

By Senator Gruters

23-00847-22

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to authorize the Legislature to provide by general law for the recall of county officers and commissioners.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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 of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and

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30 a clerk of the circuit court. Unless otherwise provided by
31 special law approved by vote of the electors or pursuant to
32 Article V, section 16, the clerk of the circuit court shall be
33 ex officio clerk of the board of county commissioners, auditor,
34 recorder and custodian of all county funds. Notwithstanding
35 subsection 6(e) of this article, a county charter may not
36 abolish the office of a sheriff, a tax collector, a property
37 appraiser, a supervisor of elections, or a clerk of the circuit
38 court; transfer the duties of those officers to another officer
39 or office; change the length of the four-year term of office; or
40 establish any manner of selection other than by election by the
41 electors of the county.

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

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

58 (g) CHARTER GOVERNMENT. Counties operating under county

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

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

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

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

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

85 (l) RECALL OF COUNTY OFFICERS AND COMMISSIONERS. The
86 legislature may provide by general law for the recall of county
87 officers and commissioners.

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88 BE IT FURTHER RESOLVED that the following statement be
89 placed on the ballot:

90 CONSTITUTIONAL AMENDMENT

91 ARTICLE VIII, SECTION 1

92 RECALL OF COUNTY OFFICERS AND COMMISSIONERS.—Proposing an
93 amendment to the State Constitution to authorize the Legislature
94 to provide by general law for the recall of county officers and
95 commissioners.