

**Committee on Judiciary**

**HB 4067 — Residence of the Clerk of the Circuit Court**

by Rep. McBurney (SB 1100 by Senator Detert)

The State Constitution provides for there to be an elected clerk of the circuit court in each county. The constitution also requires, in every county, that there be a county seat at which the principal offices and permanent records of the county are located.

Section 28.08, F.S., requires the clerk of the circuit court, or a deputy, to reside at the county seat or within two miles of the county seat. The Legislature enacted the law in 1871. The act creating the requirement included the same requirement applicable to the county sheriff. The original act required compliance within three months, and it allowed the court to fine the clerk between \$100 and \$500 for noncompliance.

This bill (Chapter 2011-10, L.O.F.) repeals the statutory requirement for the clerk of the circuit court, or a deputy, to reside at the county seat or within two miles of the county seat.

These provisions were approved by the Governor and take effect July 1, 2011.

*Vote: Senate 38-0; House 118-0*