

By Senator Artiles

40-00234-17

2017138__

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 supervisor of elections 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.

40-00234-17

2017138__

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35 adopted, amended or repealed only upon vote of the electors of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 supervisor of elections, or any
44 county 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

40-00234-17

2017138__

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

40-00234-17

2017138__

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.

ARTICLE XII

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 supervisor of elections in a manner other
 106 than election, authorizes the abolition of any county office if
 107 its duties are transferred to another office by special law
 108 approved by county voters, and removes authority for a county
 109 charter to transfer certain ex officio duties of the clerk of
 110 the circuit court to another officer, takes effect January 5,
 111 2021.

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

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

ARTICLE XII

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

40-00234-17

2017138__

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

ARTICLE XII

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