

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Criminal Justice

CS/CS/CS/HB 1595 — Law Enforcement Operations

by State Affairs Committee; Judiciary Committee; Local Administration, Federal Affairs and Special Districts Subcommittee; and Reps. Yarkosky, Fernandez-Barquin, and others (CS/SB 1588 by Rules Committee and Senator Burgess)

The bill codifies the powers, duties, and obligations of a sheriff and also revises the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency.

The bill amends s. 30.15, F.S., to:

- Require that there be an elected sheriff in each Florida county and prohibit the transfer of the sheriff's duties to another officer or office.
- Specify that a sheriff has exclusive policing jurisdiction in the unincorporated areas of each county, unless otherwise authorized under state law.
- Prohibit a county's board of county commissioners, or any other county legislative body, from maintaining or establishing a police department or other policing entity in the unincorporated areas of any county.
- Prohibit a county from contracting with or engaging in any manner with an incorporated city's or district's police department to provide any services provided by the sheriff.

The bill also creates s. 125.01015, F.S., to:

- Impose duties on each board of county commissioners to ensure the successful transfer of the exclusive policing responsibility and authority to the sheriff, including, but not limited to, developing and approving a budget, conducting an inventory and audit of all assets (and their associated liabilities), and providing funding for staff, office space, necessary insurance, bank and other accounts, and required surety bonds.
- For a specified period, require a board of county commissioners to provide the sheriff-elect taking office with and require the sheriff-elect to use, not less than the substantially and materially same support services, facilities, office space, and information technology infrastructure provided to county offices or departments performing the duties to be performed by the sheriff-elect upon taking office in the 1-year period before he or she takes office.
- Define "support services."
- Require the county and the sheriff to execute an interlocal agreement addressing the aforementioned requirements and other expenditures.
- Impose duties on a sheriff-elect after the election is certified and before taking office, including, but not limited to, staffing and hiring, establishing bank and other accounts, obtaining all necessary insurance or establishing self-insurance, evaluating the budget and transfer of equipment, and notifying the board of county commissioners of any funding deficiencies.
- Authorize a sheriff-elect to appeal by petition to the Administration Commission unresolved funding deficiencies.

- Require a sheriff, upon taking office, to take receipt or possession of unexecuted writs and court processes, forfeited contraband property, and other specified property, records, and materials.
- Require a sheriff, upon taking office, to assume a contract made between the county and a municipality for the county to provide police services to the municipality.
- Provide a severability clause relevant to the aforementioned duties or requirements imposed on a board of county commissioners and the sheriff.

The bill also amends s. 166.241, F.S., to revise the process of appealing a funding reduction to the operating budget of a municipal law enforcement agency. The bill:

- Authorizes the state attorney for the judicial circuit in which a municipality is located or a member of the governing body to file a petition with the Division of Administrative Hearings to request a hearing to challenge a reduction in the municipal law enforcement agency's proposed operating budget that is more than 5 percent compared to the current fiscal year's approved operating budget.
- Specifies procedures for the administrative hearing and issuance of a final order.
- Provides a non-exclusive list of information the petitioner and affected municipality may present at the administrative hearing.
- Provides that within 15 days after the hearing, the administrative law judge must issue a final order either approving or rejecting the proposed operating budget for the municipal law enforcement agency by determining whether the proposed reduction will impair the law enforcement agency's overall ability to ensure public safety.
- Specifies findings to be made by the administrative law judge.
- Provides that the administrative law judge's final order is appealable pursuant to s. 120.68, F.S., and requires that any such judicial review be sought in the First District Court of Appeal.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 99-7