

By Representative Miller

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House Joint Resolution

A joint resolution proposing amendments to Section 15 of Article III, Sections 8, 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 justices, judges, 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 8, 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.

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

4 (c) QUALIFICATIONS. Each legislator shall be at least
5 twenty-one years of age, and an elector and resident, from one
6 year prior to the time of qualifying for office, of the
7 district from which elected and shall have resided in the
8 state for a period of two years prior to election. In an
9 election immediately following any reapportionment, each
10 legislator shall be an elector and resident of the district
11 upon election.

12 (d) ASSUMING OFFICE; VACANCIES. Members of the
13 legislature shall take office upon election. Vacancies in
14 legislative office shall be filled only by election as
15 provided by law.

16 ARTICLE V

17 JUDICIARY

18 SECTION 8. Eligibility.--No person shall be eligible
19 for office of justice or judge of any court unless he is an
20 elector of the state and resides, from one year prior to the
21 time of appointment or qualifying for office, in the
22 territorial jurisdiction of his court, unless that person is
23 appointed to a temporary assignment. No justice or judge
24 shall serve after attaining the age of seventy years except
25 upon temporary assignment or to complete a term, one-half of
26 which he has served. No person is eligible for the office of
27 justice of the supreme court or judge of a district court of
28 appeal unless he is, and has been for the preceding ten years,
29 a member of the bar of Florida. No person is eligible for the
30 office of circuit judge unless he is, and has been for the
31 preceding five years, a member of the bar of Florida. Unless

1 otherwise provided by general law, no person is eligible for
2 the office of county court judge unless he is, and has been
3 for the preceding five years, a member of the bar of Florida.
4 Unless otherwise provided by general law, a person shall be
5 eligible for election or appointment to the office of county
6 court judge in a county having a population of 40,000 or less
7 if he is a member in good standing of the bar of Florida.

8 SECTION 17. State attorneys.--In each judicial circuit
9 a state attorney shall be elected for a term of four years.
10 Except as otherwise provided in this constitution, he shall be
11 the prosecuting officer of all trial courts in that circuit
12 and shall perform other duties prescribed by general law;
13 provided, however, when authorized by general law, the
14 violations of all municipal ordinances may be prosecuted by
15 municipal prosecutors. A state attorney shall be an elector
16 of the state and reside, from one year prior to the time of
17 qualifying for office,in the territorial jurisdiction of the
18 circuit. He shall be and have been a member of the bar of
19 Florida for the preceding five years. He shall devote full
20 time to his duties, and he shall not engage in the private
21 practice of law. State attorneys shall appoint such assistant
22 state attorneys as may be authorized by law.

23 SECTION 18. Public defenders.--In each judicial
24 circuit a public defender shall be elected for a term of four
25 years. He shall perform duties prescribed by general law. A
26 public defender shall be an elector of the state and reside,
27 from one year prior to the time of qualifying for office,in
28 the territorial jurisdiction of the circuit. He shall be and
29 have been a member of the Bar of Florida for the preceding
30 five years. Public defenders shall appoint such assistant
31 public defenders as may be authorized by law.

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ARTICLE VI

SUFFRAGE AND ELECTIONS

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

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 in another manner therein specified, or any county office may

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

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

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

26 CONSTITUTIONAL RESIDENCY REQUIREMENTS FOR JUSTICES,
27 JUDGES, LEGISLATORS, STATE ATTORNEYS, PUBLIC
28 DEFENDERS, AND COUNTY COMMISSIONERS

29 Provides that any person seeking the office of justice,
30 judge, legislator, state attorney, public defender, or county
31 commissioner must meet any constitutional residency

1 requirement from one year prior to the time of qualifying for
2 or being appointed to office; exempts temporary judicial
3 appointments; and provides that, in any election immediately
4 following a reapportionment, each legislative candidate must
5 be an elector and resident of the district upon election.
6 Requires proof of compliance and provides an exemption.
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