

House 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 clerk of the circuit court 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

26 SECTION 1. Counties.—

27 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
 28 law into political subdivisions called counties. Counties may be
 29 created, abolished or changed by law, with provision for payment
 30 or apportionment of the public debt.

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

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 35 adopted, amended or repealed only upon vote of the electors of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

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

51 of all county funds. Notwithstanding section 6(e) of this
52 article, this subsection provides the exclusive manner for the
53 selection, length of terms, abolition of office, and transfer of
54 duties of the sheriff, tax collector, property appraiser,
55 supervisor of elections, and clerk of the circuit court in each
56 county.

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

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

73 (g) CHARTER GOVERNMENT. Counties operating under county
74 charters shall have all powers of local self-government not
75 inconsistent with general law, or with special law approved by

SCHEDULE

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE VIII, SECTION 1

ARTICLE XII

SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority for a county charter to provide for choosing certain county officers other than election; prohibits a special law to provide for choosing a clerk of the circuit court other than election; authorizes abolition of any county office and transfer of duties by approval of county voters; and removes authority for a county charter to transfer certain duties of the clerk of the circuit court. The amendment takes effect January 5, 2021, if approved.

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

129 CONSTITUTIONAL AMENDMENT

130 ARTICLE VIII, SECTION 1

131 ARTICLE XII

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