

STORAGE NAME: h1427.sec.doc

DATE: February 7, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
SECURITY, SELECT
ANALYSIS**

BILL #: HB 1427

RELATING TO: Sheriffs

SPONSOR(S): Representative(s) Kendrick & others

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) SELECT COMMITTEE ON SECURITY
 - (2) PROCEDURAL & REDISTRICTING COUNCIL
 - (3)
 - (4)
 - (5)
-

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I. SUMMARY:

This bill 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.

This bill modernizes the format of annual sheriff's budget proposals prepared for the board of county commissioners.

This bill authorizes sheriffs to develop and implement policies regarding reimbursement of travel expenses consistent with state law **or** county policy **or** federal mileage and per diem rates.

The bill takes effect July 1, 2002.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

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.

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. The current statutory itemization and categorization requirement is outdated and is not in conformity with the statewide accounting practices.

Currently, sheriffs are limited to the provisions of s. 112.061, F.S., for reimbursement of travel expenses. Under s. 112.061, F.S., sheriffs are limited to prescribed expenses and allowances for certain types of expenditures. The allowances currently provided by statute may not be sufficient or realistic to adequately reimburse travel-related expenses for certain types of travel, such as out-of-state travel.

C. EFFECT OF PROPOSED CHANGES:

Section 1 - Bonding of Special Deputy Sheriffs

Section 1 of this bill 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 bill 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 this bill modernizes the format of annual budget proposals that sheriffs submit to the board of county commissioners. Under this bill, 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 this bill includes separate categories for personal services, operating expenses, capital outlay, debt service, and non-operating disbursements and contingency reserves.

The bill 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.

This bill 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.

This bill authorizes sheriffs' departments to develop and implement policies regarding reimbursement of travel expenses consistent with s. 112.061, F.S. (per diem and travel expenses of public officers, employees, and authorized persons) **or** county policy **or** federal law. Sheriffs may be faced with the need to participate in certain kinds of travel, such as out-of-state travel, that involve costs that are not adequately compensated by current law. This bill allows sheriffs the flexibility to adopt policies for travel reimbursement that may be more realistic than current statutory allowances under s. 112.061, F.S.

D. SECTION-BY-SECTION ANALYSIS:

Please refer to Effect of Proposed Changes for a description of the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

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.

By authorizing sheriffs to develop and implement flexible travel reimbursement policies, local government expenditures on sheriff-related travel could increase.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require cities or counties to spend funds or to take actions requiring expenditure.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

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C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VI. SIGNATURES:

SELECT COMMITTEE ON SECURITY:

Prepared by:

Staff Director:

Andrew Stearns/ Randy L. Havlicak

Tom Randle/Richard Hixson