

ENROLLED

HB 1373

2023 Legislature

1
 2 An act relating to county constitutional officers;
 3 creating s. 125.691, F.S.; prohibiting a county from
 4 creating any office, special district, or governmental
 5 unit, or expanding the powers or authority of such
 6 office, district, or unit, under certain conditions;
 7 providing that a county commissioner is guilty of
 8 misfeasance or malfeasance in office under certain
 9 conditions; authorizing the state to withhold certain
 10 county funding under certain conditions; authorizing
 11 certain county constitutional officers and residents
 12 to bring an action in circuit court under certain
 13 conditions; authorizing and prohibiting certain
 14 remedies; amending s. 129.01, F.S.; prohibiting a
 15 board of county commissioners' budget from providing
 16 funding to such offices, districts, and units under
 17 certain conditions; amending s. 129.021, F.S.;
 18 conforming a cross-reference; providing an effective
 19 date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 125.691, Florida Statutes, is created
 24 to read:
 25 125.691 Prohibition against duplicating county

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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

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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.