



## Quick Reference Guide: Impasse Legislation

---

### What is the issue?

Whether future Sheriffs will be **independent constitutional officers** serving the will of the electorate, or will they be mere **figureheads** controlled by public employee unions and other public bodies.

### Who supports this legislation?

- The Florida Sheriffs Association and Florida's 67 Sheriffs
- Clerks of the Court
- Property Appraisers
- Tax Collectors
- Supervisors of Elections
- Florida Association of Counties

### What would happen if Senate Bill 610 and House Bill 417 were to become law?

✓ If **SB 610** filed by Senator Mike Fasano and **HB 417** filed by Representative Alan Hayes were to become law, which all of Florida's Constitutional Officers support, the positive impact would be:

- The independence of Constitutional Officers as granted in Art. VIII, Section 1 of the Florida Constitution would be preserved and Constitutional Officers would retain exclusive authority to establish and implement personnel policies in the best interest of the citizens and public safety.
- Florida Statute 30.53, which states, *"The independence of the sheriffs shall be preserved concerning the purchase of supplies and equipment, selection of personnel, and the hiring, firing, and setting of salaries of such personnel"* would be upheld.
- Florida Supreme Court rulings which affirm, *"We find that the internal operation of the sheriff's office and the allocation of appropriated monies within the six items of the budget is a function which belongs uniquely to the sheriff as the chief law enforcement officer of the county. To hold otherwise would do irreparable harm to the integrity of a constitutionally created office as well as violate the precept established by F.S. Section 30.53 and, in practical effect, gain nothing for the county"* would be upheld. (Weitzenfeld V. Dierks, 312 So. 2d 194, Fla. 1975.)
- Just like the city commission and other officers, the Sheriffs also have appointed representatives who conduct the negotiations. When an impasse decision has to be made, the Sheriff is called in. The principals are not involved in the negotiations, and are called on at the end to make the final decisions for their respective employees. This legislation keeps the Impasse processes within the Constitutional

Offices consistent with those of City Councils, Boards of County Commissioners, County School Boards, and those more recently affirmed by the legislature for the Florida School for the Deaf and Blind and for the State University System.

### **What would happen if this legislation fails?**

- ✘ The recent Public Employees Relations Commission (PERC) ruling could stand, which would result in the following:
- County Commissioners would be required to assume the role of determining personnel issues for Sheriff's Offices whenever collective bargaining fails to resolve conflicts.
  - The responsibility for critical decisions establishing personnel and operational policies important to public safety would shift from the Sheriff elected to make these decisions, to County Commissioners who have no constitutional authorization or public mandate to manage the personnel and resources within a Sheriff's Office.
  - Boards of County Commissioners would determine funding allocations to support the personnel policy decisions they approve, clearly violating F.S. 30.53 and existing precedent established by the Florida Supreme Court which empower the constitutional office of the Sheriff with the unilateral right to expend appropriated funds on the operational needs of his Office.