

## A BILL TO BE ENTITLED

An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended, relating the Santa Rosa County Civil Service Board; revising applicability of the act and civil service system; adding, repealing, and revising definitions; revising the method of selecting the board; repealing provisions relating to hiring outside the civil service act, the certification of payrolls, the classified pay plan, efficiency standards, registers, filling vacancies, extraordinary appointments, worker's compensation, reports of actions, reduction in force, service in the armed forces, leave, physical and mental examinations, and enforcement; revising provisions relating to rulemaking and to disciplinary actions; providing that probationary employees are at-will employees; providing an effective date.

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

**Section 1. Chapter 79-561, Laws of Florida, as amended by chapters 81-487, 84-525, 90-478, 94-490, 95-487, 96-550, 97-374, 98-531, and 2001-340, Laws of Florida, is amended to read:**

**Section 1. Definitions.—As used in this act:**

- (1) “Administrative Service” includes all positions within the county, elected, appointed, salaried, hourly, honoraria, gratuitous, or any combination thereof, excepting those positions in which members and staff of the civil service board serve.
- (2) “Appointing Authority” means county commission, clerk of the circuit and county courts, tax collector, property appraiser, sheriff, supervisor of elections, superintendent of schools, school board, and regional library. Within the limitation of the foregoing words, appointing authority also means and includes all officers and agencies now or hereafter having authority to make contracts of employment with persons in the classified service as defined in this act.
- (3) “Board” means the Civil Service Board of Santa Rosa County, Florida
- (4) “County” means the County of Santa Rosa, State of Florida
- (5) “Class” means a group of positions sufficiently similar in duties and responsibilities to be given the same title, the same minimum qualifications, the same examination for fitness, and the same salary range.
- (6) “Classifications” means the act of classifying.
- (7) “Classify” means systematically arranging into units or groups.
- (8) “Classified service” includes all positions within the administrative service of the county not specifically included by this act into the unclassified service. Deputy sheriffs are included in the classified service.
- (9) “Constitutional Officer” means the sheriff, clerk of court, tax collector, property appraiser, or supervisor of elections.
- (10) “Demotion” means an involuntary change of job position that results in a reduction in pay.
- (11) “Department” means a major subdivision of the two taxing authorities provided for in this act or as established by an appointing authority.
- (12) “Division” means a subdivision of any department, as established by that appointing authority.
- (13) “Employee” means any person who holds an appointment to any position within the classified service.

(14) “Cause” means actions adversely affecting the orderly, efficient operation of the service, including, but not limited to, insubordination, immorality, drunkenness, inefficiency, neglect of duty, violation of any employment rule or regulation or any combination thereof.

(15) “Employment” means the initial appointment to a position within the classified service of the county.

(16) “Probationary employee” means an employee who has served fewer than 365 continuous calendar days from the date of employment.

(17) “Taxing authority” means one of the following two major entities of Santa Rosa government:

- a) County Commission
- b) School Board

(18) “Unclassified service” includes any person elected or appointed members of a board or commission; county administrator, attorneys and assistant attorneys retained by the county or any person employed by them; Office of Management and Budget Director; Public Works Director, Public Service Director; persons of highly technical or professional training maintaining an independent practice employed on a part-time basis; patients or inmates; persons under nonpermanent federal grants (unless specifically accepted by the board into the service); instructional personnel and administrative personnel as described in section 228.041(9) and (10), Florida Statutes, respectively; executive director of Navarre Beach; county engineer; county project coordinator; judicial clerk; court reporters; chief deputy for: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of circuit and county courts; one administrative assistant to: sheriff and property appraiser; one secretary to each judge, county commissioner, school board member, superintendent of schools, tax collector, supervisor of elections, clerk of the circuit and county courts, and county administrator; and one supervisory-level-technical person employed or appointed by and at the discretion of an appointing authority for every 10 employees, or fraction thereof, employed in or appointed to the classified service by an appointing authority.

**Section 2. Civil service system created.** – There is created a civil service system for the classified employees of the county. All members of the classified service of the county shall automatically become members of the system of the county upon the effective date of the act.

**Section 3. Organization of the system.** – the various county governmental agencies shall be organized into the following two taxing authorities for administration under the board as provided in this act:

- (1) COUNTY COMMISSION TAXING AUTHORITY. This taxing authority shall included the classified employees of all agencies of government not specifically designated by this section as part of another taxing authority, and

shall include but not be limited to all classified employees working for the county commissioners, sheriff, property appraiser, tax collector, clerk of the circuit and county courts, West Florida Regional Library, and supervisor of elections.

- (2) SCHOOL BOARD TAXING AUTHORITY. This taxing authority shall include all classified employees of the school board.

#### **Section 4. Civil service board created.**

- (1) A civil service board consisting of five members is hereby created. Members are seated in the following manner: One member elected by vote of the county commission classified employees, one member elected by vote of the school board classified employees, one member appointed by the county commission, one member appointed by the school board, and one member by vote of the constitutional officers. All members of the board shall serve a 4-year term. No member shall serve more than two appointed or elected full terms in succession.
- (2) The supervisor of elections of the county shall be responsible for conducting the elections for the employee members of the board. Said elections are exempt from the Florida Election Code. The election of members shall be by vote of the classified employees of the respective taxing authorities as outlined in this section, and nominations of candidates for said positions shall be submitted in writing and signed by 15 members of the classified service employed within the taxing authorities holding the election and filed with the supervisor of elections at least 21 days prior to the date on which elections shall be held. The names of all persons nominated by the classified employees shall be printed upon a ballot. The classified employees shall be permitted to vote in the election by a secret ballot. The use of a mail out ballot is permitted. The election shall be by a majority of the votes cast.
- (3) Any member of the board may be disqualified to hear and determine any cause if there exists any grounds under the laws of Florida which would disqualify the judge of any court, or which is a ground of challenge for cause to a juror. If any person charged with any offense or violation of any law or rule of the board files an affidavit stating that he does not believe that he will receive a fair hearing and sets forth sufficient reasons for such belief, supported by two affidavits of disinterested persons stating that they do not reasonably believe that such member of the classified service will receive a fair and impartial hearing, the board member so challenged shall disqualify himself. If sufficient challenges are made to reduce the number sitting on the board to less than three, then alternate member shall be selected by the remaining members of the board for the purpose of hearing that particular cause before the board.

- (4) Any qualified voter residing in the county is eligible to be a member of the board. County officers, elected officials, employees of the county, and person having been convicted of a felony or a crime involving moral turpitude are not eligible to hold such position.

**Section 5. Existing board to assume authority; election or appointment date.** Elections or appointments shall be held or made on the last Tuesday in May, with the exception of the appointment of the fifth member of the board, which will be made at the next meeting. The board members shall take office at the next meeting of the board. The oath of office shall be administered to each of the board members by the clerk of the circuit and county courts.

**Section 6. Appropriations to be made for the board.** The county commission and the school board are hereby required to appropriate and fund between them a sufficient sum of money for the operations of the board and for the enforcement of this act. The board shall submit an annual budget to the county commission and school board at least 30 days prior to the beginning of the new fiscal year for each taxing authority. Each taxing authority shall include one-half of this budget amount in each of their respective budgets. The actual legal expenses for hearings shall not be a budget item but will be billed separately by the board to the county commission and school board for the hearings that involve their taxing authority. If the requested budget is disapproved by both or either of the taxing authorities, said budget submitted shall be subject to review by the circuit court for unreasonableness upon the resolution of the civil service board requesting such review.

**Section 7. Board to be independent; staff authorized; attorney.** The board shall be independent and is authorized to employ a staff and legal counsel as it may deem qualified and competent to carry out the purpose of this act. The board is also authorized to use personnel in the employ of the county, subject to approval from the appointing authority, to assist in carrying out the provisions of this act. The attorney chosen shall be independent of the county and its appointing authorities as defined in this act, and shall advise the board and staff with respect to all legal matters of policy and procedures. The board attorney shall act as counsel and/or hearing officer to the board at all hearings and trials. The attorneys for the appointing authorities enumerated in this act shall, when requested by the appointing authorities, appear and prosecute charges at trials or hearings before the board.

**Section 8. Administrative service; classified and unclassified.** The administrative service of the county is hereby divided into the classified service and the unclassified service as defined in this act.

**Section 9. Board members to receive a fixed allowance.** The members of the board shall receive a fixed allowance to be determined by joint resolution of the board of county commissioners and the school board. A minimum of \$150 per month shall be paid to each member. The chairperson shall receive an additional \$50 per month.

**Section 10. Qualifications of board.** No member of the board shall be employed in any capacity by any appointing authority, nor shall any member hold, or be a candidate for, any paid public office. The members of the board shall qualify by filing with the clerk of the circuit and county courts an oath to support and defend the Constitution of the United States and the Constitution of the State of Florida and to faithfully perform the duties of their office.

**Section 11. Officers and meetings.** The board shall elect one of its members as chairman and another member as vice-chairman, and shall meet at such time and place as specified by call of the chairman with advance written notice to each member at least 2 days prior to said meeting. Notice shall be deemed sufficient when mailed to the current address of each member on file with the board. All meetings shall be open to the public. Three members of the board shall constitute a quorum for the transaction of business.

**Section 12. Rules for classified service; posting of rules.**

- (1) Rules implementing a classified pay plan, leave and holiday policies, reduction-in-force guidelines, and procedures relating to hearings of the Civil Service Board, which have general application to the classified employees under the board of county commissioners and constitutional officers shall be adopted and may be amended by vote of the board of county commissioners and constitutional officers. Each county commissioner and each constitutional officer shall have one vote. If there is a tie vote, the majority vote of the board of county commissioners shall prevail.
- (2) Reductions in force shall not be deemed to be dismissals subject to appeal to the board pursuant to section 13.

**Section 13. Suspensions, demotions, dismissals, and hearings.**

- (1) Any appointing authority may demote, suspend, or dismiss a classified employee for cause upon filing with the board written reasons for such action and giving the person whose removal is sought reasonable notice of the same and of the basis for such action and an opportunity to answer the same orally or in the writing. Probationary employees do not have appeal rights and shall be deemed at-will employees.
- (2) Such action may be filed with the board no more than 10 days excluding holidays of the relevant taxing authority after the effective date of the disciplinary action, and if not received in the office of the board within 10 days excluding holidays of the relevant taxing authority of such actions the employee will be reinstated and reimbursed for loss of pay and allowances. Such action may then be refilled by the relevant appointing authority. Thereafter, the employee shall have 10 days excluding holidays of the relevant taxing authority after the action has been filed with the board within which to request a hearing before the board on such action. If a hearing is requested by an employee, the same shall be heard within a reasonable time thereafter.

Any appointing authority may suspend a classified employee for a reasonable period not to exceed 30 working days pending hearing and decision. Every such suspension shall be without pay; provided, however, that the board shall have authority to conduct a hearing upon appeal by the affected employee for every such suspension and, in case of its disapproval, shall have the power to restore pay to the employee for such suspended time.

- (3) Subject to the foregoing provisions of this section, no person in the classified service shall be demoted, suspended, or dismissed except for cause upon written action and after an opportunity to be heard in his own defense.
- (4) The board may reinstate the person removed only in case it appears after a proper public hearing that the removal was made for reasons other than just cause.
- (5) For the purpose of any hearing which the board is authorized or required to conduct, the board or any member thereof, or its designee, shall have power to conduct such hearing, administer oaths, take depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony.
- (6) In case of failure of any person to comply with an order of the board, or a subpoena issue by the board or any of its members or director, or on the refusal of a witness to testify to any matter to which he may be lawfully interrogated, a judge of a court of competent jurisdiction in the county in which the person resides, on application of any member of the board or its designee, shall compel the person to testify or comply with said order or subpoena.
- (7) The sheriff of any county shall serve such subpoena and shall receive the same fees as he normally charges for such service, and each witness who appears, in obedience to a subpoena before the board or a member or its designee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the civil courts of this state, which shall be audited and paid in the same manner as other expenses are audited and paid, upon the presentation of proper vouchers approved by any two members of the board.
- (8) Notwithstanding any other provision of this act, all papers filed in the case shall be public records.

#### **Sections 14. Prohibitions.**

- (1) No public officer or employee shall use or promise to use his influence or official authority to secure any appointment or prospect for appointment to any position classified under this act as a reward or return for personal or partisan political service.

- (2) No person shall solicit orally or by letter of any political purpose, and no public officer or employee shall receive or be in any manner concerned in receiving or soliciting, any money or valuable thing from any officer or employee holding a position in the classified service for any political party or purpose whatsoever.
- (3) No public officer or employee shall, by means of threats or coercion, induce or attempt to induce any person holding a position to take a leave of absence from duty, or to waive any of his rights under this act.
- (4) No position within the classified service shall be abolished for the purpose of removing the incumbent from holding such position, provided, however, that a position may be abolished if the need for the same shall cease.

**Section 15. Political activity.** Any member of the classified service who chooses to run for any elective county or state public office shall, upon qualifying for such office, be immediately deemed to have temporarily terminated his employment as a classified employee and all pay and other benefits accruing under this act shall cease to run until such time as said employee is no longer a candidate for elective public office. In the event said employee is not elected to said public office, he shall be reinstated to his prior position without penalty except for the loss of pay and accrued benefits during the temporary suspension of employment. In the event said employee is elected to the elective office, he shall be allowed to resume his employment within the classified service only for that period of time following the day of his election until the date he assumes said office, at which time his employment within the classified service shall terminate.

**Section 16. Records.** The records of the board shall be open to public inspection by any citizen under reasonable supervision in accordance with the laws of this state.

**Section 17. Severability.**

- (1) The provisions of this act shall be severable, and if any of the provisions shall be held unconstitutional, the decision of the court shall not affect the validity of the remaining provisions.
- (2) This act shall not be held or construed to create any property rights or any vested interest in any office, position, or employment, and the right is hereby reserved to repeal, alter, or amend this act or any provision thereof at any time.

**Section 18. Enforcement.** The chairperson of the board shall supervise the execution of the provisions of this act and of the rules made. All persons in the service of the county shall comply with such rules and aid in their enforcement.

**Section 19.** This act shall take effect July 1, 2002.