

By the Committee on Style and Drafting

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REVISION 5

A proposal to amend 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; amend Section 4 of Article IV of the State Constitution to establish the Office of Domestic Security and Counterterrorism within the Department of Law Enforcement; amend 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 amend 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, changing the length of terms of county officers, or establishing any manner of selection of county officers other than by election.

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

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

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

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

71

72 Sections 4 and 11 of Article IV of the State Constitution
73 are amended to read:

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ARTICLE IV

75

EXECUTIVE

76

SECTION 4. Cabinet.—

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

84

85 (b) The attorney general shall be the chief state legal
86 officer. There is created in the office of the attorney general
87 the position of statewide prosecutor. The statewide prosecutor
88 shall have concurrent jurisdiction with the state attorneys to
89 prosecute violations of criminal laws occurring or having
90 occurred, in two or more judicial circuits as part of a related
transaction, or when any such offense is affecting or has

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91 affected two or more judicial circuits as provided by general
92 law. The statewide prosecutor shall be appointed by the attorney
93 general from not less than three persons nominated by the
94 judicial nominating commission for the supreme court, or as
95 otherwise provided by general law.

96 (c) The chief financial officer shall serve as the chief
97 fiscal officer of the state, and shall settle and approve
98 accounts against the state, and shall keep all state funds and
99 securities.

100 (d) The commissioner of agriculture shall have supervision
101 of matters pertaining to agriculture except as otherwise
102 provided by law.

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

110 (f) The governor as chair, the chief financial officer, the
111 attorney general, and the commissioner of agriculture shall
112 constitute the trustees of the internal improvement trust fund
113 and the land acquisition trust fund as provided by law.

114 (g) The governor as chair, the chief financial officer, the
115 attorney general, and the commissioner of agriculture shall
116 constitute the agency head of the Department of Law Enforcement.
117 The Office of Domestic Security and Counterterrorism is created
118 within the Department of Law Enforcement. The Office of Domestic
119 Security and Counterterrorism shall provide support for

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120 prosecutors and federal, state, and local law enforcement
 121 agencies that investigate or analyze information relating to
 122 attempts or acts of terrorism or that prosecute terrorism, and
 123 shall perform any other duties that are provided by law.

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

129

130 Sections 1 and 6 of Article VIII of the State Constitution
 131 are amended to read:

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ARTICLE VIII

133

LOCAL GOVERNMENT

134

SECTION 1. Counties.—

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

139

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

141

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

145

146 (d) COUNTY OFFICERS. There shall be elected by the electors
 147 of each county, for terms of four years, a sheriff, a tax
 148 collector, a property appraiser, a supervisor of elections, and
 a clerk of the circuit court; ~~except, when provided by county~~

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

165 (e) COMMISSIONERS. Except when otherwise provided by county
166 charter, the governing body of each county shall be a board of
167 county commissioners composed of five or seven members serving
168 staggered terms of four years. After each decennial census the
169 board of county commissioners shall divide the county into
170 districts of contiguous territory as nearly equal in population
171 as practicable. One commissioner residing in each district shall
172 be elected as provided by law.

173 (f) NON-CHARTER GOVERNMENT. Counties not operating under
174 county charters shall have such power of self-government as is
175 provided by general or special law. The board of county
176 commissioners of a county not operating under a charter may
177 enact, in a manner prescribed by general law, county ordinances

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178 not inconsistent with general or special law, but an ordinance
179 in conflict with a municipal ordinance shall not be effective
180 within the municipality to the extent of such conflict.

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

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

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

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

198 (k) COUNTY SEAT. In every county there shall be a county
199 seat at which shall be located the principal offices and
200 permanent records of all county officers. The county seat may
201 not be moved except as provided by general law. Branch offices
202 for the conduct of county business may be established elsewhere
203 in the county by resolution of the governing body of the county
204 in the manner prescribed by law. No instrument shall be deemed
205 recorded until filed at the county seat, or a branch office
206 designated by the governing body of the county for the recording

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207 of instruments, according to law.

208 SECTION 6. Schedule to Article VIII.—

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

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

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

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

231 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
232 10, 11 and 24, of the Constitution of 1885, as amended, shall
233 remain in full force and effect as to each county affected, as
234 if this article had not been adopted, until that county shall
235 expressly adopt a charter or home rule plan pursuant to this

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236 article. All provisions of the Metropolitan Dade County Home
237 Rule Charter, heretofore or hereafter adopted by the electors of
238 Dade County pursuant to Article VIII, Section 11, of the
239 Constitution of 1885, as amended, shall be valid, and any
240 amendments to such charter shall be valid; provided that the
241 said provisions of such charter and the said amendments thereto
242 are authorized under said Article VIII, Section 11, of the
243 Constitution of 1885, as amended.

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

249 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment
250 to Section 1 of this article, relating to the selection and
251 duties of county officers, shall take effect January 5, 2021,
252 but shall govern with respect to the qualifying for and the
253 holding of the primary and general elections for county
254 constitutional officers in 2020.

255 (h) ~~(g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
256 shall have power, by joint resolution, to delete from this
257 article any subsection of this Section 6, including this
258 subsection, when all events to which the subsection to be
259 deleted is or could become applicable have occurred. A
260 legislative determination of fact made as a basis for
261 application of this subsection shall be subject to judicial
262 review.

263
264 BE IT FURTHER PROPOSED that the following statement be placed on

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265 the ballot:

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267 CONSTITUTIONAL AMENDMENT

268 ARTICLE III, SECTION 3

269 ARTICLE IV, SECTIONS 4, 11

270 ARTICLE VIII, SECTIONS 1, 6

271 STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—

272 Requires legislature to retain department of veterans' affairs.

273 Ensures election of sheriffs, property appraisers, supervisors

274 of elections, tax collectors, and clerks of court in all

275 counties; removes county charters' ability to abolish, change

276 term, transfer duties, or eliminate election of these offices.

277 Changes annual legislative session commencement date in even-

278 numbered years from March to January; removes legislature's

279 authorization to fix another date. Creates office of domestic

280 security and counterterrorism within department of law

281 enforcement.