

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Community Affairs

HB 1373 — County Constitutional Officers

by Rep. Fernandez-Barquin and others (SB 1490 by Senator Garcia)

The bill prohibits a county from creating or authorizing any office, special district, or governmental unit to exercise any power or authority allocated by the Florida Constitution or general law exclusively to a county officer. A county commissioner who votes in favor of a proposed ordinance for such a creation or expansion of powers commits misfeasance or malfeasance in office. If a county adopts such an ordinance, the state may withhold all or part of any distribution under local government revenue sharing.

The bill allows a sheriff, tax collector, property appraiser, supervisor of elections, clerk of the court, or any resident of a county to bring an action in circuit court against a county for the adoption of such an ordinance. The bill provides that a court may award declaratory and injunctive relief, damages, and costs, including reasonable attorney fees, to a prevailing party other than the county. The bill also prohibits a county from including funding in its budget for any office, special district, or governmental unit exercising any power or authority allocated exclusively to a county officer by the Florida Constitution or general law.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect July 1, 2023.

Vote: Senate 39-0; House 113-3