

By Senator Garcia

40-00441-08

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to require each county to have an elected property appraiser.

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

That the following amendment to Section 1 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 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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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

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30 | charter or special law approved by vote of the electors of the
31 | county, any county officer other than a property appraiser may be
32 | chosen in another manner therein specified, or any county office
33 | other than the office of property appraiser may be abolished when
34 | all the duties of the office prescribed by general law are
35 | transferred to another office. When not otherwise provided by
36 | county charter or special law approved by vote of the electors,
37 | the clerk of the circuit court shall be ex officio clerk of the
38 | board of county commissioners, auditor, recorder and custodian of
39 | all county funds.

40 | (e) COMMISSIONERS. Except when otherwise provided by
41 | county charter, the governing body of each county shall be a
42 | board of county commissioners composed of five or seven members
43 | serving staggered terms of four years. After each decennial
44 | census the board of county commissioners shall divide the county
45 | into districts of contiguous territory as nearly equal in
46 | population as practicable. One commissioner residing in each
47 | district shall be elected as provided by law.

48 | (f) NON-CHARTER GOVERNMENT. Counties not operating under
49 | county charters shall have such power of self-government as is
50 | provided by general or special law. The board of county
51 | commissioners of a county not operating under a charter may
52 | enact, in a manner prescribed by general law, county ordinances
53 | not inconsistent with general or special law, but an ordinance in
54 | conflict with a municipal ordinance shall not be effective within
55 | the municipality to the extent of such conflict.

56 | (g) CHARTER GOVERNMENT. Counties operating under county
57 | charters shall have all powers of local self-government not
58 | inconsistent with general law, or with special law approved by

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59 | vote of the electors. The governing body of a county operating
60 | under a charter may enact county ordinances not inconsistent with
61 | general law. The charter shall provide which shall prevail in the
62 | event of conflict between county and municipal ordinances.

63 | (h) TAXES; LIMITATION. Property situate within
64 | municipalities shall not be subject to taxation for services
65 | rendered by the county exclusively for the benefit of the
66 | property or residents in unincorporated areas.

67 | (i) COUNTY ORDINANCES. Each county ordinance shall be
68 | filed with the custodian of state records and shall become
69 | effective at such time thereafter as is provided by general law.

70 | (j) VIOLATION OF ORDINANCES. Persons violating county
71 | ordinances shall be prosecuted and punished as provided by law.

72 | (k) COUNTY SEAT. In every county there shall be a county
73 | seat at which shall be located the principal offices and
74 | permanent records of all county officers. The county seat may not
75 | be moved except as provided by general law. Branch offices for
76 | the conduct of county business may be established elsewhere in
77 | the county by resolution of the governing body of the county in
78 | the manner prescribed by law. No instrument shall be deemed
79 | recorded until filed at the county seat, or a branch office
80 | designated by the governing body of the county for the recording
81 | of instruments, according to law.

82 | BE IT FURTHER RESOLVED that the following statement be
83 | placed on the ballot:

84 | CONSTITUTIONAL AMENDMENT

85 | ARTICLE VIII, SECTION 1

86 | ELECTED PROPERTY APPRAISERS REQUIRED.--Proposing an
87 | amendment to the State Constitution to require each county to

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88 | have an elected property appraiser as a county officer and
89 | eliminate the option for choosing a property appraiser in any
90 | other manner as provided by county charter or special law
91 | approved by vote of the electors of the county and the option of
92 | abolishing the office of the property appraiser when all the
93 | duties of the office prescribed by general law are transferred to
94 | another office.