

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: SB 696

INTRODUCER: Senator Hutson

SUBJECT: Budgets of County Constitutional Officers

DATE: March 23, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	<b>Pre-meeting</b>
2.			FT	
3.			AP	

---

**I. Summary:**

SB 696 adds property appraisers to the list of county constitutional officers who must submit a tentative budget to the board of county commissioners, provides criteria for these officers to submit their tentative and final budgets, and requires the tentative budgets to be separately identified from the tentative budget of the county as a whole when posted to the county's website.

**II. Present Situation:**

**Constitutional County Officers**

Article VIII, Section 1(d) of the Florida Constitution provides there shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. These officers have duties prescribed in general law.<sup>1</sup>

**County Budget Systems and Information**

Chapter 129, F.S., establishes a budget system that controls the finances of the boards of county commissioners of Florida counties. Pursuant to s. 129.01, F.S., each county is required to prepare, approve, adopt, and execute an annual budget each fiscal year. The budget must show for each fund, as required by law and sound financial practices, budgeted revenues and

---

<sup>1</sup> See ch. 30, F.S., (setting forth certain duties of the sheriff as a constitutional officer); ch. 197, F.S., (setting forth certain duties of the tax collector as a constitutional officer); ch. 193, Part I, F.S., (setting forth certain duties of the property appraiser as a constitutional officer); ch. 102, F.S., (setting forth certain duties of the supervisor of elections as a constitutional officer); and ch. 28, F.S., (setting forth certain duties of the clerk of the circuit court as a constitutional officer).

expenditures by organizational unit.<sup>2</sup> The budget is approved by the board of county commissioners and must be balanced so that the total of the estimated receipts, including balances brought forward, equals the total of the appropriations and reserves.<sup>3</sup> Notwithstanding other provisions of law, the budgets of all county officers must be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities.<sup>4</sup>

Each board of county commissioners may designate a county budget officer to carry out the duties prescribed by statute as to county budgets.<sup>5</sup> If such board fails to designate a different officer, the clerk of the circuit court or the county comptroller, if applicable, will be the budget officer.<sup>6</sup> County fee officers are defined in Florida Statutes as those county officials who are assigned specialized functions within county government and whose budgets are established independently of the local governing body, even though their budgets may be reported to the local governing body or may be composed of funds either generally or specially available to a local governing authority involved.<sup>7</sup> County fee officers are also subject to reporting requirements.<sup>8</sup> For example, the county constitutional officers of sheriff, clerk of the circuit court, property appraiser, tax collector, and supervisor of elections have budget reporting requirements of their own in addition to the budget reporting requirements of the county.<sup>9</sup>

### **Preparation and Adoption of County Budgets**

On or before June 1 of each year, the sheriff, the clerk of the circuit court and county comptroller, the tax collector, and the supervisor of elections each must submit to the board of county commissioners a tentative budget for their respective offices for the ensuing fiscal year.<sup>10</sup> Upon receipt of the tentative budgets and any revisions, the board prepares a summary of the adopted tentative budgets.<sup>11</sup> Public hearings are held to explain tentative and final budgets and to entertain community requests and complaints prior to budget adoption.<sup>12</sup> The tentative budget must be posted on the county's official website at least two days before a public hearing. The final budget must be posted on the website within 30 days after adoption. The tentative budgets, adopted tentative budgets, and final budgets are filed in the office of the county auditor as a public record.

---

<sup>2</sup> Section 129.01(1), F.S. The level of detail for the budget must meet level of detail requirements for annual financial reports under s. 218.32, F.S.

<sup>3</sup> Section 129.01(2), F.S.

<sup>4</sup> Section 129.021, F.S. *See* ss. 125.01(1)(q), (r), and (v), and (6) and 129.01(2)(b), F.S. for more on these county powers and responsibilities.

<sup>5</sup> Section 129.025, F.S.

<sup>6</sup> *Id.*

<sup>7</sup> Section 218.31(8), F.S.

<sup>8</sup> *See* s. 218.35, F.S.

<sup>9</sup> *See* ss. 30.49, F.S., (sheriffs' budgets), 218.35(2), F.S., (clerks of the court reporting requirements), 195.087, F.S., (property appraisers and tax collectors budget reporting requirements), 129.201, F.S., (supervisor of elections budgets).

<sup>10</sup> Section 129.03(2), F.S. The county elected property appraiser is not included in this list of office holders required to submit budget information to the board of county commissioners.

<sup>11</sup> Section 129.03(3)(b), F.S.

<sup>12</sup> Section 129.03(3)(c), F.S., also outlines public hearing practices and subsequent budget website posting and public record requirements.

### **Sheriff Budget Process and Requirements**

Section 30.49, F.S., requires each sheriff to certify to the board of county commissioners a proposed budget of expenditures for the ensuing fiscal year, commencing on October 1 and ending on the following September 30. The proposed budget must show the estimated amounts of all proposed expenditures for operating and equipping the sheriff's office and jail, excluding the cost of construction, repair, or capital improvement of county buildings occupied by the sheriff's office during the fiscal year.<sup>13</sup> The sheriff must itemize expenditures in accordance with the uniform chart of accounts prescribed by the Department of Financial Services (DFS), as: personnel services, operating expenses, capital outlay, debt service, grants and aids and other uses.<sup>14</sup>

The board of county commissioners may amend, modify, increase, or reduce any or all items of expenditure in a sheriff's proposed budget at the hearings held pursuant to s. 200.065, F.S., to fix ad valorem tax millage rates. The sheriff may file an appeal of such board action by petition to the Administration Commission (the Governor and Cabinet).<sup>15</sup> The sheriff's budget as approved, amended, or modified by the Administration Commission is final.<sup>16</sup>

### **Clerk of the Circuit Court Budget Process and Requirements**

Section 218.35(2) F.S., provides that the clerk of the circuit court, functioning in his or her capacity as clerk of the circuit and county courts and as clerk of the board of county commissioners, shall prepare his or her budget in two parts. The first of these is the budget for funds necessary to perform court-related functions specified by s. 28.36, F.S.

On or before June 1, a proposed budget for these court-related functions must be prepared, summarized, and submitted by the clerk in each county to the Florida Clerks of Court Operations Corporation (Corporation), a public corporation charged with approving the proposed budgets of all clerks of the court in the state.<sup>17</sup> The proposed budget must provide detailed information on the anticipated revenues available and expenditures necessary for the performance of the court-related functions.<sup>18</sup> The Corporation ensures that the total combined budgets of the clerks of the court do not exceed the total estimated revenues available for court-related expenditures as determined by the most recent Revenue Estimating Conference.<sup>19</sup> The Corporation may amend an individual clerk of the court budget to ensure compliance with the combined budget requirements.<sup>20</sup>

---

<sup>13</sup> Section 30.49(2)(a), F.S.

<sup>14</sup> Section 30.49(2)(c), F.S.

<sup>15</sup> Section 30.48(4)(a), F.S.

<sup>16</sup> Section 30.48(5), F.S.

<sup>17</sup> See ss. 28.36(2) and 28.35, F.S. The Corporation is considered a political subdivision of the state and is not subject to ch. 120, F.S. All clerks of the circuit court are members of the Corporation and hold their positions and authority in an ex officio capacity.

<sup>18</sup> Section 28.36(2)(a), F.S.

<sup>19</sup> Section 28.35(2)(f), F.S.

<sup>20</sup> *Id.* Before modifying a budget, the Corporation must consider performance measures, workload performance standards, workload measures, and expense data.

The second part of the clerk of circuit court budget process relates to the requirements as clerk of the board of county commissioners, county auditor, and custodian or treasurer of all county funds and other county-related duties.<sup>21</sup> This budget is annually prepared and submitted to the board of county commissioners pursuant to s. 129.03(2), F.S., for each fiscal year.<sup>22</sup> Expenditures must be itemized in accordance with the uniform chart of accounts prescribed by the DFS as: personnel services, operating expenses, capital outlay, debt service, grants and aids and other uses.<sup>23</sup> The final approved budget of the clerk of the circuit court must be posted on the county's official website within 30 days after adoption and may be included in the county's budget.<sup>24</sup>

### **Tax Collector Budget Process and Requirements**

Section 195.087, F.S., requires tax collectors to submit their respective budgets to the Department of Revenue (DOR). On or before August 1 of each year, each tax collector simultaneously submits a budget for the operation of the office for the ensuing fiscal year to the DOR and the board of county commissioners.<sup>25</sup> Upon review, the DOR either approves the budget and certifies it back to the tax collector or, if it finds the budget inadequate or excessive, returns the budget to the tax collector for revisions and resubmission.<sup>26</sup> After the final approval of the budget by the DOR, there can be no reduction or increase by any officer, board, or commission without the approval of the department.<sup>27</sup> These DOR reporting provisions in s. 195.087 F.S., do not apply to a county where the office of the tax collector has been abolished and office duties have been reassigned or in a charter county where the charter specifically provides a different method for the submission of the tax collectors budget.<sup>28</sup> Section 195.087(6), F.S., provides website posting requirements for a tax collector's final approved budget.

### **Supervisor of Elections Budget Process and Requirements**

Pursuant to ss. 129.01 and 129.03(2), F.S., each supervisor of elections prepares and submits to the board of county commissioners a proposed budget for carrying out the powers, duties, and operations of the office for the next fiscal year.<sup>29</sup> The fiscal year of the supervisor of elections commences on October 1 of each year and ends on September 30 of the following year.<sup>30</sup> Like sheriffs and clerks of the circuit court, supervisors of elections must itemize expenditures in accordance with the uniform chart of accounts prescribed by the DFS as: personnel services, operating expenses, capital outlay, debt service, grants and aids and other uses.<sup>31</sup> Similar to sheriffs, the board of county commissioners may amend, modify, increase, or reduce any or all items of expenditure in a supervisor of elections' proposed budget at the hearings held pursuant

---

<sup>21</sup> Section 218.35(2) F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Section 195.087(2) F.S.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Section 129.201(1), F.S.

<sup>30</sup> *Id.*

<sup>31</sup> Section 129.201(2), F.S.

to s. 200.065, F.S., to fix ad valorem tax millage rates.<sup>32</sup> Unlike sheriffs, supervisors of elections do not have the ability to appeal board budget changes to the Administration Commission.

Section 129.202, F.S., specifies certain budget requisition procedures a supervisor of elections must follow to access the office's budget funds from the board of county commissioners. These procedures do not impede a supervisor's independence concerning the purchase of supplies and equipment; the selection of personnel; and the hiring, firing, and setting of salaries of such personnel.<sup>33</sup>

### **Property Appraiser Budget Process and Requirements**

Section 195.087(1) F.S., outlines the budget process for property appraisers in the state. On or before June 1 of each year, property appraisers simultaneously submit a budget for the operation of their offices for the ensuing fiscal year to the DOR and the board of county commissioners.<sup>34</sup> The DOR may amend or change the budget requests as it deems necessary but must notify the property appraiser and board of any such changes by July 15.<sup>35</sup> The appraiser and board have the opportunity to respond to such notification with additional budget information or testimony.<sup>36</sup> On or before August 15, the DOR makes any final budget amendments or changes after which the budget is deemed final and is funded by the county commission.<sup>37</sup>

The property appraiser or presiding officer of the county commission may appeal the DOR's final action to the Administration Commission no later than 15 days after the hearings held to fix ad valorem tax millage rates.<sup>38</sup> The filing of an appeal does not relieve the county commission of its obligation to fund the department-approved final budget during the pendency of the appeal.<sup>39</sup> A budget approved by the DOR, and as amended by the Administration Commission, becomes the operating budget of the property appraiser for the ensuing fiscal year beginning October 1.<sup>40</sup> Section 195.087(6), F.S., provides website posting requirements for a property appraiser's final approved budget.

### **State Local Government Financial Reporting**

There are numerous provisions in Florida Statutes related to local government financial reporting many of which relate to counties and may therefore shape the budgeting processes of county constitutional officers. For example:

- Section 218.32(1), F.S., requires local governmental entities to submit to the DFS an annual financial report (AFR) and, if the local governmental entities meet the audit threshold specified, a copy of their audit report. A county AFR must be a single document that covers each county agency.

---

<sup>32</sup> Section 129.201(4), F.S.

<sup>33</sup> Section 129.202(2), F.S.

<sup>34</sup> Section 195.087(1)(a), F.S.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *See* ss. 195.087(1)(b) and 200.065, F.S.

<sup>39</sup> Section 195.087(1)(b), F.S.

<sup>40</sup> *Id.* This approved budget may subsequently be amended under the same procedure.

- Section 218.32(2), F.S., requires the DFS to annually file, by December 1, a verified report with certain statutorily specified entities showing the total revenues, expenditures, and outstanding long-term debt of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation entity that is required to submit an AFR.
- Section 218.39, F.S., requires an annual financial audit of accounts and records be completed within nine months after the end of the fiscal year for counties, district school boards, charter schools, and charter technical career centers and certain municipalities and special districts.

### III. Effect of Proposed Changes:

**Section 1** amends s.129.021, F.S., to add the property appraiser to the list of county constitutional officers who must submit a tentative budget to the board of county commissioners. The bill provides that each officer's tentative and final budget must be detailed and must provide a separate line item for proposed expenditures for each program, division, or unit within the office, and must include an identification of existing and proposed reserves.

The tentative budget must be posted on the county's official website at least two days before the public hearing and must be identified separately from the tentative budget of the county as a whole to clearly demarcate the constitutional officers' budgets.

**Section 2** provides an effective date of July 1, 2019.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

If the bill passes, county constitutional officers will be required to provide greater detail and itemization of expense items in their proposed budgets. Given that these officers already must provide detailed information for other statutorily required financial reports, the additional administrative costs to comply with the bill will likely be minimal.

**VI. Technical Deficiencies:**

The sponsor may want to clarify which public hearing is referred to on lines 32-33 of the bill.

**VII. Related Issues:**

The bill requires the property appraiser to file a copy of the proposed budget with county commission under s. 129.03(2), F.S., a step that is redundant to the similar requirement in s. 195.087(1), F.S. As the budgets submitted under s. 129.03(2), F.S., are reviewed and approved by the county commission, the bill may create an uncertainty as to the final authority for reviewing and approving the tentative budgets of the property appraisers.

**VIII. Statutes Affected:**

This bill substantially amends section 129.03 of the Florida Statutes

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.