

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 4067 Residence of Clerk of the Circuit Court

**SPONSOR(S):** McBurney

**TIED BILLS:** None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Civil Justice Subcommittee	13 Y, 0 N	Bond	Bond
2) Judiciary Committee			

### SUMMARY ANALYSIS

In every county, there is a clerk of the court. Current law requires that the clerk, or a deputy employed by the clerk, must reside at the county seat or within 2 miles of the county seat.

This bill repeals the requirement that the clerk or a deputy reside within 2 miles of the county seat.

This bill does not appear to have a fiscal impact on state or local government.

## **FULL ANALYSIS**

### **I. SUBSTANTIVE ANALYSIS**

#### **A. EFFECT OF PROPOSED CHANGES:**

Section 28.08, F.S., requires the clerk of the circuit court, or a deputy, to reside at the county seat or within 2 miles thereof. The law was passed in 1871.<sup>1</sup> The act creating the requirement included the same requirement applicable to the county sheriff. The original act required compliance within 3 months, and allowed the court to fine the clerk between \$100 and \$500 for noncompliance. It is unknown why this requirement was enacted.

This bill repeals the requirement that the clerk of the circuit court, or a deputy, must reside at the county seat or within 2 miles thereof.

#### **B. SECTION DIRECTORY:**

Section 1 repeals s. 28.08, F.S., regarding the place of residence of the clerk.

Section 2 provides an effective date of July 1, 2011.

### **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

#### **D. FISCAL COMMENTS:**

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

---

<sup>1</sup> Chapter 1,851.

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

None.