

HJR 785

2012

House Joint Resolution

A joint resolution proposing an amendment to Section 1 of Article VIII of the State Constitution to authorize the imposition of term limits on constitutional county officers and county commissioners when provided by county charter.

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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) COUNTY OFFICERS. There shall be elected by the

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29 electors of each county, for terms of four years, a sheriff, a
30 tax collector, a property appraiser, a supervisor of elections,
31 and a clerk of the circuit court. ~~A; except, when provided by~~
32 county charter or special law approved by vote of the electors
33 of the county may provide for, any county officer under this
34 subsection to ~~may~~ be chosen in another manner ~~therein specified,~~
35 or may abolish any county office under this subsection ~~may be~~
36 ~~abolished~~ when all the duties of the office prescribed by
37 general law are transferred to another office. A county charter
38 may also subject any county officer under this subsection to
39 term limits. When not otherwise provided by county charter or
40 special law approved by vote of the electors, the clerk of the
41 circuit court shall be ex officio clerk of the board of county
42 commissioners, auditor, recorder, and custodian of all county
43 funds.

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

53 (f) NON-CHARTER GOVERNMENT. Counties not operating under
54 county charters shall have such power of self-government as is
55 provided by general or special law. The board of county
56 commissioners of a county not operating under a charter may

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57 enact, in a manner prescribed by general law, county ordinances
58 not inconsistent with general or special law, but an ordinance
59 in conflict with a municipal ordinance shall not be effective
60 within the municipality to the extent of such conflict.

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

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

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

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

78 (k) COUNTY SEAT. In every county there shall be a county
79 seat at which shall be located the principal offices and
80 permanent records of all county officers. The county seat may
81 not be moved except as provided by general law. Branch offices
82 for the conduct of county business may be established elsewhere
83 in the county by resolution of the governing body of the county
84 in the manner prescribed by law. No instrument shall be deemed

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85 recorded until filed at the county seat, or a branch office
86 designated by the governing body of the county for the recording
87 of instruments, according to law.

88 BE IT FURTHER RESOLVED that the following statement be
89 placed on the ballot:

90 CONSTITUTIONAL AMENDMENT

91 ARTICLE VIII, SECTION 1

92 TERM LIMITS ON CONSTITUTIONAL COUNTY OFFICERS AND COUNTY
93 COMMISSIONERS WHEN PROVIDED BY COUNTY CHARTER.—The State
94 Constitution currently provides for the election in each county
95 of a sheriff, a tax collector, a property appraiser, a
96 supervisor of elections, a clerk of the circuit court, and a
97 board of county commissioners. The term of office for each such
98 officer is 4 years with no term limits. This amendment to the
99 State Constitution would authorize the imposition of term limits
100 on those constitutional county officers and county commissioners
101 when provided by county charter.