

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1595 (2023)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN _____ (Y/N)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

1 Committee/Subcommittee hearing bill: State Affairs Committee
2 Representative Fernandez-Barquin offered the following:

3
4 **Amendment (with title amendment)**

5 Remove lines 34-55 and insert:

6 (a) Unless otherwise authorized by state law, the sheriff
7 shall have exclusive policing jurisdiction in the unincorporated
8 areas of each county. The sheriff's jurisdiction and powers must
9 run throughout the entire county regardless of whether there are
10 incorporated cities or other independent districts or
11 governmental entities in the county. The sheriff's jurisdiction
12 is concurrent with any city, district, or other law enforcement
13 agency that has jurisdiction in a city or district.

14 (b) A police department or other policing entity may not
15 be maintained or established by the county's board of county
16 commissioners, or any other county legislative body, to provide

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17 any policing in the unincorporated area of any county. Unless
18 otherwise authorized by state law, only the duly elected sheriff
19 may provide such policing and police functions in the
20 unincorporated areas of any county. A county may not contract
21 with or engage in any manner with an incorporated city's or
22 district's police department to provide any services provided by
23 the sheriff, including policing or police functions in the
24 unincorporated areas of any county. Nothing in this paragraph
25 affects the jurisdiction or powers of any agency of the State of
26 Florida or the United States or prohibits mutual aid agreements
27 between the sheriff and any other police department.

28 Section 2. Section 125.01015, Florida Statutes, is created
29 to read:

30 125.01015 Office of a sheriff.-

31 (1) As required by s. 1(d), Art. VIII of the State
32 Constitution, there shall be an elected sheriff in each county
33 in this state. Unless otherwise provided in this section, a
34 county, as defined in s. 125.011(1), shall, as required by s.
35 6(g), Art. VIII of the State Constitution, elect a sheriff. The
36 board of county commissioners of any such county must ensure the
37 successful transfer of the exclusive policing responsibility and
38 authority to the sheriff in areas of the county for which the
39 sheriff has responsibility.

40 (2) To ensure the successful transfer of the exclusive
41 policing responsibility and authority to the sheriff in a

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42 county, as defined in s. 125.011(1), the board of county
43 commissioners shall:
44 (a) Before the election of the sheriff:
45 1. Develop and approve a budget for the office of the
46 sheriff for the county fiscal year in which the election will be
47 held and the sheriff will take office. The budget will
48 adequately fund the office so that the sheriff may properly
49 perform all of his or her duties upon taking office. The budget
50 must be consistent with the requirements of s. 30.49. The budget
51 for the fiscal year in which the sheriff-elect will take office
52 must take into consideration the sheriff's initial budget
53 requirements, as mitigated by the transfer of assets from
54 existing county departments to the office of the sheriff.
55 2. Conduct an inventory and audit of all assets, and any
56 associated liabilities, of a county department that presently
57 performs any function that will be performed or administered by
58 the elected sheriff in order to mitigate initial funding
59 requirements and eliminate duplicate funding. Based on the
60 inventory and audit, the county must determine which of those
61 assets, and any associated liabilities, shall be transferred to
62 the office of the sheriff upon the sheriff-elect taking office.
63 The inventory and audit must be completed before the county
64 adopts its budget for the county fiscal year in which the
65 sheriff will take office. The inventory and audit must be
66 published on the county's website at least 60 days before the

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67 county adopts its budget for the county fiscal year in which the
68 sheriff will take office.

69 3. Provide funding in the budget approved by the county
70 for the county fiscal year in which the sheriff will take office
71 to purchase all basic necessary operating equipment, including,
72 but not limited to, furniture, fixtures, and equipment, as well
73 as information technology hardware and software that is not
74 specifically designated for transfer from the county to the
75 office of the sheriff, based on the inventory and audit required
76 under subparagraph 2., or otherwise provided to the new office
77 of the sheriff by the county through an interlocal agreement as
78 described in sub-subparagraph (b)6.d.

79 (b) After the election of the sheriff is certified:

80 1. Provide funding for all of the necessary staff and
81 office space for the sheriff-elect to establish an independent
82 office of the sheriff, so that the office may effectively
83 operate and perform all of the functions required by general law
84 upon the sheriff-elect taking office.

85 2. Provide funding for the sheriff-elect to select any
86 necessary insurances not provided by the county through the
87 interlocal agreement required under sub-subparagraph 6.d. to
88 allow the sheriff to effectively operate and perform all of the
89 functions required by general law when he or she takes office.

90 3. Provide funding for the sheriff-elect to establish bank
91 and other accounts, as necessary, in his or her official

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92 capacity as sheriff, so that such accounts become operational
93 when he or she takes office.

94 4. Unless otherwise transferable based on existing surety
95 bonds for the sheriff's deputies, provide funding for and
96 facilitate procurement of the required surety bonds for deputy
97 sheriffs pursuant to s. 30.09, so that such bonds are in place
98 when the sheriff-elect takes office.

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

101 6. Notwithstanding any provision to the contrary, for a
102 term commencing on January 7, 2025, and ending on or after
103 September 30, 2028, provide the sheriff-elect taking office
104 with, and require the sheriff-elect taking office to use, not
105 less than the substantially and materially same support
106 services, facilities, office space, and information technology
107 infrastructure provided to county offices or departments
108 performing the duties to be performed by the sheriff-elect upon
109 taking office in the 1-year period before the sheriff-elect
110 taking office.

111 a. As used in this subparagraph, the term "support
112 services" includes:

113 (I) Property and facilities, and the management and
114 maintenance for such property and facilities.

115 (II) Communications infrastructure, including telephone
116 and Internet connectivity.

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117 (III) Risk management, including processing, adjusting,
118 and payment of all claims and demands, including those made
119 under s. 768.28. The county shall provide the sheriff with all
120 required general liability, property, and other insurance
121 coverage through its self-insurance program, a self-insurance
122 risk pool, or commercial insurance. If the county provides
123 insurance through a self-insurance program, the county must also
124 provide the sheriff with commercial stop-loss coverage in an
125 amount and with a self-insured retention agreed upon by the
126 sheriff and the county.

127 (IV) Legal representation and advice through the office of
128 the county attorney for all claims, demands, and causes of
129 action brought against the sheriff, his or her deputies, or
130 other personnel in their official and individual capacities,
131 while acting in their official and individual capacities,
132 including any required outside counsel due to conflicts of
133 interest. This sub-sub-subparagraph does not prohibit the
134 sheriff from employing or retaining his or her own legal
135 representation as the he or she deems necessary.

136 (V) Purchasing and procurement services using procedures
137 under the laws and ordinances applicable to the county for
138 purchases requiring competitive procurement.

139 (VI) Budget and fiscal software and budget development
140 services.

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141 (VII) Human resource services, including, but not limited
142 to, facilitation of the hiring process, including employee
143 applicant screening and employee applicant background checks,
144 and employee benefit administration. The county may provide
145 human resource services to the sheriff. However, the sheriff is
146 the employer of his or her employees and the sheriff retains
147 full and complete control and authority over the hiring of his
148 or her employees and the terms and conditions of employment,
149 including employee discipline and termination of employment. The
150 provision of human resource services by the county to the
151 sheriff does not create a joint-employer relationship. The
152 sheriff's employees shall remain members of the county's health
153 insurance and workers' compensation plans for at least the term
154 set forth in this subparagraph.

155 (VIII) Fleet management, including procurement of all
156 vehicles and other mobile assets such as boats and aircraft, and
157 all vehicle repair and maintenance.

158 b. As used in this subparagraph, the term "information
159 technology infrastructure" includes:

160 (I) All hardware, including computers.

161 (II) Budget and fiscal software, including payroll and
162 purchasing software.

163 (III) Computer-aided dispatch.

164 c. Under a cost allocation plan agreed to by the county
165 and the sheriff, the sheriff shall pay the county for such

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166 support services and information technology infrastructure from
167 his or her general fund budget, except for any support services
168 and information technology infrastructure costs that general law
169 otherwise and expressly requires the county to fund outside the
170 sheriff's budget.

171 d. To satisfy compliance with this subsection and to
172 establish the office of sheriff in a manner that minimizes
173 unnecessary financial expenditures, the county and the sheriff
174 shall execute an interlocal agreement addressing the
175 requirements of this subsection and other expenditures,
176 including an appropriate phase-in period for identification of
177 the sheriff's assets with the sheriff's markings to minimize the
178 cost to taxpayers. The interlocal agreement shall have a term
179 that ends no earlier than September 30, 2028, and may be
180 amended, renewed, extended, or newly adopted at any time
181 following the expiration or termination of the agreement. After
182 the initial period ending no earlier than September 30, 2028, an
183 interlocal agreement may be entered into between the county and
184 the sheriff which provides for the same or different
185 requirements as set forth in this subsection.

186 (3) After the election of the sheriff is certified but
187 before he or she takes office, the sheriff-elect shall:

188 (a) Hire personnel to assist the sheriff-elect in
189 establishing an independent office of the sheriff. The sheriff
190 shall retain independence in the hiring of personnel. All

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191 personnel hired by the sheriff are employees of the sheriff and
192 not the county. The sheriff shall retain authority and control
193 over the terms and conditions of employment, including, but not
194 limited to, procedures regarding employment, the setting of
195 salaries, and termination of employment. However, the sheriff
196 must use county human resource services for the period of time
197 established in the interlocal agreement entered into between the
198 sheriff and the county as described in sub-subparagraph
199 (2)(b)6.d.

200 (b) Establish bank and other accounts, as necessary, in
201 the sheriff's official capacity, so that such accounts become
202 operational when he or she takes office.

203 (c) Obtain all necessary insurance, or establish self-
204 insurance, to take effect when the sheriff takes office, unless
205 the county provides such insurance under the interlocal
206 agreement as described in sub-subparagraph (2)(b)6.d.

207 (d) Evaluate the budget and transfer of equipment, as
208 described in this section, to determine whether the operating,
209 capital, and personnel services budget is sufficient for the
210 sheriff to operate and fulfill his or her constitutional and
211 statutory responsibilities.

212 (e) Provide written notice of any funding deficiencies to
213 the board of county commissioners. The board of county
214 commissioners must respond to and reach an agreement with the
215 sheriff-elect on funding requirements within 30 days after

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216 receipt of such written notice. If, after expiration of the 30-
217 day period, an agreement has not been reached, the sheriff-elect
218 may file an appeal by petition to the Administration Commission
219 pursuant to s. 30.49(4) (a). The Administration Commission shall
220 expedite its review and determination of such petition and
221 render a decision within 90 days after such petition is filed.

222 (4) The sheriff, upon taking office, shall take receipt or
223 possession of any:

224 (a) Unexecuted writs and court processes, and must comply
225 with s. 30.14(3) as to any levy made before taking receipt of
226 such unexecuted writs and court processes.

227 (b) Property confiscated under the Florida Contraband
228 Forfeiture Act, and must determine whether to pursue forfeiture
229 proceedings under s. 932.704.

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

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

236 (5) In any county, as defined in s. 125.011(1), that is
237 required to elect a sheriff under s. 6(g), Art. VIII of the
238 State Constitution, if the county provides contracted police
239 services to any municipality in that county before the sheriff-
240 elect takes office, upon taking office, the sheriff shall assume

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241 the contract. This subsection does not prevent a municipality
242 from establishing its own police department or otherwise
243 providing for police services as authorized by general law.

244 (6) If any provision of this section or its application to
245 any person or circumstance is held invalid by a court of
246 competent jurisdiction, the invalidity does not affect any other
247 provisions or applications of this section which can be given
248 effect without the invalid provision or application, and to this
249 end the provisions of this section are severable.

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

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Remove line 4 and insert:

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and obligations of a sheriff; creating s. 125.01015,

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F.S.; requiring that there be an elected sheriff in

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each county; requiring the board of county

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commissioners of any such county to ensure the

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successful transfer of the exclusive policing

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responsibility and authority to the sheriff; providing

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requirements for the board of county commissioners to

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ensure such transfer; providing requirements for the

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sheriff-elect after the election is certified but

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before he or she takes office; requiring the sheriff

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to take receipt or possession of certain documents,

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property, and other items when he or she takes office;

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266 | requiring the sheriff to provide contracted police
267 | services for certain municipalities for a specified
268 | timeframe; providing construction; providing
269 | severability; amending s. 166.241,