

By Representative Bitner

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House Joint Resolution

A joint resolution proposing amendments to Section 15 of Article III, Sections 17 and 18 of Article V, and Section 1 of Article VIII and the creation of Section 7 of Article VI of the State Constitution, relating to residency requirements for legislators, state attorneys, public defenders, and county commissioners.

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

That the amendments to Section 15 of Article III, Sections 17 and 18 of Article V, and Section 1 of Article VIII and the creation of Section 7 of Article VI of the State Constitution set forth below are 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:

ARTICLE III

LEGISLATURE

SECTION 15. Terms and qualifications of legislators.--

(a) SENATORS. Senators shall be elected for terms of four years, those from odd-numbered districts in the years the numbers of which are multiples of four and those from even-numbered districts in even-numbered years the numbers of which are not multiples of four; except, at the election next following a reapportionment, some senators shall be elected for terms of two years when necessary to maintain staggered terms.

(b) REPRESENTATIVES. Members of the house of representatives shall be elected for terms of two years in each even-numbered year.



1 public defender shall be an elector of the state and reside,  
2 from the time of qualifying for office, in the territorial  
3 jurisdiction of the circuit. He shall be and have been a  
4 member of the Bar of Florida for the preceding five years.  
5 Public defenders shall appoint such assistant public defenders  
6 as may be authorized by law.

7 ARTICLE VI

8 SUFFRAGE AND ELECTIONS

9 SECTION 7. Residency requirements.--In order to  
10 qualify, each individual subject to a residency requirement of  
11 this constitution must provide the qualifying officer at the  
12 time of qualifying with proof of compliance with that  
13 requirement. Notwithstanding any residency requirement in  
14 this constitution, any person holding elective office who  
15 changes residency in order to qualify for a different elective  
16 office may not be disqualified from serving in the office  
17 currently held.

18 ARTICLE VIII

19 LOCAL GOVERNMENT

20 SECTION 1. Counties.--

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

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

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

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1           (d) COUNTY OFFICERS. There shall be elected by the  
2 electors of each county, for terms of four years, a sheriff, a  
3 tax collector, a property appraiser, a supervisor of  
4 elections, and a clerk of the circuit court; except, when  
5 provided by county charter or special law approved by vote of  
6 the electors of the county, any county officer may be chosen  
7 in another manner therein specified, or any county office may  
8 be abolished when all the duties of the office prescribed by  
9 general law are transferred to another office. When not  
10 otherwise provided by county charter or special law approved  
11 by vote of the electors, the clerk of the circuit court shall  
12 be ex officio clerk of the board of county commissioners,  
13 auditor, recorder and custodian of all county funds.

14           (e) COMMISSIONERS. Except when otherwise provided by  
15 county charter, the governing body of each county shall be a  
16 board of county commissioners composed of five or seven  
17 members serving staggered terms of four years. After each  
18 decennial census the board of county commissioners shall  
19 divide the county into districts of contiguous territory as  
20 nearly equal in population as practicable. One commissioner  
21 residing in each district, from the time of qualifying for  
22 office, shall be elected as provided by law.

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

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

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

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

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

19 (k) COUNTY SEAT. In every county there shall be a  
20 county seat at which shall be located the principal offices  
21 and permanent records of all county officers. The county seat  
22 may not be moved except as provided by general law. Branch  
23 offices for the conduct of county business may be established  
24 elsewhere in the county by resolution of the governing body of  
25 the county in the manner prescribed by law. No instrument  
26 shall be deemed recorded in the county until filed at the  
27 county seat according to law.

28 BE IT FURTHER RESOLVED that in accordance with the  
29 requirements of section 101.161, Florida Statutes, the title  
30 and substance of the amendments proposed herein shall appear  
31 on the ballot as follows:

1                   CONSTITUTIONAL RESIDENCY REQUIREMENTS FOR  
2                   LEGISLATORS, STATE ATTORNEYS, PUBLIC  
3                   DEFENDERS, AND COUNTY COMMISSIONERS  
4           Provides that any person seeking the office of  
5 legislator, state attorney, public defender, or county  
6 commissioner must meet any constitutional residency  
7 requirement from the time of qualifying for office; but  
8 provides that, in any election immediately following a  
9 reapportionment, each legislative candidate must be an elector  
10 and resident of the district upon election.  
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