

26 | constitutional office powers or authority; penalties; remedies.-

27 | (1) A county may not create any office, special district,
28 | or governmental unit, or expand the powers or authority of any
29 | existing office, special district, or governmental unit, for the
30 | purpose of exercising any power or authority allocated
31 | exclusively to a sheriff, tax collector, property appraiser,
32 | supervisor of elections, or clerk of the court by the State
33 | Constitution or general law.

34 | (2) A county commissioner who votes in favor of a proposed
35 | ordinance to create an office, special district, or governmental
36 | unit, or expand the powers or authority of an existing office,
37 | special district, or governmental unit, for the purpose of
38 | exercising any power or authority allocated exclusively to a
39 | sheriff, tax collector, property appraiser, supervisor of
40 | elections, or clerk of the court by the State Constitution or
41 | general law is guilty of misfeasance or malfeasance in office.

42 | (3) If a county adopts an ordinance pursuant to subsection
43 | (2), the state may withhold all or part of any distribution
44 | under part II of chapter 218 which is otherwise allocable to the
45 | county, other than any distribution exclusively for school
46 | purposes or required for existing bond debt service, during the
47 | period such ordinance is in force.

48 | (4) A sheriff, tax collector, property appraiser,
49 | supervisor of elections, clerk of the court, or any resident of
50 | a county may bring an action in circuit court against a county

51 that violates this section. The court may enter a judgment
52 awarding declaratory and injunctive relief, damages, and costs.
53 The court may also award reasonable attorney fees to the
54 prevailing party; however, the court may not award reasonable
55 attorney fees to a county as the prevailing party.

56 Section 2. Paragraphs (b) through (e) of subsection (2) of
57 section 129.01, Florida Statutes, are redesignated as paragraphs
58 (c) through (f), respectively, and a new paragraph (b) is added
59 to that subsection to read:

60 129.01 Budget system established.—A budget system for the
61 control of the finances of the boards of county commissioners of
62 the several counties of the state is established as follows:

63 (2) The budget must conform to the following general
64 directions and requirements:

65 (b) The budget may not provide funding to any office,
66 special district, or governmental unit exercising any power or
67 authority allocated exclusively to a sheriff, tax collector,
68 property appraiser, supervisor of elections, or clerk of the
69 court by the State Constitution or general law.

70 Section 3. Section 129.021, Florida Statutes, is amended
71 to read:

72 129.021 County officer budget information.—Notwithstanding
73 other provisions of law, the budgets of all county officers, as
74 submitted to the board of county commissioners, must be in
75 sufficient detail and contain such information as the board of

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76 | county commissioners may require in furtherance of their powers
77 | and responsibilities provided in ss. 125.01(1)(q), (r), and (v),
78 | and (6) and 129.01(2)(c) ~~129.01(2)(b)~~.

79 | Section 4. This act shall take effect July 1, 2023.