

<b>Tab 7</b>	<b>CS/SJR 134</b> by <b>CA, Artiles (CO-INTRODUCERS) Powell</b> ; (Similar to CS/CS/H 00721) Selection and Duties of County Sheriff						
104462	A	S	RCS	EE, Artiles	Delete L.43 - 46:	03/29 10:53 AM	

<b>Tab 8</b>	<b>CS/SJR 136</b> by <b>CA, Artiles (CO-INTRODUCERS) Powell</b> ; (Identical to CS/H 00187) Selection and Duties of County Officers/Property Appraiser						
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<b>Tab 9</b>	<b>SB 720</b> by <b>Mayfield</b> ; (Identical to H 00299) Central Florida Expressway Authority						
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<b>Tab 10</b>	<b>SB 1494</b> by <b>Rader</b> ; (Identical to H 06031) Elections						
252634	T	S	RCS	EE, Rader	In title, delete L.2:	03/29 10:53 AM	

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**ETHICS AND ELECTIONS**  
**Senator Passidomo, Chair**  
**Senator Grimsley, Vice Chair**

**MEETING DATE:** Tuesday, March 28, 2017  
**TIME:** 3:00—5:00 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Passidomo, Chair; Senator Grimsley, Vice Chair; Senators Bean, Braynon, Lee, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Criminal Conflict and Civil Regional Counsel - First District Court of Appeal</b>			
1	Brower, Candice K. ()	09/30/2019	Recommend Confirm Yeas 6 Nays 0
<b>Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal</b>			
2	Neymotin, Ita M. ()	09/30/2019	Recommend Confirm Yeas 6 Nays 0
<b>Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal</b>			
3	Zenobi, Eugene F. ()	09/30/2019	Recommend Confirm Yeas 6 Nays 0
<b>Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal</b>			
4	Ryan, Antony Parker (Riviera Beach)	09/30/2019	Recommend Confirm Yeas 6 Nays 0
<b>Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal</b>			
5	Deen, Jeffrey D. ()	09/30/2019	Recommend Confirm Yeas 6 Nays 0
<b>Board of Optometry</b>			
6	Griffin, John Edmund (Tallahassee)	10/31/2018	Recommend Confirm Yeas 6 Nays 0

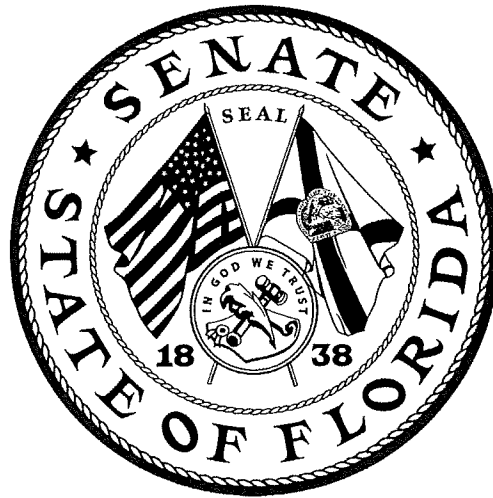
**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, March 28, 2017, 3:00—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SJR 134</b> Community Affairs / Artiles (Similar CS/CS/HJR 721, Compare HJR 87, CS/HJR 187, HJR 271, HJR 571, HJR 1129, SJR 130, SJR 132, CS/SJR 136, SJR 138)	Selection and Duties of County Sheriff; Proposing an amendment to the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff, etc.  CA 02/21/2017 Fav/CS EE 03/28/2017 Fav/CS JU RC	Fav/CS Yeas 5 Nays 1
8	<b>CS/SJR 136</b> Community Affairs / Artiles (Identical CS/HJR 187, Compare HJR 87, HJR 271, HJR 571, CS/CS/HJR 721, HJR 1129, SJR 130, SJR 132, CS/SJR 134, SJR 138)	Selection and Duties of County Officers/Property Appraiser ; Proposing an amendment to the State Constitution to remove authority for a county charter or special law to provide for choosing a property appraiser in a manner other than by election or to transfer the duties of the property appraiser or abolish the office of the property appraiser, etc.  CA 03/22/2017 Fav/CS EE 03/28/2017 Favorable JU RC	Favorable Yeas 5 Nays 1
9	<b>SB 720</b> Mayfield (Identical H 299)	Central Florida Expressway Authority; Increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the geographical boundary of Brevard County to the area served by the authority, etc.  TR 03/14/2017 Favorable EE 03/28/2017 Favorable RC	Favorable Yeas 6 Nays 0
10	<b>SB 1494</b> Rader (Identical H 6031)	Elections; Repealing a requirement that all write-in candidates must reside within the district represented by the office sought at the time of qualification, etc.  EE 03/28/2017 Fav/CS CA RC	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents



Committee:  
**ETHICS AND ELECTIONS**

Senator Passidomo, Chair  
Senator Grimsley, Vice Chair

**Meeting Packet**  
Tuesday, March 28, 2017  
3:00—5:00 p.m.  
Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

**ETHICS AND ELECTIONS**  
**Senator Passidomo, Chair**  
**Senator Grimsley, Vice Chair**

**MEETING DATE:** Tuesday, March 28, 2017  
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**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Passidomo, Chair; Senator Grimsley, Vice Chair; Senators Bean, Braynon, Lee, Rodriguez, and Torres

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
<b>Criminal Conflict and Civil Regional Counsel - First District Court of Appeal</b>			
1	Brower, Candice K. ()	09/30/2019	
<b>Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal</b>			
2	Neymotin, Ita M. ()	09/30/2019	
<b>Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal</b>			
3	Zenobi, Eugene F. ()	09/30/2019	
<b>Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal</b>			
4	Ryan, Antony Parker (Riviera Beach)	09/30/2019	
<b>Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal</b>			
5	Deen, Jeffrey D. ()	09/30/2019	
<b>Board of Optometry</b>			
6	Griffin, John Edmund (Tallahassee)	10/31/2018	

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SJR 134</b> Community Affairs / Artilas (Similar CS/HJR 721, Compare HJR 87, CS/HJR 187, HJR 271, HJR 571, HJR 1129, SJR 130, SJR 132, CS/SJR 136, SJR 138)	Selection and Duties of County Sheriff; Proposing an amendment to the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff, etc.	
		CA 02/21/2017 Fav/CS EE 03/28/2017 JU RC	

**COMMITTEE MEETING EXPANDED AGENDA**

Ethics and Elections

Tuesday, March 28, 2017, 3:00—5:00 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>CS/SJR 136</b> Community Affairs / Artiles (Identical CS/HJR 187, Compare HJR 87, HJR 271, HJR 571, CS/HJR 721, HJR 1129, SJR 130, SJR 132, CS/SJR 134, SJR 138)	Selection and Duties of County Officers/Property Appraiser ; Proposing an amendment to the State Constitution to remove authority for a county charter or special law to provide for choosing a property appraiser in a manner other than by election or to transfer the duties of the property appraiser or abolish the office of the property appraiser, etc.	CA 03/22/2017 Fav/CS EE 03/28/2017 JU RC
9	<b>SB 720</b> Mayfield (Identical H 299)	Central Florida Expressway Authority; Increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the geographical boundary of Brevard County to the area served by the authority, etc.	TR 03/14/2017 Favorable EE 03/28/2017 RC
10	<b>SB 1494</b> Rader (Identical H 6031)	Elections; Repealing a requirement that all write-in candidates must reside within the district represented by the office sought at the time of qualification, etc.	EE 03/28/2017 CA RC
Other Related Meeting Documents			

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The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Criminal Justice  
**MEETING DATE:** Tuesday, March 21, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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**TO:** The Honorable Joe Negron, President

**FROM:** Committee on Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Criminal Conflict and Civil Regional Counsel - First District Court of Appeal

**Appointee:** Brower, Candice K.

**Term:** 12/1/2016-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Brower, Candice K.

Appointed: 12/16/2016

Term: 12/01/2016 – 09/30/2019

Prior Term:

City/County: Newberry/Alachua

Office: Criminal Conflict and Civil Regional Counsel - First District Court of Appeal, Member

Authority: 27.511, F.S.

Reference(s): Committee on Ethics and Elections

Committee on Criminal Justice-Recommend Confirm-03/21/2017

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/7/16
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report			Not Applicable
11. Adverse Ethics Commission Action		X	As of 1/25/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist	X		See Below

**Occupation:** Criminal Conflict and Civil Regional Counsel - First District Court of Appeal

**Compensation:** \$98,000.04 per year as of January 30, 2013.

**Requirements:** Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office.

**Additional Requirements:** The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the nominations and request that the Supreme Court Judicial Nominating Commission submit three new nominees. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the same manner as appointments.

**Notes:** Number 19 - Mrs. Brower worked as Assistant State Attorney for the 3rd Circuit of Florida, 1997-2000. Mrs. Brower worked as the Assistant Regional Counsel/Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel, First District Court of Appeal, 2008-2016.  
Number 20 - Legislative  
Education Verified

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

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The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Criminal Justice  
**MEETING DATE:** Tuesday, March 21, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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**TO:** The Honorable Joe Negron, President

**FROM:** Committee on Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal

**Appointee:** Neymotin, Ita M.

**Term:** 3/15/2016-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Neymotin, Ita M.

Appointed: 03/16/2016

Term: 03/15/2016 – 09/30/2019

Prior Term: 04/23/2012 - 07/01/2015

City/County: Fort Myers/Lee

Office: Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal, Member

Authority: 27.511, F.S.

Reference(s): Committee on Ethics and Elections

Committee on Criminal Justice-Recommend Confirm-03/21/2017

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/20/16
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/12/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist	X		See Below

**Occupation:** Criminal Conflict and Civil Regional Counsel - Second District Court of Appeal

**Compensation:** \$105,000.00 per year as of January 24, 2017.

**Requirements:** Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office.

**Additional Requirements:** The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the nominations and request that the Supreme Court Judicial Nominating Commission submit three new nominees. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the same manner as appointments.

**Notes:** Number 10 - Report 2015-061  
Number 19 - From 12/2007-9/2010, Ms. Neymotin was the Circuit Chief Attorney for the Office of Criminal Counsel and Civil Regional Counsel. Ms. Neymotin previously worked as a trial attorney for the Office of Public Defender from 10/2004-12/2007 and the Office of the State Attorney from 2002-2003.  
Number 20 - Legislative  
Education verified

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Criminal Justice  
**MEETING DATE:** Tuesday, March 21, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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**TO:** The Honorable Joe Negron, President

**FROM:** Committee on Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal

**Appointee:** Zenobi, Eugene F.

**Term:** 3/15/2016-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Zenobi, Eugene F.

Appointed: 03/16/2016

Term: 03/15/2016 – 09/30/2019

Prior Term: 04/23/2012 - 07/01/2015

City/County: Miami/Miami-Dade

Office: Criminal Conflict and Civil Regional Counsel - Third District Court of Appeal, Member

Authority: 27.511, F.S.

Reference(s): Committee on Ethics and Elections

Committee on Criminal Justice-Recommend Confirm-03/21/2017

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 7/1/16
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/11/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Criminal Conflict and Civil Regional Counsel, Third District Court of Appeal

**Compensation:** \$105,000.00 per year as of January 24, 2017.

**Requirements:** Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office.

**Additional Requirements:** The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the nominations and request that the Supreme Court Judicial Nominating Commission submit three new nominees. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the same manner as appointments.

**Notes:** Number 10 - Report 2015-061  
Number 19 - Mr. Zenobi was an attorney in the Office of the Public Defender in Miami Dade County from 1976 to 1980. In addition, Mr. Zenobi has been an adjunct professor of Criminal Law at Florida International University.  
Education verified

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Criminal Justice  
**MEETING DATE:** Tuesday, March 21, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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**TO:** The Honorable Joe Negron, President

**FROM:** Committee on Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal

**Appointee:** Ryan, Antony Parker

**Term:** 3/15/2016-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.

# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Ryan, Antony Parker

Appointed: 03/16/2016

Term: 03/15/2016 – 09/30/2019

Prior Term: 04/23/2012 - 07/01/2015

City/County: Riviera Beach/Palm Beach

Office: Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal, Member

Authority: 27.511 F.S.

Reference(s): Committee on Criminal Justice-Recommend Confirm-03/21/2017  
 Committee on Ethics and Elections

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 9/12/16
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 2/24/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)		X	
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Criminal Conflict and Civil Regional Counsel - Fourth District Court of Appeal

**Compensation:** \$105,000.00 per year as of March 1, 2017.

**Requirements:** Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office.

**Additional Requirements:** The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the nominations and request that the Supreme Court Judicial Nominating Commission submit three new nominees. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the same manner as appointments.

**Notes:** Number 10 - Report 2015-061  
Number 19 - Mr. Ryan served as the Assistant Public Defender at the Office of the Public Defender, 15th Judicial Circuit from 1991 to 1996 and 2004 to 2011.  
Education Verified

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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Ethics and Elections

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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

The Florida Senate  
**COMMITTEE RECOMMENDATION ON  
EXECUTIVE APPOINTMENT**

**COMMITTEE:** Committee on Criminal Justice  
**MEETING DATE:** Tuesday, March 21, 2017  
**TIME:** 4:00—6:00 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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**TO:** The Honorable Joe Negron, President

**FROM:** Committee on Criminal Justice

The committee was referred the following executive appointment subject to confirmation by the Senate:

**Office:** Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal  
**Appointee:** Deen, Jeffrey D.  
**Term:** 3/15/2016-9/30/2019

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governor.



# Recommendation for Senate Confirmation of Executive Appointment

Appointee: Deen, Jeffrey D.

Appointed: 03/16/2016

Term: 03/15/2016 – 09/30/2019

Prior Term: 04/23/2012 - 07/01/2015

City/County: Oviedo/Seminole

Office: Criminal Conflict and Civil Regional Counsel - Fifth District Court of Appeal, Member

Authority: 27.511, F.S.

Reference(s): Committee on Ethics and Elections

Committee on Criminal Justice-Recommend Confirm-03/21/2017

Executive Appointment Questionnaire	Yes	No	Notes
1. Questionnaire completed	X		
2. Questionnaire notarized	X		
3. US Citizen (sworn statement)	X		
4. Florida Resident (sworn statement)	X		
5. Registered Voter in Florida	X		
6. Honorable Discharge (sworn statement)			Not Applicable
7. Financial Disclosure Filed	X		Form 1 filed as of 6/20/16
8. Meets Requirements of Law	X		
9. Conviction Record		X	
10. Adverse Auditor General Report		X	See Below
11. Adverse Ethics Commission Action		X	As of 1/12/17
12. Previously Suspended from Office		X	
13. Previously Refused Bond (sworn statement)		X	
14. Licenses or Certification Revoked/Suspended		X	
15. Contracts with State/Local Governments (sworn statement)		X	
16. Contracts with Pending Office		X	
17. Holds Another Public Office (sworn statement)		X	
18. Previously a Public Officer (sworn statement)	X		See Below
19. Present or Past Government Employee	X		See Below
20. Currently a Registered Lobbyist		X	

**Occupation:** Criminal Conflict and Civil Regional Counsel, Fifth District

**Compensation:** \$105,000.00 per year as of January 21, 2017.

**Requirements:** Each regional counsel shall be appointed by the Governor and is subject to confirmation by the Senate. Each regional counsel must be, and must have been for the preceding 5 years, a member in good standing of The Florida Bar or a similar organization in another state. Each regional counsel shall serve on a full-time basis and may not engage in the private practice of law while holding office.

**Additional Requirements:** The Supreme Court Judicial Nominating Commission shall recommend to the Governor three qualified candidates for appointment to each of the five regional counsel positions. The Governor shall appoint the regional counsel for the five regions from among the recommendations, or, if it is in the best interest of the fair administration of justice, the Governor may reject the nominations and request that the Supreme Court Judicial Nominating Commission submit three new nominees. The regional counsel shall be appointed to a term of 4 years, the term beginning on October 1, 2015. Vacancies shall be filled in the same manner as appointments.

**Notes:** Number 10 - Report 2015-061  
Number 18 - Mr. Deen served on the City of Lake Mary's Parks and Recreation Board from 1999-2002.  
Number 19 - Mr. Deen has served as the Criminal Conflict and Civil Regional Counsel, Fifth District since 8/2007. Mr. Deen was an Assistant State Attorney with the 18th Judicial Circuit from 6/84-7/89 and 1/90-6/90.  
Education verified

The Florida Senate  
**COMMITTEE MEETING PACKET TAB**

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## Ethics and Elections

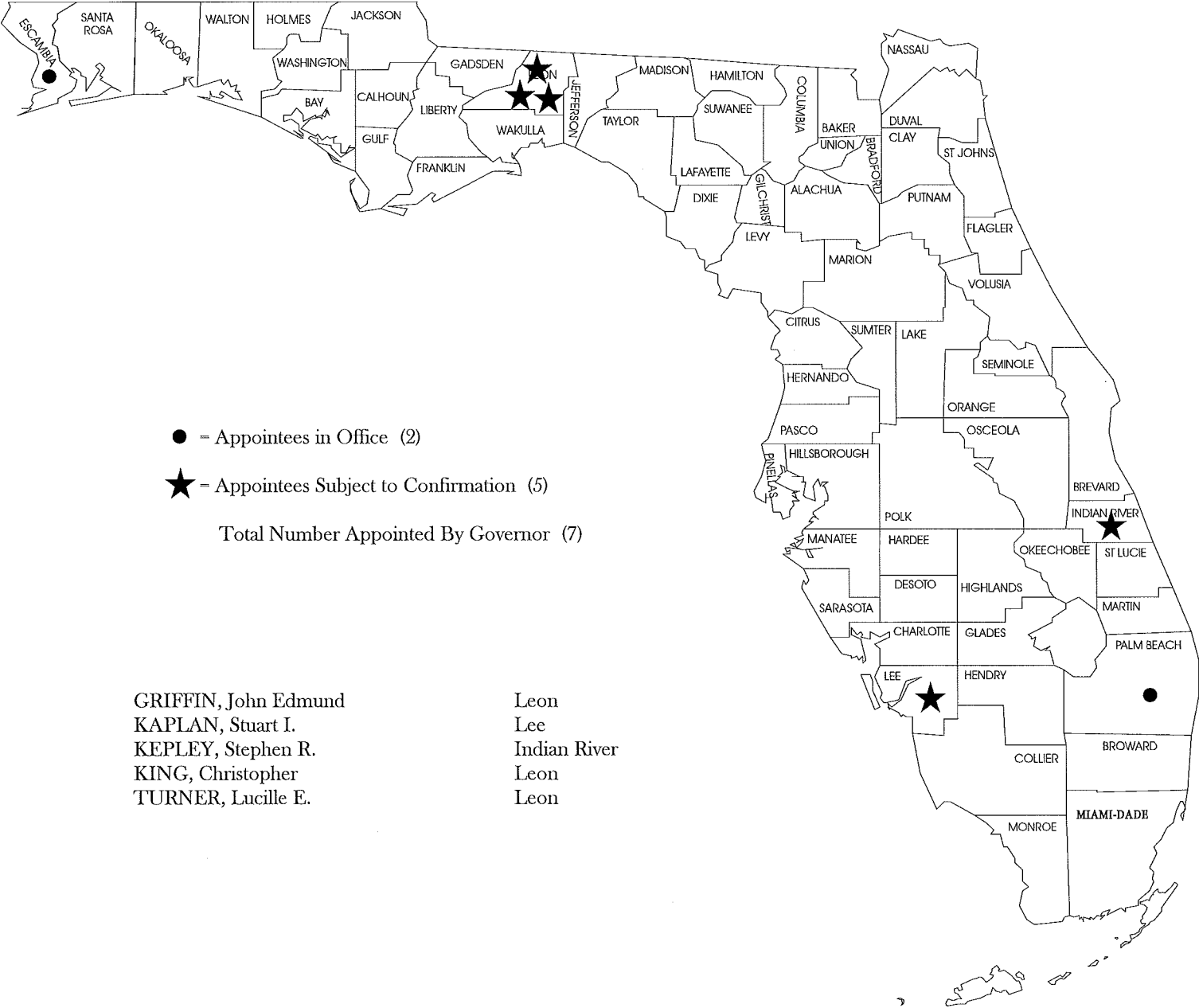
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**MEETING DATE:** Tuesday, March 28, 2017

**TIME:** 3:00—5:00 p.m.

**PLACE:** Pat Thomas Committee Room, 412 Knott Building

# Board of Optometry



● - Appointees in Office (2)  
 ★ - Appointees Subject to Confirmation (5)  
 Total Number Appointed By Governor (7)

GRIFFIN, John Edmund  
 KAPLAN, Stuart I.  
 KEPLEY, Stephen R.  
 KING, Christopher  
 TURNER, Lucille E.

Leon  
 Lee  
 Indian River  
 Leon  
 Leon



**Additional Requirements:** Terms are for four years.

Terms expire on October 31.

No member shall serve more than the remaining portion of a previous member's unexpired term, plus two consecutive 4-year terms.

Required to file Form 1 with the Commission on Ethics.

**Notes:** Number 8 - Lay Member

Number 19 - Mr. Griffin was an attorney with the Florida Department of Legal Affairs from 7/1979 to 12/1990. Mr. Griffin was a research aide and law clerk for the Florida Supreme Court from 7/1977 to 7/1979.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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**BILL:** CS/CS/SJR 134

**INTRODUCER:** Ethics and Elections Committee; Community Affairs Committee; Senator Artiles and others

**SUBJECT:** Selection and Duties of County Sheriff

**DATE:** March 28, 2017

**REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
2.	<u>Carlton</u>	<u>Ulrich</u>	<u>EE</u>	<u>Fav/CS</u>
3.	_____	_____	<u>JU</u>	_____
4.	_____	_____	<u>RC</u>	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

**I. Summary:**

CS/CS/SJR 134 proposes to amend the Florida Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff.

If the joint resolution is adopted and the proposed amendment is approved by the voters, the office of the sheriff will be filled only by vote of the county electors and for terms of 4 years.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

**II. Present Situation:**

Article VIII of the Florida Constitution establishes the authority for home rule by counties and municipalities in Florida. The Legislature is required to divide the state into counties<sup>1</sup> and has the authority to choose to create municipalities.<sup>2</sup>

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<sup>1</sup> Art. VIII, s. 1(a), Fla. Const.

<sup>2</sup> Art. VIII, s. 2(a), Fla. Const.

Pursuant either to general<sup>3</sup> or special law, a county government may be adopted by charter approved by the county voters. Any county not having a chartered form of consolidated government may, pursuant to the provisions of ss. 125.60-125.64, F.S., locally initiate and adopt by a majority vote of the qualified electors of the county a county home rule charter.<sup>4</sup> A special constitutional provision provides unique authorization for the Miami-Dade County home rule charter.<sup>5</sup> Currently, 20 Florida counties have adopted charters.<sup>6</sup>

## **Charter Commission**

### ***Creation of Charter Commission***

After the adoption of a resolution by the board of county commissioners, or upon the submission of a petition to the county commission signed by at least 15 percent of the qualified electors of a county requesting that a charter commission be established, a charter commission shall be appointed within 30 days of the adoption of the resolution or filing of the petition.<sup>7</sup> The charter commission must be composed of an odd number of not less than 11 nor more than 15 members.<sup>8</sup> The members of the commission must be appointed by the board of county commissioners of the county or, if so directed in the initiative petition, by the legislative delegation. No member of the Legislature or the board of county commissioners may be a member of the charter commission.<sup>9</sup>

### ***Duties of Charter Commission***

The charter commission must meet within 30 days after appointment for organization purposes and must elect a chair and vice chair from its membership.<sup>10</sup> The charter commission must conduct a comprehensive study of county government operations and of the ways in which the

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<sup>3</sup> Section 125.60, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> In 1956, an amendment to the 1885 Florida Constitution provided Dade County with the authority to adopt, revise, and amend from time to time a home rule charter government for the county. The voters of Dade County approved that charter on May 21, 1957. Dade County, now known as Miami-Dade County, has unique home rule status. Article VIII, s. 11(5) of the 1885 State Constitution, now incorporated by reference in art. VIII, s. 6(e), Fla. Const. (1968), further provided the Metropolitan Dade County Home Rule Charter, and any subsequent ordinances enacted pursuant to the charter, may conflict with, modify, or nullify any existing local, special, or general law applicable only to Dade County. Accordingly, Miami-Dade County ordinances enacted pursuant to the Charter may implicitly, as well as expressly, amend or repeal a special act that conflicts with a Miami-Dade County ordinance. Effectively, the Miami-Dade Charter can only be altered through constitutional amendment, general law, or county actions approved by referendum, *Chase v. Cowart*, 102 So. 2d 147, 149-50 (Fla. 1958).

<sup>6</sup> Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval (consolidated government with the City of Jacksonville, ch. 67-1320, Laws of Fla.), Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, and Wakulla Counties. The Local Government Formation Manual 2017-2018, Appendix C, at p. 104, available at

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2017&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf>

<sup>7</sup> Section 125.61(1), F.S.

<sup>8</sup> Section 125.61(2), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 125.62, F.S.



county government might be improved or reorganized.<sup>11</sup> Within 18 months after its initial meeting, unless such time is extended by resolution of the board of county commissioners, the charter commission must present a proposed charter to the board of county commissioners.<sup>12</sup> The charter commission must conduct three public hearings at intervals of not less than 10 nor more than 20 days regarding the proposed charter. At the final hearing, the charter commission must incorporate any amendments it deems desirable, vote upon the proposed charter, and forward the charter to the board of county commissioners for the holding of a referendum.<sup>13</sup>

### ***Submission of the Charter to the Voters***

Upon submission of the charter to the board of county commissioners, the board must call a special election to determine whether the qualified electors approve the proposed charter.<sup>14</sup> The referendum election must be held not more than 90 nor less than 45 days after the receipt of the proposed charter.<sup>15</sup>

If a majority of voters favor the adoption of the proposals in the new charter, the charter becomes effective on January 1 of the next year or at such other time as provided by the charter.<sup>16</sup> Once adopted by the electors, the charter may be amended only by a vote of the county electors.<sup>17</sup> If a majority of voters reject the adoption of the proposals in the new charter, a new referendum may not be held for 2 years following the date of the referendum.<sup>18</sup>

After the acceptance or rejection of the proposed charter by the qualified electors, the charter commission is dissolved, and all property of the charter commission becomes property of the county.<sup>19</sup>

### **Differences between Charter Counties and Non-Charter Counties<sup>20</sup>**

#### ***Structure***

The structure of the government of a non-charter county is specified in the Florida Constitution and in the Florida Statutes. As a result, non-charter counties may only change the structure of county government through amendments to the Florida Constitution or the Florida Statutes. In contrast, the structure of a charter county is specified in the charter as approved by the county's electorate. This flexibility allows a charter county to alter its structure in order to meet the needs of the county.

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<sup>11</sup> Section 125.63, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 125.64(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 125.64(2), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 125.64(3), F.S.

<sup>19</sup> Section 125.64(4), F.S.

<sup>20</sup> The Florida Association of Counties, *Basic Differences between Charter and Non-Charter Counties* (Mar. 2008), available at [http://www.fl-counties.com/themes/bootstrap\\_subtheme/sitefinity/documents/basic-differences-between-charter-and-non-charter-counties-pdf-.pdf](http://www.fl-counties.com/themes/bootstrap_subtheme/sitefinity/documents/basic-differences-between-charter-and-non-charter-counties-pdf-.pdf) (last visited Jan. 26, 2017).

### ***Powers of Self-Government***

A non-charter county has such powers of self-government as provided by general<sup>21</sup> or special law.<sup>22</sup> Alternatively, a charter county has all powers of self-government *not inconsistent* with general law or special law approved by the county voters.<sup>23</sup> Accordingly, charter counties may take any action as long as it does not conflict with state law, whereas non-charter counties may only do what state law allows them to do.

### ***Initiative, Referendum, and Recall of County Officers***

The Florida Statutes do not provide for initiative,<sup>24</sup> referendum,<sup>25</sup> or recall<sup>26</sup> of county officers in a non-charter county. As a result, non-charter counties do not have the power to take these actions. On the other hand, a charter county may provide for initiative, referendum, and recall of county officers in its charter.

### ***Administrative Code***

The Florida Statutes do not require an administrative code for non-charter counties. As a result, a non-charter county may not require an administrative code. Conversely, charter counties may require an administrative code in its charter which details all regulations, policies, and procedures.

### ***Utility Taxation***

A non-charter county may not levy a utility tax in an unincorporated area of the county. However, a charter county may provide for the levying of such a tax in an unincorporated area of the county.

### ***Special Acts***

In a non-charter county, the Legislature can adopt a special act, and it is effective without the approval of the electors. However, in a charter county, a special act adopted by the Legislature is not effective unless the special act is also approved by a vote of the local electorate.

### ***Municipal Ordinances***

In a non-charter county, if there is a conflict between a municipal ordinance and a county ordinance, the municipal ordinance prevails within that municipality. On the contrary, an ordinance from a charter county will prevail over a conflicting municipal ordinance if such an instance is provided for in the county charter.

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<sup>21</sup> Ch. 125, Part I, F.S.

<sup>22</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>23</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>24</sup> Initiative is the ability of citizens to petition to call for a referendum to consider charter revisions.

<sup>25</sup> Referendum is the ability of citizens to review and make periodic recommendations for revisions to the charter which are consistent with the petition and charter review requirements stipulated by the charter.

<sup>26</sup> Recall is the ability of citizens to remove a county commissioner from office for those reasons consistent with the Florida Statutes and the petition requirements stipulated in the charter.

## County Officers Under the Florida Constitution

The Florida Constitution creates five specific county officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court (collectively, the five constitutional offices/officers).<sup>27</sup> The clerk of the circuit court also serves as the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds. Each officer is elected separately by the voters of the county for terms of 4 years. These officers have prescribed duties provided for in general law.<sup>28</sup>

The five constitutional offices can only be altered through charter provision or by special act approved by the voters of the county.<sup>29</sup> All non-charter counties have the five constitutional officers with statutorily prescribed duties. Eight charter counties have changed the manner of selection of at least one of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred the powers to another county office.<sup>30</sup>

### *Brevard County (sheriff affected)*

Brevard “expressly preserved” the offices of the **sheriff**, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court as departments of county government, rather than constitutional offices.<sup>31</sup> The county reiterated the ability to transfer or add to the powers of each of the county officers.<sup>32</sup> The county has transferred the powers of the clerk of circuit court as auditor, and custodian of county funds to the county manager.<sup>33</sup> Each of the officers remains elected for 4-year terms.<sup>34</sup>

### *Broward County*

Broward County has not altered the constitutionally elected offices and duties of the sheriff, property appraiser, and supervisor of elections.<sup>35</sup> However, the office of the tax collector was abolished and the duties were transferred to the department of finance and administrative services, headed by the finance and administrative services director appointed by the county

<sup>27</sup> Art. VIII, s. 1(d), Fla. Const. In a separate subsection, the constitution provides for counties to be governed by a board of county commissioners unless otherwise provided in their respective charters, if any. Art. VIII, s. 1(e), Fla. Const., which is not affected by the joint resolution.

<sup>28</sup> See ch. 30, F.S. (setting forth certain duties of the sheriff as a constitutional officer); ch. 197, F.S. (setting forth certain duties of the tax collector as a constitutional officer); ch. 193, Part I, F.S. (setting forth certain duties of the property appraiser as a constitutional officer); ch. 102, F.S. (setting forth certain duties of the supervisor of elections as a constitutional officer); ch. 28, F.S. (setting forth certain duties of the clerk of the circuit court as a constitutional officer).

<sup>29</sup> Art. VIII, s. 1(d), Fla. Const.

<sup>30</sup> Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia Counties.

<sup>31</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, s. 4.1, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>32</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, ss. 4.2.1, 4.2.2, 4.2.3, 4.2.4 & 4.2.5, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>33</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 2, s. 2.9.4, and Art. 4, s. 4.2.1, and Code of Ordinances, ch. 2, ss. 2-68 & 2-73, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>34</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, s. 4.1.1, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>35</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter, “Definitions”, *available at* [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

administrator.<sup>36</sup> Though the clerk of the circuit court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission were transferred to the county administrator.<sup>37</sup>

### *Clay County*

Clay County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>38</sup> Although the clerk of the circuit court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county administrator.<sup>39</sup>

### *Duval County*

Duval County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>40</sup> The clerk of the circuit court retains the status of constitutional officer but the clerk's duties as clerk of the county commission were transferred to the council secretary and the constitutional duties as auditor were transferred to the council auditor.<sup>41</sup>

### *Miami-Dade County (sheriff affected)*

Miami-Dade County abolished the constitutional offices of the **sheriff**, tax collector, supervisor of elections,<sup>42</sup> and property appraiser,<sup>43</sup> transferred these powers to the mayor, and granted the mayor the discretion to sub-delegate the powers.<sup>44</sup> The duties of the sheriff were transferred to

<sup>36</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter ss. 3.05 & 3.06, *available at*, [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

<sup>37</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter, "Definitions" & s. 3.03G., *available at* [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

<sup>38</sup> CLAY COUNTY FLORIDA, Home Rule Charter, Article III, s. 3.1, 2014 Edition, *available at*, <http://www.claycountygov.com/about-us>.

<sup>39</sup> CLAY COUNTY FLORIDA, Home Rule Charter, Article III, ss. 3.1 & 2.3A.(1)(f), 2014 Edition, *available at* <http://www.claycountygov.com/about-us>.

<sup>40</sup> JACKSONVILLE COUNTY FLORIDA, Charter and Related Laws, Part A. ss. 8.01, 9.01, 10.01 & 11.01, *available at* [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA). Duval County currently lacks the authority to alter the methods by which the clerk of the circuit court or the sheriff are elected, nor can the County abolish the offices. Art. VIII, s. 6(e), Fla. Const., (1968), incorporating by reference Art. VIII, s. 9, Fla. Const. (1885, as amended in 1934). The consolidated government of the City of Jacksonville was created by ch. 67-1320, Laws of Florida, adopted pursuant to Art. VIII, s. 9, Fla. Const. (1885).

<sup>41</sup> JACKSONVILLE COUNTY FLORIDA, Charter and Related Laws, Part A. s. 12.06, *available at*, [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA); JACKSONVILLE COUNTY FLORIDA, Code of Ordinances, Title II ss. 11.103 & 13.103, *available at*, [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA).

<sup>42</sup> Referred to in the Miami-Dade Charter as the "supervisor of registration." See MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, *available at* [https://www.municode.com/library/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>43</sup> Referred to in the Miami-Dade Charter as the "county surveyor." See MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, *available at* [https://www.municode.com/library/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>44</sup> MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, *available at* [https://www.municode.com/library/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

the police department, the director of which is appointed by the mayor.<sup>45</sup> The duties of the tax collector were transferred to the department of finance,<sup>46</sup> the director of which is jointly appointed by the mayor and the clerk of court.<sup>47</sup> The county property appraiser, although not retained as a constitutional office, remains an elected position.<sup>48</sup> The duties of the supervisor of elections were transferred to the elections department, the director of which is appointed by the mayor.<sup>49</sup> The clerk of the circuit court remains a constitutional, elected officer with some changes in duties.<sup>50</sup> Although the clerk is still the clerk of the county commission, the clerk's financial recorder and custodian duties were transferred to the department of financial services, and the clerk's auditing duties were transferred to the commission auditor.<sup>51</sup>

### ***Orange County***

Orange County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser,<sup>52</sup> and supervisor of elections.<sup>53</sup> Although the clerk of the circuit court also retains the status of constitutional officer,<sup>54</sup> the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county comptroller.<sup>55</sup>

### ***Osceola County***

Osceola County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>56</sup> The clerk of the circuit court retains the status of constitutional officer, but the clerk's duties as clerk of the county commission, auditor, and custodian of funds were transferred to the county manager.

<sup>45</sup> Historically, the Miami-Dade Police Director was appointed by the county manager. This appointment power was subsequently reallocated to the mayor when the office of county manager was abolished. See Miami-Dade County Florida, Code of Ordinances, ss. 2-91, 2-92 & 1-4.4 available at [https://www.municode.com/library/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXIIMIDPEODE](https://www.municode.com/library/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXIIMIDPEODE).

<sup>46</sup> MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 5.03, Nov. 4, 2014, available at [https://www.municode.com/library/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTICOAMCH). See also MIAMIDADE.GOV, Miami-Dade County Finance Department, <http://www.miamidade.gov/finance>.

<sup>47</sup> MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 5.03, available at [https://www.municode.com/library/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>48</sup> MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>49</sup> Though the Miami-Dade charter and ordinances do not expressly so state, the supervisor of elections is an appointed official. See MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>50</sup> MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>51</sup> MIAMIDADE.GOV, Miami-Dade County Finance Department, <http://www.miamidade.gov/finance/>; MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 9.10, available at [https://www.municode.com/library/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>52</sup> At one point the county abolished the constitutional offices of sheriff, tax collector, and property appraiser but ultimately reconstituted the constitutional offices. ORANGE COUNTY FLORIDA, Charter, s. 703, available at [https://www.municode.com/library/fl/orange-county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange-county/codes/code_of_ordinances).

<sup>53</sup> ORANGE COUNTY FLORIDA SUPERVISOR OF ELECTIONS, *About the Supervisor*, <http://www.ocfelections.com/aboutbillcowles.aspx>.

<sup>54</sup> ORANGE COUNTY FLORIDA, Code of Ordinances, Part I s. 2-66, available at [https://www.municode.com/library/fl/orange-county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange-county/codes/code_of_ordinances).

<sup>55</sup> ORANGE COUNTY FLORIDA, Code of Ordinances, Part I s. 2-67, available at [https://www.municode.com/library/fl/orange-county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange-county/codes/code_of_ordinances).

<sup>56</sup> OSCEOLA COUNTY FLORIDA, Home Rule Charter, Article III s. 3.1, available at [https://www.municode.com/library/fl/osceola-county/codes/code\\_of\\_ordinances?nodeId=11534](https://www.municode.com/library/fl/osceola-county/codes/code_of_ordinances?nodeId=11534).

***Volusia County (sheriff affected)***

Volusia County established its charter by special law in 1970,<sup>57</sup> and the voters of Volusia County subsequently approved it in a special countywide election the same year. Volusia County abolished the constitutional offices of the **sheriff**, tax collector, supervisor of elections, and property appraiser. The county transferred these offices' powers to new charter offices. The duties of the sheriff were transferred to and divided between the department of public safety and the department of corrections.<sup>58</sup> The duties of the tax collector were transferred to the department of finance.<sup>59</sup> The duties of the property appraiser were transferred to the department of property appraisal.<sup>60</sup> The duties of the supervisor of elections were transferred to the department of elections.<sup>61</sup> The sheriff, property appraiser, and supervisor of elections are elected directors of their respective offices.<sup>62</sup> The tax collector is appointed by the county manager and confirmed by the county council.<sup>63</sup> The clerk of the circuit court remains a constitutionally elected officer except that the clerk's constitutional duties as clerk of the county commission were transferred to and divided between the department of central services and the department of finance.<sup>64</sup>

**Existing Selection and Removal Procedures for Constitutional Officers in Charter Counties**

In addition to whether the five constitutional officers are elected or appointed, some counties provide in their charters for term limits, recall procedures, or the non-partisan election of these officers. While not expressly identified in Art. VIII, s. 1(d) of the Florida Constitution, these additional "selection and removal procedures" could be interpreted as affecting the selection of the five constitutional officers.

There is no constitutional or statutory prohibition limiting the ability of charter counties to impose additional selection and removal procedures on the five constitutional officers. The broad home rule power of counties allows them to act so long as the action taken is not "inconsistent with general law, or . . . special law."<sup>65</sup> This suggests that counties can currently modify their

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<sup>57</sup> Chapter 70-966, Laws of Fla.

<sup>58</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(2), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>59</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(1), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>60</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(3), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>61</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(4), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>62</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 602.1, [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>63</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 2-111(a), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO). VOLUSIA.ORG, Revenue Division-Tax Collection, <http://www.volusia.org/services/financial-and-administrative-services/revenue-services/>.

<sup>64</sup> CLERK OF THE CIRCUIT COURT, VOLUSIA COUNTY FLORIDA, Overview, <https://www.clerk.org/html/about.aspx#Overview>; VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1 (1)(b) & (5), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>65</sup> Art. VIII, s. 1(g), Fla. Const.

selection or removal procedures within the existing Art. VIII, s. 1(d), Florida Constitution, framework through charter amendment or special law.<sup>66</sup>

### ***Term Limits***

Three charter counties have imposed term limits on one or more of the five constitutional officers.<sup>67</sup> Although the imposition of term limits on the five constitutional officers is not constitutionally or statutorily prohibited, or expressly endorsed, the imposition of term limits currently is interpreted to be within the broad home rule power of the charter.<sup>68</sup>

### ***Recall***

Five counties have charters expressly providing for the recall of one or more of the five constitutional officers.<sup>69</sup> Regardless of whether a county charter includes a recall provision, counties have independent statutory authority to conduct a recall of any of the five constitutional officers.<sup>70</sup>

### ***Non-partisan Elections***

Seven counties require non-partisan elections for some or all elections of the five constitutional officers.<sup>71</sup> Non-partisan election of the five constitutional officers is neither constitutionally nor statutorily prohibited and is therefore within the broad home rule power of charter counties.<sup>72</sup>

## **III. Effect of Proposed Changes:**

If the joint resolution is adopted and the proposed amendment is approved by the voters, the resulting limitation on revising the status of the sheriff will have no impact on non-charter counties<sup>73</sup> and those charter counties that retained the sheriff without any changes to its selection or authority.<sup>74</sup> Charter counties that changed the selection or authority of the sheriff will be required to revise their charters and ordinances to conform to the revised constitutional requirement.<sup>75</sup>

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<sup>66</sup> Current statute and case law also supports this principle. *See* s. 100.361, F.S. (providing that whether or not a charter county adopts a recall provision, the county may exercise recall authority); *Telli v. Broward County*, 94 So. 3d 504, 512-13 (Fla. 2012) (allowing charter counties to adopt term limits on county commissioners and explicitly overruling a prior case which barred this in the case of the five constitutional officers).

<sup>67</sup> Duval, Orange, and Sarasota Counties.

<sup>68</sup> *Telli v. Broward County*, *supra* at n. 65.

<sup>69</sup> Brevard, Clay, Duval, Miami-Dade, and Sarasota Counties.

<sup>70</sup> Section 100.361, F.S.

<sup>71</sup> Lee, Leon, Miami-Dade, Orange, Palm Beach, Polk, and Volusia Counties.

<sup>72</sup> *See* Art. III s. 11(a)(1), Fla. Const. (prohibiting the Legislature from enacting special laws which alter local election procedure but excepting charter counties); Ch. 105, F.S. (providing for non-partisan elections and procedure).

<sup>73</sup> Baker, Bay, Bradford, Calhoun, Citrus, Collier, DeSoto, Dixie, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Holmes, Indian River, Jackson, Jefferson, Lafayette, Lake, Levy, Liberty, Madison, Manatee, Marion, Martin, Monroe, Nassau, Okaloosa, Okeechobee, Pasco, Putnam, Santa Rosa, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, Union, Walton, and Washington Counties.

<sup>74</sup> Alachua, Charlotte, Columbia, Hillsborough, Lee, Leon, Palm Beach, Pinellas, Polk, Sarasota, Seminole, and Wakulla Counties.

<sup>75</sup> Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia Counties.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The mandate provisions in Article VII, section 18 of the Florida Constitution do not apply to joint resolutions.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. Other Constitutional Issues:**

Article XI, section 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.

Article XI, section 5(a) of the Florida Constitution and s. 101.161(1), F.S., require constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”<sup>76</sup>

Article XI, section 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective after the next general election or at an earlier special election specifically authorized by law for that purpose.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

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<sup>76</sup> *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).



**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

According to the Division, the cost to advertise constitutional amendments for the 2016 primary and general election cycle was \$117.56 per word. Using 2016 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the *2018 general election could be \$84,643.20*, at a minimum. This cost estimate is contingent on multiple amendments needing advertising, as there is an inverse relationship between the price per word and the length of the advertisements. If no other amendments needed to be advertised, the price per word would be significantly higher. Accurate cost estimates cannot be determined until the total number of amendments to be advertised is known. Total expenses related to constitutional amendment advertising for the 2018 election cycle are likely to be significant, as the 2018 ballot will include amendments placed there by the Constitutional Revision Commission (when the Commission last met in 1998, 13 amendments were placed on the ballot). Amendments can also be placed on the ballot via the initiative petition process, or by a joint resolution of the Florida Legislature, but so far, no amendments have yet made it to the 2018 ballot.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. The next general election in Florida is the gubernatorial election scheduled for November 6, 2018. If approved by the voters, the amendment takes effect on January 8, 2019. As a result, affected charter counties will have just over 2 months to revise their charters and ordinances to conform to this amendment.

**VIII. Statutes Affected:**

No statutes are affected. However, the amendment proposed by this joint resolution, if approved by the electorate and implemented by the Legislature, would amend Article VIII, section 1 of the Florida Constitution.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Ethics and Elections Committee on March 28, 2017:**

While the committee substitute contains a substantial rewrite of the new language being added as the last sentence of Article VIII, s. 8(1)(d), Fla. Const., there do not appear to be any changes to the legal effect of the bill made by this committee substitute.

**CS by Community Affairs Committee on February 21, 2017:**

Requires the sheriff to be an elected officer in all counties and retains the charter county and special law options to change the office and duties of the tax collector, the property appraiser, the supervisor of elections, and the clerk of the circuit court.

**B. Amendments:**

None.



104462

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2017	.	
	.	
	.	
	.	

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The Committee on Ethics and Elections (Artiles) recommended the following:

**Senate Amendment**

Delete lines 43 - 46  
and insert:  
county funds. Notwithstanding subsection (e) of section 6 of this article, a county charter may not abolish the office of the sheriff, transfer the duties of the office of the sheriff to another office, change the length of the term of a sheriff, or establish any manner of selection of a sheriff other than election by the electors of the county.

By the Committee on Community Affairs; and Senators Artiles and Powell

578-01925-17

2017134c1

## Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff.

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

That the following amendment to Section 1 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE VIII

## LOCAL GOVERNMENT

## SECTION 1. Counties.-

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-01925-17

2017134c1

of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, the tax collector, the property appraiser, the supervisor of elections, and the clerk of the circuit court ~~any county officer~~ may be chosen in another manner therein specified, or ~~any county office~~ may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. Notwithstanding section 6(e) of this article, this subsection provides the exclusive manner for the selection, length of terms, abolition of office, and transfer of duties of the sheriff in each county.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-01925-17

2017134c1

59 enact, in a manner prescribed by general law, county ordinances  
60 not inconsistent with general or special law, but an ordinance  
61 in conflict with a municipal ordinance shall not be effective  
62 within the municipality to the extent of such conflict.

63 (g) CHARTER GOVERNMENT. Counties operating under county  
64 charters shall have all powers of local self-government not  
65 inconsistent with general law, or with special law approved by  
66 vote of the electors. The governing body of a county operating  
67 under a charter may enact county ordinances not inconsistent  
68 with general law. The charter shall provide which shall prevail  
69 in the event of conflict between county and municipal  
70 ordinances.

71 (h) TAXES; LIMITATION. Property situate within  
72 municipalities shall not be subject to taxation for services  
73 rendered by the county exclusively for the benefit of the  
74 property or residents in unincorporated areas.

75 (i) COUNTY ORDINANCES. Each county ordinance shall be filed  
76 with the custodian of state records and shall become effective  
77 at such time thereafter as is provided by general law.

78 (j) VIOLATION OF ORDINANCES. Persons violating county  
79 ordinances shall be prosecuted and punished as provided by law.

80 (k) COUNTY SEAT. In every county there shall be a county  
81 seat at which shall be located the principal offices and  
82 permanent records of all county officers. The county seat may  
83 not be moved except as provided by general law. Branch offices  
84 for the conduct of county business may be established elsewhere  
85 in the county by resolution of the governing body of the county  
86 in the manner prescribed by law. No instrument shall be deemed  
87 recorded until filed at the county seat, or a branch office

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

578-01925-17

2017134c1

88 designated by the governing body of the county for the recording  
89 of instruments, according to law.

90 BE IT FURTHER RESOLVED that the following statement be  
91 placed on the ballot:

92 CONSTITUTIONAL AMENDMENT

93 ARTICLE VIII, SECTION 1

94 SELECTION AND DUTIES OF COUNTY SHERIFF.—Proposing an  
95 amendment to the State Constitution to remove authority for a  
96 county charter or a special law to provide for choosing a  
97 sheriff in a manner other than by election or to alter the  
98 duties of the sheriff or abolish the office of the sheriff. The  
99 amendment is applicable to all counties and takes effect January  
100 8, 2019, if approved.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kathleen Passidomo, Chair  
Committee on Ethics and Elections


**Subject:** Committee Agenda Request

**Date:** March 1, 2017

---

I respectfully request that **Senate Joint Resolution #134**, relating to the Selection and Duties of County Officers/Sheriff, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Frank Artiles  
Florida Senate, District 40

# APPEARANCE RECORD

Tab # 7

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

134

Bill Number (if applicable)

104462

Amendment Barcode (if applicable)

Topic SELECTION AND DUTIES OF COUNTY OFFICERS-SHERIFF

Name DAPHNEE SAINVILLE

Job Title LEGISLATIVE COORDINATOR

Address 115 S ANDREWS AVE

Street

Phone 954-253-7320

FT. LAUDERDALE

City

FL

State

33301

Zip

Email dsainville@broward.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing BROWARD COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

134

Bill Number (if applicable)

Topic Elected Sheriffs

104462  
Amendment Barcode (if applicable)

Name Mike Adkinson

Job Title Sheriff

Address 752 Triple G Road

Phone 850-892-8422

Street

De Funiak Springs FL 32433

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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Tab # 7

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/28/2017  
Meeting Date

SJR 134  
Bill Number (if applicable)

Topic SELECTION OF COUNTY SHERIFF

Amendment Barcode (if applicable)

Name MATT WILLIAMS

Job Title DISTRICT 2 SECRETARY

Address 242 OFFICE PLAZA DR.  
Street

Phone (904) 237-6925

TALLAHASSEE FL 32301  
City State Zip

Email W7063@BELLSOUTH.NET

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA FRATERNAL ORDER OF POLICE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

134

Bill Number (if applicable)

Topic SELECTION AND DUTIES OF COUNTY OFFICERS-SHERIFF

Amendment Barcode (if applicable)

Name DAPHNEE SAINVIL

Job Title LEGISLATIVE COORDINATOR

Address 115. S. ANDREWS AVE

Phone 954-253-7320

Street

FT. LAUDERDALE

FL

33301

City

State

Zip

Email dsainvil@broward.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing BROWARD COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

134

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name JESS McCARTY

Job Title ASS'T COUNTY ATTORNEY

Address 111 NW 1st St 2810

Phone 305-979-7110

Street MIAMI, FL 33128  
City State Zip

Email JMM2@MIAMI0006.GOV

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
*(The Chair will read this information into the record.)*

Representing MIAMI-DADE COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Tab #7

3/28/17  
Meeting Date

134  
Bill Number (if applicable)

Topic Elected Sheriffs

Amendment Barcode (if applicable)

Name Michael Adkinson

Job Title Sheriff

Address 152 Triple G Road

Phone 850-892-8186

Dunwoody Springs FL 324  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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Tab #7

**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

134

~~136~~

Bill Number (if applicable)

Topic: Constitutional officers - sheriff

Amendment Barcode (if applicable)

Name: Arlene Smith

Job Title: Legislative Affairs

Address: 123 W. Indiana Ave

Phone: 386-405-1552

DeLand, FL 32720  
Street City State Zip

Email: asmith@volusia.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing County of Volusia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Tab #7

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17  
Meeting Date

134  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Sheriff Jerry Demings

Job Title Sheriff of Orange County

Address 2500 W. Colonial Drive

Phone 407-254-7000

Street

Orlando  
City

FL  
State

32804  
Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Orange County Sheriff's Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

134

Bill Number (if applicable)

Topic Elected Sheriffs

Amendment Barcode (if applicable)

Name Sheriff Mike Chitwood

Job Title Sheriff

Address 123 West Indiana Ave.

Phone 386-736-5961

Street

Deland

City

FL

State

32721

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Volusia County Sheriffs Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/2017  
Meeting Date

SJR 134  
Bill Number (if applicable)

Topic Selection and Duties of County Sheriff

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street

Phone \_\_\_\_\_

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Police Benevolent Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

APPEARANCE RECORD

Tab # 7

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-28-17

Meeting Date

SJR 134

Bill Number (if applicable)

Topic TA COUNTY OFFICERS - PROPERTY APPRAISER

Amendment Barcode (if applicable)

Name LAURA YOUNANS

Job Title ASSOCIATE DIRECTOR OF PUBLIC POLICY

Address 100 N MONROE ST

Phone \_\_\_\_\_

Street

TAL

FL

32301

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Ethics and Elections

---

BILL: CS/SJR 136

INTRODUCER: Community Affairs Committee and Senator Artiles and others

SUBJECT: Selection and Duties of County Officers/Property Appraiser

DATE: March 24, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	<b>Fav/CS</b>
2.	Fox	Ulrich	EE	<b>Favorable</b>
3.			JU	
4.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SJR 136 proposes to amend the Florida Constitution to remove authority for a county charter or special law to provide for choosing a property appraiser in a manner other than by election or to alter the duties of the property appraiser or abolish the office of the appraiser.

If the Legislature adopts the joint resolution and voters approve the proposed amendment, *all* county property appraisers will be *constitutional* officers elected for terms of 4 years.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

**II. Present Situation:**

Article VIII of the Florida Constitution establishes the authority for home rule by counties and municipalities in Florida. The Legislature is required to divide the state into counties<sup>1</sup> and has the authority to choose to create municipalities.<sup>2</sup>

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<sup>1</sup> Art. VIII, s. 1(a), Fla. Const.

<sup>2</sup> Art. VIII, s. 2(a), Fla. Const.

Pursuant either to general<sup>3</sup> or special law, a county government may be adopted by charter approved by the county voters. Any county not having a chartered form of consolidated government may, pursuant to the provisions of ss. 125.60-125.64, F.S., locally initiate and adopt by a majority vote of the qualified electors of the county a county home rule charter.<sup>4</sup> A special constitutional provision provides unique authorization for the Miami-Dade County home rule charter.<sup>5</sup> Currently, 20 Florida counties have adopted charters.<sup>6</sup>

## **Charter Commission**

### ***Creation of Charter Commission***

After the adoption of a resolution by the board of county commissioners, or upon the submission of a petition to the county commission signed by at least 15 percent of the qualified electors of a county requesting that a charter commission be established, a charter commission shall be appointed within 30 days of the adoption of the resolution or filing of the petition.<sup>7</sup> The charter commission must be composed of an odd number of not less than 11 nor more than 15 members.<sup>8</sup> The members of the commission must be appointed by the board of county commissioners of the county or, if so directed in the initiative petition, by the legislative delegation. No member of the Legislature or the board of county commissioners may be a member of the charter commission.<sup>9</sup>

### ***Duties of Charter Commission***

The charter commission must meet within 30 days after appointment for organization purposes and must elect a chair and vice chair from its membership.<sup>10</sup> The charter commission must conduct a comprehensive study of county government operations and of the ways in which the county government might be improved or reorganized.<sup>11</sup> Within 18 months after its initial

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<sup>3</sup> Section 125.60, F.S.

<sup>4</sup> *Id.*

<sup>5</sup> In 1956, an amendment to the 1885 Florida Constitution provided Dade County with the authority to adopt, revise, and amend from time to time a home rule charter government for the county. The voters of Dade County approved that charter on May 21, 1957. Dade County, now known as Miami-Dade County, has unique home rule status. Article VIII, s. 11(5) of the 1885 State Constitution, now incorporated by reference in art. VIII, s. 6(e), Fla. Const. (1968), further provided the Metropolitan Dade County Home Rule Charter, and any subsequent ordinances enacted pursuant to the charter, may conflict with, modify, or nullify any existing local, special, or general law applicable only to Dade County. Accordingly, Miami-Dade County ordinances enacted pursuant to the Charter may implicitly, as well as expressly, amend or repeal a special act that conflicts with a Miami-Dade County ordinance. Effectively, the Miami-Dade Charter can only be altered through constitutional amendment, general law, or county actions approved by referendum, *Chase v. Cowart*, 102 So. 2d 147, 149-50 (Fla. 1958).

<sup>6</sup> Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval (consolidated government with the City of Jacksonville, ch. 67-1320, Laws of Fla.), Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole, Volusia, and Wakulla Counties. <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2017&DocumentType=General Publications&FileName=2017-2018 Local Government Formation Manual Final Pub.pdf>

<sup>7</sup> Section 125.61(1), F.S.

<sup>8</sup> Section 125.61(2), F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Section 125.62, F.S.

<sup>11</sup> Section 125.63, F.S.

meeting, unless such time is extended by resolution of the board of county commissioners, the charter commission must present a proposed charter to the board of county commissioners.<sup>12</sup> The charter commission must conduct three public hearings at intervals of not less than 10 nor more than 20 days regarding the proposed charter. At the final hearing, the charter commission must incorporate any amendments it deems desirable, vote upon the proposed charter, and forward the charter to the board of county commissioners for the holding of a referendum.<sup>13</sup>

### ***Submission of the Charter to the Voters***

Upon submission of the charter to the board of county commissioners, the board must call a special election to determine whether the qualified electors approve the proposed charter.<sup>14</sup> The referendum election must be held not more than 90 nor less than 45 days after the receipt of the proposed charter.<sup>15</sup>

If a majority of voters favor the adoption of the proposals in the new charter, the charter becomes effective on January 1 of the next year or at such other time as provided by the charter.<sup>16</sup> Once adopted by the electors, the charter may be amended only by a vote of the county electors.<sup>17</sup> If a majority of voters reject the adoption of the proposals in the new charter, a new referendum may not be held for 2 years following the date of the referendum.<sup>18</sup>

After the acceptance or rejection of the proposed charter by the qualified electors, the charter commission is dissolved, and all property of the charter commission becomes property of the county.<sup>19</sup>

### **Differences between Charter Counties and Non-Charter Counties<sup>20</sup>**

#### ***Structure***

The structure of the government of a non-charter county is specified in the Florida Constitution and in the Florida Statutes. As a result, non-charter counties may only change the structure of county government through amendments to the Florida Constitution or the Florida Statutes. In contrast, the structure of a charter county is specified in the charter as approved by the county's electorate. This flexibility allows a charter county to alter its structure in order to meet the needs of the county.

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 125.64(1), F.S.

<sup>15</sup> *Id.*

<sup>16</sup> Section 125.64(2), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Section 125.64(3), F.S.

<sup>19</sup> Section 125.64(4), F.S.

<sup>20</sup> The Florida Association of Counties, *Basic Differences between Charter and Non-Charter Counties* (Mar. 2008), available at [http://www.fl-counties.com/themes/bootstrap\\_subtheme/sitefinity/documents/basic-differences-between-charter-and-non-charter-counties-pdf-.pdf](http://www.fl-counties.com/themes/bootstrap_subtheme/sitefinity/documents/basic-differences-between-charter-and-non-charter-counties-pdf-.pdf) (last visited March 15, 2017).

### ***Powers of Self-Government***

A non-charter county has such powers of self-government as provided by general<sup>21</sup> or special law.<sup>22</sup> Alternatively, a charter county has all powers of self-government *not inconsistent* with general law or special law approved by the county voters.<sup>23</sup> Accordingly, charter counties may take any action as long as it does not conflict with state law, whereas non-charter counties may only do what state law allows them to do.

### ***Initiative, Referendum, and Recall of County Officers***

The Florida Statutes do not provide for initiative,<sup>24</sup> referendum,<sup>25</sup> or recall<sup>26</sup> of county officers in a non-charter county. As a result, non-charter counties do not have the power to take these actions. On the other hand, a charter county may provide for initiative, referendum, and recall of county officers in its charter.

### ***Administrative Code***

The Florida Statutes do not require an administrative code for non-charter counties. As a result, a non-charter county may not require an administrative code. Conversely, charter counties may require an administrative code in its charter which details all regulations, policies, and procedures.

### ***Utility Taxation***

A non-charter county may not levy a utility tax in an unincorporated area of the county. However, a charter county may provide for the levying of such a tax in an unincorporated area of the county.

### ***Special Acts***

In a non-charter county, the Legislature can adopt a special act, and it is effective without the approval of the electors. However, in a charter county, a special act adopted by the Legislature is not effective unless the special act is also approved by a vote of the local electorate.

### ***Municipal Ordinances***

In a non-charter county, if there is a conflict between a municipal ordinance and a county ordinance, the municipal ordinance prevails within that municipality. On the contrary, an ordinance from a charter county will prevail over a conflicting municipal ordinance if such an instance is provided for in the county charter.

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<sup>21</sup> Ch. 125, Part I, F.S.

<sup>22</sup> Art. VIII, s. 1(f), Fla. Const.

<sup>23</sup> Art. VIII, s. 1(g), Fla. Const.

<sup>24</sup> Initiative is the ability of citizens to petition to call for a referendum to consider charter revisions.

<sup>25</sup> Referendum is the ability of citizens to review and make periodic recommendations for revisions to the charter which are consistent with the petition and charter review requirements stipulated by the charter.

<sup>26</sup> Recall is the ability of citizens to remove a county commissioner from office for those reasons consistent with the Florida Statutes and the petition requirements stipulated in the charter.

## County Officers Under the Florida Constitution

The Florida Constitution creates five specific county officers: sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court (collectively, the five constitutional offices/officers).<sup>27</sup> The clerk of the circuit court also serves as the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds. Each officer is elected separately by the voters of the county for terms of 4 years. These officers have prescribed duties provided for in general law.<sup>28</sup>

The five constitutional offices can only be altered through charter provision or by special act approved by the voters of the county.<sup>29</sup> All non-charter counties have the five constitutional officers with statutorily prescribed duties. Eight charter counties have changed the manner of selection of at least *one* of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred the powers to another county office, as detailed below.<sup>30</sup> Changes in three of those counties — Brevard, Miami-Dade, and Volusia — involve the office of property appraiser.

### *Brevard County (property appraiser affected)*

Brevard “expressly preserved” the offices of the sheriff, tax collector, **property appraiser**, supervisor of elections, and clerk of the circuit court as departments of county government, rather than constitutional offices.<sup>31</sup> The county reiterated the ability to transfer or add to the powers of each of the county officers.<sup>32</sup> The county has transferred the powers of the clerk of circuit court as auditor, and custodian of county funds to the county manager.<sup>33</sup> Each of the officers remains elected for 4 year terms.<sup>34</sup>

### *Broward County*

Broward County has not altered the constitutionally elected offices and duties of the sheriff, property appraiser, and supervisor of elections.<sup>35</sup> However, the office of the tax collector was abolished and the duties were transferred to the department of finance and administrative

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<sup>27</sup> Art. VIII, s. 1(d), Fla. Const. In a separate subsection, the constitution provides for counties to be governed by a board of county commissioners unless otherwise provided in their respective charters, if any. Art. VIII, s. 1(e), Fla. Const., which is not affected by the joint resolution.

<sup>28</sup> See ch. 30, F.S. (setting forth certain duties of the sheriff as a constitutional officer); ch. 197, F.S. (setting forth certain duties of the tax collector as a constitutional officer); ch. 193, Part I, F.S. (setting forth certain duties of the property appraiser as a constitutional officer); ch. 102, F.S. (setting forth certain duties of the supervisor of elections as a constitutional officer); ch. 28, F.S. (setting forth certain duties of the clerk of the circuit court as a constitutional officer).

<sup>29</sup> Art. VIII, s. 1(d), Fla. Const.

<sup>30</sup> Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia Counties.

<sup>31</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, s. 4.1, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>32</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, ss. 4.2.1, 4.2.2, 4.2.3, 4.2.4 & 4.2.5, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>33</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 2, s. 2.9.4, and Art. 4, s. 4.2.1, and Code of Ordinances, ch. 2, ss. 2-68 & 2-73, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>34</sup> BREVARD COUNTY FLORIDA, Code of Ordinances, Charter, Art. 4, s. 4.1.1, *available at* [https://www.municode.com/library/fl/brevard\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/brevard_county/codes/code_of_ordinances).

<sup>35</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter, “Definitions”, *available at* [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

services, headed by the finance and administrative services director appointed by the county administrator.<sup>36</sup> Though the clerk of the circuit court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission were transferred to the county administrator.<sup>37</sup>

### *Clay County*

Clay County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>38</sup> Although the clerk of the circuit court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county administrator.<sup>39</sup>

### *Duval County*

Duval County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>40</sup> The clerk of the circuit court retains the status of constitutional officer but the clerk's duties as clerk of the county commission were transferred to the council secretary and the constitutional duties as auditor were transferred to the council auditor.<sup>41</sup>

### *Miami-Dade County (property appraiser affected)*

Miami-Dade County abolished the constitutional offices of the sheriff, tax collector, supervisor of elections,<sup>42</sup> and **property appraiser**,<sup>43</sup> transferred these powers to the mayor, and granted the mayor the discretion to sub-delegate the powers.<sup>44</sup> The duties of the sheriff were transferred to

<sup>36</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter ss. 3.05 & 3.06, *available at*, [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

<sup>37</sup> BROWARD COUNTY FLORIDA, Code of Ordinances, Part I Charter, "Definitions" & s. 3.03G., *available at* [https://www.municode.com/library/fl/broward\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/broward_county/codes/code_of_ordinances).

<sup>38</sup> CLAY COUNTY FLORIDA, Home Rule Charter, Article III, s. 3.1, 2014 Edition, *available at*, <http://www.claycountygov.com/about-us>.

<sup>39</sup> CLAY COUNTY FLORIDA, Home Rule Charter, Article III, ss. 3.1 & 2.3A.(1)(f), 2014 Edition, *available at* <http://www.claycountygov.com/about-us>.

<sup>40</sup> JACKSONVILLE COUNTY FLORIDA, Charter and Related Laws, Part A. ss. 8.01, 9.01, 10.01 & 11.01, *available at* [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA). Duval County currently lacks the authority to alter the methods by which the clerk of the circuit court or the sheriff are elected, nor can the County abolish the offices. Art. VIII, s. 6(e), Fla. Const., (1968), incorporating by reference Art. VIII, s. 9, Fla. Const. (1885, as amended in 1934). The consolidated government of the City of Jacksonville was created by ch. 67-1320, Laws of Florida, adopted pursuant to Art. VIII, s. 9, Fla. Const. (1885).

<sup>41</sup> JACKSONVILLE COUNTY FLORIDA, Charter and Related Laws, Part A. s. 12.06, *available at*, [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA); JACKSONVILLE COUNTY FLORIDA, Code of Ordinances, Title II ss. 11.103 & 13.103, *available at*, [https://www.municode.com/library/fl/jacksonville/codes/code\\_of\\_ordinances?nodeId=CHRELA](https://www.municode.com/library/fl/jacksonville/codes/code_of_ordinances?nodeId=CHRELA).

<sup>42</sup> Referred to in the Miami-Dade Charter as the "supervisor of registration." See MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>43</sup> Referred to in the Miami-Dade Charter as the "county surveyor." See MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>44</sup> MIAMI-DADE COUNTY FLORIDA, *Constitutional Amendment and Charter*, Part I s. 9.01, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

the police department, the director of which is appointed by the mayor.<sup>45</sup> The duties of the tax collector were transferred to the department of finance,<sup>46</sup> the director of which is jointly appointed by the mayor and the clerk of court.<sup>47</sup> The county property appraiser, although not retained as a constitutional office, remains an elected position.<sup>48</sup> The duties of the supervisor of elections were transferred to the elections department, the director of which is appointed by the mayor.<sup>49</sup> The clerk of the circuit court remains a constitutional, elected officer with some changes in duties.<sup>50</sup> Although the clerk is still the clerk of the county commission, the clerk's financial recorder and custodian duties were transferred to the department of financial services, and the clerk's auditing duties were transferred to the commission auditor.<sup>51</sup>

### ***Orange County***

Orange County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser,<sup>52</sup> and supervisor of elections.<sup>53</sup> Although the clerk of the circuit court also retains the status of constitutional officer,<sup>54</sup> the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county comptroller.<sup>55</sup>

### ***Osceola County***

Osceola County has not altered the constitutionally elected offices and duties of the sheriff, tax collector, property appraiser, and supervisor of elections.<sup>56</sup> The clerk of the circuit court retains the status of constitutional officer, but the clerk's duties as clerk of the county commission, auditor, and custodian of funds were transferred to the county manager.

<sup>45</sup> Historically, the Miami-Dade Police Director was appointed by the county manager. This appointment power was subsequently reallocated to the mayor when the office of county manager was abolished. See Miami-Dade County Florida, Code of Ordinances, ss. 2-91, 2-92 & 1-4.4 available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXIIMIDEPODE](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXIIMIDEPODE).

<sup>46</sup> MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 5.03, Nov. 4, 2014, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH). See also MIAMIDADE.GOV, Miami-Dade County Finance Department, <http://www.miamidade.gov/finance>.

<sup>47</sup> MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 5.03, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>48</sup> MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>49</sup> Though the Miami-Dade charter and ordinances do not expressly so state, the supervisor of elections is an appointed official. See MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>50</sup> MIAMIDADE.GOV, County Departments, <http://miamidade.gov/wps/portal/Main/departments>.

<sup>51</sup> MIAMIDADE.GOV, Miami-Dade County Finance Department, <http://www.miamidade.gov/finance/>; MIAMI-DADE COUNTY FLORIDA, Constitutional Amendment and Charter, Part I s. 9.10, available at [https://www.municode.com/library/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH](https://www.municode.com/library/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH).

<sup>52</sup> At one point the county abolished the constitutional offices of sheriff, tax collector, and property appraiser but ultimately reconstituted the constitutional offices. ORANGE COUNTY FLORIDA, Charter, s. 703, available at [https://www.municode.com/library/fl/orange\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange_county/codes/code_of_ordinances).

<sup>53</sup> ORANGE COUNTY FLORIDA SUPERVISOR OF ELECTIONS, *About the Supervisor*, <http://www.ocfelections.com/aboutbillcowles.aspx>.

<sup>54</sup> ORANGE COUNTY FLORIDA, Code of Ordinances, Part I s. 2-66, available at [https://www.municode.com/library/fl/orange\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange_county/codes/code_of_ordinances).

<sup>55</sup> ORANGE COUNTY FLORIDA, Code of Ordinances, Part I s. 2-67, available at [https://www.municode.com/library/fl/orange\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/orange_county/codes/code_of_ordinances).

<sup>56</sup> OSCEOLA COUNTY FLORIDA, Home Rule Charter, Article III s. 3.1, available at [https://www.municode.com/library/fl/osceola\\_county/codes/code\\_of\\_ordinances?nodeId=11534](https://www.municode.com/library/fl/osceola_county/codes/code_of_ordinances?nodeId=11534).



***Volusia County (property appraiser affected)***

Volusia County established its charter by special law in 1970,<sup>57</sup> and the voters of Volusia County subsequently approved it in a special countywide election the same year. Volusia County abolished the constitutional offices of the sheriff, tax collector, supervisor of elections, and **property appraiser**. The county transferred these offices' powers to new charter offices. The duties of the sheriff were transferred to and divided between the department of public safety and the department of corrections.<sup>58</sup> The duties of the tax collector were transferred to the department of finance.<sup>59</sup> The duties of the property appraiser were transferred to the department of property appraisal.<sup>60</sup> The duties of the supervisor of elections were transferred to the department of elections.<sup>61</sup> The sheriff, property appraiser, and supervisor of elections are elected directors of their respective offices.<sup>62</sup> The tax collector is appointed by the county manager and confirmed by the county council.<sup>63</sup> The clerk of the circuit court remains a constitutionally elected officer except that the clerk's constitutional duties as clerk of the county commission were transferred to and divided between the department of central services and the department of finance.<sup>64</sup>

**Existing Selection and Removal Procedures for Constitutional Officers in Charter Counties**

In addition to whether the five constitutional officers are elected or appointed, some counties provide in their charters for term limits, recall procedures, or the non-partisan election of these officers. While not expressly identified in Art. VIII, s. 1(d) of the Florida Constitution, these additional "selection and removal procedures" could be interpreted as affecting the selection of the five constitutional officers.

There is no constitutional or statutory prohibition limiting the ability of charter counties to impose additional selection and removal procedures on the five constitutional officers. The broad home rule power of counties allows them to act so long as the action taken is not "inconsistent with general law, or . . . special law."<sup>65</sup> This suggests that counties can currently modify their

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<sup>57</sup> Chapter 70-966, Laws of Fla.

<sup>58</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(2), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>59</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(1), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>60</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(3), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>61</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1(4), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>62</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 602.1, [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>63</sup> VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 2-111(a), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO). VOLUSIA.ORG, Revenue Division-Tax Collection, <http://www.volusia.org/services/financial-and-administrative-services/revenue-services/>.

<sup>64</sup> CLERK OF THE CIRCUIT COURT, VOLUSIA COUNTY FLORIDA, Overview, <https://www.clerk.org/html/about.aspx#Overview>; VOLUSIA COUNTY FLORIDA, Code of Ordinances, Part I Charter s. 601.1 (1)(b) & (5), [https://www.municode.com/library/fl/volusia\\_county/codes/code\\_of\\_ordinances?nodeId=PTICH\\_ARTVIADDEGO](https://www.municode.com/library/fl/volusia_county/codes/code_of_ordinances?nodeId=PTICH_ARTVIADDEGO).

<sup>65</sup> Art. VIII, s. 1(g), Fla. Const.

selection or removal procedures within the existing Art. VIII, s. 1(d), Florida Constitution, framework through charter amendment or special law.<sup>66</sup>

### ***Term Limits***

Three charter counties have imposed term limits on one or more of the five constitutional officers.<sup>67</sup> Although the imposition of term limits on the five constitutional officers is not constitutionally or statutorily prohibited, or expressly endorsed, the imposition of term limits currently is interpreted to be within the broad home rule power of the charter.<sup>68</sup>

### ***Recall***

Five counties have charters expressly providing for the recall of one or more of the five constitutional officers.<sup>69</sup> Regardless of whether a county charter includes a recall provision, counties have independent statutory authority to conduct a recall of any of the five constitutional officers.<sup>70</sup>

### ***Non-partisan Elections***

Seven counties require non-partisan elections for some or all elections of the five constitutional officers.<sup>71</sup> Non-partisan election of the five constitutional officers is neither constitutionally nor statutorily prohibited and is therefore within the broad home rule power of charter counties.<sup>72</sup>

## **III. Effect of Proposed Changes:**

If the joint resolution is adopted and the proposed amendment is approved by the voters, the resulting limitation on revising the status of the property appraiser will have no impact on non-charter counties and those charter counties that retained the property appraiser without any changes to its selection or authority. Brevard, Miami-Dade, and Volusia counties changed the selection or authority of the property appraiser and will be required to revise their charters and ordinances to conform to the revised constitutional requirement.

Each house of the Legislature must pass a joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. The joint resolution provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose.

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<sup>66</sup> Current statute and case law also supports this principle. *See* s. 100.361, F.S. (providing that whether or not a charter county adopts a recall provision, the county may exercise recall authority); *Telli v. Broward County*, 94 So. 3d 504, 512-13 (Fla. 2012) (allowing charter counties to adopt term limits on county commissioners and explicitly overruling a prior case which barred this in the case of the five constitutional officers).

<sup>67</sup> Duval, Orange, and Sarasota Counties.

<sup>68</sup> *Telli v. Broward County*, *supra* at n. 65.

<sup>69</sup> Brevard, Clay, Duval, Miami-Dade, and Sarasota Counties.

<sup>70</sup> Section 100.361, F.S.

<sup>71</sup> Lee, Leon, Miami-Dade, Orange, Palm Beach, Polk, and Volusia Counties.

<sup>72</sup> *See* Art. III s. 11(a)(1), Fla. Const. (prohibiting the Legislature from enacting special laws which alter local election procedure but excepting charter counties); Ch. 105, F.S. (providing for non-partisan elections and procedure).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandate provisions in Article VII, section 18 of the Florida Constitution do not apply to joint resolutions.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. Other Constitutional Issues:**

Article XI, section 5(a) of the Florida Constitution and s. 101.161(1), F.S., require constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”<sup>73</sup>

Article XI, section 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective after the next general election or at an earlier special election specifically authorized by law for that purpose.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Charter counties that changed the selection or authority of the property appraiser will incur an indeterminate negative fiscal impact to the extent of having to revise their charters and ordinances to conform to the revised constitutional requirement.

<sup>73</sup> *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).

Also, the Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments.

According to the Division, the cost to advertise constitutional amendments for the 2016 primary and general election cycle was \$117.56 per word. Using 2016 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets for the 2018 general election could be **\$87,680.30**, at a minimum.<sup>74</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

If adopted by the Legislature, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose. The next general election in Florida is the gubernatorial election scheduled for November 6, 2018. If approved by the voters, the amendment takes effect on January 8, 2019. As a result, affected charter counties will have just over 2 months to revise their charters and ordinances to conform to this amendment.

**VIII. Statutes Affected:**

No statutes are affected. This joint resolution, if approved by the electorate, would amend Article VIII, section 1 of the Florida Constitution.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs Committee on March 22, 2017:**

Requires the property appraiser to be an elected officer in all counties and retains the charter county and special law options to change the office and duties of the tax collector, the sheriff, the supervisor of elections, and the clerk of the circuit court.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>74</sup> 2017 Agency Legislative Bill Analysis, Department of State, HJR 136 (3/23/2017).

By the Committee on Community Affairs; and Senators Artiles and Powell

578-02731-17

2017136c1

## Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for a county charter or special law to provide for choosing a property appraiser in a manner other than by election or to transfer the duties of the property appraiser or abolish the office of the property appraiser.

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

That the following amendment to Section 1 of Article VIII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

## ARTICLE VIII

## LOCAL GOVERNMENT

## SECTION 1. Counties.-

(a) POLITICAL SUBDIVISIONS. The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.

(c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

Page 1 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

578-02731-17

2017136c1

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, a sheriff, a tax collector, a supervisor of elections, and a clerk of the circuit court ~~any county officer~~ may be chosen in another manner therein specified, or ~~any county office~~ may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds. Notwithstanding subsection 6(e) of this article, this subsection provides the exclusive manner for the selection, length of term, abolition of office, and transfer of duties of the property appraiser of each county.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county

Page 2 of 4

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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59 commissioners of a county not operating under a charter may  
 60 enact, in a manner prescribed by general law, county ordinances  
 61 not inconsistent with general or special law, but an ordinance  
 62 in conflict with a municipal ordinance shall not be effective  
 63 within the municipality to the extent of such conflict.

64 (g) CHARTER GOVERNMENT. Counties operating under county  
 65 charters shall have all powers of local self-government not  
 66 inconsistent with general law, or with special law approved by  
 67 vote of the electors. The governing body of a county operating  
 68 under a charter may enact county ordinances not inconsistent  
 69 with general law. The charter shall provide which shall prevail  
 70 in the event of conflict between county and municipal  
 71 ordinances.

72 (h) TAXES; LIMITATION. Property situate within  
 73 municipalities shall not be subject to taxation for services  
 74 rendered by the county exclusively for the benefit of the  
 75 property or residents in unincorporated areas.

76 (i) COUNTY ORDINANCES. Each county ordinance shall be filed  
 77 with the custodian of state records and shall become effective  
 78 at such time thereafter as is provided by general law.

79 (j) VIOLATION OF ORDINANCES. Persons violating county  
 80 ordinances shall be prosecuted and punished as provided by law.

81 (k) COUNTY SEAT. In every county there shall be a county  
 82 seat at which shall be located the principal offices and  
 83 permanent records of all county officers. The county seat may  
 84 not be moved except as provided by general law. Branch offices  
 85 for the conduct of county business may be established elsewhere  
 86 in the county by resolution of the governing body of the county  
 87 in the manner prescribed by law. No instrument shall be deemed

578-02731-17 2017136c1

88 recorded until filed at the county seat, or a branch office  
 89 designated by the governing body of the county for the recording  
 90 of instruments, according to law.

91 BE IT FURTHER RESOLVED that the following statement be  
 92 placed on the ballot:

93 CONSTITUTIONAL AMENDMENT

94 ARTICLE VIII, SECTION 1

95 SELECTION AND DUTIES OF PROPERTY APPRAISERS.—Proposing an  
 96 amendment to the State Constitution to remove authority for a  
 97 county charter or special law to provide for choosing a property  
 98 appraiser in a manner other than by election or to transfer the  
 99 duties of the property appraiser or abolish the office of the  
 100 property appraiser. The amendment is applicable to all counties  
 101 and takes effect January 8, 2019, if approved.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kathleen Passidomo, Chair  
Committee on Ethics and Elections


**Subject:** Committee Agenda Request

**Date:** March 23, 2017

---

I respectfully request that **Senate Joint Resolution #136**, relating to Selection and Duties of County Officers/Property Appraiser, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

  
\_\_\_\_\_  
Senator Frank Artiles  
Florida Senate, District 40

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

SJR 136

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Ass'n of Fla.

Address 1828 Riggins Rd

Phone 850-219-0220

Street

Tallahassee

FL

32308

City

State

Zip

Email pa@comcast.net

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Property Appraisers' Ass'n of Fla.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



THE FLORIDA SENATE  
**APPEARANCE RECORD**

Tar # 8

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

136

Bill Number (if applicable)

Topic SELECTION & DUTIES OF COUNTY OFFICERS - PROPERTY APPRAISER

Amendment Barcode (if applicable)

Name DAPHNEE SAINVIL

Job Title LEGISLATIVE COORDINATOR

Address 115 S. ANDREWS AVE.

Phone 954-253-7320

Street

FT. LAUDERDALE FL 33301

Email dsainvil@broward.org

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing BROWARD COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

Tab # 8

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17

Meeting Date

0136

Bill Number (if applicable)

Topic County Officers

Amendment Barcode (if applicable)

Name Kelley Teague

Job Title Legislative Affairs Director

Address 207 S. Rosalind Ave

Phone \_\_\_\_\_

Street

Orlando

FL

32801

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Orange County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Tab #8

136

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name JESS MCCARTY

Job Title ASS'T COUNTY ATTORNEY

Address 111 NW 1st St 2810

Phone 305-979-7110

Street  
MIAMI 33128

Email JMM2@MIAMI.DAOF.GOV

City State Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/28/17  
Meeting Date

136  
Bill Number (if applicable)

Topic Constitutional officers - PA

Amendment Barcode (if applicable)

Name Arlene Smith

Job Title Legislative Affairs

Address 123 W. Indiana Ave

Phone 386-405-1552

DeLand, FL 32720  
City State Zip

Email asmith@volusia.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing County of Volusia

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-28-17  
Meeting Date

SJR 136  
Bill Number (if applicable)

Topic COUNTY OFFICERS - PROPERTY APPRAISER

Amendment Barcode (if applicable)

Name LAURA YOUNG

Job Title ASSOCIATE DIRECTOR OF PUBLIC POLICY

Address 100 N. MONROE ST

Phone 294-1838

Street

TAL

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF COUNTIES

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: SB 720

INTRODUCER: Senator Mayfield

SUBJECT: Central Florida Expressway Authority

DATE: March 23, 2017

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	<b>Favorable</b>
2.	Carlton	Ulrich	EE	<b>Favorable</b>
3.			RC	

---

**I. Summary:**

SB 720 adds Brevard County to the Central Florida Expressway Authority (CFX) by:

- Increasing the number of governing body members from nine to ten;
- Adding the Brevard County Commission chair to the list of chairs authorized to appoint a member to the CFX;
- Adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority;
- Adding the geographical boundary of Brevard County to the area served by the CFX;
- Increasing the number of members constituting a quorum from five to six; and
- Adding Brevard County to the list of counties outside the jurisdictional boundaries of which the CFX may undertake the specified activities with the consent of the county within whose jurisdiction the activities occur, to conform to changes made by the act.

The bill has no apparent fiscal impact on state or local governments.

The bill takes effect July 1, 2017.

**II. Present Situation:**

**Central Florida Expressway Authority**

The Legislature created the Orlando-Orange County Expressway Authority in 1963 for the purpose of construction and operation of an expressway road system in Central Florida.<sup>1</sup> The OOCEA was granted the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred.

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<sup>1</sup> Chapter 63-573, L.O.F.

In 2014, the Legislature re-named the OOCEA as the Central Florida Expressway Authority (CFX) and transferred governance and control, legal rights and powers, responsibilities, terms, and obligations of the former OOCEA to the CFX, an agency of the state. The area served by the CFX was expanded to include Seminole, Lake, and Osceola Counties, in addition to Orange County.<sup>2</sup> The CFX has the right to acquire, hold, construct, improve, maintain, operate, own, and lease the CFX system.<sup>3</sup>

With the consent of the county within whose jurisdiction the activities occur, the CFX also has the power to construct, operate, and maintain roads, bridges, avenues of access, transportation facilities, thoroughfares, and boulevards outside the jurisdictional boundaries of Orange, Seminole, Lake, and Osceola Counties, together with the right to construct, repair, replace, operate, install, and maintain electronic toll payment systems thereon.<sup>4</sup>

Currently, the CFX governing body consists of the following nine members:

- The chairs of the Seminole, Lake, and Osceola County Commissions appoint one member each from the respective counties, who must be a commission member or chair or the county mayor;
- The Mayor of Orange County appoints one member from the Orange County Commission;
- The Governor appoints three members, each of whom must be a citizen of either Orange, Seminole, Lake, or Osceola County and is subject to Senate confirmation;
- The eighth member must be the Orange County Mayor; and
- The ninth member must be City of Orlando Mayor.<sup>5</sup>

The executive director of the Florida Turnpike Enterprise serves as a non-voting advisor. Members hold office until a successor has been appointed and qualified.<sup>6</sup> Each member appointed by the Governor serves for 4 years, and each county-appointed member serves for 2 years.

### **East Central Florida Corridor Task Force**

In 2013, the Governor by Executive Order<sup>7</sup> created the East Central Florida Corridor Task Force, which developed recommendations on future transportation corridor planning in portions of Brevard, Orange, and Osceola counties. In its final report, the Task Force included in its recommendations:

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<sup>2</sup> Chapter 2014-171, L.O.F.

<sup>3</sup> Section 348.754(1), F.S. According to the CFX, the system serves a region with more than 2.3 million residents and an estimated 60 million annual visitors and includes 109 centerline miles, 741 lane miles (including ramps, 59 interchanges, 285 bridges, and 14 mainline toll plazas. No taxes support the CFX's operations; tolls support the entire system. The system includes State Roads 408, 414, 417, 429, 451, and 528. See the CFX website available at: <https://www.cfxway.com/agency-information/agency-overview/about-cfx/>. (Last visited March 6, 2017.)

<sup>4</sup> Section 348.754(2)(n), F.S.

<sup>5</sup> Section 348.753(3), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> See Executive Order 13-319 available at: [http://ecfcorridortaskforce.org/doc/meeting\\_1/EO%2013-319.pdf](http://ecfcorridortaskforce.org/doc/meeting_1/EO%2013-319.pdf). (Last visited March 6, 2017.)

- Identifying future investment needs to maximize the use of and add capacity to existing east-west corridors between Orange, Osceola, and Brevard Counties;
- Conducting one or more evaluation studies of potential new east-west corridors between Orange, Osceola, and Brevard Counties; and
- Improving north-south connectivity in eastern Orange and Osceola Counties, which could connect to improved or new east-west corridors linking Orange and Osceola Counties to Brevard County.<sup>8</sup>

### Supporting Resolutions

On February 7, 2017, the Brevard County Board of County Commissioners approved a resolution supporting HB 299, which is identical to SB 720.<sup>9</sup> The Space Coast Transportation Planning Organization likewise passed a resolution supporting the inclusion of Brevard County as a member of the CFX on February 9, 2017.<sup>10</sup> The CFX Governing Board approved its supporting resolution on March 9, 2017.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill incorporates Brevard County into the CFX as follows:

**Section 1** of the bill amends s. 348.753(3), F.S., increasing the number of members on the CFX governing board from nine to ten members. The chair of the Brevard County Commission is directed to appoint one member from Brevard County, who must also be a commission member or chair or the county mayor. The Governor's three citizen appointees must now be residents of either Orange County, Seminole County, Lake County, *or* Brevard County.

This section of the bill also amends s. 348.753(4), F.S., increasing from five to six the number of members constituting a quorum and the number of votes required for any action taken by the CFX governing body.

**Section 2** of the bill amends s. 348.754(1)(a) and (2)(n), F.S., respectively:

- Adding the geographical boundary of Brevard County to the area served by the CFX; and
- Adding Brevard County to the list of counties outside the jurisdictional boundaries of which the CFX may undertake the specified activities with the consent of the county within whose jurisdiction the activities occur to conform to changes made by the act.

**Section 3** of the bill provides the bill take effect on July 1, 2017.

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<sup>8</sup> See the Task Force Final Report available at: [http://ecfcorridortaskforce.org/doc/ECFCTF\\_FinalReport\\_signed.pdf](http://ecfcorridortaskforce.org/doc/ECFCTF_FinalReport_signed.pdf). (Last visited March 6, 2017.)

<sup>9</sup> Copy on file in the Senate Transportation Committee.

<sup>10</sup> Copy on file in the Senate Transportation Committee.

<sup>11</sup> Copy on file in the Senate Transportation Committee.



**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 348.753 and 348.754.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Mayfield

17-00346-17

2017720\_\_

A bill to be entitled

An act related to the Central Florida Expressway Authority; amending s. 348.753, F.S.; increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the chair of the board of the county commission of Brevard County to the list of chairs authorized to appoint a member to the authority; adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority; requiring six members of the authority to constitute a quorum; requiring the vote of six members for any action taken by the authority; amending s. 348.754, F.S.; adding the geographical boundary of Brevard County to the area served by the authority; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:

348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of 10 ~~nine~~ members. The chairs of the boards of the county commissions of Seminole, Lake, Brevard, and Osceola Counties shall each appoint one member from his or her respective county, who must be a commission member or chair or the county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. Subject to confirmation by the Senate during the next regular session of the Legislature, the Governor shall appoint three citizen members, each of whom must be a resident

Page 1 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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of either Orange County, Seminole County, Lake County, Brevard County, or Osceola County. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. The Mayor of Orange County and the Mayor of the City of Orlando shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

(4) (a) The authority shall elect one of its members as the chair of the authority, one of its members as vice chair, and one of its members as treasurer. The chair, vice chair, and treasurer shall hold such offices at the will of the authority. Six ~~Five~~ members of the authority constitute a quorum, and the vote of six ~~five~~ members is required for any action taken by the authority. A vacancy in the authority does not impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority.

Section 2. Paragraph (a) of subsection (1) and paragraph

Page 2 of 3

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

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62 (n) of subsection (2) of section 348.754, Florida Statutes, are  
63 amended to read:

64 348.754 Purposes and powers.—

65 (1) (a) The authority created and established under this  
66 part is granted and has the right to acquire, hold, construct,  
67 improve, maintain, operate, own, and lease in the capacity of  
68 lessor the Central Florida Expressway System, hereinafter  
69 referred to as "system." Except as otherwise specifically  
70 provided by law, including paragraph (2) (n), the area served by  
71 the authority shall be within the geographical boundaries of  
72 Orange, Seminole, Lake, Brevard, and Osceola Counties.

73 (2) The authority may exercise all powers necessary,  
74 appurtenant, convenient, or incidental to the implementation of  
75 the stated purposes, including, but not limited to, the  
76 following rights and powers:

77 (n) With the consent of the county within whose  
78 jurisdiction the following activities occur, the authority shall  
79 have the right to construct, operate, and maintain roads,  
80 bridges, avenues of access, transportation facilities,  
81 thoroughfares, and boulevards outside the jurisdictional  
82 boundaries of Orange, Seminole, Lake, Brevard, and Osceola  
83 Counties, together with the right to construct, repair, replace,  
84 operate, install, and maintain electronic toll payment systems  
85 thereon.

86 Section 3. This act shall take effect July 1, 2017.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Education, *Vice Chair*  
Appropriations Subcommittee on the Environment  
and Natural Resources  
Appropriations Subcommittee on General  
Government  
Banking and Insurance  
Judiciary

## JOINT COMMITTEE:

Joint Legislative Auditing Committee,  
*Alternating Chair*

**SENATOR DEBBIE MAYFIELD**  
17th District

March 15, 2017

Chair Kathleen Passidomo  
Ethics and Elections  
318 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: SB 720

Dear Chair Passidomo,

I am respectfully requesting Senate Bill 720, a bill relating to the Central Florida Expressway Authority, be placed on the agenda for your committee on Ethics and Elections.

I appreciate your consideration of this bill and I look forward to working with you and the Ethics and Elections committee. If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017.

Thank you,

A handwritten signature in cursive script, appearing to read "Debbie", written in dark ink.

Senator Debbie Mayfield  
District 17

Cc: Cameron Ulrich, Diane Vause, Kevin Comerer, Rebecca Kokkinos, Sandra Mummert,  
Trenton Muntz, Lily Tysinger

## REPLY TO:

- 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025
- 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JOE NEGRON**  
President of the Senate

**ANITERE FLORES**  
President Pro Tempore

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Ethics and Elections

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BILL: CS/SB 1494

INTRODUCER: Ethics and Elections Committee and Senator Rader

SUBJECT: Write-In Candidate Qualifying

DATE: March 28, 2017

REVISED: \_\_\_\_\_

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Ulrich	EE	<b>Fav/CS</b>
2.	_____	_____	CA	_____
3.	_____	_____	RC	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

CS/SB 1494 codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*, by repealing the statute that requires a write-in candidate to reside in the district that he or she seeks to represent *at the time of qualifying*.

The bill takes effect upon becoming law.

**II. Present Situation:**

In November 1998, Florida voters passed Proposition 11,<sup>1</sup> a comprehensive elections amendment to the Florida Constitution proposed by the Constitutional Revision Commission (“CRC”). Part of Proposition 11 amended Article VI of the Constitution to provide for a “universal” or “open” primary — a contest in which all eligible voters could cast a ballot regardless of party affiliation — wherein the winner of the primary election would face no general election opposition.<sup>2</sup>

In practice, this situation arises when the only candidates qualifying for an office have the same major party affiliation.

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<sup>1</sup> The amendment passed with 64.1% favorable vote, almost 2-to-1. Florida Division of Elections web site, <https://enight.elections.myflorida.com/Index.asp?ElectionDate=11/3/1998&DATAMODE=> (“Election Results” tab, General Election 1998, Constitutional Amendments), last accessed Mar. 16, 2017.

<sup>2</sup> Art. VI, s. 5(b), FLA. CONST.

The general election ballot contains a blank line for qualified write-in candidates.<sup>3</sup> Nonetheless, the 1998 CRC debates and discussions on Proposition 11 never addressed the issue of what impact the presence of a write-in candidate should have in a field otherwise composed entirely of candidates from one of the major parties.

In 2000, the Florida Division of Elections published an opinion stating that the presence of a write-in candidate in an otherwise all-Republican or all-Democratic field “closed” the primary to all voters other than those registered with that particular party.<sup>4</sup> (Multiple district and appellate courts have since confirmed the Division’s legal position.<sup>5</sup>)

In 2007, faced with write-ins having closed numerous legislative primaries since 2000, the Legislature enacted section 99.0615, F.S. — which required write-in candidates to reside in the district they sought to represent *at the time of qualifying*.<sup>6</sup>

In February 2016, the Florida Supreme Court struck down the statute as unconstitutional. In *Brinkmann v. Francois*,<sup>7</sup> a Broward County voter challenged the qualifying status of a write-in candidate, Tyron Francois, for Broward County Commissioner, District 2. Francois did not live in the District at the time of qualifying as required by s. 99.0615, F.S., but he did say that he intended to move there if he won the general election. All of the other candidates that qualified to run for the seat were Democrats. The *Brinkmann* court found that the statute was facially unconstitutional because the timing of its residency requirement (at the time of qualifying) for write-in candidates conflicted with the timing of the residency requirement for county commission candidates in the Constitution (at the time of election).<sup>8</sup>

As a result, beginning with the 2016 election cycle, any registered voter can now qualify to run as a write-in candidate in any contest in the state and close a primary where the only other qualified candidates are from the same party, ***regardless of his or her physical residence***.

### III. Effect of Proposed Changes:

CS/SB 1494 codifies the 2016 Florida Supreme Court decision in *Brinkmann v. Francois*. It repeals the statute requiring write-in candidates to reside in the district they seek to represent *at the time of qualifying*.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

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<sup>3</sup> Section 101.151(2)(b), F.S.

<sup>4</sup> DOE Opinion 2000-06 (May 11, 2000).

<sup>5</sup> *Lacasa v. Townsley*, 883 F.Supp2d 1231 (S.D. Fla 2012); see also, *Telli v. Snipes*, 98 So.3d 1284 (4th Fla DCA 2012) (write-in candidates constitute general election opposition under the constitutional open primary provision).

<sup>6</sup> Ch. 2007-30, s. 56, LAWS OF FLA.

<sup>7</sup> 184 So. 3d 504 (Fla. 2016).

<sup>8</sup> Fla Const., Art. VIII, §1(e); see also, *Francois v. Brinkmann*, 147 So. 3d 613, 615 (Fla 4<sup>th</sup> DCA 2014), *affd.*, *Francois v. Brinkmann*, 184 S.3d 504 (Fla. 2016), citing, *State v. Grassi*, 532 So.2d 1055, 1056 (Fla. 1988) (constitutional provision regarding the residency requirement for county commissioners requires residency at the time of election).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals section 99.0615 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Ethics and Elections on March 28, 2017:**

The committee substitute narrows the title from “elections” to “write-in candidate qualifying.”

B. Amendments:

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2017	.	
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	.	

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The Committee on Ethics and Elections (Rader) recommended the following:

- 1       **Senate Amendment**
- 2       In title, delete line 2
- 3 and insert:
- 4       An act relating to write-in candidate qualifying;
- 5       repealing s. 99.0615,

By Senator Rader

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20171494\_\_

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A bill to be entitled

An act relating to elections; repealing s. 99.0615,  
F.S., relating to write-in candidate residency  
requirements; repealing a requirement that all write-  
in candidates must reside within the district  
represented by the office sought at the time of  
qualification; providing an effective date.

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

Section 1. Section 99.0615, Florida Statutes, is repealed.  
Section 2. This act shall take effect upon becoming a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Kathleen Passidomo, Chair  
Committee on Ethics and Elections

**Subject:** Committee Agenda Request

**Date:** March 15, 2017

---

I respectfully request that **Senate Bill #1494**, relating to Elections, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Kevin Rader".

---

Senator Kevin J. Rader  
Florida Senate, District 29



Florida Senate  
Senator José Javier Rodríguez  
District 37

**DISTRICT OFFICE:**

2100 Coral Way, Suite 505  
Miami, Florida 33145-2657  
Phone: (305) 854-0365  
Fax: (305) 854-0367

**TALLAHASSEE  
OFFICE:**

220 Senate Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
Phone: (850) 487-5037

**STAFF:**

Chris Hudtwalcker  
Legislative Aide

Laura Jimenez  
Legislative Aide

Luisana Perez  
District Aide

**COMMITTEES:**

Commerce & Tourism

Ethics & Elections

Community Affairs

**SUBCOMMITTEES:**

Appropriations  
Subcommittee on Finance  
& Tax

Appropriations  
Subcommittee on General  
Government

March 28<sup>th</sup>, 2017

Senator Kathleen Passidomo  
Ethics & Elections Committee, Chair  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
*Sent via email to [passidomo.kathleen@flsenate.gov](mailto:passidomo.kathleen@flsenate.gov)*

Chair Passidomo,

I will be presenting a bill at the Communications, Energy, and Public Utilities Committee at 3:00 pm today during the scheduled meeting of the Ethics & Elections Committee. After presenting my bill, I will attend the meeting of the Ethics & Elections Committee.

Please let me or my staff know if you have any questions.

Thank you,

José Javier Rodríguez

CC:

Cameron Ulrich, Staff Director, Ethics & Elections Committee  
Diane Vause, Committee Administrative Assistant  
Rebecca Kokkinos, Legislative Assistant to Chair Passidomo  
Kevin Comerer, Legislative Assistant to Chair Passidomo  
Sandra Mummert, Legislative Assistant to Chair Passidomo  
Trenton Muntz, Legislative Assistant to Chair Passidomo

# CourtSmart Tag Report

Room: KN 412 Case No.:  
Caption: Senate Committee on Ethics and Elections

Type:  
Judge:

Started: 3/28/2017 3:09:13 PM  
Ends: 3/28/2017 3:46:58 PM Length: 00:37:46

3:09:14 PM Meeting Called to order  
3:09:26 PM Roll Call  
3:09:28 PM Quorum Present  
3:09:35 PM Comments by Chair  
3:09:51 PM Tab 9 SB 720 by Sen Mayfield  
3:10:04 PM Sen Mayfield explains  
3:10:14 PM Chair calls for questions  
3:11:09 PM Sen Mayfield waives close  
3:11:25 PM Roll Call by AA on SB 720  
3:11:31 PM SB 720 reported favorably  
3:11:40 PM Tab 10 SB 1494 by Sen Rader  
3:12:11 PM Sen Rader explains  
3:12:17 PM Chair calls for questions  
3:12:25 PM Sen Rader on AM 252634  
3:12:37 PM Sen Rader explains the bill  
3:13:01 PM Chair Calls for questions on bill as Amended  
3:13:11 PM Sen Lee questions on the bill  
3:13:20 PM Sen Rader response  
3:13:26 PM Sen Rader  
3:13:56 PM Chair calls for questions and debate  
3:14:10 PM Sen Rader waives close  
3:14:19 PM Roll Call on SB 1494 as amended  
3:14:26 PM CS/SB 1494 reported favorably  
3:14:43 PM Motion by Sen Braynon to Recommend Confirm Exec. Appts., Tabs 1-6  
3:15:17 PM Tabs 1-6 confirmations recommended favorably  
3:15:47 PM Sen Bean requests to vote in affirmative on SB 720, without objection  
3:16:03 PM Recording Paused (Informal Recess)  
3:16:04 PM Recording Resumed (Informal Recess)  
3:16:09 PM Recording Paused (Informal Recess)  
3:17:32 PM Recording Resumed (Informal Recess)  
3:17:43 PM Recording Paused (Informal Recess)  
3:24:15 PM Recording Resumed (Informal Recess)  
3:24:42 PM Tab 7 CS/SJR 134 by Sen Artiles  
3:25:42 PM Sen Artiles explains  
3:25:47 PM Amend BC 104462  
3:25:59 PM Sen Artiles explains the amendment  
3:26:08 PM Chair calls for questions  
3:26:36 PM Daphnee Sainvil, Legislative Coord., Broward County, speaks in support  
3:27:10 PM Mike Adkinson, FL Sheriff's Assoc., waives in support  
3:27:18 PM Sen Artiles waives close on the amend  
3:27:27 PM Amend BC 104462 is adopted  
3:27:31 PM Chair asks for Questions on bill as amended  
3:27:48 PM Matt Williams, Fraternal Order of Police, waives in support  
3:28:03 PM Daphnee Sainvil, Legislative Coord., Broward County, waives in support  
3:28:24 PM Jess McCarty, Assistant Co. Atty., Miami Dade Co., speaks in opposition  
3:29:21 PM Sen Braynon question  
3:29:27 PM Jess McCarty comments  
3:29:57 PM Michael Adkinson, Fl Sherrif's Association, speaks in favor  
3:31:18 PM Arlene Smith, Legislative Affairs, Volusia Co., speaking in opposition  
3:32:17 PM Sheriff Jerry Demings, Orange Co. Sheriff's Office, speaks in favor  
3:33:56 PM Sheriff Mike Chitwood, Volusia County Sherrif's Office, speaks in support  
3:35:36 PM Matt Pockett, FL Police Benevolent Assoc., waives in support

**3:36:12 PM** Laura Youmans, Florida Assoc. of Counties, speaks in opposition  
**3:39:40 PM** Sen Braynon question  
**3:41:10 PM** Chair calls for debate  
**3:41:18 PM** Sen Artiles closes on the bill  
**3:42:40 PM** Chair calls for Roll Call  
**3:42:50 PM** Roll Call  
**3:42:59 PM** CS/CS/SJR 134 reported favorably  
**3:43:21 PM** Tab 8 CS/SB 136 by Sen Artiles  
**3:43:28 PM** Sen Artiles explains  
**3:43:39 PM** Loren Levy, Gen. Counsel, Property Appraisers Assoc. of FL, waives in support  
**3:43:57 PM** Daphnee Sainvil, Legislative Coord., Broward Co., waives in opposition  
**3:44:00 PM** Laura Youmans, Florida Assoc. of Counties, waives in opposition  
**3:44:04 PM** Jess McCarty, Assistant Co. Atty., Miami Dade County, waives in opposition  
**3:44:09 PM** Arlene Smith, Legislative Affairs, Volusia Co., waives in opposition  
**3:44:17 PM** Kelly Teague, Legislative Affairs, Orange County, waives in opposition  
**3:45:12 PM** Sen Braynon comment  
**3:45:17 PM** Sen Artiles closes on bill  
**3:46:10 PM** Roll Call on CS/SJR 136  
**3:46:29 PM** CS/SJR 136 reported favorably  
**3:46:45 PM** Meeting adjourned