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House 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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of

26 | the county in a special election called for that purpose.

27 | (d) COUNTY OFFICERS. There shall be elected by the
 28 | electors of each county, for terms of four years, a sheriff, a
 29 | tax collector, a property appraiser, a supervisor of elections,
 30 | and 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
 43 | county charter, the governing body of each county shall be a
 44 | board of county commissioners composed of five or seven members
 45 | serving staggered terms of four years. After each decennial
 46 | census the board of county commissioners shall divide the county
 47 | into districts of contiguous territory as nearly equal in
 48 | population as practicable. One commissioner residing in each
 49 | district shall 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
 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
 71 filed with the custodian of state records and shall become
 72 effective 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 | (1) RECALL OF COUNTY OFFICERS AND COMMISSIONERS. The
 86 | legislature may provide by general law for the recall of county
 87 | officers and commissioners.

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.