

IN THE SUPREME COURT OF FLORIDA

ALACHUA COUNTY, FLORIDA, a
charter county and political subdivision of
the State of Florida,

Petitioner,

v.

CASE NO. SC19-2016
1DCA CASE NO. 1D18-3367
L.T. CASE NO. 17-CA-521

SADIE DARNELL, in her official
capacity as SHERIFF OF ALACHUA
COUNTY, FLORIDA,

Respondent. /

PETITIONER'S JURISDICTIONAL BRIEF

On Review from the District Court of Appeal
State of Florida, First District

Robert C. Swain
Florida Bar No. 366961

Sylvia H. Walbolt
Florida Bar No. 33604
Nicholas A. Brown
Florida Bar No. 90929

OFFICE OF THE ALACHUA
COUNTY ATTORNEY
12 Southeast 1st Street
Gainesville, FL 32601
Telephone: (352) 374-5218

CARLTON FIELDS, P.A.
4221 W. Boy Scout Blvd.
Suite 1000
Tampa, FL 33607-5780
Telephone: (813) 223-7000

Attorneys for Petitioner Alachua County

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STATEMENT OF THE CASE AND FACTS¹

“This case involves the interplay between the Sheriff’s authority in Chapter 30, Florida Statutes, and the County’s authority to implement a county budget in Chapter 129, Florida Statutes.” (A. 2). Specifically at issue is “whether, after her budget has been approved and funds appropriated to her, the Sheriff has unilateral authority to transfer funds between objects without approval from the Board” of County Commissioners. (A. 2).

The First District held that sheriffs have such “unilateral authority.” (A. 2). But in doing so, it recognized this issue involves “compelling policy arguments” on “both sides,” with “scant” guiding authority under Florida law. (A. 2).

SUMMARY OF ARGUMENT

This Court has jurisdiction to review the First District’s decision on two independent grounds. First, the decision expressly affects two classes of constitutional officers: county commissioners and sheriffs throughout the State. And second, it also expressly and directly conflicts with decisions of this Court requiring unambiguous statutes to be enforced in accordance with their plain language.

¹ Petitioner Alachua County, Florida, is referred to as “the County.” Respondent Sadie Darnell, in her official capacity as Sheriff of Alachua County, Florida, is referred to as “the Sheriff.” Petitioner’s Appendix is referred to as “(A. x),” with “x” representing the page number(s). All emphasis and alterations are supplied by counsel, and all internal citations and quotation marks are omitted.

This Court should exercise its jurisdiction to review the First District’s decision. The decision expressly determines that Florida sheriffs have statutory authority to unilaterally re-allocate taxpayer monies within their budget, despite the fact that the funds have been expressly appropriated—in fixed amounts for the specific purposes set forth in the sheriff’s budget—by Florida counties, who are the taxing authorities charged by the Legislature with oversight of those tax dollars.

And further, the decision also expressly and directly conflicts with this Court’s decisions requiring enforcement of unambiguous statutes in accordance with their plain language. In failing to adhere to that requirement here, the decision expressly gives sheriffs “unilateral authority”—never granted by the Legislature—over taxpayer monies appropriated by counties in fixed amounts only for the specific purposes budgeted by the sheriff.

ARGUMENT

I. THIS COURT HAS JURISDICTION TO REVIEW THIS CASE.

A. The Decision Expressly Affects Two Classes of Constitutional Officers.

The decision acknowledges that the Sheriff “is an elected, independent constitutional officer.” (A. 2 (Art. VIII, §1(d), Fla. Const.)). Likewise, “the board of county commissioners of each county are constitutional officers, and under the terms of the Constitution their powers and duties shall be fixed and prescribed by the Legislature.” *Frankenmuth Mut. Ins. Co. v. Magaha*, 769 So. 2d 1012, 1019

(Fla. 2000); *see also Kane v. Robbins*, 556 So. 2d 1381, 1383 (Fla. 1989).

Pursuant to statute, counties allocate to sheriffs tax monies in fixed amounts for specific purposes identified in the sheriff's budget. Those fixed allocations are part of the county's budget by a board of county commissioners charged with statutorily-required oversight over the appropriations. Yet, the decision expressly determines that sheriffs have statutory authority to then use those taxpayer monies instead for other purposes within their budget, at the sheriffs' sole discretion.

By so ruling, the decision enables sheriffs to unilaterally force counties to increase sheriffs' appropriations from year to year: when currently-allocated monies are spent for other purposes, contrary to the discrete appropriations in the county's budget, additional funding will be required in later years to serve the original purpose for which the monies had been duly appropriated.

In its interpretation of the Florida statutes, the First District broadened the statutory powers of sheriffs of all of Florida's 67 counties over appropriated taxpayer monies. At the same time, the decision negates the statutory authority of those counties, through their boards, to satisfy their duties as the taxing authorities to exercise oversight over those appropriated monies. The decision thus expressly and materially affects the entire classes of constitutional officers of sheriffs and county commissioners throughout the state.

This Court has accepted jurisdiction as to both classes of constitutional

officers. *E.g.*, *Beard v. Hambrick*, 396 So. 2d 708 (Fla. 1981) (sheriffs); *Pinellas Cnty. v. Nelson*, 362 So. 2d 279 (Fla. 1978) (board of county commissioners); *City of Waldo v. Alachua Cnty.*, 249 So. 2d 419 (Fla. 1971) (same).

As this Court has recognized, the “obvious purpose” of the jurisdictional provision of article V, section 3(b)(3), regarding decisions affecting a class of constitutional officers, is to “permit this Court to review a decision which directly affects one state officer and in so doing similarly affects every other state officer in the same category.” *Fla. State Bd. of Health v. Lewis*, 149 So. 2d 41, 42 (Fla. 1963). This is exactly what the decision does with respect to both sheriffs and county commissioners. This Court should accept jurisdiction for this reason alone.

B. The Decision Expressly and Directly Conflicts with Decisions of this Court on Statutory Construction Requirements.

Sheriffs’ budgets are part of the budget of their county. The Legislature has specified that the County Annual Budget “must be prepared, summarized, and approved by the board of county commissioners of each county.” §129.01(2)(a).

Under section 129.06(1), once adopted, the budget:

must regulate expenditures of the county and each special district included within the county budget, and *the itemized estimates of expenditures must have the effect of fixed appropriations and may not be amended, altered, or exceeded except as provided in this chapter.*

Consistent with this express requirement of adhering to the budget set by the board of county commissioners, section 30.50(4) provides that “[w]ith the approval

of the board of county commissioners, . . . the budget may be amended as provided for county budgets in s. 129.06(2).” That section, in turn, provides that “[t]he board [of county commissioners] . . . may amend a budget” §129.06(2).

These statutes could not be more explicit in (1) requiring the county board to set “fixed appropriations” for “itemized estimates of expenditures” and (2) allowing the board to subsequently amend the county budget only as specified by statute. They must be enforced as written by the Legislature.

As this Court has recently reiterated: “When the language of the statute is clear and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation and construction; the statute must be given its plain and obvious meaning.” *Citizens v. Brown*, 269 So. 3d 498, 504 (Fla. 2019); *see also Halifax Hosp. Med. Ctr. v. State*, 278 So. 3d 545, 547-49 (Fla. 2019) (refusing to expand authority beyond plain language of statute).

Directly contrary to that directive, the First District’s decision uses statutory interpretation principles to grant sheriffs the right to amend county budgets by transferring their appropriations within their budget—so those monies are not “fixed appropriations” for “the itemized estimates of expenditures,” as explicitly required by the Legislature. That grant of “unilateral authority” over the appropriations is expressly premised on a broad construction of section 30.53, creating powers far beyond its express terms. (A. 2).

Section 30.53 provides as follows:

The independence of the sheriffs shall be preserved concerning [1] the purchase of supplies and equipment, [2] selection of personnel, and [3] the hiring, firing, and setting of salaries of such personnel

It grants sheriffs independence over their own purchasing and personnel decisions.

It says nothing about sheriffs' power to also amend approved county budgets after counties have expressly appropriated tax dollars for the specific purchasing and personnel purposes previously identified and budgeted by the sheriffs.

Despite this plain language clearly and unambiguously specifying the Sheriff's independence only with respect to the particular matters identified by the Legislature, the First District held:

We interpret this provision as *a broad preservation of all powers necessary for the Sheriff to carry out the duties and responsibilities of her office*, which necessarily must include *authority over her budget* and office's expenditures. [(A. 2)].

This broad expansion of the three discrete powers granted in section 30.53 to also grant "authority" of sheriffs to disregard the express allocations in the county budget for the specific purposes identified in the sheriff's budget, expressly and directly conflicts with this Court's directives to faithfully apply a statute's plain language. It contradicts the statutory duty and authority of counties to set their budgets by making "fixed appropriations" for itemized expenditures by sheriffs.

Simply put, by ruling that sheriffs' "independence" includes "unilateral

authority” to re-allocate within their budget the “fixed appropriations” provided in the county’s budget, the First District freed sheriffs from the counties’ fiscal oversight over appropriated taxpayer monies that is required by the Legislature.

Building on its wrongful premise that section 30.53 broadly grants sheriffs all powers necessary to carry out their office—not just those specified in the statute—the First District then applied canons of construction to conclude that sheriffs are not required to seek county approval before transferring funds between appropriations fixed by counties.

Specifically, the First District attempted to “constru[e] Chapters 30 and 129 in harmony” by looking to section 129.06(5), which the court states is “[t]he only prohibition upon such transfers” (A. 2). Saying this statute “clearly prohibits so called ‘lame duck’ sheriffs from transferring funds between objects without first seeking [County] approval,” the court applied the “principle of statutory construction, *expressio unius est exclusion alterius*” to conclude that this “prohibition cannot be read to also apply to sitting sheriffs.” (A. 3).

That conclusion impermissibly fails, however, to give full force and effect to the plain statutory language expressly granting boards of county commissioners the exclusive duty and authority to set and amend the county budget—which includes the sheriff’s budget within. That language is clear on its face. By allowing sheriffs to amend duly approved county budgets by subsequently transferring monies

between “fixed appropriations” by counties, the decision alters the unambiguous statutory oversight requirements for those appropriations.

Rather than “harmonizing” the relevant statutes, the First District negated some and re-worked others. If the Legislature had intended the sheriff’s budget to effectively be a lump sum to be spent as the sheriff saw fit, it would have said so. It did no such thing.

In rejecting another court’s “attempt[] to harmonize arguably related statutes,” this Court reiterated that it is inappropriate to resort to rules of statutory construction where “the plain language of [the statute] answers the question presented.” *State v. Peraza*, 259 So. 3d 728, 732, 733 (Fla. 2018). It then said:

Moreover, this Court has held that *even where a court is convinced that the legislature really meant and intended something not expressed in the phraseology of the act, it will not deem itself authorized to depart from the plain meaning* of the language which is free from ambiguity. Because even a clearly discernable Legislative intent cannot change the meaning of a plainly worded statute, *it would only confuse matters to focus on what the Legislature might have intended rather than what the statute actually says.* [*Id.* at 733].

By going beyond the plain language of these statutes and applying rules of statutory construction to judicially expand the sheriff’s statutory authority to broaden the purpose for which appropriated taxpayer monies can be used, the decision expressly and directly conflicts with this Court’s decisions requiring statutes to be enforced as written.

II. THIS COURT SHOULD EXERCISE ITS DISCRETION TO REVIEW THIS CASE.

The decision will have a substantial impact on sheriffs and counties throughout Florida. The decision is binding on all Florida trial courts, *see Pardo v. State*, 596 So. 2d 665, 666 (Fla. 1992), and, consistent with that statewide effect, both parties had statewide amici supporting their positions below. Indeed, the First District expressly acknowledged that this case presents compelling and competing policy concerns. (A. 2).

In particular, the decision alters the balance of authority between sheriffs and counties on the crucial issue of government use of taxpayer dollars. By granting sheriffs “independence” to re-allocate taxpayer monies duly allocated by counties for specific purposes, the decision prevents the oversight and public transparency required by the Legislature.

This Court should review these issues of undeniable statewide importance.

CONCLUSION

This Court has discretionary jurisdiction to review the decision below, and should exercise its discretion to accept jurisdiction to review it.

[Signature block appears on next page.]

Dated December 6, 2019.

Robert C. Swain
Florida Bar No. 366961
Primary: bswain@alachuacounty.us
Secondary: CAO@alachuacounty.us

OFFICE OF THE ALACHUA
COUNTY ATTORNEY
12 Southeast 1st Street
Gainesville, FL 32601
Telephone: (352) 374-5218
Fax: (352) 374-5216

Respectfully submitted,

/s/Sylvia H. Walbolt

Sylvia H. Walbolt
Florida Bar Number: 33604
Primary: swalbolt@carltonfields.com
Secondary: devans@carltonfields.com
Secondary: tpaecf@cfdom.net
Nicholas A. Brown
Florida Bar Number: 90929
Primary: nbrown@carltonfields.com
Secondary: devans@carltonfields.com
Secondary: tpaecf@cfdom.net

CARLTON FIELDS, P.A.
4221 W. Boy Scout Blvd., Suite 1000
Tampa, FL 33607-5780
Telephone: (813) 223-7000
Fax: (813) 229-4133

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 6, 2019, I filed a copy of the foregoing through the Florida Courts E-Filing Portal, which causes electronic service to all counsel of record, including:

Cynthia M. Weygant
Alachua County Sheriff's Office
PO Box 5489
Gainesville, FL 32627-5489
(352) 367-4024
cweygant@alachuasheriff.org
Attorney for Respondent

/s/Sylvia H. Walbolt

Sylvia H. Walbolt
FBN 33604