

20176005er

REVISION 5

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

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

20176005er

Be It Proposed by the Constitution Revision Commission of
Florida:

Section 3 of Article III of the State Constitution is
amended to read:

ARTICLE III

LEGISLATURE

SECTION 3. Sessions of the legislature.—

(a) ORGANIZATION SESSIONS. On the fourteenth day following
each general election the legislature shall convene for the
exclusive purpose of organization and selection of officers.

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

(c) SPECIAL SESSIONS.

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

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

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

20176005er

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

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

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

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

78 ARTICLE IV

79 EXECUTIVE

80 SECTION 4. Cabinet.—

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

20176005er

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

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

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

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

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

20176005er

and the land acquisition trust fund as provided by law.

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

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

Sections 1 and 6 of Article VIII of the State Constitution are amended 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

20176005er

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 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. Unless~~ When not otherwise provided by ~~county charter or~~ special law approved by vote of the electors or pursuant to Article V, section 16, 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. Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.

(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

20176005er

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

(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.

(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. 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 custodian of state records 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

20176005er

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

SECTION 6. Schedule to Article VIII.—

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

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

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

(d) ORDINANCES. Local laws relating only to unincorporated

20176005er

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

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

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

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

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

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

20176005er

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

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

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

CONSTITUTIONAL AMENDMENT

ARTICLE III, SECTION 3

ARTICLE IV, SECTIONS 4, 11

ARTICLE VIII, SECTIONS 1, 6

STATE AND LOCAL GOVERNMENT STRUCTURE AND OPERATION.—

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

20176005er

291 security and counterterrorism within department of law
292 enforcement.