

The Constitution Revision Commission
COMMITTEE MEETING EXPANDED AGENDA

LOCAL GOVERNMENT
Commissioner Donalds, Chair
Commissioner Nocco, Vice Chair

MEETING DATE: Wednesday, November 1, 2017
TIME: 8:00 a.m.—12:00 noon
PLACE: 401 Senate Office Building, Tallahassee, Florida

MEMBERS: Commissioner Donalds, Chair; Commissioner Nocco, Vice Chair; Commissioners Gainey, Solari, Stemberger, Timmann, and Washington

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation on Article VIII of the Florida Constitution		Presented
2	Presentation by the Florida Association of Counties on Article VIII of the Florida Constitution		Presented
3	Presentation by the Florida League of Cities on Article VIII of the Florida Constitution		Presented
4	Presentation on Special Districts		Presented
5	P 13 Timmann	LOCAL GOVERNMENT, Counties; Schedule to Article VIII; Sections 1 and 6 of Article VIII of the State Constitution to remove authority for a county charter or a special law to provide for choosing specified county officers in a manner other than election and to prohibit a county charter from abolishing specified county officers, transferring duties of a county officer to another officer or office, establishing the length of terms of county officers, or establishing any manner of selection of county officers other than by election. LO 11/01/2017 Favorable EE	Favorable Yeas 6 Nays 1

An Overview of Article VIII: Local Government - Counties, Municipalities and Constitutional Home Rule

**Constitutional Revision Commission: Committee on Local
Government: November 1, 2017**

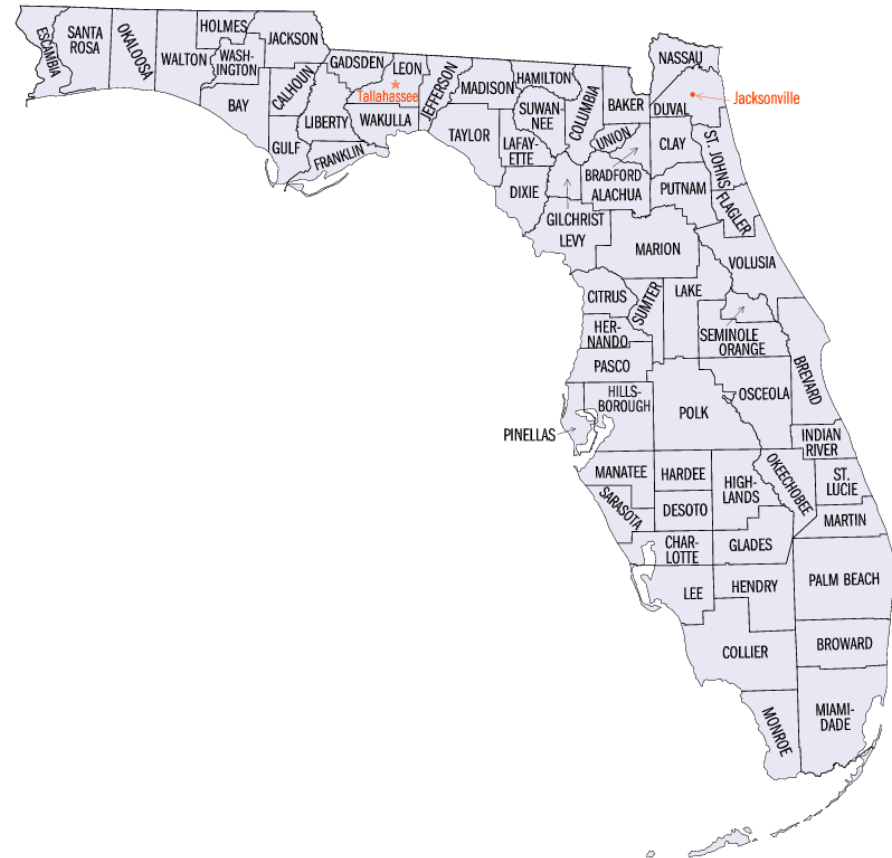
Prepared by:

Judge Alex Bokor of the 11th Judicial Circuit

**Article VIII Local Government: Counties, Municipalities and their
relation to the state system under the 1968 Constitution**

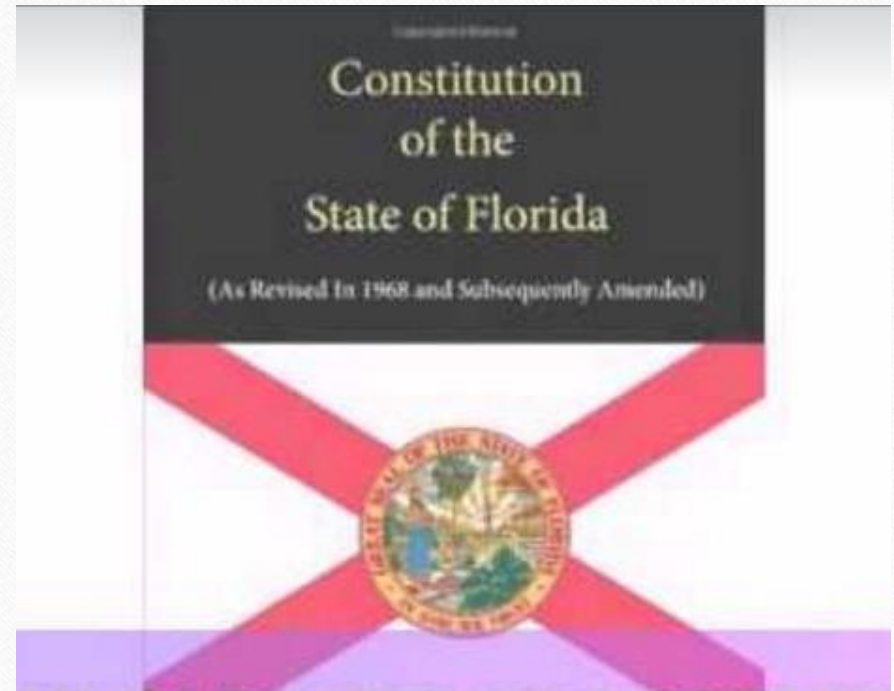
LOCAL GOVERNMENT:

- 67 **COUNTIES** (20 Charter, 47 Non-Charter)
- 412 **MUNICIPALITIES** (284 cities, 109 towns, and 19 villages of which 236 are located in charter counties)
- ... And there are Special Taxing Districts and School Boards



Constitution Revised in 1968: “1968 Constitution”

- Specifically Retains Some Provisions of 1885 Constitution & Amendments
- Amended by Constitution Revision Committee and by Constitutional Amendment Process
- Provides for Home Rule for Counties and Municipalities While Preserving State Supremacy



The Florida Constitution: Article VIII

Local Government

- **SECTION 1.** Counties.
- **SECTION 2.** Municipalities.
- **SECTION 3.** Consolidation.
- **SECTION 4.** Transfer of powers.
- **SECTION 5.** Local option.
- **SECTION 6.** Schedule to Article VIII.

What does this all mean?

- Home Rule
- Charter County vs. Non Charter County
- Florida Legislature's authority
- Municipalities

What is Home Rule?

- Home rule is governance based on the principle that local control of government is preferable for the issues that impact local residents.
- This is balanced by the creation of a system of layered government where local control must always be subject to state law, that is, the state level is superior to the local levels when the state wishes to legislate in a certain area.

1968 vs 1885: Home Rule Enshrined and Expanded But Always Preserves State Law

- Prior to 1968, all local power came from the legislature, post-1968 counties have power from the constitution subject to state law.
- Drafters recognize the need for an easier procedure for home rule, that is, more County and Municipal control of local issues.
- The 1968 Constitution enshrines this idea of “Home Rule,” subject to the oversight of the Legislature.
- The 1968 Constitution makes it easier for a County to create a charter, which guarantees Certain rights and prevents special laws targeting that County, without the approval of the voters of that County.
- **NOTE:** The legislature is always the supreme law-making body and may always pass general laws applicable to the entire state, subject to only the limits of the Constitution.

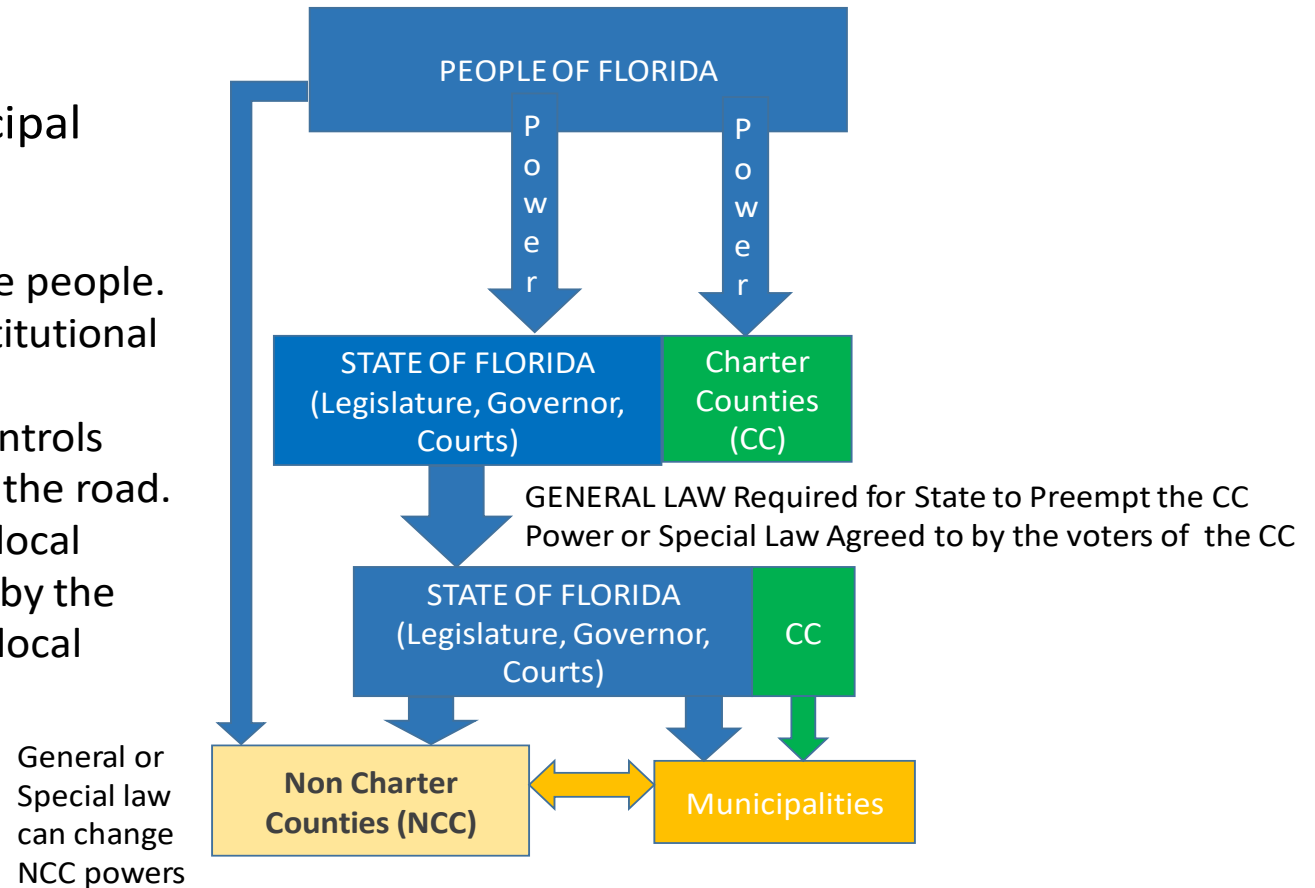
General Law vs Special Law

- “A general law [relates] to subdivisions of the state or to subjects or things as a class based on proper distinctions and differences that inhere in or are peculiar or appropriate to that class.” *Atty Gen Op. 77-20 (Feb 23, 1977) citing Carter v. Norman, 38 So.2d 30 (Fla. 1949).*
- A “special law” means a special or local law. *See Fla. Cons. Art X, Section 12. Rules of Construction.* **A special law specifically targets a particular county or municipality or group of counties or municipalities.**
- The legislature can pass both types of laws but this distinction is important especially for charter versus non-charter counties.

1968 Constitution:

State/County/Municipal Power Structure

- Power flows from the people.
- Local control is constitutional concept.
- But, state law still controls and sets the rules of the road.
- **NOTE:** All power for local issues not regulated by the State is reserved for local government



ARTICLE VIII: LOCAL GOVERNMENT

SECTION 1. Counties.

- (a) **Political Subdivisions**
- (b) County Funds— disbursement of funds provided by general law
- (c) **Government**
- (d) **County Officers**
- (e) **Commissioners**
- (f) **Non-Charter Government**
- (g) **Charter Government**
- (h) Taxes; Limitation- can't tax municipal property solely to benefit unincorporated property
- (i) County Ordinances- procedure for how they are filed to become effective
- (j) Violation of Ordinances- can result in prosecution and punishment
- (k) County Seat-principal office is set by general law, county can establish branch offices

ARTICLE VIII: LOCAL GOVERNMENT

SECTION 1. Counties.

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

A COUNTY IS:

- The only local government that is a subdivision of the State pursuant to the Constitution (Art. V, §1(a)).
- Unable to dissolve itself (it's an administrative subdivision of the State)
- Constitutionally authorized to levy ad valorem taxes.
- Non-Charter or Charter County: Governed under the Constitution as a non-charter county and pursuant to general or special law of the State, OR under the Constitution and pursuant to the county charter, subject only to special law adopted by the County and general law

ARTICLE VIII: LOCAL GOVERNMENT

SECTION 1. Counties.

- (c) GOVERNMENT. Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose
- NOTE: No constitutional amendment is needed to establish a charter county.

ARTICLE VIII: LOCAL GOVERNMENT

SECTION 1. Counties.

- (d) COUNTY OFFICERS. *Provides for county-wide election of Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections and Clerk of the Circuit Court to 4-year terms.*
- NOTE: By Charter (or by special law adopted by the county electors) the manner of selection can be changed or the office abolished...the only major requirement is that the duties of the office as established by general law must be carried out by “another office.”

ARTICLE VIII: LOCAL GOVERNMENT

- **SECTION 1. Counties.**
- (e) COMMISSIONERS. Except where otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board...shall divide the county into [contiguous districts of nearly equal population]. One commissioner residing in each district shall be elected as provided by law.

Effect of Charter County System

- Local governments have a great deal of control over their own affairs:
 - For charter counties, legislature rarely pass special laws impacting local concerns because of constitutional limitations.
 - For non-charter counties, legislature may pass special laws but generally defers because of broad statutory home rule powers.
 - In charter counties, municipalities can govern their own local affairs but otherwise must comply with a uniform countywide regulatory scheme.
 - In non-charter counties, municipalities can create a distinct regulatory scheme from the county or other municipalities.

Charter vs. Non Charter County

- Charter Counties have more *Autonomy* but by statute the Legislature can “level the playing field”
- Fla. Stat. ch. 125 spells out County Powers *See Fla Stat. §125.01* “Powers and Duties”- gives county broad power to conduct practically all local governmental functions

Preemption/Conflict between State and Local Gov't – The State Prevails

- **Field Preemption**– The State takes the whole field explicitly or implicitly by legislating in the whole area. If there is preemption, a local government cannot regulate in an area.
- **Conflict**-If there is no preemption but there is a conflict between a state statute and a local law, the statute wins if: (1) there is a direct conflict between the two or (2) they can't “coexist” *Hillsborough County vs. Fla. Restaurant Ass'n, Inc.*, 603 So.2d 587 (Fla. 2d DCA 1992)

No Preemption or Conflict

- Even the state has to follow the rules unless the state legislates to conflict with a local ordinance. *City of Temple Terrace*, 603 So.2d 587 (Fla. 2d DCA 1975)
- NOTE: The Constitution is silent on this balancing act between the state interests and local concerns...

ARTICLE VIII: LOCAL GOVERNMENT

SECTION 2. Municipalities.

- (a) ESTABLISHMENT. Municipalities may be established or abolished and their charters amended pursuant to general or special law. When any municipality is abolished, provision shall be made for the protection of its creditors.
- (b) POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law. Each municipal legislative body shall be elective.
- (c) ANNEXATION. Municipal annexation of unincorporated territory, merger of municipalities, and exercise of extra-territorial powers by municipalities shall be as provided by general or special law.

What is a municipality?

- Described in the Constitution and permitted to carry out municipal functions but must be created by the Legislature (unlike counties into which the state “shall be divided”)
- Legislature can limit none, some or all possible municipal powers
- A subdivision of the state for limited purposes but...
- Not automatically immune from paying property taxes (must be governmental function)

Local Government Issues (Art. VIII, Sec. 3-5)

- Consolidation (Art. VIII, §3)- By special law one or more municipality may merge with a county upon a vote of the electors of the county.
- Transfer of Powers (Art. VIII, §4)– By act of the governing body of each affected government, powers or responsibilities may be transferred subject to a vote of those affected.
- Local Option for Liquor or Firearm Sales (Art. VIII, §5)– Local authority to sell alcohol and set waiting periods for firearm sales.
- Sovereign Immunity– this is a concept dating back to the time before the United States was founded, all local governmental units possess sovereign immunity except as waived specifically by statute, Fla. Stat. §768.28.

Art. VIII, Section 6: Schedule to Article VIII

Continuity and Revision

- **(a)** This article replaces Article VIII of the Constitution of 1885, as amended, except those sections expressly retained and made a part of this article by reference. (Like the Home Rule Amendments)
- **(b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS.** Continuity- they stay the same until changed according to the law. This includes the method of section of local officers.
- **(c) OFFICERS TO CONTINUE IN OFFICE.** Officers continue, if the position is abolished, they get paid for the term
- **(d) ORDINANCES.** Local laws relating only to unincorporated areas of a county on the effective date of this article may be amended or repealed by county ordinance.
- **(e) CONSOLIDATION AND HOME RULE.** Expressly recognizes the continuation of Dade County Home Rule, including the ability to further amend such charter under the old constitution, as well as the Home Rule option for Hillsborough County and the consolidation abilities of Duval/Jacksonville and Monroe/Key West (Article VIII, Sections 9, 10, 11 and 24, of the Constitution of 1885, as amended)
- **(f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES.** Except where it conflicts with the powers of existing municipalities or general law, Dade County explicitly has municipal powers.
- **(g) DELETION OF OBSOLETE SCHEDULE ITEMS.**

Extra Slides

CHARTER COUNTIES

- **Pre-1968** – required a constitutional amendment AND a vote of the county.
- One County, Dade County, went this route and established home rule under its own home rule charter.
- **Post-1968** Home Rule Established, Counties can create a charter without amendment or legislative act.

NON-CHARTER COUNTIES

- **Pre-1968**-All Counties were non charter except Dade County
- **After 1968**- All Counties have the right of self-determination to adopt or not to adopt a charter.

CHARTER COUNTIES (20 Counties including Dade County)

- **Art. VIII, §1(g) CHARTER GOVERNMENT.**
 - Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law.
 - NOTE: The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

NON-CHARTER COUNTIES (47 Counties)

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

LOCAL GOVERNMENT – COUNTIES

Constitution and enabling statutes enshrine home rule

- **CHARTER COUNTY (more local control)**
 - From the Constitution “all powers of local self-government not inconsistent with general law”
 - Subject to above, charter is county’s “law of the land”
 - General Law > Ordinances
 - Ordinances > Special law without voter approval
 - County Regulatory Ordinances > City Ordinances (Charter determines)
- **NON-CHARTER COUNTY (more state control)**
 - Power from State Law (broad powers except to the extent prohibited by constitution, general law or special law) Fla. Stat.§125.01
 - General or Special Law >Ordinances
 - Municipal Ordinances > Conflicting County Ordinances within the Municipality

DADE COUNTY (NOW MIAMI-DADE COUNTY) IS A CHARTER COUNTY FROM WAAAAAY BACK

- Prior to 1968, under the 1885 constitution, the creation and exercise of home rule powers required a constitutional amendment and a vote by the county impacted by the amendment.
- 4 Counties were given unique home rule powers through amendments to the 1885 Constitution (Dade, Hillsborough, Duval, and Monroe).
- **These amendments were preserved in the 1968 Constitution. Art. VIII, §6(e).**
- **Dade is the *only* county that was created as a pre-1968 charter county by statewide constitutional amendment and assent of the county voters. (Hillsborough County has the right to adopt a unique home rule charter but to date it has not).**
- That means the people of the State and the residents of Dade County voted on it.
- The 1968 Constitution gives deference to the will of the voters in Florida and Dade County.

SO WHY IS DADE DIFFERENT?

- It's in the 1885 and 1968 Constitution and the voters of the state and the county approved it.
- **NOTE:** For most purposes, Dade County acts like a post 1968 charter county, but it has some rights that the legislature cannot abrogate pursuant to its charter being a constitutional amendment.

DUVAL COUNTY IS THE ONLY OTHER COUNTY TO EXERCISE ITS HOME RULE RIGHTS UNDER AMENDMENTS TO THE 1885 CONSTITUTION

- Prior to 1968, under the 1885 constitution, the creation and exercise of home rule powers required a constitutional amendment and a vote by the county impacted by the amendment.
- 4 Counties were given unique home rule powers through amendments to the 1885 Constitution (Dade, Hillsborough, Duval, and Monroe).
- **These amendments were preserved in the 1968 Constitution. Art. VIII, §6(e).**
- **Duval County was one of only two counties that had the right to create a consolidated municipal-county form of government between it and the City of Jacksonville. (Monroe County has the right to adopt a consolidated form of government with the City of Key West but to date it has not).**
- That means the people of the State and the residents of Duval County voted on it!
- The 1968 Constitution gives deference to the will of the voters in Florida and Duval County.

SO WHY IS DUVAL DIFFERENT?

- It's in the 1885 and 1968 Constitution and the voters of the state and the county approved it!!!
- NOTE: Mainly impacts the power sharing between Duval County and its cities.

Other Local Government Issues

LOCAL BONDS (Art. VII, Sec.12)

- State has bonding power (Art VII, §11) and so do **local governments** (Art VII, §12)
- **Section 12. Local Bonds.**– Counties, school districts, municipalities, special districts and local governmental bodies with taxing powers may issue bonds, certificates of indebtedness or any form of tax anticipation certificates, **payable from ad valorem taxation** and maturing more than twelve months after issuance only:
 - (a) to finance or refinance capital projects authorized by law and only when approved by a vote of the electors *who are owners of freeholds therein not wholly exempt from taxation* [the freehold ownership is no longer a requirement]; or
 - (b) to refund outstanding bonds and interest and redemption premium thereon at a lower net average interest cost rate

Other Local Government Issues

LOCAL BONDS (Art. VII, Sec.12)

Types of government bonds

- **General Obligation or Recourse Bonds**
 - Pledge the full faith and credit of the issuing governmental unit (e.g., local government pledges ad valorem taxing power)
 - Generally limited to financing capital projects
 - Generally subject to referendum
- **Non-recourse or revenue bonds**
 - Bonds backed by pledge to pay back the bond only from specific and limited sources of revenue
 - Subject to less strict restrictions
 - Not subject to referendum

Other Local Government Issues

LOCAL BONDS (Art. VII, Sec.12)

- Local governments may issue bonds secured by ad valorem taxes if:
 - They are issued to finance capital projects authorized by law (Florida Statute § 130.01)
 - They do not fund ongoing operations.
 - They are approved by a vote of the electors of the County.
- Local governments may issue bonds secured by ad valorem taxes to be paid back within 12 months without a vote of the electors.
- Local governments may issue bonds secured by non-ad valorem taxes for any purpose without a vote of the electors.

Florida Association of Counties

ROBERT NABORS

Mr. Nabors represented the Board of County Commissioners of Brevard County, Florida and various Brevard County constitutional offices and agencies as County Attorney. Mr. Nabors is a past president of the Florida Association of County Attorneys and served as Chairman of the Local Government Law Section of The Florida Bar (now known as the City, County and Local Government Law Section).

Mr. Nabors served as General Counsel to Governor Graham and as Special Counsel to Governor Graham for Legislative Affairs. As Special Counsel, Mr. Nabors was responsible for coordinating the legislative efforts on the approval of an additional one cent sales tax in 1982, which included the Local Government Half Cent Sales Tax. He was appointed by Governor Graham to the Governor's Tax Reform Commission. Mr. Nabors was appointed by Governor Askew as Chairman of the Florida Solar Energy Task Force.

Mr. Nabors has also served on other state commissions and study groups, including the Public Service Commission Nominating Council, the Governor's Public Facility Financing Commission, the Governor's Task Force on Medical Malpractice, and the Governor's Task Force on Community Mental Health.

Mr. Nabors has served as a member of the Florida Supreme Court Nominating Commission, as a member of the Fourth District Court of Appeal Nominating Commission, as a member and chairman of the Eighteenth Judicial Circuit Nominating Commission, and as a member of the Federal Judicial Nominating Commission for the Northern District of Florida.

Mr. Nabors was appointed by the late Governor Chiles as a member of the Governor's Growth Management Task Force, as a member of the Governor's Ad Hoc Work Group on Affordable Housing, and as a member of the Florida Telecommunications Taxation Task Force.

Mr. Nabors was appointed by the late Governor Chiles as a member of the 1997-1998 Constitution Revision Commission.

Mr. Nabors also served as an adjunct professor at the Florida State University College of Law in the areas of State Constitutional Law and Local Government Law.

- Represents clients in the structure and implementation of public/private partnerships and planning and finance issues relating to the provision of adequate public school facilities and other local government infrastructure and services.

EDUCATION

- J.D., University of Florida, College of Law, 1966.
- B.S., Florida State University, 1962.

HONORS

- AV® Preeminent™ 5.0 Peer Review Rated™ by Martindale-Hubbell®.
- Best Lawyers In America®, Municipal Law, First Year Listed 2007.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/1/17

Meeting Date

N/A

Proposal Number (if applicable)

N/A

Amendment Barcode (if applicable)

*Topic Art VIII of the FL const.

*Name Rober Nabor

Address _____

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Tallahassee

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State

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Phone 850-922-7868

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*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Association of Counties

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

Florida League of Cities

HARRY MORRISON, JR.

Harry Morrison, Jr., serves as Of Counsel to the Florida League of Cities, Inc. He has represented the League since 1982 and served as its General Counsel from 1990 until October 1, 2017.

Mr. Morrison lobbied municipal issues in the state legislature for 15 legislative sessions. He routinely consults with city attorneys around the state and has authored or coauthored over 75 briefs that have been filed with Florida's appellate courts on municipal issues of statewide concern. He has lectured repeatedly and wrote numerous articles on municipal law.

Mr. Morrison has received special recognition from the Florida Municipal Attorneys Association and the City, County, and Local Government Law Section for his advancement of municipal law in the State of Florida. In 2002, he received the Ralph A. Marsicano Award from the City, County, and Local Government Law Section for his "significant and outstanding contributions to the development of local government law in Florida." In 2012, he was named the municipal attorney of the year as he received the Paul S. Buchman Award at the Florida Municipal Attorneys Association's seminar. In 2014, he was named as one of Florida Trend's Legal Elite in the category of Government/Non-Profit Attorney. He is rated AV Preeminent by Martindale-Hubbell.

He received his B.S. from Florida State University in 1978, majoring in political science with minors in business administration and history. He received his J.D. from FSU's College of Law in 1981 and was admitted to The Florida Bar in 1982.

He has served on the Executive Council of the City, County, and Local Government Law Section of The Florida Bar. He also served as Executive Secretary of the Florida Municipal Attorneys Association from 1987 to 1990.

Mr. Morrison provides legal counsel to the League's Board of Directors, its Executive Director, and its staff. Over his career, he has served as General Counsel to the independent boards of trustees of the League sponsored insurance and financial programs.

Mr. Morrison also worked closely with the team that secured the financing and constructed and leased the League's 70,000 square foot headquarters building in Tallahassee, Florida, and its 30,000 square foot public risk services building in Orlando, Florida.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/1/17
Meeting Date

Proposal Number (if applicable)

*Topic Municipal Home Rule

Amendment Barcode (if applicable)

*Name Harry 'Chip' Morrison

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Street

Phone 850-222-9684

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City State Zip

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*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FL LEAGUE OF CITIES

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

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***Required**

Special Districts

CHRISTOPHER LYON

Mr. Lyon's practice focuses on representing his clients' interests before the Florida Legislature, Governor and Cabinet, and agency personnel. He represents statewide associations, local government entities and corporations with interests in the fields of health care, technology, economic development, transportation, environment and land use.

AREAS OF PRACTICE

- Serves as the law firm of Lewis, Longman, and Walker's primary lobbyist for most of its clients with a financial interest in the legislative process and has proven track record of securing the annual appropriation of tens of millions of State dollars to fund programs of interest to LLW's clients.
- Represents clients before legislative and executive branches of government, agencies, cabinet, legislative and gubernatorial commissions.
- Represents professionals in licensure and disciplinary matters before the various professional boards, including the Board of Osteopathic Medicine and the Board of Hearing Aid Specialists.
- Provides legal representation to numerous homeowners and condominium associations.

PROFESSIONAL, CIVIC AND COMMUNITY INVOLVEMENT

- The Florida Bar, Member
- Admitted to the United States District Court, Northern District
- Florida Association of Professional Lobbyists, Member

EDUCATION

- J.D., Florida State University, 2000
- B.S., University of Florida, 1996



Overview of Special Districts in Florida

Constitution Revision Commission,
Local Government Committee

November 1, 2017



LLW

**LEWIS
LONGMAN
WALKER**

Special District Definition

- Unit of local government created for a special purpose, as opposed to a general purpose, that has jurisdiction to operate within a limited geographic boundary and is created by:
 - General Law;
 - Special Act;
 - Local Ordinance; or
 - Rule of the Governor and Cabinet



History

- Benjamin Franklin created the first special district in 1736
 - Union Fire Company of Philadelphia
 - Residents in a certain neighborhood paid a fee to receive fire protection service
 - Those who did not pay the fee, did not receive service



Florida History

- The first special districts in Florida were created almost 200 years ago
 - Only two cities at the time: Pensacola and St. Augustine
 - Entire territory consisted of two large counties (Escambia and St. Johns) divided by the Suwanee River
 - No roads at the time, so territorial legislators had to make the long sea voyage between the co-capitols (Pensacola and St. Augustine)
 - In 1822, legislators voted to establish a more convenient location for the capitol: Tallahassee
 - That same year, legislators authorized creation of the first special districts by enacting the Road, Highway, and Ferry Act of 1822
 - Special purpose was to establish and maintain public roads
 - No tax authority
 - Labor needs solved by conscription – men failing to report to work were fined \$1/day



Florida History

- In 1845, the Legislature created the first special district by special act
 - The special purpose was to drain “Alachua Savannah”
 - Governed by five commissioners
 - Project financed by assessments on landowners based on the number of acres owned and benefit derived



Florida History

- In 1907, Governor Broward pushed the Legislature to create the Everglades Drainage District, with the special purpose of draining and reclaiming flooded lands
- Landowners who received a benefit were assessed at 5 cents/acre of land
- In 1949, the Legislature replaced the EDD by creating the Central and Southern Flood Control District
- In 1972, the Legislature created the 5 water management districts. The SFWMD encompassed the lands within the old CSFCD.
- In 1976, voters approved a constitutional amendment giving the districts ad valorem tax authority.



Florida History

- The popularity of special districts to fund public works continued through the end of the 19th century as more settlers came to Florida
- By the 1920s, the population had increased substantially in response to the Florida land boom.
- Many districts were created to finance large engineering projects
- Many, like the Florida Inland Navigation District, are still in existence today
- By the 1930s, a surge of new residents created a need for the first mosquito eradication district.



What Are Special Districts?

- Focused, local government units that address specific, community needs.
- Most have single authorized purpose, to provide some service or infrastructure.
- Most are governed by elected boards.
- 1,686 active special districts in Florida. Compare to:

• Illinois:	3,227
• California:	2,861
• Texas:	2,600
• Colorado:	2,392
• Missouri:	1,854
• Pennsylvania:	1,756
• Kansas:	1,523

*Source – U.S. Census Bureau, 2012 Census of Governments



Special Districts Functions

- Special districts provide literally every governmental service or infrastructure imaginable.
- The Department of Economic Opportunity, Special District Accountability Program recognizes 80 different special purposes served by special districts.
- The only municipal service a special district cannot provide is police service.
- Most popular type of district is Community Development (636)
- Other popular types of districts include...



Types of Special Districts

Drainage and Water Control (83)



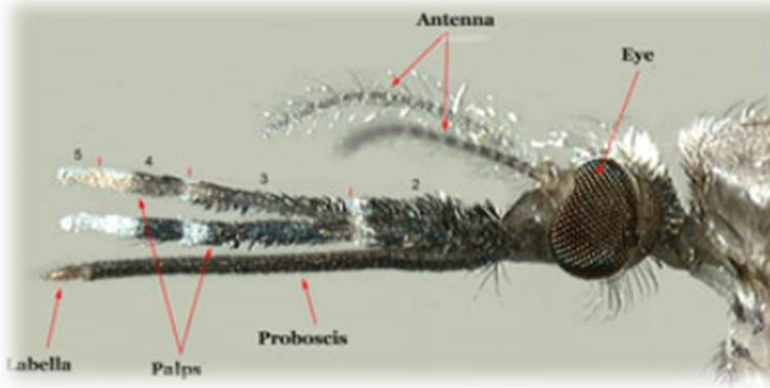
Types of Special Districts

Fire Control & Rescue (64)



Special Districts Functions

Mosquito Control (18)



Special Districts Facts

- Every parcel in Florida is covered by at least one special district.
- Districts are more numerous in Florida as one moves from north to south.
 - ✓ Some North Florida counties have no more than 3 or 4 special districts.
 - ✓ Hillsborough County has the most at 143 districts.
- Some special districts are large and operate in multiple counties (e.g. Five water management districts and Florida Inland Navigation District).
- Other special districts serve small neighborhoods using all volunteer staff.
- Many special districts operate with very little funding (less than \$3,000 per year) or no funding at all.
- Most special districts do not have taxing authority (only 206).



Special Districts Facts

Special Districts are either Independent or Dependent.

- **Independent Special Districts** have an independent governing board (elected or appointed), which establishes its own budget and collects taxes, assessments or fees, and spends them without oversight of city or county.
- There are 1,053 independent special districts in Florida.
- **Dependent Special Districts** functionally operate as an arm of either a city, county or state agency.
- There are 633 dependent special districts in Florida.



Special Districts Facts

- **Like counties and cities, special districts:**
 - Provide necessary infrastructure and services to a community.
 - May have the authority to levy ad valorem taxes, non-ad valorem assessments, impact fees and other user fees and charges, depending on authorizing act.
 - Are subject to the Sunshine law, public records laws, ethics laws, financial reporting laws, etc.



Special Districts Facts

- **Unlike counties and cities, special districts:**
 - Do not have “local home rule” power and may only do those things explicitly authorized by the Constitution, general law or special act.
 - Can not tax or charge someone that does not receive a benefit.
 - Can only spend money for the purpose(s) provided in enabling act, but cannot spend on general public health, safety, and welfare.
 - Governing board members generally receive little or no compensation.
 - Generally derive all revenue from local sources (no revenue from state fuel tax, sales tax, communications services tax, etc.)



Why are Special Districts Created?

- Provide necessary infrastructure and/or services when a county or city is unwilling or unable – or when need overlaps jurisdictional boundaries.
- Provide the infrastructure and/or services without burdening taxpayers that do not benefit.
- Save tax-payer money through:
 - tax exempt bonds for infrastructure;
 - purchasing tax-free essential goods and services; and
 - sovereign immunity.
- Ability to focus on a specific community need for service or infrastructure.



2012 Review of Special Districts

In his first year of office (2012), Governor Rick Scott issued Executive Order 12-10 for the Governor's Office of Policy and Budget to:

- (C)onduct a deliberate and thorough examination of special districts in the State of Florida, and to make recommendations on the role of special districts in the State, with a special focus on increasing efficiency, fiscal accountability, and the transparency and operations to the public.
- Review began with the 18 mosquito control districts (MCDs)
- Final report noted:
 - ✓ Though Ch. 388 gives MCDs up to 10.0 mills of ad valorem tax authority, the highest levy was 1.0 mill with all other MCD levies between 0.02 and 0.5 mills.
 - ✓ During economic downturn, most MCDs reduced tax revenues and adopted either rolled-back rate or lower.
 - ✓ Prior to downturn, many MCDs accumulated reserves which were utilized during downturn to reduce tax burden to residents.
 - ✓ From FY 2006-07 to FY 2011-12, MCD taxes dropped by 14% total, and when accounted for inflation, 22%



2012 Review of Special Districts

Report found advantages and disadvantages:

- Advantages:

- ✓ Main benefit from the independent special district model for mosquito control is the ability to concentrate only on mosquito control. With a county providing mosquito control, mosquito control is a secondary objective and may not receive the focus needed.
- ✓ Revenue remains more constant and service provided on more consistent basis.
- ✓ Due to independent nature of operations, there tends to be a high level of innovation and utilization of existing resources.
- ✓ Elected officials of independent district are more readily accessible to taxpayers.

- Disadvantages:

- ✓ Possible duplication of services in administrative functions (e.g. human resources, IT). If part of a county, some positions might not be necessary.
- ✓ Possible cost savings in benefits from larger employee pool at a county.

No other reports were published.



Thank you!

M. Christopher Lyon, Esq.

Terry Lewis, Esq.

**Lewis, Longman & Walker, P.A.
315 S. Calhoun Street, Suite 830
Tallahassee, FL 32301
(850) 222-5702
clyon@llw-law.com**



CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/1/17

Meeting Date

Proposal Number (if applicable)

*Topic Special Districts - Home Rule

Amendment Barcode (if applicable)

*Name Chris Lyon

Address 315 S. Calhoun St., Suite 830

Phone 850/222-5702

Kilchessee FL 32301
City State Zip

Email clyon@llw-law.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Association of Special Districts

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

**Constitution Revision Commission
Local Government Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 13

Relating to: LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Introducer(s): Commissioner Timmann and others

Article/Section affected: Article VIII, Sections 1 & 6

Date: October 25, 2017

	REFERENCE	ACTION
1.	LO	<u>Pre-meeting</u>
2.	EE	_____

I. SUMMARY:

The proposal revises sections 1 and 6 of Article VIII of the Florida Constitution to mandate that all constitutionally prescribed county officers (Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of Circuit Court) be elected by the electors of that county. Additionally, the proposal will not allow the county to abolish, transfer the duties of, or establish any alternate method of selection for county constitutional officers. The proposal would take effect January 5, 2021, but would govern the elections for county constitutional officers for the 2020 election cycle.

The 1885 Florida Constitution initially provided that county constitutional officers are to be elected and that their duties be established in Florida statute. However, through amendments, in particular the enshrinement of home rule authority in the 1968 Florida Constitution, with the authorization of county charters, the method of selection and duties of some county constitutional officers in some counties changed. The proposal revises sections 1 and 6 of Article VIII to return to having all constitutionally prescribed county officers elected by voters of that county.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Florida Constitution calls for the state to be divided into political subdivisions called counties. Specifically, Article VIII of the Florida Constitution provides for two types of counties: charter counties and non-charter counties.

Non-Charter Counties

If a county does not operate under a charter, the county has only such power of self-government as is provided by general or special law. If the Legislature has authorized a non-charter county to govern a particular area, the board of county commissioners may enact county ordinances not inconsistent with general or special law. Currently, there are 47 non-charter counties in Florida.

Charter Counties

Pursuant to either general or special law, a county charter may be adopted, amended, or repealed by approval of the electors of the county in a special election. If a county operates under a charter, the county has all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. Therefore, even if the Legislature has not specifically authorized a charter county to govern a particular area, the Florida Constitution grants the board of county commissioners broad authority to enact county ordinances not inconsistent with general law. Currently, there are 20 charter counties in Florida.

County Officers under the Florida Constitution

The Florida Constitution creates five specific county officers: Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court (collectively, the five constitutional offices/officers). The Clerk of the Circuit Court also serves as the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds. Each officer is elected separately by the voters of the county for terms of four years. These officers have prescribed duties provided for in general law.

All non-charter counties have the five constitutional officers with statutorily prescribed duties. Eight charter counties have changed the manner of selection of at least one of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred the powers to another county office.

The five constitutional offices may only be altered pursuant to authority prescribed by the terms of a county charter. Specifically, Article VIII, Section 1(d) authorizes a county charter to abolish one or all of the constitutional county offices; transfer the powers to another department of the county government; or provide for a different manner of selecting a county officer. Further, Article VIII, Section 1(d) authorizes a county charter to transfer the Clerk of the Circuit Court's duties as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds to another department of county government.

Eight charter counties have changed the manner of selection of at least one of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred their duties to another county office. The eight counties that have altered the duties of a constitutional officer, or have abolished the office and reassigned

duties through their charter are: Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia.

Brevard County

Brevard County “expressly preserved” the offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court as departments of county government, rather than constitutional offices. The county reiterated the ability to transfer or add to the powers of each of the county officers. The county has transferred the powers of the Clerk of Circuit Court as auditor, and custodian of county funds to the county manager. Each officer remains elected for a four year term.

Miami-Dade County

Miami-Dade County abolished the constitutional offices of the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser, transferred these powers to the mayor, and granted the mayor the discretion to sub-delegate the powers. The duties of the Sheriff were transferred to the police department, the director of which is appointed by the mayor. The duties of the tax collector were transferred to the department of finance, the director of which is jointly appointed by the mayor and the clerk of court. The county Property Appraiser, although not retained as a constitutional office, remains an elected position. The duties of the Supervisor of Elections were transferred to the elections department, the director of which is appointed by the mayor. The Clerk of the Circuit Court remains a constitutional, elected officer with some changes in duties. Although the clerk is still the clerk of the county commission, the clerk’s financial recorder and custodian duties were transferred to the department of financial services, and the clerk’s auditing duties were transferred to the commission auditor.

Volusia County

Volusia County established its charter by special law in 1970, and the voters of Volusia County subsequently approved it in a special countywide election the same year. Volusia County abolished the constitutional offices of the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser. The county transferred these offices’ powers to new charter offices. The duties of the Sheriff were transferred to and divided between the department of public safety and the department of corrections. The duties of the Tax Collector were transferred to the department of finance. The duties of the Property Appraiser were transferred to the department of property appraisal. The duties of the Supervisor of Elections were transferred to the department of elections. The Sheriff, Property Appraiser, and Supervisor of Elections are elected directors of their respective offices. The Tax Collector is appointed by the county manager and confirmed by the county council. The Clerk of the Circuit Court remains a constitutionally elected officer except that the clerk’s constitutional duties as clerk of the county commission were transferred to and divided between the department of central services and the department of finance.

Broward County

Broward County has not altered the constitutionally elected offices and duties of the Sheriff, Property Appraiser, and Supervisor of Elections. However, the office of the Tax Collector was abolished and the duties were transferred to the department of finance and administrative services, headed by the finance and administrative services director appointed by the county administrator. Though the Clerk of the Circuit Court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission were transferred to the county administrator.

Clay County

Clay County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. Although the Clerk of the Circuit Court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county administrator.

Duval County

Duval County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. The Clerk of the Circuit Court retains the status of constitutional officer but the clerk's duties as clerk of the county commission were transferred to the council secretary and the constitutional duties as auditor were transferred to the council auditor.

Orange County

In 2016, Orange County abolished the constitutionally elected offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, Clerk of the Circuit Court as well as the county Comptroller and reinstated the offices as elected officials that report directly to the county commission. The 2016 charter amendments provide, however, that each new charter office shall have all rights and privileges of the corresponding constitutional offices. Two separate lawsuits are pending as to whether the county can make constitutional officers term limited and subject to non-partisan elections through their county charter provisions.

Osceola County

Osceola County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. The Clerk of the Circuit Court retains the status of constitutional officer, but the clerk's duties as clerk of the county commission, auditor, and custodian of funds were transferred to the county manager.

B. EFFECT OF PROPOSED CHANGES:

The proposal revises sections 1 and 6 of Article VIII of the Florida Constitution to mandate that all constitutionally prescribed county officers (Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of Circuit Court) be elected by the electors of that county, as was originally prescribed prior to the authorization of county charters, and will not allow the county to abolish, transfer the duties of, or establish any alternate method of selection for county constitutional officers.

If adopted by the Constitution Revision Commission, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election (November 6, 2018). If approved by the voters, the amendment takes effect on January 5, 2021. As a result, affected charter counties will have around 18 months to revise their charters and ordinances to conform to this amendment for the 2020 general elections.

If adopted, the proposal would have no impact on non-charter counties and those charter counties that retained the constitutional offices without any changes to its selection or authority.

From the 2020 general election cycle forward, all county, whether charter or non-charter, constitutional officers must be elected with fixed four year terms, and their offices cannot be abolished, or their duties transferred to another office or officer.

If approved during the 2018 general election, the following counties will be required to revise their charter to conform to the change before the 2020 general election; Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia.

C. FISCAL IMPACT:

The fiscal impact is indeterminate. The impact will be confined to the charter counties who have altered their constitutional officers. The proposal would require the affected counties to expend funds to (a) provide for election of appointed constitutional officers, and (b) reorganize their governments to accommodate the officer's office and responsibilities. The effect will be heavily dependent on the reorganization efforts at the county level and could vary greatly by county.

III. Additional Information:**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

Line 44 “Notwithstanding subsection 6(e)...” The word “notwithstanding” may create ambiguity; therefore, “notwithstanding” is construed to communicate that this amendment supersedes subsection 6(e).

D. Related Issues:

None.

By Commissioner Timmann

timmannc-00018B-17

201713__

1 A proposal to amend
2 Sections 1 and 6 of Article VIII of the State
3 Constitution to remove authority for a county charter
4 or a special law to provide for choosing specified
5 county officers in a manner other than election and to
6 prohibit a county charter from abolishing specified
7 county officers, transferring duties of a county
8 officer to another officer or office, establishing the
9 length of terms of county officers, or establishing
10 any manner of selection of county officers other than
11 by election.

13 Be It Proposed by the Constitution Revision Commission of
14 Florida:

16 Sections 1 and 6 of Article VIII of the State Constitution
17 are amended to read:

18 ARTICLE VIII
19 LOCAL GOVERNMENT

20 SECTION 1. Counties.—

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

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

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

31 (d) COUNTY OFFICERS. There shall be elected by the electors
32 of each county, for terms of four years, a sheriff, a tax

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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201713__

33 collector, a property appraiser, a supervisor of elections, and
34 a clerk of the circuit court, ~~except, when provided by county~~
35 ~~charter or special law approved by vote of the electors of the~~
36 ~~county, any county officer may be chosen in another manner~~
37 ~~therein specified, or any county office may be abolished when~~
38 ~~all the duties of the office prescribed by general law are~~
39 ~~transferred to another office. Unless~~ When not otherwise
40 provided by ~~county charter or~~ special law approved by vote of
41 the electors or pursuant to Article V, section 16, the clerk of
42 the circuit court shall be ex officio clerk of the board of
43 county commissioners, auditor, recorder and custodian of all
44 county funds. Notwithstanding subsection 6(e) of this article, a
45 county charter may not abolish the office of a sheriff, a tax
46 collector, a property appraiser, a supervisor of elections, or a
47 clerk of the circuit court; transfer the duties of those
48 officers to another officer or office; establish the length of
49 the term of office; or establish any manner of selection other
50 than by election by the electors of the county.

51 (e) COMMISSIONERS. Except when otherwise provided by county
52 charter, the governing body of each county shall be a board of
53 county commissioners composed of five or seven members serving
54 staggered terms of four years. After each decennial census the
55 board of county commissioners shall divide the county into
56 districts of contiguous territory as nearly equal in population
57 as practicable. One commissioner residing in each district shall
58 be elected as provided by law.

59 (f) NON-CHARTER GOVERNMENT. Counties not operating under
60 county charters shall have such power of self-government as is
61 provided by general or special law. The board of county

Page 2 of 5

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201713__

62 commissioners of a county not operating under a charter may
 63 enact, in a manner prescribed by general law, county ordinances
 64 not inconsistent with general or special law, but an ordinance
 65 in conflict with a municipal ordinance shall not be effective
 66 within the municipality to the extent of such conflict.

67 (g) CHARTER GOVERNMENT. Counties operating under county
 68 charters shall have all powers of local self-government not
 69 inconsistent with general law, or with special law approved by
 70 vote of the electors. The governing body of a county operating
 71 under a charter may enact county ordinances not inconsistent
 72 with general law. The charter shall provide which shall prevail
 73 in the event of conflict between county and municipal
 74 ordinances.

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

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

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

84 (k) COUNTY SEAT. In every county there shall be a county
 85 seat at which shall be located the principal offices and
 86 permanent records of all county officers. The county seat may
 87 not be moved except as provided by general law. Branch offices
 88 for the conduct of county business may be established elsewhere
 89 in the county by resolution of the governing body of the county
 90 in the manner prescribed by law. No instrument shall be deemed

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91 recorded until filed at the county seat, or a branch office
 92 designated by the governing body of the county for the recording
 93 of instruments, according to law.

SECTION 6. Schedule to Article VIII.—

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

98 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
 99 status of the following items as they exist on the date this
 100 article becomes effective is recognized and shall be continued
 101 until changed in accordance with law: the counties of the state;
 102 their status with respect to the legality of the sale of
 103 intoxicating liquors, wines and beers; the method of selection
 104 of county officers; the performance of municipal functions by
 105 county officers; the county seats; and the municipalities and
 106 special districts of the state, their powers, jurisdiction and
 107 government.

108 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
 109 office when this article becomes effective shall continue in
 110 office for the remainder of the term if that office is not
 111 abolished. If the office is abolished the incumbent shall be
 112 paid adequate compensation, to be fixed by law, for the loss of
 113 emoluments for the remainder of the term.

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

117 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
 118 10, 11 and 24, of the Constitution of 1885, as amended, shall
 119 remain in full force and effect as to each county affected, as

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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201713__

120 if this article had not been adopted, until that county shall
121 expressly adopt a charter or home rule plan pursuant to this
122 article. All provisions of the Metropolitan Dade County Home
123 Rule Charter, heretofore or hereafter adopted by the electors of
124 Dade County pursuant to Article VIII, Section 11, of the
125 Constitution of 1885, as amended, shall be valid, and any
126 amendments to such charter shall be valid; provided that the
127 said provisions of such charter and the said amendments thereto
128 are authorized under said Article VIII, Section 11, of the
129 Constitution of 1885, as amended.

130 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
131 the extent not inconsistent with the powers of existing
132 municipalities or general law, the Metropolitan Government of
133 Dade County may exercise all the powers conferred now or
134 hereafter by general law upon municipalities.

135 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment
136 to Section 1 of this article, relating to the selection and
137 duties of county officers, shall take effect January 5, 2021,
138 but shall govern with respect to the qualifying for and the
139 holding of the primary and general elections for county
140 constitutional officers in 2020.

141 ~~(h) (g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
142 shall have power, by joint resolution, to delete from this
143 article any subsection of this Section 6, including this
144 subsection, when all events to which the subsection to be
145 deleted is or could become applicable have occurred. A
146 legislative determination of fact made as a basis for
147 application of this subsection shall be subject to judicial
148 review.

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/1/17
Meeting Date

13
Proposal Number (if applicable)

*Topic Commissioner TIMMANN Proposal

Amendment Barcode (if applicable)

*Name Stacy M. Butterfield, C.P.A.

Address 330 W. Church Street

Phone 863-534-4522

Bartow FL 33830
City State Zip

Email stacybutterfield@polk-county.net

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Court Clerks & Comptrollers

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

5

11-1-17

Meeting Date

13

Proposal Number (if applicable)

*Topic ELECTED OFFICERS

Amendment Barcode (if applicable)

*Name JESS MCCARTY

Address 111 NW 1ST ST 2810

Phone 305-979-7110

Street MIAMI FL 33128
City State Zip

Email JMM2@MIAMIDOF.GOV

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? MIAMI-DADE COUNTY

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

5

11/1/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic Constitutional County Officers

Amendment Barcode (if applicable)

*Name Edward G. Cabrador

Address _____

Phone 954-357-7525

Street Tort Landersdale FL 33301
City State Zip

Email elabrador@broward.org

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Broward County

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-1-17

Meeting Date

13

Proposal Number (if applicable)

*Topic Comm. Timman Proposal

Amendment Barcode (if applicable)

*Name DON BARBEE JR, ESQ.

Address 20 N. MAIN ST. STE 362

Phone 352 540 6246

BROOKVILLE FL 34601

Email dbarbee@herndonbelle.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FL. COURT CLERKS + COMPTROLLER.

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

Nov 01, 2017
Meeting Date

13
Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Lisa Cullen

Address 400 South St. 6th FL
Street
Titusville FL 32780
City State Zip

Phone 321-264-6930
Email Lisa.Cullen@Brevardtc.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FL Association of Tax collectors

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

Nov 1, 2017

Meeting Date

P13

Proposal Number (if applicable)

*Topic Prop 13

Amendment Barcode (if applicable)

*Name JD PEACOCK, CLERK & COMPTROLLER OKALOOSA COUNTY

Address 1940 LEWIS TURNER BLVD

Phone 850-651-7200 Fax 400

Street

T-1 WATSON BCH, FL 32547

Email jdpeacock@okaloosaclerk.com

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FL ASSOCIATION OF COURT CLERKS & COMPTROLLERS

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/1/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic Constitutional Officers Proposal

Amendment Barcode (if applicable)

*Name Robert Stuart, Jr.

Address 301 E Pine Street, Suite 1400

Phone 407-843-8880

Street

Orlando

City

FL

State

32801

Zip

Email robert.stuart@gray-robinson.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Volusia County

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11/1/17
Meeting Date

13
Proposal Number (if applicable)

*Topic Commissioner Timmann Proposal

Amendment Barcode (if applicable)

*Name Tom Bexley - Flagler County Clerk + Comptroller

Address 1769 East Moody Blvd

Phone 386 313 4400

Street

Bunnell
City

FL
State

32110
Zip

Email tbexley@flaglerclerk.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? ~~Flagler County~~ Flagler County Clerk + Comptroller

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/1/17

Meeting Date

13

Proposal Number (if applicable)

Constitutional Officers

*Topic Proposal 13 - Local Government

Amendment Barcode (if applicable)

*Name Carey Baker

Address 320 W. Main Street

Phone 352 - 258 - 2150

Street Tavares FL 32778
City State Zip

Email ~~cbaker@col.com~~ careybaker97@col.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Association of Property Appraisers, Inc.

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

NOV 1
Meeting Date

13
Proposal Number (if applicable)

*Topic CONSTITUTIONAL OFFICERS

Amendment Barcode (if applicable)

*Name LAURA YOUMANS

Address 100 N. MONROE ST
Street
TALLAHASSEE FL 32301
City State Zip

Phone 294-1838

Email LYOUMANS@FL-COUNTIES.COM

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FLORIDA ASSOCIATION OF COUNTIES

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/1/17
Meeting Date

Proposal Number (if applicable)

*Topic P13 by Timmann

Amendment Barcode (if applicable)

*Name Sheriff Mike Adkinson

Address 2617 Mahan Drive

Phone 850-877-2165

Tallahassee FL 32308
City State Zip

Email tkrold

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Sheriffs Association

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Information submitted on this form is public record.

***Required**