

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to remove authority for certain county officers to be chosen in a manner other than election, any county office to be abolished, or certain ex officio duties of the clerk of the circuit court to be transferred to another officer.

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.

(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28 | adopted, amended or repealed only upon vote of the electors of  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, the tax collector ~~any county officer~~ may be  
36 | chosen in another manner therein specified, ~~or any county office~~  
37 | ~~may be abolished when all the duties of the office prescribed by~~  
38 | ~~general law are transferred to another office.~~ When not  
39 | otherwise provided by ~~county charter or~~ special law approved by  
40 | vote of the electors, the clerk of the circuit court shall be ex  
41 | officio clerk of the board of county commissioners, auditor,  
42 | recorder, and custodian of all county funds.

43 | (e) COMMISSIONERS. Except when otherwise provided by  
44 | county charter, the governing body of each county shall be a  
45 | board of county commissioners composed of five or seven members  
46 | serving staggered terms of four years. After each decennial  
47 | census the board of county commissioners shall divide the county  
48 | into districts of contiguous territory as nearly equal in  
49 | population as practicable. One commissioner residing in each  
50 | district shall be elected as provided by law.

51 | (f) NON-CHARTER GOVERNMENT. Counties not operating under  
52 | county charters shall have such power of self-government as is

53 provided by general or special law. The board of county  
54 commissioners of a county not operating under a charter may  
55 enact, in a manner prescribed by general law, county ordinances  
56 not inconsistent with general or special law, but an ordinance  
57 in conflict with a municipal ordinance shall not be effective  
58 within the municipality to the extent of such conflict.

59 (g) CHARTER GOVERNMENT. Counties operating under county  
60 charters shall have all powers of local self-government not  
61 inconsistent with general law, or with special law approved by  
62 vote of the electors. The governing body of a county operating  
63 under a charter may enact county ordinances not inconsistent  
64 with general law. The charter shall provide which shall prevail  
65 in the event of conflict between county and municipal  
66 ordinances.

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

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

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

76 (k) COUNTY SEAT. In every county there shall be a county  
77 seat at which shall be located the principal offices and  
78 permanent records of all county officers. The county seat may

79 | not be moved except as provided by general law. Branch offices  
 80 | for the conduct of county business may be established elsewhere  
 81 | in the county by resolution of the governing body of the county  
 82 | in the manner prescribed by law. No instrument shall be deemed  
 83 | recorded until filed at the county seat, or a branch office  
 84 | designated by the governing body of the county for the recording  
 85 | of instruments, according to law.

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

88 | CONSTITUTIONAL AMENDMENT

89 | ARTICLE VIII, SECTION 1

90 | SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an  
 91 | amendment to the State Constitution to remove the authority of a  
 92 | county, by county charter or special law, to choose certain  
 93 | county officers in a manner other than election and to abolish  
 94 | any county office when its duties are transferred to another  
 95 | office. The amendment also removes authority for a county  
 96 | charter to transfer certain ex officio duties of the clerk of  
 97 | the circuit court to another officer.

98 | BE IT FURTHER RESOLVED that the following statement be  
 99 | placed on the ballot if a court declares the preceding statement  
 100 | defective and the decision of the court is not reversed:

101 | CONSTITUTIONAL AMENDMENT

102 | ARTICLE VIII, SECTION 1

103 | SELECTION AND DUTIES OF COUNTY OFFICERS.—Proposing an  
 104 | amendment to the State Constitution to remove the authority of a

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105 | county, by county charter or special law approved by the  
106 | county's voters, to choose its sheriff, property appraiser,  
107 | supervisor of elections, and clerk of the circuit court in a  
108 | manner other than election and to abolish any county office when  
109 | its duties are transferred to another office. The amendment also  
110 | removes authority for a county charter to transfer to another  
111 | officer the duties of the clerk of the circuit court to serve as  
112 | ex officio clerk of the board of county commissioners, auditor,  
113 | recorder, and custodian of all county funds.