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ADD On

Meeting Date
September 4, 2014



AGENDA	
Section	New Business
Item No.	V A

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Sheriff – Designation as Chief Correctional Officer
DEPT/OFFICE:	County Manager’s Office/County Attorney’s Office Contact: <u>Stockton.Whitten@brevardcounty.us</u> ; (321) 633-2001 <u>Shannon.Wilson@brevardcounty.us</u> ; (321) 633-2090

It is requested that the Board authorize advertisement of a public hearing for the attached draft ordinance that provides for the designation of the Sheriff of Brevard County to be the chief correctional officer of the county correctional system for Brevard County.

Summary Explanation & Background:

Florida Statute 951.061 provides for the Sheriff of a county to be designated as the chief correctional officer of the county’s correctional system. Once so designated, the Sheriff is responsible to enforce all existing state laws regarding the operation and maintenance of the jails.

This ordinance codifies the existing relationship between the Board of County Commissioners and the Sheriff with respect to the operation of the jail and associated operations to the jail in Brevard County.

Fiscal Impact: None

Clerk to the Board instruction:

Exhibits Attached: Draft Ordinance

Contract /Agreement (If attached): Reviewed by County Attorney Yes No

County Manager’s Office Department PR

Stockton Whitten, County Manager

ORDINANCE NO: 2014 - ____

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA, DESIGNATING THE SHERIFF OF
BREVARD COUNTY AS THE CHIEF CORRECTIONAL OFFICER OF
BREVARD COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Brevard County is a political subdivision of the State of Florida, having a responsibility to provide services to promote and benefit the health, safety and welfare of the citizens of Brevard County; and

WHEREAS, for decades the Sheriff of Brevard County has been recognized as the de facto chief correctional officer for Brevard County and has administered and operated the Brevard County Detention Center ("jail") and other facilities related to corrections and detention;

WHEREAS, the Board of County Commissioners of Brevard County, Florida is authorized, pursuant to Chapter 125, Florida Statutes to adopt ordinances necessary for the exercise of its powers; and

WHEREAS, Florida Statute, Section 951.061 provides, in part, that "Upon adoption of an ordinance by a majority of the county commission, the sheriff may be designated the chief correctional officer of the county correctional system" and "If designated, the sheriff or his or her designee shall enforce all existing state law concerning the operation and maintenance of the jails."

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS FOLLOWS:

- 1. Designation.** The Sheriff of Brevard County is hereby designated as the chief correctional officer of the Brevard County correctional system pursuant to Section 951.061, Florida Statutes.
- 2. Severability.** It shall be the legislative intent that if any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.
- 3. Codification.** This Ordinance shall be included and be made a part of the Code of Ordinances of Brevard County, Florida, and the editors of that Code of Ordinances shall have the authority to re-number or re-letter any section in this Ordinance to conform to the format used in the Brevard County Code of Ordinances. Any editorial changes to the section numbers or section

titles in this Ordinance shall be deemed and interpreted as non-substantive editorial changes that have no effect on any substantive provision in this Ordinance.

4. **Effective Date.** This Ordinance shall take effect upon being filed with the Office of the Secretary of the State of Florida in the manner prescribed by law (Florida Statute 125.66(2)(b)).

APPROVED AND ADOPTED this ____ day of September 2014.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Mary Bolin Lewis, Chairman

As approved by the Board on _____