

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for a county charter or special law to provide for choosing a sheriff in a manner other than by election, to change the length of the term of the sheriff, to transfer the duties of the sheriff, or to abolish the office of the sheriff.

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.

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28 adopted, amended or repealed only upon vote of the electors of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

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

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

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

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

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

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

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

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

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

95 CONSTITUTIONAL AMENDMENT

96 ARTICLE VIII, SECTION 1

97 SELECTION AND DUTIES OF COUNTY SHERIFF.—Proposing an
 98 amendment to the State Constitution to remove authority for a

99 | county charter or a special law to provide for choosing a
100 | sheriff in a manner other than by election, to change the length
101 | of the term of the sheriff, to transfer the duties of the
102 | sheriff, or to abolish the office of the sheriff. The amendment
103 | is applicable to all counties and takes effect January 8, 2019,
104 | if approved.
105 |