

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1190

SPONSOR: Criminal Justice Committee and Senators Posey and Crist

SUBJECT: Sheriff's Budgets

DATE: March 5, 2002 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Favorable/CS
2.	_____	_____	CA	_____
3.	_____	_____	AGG	_____
4.	_____	_____	AP	_____
5.	_____	_____	RC	_____
6.	_____	_____	_____	_____

I. Summary:

This committee substitute provides an exemption from the statutory bonding requirement for special deputy sheriffs mobilized in response to an act of local terrorism or a national terrorism alert. The CS also modernizes the format of annual sheriff's budget proposals prepared for the board of county commissioners.

The CS provides an effective date of July 1, 2002.

The CS substantially amends the following sections of the Florida Statutes: 30.09, 30.49.

II. Present Situation:

Section 1 - Bonding of Special Deputy Sheriffs

Special deputy sheriffs may be appointed by county sheriffs to serve a variety of purposes, including, but not limited to, the delivery of subpoenas, attending elections, and performing investigative work. When special deputy sheriffs serve in certain specific duties enumerated in s. 30.09(4), F.S., they are exempt from bonding provisions required by ss. 30.01 and 30.02, F.S.

Following the terrorist attacks on September 11, 2001, Florida's sheriffs rapidly mobilized special deputy sheriffs to serve in a wide array of anti-terrorism related capacities, including providing law enforcement presence at airports, bridges, and other potential terrorist targets. Under current law, special deputy sheriffs serving in anti-terrorism capacity may fall under the statutory bonding requirement for sheriffs.

Currently, there is a statutory exemption for the bonding requirement for special deputy sheriffs who serve in the event of any threatened or actual natural disaster, or any major tragedy. Although terrorism or a potential act of terrorism may fall within the current exemption, terrorism-related circumstances are not specifically included.

The bonding requirement places a financial burden on sheriffs faced with the need to rapidly deploy special sheriff deputies to provide terrorism-related law enforcement.

Section 2 – Sheriffs’ Annual County Budget Proposals

Sheriffs currently submit annual budget proposals to the board of county commissioners itemized and categorized as prescribed in s. 30.49, F.S. This itemization and categorization requirement is not in conformity with the statewide accounting practices.

III. Effect of Proposed Changes:

Section 1 - Bonding of Special Deputy Sheriffs

Section 1 of the CS amends s. 30.09(4), F.S., to specifically include special deputy sheriffs appointed in response to an act of local terrorism or a national terrorism alert in the category of special deputy sheriffs exempt from statutory bonding requirements. Special deputy sheriffs affected by this CS may have the full power to arrest and are not subjected to the Criminal Justice Standards and Training Commission’s law enforcement officer requirements.

By specifically exempting special deputy sheriffs mobilized to respond to terrorism from the statutory bonding requirement, sheriffs may be relieved from this particular financial burden when they are faced with the need to rapidly deploy special deputy sheriffs to provide terrorism-related law enforcement.

Section 2 – Sheriffs’ Annual County Budget Proposals

Section 2 of the CS modernizes the format of annual budget proposals that sheriffs submit to the board of county commissioners. Under the CS, sheriffs will divide expenditures into three functional categories: general law enforcement; corrections and detention alternative facilities; and court services, excluding service of process. Within each functional category, expenditures will be itemized in accordance with the uniform chart of accounts, currently published by the Department of Banking and Finance. The itemization scheme in the CS includes separate categories for personal services, operating expenses, capital outlay, debt service, and non-operating disbursements and contingency reserves.

The CS allows the sheriff to move appropriated funds between categories. However, the sheriff’s total budget may not exceed the total funding appropriated by the county commission.

The CS provides that within a sheriff’s annual budget proposal, requests for construction, repair, or capital improvements of sheriff-operated or occupied buildings are to be included separately from other categorized and itemized costs and expenses.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Undetermined.

C. Government Sector Impact:

By specifically exempting special deputy officers mobilized to respond to terrorism from the statutory bonding requirement, sheriffs and local governments may be relieved from this particular financial burden when they are faced with the need to rapidly deploy special deputy sheriffs to provide terrorism-related law enforcement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.