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LEGISLATIVE ACTION

Senate

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House

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Floor: 2/F/2R

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03/09/2022 11:34 AM

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Senator Brandes moved the following:

1 **Senate Substitute for Amendment (880670) (with title**
2 **amendment)**

3
4 Before line 76

5 insert:

6 Section 1. Subsection (12) is added to section 30.49,
7 Florida Statutes, to read:

8 30.49 Budgets.—

9 (12) (a) Except as otherwise provided in this subsection,
10 after the approval of the sheriff's budget by the board of
11 county commissioners or budget commission, if a county has



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12 established a budget commission, the sheriff may transfer funds
13 between the functional categories described in paragraph (2) (a)
14 or between the itemized categories described in paragraph
15 (2) (c).

16 (b) The board of county commissioners or budget commission,
17 as applicable, may by ordinance or resolution establish a
18 mutually agreeable policy prescribing the manner in which a
19 sheriff may transfer funds between functional categories
20 described in paragraph (2) (a) or the itemized functional
21 categories described in paragraph (2) (c). If the board or
22 commission establishes such a policy, the policy must include an
23 actual threshold amount, or percentage threshold, of funds the
24 sheriff may transfer between functional categories or itemized
25 categories without the approval of the board or commission. The
26 policy must include evidence of agreement between the board or
27 commission, as applicable, and the sheriff. The policy adopted
28 by the board or commission, as applicable, under this paragraph
29 may not authorize the sheriff to comingle recurring or
30 nonrecurring funds, or otherwise transfer recurring funds into
31 any nonrecurring categories, or nonrecurring funds into
32 recurring categories, irrespective of whether the transfer of
33 funds occurs within the functional categories in paragraph
34 (2) (a) or the itemized categories in paragraph (2) (c). The
35 sheriff must, within 14 days after the end of each fiscal
36 quarter, submit a report to the board or commission, as
37 applicable, of all fund transfers made in such quarter which did
38 not require the board's or commission's approval pursuant to the
39 policy established under this paragraph. The report must contain
40 a sworn certificate stating the transfers of funds undertaken



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41 during the completed quarter were reasonable and necessary for
42 the proper and efficient operation of the office, county jail,
43 or provision of court services.

44 (c) If the board of county commissioners or budget
45 commission, as applicable, does not adopt a policy under
46 paragraph (b), the sheriff may transfer funds between the
47 functional categories described in paragraph (2) (a) or itemized
48 categories in paragraph (2) (c) without the approval of the board
49 or commission, except the sheriff may not comingle recurring or
50 nonrecurring funds, or otherwise transfer recurring funds into
51 any nonrecurring categories or nonrecurring funds into recurring
52 categories, irrespective of whether transfer of funds occurs
53 within the functional categories in paragraph (2) (a) or the
54 itemized categories in paragraph (2) (c). Within 14 days after
55 the end of each fiscal quarter, the sheriff must provide a
56 report to the board or commission, as applicable, of all fund
57 transfers made in such completed quarter. The report must
58 contain a sworn certificate stating the transfers of funds
59 undertaken during the completed quarter were reasonable and
60 necessary for the proper and efficient operation of the office,
61 county jail, or provision of court services.

62 (d) If a transfer of funds under this subsection requires
63 the approval of the board of county commissioners or budget
64 commission, as applicable, the sheriff may apply to the board or
65 commission for a transfer of funds as necessary. The sheriff's
66 request must contain all relevant information and justification
67 supporting the sheriff's need for the transfer of funds. The
68 board or commission, as applicable, must place the transfer
69 request on its consent agenda at the next scheduled meeting of



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70 the board or commission that occurs not more than 15 days after
71 the date the sheriff submits the request to transfer funds. The
72 transfer request may not be removed from the consent agenda,
73 except upon a majority vote of the board or commission, as
74 applicable. The board or commission may not deny the sheriff's
75 request to transfer funds between the functional categories in
76 paragraph (2) (a) or between the itemized categories in paragraph
77 (2) (c) except upon a supermajority vote of the entire membership
78 of the board or commission, as applicable.

79 (e) After the board of county commissioners or budget
80 commission, as applicable, approves the sheriff's budget under
81 this section, the sheriff may transfer funds between
82 expenditures at the subobject code level without approval of the
83 board or commission. As provided in subsection (3), the board or
84 commission may not amend, modify, increase, or reduce any
85 expenditure at the subobject code level.

86 Section 2. Subsection (3) of section 129.06, Florida
87 Statutes, is amended to read:

88 129.06 Execution and amendment of budget.—

89 (3) Except as authorized in s. 30.49(12), only the
90 following transfers may be made between funds:

91 (a) Transfers to correct errors in handling receipts and
92 disbursements.

93 (b) Budgeted transfers.

94 (c) Transfers to properly account for unanticipated revenue
95 or increased receipts.

96

97 ===== T I T L E A M E N D M E N T =====

98 And the title is amended as follows:



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99 Delete lines 2 - 3
100 and insert:
101 An act relating to law enforcement; amending s. 30.49,
102 F.S.; authorizing a sheriff to transfer funds between
103 specified functional categories or itemized categories
104 under certain circumstances; authorizing the board of
105 county commissioners or the budget commission to
106 establish by ordinance or resolution a policy
107 prescribing the manner in which a sheriff may transfer
108 funds between certain functional or itemized
109 categories; providing requirements and prohibitions if
110 the board or commission establishes such a policy;
111 requiring the sheriff to submit a report to the board
112 or commission as applicable; providing report
113 requirements; authorizing the sheriff to transfer
114 funds between such functional or itemized categories
115 if the board or commission has not adopted a specified
116 policy; requiring the sheriff to submit a report to
117 the board or commission as applicable; requiring
118 certification by the sheriff; authorizing the sheriff
119 to apply for a transfer of funds in specified
120 circumstances; requiring the placement of such request
121 on a consent agenda within a specified time period;
122 specifying vote requirements to remove a transfer
123 request from a consent agenda or to deny such request;
124 allowing the sheriff to transfer funds from certain
125 subobject code levels; amending s. 129.06, F.S.;
126 conforming a provision to changes made by the act;
127 amending s. 145.071, F.S.;