

By the Committee on Local Government; and Commissioner Smith

330-00237-17

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1 A proposal to amend
2 Sections 1 and 2 of Article VIII of the State
3 Constitution to provide that any law enacted by the
4 Legislature that restricts the home rule powers
5 granted to counties and municipalities must meet
6 certain criteria.

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8 Be It Proposed by the Constitution Revision Commission of
9 Florida:

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11 Sections 1 and 2 of Article VIII of the State Constitution
12 are amended to read:

13 ARTICLE VIII

14 LOCAL GOVERNMENT

15 SECTION 1. Counties.—

16 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
17 law into political subdivisions called counties. Counties may be
18 created, abolished or changed by law, with provision for payment
19 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24 adopted, amended or repealed only upon vote of the electors of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 electors
27 of each county, for terms of four years, a sheriff, a tax
28 collector, a property appraiser, a supervisor of elections, and
29 a clerk of the circuit court; except, when provided by county
30 charter or special law approved by vote of the electors of the
31 county, any county officer may be chosen in another manner
32 therein specified, or any county office may be abolished when

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33 all the duties of the office prescribed by general law are
34 transferred to another office. When not otherwise provided by
35 county charter or special law approved by vote of the electors,
36 the clerk of the circuit court shall be ex officio clerk of the
37 board of county commissioners, auditor, recorder and custodian
38 of all county funds.

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

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

57 (1) State with specificity the statewide necessity
58 justifying the preemption;

59 (2) Be no broader than necessary to accomplish the
60 statewide necessity expressed;

61 (3) Contain only one preemption of a power granted herein;

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62 and

63 (4) Relate to one subject.

64 (g) CHARTER GOVERNMENT. Counties operating under county
65 charters shall have all powers of local self-government not
66 inconsistent with general law, or with special law approved by
67 vote of the electors. The governing body of a county operating
68 under a charter may enact county ordinances not inconsistent
69 with general law. The charter shall provide which shall prevail
70 in the event of conflict between county and municipal
71 ordinances. A law enacted by the Legislature which restricts
72 power granted to a charter county under this subsection must:

73 (1) State with specificity the statewide necessity
74 justifying the preemption;

75 (2) Be no broader than necessary to accomplish the
76 statewide necessity expressed;

77 (3) Contain only one preemption of a power granted herein;

78 and

79 (4) Relate to one subject.

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

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

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

89 (k) COUNTY SEAT. In every county there shall be a county
90 seat at which shall be located the principal offices and

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91 permanent records of all county officers. The county seat may
92 not be moved except as provided by general law. Branch offices
93 for the conduct of county business may be established elsewhere
94 in the county by resolution of the governing body of the county
95 in the manner prescribed by law. No instrument shall be deemed
96 recorded until filed at the county seat, or a branch office
97 designated by the governing body of the county for the recording
98 of instruments, according to law.

99 SECTION 2. Municipalities.—

100 (a) ESTABLISHMENT. Municipalities may be established or
101 abolished and their charters amended pursuant to general or
102 special law. When any municipality is abolished, provision shall
103 be made for the protection of its creditors.

104 (b) POWERS. Municipalities shall have governmental,
105 corporate and proprietary powers to enable them to conduct
106 municipal government, perform municipal functions and render
107 municipal services, and may exercise any power for municipal
108 purposes except as otherwise provided by law. A law enacted by
109 the legislature which preempts power granted to a municipality
110 under this subsection must:

111 (1) State with specificity the statewide necessity
112 justifying the preemption;

113 (2) Be no broader than necessary to accomplish the
114 statewide necessity expressed;

115 (3) Contain only one preemption of a power granted herein;
116 and

117 (4) Relate to one subject.

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119 Each municipal legislative body shall be elective.

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120 (c) ANNEXATION. Municipal annexation of unincorporated
121 territory, merger of municipalities, and exercise of extra-
122 territorial powers by municipalities shall be as provided by
123 general or special law.