

By Senator Artiles

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Senate Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII and the creation of a new section in Article XII of the State Constitution to remove authority for a county charter to provide for choosing certain county officers in a manner other than election, prohibit a special law to provide for choosing a sheriff in a manner other than election, authorize the abolition of any county office if its duties are transferred to another office by special law approved by county voters, and remove authority for a county charter to transfer certain duties of the clerk of the circuit court to another officer.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment to Section 1 of Article VIII and the creation of a new section in Article XII 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

40-00231-17

2017134__

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34 adopted, amended or repealed only upon vote of the electors of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

36 (d) COUNTY OFFICERS. There shall be elected by the electors
37 of each county, for terms of four years, a sheriff, a tax
38 collector, a property appraiser, a supervisor of elections, and
39 a clerk of the circuit court; except, when provided by ~~county~~
40 ~~charter or~~ special law approved by vote of the electors of the
41 county, any county officer may be chosen in another manner
42 therein specified, except the sheriff, or any county office may
43 be abolished when all the duties of the office prescribed by
44 general law are transferred to another office as provided by
45 special law approved by vote of the electors of the county. When
46 not otherwise provided by ~~county charter or~~ special law approved
47 by vote of the electors, the clerk of the circuit court shall be
48 ex officio clerk of the board of county commissioners, auditor,
49 recorder, and custodian of all county funds. Notwithstanding
50 section 6(e) of this article, this subsection provides the
51 exclusive manner for the selection, length of terms, abolition
52 of office, and transfer of duties of the sheriff, tax collector,
53 property appraiser, supervisor of elections, and clerk of the
54 circuit court in each county.

55 (e) COMMISSIONERS. Except when otherwise provided by county
56 charter, the governing body of each county shall be a board of
57 county commissioners composed of five or seven members serving
58 staggered terms of four years. After each decennial census the
59 board of county commissioners shall divide the county into
60 districts of contiguous territory as nearly equal in population
61 as practicable. One commissioner residing in each district shall

40-00231-17

2017134__

62 be elected as provided by law.

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

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

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

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

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

88 (k) COUNTY SEAT. In every county there shall be a county
89 seat at which shall be located the principal offices and
90 permanent records of all county officers. The county seat may

40-00231-17

2017134__

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

ARTICLE XII

SCHEDULE

100 Selection and duties of county officers.—The amendment to
101 Section 1 of Article VIII, which removes the authority for a
102 county charter to provide for choosing certain county officers
103 in a manner other than election, prohibits a special law to
104 provide for choosing a sheriff in a manner other than election,
105 authorizes the abolition of any county office if its duties are
106 transferred to another office by special law approved by county
107 voters, and removes authority for a county charter to transfer
108 certain ex officio duties of the clerk of the circuit court to
109 another officer, takes effect January 5, 2021.

110 BE IT FURTHER RESOLVED that the following statement be
111 placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

ARTICLE XII

115 SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority
116 for a county charter to provide for choosing certain county
117 officers other than by election; prohibits a special law to
118 provide for choosing a sheriff other than by election;
119 authorizes abolition of any county office and transfer of duties

40-00231-17

2017134__

120 only by approval of county voters; and removes authority for a
121 county charter to transfer certain duties of the clerk of the
122 circuit court. The amendment takes effect January 5, 2021, if
123 approved.

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

127 CONSTITUTIONAL AMENDMENT

128 ARTICLE VIII, SECTION 1

129 ARTICLE XII

130 SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an
131 amendment to the State Constitution, applicable to all counties,
132 to remove authority for a county charter to provide for choosing
133 certain county officers in a manner other than by election and
134 prohibits a special law approved by county voters to provide for
135 choosing a sheriff in a manner other than by election. The
136 amendment authorizes the abolition of any county office if its
137 duties are transferred to another office by special law approved
138 by county voters. The amendment also removes authority for a
139 county charter to transfer to another officer the duties of the
140 clerk of the circuit court to serve as ex officio clerk of the
141 board of county commissioners, auditor, recorder, and custodian
142 of all county funds. The amendment takes effect January 5, 2021,
143 if approved.