

By the Committee on Rules; and Senator Burgess

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1 A bill to be entitled
2 An act relating to law enforcement operations;
3 amending s. 30.15, F.S.; revising the powers, duties,
4 and obligations of a sheriff; creating s. 125.01015,
5 F.S.; requiring that there be an elected sheriff in
6 each county; requiring that certain counties elect a
7 sheriff and that the board of commissioners of such
8 counties ensure a successful transfer of certain
9 responsibility and authority to the sheriff in areas
10 of the county for which the sheriff has
11 responsibility; providing requirements for the board
12 of county commissioners regarding transfer of certain
13 responsibility and authority to the sheriff; defining
14 the term "support services"; providing requirements of
15 the sheriff-elect after the election is certified and
16 before he or she takes office; providing requirements
17 for a sheriff-elect before, and a sheriff upon, taking
18 office; requiring the sheriff, upon taking office, to
19 take receipt of certain items and property; requiring
20 the sheriff to provide contracted police services for
21 certain municipalities for a specified timeframe;
22 requiring the sheriff and certain municipalities to
23 enter into a new contract or to provide certain
24 policing services to the municipality; providing
25 construction; providing for severability and
26 applicability; amending s. 166.241, F.S.; authorizing
27 certain persons to file a petition with the Division
28 of Administrative Hearings, rather than an appeal by
29 petition to the Administration Commission, if the

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30 tentative budget of a municipal law enforcement agency
31 contains a reduction greater than a specified
32 percentage; providing requirements for such petition
33 and petitioner; requiring the governing body of the
34 municipality to file an answer with the division and
35 serve a copy of such answer on the petitioner within a
36 certain timeframe; requiring the division to assign an
37 administrative law judge to conduct a hearing on such
38 petition within a certain timeframe; providing
39 procedures for such hearings; requiring the
40 administrative law judge to make a specified
41 determination and issue a final order within a certain
42 timeframe; providing requirements for making such
43 determination; providing that such final order is
44 appealable; providing requirements for such appeal;
45 providing an effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Subsection (5) is added to section 30.15,
50 Florida Statutes, to read:

51 30.15 Powers, duties, and obligations.—

52 (5) As required by s. 1(d), Art. VIII of the State
53 Constitution, there shall be an elected sheriff in each county,
54 and the transfer of the sheriff's duties to another officer or
55 office is prohibited.

56 (a) Unless otherwise authorized under state law, the
57 sheriff shall have exclusive policing jurisdiction in the
58 unincorporated areas of each county. The sheriff's jurisdiction

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59 and powers must run throughout the entire county regardless of
60 whether there are incorporated cities or other independent
61 districts or governmental entities in the county. The sheriff's
62 jurisdiction is concurrent with any city, district, or other law
63 enforcement agency that has jurisdiction in a city or district.

64 (b) A police department or other policing entity may not be
65 maintained or established by the county's board of county
66 commissioners, or any other county legislative body, to provide
67 any policing in the unincorporated areas of any county. Unless
68 otherwise authorized under state law, only the duly elected
69 sheriff may provide such policing and police functions in the
70 unincorporated areas of any county. A county may not contract
71 with or engage in any manner with an incorporated city's or
72 district's police department to provide any services provided by
73 the sheriff, including policing or police functions in the
74 unincorporated areas of any county. Nothing in this paragraph
75 affects the jurisdiction or powers of any agency of this state
76 or the United States or prohibits mutual aid agreements between
77 the sheriff and any other police department.

78 Section 2. Section 125.01015, Florida Statutes, is created
79 to read:

80 125.01015 Office of sheriff.—

81 (1) As required by s. 1(d), Art. VIII of the State
82 Constitution, there shall be an elected sheriff in each county.
83 Notwithstanding anything in this section to the contrary, a
84 county as defined in s. 125.011(1) shall, as required by s.
85 6(g), Art. VIII of the State Constitution, elect a sheriff, and
86 the board of county commissioners of any such county shall
87 ensure a successful transfer of the exclusive policing

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88 responsibility and authority to the sheriff in areas of such
89 county for which the sheriff has responsibility.

90 (2) To ensure successful transfer of exclusive policing
91 responsibility to the sheriff in a county as defined in s.
92 125.011(1), the board of county commissioners of such county
93 shall:

94 (a) Before the election of the sheriff, do all of the
95 following:

96 1. Develop and approve a budget for the office of the
97 sheriff for the county fiscal year in which the election will
98 occur and the sheriff will take office which adequately funds
99 the office of the sheriff so that the sheriff may properly
100 perform all of his or her duties upon taking office. The budget
101 must be consistent with the requirements of s. 30.49. The budget
102 for the fiscal year in which the sheriff-elect will take office
103 must consider the sheriff's initial budget requirements as
104 mitigated by the transfer of assets from existing county
105 departments to the office of the sheriff.

106 2. To mitigate initial funding requirements and eliminate
107 duplicate funding, conduct an inventory and audit of all assets,
108 and their associated liabilities, of any county department that
109 now performs any function that will be performed or administered
110 by the elected sheriff. Based on the inventory and audit, the
111 county shall determine which of those assets, and their
112 associated liabilities, must be transferred to the office of the
113 sheriff upon the sheriff-elect taking office. The inventory and
114 audit must be completed before the county adopts its budget for
115 the budget year in which the sheriff will take office. The
116 inventory and audit must be published on the county's website at

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117 least 60 days prior to the county adopting its budget for the
118 fiscal year in which the sheriff will take office. The budget
119 approved by the county for the fiscal year in which the sheriff
120 will take office must provide funding to purchase all basic
121 necessary operating equipment, including, but not limited to,
122 furniture, fixtures and equipment, and information technology
123 hardware and software, which is not specifically designated for
124 transfer from the county to the office of the sheriff based on
125 the inventory required in this subparagraph or otherwise
126 provided to the new office of the sheriff by the county through
127 an interlocal agreement as described in sub-subparagraph (b)6.d.

128 (b) After the election of the sheriff is certified, do all
129 of the following:

130 1. Provide funding for all of the necessary staff and
131 office space for the sheriff-elect to establish an independent
132 office of the sheriff, to allow the office to effectively
133 operate and perform all of the functions required by general law
134 on the date he or she takes office.

135 2. Provide funding for the sheriff-elect to purchase any
136 necessary insurance not provided by the county through the
137 interlocal agreement required under sub-subparagraph 6.d., to
138 allow the sheriff to effectively operate and perform all of the
139 functions required by general law on the date that he or she
140 takes office.

141 3. Provide funding for the sheriff-elect to establish bank
142 and other accounts, as necessary, in his or her official
143 capacity as sheriff, so that such accounts may become
144 operational upon his or her taking office.

145 4. Unless otherwise transferable based on existing surety

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146 bonds for the sheriff's deputies, provide funding for and
147 facilitate procurement of the required surety bonds for deputy
148 sheriffs pursuant to s. 30.09, so that such bonds are in place
149 upon the sheriff-elect taking office.

150 5. Prepare and deliver to the office of the sheriff all
151 documents, property, or other items listed in subsection (4).

152 6. Notwithstanding anything in this section to the
153 contrary, for a term commencing January 7, 2025, and ending no
154 sooner than September 30, 2028, provide that a sheriff taking
155 office, and the sheriff of such county shall use, at least
156 substantially and materially the same support services,
157 facilities, office space, and information technology
158 infrastructure that such county, during the 1-year period
159 immediately preceding the sheriff taking office, provided to any
160 of its offices or county departments that performed duties to be
161 performed by the sheriff upon taking office.

162 a. As used in this subparagraph, the term "support
163 services" includes:

164 (I) Property and facilities and the management and
165 maintenance of such property and facilities;

166 (II) Communications infrastructure, including telephone and
167 Internet connectivity;

168 (III) Risk management, to include processing, adjusting,
169 and payment of all claims and demands, including those made
170 under s. 768.28. The board of county commissioners shall provide
171 the sheriff with all required general liability, property, and
172 other insurance coverage either through its self-insurance
173 program, a self-insurance risk pool, or commercial insurance. If
174 the county provides insurance through a self-insurance program,

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175 it must also provide the sheriff with commercial stop-loss
176 coverage at an amount and with a self-insured retention agreed
177 upon by the sheriff and the county;

178 (IV) Legal representation and advice through the county
179 attorney's office for all claims, demands, and causes of action
180 brought against the sheriff, his or her deputies, or other
181 personnel in their official and individual capacities, while
182 acting in their official capacities, including any required
183 outside counsel due to representation conflicts. This section
184 does not prohibit the sheriff from employing or retaining his or
185 her own legal representation as the sheriff deems necessary;

186 (V) Purchasing and procurement services using procedures
187 under the laws and ordinances applicable to the county for
188 purchases requiring competitive procurement;

189 (VI) Budget and fiscal software and budget development
190 services;

191 (VII) Human resource services, including, but not limited
192 to, employee applicant screening, applicant background checks,
193 facilitation of the hiring process, and employee benefit
194 administration. The county provides human resources services to
195 the sheriff, but the sheriff is the employer of his or her
196 employees and the sheriff retains full and complete control over
197 his or her employees' hiring and terms and conditions of
198 employment, including employee discipline and termination of
199 employment. The provision of human resource services by the
200 county to the sheriff does not create a joint-employer
201 relationship. The sheriff's employees remain members of the
202 county's health insurance and workers' compensation plans for at
203 least the term set forth in this subparagraph; and

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204 (VIII) Fleet management, including procurement of all
205 vehicles and other mobile assets, such as boats and aircraft,
206 and all vehicle repair and maintenance.

207 b. At a minimum, the information technology infrastructure
208 provided by the county to the sheriff under this subsection must
209 include all hardware, including computers; budget and fiscal
210 software, including payroll and purchasing software; and
211 computer-aided dispatch.

212 c. Under a cost allocation plan agreed to by the county and
213 the sheriff, the sheriff shall pay the county for such support
214 services and information technology infrastructure from his or
215 her general fund budget, except for any support services and
216 information technology infrastructure costs that state law
217 otherwise and expressly requires the county to fund outside the
218 sheriff's budget.

219 d. To satisfy compliance with this subsection and to
220 establish the office of sheriff in a manner that minimizes
221 unnecessary financial expenditures, the county and the sheriff
222 shall execute an interlocal cooperation agreement addressing the
223 requirements of this subsection and other expenditures,
224 including an appropriate phase-in period for identification of
225 sheriff's assets with sheriff's markings to minimize cost to
226 taxpayers. The interlocal cooperation agreement must have a term
227 that ends no earlier than September 30, 2028, and may be
228 amended, renewed, extended, or adopted at any time following the
229 expiration or termination thereof for any additional time
230 periods that a county and the sheriff agree upon. After the
231 initial period ending no sooner than September 30, 2028, any new
232 or continuing voluntary interlocal cooperation agreement between

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233 the county and the sheriff may provide for the same or different
234 requirements than those set forth in this subsection.

235 (3) After the election is certified and before taking
236 office, the sheriff-elect shall:

237 (a) Select staff to assist the sheriff-elect in
238 establishing an independent office of the sheriff.

239 (b) Retain independence in the selection and hiring of
240 personnel. All personnel hired by the sheriff are employees of
241 the sheriff and not the county. The sheriff retains all control
242 over the terms and conditions of all his or her employees,
243 including procedures regarding employment, setting of salaries,
244 and termination of such personnel. However, the sheriff shall
245 use county human resource services for the period of time
246 established in the interlocal agreement entered into between the
247 county and the sheriff as described in sub-subparagraph

248 (2) (b) 6.d.

249 (c) Establish bank and other accounts, as necessary, in his
250 or her official capacity as sheriff, to allow such accounts to
251 become operational upon his or her taking office.

252 (d) Obtain all necessary insurance or establish self-
253 insurance, to take effect upon the sheriff taking office, unless
254 the county is providing such insurance under the interlocal
255 agreement described in sub-subparagraph (2) (b) 6.d.

256 (e) Evaluate the budget and transfer of equipment as
257 described in this section to determine whether the operating,
258 capital, and personnel services budget is sufficient for the
259 sheriff to operate and fulfill his or her constitutional and
260 statutory responsibilities.

261 (f) Provide written notice of any funding deficiencies to

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262 the board of county commissioners, which must respond and reach
263 an agreement with the sheriff-elect on funding requirements
264 within 30 days after such notice. If, after expiration of the
265 30-day period, an agreement has not been reached, the sheriff-
266 elect may file an appeal by petition to the Administration
267 Commission pursuant to s. 30.49(4) (a). The Administration
268 Commission shall expedite its review and determination of such
269 petition and render a decision within 90 days after it is filed.

270 (4) The sheriff, upon taking office, shall take receipt or
271 possession of any of the following:

272 (a) Unexecuted writs and court processes, and shall comply
273 with s. 30.14(3) as to any levy made before taking receipt of
274 such unexecuted writs and court processes.

275 (b) Property confiscated under the Florida Contraband
276 Forfeiture Act established in s. 932.701, and the sheriff shall
277 determine whether to pursue the forfeiture proceedings pursuant
278 to s. 932.704.

279 (c) Records, papers, documents, or other writings,
280 including those concerning open investigations, necessary for
281 the sheriff to perform his or her required duties.

282 (d) Property held in evidence by any county department
283 relating to a case that is under the jurisdiction of the office
284 of the sheriff.

285 (5) In any county as defined in s. 125.011(1), which is
286 required to elect a sheriff under s. 6(g), Art. VIII of the
287 State Constitution, and when the county provides contracted
288 police services to any municipality in that county prior to the
289 elected sheriff taking office, the sheriff shall, for a minimum
290 of 3 years from the time he or she takes office, continue to

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291 provide police services to that municipality by doing any of the
292 following:

293 (a) Assuming the contract in place between the county and
294 the municipality at the time the sheriff takes office.

295 (b) Negotiating a new contract with the municipality.

296 (c) Otherwise providing policing services to the
297 municipality at the same level that the municipality received
298 policing services from the county during the 1-year period prior
299 to the sheriff taking office.

300

301 This subsection does not prevent a municipality from
302 establishing its own police department or otherwise providing
303 for police services as allowed by law before expiration of the
304 3-year period established in this subsection.

305 (6) If any provision of this section or its application to
306 any person or circumstance is held invalid, the invalidity does
307 not affect any other provisions or applications of this section
308 which can be given effect without the invalid provision or
309 application, and to this end the provisions of this section are
310 severable.

311 Section 3. Present subsections (6), (7), and (8) of section
312 166.241, Florida Statutes, are redesignated as subsections (7),
313 (8), and (9), respectively, a new subsection (6) is added to
314 that section, and subsections (4) and (5) and present subsection
315 (8) of that section are amended, to read:

316 166.241 Fiscal years, budgets, appeal of municipal law
317 enforcement agency budget, and budget amendments.—

318 (4) (a) If the tentative budget of a municipality contains a
319 funding reduction to the operating budget of the municipal law

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320 enforcement agency of more than 5 percent compared to the
321 current fiscal year's approved operating budget, the state
322 attorney for the judicial circuit in which the municipality is
323 located~~7~~ or a member of the governing body ~~who objects to the~~
324 ~~funding reduction~~, may file a petition with an appeal by
325 ~~petition to the~~ Division of Administrative Hearings pursuant to
326 s. 120.569 requesting a hearing to challenge the reduction in
327 the municipal law enforcement agency's proposed operating
328 budget. The petition must be filed with the division
329 ~~Administration Commission~~ within 10 ~~30~~ days after the day the
330 tentative budget is posted to the official website of the
331 municipality under subsection (3) and the petitioner must serve
332 a copy of the petition on the affected municipality. The
333 petition must set forth the tentative budget proposed by the
334 municipality and, ~~in the form and manner prescribed by the~~
335 ~~Executive Office of the Governor and approved by the~~
336 ~~Administration Commission~~, the operating budget of the municipal
337 law enforcement agency as approved by the municipality for the
338 previous year~~7~~ and must state the reasons or grounds for the
339 petition appeal. ~~The petition shall be filed with the Executive~~
340 ~~Office of the Governor and a copy served upon the governing body~~
341 ~~of the municipality or to the clerk of the circuit court of the~~
342 ~~county in which the municipality is located.~~

343 (b) The governing body of the municipality must file an
344 answer with the division and must serve a copy of the answer on
345 the petitioner within ~~has~~ 5 working days, excluding Saturdays,
346 Sundays, and legal holidays, after receipt of service of a copy
347 ~~of the petition to file a reply with the Executive Office of the~~
348 ~~Governor and shall serve a copy of such reply to the petitioner.~~

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349 (5) (a) Upon receipt of the petition, the division must
350 assign an administrative law judge to conduct ~~Executive Office~~
351 ~~of the Governor shall provide for a budget hearing no later than~~
352 20 days after the petition is filed, at which the matters
353 presented in the petition and the answer must ~~reply shall~~ be
354 considered. Notwithstanding s. 120.57, all proceedings under
355 this subsection shall be conducted by an administrative law
356 judge assigned by the division ~~A report of the findings and~~
357 ~~recommendations of the Executive Office of the Governor thereon~~
358 ~~shall be promptly submitted to the Administration Commission,~~
359 ~~which, within 30 days, shall approve the action of the governing~~
360 ~~body of the municipality or amend or modify the budget as to~~
361 ~~each separate item within the operating budget of the municipal~~
362 ~~law enforcement agency. The budget as approved, amended, or~~
363 ~~modified by the Administration Commission shall be final.~~

364 (b) At the hearing, the petitioner and the municipality may
365 present all information relevant to the municipal law
366 enforcement agency's budgetary needs and requirements,
367 including, but not limited to:

368 1. The proposed operating budget approved by the
369 municipality;

370 2. The municipality's grounds for proposing a reduction in
371 funding to the current fiscal year's law enforcement operating
372 budget;

373 3. The petitioner's grounds for challenging the proposed
374 reduction in funding to the law enforcement operating budget;

375 4. The operating budgets of other public entities in the
376 municipality;

377 5. The operating budgets of other law enforcement agencies

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378 in municipalities that are of comparable size;

379 6. The municipal law enforcement agency's staffing needs
380 and budgetary requirements for the current fiscal year and the 2
381 previous fiscal years;

382 7. The draft municipal law enforcement agency operating
383 budget, budget amendments, and budget meeting minutes from the
384 current fiscal year and the 2 previous fiscal years;

385 8. The revenue and projected revenue available to the
386 municipality and any change in the amount of revenue collected
387 over the previous 3 fiscal years; and

388 9. Any other information relevant to the municipal law
389 enforcement agency's operating budget.

390 (6) (a) Within 15 days after the hearing, the administrative
391 law judge must issue a final order either approving or rejecting
392 the proposed operating budget for the municipal law enforcement
393 agency by determining whether the proposed reduction will impair
394 the law enforcement agency's overall ability to ensure public
395 safety. In making the determination, the administrative law
396 judge must make findings regarding whether the funding reduction
397 in the proposed operating budget of the municipal law
398 enforcement agency will result in:

399 1. A reduction of the number of law enforcement officers
400 employed by the municipality;

401 2. A reduction or an elimination of public safety programs
402 or initiatives provided by the agency; or

403 3. A lack of appropriate equipment necessary to ensure
404 officer safety.

405 (b) The administrative law judge's final order is
406 appealable pursuant to s. 120.68, and any such judicial review

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407 must be sought in the First District Court of Appeal.

408 (9)~~(8)~~ If the governing body of a municipality amends the
409 budget pursuant to paragraph (8)(c) ~~(7)(e)~~, the adopted
410 amendment must be posted on the official website of the
411 municipality within 5 days after adoption and must remain on the
412 website for at least 2 years. If the municipality does not
413 operate an official website, the municipality must, within a
414 reasonable period of time as established by the county or
415 counties in which the municipality is located, transmit the
416 adopted amendment to the manager or administrator of such county
417 or counties who shall post the adopted amendment on the county's
418 website.

419 Section 4. This act shall take effect upon becoming a law.