

By the Committee on Community Affairs; and Senator Hutson

578-01762-16

2016648c1

Senate Joint Resolution

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

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

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30 (d) COUNTY OFFICERS. There shall be elected by the electors  
31 of each county, for terms of four years, a sheriff, a tax  
32 collector, a property appraiser, a supervisor of elections, and  
33 a clerk of the circuit court; ~~except, when provided by county~~  
34 ~~charter or special law approved by vote of the electors of the~~  
35 ~~county, any county officer may be chosen in another manner~~  
36 ~~therein specified, or any county office may be abolished when~~  
37 ~~all the duties of the office prescribed by general law are~~  
38 ~~transferred to another office.~~ When not otherwise provided by  
39 ~~county charter or~~ special law approved by vote of the electors,  
40 the clerk of the circuit court shall be ex officio clerk of the  
41 board of county commissioners, auditor, recorder, and custodian  
42 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. After each decennial census the  
47 board of county commissioners shall divide the county into  
48 districts of contiguous territory as nearly equal in population  
49 as practicable. One commissioner residing in each district shall  
50 be elected as provided by law.

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

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

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

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

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

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

86 BE IT FURTHER RESOLVED that the following statement be  
87 placed on the ballot:

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88                                   CONSTITUTIONAL AMENDMENT  
89                                   ARTICLE VIII, SECTION 1  
90           SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an  
91 amendment to the State Constitution to remove the authority of a  
92 county, by county charter or special law, to choose certain  
93 county officers in a manner other than election and to abolish  
94 any county office when its duties are transferred to another  
95 office. The amendment also removes authority for a county  
96 charter to transfer certain ex officio duties of the clerk of  
97 the circuit court to another officer.

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

101                                   CONSTITUTIONAL AMENDMENT  
102                                   ARTICLE VIII, SECTION 1  
103           SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an  
104 amendment to the State Constitution to remove the authority of a  
105 county, by county charter or special law approved by the  
106 county's voters, to choose its sheriff, tax collector, property  
107 appraiser, supervisor of elections, and clerk of the circuit  
108 court in a manner other than election and to abolish any county  
109 office when its duties are transferred to another office. The  
110 amendment also removes authority for a county charter to  
111 transfer to another officer the duties of the clerk of the  
112 circuit court to serve as ex officio clerk of the board of  
113 county commissioners, auditor, recorder, and custodian of all  
114 county funds.