



635454

CRC ACTION

Commissioner .  
Comm: FAV .  
04/05/2018 .  
. .  
. .  
. .

---

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

**CRC Amendment (with title amendment)**

Delete everything after the proposal clause  
and insert:

Section 3 of Article III of the State Constitution is  
amended to read:

ARTICLE III

LEGISLATURE

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS. On the fourteenth day following



635454

11 each general election the legislature shall convene for the  
12 exclusive purpose of organization and selection of officers.

13 (b) REGULAR SESSIONS. A regular session of the legislature  
14 shall convene on the first Tuesday after the first Monday in  
15 March of each odd-numbered year, and on the second ~~first~~ Tuesday  
16 after the first Monday in January ~~March~~, ~~or such other date as~~  
17 ~~may be fixed by law~~, of each even-numbered year.

18 (c) SPECIAL SESSIONS.

19 (1) The governor, by proclamation stating the purpose, may  
20 convene the legislature in special session during which only  
21 such legislative business may be transacted as is within the  
22 purview of the proclamation, or of a communication from the  
23 governor, or is introduced by consent of two-thirds of the  
24 membership of each house.

25 (2) A special session of the legislature may be convened as  
26 provided by law.

27 (d) LENGTH OF SESSIONS. A regular session of the  
28 legislature shall not exceed sixty consecutive days, and a  
29 special session shall not exceed twenty consecutive days, unless  
30 extended beyond such limit by a three-fifths vote of each house.  
31 During such an extension no new business may be taken up in  
32 either house without the consent of two-thirds of its  
33 membership.

34 (e) ADJOURNMENT. Neither house shall adjourn for more than  
35 seventy-two consecutive hours except pursuant to concurrent  
36 resolution.

37 (f) ADJOURNMENT BY GOVERNOR. If, during any regular or  
38 special session, the two houses cannot agree upon a time for  
39 adjournment, the governor may adjourn the session sine die or to



635454

40 any date within the period authorized for such session; provided  
41 that, at least twenty-four hours before adjourning the session,  
42 and while neither house is in recess, each house shall be given  
43 formal written notice of the governor's intention to do so, and  
44 agreement reached within that period by both houses on a time  
45 for adjournment shall prevail.

46  
47 Sections 4 and 11 of Article IV of the State Constitution  
48 are amended to read:

49 ARTICLE IV

50 EXECUTIVE

51 SECTION 4. Cabinet.—

52 (a) There shall be a cabinet composed of an attorney  
53 general, a chief financial officer, and a commissioner of  
54 agriculture. In addition to the powers and duties specified  
55 herein, they shall exercise such powers and perform such duties  
56 as may be prescribed by law. In the event of a tie vote of the  
57 governor and cabinet, the side on which the governor voted shall  
58 be deemed to prevail.

59 (b) The attorney general shall be the chief state legal  
60 officer. There is created in the office of the attorney general  
61 the position of statewide prosecutor. The statewide prosecutor  
62 shall have concurrent jurisdiction with the state attorneys to  
63 prosecute violations of criminal laws occurring or having  
64 occurred, in two or more judicial circuits as part of a related  
65 transaction, or when any such offense is affecting or has  
66 affected two or more judicial circuits as provided by general  
67 law. The statewide prosecutor shall be appointed by the attorney  
68 general from not less than three persons nominated by the



635454

69 judicial nominating commission for the supreme court, or as  
70 otherwise provided by general law.

71 (c) The chief financial officer shall serve as the chief  
72 fiscal officer of the state, and shall settle and approve  
73 accounts against the state, and shall keep all state funds and  
74 securities.

75 (d) The commissioner of agriculture shall have supervision  
76 of matters pertaining to agriculture except as otherwise  
77 provided by law.

78 (e) The governor as chair, the chief financial officer, and  
79 the attorney general shall constitute the state board of  
80 administration, which shall succeed to all the power, control,  
81 and authority of the state board of administration established  
82 pursuant to Article IX, Section 16 of the Constitution of 1885,  
83 and which shall continue as a body at least for the life of  
84 Article XII, Section 9(c).

85 (f) The governor as chair, the chief financial officer, the  
86 attorney general, and the commissioner of agriculture shall  
87 constitute the trustees of the internal improvement trust fund  
88 and the land acquisition trust fund as provided by law.

89 (g) The governor as chair, the chief financial officer, the  
90 attorney general, and the commissioner of agriculture shall  
91 constitute the agency head of the Department of Law Enforcement.  
92 The Office of Domestic Security and Counterterrorism is created  
93 within the Department of Law Enforcement. The Office of Domestic  
94 Security and Counterterrorism shall provide support for  
95 prosecutors and federal, state, and local law enforcement  
96 agencies that investigate or analyze information relating to  
97 attempts or acts of terrorism or that prosecute terrorism, and



635454

98 shall perform any other duties that are provided by law.

99 SECTION 11. Department of Veterans' ~~Veterans~~ Affairs.—The  
100 legislature, by general law, shall provide for a ~~may provide for~~  
101 ~~the establishment of the~~ Department of Veterans' ~~Veterans~~  
102 Affairs and prescribe its duties. The head of the department is  
103 the governor and cabinet.

104  
105 Sections 1 and 6 of Article VIII of the State Constitution  
106 are amended to read:

107 ARTICLE VIII

108 LOCAL GOVERNMENT

109 SECTION 1. Counties.—

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

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

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

120 (d) COUNTY OFFICERS. There shall be elected by the electors  
121 of each county, for terms of four years, a sheriff, a tax  
122 collector, a property appraiser, a supervisor of elections, and  
123 a clerk of the circuit court; ~~except, when provided by county~~  
124 ~~charter or special law approved by vote of the electors of the~~  
125 ~~county, any county officer may be chosen in another manner~~  
126 ~~therein specified, or any county office may be abolished when~~



635454

127 ~~all the duties of the office prescribed by general law are~~  
128 ~~transferred to another office. Unless~~ ~~When not~~ otherwise  
129 provided by ~~county charter or~~ special law approved by vote of  
130 the electors or pursuant to Article V, section 16, the clerk of  
131 the circuit court shall be ex officio clerk of the board of  
132 county commissioners, auditor, recorder and custodian of all  
133 county funds. Notwithstanding subsection 6(e) of this article, a  
134 county charter may not abolish the office of a sheriff, a tax  
135 collector, a property appraiser, a supervisor of elections, or a  
136 clerk of the circuit court; transfer the duties of those  
137 officers to another officer or office; change the length of the  
138 four-year term of office; or establish any manner of selection  
139 other than by election by the electors of the county.

140 (e) COMMISSIONERS. Except when otherwise provided by county  
141 charter, the governing body of each county shall be a board of  
142 county commissioners composed of five or seven members serving  
143 staggered terms of four years. After each decennial census the  
144 board of county commissioners shall divide the county into  
145 districts of contiguous territory as nearly equal in population  
146 as practicable. One commissioner residing in each district shall  
147 be elected as provided by law.

148 (f) NON-CHARTER GOVERNMENT. Counties not operating under  
149 county charters shall have such power of self-government as is  
150 provided by general or special law. The board of county  
151 commissioners of a county not operating under a charter may  
152 enact, in a manner prescribed by general law, county ordinances  
153 not inconsistent with general or special law, but an ordinance  
154 in conflict with a municipal ordinance shall not be effective  
155 within the municipality to the extent of such conflict.



635454

156 (g) CHARTER GOVERNMENT. Counties operating under county  
157 charters shall have all powers of local self-government not  
158 inconsistent with general law, or with special law approved by  
159 vote of the electors. The governing body of a county operating  
160 under a charter may enact county ordinances not inconsistent  
161 with general law. The charter shall provide which shall prevail  
162 in the event of conflict between county and municipal  
163 ordinances.

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

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

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

173 (k) COUNTY SEAT. In every county there shall be a county  
174 seat at which shall be located the principal offices and  
175 permanent records of all county officers. The county seat may  
176 not be moved except as provided by general law. Branch offices  
177 for the conduct of county business may be established elsewhere  
178 in the county by resolution of the governing body of the county  
179 in the manner prescribed by law. No instrument shall be deemed  
180 recorded until filed at the county seat, or a branch office  
181 designated by the governing body of the county for the recording  
182 of instruments, according to law.

183 SECTION 6. Schedule to Article VIII.—

184 (a) This article shall replace all of Article VIII of the



635454

185 Constitution of 1885, as amended, except those sections  
186 expressly retained and made a part of this article by reference.

187 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The  
188 status of the following items as they exist on the date this  
189 article becomes effective is recognized and shall be continued  
190 until changed in accordance with law: the counties of the state;  
191 their status with respect to the legality of the sale of  
192 intoxicating liquors, wines and beers; the method of selection  
193 of county officers; the performance of municipal functions by  
194 county officers; the county seats; and the municipalities and  
195 special districts of the state, their powers, jurisdiction and  
196 government.

197 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding  
198 office when this article becomes effective shall continue in  
199 office for the remainder of the term if that office is not  
200 abolished. If the office is abolished the incumbent shall be  
201 paid adequate compensation, to be fixed by law, for the loss of  
202 emoluments for the remainder of the term.

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

206 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,  
207 10, 11 and 24, of the Constitution of 1885, as amended, shall  
208 remain in full force and effect as to each county affected, as  
209 if this article had not been adopted, until that county shall  
210 expressly adopt a charter or home rule plan pursuant to this  
211 article. All provisions of the Metropolitan Dade County Home  
212 Rule Charter, heretofore or hereafter adopted by the electors of  
213 Dade County pursuant to Article VIII, Section 11, of the





635454

214 Constitution of 1885, as amended, shall be valid, and any  
215 amendments to such charter shall be valid; provided that the  
216 said provisions of such charter and the said amendments thereto  
217 are authorized under said Article VIII, Section 11, of the  
218 Constitution of 1885, as amended.

219 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To  
220 the extent not inconsistent with the powers of existing  
221 municipalities or general law, the Metropolitan Government of  
222 Dade County may exercise all the powers conferred now or  
223 hereafter by general law upon municipalities.

224 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment  
225 to Section 1 of this article, relating to the selection and  
226 duties of county officers, shall take effect January 5, 2021,  
227 but shall govern with respect to the qualifying for and the  
228 holding of the primary and general elections for county  
229 constitutional officers in 2020.

230 (h) ~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature  
231 shall have power, by joint resolution, to delete from this  
232 article any subsection of this Section 6, including this  
233 subsection, when all events to which the subsection to be  
234 deleted is or could become applicable have occurred. A  
235 legislative determination of fact made as a basis for  
236 application of this subsection shall be subject to judicial  
237 review.

238  
239 BE IT FURTHER PROPOSED that the following statement be placed on  
240 the ballot:

241  
242 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—



635454

243 Requires legislature to retain department of veterans' affairs.  
244 Ensures election of sheriffs, property appraisers, supervisors  
245 of elections, tax collectors, and clerks of court in all  
246 counties; removes county charters' ability to abolish, change  
247 term, transfer duties, or eliminate election of these offices.  
248 Changes annual legislative session commencement date in even-  
249 numbered years from March to January; removes legislature's  
250 authorization to fix another date. Creates office of domestic  
251 security and counterterrorism within department of law  
252 enforcement.

253  
254 ===== T I T L E A M E N D M E N T =====

255 And the title is amended as follows:

256 Delete everything before the proposal clause  
257 and insert:

258 REVISION 5

259  
260 A proposal to amend Section 3 of Article III of the  
261 State Constitution to provide that the Legislature  
262 convene for regular session on the second Tuesday  
263 after the first Monday in January of each even-  
264 numbered year; amend Section 4 of Article IV of the  
265 State Constitution to establish the Office of Domestic  
266 Security and Counterterrorism within the Department of  
267 Law Enforcement; amend Section 11 of Article IV of the  
268 State Constitution to require, rather than authorize,  
269 the Legislature to provide for the Department of  
270 Veterans' Affairs and prescribe its duties by general  
271 law and to specify that the head of the department is



635454

272 the Governor and Cabinet; and amend Sections 1 and 6  
273 of Article VIII of the State Constitution to remove  
274 authority for a county charter or a special law to  
275 provide for choosing specified county officers in a  
276 manner other than election and to prohibit a county  
277 charter from abolishing specified county officers,  
278 transferring duties of a county officer to another  
279 officer or office, changing the length of terms of  
280 county officers, or establishing any manner of  
281 selection of county officers other than by election.