

By Senator Collins

14-02018-25

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Senate 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 county population as provided by general law, 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 amendments to Section 1 of Article VIII and Section 5 of Article IX of the State Constitution are 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

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31 adopted, amended or repealed only upon vote of the electors of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

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

48 (e) COMMISSIONERS. Except when otherwise provided by
49 county charter, the governing body of each county shall be a
50 board of county commissioners. The membership composition of a
51 board of county commissioners shall be based on county
52 population as provided by general law ~~composed of five or seven~~
53 ~~members serving staggered terms of four years.~~ After each
54 decennial census the board of county commissioners shall divide
55 the county into districts of contiguous territory as nearly
56 equal in population as practicable. A county commissioner shall
57 be nominated and elected to office only by the qualified
58 electors who reside in the same county commission district as

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59 the commissioner ~~One commissioner residing in each district~~
60 ~~shall be elected as provided by law.~~

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

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

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

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

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

86 (k) COUNTY SEAT. In every county there shall be a county
87 seat at which shall be located the principal offices and

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88 permanent records of all county officers. The county seat may
89 not be moved except as provided by general law. Branch offices
90 for the conduct of county business may be established elsewhere
91 in the county by resolution of the governing body of the county
92 in the manner prescribed by law. No instrument shall be deemed
93 recorded until filed at the county seat, or a branch office
94 designated by the governing body of the county for the recording
95 of instruments, according to law.

ARTICLE IX

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:

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

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 county population as provided by

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117 general law, to require county commissioners to be elected by
118 the qualified electors who reside in the same county commission
119 district as the commissioner, and to require the superintendent
120 of schools to be elected.