

By the Committee on Community Affairs; and Senator Ingoglia

578-02926-23

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1                   A bill to be entitled  
2       An act relating to local officials; amending s.  
3       125.73, F.S.; prohibiting the governing body of a  
4       county from renewing or extending the employment  
5       contract of a county administrator during a specified  
6       timeframe; providing an exception; defining the term  
7       "governmental entity"; creating s. 125.75, F.S.;  
8       prohibiting the governing body of a county from  
9       renewing or extending the employment contract of a  
10      county general counsel during a specified timeframe;  
11      providing an exception; defining the term  
12      "governmental entity"; amending s. 166.021, F.S.;  
13      prohibiting the governing body of a municipality from  
14      renewing or extending the employment contract of a  
15      chief executive officer or municipal general counsel  
16      during a specified timeframe; providing exceptions;  
17      defining the term "governmental entity"; amending s.  
18      1001.50, F.S.; prohibiting a district school board  
19      from renewing or extending the employment contract of  
20      a superintendent during a specified timeframe;  
21      providing an exception; defining the term  
22      "governmental entity"; creating s. 1012.336, F.S.;  
23      prohibiting a district school board from renewing or  
24      extending the employment contract of a district school  
25      board general counsel during a specified timeframe;  
26      providing an exception; defining the term  
27      "governmental entity"; amending s. 112.061, F.S.;  
28      conforming cross-references; providing an effective  
29      date.

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

Section 1. Subsection (5) is added to section 125.73, Florida Statutes, to read:

125.73 County administrator; appointment, qualifications, compensation.—

(5) The governing body of a county may not renew or extend the employment contract of a county administrator within the 8 months before a general election for county mayor, if applicable, or for members of the governing body of the county; however, the governing body of a county may do so if the county administrator presents the governing body with a bona fide written offer of employment from another governmental entity as defined in s. 287.012(14).

Section 2. Section 125.75, Florida Statutes, is created to read:

125.75 County general counsel contract.—The governing body of a county may not renew or extend the contract of a county general counsel within the 8 months before a general election for county mayor, if applicable, or for members of the governing body of the county; however, the governing body of a county may do so if the county general counsel presents the governing body with a bona fide written offer of employment from another governmental entity as defined in s. 287.012(14).

Section 3. Present subsection (9) of section 166.021, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

166.021 Powers.—

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59       (9) (a) The governing body of a municipality may not renew  
60 or extend the employment contract of a chief executive officer  
61 of the municipality within the 8 months before a general  
62 election for the municipal mayor or for members of the governing  
63 body of the municipality; however, the governing body of a  
64 municipality may do so if the chief executive officer of the  
65 municipality presents the governing body with a bona fide  
66 written offer of employment from another governmental entity as  
67 defined in s. 287.012(14).

68       (b) The governing body of a municipality may not renew or  
69 extend the employment contract of a municipal general counsel  
70 within the 8 months before a general election for the municipal  
71 mayor or for members of the governing body of the municipality;  
72 however, the governing body of a municipality may do so if the  
73 municipal general counsel presents the governing body with a  
74 bona fide written offer of employment from another governmental  
75 entity as defined in s. 287.012(14).

76       Section 4. Subsection (2) of section 1001.50, Florida  
77 Statutes, is amended to read:

78       1001.50 Superintendents employed under Art. IX of the State  
79 Constitution.—

80       (2) Each district school board shall enter into an  
81 employment contract with the district school superintendent and  
82 shall adopt rules relating to his or her appointment; however,  
83 if the employment contract contains a provision for severance  
84 pay, it must include the provisions required by s. 215.425. The  
85 district school board may not renew or extend the employment  
86 contract of a superintendent within the 8 months before a  
87 general election for district school board members; however, the

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88 district school board may do so if the superintendent presents  
89 the district school board with a bona fide written offer of  
90 employment from another governmental entity as defined in s.  
91 287.012(14).

92 Section 5. Section 1012.336, Florida Statutes, is created  
93 to read:

94 1012.336 Contracts with district school board general  
95 counsels.—A district school board may not renew or extend the  
96 employment contract of a district school board general counsel  
97 within the 8 months before a general election for district  
98 school board members; however, a district school board may do so  
99 if the district school board general counsel presents the  
100 district school board with a bona fide written offer of  
101 employment from another governmental entity as defined in s.  
102 287.012(14).

103 Section 6. Paragraphs (a) and (c) of subsection (14) of  
104 section 112.061, Florida Statutes, are amended to read:

105 112.061 Per diem and travel expenses of public officers,  
106 employees, and authorized persons; statewide travel management  
107 system.—

108 (14) APPLICABILITY TO COUNTIES, COUNTY OFFICERS, DISTRICT  
109 SCHOOL BOARDS, SPECIAL DISTRICTS, AND METROPOLITAN PLANNING  
110 ORGANIZATIONS.—

111 (a) The following entities may establish rates that vary  
112 from the per diem rate provided in paragraph (6) (a), the  
113 subsistence rates provided in paragraph (6) (b), or the mileage  
114 rate provided in paragraph (7) (d) if those rates are not less  
115 than the statutorily established rates that are in effect for  
116 the 2005-2006 fiscal year:

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- 117           1. The governing body of a county by the enactment of an  
118 ordinance or resolution;
- 119           2. A county constitutional officer, pursuant to s. 1(d),  
120 Art. VIII of the State Constitution, by the establishment of  
121 written policy;
- 122           3. The governing body of a district school board by the  
123 adoption of rules;
- 124           4. The governing body of a special district, as defined in  
125 s. 189.012, except those special districts that are subject to  
126 s. 166.021(10) ~~s. 166.021(9)~~, by the enactment of a resolution;  
127 or
- 128           5. Any metropolitan planning organization created pursuant  
129 to s. 339.175 or any other separate legal or administrative  
130 entity created pursuant to s. 339.175 of which a metropolitan  
131 planning organization is a member, by the enactment of a  
132 resolution.
- 133           (c) Except as otherwise provided in this subsection,  
134 counties, county constitutional officers and entities governed  
135 by those officers, district school boards, special districts,  
136 and metropolitan planning organizations, other than those  
137 subject to s. 166.021(10) ~~s. 166.021(9)~~, remain subject to the  
138 requirements of this section.
- 139           Section 7. This act shall take effect July 1, 2023.