

By Commissioner Nabors

1 A proposal to revise
2 ARTICLE VIII, s. 1, Fla. Const.; providing that
3 noncharter counties have such power of
4 self-government as is not inconsistent with
5 general law or any special law approved by the
6 electors.

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8 It is proposed by the Florida Constitution Revision Commission
9 that:

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11 Section 1. Section 1 of Article VIII of the Florida
12 Constitution is revised by amending that section to read:

13 ARTICLE VIII

14 LOCAL GOVERNMENT

15 SECTION 1. Counties.--

16 (a) POLITICAL SUBDIVISIONS. The state shall be
17 divided by law into political subdivisions called counties.
18 Counties may be created, abolished or changed by law, with
19 provision for payment or apportionment of the public debt.

20 (b) COUNTY FUNDS. The care, custody and method of
21 disbursing county funds shall be provided by general law.

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24 adopted, amended or repealed only upon vote of the electors of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

26 (d) COUNTY OFFICERS. There shall be elected by the
27 electors of each county, for terms of four years, a sheriff, a
28 tax collector, a property appraiser, a supervisor of
29 elections, and a clerk of the circuit court; except, when
30 provided by county charter or special law approved by vote of
31 the electors of the county, any county officer may be chosen

1 in another manner therein specified, or any county office may
2 be abolished when all the duties of the office prescribed by
3 general law are transferred to another office. When not
4 otherwise provided by county charter or special law approved
5 by vote of the electors, the clerk of the circuit court shall
6 be ex officio clerk of the board of county commissioners,
7 auditor, recorder and custodian of all county funds.

8 (e) COMMISSIONERS. Except when otherwise provided by
9 county charter, the governing body of each county shall be a
10 board of county commissioners composed of five or seven
11 members serving staggered terms of four years. After each
12 decennial census the board of county commissioners shall
13 divide the county into districts of contiguous territory as
14 nearly equal in population as practicable. One commissioner
15 residing in each district shall be elected as provided by law.

16 (f) NONCHARTER ~~NON-CHARTER GOVERNMENT~~. Counties not
17 operating under county charters shall have all ~~such~~ power of
18 local self-government not inconsistent with general law, or
19 with special law approved by a vote of the electors ~~as is~~
20 ~~provided by general or special law~~. The board of county
21 commissioners of a county not operating under a charter may
22 enact, in a manner prescribed by general law, county
23 ordinances not inconsistent with general or special law, but
24 an ordinance in conflict with a municipal ordinance shall not
25 be effective within the municipality to the extent of such
26 conflict.

27 (g) CHARTER GOVERNMENT. Counties operating under
28 county charters shall have all powers of local self-government
29 not inconsistent with general law, or with special law
30 approved by vote of the electors. The governing body of a
31 county operating under a charter may enact county ordinances

1 not inconsistent with general law. The charter shall provide
2 which shall prevail in the event of conflict between county
3 and municipal ordinances.

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

8 (i) COUNTY ORDINANCES. Each county ordinance shall be
9 filed with the secretary of state and shall become effective
10 at such time thereafter as is provided by general law.

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

14 (k) COUNTY SEAT. In every county there shall be a
15 county seat at which shall be located the principal offices
16 and permanent records of all county officers. The county seat
17 may not be moved except as provided by general law. Branch
18 offices for the conduct of county business may be established
19 elsewhere in the county by resolution of the governing body of
20 the county in the manner prescribed by law. No instrument
21 shall be deemed recorded in the county until filed at the
22 county seat according to law.