

# FLORIDA HOUSE OF REPRESENTATIVES

## FINAL BILL ANALYSIS

*This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.*

**BILL #:** [HB 4013](#)

**TITLE:** Citrus County

**SPONSOR(S):** Grow

**COMPANION BILL:** None

**LINKED BILLS:** None

**RELATED BILLS:** None

**FINAL HOUSE FLOOR ACTION:** 112 Y's 0 N's **GOVERNOR'S ACTION:** Pending

### SUMMARY

#### Effect of the Bill:

The bill repeals a special act creating a career status system for certain employees of the Citrus County Sheriff's Office.

#### Fiscal or Economic Impact:

None.

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## ANALYSIS

### EFFECT OF THE BILL:

The bill repeals a special act creating a [career status system](#) for certain employees of the Citrus County Sheriff's Office. (Section [1](#))

This repeal will mean that employees of the Citrus County Sheriff's Office are subject only to [general law protections for deputy sheriffs](#).

Subject to the Governor's veto powers, the effective date of this bill is upon becoming a law. (Section [2](#))

## RELEVANT INFORMATION

### SUBJECT OVERVIEW:

#### [Employment Protections for Deputy Sheriffs](#)

Sheriffs may appoint deputies to serve as "the sheriff's alter ego" with all of his or her powers except the power to appoint other deputies.<sup>1</sup> Each sheriff, as a constitutional officer, possesses significant independence concerning the selection of personnel, including the hiring and firing of officers and setting their salaries.<sup>2</sup>

#### [Law Enforcement Officers' Bill of Rights](#)

Law enforcement officers and correctional officers are provided with specified rights when they are investigated for misconduct by their own agencies. Chapter 112, part VI, F.S., commonly known as the Law Enforcement Officers' Bill of Rights (LEOBOR), provides specific rights when a law enforcement officer<sup>3</sup> or correctional officer<sup>4</sup> is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to

<sup>1</sup> *Tanner v. McCall*, 625 F.2d 1183 (5th Cir. 1980).

<sup>2</sup> S. [30.53, F.S.](#)

<sup>3</sup> "Law enforcement officer" is defined as any person, other than a chief of police, who is employed full time by any municipality or the state or any political subdivision thereof and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of this state; and includes any person who is appointed by the sheriff as a deputy sheriff pursuant to [s. 30.07, F.S.](#) S. [112.531\(3\), F.S.](#)

<sup>4</sup> "Correctional officer" is defined as any person, other than a warden, who is appointed or employed full time by the state or any political subdivision thereof whose primary responsibility is the supervision, protection, care, custody, or control of inmates within a correctional institution; and includes correctional probation officers, as defined in [s. 943.10\(3\), F.S.](#) However, the term "correctional officer" does not include any secretarial, clerical, or professionally trained personnel. S. [112.531\(2\), F.S.](#)

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disciplinary action, suspension, demotion, or dismissal. LEOBOR prescribes the conditions under which an interrogation of an officer must be conducted, including limitations on the time, place, manner, and length of the interrogation, as well as restrictions on the interrogation techniques that may be employed.<sup>5</sup> LEOBOR further affords officers the right to:

- Be informed of the nature of the investigation;
- Be provided with all evidence against the officer before any interrogation;
- Counsel during any interrogation;
- Have the interrogation recorded;
- A complete copy of the investigative file;
- Be notified of the reason for disciplinary action before it is imposed; and
- Address the findings in the investigative file with the employing agency before disciplinary action is imposed.<sup>6</sup>

In addition to providing a law enforcement officer or correctional officer with a list of rights that may be exercised while he or she is being investigated for misconduct by an agency, LEOBOR also requires every law enforcement agency and correctional agency to establish and put into operation a system for the receipt, investigation, and determination of misconduct complaints received by such agency from any person.<sup>7</sup>

No law enforcement officer or correctional officer may be discharged; disciplined; demoted; denied promotion, transfer, reassignment; or otherwise discriminated against as it relates to employment while exercising his or her rights under LEOBOR.<sup>8</sup>

Each law enforcement agency is responsible for establishing a system to receive, investigate, and make determinations of complaints against its officers.<sup>9</sup> A law enforcement agency may not suspend, demote, dismiss, or take other disciplinary action against an officer based on an act, omission, or complaint if the investigation of the allegation is not completed within 180 days of the agency receiving notice of the complaint.<sup>10</sup> If the agency determines disciplinary action is appropriate, the agency must give written notice to the officer specifying the proposed disciplinary action. This notice must be given within 180 days after the date the agency receives notice of the alleged misconduct, with the following exceptions:

- If a law enforcement or correctional officer waives the limitation in writing;
- While any criminal investigation or prosecution is ongoing, omission, or other claim of wrongdoing;
- If an officer involved in the investigation is incapacitated;
- In a multijurisdictional investigation for as long as needed to allow authorities to collaborate;
- If the governor declares a state of emergency within the territory of the applicable agency; or
- While the officer's compliance hearing proceeding is ongoing.<sup>11</sup>

An investigation against a law enforcement officer or correctional officer may be reopened if significant new evidence is discovered that can likely affect the outcome of the investigation or if the evidence could not have been reasonably discovered during the normal course of an investigation or the evidence came from a pre-disciplinary response from the officer.<sup>12</sup> Any reopened disciplinary action must be completed within 90 days after the investigation is reopened.<sup>13</sup>

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<sup>5</sup> S. [112.532\(1\), F.S.](#)

<sup>6</sup> S. [112.532\(1\) and \(4\), F.S.](#)

<sup>7</sup> S. [112.533\(4\)\(a\), F.S.](#)

<sup>8</sup> S. [112.532\(5\), F.S.](#)

<sup>9</sup> S. [112.533\(4\)\(a\), F.S.](#)

<sup>10</sup> S. [112.532\(6\)\(a\), F.S.](#)

<sup>11</sup> *Id.*

<sup>12</sup> S. [112.532\(6\)\(b\), F.S.](#)

<sup>13</sup> *Id.*

### Protections from Termination for Political or Discriminatory Reasons

Deputy sheriffs are protected from termination for political or discriminatory reasons.<sup>14</sup> These provisions also apply to a newly-elected or appointed sheriff, but do not prevent that sheriff from replacing deputy sheriffs assigned to managerial, confidential, or policymaking positions.<sup>15</sup>

Each sheriff is required to establish a review board to evaluate appeals by deputy sheriffs alleging termination for lawful off-duty political activity or for discriminatory reasons.<sup>16</sup> Members of the review board are selected based on their reputations for fairness, objectivity, and impartiality.<sup>17</sup> The review board does not have investigative powers, instead serving as a fact finder to assist in arriving at a fair and equitable recommendation. Members of the board may not have a conflict of interest in the matter being considered and serve without compensation.

If a sheriff's office employs 150 or more deputy sheriffs, the review board must consist of:

- Two certified law enforcement officers within the county, selected by the sheriff;
- Two certified law enforcement officers within the county, selected by the deputy appealing the termination; and
- One member chosen by the other four members, who serves as chairperson.<sup>18</sup>

If a sheriff's office employs fewer than 150 deputy sheriffs, the review board consists of a certified law enforcement officer selected by each party and a third member who is selected by the other two.<sup>19</sup>

A deputy sheriff must make a written request for a hearing to his or her immediate supervisor within 10 working days after receiving a termination notice for off-duty political activity.<sup>20</sup> The request must contain a brief statement on the subject of the appeal and the names of the two law enforcement officers the deputy has selected for the review board. The supervisor must forward the request to the sheriff and appropriate division commander.<sup>21</sup>

The review board must be empaneled and hearing scheduled within 10 working days after receiving the request.<sup>22</sup> At the hearing, the sheriff has the burden of approving the termination as appropriate by the preponderance of evidence.<sup>23</sup> After the hearing, the board has 10 working days to make its findings.<sup>24</sup> Each complaint receives a separate finding from the review board, with the board taking into account the seriousness of the complaint, any extenuating circumstances, and the tenure and past conduct record of the deputy sheriff.<sup>25</sup>

The sheriff must notify the deputy sheriff of the final recommendations of the review board.<sup>26</sup> If the sheriff's action on appeal is not sustained, the deputy sheriff must be reinstated without prejudice or penalty.<sup>27</sup>

These provisions do not apply to:

- Deputy sheriffs in a county that has established rights and procedures for deputy sheriffs which are equivalent to or greater than those above;
- Deputy sheriffs in a county that has established a civil or career service system which grants collective bargaining rights for deputy sheriffs, including, but not limited to, deputy sheriffs in Broward, Miami-Dade, Duval, Escambia, and Volusia Counties;

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<sup>14</sup> Ch. 94-143, Laws of Fla. Sections 2-10 of that act were codified as ss. [30.071-30.079, F.S.](#) A "deputy sheriff" is defined as a law enforcement officer appointed by the sheriff and certified under chapter 943, F.S., but does not include those performing managerial, confidential, or policymaking duties. S. [30.072\(2\), F.S.](#)

<sup>15</sup> S. [30.078, F.S.](#)

<sup>16</sup> S. [30.075\(1\), F.S.](#)

<sup>17</sup> S. [30.075\(2\), F.S.](#)

<sup>18</sup> S. [30.075\(4\)\(a\), F.S.](#)

<sup>19</sup> S. [30.075\(4\)\(b\), F.S.](#)

<sup>20</sup> S. [30.076\(3\)\(a\), F.S.](#)

<sup>21</sup> S. [30.076\(3\)\(b\), F.S.](#)

<sup>22</sup> *Id.*

<sup>23</sup> S. [30.076\(3\)\(c\), F.S.](#)

<sup>24</sup> S. [30.076\(3\)\(i\), F.S.](#)

<sup>25</sup> S. [30.076\(3\)\(k\), F.S.](#)

<sup>26</sup> S. [30.076\(3\)\(l\), F.S.](#)

<sup>27</sup> S. [30.076\(3\)\(m\), F.S.](#)

- Special deputy sheriffs appointed under [s. 30.09\(4\), F.S.](#);
- Members of a sheriff's posse or reserve unit; and
- Part-time deputy sheriffs.<sup>28</sup>

### **Career Status System for Employees of the Citrus County Sheriff's Office**

A career status system for the Citrus County Sheriff's Office (CCSO) was established by special act in 2001.<sup>29</sup> The act applies to all employees of the CCSO, except special deputy sheriffs, members of the sheriff's reserve unit, part-time employees and appointees, and temporary employees.<sup>30</sup>

#### **Career Status**

After completing the initial or extended probationary period, an employee of the CCSO achieves career status.<sup>31</sup> If the employee is reemployed at a later date, they have to complete the probationary period again. Upon completion of the probationary period, an employee can challenge his or her dismissal before an appeals board.<sup>32</sup> Prior to suspension or dismissal, the employee with career status must be given written notice of the proposed action and reason for the action.<sup>33</sup> If a delay in dismissal could cause damage or injury or the sheriff perceives a significant hazard in keeping the employee on the job, the sheriff may immediately suspend or dismiss the employee, but must provide notice within two calendar days.<sup>34</sup>

#### **Appeal**

A career status employee can submit a written request for a hearing to the sheriff within seven calendar days of receiving a notice of dismissal.<sup>35</sup> An appeals board must hold a hearing within 30 calendar days of receiving the appeal. The appeals board consists of two employees selected by the sheriff, two employees selected by the employee filing the appeal, and a fifth member selected by the other four members.<sup>36</sup> Additionally, the director in charge of personnel matters serves an ex officio member of the board. After the hearing, the board must issue a recommendation to the sheriff for consideration.<sup>37</sup> The sheriff retains the right to final determination and no person may be reinstated with or without back pay or benefits without his or her agreement.<sup>38</sup>

#### **Transition**

When a newly elected or appointed sheriff takes office, all career status employees of the CCSO, including bureau, division, and judicial services commanders, remain part of the new administration.<sup>39</sup> The act provides that the new sheriff may downgrade a commander, captain, or judicial services commander by one rank from their previous rank the day before the new sheriff takes office and may reassign civilian directors, public information officers, and the sheriff's secretary to the next highest position classification within the pay and classification system.<sup>40</sup> A downgraded or reassigned employee may remain in his or her new position for up to six months, after which his or she may be reassigned at the sheriff's discretion. The salary of a displaced officer or person cannot be reduced below the lesser of the maximum of the new pay grade that is applicable to the officer's or person's new position as decided by the pay classification guide or six percent below the person's former salary. The commanders, directors, and other employees and appointees maintain career service appeal rights applicable to their reduced rank or reassigned position as described above.<sup>41</sup>

### **Local Bill Forms**

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<sup>28</sup> S. [30.071, F.S.](#)

<sup>29</sup> Ch. [2001-296, Laws of Fla.](#)

<sup>30</sup> Ch. [2001-296, s. 1\(1\)\(a\), Laws of Fla.](#)

<sup>31</sup> Ch. [2001-296, s. 1\(3\), Laws of Fla.](#)

<sup>32</sup> Ch. [2001-296, s. 1\(3\)\(d\), Laws of Fla.](#)

<sup>33</sup> Ch. [2001-296, s. 1\(3\)\(c\), Laws of Fla.](#)

<sup>34</sup> *Id.*

<sup>35</sup> Ch. [2001-296, s. 2\(3\), Laws of Fla.](#)

<sup>36</sup> Ch. [2001-296, s. 2\(2\), Laws of Fla.](#)

<sup>37</sup> Ch. [2001-296, s. 2\(3\)\(e\), Laws of Fla.](#)

<sup>38</sup> *Id.*

<sup>39</sup> Ch. [2001-296, s. 1\(4\), Laws of Fla.](#)

<sup>40</sup> *Id.*

<sup>41</sup> Ch. [2001-296, s. 4, Laws of Fla.](#)

The Florida Constitution prohibits the passage of any special act unless a notice of intention to seek enactment of the bill has been published as provided by general law or the act is conditioned to take effect only upon approval by referendum vote of the electors in the area affected.<sup>42</sup> A legal advertisement of the proposed bill must be placed in a newspaper of general circulation or published on a publicly accessible website<sup>43</sup> at least 30 days prior to the introduction of the local bill in the House or Senate.<sup>44</sup> The bill was noticed in the [Citrus County Chronicle on December 27, 2024](#).

The House local bill policy requires a completed and signed Local Bill Certification Form and Economic Impact Statement be filed with the Clerk of the House at the time the local bill is filed or as soon thereafter as possible.<sup>45</sup> Under the policy, a committee or subcommittee may not consider a local bill unless these forms have been filed. The following forms have been submitted for the bill:

- [Local Bill Certification Form](#)
- [Economic Impact Statement](#)

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<sup>42</sup> [Art. III, s. 10, Fla. Const.](#)

<sup>43</sup> [S. 50.0311\(2\), F.S.](#)

<sup>44</sup> [S. 11.02, F.S.](#) If there is no newspaper circulated throughout or published in the county and no publicly accessible website has been designated, notice must be posted for at least 30 days in at least three public places in the county, one of which must be at the courthouse.

<sup>45</sup> Intergovernmental Affairs Subcommittee, [Local Bill Policies and Procedures Manual](#), p. 11 (last visited Feb. 14, 2025).