

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|---|-------|
| ADOPTED | — | (Y/N) |
| ADOPTED AS AMENDED | — | (Y/N) |
| ADOPTED W/O OBJECTION | — | (Y/N) |
| FAILED TO ADOPT | — | (Y/N) |
| WITHDRAWN | — | (Y/N) |
| OTHER | — | |

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee

3 Representative Artiles offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the resolving clause and insert:
7 That the following amendment to Section 1 of Article VIII and
8 the creation of Section 34 of Article XII of the State
9 Constitution is agreed to and shall be submitted to the electors
10 of this state for approval or rejection at the next general
11 election or at an earlier special election specifically
12 authorized by law for that purpose:

13 ARTICLE VIII

14 LOCAL GOVERNMENT

15 SECTION 1. Counties.—

16 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
17 law into political subdivisions called counties. Counties may be

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18 created, abolished or changed by law, with provision for payment
19 or apportionment of the public debt.

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

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24 adopted, amended or repealed only upon vote of the electors of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

26 (d) COUNTY OFFICERS. There shall be elected by the
27 electors of each county, for terms of four years, a sheriff, a
28 tax collector, a property appraiser, a supervisor of elections,
29 and a clerk of the circuit court; except, when provided by
30 county charter or special law approved by vote of the electors
31 of the county, the tax collector ~~any county officer~~ may be
32 chosen in another manner therein specified, ~~or any~~ Any county
33 office may be abolished when all the duties of the office
34 prescribed by general law are transferred to another office as
35 provided by special law approved by vote of the electors of the
36 county. When not otherwise provided by ~~county charter or special~~
37 law approved by vote of the electors, the clerk of the circuit
38 court shall be ex officio clerk of the board of county
39 commissioners, auditor, recorder, and custodian of all county
40 funds. Notwithstanding Section 6(e) of this article, the
41 provisions of this subsection (1)(d) shall provide the exclusive
42 manner of selection, length of terms, abolition of office, and
43 transfer of duties of the sheriff, tax collector, property

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44 appraiser, supervisor of elections, and clerk of the circuit
45 court in each county.

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

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

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

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

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

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

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

ARTICLE XII

SCHEDULE

91 SECTION 34. SELECTION AND DUTIES OF COUNTY OFFICERS.—The
92 amendment to Section 1 of Article VIII removing the authority
93 for a county charter or special law to require choosing certain
94 county officers other than by election, permitting abolishing
95 any county office and transferring its duties only by special

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96 law approved by county voters, and removing authority for a
97 county charter to transfer certain ex officio duties of the
98 clerk of the circuit court, shall take effect on January 8,
99 2019.

100 BE IT FURTHER RESOLVED that the following statement be
101 placed on the ballot:

102 CONSTITUTIONAL AMENDMENT

103 ARTICLE VIII, SECTION 1

104 ARTICLE XII, SECTION 34

105 SELECTION AND DUTIES OF COUNTY OFFICERS.— Proposing an
106 amendment to the State Constitution, applicable to all counties,
107 removing the authority for a county charter or special law to
108 require choosing certain county officers other than by election,
109 permitting abolishing any county office and transferring its
110 duties only by approval of county voters, removing authority for
111 a county charter to transfer certain duties of the clerk of the
112 circuit court, and scheduling the amendment to take effect on
113 January 8, 2019.

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

117 CONSTITUTIONAL AMENDMENT

118 ARTICLE VIII, SECTION 1

119 ARTICLE XII, SECTION 34

120 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
121 amendment to the State Constitution, applicable to all counties,

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122 to remove the authority of a county, by county charter or
123 special law approved by the county's voters, to choose its
124 sheriff, property appraiser, supervisor of elections, and clerk
125 of the circuit court in a manner other than election. The
126 amendment would permit abolishing any county office when its
127 duties are transferred to another office but only by special law
128 approved by the county voters. The amendment also removes
129 authority for a county charter to transfer to another officer
130 the duties of the clerk of the circuit court to serve as ex
131 officio clerk of the board of county commissioners, auditor,
132 recorder, and custodian of all county funds. The amendment would
133 take effect on January 8, 2019, if adopted.

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136 -----
137 **T I T L E A M E N D M E N T**

138 Remove everything before the resolving clause and insert:
139 A joint resolution proposing an amendment to Section 1 of
140 Article VIII and creation of Section 34 of Article XII of the
141 State Constitution to remove authority for certain county
142 officers to be chosen in a manner other than election, revise
143 authority for any county office to be abolished provided powers
144 are transferred as approved by the county electors, or certain
145 ex officio duties of the clerk of the circuit court to be
146 transferred to another officer, making this amendment applicable

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Bill No. HJR 165 (2016)

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147 | to all counties in Florida, and scheduling this amendment to
148 | take effect January 8, 2019, if adopted.