

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 property appraiser 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 35 adopted, amended or repealed only upon vote of the electors of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 property appraiser, or any
 44 county office may be abolished when all the duties of the office
 45 prescribed by general law are transferred to another office as
 46 provided by special law approved by vote of the electors of the
 47 county. When not otherwise provided by ~~county charter or~~ special
 48 law approved by vote of the electors, the clerk of the circuit
 49 court shall be ex officio clerk of the board of county
 50 commissioners, auditor, recorder, and custodian of all county

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

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

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

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

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

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

113 CONSTITUTIONAL AMENDMENT

114 ARTICLE VIII, SECTION 1

115 ARTICLE XII

116 SELECTION AND DUTIES OF COUNTY OFFICERS.—Removes authority
 117 for a county charter to provide for choosing certain county
 118 officers other than by election; prohibits a special law to
 119 provide for choosing a property appraiser other than by
 120 election; authorizes abolition of any county office and transfer
 121 of duties only by approval of county voters; and removes
 122 authority for a county charter to transfer certain duties of the
 123 clerk of the circuit court. The amendment takes effect January
 124 5, 2021, if approved.

125 BE IT FURTHER RESOLVED that the following statement be

126 placed on the ballot if a court declares the preceding statement
 127 defective and the decision of the court is not reversed:

128 CONSTITUTIONAL AMENDMENT

129 ARTICLE VIII, SECTION 1

130 ARTICLE XII

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

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