

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII and the creation of a new section in Article XII of the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a supervisor of elections in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer.

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

That the following amendment to Section 1 of Article VIII and the creation of a new section in Article XII of the State Constitution are 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

26 SECTION 1. Counties.—

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

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

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 35 adopted, amended or repealed only upon vote of the electors of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

37 (d) COUNTY OFFICERS. There shall be elected by the
 38 electors of each county, for terms of four years, a sheriff, a
 39 tax collector, a property appraiser, a supervisor of elections,
 40 and a clerk of the circuit court; except, when provided by
 41 ~~county charter or~~ special law approved by vote of the electors
 42 of the county, any county officer may be chosen in another
 43 manner therein specified, except the supervisor of elections, or
 44 any county office may be abolished when all the duties of the
 45 office prescribed by general law are transferred to another
 46 office as provided by special law approved by vote of the
 47 electors of the county. When not otherwise provided by ~~county~~
 48 ~~charter or~~ special law approved by vote of the electors, the
 49 clerk of the circuit court shall be ex officio clerk of the
 50 board of county commissioners, auditor, recorder, and custodian

51 | of all county funds. Notwithstanding section 6(e) of this
52 | article, this subsection provides the exclusive manner for the
53 | selection, length of terms, abolition of office, and transfer of
54 | duties of the sheriff, tax collector, property appraiser,
55 | supervisor of elections, and clerk of the circuit court in each
56 | county.

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

65 | (f) NON-CHARTER GOVERNMENT. Counties not operating under
66 | county charters shall have such power of self-government as is
67 | provided by general or special law. The board of county
68 | commissioners of a county not operating under a charter may
69 | enact, in a manner prescribed by general law, county ordinances
70 | not inconsistent with general or special law, but an ordinance
71 | in conflict with a municipal ordinance shall not be effective
72 | within the municipality to the extent of such conflict.

73 | (g) CHARTER GOVERNMENT. Counties operating under county
74 | charters shall have all powers of local self-government not
75 | inconsistent with general law, or with special law approved by

76 | vote of the electors. The governing body of a county operating
77 | under a charter may enact county ordinances not inconsistent
78 | with general law. The charter shall provide which shall prevail
79 | in the event of conflict between county and municipal
80 | ordinances.

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

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

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

90 | (k) COUNTY SEAT. In every county there shall be a county
91 | seat at which shall be located the principal offices and
92 | permanent records of all county officers. The county seat may
93 | not be moved except as provided by general law. Branch offices
94 | for the conduct of county business may be established elsewhere
95 | in the county by resolution of the governing body of the county
96 | in the manner prescribed by law. No instrument shall be deemed
97 | recorded until filed at the county seat, or a branch office
98 | designated by the governing body of the county for the recording
99 | of instruments, according to law.

100 | ARTICLE XII

SCHEDULE

Selection and duties of county officers.—The amendment to Section 1 of Article VIII, which removes the authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibits a special law to provide for choosing a supervisor of elections in a manner other than election, authorizes the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and removes authority for a county charter to transfer certain ex officio duties of the clerk of the circuit court to another officer, takes effect January 5, 2021.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

ARTICLE XII

SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority for a county charter to provide for choosing certain county officers other than election; prohibits a special law to provide for choosing a supervisor of elections other than by election; authorizes abolition of any county office and transfer of duties only by approval of county voters; and removes authority for a county charter to transfer certain duties of the clerk of the circuit court. The amendment takes effect January 5, 2021, if

126 | approved.

127 | BE IT FURTHER RESOLVED that the following statement be
 128 | placed on the ballot if a court declares the preceding statement
 129 | defective and the decision of the court is not reversed:

130 | CONSTITUTIONAL AMENDMENT

131 | ARTICLE VIII, SECTION 1

132 | ARTICLE XII

133 | SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
 134 | amendment to the State Constitution, applicable to all counties,
 135 | to remove authority for a county charter to provide for choosing
 136 | certain county officers in a manner other than by election and
 137 | prohibits a special law approved by county voters to provide for
 138 | choosing a supervisor of elections in a manner other than by
 139 | election. The amendment authorizes the abolition of any county
 140 | office if its duties are transferred to another office by
 141 | special law approved by county voters. The amendment also
 142 | removes authority for a county charter to transfer to another
 143 | officer the duties of the clerk of the circuit court to serve as
 144 | ex officio clerk of the board of county commissioners, auditor,
 145 | recorder, and custodian of all county funds. The amendment takes
 146 | effect January 5, 2021, if approved.