

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution, relating to local government, to provide for the nonpartisan election of supervisors of elections.

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 2002:

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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

1 therein specified, or any county office may be abolished when
2 all the duties of the office prescribed by general law are
3 transferred to another office. The supervisor of elections in
4 each county, including counties referred to in section 6 of
5 this article, shall be elected in a nonpartisan election.When
6 not otherwise provided by county charter or special law
7 approved by vote of the electors, the clerk of the circuit
8 court shall be ex officio clerk of the board of county
9 commissioners, auditor, recorder and custodian of all county
10 funds.

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

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

28 (g) CHARTER GOVERNMENT. Counties operating under
29 county charters shall have all powers of local self-government
30 not inconsistent with general law, or with special law
31 approved by vote of the electors. The governing body of a

1 county operating under a charter may enact county ordinances
2 not inconsistent with general law. The charter shall provide
3 which shall prevail in the event of conflict between county
4 and municipal ordinances.

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

9 (i) COUNTY ORDINANCES. Each county ordinance shall be
10 filed with the custodian of state records and shall become
11 effective at such time thereafter as is provided by general
12 law.

13 (j) VIOLATION OF ORDINANCES. Persons violating county
14 ordinances shall be prosecuted and punished as provided by
15 law.

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

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

30 SUPERVISORS OF ELECTIONS; NONPARTISAN ELECTION
31

1 Proposes an amendment to the State Constitution under
2 which the supervisors of elections in all counties of the
3 state, including charter counties, would be elected on a
4 nonpartisan basis.
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