

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Yarkosky offered the following:

Amendment

Remove lines 53-175 and insert:

6 Section 2. Present subsections (6), (7), and (8) of
 7 section 166.241, Florida Statutes, are renumbered as subsections
 8 (7), (8), and (9), respectively, new subsection (6) is added to
 9 that section, and subsections (4) and (5) and present subsection
 10 (8) of that section are amended to read:

11 166.241 Fiscal years, budgets, appeal of municipal law
 12 enforcement agency budget, and budget amendments.—

13 (4)(a) If the tentative budget of a municipality contains
 14 a funding reduction to the operating budget of the municipal law
 15 enforcement agency of more than 5 percent compared to the
 16 current fiscal year's approved operating budget, the state

Amendment No. 1

17 attorney for the judicial circuit in which the municipality is
18 located, or a member of the governing body ~~who objects to the~~
19 ~~funding reduction,~~ may file a petition with an appeal by
20 petition to the Division of Administrative Hearings pursuant to
21 s. 120.569 requesting a hearing to challenge the reduction in
22 the municipal law enforcement agency's proposed operating
23 budget. The petition must be filed with the division
24 ~~Administration Commission~~ within 10 ~~30~~ days after the day the
25 tentative budget is posted to the official website of the
26 municipality under subsection (3) and the petitioner must serve
27 a copy of the petition on the affected municipality. The
28 petition must set forth the tentative budget proposed by the
29 municipality, ~~in the form and manner prescribed by the Executive~~
30 ~~Office of the Governor and approved by the Administration~~
31 ~~Commission,~~ the operating budget of the municipal law
32 enforcement agency as approved by the municipality for the
33 previous year, and must state the reasons or grounds for the
34 petition appeal. ~~The petition shall be filed with the Executive~~
35 ~~Office of the Governor and a copy served upon the governing body~~
36 ~~of the municipality or to the clerk of the circuit court of the~~
37 ~~county in which the municipality is located.~~

38 (b) The governing body of the municipality must file an
39 answer with the division and must serve a copy of the answer on
40 the petitioner within ~~has~~ 5 working days, excluding Saturdays,
41 Sundays, and legal holidays after receipt of service ~~of a copy~~

136115 - h1595-line53.docx.docx

Published On: 4/10/2023 4:33:47 PM

Amendment No. 1

42 of the petition ~~to file a reply with the Executive Office of the~~
43 ~~Governor and shall serve a copy of such reply to the petitioner.~~

44 (5)(a) Upon receipt of the petition, the division must
45 assign an administrative law judge to conduct Executive Office
46 of the Governor shall provide for a budget hearing no later than
47 20 days from the date the petition is filed, at which the
48 matters presented in the petition and the answer must reply
49 shall be considered. Notwithstanding s. 120.57, all proceedings
50 under this subsection must be conducted by an administrative law
51 judge assigned by the division. A report of the findings and
52 recommendations of the Executive Office of the Governor thereon
53 shall be promptly submitted to the Administration Commission,
54 which, within 30 days, shall approve the action of the governing
55 body of the municipality or amend or modify the budget as to
56 each separate item within the operating budget of the municipal
57 law enforcement agency. The budget as approved, amended, or
58 modified by the Administration Commission shall be final.

59 (b) At the hearing, the petitioner and municipality may
60 present all information relevant to the municipal law
61 enforcement agency's budgetary needs and requirements,
62 including, but not limited to:

63 1. The proposed operating budget approved by the
64 municipality;

Amendment No. 1

65 2. The municipality's grounds for proposing a reduction in
66 funding to the current fiscal year's law enforcement operating
67 budget;

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

70 4. The operating budgets of other public entities within
71 the municipality;

72 5. The operating budgets of other law enforcement agencies
73 in municipalities that are of comparable size;

74 6. The municipal law enforcement agency's staffing needs
75 and budgetary requirements from the current fiscal year and the
76 2 previous fiscal years;

77 7. The draft municipal law enforcement agency operating
78 budget, budget amendments, or budget meeting minutes from the
79 current fiscal year and the 2 previous fiscal years;

80 8. The revenue and projected revenue available to the
81 municipality and any change in the amount of revenue collected
82 over the last 3 fiscal years; and

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

85 (6) (a) Within 15 days after the hearing, the
86 administrative law judge must issue a final order either
87 approving or rejecting the proposed operating budget for the
88 municipal law enforcement agency by determining whether the
89 proposed reduction will impair the law enforcement agency's

Amendment No. 1

90 overall ability to ensure public safety. In making the
91 determination, the administrative law judge must make findings
92 regarding whether the funding reduction in the proposed
93 operating budget of the municipal law enforcement agency will:

94 1. Result in a reduction of the number of law enforcement
95 officers employed by the municipality;

96 2. Result in the reduction or elimination of public safety
97 programs or initiatives provided by the agency; and

98 3. Result in a lack of appropriate equipment that is
99 necessary to ensure officer safety.

100 (b) The administrative law judge's final order is
101 appealable pursuant to s. 120.68 and any such judicial review
102 must be sought in the First District Court of Appeal.

103 (9)-(8) If the governing body of a municipality amends the
104 budget pursuant to paragraph (8) (c) ~~(7)(e)~~, the adopted
105 amendment must be posted on the official website of the
106 municipality within 5 days after adoption and must remain on the
107 website for at least 2 years. If the municipality does not
108 operate an official website, the municipality must, within a
109 reasonable period of time as established by the county or
110 counties in which the municipality is located, transmit the
111 adopted amendment to the manager or administrator of such county
112 or counties who shall post the adopted amendment on the county's
113 website.