

House 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 sheriff 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.—

26 (a) POLITICAL SUBDIVISIONS. The state shall be divided by  
 27 law into political subdivisions called counties. Counties may be  
 28 created, abolished or changed by law, with provision for payment  
 29 or apportionment of the public debt.

30 (b) COUNTY FUNDS. The care, custody and method of  
 31 disbursing county funds shall be provided by general law.

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 34 adopted, amended or repealed only upon vote of the electors of  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

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

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51 provides the exclusive manner for the selection, length of  
52 terms, abolition of office, and transfer of duties of the  
53 sheriff, tax collector, property appraiser, supervisor of  
54 elections, and clerk of the circuit court in each county.

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

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

71 (g) CHARTER GOVERNMENT. Counties operating under county  
72 charters shall have all powers of local self-government not  
73 inconsistent with general law, or with special law approved by  
74 vote of the electors. The governing body of a county operating  
75 under a charter may enact county ordinances not inconsistent

76 | with general law. The charter shall provide which shall prevail  
77 | in the event of conflict between county and municipal  
78 | ordinances.

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

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

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

88 | (k) COUNTY SEAT. In every county there shall be a county  
89 | seat at which shall be located the principal offices and  
90 | permanent records of all county officers. The county seat may  
91 | not be moved except as provided by general law. Branch offices  
92 | for the conduct of county business may be established elsewhere  
93 | in the county by resolution of the governing body of the county  
94 | in the manner prescribed by law. No instrument shall be deemed  
95 | recorded until filed at the county seat, or a branch office  
96 | designated by the governing body of the county for the recording  
97 | of instruments, according to law.

98 | ARTICLE XII

99 | SCHEDULE

100 | Selection and duties of county officers.—The amendment to

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

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

112 CONSTITUTIONAL AMENDMENT

113 ARTICLE VIII, SECTION 1

114 ARTICLE XII

115 SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority  
 116 for a county charter to provide for choosing certain county  
 117 officers other than by election; prohibits a special law to  
 118 provide for choosing a sheriff other than by election;  
 119 authorizes abolition of any county office and transfer of duties  
 120 only by approval of county voters; and removes authority for a  
 121 county charter to transfer certain duties of the clerk of the  
 122 circuit court. The amendment takes effect January 5, 2021, if  
 123 approved.

124 BE IT FURTHER RESOLVED that the following statement be  
 125 placed on the ballot if a court declares the preceding statement

126 | defective and the decision of the court is not reversed:

127 |                   CONSTITUTIONAL AMENDMENT

128 |                   ARTICLE VIII, SECTION 1

129 |                   ARTICLE XII

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