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House Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize the repeal of a constitutional home rule charter or plan by vote of the electors of the affected county in a special election called for that purpose, which may be held separately or in conjunction with any other election.

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

That the following amendment to Section 6 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 next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VIII

LOCAL GOVERNMENT

SECTION 6. Schedule to Article VIII.--

(a) This article shall replace all of Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference.

(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.  
The status of the following items as they exist on the date this article becomes effective is recognized and shall be continued until changed in accordance with law: the counties of the state; their status with respect to the legality of the sale of intoxicating liquors, wines and beers; the method of selection of county officers; the performance of municipal functions by

29 | county officers; the county seats; and the municipalities and  
 30 | special districts of the state, their powers, jurisdiction and  
 31 | government.

32 | (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding  
 33 | office when this article becomes effective shall continue in  
 34 | office for the remainder of the term if that office is not  
 35 | abolished. If the office is abolished the incumbent shall be  
 36 | paid adequate compensation, to be fixed by law, for the loss of  
 37 | emoluments for the remainder of the term.

38 | (d) ORDINANCES. Local laws relating only to  
 39 | unincorporated areas of a county on the effective date of this  
 40 | article may be amended or repealed by county ordinance.

41 | (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections  
 42 | 9, 10, 11, and 24, of the Constitution of 1885, as amended,  
 43 | shall remain in full force and effect as to each county  
 44 | affected, as if this article had not been adopted, until that  
 45 | county shall expressly adopt a charter or home rule plan  
 46 | pursuant to this article. A charter or home rule plan adopted  
 47 | pursuant to Section 9, Section 10, Section 11, or Section 24 of  
 48 | the Constitution of 1885 and remaining in full force and effect  
 49 | pursuant to this subsection may be repealed by vote of the  
 50 | electors of the affected county in a special election called for  
 51 | that purpose, which may be held separately or in conjunction  
 52 | with any other election. All provisions of the Metropolitan Dade  
 53 | County Home Rule Charter, heretofore or hereafter adopted by the  
 54 | electors of Dade County pursuant to Article VIII, Section 11, of  
 55 | the Constitution of 1885, as amended, shall be valid, and any  
 56 | amendments to such charter shall be valid; provided that the

HJR 29B

2007

57 | said provisions of such charter and the said amendments thereto  
 58 | are authorized under said Article VIII, Section 11, of the  
 59 | Constitution of 1885, as amended.

60 | (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To  
 61 | the extent not inconsistent with the powers of existing  
 62 | municipalities or general law, the Metropolitan Government of  
 63 | Dade County may exercise all the powers conferred now or  
 64 | hereafter by general law upon municipalities.

65 | (g) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature  
 66 | shall have power, by joint resolution, to delete from this  
 67 | article any subsection of this Section 6, including this  
 68 | subsection, when all events to which the subsection to be  
 69 | deleted is or could become applicable have occurred. A  
 70 | legislative determination of fact made as a basis for  
 71 | application of this subsection shall be subject to judicial  
 72 | review.

73 | BE IT FURTHER RESOLVED that the following statement be  
 74 | placed on the ballot:

75 | CONSTITUTIONAL AMENDMENT

76 | ARTICLE VIII, SECTION 6

77 | REPEAL OF CONSTITUTIONAL HOME RULE CHARTER OR  
 78 | PLAN.--Proposing an amendment to the State Constitution to  
 79 | authorize the repeal of a constitutional home rule charter or  
 80 | plan adopted pursuant to Section 9, Section 10, Section 11, or  
 81 | Section 24 of the Constitution of 1885 by vote of the electors  
 82 | of the affected county in a special election called for that  
 83 | purpose, which may be held separately or in conjunction with any  
 84 | other election.