

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1447 Sheriffs In Consolidated Governments
SPONSOR(S): Local Administration, Federal Affairs & Special Districts Subcommittee, Duggan
TIED BILLS: IDEN./SIM. **BILLS:** SB 1704

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration, Federal Affairs & Special Districts Subcommittee	15 Y, 0 N, As CS	Roy	Darden
2) Judiciary Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Each sheriff must annually prepare and submit to the board of county commissioners a budget for carrying out the powers, duties, and operations of the office for the next fiscal year. 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. The proposed budget must contain details concerning the fund and functional categories, as well as object and subobject code levels. Once the budget is approved by board of county commissioners or budget commission, the sheriff may move funds between those categories without the approval of the county commission or budget commission.

The bill clarifies that a sheriff in a consolidated government may transfer funds between the fund and functional categories and objects and subobjects code levels after his or her budget has been approved by the city council. The bill also provides that the independence of sheriffs concerning the purchase of supplies and equipment and the management of personnel applies to sheriffs in consolidated governments.

The bill does not appear to have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Office of the Sheriff

There are currently 66 elected sheriffs in Florida's 67 counties.¹ Section 30.15, F.S., provides the duties and powers of sheriffs, including:

- Executing all process of the Supreme Court, circuit courts, county courts, and boards of county commissioners of this state, to be executed in their counties;
- Executing such other writs, processes, warrants, and other papers directed to them, as may come to their hands to be executed in their counties;
- Attending all sessions of the circuit court and county court held in their counties;
- Executing all orders of the boards of county commissioners of their counties;
- Being conservators of the peace in their counties; and
- Suppressing tumults, riots, and unlawful assemblies in their counties with force and strong hand when necessary.²

Sheriff Budgets

Each sheriff must annually prepare and submit to the board of county commissioners a budget for carrying out the powers, duties, and operations of the office for the next fiscal year.³ 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.⁴

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.⁵ The fund or functional level is the broadest category within the sheriff's budget, containing functional categories for general law enforcement, corrections and detention alternative facilities, and court services. Within the appropriate fund and functional category, expenditures are further itemized into objects, which include:

- Personnel services;
- Operating expenses;
- Capital outlay;
- Debt service;
- Grants and aides; and
- Other uses.⁶

If requested by the county, the sheriff must further break down expenses into the subobject level.⁷ The county may not amend, modify, increase, or reduce any expenditure at this subobject level.⁸

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

¹ The Miami-Dade County Charter abolishes the office of sheriff, transfers its duties and responsibilities to the mayor of Miami -Dade County, and authorizes the mayor to delegate the functions of the sheriff to a "suitable person or persons." Miami -Dade County Charter, s. 9.01. However, Miami-Dade County will have an elected sheriff beginning with the 2024 general election. See Art. VIII, ss. 1(d) and 6(g)(2), Fla Const. (prohibiting a county charter from abolishing the offices of county constitutional officers and providing an effective date of January 7, 2025, with elections held during the 2024 primary and general election, for county officers in Miami -Dade County).

² S. 30.15(1), F.S.

³ S. 30.49, F.S.

⁴ S. 30.49(2)(b), F.S.

⁵ S. 30.49(2), F.S.

⁶ S. 30.49(2)(c), F.S.

⁷ S. 30.49(3), F.S.

⁸ *Id.*

ultimately approve the budget.⁹ Once the budget has been approved the board of county commissioners or budget commission, a sheriff may transfer funds between fund and functional categories and object and subobject code levels without approval by the board of county commissioners or budget commission.¹⁰

Effect of Proposed Changes

The bill clarifies that a sheriff in a consolidated government may transfer funds between the fund and functional categories and objects and subobjects code levels after his or her budget has been approved by the city council.

The bill also provides that the independence of sheriffs concerning the purchase of supplies and equipment and the management of personnel applies to sheriffs in consolidated governments.

B. SECTION DIRECTORY:

Section 1: Amends s. 30.49, F.S., relating to budgets.

Section 2: Amends s. 30.53, F.S., relating to independence of constitutional officials.

Section 3: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

⁹ S. 30.49(4), F.S.

¹⁰ S. 30.49(12), F.S.

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On January 25, 2024, the Local Administration, Federal Affairs & Special Districts Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment clarifies the provisions of the bill apply to a sheriff in a government consolidated under both sections 3 and 6(e) of Article VIII of the Florida Constitution.

This analysis is drafted to the committee substitute as passed by the Local Administration, Federal Affairs & Special Districts Subcommittee.