

**By** the Committees on Ethics and Elections; and Community Affairs; and Senators Artiles and Powell

582-03001-17

2017134c2

## Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election or to alter the duties of the sheriff or abolish the office of the sheriff.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the electors

582-03001-17

2017134c2

30 of each county, for terms of four years, a sheriff, a tax  
31 collector, a property appraiser, a supervisor of elections, and  
32 a clerk of the circuit court; except, when provided by county  
33 charter or special law approved by vote of the electors of the  
34 county, the tax collector, the property appraiser, the  
35 supervisor of elections, and the clerk of the circuit court ~~any~~  
36 ~~county officer~~ may be chosen in another manner therein  
37 specified, or ~~any county office~~ may be abolished when all the  
38 duties of the office prescribed by general law are transferred  
39 to another office. When not otherwise provided by county charter  
40 or special law approved by vote of the electors, the clerk of  
41 the circuit court shall be ex officio clerk of the board of  
42 county commissioners, auditor, recorder, and custodian of all  
43 county funds. Notwithstanding subsection (e) of section 6 of  
44 this article, a county charter may not abolish the office of the  
45 sheriff, transfer the duties of the office of the sheriff to  
46 another office, change the length of the term of a sheriff, or  
47 establish any manner of selection of a sheriff other than  
48 election by the electors of the county.

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

57 (f) NON-CHARTER GOVERNMENT. Counties not operating under  
58 county charters shall have such power of self-government as is

582-03001-17

2017134c2

59 provided by general or special law. The board of county  
60 commissioners of a county not operating under a charter may  
61 enact, in a manner prescribed by general law, county ordinances  
62 not inconsistent with general or special law, but an ordinance  
63 in conflict with a municipal ordinance shall not be effective  
64 within the municipality to the extent of such conflict.

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

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

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

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

82 (k) COUNTY SEAT. In every county there shall be a county  
83 seat at which shall be located the principal offices and  
84 permanent records of all county officers. The county seat may  
85 not be moved except as provided by general law. Branch offices  
86 for the conduct of county business may be established elsewhere  
87 in the county by resolution of the governing body of the county

582-03001-17

2017134c2

88 in the manner prescribed by law. No instrument shall be deemed  
89 recorded until filed at the county seat, or a branch office  
90 designated by the governing body of the county for the recording  
91 of instruments, according to law.

92 BE IT FURTHER RESOLVED that the following statement be  
93 placed on the ballot:

94 CONSTITUTIONAL AMENDMENT

95 ARTICLE VIII, SECTION 1

96 SELECTION AND DUTIES OF COUNTY SHERIFF.—Proposing an  
97 amendment to the State Constitution to remove authority for a  
98 county charter or a special law to provide for choosing a  
99 sheriff in a manner other than by election or to alter the  
100 duties of the sheriff or abolish the office of the sheriff. The  
101 amendment is applicable to all counties and takes effect January  
102 8, 2019, if approved.