By Commissioner Nabors

A proposal to revise
ARTICLE VIII, s. 1, Fla. Const.; providing that
noncharter counties have such power of
self-government as is not inconsistent with
general law or any special law approved by the
electors.

It is proposed by the Florida Constitution Revision Commission that:

Section 1. Section 1 of Article VIII of the Florida Constitution is revised by amending that section to read:

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.
(b) COUNTY FUNDS. The care, custody and method of disbursing county funds shall be provided by general law.
(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to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.
(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen

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in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

(e) COMMISSIONERS. Except when 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 of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

(f) NONCHARTER GOVERNMENT. Counties not operating under county charters shall have all such power of local self-government not inconsistent with general law, or with special law approved by a vote of the electors 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.

(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

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not inconsistent with general law. The charter shall provide
which shall prevail in the event of conflict between county
and municipal ordinances.

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

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

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

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

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