

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 Rules

BILL: CS/CS/SB 1704

INTRODUCER: Rules Committee; Community Affairs Committee; and Senator Yarborough

SUBJECT: Sheriffs in Consolidated Governments

DATE: February 15, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	Fav/CS
2.	<u>Hackett</u>	<u>Twogood</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/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 a consolidated government.

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

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

² Section 30.49, F.S.

³ Section 30.49(2)(b), F.S.

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 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

⁴ Section 30.49(2), F.S.

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.

Duval County is therefore subject to Chapter 30's "duties," but not its "non-duty" provisions, such as vehicle, uniform, and badge restrictions.

Any future consolidation of a county and municipality may affect the Sheriff's duties under Chapter 30 of the Florida Statutes. Future consolidation would take place using s. 3, Art. VIII of the State Constitution.

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 which is consolidated pursuant to s. 3 or s. 6(e), Art. VIII of the State Constitution, or s. 9, Art. VIII of the State 7 Constitution of 1885, as preserved by s. (6)(e), Art. VIII of 8 the State Constitution, e.g. Jacksonville.

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 a sheriff in a consolidated government as above.

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:

None identified.

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 Substantial Changes:**

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

CS/CS by Rules on February 14, 2024:

The committee substitute includes citation to the 1885 constitution to directly reference the Jacksonville consolidated government, and clarifies that s. 30.53, F.S., preserving the independence of sheriffs in certain capacities, applies to both the purchase and procurement of supplies and equipment.

CS by Community Affairs on January 29, 2024:

The committee substitute provides that the two affected sections will apply to a sheriff in any consolidated government, rather than limited to Duval County.

B. Amendments:

None.