

House Joint Resolution

A joint resolution proposing amendments to Section 1 of Article VIII and Section 5 of Article IX of the State Constitution to require the membership composition of a board of county commissioners to be based on population, to require county commissioners to be elected by the qualified electors who reside in the same county commission district as the commissioner, and to require the superintendent of schools to be elected.

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.

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

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30 adopted, amended or repealed only upon vote of the electors of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

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

47 (e) COMMISSIONERS. Except when otherwise provided by
48 county charter, the governing body of each county shall be a
49 board of county commissioners. The membership composition of a
50 board of county commissioners shall be based on the population

51 of each county commissioner's district ~~composed of five or seven~~
52 ~~members serving staggered terms of four years.~~ After each
53 decennial census the board of county commissioners shall divide
54 the county into districts of contiguous territory as nearly
55 equal in population as practicable. A county commissioner shall
56 be nominated and elected to office only by the qualified
57 electors who reside in the same county commission district as
58 the commissioner ~~One commissioner residing in each district~~
59 ~~shall be elected as provided by law.~~

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

68 (g) CHARTER GOVERNMENT. Counties operating under county
69 charters shall have all powers of local self-government not
70 inconsistent with general law, or with special law approved by
71 vote of the electors. The governing body of a county operating
72 under a charter may enact county ordinances not inconsistent
73 with general law. The charter shall provide which shall prevail
74 in the event of conflict between county and municipal
75 ordinances.

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

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

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

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

95
 96 ARTICLE IX

97 EDUCATION

98 SECTION 5. Superintendent of schools.—In each school
 99 district there shall be a superintendent of schools who shall be
 100 elected at the general election in each year the number of which

101 is a multiple of four for a term of four years; ~~or, when~~
 102 ~~provided by resolution of the district school board, or by~~
 103 ~~special law, approved by vote of the electors, the district~~
 104 ~~school superintendent in any school district shall be employed~~
 105 ~~by the district school board as provided by general law. The~~
 106 ~~resolution or special law may be rescinded or repealed by either~~
 107 ~~procedure after four years.~~

108 BE IT FURTHER RESOLVED that the following statement be
 109 placed on the ballot:

110 CONSTITUTIONAL AMENDMENT

111 ARTICLE VIII, SECTION 1

112 ARTICLE IX, SECTION 5

113 ELECTION OF COUNTY COMMISSIONERS AND SUPERINTENDENTS OF
 114 SCHOOLS.—Proposing an amendment to the State Constitution to
 115 require the membership composition of a board of county
 116 commissioners to be based on population, to require county
 117 commissioners to be elected by the qualified electors who reside
 118 in the same county commission district as the commissioner, and
 119 to require the superintendent of schools to be elected.