service; dismissal by the appointing authority; resignation; or retirement.

Section 2. Statement of policy.—It is the purpose of this act to establish a system for the formulation and implementation of procedures to ensure the uniform administration of the classified service on the following merit principles:

(1) Recruitment, selection, compensation, benefits, and advancement of employees on the basis of their relative job-related ability, knowledge, skills, and personal capabilities, including open consideration of qualified applicants for initial appointment;

(2) Retention of employees on the basis of the adequacy of their performance, allowing for correction of inadequate performance when possible and separation of employees whose inadequate performance has not been corrected; and

(3) Fair treatment of applicants and employees in all aspects of personnel administration without regard to age, sex, race, religion, national origin, political affiliation, marital status, or disability, except when specific sex, age, or physical requirement is a bona fide occupational qualification.

Section 3. Short title.—This act may be cited as the “Civil Service Act of 2000.”

Section 4. Application.—The provisions of this act apply to all classified personnel employed by the following agencies or authorities within the county: the commission, the county administrator, clerk of the circuit court, supervisor of elections, property appraiser, tax collector, sheriff, environmental protection commission, aviation authority, port authority, planning commission, public transportation commission, expressway authority, law library, legislative delegation, soil and water conservation district, civil service board, sports authority, children’s board, county attorney, arts council, victim assistance, and any other agency or authority not expressly exempt from this act. Each municipality in the county, the judiciary, and the District School Board of the county are expressly exempt from this act until and unless each executes an interlocal agreement with the board pursuant to general law. Positions within the Administrative Office of the Courts which were classified as of January 1, 1998, and which are funded by the county are subject to section 13 of this act.

Section 5. Definitions.—As used in this act:

(1) “Appointing authority” means any person or agency authorized under this act or other statutory authority to employ personnel to carry out the responsibilities of the agency.

(2) “Appointment” means selection by an appointing authority of a certified eligible person to perform assigned duties and responsibilities in a specified position in the classified service.

(3) “Benefits plan” means a schedule of employment benefits to include all leave and holidays.

(4) “Board” means the County Civil Service Board.

(5) “Budget authority” means any agency or authority to which this act applies and which is empowered to develop and adopt its budget without approval by any other agency or authority.

(6) “Certification” means the process of providing the names of those eligible for a class of positions to be considered in filling a vacancy.

(7) “Certified employment lists” means employment eligibility lists and promotion eligibility lists.

(8) “Civil service” means that part of the employment system within Hillsborough County to which this act is applicable pursuant to section 4.

(9) “Classified employee” means an employee whose position is subject to the rights contained in this act and in rules adopted by the board.

(10) “Class of positions/classification” means all positions that are sufficiently similar as to kind or subject matter of work, level of difficulty or responsibilities, and qualification requirements of the work to warrant the same treatment as to title, pay range, and other personnel transactions.

(11) “Classification plan” means a document that formally describes the concepts, rules, and class specifications used in the classification and reclassification of positions in the classified service.

(12) “Commission” means the board of county commissioners of the county.

(13) “County” means Hillsborough County, Florida.

(14) “Demotion” means moving an employee from a position in one class to a position in another class having a lesser degree of responsibility and lower pay grade.

(15) “Dismissal” means the discharge of an employee from the service by the appointing authority.

(16) “Executive manager” means a position so designated by any appointing authority. The identifying characteristics of an executive manager position are:

(a) Having primary responsibility for the administration of a department or division that is major in scope in terms of a countywide program except as may be limited by municipal programs; or

(b) Being entrusted with developmental and confidential information and high level responsibility for:

1. Program research, development, implementation, and monitorship;
2. Formulation of policies; or
3. Day-to-day operations, administration, and departmental or divisional decisionmaking.

(17) “Exempt employee,” which may be used interchangeably with an “unclassified employee,” means an employee whose position is subject to any rights provided by the employee’s appointing authority and who is enumerated in section 6(2).

(18) “Grievance” means any dispute or disagreement between an employee and management involving wages, hours of work, or conditions of employment.

(19) “Initial probationary period” means a period of 6 months of conditional employment in the same position which may be extended for an additional 6 months during which time an employee may be dismissed without appeal to the board.

(20) “Leave” means absence of a classified employee from employment authorized by the appointing authority in accordance with rules adopted by the board.

(21) “Part-time employee” means an employee who works less than 50 percent of the normal work period.

(22) “Pay plan” means a document containing one or more salary schedules.

(23) “Promotion” means moving an employee from a position in one class to a position in another class having a greater degree of responsibility and a higher pay grade.

(24) “Reduction in force” means dismissal, for reasons including, but not limited to, shortage of funds, abolition of a position, or material changes in job duties or organizational structure in accordance with rules adopted by the board.

(25) “Reemployment” means appointment of a person who was dismissed due to reduction in force in accordance with rules adopted by the board.

(26) “Resignation” means that an employee voluntarily elects to terminate the employee’s employment.

(27) “Salary schedule” means a document which is adopted by the annual budget process or which is established by a collective bargaining or impasse procedure. Salary schedules must be adopted or established by any budget authority for those employees whose positions it funds and who are subject to the terms of this act. A salary schedule must include the salary range and

a minimum and a maximum rate of pay and any intermediate points within a salary range.

(28) "Substitute employee" means an employee who is temporarily employed to fill the position of a permanently employed person who is on approved leave. A substitute employee may not fill any given position for a period exceeding 120 calendar days after the first day of appointment by the appointing authority.

(29) "Suspension" means the removal of an employee from the service for a temporary period of time.

(30) "Temporary employee" means an employee whose employment is not intended to exceed 120 calendar days after the first day of appointment by the appointing authority.

(31) "Tenure" means a status granted after successful completion of an initial probationary period, entitling the employee to all rights and protections provided in this act.

(32) "Transfer" means the change of an employee from one position to another position.

Section 6. Classes of employees.—

(1) The employees of all agencies subject to this act are divided into the classified service and the exempt service.

(2) The following classes of employment are exempt from the classified service and are subject to any rights provided by their appointing authority. The exempt service includes:

(a) All elected officials and those appointed by the Governor;

(b) Members of any board, authority, or commission;

(c) Physicians and attorneys-at-law;

(d) Executive managers;

(e) Temporary, part-time, and substitute employees; and

(f) Secretaries of and administrative aides to the county attorney, the chief executive officer of any board, authority, or commission, and each elected official.

Section 7. Creation of the board; method of conducting business; powers and duties.—

(1) There is created in the county a board known as the Hillsborough County Civil Service Board. The board shall consist of seven members who are qualified electors of the county; however, no person may be appointed to serve who is either an elected official or an employee of any appointing authority. Each appointment, except one made to fill an unexpired term,

shall be for a period of 4 years. Each member shall continue to serve until the expiration of that member's term and until a successor has been appointed. The absence of a board member from more than 50 percent of the board's scheduled meetings during any calendar year constitutes his or her resignation. Upon death, resignation, or removal of a member, a successor shall be appointed for the unexpired portion of that member's term. All appointments shall be made by the Governor, subject to confirmation by the Senate. Members shall serve without compensation but may be reimbursed for certain expenses as provided in this act. The clerk of the circuit court shall serve as secretary ex officio and is not entitled to any salary or additional compensation for that service.

(2) The board shall:

(a) Conduct the business of the district, including establishing an annual budget.

(b) Encumber and expend the funds appropriated for the purposes of this act, utilizing the policies and practices of the departments under the commission.

(c) Adopt and amend rules for the uniform administration of this act following a minimum of 30 days' notice of the proposed rule to each appointing authority.

(d) Meet at least once every 2 months to properly handle its business in accordance with the intent and purposes of this act, which meetings shall be open to the public in accordance with general law.

(e) Adopt written bylaws for its internal governance, including the election of a chair and vice chair, and written standard operating procedures for its internal operations as may be required.

(f) Employ, discipline, and terminate a director and such other personnel as necessary to carry out the purposes of this act and within the scope of its budget. The director must meet the following minimum qualifications: graduation from an accredited 4-year college or university with completion of a major course of study in business administration, public administration, psychology, or a related field and at least 5 years of progressively responsible personnel experience, including 3 years in a responsible supervisory position. The director should possess broad knowledge of all aspects of personnel management. The director shall perform duties required by the board.

(g) Employ, discipline, and terminate or contract for legal counsel as may be needed and within the scope of its budget.

(h) Offer its employees the same benefits, which must include a retirement plan and life and health insurance plans and may include such other options as cafeteria-style health care provisions and one or more deferred income plans, as the commission offers its employees and under the same terms and conditions as provided by general law or policy of the commission.

(i) Authorize any of its employees to attend conferences and travel on behalf of the board and reimburse those employees for conference costs and travel and per diem expenses in accordance with general law.

(j) Upon submission of appropriate documentation and upon request, reimburse any member of the board for per diem and mileage in connection with the performance of his or her official duties and in accordance with general law.

(k) Deputize and designate, in any agency containing more than 500 classified positions, the person in charge of personnel in that agency as the agent for the board who shall perform duties delegated by the board.

(l) Ascertain and record the qualifications, duties, and responsibilities appertaining to all positions in the classified service and classify such positions in accordance with the requirements contained in this act.

(m) Recruit personnel for all classified positions, determine the qualifications of persons who seek employment in any class or position, and, as a result, establish certified employment lists for the classes of positions.

(n) Establish a system for evaluation of performance.

(o) Adopt classification, benefit, and pay plans for classified positions as provided in this act.

(p) Establish guidelines for leave without prior board approval for up to a period of 12 months. An extension may be granted by the appointing authority only if said appointing authority certifies to the board before the expiration of the initial period that the extension is not an avoidance of the duty to properly fill a classified position.

(q) Establish and maintain a roster of classified employees, including appointments, resignations, promotions, and transfers.

(r) Make investigations concerning the enforcement and effect of this act, and require observance of the provisions and rules adopted under it.

(s) Establish provisions and procedures for employee grievances, including appeals to the board. Such procedures may provide for appeals to be heard by three-member panels of the board.

(t) Hear and determine appeals from disciplinary actions as provided in this act.

(u) Establish a procedure for reductions in force and a method for reemployment.

(v) Keep records necessary for the proper administration of this act and make copies of those records available upon request in accordance with general law except those which may be exempt pursuant to general law.

(w) Make an annual report to be distributed to all appointing authorities.

(x) Contract for performance audits as may be required by law.

(y) Perform all other acts as may be necessary to accomplish the purposes of this act.

Section 8. Initial employment lists; promotional lists.—

(1) The board shall establish employment eligibility lists for the various classifications in the classified service. The qualifications, duties, pay, and experience applicable to the classification shall be posted by the board 2 weeks preceding the establishment of such list. The list shall contain the names of all persons certified by tests or other evaluative procedures. The resulting employment list shall be published within 15 working days after the last day of the 2-week notification period. The board shall establish by rule the duration of each employment eligibility list. Scores shall be valid for a minimum of 2 years. However, the board may cancel any list when such list, in the board's opinion, fails to provide suitable candidates for the classification to be filled. An error in the assessment of any applicant's qualifications shall be corrected if called to the attention of the board within 30 days after notification by the board to the applicant. If an employee has satisfactorily completed a 6-month probationary period, such correction shall not invalidate any appointment made as a result of the error.

(2) The board shall establish promotion eligibility lists to fill vacancies in classifications whenever there is a lower classification, the duties of which directly tend to fit the incumbents thereof for the performance of the duties of the higher classification. An employee who has not completed the initial probationary period is not eligible for status on a promotion list.

Section 9. Creation and abolition of positions; filling vacancies.—

(1) Each appointing authority shall promptly report to the board its intention to establish any new position that may be classified, and the board shall respond in accordance with the provisions of this act.

(2) Whenever a position in the classified service becomes vacant, the appointing authority may ask the board for the appropriate eligibility list. All classified appointments shall be made from persons certified by the board as eligible. Appointments shall be regarded as taking effect upon the date the person selected reports for duty.

(3) A temporary employee as defined in section 5 need not be on a certified eligibility list but must meet minimum qualifications for the classification of the position to which appointed. An appointing authority may make any temporary appointment without board approval; however, the board must be promptly notified of any such appointment. One extension of not more than 120 calendar days may be granted by certification to the board before the expiration of the initial 120-calendar-day appointment by the appointing authority as not being an avoidance of the duty to properly fill a valid classified position. Any further extension must receive the prior approval of the board.

(4) A substitute employee as defined in section 5 need not be on a certified eligibility list but must meet minimum qualifications for the classification of the position to which appointed.

(5) A written report shall be given immediately to the board and to each affected employee by each appointing authority of all appointments, rein-

statements, vacancies, absences, or other matters affecting the status of positions or the performance of duties of officers or employees in the classified service. Such notices shall be prepared in the manner and form prescribed by the board.

(6) A position in the classified service may not be abolished without the approval of the board. Positions may be abolished only in good faith.

Section 10. Probationary period; tenure.—

(1) All employees in the classified service are entitled to the protection of this act when they have successfully completed their initial probationary period, whether the probationary period began before or after the effective date of this act. It is the intent and purpose of this act to give the protection of tenure of employment to any classified employee of any appointing authority who has successfully completed the initial probationary period. Any person dismissed during the initial probationary period is not entitled to an appeal hearing before the board.

(2) Whenever a position in the classified service is filled by promotion, the person so promoted shall serve a period of conditional employment of 6 months in the new position which may be extended for an additional period of up to 6 months at the discretion of the appointing authority. However, if the probationary period and any extension thereof are not successfully completed, such person shall forthwith be returned to duty to the former classification held in the civil service, provided such person has served the initial probationary period. Unsuccessful completion of a probationary period in a position of promotion is not appealable to the board.

(3)(a) Any classified employee, upon transferring to another classified position, may not incur loss of benefits, including, but not limited to, pensions and leave.

(b) Any employee who is employed in an exempt position by an agency or authority within the county and who transfers to a classified position may not incur loss of benefits, including, but not limited to, pensions and leave.

Section 11. Suspension; demotions; dismissal.—

(1) Any nontenured employee in the classified service may be suspended, demoted, or dismissed for any reason.

(2) Any appointing authority may suspend, demote, or dismiss a tenured employee following written notice to the employee of the intended action, detailing the reasons therefor and providing an opportunity to respond thereto at an informal predisciplinary hearing scheduled for that purpose. The hearing must be scheduled no sooner than 5 working days after the date of notice of intent to discipline unless the employee waives this time and requests an earlier hearing. If the final decision is to discipline, the appointing authority must provide written notice to the employee as soon as possible following the hearing.

(3) Any employee may be suspended immediately, with or without pay and without the benefit of advanced written notice, upon determination by

the appointing authority that such suspension is in the best interest of the county. The appointing authority must provide written notice to the employee as soon as possible and give the employee the opportunity to be heard as required in subsection (2).

(4) Any employee who has satisfactorily completed the initial probationary period and is thereafter suspended, demoted, or dismissed from employment may request a hearing to appeal that disciplinary action by making a written request to the board within 10 calendar days after the official date of receipt of the final notice to discipline. The request for an appeal hearing must state clearly and simply the reason or reasons the employee believes the disciplinary action was not justified and must be received by the board within the 10-day limit, and the board must send a copy to the affected appointing authority within 3 working days after receipt thereof.

(5) The board may reverse the appointing authority's decision and restore the employee to that employee's former status only if it finds that the suspension, demotion, or dismissal was made for a reason other than just cause. The director, or a member of the board on behalf of the board, shall provide a letter to the affected parties within 10 days after the appeal hearing setting forth its findings and conclusions, and the specific reasons therefor.

Section 12. Appeal hearing procedure.—

(1) The practice and procedure of the board with respect to an appeal hearing authorized by this act shall be in accordance with adopted rules.

(2) The board shall make every reasonable effort to hear any timely filed appeal of demotion or dismissal within 30 working days after receipt of notice of appeal unless an extension of time is requested by the employee or the appointing authority. At no time may an appeal hearing be delayed beyond 60 calendar days without the consent of both parties. Requests for appeal hearings of suspensions shall be scheduled as soon as possible. The board shall provide reasonable notice to all affected persons and provide an opportunity for all affected persons to be heard and to introduce relevant testimony and evidence at the appeal hearing, which shall be public. All testimony shall be under oath.

(3) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of the type commonly relied upon by reasonably prudent persons in the conduct of their affairs is admissible, whether or not such evidence would be admissible in the courts of this state. Hearsay evidence may be introduced and used for supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding by the board unless it would be admissible over objections in a civil action.

(4) For the purpose of such hearing, the director or a member of the board is authorized to issue subpoenas to compel the attendance of witnesses and the production of books, accounts, records, and documents. The board or any member of the board may administer oaths and compel testimony. In the case of disobedience by any person of an order of the board to testify to any matter regarding which the person may be lawfully interrogated, or of a

subpoena to appear or produce documents in the person's possession, a county judge shall, upon application of the director or a member of the board, compel obedience by attachment proceedings for contempt, as in the case of a similar court order. Each person who serves such a subpoena shall receive the same fee as a sheriff and each witness who appears in obedience to a subpoena shall receive the same witness fee and mileage provided for witnesses in civil cases, which fees shall be audited and paid in the same manner as other expenses.

Section 13. Administrative Office of the Courts; hearing to review action of dismissal, demotion, or suspension.—Any employee holding a position within the Administrative Office of the Courts which was classified as of January 1, 1998, and which is funded by the county may request a hearing to review such dismissal, demotion, or suspension action by making a written request to the board within 10 calendar days after the official date of receipt of the final notice of the action. The request for a hearing must state clearly and simply the reason such employee believes the action was not justified. The board shall send a copy of any employee's request for hearing to the court administrator within 3 working days after receipt. The practice and procedure of the board with respect to a review hearing authorized in this section shall be in accordance with adopted rules. If the board finds that such court employee's dismissal, demotion, or suspension was for a reason other than just cause, it may recommend to the chief judge that such employee be restored to that employee's former status. Such recommendation is not binding on the chief judge.

Section 14. Recommendation and adoption of classification and pay plans.—

(1) At least once annually, on or before March 31, the board shall recommend any revisions to the classification and pay plan and shall immediately forward them to each appointing authority. The pay plan shall provide, for each class of position in the classification plan, a salary schedule with an initial entrance salary, intermediate points, a method of recognizing longevity, and a maximum salary. Thereafter, but not later than April 30, the board shall prepare a final recommendation, taking into consideration any responses received from any appointing authority and including as backup material copies of all such responses. If the final recommendation is for a change to the pay plan, the classification plan, or both, the recommendation shall be presented, along with the backup material, to each budget authority for the classified employees whose positions it funds. Each budget authority must approve, amend, or reject a salary schedule for the classified employees it funds by the date of adoption of its annual budget. A budget authority shall not adopt a salary schedule for any employee whose salary is funded by any other budget authority. The board shall adopt the salary schedule adopted by each budget authority and include each in the board's pay plan. The board shall also adopt salary schedules established in accordance with any collective bargaining or impasse resolution procedures of any of the agencies or authorities to which this act applies, and shall also include each salary schedule so established within the board's pay plan.

(2) The maximum salary shall be established and used for each class within a salary schedule. The salary schedule shall be used unless the board makes a determination that:

(a) It is in the best interests of the county to approve a salary exceeding the maximum to avoid loss of pay for an employee, and one of the following conditions applies:

1. A pay grade is being reduced by administrative action, including reclassification to a position with a lower pay grade, regrading of a class to a lower pay grade, or demotion through reduction in force to a class with a lower pay grade;

2. An employee is voluntarily demoted; or

3. An employee's position is incorporated into civil service; or

(b) It is necessary to implement a court order, settlement, or contract or to avoid impairing a property interest.

Section 15. Appropriation for the board.—The commission shall appropriate to the board annually a sum of money equal to not less than sixty-five hundredths of 1 percent of the classified personnel payroll of the fiscal year just ended to enable the board to properly carry out the purposes of this act. It is the duty of the authorities having charge of the public buildings of such county to allow the reasonable use of public buildings and rooms for the holding of any activity of the board provided for by this act and to provide quarters for the use of the board.

Section 16. Creation of review committee; transition.—A review committee shall be established consisting of the director of the board; eight persons, one to be designated by each of the following: the aviation authority, commission, clerk of the circuit court, port authority, property appraiser, sheriff, supervisor of elections, and tax collector; and a representative selected by the employee advisory committee. The director of the board shall call an organizational meeting in September of each year for the selection of officers, adoption of procedural rules, and formulation of a proposed agenda. The committee may meet as many times thereafter as necessary, and the staff of the board shall be available for its use. The review committee shall review the current rules adopted pursuant to this act and may propose changes as appropriate for the board's consideration. The board shall act upon the committee's recommendation within 60 days after the presentation to the board.

Section 17. Fiscal responsibility.—A salary, wage, or compensation for services may not be provided to any person in the classified service except upon certification by the board or its agent that the position has been classified as required by this act and rules adopted pursuant thereto and that the incumbent in the position has been duly qualified and properly appointed. Any individual who in good faith accepts an appointment contrary to this act and becomes entitled to compensation therefor has a cause of action against the appointing authority for recovery of salary or other compensation due. The board may provide for the regular or occasional audit of payrolls to enforce this provision.

Section 18. Prohibited activities.—A person may not deceive or obstruct another person with respect to that person's right to apply for employment

under this act. A person may not falsely evaluate an application or test for the purpose of improving or injuring an applicant's chances for employment. An applicant may not knowingly misrepresent the applicant's qualifications for the purpose of improving the applicant's chances for employment. A person may not use the authority of a position in the classified service to solicit or receive political contributions. A person may not use or promise to use influence or official authority to secure appointment to the classified service in return for political contribution or service. A public officer or employee may not by means of threats or coercion induce or attempt to induce any person in the classified service to resign, take leave, or waive any rights under this act. A resignation executed prior to appointment is of no effect.

Section 19. Restriction on individual qualifying for public office.—No subordinate personnel need resign upon qualifying for any compensated, elected public office unless such individual is seeking to qualify for a public office which is currently held by an individual who has the authority to appoint, employ, promote, or otherwise supervise that subordinate personnel and who has qualified as a candidate for reelection to that public office. No subordinate personnel of the county administrator need resign upon qualifying for any compensated, elected public office unless such individual is seeking to qualify for a position on the commission in which the incumbent has qualified as a candidate for reelection. However, any such personnel shall take a leave without pay from public employment during the period in which the person is seeking election to public office. A classified employee may serve in an elected public office if service in such elected office does not conflict with the performance of the employee's duties in the classified service or present a conflict of interest between the elected office and the classified position. If a classified employee is elected, the appointing authority where that employee is employed shall determine whether the employee's service in public office conflicts with the performance of his or her duties with the appointing authority. If the employee disagrees with any finding that relates to a conflict with the performance of duties, the employee may file a grievance or appeal under the applicable processes.

Section 20. Employee advisory committee.—An employee advisory committee shall be elected from among the employees of the agencies or authorities named in section 4 in a manner and for terms prescribed by the board. The board shall also prescribe the manner by which any vacant unexpired term shall be filled. The employee advisory committee will serve as the medium to provide a continuous and meaningful exchange of ideas and practical solutions on personnel matters between the board and employees.

Section 21. Violation of act; penalty.—Any willful violation of this act is declared to be a criminal offense and misdemeanor as defined in s. 775.08(2), Florida Statutes, and shall be punishable as provided by general law.

Section 22. Recodification.—Prior to the end of calendar year 2010 and every 10 years thereafter, the County Legislative Delegation shall review this act, as amended, to determine whether there is a need for codification. If it is determined that there is such a need, the delegation may require the board to prepare such legislation and submit it to the delegation for further consideration.

Section 23. Severability.—If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 24. Chapters 96-519, 97-342, 97-343, 97-349, 97-350, 98-450, 98-481, and 99-415, Laws of Florida, are repealed.

Section 25. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.