

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 the choosing of a sheriff in a manner other than by election or to alter the duties of the sheriff or 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.

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 27 adopted, amended or repealed only upon vote of the electors of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

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

47 (e) COMMISSIONERS. Except when otherwise provided by
 48 county charter, the governing body of each county shall be a
 49 board of county commissioners composed of five or seven members

50 serving staggered terms of four years. After each decennial
51 census the board of county commissioners shall divide the county
52 into districts of contiguous territory as nearly equal in
53 population as practicable. One commissioner residing in each
54 district shall be elected as provided by law.

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

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

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

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

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

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

90 BE IT FURTHER RESOLVED that the following statement be
 91 placed on the ballot:

92 CONSTITUTIONAL AMENDMENT

93 ARTICLE VIII, SECTION 1

94 SELECTION AND DUTIES OF COUNTY SHERIFF.—Proposing an
 95 amendment to the State Constitution to remove authority for a
 96 county charter or a special law to provide for choosing a
 97 sheriff in a manner other than by election or to alter the
 98 duties of the sheriff or abolish the office of the sheriff. The

PCS for HJR 721

ORIGINAL

2017

99 | amendment is applicable to all counties and takes effect January
100 | 8, 2019, if approved.