

By Representative Gay

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House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution relating to recording of instruments.

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

That the amendment to Section 1 of Article VIII of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1998.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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

1 general law are transferred to another office. When not
2 otherwise provided by county charter or special law approved
3 by vote of the electors, the clerk of the circuit court shall
4 be ex officio clerk of the board of county commissioners,
5 auditor, recorder and custodian of all county funds.

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

14 (f) NON-CHARTER GOVERNMENT. Counties not operating
15 under county charters shall have such power of self-government
16 as is provided by general or special law. The board of county
17 commissioners of a county not operating under a charter may
18 enact, in a manner prescribed by general law, county
19 ordinances not inconsistent with general or special law, but
20 an ordinance in conflict with a municipal ordinance shall not
21 be effective within the municipality to the extent of such
22 conflict.

23 (g) CHARTER GOVERNMENT. Counties operating under
24 county charters shall have all powers of local self-government
25 not inconsistent with general law, or with special law
26 approved by vote of the electors. The governing body of a
27 county operating under a charter may enact county ordinances
28 not inconsistent with general law. The charter shall provide
29 which shall prevail in the event of conflict between county
30 and municipal ordinances.

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

5 (i) COUNTY ORDINANCES. Each county ordinance shall be
6 filed with the secretary of state and shall become effective
7 at such time thereafter as is provided by general law.

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

11 (k) COUNTY SEAT. In every county there shall be a
12 county seat at which shall be located the principal offices
13 and permanent records of all county officers. The county seat
14 may not be moved except as provided by general law. Branch
15 offices for the conduct of county business may be established
16 elsewhere in the county by resolution of the governing body of
17 the county in the manner prescribed by law. No instrument
18 shall be deemed recorded ~~in the county~~ until filed at the
19 county seat, or a branch office designated by the governing
20 body of the county for the recording of instruments, according
21 to law.

22 BE IT FURTHER RESOLVED that in accordance with the
23 requirements of section 101.161, Florida Statutes, the
24 substance of the amendment proposed herein shall appear on the
25 ballot as follows:

26 RECORDING OF INSTRUMENTS IN BRANCH OFFICES

27 Proposing an amendment to Section 1 of Article VIII of
28 the State Constitution authorizing the recording of
29 instruments by filing at a branch office of a county seat.
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