



102260

CRC ACTION

Commissioner .
Comm: FAV .
04/03/2018 .
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. .

The Committee on Style and Drafting (Timmann) recommended the following:

1 **CRC Amendment (with title amendment)**
2
3 Delete everything after the proposal clause
4 and insert:
5 Sections 1 and 6 of Article VIII of the State Constitution
6 are amended to read:
7 ARTICLE VIII
8 LOCAL GOVERNMENT
9 SECTION 1. Counties.—



102260

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

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

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18 adopted, amended or repealed only upon vote of the electors of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

20 (d) COUNTY OFFICERS. There shall be elected by the electors
21 of each county, for terms of four years, a sheriff, a tax
22 collector, a property appraiser, a supervisor of elections, and
23 a clerk of the circuit court; ~~except, when provided by county~~
24 ~~charter or special law approved by vote of the electors of the~~
25 ~~county, any county officer may be chosen in another manner~~
26 ~~therein specified, or any county office may be abolished when~~
27 ~~all the duties of the office prescribed by general law are~~
28 ~~transferred to another office. Unless~~ ~~When not~~ otherwise
29 provided by ~~county charter or~~ special law approved by vote of
30 the electors or pursuant to Article V, section 16, the clerk of
31 the circuit court shall be ex officio clerk of the board of
32 county commissioners, auditor, recorder and custodian of all
33 county funds. Notwithstanding subsection 6(e) of this article, a
34 county charter may not abolish the office of a sheriff, a tax
35 collector, a property appraiser, a supervisor of elections, or a
36 clerk of the circuit court; transfer the duties of those
37 officers to another officer or office; change the length of the
38 four year term of office; or establish any manner of selection



102260

39 other than by election by the electors of the county.

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

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

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

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



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

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

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

83 SECTION 6. Schedule to Article VIII.—

84 (a) This article shall replace all of Article VIII of the
85 Constitution of 1885, as amended, except those sections
86 expressly retained and made a part of this article by reference.

87 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
88 status of the following items as they exist on the date this
89 article becomes effective is recognized and shall be continued
90 until changed in accordance with law: the counties of the state;
91 their status with respect to the legality of the sale of
92 intoxicating liquors, wines and beers; the method of selection
93 of county officers; the performance of municipal functions by
94 county officers; the county seats; and the municipalities and
95 special districts of the state, their powers, jurisdiction and
96 government.



102260

97 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
98 office when this article becomes effective shall continue in
99 office for the remainder of the term if that office is not
100 abolished. If the office is abolished the incumbent shall be
101 paid adequate compensation, to be fixed by law, for the loss of
102 emoluments for the remainder of the term.

103 (d) ORDINANCES. Local laws relating only to unincorporated
104 areas of a county on the effective date of this article may be
105 amended or repealed by county ordinance.

106 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
107 10, 11 and 24, of the Constitution of 1885, as amended, shall
108 remain in full force and effect as to each county affected, as
109 if this article had not been adopted, until that county shall
110 expressly adopt a charter or home rule plan pursuant to this
111 article. All provisions of the Metropolitan Dade County Home
112 Rule Charter, heretofore or hereafter adopted by the electors of
113 Dade County pursuant to Article VIII, Section 11, of the
114 Constitution of 1885, as amended, shall be valid, and any
115 amendments to such charter shall be valid; provided that the
116 said provisions of such charter and the said amendments thereto
117 are authorized under said Article VIII, Section 11, of the
118 Constitution of 1885, as amended.

119 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
120 the extent not inconsistent with the powers of existing
121 municipalities or general law, the Metropolitan Government of
122 Dade County may exercise all the powers conferred now or
123 hereafter by general law upon municipalities.

124 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment
125 to Section 1 of this article, relating to the selection and



102260

126 duties of county officers, shall take effect January 5, 2021,
127 but shall govern with respect to the qualifying for and the
128 holding of the primary and general elections for county
129 constitutional officers in 2020.

130 (h) ~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
131 shall have power, by joint resolution, to delete from this
132 article any subsection of this Section 6, including this
133 subsection, when all events to which the subsection to be
134 deleted is or could become applicable have occurred. A
135 legislative determination of fact made as a basis for
136 application of this subsection shall be subject to judicial
137 review.

138
139 ===== T I T L E A M E N D M E N T =====

140 And the title is amended as follows:

141 Delete everything before the proposal clause
142 and insert:

143 A proposal to amend
144 Sections 1 and 6 of Article VIII of the State
145 Constitution to remove authority for a county charter
146 or a special law to provide for choosing specified
147 county officers in a manner other than election and to
148 prohibit a county charter from abolishing specified
149 county officers, transferring duties of a county
150 officer to another officer or office, changing the
151 length of terms of county officers, or establishing
152 any manner of selection of county officers other than
153 by election.