

1                   A bill to be entitled  
2           An act relating to a sheriff's jurisdiction and  
3           powers; amending s. 30.15, F.S.; revising the powers,  
4           duties, and obligations of a sheriff; creating s.  
5           125.01015, F.S.; creating an office of the sheriff in  
6           each county; providing requirements for the board of  
7           county commissioners; requiring such board to provide  
8           a specified certification to the Governor and  
9           Legislature within a specified timeframe; providing a  
10          penalty; providing requirements for a sheriff-elect  
11          before, and a sheriff upon, taking office; amending s.  
12          129.01, F.S.; prohibiting the budget of such board  
13          from providing funding to certain offices; amending s.  
14          129.021, F.S.; conforming a provision to changes made  
15          by the act; providing an effective date.

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17   Be It Enacted by the Legislature of the State of Florida:

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19          Section 1. Subsection (5) is added to section 30.15,  
20          Florida Statutes, to read:

21          30.15 Powers, duties, and obligations.—

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

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

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

47        Section 2. Section 125.01015, Florida Statutes, is created  
 48 to read:

49        125.01015 Office of a sheriff.-

50        (1) As required by s. 1(d), Art. VIII of the State

51 Constitution, there shall be an elected sheriff in each Florida  
52 county. If a county does not have an elected sheriff, one must  
53 be elected pursuant to the State Constitution and the board of  
54 county commissioners must ensure a successful transfer of the  
55 exclusive policing jurisdiction in the unincorporated areas of  
56 each county.

57 (2) To ensure successful transfer of exclusive policing  
58 jurisdiction in the unincorporated area of the county, the board  
59 of county commissioners shall:

60 (a) Before the election of the sheriff:

61 1. Develop and approve a budget for the office of the  
62 sheriff in the county fiscal year in which the election will  
63 occur. The budget must be consistent with the requirements of s.  
64 30.49. The board of county commissioners shall consult with the  
65 Florida Sheriffs Association for technical advice and assistance  
66 on establishing an operating budget for the office of the  
67 sheriff's initial fiscal year. The budget for the fiscal year  
68 the sheriff-elect will take office shall address the election of  
69 a sheriff and the necessary transfer of assets.

70 2. Conduct an inventory and audit of all assets of any  
71 county police department and any other law enforcement agency  
72 which the elected-sheriff shall administer. The inventory and  
73 audit shall determine which of those assets shall be transferred  
74 to the office of the sheriff upon the sheriff-elect taking  
75 office. The board of county commissioners shall consult with the

76 Florida Sheriffs Association to determine the basic necessary  
77 operating equipment, including, but not limited to, information  
78 technology, hardware, or software, that the sheriff-elect will  
79 need upon taking office.

80 a. The board must meet and consult with the association at  
81 least 18 months before the sheriff-elect taking office.

82 b. The inventory and audit must be completed at least 1  
83 year before the sheriff-elect taking office.

84 3. Provide funding to purchase any basic necessary  
85 operating equipment, including, but not limited to, information  
86 technology, hardware, or software, which is not specifically  
87 designated for transfer to the new office of the sheriff.

88 (b) After the election of the sheriff:

89 1. Provide funding for all of the necessary staff and  
90 office space to establish an independent office of the sheriff  
91 so the office may effectively operate and perform all of the  
92 functions required by general law on the date the sheriff-elect  
93 takes office.

94 2. Provide funding to purchase any basic necessary  
95 operating equipment, including, but not limited to, information  
96 technology, hardware, or software, which is not specifically  
97 designated for transfer to the new office of the sheriff.

98 3. Make available to the sheriff-elect the county's fiscal  
99 and budget software for the office of the sheriff's budget. The  
100 software must be sufficient to allow the sheriff-elect to

101 operate a budget office upon taking office. The sheriff may  
102 obtain and implement his or her own independent fiscal and  
103 budget software after taking office.

104 4. Provide funding for the sheriff-elect to select all  
105 necessary insurances, including, but not limited to, liability  
106 insurance, workers' compensation insurance, health insurance,  
107 and self-insurance.

108 5. Provide funding for the sheriff-elect to open bank and  
109 other accounts, as necessary, in his or her official capacity as  
110 sheriff, so that such accounts may become operational upon the  
111 sheriff-elect taking office.

112 6. Provide funding for and facilitate procurement of the  
113 required surety bond for the deputy sheriffs pursuant to s.  
114 30.09 so that such bonds may be obtained and finalized upon the  
115 sheriff-elect taking office.

116 7. Prepare and deliver to the office of the sheriff all  
117 documents, property, or other items listed in subsection (4).

118 (c) The board of county commissioners shall provide a  
119 written certification to the Governor, the President of the  
120 Senate, and the Speaker of the House of Representatives that the  
121 requirements of this subsection have been met. The written  
122 certification is due within 30 days after each of the dates  
123 prescribed in sub-subparagraphs (a)2.a. and (a)2.b.

124 (d) If a written certification is not provided pursuant to  
125 paragraph (c), the Governor may remove or suspend county

126 commissioners as provided in s. 7, Art. IV of the State  
127 Constitution.

128 (3) After the election is certified and before taking  
129 office, the sheriff-elect shall:

130 (a) Select staff to assist the sheriff-elect in  
131 establishing an independent office of the sheriff. As provided  
132 in s. 30.53, the sheriff shall preserve his or her independence  
133 concerning the purchase of supplies and equipment, the selection  
134 of personnel, and procedures regarding employment, setting of  
135 salaries, and termination of such personnel.

136 (b) Establish and open bank and other accounts, as  
137 necessary, in his or her official capacity as sheriff so that  
138 such accounts may become operational upon the sheriff taking  
139 office.

140 (c) Obtain all necessary insurances, including, but not  
141 limited to, liability insurance, workers' compensation  
142 insurance, health insurance, and self-insurance, to take effect  
143 upon the sheriff taking office.

144 (d) Evaluate the budget and transfer of equipment as  
145 described in this section to determine whether the operating,  
146 capital, and personnel services budget is sufficient for the  
147 sheriff to operate and fulfill his or her constitutional and  
148 statutory responsibilities.

149 (e) Provide written notice of any funding deficiencies to  
150 the board of county commissioners, which shall have 30 days to

151 respond and reach an agreement with the sheriff-elect on funding  
152 requirements. If, after expiration of the 30-day period, an  
153 agreement has not been reached, the sheriff-elect may file an  
154 appeal by petition to the Administration Commission pursuant to  
155 s. 30.49(4)(a)-(b), (5), and (10). The Administration Commission  
156 shall expedite its review and determination of such petition and  
157 render a decision within 90 days.

158 (4) The sheriff, upon taking office, shall take receipt or  
159 possession of any:

160 (a) Unexecuted writs and court processes and must comply  
161 with s. 30.14(3) as to any levy made before taking receipt of  
162 such unexecuted writs and court processes.

163 (b) Property confiscated under the Florida Contraband  
164 Forfeiture Act established in s. 932.701 and determine whether  
165 to pursue the forfeiture proceedings pursuant to s. 932.704.

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

169 (d) Property held in evidence relating to a case that is  
170 under the jurisdiction of the office of the sheriff.

171 Section 3. Paragraphs (b) through (e) of subsection (2) of  
172 section 129.01, Florida Statutes, are redesignated as paragraphs  
173 (c) through (f), respectively, and a new paragraph (b) is added  
174 to that subsection to read:

175 129.01 Budget system established.—A budget system for the

176 control of the finances of the boards of county commissioners of  
 177 the several counties of the state is established as follows:

178 (2) The budget must conform to the following general  
 179 directions and requirements:

180 (b) The budget may not provide funding to any officer or  
 181 office exercising any power or authority allocated by the State  
 182 Constitution or general law exclusively to the sheriff, tax  
 183 collector, property appraiser, supervisor of elections, or clerk  
 184 of the court other than as may be provided by the State  
 185 Constitution or general law.

186 Section 4. Section 129.021, Florida Statutes, is amended  
 187 to read:

188 129.021 County officer budget information.—Notwithstanding  
 189 other provisions of law, the budgets of all county officers, as  
 190 submitted to the board of county commissioners, must be in  
 191 sufficient detail and contain such information as the board of  
 192 county commissioners may require in furtherance of their powers  
 193 and responsibilities provided in ss. 125.01(1)(q), (r), and (v),  
 194 and (6) and 129.01(2)(c) ~~129.01(2)(b)~~.

195 Section 5. This act shall take effect July 1, 2023.