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 is guilty of misfeasance or malfeasance in office under certain 8 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 remedies; amending s. 129.01, F.S.; prohibiting a 14 board of county commissioners' budget from providing 15 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 Section 1. Section 125.691, Florida Statutes, is created 23 24 to read: 25 125.691 Prohibition against duplicating county Page 1 of 4

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26 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						
30 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						
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						
(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						
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 <u>a county may bring an action in circuit court against a county</u>						
Page 2 of 4						

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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 establishedA 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 informationNotwithstanding						
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						
	Page 3 of 4						

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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 <u>129.01(2)(c)</u> <u>129.01(2)(b)</u>. 79 Section 4. This act shall take effect July 1, 2023.

Page 4 of 4

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