



714942

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/22/2017	.	
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The Committee on Community Affairs (Articles) 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



714942

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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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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, the tax collector, the property appraiser, the supervisor of elections, and the clerk of the circuit court ~~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. Notwithstanding section 6(e) of this article, this subsection provides the exclusive manner for the selection, length of terms, abolition of office, and transfer of duties of



714942

40 the sheriff in each county.

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

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

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

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



714942

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

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

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

84 BE IT FURTHER RESOLVED that the following statement be  
85 placed on the ballot:

86 CONSTITUTIONAL AMENDMENT

87 ARTICLE VIII, SECTION 1

88 SELECTION AND DUTIES OF COUNTY SHERIFF.—Proposing an  
89 amendment to the State Constitution to remove authority for a  
90 county charter or a special law to provide for choosing a  
91 sheriff in a manner other than by election or to alter the  
92 duties of the sheriff or abolish the office of the sheriff. The  
93 amendment is applicable to all counties and takes effect January  
94 8, 2019, if approved.

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96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:



714942

98 Delete everything before the resolving clause  
99 and insert:

100 Senate Joint Resolution  
101 A joint resolution proposing an amendment to Section 1  
102 of Article VIII of the State Constitution to remove  
103 authority for a county charter or special law to  
104 provide for choosing a sheriff in a manner other than  
105 by election or to alter the duties of the sheriff or  
106 abolish the office of the sheriff.