

By Senator Harris

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Senate Joint Resolution No. ____

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 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 general election to be held in November 1998.

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adopted, amended or repealed only upon vote of the electors of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
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

1 in another manner therein specified, or any county office may
2 be abolished when all the duties of the office prescribed by
3 general law are transferred to another office. When not
4 otherwise provided by county charter or special law approved
5 by vote of the electors, the clerk of the circuit court shall
6 be ex officio clerk of the board of county commissioners,
7 auditor, recorder and custodian of all county funds.

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

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

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

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

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

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

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

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

26 CONSTITUTIONAL AMENDMENT

27 ARTICLE VIII, SECTION 1

28 RECORDING OF INSTRUMENTS IN BRANCH OFFICES OF COUNTY
29 GOVERNMENT.--

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