

By the Committee on Election Reform and Representative
Bitner

1 House Joint Resolution

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

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

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12 That the amendments to Section 15 of Article III,
13 Sections 17 and 18 of Article V, and Section 1 of Article VIII
14 and the creation of Section 7 of Article VI of the State
15 Constitution set forth below are agreed to and shall be
16 submitted to the electors of Florida for approval or rejection
17 at the general election to be held in November 1998:

18 ARTICLE III

19 LEGISLATURE

20 SECTION 15. Terms and qualifications of legislators.--

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

29 (b) REPRESENTATIVES. Members of the house of
30 representatives shall be elected for terms of two years in
31 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 within 60 days before qualifying, changes residency in order
16 to qualify for a different elective office may not be
17 disqualified from serving in the office 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. In an election
23 immediately following any reapportionment, each commissioner
24 shall be an elector and resident of the district upon
25 election.

26 (f) NON-CHARTER GOVERNMENT. Counties not operating
27 under county charters shall have such power of self-government
28 as is provided by general or special law. The board of county
29 commissioners of a county not operating under a charter may
30 enact, in a manner prescribed by general law, county
31 ordinances not inconsistent with general or special law, but

1 an ordinance in conflict with a municipal ordinance shall not
2 be effective within the municipality to the extent of such
3 conflict.

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

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

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

19 (j) VIOLATION OF ORDINANCES. Persons violating county
20 ordinances shall be prosecuted and punished as provided by
21 law.

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

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1 BE IT FURTHER RESOLVED that in accordance with the
2 requirements of section 101.161, Florida Statutes, the title
3 and substance of the amendments proposed herein shall appear
4 on the ballot as follows:

5 CONSTITUTIONAL RESIDENCY REQUIREMENTS FOR
6 LEGISLATORS, STATE ATTORNEYS, PUBLIC
7 DEFENDERS, AND COUNTY COMMISSIONERS

8 Provides that any person seeking the office of
9 legislator, state attorney, public defender, or county
10 commissioner must meet any constitutional residency
11 requirement from the time of qualifying for office; but
12 provides that, in any election immediately following a
13 reapportionment, each legislative candidate and each county
14 commissioner must be an elector and resident of the district
15 upon election.

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