

CHAPTER 2025-250

Committee Substitute for Committee Substitute for House Bill No. 4073

An act relating to Leon County; amending ch. 83-456, Laws of Florida; providing applicability; providing for permanent status; providing cause for suspension or dismissal; providing for transition to new Sheriff; providing beginning date of employees; revising procedures of Career Service Appeals Boards; requiring the Sheriff to be represented by the Sheriff's General Counsel or other specified representative; prohibiting certain evidence from inclusion; authorizing the chairperson to rule on the admissibility of evidence; deleting provisions relating to complaints against employees, Complaint Review Boards, and employment status of commissioned and noncommissioned employees; providing severability; providing an effective date.

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

Section 1. Chapter 83-456, Laws of Florida, is amended to read:

Section 1. ~~Employees of Leon County Sheriff's Office Career Service Employees' Sheriff; applicability of Act; permanent status of employees; administration.—~~

(1) ~~APPLICABILITY.—The transition provisions of this act shall apply to all full-time sworn commissioned and civilian employees noncommissioned persons in the employ of the Office of the Leon County Sheriff's Office Sheriff, including deputy sheriffs. The provisions of this act shall not apply to the following: Sheriff, sworn personnel of the rank of captain or higher, civilian personnel of the rank of director or higher; or to special deputy sheriffs appointed pursuant to s. 30.09(4), Florida Statutes, members of the Sheriff's Posse or Reserve Unit, and individuals appointed as part-time deputy sheriffs, as defined by the Criminal Justice Standards and Training Commission, unless any such person is also employed full-time by the Leon County Sheriff's Office of the Sheriff. As used in this act, the terms “employee,” “employ,” and “employment,” and “member” shall refer to all persons, whether employed or appointed, to whom the act applies. It is not, however, the intent of this act to grant the right to of collective bargaining to persons in the employ of the Office of the Leon County Sheriff's Office Sheriff who do not otherwise have that right pursuant to law.~~

(2) ~~PERMANENT STATUS; CAUSE FOR SUSPENSION OR DISMISSAL.—~~

(a) ~~After an employee of the Sheriff to whom the provisions of this act apply has served in such employment for a period of 1 calendar year, such employee shall have attained permanent status with in the Leon County Sheriff's Office of the Sheriff; provided that if such an employee is placed on~~

disciplinary probation for a period of 6 months or more or is terminated and rehired at a later date, said employee shall be required to complete 1 calendar year of service from the date of the action before being granted permanent status and the right to of appeal, regardless of the reason for the disciplinary probation or termination provided in Section 2. Any employee who is required to serve a probationary period attendant to a promotion shall retain permanent status in the Office of the Sheriff, but may be demoted to his or her prior rank during such probationary period without the right of appeal as provided in Section 3 ~~Section 2.~~

(b) Any employee who has achieved permanent status in the Leon County Sheriff's Office of the Sheriff may only be suspended or dismissed for cause; provided that prior to such action, the employee must be furnished written notice of the proposed action and offered an opportunity to respond to the reasons for the suspension or dismissal. However, in extraordinary situations, such as when delay could result in damage or injury, an employee may be suspended or dismissed for cause immediately and provided notice thereof and reasons therefor within 24 hours afterwards. Cause for suspension or dismissal shall include, but not be limited to, 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. Cause for suspension or dismissal shall also include adjudication of guilt by a court of competent jurisdiction, a plea of guilty or of nolo contendere, or a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation, with respect to any felony, misdemeanor or major traffic infraction. The filing of felony, misdemeanor, or major traffic infraction charges against an employee shall constitute cause for suspension.

(3) TRANSITION OF CAREER SERVICE EMPLOYEES.—When a newly elected or appointed Sheriff assumes office, the new Sheriff shall continue the employment of all currently employed permanent personnel with the exceptions of those positions defined in subsection (1), unless there is just cause for dismissal, provided herein, exists. However, The new incoming Sheriff shall have the option of maintaining the current employees personnel assigned to exempt the positions of Executive Secretary, Administrative Major, and Operations Major. If the new incoming Sheriff fills the exempt sworn staff Major positions with new members personnel, the new Sheriff has the option of dismissing the prior current occupants of those positions from employment, demoting the prior occupant to a prior permanent non-exempt position or rank held prior to appointment to exempt status, reducing the person to the rank of deputy sheriff, or offering the prior occupant a transfer to any position for which he or she may be qualified and paid at a rate commensurate therewith shall be reduced to the rank of Captain, which rank shall be permanent unless later reduced by disciplinary demotion, and their salaries may be reduced accordingly. If the new incoming Sheriff so desires, exempt non-sworn civilian employees may fills the Executive Secretary position with a new employee, the current occupant of the position shall be transferred to positions another position for

which they may be the employee is qualified and paid at a rate commensurate therewith within the Office of the Sheriff. Actions taken pursuant to this section subsection affecting the exempt Major positions are and the Executive Secretary position shall not be appealable under Section 2.

(4) ADMINISTRATION.—The Sheriff shall have the authority to adopt such rules and regulations as are necessary for the implementation and administration of this act; however, nothing in this act shall be construed as affecting the budget-making powers of the Board of County Commissioners of Leon County.

Section 2. Beginning date.—

(1) All sworn and civilian persons in the employ of the Leon County Sheriff's Office on the effective date of this act who have served for a period of 1 calendar year or more as of such date shall be permanent employees subject to the provisions of this act. All other employees shall become permanent employees subject to the provisions of this act upon reaching their 1 calendar year service anniversary date. Promotions, probationary service periods, demotions, transfers, and suspensions will not and do not affect the determination of the original career service beginning date (anniversary date) of employment for Leon County Sheriff's Office employees. The beginning date (anniversary date) of employment for sworn employees is and will be the date the Sheriff swears the officers in as law enforcement officers. The beginning of service for civilian employees will be the beginning date (anniversary date) as indicated by personnel and payroll records.

(2) Any provisions of this act shall not add to or detract from the constitutional authority of the Sheriff.

Section 3. Section 2. Career Service Appeals Board Boards; creation; membership; procedures duties.—

(1) FUNCTION OF BOARDS.—Ad hoc Career Service Appeals Boards shall be appointed as provided herein for the purpose of hearing appeals of permanent employees arising from personnel actions brought under Office rules or policies which result in dismissal, suspension, demotion, or reduction in pay; provided that reprimands, oral or written, and suspensions of 3 ~~5~~ working days or less shall not be appealable to a Board. Any such Board may also provide assistance and advice to the Sheriff in matters concerning disciplinary actions, and may take any other action authorized by the Sheriff.

(2) MEMBERSHIP OF BOARDS.—When needed upon the call of the Sheriff, or upon the filing of an appeal, an ad hoc Career Service Appeals Board shall be appointed. The membership of each such Board shall consist of five employees of the Office of the Sheriff. Two members shall be selected by the Sheriff, two members shall be selected by the employee filing the appeal, and the fifth member, who shall serve as chairperson ~~chairman~~ of

the Board, shall be selected by the other four members. The ranking officer in charge of personnel shall serve as an ex officio member of the Board, but shall have no vote. Any employee shall have the right to decline to serve as a member of a Board, and employees selected to serve on a Board shall serve without additional compensation or overtime compensation with respect to such service. Once selected to a board, the members thereof shall serve until final action is taken by the Board with respect to the purpose for which the Board was selected, at which time the Board shall be dissolved.

(3) PROCEDURE WITH RESPECT TO APPEALS.—

(a) An appeal of an action specified in subsection (1) shall be made to the Sheriff in writing, and must be received within by the Sheriff ~~no later than 3 business working days~~ after the employee is notified of the action on which the appeal is based. Business days are Monday through Friday, excluding holidays recognized by the Leon County Sheriff's Office.

(b) A Career Service Appeals Board shall be selected and must meet for purposes of hearing the appeal no later than 15 business working days after receipt of an appeal by the Sheriff. The ranking officer in charge of personnel is responsible for scheduling the date, time, and location of meetings; notifying members of the Career Service Appeals Board; and posting such notice as may be required by law. In the case of an unpaid suspension, the disciplinary action shall be stayed pending the completion of the review process.

(c) During any hearing, the employee filing the appeal shall have the right to be heard publicly, to be represented by a person of his or her choice, and to present any evidential facts on in his or her behalf. The Sheriff will be represented by the Sheriff's General Counsel or other representative designated by the Sheriff, and During such hearings the technical rules of evidence shall not apply. However, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence as would be admissible in the courts of Florida shall be admissible. Hearsay evidence may be introduced and used. The chairperson will rule on the admissibility of evidence if objections are raised. The Board shall, in the conduct of such hearings, have the power to administer oaths, issue subpoenas, compel the attendance of witnesses, and require the production of books, records, accounts, papers, documents, and testimony. In case of disobedience of any person to comply with an order of the Board or a subpoena issued by the Board, or upon the refusal of a witness to testify on any matter regarding which he or she may be lawfully interrogated, a County Judge of the county in which a person resides, upon application of the chairperson ~~any member~~ of the Board, shall compel obedience by proceeding as for contempt. Each witness who appears in obedience to a subpoena before the Board shall receive compensation for attendance fees and mileage as provided for witnesses in civil cases in the courts of this state. Such payments shall be made by the party calling the witness; except that with respect to any witnesses called by the Board, payments shall be made by the Sheriff upon

presentation of proper vouchers and approval by three members of the Board.

(d) A Board shall by majority vote dispose of the appeal for which it was appointed by making findings of fact and issuing a written decision. Such decision shall either sustain or not sustain the disciplinary action being appealed. If an action by the Sheriff is not sustained by a Board, the Board shall order such remedial action as is appropriate, which may include reinstatement with back pay, and may modify any personnel action which was the subject of the appeal. No Board shall have the authority to impose on any employee any penalty which is more harsh than that which formed the basis of the appeal.

(e) The decision of the Board shall be final and binding on the employee and the Sheriff.

Section 3.—Complaints against employees; procedure; Complaint Review Board.—

~~(1) COMPLAINTS AGAINST EMPLOYEES.—A complaint receipt and processing procedure shall be established in order to provide adequately for the prompt receipt, investigation, and disposition of complaints against employees of the Office of the Leon County Sheriff.~~

~~(2) PROCEDURE WITH RESPECT TO COMPLAINTS.—~~

~~(a) Any employee of the Sheriff is authorized to receive a complaint against any other employee of the Sheriff. All complaints shall be reduced to writing and shall be resolved as provided herein:~~

~~1. If a complaint is received by an employee during normal working hours, the complaint shall be referred to the appropriate Division Commander unless the receiving employee is able to resolve the complaint, in which case the complaint and resolution shall be reported in writing to the Division Commander. If the complainant wishes to see the Sheriff, he shall be accommodated.~~

~~2. If a complaint is received after normal working hours, it shall be referred to the Watch Commander unless the receiving employee is able to resolve the complaint, in which case the complaint and resolution shall be reported in writing to the Watch Commander. The Watch Commander, in his discretion, shall conduct an investigation to determine if immediate action is needed to preserve the integrity of the Office of the Sheriff. If immediate action is not required, the complaint shall be referred to the appropriate Division Commander at the beginning of the next working day, or sooner if required.~~

~~(b) All complaints shall be reviewed by the Sheriff. If the Sheriff has reason to believe that the complaint is well founded, he shall review the complaint with the employee's appropriate chain of command.~~

~~(c) If the Sheriff finds the complaint to be unfounded, a written report shall be filed for information only, and a copy of the report shall be given to the employee.~~

~~(d) If the Sheriff finds that a complaint is well founded and that a violation has occurred, the Sheriff shall decide upon appropriate disciplinary action, and the employee shall be notified of the proposed disciplinary action as provided in Section 1.~~

~~(e) If a nonsworn employee is dissatisfied with the decision of the Sheriff regarding disciplinary action resulting from a complaint, he may appeal the action to a Career Service Appeals Board.~~

~~(f) If an employee who is subject to the provisions of s. 112.532, Florida Statutes, is dissatisfied with the decision of the Sheriff regarding disciplinary action resulting from a complaint, he may appeal the action to a Career Service Appeals Board, or he may first request a Complaint Review Board under the provisions of s. 112.532, Florida Statutes, as provided in Section 4.~~

~~Section 4. Complaint Review Boards; membership; procedure.—~~

~~(1) BOARDS; MEMBERSHIP.—If any employee who is subject to the provisions of s. 112.532, Florida Statutes, requests a Complaint Review Board as provided in Section 3, the Sheriff shall so call. Such a board shall be composed of the following personnel, all of whom shall be law enforcement officers as defined by the Criminal Justice Standards and Training Commission, and who may be selected from any state, county, or municipal agency within Leon County:~~

~~(a) Two members selected by the Sheriff, not from the employee's chain of command;~~

~~(b) Two members selected by the employee; and~~

~~(c) A fifth member mutually selected by the other four members, provided that the fifth member shall serve as chairman of the Board and may be selected from the employee's chain of command.~~

~~(d) The ranking officer in charge of personnel shall serve as an ex officio member of the Board, but shall have no vote.~~

~~(2) PROCEDURE WITH RESPECT TO COMPLAINTS.—~~

~~(a) A Complaint Review Board shall hear all of the facts contained in the accusation against the employee. The accused shall be present during the presentation of all allegations, witnesses, and evidence and shall have the right to question the accuser and all witnesses and to present any witnesses in his own behalf. The Board shall also have the right to question the accuser and all witnesses.~~

(b) ~~A Complaint Review Board, based upon its investigations and deliberations, shall determine by majority vote whether the complaint is:~~

- ~~1. "Unfounded," if the complaint is conclusively proved to be unfounded.~~
- ~~2. "Not Sustained," if the evidence is insufficient to clearly prove or disprove the allegation;~~
- ~~3. "Sustained," if there is sufficient evidence to clearly prove the complaint; or~~
- ~~4. That the accused is "exonerated" if the acts which were the basis of the complaint occurred, but were justified, proper, and lawful.~~

(c) ~~If a Board finds that an accused is "exonerated," or that a complaint is "unfounded" or "not sustained," it shall forward written notice thereof to the Sheriff and to the employee within 24 hours after the decision is reached.~~

(d)1. ~~If a Board finds that a complaint is "sustained," it shall submit to the Sheriff and to the employee within 24 hours after reaching the decision written findings stating the law, rule, regulation or policy violated, as well as any recommendations regarding disciplinary action to be taken against the accused.~~

2. ~~The Sheriff, after notification of a finding of "sustained," shall consult with the employee's chain of command to review the findings and recommendations of the Board, and the Sheriff may take such disciplinary action as he deems appropriate.~~

3. ~~The decision of the Sheriff with respect to the findings of a Board and resulting disciplinary action may be appealed to a Career Service Appeals Board pursuant to Section 2. If such an appeal is taken, no findings or recommendations by the Complaint Review Board with respect to the case shall be considered by the Career Service Appeals Board in its proceedings.~~

Section 5. ~~All commissioned and noncommissioned persons in the employ of the Office of the Sheriff of Leon County on the effective date of this act who have served for a period of 1 calendar year or more as of such date shall be permanent employees subject to the provisions of this act. All other employees shall become permanent employees subject to the provisions of this act upon reaching their 1-calendar year service anniversary date.~~

Section 2. The provisions of this act are severable and if any provision is held unconstitutional, the decision of the court regarding that provision shall not affect the validity of the remaining provisions. It is hereby declared to be the intent of the Legislature that the remaining provisions of the act would have been adopted had such unconstitutional provisions not been included herein.

Section 3. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2025.

Filed in Office Secretary of State June 5, 2025.