

A Call to Action on the Impasse Issue

By Charlotte County Sheriff Bill Cameron
FSA Legislative Chairman

Florida Sheriffs have been protecting the public since the Office of Sheriff was created in the Florida Constitution in 1845, and today the Sheriff is still the chief law enforcement officer in each county.

For more than 100 years the Florida Sheriffs Association (FSA) and its members have been working together behind the scenes to support the Sheriffs and to ensure the criminal justice system in Florida provides public safety for all.

Today our Sheriffs are fighting to preserve the historical office of Sheriff and we need your support. At question is 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 or other public bodies?

Balancing labor relations and budgets

Elected Sheriffs fully understand the balance between public safety, operational costs, increased taxes and the knowledge that citizens who elect them expect them to be fiscally prudent. By law, the Sheriff has to certify each year that his or her budget request is deemed "appropriate and necessary." It is with this mindset, that each Sheriff enters into negotiations with unions.

Florida law establishes the procedures for labor negotiations, and provides a mechanism for resolution of issues where no agreement can be made – also known as "declaring impasse." The statute recognizes the officials responsible and accountable for the affected agency as a "legislative body" and empowers them to declare impasse. Unfortunately the statute was written prior to the ability of deputies of constitutional officers being allowed to unionize, and it has a conflicting definition of what constitutes a "legislative body."

As a result, when the Sheriffs in Pasco and Clay Counties did not agree with union demands and they declared impasse, the union asserted the "legislative body" definition in law allowed them to take their demands to the County Commission for resolution. The Sheriffs, contending the people of the county elected them to be the Sheriff, refused the demand and, in March 2008, the union filed a complaint with the Public Employees Relations Commission (PERC) alleging the Sheriffs had committed an "unfair labor practice." The

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PERC hearing officer, while recognizing the glaring deficiency in the law, ruled in favor of the union.

The PERC ruling threatens the historic independence and public accountability of the Sheriff, and as a result, FSA seeks to have the conflicted statute amended in the 2010 legislative session. Senator Mike Fasano of Pasco County and Representative Allan Hays from Lake County are sponsoring identical bills to make the necessary changes in the law. A number of County Commissions have issued resolutions supporting the passage of the Impasse Bill and the Florida Association of Counties voted to endorse the bill.

In addition to independence and accountability, the impasse issue has the ability to negatively impact public safety.

It's about public safety

Public safety depends on a number of factors, including timely and effective management decisions. Sheriffs must be able to make basic operational determinations such as how many deputies are working a shift, the type of vehicles they drive, the types of weapons they are allowed to use and when. They must be able to determine starting salaries, raises, length of shift, allowed overtime, types of uniforms and assignment policies. They must be able to conduct internal affairs investigations and take appropriate disciplinary action to ensure agency policy and procedure is adhered to. These are issues expected of an elected Sheriff – not decisions to be shifted to the County Commission that is not elected to be the chief law enforcement officer of the county.

We know our members support their local Sheriff, and we are asking for your support. Please take a few minutes and call, write or email your state representative and senator (contact information can be found in this Guide) and ask him or her to support your Sheriff by cosponsoring and voting for the Impasse Bill (House Bill 417 and Senate Bill 610). With your help we will insure your ability to have an elected Sheriff who is answerable to the electorate for public safety and the operation of the Sheriff's Office.

Please consider corresponding with your lawmaker early in the session, which begins Tuesday, March 2. Your Florida Sheriffs are counting on you.