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REVISION 5

A proposal to revise the State Constitution by the Constitution
Revision Commission of Florida.

A proposed revision relating to state and local government; amending Section 3 of Article III of the State Constitution to provide that the Legislature convene for regular session on the second Tuesday after the first Monday in January of each even-numbered year; amending Section 4 of Article IV of the State Constitution to establish the Office of Domestic Security and Counterterrorism within the Department of Law Enforcement; amending Section 11 of Article IV of the State Constitution to require, rather than authorize, the Legislature to provide for the Department of Veterans' Affairs and prescribe its duties by general law and to specify that the head of the department is the Governor and Cabinet; and amending Sections 1 and 6 of Article VIII of the State Constitution to remove the authority of a county charter or a special law to provide for choosing county officers in a manner other than election and to prohibit a county charter from abolishing county officers, transferring the duties of a county officer to another officer or office, changing the length of terms of county officers, or establishing any manner of selection of county officers other than by election.

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Be It Proposed by the Constitution Revision Commission of
Florida:

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

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

(c) SPECIAL SESSIONS.

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

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

(d) LENGTH OF SESSIONS. A regular session of the
legislature shall not exceed sixty consecutive days, and a
special session shall not exceed twenty consecutive days, unless

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59 extended beyond such limit by a three-fifths vote of each house.
60 During such an extension no new business may be taken up in
61 either house without the consent of two-thirds of its
62 membership.

63 (e) ADJOURNMENT. Neither house shall adjourn for more than
64 seventy-two consecutive hours except pursuant to concurrent
65 resolution.

66 (f) ADJOURNMENT BY GOVERNOR. If, during any regular or
67 special session, the two houses cannot agree upon a time for
68 adjournment, the governor may adjourn the session sine die or to
69 any date within the period authorized for such session; provided
70 that, at least twenty-four hours before adjourning the session,
71 and while neither house is in recess, each house shall be given
72 formal written notice of the governor's intention to do so, and
73 agreement reached within that period by both houses on a time
74 for adjournment shall prevail.

75
76 Sections 4 and 11 of Article IV of the State Constitution
77 are amended to read:

78 ARTICLE IV

79 EXECUTIVE

80 SECTION 4. Cabinet.—

81 (a) There shall be a cabinet composed of an attorney
82 general, a chief financial officer, and a commissioner of
83 agriculture. In addition to the powers and duties specified
84 herein, they shall exercise such powers and perform such duties
85 as may be prescribed by law. In the event of a tie vote of the
86 governor and cabinet, the side on which the governor voted shall
87 be deemed to prevail.

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88 (b) The attorney general shall be the chief state legal
89 officer. There is created in the office of the attorney general
90 the position of statewide prosecutor. The statewide prosecutor
91 shall have concurrent jurisdiction with the state attorneys to
92 prosecute violations of criminal laws occurring or having
93 occurred, in two or more judicial circuits as part of a related
94 transaction, or when any such offense is affecting or has
95 affected two or more judicial circuits as provided by general
96 law. The statewide prosecutor shall be appointed by the attorney
97 general from not less than three persons nominated by the
98 judicial nominating commission for the supreme court, or as
99 otherwise provided by general law.

100 (c) The chief financial officer shall serve as the chief
101 fiscal officer of the state, and shall settle and approve
102 accounts against the state, and shall keep all state funds and
103 securities.

104 (d) The commissioner of agriculture shall have supervision
105 of matters pertaining to agriculture except as otherwise
106 provided by law.

107 (e) The governor as chair, the chief financial officer, and
108 the attorney general shall constitute the state board of
109 administration, which shall succeed to all the power, control,
110 and authority of the state board of administration established
111 pursuant to Article IX, Section 16 of the Constitution of 1885,
112 and which shall continue as a body at least for the life of
113 Article XII, Section 9(c).

114 (f) The governor as chair, the chief financial officer, the
115 attorney general, and the commissioner of agriculture shall
116 constitute the trustees of the internal improvement trust fund

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117 and the land acquisition trust fund as provided by law.

118 (g) The governor as chair, the chief financial officer, the
119 attorney general, and the commissioner of agriculture shall
120 constitute the agency head of the Department of Law Enforcement.
121 The Office of Domestic Security and Counterterrorism is created
122 within the Department of Law Enforcement. The Office of Domestic
123 Security and Counterterrorism shall provide support for
124 prosecutors and federal, state, and local law enforcement
125 agencies that investigate or analyze information relating to
126 attempts or acts of terrorism or that prosecute terrorism, and
127 shall perform any other duties that are provided by law.

128 SECTION 11. Department of Veterans' ~~Veterans~~ Affairs.—The
129 legislature, by general law, shall provide for a ~~may provide for~~
130 ~~the establishment of the~~ Department of Veterans' ~~Veterans~~
131 Affairs and prescribe its duties. The head of the department is
132 the governor and cabinet.

133
134 Sections 1 and 6 of Article VIII of the State Constitution
135 are amended to read:

136 ARTICLE VIII

137 LOCAL GOVERNMENT

138 SECTION 1. Counties.—

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

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

145 (c) GOVERNMENT. Pursuant to general or special law, a

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146 county government may be established by charter which shall be
147 adopted, amended or repealed only upon vote of the electors of
148 the county in a special election called for that purpose.

149 (d) COUNTY OFFICERS. There shall be elected by the electors
150 of each county, for terms of four years, a sheriff, a tax
151 collector, a property appraiser, a supervisor of elections, and
152 a clerk of the circuit court; ~~except, when provided by county~~
153 ~~charter or special law approved by vote of the electors of the~~
154 ~~county, any county officer may be chosen in another manner~~
155 ~~therein specified, or any county office may be abolished when~~
156 ~~all the duties of the office prescribed by general law are~~
157 ~~transferred to another office. Unless~~ ~~When not~~ otherwise
158 provided by ~~county charter or~~ special law approved by vote of
159 the electors or pursuant to Article V, section 16, the clerk of
160 the circuit court shall be ex officio clerk of the board of
161 county commissioners, auditor, recorder and custodian of all
162 county funds. Notwithstanding subsection 6(e) of this article, a
163 county charter may not abolish the office of a sheriff, a tax
164 collector, a property appraiser, a supervisor of elections, or a
165 clerk of the circuit court; transfer the duties of those
166 officers to another officer or office; change the length of the
167 four-year term of office; or establish any manner of selection
168 other than by election by the electors of the county.

169 (e) COMMISSIONERS. Except when otherwise provided by county
170 charter, the governing body of each county shall be a board of
171 county commissioners composed of five or seven members serving
172 staggered terms of four years. After each decennial census the
173 board of county commissioners shall divide the county into
174 districts of contiguous territory as nearly equal in population

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175 as practicable. One commissioner residing in each district shall
176 be elected as provided by law.

177 (f) NON-CHARTER GOVERNMENT. Counties not operating under
178 county charters shall have such power of self-government as is
179 provided by general or special law. The board of county
180 commissioners of a county not operating under a charter may
181 enact, in a manner prescribed by general law, county ordinances
182 not inconsistent with general or special law, but an ordinance
183 in conflict with a municipal ordinance shall not be effective
184 within the municipality to the extent of such conflict.

185 (g) CHARTER GOVERNMENT. Counties operating under county
186 charters shall have all powers of local self-government not
187 inconsistent with general law, or with special law approved by
188 vote of the electors. The governing body of a county operating
189 under a charter may enact county ordinances not inconsistent
190 with general law. The charter shall provide which shall prevail
191 in the event of conflict between county and municipal
192 ordinances.

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

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

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

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

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204 permanent records of all county officers. The county seat may
205 not be moved except as provided by general law. Branch offices
206 for the conduct of county business may be established elsewhere
207 in the county by resolution of the governing body of the county
208 in the manner prescribed by law. No instrument shall be deemed
209 recorded until filed at the county seat, or a branch office
210 designated by the governing body of the county for the recording
211 of instruments, according to law.

212 SECTION 6. Schedule to Article VIII.—

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

216 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
217 status of the following items as they exist on the date this
218 article becomes effective is recognized and shall be continued
219 until changed in accordance with law: the counties of the state;
220 their status with respect to the legality of the sale of
221 intoxicating liquors, wines and beers; the method of selection
222 of county officers; the performance of municipal functions by
223 county officers; the county seats; and the municipalities and
224 special districts of the state, their powers, jurisdiction and
225 government.

226 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
227 office when this article becomes effective shall continue in
228 office for the remainder of the term if that office is not
229 abolished. If the office is abolished the incumbent shall be
230 paid adequate compensation, to be fixed by law, for the loss of
231 emoluments for the remainder of the term.

232 (d) ORDINANCES. Local laws relating only to unincorporated

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233 areas of a county on the effective date of this article may be
234 amended or repealed by county ordinance.

235 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
236 10, 11 and 24, of the Constitution of 1885, as amended, shall
237 remain in full force and effect as to each county affected, as
238 if this article had not been adopted, until that county shall
239 expressly adopt a charter or home rule plan pursuant to this
240 article. All provisions of the Metropolitan Dade County Home
241 Rule Charter, heretofore or hereafter adopted by the electors of
242 Dade County pursuant to Article VIII, Section 11, of the
243 Constitution of 1885, as amended, shall be valid, and any
244 amendments to such charter shall be valid; provided that the
245 said provisions of such charter and the said amendments thereto
246 are authorized under said Article VIII, Section 11, of the
247 Constitution of 1885, as amended.

248 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
249 the extent not inconsistent with the powers of existing
250 municipalities or general law, the Metropolitan Government of
251 Dade County may exercise all the powers conferred now or
252 hereafter by general law upon municipalities.

253 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—

254 (1) Except as provided in this subsection, the amendment to
255 Section 1 of this article, relating to the selection and duties
256 of county officers, shall take effect January 5, 2021, but shall
257 govern with respect to the qualifying for and the holding of the
258 primary and general elections for county constitutional officers
259 in 2020.

260 (2) For Miami-Dade County and Broward County, the amendment
261 to Section 1 of this article, relating to the selection and

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262 duties of county officers, shall take effect January 7, 2025,
263 but shall govern with respect to the qualifying for and the
264 holding of the primary and general elections for county
265 constitutional officers in 2024.

266 (h)~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
267 shall have power, by joint resolution, to delete from this
268 article any subsection of this Section 6, including this
269 subsection, when all events to which the subsection to be
270 deleted is or could become applicable have occurred. A
271 legislative determination of fact made as a basis for
272 application of this subsection shall be subject to judicial
273 review.

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275 BE IT FURTHER PROPOSED that the following statement be placed on
276 the ballot:

277
278 CONSTITUTIONAL AMENDMENT

279 ARTICLE III, SECTION 3

280 ARTICLE IV, SECTIONS 4, 11

281 ARTICLE VIII, SECTIONS 1, 6

282 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—

283 Requires legislature to retain department of veterans' affairs.
284 Ensures election of sheriffs, property appraisers, supervisors
285 of elections, tax collectors, and clerks of court in all
286 counties; removes county charters' ability to abolish, change
287 term, transfer duties, or eliminate election of these offices.
288 Changes annual legislative session commencement date in even-
289 numbered years from March to January; removes legislature's
290 authorization to fix another date. Creates office of domestic

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291 security and counterterrorism within department of law
292 enforcement.