

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Community Affairs

BILL: SB 1704

INTRODUCER: Senator Yarborough

SUBJECT: Sheriffs in Consolidated Governments

DATE: January 26, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Pre-meeting
2.	_____	_____	CJ	_____
3.	_____	_____	RC	_____

I. Summary:

SB 1704 provides that two statutes, the first of which permits a sheriff to transfer funds between categories and code levels after their budget has been approved, and the second of which retains the independence of the Sheriff in certain personnel and procurement decisions, apply to the Sheriff of Duval County.

The bill takes effect July 1, 2024.

II. Present Situation:

Sheriff's Budgets

Each sheriff governed by section 30¹ of the Florida Statutes must annually prepare and submit to the board of county commissioners a proposed budget for carrying out the powers, duties, and operations of the office for the next fiscal year.² The sheriff must submit a sworn certificate along with the proposed budget stating that the proposed expenditures are reasonable and necessary for the proper and efficient operation of the office for the next fiscal year.³

The proposed budget must show the estimated amounts of all proposed expenditures for operating and equipping the sheriff's office and jail, and must be categorized at the appropriate fund and functional level.⁴ The fund or functional level is the broadest category within the sheriff's budget (includes general law enforcement, corrections and detention alternative

¹ Elaborated upon further below. See "Chapter 30 Sheriffs".

² Section 30.49, F.S.

³ Section 30.49(2)(b), F.S.

⁴ Section 30.49(2), F.S.

facilities, court services). Within the appropriate fund and functional category, expenditures are further itemized into objects, which include:⁵

- Personnel services;
- Operating expenses;
- Capital outlay;
- Debt service;
- Grants and aides; and
- Other uses.

If requested by the county, the sheriff must further break down expenses into the subobject level.⁶ The county may not amend, modify, increase, or reduce any expenditure at this subobject level.⁷

At a public hearing, the board of county commissioners or the budget commission, as appropriate, may amend, modify, increase, or reduce any or all items of expenditures in the proposed budget and must ultimately approve the budget.⁸ A sheriff may nonetheless transfer funds between specified categories and code levels after his or her budget is approved.⁹

Independence of Sheriffs

Current law preserves the independence of Sheriffs governed by Chapter 30 of the Florida Statutes concerning the purchase of supplies and equipment, selection of personnel, and the hiring, firing, and setting of salaries of such personnel.¹⁰

Chapter 30 Sheriffs

Chapter 30, which provides various powers and duties of sheriffs, defines “sheriff” as “the constitutional officer elected in accordance with this chapter.”¹¹ The Duval County Sheriff, who sits as the constitutional officer of sheriff for the consolidated government of Jacksonville and Duval County, is elected pursuant to the Jacksonville Charter.¹² Furthermore, chapter 30 specifically provides that it does not apply to Duval County deputy sheriffs.¹³

The Jacksonville Charter requires the Sheriff to perform the “duties imposed upon the sheriff of Duval County by the Constitution or by the general or special laws of Florida.”¹⁴ The Sheriff of Duval County is therefore subject to Chapter 30’s “duties,” but not its “non-duty” provisions, such as vehicle, uniform, and badge restrictions.

⁵ Section 30.49(2)(c), F.S.

⁶ Section 30.49(3), F.S.

⁷ *Id.*

⁸ Section 30.49(4), F.S.

⁹ Section 30.49(12), F.S.

¹⁰ Section 30.53, F.S.

¹¹ Section 30.072(5), F.S.

¹² Chapter 67-1320, Laws of Fla.

¹³ Section 30.071, F.S.

¹⁴ Section 8.01, Jacksonville Charter, *supra* n. 12.

III. Effect of Proposed Changes:

Section 1 amends s. 30.49(12), F.S., to provide that the subsection, which permits a sheriff to transfer funds between categories and code levels after their budget has been approved, applies to a sheriff in a consolidated government as described in s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution (e.g., Duval County).

Section 2 amends s. 30.53, F.S., which retains the independence of the Sheriff in certain personnel and procurement decisions, to provide that the section applies to the Sheriff of Duval County.

Section 3 provides that the act takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article III, section 10 of the Florida Constitution provides that no special law shall be passed unless notice of intention to seek enactment thereof has been published, or the law takes effect subject to referendum. The bill may raise an issue related to its nature as a special law, or a bill filed as a general law which applies to less than the entire state based on an invalid classification. A general law which applies evenly across the state or to a valid class of people or localities is valid, while a law applying only to a select group requires the treatment of a local bill.

The measure of a valid classification used in a general law is whether there is a reasonable possibility that others in the future may meet the criteria of the classification.¹⁵ “Ultimately, the criterion that determines if a reasonable relationship exists between the

¹⁵ *Fla. Dep’t of Bus. & Prof’l Regulation v. Gulfstream Park Racing Ass’n, Inc.*, 967 So. 2d 802, 808–09 (Fla.2007).

classification adopted and the purpose of the statute is whether the classification is potentially open to additional parties.”¹⁶

The bill applies solely to the Sheriff of Duval County.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 30.49 and 30.53 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁶ *License Acquisitions, LLC, supra* at 1142-1143, citing *Dept. of Business Regulation v. Classic Mile, Inc.*, 541 So. 2d 1155, 1158-1159 (Fla. 1989) (quoting *Dep’t of Legal Affairs v. Sanford–Orlando Kennel Club, Inc.*, 434 So. 2d 879, 882 (Fla.1983)), *Ocala Breeders’ Sales Co., Inc. v. Fla. Gaming Ctrs., Inc.*, 731 So. 2d 21, 25 (Fla. 1st DCA 1999).