

By Senator Ring

32-01014-12

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to authorize the imposition of term limits on constitutional county officers and county commissioners when provided by county charter.

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to general or special law, a county government may be established by charter which shall be adopted, amended, or repealed only upon vote of the electors of the county in a special election called for that purpose.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

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30 collector, a property appraiser, a supervisor of elections, and  
31 a clerk of the circuit court. ~~A; except, when provided by county~~  
32 charter or special law approved by vote of the electors of the  
33 county may provide for, any county officer under this subsection  
34 to ~~may~~ be chosen in another manner ~~therein specified~~, or may  
35 abolish any county office under this subsection ~~may be abolished~~  
36 when all the duties of the office prescribed by general law are  
37 transferred to another office. A county charter may also subject  
38 any county officer under this subsection to term limits. When  
39 not otherwise provided by county charter or special law approved  
40 by vote of the electors, the clerk of the circuit court shall be  
41 ex officio clerk of the board of county commissioners, auditor,  
42 recorder, and custodian of all county funds.

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

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

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59 within the municipality to the extent of such conflict.

60 (g) CHARTER GOVERNMENT. Counties operating under county  
61 charters shall have all powers of local self-government not  
62 inconsistent with general law, or with special law approved by  
63 vote of the electors. The governing body of a county operating  
64 under a charter may enact county ordinances not inconsistent  
65 with general law. The charter shall provide which shall prevail  
66 in the event of conflict between county and municipal  
67 ordinances.

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

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

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

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

87 BE IT FURTHER RESOLVED that the following statement be

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88 placed on the ballot:

89                                   CONSTITUTIONAL AMENDMENT

90                                   ARTICLE VIII, SECTION 1

91           TERM LIMITS ON CONSTITUTIONAL COUNTY OFFICERS AND COUNTY  
92 COMMISSIONERS WHEN PROVIDED BY COUNTY CHARTER.—The State  
93 Constitution currently provides for the election in each county  
94 of a sheriff, a tax collector, a property appraiser, a  
95 supervisor of elections, a clerk of the circuit court, and a  
96 board of county commissioners. The term of office for each such  
97 officer or county commissioner is 4 years with no term limits.  
98 This amendment to the State Constitution would authorize the  
99 imposition of term limits on those constitutional county  
100 officers and county commissioners when provided by county  
101 charter.