

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII and the creation of a new section in Article XII of the State Constitution, applicable to all counties, to remove a county's authority to choose certain county officers in a manner other than election, permit the abolition of any county office if its duties are transferred to another office by special law approved by county voters, remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer, and provide an effective date.

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

That the following amendment to Section 1 of Article VIII and the creation of a new section in Article XII of the State Constitution are 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

27 | created, abolished or changed by law, with provision for payment
 28 | or apportionment of the public debt.

29 | (b) COUNTY FUNDS. The care, custody and method of
 30 | disbursing county funds shall be provided by general law.

31 | (c) GOVERNMENT. Pursuant to general or special law, a
 32 | county government may be established by charter which shall be
 33 | adopted, amended or repealed only upon vote of the electors of
 34 | the county in a special election called for that purpose.

35 | (d) COUNTY OFFICERS. There shall be elected by the
 36 | electors of each county, for terms of four years, a sheriff, a
 37 | tax collector, a property appraiser, a supervisor of elections,
 38 | and a clerk of the circuit court. ~~except, when provided by~~
 39 | ~~county charter or special law approved by vote of the electors~~
 40 | ~~of the county, any county officer may be chosen in another~~
 41 | ~~manner therein specified, or~~ Any county office may be abolished
 42 | when all the duties of the office prescribed by general law are
 43 | transferred to another office as provided by special law
 44 | approved by vote of the electors of the county. When not
 45 | otherwise provided by ~~county charter or~~ special law approved by
 46 | vote of the electors, the clerk of the circuit court shall be ex
 47 | officio clerk of the board of county commissioners, auditor,
 48 | recorder, and custodian of all county funds. Notwithstanding
 49 | section 6(e) of this article, this subsection provides the
 50 | exclusive manner for the selection, length of terms, abolition
 51 | of office, and transfer of duties of the sheriff, tax collector,
 52 | property appraiser, supervisor of elections, and clerk of the

53 circuit court in each county.

54 (e) COMMISSIONERS. Except when otherwise provided by
55 county charter, the governing body of each county shall be a
56 board of county commissioners composed of five or seven members
57 serving staggered terms of four years. After each decennial
58 census the board of county commissioners shall divide the county
59 into districts of contiguous territory as nearly equal in
60 population as practicable. One commissioner residing in each
61 district shall be elected as provided by law.

62 (f) NON-CHARTER GOVERNMENT. Counties not operating under
63 county charters shall have such power of self-government as is
64 provided by general or special law. The board of county
65 commissioners of a county not operating under a charter may
66 enact, in a manner prescribed by general law, county ordinances
67 not inconsistent with general or special law, but an ordinance
68 in conflict with a municipal ordinance shall not be effective
69 within the municipality to the extent of such conflict.

70 (g) CHARTER GOVERNMENT. Counties operating under county
71 charters shall have all powers of local self-government not
72 inconsistent with general law, or with special law approved by
73 vote of the electors. The governing body of a county operating
74 under a charter may enact county ordinances not inconsistent
75 with general law. The charter shall provide which shall prevail
76 in the event of conflict between county and municipal
77 ordinances.

78 (h) TAXES; LIMITATION. Property situate within

79 municipalities shall not be subject to taxation for services
 80 rendered by the county exclusively for the benefit of the
 81 property or residents in unincorporated areas.

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

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

87 (k) COUNTY SEAT. In every county there shall be a county
 88 seat at which shall be located the principal offices and
 89 permanent records of all county officers. The county seat may
 90 not be moved except as provided by general law. Branch offices
 91 for the conduct of county business may be established elsewhere
 92 in the county by resolution of the governing body of the county
 93 in the manner prescribed by law. No instrument shall be deemed
 94 recorded until filed at the county seat, or a branch office
 95 designated by the governing body of the county for the recording
 96 of instruments, according to law.

97 ARTICLE XII

98 SCHEDULE

99 Selection and duties of county officers.—The amendment to
 100 Section 1 of Article VIII, which removes the authority for a
 101 county charter or special law to provide for choosing certain
 102 county officers in a manner other than election, permits the
 103 abolition of any county office if its duties are transferred to
 104 another office by special law approved by county voters, and

105 removes authority for a county charter to transfer certain ex
 106 officio duties of the clerk of the circuit court to another
 107 officer, takes effect January 8, 2019.

108 BE IT FURTHER RESOLVED that the following statement be
 109 placed on the ballot:

110 CONSTITUTIONAL AMENDMENT

111 ARTICLE VIII, SECTION 1

112 ARTICLE XII

113 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
 114 amendment to the State Constitution, applicable to all counties,
 115 removing the authority for a county charter or special law to
 116 require choosing certain county officers other than by election;
 117 permitting the abolition of any county office and transferring
 118 its duties only by approval of county voters; removing authority
 119 for a county charter to transfer certain duties of the clerk of
 120 the circuit court. The amendment takes effect January 8, 2019,
 121 if adopted.

122 BE IT FURTHER RESOLVED that the following statement be
 123 placed on the ballot if a court declares the preceding statement
 124 defective and the decision of the court is not reversed:

125 CONSTITUTIONAL AMENDMENT

126 ARTICLE VIII, SECTION 1

127 ARTICLE XII

128 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
 129 amendment to the State Constitution, applicable to all counties,
 130 to remove a county's authority, by county charter or special law

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131 approved by the county's voters, to choose its sheriff, property
132 appraiser, supervisor of elections, and clerk of the circuit
133 court in a manner other than election. The amendment would
134 permit the abolition of any county office if its duties are
135 transferred to another office by special law approved by county
136 voters. The amendment also removes authority for a county
137 charter to transfer to another officer the duties of the clerk
138 of the circuit court to serve as ex officio clerk of the board
139 of county commissioners, auditor, recorder, and custodian of all
140 county funds. The amendment takes effect January 8, 2019, if
141 adopted.