

Law enforcement bill of rights; deputy sheriffs

Number: INFORMAL

Date: July 24, 1996

Mr. Arturo R. Alfonso
3050 Executive Plaza
3080 Biscayne Boulevard
Suite 707
Miami, Florida 33137

RE: LAW ENFORCEMENT OFFICERS BILL OF RIGHTS--CORRECTIONAL OFFICERS--SHERIFFS--applicability of law enforcement and correctional officers bill of rights to deputy sheriffs. Part VI, Chapter 112, Fla. Stat.

Dear Mr. Alfonso:

Thank you for considering this office as a source for assistance regarding the applicability of the Law Enforcement and Correctional Officers Bill of Rights to deputy sheriffs.

Attorney General Butterworth has asked me to respond to your letter.

After reviewing the information you have provided to us, it does not appear that this is a matter upon which this office may formally comment. The Attorney General is authorized by statute to provide legal advice and opinions to governmental officers and agencies on questions of law relating to their official duties.[1] Under the statute, this office has no authority to render legal opinions to private individuals or organizations.

However, in an effort to provide you with some assistance I offer the following observations. While section 112.531, Florida Statutes, did not originally specifically mention deputy sheriffs and there are cases from the 1970's which specifically hold that the Police Officers' Bill of Rights is not applicable to sheriffs',[2] the statute was amended in 1993 to include "any person who is appointed by the sheriff as a deputy sheriff pursuant to s. 30.07" in the definition of a law enforcement officer.[3]

While I am aware of no case law construing the statute since its amendment, the case of *McRae v. Douglas*, 644 So.2d 1368 (Fla. 5th DCA 1994), *rehearing denied, review denied*, 654 So.2d 919 (Fla. 1995), may be the authority upon which your county attorney is relying. According to the court in that case "[a] corrections officer appointed by a sheriff is not within the ambit of sections 112.531--112.534." [4] This case involved the 1989 version of section 112.531, Florida Statutes, and I am enclosing a copy for your consideration.

I trust that these informal comments will be of assistance to you.

Sincerely,

Gerry Hammond
Assistant Attorney General

GH/tgk

[1] See section 16.01(3), Florida Statutes, and Department of Legal Affairs Statement of Policy Concerning Attorney General Opinions (copies enclosed).

[2] See, e.g., *Johnson v. Wilson*, 336 So. 2d 651 (Fla. 1st DCA 1976).

[3] See Ch. 93-19, Laws of Florida.

[4] 644 So.2d at 1375.