



123686

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/01/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the resolving clause
and insert:

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



123686

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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 charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office.~~ When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds.

(e) COMMISSIONERS. Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the



123686

40 board of county commissioners shall divide the county into
41 districts of contiguous territory as nearly equal in population
42 as practicable. One commissioner residing in each district shall
43 be elected as provided by law.

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

52 (g) CHARTER GOVERNMENT. Counties operating under county
53 charters shall have all powers of local self-government not
54 inconsistent with general law, or with special law approved by
55 vote of the electors. The governing body of a county operating
56 under a charter may enact county ordinances not inconsistent
57 with general law. The charter shall provide which shall prevail
58 in the event of conflict between county and municipal
59 ordinances.

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

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

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



123686

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

79 BE IT FURTHER RESOLVED that the following statement be
80 placed on the ballot:

81 CONSTITUTIONAL AMENDMENT

82 ARTICLE VIII, SECTION 1

83 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
84 amendment to the State Constitution to remove the authority of a
85 county, by county charter or special law, to choose certain
86 county officers in a manner other than election and to abolish
87 any county office when its duties are transferred to another
88 office. The amendment also removes authority for a county
89 charter to transfer certain ex officio duties of the clerk of
90 the circuit court to another officer.

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

94 CONSTITUTIONAL AMENDMENT

95 ARTICLE VIII, SECTION 1

96 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
97 amendment to the State Constitution to remove the authority of a



123686

98 county, by county charter or special law approved by the
99 county's voters, to choose its sheriff, tax collector, property
100 appraiser, supervisor of elections, and clerk of the circuit
101 court in a manner other than election and to abolish any county
102 office when its duties are transferred to another office. The
103 amendment also removes authority for a county charter to
104 transfer to another officer the duties of the clerk of the
105 circuit court to serve as ex officio clerk of the board of
106 county commissioners, auditor, recorder, and custodian of all
107 county funds.

108
109 ===== T I T L E A M E N D M E N T =====

110 And the title is amended as follows:

111 Delete everything before the resolving clause
112 and insert:

113 A bill to be entitled
114 A joint resolution proposing an amendment to Section 1
115 of Article VIII of the State Constitution to remove
116 authority for certain county officers to be chosen in
117 a manner other than election, for any county office to
118 be abolished, or for certain ex officio duties of the
119 clerk of the circuit court to be transferred to
120 another officer.