

## CHAPTER 2023-306

### House Bill No. 1373

An act relating to county constitutional officers; creating s. 125.691, F.S.; prohibiting a county from creating any office, special district, or governmental unit, or expanding the powers or authority of such office, district, or unit, under certain conditions; providing that a county commissioner is guilty of misfeasance or malfeasance in office under certain conditions; authorizing the state to withhold certain county funding under certain conditions; authorizing certain county constitutional officers and residents to bring an action in circuit court under certain conditions; authorizing and prohibiting certain remedies; amending s. 129.01, F.S.; prohibiting a board of county commissioners' budget from providing funding to such offices, districts, and units under certain conditions; amending s. 129.021, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Section 125.691, Florida Statutes, is created to read:

125.691 Prohibition against duplicating county constitutional office powers or authority; penalties; remedies.—

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

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

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

(4) A sheriff, tax collector, property appraiser, supervisor of elections, clerk of the court, or any resident of a county may bring an action in circuit court against a county that violates this section. The court may enter a

judgment awarding declaratory and injunctive relief, damages, and costs. The court may also award reasonable attorney fees to the prevailing party; however, the court may not award reasonable attorney fees to a county as the prevailing party.

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

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

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

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

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

129.021 County officer budget information.—Notwithstanding other provisions of law, the budgets of all county officers, as submitted to the board of county commissioners, must be in sufficient detail and contain such information as the board of county commissioners may require in furtherance of their powers and responsibilities provided in ss. 125.01(1)(q), (r), and (v), and (6) and 129.01(2)(c) ~~129.01(2)(b)~~.

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

Approved by the Governor June 28, 2023.

Filed in Office Secretary of State June 28, 2023.