

House Joint Resolution

A joint resolution proposing amendments to Section 1 of Article VIII and Section 4 of Article IX of the State Constitution to provide term limits for members of boards of county commissioners and district school boards and to allow for subsequent election or re-election after a specified period; providing applicability.

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

That the following amendments to Section 1 of Article VIII and Section 4 of Article IX 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29 adopted, amended or repealed only upon vote of the electors of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. After each decennial
50 census the board of county commissioners shall divide the county

51 into districts of contiguous territory as nearly equal in
52 population as practicable. One commissioner residing in each
53 district shall be elected as provided by law. Except as may be
54 provided by general law relating to single-member districts
55 after decennial redistricting, a person who, by the end of his
56 or her current term of office, will have served, or, but for
57 resignation, would have served, as a member of a board of county
58 commissioners for 12 consecutive years may not appear on the
59 ballot for subsequent election or re-election as a member of any
60 board of county commissioners until four years after the
61 expiration of the last term of office on the board for which
62 that person was elected. If a county charter provides that a
63 chairperson or county mayor is elected county-wide, the
64 limitation imposed by this subsection does not prohibit a term-
65 limited commissioner elected from a single-member district from
66 appearing on the ballot for election as chairperson or county
67 mayor.

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

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

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

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

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

93 (k) COUNTY SEAT. In every county there shall be a county
94 seat at which shall be located the principal offices and
95 permanent records of all county officers. The county seat may
96 not be moved except as provided by general law. Branch offices
97 for the conduct of county business may be established elsewhere
98 in the county by resolution of the governing body of the county
99 in the manner prescribed by law. No instrument shall be deemed
100 recorded until filed at the county seat, or a branch office

101 designated by the governing body of the county for the recording
102 of instruments, according to law.

103 ARTICLE IX

104 EDUCATION

105 SECTION 4. School districts; school boards.—

106 (a) Each county shall constitute a school district;
107 provided, two or more contiguous counties, upon vote of the
108 electors of each county pursuant to law, may be combined into
109 one school district. In each school district there shall be a
110 school board composed of five or more members chosen by vote of
111 the electors in a nonpartisan election for appropriately
112 staggered terms of four years, as provided by law. A person who,
113 by the end of his or her current term of office, will have
114 served, or, but for resignation, would have served, as a member
115 of a school board for 12 consecutive years may not appear on the
116 ballot for subsequent election or re-election as a member of any
117 school board until four years after the expiration of the last
118 term of office on the school board for which that person was
119 elected.

120 (b) The school board shall operate, control and supervise
121 all free public schools within the school district and determine
122 the rate of school district taxes within the limits prescribed
123 herein. Two or more school districts may operate and finance
124 joint educational programs.
125

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

128 CONSTITUTIONAL AMENDMENT

129 ARTICLE VIII, SECTION 1

130 ARTICLE IX, SECTION 4

131 TERM LIMITS FOR MEMBERS OF COUNTY COMMISSIONS AND DISTRICT
132 SCHOOL BOARDS.—Proposing amendments to the State Constitution to
133 provide term limits of 12 consecutive years for county
134 commissioners and district school board members and to allow for
135 subsequent election or re-election four years after the
136 expiration of the last term of office, as provided by general
137 law. The amendments provide additional applicability.