

By Senator Artiles

40-00232-17

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Senate 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 to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a tax collector in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer.

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 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.

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35 adopted, amended or repealed only upon vote of the electors of  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

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

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

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62 as practicable. One commissioner residing in each district shall  
63 be elected as provided by law.

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

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

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

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

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

89 (k) COUNTY SEAT. In every county there shall be a county  
90 seat at which shall be located the principal offices and

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91 permanent records of all county officers. The county seat may  
 92 not be moved except as provided by general law. Branch offices  
 93 for the conduct of county business may be established elsewhere  
 94 in the county by resolution of the governing body of the county  
 95 in the manner prescribed by law. No instrument shall be deemed  
 96 recorded until filed at the county seat, or a branch office  
 97 designated by the governing body of the county for the recording  
 98 of instruments, according to law.

99 ARTICLE XII

100 SCHEDULE

101 Selection and duties of county officers.—The amendment to  
 102 Section 1 of Article VIII, which removes the authority for a  
 103 county charter to provide for choosing certain county officers  
 104 in a manner other than election, prohibits a special law to  
 105 provide for choosing a tax collector in a manner other than  
 106 election, authorizes the abolition of any county office if its  
 107 duties are transferred to another office by special law approved  
 108 by county voters, and removes authority for a county charter to  
 109 transfer certain ex officio duties of the clerk of the circuit  
 110 court to another officer, takes effect January 5, 2021.

111 BE IT FURTHER RESOLVED that the following statement be  
 112 placed on the ballot:

113 CONSTITUTIONAL AMENDMENT

114 ARTICLE VIII, SECTION 1

115 ARTICLE XII

116 SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority  
 117 for a county charter to provide for choosing certain county  
 118 officers other than by election; prohibits a special law to  
 119 provide for choosing a tax collector other than by election;

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120 authorizes abolition of any county office and transfer of duties  
121 only by approval of county voters; and removes authority for a  
122 county charter to transfer certain duties of the clerk of the  
123 circuit court. The amendment takes effect January 5, 2021, if  
124 approved.

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

## CONSTITUTIONAL AMENDMENT

## ARTICLE VIII, SECTION 1

## ARTICLE XII

131 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an  
132 amendment to the State Constitution, applicable to all counties,  
133 to remove authority for a county charter to provide for choosing  
134 certain county officers in a manner other than by election and  
135 prohibits a special law approved by county voters to provide for  
136 choosing a tax collector in a manner other than by election. The  
137 amendment authorizes the abolition of any county office if its  
138 duties are transferred to another office by special law approved  
139 by county voters. The amendment also removes authority for a  
140 county charter to transfer to another officer the duties of the  
141 clerk of the circuit court to serve as ex officio clerk of the  
142 board of county commissioners, auditor, recorder, and custodian  
143 of all county funds. The amendment takes effect January 5, 2021,  
144 if approved.