

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; amending s. 166.241,
 5 F.S.; authorizing certain persons to file a petition
 6 with the Division of Administrative Hearings, rather
 7 than an appeal to the Administration Commission, if
 8 the tentative budget of a municipality contains a
 9 certain reduction; providing requirements for such
 10 petition and a reply to such petition; providing
 11 procedures for hearings on such petitions; specifying
 12 the administrative law judge's considerations during
 13 the hearing; requiring the administrative law judge to
 14 issue a specified recommended order within a certain
 15 timeframe; providing that the recommended order is
 16 subject to appeal; specifying that the recommended
 17 order becomes final under certain circumstances;
 18 providing that the division must close the case under
 19 certain circumstances; providing the effects of the
 20 final order; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (5) is added to section 30.15,
 25 Florida Statutes, to read:

26 | 30.15 Powers, duties, and obligations.—

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

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

39 | (b) A police department or other policing entity may not
 40 | be maintained or established by the county's board of county
 41 | commissioners, or any other county legislative body, to provide
 42 | any policing in the unincorporated area of any county. Only the
 43 | duly elected sheriff may provide such policing and police
 44 | functions in the unincorporated areas of any county. A county
 45 | may not contract with or engage in any manner with an
 46 | incorporated city's or district's police department to provide
 47 | any services provided by the sheriff, including policing or
 48 | police functions in the unincorporated areas of any county.
 49 | Nothing in this paragraph affects the jurisdiction or powers of
 50 | any agency of the State of Florida or the United States or

51 prohibits mutual aid agreements between the sheriff and any
 52 other police department.

53 Section 2. Present subsections (6), (7), and (8) of
 54 section 166.241, Florida Statutes, are renumbered as subsections
 55 (8), (9), and (10), respectively, new subsections (6) and (7)
 56 are added to that section, and subsections (4) and (5) and
 57 present subsection (8) of that section are amended to read:

58 166.241 Fiscal years, budgets, appeal of municipal law
 59 enforcement agency budget, and budget amendments.—

60 (4)(a) If the tentative budget of a municipality contains
 61 a funding reduction to the operating budget of the municipal law
 62 enforcement agency of more than 5 percent compared to the
 63 current fiscal year's approved budget, the state attorney for
 64 the judicial circuit in which the municipality is located, or a
 65 member of the governing body ~~who objects to the funding~~
 66 ~~reduction,~~ may file a petition with an appeal by petition to the
 67 Division of Administrative Hearings pursuant to ss. 120.569 and
 68 120.57, with a copy served on the affected local government, to
 69 request a formal hearing to challenge the reduction in the
 70 municipal law enforcement agency's operating budget. The
 71 petition must be filed with the division Administration
 72 ~~Commission~~ within 30 days after the day the tentative budget is
 73 posted to the official website of the municipality under
 74 subsection (3). The petition must set forth the tentative budget
 75 proposed by the municipality, in the form and manner prescribed

76 | by the division ~~Executive Office of the Governor and approved by~~
 77 | ~~the Administration Commission, and~~ the operating budget of the
 78 | municipal law enforcement agency as approved by the municipality
 79 | for the previous year, and must state the reasons or grounds for
 80 | the petition appeal. ~~The petition shall be filed with the~~
 81 | ~~Executive Office of the Governor and a copy served upon the~~
 82 | ~~governing body of the municipality or to the clerk of the~~
 83 | ~~circuit court of the county in which the municipality is~~
 84 | ~~located.~~

85 | (b) The governing body of the municipality shall file a
 86 | reply with the division and shall serve a copy of the reply on
 87 | the petitioner within ~~has~~ 5 working days after receipt of
 88 | ~~service of a copy of the petition to file a reply with the~~
 89 | ~~Executive Office of the Governor and shall serve a copy of such~~
 90 | ~~reply to the petitioner.~~

91 | (5) Upon receipt of the petition, the division ~~Executive~~
 92 | ~~Office of the Governor shall~~ hold ~~provide for~~ a budget hearing
 93 | at which the matters presented in the petition and the reply
 94 | shall be considered. ~~A report of the findings and~~
 95 | ~~recommendations of the Executive Office of the Governor thereon~~
 96 | ~~shall be promptly submitted to the Administration Commission,~~
 97 | ~~which, within 30 days, shall approve the action of the governing~~
 98 | ~~body of the municipality or amend or modify the budget as to~~
 99 | ~~each separate item within the operating budget of the municipal~~
 100 | ~~law enforcement agency. The budget as approved, amended, or~~

101 ~~modified by the Administration Commission shall be final.~~
 102 (a) During the hearing, the petitioner and municipality
 103 may present to the administrative law judge all information
 104 relevant to the municipal law enforcement agency's budgetary
 105 needs and requirements, including, but not limited to:
 106 1. The grounds for the petition filed by the petitioner;
 107 2. The grounds for opposing the petition;
 108 3. The municipality's reasons for proposing a reduction in
 109 funding in the current fiscal year's operating budget;
 110 4. The operating budget approved by the municipality;
 111 5. A comparison of the municipal law enforcement agency's
 112 operating budget to the operating budgets of other entities
 113 within the municipality;
 114 6. A comparison of the municipal law enforcement agency's
 115 operating budget to operating budgets of law enforcement
 116 agencies in nearby municipalities that are of comparable size;
 117 7. Data and all other information describing the municipal
 118 law enforcement agency's staffing needs and budgetary
 119 requirements from the current fiscal year and the 2 previous
 120 fiscal years;
 121 8. The draft municipal law enforcement agency operating
 122 budgets, budget amendments, or budget meeting minutes from the
 123 current fiscal year and the 2 previous fiscal years;
 124 9. The revenue and projected revenue available to the
 125 municipality and the change in the amount of revenue collected

126 over the last 3 fiscal years; and

127 10. Any other information provided by the petitioner or
 128 municipality relevant to the municipal law enforcement agency's
 129 operating budget.

130 (b) In making a determination, the administrative law
 131 judge may consider whether:

132 1. The law enforcement agency can fully perform its duties
 133 despite the budget reduction;

134 2. The proposed level of funding will endanger the safety
 135 of the municipality's residents; and

136 3. The proposed operating budget for the municipal law
 137 enforcement agency will have a substantially negative effect on
 138 the effectiveness of the law enforcement agency.

139 (6)(a) The administrative law judge, within 30 days after
 140 the hearing on the petition, shall issue a recommended order
 141 either approving or rejecting the proposed operating budget for
 142 the municipal law enforcement agency. The recommended order must
 143 list the administrative law judge's findings and explain its
 144 decision with reference to the information presented or
 145 discussed during the hearing. The recommended order is subject
 146 to appeal in accordance with chapter 120.

147 (b) The recommended order submitted under this subsection
 148 becomes a final order 90 days after its issuance unless the
 149 petitioner and municipality voluntarily enter into an agreement
 150 resolving the issues raised in the hearing. Before the execution

151 of the agreement, the municipality must approve the agreement at
 152 a public hearing noticed in accordance with this chapter. Upon
 153 the filing of an executed agreement, the division must close the
 154 case.

155 (7) (a) If the final order approves the tentative budget of
 156 a municipality which contains a funding reduction to the
 157 operating budget of the municipal law enforcement agency, that
 158 portion of the operating budget is valid.

159 (b) If the final order rejects the tentative budget of a
 160 municipality which contains a funding reduction to the operating
 161 budget of the municipal law enforcement agency, the municipality
 162 must approve a budget that does not reduce funding to the
 163 municipal law enforcement agency as prescribed in paragraph
 164 (4) (a).

165 (10)-(8) If the governing body of a municipality amends the
 166 budget pursuant to paragraph (9) (c) ~~(7)(e)~~, the adopted
 167 amendment must be posted on the official website of the
 168 municipality within 5 days after adoption and must remain on the
 169 website for at least 2 years. If the municipality does not
 170 operate an official website, the municipality must, within a
 171 reasonable period of time as established by the county or
 172 counties in which the municipality is located, transmit the
 173 adopted amendment to the manager or administrator of such county
 174 or counties who shall post the adopted amendment on the county's
 175 website.

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