



## Municipal Law Enforcement Agency Budget Appeal Process

Please see the Attached memorandum regarding Rule 28-42, FAC relating to the Municipal Law Enforcement Agency Budget Appeal Process.

### CHAPTER 28-42 MUNICIPAL LAW ENFORCEMENT AGENCY BUDGET APPEAL PROCESS

28-42.001	Scope and Applicability of Chapter
28-42.002	Time Periods
28-42.003	Filing Documents
28-42.004	Initiation of an Appeal
28-42.005	Executive Office of the Governor Procedures Upon Receipt of an Appeal
28-42.006	Withdrawal of Appeals
28-42.007	Budget Analysis
28-42.008	Budget Hearing
28-42.009	Administration Commission Hearing and Final Order

#### **28-42.001 Scope and Applicability of Chapter.**

The rules in this Chapter 28-42, F.A.C., shall govern the receipt and disposition of all municipal law enforcement agency budget appeals under Section 166.241 F.S.

*Rulemaking Authority 14.202, 166.241(4)-(5) FS. Law Implemented 166.241(4)-(5) FS. History—New 8-8-21.*

#### **28-42.002 Time Periods.**

In computing any period of time prescribed or allowed by these rules the time period shall be calculated in accordance with Rule 28-106.103, F.A.C.

*Rulemaking Authority 14.202, 166.241(4)-(5) FS. Law Implemented 166.241(4)-(5) FS. History—New 8-8-21.*

#### **28-42.003 Filing Documents.**

All documents, including the initial petition, shall be filed electronically.

*Rulemaking Authority 14.202, 166.241(4)-(5) FS. Law Implemented 166.241(4)-(5) FS. History—New 8-8-21.*

#### **28-42.004 Initiation of an Appeal.**

(1) Parties. The Petitioner shall be either the state attorney for the judicial circuit in which the municipality is located or a member of the governing body of the municipality who objects to the funding reduction. The Respondent shall be the governing body of the municipality.

(2) Filing the Petition. When a Petitioner files an appeal, he or she shall do so by completing Form AC-MLEBA 001, Petition Packet, and filing electronically with the Administration Commission. Form AC-MLEBA 001 is hereby incorporated by reference, and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref:13346>. Copies of the form are available by contacting the Clerk of the Administration Commission at Office of the Governor, Room 1802, The Capitol, Tallahassee, Florida 32399-0001. The effective date of the form is 09/2021. The Petitioner shall direct the petition to the Secretary of the Administration Commission within the Executive Office of the Governor and shall serve a copy of the petition on the governing body of the municipality or the clerk of the circuit court of the county in which the municipality is located.

(3) Filing a Response. The Respondent may file a response electronically within five working days after service. The response must set forth the budget requested by the municipal law enforcement agency, if a request was submitted, and the budget approved by the governing body, and must list the specific reductions the governing body made to the law enforcement agency's operating budget. The response must also fully address the reasons or grounds for the appeal stated by the Petitioner. The Respondent should direct the response to the Secretary of the Administration Commission within the Executive Office of the Governor.

(4) The Secretary of the Administration Commission and his or her staff may request additional budgetary information from the current fiscal year and the two previous fiscal years including draft budgets, budget amendments, or budget meeting minutes.

*Rulemaking Authority 14.202, 166.241(4)-(5) FS. Law Implemented 166.241(4)-(5) FS. History—New 8-8-21.*

#### **28-42.005 Executive Office of the Governor Procedures Upon Receipt of an Appeal.**

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