

Official FLORIDA STATUTES 1967

Prepared by
Statutory Revision Department

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Director



Published by the
STATE OF FLORIDA

ARTICLE VIII
COUNTIES AND CITIES

- Sec.
1. Counties as political divisions of state.
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 3. Establishment of new counties.
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 5. County commissioners and commissioners' districts.
 6. Election of county officers; terms.
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 - 10A. Assessment of state, county, municipal, etc., taxes in Monroe county.
 11. Dade county, home rule charter.
 12. Assessment of state, county, municipal, etc., taxes in Hillsborough county.

SECTION 1. Counties as political divisions of state.—The State shall be divided into political divisions to be called counties.

SECTION 2. Recognition of existing counties.—The several counties as they now exist are hereby recognized as the legal political divisions of the State.

SECTION 3. Establishment of new counties.—The Legislature shall have power to establish new counties, and to change county lines. Every newly established county shall be held liable for its proportion of the then existing liabilities of the county or counties from which it shall be formed, rated upon the basis of the assessed value of the property, both real and personal, subject to taxation with in the territory taken from any county or counties; and every county acquiring additional territory from another county shall be held liable for its proportion of the liabilities of such other county existing at the time of such acquisition, to be rated upon the basis of the assessed value of all property subject to taxation with in such acquired territory.

SECTION 4. Removal of county seats.—The Legislature shall have no power to remove the County Seat of any county, but shall provide by general law for such removal; Provided, That in the formation of new counties the County Seat may be temporarily established by law.

SECTION 5. County commissioners and commissioners' districts.—There shall be one County Commissioner in each of the five County Commissioner's districts in each county, which districts shall be numbered one to five inclusive, and shall be as nearly as possible equal in proportion to population. The Board of County Commissioners in the respective counties shall from time to time fix the boundaries of such districts. Said County Commissioners shall be elected by the qualified electors of said county at the time and place of voting for other county

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13. Collection of state, county, municipal, etc., taxes in Hillsborough county.
 14. Assessment of state, county, municipal, etc., taxes in Saint Lucie county.
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 16. Assessment of state, county, municipal, etc., taxes in Volusia county.
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 20. Assessment of state, county, municipal, etc., taxes in Pinellas county.
 21. Collection of state, county, municipal, etc., taxes in Pinellas county.
 22. Authority of the Legislature as to assessment and collection of municipal taxes.
 23. Escambia county officers' salaries; disposition of fees.
 24. Hillsborough county, home rule charter.

officers, and shall hold office for four years, provided, that the County Commissioners elected from the even numbered districts in 1944 shall serve for two years, those elected in 1944 from the odd numbered districts shall serve for four years, and thereafter the terms shall be for four years; Provided, that Section 11 of Article VIII of this Constitution shall not be affected hereby.

History.—Am. J.R. 3, S.J.R. 44, 1899, adopted 1900; Am. S.J.R. 314, 1943, adopted 1944.

SECTION 6. Election of county officers; terms.—The Legislature shall provide for the election by the qualified electors in each County of the following County Officers: A Clerk of the Circuit Court, a Sheriff, Constables, a County Assessor of Taxes, a Tax Collector, a Superintendent of Public Instruction and a County Surveyor. The term of office of all County officers mentioned in this Section shall be for four years, except that of County Assessor of Taxes and County Tax Collector, who shall be elected for two years until at the general election to be held in the year A. D. 1918, when and after which they shall be elected for a term of four years. Their powers, duties and compensation shall be prescribed by law. The Legislature shall provide by law for the care and custody of all County funds and shall provide the method of reporting and paying out all such funds. Provided, County Treasurers elected in General Election held in 1914 shall hold office for the term elected.

History.—Am. com. sub. for J.R. 24, 89 and 98, 1913; adopted 1914.

SECTION 6A. Appointive county superintendents of public instruction; terms and employment.—In those counties authorized to appoint a superintendent of public instruction under Article XII of the state constitution the superintendent shall serve at the pleasure of the board provided that the board may enter into a contract of employment with such ap-

EXTRAORDINARY SESSIONS

1967

ACTS and RESOLUTIONS

ADOPTED BY THE

LEGISLATURE OF FLORIDA

At Extraordinary Sessions

July 24, 1967 to July 28, 1967

July 31, 1967 to August 18, 1967

August 21, 1967 to September 1, 1967

UNDER THE CONSTITUTION OF A.D. 1885



Published by Authority of Law

under the direction of

TOM ADAMS, SECRETARY OF STATE

1968

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after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. Special elections and referenda shall be held as provided by law.

Section 6. *MUNICIPAL AND DISTRICT ELECTIONS.*—Registration and elections in municipalities shall, and in other governmental entities created by statute may, be provided by law.

Filed in Office Secretary of State July 17, 1968.

Senate Joint Resolution No. 5-2X

A JOINT RESOLUTION proposing a revision of Article VIII of the Constitution of the State of Florida relating to counties and cities.

Be It Resolved by the Legislature of the State of Florida:

That the following proposed revision of Article VIII of the Constitution of the State of Florida is hereby agreed to and shall be submitted to the electors of this state for ratification or rejection at the next general election to be held in November 1968.

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.

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

(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

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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.

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.

Section 3. CONSOLIDATION.—The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities.

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The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected, as may be provided in the plan. Consolidation shall not extend the territorial scope of taxation for the payment of pre-existing debt except to areas whose residents receive a benefit from the facility or service for which the indebtedness was incurred.

Section 4. *TRANSFER OF POWERS.*—By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise provided by law.

Section 5. *LOCAL OPTION.*—Local option on the legality or prohibition of the sale of intoxicating liquors, wines or beers shall be preserved to each county. The status of a county with respect thereto shall be changed only by vote of the electors in a special election called upon the petition of twenty-five per cent of the electors of the county, and not sooner than two years after an earlier election on the same question. Where legal, the sale of intoxicating liquors, wines and beers shall be regulated by law.

Section 6. *SCHEDULE.*—

(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 per-

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

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

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

(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.

Filed in Office Secretary of State July 17, 1968.

Senate Joint Resolution No. 6-2X

A JOINT RESOLUTION withdrawing Senate Joint Resolution No. 44-X(68), adopted at the session of the legislature of the

Official FLORIDA STATUTES 1969

Prepared by
STATUTORY REVISION SERVICE of the LEGISLATIVE SERVICE BUREAU
Supervised by
Legislative Printing Committee



Published by the
STATE OF FLORIDA
TALLAHASSEE

and maturing more than twelve months after issuance only:

(a) to finance or refinance capital projects authorized by law and only when approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation; or

(b) to refund outstanding bonds and in-

terest and redemption premium thereon at a lower net average interest cost rate.

SECTION 13. Relief from illegal taxes.— Until payment of all taxes which have been legally assessed upon the property of the same owner, no court shall grant relief from the payment of any tax that may be illegal or illegally assessed.

ARTICLE VIII

LOCAL GOVERNMENT

Sec.

1. Counties.
2. Municipalities.
3. Consolidation.

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.

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

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(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

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4. Transfer of powers.
5. Local option.
6. Schedule.

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.

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