

House Joint Resolution

A joint resolution proposing an amendment to the State Constitution to limit terms of office for county commissioners by prohibiting incumbent members who have held the office for the preceding 8 years from appearing on a ballot for reelection to that office and to specify that such term limits only apply to terms of office beginning on or after November 5, 2024.

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

That the following amendments to Sections 1 and 6 of Article VIII 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

26 | disbursing county funds shall be provided by general law.

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 29 | adopted, amended or repealed only upon vote of the electors of  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

31 |       (d) COUNTY OFFICERS. There shall be elected by the  
 32 | electors of each county, for terms of four years, a sheriff, a  
 33 | tax collector, a property appraiser, a supervisor of elections,  
 34 | and a clerk of the circuit court. Unless otherwise provided by  
 35 | special law approved by vote of the electors or pursuant to  
 36 | Article V, section 16, the clerk of the circuit court shall be  
 37 | ex officio clerk of the board of county commissioners, auditor,  
 38 | recorder and custodian of all county funds. Notwithstanding  
 39 | subsection 6(e) of this article, a county charter may not  
 40 | abolish the office of a sheriff, a tax collector, a property  
 41 | appraiser, a supervisor of elections, or a clerk of the circuit  
 42 | court; transfer the duties of those officers to another officer  
 43 | or office; change the length of the four-year term of office; or  
 44 | establish any manner of selection other than by election by the  
 45 | electors of the 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. However, a person may not  
 50 | appear on the ballot for reelection to a board of county

51 commissioners if, by the end of his or her current term of  
 52 office, the person will have served, or but for resignation  
 53 would have served, in that office for 8 consecutive years. After  
 54 each decennial census, the board of county commissioners shall  
 55 divide the county into districts of contiguous territory as  
 56 nearly equal in population as practicable. One commissioner  
 57 residing in each 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 SECTION 6. Schedule to Article VIII.—

94 (a) This article shall replace all of Article VIII of the  
 95 Constitution of 1885, as amended, except those sections  
 96 expressly retained and made a part of this article by reference.

97 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.  
 98 The status of the following items as they exist on the date this  
 99 article becomes effective is recognized and shall be continued  
 100 until changed in accordance with law: the counties of the state;

101 their status with respect to the legality of the sale of  
 102 intoxicating liquors, wines and beers; the method of selection  
 103 of county officers; the performance of municipal functions by  
 104 county officers; the county seats; and the municipalities and  
 105 special districts of the state, their powers, jurisdiction and  
 106 government.

107 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding  
 108 office when this article becomes effective shall continue in  
 109 office for the remainder of the term if that office is not  
 110 abolished. If the office is abolished the incumbent shall be  
 111 paid adequate compensation, to be fixed by law, for the loss of  
 112 emoluments for the remainder of the term.

113 (d) ORDINANCES. Local laws relating only to  
 114 unincorporated areas of a county on the effective date of this  
 115 article may be amended or repealed by county ordinance.

116 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections  
 117 9, 10, 11 and 24, of the Constitution of 1885, as amended, shall  
 118 remain in full force and effect as to each county affected, as  
 119 if this article had not been adopted, until that county shall  
 120 expressly adopt a charter or home rule plan pursuant to this  
 121 article. All provisions of the Metropolitan Dade County Home  
 122 Rule Charter, heretofore or hereafter adopted by the electors of  
 123 Dade County pursuant to Article VIII, Section 11, of the  
 124 Constitution of 1885, as amended, shall be valid, and any  
 125 amendments to such charter shall be valid; provided that the

126 | said provisions of such charter and the said amendments thereto  
 127 | are authorized under said Article VIII, Section 11, of the  
 128 | Constitution of 1885, as amended.

129 |       (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To  
 130 | the extent not inconsistent with the powers of existing  
 131 | municipalities or general law, the Metropolitan Government of  
 132 | Dade County may exercise all the powers conferred now or  
 133 | hereafter by general law upon municipalities.

134 |       (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—

135 |       (1) Except as provided in this subsection, the amendment  
 136 | to Section 1 of this article, relating to the selection and  
 137 | duties of county officers, shall take effect January 5, 2021,  
 138 | but shall govern with respect to the qualifying for and the  
 139 | holding of the primary and general elections for county  
 140 | constitutional officers in 2020.

141 |       (2) For Miami-Dade County and Broward County, the  
 142 | amendment to Section 1 of this article, relating to the  
 143 | selection and duties of county officers, shall take effect  
 144 | January 7, 2025, but shall govern with respect to the qualifying  
 145 | for and the holding of the primary and general elections for  
 146 | county constitutional officers in 2024.

147 |       (h) DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature  
 148 | shall have power, by joint resolution, to delete from this  
 149 | article any subsection of this Section 6, including this  
 150 | subsection, when all events to which the subsection to be

151 deleted is or could become applicable have occurred. A  
 152 legislative determination of fact made as a basis for  
 153 application of this subsection shall be subject to judicial  
 154 review.

155 (i) LIMITATION ON TERMS OF OFFICE FOR COUNTY  
 156 COMMISSIONERS. This subsection and the amendment to Section 1 of  
 157 this article imposing limits on the terms of office for county  
 158 commissioners shall take effect upon approval by the electors,  
 159 but service in a term of office that commenced before November  
 160 5, 2024, may not be counted toward the limitation imposed by  
 161 Section 1 of this article.

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

164 CONSTITUTIONAL AMENDMENT

165 ARTICLE VIII, SECTIONS 1 AND 6

166 COUNTY COMMISSIONER TERM LIMITS.—Proposing an amendment to  
 167 the State Constitution to limit terms of office for county  
 168 commissioners by prohibiting incumbent members who have held the  
 169 office for the preceding 8 years from appearing on a ballot for  
 170 reelection to that office and to specify that such term limits  
 171 only apply to terms of office beginning on or after November 5,  
 172 2024.