

By Senator Hutson

6-00468-16

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for certain county officers to be chosen in a manner other than election, for any county office to be abolished, or for certain ex officio duties of the clerk of the circuit court to be transferred to another officer.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

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30 (d) COUNTY OFFICERS. There shall be elected by the electors
31 of each county, for terms of four years, a sheriff, a tax
32 collector, a property appraiser, a supervisor of elections, and
33 a clerk of the circuit court; except, when provided by county
34 charter or special law approved by vote of the electors of the
35 county, the tax collector ~~any county officer~~ may be chosen in
36 another manner therein specified, ~~or any county office may be~~
37 ~~abolished when all the duties of the office prescribed by~~
38 ~~general law are transferred to another office.~~ When not
39 otherwise provided by ~~county charter or~~ special law approved by
40 vote of the electors, the clerk of the circuit court shall be ex
41 officio clerk of the board of county commissioners, auditor,
42 recorder, and custodian of all county funds.

43 (e) COMMISSIONERS. Except when otherwise provided by county
44 charter, the governing body of each county shall be a board of
45 county commissioners composed of five or seven members serving
46 staggered terms of four years. After each decennial census the
47 board of county commissioners shall divide the county into
48 districts of contiguous territory as nearly equal in population
49 as practicable. One commissioner residing in each district shall
50 be elected as provided by law.

51 (f) NON-CHARTER GOVERNMENT. Counties not operating under
52 county charters shall have such power of self-government as is
53 provided by general or special law. The board of county
54 commissioners of a county not operating under a charter may
55 enact, in a manner prescribed by general law, county ordinances
56 not inconsistent with general or special law, but an ordinance
57 in conflict with a municipal ordinance shall not be effective
58 within the municipality to the extent of such conflict.

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59 (g) CHARTER GOVERNMENT. Counties operating under county
60 charters shall have all powers of local self-government not
61 inconsistent with general law, or with special law approved by
62 vote of the electors. The governing body of a county operating
63 under a charter may enact county ordinances not inconsistent
64 with general law. The charter shall provide which shall prevail
65 in the event of conflict between county and municipal
66 ordinances.

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

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

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

76 (k) COUNTY SEAT. In every county there shall be a county
77 seat at which shall be located the principal offices and
78 permanent records of all county officers. The county seat may
79 not be moved except as provided by general law. Branch offices
80 for the conduct of county business may be established elsewhere
81 in the county by resolution of the governing body of the county
82 in the manner prescribed by law. No instrument shall be deemed
83 recorded until filed at the county seat, or a branch office
84 designated by the governing body of the county for the recording
85 of instruments, according to law.

86 BE IT FURTHER RESOLVED that the following statement be
87 placed on the ballot:

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CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an amendment to the State Constitution to remove the authority of a county, by county charter or special law, to choose certain county officers in a manner other than election and to abolish any county office when its duties are transferred to another office. The amendment also removes authority for a county charter to transfer certain ex officio duties of the clerk of the circuit court to another officer.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an amendment to the State Constitution to remove the authority of a county, by county charter or special law approved by the county's voters, to choose its sheriff, property appraiser, supervisor of elections, and clerk of the circuit court in a manner other than election and to abolish any county office when its duties are transferred to another office. The amendment also removes authority for a county charter to transfer to another officer the duties of the clerk of the circuit court to serve as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of all county funds.