

House Bill No. 1705

An act relating to Lake County; amending chapter 93-358, Laws of Florida; revising provisions governing career service with the Lake County Sheriff's Office; revising definitions; deleting provisions relating to the establishment of divisions within the office; providing effect of voluntary and involuntary termination of employment on career service status; authorizing demotion of certain employees without cause; providing an effective date.

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

Section 1. Chapter 93-358, Laws of Florida, is amended to read:

Section 1. Applicability.—Except as otherwise provided herein, the provisions of this act shall apply to all employees, as hereinafter defined, of the Lake County Sheriff. The provisions of this act shall not apply to the sheriff; or to special deputy sheriffs appointed pursuant to section 30.09(4), Florida Statutes; or to members of the sheriff's reserve, auxiliary, posse, volunteers, and task force members, as may be defined by the Criminal Justice Standards and Training Commission. This act is not intended to grant collective bargaining rights to employees of the Lake County Sheriff who do not otherwise have those rights pursuant to law.

Section 2. Definitions.—As used in this act:

(1) "CAREER SERVICE EMPLOYEE" means an employee of the Lake County Sheriff's Office who has satisfactorily completed 1 year of continuous employment in any one division of the office, ~~and~~ who is not on extended probation, and who is not a part-time, temporary, or contractual employee.

(2) "CAREER SERVICE STATUS" means tenured employment with the Lake County Sheriff's Office attained by a career service employee.

(3) "OFFICE" means the Lake County Sheriff's Office.

(4) "DIVISION" means all divisions of the Lake County Sheriff's Office ~~the Enforcement Division or the Support Division, as set forth in section 3.~~

(5) "EMPLOYEE" means any deputy sheriff and detention deputy not otherwise excluded by this act and all full-time employees of the Lake County Sheriff's Office.

(6) "EXTENDED PROBATION" means a period of time in excess of 1 year in which a new employee is subject to evaluation in order to ascertain the employee's fitness for employment by the Lake County Sheriff's Office, not to exceed 6 months.

(7) "SHERIFF" means the Sheriff of Lake County.

(8) "FOR CAUSE" means termination, suspension, or demotion of an employee for misfeasance, malfeasance, or nonfeasance, which renders the

continuance of the employee in his or her position detrimental to the discipline or efficiency of the office, as determined by the Sheriff of Lake County.

~~Section 3. Establishment of divisions.—There is hereby established the following employment divisions within the Lake County Sheriff's Office:~~

~~(1) The Enforcement Division, includes all commissioned deputy sheriffs who hold valid and current certificates as law enforcement officers issued by the Criminal Justice Standards and Training Commission and who are covered by this act.~~

~~(2) The Support Division, includes all other employees of the department covered by this act.~~

~~Section 3.4. Career service.—~~

~~(1) Except as otherwise provided in subsection (2), an employee may be terminated by the Lake County Sheriff at any time with or without cause unless the employee has attained and holds career service status. All employees who have attained and hold career service status may be terminated only for cause, as herein defined.~~

~~(2) An employee who voluntarily terminates employment with the Lake County Sheriff's Office or and who is involuntarily terminated does not become reemployed with the Lake County Sheriff's Office within 90 days ceases to have career service status if again employed by the Lake County Sheriff's Office until same is earned again.~~

~~Section 4.5. Termination, suspension, and demotion.—Any employee of the office, whether having attained career service status or not, may be terminated, suspended, demoted, or reprimanded by the Lake County Sheriff at any time for cause, as herein defined.~~

~~Section 5.6. Transition.—A newly elected or appointed sheriff may demote without cause to the rank of lieutenant any career service employee who holds the rank of undersheriff, chief, chief deputy, major, captain, administrative assistant, or general counsel legal advisor, or any equivalent rank, at the time the newly elected or appointed sheriff takes office.~~

~~Section 6.7. Promotions.—Notwithstanding anything contained herein to the contrary, any career service employee required to serve a probationary period attendant or incidental to a promotion may be demoted with or without cause to the employee's prior rank at any time during such probationary period, but any such employee does not lose career service status.~~

~~Section 7.8. Current employees.—Effective upon this act becoming law, all current employees of the Lake County Sheriff who have satisfactorily completed 1 year of continuous employment in the Lake County Sheriff's Office and who are not on extended probation shall be granted career service status. All other employees shall attain career service status upon reaching their 1 calendar year service anniversary date and completing their probationary period.~~

Section ~~8.9~~. Administration.—The sheriff is hereby empowered to adopt rules and regulations for the administration and implementation of this act.

Section 2. This act shall take effect July 1, 2005.

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.