

By the Committee on Ethics and Elections and Commissioner
Riley

1 A proposal to revise
2 ARTICLE VIII, s. 1, Fla. Const.; authorizing
3 counties to elect county officers in
4 nonpartisan elections; providing procedures.

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6 It is proposed by the Florida Constitution Revision Commission
7 that:

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

11 ARTICLE VIII
12 LOCAL GOVERNMENT

13 SECTION 1. Counties.--

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

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

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22 adopted, amended or repealed only upon vote of the electors of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

24 (d) COUNTY OFFICERS.

25 (1) There shall be elected by the electors of each
26 county, for terms of four years, a sheriff, a tax collector, a
27 property appraiser, a supervisor of elections, and a clerk of
28 the circuit court; except, when provided by county charter or
29 special law approved by vote of the electors of the county,
30 any county officer may be chosen in another manner therein
31 specified, or any county office may be abolished when all the

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

7 (2) Any county may exercise the option to elect its
8 county officers in a nonpartisan election by either the filing
9 with the supervisor of elections of a petition signed by the
10 number of electors equal to at least ten percent of the votes
11 cast in the county in the last election in which presidential
12 electors were chosen, or by ordinance approved by the board of
13 county commissioners. The question shall be placed on the
14 ballot at the next regularly scheduled county election
15 occurring after the petition is filed or the ordinance is
16 approved.

17 (e) COMMISSIONERS. Except when otherwise provided by
18 county charter, the governing body of each county shall be a
19 board of county commissioners composed of five or seven
20 members serving staggered terms of four years. After each
21 decennial census the board of county commissioners shall
22 divide the county into districts of contiguous territory as
23 nearly equal in population as practicable. One commissioner
24 residing in each district shall be elected as provided by law.

25 (f) NON-CHARTER GOVERNMENT. Counties not operating
26 under county charters shall have such power of self-government
27 as is provided by general or special law. The board of county
28 commissioners of a county not operating under a charter may
29 enact, in a manner prescribed by general law, county
30 ordinances not inconsistent with general or special law, but
31 an ordinance in conflict with a municipal ordinance shall not

1 be effective within the municipality to the extent of such
2 conflict.

3 (g) CHARTER GOVERNMENT. Counties operating under
4 county charters shall have all powers of local self-government
5 not inconsistent with general law, or with special law
6 approved by vote of the electors. The governing body of a
7 county operating under a charter may enact county ordinances
8 not inconsistent with general law. The charter shall provide
9 which shall prevail in the event of conflict between county
10 and municipal ordinances.

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

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

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

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

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