

By Senator Collins

14-00638-23

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.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