

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 the board of county
7 commissioners of any such county to ensure the
8 successful transfer of the exclusive policing
9 responsibility and authority to the sheriff; providing
10 requirements for the board of county commissioners to
11 ensure such transfer; providing requirements for the
12 sheriff-elect after the election is certified but
13 before he or she takes office; requiring the sheriff
14 to take receipt or possession of certain documents,
15 property, and other items when he or she takes office;
16 requiring the sheriff to provide contracted police
17 services for certain municipalities for a specified
18 timeframe; providing construction; providing
19 severability; amending s. 166.241, F.S.; authorizing
20 certain persons to file a petition with the Division
21 of Administrative Hearings, rather than an appeal by
22 petition to the Administration Commission, if the
23 tentative budget of a municipality contains a certain
24 reduction; providing requirements for such petition
25 and petitioner; requiring the governing body of the

26 | municipality to file an answer with the division and
 27 | serve a copy of such answer on the petitioner within a
 28 | certain timeframe; requiring the division to assign an
 29 | administrative law judge to conduct a hearing on such
 30 | petition within a certain timeframe; providing
 31 | procedures for such hearings; requiring the
 32 | administrative law judge to make a specified
 33 | determination and issue a final order within a certain
 34 | timeframe; providing requirements for making such
 35 | determination; providing that such final order is
 36 | appealable; providing requirements for such appeal;
 37 | conforming cross references; providing an effective
 38 | date.

39 |
 40 | Be It Enacted by the Legislature of the State of Florida:

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

44 | 30.15 Powers, duties, and obligations.—

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

49 | (a) Unless otherwise authorized by state law, the sheriff
 50 | shall have exclusive policing jurisdiction in the unincorporated

51 areas of each county. The sheriff's jurisdiction and powers must
 52 run throughout the entire county regardless of whether there are
 53 incorporated cities or other independent districts or
 54 governmental entities in the county. The sheriff's jurisdiction
 55 is concurrent with any city, district, or other law enforcement
 56 agency that has jurisdiction in a city or district.

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

71 Section 2. Section 125.01015, Florida Statutes, is created
 72 to read:

73 125.01015 Office of the sheriff.-

74 (1) As required by s. 1(d), Art. VIII of the State
 75 Constitution, there shall be an elected sheriff in each county

76 in this state. Unless otherwise provided in this section, a
 77 county, as defined in s. 125.011(1), shall, as required by s.
 78 6(g), Art. VIII of the State Constitution, elect a sheriff. The
 79 board of county commissioners of any such county must ensure the
 80 successful transfer of the exclusive policing responsibility and
 81 authority to the sheriff in areas of the county for which the
 82 sheriff has responsibility.

83 (2) To ensure the successful transfer of the exclusive
 84 policing responsibility and authority to the sheriff in a
 85 county, as defined in s. 125.011(1), the board of county
 86 commissioners shall:

87 (a) Before the election of the sheriff:

88 1. Develop and approve a budget for the office of the
 89 sheriff for the county fiscal year in which the election will be
 90 held and the sheriff will take office. The budget must
 91 adequately fund the office so that the sheriff may properly
 92 perform all of his or her duties upon taking office. The budget
 93 must be consistent with the requirements of s. 30.49. The budget
 94 for the fiscal year in which the sheriff-elect will take office
 95 must take into consideration the sheriff's initial budget
 96 requirements, as mitigated by the transfer of assets from
 97 existing county departments to the office of the sheriff.

98 2. Conduct an inventory and audit of all assets, and any
 99 associated liabilities, of a county department that presently
 100 performs any function that will be performed or administered by

101 the elected sheriff in order to mitigate initial funding
102 requirements and eliminate duplicate funding. Based on the
103 inventory and audit, the county must determine which of those
104 assets, and any associated liabilities, shall be transferred to
105 the office of the sheriff upon the sheriff-elect taking office.
106 The inventory and audit must be completed before the county
107 adopts its budget for the county fiscal year in which the
108 sheriff will take office. The inventory and audit must be
109 published on the county's website at least 60 days before the
110 county adopts its budget for the county fiscal year in which the
111 sheriff will take office.

112 3. Provide funding in the budget approved by the county
113 for the county fiscal year in which the sheriff will take office
114 to purchase all basic necessary operating equipment, including,
115 but not limited to, furniture, fixtures, and equipment, as well
116 as information technology hardware and software that is not
117 specifically designated for transfer from the county to the
118 office of the sheriff, based on the inventory and audit required
119 under subparagraph 2., or otherwise provided to the new office
120 of the sheriff by the county through an interlocal agreement as
121 described in sub-subparagraph (b) 6.d.

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

123 1. Provide funding for all of the necessary staff and
124 office space for the sheriff-elect to establish an independent
125 office of the sheriff, so that the office may effectively

126 operate and perform all of the functions required by general law
127 when the sheriff-elect takes office.

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

133 3. Provide funding for the sheriff-elect to establish bank
134 and other accounts, as necessary, in his or her official
135 capacity as sheriff, so that such accounts become operational
136 when he or she takes office.

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

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

144 6. Notwithstanding any provision to the contrary, for a
145 term commencing on January 7, 2025, and ending on or after
146 September 30, 2028, provide the sheriff-elect taking office
147 with, and require the sheriff-elect taking office to use, not
148 less than the substantially and materially same support
149 services, facilities, office space, and information technology
150 infrastructure provided to county offices or departments

151 performing the duties to be performed by the sheriff-elect upon
152 taking office in the 1-year period before he or she takes
153 office.

154 a. As used in this subparagraph, the term "support
155 services" includes:

156 (I) Property and facilities, and the management and
157 maintenance for such property and facilities.

158 (II) Communications infrastructure, including telephone
159 and Internet connectivity.

160 (III) Risk management, including processing, adjusting,
161 and payment of all claims and demands, including those made
162 under s. 768.28. The county shall provide the sheriff with all
163 required general liability, property, and other insurance
164 coverage through its self-insurance program, a self-insurance
165 risk pool, or commercial insurance. If the county provides
166 insurance through a self-insurance program, the county must also
167 provide the sheriff with commercial stop-loss coverage in an
168 amount and with a self-insured retention agreed upon by the
169 sheriff and the county.

170 (IV) Legal representation and advice through the office of
171 the county attorney for all claims, demands, and causes of
172 action brought against the sheriff, his or her deputies, or
173 other personnel in their official and individual capacities,
174 while acting in their official and individual capacities,
175 including any required outside counsel due to conflicts of

176 interest. This sub-sub-subparagraph does not prohibit the
177 sheriff from employing or retaining his or her own legal
178 representation as he or she deems necessary.

179 (V) Purchasing and procurement services using procedures
180 under the laws and ordinances applicable to the county for
181 purchases requiring competitive procurement.

182 (VI) Budget and fiscal software and budget development
183 services.

184 (VII) Human resource services, including, but not limited
185 to, facilitation of the hiring process, including employee
186 applicant screening and employee applicant background checks,
187 and employee benefit administration. The county may provide
188 human resource services to the sheriff. However, the sheriff is
189 the employer of his or her employees and the sheriff retains
190 full and complete control and authority over the hiring of his
191 or her employees and the terms and conditions of employment,
192 including employee discipline and termination of employment. The
193 provision of human resource services by the county to the
194 sheriff does not create a joint-employer relationship. The
195 sheriff's employees shall remain members of the county's health
196 insurance and workers' compensation plans for at least the term
197 set forth in this subparagraph.

198 (VIII) Fleet management, including procurement of all
199 vehicles and other mobile assets such as boats and aircraft, and
200 all vehicle repair and maintenance.

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

203 (I) All hardware, including computers.

204 (II) Budget and fiscal software, including payroll and
205 purchasing software.

206 (III) Computer-aided dispatch.

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

214 d. To satisfy compliance with this subsection and to
215 establish the office of the sheriff in a manner that minimizes
216 unnecessary financial expenditures, the county and the sheriff
217 shall execute an interlocal agreement addressing the
218 requirements of this subsection and other expenditures,
219 including an appropriate phase-in period for identification of
220 the sheriff's assets with the sheriff's markings to minimize the
221 cost to taxpayers. The interlocal agreement shall have a term
222 that ends no earlier than September 30, 2028, and may be
223 amended, renewed, extended, or newly adopted at any time
224 following the expiration or termination of the agreement. After
225 the initial period ending no earlier than September 30, 2028, an

226 interlocal agreement may be entered into between the county and
227 the sheriff which provides for the same or different
228 requirements as set forth in this subsection.

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

231 (a) Hire personnel to assist the sheriff-elect in
232 establishing an independent office of the sheriff. The sheriff
233 shall retain independence in the hiring of personnel. All
234 personnel hired by the sheriff are employees of the sheriff and
235 not the county. The sheriff shall retain authority and control
236 over the terms and conditions of employment, including, but not
237 limited to, procedures regarding employment, the setting of
238 salaries, and the termination of employment. However, the
239 sheriff must use county human resource services for the period
240 of time established in the interlocal agreement entered into
241 between the sheriff and the county as described in sub-
242 subparagraph (2)(b)6.d.

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

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

250 (d) Evaluate the budget and transfer of equipment, as

251 described in this section, to determine whether the operating,
252 capital, and personnel services budget is sufficient for the
253 sheriff to operate and fulfill his or her constitutional and
254 statutory responsibilities.

255 (e) Provide written notice of any funding deficiencies to
256 the board of county commissioners. The board of county
257 commissioners must respond to and reach an agreement with the
258 sheriff-elect on funding requirements within 30 days after
259 receipt of such written notice. If, after expiration of the 30-
260 day period, an agreement has not been reached, the sheriff-elect
261 may file an appeal by petition to the Administration Commission
262 pursuant to s. 30.49(4)(a). The Administration Commission shall
263 expedite its review and determination of such petition and
264 render a decision within 90 days after such petition is filed.

265 (4) When the sheriff takes office, he or she shall take
266 receipt or possession of any:

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

270 (b) Property confiscated under the Florida Contraband
271 Forfeiture Act, and must determine whether to pursue forfeiture
272 proceedings under s. 932.704.

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

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

279 (5) In any county, as defined in s. 125.011(1), required
 280 to elect a sheriff under s. 6(g), Art. VIII of the State
 281 Constitution, if the county provides contracted police services
 282 to any municipality in that county before the sheriff-elect
 283 takes office, upon taking office, the sheriff shall assume such
 284 contract. This subsection does not prevent a municipality from
 285 establishing its own police department or otherwise providing
 286 for police services as authorized by general law.

287 (6) If any provision of this section or its application to
 288 any person or circumstance is held invalid by a court of
 289 competent jurisdiction, the invalidity does not affect any other
 290 provisions or applications of this section which can be given
 291 effect without the invalid provision or application, and to this
 292 end the provisions of this section are severable.

293 Section 3. Subsections (6), (7), and (8) of section
 294 166.241, Florida Statutes, are renumbered as subsections (7),
 295 (8), and (9), respectively, subsections (4) and (5) and present
 296 subsection (8) are amended, and a new subsection (6) is added to
 297 that section, to read:

298 166.241 Fiscal years, budgets, appeal of municipal law
 299 enforcement agency budget, and budget amendments.—

300 (4) (a) If the tentative budget of a municipality contains

301 a funding reduction to the operating budget of the municipal law
302 enforcement agency of more than 5 percent compared to the
303 current fiscal year's approved operating budget, the state
304 attorney for the judicial circuit in which the municipality is
305 located~~,~~ or a member of the governing body ~~who objects to the~~
306 ~~funding reduction,~~ may file a petition with an appeal by
307 ~~petition to~~ the Division of Administrative Hearings pursuant to
308 s. 120.569 requesting a hearing to challenge the reduction in
309 the municipal law enforcement agency's proposed operating
310 budget. The petition must be filed with the division
311 ~~Administration Commission~~ within 10 ~~30~~ days after the day the
312 tentative budget is posted to the official website of the
313 municipality under subsection (3) and the petitioner must serve
314 a copy of the petition on the affected municipality. The
315 petition must set forth the tentative budget proposed by the
316 municipality and, ~~in the form and manner prescribed by the~~
317 ~~Executive Office of the Governor and approved by the~~
318 ~~Administration Commission,~~ the operating budget of the municipal
319 law enforcement agency as approved by the municipality for the
320 previous year~~,~~ and must state the reasons or grounds for the
321 petition appeal. ~~The petition shall be filed with the Executive~~
322 ~~Office of the Governor and a copy served upon the governing body~~
323 ~~of the municipality or to the clerk of the circuit court of the~~
324 ~~county in which the municipality is located.~~

325 (b) The governing body of the municipality must file an

326 answer with the division and must serve a copy of the answer on
 327 the petitioner within ~~has~~ 5 working days, excluding Saturdays,
 328 Sundays, and legal holidays, after receipt of service ~~of a copy~~
 329 of the petition to file a reply with the Executive Office of the
 330 Governor and shall serve a copy of such reply to the petitioner.

331 (5) (a) Upon receipt of the petition, the division must
 332 assign an administrative law judge to conduct ~~Executive Office~~
 333 ~~of the Governor shall provide for a budget hearing~~ no later than
 334 20 days after the petition is filed, at which the matters
 335 presented in the petition and the answer must ~~reply shall~~ be
 336 considered. Notwithstanding s. 120.57, all proceedings under
 337 this subsection must be conducted by an administrative law judge
 338 assigned by the division ~~A report of the findings and~~
 339 ~~recommendations of the Executive Office of the Governor thereon~~
 340 ~~shall be promptly submitted to the Administration Commission,~~
 341 ~~which, within 30 days, shall approve the action of the governing~~
 342 ~~body of the municipality or amend or modify the budget as to~~
 343 ~~each separate item within the operating budget of the municipal~~
 344 ~~law enforcement agency. The budget as approved, amended, or~~
 345 ~~modified by the Administration Commission shall be final.~~

346 (b) At the hearing, the petitioner and the municipality
 347 may present all information relevant to the municipal law
 348 enforcement agency's budgetary needs and requirements,
 349 including, but not limited to:

350 1. The proposed operating budget approved by the

351 municipality;

352 2. The municipality's grounds for proposing a reduction in
 353 funding to the current fiscal year's law enforcement operating
 354 budget;

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

357 4. The operating budgets of other public entities in the
 358 municipality;

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

361 6. The municipal law enforcement agency's staffing needs
 362 and budgetary requirements from the current fiscal year and the
 363 2 previous fiscal years;

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

367 8. The revenue and projected revenue available to the
 368 municipality and any change in the amount of revenue collected
 369 over the previous 3 fiscal years; and

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

372 (6)(a) Within 15 days after the hearing, the
 373 administrative law judge must issue a final order either
 374 approving or rejecting the proposed operating budget for the
 375 municipal law enforcement agency by determining whether the

376 proposed reduction will impair the law enforcement agency's
377 overall ability to ensure public safety. In making the
378 determination, the administrative law judge must make findings
379 regarding whether the funding reduction in the proposed
380 operating budget of the municipal law enforcement agency will
381 result in:

382 1. A reduction of the number of law enforcement officers
383 employed by the municipality;

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

386 3. A lack of appropriate equipment necessary to ensure
387 officer safety.

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

391 (9)-(8) If the governing body of a municipality amends the
392 budget pursuant to paragraph (8) (c) ~~(7)(e)~~, the adopted
393 amendment must be posted on the official website of the
394 municipality within 5 days after adoption and must remain on the
395 website for at least 2 years. If the municipality does not
396 operate an official website, the municipality must, within a
397 reasonable period of time as established by the county or
398 counties in which the municipality is located, transmit the
399 adopted amendment to the manager or administrator of such county
400 or counties who shall post the adopted amendment on the county's

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401 | website.

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