

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

30.15 Powers, duties, and obligations.—

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

(a) The sheriff shall have exclusive policing jurisdiction in the unincorporated areas of each county. The sheriff's jurisdiction and powers must run throughout the entire county regardless of whether there are incorporated cities or other independent districts or governmental entities in the county. The sheriff's jurisdiction is concurrent with any city, district, or other law enforcement agency that has jurisdiction in a city or district.

(b) A police department or other policing entity may not be maintained or established by the county's board of county commissioners, or any other county legislative body, to provide any policing in the unincorporated area of any county. Only the duly elected sheriff may provide such policing and police functions in the unincorporated areas of any county. A county may not contract with or engage in any manner with an incorporated city's or district's police department to provide any services provided by the sheriff, including policing or

51 police functions in the unincorporated areas of any county.
 52 Nothing in this paragraph affects the jurisdiction or powers of
 53 any agency of the State of Florida or the United States or
 54 prohibits mutual aid agreements between the sheriff and any
 55 other police department.

56 Section 2. Subsections (6), (7), and (8) of section
 57 166.241, Florida Statutes, are renumbered as subsections (7),
 58 (8), and (9), respectively, subsections (4) and (5) and present
 59 subsection (8) are amended, and a new subsection (6) is added to
 60 that section, to read:

61 166.241 Fiscal years, budgets, appeal of municipal law
 62 enforcement agency budget, and budget amendments.—

63 (4) (a) If the tentative budget of a municipality contains
 64 a funding reduction to the operating budget of the municipal law
 65 enforcement agency of more than 5 percent compared to the
 66 current fiscal year's approved operating budget, the state
 67 attorney for the judicial circuit in which the municipality is
 68 located, ~~or a member of the governing body who objects to the~~
 69 ~~funding reduction,~~ may file a petition with an appeal by
 70 ~~petition to the~~ Division of Administrative Hearings pursuant to
 71 s. 120.569 requesting a hearing to challenge the reduction in
 72 the municipal law enforcement agency's proposed operating
 73 budget. The petition must be filed with the division
 74 ~~Administration Commission~~ within 10 ~~30~~ days after the day the
 75 tentative budget is posted to the official website of the

76 | municipality under subsection (3) and the petitioner must serve
 77 | a copy of the petition on the affected municipality. The
 78 | petition must set forth the tentative budget proposed by the
 79 | municipality ~~and, in the form and manner prescribed by the~~
 80 | ~~Executive Office of the Governor and approved by the~~
 81 | ~~Administration Commission,~~ the operating budget of the municipal
 82 | law enforcement agency as approved by the municipality for the
 83 | previous year, and must state the reasons or grounds for the
 84 | petition appeal. ~~The petition shall be filed with the Executive~~
 85 | ~~Office of the Governor and a copy served upon the governing body~~
 86 | ~~of the municipality or to the clerk of the circuit court of the~~
 87 | ~~county in which the municipality is located.~~

88 | (b) The governing body of the municipality must file an
 89 | answer with the division and must serve a copy of the answer on
 90 | the petitioner within 5 working days, excluding Saturdays,
 91 | Sundays, and legal holidays, after receipt of service of a copy
 92 | ~~of the petition to file a reply with the Executive Office of the~~
 93 | ~~Governor and shall serve a copy of such reply to the petitioner.~~

94 | (5)(a) Upon receipt of the petition, the division must
 95 | assign an administrative law judge to conduct ~~Executive Office~~
 96 | ~~of the Governor shall provide for a budget hearing~~ no later than
 97 | 20 days after the petition is filed, at which the matters
 98 | presented in the petition and the answer must ~~reply shall~~ be
 99 | considered. Notwithstanding s. 120.57, all proceedings under
 100 | this subsection must be conducted by an administrative law judge

101 ~~assigned by the division A report of the findings and~~
102 ~~recommendations of the Executive Office of the Governor thereon~~
103 ~~shall be promptly submitted to the Administration Commission,~~
104 ~~which, within 30 days, shall approve the action of the governing~~
105 ~~body of the municipality or amend or modify the budget as to~~
106 ~~each separate item within the operating budget of the municipal~~
107 ~~law enforcement agency. The budget as approved, amended, or~~
108 ~~modified by the Administration Commission shall be final.~~

109 (b) At the hearing, the petitioner and the municipality
110 may present all information relevant to the municipal law
111 enforcement agency's budgetary needs and requirements,
112 including, but not limited to:

113 1. The proposed operating budget approved by the
114 municipality;

115 2. The municipality's grounds for proposing a reduction in
116 funding to the current fiscal year's law enforcement operating
117 budget;

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

120 4. The operating budgets of other public entities in the
121 municipality;

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

124 6. The municipal law enforcement agency's staffing needs
125 and budgetary requirements from the current fiscal year and the

126 2 previous fiscal years;

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

130 8. The revenue and projected revenue available to the
131 municipality and any change in the amount of revenue collected
132 over the previous 3 fiscal years; and

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

135 (6)(a) Within 15 days after the hearing, the
136 administrative law judge must issue a final order either
137 approving or rejecting the proposed operating budget for the
138 municipal law enforcement agency by determining whether the
139 proposed reduction will impair the law enforcement agency's
140 overall ability to ensure public safety. In making the
141 determination, the administrative law judge must make findings
142 regarding whether the funding reduction in the proposed
143 operating budget of the municipal law enforcement agency will
144 result in:

145 1. A reduction of the number of law enforcement officers
146 employed by the municipality;

147 2. A reduction or an elimination of public safety programs
148 or initiatives provided by the agency; and

149 3. A lack of appropriate equipment necessary to ensure
150 officer safety.

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

154 (9)~~(8)~~ If the governing body of a municipality amends the
155 budget pursuant to paragraph (8) (c) ~~(7) (e)~~, the adopted
156 amendment must be posted on the official website of the
157 municipality within 5 days after adoption and must remain on the
158 website for at least 2 years. If the municipality does not
159 operate an official website, the municipality must, within a
160 reasonable period of time as established by the county or
161 counties in which the municipality is located, transmit the
162 adopted amendment to the manager or administrator of such county
163 or counties who shall post the adopted amendment on the county's
164 website.

165 Section 3. This act shall take effect upon becoming a law.