

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to authorize the imposition of term limits on county commissioners when provided by county charter.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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 of each county, for terms of four years, a sheriff, a

29 tax collector, a property appraiser, a supervisor of elections,  
 30 and a clerk of the circuit court. ~~A; except, when provided by~~  
 31 county charter or special law approved by vote of the electors  
 32 of the county may provide for, any county officer under this  
 33 subsection to ~~may~~ be chosen in another manner ~~therein specified,~~  
 34 or may abolish any county office under this subsection ~~may be~~  
 35 ~~abolished~~ when all the duties of the office prescribed by  
 36 general law are transferred to another office. When not  
 37 otherwise provided by county charter or special law approved by  
 38 vote of the electors, the clerk of the circuit court shall be ex  
 39 officio clerk of the board of county commissioners, auditor,  
 40 recorder, and custodian of all county funds.

41 (e) COMMISSIONERS. Except when otherwise provided by  
 42 county charter, the governing body of each county shall be a  
 43 board of county commissioners composed of five or seven members  
 44 serving staggered terms of four years. A county charter may  
 45 impose term limits on county commissioners. After each decennial  
 46 census the board of county commissioners shall divide the county  
 47 into districts of contiguous territory as nearly equal in  
 48 population as practicable. One commissioner residing in each  
 49 district shall be elected as provided by law.

50 (f) NON-CHARTER GOVERNMENT. Counties not operating under  
 51 county charters shall have such power of self-government as is  
 52 provided by general or special law. The board of county  
 53 commissioners of a county not operating under a charter may  
 54 enact, in a manner prescribed by general law, county ordinances  
 55 not inconsistent with general or special law, but an ordinance  
 56 in conflict with a municipal ordinance shall not be effective

57 | within the municipality to the extent of such conflict.

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

66 | (h) TAXES; LIMITATION. Property situate within  
 67 | municipalities shall not be subject to taxation for services  
 68 | rendered by the county exclusively for the benefit of the  
 69 | property or residents in unincorporated areas.

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

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

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

CS/HJR 785

2012

85 BE IT FURTHER RESOLVED that the following statement be  
86 placed on the ballot:

87 CONSTITUTIONAL AMENDMENT

88 ARTICLE VIII, SECTION 1

89 TERM LIMITS ON COUNTY COMMISSIONERS WHEN PROVIDED BY COUNTY  
90 CHARTER.—The State Constitution currently provides for the  
91 election in each county of a board of county commissioners. The  
92 term of office for each county commissioner is 4 years with no  
93 term limits. This amendment to the State Constitution would  
94 authorize the imposition of term limits on county commissioners  
95 when provided by county charter.