

By Senator Garcia

36-01784A-23

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1                   A bill to be entitled  
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 commits  
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 to  
24           read:

25           125.691 Prohibition against duplicating county  
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

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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 commits 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 as required for existing bond debt service, during  
47 the 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. Present paragraphs (b) through (e) of subsection  
57 (2) of section 129.01, Florida Statutes, are redesignated as  
58 paragraphs (c) through (f), respectively, and a new paragraph

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59 (b) is added 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 to  
71 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  
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.