

## HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

**BILL #:** CS/HB 1493 Alachua County

**SPONSOR(S):** Local Administration & Veterans Affairs Subcommittee, Clemons

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local Administration & Veterans Affairs Subcommittee	17 Y, 0 N, As CS	Darden	Miller
2) Public Integrity & Elections Committee	15 Y, 0 N	Roy	Rubottom
3) State Affairs Committee			

### SUMMARY ANALYSIS

The Florida Constitution requires each county commission to divide the county into districts of contiguous territory with as equal population as practicable following each decennial census. One commissioner residing in each district is elected as provided by law. Each county commission consists of five or seven members serving staggered terms of four years, unless otherwise provided by a county charter.

The Alachua County Board of County Commissioners is a five-member body, divided into districts, with one commissioner elected from each district by the qualified electors of the entire county.

HB 1493 would amend the Alachua County Home Rule Charter to require members of the county commission to be elected by the qualified electors of the district they represent. The charter amendment is subject to approval by the electors of Alachua County voting in a referendum to be held on November 8, 2022, the 2022 general election. The bill also specifies the wording of the referendum question on the ballot.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Background**

The Florida Constitution requires each county commission to divide the county into districts of contiguous territory with as equal population as practicable following each decennial census.<sup>1</sup> One commissioner residing in each district is elected as provided by law. Each county commission consists of five or seven members serving staggered terms of four years, unless otherwise provided by a county charter.

The default county election system requires the county commission to draw five districts nearly equal in population as possible, with one commissioner elected from each district by the qualified electors of the entire county.<sup>2</sup> County commissioners are responsible for making periodic boundary adjustments to ensure district populations are nearly equal as possible, but these changes may only be made during odd-numbered years.<sup>3</sup> This system is used by 41 of the state's 67 counties, including Alachua County.<sup>4</sup>

Alternatively, county commissioners may be elected from single-member districts, subject to voter approval at a referendum.<sup>5</sup> A referendum to convert to single-member districts may be called by the county commission or electors of the county may petition to have the proposition placed on the ballot by gathering the signatures of at least ten percent of the qualified electors of the county.<sup>6</sup> The referendum may convert the county commission to a five-member body, with all members elected in districts, or a seven-member body with five members elected in districts and two members elected at-large by the qualified electors of the entire county.<sup>7</sup> Commissioners are elected to four-year terms which are staggered so that approximately half of the commissioners elected from districts and, if applicable, one of the commissioners elected at-large from the entire county, are elected every two years.<sup>8</sup> The conversion to single-member districts does not impact the term of current officeholders.<sup>9</sup>

Counties operating under county charter have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors.<sup>10</sup> Alachua county adopted its Home Rule charter in 1986.<sup>11</sup> Alachua County assigns legislative powers to an elected county commission and executive powers to an appointed county manager.<sup>12</sup> Amendments to the charter may be proposed by petition signed by a number of electors equal to at least 10 percent of the number of electors qualified to vote in the county as a whole in the last preceding general election.<sup>13</sup> Such a charter may be amended under legislative mandate.

#### **Effect of Proposed Changes**

The bill proposes to amend the Alachua County Home Rule Charter, upon approval of county voters, to require members of the county commission to be elected by the qualified electors of the district they represent. The charter amendment is subject to approval by the electors of Alachua County voting in a referendum to be held on November 8, 2022, the 2022 general election. The bill also specifies the wording of the referendum question on the ballot.

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<sup>1</sup> Art. VIII, s. 1, Fla. Const.

<sup>2</sup> S. 124.01(1)-(2), F.S.

<sup>3</sup> S. 124.01(3), F.S.

<sup>4</sup> Fla. Ass'n of Counties, *County Redistricting*, <https://www.fl-counties.com/county-districting> (last visited Jan. 14, 2022).

<sup>5</sup> S. 124.011, F.S.

<sup>6</sup> S. 124.011(3), F.S.

<sup>7</sup> S. 124.011(1), F.S.

<sup>8</sup> S. 124.011(2), F.S.

<sup>9</sup> S. 124.011(11), F.S.

<sup>10</sup> Art. VIII, s. 1, Fla. Const.

<sup>11</sup> Art. 1, s. 1.1, Alachua County Charter.

<sup>12</sup> Art. 2, s. 2.1, Alachua County Charter.

<sup>13</sup> Art. 4, s. 4.2(A), Alachua County Charter.

**B. SECTION DIRECTORY:**

- Section 1: Amending the Alachua County Home Rule Charter to require members of the county commission to be elected by the qualified electors of the district they represent.
- Section 2: Providing for a referendum election, ballot title, and ballot question.
- Section 3: Providing the bill shall take effect upon its approval by a majority vote of the qualified electors of Alachua County voting in a referendum, except that this section and section 2 shall take effect upon becoming a law.

**II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS**

A. NOTICE PUBLISHED? Yes  No

IF YES, WHEN? December 1, 2021

WHERE? The *Gainesville Sun*, a daily newspaper of general circulation published in Alachua County, Florida.

B. REFERENDUM(S) REQUIRED? Yes  No

IF YES, WHEN? November 8, 2022

C. LOCAL BILL CERTIFICATION FILED? Yes  No

D. ECONOMIC IMPACT STATEMENT FILED? Yes  No

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires administrative rulemaking by executive branch agencies.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On February 2, 2022, the Local Administration & Veterans Affairs Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment would maintain the current size of the Alachua County Board of County Commissioners, but require each member to be elected by the qualified electors of the district they represent. The amendment also corrects a scrivener's error in the bill as filed.

This analysis is drafted to the committee substitute adopted by the Local Administration & Veterans

